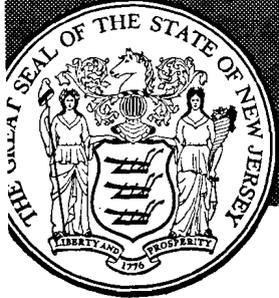


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

OFFICE OF ADMINISTRATIVE LAW

Proposed Amendments: N.J.A.C. 1:1-11.5
Uniform Administrative Procedure Rules
of Practice

Time for Discovery

Public Hearing: None

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. 1:1-11.5 concerning the time for discovery under the Uniform Administrative Procedure Rules of Practice.

Summary

Amendments to this section were originally proposed in the November 6, 1980 New Jersey Register at 12 N.J.R. 626(a). The amendments proposed in this Notice supersede those appearing therein.

The purpose of these proposed amendments is to establish a more regular, expeditious and realistic discovery process.

The proposed amendment to N.J.A.C. 1:1-11.5(a) mandates that voluntary discovery begin immediately. The existing rule is permissive, and allows parties to commence discovery "at any time." It is believed that the changes will improve the quality and increase the speed of the discovery process. The permissive and timeless nature of the present rule has too-frequently blunted the discovery process and prolonged the hearing process. All too often, parties have neglected to begin discovery until the pre-hearing conference has been held or even until the hearing has commenced. One of the purposes of the pre-hearing conference is to resolve then remaining discovery problems. In all cases in which discovery is necessary, it should be initiated well in advance of the pre-hearing conference. Absent extraordinary circumstances, the parties shall complete discovery by the time the scheduled hearing commences. A party who is inexcusably dilatory in pursuing discovery may be deemed to have waived some or all of his or her discovery opportunities.

The proposed amendments to N.J.A.C. 1:1-11.5(b) eliminate an unrealistically constricted time limit for initiating discovery requests. The newly proposed subsection N.J.A.C. 1:1-11.5(e) replaces the existing time limit with a more flexible standard of "reasonable expedition".

The proposed amendments to N.J.A.C. 1:1-11.5(b) also replace the 30 day time limit for responding to discovery requests with a 15 day time limit contained in the newly proposed N.J.A.C. 1:1-11.5(f). The addition, in N.J.A.C. 1:1-11.5(f), of an opportunity to offer a "schedule for reasonable compliance" reflects a salutary existing practice.

The proposed amendment to N.J.A.C. 1:1-11.5(c) extends the period for discovery until the opening of the hearing, in recognition of the practicalities and pressures of case preparation.

The proposed amendments to N.J.A.C. 1:1-11.5(d) are for purposes of clarification, and contain no substantive changes.

Social Impact

These amendments are designed as a further effort to expedite the discovery process in realistic ways. The amendments are also formulated to eliminate some areas of potential abuse of the discovery process which prolong or delay litigation. The intended result will be a speedier and less contentious hearing process while preserving the positive features of an open discovery policy.

The elimination of some procedurally rigid and uncertain features of the discovery process should also work to the advantage of pro se litigants, who are not likely to be adept at procedural manipulations.

These amendments are the result of close monitoring of the discovery process with a view to promoting its constructive features and eliminating its shortcomings. The monitoring will continue and amendments will be proposed in the future as necessary.

Economic Impact

These amendments will create no additional expense to the OAL or to litigants. They are expected to result in savings of time and expense to the OAL and to litigants by speeding up and streamlining the process. In particular, for example, it is anticipated that there will be some-

NEW JERSEY REGISTER

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what fewer discovery motions and significantly fewer motions for extension of discovery.

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

1:1-11.5 Time for discovery

(a) The parties in any contested case [may] shall commence immediately [at any time] to exchange information voluntarily, to seek [discovery through legislation that provides] access as provided by law to public documents [or] and to exhaust other less formal means of obtaining discoverable material.

(b) [Subject to subsection (d) of this section, parties seeking discovery in a contested case shall serve all motions for depositions and notices for discovery not later than 15 days after receiving notification of the contested case's filing.] Discovery motions shall comply with the time limits specified in N.J.A.C. 1:1-9.2. [Within 30 days of receipt of any notice or discovery, the receiving party shall either move for relief from such notice or shall provide the requested information, access or material.]

(c) [Subject to subsection (d) of this section, t]The parties [must] shall complete all discovery no later than [ten days before] the first day of evidentiary hearing, as established by the clerk or judge pursuant to N.J.A.C. 1:1-8.1 or 8.2.

(d) [In the judge's discretion, upon the motion of any party, for good cause, the time for discovery may be shortened or enlarged, and hearing dates adjusted accordingly. Discovery may be permitted during the pendency of a hearing if, in the discretion of the judge, such a method would aid and expedite the hearing process.] Upon motion of a party and for good cause shown, the judge may shorten or lengthen the period for discovery and adjust hearing dates accordingly. Where necessary, the judge may permit discovery during the pendency of a hearing.

(e) When the formal means of discovery provided in N.J.A.C. 1:1-11.2 and 11.3 are necessary, the parties shall serve discovery notices and make discovery motions with reasonable expedition.

(f) No later than 15 days from receipt of a notice requesting discovery, the receiving party either shall move for relief from the request, shall provide the requested information, material or access, or shall offer a schedule for reasonable compliance with the request.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Burton Weltman
Assistant Director for Rules Development
Office of Administrative Law
88 East State Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-171.

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

**Adopted Amendment: N.J.A.C. 2:2-2.3
Brucellosis Control and Eradication
Vaccination of Female Bovine Animals**

Effective Date: August 6, 1981

On June 23, 1981, Philip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:2-2.3 concerning vaccination of female bovine animals as proposed in the Notice published May 7, 1981 at 13 N.J.R. 256(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 14, 1981 as R.1981 d.288.

(b)

BANKING

CONSUMER CREDIT

**Proposed Amendment: N.J.A.C. 3:17-7.1 and 7.3
Small Loan Licensees
Other Business**

Public Hearing: None

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-23, proposes to amend N.J.A.C. 3:17-7.1 and N.J.A.C. 3:17-7.3 concerning permits to small loan licensees to engage in making loans secured by first liens on real property.

Summary

This change would permit licensed small loan lenders to engage in the first mortgage lending business from the same premises from which they engage in the small loan business.

Social Impact

Licensed small loan lenders currently service residents of all twenty-one counties of the State providing consumer loan service to such residents. Implementation of this activity within the licensed offices would be geographically advantageous to the citizens of this State.

Economic Impact

Licensed small loan lenders have access to large amounts of capital which could provide additional sources of funds to borrowers who desire such funds in connection with financing secured by first lien mortgage on real property.

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

3:17-7.1 Permissible other businesses

(a) (No change.)

(b) Upon obtaining any necessary license or authorization, a small loan licensee may engage in the following other types of businesses:

1. - 8. (No change.)

9. First lien loans on real property:

i. Any such business shall be conducted in accordance with the provisions of N.J.S.A. 31:1 et seq., N.J.A.C. 3:1-1 et seq., or Section 501, et seq., of the Federal Depository Institutions Deregulation and Monetary Control Act of 1980.

[9.] **10. Such other businesses as the Commissioner in his discretion may deem appropriate and for which specific approval is obtained pursuant to N.J.A.C. 3:17-7.3.**

3:17-7.3 Procedure for obtaining approval

(a) Commencing 60 days from the effective date of this subchapter, no small loan licensee may conduct any business activity other than the business of making small loans, except those businesses specifically permitted by N.J.A.C. 3:17-7.1(b)1 through [8] **9**, without approval from the Commissioner obtained as specified in this section. Prior to commencing the conduct of any of the other business activities permitted by N.J.A.C. 3:17-7.1(b) [9,] **10**, a small loan licensee shall notify the Commissioner of its intention to do so. Such notice shall contain a detailed description of the proposed activity and a statement of the perceived public need for such activity. Within 30 days from the date of the Commissioner's Notice of Acceptance to the small loan licensee, if the Commissioner does not disapprove of that activity, the activity shall be deemed approved.

(b) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
CN 040
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-154.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Proposed Amendments: CSPM 6-3.103 (State)
and CSPM 6-3.104 (Local)**

Classification of Positions

**Determination of Bona Fide Occupational
Qualifications**

Public Hearing: None

The Civil Service Commission, pursuant to authority of N.J.S.A. 4:5-1a, 11:7-1 and 11:24-1, proposes to amend Subparts 6-3.103 (State) and 6-3.104 (Local) in the Civil Service Personnel Manual concerning bona fide occupational qualifications.

Summary

These subparts describe the standards and procedures to be utilized when applying sex or national origin as a bona fide occupational qualification (BFOQ). They have been amended to conform to the Federal Equal Opportunity and Affirmative Action Guidelines on discrimination. Safeguards have also been built into the process

to assure its proper application. Additionally, CSPM 6-3.104 (Local) is being recodified as CSPM 6-3.103 (Local).

Social Impact

The addition of safeguards via an appeal process will have a positive social impact on any candidate or employee interested in a position for which there is a BFOQ.

Economic Impact

Since the mechanism for review of BFOQ requests and for appeals is already established, there will be no economic impact.

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

Local Jurisdictions and State Service

PART 6-3 CLASSIFICATION OF POSITIONS

Subpart 6-3.10[4]3 (Local) **Determination of Bona Fide Occupational Qualifications**

Subpart 6-3.103 (State)

6-3.10[4]3a Subject:

This subpart [deals with] describes the policy and procedure by which a bona fide occupational qualification is to be determined for [class titles] specific positions in the classified service.

6-3.10[4]3b Policy:

In seeking admission to the classified service, no person shall be discriminated against because of [political or religious opinions or affiliations nor because of sex, race, ancestry or national origin as specified in N.J.A.C. 4:1-21.2. The principles of] age, sex, marital status, handicap, race, ancestry, national origin, political or religious opinions or affiliations or criminal record, unless the criminal record relates adversely to the employment sought. [n]Non-discriminat[ion]ory practices require [individuals] that persons be considered on the basis of individual capacities and not on the basis of any qualities generally attributed to a group. [As indicated in Subpart 6-3.102, the general policy of the Department of Civil Service shall be to use neuter class titles.]

The Department of Civil Service shall, however, permit the practice of employing individuals on the basis of that person's sex or national origin in instances where sex or national origin is a bona fide occupational qualification. [reasonably necessary to facilitate the normal operation of a function of the appointing authority. Upon request for such a qualification restriction, the Director of Local Government Services in consultation with the Career Development Unit will evaluate the qualification. A recommendation will be made by the Director of Local Government Services to the Chief Examiner and Secretary who will make a determination. Copies of the determination will be forwarded to the Civil Service Commission for recording purposes. The burden of proof that the qualification restriction is a bona fide occupational requirement lies with the appointing authority. Such a restriction is to be strictly interpreted.]

Appeals from the determination of the Chief Examiner and Secretary may be made to the Civil Service Commission. Such appeals must be submitted within 20 days of notice of the Chief Examiner and Secretary's determination.]

6-3.10[4]3c [Authority:] **Definitions:**

[This subpart is based on the provisions of Title VII of the Federal Civil Rights Act of 1964, as amended. No State statute, local ordinance, or local resolution shall cause the Department of Civil Service to discriminate on

the basis of sex or national origin. Only in instances where a bona fide occupational requirement is reasonable and necessary will the Department of Civil Service approve the employment of an individual on the basis of sex or national origin. Each case will be decided on its own merit.]

1. A bona fide occupational qualification is one which is reasonable and necessary for effective job performance. For example, a bona fide occupational qualification could be based on the need to protect the interests of privacy of institutionalized inmates. Where the normal responsibilities of the position require the employee to perform pat frisks of inmates and/or supervise living quarters in which the inmates are unclothed, a bona fide occupational qualification could be appropriate.

[6-3.103d Illustrations:]

2. The following shall NOT warrant the application of a bona fide occupational qualification:

[(1)] (a) [If the request is based on f]Faulty assumptions such as comparative employment characteristics of women in general (e.g., the turnover rate among women is higher than among men);

[(2)] (b) [If the request is based on s]Stereotyped characterizations of the type of work performed (e.g., men are less capable of assembling intricate equipment than women; women are less capable of [aggressive behavior] lifting or carrying items exceeding certain weight limits);

[(3)] (c) [If the request is based on a]Anticipated or existing preference of co-workers, supervisors, clients or customers;

[(4)] (d) [If the request is based on t]The quality or quantity of work (e.g., [females] women are excluded from jobs [(a) requiring lifting or carrying items exceeding certain weight limits, (b)] scheduled during certain hours of the night, or [(c) scheduled] for more than a specific number of hours per day or week).

[The following SHALL warrant the application of a bona fide occupational qualification:

(1) If the request is based on the need to protect the interests to privacy of institutionalized inmates where the normal responsibilities of the position require the employee to perform pat frisks of inmates and/or supervision in living quarters where it would be necessary to observe the inmates unclothed.]

6-3.103d Procedure:

1. A request for approval to assign a bona fide occupational qualification to a specific position shall be directed to the Director, Division of Local Government Services.

2. Upon request for such a qualification restriction, the Directors of the Division of Local Government Services and the Division of Equal Employment Opportunity/Affirmative Action will evaluate the request for the qualification restriction.

3. A recommendation will be made by the Directors of the Division of Local Government Services and the Division of Equal Employment Opportunity/Affirmative Action to the Chief Examiner and Secretary who will make a determination. Copies of the determination will be forwarded to the Civil Service Commission for informational purposes on the request.

6-3.103e Appeal

Appeals from the determination of the Chief Examiner and Secretary may be made to the Civil Service Commission. Such appeals must be submitted within 20 calendar days of notice of the Chief Examiner and Secretary's determination.

The burden of proof that the qualification restriction is

a bona fide occupational requirement lies with the appointing authority.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative
Practices and Labor Relations
Department of Civil Service
CN 312
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-149.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Proposed New Rules: N.J.A.C. 5:12-1.1, 1.2
Plain Language Review of Consumer Contracts
Residential Leases

Public Hearing: None

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of P.L. 1980, c.125, section 8, proposes to adopt new rules to be cited as N.J.A.C. 5:12-1.1 and 1.2 concerning plain language review of consumer contracts.

Summary

The Department of Community Affairs has been designated by the Attorney General as the primary State regulator for review of residential leases pursuant to P.L. 1980, c.125, which requires consumer contracts to be written in simple, clear, understandable and easily readable language. These regulations further delegate that responsibility to the Bureau of Landlord/Tenant Relations and establish reasonable processing fees.

Social Impact

These regulations will have a positive social impact in that they implement legislation designed to make residential leases, as well as other consumer contracts, more readily understandable to all parties. Review by the Bureau of Landlord/Tenant Relations will provide protection to lessors seeking to be sure that they are in compliance with P.L. 1980, c.125.

Economic Impact

Review fees, considered to be reasonable by the Department, will be charged to lessors seeking review of leases or clauses.

Full text of the proposed new rules follows.

CHAPTER 12 PLAIN LANGUAGE REVIEW OF CONSUMER CONTRACTS

SUBCHAPTER 1. RESIDENTIAL LEASES

5:12-1.1 Agency responsible

The Bureau of Landlord/Tenant Relations is hereby designated as the agency responsible for the review of residential leases in accordance with P.L. 1980, c.125.

5:12-1.2 Fees

(a) Any lessor requesting an opinion as to whether a lease complies with P.L. 1980, c.125 shall pay a processing fee of \$300.00 to the Bureau of Landlord/Tenant Relations.

(b) Any lessor requesting an opinion as to whether a specific clause in a lease complies with P.L. 1980, c.125 shall pay a processing fee of \$25.00 for each such clause to the Bureau of Landlord/Tenant Relations.

Interested persons may submit, in writing, data, views or arguments relevant to the proposed rule on or before September 8, 1981 and inquiries as to submissions received and agency responses to those submissions, to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing
CN 804
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-143.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Proposed Amendments: N.J.A.C. 5:26-2.4,
3.1, 10.5

Planned Real Estate Development Full
Disclosure Act

Public Hearing: None

Philip B. Caton, Director of the Division of Housing in the Department of Community Affairs, pursuant to authority of P.L. 1981, c.190 and N.J.S.A. 45:22A-35(a), proposes to amend N.J.A.C. 5:26-2.4, 3.1 and 10.5 concerning the Planned Real Estate Development Full Disclosure Act.

Summary

Pursuant to P.L. 1981, c. 190, N.J.A.C. 5:26-2.4 is amended to increase the filing fee to \$500.00 plus \$20.00 per unit, an amount which the Division believes will be sufficient to cover the cost of administering the program. Furthermore, whenever an inadequate engineering survey is submitted, making it necessary for the Division to obtain its own survey, an additional fee covering the cost of that survey shall be charged.

N.J.A.C. 5:26-3.1(a)27 is amended to delete the requirement that developers provide information as to the cost of utilities and other expenses paid by tenants, information which they often have no way of obtaining.

N.J.A.C. 5:26-10.5(a) is amended to require inclusion in the reservation form given to prospective purchasers of statements as to whether or not the developer guarantees that the unit for which the reservation is taken will be available for purchase by the person making the nonbinding reservation and the period of time, if any, for which the developer guarantees the stated purchase price and terms will not be changed.

Social Impact

Regarding N.J.A.C. 5:26-2.4, the fee change will assure adequate funding for the administration of the program. This, in turn, will allow the Division to process applica-

tions more quickly, to the benefit of both developers and persons wishing to purchase. Developers will be more likely to submit full and complete engineering surveys when they know that the Division can have a second survey made at their expense if the first is inadequate.

Regarding N.J.A.C. 5:26-3.1, the removal of the tenant expense disclosure requirement removes an unreasonable burden placed upon developers by the regulation in its present form.

Regarding N.J.A.C. 5:26-10.5, the additional notice required to be given to prospective purchasers making non-binding reservation agreements will assist both the prospective purchasers and the developers by eliminating frequent sources of misunderstanding and thereby furthering the sort of full disclosure that the Act requires. People have sold their homes prematurely because they assumed units would be built or the prices would be fixed. This amendment would make such unfortunate assumptions less likely.

Economic Impact

Regarding N.J.A.C. 5:26-2.4, registration will be more costly to developers. However, better funding will result in better staffing and, consequently, faster review of registration documents, which is greatly desired by developers. The improved service should be worth the extra cost. It will also be more costly for developers who fail to submit adequate engineering surveys.

Regarding N.J.A.C. 5:26-3.1, developers will no longer be expected to waste time and money trying to get information as to tenant expenses which tenants may have no interest in providing.

Regarding N.J.A.C. 5:26-10.5, the main purpose of non-binding reservations is to allow a developer to determine his potential market and, consequently, the feasibility of the project. If disclosure of the fact that a unit may not be built or that the price is subject to change dissuades someone from making a nonbinding reservation who would not make such a reservation if he knew the true facts, a source of distortion of the market data is removed.

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

5:26-2.4 Application for registration; submission and fees

(a) An application for Registration shall consist of a statement containing the items set forth in subchapter 3 of this chapter and shall be submitted in the manner and form as provided therein together with the filing fee in the amount of \$500.00 plus \$10.00 \$20.00 per lot, parcel, unit or interest, made payable to the Treasurer, State of New Jersey. In the event lots, parcels, units or interests are added during registration, an additional fee of \$10.00 \$20.00 per lot, parcel, unit or interest shall be paid. There will be no refunds for deletions.

(b) In the event that the Agency determines that an additional engineering study by an engineer designated by the Agency is necessary because of the inadequacy of the engineering survey submitted by the developer, the developer shall pay to the Agency an additional fee in the amount of the cost to the Agency of such additional engineering survey.

(c) The fees established in (a) and (b) above shall be in effect for Fiscal Year 1982, but shall continue in effect thereafter only in the event that further legislation is enacted empowering the Agency to establish fees by regulation. In the event that such legislation is not enacted, the filing fee, beginning in Fiscal Year 1983, shall be as set forth in N.J.S.A. 45:22A-27(e).

5:26-3.1 Contents of application for registration

(a) The application for registration shall contain the following documents and information:

1. - 26. (No change.)

27. A listing of the units in the building together with the current monthly rental thereof [and the monthly cost of any utilities or other expenses paid directly by tenants].

5:26-10.5 Reservation form

(a) Every developer accepting any nonbinding reservation agreement shall give a reservation form to all prospective purchasers, which shall contain the following items:

1. - 5. (No change.)

6. A notice in 10-point bold faced type that the nonbinding reservation agreement does not obligate the purchaser in any way, that there is or is not, as the case may be, a guarantee by the developer that the purchase price and terms will not be changed for such period of time as may be specified in the agreement, that there is or is not, as the case may be, a guarantee that the unit, lot, parcel or interest described in the agreement will be built or otherwise made available for purchase by the prospective purchaser, and that he may receive a refund of the deposit, upon request, at any time prior to the execution of a contract or agreement of sale;

7. - 8. (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing
CN 804
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-140.

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Proposed Amendment: N.J.A.C. 5:30-1.11
Realized Revenue Analysis Reports

Public Hearing: None

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(2), proposes to amend N.J.A.C. 5:30-1.11 concerning realized revenue by deleting the current text in its entirety and substituting new text therefor.

Summary

The revised "Realized Revenue" regulations govern the proper use of uniform accounting systems and systems of financial administration for municipalities and counties of the State of New Jersey. It is desirable for all county and municipal governments to be in sound fiscal posture at all times. The Division of Local Government Services is desirous of expanding its monitoring of the status of

county and municipal government financial affairs in order to provide a more sophisticated financial analysis.

Social Impact

The revised "Realized Revenue" regulations will place greater emphasis on the analysis of realized revenues of counties and municipalities by reflecting the budgeted revenue amount for each specific revenue item and for the property tax levy. This will provide the Division of Local Government Services with an accurate financial analysis of all counties and municipalities at any given time and will also provide for the financial well-being of the local units.

Economic Impact

For many local units the cost effect of the proposed regulations will be negligible. Those municipalities and counties already pursuing sound financial practices will have little if any expense or difficulty in complying.

Full text of the proposed amendment follows (additions indicated in boldface thus). The current text of the rule proposed for repeal can be found in the New Jersey Administrative Code.

5:30-1.11 Realized revenue

(a) Commencing July 1, 1981, municipalities shall file a statement containing a "Realized Revenues Analysis," as prescribed by Attachment A of this section, with the Director of the Division of Local Government Services on April 1, July 1 and each month thereafter during that year for a total of seven reports. This applies only to those municipalities that:

1. Have not been given qualified bond status by the Local Finance Board pursuant to N.J.S.A. 40A:3-1 et seq.;
2. Can meet their revenue projections during the first three-month period and the second three-month period of the budget year; or
3. Have not had a deficit in any of the realized revenue categories listed on Attachment A of this section for any one or more of the past three years.

(b) All other municipalities that do not meet the criteria in (a) above must continue to submit a Realized Revenue Report monthly.

(c) Each municipal government shall take whatever steps are necessary to assure a full and accurate compilation and transcription of the required information on the Realized Revenues Analysis form (Attachment A).

1. The Budget Amount or Levy Column of the Realized Revenues Analysis form should reflect the budgeted revenue amount for each specific revenue item or the property tax levy.

2. The property tax levy item in the Budget Amount or Levy Column should reflect an amount for that item based on a January 1 to June 30 levy; i.e., half of the amount levied in the prior year and a July 1 to December 31 levy which is the balance of the property tax levy to meet the total amount to be raised by taxation for that year. After the actual yearly levy has been determined, this can be consolidated into one item.

(d) Commencing July 1, 1981, each county shall file a statement containing a "Realized Revenues Analysis," as prescribed by Attachment B of this section, with the Director of the Division of Local Government Services on April 1, July 1 and each month thereafter during that year for a total of seven reports. This applies only to those counties that:

1. Can meet their revenue projections during the first three-month period and the second three-month period of the budget year; or

(Text continued on Page 477)

ATTACHMENT A
 Division of Local Government Services
 Realized Revenues Analysis
 for, County of
 Report of: Date

	Budget Revenues & Ch. 159 Amendments & Tax Levy	Realized for the Period Amount %	Total to Date Amount %
Cash Surplus Revenues Anticipated
Miscellaneous Revenues Anticipated
State Aid Programs
Franchise & Gross Receipt Taxes
Interest on Investments
Replacement Revenue—Business Personal Property Tax
State Revenue Sharing
Municipal Purpose Tax Assistance Act
Federal General Revenue Sharing
Interest on Federal General Revenue Sharing
CETA
Other Federal Programs
Proceeds from Sale of Municipal Assets
All Other Miscellaneous Revenue
Total Miscellaneous Revenue Anticipated
Receipts from Delinquent Taxes (including Tax Title Liens)
Property Tax Levy 1-1 to 6-30
7-1 to 12-31
Added Assessments (Oct. 1)
Rollback Taxes (Oct. 1)

* After the actual yearly levy has been determined this can be consolidated into one item.

Prepared by

Title

Date

If you had any problem or deviated from expected amounts this month please explain:

ATTACHMENT B
 Division of Local Government Services
 Realized Revenues Analysis
 COUNTY..... Date.....

	Budget Revenues & Ch. 159 Amendments & Tax Levy	Realized for the Period Amount %	Total to Date Amount %
Cash Surplus Revenues Anticipated
Miscellaneous Revenues Anticipated
State Aid Programs
Other State Programs
Interest on Investments
Courts
County Clerk & Registrar
Surrogate
Sheriff
CETA
Federal General Revenue Sharing
Total Other Federal Programs
All Other Miscellaneous Revenue
Total Miscellaneous Revenue Anticipated
Amount to be Raised by Taxes

Prepared by

Title

Date

If you had any problem or deviated from expected amounts this month please explain:

2. Have not had a deficit in any of the realized revenue categories listed on Attachment B of this section for any one or more of the past three years.

(e) All other counties that do not meet the criteria in (d) above must continue to submit a Realized Revenue Report monthly.

(f) The first statement filed will include all information from January of the current year.

(g) All statements shall be certified as being accurate and complete by the Chief Financial Officer of the local unit.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Helen L. Mathews
Local Finance Board
363 West State Street
Trenton N.J. 08625

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

This proposal is known as PRN 1981-145.

(a)

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

Proposed New Rule: N.J.A.C. 5:30-18 Deposit of Local Government Funds in Interest Bearing Accounts

Public Hearing: None

Barry Skokowski, Director of the Division of Local Government Services, pursuant to N.J.S.A. 40A:5-14, as amended by P.L.1981, Chapter 196, and the authority assigned to Director and Division of Local Government Services by the Local Government Supervision Act (N.J.S.A. 52:27BB-1 et seq.) proposes to adopt a new rule to be cited as N.J.A.C. 5:30-18 implementing the statutory requirement of local units to maintain maximum funds in accounts paying interest.

Summary

The proposed regulations govern the placement of funds of local units into interest bearing accounts. Their adoption is required by the above-cited law. All moneys of every local unit must be deposited in an interest bearing account, unless otherwise lawfully invested. Depending on the type of account or nature of the moneys deposited, exceptions are permitted, including Compensating Balance Accounts.

Procedures for written agreements with depository institutions for banking services are established. Depending on the method of payment for such services, the local unit may negotiate with one or more institutions for banking services to be provided in return for the deposit of funds into a Compensating Balance Account or it must competitively bid for banking services where direct payment will be made for the services.

A Cash Management Plan is encouraged for every local unit as an aid to sound fiscal management.

Monitoring of compliance with the proposed rules will be through the annual audit of each local unit's fiscal affairs. Guidelines for the review of investment prac-

tices are provided. Additional monitoring and enforcement provisions are provided for in conjunction with existing statutory authority of the Director and Division of Local Government Services.

Social Impact

The proposed regulations will place greater emphasis on the cash management practices of local governments by focusing on the interest return from investments and the deposit of temporarily idle funds into interest bearing accounts. Local units will be required to plan and coordinate their cash flow, investment practices and payment of claims with greater precision.

The proposed regulations will also formalize agreements for banking services between local governments and depository institutions.

Economic Impact

The requirement for formal contracts and competitive bids or proposals for banking services may involve some added administrative costs for local units. This could possibly be offset by lower costs of banking services due to competition. There may also be some minor increase in the cost of the annual audit due to the additional review required of investment/depository practices. There will be revenue of interest earnings from funds placed in interest bearing accounts or otherwise invested.

For many local units the effect of the proposed regulations will be negligible. Those already pursuing sound cash management and investment practices will have little if any expense or difficulty in complying.

Full text of the proposed new rules follows.

SUBCHAPTER 18. DEPOSIT OF LOCAL GOVERNMENT FUNDS IN INTEREST BEARING ACCOUNTS

5:30-18.1 Purpose and authority

This subchapter is adopted by the Director, Division of Local Government Services pursuant to N.J.S.A. 40A:5-14, as amended by P.L.1981, Chapter 196, and the authority assigned to the Division of Local Government Services by N.J.S.A. 52:27BB-1 et seq. This subchapter is designed to implement the amendment to this statutory section requiring local units to maintain maximum funds in accounts paying interest, except as otherwise provided.

5:30-18.2 Applicability

This subchapter applies to all local units, which are defined as counties and municipalities, including all boards, agencies, commissions and other components of counties and municipalities which are subject to Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq.). This subchapter applies to the deposit of all cash in the possession or ownership of local units not otherwise lawfully invested in interest bearing securities.

5:30-18.3 Definitions

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

"Compensating Balance Account" means an account for which the depository pays the local unit no interest, or pays interest at a rate lower than one-half of one percent (0.5%) less than the maximum rate allowed by law for that classification of account. Such non- (or inadequate) interest bearing accounts are a means by which the bank may be compensated for specific services (as hereinafter described) that it provides to the local unit without direct charge.

"Interest Bearing Account" means an account or time deposit by whatever name known in a lawful public

depository, earning interest, or any deposit in the State of New Jersey Cash Management Fund. However, an account in a depository whose rate of interest is less than the maximum interest rate allowed by law for that classification or type of account by more than one-half of one percent (0.5%) shall be deemed to be a Compensating Balance Account for purposes of this regulation. For instance, if the Federal government has set 5¼ percent as the maximum allowable rate for a passbook account, any such deposit of less than 4¾ percent would be considered a Compensating Balance Account.

A time delay in earning interest required for checks deposited to clear, as provided by any Federal or state regulation, or by common banking practice, such as 72 hours, shall not disqualify the deposit from being considered to be an Interest Bearing Account, and any funds in transit to such an account shall be assumed to be so invested.

5:30-18.4 Designation of depository

The governing body of each local unit shall, upon recommendation of the Chief Executive Officer (or other designated Officer), designate the depository or depositories in which the money or moneys of the local unit shall be deposited. Such public depositories shall be a public depository as defined in N.J.S.A. 17:9-41 or the State of New Jersey Cash Management Fund. Such designation shall be for a period not to exceed 12 months.

5:30-18.5 General requirement

All moneys of every local unit shall be deposited within the time period provided by N.J.S.A. 40A:5-15 in an Interest Bearing Account, unless otherwise lawfully invested in interest bearing securities or as provided by this subchapter.

5:30-18.6 Exceptions

(a) The following types of funds are not required to be placed in Interest Bearing Accounts:

1. Petty Cash Funds, as individually authorized by the Division of Local Government Services pursuant to other procedures.

2. Change Funds, provided that the amounts are the minimum necessary for the exercise of the cashier function.

3. Federal Aid Funds which meet one of the following tests:

i. Federal law or regulation requires that any interest earned be returned to the granting Federal agency, such that investment in an Interest Bearing Account would result in no gain to the local unit; or

ii. Cash drawn from a Federal agency under a letter of credit, which cash is to be paid out within five working days to a vendor. (Any Federal aid reimbursing locally advanced expenditures is considered to be local money upon receipt and not exempt from the investment responsibilities.)

4. Deposits, retainage, or amounts posted by way of bond, held by the local unit for such things as faithful performance, if the local unit would be required by law to pay back any interest earned to the provider of the deposit, except where the local unit is required by law or court decision to invest the funds. (This subchapter does not apply to certificates of surety or interest-bearing securities, such as municipal bonds, which may be posted as security.)

5. Accounts established solely for the payment of payrolls, provided that at least 95 percent of any amount deposited is disbursed within three working days for payroll purposes.

6. Amounts being transferred between accounts or be-

ing disbursed, thereby necessitating their temporary (not more than 10 days) placement in a checking account. This exception does not authorize establishment of fixed amounts for said purposes; such amounts must be limited to short run needs, based on analysis.

7. Funds in the possession of court agencies as bail payments pending determination of matters before the court and the disposition of such funds and, maintenance, child support or other payments made to a court agency for disbursement to a third party.

8. Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of counsel states that the earning of (full) interest would result in the bonds or notes being classified as an arbitrage (not Federally tax-exempt) issue pursuant to Federal regulations. To the extent that some interest is allowable, it shall be deposited at such a rate if such a rate is obtainable.

9. Amounts placed in Compensating Balance Accounts in accordance with the limitations and procedures prescribed elsewhere in this regulation.

10. Such other items as may be authorized by the Director, Division of Local Government Services, said authorization to be granted in advance in writing.

5:30-18.7 Application of excepted funds

To the greatest extent possible, any funds placed in non-interest bearing accounts by virtue of exceptions enumerated above should be projected and applied as part of the compensating balance amount pursuant to an agreement between the local unit and the depository.

5:30-18.8 Determination of amounts; separation of funds

(a) Any amounts required to be established for purposes of compliance with this subchapter shall be as shown on the local unit's properly maintained cash book, and not as shown on the records of the depository.

(b) This subchapter applies to all funds in the possession or ownership of the local unit, including funds belonging to "outside offices", tax collection accounts, trust funds and so forth without limitation.

(c) Moneys of separate funds shall be held in trust for the purpose for which the fund was created; moneys of separate funds shall not be commingled, but shall be kept in separate bank accounts.

(d) At local option, the local unit may meet its Compensating Balance obligations through one or more bank accounts, on behalf of several Funds, including Current, Trust and Capital. Under such an approach, for instance, services provided by the depository for the benefit of the Current, Trust and Capital Funds might be paid for by a Compensating Balance Account consisting solely of Current Fund money; no commingling of moneys of the separate Funds would be involved. Compensating Balance obligations attributable to Utility Funds shall be met from separate accounts, using moneys of the Utility.

5:30-18.9 Optional development of Cash Management Plan; required governing body action; execution of agreements

(a) As an exercise of desirable managerial planning, it is recommended that local units each December, or sooner in the case of the first year of this regulation, develop a Cash Management Plan. Such a plan projects on a monthly or more frequent basis the cash flow anticipated as a basis for a working guide for investing idle funds and managing the cash resources for the coming year. The plan could address such policy questions as methods of selecting depositories, investing funds in securities, use of available surplus cash for financing emergencies versus use of notes, bank services anticipated format for

dealing with banks in selecting depositories and establishing compensating balance accounts. Such a plan would be an administrative action, and may be presented to the governing body for approach or information.

(b) Whether such a plan is prepared or not, the governing body, by resolution, shall be responsible for the:

1. Designation of depositories;
2. Authorization of investment securities;
3. Authorization for a designated official to invest idle funds;
4. Approving annually a list of all anticipated moneys, other than compensating balances, which will not be in interest-bearing accounts, pursuant to N.J.A.C. 5:30-18.6 (excepted funds);

5. Approving or disapproving proposed agreements between the local unit and depositories, providing for compensating balances and related bank services. Such agreements shall be presented to the governing body by the appropriate executive official, and upon approval of the governing body, executed in the usual manner of contracts of the local unit.

5:30-18.10 Solicitation of depository proposals

(a) In those cases where the Compensating Balance method is to be used, it is strongly recommended, but not required, that local units solicit competitive proposals for banking services from several banking institutions, or issue a public solicitation. As a basis for such proposals, each local unit should identify in writing the type, frequency and estimated number of transactions of the banking services required; the type and number of accounts to be maintained; investment and other financial services required; and such other provisions or services as may be required.

(b) Prior to issuing any advertisement or solicitation for proposals, it is advisable for the local officer responsible to meet publicly with all interested depositories together so that the local unit's requirements are clearly identified and understood in advance by all potential depositories.

5:30-18.11 Terms of depository agreement

(a) All agreements for banking services between a local unit and its public depository or public depositories shall be in writing. Such agreements shall contain at least the following provisions:

1. A description of the estimated services to be provided to the local unit, including those services to be provided without charge.
2. The method of payment for banking services shall be one of the following.
 - i. Direct charge and payment based on periodic summaries of services provided. (The deduction of periodic service charges from balances on deposit is not permitted as a means of payment for banking services. Direct payment may be authorized and made by the local unit on the basis of itemized bills, chargeable to an appropriation, in the same manner as the payment of claims generally. In the event that the cumulative annual payments for banking services being paid for directly exceed the bidding threshold set forth at N.J.S.A. 40A:11-3 then competitive bidding is required.)
 - ii. Compensating balance accounts maintained in lieu of direct payments for all or a portion of the estimated services to be provided.
 3. If the compensating balance method is used, the amount(s) or the method of calculation of the amount(s) to be maintained in such accounts and provision for the adjustment of the balance of funds to be maintained in compensating balance accounts on a periodic (not more frequently than quarterly) basis. Such adjustments may

be brought about by contractually stated workload changes, or if specified market indicators (such as Treasury Bill rates or the Prime Rate) have changed by a specified amount, thus:

i. For each quarter (or longer period if agreed), the amount to be charged by the depository shall be stated as a set cost-of-estimated-services amount, divided by an agreed upon rate of interest so as to arrive at the principal Compensating Balance amount (this figure must be adjusted if for less than a full year). When there are to be on deposit with the depository amounts not earning any (or full) interest, as allowed by N.J.A.C. 5:30-18.6 (excepted amounts), and it is agreed that the calculation of the required compensating balance should reflect the imputed earnings of the depository on such balances, then the charge-for-estimated services in the calculation should be reduced by the agreed amount of imputed earnings.

ii. The formula to be used to calculate the Compensating Balance required for a period is:

$$\frac{C-E}{R} \times \frac{12}{M} = CB$$

iii. The symbols have the following meanings, each for the period of time being considered, except as otherwise indicated:

CB = Compensating Balance (amount to be left on deposit at no interest to compensate depository for agreed cost of estimated services).

C = Cost of estimated services, a set amount agreed upon in advance.

E = Amount earned by depository on non-interest bearing deposits which are allowed by this regulation. This is a negotiated imputed amount, based on applying an interest earnings rate to the balance of such deposits, times the estimated time. An optional feature at local option.

R = Agreed-upon interest earnings rate, stated as an annual rate, reflecting what the depository expects to earn on the Compensating Balance.

M = Number of months in the period being calculated, not less than three.

iv. The Compensating Balance amount shall not change within that time (quarter or longer) period, except by formal amendment to the written agreement upon mutual agreement.

v. It is recognized that on occasion the balance in a Compensating Balance Account may fluctuate from the agreed upon amount. Amounts in excess of the set amount are to be withdrawn from the account within three working days, and a net average daily balance per quarter that exceeds the set amount by five percent or more shall be a violation of this subchapter. When a local unit's deposit level falls below the set amount, and the depository requires that the amount be made up by means of exceeding the set amount by a proportionate amount, the local unit shall be required to prepare a special schedule listing the daily balances in that account for the full quarter so as to demonstrate that the average daily balance conformed with the set amount. Such "averaging" systems are not allowed as standard practice or contractual terms without prior written approval of the Director.

4. Criteria for the quarterly review of the adequacy of banking services provided and the actual services being required.

5. Procedures for the termination of the contract, upon 60 days notice.

6. Duration of the contract, which shall not exceed one

fiscal year of the local unit by more than 15 calendar days.

5:30-18.12 Application of Local Public Contracts Law

(a) Services which may be compensated for by the Compensating Balance Account method are limited to heretofore common and traditional banking services such as check printing, reconciliation of accounts, bond and coupon account processing, safekeeping of investment instruments, investment advice, wire transferring, payroll processing. Services commonly available from non-bank sources, such as data processing services not inherently associated with the maintenance of bank or cash records, management consulting, accounting and auditing, and general business services, are subject to the general requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), and require direct payment as for contracts generally.

(b) Any direct payments for services of any nature, aggregating annually to the bidding threshold level set forth at N.J.S.A. 40A:11-3, shall be subject to competitive bidding.

5:30-18.13 Annual audit of investment practices

(a) The local unit's investment practices (including compliance with N.J.S.A. 40A:5-14) and the agreement for banking services and compensation therefor shall be reviewed by the Registered Municipal Accountant as part of the annual audit of the local unit's financial activities as required by N.J.S.A. 40A:5-4. Such audit shall be conducted pursuant to the Requirements of Audit as promulgated by the Division of Local Government Services. It shall include but not be limited to the following:

1. Compliance with N.J.S.A. 40A:5-14 and this subchapter governing the placement of all funds in interest bearing accounts.

2. A review of the methods and criteria used to obtain banking services — negotiation, competitive proposals or competitive bidding.

3. The use of written agreements for provision of all banking services.

4. The use of established, written procedures governing the payment for the contracted banking services.

(b) The auditor shall examine the full scope of cash on hand and in depositories as of the dates on which the cash counts are normally conducted as part of the overall audit, and as of such other dates as may be necessary. Documentation of findings shall take two forms:

1. Minimum Required Content of Audit—As a minimum, the annual audit shall contain a section headed "Analysis of Banking Practices per N.J.S.A. 40A:5-14 and N.J.A.C. 5:30-18." This section shall contain the following items, together with findings and explanations:

i. Was a Cash Management Plan prepared for the audit period? Dates of preparation and amendments (if any), and by whom prepared and approved. Did the Plan reasonably attempt to project the annual cash flow for the coming year?

ii. Were all depositories authorized by resolution of the governing body?

iii. Were depositories selected by open competitive bid, competitive negotiation, or single negotiation?

iv. Was there in effect for the full year a written agreement or agreements with depositories setting forth the services to be performed, the cost of services, and the amounts required to be maintained in all Compensating Balance Accounts? Were these properly executed and authorized by resolution?

v. Were all Excepted funds listed and approved by resolution?

vi. Summarize each agreement:

(1) Accounts covered.

(2) Amount of Compensating Balance required.

(3) Services to be performed.

(4) Cost of services being met by Compensating Balance.

(5) Were all services traditional bank services?

vii. Were any deposits maintained in non-interest bearing accounts which were neither Compensating Balance Accounts, nor listed as excepted funds (pursuant to N.J.A.C. 5:30-18.6) by resolution? If so, itemize and explain.

viii. Were the amounts in Compensating Balance Accounts in excess of the amounts set forth in the written agreements with the depositories? If so, itemize and explain, and indicate whether additional examinations indicated this to be an ongoing situation or just an isolated instance. Analyze the average daily balance for the quarter, per N.J.A.C. 5:30-18.11(a)3v to ascertain compliance with the five percent rule, if any daily balance encountered exceeded the agreed-upon Compensating Balance amount.

2. Special Reports—If at any time, in the course of normal audit work, or otherwise it comes to the attention of the auditor that the provisions of this regulation are not being complied with, a confidential report shall be filed immediately with the Director, Division of Local Government Services.

5:30-18.14 Enforcement provisions

(a) The Director of the Division of Local Government Services will monitor compliance with the provisions of N.J.S.A. 40A:5-14 and this subchapter through a spot check of the annual audits filed with the Division.

(b) Whenever it appears from an audit report that compliance is not or will not be forthcoming, or the Director is notified by any local official or auditor of possible or actual non-compliance, the Director will take such steps as he may deem necessary or appropriate to effect compliance by the local unit. These steps may include: directing the local unit's governing body to effect and ensure compliance by the responsible officials; or, if compliance is still not forthcoming within such time as he may allow, the use of the powers and authority conferred by the "Local Government Supervision Act" (N.J.S.A. 52:27BB-1 et seq.) to direct compliance. The Director may also require that cash management plans, agreements with depositories and other actions related to deposit practices, be submitted directly to him for prior approval before being adopted or implemented.

(c) The Division of Local Government Services will provide technical assistance to any requesting local unit in meeting the provisions of N.J.S.A. 40A:5-14 or of this subchapter, to the extent of its resources, but will not assume responsibility for the local unit.

5:30-18.15 Responsibility for compliance

The local unit's Chief Executive Officer, or if there be none, the Chief Financial Officer, or if there be none, the Treasurer, shall be responsible for complying with this regulation. In the event that the local unit's governing body shall fail to exercise any responsibility assigned to it by this subchapter, said official shall so notify in writing the Director, Division of Local Government Services.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Barry Skokowski, Director
Division of Local Government Services
State Department of Community Affairs
CN 803
363 West State Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-160.

(a)

EDUCATION

STATE BOARD OF EDUCATION

Notice of Correction to Register: N.J.A.C. 6:24-1.3

**Controversies and Disputes
Format of Petition**

Take notice that in the July 9, 1981 New Jersey Register at 13 N.J.R. 397(b), an error appeared respecting the changes made upon adoption to rules concerning the format of petition in the rules on controversies and disputes (N.J.A.C. 6:24-1.3). Changes made to N.J.A.C. 6:24-1.3(b) were inadvertently omitted from the notice, and only those made to 6:24-1.3(a) were published.

Full text of the changed portion of the rule which was omitted from the above-cited Notice follows (additions to proposal indicated in boldface thus).

6:24-1.3(b) Whenever such duplicate filing is discovered, and after the filing of the answer by the respondent, 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.

This Notice is published as a matter of public information.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Public Notice: N.J.A.C. 7:1C, 7:8, 7:13, 7:20 and 7:21

Changes in Statutory References

Take notice that all statutory references in Title 7 of the New Jersey Administrative Code to N.J.S.A. 58:1-26 (the stream encroachment law) have been superseded by N.J.S.A. 58:16A-55 et seq., which was a repeal and substantial reenactment, with strengthening amendments, of the old stream encroachment law. This changes the citation in, but is not limited to, the following Code sections:

- 7:1C—90 day rules
- 7:8—Division of Water Resources
- 7:13—Water Supply and Flood Plain Management
- 7:20—Bureau of Flood Way Control
- 7:21—Water Policy and Supply Council

This notice is published as a matter of public information.

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Adopted New Rule: N.J.A.C. 7:18

Adopted Repeal: N.J.A.C. 7:10-8

Laboratory Certification and Standards of Performance

Effective Date: August 6, 1981

On June 30, 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 58:12A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 7:10-8 and adopted a new rule to be cited as N.J.A.C. 7:18 concerning laboratory certification and standards of performance as proposed in the Notice published May 7, 1981 at 13 N.J.R. 260(d), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

Copies of the rules as adopted and a summary of comments received can be obtained from:

Stephen W. Jenniss
Quality Assurance Coordinator
Monitoring and Planning Element
Division of Water Resources
CN 029
Trenton, N.J. 08625

An order adopting the rules was filed with the Office of Administrative Law on July 1, 1981 as R.1981 d.279.

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments: N.J.A.C. 7:22-1.1—1.3, 1.5, 1.7, 2.1—2.4, 2.11, 2.12, 2.15, 2.17, 2.28, 2.34, 2.35

Construction Grants for Wastewater Treatment

Public Hearing: None

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:10A-5d and 58:19A-4 (the New Jersey Water Pollution Control Act), and P.L. 1980, c.270, Section 5 (the Natural Resources Bond Act), proposes to amend various sections in N.J.A.C. 7:22 concerning construction grants for wastewater treatment facilities. This proposal is known within the Department as DEP Docket No. 034-81-07.

Summary

The Natural Resources Bond Act provides funds for grants to construct publicly-owned wastewater treatment facilities. The proposed amended regulations provide for administration of such grants. Most of the proposed amendments are not substantive, but rather update addresses and titles, or clarify existing language. The proposed amendments to rules and regulations concerning construction grants for wastewater treatment facilities provides specific inclusion of the Natural Resources Bond Act.

The only substantive change provides additional en-

forcement remedies against persons not in compliance with grant conditions. Under these proposed amendments, the Department may issue Administrative Orders of Enforcement, as provided by the Water Pollution Control Act (N.J.S.A. 58:10A-10), against persons not in compliance. This is provided in addition to the remedies for non-compliance previously available.

Social Impact

These amendments will affect municipalities, sewerage authorities, and utilities authorities which receive grants from DEP for construction of sewerage facilities.

There is no social impact resulting from the proposed amendments concerning grants for wastewater treatment facilities. The rule provides for the administration of grant applications and approvals, and enforcement remedies, and is primarily intended to provide statutory references for the Natural Resources Bond Act of 1980 in the grant regulations.

Economic Impact

There is no economic impact resulting from the proposed rule other than such enforcement penalties which may be levied for failure to comply with the grant conditions, in accordance with the Water Pollution Control Act, N.J. S.A. 58:10A-1 et seq. The only other proposed amendments provide for statutory references to the Natural Resources Act of 1980 in the grant regulations.

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

7:22-1.1 Scope and construction of rules

(a) The following shall constitute the rules governing disposition of appropriations for the purposes of planning, design, and construction of wastewater treatment facilities pursuant to the Clean Waters Bond Act of 1976, P.L. 1976, c.29, the Water Conservation Bond Act of 1969, P.L. 1969, c.127, and the Natural Resources Bond Act of 1980, P.L. 1980, c.70 [N.J.S.A. 26:2E-8.] These rules prescribe procedures for application, award and administration of grants, accounting procedures, minimum standards of conduct for grantees, and standards for construction of sewerage facilities and interceptor sewers.

(b) (No change.)

7:22-1.2 Purpose of [rules] chapter

(a) The[se] rules in this chapter are promulgated for the following purposes:

1. To implement the purposes and objectives of the Clean Waters Bond Act of 1976, P.L.1976, c.92, the Water Conservation Bond Act of 1969, P.L.1969, c.127; and the Natural Resources Bond Act of 1980, P.L.1980, c.70;

2. To establish policies and procedures for distribution of funds appropriated pursuant to P.L.1976, c.92 [and] P.L.1969, c.127 and P.L.1980, c.70 for the purpose of making State grants to local governmental agencies for the planning, design and construction of wastewater treatment facilities;

3. - 7. (No change.)

7:22-1.3 Authority

These rules are promulgated pursuant to [section 5 of the Clean Waters Bond Act of 1976 (P.L.1976, c.92) N.J. S.A. 26:2E-8, and] the Water Conservation Bond Act of 1969 (P.L.1969, c.127), and the Natural Resources Bond Act of 1980, P.L.1980, c.70).

7:22-1.5 Annual budget request

(a) The commissioner shall submit to the State Treasurer and the New Jersey Commission on Capital Budget-

ing and Planning, with the department's annual budget request, a plan for the expenditure of funds from the "Clean Water Fund", "Water Conservation Fund", and/or the "Natural Resources Bond Fund" for the upcoming fiscal year.

(b) The plan shall include the following information:

1. - 2. (No change.)

3. A copy of these rules governing the programs conducted pursuant to [P.L.1976, c.92,] P.L.1980, c.70.

4. (No change.)

7:22-1.7 Request for legislative appropriations

(a) The department shall request that the Legislature appropriate funds under the Clean Waters Bond Act of 1976, P.L.1976, c.92, the Water Conservation Bond Act of 1969, P.L.1969, c.127, and the Natural Resources Bond Act of 1980, P.L.1980, c.70 in the following manner.

1. - 2. (No change.)

7:22-2.1 Scope

This subchapter shall prescribe procedures and requirements for the award of State grants pursuant to the Clean Waters Bond Act of 1976, P.L.1976, c.92, the Water Conservation Bond Act of 1969, P.L.1969, c.127, and the Natural Resources Bond Act of 1980, P.L.1980, c.70 [N.J. S.A. 26:2E-1 et seq.]

7:22-2.2 Definitions

...
"State grant" means a grant awarded pursuant to P.L.1976, c.92, the Natural Resources Bond Act of 1980, P.L.1980, c.70, or P.L.1969, c.127 and [these rules] this chapter.
...

7:22-2.3 Pre-application procedures

The department encourages informal inquiries by potential State grant applicants prior to application submission in order to expedite preparation and evaluation of the grant application documents. Such inquiries may relate to procedural or substantive matters and may range from informal telephone advice to prearranged briefings of potential applicants. Questions should be directed to: Assistant Director, [Public Wastewater Facilities Element, Division of Water Resources, P.O. Box CN-029, Trenton, New Jersey 08625; Telephone (609) 292-7762.] Construction Grants Administration, Division of Water Resources, CN 029, Trenton, New Jersey 08625; Telephone (609) 292-0950.

7:22-2.4 Application procedures

(a) (No change.)

1. - 2. (No change.)

3. Applications shall be sent to: Assistant Director, [Public Wastewater Facilities Element, P.O. Box CN-029, Trenton, New Jersey 08625.] Construction Grants Administration, Division of Water Resources, CN 029, Trenton, New Jersey 08625

7:22-2.11 Grant agreement

Upon execution of the grant agreement by the department, the department shall transmit the grant agreement (certified mail, return receipt requested) to the applicant for execution. The applicant shall execute it and return it within 60 calendar days after receipt. The department may, in its discretion, extend the time for execution. The grant agreement shall set forth the approved project scope, budget (including the Federal and State shares), and total project costs. [and the approved commencement and completion dates for the project or major phases thereof]. The grant agreement shall be deemed to incorporate all requirements, provisions, and information in documents or papers submitted to the department in the application process.

7:22-2.12 Effect of grant award

(a) The grant shall become effective and shall constitute an obligation of Water Conservation Bond Act, Clean Waters Bond Act, or Natural Resources Bond Act funds in the amount and for the purposes stated in the grant agreement, at the time of execution of the grant agreement by the department and the applicant.

7:22-2.15 Unused funds

Where the total amount paid under a grant and grant amendments is less than the amount appropriated by the Legislature for the grantee's project, then such difference in amount shall be retained by the State for a reallocation pursuant to the Clean Waters Bond Act, P.L.1976, c.92, the Water Conservation Bond Act of 1969, P.L.1969, c.127, or the Natural Resources Bond Act of 1980, P.L.1980, c.70 and [these rules] this chapter.

7:22-2.17 Grant conditions

(a) The following requirements, in addition to such statutes and regulations as may be applicable to particular grants, are conditions to each grant and conditions to each payment under a grant award.

1. - 9. (No change.)

10. Federal requirements: The grantee shall comply with the requirements governing Federal grants under the Federal Act, including 40 CFR 30.00 et seq., and 40 CFR 35.900 et seq. Failure of the grantee to comply with Federal requirements shall constitute noncompliance with these regulations and shall give rise to the remedies provided in N.J.A.C. 7:22-2.28 to [7:22-2.33] 7:22-2.34.

11. - 16. (No change.)

7:22-2.28 Noncompliance

(a) In addition to other remedies as may be provided by law, in the event of noncompliance with any grant condition, requirement of this subchapter, or contract requirement or specification, the department may take any of the following actions or combinations thereof:

1. - 4. (No change.)

5. Issue administrative orders of enforcement pursuant to the New Jersey Water Pollution Control Acts (N.J.S.A. 58:10A-1 et seq.)

7:22-2.34 Administrative orders of enforcement

(a) Under the authority of N.J.S.A. 58:10A-5d and N.J.S.A. 58:10A-6b, the department may:

1. Issue an order to "cease and desist" unpermitted construction, pursuant to N.J.S.A. 58:10A-10b;

2. Issue an order revoking the permit to operate, pursuant to N.J.S.A. 58:10A-106 and N.J.A.C. 7:14-2.7;

3. Issue an order to "cease and desist" combined with an assessment of a civil administrative penalty, pursuant to N.J.A.C. 7:14-8.1 et seq. The maximum penalty assessment can be \$5,000.00.

Recodify N.J.A.C. 7:22-2.34 as 2.35.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrator
Construction Grants Administration
Division of Water Resources
CN 029
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-142.

(a)

ENVIRONMENTAL PROTECTION
DIVISION OF FISH, GAME AND WILDLIFE

Proposed Amendment: N.J.A.C. 7:25-6
1982-83 Fish Code

Public Hearing: October 6, 1981

The Fish and Game Council of the Division of Fish, Game and Wildlife in the Department of Environmental Protection, pursuant to authority delegated in N.J.S.A. 13:1B-30 et seq., proposes to amend N.J.A.C. 7:25-6 concerning the Fish Code for 1982-83.

This proposal is known with the Department as Docket No. DEP 033-81-06.

Summary

The proposed Fish Code states when, under what circumstances, in what localities, by what means and in what amounts fish may be taken, killed or had in possession. Substantive changes incorporated in the proposed code as compared to the previous code are as follows:

1. The traditional opening of trout season will be at 8:00 A.M. on Saturday, April 10, 1982.

2. Pond Brook (Bergen County) and Van Campens Brook (Warren County) have been deleted from the trout stocked waters list, Rowands Pond (Camden County) and Diamond Mill Pond (Essex County) have been temporarily removed and Seeleys Pond (Union County) has been added.

3. The season for lake trout will be opened for the first time at Round Valley Reservoir and will run from April 10 to September 30, 1982. The size limit will be 26 inches and the daily creel limit shall be one. A lake trout which is kept shall be considered as part of the daily bag limit for all trout.

4. Gear restrictions on the Natural Trout Areas will be liberalized to include all artificial lures.

5. A 15-inch size limit for chain pickerel will be established on Swartswood Lake (Sussex County), Farrington Lake (Middlesex County) and Hammonton Lake (Atlantic County) on an experimental basis.

6. A 12-inch size limit for largemouth bass will be established on Mountain Lake (Warren County), Parvin Lake (Cumberland County), Lake Musconetcong (Sussex County) and Lake Carasaljo (Ocean County) on an experimental basis.

7. It will be illegal to take shad in the Raritan River drainage (including the Millstone River) upstream of the confluence of the Raritan River and the Millstone River.

Social Impact

According to the Division, this rule has no social impact.

Economic Impact

According to the Division, this rule has no economic impact.

Copies of the full text of the proposed Fish Code, which is referenced but not reproduced in the New Jersey Administrative Code, may be obtained from:

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

A public hearing concerning this rule will be held on Tuesday, October 6, 1981, at 2:00 P.M. at:
Division of Fish, Game and Wildlife Office
363 Pennington Avenue
Trenton, N.J. 08625

Interested persons may submit in writing, data, view, or arguments relevant to the proposed rule on or before October 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:
A. Bruce Pyle, Chief
Bureau of Freshwater Fisheries
Division of Fish, Game and Wildlife
CN 400
Trenton, N.J. 08625

The Division of Fish, Game and Wildlife thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.
This proposal is known as PRN 1981-170.

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Proposed Amendment: N.J.A.C. 7:25-16.1
Fishing
Defining Lines Upstream of Which a License is Required

Public Hearing: October 6, 1981

Russell A. Cookingham, Director of the Division of Fish, Game and Wildlife in the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 23:1-2, 23:3-1 and 23:9-1, and with the advice of the Fish and Game Council, proposes to amend N.J.A.C. 7:25-16 concerning lines upstream of which license is required to fish with handline, rod and line, or long bow and arrow.

This proposal is known with the Department of Environmental Protection as Docket Number DEP 032-81-06.

Summary

The proposed amendment would add two previously unlisted waters to the existing rule.

Social Impact

According to the Division, this rule has no social impact.

Economic Impact

According to the Division, this rule has no economic impact.

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

7:25-16.1 Defining lines upstream of which license is required to fish

(a) The following table defines lines upstream of which a license is required to fish with handline, rod and line or long bow and arrow:

	License required upstream of this location
Name of Water	

MONMOUTH COUNTY

Deal Lake	Lake Spillway to Ocean outlet flume
-----------	--

...

OCEAN COUNTY

Long Swamp Creek Washington Street Bridge

A public hearing on this proposed amendment will be held October 6, 1981 at 2:00 P.M., in conjunction with a hearing on the proposed 1982-83 Fish Code at:

Division of Fish, Game and Wildlife Office
363 Pennington Avenue
Trenton, N.J. 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposed amendment on or before October 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

A. Bruce Pyle, Chief
Bureau of Freshwater Fisheries
Division of Fish, Game and Wildlife
CN 400
Trenton, N.J. 08625

The Division of Fish, Game and Wildlife thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-169.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Adopted Amendments: N.J.A.C. 7:26-1 and 7:26-7
Adopted New Rules: N.J.A.C. 7:26-8
Solid Waste Administration

Effective Date: August 6, 1981

On June 26, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9 and 13:1E-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:26-1 and 7:26-7 and new rules to be cited as N.J.A.C. 7:26-8 (proposed as N.J.A.C. 7:26-6) concerning solid waste administration as proposed in the Notice published September 4, 1980 at 12 N.J.R. 511(a), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5, and with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

Rules proposed as N.J.A.C. 7:26-4, 8, 9 and 10, although part of the proposal, have not been adopted at this time, but may be adopted at a later date without being re-proposed if adoption is within one year of the proposal's publication in the Register.

An order adopting the rule was filed with the Office of Administrative Law on July 8, 1981 as R.1981 d.281.

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Regulatory Calendar

Jerry Fitzgerald English, Commissioner of the Depart-

ment of Environmental Protection, hereby publishes the Department of Environmental Protection's Regulatory Calendar. This calendar is published biannually to provide public notice of major rule-making activities for the following six month period. This advance notice will permit greater public input into the Department's regulatory development process and will enable the public to gain a perspective of the long-range rule-making activities of the Department.

The following items constitute the Department's expected new rule-making activities for the following six months. This list does not contain minor rules or amendments to existing rules and the Department may require the proposal of major regulations not set forth below to meet unanticipated regulatory requirements.

Title of Rule	Summary of Rule	Anticipated Proposal Date
Procedural Rules to implement the State/Local Shore Protection Program	Procedural rules for shore protection program	Sept., 1981
Sanitary Landfill Regulations	Revisions to existing regulations on the design and operation of sanitary landfills	Sept., 1981
Tidelands Procedural Rules	Rules governing the tidelands application process	Oct., 1981
Consolidated Coastal Permit Rules	Procedural Rules governing CAFRA, wetlands and waterfront development permits	Oct., 1981
Revision of the State Implementation Plan	Attainment of Secondary particulates standard	Oct., 1981
Revision of the State Implementation Plan	Attainment of ambient lead standard	Oct., 1981
Effluent Standards for Oil and Grease	Oil and grease effluent standards	Dec., 1981
Emission Offset	Control and Prohibition of air pollution from new or altered sources affecting ambient air quality in non-attainment areas	Jan., 1982

Several existing rules and regulations will be proposed for amendment. A listing of the more significant actions to be proposed follows:

Title of Rule	Anticipated Proposal Date
Amendments to standards for the construction of public non-community and non-public water systems	Sept., 1981
Floodway Rules Revisions	Sept., 1981
Miscellaneous shellfish crabbing and marine fishing rules	as completed

The Department encourages comment on the Regulatory

Calendar and welcomes comments and recommendations for consideration by the Department on the subject of future publications of the Regulatory Calendar. Comments should be directed to:

Herbert B. Bennett, Chief
Office of Regulatory Affairs
Commissioner's Office
CN 402
Trenton, N.J.

This notice is published as a matter of public information.

(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 EVALUATION

Adopted Amendments: N.J.A.C. 8:30, 8:37, 8:39-1 (Foreword) and 8:39-1.35
Standards for Licensure of Long-Term and Intermediate Care Facilities
Patient Care Policies; Nursing Services; Dietary Services; Effective and Expiration Dates of Regulations

Effective Date: August 6, 1981

On July 2, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to be cited as N.J.A.C. 8:30, 8:37, 8:39-1 (Foreword) and 8:39-1.35 concerning the Standards for Licensure of Long-Term Care Facilities and delaying the expiration of N.J.A.C. 8:30 and 8:37 from July 1, 1981 to July 1, 1982, as proposed in the Notice published May 7, 1981 at 13 N.J.R. 265(a), without change.

There was an error in the editor's note in the proposal. The note should read as follows:

Editor's Note: With reference to N.J.A.C. 8:39-1(a)1

(Foreword, citing N.J.A.C. 8:30-5.1(a) 2-7), take notice that the existing Code text for N.J.A.C. 8:30-5.1(a) inadvertently deleted material to be cited as (a)5 as follows:

There shall be available at all times at least two nursing personnel to act effectively in the event of fire or other emergency.

The present text of (a)5 and 6 should be renumbered as (a)6 and 7.

An order adopting the rule was filed with the Office of Administrative Law on July 10, 1981 as R.1981 d.283.

(a)

HEALTH

HEALTH PLANNING AND RESOURCES DEVELOPMENT

**Adopted Amendment: N.J.A.C. 8:31-30.1
Plan Review Fee
Change of Multiplier**

Effective Date: August 6, 1981

On July 2, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-5, N.J.A.C. 5:23-3.3(i)2., and N.J.A.C. 5:23-4.8(d), with the approval of the Health Care Administration Board, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 8:31-30.1 concerning the fixing of the multiplier in the formula for the Plan Review Fee, as proposed in the Notice published May 7, 1981, at 13 N.J.R. 265(b) without change.

An order adopting the rule was filed with the Office of Administrative Law on July 10, 1981 as R.1981 d.284.

(b)

HEALTH

HEALTH ECONOMIC SERVICES

**Proposed Amendment: N.J.A.C. 8:31B-3
Procedural and Methodological Regulations**

Public Hearing: None

Dr. Joanne E. Finley, Commissioner of Health, with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:31B-3, Procedural and Methodological Regulations. The regulations previously adopted established the process by which the Commissioner of Health determines rates to be proposed to the New Jersey Hospital Rate-Setting Commission, and how hospitals implement and respond to the rates. The Commission shall make final determination.

Summary

The proposed amendment to the Chapter 83, P.L. 1978, Procedural and Methodological Regulations, includes:

- RIMs (Relative Intensity Measures) for allocating nursing costs
- Method to account for volume variability
- Elimination of the screens of Other General Services cost center and the concomitant incentives and disincentives
- Redefinition of outpatient costs to include only overhead; outpatient ancillary services will henceforth be charged and accounted for separately

- Alternate methodology to establish rates for hospitals without adequate billing data
- Methodology for reimbursing hospital-operated long term care services

Social Impact

The proposed amendment, consistent with Chapter 83, P.L. 1978, provides for the protection and promotion of the health of the inhabitants of New Jersey.

Economic Impact

This regulation as previously adopted, promotes the financial solvency of New Jersey hospitals and contains the rising costs of health care services.

Copies of the full text of the proposed amendment may be obtained from or made available for review by contacting:

James R. Hub, Director
Health Economic Services
State Department of Health
CN 360
Trenton, N.J. 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before September 8, 1981, and inquiries as to submissions received and agency responses to those submissions, to the above address.

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

This proposal is known as PRN 1981-164.

(c)

HEALTH

HEALTH ECONOMICS SERVICES

**Adopted Amendment: N.J.A.C. 8:31B-3.20D
Hospital Rate Setting
Calculation of Return on Investment:
For-Profit Hospitals**

Effective Date: July 2, 1981

On July 2, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31B-3.20D, concerning calculation of return on investment for profit hospitals, as proposed in the Notice published May 7, 1981 at 13 N.J.R. 266(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

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

**8:31B-3.20D Calculation of return on investment:
For-Profit Hospitals**

(a) Return on investment for For-Profit Hospitals shall be included in their Schedule of Rates at a before tax rate on an average equity capital equal to the rate employed by Medicare under Title XVIII Principles. "Equity capital" is defined as the provider's investment in plant, property, and equipment (net of depreciation) and net working capital maintained for necessary and proper

operation related to patient care. (Hospitals receiving return on investment must submit Medicare Form HCFA 225.2G, Schedule F: I, II and III.)

1. This factor will be phased out by including 100% of the amount calculated using Medicare principles for the rate year beginning January 1, 1981; 50% of the factor for the rate year beginning January 1, 1982; and eliminating this factor completely for all later years.

2. A prospective amount for this factor should be included in the Indirect Costs of the Preliminary Cost Base. This prospective amount shall be reconciled at Final Reconciliation to reflect the actual percentage changes for the rate year.

An order adopting the rule was filed with the Office of Administrative Law on July 14, 1981 as R.1981 d.290.

(a)

HEALTH

HEALTH ECONOMIC SERVICES

**Proposed Amendment: N.J.A.C. 8:31B-4
Financial Elements and Reporting Regulation**

Public Hearing: None

Dr. Joanne E. Finley, Commissioner of Health, with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:31B-4, Financial Elements and Reporting Regulation. The regulation previously adopted implements the provisions of the Health Care Facilities and Planning Act (N.J.S.A. 26:2H-1) pertaining to health care services provided by hospitals.

Summary

The proposed amendment to the Chapter 83, P.L. 1978, Financial Elements and Reporting Regulation, provides a methodology for reimbursing hospital-operated long term care facilities. Routine services are to be reimbursed on a cost related basis derived from costs of non-hospital facilities. All costs, other than capital costs, associated with such services shall be reported in the hospital's cost centers to which they best apply; however, from each such cost center the hospital, in its cost reporting, shall deduct, as described in a supplementary worksheet of a form to be prescribed by the Department, an amount equal to the reasonableness limit identified by the then-prevailing methodology employed for Title XIX reimbursement by the Division of Medical Assistance and Health Services, Department of Human Services, multiplied by actual long term care patient days in the reporting year or .90 x total long term care beds, whichever is higher.

The hospital shall receive no Capital Facilities Allowance for long term care facilities; however, the rate it will be reimbursed for long term care shall include a long term care Capital Facilities Allowance.

Social Impact

The proposed amendment, consistent with Chapter 83, P.L. 1978, provides for the protection and promotion of the health of the inhabitants of New Jersey.

Economic Impact

This regulation, as previously adopted, promotes the financial solvency of New Jersey hospitals and contains the rising costs of health care services.

Copies of the full text of the proposed amendment may

be obtained from or made available for review by contacting:

James R. Hub, Director
Health Economic Services
State Department of Health
CN 360
Trenton, N.J. 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before September 8, 1981, and inquiries as to submissions received and agency responses to those submissions, to the above address.

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

This proposal is known as PRN 1981-163.

(b)

HEALTH

HEALTH PLANNING AND RESOURCES DEVELOPMENT

**Adopted Amendments: N.J.A.C. 8:33
Certificate of Need Program
Application and Review Process**

Effective Date: August 6, 1981

On July 2, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-5, with the approval of the Health Care Administration Board, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:33 concerning the Certificate of Need Program Application and Review Process as proposed in the Notice published May 7, 1981, at 13 N.J.R. 267(a) but with substantive changes not in violation of N.J.A.C. 1:30-3.5.

An order adopting this rule was filed with the Office of Administrative Law on July 17, 1981 as R.1981 d.296.

(c)

HEALTH

THE COMMISSIONER

**Proposed Amendments: N.J.A.C. 8:33G
Certificate of Need Reviews
Computerized Tomography Scanners**

Public Hearing: None

Dr. Joanne E. Finley, Commissioner of Health, with the approval of the Health Care Administration Board in the Department of Health, pursuant to authority of N.J.S.A. 26:2H-5 and 8, proposes to amend N.J.A.C. 8:33G concerning standards and general criteria for the planning and certification of need of computerized tomography scanners. This amended rule shall be reconsidered by the Health Care Administration Board one year after adoption.

Summary

The current rules require periodic updating based upon the review and recommendations of the commissioner's advisory committee on CT scanners. Proposed changes in these rules are based on the recommendations of the ad

hoc technical advisory committee composed of the following members:

Kenneth Jewel, M.D.
Department of Radiology
Mountainside Hospital
Montclair, N.J.

Joel Budin, M.D.
Department of Radiology
Hackensack Hospital
Hackensack, N.J.

Charles Diamond, M.D.
Department of Radiology
Cooper Medical Center
Camden, N.J.

Joseph Hughes, Director
Provider Contract Administration
Blue Cross of New Jersey
Basking Ridge, N.J.

Curt Lindberg
Vice President for Planning
Elizabeth General Hospital
Elizabeth, N.J.

Milton Gallant, M.D.
Department of Radiology
Passaic General Hospital
Passaic, N.J.

Matthew Menken, M.D.
Neurologist
New Brunswick, N.J.

Joseph Slavin
Vice President for Planning
and Regulatory Affairs
New Jersey Hospital Association
Princeton, N.J.

Michael L. Gruber, M.D.
Neurologist
Englewood, N.J. 07631

The purpose of the proposed amendments is to make adjustments in the utilization standards for replacement units and in the methodology for documenting need for the service based on new information made available since adoption of N.J.A.C. 8:33G-1.1 et seq.

These amendments propose to change the existing rules to allow an applicant to demonstrate evidence of need for a replacement or updated scanner by demonstrating that the unit will perform either a minimum of 3,000 scans per year, the existing standard, or at least 5,000 HECTS (Head Equivalent Computerized Tomography) scans annually. A HECT is described as a single unenhanced computerized tomography head study.

The amendments propose to eliminate the population base standard currently required. In addition, the new rules, if adopted, would permit a choice of documenting need either by application of the currently used mathematical model or by application of the proposed Leonard Model. The latter model was developed by Sheldon Leonard, a physicist and ultrasonographer employed by General Electric Corporation. Using 193 ICDA Codes and applying conversion factors for each disease category, it produces estimates of the number of patients who would probably benefit from an initial scan. The number of initial scans per diagnosis is adjusted to account for the need for probable follow-up procedures. The estimate of the number of primary diagnostic patient procedures is the sum of the initial and follow-up procedures in each

diagnostic category. (For a discussion of the model and its application, see "Planning for Computed Tomographic (CT) Scanning: Considerations for Planners and Providers", published by Block, McGibony and Associates of Silver Spring, Maryland for the Alpha Center for Health Planning, as part of its "Methodological Notes Series, #1: CT Scanners", December, 1980 under Contract Number HRA-232-79-0035 from the Bureau of Health Planning, Public Health Service, Department of Health and Human Service.)

The proposed amendments would change the types of data required to be filed with the department by facilities with computerized tomography scanners to include the collection of data specifying personnel assigned to the scanner and uses of the equipment (types of procedures performed).

Social Impact

N.J.S.A. 26:2H-1 (as amended) recognizes as "public policy of the State that hospitals and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health. In order to provide for the protection and promotion of the health of inhabitants of the State, promote the financial solvency of hospitals and similar health care facilities and contain the rising cost of health care services, the State Department of Health . . . shall have the central, comprehensive responsibility for the development and administration of the State's policy with respect to health planning, hospital and health care services, and health facility cost containment programs. . . ."

The New Jersey State Health Plan recognizes the underutilization of inpatient beds, specialty services, and expensive equipment as an important factor contributing to the rapidly escalating costs of health care. Regionalization of specialty services and equipment is viewed as an important mechanism for promoting health by improving the capabilities of services and quality of care offered, by improving the solvency of hospitals offering these expensive services, and by containing the rising costs of health care services.

The proposed rules would offer applicants for scanners additional flexibility by permitting a choice of methodologies for documenting need. In addition, applicants for replacement or ungrading of their scanners would have greater flexibility in terms of the choice for documenting utilization levels as specified in the summary.

These rules are expected to increase the number of units in the State from 31, which have received certificate of need approval, to approximately 61. With 61 strategically placed units located throughout the State, the entire population of the State will have reasonable access to a unit.

Economic Impact

Currently there are 31 certificate of need approved units located throughout the State. Costs associated with the purchase of these units has amounted to approximately \$23,000,000. In addition, the annual operating costs for these units amounts to approximately \$11,916,000. There are seven privately owned units, the costs of which have not been added to these calculations.

The proposed rules are expected to add approximately 27 new body scanners and three new head scanners to the existing State inventory. Using \$800,000 as an average purchase price for a body scanner and \$200,000 as an average purchase price for a head scanner, additional costs to health payors for the purchase alone of this equipment will amount to approximately \$22,200,000 (at current prices). In addition, costs associated with the operation of this new equipment will add approximately

\$11,532,000 each year (at current prices) to the New Jersey health care bill.

The Department of Health has been under significant pressure from the medical community to liberalize its rules for reviewing requests for CT installations. The arguments offered center on two assumptions: (1) that the CT improves quality of care by increasing diagnostic capabilities and by decreasing the need of invasive procedures, and (2) that the CT reduces the need to purchase and replace some of the more conventional radiological equipment.

The soundness of these assumptions has yet to be established using New Jersey data. There is no way of knowing what the cost to benefit ratio really is to payors of health care in this State. Neither has anyone demonstrated that these enormous cost increases have actually reduced the need for invasive procedures performed on New Jersey patients or actually reduced the need for the purchase and replacement of more conventional radiological equipment.

While the proposed rules would add increased flexibility resulting in the approximate doubling of the statewide inventory, the rules are important. In their absence, the unrestricted addition of CT installations may result in serious underutilization of services adding enormously and unnecessarily to the health care bill in a manner which may threaten the solvency of some facilities and services.

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

8:33G-1.1 Introduction

Computerized Tomography (CAT/CT) represents a revolutionary radiologic technique which permits a safe system of imaging the internal structures of the body through the use of computer assisted x-ray scanning. The use of this CT technology represents a major advance over conventional radiology techniques since it allows the discrimination of soft tissues of differing densities and spatially localizes structures to a specified area of interest (to the complete exclusion of sections not under study). In effect, only the structures of particular interest are scanned and the three dimensional image is reduced to a two-dimensional image which is not distorted by structures adjacent to the field of view. By employing highly sensitive scintillation detectors rather than film, CT scanners are able to record small differences in x-ray attenuations and its utilization of narrow, pencil-shaped or flat, fanbeam x-rays greatly minimizes the scattering of radiation in contrast to conventional radiographs. CT scanners require [an] a [enormous] large capital investment for the purchase of the unit and the maintenance of a competent and efficient staff to operate its sophisticated equipment. In an effort to limit negative cost impacts, a [regionalized] phased approach to the acquisition and operation of computerized tomographic scanners is needed. The [regionalization] policies recommended herein seek to assess and meet community need by establishing standards and criteria which will maximize effective utilization of each CT scanner approved and placed in operation while minimizing unnecessary cost and duplication. In establishing these guidelines, however, it must be emphasized that they will be subject to periodic review as technological change and pertinent utilization data are made available.

8:33G-1.2 Utilization standards

(a) Each applicant for a computerized tomographic

scanner must show evidence of a minimal proposed volume of 3,000 scans[*] per unit, per year by application of [the] either the mathematical model for utilization, [which is] herein attached as Appendix A, or the Leonard model, herein attached as Appendix B.

1. Copies of the full texts of both the mathematical model and the Leonard model may be obtained by written request to the New Jersey Department of Health, Health Planning Services, Room 802, P.O. Box 1540, Trenton, New Jersey 08625.

2. As referenced in (a) above, a "scan" refers to a CAT patient procedure. One patient procedure includes, during a single visit, the initial scan plus any necessary additional scans of the same anatomic area of diagnostic interest.

[(b)] The minimum population base to be serviced by a single CT unit is to be 300,000 adjusted for accessibility with no one counted twice. Reasonable access shall be interpreted to mean not more than sixty minutes driving time under normal conditions from the point of origin of the patients. No additional units will be located in the same health service area unless all existing approved scanners are operating at a capacity of at least 3,000 scans per year.]

[(c)](b) Each application seeking to replace or update its existing computerized tomographic scanner must show evidence of a minimal volume of 3,000 scans per year or 5,000 HECTS per year.

1. A "HECT" is an acronym for Head Equivalent CT. One HECT unit is defined as a single unenhanced CT head study.

[(d)](c) The department encourages the cooperative sharing of CT services among health facilities. The applicant may include within his justification for need referrals from other facilities only in cases where the applicant and these other providers agree to share services. If two or more facilities are filing a joint application for the acquisition of a CAT scanner, or if a single facility is filing a certificate of need on behalf of other facilities, the application must be accompanied by written assurance from all participating facilities that the proposed CT services will be shared. The assurance must take the form of a letter, filed with the department, stating that none of the participating facilities intends to file a subsequent certificate of need for a CT scanner until a utilization level on the existing shared equipment has reached at least 3,000 scans per year or 5,000 HECTS per year.

[A "scan" refers to a CAT patient procedure. One patient procedure includes, during a single visit, the initial scan plus any necessary additional scans of the same anatomic area of diagnostic interest.]

8:33G-1.3 Personnel standards

(a) (No change.)

(b) (No change.)

8:33G-1.4 General criteria

(a) As part of the application for a computed tomographic scanner, each applicant must meet each of the following minimum general criteria:

1. Provide written documentation of need as expressed by the mathematical model (Appendix A) or the Leonard model (Appendix B) and show evidence that the proposed action is both consistent with the institution's approved long-range plan, submitted to the department under requirements of N.J.A.C. 8:31-16.1, and with the health systems plan and annual implementation plan of the health systems area in which the applicant is located.

2. Provide physical plans showing adequate space for patients, personnel and equipment for the proposed CT

installation. Such plans will detail full compliance with [DHEW's] the United States Department of Health and Human Services's (Bureau of Radiological Health) performance standards for ionizing radiation emitting products and New Jersey Department of Environmental Protection registration, personnel protection and monitoring requirements (N.J.A.C. 7:28-3.1 et seq.). If not in full compliance, a written estimate of applicable costs necessary to achieve compliance must be furnished by the applicant to the department as part of the certificate of need application.

3. (No change.)

[4. Provide documentation that the applicant's radiology cost center, as computed in accordance with Standard Hospital Accounting and Rate Evaluation (SHARE), section G-8, is no more than ten percent above the median for that hospital's peer group.]

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

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

[7. Each applicant must agree to send out a mailing to all institutions and physicians in the area that the service is available. The Department shall receive evidence, following Certificate of Need approval, that this mailing has occurred.]

[8.]6. Maintain and provide statistical data on the operation of the unit and report that data to the New Jersey Department of Health on a quarterly basis and on a standardized form prepared by the department. Copies of the full text of the required quarterly reporting forms may be obtained upon written request to the New Jersey State Department of Health, Health Data Services, Room 501, P.O. Box 1540, Trenton, New Jersey 08625. [A standardized data form has been prepared by the Department and is attached as Appendix B.]

Renumber 9. - 10. as 7. - 8.

[11.]9. The [Department] department will establish [a] an ad hoc technical advisory committee to review the regulation on a regular basis. This committee will perform its review within [two] three years and make its recommendations to the Commissioner of Health.

Appendix A (No change.)

Delete Appendix B identified as "Basic Statistical Data

Required for Each CAT Unit on a Quarterly Basis" and replace with new text as follows:

APPENDIX B

**LEONARD MODEL
PROSPECTIVE CT USE BASED ON THE
INCIDENCE OF DISEASE AND TRAUMA**

PROCEDURE

1. Enter the primary and secondary in-patient discharges for the previous calendar year for each of 211 ICD-G-CM code categories listed in this appendix. Diagnosis data must be drawn from the codes and subcodes in the third column. The first column provides a general code reference to the diagnostic description.

2. Subtotal group A, B, C, and D separately for primary diagnosis.

3. Apply the following expression to the subtotals from 2 above to obtain initial in-patient CT procedures:

$$A + .84B + .45C + 22D$$

4. Apply the following expression to the subtotals from 2 above to obtain the follow-up inpatient CT procedures:

$$.55(2(A + .45C) + .25(.84B + .22D))$$

5. To obtain the number of CT procedures resulting from secondary diagnosis, apply the following formula (after totaling group A, B, C and D for secondary diagnosis):

$$\begin{aligned} & (5\% \text{ of Total Secondary Diagnosis}) \\ & (\text{Initial CT} + \text{Follow up CT}) \end{aligned}$$

$$\left(\frac{\text{Initial CT}}{} \right)$$

6. Add steps 3, 4, and 5 above to obtain estimated in-patient CT procedures.

7. To obtain out-patient CT procedures, apply the sum obtained in step 6 to the ratio 45/55 as follows:

$$\begin{aligned} \text{Outpatient CT Procedures} = \\ & \frac{45 \text{ In-patient CT procedures}}{55} \end{aligned}$$

8. Add the answers from steps 6 and 7 to obtain total estimated CT utilization.

**(GROUP A)
INDICATORS FOR COMPUTED TOMOGRAPHY**

ICD-9-CM CODE CATEGORIES	DIAGNOSIS	ICD-9-CM CODES	Period	
			PRIMARY	SECONDARY
147	Malignant neoplasm of nasopharynx	147.0 to 147.9 Incl.		
148	Malignant neoplasm of hypopharynx	148.0 to 148.9 Incl.		
149	Malignant neoplasm of ill-defined & other sites	149.0 to 149.9 Incl.		
160	Malignant neoplasm of respiratory organs	160.1, 160.2, 160.3, 160.4, 160.5, 160.8, 160.9		
170.0	Malignant neoplasm of bones of skull, except mandible	170.0		
171.1 & 171.9	Malignant neoplasm of connective and other soft tissue of the head, face, neck site unspecified	171.1 & 171.9		
190	Malignant neoplasm of eye	190.0 to 190.9 Incl.		
191	Malignant neoplasm of brain	191.0 to 191.9 Incl.		
192.0	Malignant neoplasm of other and unspecified parts of nervous system	192.0, 192.1, 192.8, 12.9		
194	Malignant neoplasm of endocrine glands	193.4 & 194.4		
196.0	Malignant neoplasm of lymph nodes of head, face, neck	196.0		
198.3	Secondary malignant neoplasm of brain	198.3		
198.4	Secondary malignant neoplasm of other parts of nervous sys.	198.4		
210.2	Benign neoplasm of major salivary glands	210.2		
210.7	Benign neoplasm of nasopharynx	210.7		

212	Benign neoplasm of nasal cavities, middle ear and accessory sinuses	212.0
213.0	Benign neoplasm of bones of skull and face	213.0
215.0	Benign neoplasm of connective and other soft tissue—head, face and neck	215.0
224.0	Benign neoplasm of eye	224.0 to 224.9 Incl.
225	Benign neoplasm of brain	225.0, 225.1, 225.2, 225.8, 225.9
239	Neoplasms of Unspecified nature	239.6, 239.7

GROUP A SUBTOTALS:

(GROUP B)
INDICATORS FOR COMPUTED TOMOGRAPHY

ICD-9-CM CODE CATEGORIES	DIAGNOSIS	ICD-9-CM CODES	Period.....	
			PRIMARY	SECONDARY
006.5	Amebic brain abscess	006.5		
013.0	Tuberculous meningitis	013.0		
013.1	Tuberculoma of meninges	013.1		
013.2	Tuberculoma of brain	013.2		
013.3	Tuberculous abscess of brain	013.3		
090.4	Juvenile neurosyphilis including 090.40, 090.41, 090.42, 090.49	090.40, 090.41, 090.42, 090.49		
094.1	Neurosyphilis — general paresis	094.1		
094.2	Syphilitic meningitis	094.2		
094.3	Asymptomatic neurosyphilis	094.3		
094.8	Other specified neurosyphilis	094.81 to 094.89 Incl.		
094.9	Neurosyphilis, unspecified of central nervous system NOS	094.9		
122.9	Echinococcosis (brain cyst or tumor) — other and unspecified	122.9		
130	Toxoplasmosis including only 130.0, 130.1 & 130.2	130.0, 130.1 & 130.2		
290	Senile and presenile organic psychotic conditions	290.0 to 290.9 Incl.		
293	Transient organic psychotic conditions	293.0 to 293.9 Incl.		
294	Other organic psychotic conditions (chronic)	294.0 to 294.9 Incl.		
310	Specific nonpsychotic mental disorders due to organic damage	310.0, 310.1, 310.2, 310.8, 310.9		
324.0	Intracranial abscess	324.0		
324.9	Of unspecified site — extradural or subdural NOS	324.9		
330 to 333	Hereditary and degenerative diseases of the central nervous system	Includes all codes from 330.0 to 333.99		
342	Hemiplegia	342.0, 342.1, 342.9		
343	Infantile cerebral palsy	343.0 to 343.9 Incl.		
344	Other paralytic syndromes	344.0 to 344.9 Incl.		
345	Epilepsy	345.0 to 345.9 Incl.		
347	Cataplexy and narcolepsy	347		
348	Other conditions of brain	348.0 to 348.9 Incl.		
376	Disorders of the orbit	376.0, 376.1, 376.4, 376.5, 376.6, 376.8, 376.9		
377	Disorders of the optic nerve and visual pathways	377.1, 377.2, 377.32, 377.4, 377.5, 377.6, 377.7		
378.9	Unspecified disorder of eye movements — Ophthalmoplegia NOS Strabismus NOS	378.9		
385.3	Cholesteatoma of middle ear and mastoid	385.30 to 385.35 Incl.		
385.8	Other disorders of middle ear and mastoid	385.82 to 385.89 Incl.		
385.9	Unspecified disorder of middle ear and mastoid	385.9		
430	Subarachnoid hemorrhage	430		
431	Intracerebral hemorrhage	431		
432	Other and unspecified intracranial hemorrhage	432.0 to 432.9 Incl.		
433	Occlusion and stenosis of precerebral arteries	433.0 to 433.9 Incl.		
434	Occlusion of cerebral arteries	434.0 to 434.9 Incl.		
435	Transient cerebral ischemia	435.0 to 435.9 Incl.		
436	Acute, but ill-defined, cerebrovascular disease	436		
437	Other and ill-defined cerebrovascular disease	437.0 to 437.9 Incl.		
740	Anencephalus and similar anomalies	740.0 to 740.2 Incl.		
742	Other congenital anomalies of nervous system	742.0 to 742.9 Incl. Excluding 742.5		
744	Congenital anomalies of ear causing impairment of hearing	744.03, 744.04 & 774.05		

747.81	Congenital anomalies of cerebrovascular system	747.81
780 & 181	Ill-defined signs and symptoms involving the nervous system indicating encephalopathy	780.3 & 781.0 to 781.9 Incl.
797	Senility without mention of psychosis	797
800 to 804	Fracture of skull	800, 801, 803 & 804 Including all subcodes
850	Concussion	850.0 to 850.9 Incl.
852	Subarachnoid, subdural and extradural hemorrhage, following injury	852.0 to 852.5 Incl.
853	Other and unspecified intracranial hemorrhage following injury	853.0 & 853.1
854	Intracranial injury of other and unspecified nature	854.0 & 854.1
921.3 & 921.9	Contusion of eye	921.3 & 921.9 only

GROUP B SUBTOTALS:

(GROUP C)
INDICATORS FOR COMPUTED TOMOGRAPHY

ICD-9-CM CODE CATEGORIES	DIAGNOSIS	ICD-9-CM CODES	Period	
			PRIMARY	SECONDARY
150	Malignant neoplasm of esophagus	150.0 to 150.9 Incl.		
152	Malignant neoplasm of small intestine, including duodenum	152.0 to 152.9 Incl.		
153	Malignant neoplasm of colon	153.0 to 153.9 Incl.		
154	Malignant neoplasm of rectum, rectosigmoid junction & anus	154.0 to 154.9 Incl.		
155	Malignant neoplasm of liver and interhepatic bile ducts	155.0 to 155.9 Incl.		
156	Malignant neoplasm of gallbladder and extrahepatic bile ducts	156.0 to 156.9 Incl.		
157	Malignant neoplasm of pancreas	157.0 to 157.9 Incl.		
158	Malignant neoplasm of retroperitoneum and peritoneum	158.0 to 158.9 Incl.		
159	Malignant neoplasm of other and ill-defined sites	159.0 to 159.9 Incl.		
162	Malignant neoplasm of trachea, bronchus and lung	162.0 to 162.9 Incl.		
163	Malignant neoplasm of pleura	163.0 to 163.9 Incl.		
164	Malignant neoplasm of thymus, heart and mediastinum	164.0 to 164.9 Incl.		
165	Malignant neoplasm of other and ill-defined sites	165.0 to 165.9 Incl.		
170 & 171	Malignant neoplasm of bone and connective tissue	170.2 to 170.9 Incl., and 171.2 to 171.9 Incl.		
179	Malignant neoplasm of uterus, part unspecified	179		
182	Malignant neoplasm of body of uterus	182.0 to 182.9 Incl.		
183	Malignant neoplasm of ovary and other uterine adnexa	183.0 to 183.9 Incl.		
185	Malignant neoplasm of prostate	185		
188	Malignant neoplasm of bladder	188 to 188.9 Incl.		
189	Malignant neoplasm of kidney	189 to 189.9 Incl.		
192.2	Malignant neoplasm of spinal cord	192.2		
192.3	Malignant neoplasm of spinal meninges	192.3		
193	Malignant neoplasm of thyroid gland	193		
194	Malignant neoplasm of adrenal gland	194		
194.1	Malignant neoplasm of parathyroid gland	194.1		
195	Malignant neoplasm of other and ill-defined sites	195.1 to 195.8 Incl.		
196	Secondary and unspecified malignant neoplasm of lymph nodes	196.1 to 196.9 Incl.		
197.0	Secondary malignant neoplasm of lung	197.0		
197.1	Secondary malignant neoplasm of mediastinum	197.1		
197.2	Secondary malignant neoplasm of pleura	197.2		
197.3	Secondary malignant neoplasm of other respiratory organs	197.3		
197.4	Secondary malignant neoplasm of small intestine including duodenum	197.4		
197.5	Secondary malignant neoplasm of large intestine & rectum	197.5		

197.6	Secondary malignant neoplasm of retroperitoneum & peritoneum	197.6
197.7	Secondary malignant neoplasm of liver	197.7
197.8	Secondary malignant neoplasm of other digestive organs and spleen	197.8
198.0	Secondary malignant neoplasm of kidney	198.0
198.1	Secondary malignant neoplasm of other urinary organs	198.1
198.5	Secondary malignant neoplasm of bone and marrow	198.5
198.6	Secondary malignant neoplasm of ovary	198.6
198.7	Secondary malignant neoplasm of adrenal gland	198.7
199	Malignant neoplasm without specification of site	199
200	Lymphosarcoma and reticulosarcoma	200.0 to 200.8 Incl.
201	Hodgkins disease	201.0 to 201.9 Incl.
202	Nodular lymphoma	202
210.8	Benign neoplasm of hypopharynx	210.8
210.9	Benign neoplasm of pharynx—throat NOS	210.9
211	Benign neoplasm of other parts of digestive system	211.0, 211.2 to 211.9 Incl.
212	Benign neoplasm of respiratory and intrathoracic organs	212.1 to 212.9 Incl.
213	Benign neoplasm of bone and articular cartilage	213.2 to 213.9 Incl.
215	Benign neoplasm of connective and other soft tissue	215.2 to 215.9 Incl.
218	Benign neoplasm of uterine leiomyoma	218.0 to 218.9 Incl.
219	Benign neoplasm of uterus—other	219.0 to 219.9 Incl.
220	Benign neoplasm of ovary	220
221	Benign neoplasm of falopian tube and uterine ligaments	221
223	Benign neoplasm of kidney and other urinary organs	223.0 to 223.9 Incl.
226	Benign neoplasm of thyroid glands	226
227.0	Benign neoplasm of adrenal gland	227.0
227.1	Benign neoplasm of parathyroid gland	227.1
228	Hemangioma and Lymphangioma	228.0 & 228.1 (All subcodes)
229	Benign neoplasm of other and unspecified sites	229.0 to 229.9 Incl.
235	Neoplasm of uncertain behavior of digestive and respiratory systems	235.0 and 235.2 to 235.9 Incl.
236	Neoplasm of uncertain behavior of genitourinary organs	236.0 to 236.3 and 236.5 to 236.9 Incl.
237	Neoplasm of uncertain behavior of endocrine glands	237.2, 237.4, 237.5, 237.6, 237.7
238	Neoplasm of uncertain behavior of other and unspecified sites and tissues	238.0 and 238.1
239	Neoplasm of unspecified nature	239.0, 239.1, 239.2, 239.4 239.5, 239.7, 239.8, 239.9
240	Simple and unspecified goiter	240.0 and 240.9
241	Nontoxic nodular goiter	241.0 to 241.9 Incl.
242	Thyrototoxicosis with or without goiter	242.0 to 242.9 Incl.
246	Other disorders of thyroid	246.0 to 246.9 Incl.

GROUP C SUBTOTALS:

(GROUP D)
INDICATORS FOR COMPUTED TOMOGRAPHY

ICD-9-CM CODE CATEGORIES	DIAGNOSIS	ICD-9-CM CODES	Period	
			PRIMARY	SECONDARY
095	Other forms of late syphilis with symptoms	095.0 to 095.9 Incl.		
122	Echinococcosis	122.0 to 122.9 Incl.		
441	Aortic Aneurysm	441.0 to 441.9 Incl.		
442	Other Aneurysm	442.0 to 442.8 Incl.		
510	Empyema	510.0 and 510.9		
511.1	Pleurisy	511.1, 511.8 and 511.9		
513	Abscess of lung and mediastinum	513.0 and 513.1		
560	Intestinal obstruction without mention of hernia	560.0 to 560.9 Incl.		

ICD-9-CM CODE CATEGORIES	DIAGNOSIS	ICD-9-CM CODES	PRIMARY	SECONDARY
567	Peritonitis	567.0 to 567.9 Incl.		
568	Other disorders of peritoneum	568.0 to 568.9 Incl.		
569.5	Abscess of intestine	569.5		
569.8	Other specified disorders of intestine	569.81 to 569.89 Incl.		
569.9	Unspecified disorder of intestine	569.9		
570	Acute and subacute necrosis of liver	570		
572	Liver abscess and sequelae of chronic liver disease	572.0 to 572.8 Incl.		
574	Cholelithiasis	574.0 to 574.5 Incl.		
575	Other disorders of gallbladder	575.0 to 575.9 Incl.		
576	Other disorders of biliary tract	576.0 to 576.9 Incl.		
577	Diseases of pancreas	577.0 to 577.9 Incl.		
578.9	Hemorrhage of gastrointestinal tract	578.9		
580	Acute glomerulonephritis	580.0 to 580.9 Incl.		
581	Nephrotic syndrome	581.0 to 581.9 Incl.		
583	Nephritis and nephropathy	583.0 to 583.9 Incl.		
584	Acute renal failure	584.5 to 584.9 Incl.		
590.2	Renal and perinephris abscess	590.2		
591	Hydronephrosis	591		
593	Other disorders of kidney and ureter	593.0 to 593.9 Incl.		
600	Hyperplasia of prostate	600		
614	Inflammatory disease of ovary, fallopian tube, pelvic cellular tissue and peritoneum	614.0 to 614.9 Incl.		
013.4	Tubercuoma of spinal cord	013.4		
013.5	Tuberculous abscess of spinal cord	013.5		
013.6	Tuberculous encephalitis or myelitis	013.6		
013.8	Other specified tuberculosis of central nervous system	013.8		
013.9	Unspecified tuberculosis of central nervous system NOS	013.9		
334	Spinocerebellar disease	334.0 to 334.9 Incl.		
335	Anterior horn cell disease	335.0 to 335.9 Incl.		
336	Other diseases of spinal cord	336.0 to 336.9 Incl.		
722	Intervertebral disc disorders	722.0 to 722.9		
		Including all subcodes		
723	Other disorders of cervical region	723.0 to 723.9 Incl.		
724	Other and unspecified disorders of back	724.0 to 724.9 Incl.		
733	Other disorders of bone and cartilage	733.0 to 733.9 Incl.		
741	Spina bifida	741.0 to 741.9 Incl.		
742.5	Other specified anomalies of spinal cord	742.51 to 742.59 Incl.		
805	Fracture of vertebral column without mention of spinal cord injury	805.0 to 805.9 Incl. (All subcodes)		
806	Fracture of vertebral column with spinal cord injury	806.0 to 806.9 Incl. (All subcodes)		
808	Fracture of pelvis	808.0 to 808.9 Incl.		
809	Ill-defined fractures of bone of trunk	809.0 & 809.1		
860 to 869	Internal injury of chest, abdomen and pelvis	860 to 869 Incl. (All subcodes)		

GROUP D SUBTOTALS:

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John Scioli, Coordinator
 New Jersey Department of Health
 Health Planning Services, Room 802
 P.O. Box 1540
 Trenton, New Jersey 08625

The Commissioner of Health with the approval of the Health Care Administration Board thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-162.

(a)

HEALTH

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Adopted Amendment: N.J.A.C. 8:39-1.1
Standards for Licensure of Long-Term
Care Facilities**

Definitions and/or Qualifications

Effective Date: August 6, 1981

On July 2, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 8:39-1.1 concerning the definition of ancillary nursing personnel as proposed in the Notice published May 7, 1981 at 13 N.J.R. 268(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 10, 1981 as R.1981 d.285.

(b)

HEALTH

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Adopted Amendments: N.J.A.C. 8:43-3.3,
3.20, 3.22**

**Adopted New Rules: N.J.A.C. 8:43-4.13, 4.14
Standards for Residential Health Care Facilities
Fire Protection, Personal Needs Allowance,
Resident Discharge**

Effective Date: August 6, 1981

Operative Date: January 1, 1982 -

N.J.A.C. 8:43-33, 3.20, 3.22

September 8, 1981 - N.J.A.C. 8:43-4.13, 4.14

On July 2, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to be cited as N.J.A.C. 8:43-3.3, 3.20, 3.22 and new rules to be cited as N.J.A.C. 8:43-4.13 and 4.14 concerning fire protection, personal needs allowance, and resident discharge as proposed in the Notice published May 7, 1981 at 13 N.J.R. 268(b), except that the amendment to N.J.A.C. 8:43-3.2(q) was not adopted.

An order adopting this rule was filed with the Office of Administrative Law on July 17, 1981 as R.1981 d.297.

(c)

HEALTH

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Proposed Amendment: N.J.A.C. 8:43-3.22
Residential Health Care Facilities
Fire Protection Standards**

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the ap-

proval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:43-3.22 of the Manual of Standards of Residential Health Care Facilities concerning fire protection.

Summary

This is a reproposal of the sprinkler requirements proposed at 13 N.J.R. 268(b) with changes to include one-story, one hour noncombustible construction in the sprinkler exemption and to make compliance mandatory by January 31, 1983.

Social Impact

This will increase residence safety from fire.

Economic Impact

There will be an economic impact on facilities not falling within the exemptions.

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

8:43-3.22 Specifications for electrical automatic fire alarm and detection systems; Office of State Fire Marshall

(a) - (p) (No change.)

(q) All facilities licensed for 50 or more beds except both fire-resistive construction and one-story, one hour rated noncombustible construction shall have an operational automatic comprehensive sprinkler system equipped with an alarm system. Facilities shall have through January 31, 1983 to comply with this requirement.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Wanda Marra
Coordinator, Standards
N.J. Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-172.

(d)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amendment: N.J.A.C. 9:4-1.2

Community Colleges

Establishment of a County Community College

Public Hearing: None

The Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-7a, proposes to amend N.J.A.C. 9:4-1.2 concerning the establishment of county community colleges.

Summary

The proposed amendment abolishes the 18 community college service areas established by the Board of Higher Education in 1968. The amendment also removes restrictions on the joinder of community colleges.

Social Impact

The proposed amendment recognizes that development

and population growth in New Jersey over the past decade have drawn into question the 1968 service districts. The removal of these districts will allow the Board to consider applications for the establishment or joinder of community college operations in view of the need for such education at the present.

Economic Impact

The proposed amendment will permit the Board of Higher Education to consider applications for the establishment of community colleges in any county of the State, thus potentially providing better and less expensive education to the citizens of all counties. The amendment will also permit more open joinder of community college operations, potentially lowering operational costs.

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

9:4-1.2 Establishment

[(a) There shall be 18 community college service boundary areas in New Jersey, composed of counties or groups of counties as follows:

1. Atlantic-Cape May;
2. Bergen;
3. Burlington;
4. Camden;
5. Cumberland;
6. Essex;
7. Gloucester;
8. Hudson;
9. Mercer;
10. Middlesex;
11. Monmouth;
12. Morris;
13. Ocean;
14. Passaic;
15. Salem;
16. Somerset-Hunterdon;
17. Sussex-Warren;
18. Union.

(b) There shall be no more than one community college within each service boundary area provided that, with the approval of the Board of Higher Education, a community college may establish branch campuses. A proposal to establish a community college in a two-county service boundary area shall be submitted jointly by the two counties. Joinders in operation may be authorized by the Board of Higher Education between two counties in a service boundary area if one of the counties has a community college and the other does not.]

(a) [(c)] An application to establish a community college [within one of the 18 county service boundary areas] shall be filed with the Chancellor of Higher Education. Supporting information shall describe the proposed college, including:

1. - 9. (No change.)
- Re-number (d) - (h) as (b) - (f).

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Board of Higher Education thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5).

The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-150.

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Adopted Amendment: N.J.A.C. 9:4-3.61 County Community Colleges

Schedule of Payments of State Appropriations

Effective Date: August 6, 1981

On June 23, 1981, the Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-7(b) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 9:4-3.61 concerning State support payments to county colleges as proposed in the Notice published May 7, 1981 at 13 N.J.R. 271(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 24, 1981 as R.1981 d.271.

(b)

HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Adopted Amendment: N.J.A.C. 9:9-1.3 Guaranteed Student Loan Program Loan Limits

Effective Date: August 6, 1981

Operative Date: September 8, 1981

On June 29, 1981, the New Jersey Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 9:9-1.3 concerning loan limits for guaranteed student loan program as proposed in the Notice published April 9, 1981 at 13 N.J.R. 219(a) (as corrected in the Notice published June 4, 1981 at 13 N.J.R. 355(a)), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 1, 1981 as R.1981 d.275.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments: N.J.A.C. 10:49-1.3 and 1.17

Administration Manual Provider Participation

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pur-

suant to authority of N.J.S.A. 30:4D-12, and 30:4D-7, proposes to amend N.J.A.C. 10:49-1.3 and 1.17 concerning provider participation in the New Jersey Medicaid Program.

Summary

The proposed rule defines the New Jersey Medicaid program's relationship with providers who have been suspended by, or excluded from participation in, another state's Medicaid program and/or certain titles of the Federal Social Security Act. The Division may, at its discretion, refuse to enter into a provider agreement with a provider who has been suspended, disqualified, etc., in another state. The Division will not enter into a provider agreement with any provider who has been suspended or excluded from participation in the delivery of medical care or services under Title XVIII, XIX, or XX of the Federal Social Security Act. This provision is mandated by Federal law.

Social Impact

The social impact on providers will vary. There will be no impact on providers who follow the prescribed Federal and state laws, regulations, and procedures. The impact on suspended providers will depend on the reason(s) for the suspension. Some providers who are disqualified from participation in Medicaid are still able to continue practicing their profession. Other providers, whose suspension was based on license revocation, will not be able to continue their practice. There should be no social impact on Medicaid recipients, who can obtain services from qualified providers.

Economic Impact

There should be no increase or decrease in Medicaid expenditures because the services can be rendered by another provider. There should be no cost to Medicaid recipients, because they are free to choose a qualified provider. The financial impact on suspended providers will vary, depending on whether they were high volume or low volume Medicaid providers. There should be more financial hardship on the high volume providers, unless they find an alternate source of income.

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

10:49-1.3 Eligible providers

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

(d) **The Division may refuse to enter into a provider participation agreement with any applicant who has been suspended, debarred, disqualified or excluded by the Medicaid Program of another state.**

(e) **The Division will not enter into a provider participation agreement with an applicant who has been suspended or excluded from participation in the delivery of medical care or services under Title XVIII, XIX or XX of the federal Social Security Act by the Secretary of the United States Department of Health and Human Services.**

10:49-1.17 Program participation

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

(d) Any of the following, among other things, shall constitute a good cause for debarment, suspension or disqualification of a person engaged in State contracting, as defined herein, by the Division of Medical Assistance and Health Services:

1. - 24. (No change.)

25. **Suspension, debarment disqualification or exclusion from participation in the Medicaid Program of another state;**

26. **Suspension or exclusion from participation in the**

delivery of medical care or services under Title XVIII, XIX or XX of the federal Social Security Act by the Secretary of the United States Department of Health and Human Services.

(e) - (q) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed amendment on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services

CN 712

Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-155.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted New Rule: N.J.A.C. 10:52-1.18
Hospital Services Manual

Out-of-State Outpatient Hospital Services

Effective Date: August 6, 1981

On July 13, 1981, Timothy Carden, Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:4D-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule concerning reimbursement for out-of-State outpatient hospital services as proposed in the Notice published June 4, 1981 at 13 N.J.R. 359(a) but with spelling, punctuation, and other technical changes not in violation of N.J.A.C. 1:30-3.5. Note that the N.J.A.C. designation was changed from 10:52-1.19 to 10:52-1.18.

An order adopting the rule was filed with the Office of Administrative Law on July 16, 1981 as R.1981 d.293.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopted Amendment: N.J.A.C. 10:62-1.7
Vision Care Manual

Procedure Codes for Ophthalmologists and Optometrists

Effective Date: August 6, 1981

Operative Date: October 1, 1981

On June 22, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6c and 30:4D-7, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:62-1.7 concerning the use of procedure codes for ophthalmologists and optometrists as

proposed in the Notice published May 7, 1981 at 13 N.J.R. 299(d), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 7, 1981 as R.1981 d.280.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Proposed Rescission: N.J.A.C. 10:63-3.21
Long Term Care Services Manual
Long Term Care Per Diem Rates**

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, proposes to rescind N.J.A.C. 10:63-3.21 concerning a 50 percent proposed reduction in the long term care per diem rate increase.

Summary

The purpose of the rule was to impose a 50 percent reduction in the per diem rate increase to long term care facilities. However, this rule was never fully implemented because it was enjoined by order of the United States District Court for the District of New Jersey (Civil Action No. 80-2725). The rule was originally adopted on an emergency basis on August 1, 1980 as R.1980, d.341. A notice of intention to rescind the rule appeared in the June 4, 1981 New Jersey Register at 13 N.J.R. 361(a).

Social Impact

There is no social impact associated with this rescission. Medicaid recipients are still receiving care and services in long term care facilities. Providers are still being reimbursed for rendering these services.

Economic Impact

Currently there is no economic impact associated with this rescission. The New Jersey Legislature did provide additional appropriations to allow these long term care facilities that were entitled to the rate increase to receive it.

Full text of the rule proposed for rescission appeared in the September 4, 1980 issue of the New Jersey Register at 12 N.J.R. 536(b).

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rescission on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-129.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Reproposed Amendments: N.J.A.C. 10:66-1.2,
1.3, 1.6, 1.7
Independent Clinic Manual
Ambulatory Surgical Center**

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6b(3) and 30:4D-7, reproposes amendments to N.J.A.C. 10:66-1.2, 1.3, 1.6 and 1.7 concerning ambulatory surgical centers. These amendments were originally proposed in the September 4, 1980 New Jersey Register at 12 N.J.R. 521(b).

Summary

Ambulatory surgical centers are freestanding independent clinics not generally associated with hospitals. The types of services rendered at these centers are surgical procedures which do not require overnight admissions. The current trend in medicine is to perform certain surgical procedures without actually admitting the patient into the hospital. Many hospitals in New Jersey have same day surgical centers, which provide an equivalent service. Because the proposed regulations require JCAH accreditation for this type of provider, the quality of health care will be maintained.

Social Impact

There might be a beneficial impact on Medicaid recipients, who will experience less trauma associated with inpatient hospitalization, and less disruption of family life.

Economic Impact

There are no exact figures currently available. However, there should be no increase in cost to the Medicaid program, as long as utilization remains constant. There are no new surgical procedures being added. There will be no change in surgical fees for these procedures. Ambulatory surgical centers might benefit from Medicaid approval, as it will broaden their potential patient base.

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

10:66-1.2 Definitions

...

"Ambulatory Surgical Center" means a freestanding independent facility, which provides specific surgical services as allowed by the New Jersey Medicaid Program.

...

10:66-1.3 Provisions for participation (New Jersey based)

(a) (No change.)

(b) In order to be approved as a Medicaid provider, all independent clinics must:

1. - 2. (No change.)

3. Sign the agreement to participate in the New Jersey Medicaid Program (Form FD-62) and/or other special enrollment documents, as required.

i. New Jersey Medicaid approval of Ambulatory Surgical Centers will be on a time limited basis consistent with the New Jersey Department of Health's licensing cycle. The execution of an annual provider agreement is required by the New Jersey Medicaid program.

(c) In addition to (b) above, the following types of clinics must also be approved by the State agency indicated below, before they can obtain Medicaid approval.

1. - 6. (No change.)

7. Ambulatory Surgical Centers:

i. Licensed by the New Jersey Department of Health;

ii. Accredited by the Joint Commission on Accreditation of Hospitals;

iii. Fulfilled request for information as outlined in (c)4 above.

(d) (No change.)

10:66-1.6 Scope of services

(a) - (g) (No change.)

(h) [Minor] Surgical services rules are as follows:

1. Specific minor surgical procedures may be reimbursed when performed by a qualified physician, in a licensed Ambulatory Care Facility or Ambulatory Surgical Center which is specifically approved to perform such services by the New Jersey Medicaid Program.

2. (No change.)

3. Other specific procedures as allowed by the New Jersey Medicaid Program may be reimbursed when performed by a qualified physician in an Ambulatory Surgical Center. The Ambulatory Surgical Center must be specifically approved to perform such services by the New Jersey Medicaid Program.

(i) - (n) (No change.)

10:66-1.7 Basis for reimbursement

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

(d) Reimbursement for covered services in an approved Ambulatory Surgical Center shall be based on the following:

1. New Jersey Medicaid reimbursement for surgical procedures shall be in keeping with the New Jersey Medicaid Program procedure code manual and limited to Medicaid's allowable fees. The physician performing the surgical procedures shall bill the New Jersey Medicaid Program directly either as an individual or as part of a physician's group.

2. New Jersey Medicaid reimbursement to the facility itself shall be limited to 65 percent of the weighted average Medicaid outpatient payment made to all participating hospitals in the State of New Jersey as of July 1, of each year.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-144.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Adopted Amendments: N.J.A.C. 10:82-3.2 and 4.5
Exempt Resources and Disregard of Earned Income

Effective Date: August 6, 1981

On July 8, 1981, Timothy Carden, Commissioner, Department 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 and 4.5 concerning exempt resources and disregard of earned income as proposed in the Notice published April 9, 1981 at 13 N.J.R. 224(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on July 10, 1981 as R.1981 d.282.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Adopted Amendments: N.J.A.C. 10:82-4.15
Assistance Standards Handbook

Treatment of Irregular and Nonrecurring Income
in AFDC

Effective Date: August 6, 1981

On July 10, 1981, Timothy Carden, Commissioner, Department 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. 10:82-4.15 concerning treatment of irregular and nonrecurring income in AFDC as proposed in the Notice published April 9, 1981 at 13 N.J.R. 224(c), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5.

An order adopting the rule was filed with the Office of Administrative Law on July 14, 1981 as R.1981 d.287.

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendment: N.J.A.C. 10:85-5.4
General Assistance Manual
Procedure for Payment of Medical Bills

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111d, proposes to amend N.J.A.C. 10:85-5.4 of the General Assistance Manual concerning completion of payment vouchers in instances in which a recipient is unable to sign, as is normally required.

Summary

Vouchers used by medical providers to claim payment for services to or for General Assistance recipients

require the signature of the recipients. In some instances the recipient is unable to sign. This proposal provides instruction for such situations and delineates who may sign the voucher on the patient's behalf.

Social Impact

The general public will not be affected by the revisions, nor will the assistance recipient. The change will avoid the need for special administrative determinations heretofore necessary. It may result in more prompt payment in some cases, will eliminate an area of ambiguity in the auditing of vouchers, and will save some of the time now necessary to make special determinations.

Economic Impact

No dollar amounts are changed in any way. A small administrative saving can be expected in the offices of municipal welfare departments and in the Division of Public Welfare. However, the precise cost savings factor cannot be calculated with precision due to the number of municipalities involved.

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

10:85-5.4 Procedure for payment of medical bills

(a) Rules concerning determination of Medicaid rate are: (Note: This section does not apply to prescription bills except for medical supplies and equipment, in those municipalities to which N.J.A.C. 10:85-5.8 applies.)

1. MWD responsibility: The MWD shall submit bills received from providers of health services, or requests for authorized fee levels, to the DPW/BMA. Such bills and/or requests should be submitted on official Medicaid vendor voucher forms which all providers servicing Medicaid recipients utilize. The forms must contain the following: signature of the vendor and client, date, and description of the commodity delivered or service rendered with full Medicaid produce and procedure codes. (See (a)4 below for requirement of client/designee signature.)

2. - 3. (No change.)

4. Client/designee signature requirements: The following procedures may be used when the patient's signature is unobtainable.

i. Illiterate patient: The patient may sign by mark (X), and the signature must be witnessed by another person and also the provider of the service must sign his/her name and address on the same line.

ii. Client designee: If the patient is physically or mentally incapable of signing, a minor child, deceased, or for other reasons the patient's signature is not obtainable, through reasonable effort, the form may be signed on the patient's behalf by:

- (1) A parent; or
- (2) A legal guardian; or
- (3) A relative; or
- (4) A friend; or
- (5) An individual provider; or
- (6) A representative of the institution/agency providing care and/or support; or
- (7) A representative of a governmental agency providing assistance.

iii. A brief explanation of reason patient was not personally able to sign voucher form, and the relationship of the designee, must be written directly on the form or recorded on an attachment should additional space be required.

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

Interested persons may submit in writing, data, views,

or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
Division of Public Welfare
CN 716

Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-134.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Adopted Emergency Amendments: N.J.A.C.

10:87-12.3 and 12.4

Proposed Emergency Amendments: N.J.A.C.

10:87-12.3 and 12.4

Food Stamp Program

Maximum Net Income Levels

Public Hearing: None

Emergency Amendment Effective Date:

July 1, 1981

Emergency Amendment Expiration Date:

August 31, 1981

On June 26, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-4(c)), adopted emergency amendments to N.J.A.C. 10:87-12.3 and 12.4 by deleting the current texts in their entirety and substituting new texts therefore, concerning maximum net income levels in the Food Stamp Program. Concurrently, the same rules are proposed for readoption on a non-emergent basis (see N.J.S.A. 52:14B-4(c) and N.J.A.C. 1:30-4.4(d)).

Summary

The amendments conform the Food Stamp net income eligibility levels with those required by the Food Stamp Act of 1977 as amended. The new levels are published at 7 CFR 273.9 (FR 27901).

Social Impact

This increase in the net income limits will expand the number of low income residents potentially eligible for program benefits.

Economic Impact

This amendment has no negative cost impact on the State or the public. Full cost is borne by the Federal government thus increasing the total Federal dollars entering the State.

Copies of the full text of the amendments can be obtained from the person indicated below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
 Division of Public Welfare
 CN 716
 Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5).

The proposal concerning the Food Stamp Program is known as PRN 1981-139.

The emergency rules concerning the Food Stamp Program were filed with the Office of Administrative Law on July 1, 1981 as R.1981 d.278.

(a)

HUMAN SERVICES

Adopted Emergency Amendments: N.J.A.C.

10:94-5.4, 5.5, 5.6

Proposed Amendment: N.J.A.C. 10:94-5.4, 5.5, 5.6

Medicaid Only

New Computation Amounts

Public Hearing: None

Emergency Amendments Effective Date:

July 1, 1981

Emergency Amendments Expiration Date:

August 31, 1981

On June 26, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-4(c)), adopted emergency amendments to N.J.A.C. 10:94-5.4, 5.5, and 5.6 concerning new computation amounts for use in determining Medicaid eligibility for the aged, blind, and disabled. Concurrently, the same rule is proposed for readoption on a non-emergent basis (see N.J.S.A. 52:14B-4(c) and N.J.A.C. 1:30-4.4(d)).

Summary

These amendments align certain dollar amounts used in the Medicaid Program for the aged, blind, and disabled to determine program eligibility with those effective on July 1, 1981 applicable to the Supplemental Security Income Program. This alignment is required by Section 1902(a) of the Social Security Act. The Medicaid "Cap" for persons in Title XIX facilities is set at 300% of the Federal SSI benefit rate.

Social Impact

This increase in standards and income computation amounts used in the eligibility process theoretically expands the population of potentially eligible persons; however, based on past experience, no increase in case-load because of this revision is anticipated. Specifically, while the increase in the Medicaid "Cap" expands the number of persons potentially eligible, the limited number of Medicaid beds available precludes an increase in the number of persons who would actually receive medical assistance under that standard.

Economic Impact

Past experience with such increases proves that there will be no or insignificant economic impact on the public or State government caused by this amendment.

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

10:94-5.4 Includable income

(a) (No change.)

1. - 11. (No change.)

12. Support and maintenance furnished in-kind (community cases): Support and maintenance encompasses the provision to an individual of his/her needs for food, clothing, and shelter at no cost or at a reduced value. Persons determined to be "living in household of another" in accordance with N.J.A.C. 10:94-5.6 shall not be considered to be receiving in-kind support and maintenance as the income eligibility levels have been reduced in recognition of such receipt. Persons not determined to be "living in household of another" who receive in-kind support and maintenance shall be considered to have unearned income in the amount of:

\$[99.33] **108.33** for an individual

[\$69.50 for an individual when there is income to be deemed (see N.J.A.C. 10:94-5.5)]

\$[139.00] **152.33** for a couple

i. (No change.)

13. (No change.)

(b) (No change.)

10:94-5.5 Deeming of income

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

TABLE A

Deeming Computation Amounts

1. Living allowance for each ineligible child
 [\$119.00]**\$132.30**

2. Remaining income amount

Head of Household [\$119.00]**\$132.35**

Receiving Support and Maintenance [\$79.34]**\$88.24**

3. Spouse to Spouse Deeming—Eligibility Levels

a. [Licensed Boarding Home] Residential Health Care Facility [\$488.00]**\$528.30**

b. Eligible individual living alone with ineligible spouse [\$488.00]**\$541.30**

c. Living with others [\$360.00]**\$400.30**

d. Living in household of another [\$263.33]**\$290.20**

4. Parental Allowance — Deeming to Child(ren)

Remaining income is: 1 Parent Parent & Spouse of Parent

a. Earned only [\$476.00]**\$529.40** [\$714.00]**\$794.00**

b. Unearned only [\$238.00]**\$264.70** [\$357.00]**\$397.00**

c. Both earned and unearned [\$238.00]**\$264.70** [\$357.00]**\$397.00**

10:94-5.6 Income eligibility standards

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

(c) (No change.)

1. - 4. (No change.)

TABLE B

Variations in Living Arrangements

Medicaid Eligibility Income Standards

I. Residential Health Care Facility Individual Couple
 [\$369]**\$396** [\$738]**\$792**

II. Living Alone [\$261]**\$288** [\$369]**\$409**

III. Living Alone with Ineligible Spouse [\$369]**\$409**

IV. Living with Others [\$241]**\$268** [\$362]**\$402**

V. Living in Household of Another [\$184]**\$202** [\$312]**\$339**

VI. Title XIX Approved Facility — Includes persons in acute general hospitals, skilled nursing facilities, intermediate care facilities (level A, B, and ICMFR) and licensed special hospitals (Class A, B, C) and Title XIX psychiatric hospitals (for persons under age 21 and age 65 and over) or a combination of such facilities for a full calendar month.

* Gross income (i.e., income prior to any income exclusions) is applied to this Medicaid "Cap".

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before

September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:
G. Thomas Riti, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5).

The proposal concerning Medicaid Only is known as PRN 1981-137.

The emergency rules concerning Medicaid Only were filed with the Office of Administrative Law on July 1, 1981 as R.1981 d.276.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Adopted Emergency Amendment:

N.J.A.C. 10:100-1.23

Proposed Amendment: N.J.A.C. 10:100-1.23

SSI

Payment Levels

Public Hearing: None

Emergency Amendments Effective Date:

July 1, 1981

Emergency Amendments Expiration Date:

August 31, 1981

On June 26, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 44:7-87) and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent

peril exists (see N.J.S.A. 52:14M-4(c)), adopted an emergency amendment to N.J.A.C. 10:100-1.23 concerning SSI income payment levels. Concurrently, the same rule is proposed for re-adoption on a non-emergent basis (see N.J.S.A. 52:14B-4(c) and N.J.A.C. 1:30-4.4(d)).

Summary

Section 1618(a) of the Social Security Act requires that the State maintain supplemental payment levels in the SSI Program. This revision to the N.J.A.C. reflects new payment levels in the Program, including the Federal cost-of-living increase effective July 1, 1981.

Social Impact

This revision provides an increase in payment levels to eligible low income aged, blind, and disabled persons and therefore enables them to maintain a measure of parity with the increased cost-of-living.

Economic Impact

It is estimated that the total amount of this cost-of-living increase is \$976,000. The State share of this expenditure is \$732,000 and that of the county governments is \$244,000.

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

10:100-1.23 SSI payment schedule

(a) The following is the SSI payment schedule and related levels:

**New Jersey Supplemental Security Income Payment Levels
Living Arrangement Categories**

**Payment Level
[7/1/80]7/1/81**

Living Arrangement Categories	Payment Level [7/1/80]	Payment Level 7/1/81
Eligible Couple		
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence	[\$50/357.00**]	\$50/397*
[Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged] Residential Health Care Facilities and certain residential facilities for children and adults	[738.00]	792.00
Living Alone, or in a business arrangement, or in a commercial establishment or living with others but not member of a "household", or a member of a household with ownership or rental responsibility and paying more than their pro rata share of household expenses	[369.00]	409.00
Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility)	[362.00]	402.00
Living in Household of Another, Receiving Support and Maintenance	[312.00]	339.00

(Continued on Page 515)

INDEX OF RULES SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

The New Jersey Register supplements the New Jersey Administrative Code. The New Jersey Register should be used in the same way as a pocket part, to complete the Code with rules promulgated between the most recent update of each Code title and the most recent Register.

Each rule promulgated subsequent to the most recent update of the Code is listed below in order of its Code citation. At the bottom of the listings for each title is the date of the most recent update for that title. Accompanying the Code citation for each rule is a brief description of its contents, its Office of Administrative Law (OAL) document citation (which should be used if ordering from OAL a copy of the rule), and the Register citation for its adoption notice.

The adoption notice citation can be used to find, in the

pertinent Register, the Register citation for the rule as it was proposed and the substance of any changes in the proposed rule upon adoption. The full text of the proposed rule plus the changes in the proposed rule upon adoption constitute an official copy of the promulgated rule. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Publications
CN 301
Trenton, New Jersey 08625

In order to be sure that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with May 10, 1979.

N.J.A.C.
CITATION

DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)

ADMINISTRATIVE LAW — TITLE 1

1:1-1.1	Applicability of OAL rules	R.1981 d.118	13 N.J.R. 254(a)
1:1-1.5	Nature of a contested case	R.1981 d.116	13 N.J.R. 254(b)
1:1-9.7, 11.2, 11.3.	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:1-12.3	Standards for intervention in administrative hearings	R.1981 d.119	13 N.J.R. 255(a)
1:1-12.4	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:1-14.1	Motions to consolidate	R.1981 d.120	13 N.J.R. 255(b)
1:1-14.1, 14.2	Motions to consolidate	R.1981 d.117	13 N.J.R. 255(c)
1:1-14.3, 15.2	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:30	Rules of agency rulemaking	R.1981 d.83	13 N.J.R. 171(a)

(Title 1, Transmittal 1 dated July 17, 1980)

AGRICULTURE — TITLE 2

2:2-2.2	Official calfhood brucella vaccination	R.1981 d.173	13 N.J.R. 318(a)
2:2-2.3	Vaccination of female bovines	R.1981 d.288	13 N.J.R. 471(a)
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)
2:48-5	Restrictions on coupons in milk promotion	R.1980 d.519	13 N.J.R. 6(a)
2:48-5.1	Use of coupons in milk promotion	R.1981 d.166	13 N.J.R. 318(b)
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)
2:69-1.11	Commercial values of primary plant nutrients	R.1981 d.172	13 N.J.R. 318(c)

(Title 2, Transmittal 17 dated July 17, 1980)

BANKING — TITLE 3

3:1-2	Procedural rules	R.1981 d.258	13 N.J.R. 382(b)
3:1-12	Multiple-party deposit accounts	R.1980 d.480	12 N.J.R. 686(d)
3:2-2.1-2.3	Plain language in consumer contracts	R.1981 d.259	13 N.J.R. 383(a)
3:6-1	Repeal reporting of ten year dormant accounts	R.1980 d.435	12 N.J.R. 627(c)
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)
3:11-10.1, 10.2	Savings banks participation in credit card operations	R.1981 d.91	13 N.J.R. 185(b)
3:17-4.4,-7	Small loan licensees	R.1981 d.257	13 N.J.R. 384(a)
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	Emergency amend loan interest rates	R.1981 d.12	13 N.J.R. 62(e)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

3:30-2.1	Reserve requirements	R.1981 d.90	13 N.J.R. 185(a)
3:38-1.1	Mortgage bankers and brokers license fees	R.1981 d.260	13 N.J.R. 384(b)
3:41	Cemetery rules	R.1980 d.449	12 N.J.R. 628(a)

(Title 5, Transmittal 15 dated September 18, 1980)

CIVIL SERVICE — TITLE 4

4:1-2.1	Employee Advisory Service	R.1981 d.233	13 N.J.R. 387(a)
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)
4:1-12.15	Extension of certification list	R.1981 d.127	13 N.J.R. 257(a)
4:1-16.7	Suspension, fines and demotions for disciplinary purposes	R.1981 d.107	13 N.J.R. 257(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)
4:1-20.2, 20.3, 20.8	Employee Advisory Service	R.1981 d.233	13 N.J.R. 387(a)

(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)
5:10-19.11	Emerg. amend fire protection	R.1980 d.536	13 N.J.R. 7(f)
5:11-7.1-7.5	Amend eviction and relocation	R.1981 d.69	13 N.J.R. 189(b)
5:11-9.2	Relocation assistance hearings	R.1981 d.183	13 N.J.R. 332(a)
5:12	Repeal State aid for urban renewal projects	R.1981 d.180	13 N.J.R. 333(a)
5:23	Amend Uniform Construction Code	R.1980 d.508	13 N.J.R. 7(d)
5:23-1.4, -2	Uniform Construction Code	R.1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-2.6	Uniform Construction Code inspections	R.1981 d.182	13 N.J.R. 333(b)
5:23-2.7	Amend UCC: Certificate of occupancy	R.1981 d.45	13 N.J.R. 123(a)
5:23-3	Uniform Construction Code	R.1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Emerg. amend Uniform Construction Code	R.1980 d.537	13 N.J.R. 8(a)
5:23-4.8	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-5.2, 5.11	Uniform Construction Code	R.1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	R.1981 d.131	13 N.J.R. 258(e)
5:25	Readopt New Home Warranty and Builders' Registration	R.1980 d.522	13 N.J.R. 7(e)
5:25-5.5	New home warranties and builders' registration	R.1981 d.181	13 N.J.R. 333(d)
5:26	Readopt planned real estate development full disclosure	R.1981 d.70	13 N.J.R. 189(c)
5:26	Planned Real Estate Development Full Disclosure Act	R.1981 d.130	13 N.J.R. 259(a)
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)
5:29	Petitions for rules	R.1981 d.242	13 N.J.R. 395(a)
5:30-3.4	Filing of municipal budget amendments	R.1981 d.216	13 N.J.R. 395(b)
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)
5:30-9.2	Form of tax collection record	R.1981 d.122	13 N.J.R. 260(a)
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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)
5:80-4.1	NJHFA: Debarment and suspension	R.1981 d.255	13 N.J.R. 397(a)

(Title 5, Transmittal 15 dated September 18, 1980)

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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)
6:24-1.3	Format of petition for controversies and disputes	R.1981 d.265	13 N.J.R. 397(b)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

6:29-7.1 Amend family life education programs
6:39-1.3, 1.4 Amend Statewide assessment
6:66 Archives and history records management
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7:1-4 Repeal of various rules
7:1A Repeal of various rules
7:1C-1.5 Fees for 90-day construction permits
7:1C-1.13 90-day construction permits
7:1D Repeal of various rules
7:1G Pinelands Comprehensive Management Plan
7:1G Emergency rules concerning drought crisis
7:1G Water rationing plan
7:1G-3.1 Drought crisis
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7:1G-3.7, 3.8 Rules of Drought Coordinator
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7:1G-4.1 Emergency adoption: Use of fresh water for horticulture
7:1G-5.4—5.7 Drought crisis
7:1H County environmental health services
7:2-11.22 Amend Swimming River Natural Area map
7:7 Repeal of various rules
7:7-2 Waterfront and coastal resource development
7:7D-2.3, 2.5, 2.8 CAFRA procedural rules
7:7E Waterfront and coastal resource development
7:7E Coastal resource and development policies
7:8 Repeal of various rules
7:9-3 Repeal of various rules
7:9-4, -5, -6 Water quality standards
7:9-13.3, 13.5, 13.6 Sewer extension ban
7:9-15 Grants for restoring publicly owned freshwater lakes
7:10-8 Repealed: See 7:18
7:12-1.1, 1.3, -2 Condemnation of certain shellfish beds
7:13-1.11 Amend flood plain delineation along Mullica River
7:13-1.11 Amend flood plain delineation along Cedar Creek
7:13-1.11 Amend flood plain delineation of Great Egg Harbor River
7:13-1.11 Amend flood plain delineation of Mullica River and tributaries
7:13-1.11 Flood hazard area delineations
7:13-1.11 Flood hazard area delineations
7:14 Amend pollutant discharge and waste management
7:14-1.4 New definition of "treatment works"
7:14A Pollutant discharge and waste management
7:14A-13.4 Conditions for users of DTW
7:15 Repeal of various rules
7:17 Hard clam depuration pilot plant program
7:18 Laboratory certification and standards of performance
7:23-2 Flood control bond grants
7:24 Dam restoration grants
7:25-1.7 Penalties for shellfish law violations
7:25-4.8 Amend potentially dangerous species
7:25-5 Game Code
7:25-6 1981 Fish Code
7:25-7.2 Oyster seed beds recodification
7:25-7.3 Repeal of various rules
7:25-7.4 Repeal rules prohibiting oyster dredging
7:25-7.10 Taking of oysters
7:25-7.13 Crab dredging
7:25-7.13 Crab dredging
7:25-9.2 Penalties for shellfish law violations
7:25-9.4 Repeal of various rules
7:25-9.4 Bay scallops
7:25-10 Repeal of various rules

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R.1980 d.362 12 N.J.R. 514(a)
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**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

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7:25-14	Atlantic Coast crabbing	R.1981 d.299	13 N.J.R. 546(a)
7:25-14.9	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
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	List of nongame wildlife species of New Jersey	R.1980 d.390	12 N.J.R. 576(b)
7:25-21	Terrapin	R.1981 d.198	13 N.J.R. 405(a)
7:25A-1.1	Emergency rule on oyster dredging license moratorium	R.1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	R.1981 d.188	13 N.J.R. 340(c)
7:25A-2.1—2.7	Oyster management in Delaware Bay	R.1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	R.1981 d.189	13 N.J.R. 340(b)
7:26-1	Solid waste administration	R.1981 d.281	13 N.J.R. 484(b)
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 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)
7:26-7, -8	Solid waste administration	R.1981 d.281	13 N.J.R. 484(b)
7:26-11	Resource recovery grants	R.1981 d.184	13 N.J.R. 340(d)
7:27-2	Control and prohibition of open burning	R.1981 d.135	13 N.J.R. 264(a)
7:27-10	Sulfur in coal	R.1981 d.185	13 N.J.R. 341(a)
7:27A-1.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(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)
7:38	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 15 dated July 17, 1980)

HEALTH — TITLE 8

8:21-10	Amend designated fluid milk products	R.1980 d.539	13 N.J.R. 13(f)
8:22-1	State Sanitary Code—Campgrounds	R.1981 d.161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	R.1980 d.499	13 N.J.R. 13(c)
8:30	Amend expiration date	R.1981 d.283	13 N.J.R. 485(b)
8:31-26.4	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
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	Amend Plan Review Fee multiplier	R.1981 d.284	13 N.J.R. 486(a)
8:31B-3	Amend hospital procedural and methodological regulations	R.1980 d.455	12 N.J.R. 645(c)
8:31B-3.20D	Rate of return: For-profit hospitals	R.1981 d.290	13 N.J.R. 486(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)
8:33	Certificate of Need application changes	R.1981 d.296	13 N.J.R. 487(b)
8:37	Amend expiration date	R.1981 d.283	13 N.J.R. 485(b)
8:39-1	Foreword: Amend operational dates	R.1981 d.283	13 N.J.R. 485(b)
8:39-1.1	Amend long term care standards	R.1981 d.285	13 N.J.R. 495(a)
8:39-1.35	Amend operational dates	R.1981 d.283	13 N.J.R. 485(b)
8:42-1.8	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:42A	Alcoholism treatment facilities	R.1981 d.236	13 N.J.R. 411(a)
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22, 4.13, 4.14	Residential health care standards	R.1981 d.297	13 N.J.R. 495(b)
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43A-3.1	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:43B-1.13	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:57-1.1—1.18	Amend reportable disease rules	R.1980 d.498	13 N.J.R. 13(b)
8:65-8.7	Controlled dangerous substances	R.1981 d.238	13 N.J.R. 411(b)
8:65-10.1, 10.2	Emergency amend controlled dangerous substances	R.1981 d.50	13 N.J.R. 132(b)
8:65-10.4, 10.8	Emergency amend controlled dangerous substances	R.1981 d.50	13 N.J.R. 132(b)
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 14 dated September 18, 1980)

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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)
9:4-3.57	County college work load data	R.1981 d.215	13 N.J.R. 412(a)
9:4-3.61	State aid to county colleges	R.1981 d.271	13 N.J.R. 496(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	Student assistance	R.1981 d.232	13 N.J.R. 412(b)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R.1980 d.461	12 N.J.R. 661(b)
9:7-4.4, -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)
9:9-1.3	Guaranteed student loan program	R.1981 d.275	13 N.J.R. 496(b)
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)
9:16-1.3—1.5	Physician-dentist loan redemption program	R.1981 d.60	13 N.J.R. 220(a)

(Title 9, Transmittal 15 dated September 18, 1980)

HUMAN SERVICES — TITLE 10

10:37	Amend community mental health services	R.1980 d.479	12 N.J.R. 704(g)
10:38	Interim Assistance Procedures Manual	R.1981 d.225	13 N.J.R. 412(c)
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)
10:49-1.7	Utilization of insurance benefits	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.12	Amend medical assistance claims	R.1980 d.278	12 N.J.R. 481(a)
10:49-1.13, 1.14	Providers using service bureaus of management agencies	R.1981 d.246	13 N.J.R. 412(d)
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)
10:49-1.27	Final audits	R.1981 d.114	13 N.J.R. 273(a)
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)
10:50-2.7	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(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-App. B, D	Pharmaceutical Services Manual	R.1981 d.124	13 N.J.R. 274(a)
10:51-2	Pharmacy Manual billing procedures	R.1981 d.247	13 N.J.R. 415(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	R.1981 d.101	13 N.J.R. 228(c)
10:51-5.28—5.33	Pharmaceutical Assistance to the Aged	R.1981 d.248	13 N.J.R. 415(c)
10:52-1.1	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.3	Non-covered hospital services	R.1981 d.126	13 N.J.R. 291(a)
10:52-1.4	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)
10:52-1.17	Reimbursement for out-of-State inpatient hospital services	R.1981 d.162	13 N.J.R. 358(b)
10:52-1.18	Out-of-state hospital services	R.1981 d.293	13 N.J.R. 497(a)
10:52-2.13	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
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)
10:53-2.18	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-1.1	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.2	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.6	Physicians Manual: Reimbursement for anesthesia time	R.1981 d.220	13 N.J.R. 417(b)

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10:54-1.19	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.22	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.23	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:54-2.1	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-3	Amend Procedure Code Manual	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for mercury-zinc battery-powered pacemakers	R.1981 d.251	13 N.J.R. 430(a)
10:56-1.8, 1.12	Dental Services Manual	R.1981 d.219	13 N.J.R. 430(b)
10:56-3.15	Orthodontics	R.1981 d.113	13 N.J.R. 299(b)
10:57-1.5, 1.20, 2.5-2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
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)
10:59-2.6-2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:60-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	R.1981 d.110	13 N.J.R. 299(c)
10:61-2.3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:62-1.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	R.1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
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)
10:63-1.4, 1.8	Long Term Care Manual	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Amend clinical records in long-term care facilities	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
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. 586(d)
10:63-3.21	Long-term care per diem rates	R.1980 d.341	12 N.J.R. 536(b)
10:63-3.21	Temporary enjoinder of implementation	R.1980 d.341	13 N.J.R. 361(a)
10:66	Amend Independent Clinic Manual	R.1980 d.249	12 N.J.R. 418(f)
10:66-1.2	Amend Independent Clinic Manual: Specialist payments	R.1980 d.478	12 N.J.R. 704(f)
10:66-1.15	Amend changes of reimbursement for independent clinics	R.1980 d.248	12 N.J.R. 418(e)
10:66-2.10	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:66-3.3	Procedure codes for Medicaid	R.1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	R.1981 d.212	13 N.J.R. 431(b)
10:67-1.2, 2.5, 2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.5, 2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
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)
10:81-7.1	AFDC: New or changed income	R.1981 d.262	13 N.J.R. 432(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)
10:82-2.14	AFDC: New or changed income	R.1981 d.262	13 N.J.R. 432(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)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	R.1981 d.282	13 N.J.R. 499(a)
10:82-4.6	Disregard of certain allowances and payments in AFDC	R.1980 d.384	12 N.J.R. 599(c)

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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)
10:82-4.15	Irregular and nonrecurring income in AFDC	R.1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	R.1981 d.243	13 N.J.R. 432(c)
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)
10:85-3.1, 3.2	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(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)
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)
10:85-3.3	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(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	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(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)
10:85-6.6	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
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)
10:85-8.2	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-8.3	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(b)
10:85-App. C	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	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:87-12.3, 12.4	Emergency adoption: Food Stamp income levels	R.1981 d.278	13 N.J.R. 500(a)
10:87-12.4	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)
10:94-4, -5	Medicaid Only: Income and resource eligibility	R.1981 d.177	13 N.J.R. 364(b)
10:94-5.4, 5.5, 5.6	Emergency amend Medicaid Only computation amounts	R.1981 d.276	13 N.J.R. 501(a)
10:94-8	Medicaid Only	R.1981 d.177	13 N.J.R. 364(b)
10:100-1.23	Emergency amend SSI payment levels	R.1981 d.277	13 N.J.R. 502(a)
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)

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10:121-5.1	Medical information form
10:121A	Adoption agency practices
10:122	Amend child care standards
10:122A	Recodify AFDC Foster Care
10:122B	Recodify Family Day Care
10:123-2	Boarding homes
10:123-3	Adopt personal needs allowance
10:130	Dependent/neglected children's shelters

(Title 10, Transmittal 14 dated May 17, 1980)

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R.1981 d.63	13 N.J.R. 226(a)
R.1981 d.298	13 N.J.R. 516(a)
R.1980 d.314	12 N.J.R. 483(d)
R.1980 d.314	12 N.J.R. 483(d)
R.1980 d.314	12 N.J.R. 483(d)
R.1980 d.371	12 N.J.R. 586(c)
R.1980 d.358	12 N.J.R. 536(e)
R.1980 d.446	12 N.J.R. 664(a)

CORRECTIONS — TITLE 10A

10A:31-4	County jails emergency rule
10A:33	Repeal parole regulations
10A:35	Repeal parole regulations
10A:70-1	Parole Board rules
10A:70-1.11	Parole Board rules
10A:70-8.1	Parole Board rules
10A:71	Parole Board rules
10A:71-3	Amend State Parole Board rules
10A:71-3.3	Amend Parole Board rules
10A:71-3.19	Parole Board rules
10A:71-3.20—3.28	Amend State Parole Board rules
10A:71-7.7	Notice for preliminary hearings
10A:71-7.15	Amend State Parole Board rules
10A:71-7.18	Amend State Parole Board rules

(Title 10A, Transmittal 5 dated May 17, 1980)

R.1981 d.270	13 N.J.R. 467(a)
R.1980 d.367	12 N.J.R. 600(e)
R.1980 d.367	12 N.J.R. 600(e)
R.1980 d.359	12 N.J.R. 538(a)
R.1980 d.434	12 N.J.R. 665(a)
R.1980 d.554	13 N.J.R. 101(c)
R.1981 d.179	13 N.J.R. 364(c)
R.1980 d.488	12 N.J.R. 724(c)
R.1981 d.106	13 N.J.R. 302(a)
R.1980 d.434	12 N.J.R. 665(a)
R.1980 d.434	12 N.J.R. 665(a)

INSURANCE — TITLE 11

11:4-16.8(b)	Minimum standards for health insurance
11:4-17.6, 17.7	Minimum standards for health insurance
11:5-1.2, 1.3	Real Estate Commission rules
11:5-1.16	Amend listing agreements and contracts of sale
11:5-1.16	Emergency amend contracts of sale and listing agreements
11:5-1.28	Amend approved schools requirements
11:5-1.32	Amend rental location operations
11:5-1.33-1.35	Real Estate Commission rules
11:5-1.36	Real Estate Guaranty Fund

(Title 11, Transmittal 15 dated July 17, 1980)

R.1980 d.343	12 N.J.R. 538(b)
R.1980 d.343	12 N.J.R. 538(b)
R.1981 d.261	13 N.J.R. 440(c)
R.1980 d.408	12 N.J.R. 665(c)
R.1980 d.409	12 N.J.R. 665(d)
R.1980 d.441	12 N.J.R. 665(e)
R.1980 d.447	12 N.J.R. 666(a)
R.1981 d.261	13 N.J.R. 440(c)
R.1981 d.252	13 N.J.R. 441(a)

LABOR AND INDUSTRY — TITLE 12

12:15-1.5	Contribution rates of governmental entities
12:15-1.3	Maximum weekly benefit rates
12:15-1.4	Taxable wage base under Unemployment Compensation
12:17-10	Refund of unemployment benefits
12:17-11	Emergency rules on offset of unemployment benefits by pension income
12:51	Vocational rehabilitation facilities
12:56	Amend Wage and Hour Law
12:56-7.1	Emergency amend definition of "executive"
12:57	Wage orders for minors
12:57	Amend wage orders for minors
12:58	Amend child labor rules
12:60	Emergency amend prevailing wage rate determination
12:105	Arbitration
12:235-1.5	Amend benefit rates

(Title 12, Transmittal 13 dated July 17, 1980)

R.1980 d.354	12 N.J.R. 543(a)
R.1980 d.355	12 N.J.R. 543(b)
R.1980 d.356	12 N.J.R. 543(c)
R.1980 d.468	12 N.J.R. 724(e)
R.1980 d.561	13 N.J.R. 102(a)
R.1981 d.289	13 N.J.R. 517(a)
R.1980 d.430	12 N.J.R. 666(c)
R.1980 d.506	13 N.J.R. 37(a)
R.1981 d.226	13 N.J.R. 441(c)
R.1980 d.431	12 N.J.R. 666(d)
R.1980 d.432	12 N.J.R. 666(e)
R.1980 d.410	12 N.J.R. 666(b)
R.1980 d.397	12 N.J.R. 605(a)
R.1980 d.357	12 N.J.R. 543(d)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-23.31	Amend employment of police officers; combination sales
13:2-24.4	Amend various regulations
13:2-24.9	Amend employment of police officers; combination sales
13:2-38.1, 39.3	Amend various regulations

R.1980 d.526	13 N.J.R. 41(c)
R.1981 d.71	13 N.J.R. 238(b)
R.1980 d.526	13 N.J.R. 41(c)
R.1981 d.71	13 N.J.R. 238(b)

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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)
13:21-7.2	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)
13:21-20	Motor home title certificates	R.1980 d.474	12 N.J.R. 726(b)
13:22	Amend motor vehicle race tracks	R.1980 d.464	12 N.J.R. 726(a)
13:24-4.1	Amend emergency vehicle equipment	R.1980 d.485	12 N.J.R. 726(c)
13:26-1.2, 3.11	Amend transportation of bulk commodities	R.1981 d.61	13 N.J.R. 237(b)
13:28-1.3	Toilet facilities in beauty shops	R.1981 d.109	13 N.J.R. 308(a)
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)
13:30-2.5, 2.10— 2.17	Dental hygienists and assistants	R.1981 d.264	13 N.J.R. 442(a)
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. 49(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)
13:30-8.12	Dental insurance forms and professional misconduct	R.1981 d.175	13 N.J.R. 366(a)
13:33-1.41	Fee schedules	R.1981 d.148	13 N.J.R. 366(b)
13:35-1.4	Amend approval of colleges of chiropractic	R.1980 d.492	12 N.J.R. 726(d)
13:35-6.2	Guidelines for externship programs	R.1981 d.149	13 N.J.R. 367(b)
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 sympathomimetic amines	R.1980 d.380	12 N.J.R. 609(c)
13:35-6.16(a)	Uses of amphetamines and sympathomimetic 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)
13:35-6.19, 6.20	Excessive fees for professional services	R.1981 d.237	13 N.J.R. 443(a)
13:35-9	Certified nurse/midwife	R.1980 d.535	13 N.J.R. 41(e)
13:35-9.3	Emergency amend certified nurse/midwife	R.1981 d.21	13 N.J.R. 150(c)
13:35-9.3(c)	Emergency amend operative date on certified nurse/midwife standards	R.1981 d.24	13 N.J.R. 150(d)
13:35-10	Recodified from 13:35-1.4	R.1980 d.492	12 N.J.R. 726(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)
13:37-1.26	Board of Nursing rule	R.1981 d.174	13 N.J.R. 370(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)
13:38-1.9, 1.10	Optometric advertising	R.1981 d.295	13 N.J.R. 519(a)
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)
13:45A-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-17	Sale of advertising in quasi-official journals	R.1981 d.294	13 N.J.R. 520(b)
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)
13:70-29.48	Emergency amend daily double pool	R.1981 d.32	13 N.J.R. 150(f)

(Title 13, Transmittal 16 dated July 17, 1980)

PUBLIC UTILITIES — TITLE 14

14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R.1980 d.555	13 N.J.R. 105(b)
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(Title 14, Transmittal 14 dated July 17, 1980)

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**DOCUMENT ADOPTION NOTICE
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ENERGY — TITLE 14A

14A:3-11 Amend used oil rules
 14A:21 Residential Energy Conservation Service (RCS) Program
 14A:21-14.3 Home Energy Savings Program
 (Title 14A, Transmittal 6 dated July 17, 1980)

R.1980 d.513 13 N.J.R. 43(c)
 R.1980 d.516 13 N.J.R. 44(a)
 R.1981 d.254 13 N.J.R. 450(a)

STATE — TITLE 15

(Title 15, Transmittal 12 dated July 17, 1980)

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)
16:26-1.1	Traffic signal information	R.1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal control of traffic and parking on NJDOT property	R.1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	R.1981 d.150	13 N.J.R. 372(c)
16:28-1.3	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28-1.15	Speed limits along Route 13	R.1981 d.152	13 N.J.R. 372(d)
16:28-1.17	Speed limits on Route 147	R.1981 d.196	13 N.J.R. 451(a)
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)
16:28A-1.2	Amend restricted parking on U.S. Routes 1 and 9	R.1980 d.413	12 N.J.R. 675(a)
16:28A-1.2	Parking on Routes 1 and 9	R.1981 d.195	13 N.J.R. 452(b)
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	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-1.7	Route US 9 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	Parking on U.S. 9	R.1981 d.195	13 N.J.R. 453(a)
16:28A-1.7	Parking on U.S. 9	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.13, 1.15	Route US 22 and Route 23 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	R.1981 d.192	13 N.J.R. 454(b)
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	Route 28 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	R.1981 d.193	13 N.J.R. 453(a)
16:28A-1.19	Parking on Route 28	R.1981 d.191	13 N.J.R. 453(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-1.23	Route 33 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.25	Route 35 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.26	Parking on Route 36	R.1981 d.191	13 N.J.R. 453(a)
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	Parking on Route U.S. 46	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route U.S. 46	R.1981 d.194	13 N.J.R. 454(b)
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-1.36, 1.37	Parking on Routes 57 and 70	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.37	Restricted parking along Route 70	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.44	Route 88 parking	R.1981 d.153	13 N.J.R. 373(d)
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-1.57	Route US 206 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.64	Route 41 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.65	Route 15 parking	R.1981 d.151	13 N.J.R. 373(a)
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)
16:28A-1.66	Parking on Route 18	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	R.1981 d.155	13 N.J.R. 374(b)

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16:28A-1.68	Route 93 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.69	Parking on Route 124	R.1981 d.191	13 N.J.R. 453(a)
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)
16:30-7.2	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)
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)
16:54	Licensing of aeronautical facilities	R.1981 d.141	13 N.J.R. 374(c)
16:65-1.1	Amend definition of "prequalification committee"	R.1981 d.72	13 N.J.R. 243(b)
16:71	Recodified from 16:41-16	R.1981 d.103	13 N.J.R. 244(d)
16:72	N.J. Transit procurement policies and procedures	R.1981 d.176	13 N.J.R. 374(d)

(Title 16, Transmittal 14 dated September 18, 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	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-2.2	Alternate Benefit Program	R.1981 d.239	13 N.J.R. 458(a)
17:1-2.6	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-2.18	Alternate Benefit Program	R.1981 d.240	13 N.J.R. 458(b)
17:1-2.34	Alternate Benefit Program	R.1981 d.213	13 N.J.R. 458(c)
17:1-2.35	Alternate Benefit Program	R.1981 d.241	13 N.J.R. 458(d)
17:1-4.2	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
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)
17:1-7.3	Administrative fees and investment earnings	R.1981 d.291	13 N.J.R. 525(a)
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. 729(b)
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)
17:2-5.1, 6.2, 6.6	PERS—retirement and purchases	R.1981 d.274	13 N.J.R. 525(b)
17:3-4.1	Amend creditable salary	R.1981 d.30	13 N.J.R. 162(a)
17:3-6.6	Teachers' Pension and Annuity Fund: Retirement credit	R.1981 d.140	13 N.J.R. 376(a)
17:4-2.6	Amend enrollment dates	R.1981 d.57	13 N.J.R. 247(a)
17:4-3.6, 5.1, 6.2, 6.6, 6.14	Insurance purchases and retirement	R.1981 d.292	13 N.J.R. 525(c)
17:6-3.2, 3.6	Police-Firemen's Pension Fund	R.1981 d.201	13 N.J.R. 462(a)
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)
17:9-2.16	Policy provisions adoption for State Health Benefits Program	R.1981 d.138	13 N.J.R. 376(b)
17:9-5.3	Medicare refunds	R.1981 d.139	13 N.J.R. 376(c)
17:10-5.3	Judicial Retirement System	R.1981 d.244	13 N.J.R. 462(b)
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)
17:21-8.1	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)
17:21-11	Emergency adoption: Baseball instant lottery	R.1981 d.136	13 N.J.R. 312(a)
17:21-11	Readopt "Baseball" instant lottery game	R.1981 d.269	13 N.J.R. 529(a)
17:21-11	Emergency adoption: Super Bingo	R.1981 d.171	13 N.J.R. 376(d)
17:21-11	"Super Bingo" lottery	R.1981 d.286	13 N.J.R. 529(b)
17:21-12.1, 13.1	Emergency amend Pick-It and Pick-4 Lotteries	R.1980 d.458	12 N.J.R. 680(a)
17:21-15	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 15 dated September 18, 1980)

TREASURY-TAXATION — TITLE 18

18:7-11.12	Emergency extension of time for filing corporate return	R.1981 d.163	13 N.J.R. 377(a)
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(b)
18:12-7.12	Emergency amend Homestead Rebate filing date	R.1980 d.517	13 N.J.R. 47(a)
18:12-9	Mobile homes tax moratorium (local property)	R.1981 d.207	13 N.J.R. 462(c)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

18:12A	Amend county boards of taxation	R.1980 d.490	12 N.J.R. 731(a)
18:12A-1.20	County boards of taxation	R.1981 d.44	13 N.J.R. 165(a)
18:24-2.3	Sales and Use Tax Act	R.1981 d.209	13 N.J.R. 465(a)
18:24-7.19	Sales and Use Tax Act	R.1981 d.206	13 N.J.R. 465(b)
18:24-12.4	Sales Tax exemptions	R.1981 d.210	13 N.J.R. 465(c)
18:24-15.2, 15.3, 15.6	Amend Sales and Use Tax Act	R.1980 d.489	12 N.J.R. 729(b)
18:24-27.1, 27.2	Sales and Use Tax Act	R.1981 d.208	13 N.J.R. 465(d)
18:25	Emergency rules on Atlantic City Luxury Tax	R.1980 d.437	12 N.J.R. 678(c)
18:35-1.14	Amend partnerships under the Gross Income Tax Act	R.1981 d.6	13 N.J.R. 111(d)
18:37	Emergency amend spill compensation and control tax	R.1980 d.484	12 N.J.R. 728(c)

(Title 18, Transmittal 15 dated July 17, 1980)

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

19:1-5	Home improvement loan program	R.1981 d.268	13 N.J.R. 529(c)
19:8-2.11	Garden State Arts Center	R.1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	R.1981 d.115	13 N.J.R. 315(a)
19:8-3.1	Tolls on Garden State Parkway	R.1981 d.170	13 N.J.R. 378(b)
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	R.1980 d.411	12 N.J.R. 681(b)
19:30-2.1—2.3	Economic Development Authority fees	R.1981 d.245	13 N.J.R. 465(e)
19:30-4.4	EDA: Targeting of Authority assistance	R.1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	R.1981 d.167	13 N.J.R. 378(d)

(Title 19, Transmittal 15 dated July 17, 1980)

TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

19:41-9	Amend license fees	R.1980 d.483	12 N.J.R. 732(a)
19:43-1.8	Casino service industry licenses	R.1981 d.273	13 N.J.R. 534(a)
19:45	Amend casino accounting and internal controls	R.1980 d.504	13 N.J.R. 48(a)
19:45-1.3, 1.8, 1.24, 1.44	Casino accounting and internal controls	R.1981 d.272	13 N.J.R. 541(a)

(Title 19 Subtitle K, Transmittal 2 dated July 17, 1980)

(SSI Payment Levels continued from Page 502)

Eligible Individual

Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less	[\$25/238.00*]	\$25/264.70*
[Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged] Residential Health Care Facilities and certain residential facilities for children and adults	[369.00]	396.00
Living Alone, or in a business arrangement, or in a commercial establishment, or living with others but not member of a "household" or a member of a household with ownership or rental responsibility and paying more than his pro rata share of household expenses	[261.00]	288.00
Living with Ineligible Spouse (No other individuals in household)	[369.00]	409.00
Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility)	[241.00]	268.00
Living in Household of Another, Receiving Support and Maintenance	[184.00]	202.00

* The lower figure applies when Medicaid payments with respect to an individual equal an amount over 50 percent of the cost of services provided in a month.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
 Division of Public Welfare
 CN 716
 Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5).

The proposal concerning SSI payment levels is known as PRN 1981-138.

The emergency amendment concerning SSI payment levels was filed with the Office of Administrative Law on July 1, 1981 as R.1981 d.277.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments: N.J.A.C. 10:109-3.2 and 3.4

Ruling Number 11

Sick Leave and Leave Without Pay

Public Hearing: None

Timothy Carden, 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. 10:109-3.2 and 3.4 concerning sick leave and leave without pay.

Summary

N.J.A.C. 10:109-3.2 (sick leave) is amended to comply with recently promulgated Civil Service regulations concerning maternity leave. The Department of Civil Service adopted such amended regulation as an emergency rule at 13 N.J.R. 66(a), cited as Subpart 17-1.101 in the Civil Service Personnel Manual (State Service). The present regulation defines maternity leave as "during the period of actual incapacity as shown by a physician's certificate, and not in excess of one month following date of confinement"; this amendment extends maternity leave beyond the one month.

N.J.A.C. 10:109-3.4 (leave without pay) is amended to stipulate that leave of absence without pay can be granted for union activity. The current regulation is too general and does not really inform CWAs that union activities are specifically authorized.

Social Impact

The granting of an individual's request for pregnancy-disability leave shall not be treated differently than any other request for sick leave. The regulation does not authorize any discrimination between the type of disability and leave will be granted regardless of gender.

N.J.A.C. 10:109-3.4(a)1 recognizes that union activities are justifiable reasons for granting such leave. The employee will benefit since he/she may have leave without pay approval.

Economic Impact

The economic impact of N.J.A.C. 10:109-3.2(a) is negligible. The individual requesting maternity leave will be able to extend her leave from the current one month to the required number of months as determined by her physician.

The impact of N.J.A.C. 10:109-3.4(a)1 would be on the individual(s) who decide not to work due to union activity participation. The impact is hard to determine since there is no way of knowing how many individuals will be asking for such leave.

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

10:109-3.2 Sick leave

(a) **Definition:** Sick leave means the absence of an employee from duty because of illness, injury, [maternity leave (during the period of actual incapacitation as shown by a physician's certificate, but not in excess of one month following date of confinement)] **pregnancy disability**, exposure to contagious disease, necessary attendance upon a member of the immediate family seriously ill, death in the immediate family or other relatives

living in the employee's household. A physician's certificate may be required whenever an employee is on sick leave for five [(5)] consecutive working days or more.

1. - 3. (No change.)

10:109-3.4 Leave without pay

(a) Reasons for granting leave without pay are as follows:

1. Leaves without pay may be granted at the discretion of the welfare board or, in emergency situations, by the county welfare director with subsequent approval by the welfare board to permanent or probationary employees for any reason, including union activity, considered justifiable by the welfare board, but not to exceed six months at any one time and not be in excess of one continuous year, subject to approval by the Division of Public Welfare and the Department of Civil Service. Employees shall not be granted leave to accept employment outside of the county welfare board.

2. - 4. (No change.)

(b) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-133.

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

**Adopted Amendments: N.J.A.C. 10:121A
Adoption Agency Practices**

**Effective Date: August 6, 1981
Operative Date: September 1, 1981**

On June 21, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 9:3-37 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:121A concerning adoption agency practices as proposed in the Notice published February 5, 1981 at 13 N.J.R. 99(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on July 17, 1981 as R.1981 d.298.

(b)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

**Proposed Amendments: N.J.A.C. 10:122-4.1, 4.3,
4.4 and 4.5**

**Manual of Standards for Child Care Centers
Staff Qualification Requirements**

Public Hearing: None

Timothy L. Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 18A:70-1 to 9, proposes to amend N.J.A.C. 10:122-4.1, 4.2, 4.3, 4.4 and 4.5 concerning requirements for certain staff members of child care centers subject to licensure pursuant to the above noted law.

Summary

The proposed amendments give child care centers greater flexibility in meeting State licensing regulations by providing additional options by which centers may meet the staff qualification requirements for the positions of head teacher and group teacher.

Under the existing regulations, there are four options available for meeting the head teacher requirements for pre-school, drop-in and night-care programs. The proposed amendments provide additional options for meeting the head teacher requirements for pre-school, drop-in and night-care programs by: (1) allowing for three different conditional approvals of a head teacher candidate, to be valid for a period of six months; (2) recognizing the Montessori credential for head teachers in Montessori centers; and (3) permitting the approval in certain circumstances of a head teacher candidate who qualifies by teaching experience alone. The experience provision for head teacher: (1) would apply only to those centers serving more than 30 children and using a head teacher on a less than full-time basis as of January 1, 1981; and (2) would remain in effect until September 1, 1984, at which point all such centers would have to meet the regular head teacher requirements.

Under the existing regulations, there are five options available for meeting the group teacher requirements for pre-school, drop-in and night-care programs. The proposed amendments provide additional alternatives for meeting the group teacher requirements for pre-school, drop-in and night-care programs by: (1) recognizing the Child Development Associate (CDA) credential; (2) providing for a conditional approval of a group teacher candidate, to be valid for a period of six months; and (3) permitting the approval in certain circumstances of a group teacher candidate who qualifies by teaching experience alone. The experience provision for group teacher: (1) would apply only to those centers serving 30 or fewer children and using a head teacher on a less than full-time basis as of January 1, 1981; (2) would also remain in effect until September 1, 1984, at which point all such centers would have to meet the regular group teacher requirements.

The amendments also strengthen and clarify the existing regulations by: (1) requiring that a head teacher be utilized full time for centers with a special needs program, regardless of the size of the center; (2) specifying areas for center staff training and development; and (3) recommending the use of bilingual staff for bilingual centers. In addition, the amendments include a recommendation that centers serving more than 30 children use a qualified group teacher for every 30 children.

(b)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Proposed Amendments: N.J.A.C. 12:190
Proposed Repeal: N.J.A.C. 12:191, 192 and 193
Explosives

Improving Safety for the Public and Property

Public Hearing: September 1, 1981

Finally, the amendments postpone from July 1, 1981 to July 1, 1982 the implementation of those portions of the existing standards that call for a qualified head teacher to be on the premises full-time at all centers serving more than 30 children, and for a qualified group teacher to be on the premises full-time at all centers serving 30 or fewer children and whose head teacher is on the premises on less than a full-time basis. This postponement will allow child care centers a one-year period to plan for and comply with the staff qualification requirements without jeopardizing the center's ability to operate.

Social Impact

The proposed amendments will affect some 1,400 child care centers required to be licensed in accordance with N.J.S.A. 18A:70-1 to 9. However, there is no discernible social impact since the proposed amendments merely clarify and expand the number of options available to child care center staff for meeting the staff qualification requirements of the existing licensing regulations.

Economic Impact

The Division expects the proposed amendments to minimize the costs to child care centers of complying with the regulations by offering a greater number of and more flexible options for achieving conformity with staff qualification requirements of the licensing regulations.

Copies of the full text of the proposal can be obtained from the person indicated below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard Crane, Chief
Bureau of Licensing
Division of Youth and Family Services
One South Montgomery Street
CN 717
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-152.

(a)

LABOR AND INDUSTRY

DIVISION OF VOCATIONAL REHABILITATION SERVICES

Adopted New Rules: N.J.A.C. 12:51
Vocational Rehabilitation Facilities

Effective Date: August 6, 1981

On June 2, 1981, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:16-20 and in accordance with the applicable provisions of the Administrative Procedure Act adopted new rules to be cited as N.J.A.C. 12:51 concerning vocational rehabilitation facilities as proposed in the Notice published April 9, 1981 at 13 N.J.R. 230(a), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on July 14, 1981 as R.1981 d.289.

Summary

This proposed amendment updates the rules for the manufacture, sale, storage, transportation, and use of explosives; reflects amendments to the New Jersey Explosives Act; and incorporates into one chapter the former four chapters on explosives. These proposed new rules were found acceptable to an Ad Hoc Advisory Committee on Rules for Explosives. The Division formed this Committee in November of 1980 and held three meetings with this industry and labor advisory group.

Social Impact

Implementation of the proposal should provide greater safety for the public and property in the manufacture, possession, storage, sale, transportation, use and any disposition of explosives. The implemented proposal should also prevent conflict for the public with Federal law and New Jersey regulations addressing explosives.

Economic Impact

Certain fees for permits regulating explosives have been increased, but are within the schedule established by N.J.S.A. 21:1A-134. The safety and health provisions should have no significant additional economic impact on the industry or users being regulated. The safety and health provisions could reduce expensive injuries to the public and property. There will not be any additional cost on the adopting agency.

Full text of the proposed amendment may be obtained by writing to the address indicated below.

Full text of the chapters proposed for repeal and the existing text of chapter 190 can be found in the New Jersey Administrative Code.

Notice of proposed rulemaking was mailed to all permit holders and all permit holders were advised of the availability of the proposed rules in accordance with N.J.S.A. 21:1A-131(a). Further, permit holders were advised that a public hearing would be held if requested by a permit holder in writing.

A public hearing was requested by a permit holder and in accordance with the provisions of N.J.S.A. 21:1A-131(c) a public hearing concerning this rule will be held on September 1, 1981 at 10:00 A.M. at:

Labor and Industry Building
Room 1301
John Fitch Plaza
Trenton, New Jersey

Interested persons may submit in writing, data, views

or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Clark, Assistant Commissioner
Division of Workplace Standards
Department of Labor and Industry
CN 054
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-136.

(a)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Proposed Amendments: N.J.A.C. 12:194

Model Rocketry

Improving Safety for the Public and Property

Public Hearing: September 2, 1981

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 21:1A-131, proposes to amend N.J.A.C. 12:194 concerning model rocketry by deleting the existing text in its entirety and substituting new text therefor.

Summary

These rules provide protection to public and property by controlling the construction and use of model rockets. These proposed amendments provide a complete updating of the rules on the issue of model rocketry to fulfill the recommendations made under Executive Order No. 66 (1978).

Social Impact

Implementation of the proposal should provide greater safety for the public and property in the manufacture, possession, storage, sale, transportation, use, and any disposition of model rockets utilizing explosives.

Economic Impact

The proposal creates no discernible additional economic impact on the public at large or this agency. The amount for the fees for permits to sell and use rocket motors remains unchanged. No change in the popularity of this sport is anticipated.

The full text of the existing rules can be found in the New Jersey Administrative Code. Copies of the full text of the proposed rules can be obtained from the person indicated below.

Notice of proposed rulemaking was mailed to all permit holders and all permit holders were advised of the availability of the proposed rules in accordance with N.J.S.A. 21:1A-131(a). Further, permit holders were advised that a public hearing would be held if requested by a permit holder in writing.

A public hearing was requested by a permit holder and in accordance with the provisions of N.J.S.A. 21:1A-131(c) a public hearing concerning this rule will be held on September 2, 1981 at 10:00 A.M. at:

Labor and Industry Building
Room 1301
John Fitch Plaza
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and inquiries about submissions and responses, should be addressed to:

William J. Clark, Assistant Commissioner
Division of Workplace Standards
Department of Labor and Industry
CN 054
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-135.

(b)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Proposed New Rule: N.J.A.C. 13:30-2.18

Dental Hygiene

Application Fees

Public Hearing: None

Samuel E. Furman, D.D.S., President of the New Jersey State Board of Dentistry in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-50h and 45:6-52, proposes to adopt a new rule to be cited as N.J.A.C. 13:30-2.18 concerning application fees for dental hygienists and registered dental assistants.

Summary

The proposal sets fees for registration of dental hygienists engaged in expanded duties and for registered dental assistants.

Social Impact

The proposal implements the regulatory structure in the Dental Auxiliaries Act allowing for expanded functions of dental hygienists and registered dental assistants.

Economic Impact

The fees established cover the costs of processing applications and as such pose minimal impact on the applicant and no direct impact on either governmental bodies or the public at large.

Full text of the proposed new rule follows.

13:30-2.17 Application fee

(a) The application fee charged by the State Board of Dentistry shall be as follows:

1. Dental hygienists engaged in expanded duties: \$10.00
2. Registered dental assistants: \$10.00

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert J. Siconolfi, Executive Secretary
State Board of Dentistry
1100 Raymond Boulevard, Room 321
Newark, New Jersey 07102

The Board of Dentistry thereafter may adopt this pro-

posal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-161.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRISTS

**Adopted New Rules: N.J.A.C. 13:38-1.9 and 1.10
General Advertising Provisions**

Effective Date: August 6, 1981

On May 20, 1981, Frances Stark, O.D., President of the New Jersey 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., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted N.J.A.C. 13:38-1.9 and 1.10 concerning advertising by optometrists and related matters as proposed in the Notice published April 9, 1981 at 13 N.J.R. 233, but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5.

An order adopting the rule was filed with the Office of Administrative Law on July 16, 1981 as R.1981 d.295.

(b)

LAW AND PUBLIC SAFETY

BOARD OF VETERINARY MEDICAL EXAMINERS

**Proposed Amendment: N.J.A.C. 13:44-2.1
General Rules of Practice
Prescriptions**

Public Hearing: None

The State Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-9.9, proposes to amend N.J.A.C. 13:44-2.1 concerning prescriptions.

Summary

The Board of Veterinary Medical Examiners is concerned that the practice of some veterinarians to indiscriminately prescribe or dispense drugs and medical supplies or to incorrectly label drugs may endanger the health and safety of animals and humans. The proposed amendment is intended to prevent careless or negligent prescription practices by prohibiting indiscriminate prescription or distribution of prescription items and requiring certain information on labels of dispensed drugs.

Social Impact

The proposed amendment is expected to improve the quality of veterinary care. The risk of injury to animals due to improper treatment will be reduced, as will the risk of poisoning or drug abuse of humans. In addition,

consumers will be more aware of the types of medications being prescribed for their animals. Furthermore, the regulation will assure that proper drug information is available in an emergency or in the event the original treating veterinarian is unavailable and another veterinarian must treat the animal.

Economic Impact

Although some veterinarians may raise their fees because of the increase demands on their time required by the proposal, it is believed that such increases will be insignificant. On the other hand, veterinary medical costs to the public should decrease because consumers will be more aware of what is being prescribed and how it should be used and will be less likely to overpay for prescriptions. Increased enforcement activities of the Board, however, may result in somewhat higher costs to the State.

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

13:44-2.1 [Administering] [p]Prescriptions

(a) No licensee shall prescribe, sell, dispense or distribute any prescription item, including medications, supplies and apparti in an indiscriminate manner or without good cause or where the licensee reasonably knows or should know that the item or items prescribed are to be used for unauthorized or illicit consumption or distribution or that an item or items previously prescribed or dispensed were used by the recipient for unauthorized or illicit consumption or distribution.

(b) No licensee shall dispense any medication unless the container in which such medication is dispensed bears a label containing the following information:

1. The name of the patient or identification of the herd or flock;
2. The type of medication;
3. The dosage per unit;
4. The number of units dispensed;
5. Directions for use;
6. The date dispensed;
7. The name of the licensee or hospital dispensing the medication.

(c) A poultryman who has received a prescription or recommendation for medication, preventive or therapeutic vaccination from a licensed veterinarian, or a veterinarian employed by the State or Federal government[s], may in his discretion administer the same by himself or by his employees. A licensed veterinarian may also engage labor for such prescribed services on poultry.

Interested persons may submit, in writing, data, views or arguments relevant to the proposed action on or before September 8, 1981. These submissions and any inquiries about submissions and responses should be addressed to:

Maurice W. McQuade, Executive Secretary
State Board of Veterinary Medical Examiners
1100 Raymond Boulevard, Room 331
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-159.

(a)

LAW AND PUBLIC SAFETY

BOARD OF VETERINARY MEDICAL EXAMINERS

Proposed Amendment: N.J.A.C. 13:44-2.12
General Rules of Practice
Patient Records

Public Hearing: None

The State Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-9.9, proposes to amend N.J.A.C. 13:44-2.12, concerning patient records.

Summary

The Board of Veterinary Medical Examiners is concerned with the refusal of some veterinarians to provide information and copies of medical records and data to their clients. The board considers such refusal as unprofessional because it prevents consumers from knowing what treatments the veterinarian is providing and makes second opinions by other veterinarians more difficult and expensive. The proposed amendment expresses and clarifies what the board believes is necessary for fulfilling professional responsibility in this area by requiring veterinarians to provide summaries and copies of medical records, together with a key to codes, abbreviations, and non-English words used, within a reasonable time after a request by the client or representative of the client. On the other hand, the board recognizes that the veterinarian should not be forced to lose money in supplying such information. Therefore, the proposal allows the veterinarian to charge the consumer the reasonable costs for preparing or obtaining copies, although it does not prevent a veterinarian from absorbing such costs himself.

Social Impact

It is expected that the proposed amendment will result in consumers becoming more aware of the treatments provided to their animals. In addition, medical information will be more available for second opinions and subsequent treatment by other veterinarians.

Economic Impact

The consumer may be required to pay an additional fee for copies of medical records. However, since more information will be available for second opinions and subsequent treatments by other veterinarians, this increase is expected to be offset by reduced medical costs due to the elimination in many cases of necessity to repeat tests. In addition, clarification of the board's view in this area should result in lower enforcement costs to the State.

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

13:44-2.12 [Records retention] Patient records

(a) All written records and radiographs on patients shall be retained for a period of five years from the date of the patient's last visit. Where the records reflect the decease of the patient, all written records and radiographs shall be retained for a period of three years[,] from date of last entry.

(b) Copies of a licensee's record or a summary report of such record and copies of all pertinent objective data

and papers pertaining to a given patient, along with a key to any codes, abbreviations and non-English words appearing on such record, data or papers, shall be furnished to the patient's owner or designated veterinarian or duly authorized representative within 30 days of a written request by the owner or duly authorized representative or within such lesser time as may be necessary for the care of the patient. A reasonable charge to cover the licensee's costs in preparing or obtaining such copies may be made.

Interested persons may submit, in writing, data, views or arguments relevant to the proposed action on or before September 8, 1981. These submissions and any inquiries about submissions and responses should be addressed to:

Maurice W. McQuade, Executive Secretary
State Board of Veterinary Medical Examiners
1100 Raymond Boulevard, Room 331
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-158.

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Adopted New Rules: N.J.A.C. 13:45A-17
Sale of Advertising in Journals Relating or
Purporting to Relate to Police, Firefighting
or Charitable Organizations

Effective Date: August 6, 1981

On July 15, 1981, James R. Zazzali, Attorney General of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and N.J.S.A. 45:17A-15, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted 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 as proposed in the Notice published April 9, 1981 at 13 N.J.R. 235(b), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on July 16, 1981 as R.1981 d.294.

(c)

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Proposed Amendment: N.J.A.C. 13:70-6.16
Entries and Subscriptions
Maiden Horses

Public Hearing: None

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. 5:5-30, proposes to amend N.J.A.C. 13:70-6.16 concerning eligibility of maidens to race.

Summary

The proposal would permit maidens (horses which have not previously won a race) to compete in pari-mutuel races at age seven or older with the approval of the stewards. The purpose of said amendments is to permit older maiden horses to compete in pari-mutuel races to increase the racing life of a class of horses when deemed appropriate by the stewards.

Social Impact

The proposed amendment will have no significant social impact.

Economic Impact

The amendment is anticipated to increase State revenues marginally by providing more competing horses in pari-mutuel races.

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

13:70-6.16 Maiden horses; [five] six years or older

No maiden over six years of age shall be permitted to enter a race at any thoroughbred track in the State of New Jersey without the express approval of the stewards, except in steeplechase or hunt races.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John J. Reilly, Executive Director
New Jersey Racing Commission
404 Abbingdon Drive
East Windsor, New Jersey 08520

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

This proposal is known as PRN 1981-156.

(a)

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Proposed Amendment: N.J.A.C. 13:70-29.48

Mutuels
Daily Double

Public Hearing: None

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. 5:5-30, proposes to amend N.J.A.C. 13:70-29.48 concerning entries and daily doubles.

Summary

The proposal would permit "entries" (horses coupled for wagering purposes as a single interest due to common ties of ownership or training) to participate in daily double races. The purpose of the amendment is to permit more horses to participate in daily double races to alleviate any financial hardship suffered by licensees as a result of being precluded from competition opportunities.

Social Impact

The proposed amendment will have no significant social impact.

Economic Impact

The amendment is anticipated to increase State revenues marginally by providing more competing horses in pari-mutuel races.

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

13:70-29.48 Daily double

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

(d) No [entries or] field horses shall be allowed to start in races comprising the daily double.

(e) - (r) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John J. Reilly, Executive Director
New Jersey Racing Commission
404 Abbingdon Drive
East Windsor, New Jersey 08520

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

This proposal is known as PRN 1981-157.

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Notice of Bulk Commodities 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)

D.W.M. Trucking
35 Ringwood Court
Pompton Lakes, N.J. 07442

Robert R. Bailey
26 Burnside Place
Haskell, N.J. 07420

S.A.M. Construction Co.
211 Eagle Rock Ave.
W. Orange, N.J. 07052

D & J Trucking
195 William Street
Englewood, N.J. 07631

V.A. Spatz Excavating & Paving
Lone Pine Drive
Berkeley Heights, N.J. 07922

C. Marvin Rammel
47 Barrett Run Road
Bridgeton, N.J. 08302

Mark Poltorak Trkng. & Excav.
160 E. 11th Street
Piscataway, N.J. 08854

F & E Trucking Co., Inc.
1908 Church Street
Scotch Plains, N.J. 07076

Any or all 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 by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

This Notice is published pursuant to the requirements of N.J.S.A. 39:5E-11a.

(a)

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendment: N.J.A.C. 16:28A-1.6
Restricted Parking and Stopping
Route 7

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-197.5, proposes to amend N.J.A.C. 16:28A-1.6 concerning handicapped parking spaces along Route 7 (228 Washington Avenue) in the Town of Belleview, County of Essex.

Summary

This amendment will establish a restricted parking space for the exclusive use of handicapped persons.

Social Impact

This rule will restrict parking in the area designated and afford the handicapped facility in parking. Additionally, it will enhance safety.

Economic Impact

The costs incurred will involve variable costs to the Department in the placement of signs advising the motoring public.

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

16:28A-1.6 Route 7

(a) (No change.)

(b) The certain parts of State highway Route 7 described in (b) of this section shall be, and hereby are, designated and established as restricted parking space for the use of persons who have been issued special Vehicle Identification cards by the Division of Motor Vehicles in accordance with N.J.S.A. 39:4-197.5.

1. Restricted parking:

i. Along the east side of Route 7 (228 Washington Avenue) in the Town of Belleview, County of Essex beginning at a point 45 feet from the northerly curb line of Academy Street and extending 23 feet northerly therefrom.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-131.

(b)

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendments: N.J.A.C. 16:28A-1.32,
1.43 and 1.51

Restricted Parking and Stopping
Routes U.S. 46, 82 and 168

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 29:1A-5 and 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.32, 1.43 and 1.51 concerning "no parking" zones along Route U.S. 46, Township of Parsippany-Troy Hills Township, Morris County, Route 82, Union Township, Union County, and Route 168, Haddon Township, Camden County.

Summary

These proposed amendments will establish "no parking" zones along Routes U.S. 46, N.J. 82 and N.J. 168, establishing bus stops and cause appropriate signs to be erected advising the motoring public.

Social Impact

These rules will restrict parking along the areas designated as bus stops for the safe and efficient on/off loading of passengers thus, enhancing the safety and well being of the populace.

Economic Impact

These amendments will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Department's workforce, and is dependent upon mileage, personnel and equipment to be utilized.

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) (No change.)

(b) The certain parts of Route U.S. 46 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. Within Parsippany-Troy Hills Township, Morris County:

i. Along Route U.S. 46 eastbound on the southerly side thereof at:

(1) Parsippany Boulevard (far side) beginning at the easterly curb line of Parsippany Boulevard and extending 200 feet easterly therefrom;

(2) Baldwin Road (far side) beginning at the easterly curb line of Baldwin Road and extending 100 feet easterly therefrom;

(3) South Beverwyck Road (far side) beginning at the easterly side of South Beverwyck Road and extending 100 feet easterly therefrom;

(4) New Road (far side) beginning at the easterly curb line of New Road and extending 200 feet easterly therefrom.

ii. Along Route U.S. 46, westbound on the northerly side thereof at:

(1) New Road (far side) beginning at the westerly curb line of New Road and extending 200 feet westerly therefrom;

(2) North Beverwyck Road (far side) beginning at the westerly curb line of North Beverwyck Road and extending 220 feet westerly therefrom;

(3) Baldwin Road (far side) beginning at the westerly curb line of Baldwin Road and extending 200 feet westerly therefrom;

(4) Parsippany Boulevard (far side) beginning at the westerly curb line of Parsippany Boulevard and extending 100 feet westerly therefrom.

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

16:28A-1.43 Route 82

(a) (No change.)

(b) The certain parts of State highway Route 82 described in (b) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along the westbound side of Route 82 in Union Township, Union County:

i. Far side bus stops:

- (1) Lehigh Avenue (85 feet);
- (2) Salem Road (150 feet);
- (3) Grandview Avenue (105 feet);
- (4) Stuyvesant Avenue (150 feet);
- (5) Caldwell Avenue (105 feet);
- (6) Woolley Avenue (105 feet);
- (7) Lousons Road (105 feet);
- (8) Burnet Avenue (105 feet);
- (9) Cregar Avenue (105 feet);
- (10) Liberty Avenue (75 feet).

ii. Near side bus stops:

- (1) Easterly entrance to Newark State College (20 feet);
- (2) Green Lane (120 feet);
- (3) Azalea Road (120 feet);
- (4) Traffic Signal to "Two Guys" Shopping Center

(120 feet);

- (5) Coolidge Avenue (120 feet);
- (6) Johnson Place (120 feet);
- (7) Larchmont Road (120 feet).

iii. Midblock bus stop: From a point 1140 feet west of the westerly curb line of North Avenue (N.J. 439) and extending 135 feet westerly therefrom.

2. Along the eastbound side of Route 82 in Union Township, Union County:

i. Far side bus stops:

- (1) Braun Terrace (100 feet);
- (2) Liberty Avenue (105 feet);
- (3) Spruce Street-Burnet Avenue (105 feet);
- (4) Elmwood Avenue (130 feet);
- (5) Caldwell Avenue (105 feet);
- (6) Jug-handle at "Two Guys" Shopping Center (105 feet);
- (7) Salem Road (105 feet);
- (8) Green Lane (105 feet).

ii. Near side bus stops:

- (1) Larchmont Road (120 feet);
- (2) Woolley Avenue (120 feet);

(3) Floyd Terrace (120 feet);

(4) Warren Avenue (120 feet);

(5) Colonial Avenue (120 feet);

(6) Lehigh Avenue (120 feet);

(7) Easterly entrance to Newark State College (120 feet).

iii. Midblock bus stops:

(1) From a point 190 feet east of the easterly curb line of Stuyvesant Avenue to a point 315 feet east of the easterly curb line of Stuyvesant Avenue;

(2) From a point 300 feet east of the prolongation of Field Road to a point 250 feet west of the prolongation of the westerly curb line of Cranbrook Road.

3. All bus stops to be the above specified length, measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects.

(c) The following portions of Route 82 are "no parking, loading zone":

1. Along the eastbound side of Route 82 in Union Township, Union County: From the easterly curb line of Stuyvesant Avenue to a point 190 feet east of the easterly curb line of Stuyvesant Avenue.

(d) The following portions of Route 82 are "no parking, taxi stand":

1. Along the eastbound side of Route 82 in Union Township, Union County: From a point 645 feet east of the easterly curb line of Stuyvesant Avenue to the westerly curb line of Burke Parkway.

16:28A-1.51 Route 168

(a) (No change.)

(b) The certain parts of State highway Route 168 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. Along the easterly (northbound) side in Haddon Township, Camden County:

i. Near side bus stops:

- (1) Collings Avenue.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-132.

(a)

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposed Amendment: N.J.A.C. 16:28A-1.60

Restricted Parking and Stopping

Route U.S. 322-47

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation,

pursuant to authority of N.J.S.A. 27:1A-5 and 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.60 concerning "no parking" zones along Route US 322 in Monroe Township, Gloucester County.

Summary

This proposed amendment will establish "no parking" zones along Route US 322 and cause appropriate signs to be erected advising the motoring public.

Social Impact

This rule will restrict parking along the areas designated and enhance safety within Monroe Township.

Economic Impact

The Department will incur direct and indirect costs for the placement of signs by its workforce. Costs are dependent upon mileage, personnel and equipment requirements.

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

16:28A-1.60 Route US 322-47

(a) The certain parts of State highway Route US 322-47 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 change.)
2. **No stopping or standing along the entire length in Monroe Township Gloucester County.**

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-130.

(a)

TRANSPORTATION

FISCAL MANAGEMENT

Proposed New Rules: N.J.A.C. 16:65-9.1, 9.2 and 9.3

Contract Administration

Corporate Reorganization of Contractors

Public Hearing: None

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 14A:1-1 et seq., proposes to adopt new rules to be cited as N.J.A.C. 16:65-9.1, 9.2 and 9.3 concerning corporate reorganization of contractors.

Summary

The proposed rules establish the criteria for contractors/corporations who effect any change in corporate structure

while under contract with the Department. It is promulgated to ensure that the public interest is adequately protected and to comply with the provisions of contractual Agreement and N.J.S.A. 14A:1-1 et seq.

Social Impact

The proposed rules impact on contractors/corporations, under contract with the Department, who effect any change in corporate structure which may affect contractual terms. Additionally, it eliminates the necessity for contractors/corporations to call stating there is a change and provide a mechanism wherein said is to be accomplished. It also establishes public confidence in State government's ability to insure that the public interest is adequately protected.

Economic Impact

There will be no economic impact to the Department or any other State Agency other than the Office of the Secretary of State for collection of fees to be paid by the contractor/corporation as stipulated in N.J.S.A. 14A:15-2.

Full text of the proposed new rules follows.

**CHAPTER 65
CONTRACT ADMINISTRATION**

**SUBCHAPTER 9. CORPORATE REORGANIZATION
OF CONTRACTORS**

16:65-9.1 Purpose

(a) The purpose of this subchapter is to provide the Commissioner of Transportation with the means of assuring that the public is adequately protected in any situation where a contractor, which is a corporation, doing business with the Department, wishes to reorganize its corporate structure in any fashion, including a change of its corporate name.

(b) The procedures in this subchapter must be complied with in all situations where a contractor is prequalified with the Department and wishes to continue bidding on Department projects or where a contractor has an ongoing contract in existence with the Department.

16:65-9.2 Definitions

"Corporate Reorganization" means any change in the structure or organization of a corporation wherein one or more of the following events occur:

1. A change in ownership of more than 10 percent of the stock of the corporation;
2. A transfer of the assets, in whole or in part, from the existing corporation to another or new corporation;
3. A reorganization of the corporate structure that substantially changes the operation or function of the corporation;
4. Any modification of the corporate name;
5. Any other change, modification, dissolution, transfer of, deletion from or addition to the corporate entity which may effect the operation of the corporation as a contractor.

16:65-9.3 Requirements

(a) Whenever a contractor wishes to undertake a corporate reorganization as described in N.J.A.C. 16:65-9.2 he must accomplish the following:

1. The contractor must advise the Commissioner of Transportation in writing of the proposed corporate reorganization (including a change of name) and provide a copy of the minutes or resolution authorizing the change. Such notice shall be made prior to the actual change

when the contractor has an existing or ongoing contract in effect with the Department, and in such event no change shall be accomplished without the express written approval of the Commissioner.

2. The contractor (corporation) must properly register the new status (including any change in the corporate name) with the New Jersey Secretary of State in a manner consistent with the applicable laws.

3. In the case of a contractor with an ongoing contract with the Department, the corporation shall provide a binding certification from the surety company who issued the performance bond for the contract that said surety concurs in the corporate reorganization and will honor its obligations under the bond after the reorganization takes place.

4. The contractor shall be required to provide proof in writing that said reorganization shall not affect in any manner:

- i. Its obligations under any existing contracts;
- ii. Its prequalification rating and classification.

5. If the reorganization takes the form of a transfer of assets to a new or different corporation the new corporation shall be required to do the following:

- i. Present a new Vendor Identification Number (Federal Identification Number);
- ii. Satisfy the prequalification requirements as specified under N.J.A.C. 16:65-1.2(c) through (p) including the filing of a new prequalification questionnaire;
- iii. In the case of a foreign corporation, provide the name and address of its agent in New Jersey authorized to accept service pursuant to N.J.S.A. 14A:15-1 et seq.

(b) After all requirements have been met, the Commissioner will ascertain whether the proposed corporate reorganization affects the assets, equipment or qualifications for bidding. If so the Commissioner may reclassify the contractor in accordance with the changes that have taken place.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-128.

(a)

TREASURY

DIVISION OF PENSIONS

**Adopted New Rule: N.J.A.C. 17:1-7.3
Pension Adjustment Program
Administrative Fees and Investment Earnings**

Effective Date: August 6, 1981

On July 6, 1981, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury,

pursuant to authority of N.J.S.A. 43:3B-9 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 17:1-7.3, concerning administrative fees and investment earnings in the Pension Adjustment Program as proposed in the Notice published June 4, 1981, at 13 N.J.R. 374(e), without change.

An order adopting this rule was filed with the Office of Administrative Law on July 15, 1981 as R.1981 d.291.

(b)

TREASURY

DIVISION OF PENSIONS

**Adopted Amendments: N.J.A.C. 17:2-5.1,
6.2 and 6.6
Public Employees' Retirement System
Retirement and Purchases**

Effective Date: August 6, 1981

On June 17, 1981, 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-17 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:2-5.1, 6.2 and 6.6 concerning retirement and purchases as proposed in the Notice published April 9, 1981, at 13 N.J.R. 244(f), without change.

An order adopting these amendments was filed with the Office of Administrative Law on June 30, 1981, as R.1981 d.274.

(c)

TREASURY

DIVISION OF PENSIONS

**Adopted New Rule: N.J.A.C. 17:4-3.6
Adopted Amendments: N.J.A.C. 17:4-5.1,
6.2, 6.6, 6.14
Police and Firemen's Retirement System
Insurance Purchases and Retirement**

Effective Date: August 6, 1981

On June 22, 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(7) and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 17:4-3.6, and amendments to N.J.A.C. 17:4-5.1, 17:4-6.2, 17:4-6.6 and 17:4-6.14 concerning insurance purchases and retirement as proposed in the Notice published May 7, 1981, at 13 N.J.R. 310(b), without change.

An order adopting this new rule and amendments was filed with the Office of Administrative Law on July 15, 1981 as R.1981 d.292.

(a)

TREASURY

STATE HOUSE COMMISSION

**Proposed Amendment: N.J.A.C. 17:10-3.1
Judicial Retirement System
Insurance Benefits Computations**

Public Hearing: None

The State House Commission, pursuant to authority of N.J.S.A. 43:6A-29d, proposes to amend N.J.A.C. 17:10-3.1 concerning the computation of insurance benefits in the Judicial Retirement System.

Summary

The proposed amendment alters the administrative rule to conform to the provisions of L.1977 c.317, which changed the computation of insurance benefits and made the annual salary received at the time of death as the basis for such computation of insurance benefits.

Social Impact

The members of the Judicial Retirement System, the designated beneficiaries on their insurance policies and the State may be affected by this proposal.

Economic Impact

Such a proposal may result in the increased insurance proceeds being paid to the beneficiaries of such policies. Since this is a noncontributory insurance plan, the State may be affected by this plan if the increased benefits lead to higher insurance premiums.

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

17:10-3.1 Computation of benefits

(a) If a member dies during the first year following his date of enrollment, the insurance benefit shall be 1½ times the [salary he received at the time of his death multiplied by the number of biweekly pay periods or months since his enrollment] **annual salary received by the member at the time of his death.**

Interested persons may submit in writing, data, views or arguments relevant to this proposal on or before September 8, 1981. These submissions and any inquiries about submissions and responses, should be addressed to:

William J. Joseph
Secretary, Judicial Retirement System
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-124.

(b)

TREASURY

STATE INVESTMENT COUNCIL

**Proposed Amendments: N.J.A.C. 17:16-12.2,
28.3, 28.4, 29.3 and 42.3**

**Proposed New Rule: N.J.A.C. 17:16-11.3
Various Investment Rules**

Public Hearing: None

The State Investment Council in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:16A-91 proposes to adopt a new rule to be cited as N.J.A.C. 17:16-11.3 and amend N.J.A.C. 17:16-12.2, 28.3, 28.4, 29.3 and 42.3 concerning various investment rules.

Summary

N.J.A.C. 17:16-11.3 permits investment by the Division of Investment in New Jersey State or Municipal obligations. The proposed amendment will permit investment in tax exempt securities on behalf of the Medical Education Facilities Fund, a temporary reserve fund, which will allow for a higher rate of return to that fund.

N.J.A.C. 17:16-12.2 permits investment by the Division of Investment in public authority revenue obligations. The proposed amendment will permit investment in tax exempt securities on behalf of the Medical Education Facilities Fund, a temporary reserve fund, which will allow for a higher rate of return to that fund.

Amend N.J.A.C. 17:16-28.3 and 28.4 to reflect current multi-family market conditions by permitting timely purchase of FHA insured mortgages in secondary markets.

Amend N.J.A.C. 17:16-29.3 to reflect current market conditions by permitting timely purchase of FHA insured construction multi-family mortgages in secondary markets.

Amend N.J.A.C. 17:16-42.3 to allow investment by the Supplemental Annuity Collective Trust Fund in covered call options.

Social Impact

There is no social impact.

Economic Impact

Pension and annuity group funds will benefit as insured construction mortgages on their behalf when market price and conditions are attractive.

Benefit members of Supplemental Annuity Collective Trust Fund by permitting greater flexibility in investment options when favorable market conditions permit same.

Impact will be on Medical Education Facilities Fund in the form of a higher rate of return.

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

17:16-11.3 Purchases for Temporary Reserve Group

The Director may invest and reinvest any moneys of a Temporary Reserve Fund in the obligation of any state or political subdivision thereof provided that such investment in tax exempt securities is required in order to comply with Federal arbitrage regulations and further provided that such investment qualifies as a legal investment for savings banks in this State and that the obligation was issued with an unqualified approving opinion of recognized bond counsel to the effect that the obligations have been duly authorized and issued and are legal, valid and binding obligations of the issuer, unless the obligation is guaranteed by the Federal government.

17:16-12.2 Applicable funds

(a) Subject to the limitations contained in [Section 12.3 (Limitations) of this Chapter] N.J.A.C. 17:16-12.3, the Director may invest and reinvest the moneys of any pension and annuity group fund in the revenue obligations of any public authority provided that such obligations qualify as legal investments for savings banks in this State.

(b) Also, the Director may invest and reinvest any moneys of a Temporary Reserve Fund in the revenue obligations of any public authority, provided that such investment in tax exempt securities is required to comply with Federal arbitrage regulations and further provided that such obligations qualify as legal investments for savings banks in this State.

17:16-12.3 Limitations

Not more than two percent of the assets of any pension and annuity group fund described in [Section 12.2 (Applicable funds) of this Chapter] N.J.A.C. 17:16-12.2 shall be invested in the obligations of any one public authority.

17:16-28.3 Limitations

(a) Any investment in any mortgage shall be not less than \$1,000,000 nor more than [\$8,000,000] \$10,000,000.

(b) (No change.)

(c) The Director shall approve [select] the servicing agent for the mortgage.

(d) Prior to the purchase of any mortgage, the Director may designate a qualified consultant to inspect the property and general area and render a report of the feasibility of the purchase including his opinion of value. His fee shall be paid by the borrower or the sponsoring financial organization.

[(e) No mortgage application for a mortgage on real property located outside of the State of New Jersey shall be considered except upon the recommendation of the Real Estate Department of a bank with capital stock, surplus and undivided profits totaling at least \$40,000,000, engaged in the purchase of FHA insured multi-family mortgages which shall review among other things:

1. The net worth of the borrower;
2. The adequacy of the Federal Housing Administration escrow arrangements;
3. The salability of the property;
4. The income productivity of the property at the levels designated in the Federal Housing Administration documentation;
5. The feasibility report of the consultant designated by the Director.]

(e) [(f)] No mortgage application for a mortgage on real property located within the State of New Jersey shall be considered except upon the recommendation of:

1. A New Jersey corporation presently servicing mortgages worth over [\$30,000,000] \$50,000,000; or
2. A bank chartered by the Federal government and whose principal office is located in New Jersey and is presently servicing mortgages worth over [\$30,000,000] \$50,000,000[.]; or
3. The Real Estate Department of a bank or brokerage firm with capital stock, surplus and undivided profits totaling at least [\$40,000,000] \$50,000,000, engaged in the purchase of FHA insured multi-family housing mortgages.

(f) [(g)] Said New Jersey corporation or bank shall take the following factors into consideration in making its recommendations:

- 1.-4. (No change.)
5. Any [The] feasibility report of the consultant designated by the Director.

(g) [(h)] No mortgage shall be recommended for purchase to the pension funds unless [approved by a majority

of the members of a Mortgage Advisory Committee created within the Division of Investment to advise the Director with respect to mortgage applications. The Committee shall be composed of five members serving without compensation who reside in New Jersey and are experienced in the purchase of mortgages. The Committee will meet whenever sufficient material is available to warrant a meeting and three members of the Committee shall constitute a quorum. Whenever practical, an agenda will be mailed to each Committee member in advance of the meeting. A copy of the agenda and analysis sheets (describing the mortgage offerings in detail), as well as a copy of the Minutes summarizing the action taken, will be mailed to all five members.] the Research Group within the Division of Investment shall have certified that the purchase is a legal investment and that the terms and yield on the security purchased are fair and equitable when compared with other securities available in the marketplace.

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

17:16-28.4 Legal papers

(a) Prior to issuance of a commitment to purchase, the Director shall have obtained and approved:

1. **Advance commitment:**

Renumber 1.-5. as 1.-iv.

[6.] 2. [Such i] Immediate purchase commitment [data as]:

i.-v. (No change.)

(b) Subsequent to the time of closing, the Director shall obtain:

1.-2. (No change.)

3. A servicing agreement in such form as the Attorney General may direct, entered into with the [bank or New Jersey corporation recommending the mortgage] agent approved by the Director.

17:16-29.3 Limitations

(a) Any investment in any construction mortgage shall be not less than \$1,000,000 nor more than [\$8,000,000] \$10,000,000.

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

(e) A [New Jersey] corporation, brokerage firm or bank qualified under Subchapter 28 must recommend the construction mortgage, but must as a condition of their recommendation arrange for a bank located in New Jersey to act as a principle in said construction mortgage for an amount not less than ten percent and not more than 30 percent of the total amount of the construction mortgage. Said principal bank shall in all cases be approved by the Director.

(f) No construction mortgage shall be recommended for purchase to the pension funds unless [approved by a majority of the members of a Mortgage Advisory Committee created within the Division of Investment to advise the Director with respect to mortgage applications. The Committee shall be composed of five members serving without compensation who reside in New Jersey and are experienced in the purchase of mortgages. The Committee will meet whenever sufficient material is available to warrant a meeting and three members of the Committee shall constitute a quorum. Whenever practical, an agenda will be mailed to each Committee member in advance of the meeting. A copy of the agenda and analysis sheets (describing the construction mortgage offerings in detail), as well as a copy of the Minutes summarizing the action taken, will be mailed to all five members] the Research Group within the Division of Investment shall have certified that the purchase is a legal investment and that the terms and yield on the security purchased are fair and equitable.

17:16-42.3 Applicable funds

(a) Applicable funds include:

1. Common Pension Fund A;
2. Supplemental Annuity Collective Trust.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roland M. Machold
Division of Investment
349 West State Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-167.

(a)

TREASURY

STATE INVESTMENT COUNCIL

Proposed Amendments: N.J.A.C. 17:16-27.1,
31.9, 40.1

Certificate of Deposits and Administrative
Expenses

Public Hearing: None

The State Investment Council in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:8A-91 proposes to amend N.J.A.C. 17:16-27.1, 31.9, and 40.1 concerning certificate of deposits and administrative expenses.

Summary

Amendment to N.J.A.C. 17:16-27.1 to permit investment by Director of Division of Investment in collateralized Certificates of Deposits as well as uncollateralized Certificates of Deposit for funds under the supervision of the State Investment Council and to set forth requirements as to the issuer of said Certificates and type of collateral required.

N.J.A.C. 17:16-31.9 provides that "other than State" entities, which includes municipalities and school boards, pay a fee of 1/10 of 1 percent on their balances in the Cash Management Fund to reimburse the State for administrative expenses. As the balances of both groups in the fund have grown, a decrease in the fee to 1/20 of 1 percent is feasible.

N.J.A.C. 17:16-40.1 provides for the purchase of collateralized securities. The purpose is to make the rule more specific by stating the type and quality of collateral when purchasing collateralized securities.

Social Impact

There will be no social impact.

Economic Impact

Beneficial impact on municipalities and school boards with balances in Cash Management Fund as their reimbursement expenses to State are reduced.

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

17:16-27.1 Permissible investments

(a) Subject to the limitations contained in this sub-

chapter, the Director may invest and reinvest moneys of any pension and annuity, static, demand, temporary reserve or trust group fund in uncollateralized Certificates of Deposit of commercial banks provided that:

1. The investment in [a] the certificate of deposit is limited to a term of one year or less;

2. The issuer of the certificate of deposit is a [national] bank[ing] [association] or trust company doing business anywhere within the United States which is a member of the Federal Reserve System;

3. - 4. (No change.)

(b) Subject to the limitations contained in this subchapter, the Director may invest and reinvest moneys of any pension and annuity, static, demand, temporary reserve or trust group fund in collateralized certificates of deposit provided that:

1. The investment in the certificate of deposit is limited to a term of one year or less;

2. The issuer is a bank or savings and loan association doing business anywhere within the United States;

3. The issuer demonstrates the capacity to wire collateral against payment through the Federal Reserve System to a designated custodian bank;

4. The issuer provides collateral against payment consisting of United States Treasury obligations or obligations of the following United States Government agencies:

i. Banks for Cooperatives;

ii. Federal Farm Credit Banks;

iii. Consolidated Systemwide Bonds;

iv. Federal Financing Bank;

v. Federal Home Loan Banks;

vi. Federal Intermediate Credit Banks;

vii. Federal Land Banks;

viii. Federal National Mortgage Association.

5. At the time of purchase the market value of the collateral provided under (b) above shall be equal to at least 120 percent of the purchase price of the certificate of deposit; and

6. The securities selected as collateral shall have a maturity not exceeding seven years from the date of the purchase of the certificate of deposit.

17:16-31.9 Calculation of daily income per participation unit

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

(d) Similarly, the Other Than State participants' pro rata share of any gains realized upon the sale of securities by the Fund should be credited to the Reserve Fund. The charge for administrative expenses shall be in the sum of up to and not to exceed 1/20 [1/10] of 1 percent per annum of the aggregate value of the units owned by the Other Than State Funds, and the Daily Income Per Participating Unit owned by such Other Than State Funds shall reflect their pro rata share of such sum. The charge for administrative expenses shall be paid into a fund whose assets shall be at the disposal of the Treasurer.

(e) (No change.)

17:16-40.1 Permissible investments

(a) Subject to the limitations contained in this Article, the Director may invest or reinvest the moneys of any pension and annuity group in securities which are fully collateralized by high quality marketable debt securities provided:

1. (No change.)

2. The Collateral:

i. Must [be of the type that qualifies under State Investment Council regulations] consist of obligations of the Government National Mortgage Association whose market value at the end of each quarter of each year is equal

to 150 percent of the principal amount then outstanding;

(c)

- ii. (No change.)
- 3. - 5. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roland M. Machold
Division of Investment
349 West State Street
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-168.

(a)

TREASURY

LOTTERY COMMISSION

Readopted New Rule: N.J.A.C. 17:21-11
"Baseball" Instant Lottery Game

Effective Date: June 23, 1981

On June 23, 1981, Gloria A. Decker, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with the applicable provisions of the Administrative Procedure Act, readopted a new rule to be cited as N.J.A.C. 17:21-11 concerning the "Baseball" Instant Lottery Game as proposed in the Notice published May 7, 1981 at 13 N.J.R. 312(a), without change.

Note: This rule was originally filed with the Office of Administrative Law on April 21, 1981, and appeared in the May 7, 1981 New Jersey Register as a joint proposal (PRN 1981-39) and emergency adoption (R.1981 d.136).

An order adopting the rule was filed with the Office of Administrative Law on June 23, 1981 as R.1981 d.269.

(b)

TREASURY

LOTTERY COMMISSION

Readopted New Rule: N.J.A.C. 17:21-11
"Super Bingo" Lottery Game

Effective Date: July 13, 1981

On July 13, 1981, Gloria A. Decker, Executive Director of the Division of State Lottery in the Department of Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with the applicable provisions of the Administrative Procedure Act, readopted a new rule cited as N.J.A.C. 17:21-11 concerning the "Super Bingo" Lottery game as proposed and as adopted as an emergency rule in the notice published June 4, 1981 at 13 N.J.R. 376(d) without change.

An order adopting the rule was filed with the Office of Administrative Law on July 13, 1981 as R-1981 d.286.

MORTGAGE FINANCE AGENCY

Adopted New Rules: N.J.A.C. 19:1-5.1—5.9
Home Improvement Loan Program
Exclusion, Suspension and Disqualification
of a Person(s)

Effective Date: August 6, 1981

On June 15, 1981, Christopher G. Kelly, Executive Director of the New Jersey Mortgage Finance Agency, pursuant to authority of N.J.S.A. 17:1B-8(c) and Executive Order Number 34, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 19:1-5.1 through 5.9 concerning the exclusion of home repair contractors from acting as a contractor on home improvement loans purchased by the Agency as proposed in the Notice published May 7, 1981 at 13 N.J.R. 312(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 22, 1981 as R.1981 d.268.

(d)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Proposed Amendments: N.J.A.C. 19:4-4.142, 6.25
Variances and Appeals

Public Hearing: None

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to amend N.J.A.C. 19:4-4.142, 6.25 concerning variances and appeals.

Summary

The proposed amendment modifies the variance and appellate procedures of the Hackensack Meadowlands Development Commission in order to conform with the requirements of the administrative law act requiring that "contested" cases be heard before an administrative law judge.

Social Impact

This amendment will have no social impact in that its scope is administrative and legal in nature and only affects the matter in which variances and appeals are heard before the Commission.

Economic Impact

This amendment will have no economic impact as far as the Commission's operations impact on applicants and developers. The Commission is unable to assess the impact that the Office of Administrative Law procedures and requirements will have.

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

19:4-4.142 Variances

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

(d) The Office of the Chief Engineer shall select a reasonable time and place at which to hold a public [hearing] informational hearing [in accordance with Subchapter 6 of this Chapter.] to consider any application for a variance from the terms of [these regulations] **this chapter.** Not-

withstanding the provisions of this section, in cases of variances from the area and bulk requirements of [these regulations] this chapter, the Office of the Chief Engineer shall give notice, as required by law, but a public informational hearing on the matter shall not be required; provided, however, that comments in writing, relative to an application may be submitted to the Office of the Chief Engineer within [ten] 10 days of the receipt of notice. [The Office of the Chief Engineer may, in its discretion, call a public hearing on any matter it deems of sufficient importance and shall call a public hearing on any matter on which there has been any adverse comment filed relative thereto which requests a public hearing.]

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

(g) Within eight weeks of the close of the public informational hearing, the Chief Engineer shall submit a recommended form of decision to the Executive Director regarding the submitted variance application. The Executive Director shall review the findings, conclusions, and recommendations of the Chief Engineer and shall state his acceptance, rejection or modification of the Chief Engineer's recommendation. In the event that the Executive Director's decision is a denial of the variance application or is a recommended approval with conditions, the Executive Director, in forwarding a copy of the decision to the applicant, shall advise the applicant of its right to a hearing before an administrative law judge pursuant to the regulations of the Office of Administrative Law.

1. Approvals of variance applications not subject to conditions are not affected by (h) and (i) below and no hearing other than an informational hearing shall be required.

(h) A hearing before an administrative law judge shall be held on an application only if the decision is a disapproval or is an approval with conditions. No such hearing shall be held unless the applicant requests such a hearing in writing and the request is received by the Executive Director within 15 days of the applicant's receipt of the decision of the Executive Director. The decision of the Executive Director shall become final unless the applicant or other party adversely affected by the decision has requested a hearing before an administrative law judge.

(i) Hearings shall be conducted by an administrative law judge under the rules and procedures of the Office of Administrative Law. The administrative law judge shall render an initial decision containing findings of fact and conclusions of law and shall file the decision with the Executive Director and the clerk of the Office of Administrative Law. Within five days of receipt of the decision of the administrative law judge, the Executive Director shall forward a copy to the HMDC Commissioners who may, by a vote of a majority of its members, render a final decision accepting, rejecting or modifying the administrative law judge's initial decision. A final decision shall be rendered within 45 days of receipt of the initial decision of the administrative law judge.

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

[(h)] (Repeal existing text.)

[(i)] (k) (No change in text.)

19:4-6.25 Appeals

(a) An appeal from an adverse decision of the Office of the Chief Engineer and/or the Executive Director made pursuant to this resolution may be taken to the Commission [or committee thereof, consisting of at least three members] by any party, or, in the discretion of the Commission, by anyone adversely affected by such decision. [The Commission shall have the absolute discretion to determine whether any appeal taken pursuant to this section will be heard by the Commission or a committee

thereof. For the purposes of this section, the term Commission means a quorum or the Commission.]

(b) Appeals shall be taken within [30] 15 days after the date of the notification of an adverse decision by filing a notice of appeal, by certified mail, with the Office of the Chief Engineer. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Secretary of the Commission shall transmit to the Office of Administrative Law all of the papers constituting the record upon which the decision being appealed was based.

(c) An appeal shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made and shall toll all applicable time limits, unless the Chief Engineer certifies to the Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, such stay and tolling would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed and time limits shall not be tolled other than by a restraining order which may be granted by the Commission or by the Superior Court on application to the Chief Engineer [and] on due cause shown.

(d) The Commission shall decide each appeal within 45 days of receipt of the decision of the administrative law judge on the basis of the record below and oral argument of the parties at the [public] hearings held before the administrative law judge. [commission or committee thereof. Public hearings on appeals shall be held at a reasonable time and place on ten days notice to all those entitled to receive notice of the proceeding below.]

(e) Any party may appear and be heard at the hearing in person, by agents, or by attorney.

(f) All those entitled to receive notice and any other person satisfying the Commission that he has a sufficient interest in the subject matter of the hearing shall be considered parties.

(g) The Commission may dismiss summarily frivolous or premature appeals.

(h) The Commission may affirm or reverse, wholly or partly, or may modify the adverse decision appealed from and may make such determination as need be made, and to that end shall have all the powers of the Chief Engineer and Executive Director and may issue or direct the issuance of a zoning certificate, certificate of occupancy, public order, or may direct the Chief Engineer or Executive Director to take what action is necessary to effect the decision of the Commission. The affirmative vote of a majority of the members of the Commission shall be necessary to reverse a written decision of the Chief Engineer and/or the Executive Director. The Commission shall render a written decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within 60 days after the close of the hearing.]

[(i)] (e) (No change in text.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1980. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Scardino, Jr., Executive Director
Hackensack Meadowlands Development Commission
200 Murray Hill Parkway
East Rutherford, New Jersey 07073

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

This proposal is known as PRN 1981-151.

(a)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

**Proposed Amendment: N.J.A.C. 19:8-7.3
Inspection and Obtaining of Authority Records
State Police Motor Vehicle Accident Reports**

Public Hearing: None

F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-5(j), proposes to amend N.J.A.C. 19:8-7.3 concerning the obtaining of New Jersey State Police motor vehicle accident reports.

Summary

P.L. 1981, c.105, enacted by the Governor on April 2, 1981 permits an increase in the fee that may be charged for New Jersey State Police motor vehicle accident reports. The New Jersey Highway Authority is amending its regulations to effect the increase permitted under P.L.1981, c.105.

Social Impact

The proposed amendment is expected to reflect the cost of processing requests for New Jersey State Police motor vehicle accident reports. It can be assumed that since this proposed regulation reflects legislative policy as embodied in P.L.1981, c.105, there will be no significant negative social impact.

Economic Impact

Original cost of a New Jersey State Police motor vehicle accident report was \$10.00. That amount was reduced by P.L.1980, c.412 to \$0.50 per page for the first to tenth page, \$0.25 per page for the eleventh to twentieth page and \$0.10 per page for all pages over twenty. The latter fees were inadequate to cover administrative costs incurred in processing these requests. The revised \$5.00 fee more reasonably reflects the cost to this Authority to provide the reports and is not such an exorbitant fee to preclude interested persons from obtaining required reports.

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

19:8-7.3 New Jersey State Police reports

(a) (No change.)

(b) All requests must be accompanied by a check or money order payable to the New Jersey Highway Authority in accordance with the following schedule:

1. [First page to tenth page \$0.50 per page;] **All accident reports, regardless of the number of pages, \$5.00.**

2. Eleventh page to twentieth page \$0.25 per page;

3. All pages over 20 \$0.10 per page;]

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

Interested persons may present, in writing, data, views or arguments relevant to the proposed rule on or before September 8, 1981. These submissions and any inquiries about submissions and responses should be addressed to:

F. Joseph Carragher, Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

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

This proposal is known as PRN 1981-153.

(b)

CASINO CONTROL COMMISSION

**Proposed Amendments: N.J.A.C. 19:41-9.1,
9.4, 9.19 and 12.5**

Applications

**Casino Assessments and Labor Registration
Renewals**

Public Hearing: None

The New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-139 proposes to amend N.J.A.C. 19:41-9.1, 9.4 and 9.19 concerning computation and assessment of license renewal fees for casino licensees and temporary casino permittees in one of two proposed alternatives submitted. Further, the New Jersey Casino Control Commission, pursuant to N.J.S.A. 5:12-95 proposes to amend N.J.A.C. 19:41-12.5 concerning registration renewals.

Summary

N.J.A.C. 19:41-9.1, 9.4 and 9.19(b) provide a method for computing and assessing an additional component of the license renewal fee charged to casino licensees and temporary casino permittees. This additional component is required to collect any otherwise unrecovered expenses of the Casino Control Commission and the Division of Gaming Enforcement as of June 30, 1981, and as of June 30 for each fiscal year thereafter. By law (N.J.S.A. 5:12-139 and 143), the expenses of the two agencies are to be fully funded from fees imposed by the regulations of the Casino Control Commission.

In the first alternative, the proposed regulatory amendments and supplements would assess the unrecovered amount or deficit among the holders of casino licenses and temporary casino permits in proportion to the amount of hours spent by agency personnel on matters directly related to each such licensee or permittee during the fiscal year. In the second alternative, the proposed regulatory amendments and supplements would assess the unrecovered amount or deficit among the operating casino hotels in proportion to the number of months during the fiscal year that the casino hotel was authorized to operate a casino. Currently no method exists for the computation and assessment of the unrecovered expenses or deficit.

Concerning N.J.A.C. 19:41-12.5, on January 9, 1980, Section 95 of the Casino Control Act was amended to require applications for the renewal of licenses and registrations be filed 120 days prior to expiration, rather than the 90 day filing requirement. This proposal will bring uniformity to existing Commission regulations.

Social Impact

In the first alternative the computation and assessment of unrecovered expenses or deficit will affect only the license fees of holders of casino licenses and temporary casino permits. In fiscal year 1981, there were eight such licenses or permits outstanding. In the second alterna-

tive, the computation and assessment of unrecovered expenses or deficit will affect only the license fees of casino operators and of other casino licenses and temporary casino permittees associated with such casino operation. In this regard in fiscal year 1981, there were seven casinos in operation and eight casino licenses or temporary casino permits outstanding. Collection of the additional amounts to be assessed under these regulatory proposals will enable the Casino Control Commission and the Division of Gaming Enforcement of the Department of Law and Public Safety to carry out their mandate to regulate and control the casino industry and to advance the social policies stated in the Casino Control Act.

Concerning registration renewals, the labor organizations who are required to file labor organization registration statements will have to organize and complete all the renewal registration forms which are required by the Act, one month sooner.

Economic Impact

In alternative one, N.J.A.C. 19:41-9.1, 9.4, 9.4(f) and 9.19(b) would allocate among and assess from casino licenses and temporary casino permittees the amount required by law to be recovered through license renewal fees for the expenses of the Casino Control Commission and of the Division of Gaming Enforcement of the Department of Law and Public Safety. The allocation would be based upon the number of hours expended by the personnel of the two agencies during the fiscal year on matters directly related to each such licensee or permittee. In effect, the proposed amendments and supplements would adjust the hourly charges billed to casino licensees and temporary casino permittees to the hourly rate actually necessary to recover the expenses of the regulatory agencies.

In alternative two, the proposed amendments and supplements would allocate among and assess from casino operators the amount required by law to be recovered through license renewal fees for the expenses of the Casino Control Commission and of the Division of Gaming Enforcement of the Department of Law & Public Safety. The allocation would be based upon the number of months during the fiscal year that each casino hotel was authorized to operate a casino. In this way, the obligation to pay for the otherwise unrecovered expenses of the agencies would be placed upon the casino operation which is the ultimate focus of the regulatory activities and which is the ultimate beneficiary of those activities.

No economic impact exists with registration renewals.

Full text of the proposed amendments and supplements are attached hereto (additions indicated in boldface thus; deletions indicated in brackets [thus]).

ALTERNATIVE 1:

19:41-9.1 General description of fees and policy

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

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities from casino license renewal fees and given the fact that all such activities are undertaken for the direct or indirect benefit or protection of casino operations, the obligation to supply additional funds necessary to recover the otherwise uncollected expenditures of the agencies should be spread among the licensed casino facilities, whether such a facility is owned or operated by a casino licensee or a temporary casino permittee. By their nature the agency activities generating the otherwise uncollected expenditures are not attributable to any specific casino operation

and they produce benefits for all such operations, e.g., creating a pool of licensed individuals to employ and enlarging the class of licensed casino service industries to contract with for goods and services. Thus, it is reasonable to apportion the assessment for the otherwise uncollected costs equally among the licensed casino facilities subject to an appropriate adjustment where a particular facility is not authorized to conduct operations for an entire fiscal year or where a change of ownership or control of casino operations occurs during the fiscal year.

19:41-9.4 Casino license fees

(a) For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them unless a different meaning clearly appears from the context:

1. (No change.)

2. "[Operating] Licensed casino facility" means a [licensed] casino hotel facility [in] as to which a casino license has been issued to authorize gaming operations [have been conducted during a fiscal year];

3. - 5. (No change.)

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

(f) A licensed casino facility shall be required to pay, as a component of the renewal fee for any casino license necessary to casino operations therein and as a condition of any such casino license, a share of the amount of any liability of the Casino Control Fund existing as of the close of business on June 30 of each fiscal year. The share for each licensed casino facility shall be the amount which is in the same proportion to the total liability as the proportion of the number of months in the fiscal year when casino operations are conducted or authorized in the facility to the total number of such months for all licensed casino facilities. For purposes of this calculation any part of a calendar month shall be considered a full month. Any months during which a necessary casino license or operation certificate for a licensed casino facility has been suspended shall also be counted in determining the share of such facility. Further, the operation of the facility by a conservator or a trustee shall be deemed continued operation by the casino operator for these purposes. The primary obligation to pay the assessed share of a licensed casino facility shall be upon the casino operator; provided that where a change of casino operators occurs during the fiscal year each such operator shall be liable for an amount of the share apportioned according to the time during which each operator functioned.

19:41-9.19 Obligation to pay fees and nonrefundable nature of fees

(a) (No change.)

(b) Amounts actually paid by an applicant or licensee in accordance with the Act and this subchapter shall not be refundable; provided, however, that where payments made by a casino licensee or temporary casino permittee for its estimated share under N.J.A.C. 19:41-9.4(f) exceed the actual share as finally determined, the excess payments shall be credited toward payment of additional fees by that casino licensee or temporary casino permittee; and provided further, however, that where estimated payments exceeding the actual share are made by a former casino licensee or former temporary casino permittee, which ceases to hold any license and which does not owe and will not accrue additional fee obligations, the former licensee or permittee may claim a refund of any excess amount to which it is found to be entitled. In accordance with Section 82(c)(9) of the Act, the holder of any casino license necessary to the conduct of gaming in the facility

shall also be liable for any amounts chargeable to the casino operator. Any share calculated in accordance with this section shall be paid in full by December 31 of the year following the fiscal year. The Commission, through its Division of Financial Evaluation and Control, shall have the authority to estimate from time to time during the fiscal year the share for each licensed casino facility incurred to that time and to demand payment of such estimated share.

ALTERNATIVE 2:

19:41-9.1 General description of fees and policy

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

(d) Given the mandate of the Act to recover the otherwise uncollected cost of maintaining control and regulatory activities from casino license renewal fees, and given the fact that the privilege of casino licensure enables the casino licensee to derive the immediate, tangible benefits of the control and regulatory efforts of the Commission and the Division, and given the fact that holders of casino licenses are best able to bear the additional burden of any deficiency assessment required to recapture the otherwise uncollected costs incurred by the Commission and the Division, and given the fact that the holder of a temporary casino permit enjoys the same privileges and benefits as the holder of a casino license for these purposes, these regulations impose upon casino licensees and temporary casino permittees the obligation to satisfy any deficit in the Casino Control Fund at the close of a fiscal year. The deficiency assessment will be apportioned among all holders of casino licenses and temporary casino permits based upon the relative number of hours expended by the professional staff members of the Commission and the Division during the fiscal year on matters directly related to such licensee or permittee. In essence, the hourly charges to such licensees and permittees are adjusted to satisfy the statutory mandate of recapturing all control and regulatory expenses from renewal fees of casino licensees and temporary casino permittees.

19:41-9.4 Casino license fees

(a) For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them unless a different meaning clearly appears from the context:

1. (No change.)

[2. "Operating casino" means a licensed casino in which gaming operations have been conducted during a fiscal year;

3. "Casino operator" means a casino licensee which is designated as the primary obligor for payment of gross revenues taxes in accordance with N.J.A.C. 19:54-1.2;]

Renumber 4. - 5. as 2. - 3.

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

(f) A casino licensee shall be required to pay, as a component of its renewal fee and as a condition of licensure, a share of the amount of any liability of the Casino Control Fund existing as of the close of business on June 30 of each fiscal year. The share of each casino licensee shall be in proportion to the number of hours expended by the professional staff members of the Commission and the Division, including hours expended by the Commission's inspectors and the Division's enforcement, compliance and contract review personnel, on matters related directly to such casino licensee during the fiscal year. The additional share calculated in accordance with this section shall be paid in full by December 31 of the year following the fiscal year. The Commission,

through its Division of Financial Evaluation and Control, shall have the authority to estimate from time to time during the fiscal year the share of each casino licensee incurred to that time and to demand payment of such estimated share.

19:41-9.19 Obligation to pay fees and nonrefundable nature of fees

(a) (No change.)

(b) Amounts actually paid by an applicant or licensee in accordance with the Act and this subchapter shall not be refundable; provided, however, that where payments made by a casino licensee or temporary casino permittee for its estimated share under N.J.A.C. 19:41-9.4(f) exceed the actual share as finally determined, the excess payments shall be credited toward payment of additional fees by that casino licensee or temporary casino permittee; and provided further, however, that where estimated payments exceeding the actual share are made by a former casino licensee or former temporary casino permittee, which ceases to hold any license and which does not owe and will not accrue additional fee obligations, the former licensee or permittee may claim a refund of any excess amount to which it is found to be entitled.

LABOR REGISTRATION RENEWAL

19:41-12.5 Registration renewal

A labor organization registration shall be effective for one year. Any such registration may be renewed upon filing of an updated "Labor Organization Registration Statement" no later than [90] 120 days prior to the expiration of the current registration, and the payment of any fee on or before the date of expiration of the current registration. The Commission shall act upon such application for renewal no later than 30 days prior to the date of expiration of the current registration.

Concerning the proposals relating to the computation and assessment of the unrecovered expenses or deficit, interested persons may present, in writing, statements or arguments to the proposed action on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert J. Genatt
Legal Division
Casino Control Commission
Princeton Pike Office Park, Bldg 5
CN 208
Trenton, N.J. 08625

Concerning registration renewals, interested persons may present, in writing, statements or arguments relevant to the proposed action on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard Franz
Licensing Division
Casino Control Commission
Tennessee and Boardwalk
Atlantic City, N.J. 08401

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

This proposal is known as PRN 1981-165.

(a)

CASINO CONTROL COMMISSION

Adopted Amendment: N.J.A.C. 19:43-1.8
Casino Service Industries
Duration of Licenses

Effective Date: August 6, 1981

On June 22, 1981, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-63(c) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 19:43-1.8 concerning the duration of licenses for casino service industries as proposed in the Notice published July 10, 1980 at 12 N.J.R. 447(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on June 26, 1981 as R.1981 d.273.

(b)

CASINO CONTROL COMMISSION

Proposed Amendments: N.J.A.C. 19:45-1.1, 1.12, 1.15, 1.18, 1.24, 1.25, 1.27, 1.29, 1.31, 1.33, 1.34, 1.39, 1.40, 1.41, 1.43; 19:46-1.3, 1.11, 1.26; 19:47-1.2, 1.4, 2.6, 2.8, 2.12, 2.13, 5.2, 5.7
Proposed New Rule: N.J.A.C. 19:45-1.46
Casino Licensees

Public Hearing: None

The Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-63c and 5:12-70, proposes to amend various rules of the Commission, and to adopt a new rule to be cited as N.J.A.C. 19:45-1.46 concerning casino licensees.

Summary

Regarding N.J.A.C. 19:45-1.1, 1.15, 1.18, 1.24, 1.25, 1.27, 1.29, 1.31, 1.33, 1.34, 1.39, 1.40, 1.41, 1.43 and 1.46: The proposal controls the use by casino/hotels of patrons' credit cards and electronically transferred funds; controls the casino/hotel patron coupon redemption programs providing patrons money or objects of value; controls the use of progressive slot machines, which are those programmed to accumulate jackpots; and generally strengthens credit procedures by more particularly defining terms, controlling credit examinations and related records and more specifically controlling credit collection procedures. Minor revisions also have been made throughout to clarify various internal control regulations.

Regarding N.J.A.C. 19:45-1.12: This proposed amendment would establish by regulation minimum dealer, box-person and floorperson staffing requirements for the game of craps.

Regarding N.J.A.C. 19:46-1.11 and 19:47-1.2 and 1.4: These proposed regulations would eliminate the Big 6 and Big 8 bets in the game of craps.

Regarding N.J.A.C. 19:46-1.26: This proposed regulation would require every slot machine in a casino to be equipped with a switch to control the electrical current in the machine.

Regarding N.J.A.C. 19:46-1.3: This proposed regulation would eliminate the requirement that casinos have a secondary set of gaming chips in denominations of \$1.00, \$2.50 and \$5.00. The requirement that a secondary set of gaming chips be obtained for denominations over \$5.00 would remain in effect.

Regarding N.J.A.C. 19:47-2.6, 2.8 and 2.13: These proposed regulations would eliminate the surrender option in the game of blackjack.

Regarding N.J.A.C. 19:47-5.2: These proposed rule changes eliminate the "in prison" option on roulette having a single and double zero and both the "in prison" and "surrender" option on roulette having only a single zero.

Regarding N.J.A.C. 19:47-2.12: This proposed regulation would eliminate the requirement that the dealer draw to his own hand in the game of blackjack when decisions on all players' hands have already been made and cannot be affected.

Regarding N.J.A.C. 19:47-5.7: The proposal would eliminate the requirements that the casinos in Atlantic City provide a certain percentage of craps, blackjack and roulette tables with specified minimum betting limits.

Social Impact

Regarding N.J.A.C. 19:45-1.1, 1.15, 1.18, 1.24, 1.25, 1.27, 1.29, 1.31, 1.33, 1.34, 1.39, 1.40, 1.41, 1.43 and 1.46: Patrons having credit cards will have increased availability of funds. Regulations will be imposed on casino/hotel coupon promotions which are affecting the general public. Casino/hotel credit transactions will be more effectively controlled. Progressive slot machines may attract increased patronage due to the potential for larger pay offs.

Regarding N.J.A.C. 19:45-1.12: Prior to this proposed regulation, each casino had a condition in its Operation Certificate that set forth minimum staffing requirements in the game of craps for peak and non-peak seasons. The social impact of this proposed regulation results from how this regulation would modify previously imposed conditions. It would also provide the casinos with more flexibility in staffing craps tables and scheduling vacation time of employees in these categories. It may also decrease the numbers of employees in these categories. It may also decrease the numbers of jobs available in these categories during peak season.

Regarding N.J.A.C. 19:46-1.11 and 19:47-1.2 and 1.4: The social impact of these proposed regulation changes would consist of eliminating disputes between players resulting from placement of these bets, and the confusion that may result in attempting to identify the person who made a particular bet. These changes would also increase the control over the game by eliminating patron placement of these wagers. Since these bets are still available, in essence, in another area of the craps layout, the player still has them available with only the procedural aspects of handling them being different.

Regarding 19:46-1.26: This proposed regulation would have the effect of providing protection to those people working on the slot machines. With this switch located outside the machine, those working on the machines would not be placed in a position of having to work on the machine while electrical current is flowing through it. Those working on the machine will be able to turn off the electrical current thereby preventing the danger of receiving electrical shocks and burns.

Regarding N.J.A.C. 19:46-1.3: This proposed regulation will reduce the numbers of gaming chips to count and account for in a casino. Although it is difficult to determine with any degree of specificity, this proposed regulation may have some social impact on the gaming chip manufacturers, their employees, suppliers and transportation firms.

Regarding N.J.A.C. 19:47-2.6, 2.8 and 2.13: The social impact of this proposed rule change is speculative yet potentially multi-faceted. The rule change will affect casino patrons playing the game of blackjack in Atlantic City. It has the potential of at least temporarily modifying

the socio-economic and educational mix of players in the casinos. With respect to the approach of the game, it will probably modify to some degree the decisions made by the various types of players in the casinos. With respect to the approach to the game, it will probably modify to some degree the decisions made by various types of players and the strategies being implemented in the play of the game.

Regarding N.J.A.C. 19:47-5.2: With respect to the elimination of both options with respect to the single zero roulette wheel, the immediate social impact is to encourage casinos to introduce into Atlantic City the single zero roulette wheel which has not been previously used although authorized by the Commission regulations. Even without the "in prison" and "surrender" options, single zero roulette is more favorable to the player than double zero roulette.

With respect to the elimination of the "in prison" option on the double zero roulette wheel, the potential social impact is minimal. It will probably reduce the interaction between dealer and patron since with both options the need arises sporadically for the dealer to explain to the patron the difference between the options. On the other hand, for patrons who do not understand the mathematics regarding both options, the elimination of the "in prison" option may engender a misunderstanding as to the true import of this change.

Regarding N.J.A.C. 19:47-2.12: The perceived and projected social impact of this proposed change is minimal. It will result in players not having to wait for the dealer to hit his own hand before receiving payment for their winning wagers. It may also avoid the sense of frustration that may result when a player sees an advantageous card being dealt to the dealer's hand when the card is unnecessary for the determination in that particular round of play. In the opposite case, it may engender a sense of frustration when the first card in the next round of play is disadvantageous.

Regarding N.J.A.C. 19:47-5.7: Although it is difficult to assess the precise social impact of this proposal, it is expected that this proposal could affect the socio-economic mix of players in the casino. It also provides to the casinos the flexibility of developing that strata of player sought to be attracted by the management of each individual casino.

Economic Impact

Regarding N.J.A.C. 19:45-1.1, 1.15, 1.18, 1.24, 1.25, 1.27, 1.29, 1.31, 1.33, 1.34, 1.39, 1.40, 1.41, 1.43 and 1.46: The increased availability of funds to patrons along with the strengthening of internal procedures should result in greater tax revenues. Casino gross revenue figures will be made more accurate and will insure payment of the proper gross revenue tax.

Regarding N.J.A.C. 19:45-1.12: This proposed regulation will probably decrease salary and overtime costs during peak season and increase them during non-peak season. As a corollary, employees in the affected categories will probably realize less in overtime payments. Since this regulation may affect the control achieved over the game of craps, it may have an effect on the revenue generated by that game but this cannot be quantified.

Regarding N.J.A.C. 19:56-1.11 and 19:47-1.2 and 1.4: The initial economic impact of these changes would be to require each of the casinos to purchase new craps layouts which would provide an economic advantage to gaming supply distributors. Since players would not be able to make a wager on the 6 or 8 for under six dollars, casino revenue would be reduced a relatively minimal degree.

Regarding N.J.A.C. 19:46-1.26: This proposed regulation

may increase the cost of slot machines in relation to the cost of the switches and labor associated therewith. It would also seem likely to increase the revenue of switch manufacturers. Since the switches would prevent electrical shocks and burns, the proposed regulation may reduce the medical costs to employers and employees and may reduce any sick days needed to recover from potential shocks and burns that might otherwise be incurred.

Regarding N.J.A.C. 19:46-1.3: The direct economic impact of this proposal is to decrease the costs incurred by the casinos for gaming chips thereby also those engaged in the transportation of gaming chips. Since the area needed for the storage of gaming chips will also be reduced, there is an economic impact of providing the casinos with the ability to use this space for other purposes.

Regarding N.J.A.C. 19:47-2.6, 2.8 and 2.13: In order to assess the economic impact of this proposed change, a study was conducted showing the effects of this change both on the casinos and the different categories of players. The details of this impact are found in the enclosed report resulting from this study.

Regarding N.J.A.C. 19:47-5.2: With respect to the single zero roulette wheel, this proposed modification will increase the house advantage previously permitted on this wheel. However, since without this change, it is likely that no casino would opt for the single zero wheel, this is not a real change. Since the elimination of this option on the single zero wheel will encourage casinos to use this wheel, it will be economically advantageous to the patrons since this rule will provide less of a house advantage to the patron than presently available in double zero roulette.

With respect to the double zero wheel, the economic impact is minimal. It will initially alleviate the need for the casinos to purchase plastic "in prison" lamer buttons and it may also have a slight impact on the speed of the game.

With respect to both wheels, this proposed change will, as a practical matter, require the casinos to purchase new plastic signs to advise patrons of this modification. This obviously will increase the cost to the casinos and also increase the revenue of sign manufacturers.

Regarding N.J.A.C. 19:47-2.12: The direct economic impact is that the casino may slightly increase its volume of hands per hour. This may, to a relatively minimal degree, increase casino revenue slightly and decrease player winnings. With respect to an individual player, it could, in very particularized circumstances, result in the player either winning or losing when, if the rules were reversed, the opposite result may have been achieved. Of course, these situations would be random and would cancel each other out when the effect is considered in the aggregate.

Regarding N.J.A.C. 19:47-5.7: Depending on the mix of minimum tables chosen by each casino, the casino revenue will be affected as will the cost of gaming to the players.

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

19:45-1.1 Definition

The following words and terms when used in this regulation shall have the following meanings unless the content clearly indicates otherwise.

...

"Cash equivalent" means certified checks, cashier checks, treasurer checks, recognized travelers checks, recognized money orders or recognized credit cards.

...

"Identification Credentials" means a valid credit card,

driver license, passport or other form of identification credential which contains, at a minimum, the patron's signature. A personal reference does not constitute an identification credential.

...

19:45-1.12 Personnel assigned to the operation and conduct of gaming and slot machines

(a) The following personnel shall be used to operate and conduct table games in an establishment:

1.-9. (No change.)

10. Each casino licensee shall staff its craps tables with at least three dealers and one boxperson per table and at least one floorperson supervising no more than two craps tables at all times while those tables are open for gaming. Additionally, there shall be within each pit of craps tables supervised by a common pit boss at least:

i. Four boxpersons and/or floorpersons for every two craps tables open for gaming; or

ii. Eight boxpersons and/or floorpersons for every four craps tables open for gaming; or

iii. Twelve boxpersons and/or floorpersons for every six craps tables open for gaming; or

iv. Sixteen boxpersons and/or floorpersons for every eight craps tables open for gaming.

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

19:45-1.15 Accounting controls within the cashier's cage

(a) (No change.)

(b) The cashier's cage shall be physically segregated by personnel and function as follows:

1. General cashiers shall operate with individual imprest inventories of cash, gaming chips and plaques and such cashier's functions shall be, but not be limited to, the following:

i.-vi. (No change.)

vii. Receive coupons from patrons in exchange for currency or coin, in conformity with N.J.A.C. 19:45-1.46(i).

[vii.] viii. (No change in text.)

[viii.] ix. (No change in text.)

2.-4. (No change.)

(c)-(d) (No change.)

19:45-1.18 Procedure for accepting cash at gaming tables

(a) Whenever cash is presented by a patron at a gaming table for exchange for gaming chips and plaques, the following procedures and requirements shall be observed:

1.-2. (No change.)

3. Immediately after an equivalent amount of gaming chips or plaques has been given to the patron, the cash shall be taken from the top of the gaming table and placed by the dealer or boxman into the drop box attached to the gaming table[.]; except that fifty cent (\$.50) and twenty-five (\$.25) coins may be retained in the table inventory in lieu of gaming chips of like denominations.

19:45-1.24 Procedure for acceptance, accounting for and redemption of patron cash deposits

(a)-(l) (No change.)

(m) A patron may obtain a refund of his deposit or any unused portion of a deposit by requesting the refund from a general cashier and returning his copy of the Customer Deposit Form. The general cashier shall verify the customer's identification credentials and shall:

1.-3. (No change.)

(n)-(q) (No change.)

19:45-1.25 Procedure for exchange of checks submitted by gaming patrons

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

(d) All checks sought to be exchanged at the cashiers' cage shall be:

1. Presented directly to the general cashier who shall:

i.-iv. (No change.)

v. Immediately exchange the check for currency and coin in an amount equal to the amount for which the check is drawn, not to exceed two hundred dollars (\$200.00) per patron per day, if such check is exchanged for the purpose of non-gaming; and

vi. (No change.)

(e) Cash equivalents, as defined in N.J.A.C. 19:45-1.1, shall only be accepted at the cashiers' cage by general cashiers. Prior to acceptance of a cash equivalent from a person, the general cashier shall examine that person's identification credentials.

(f) A person may obtain cash at the cashiers' cage to be used for gaming purposes by presenting a recognized credit card to a general cashier. Prior to the issuance of cash to a person, the general cashier shall verify through the recognized credit card company the validity of the person's credit card and shall obtain approval for the amount of cash the person has requested. The general cashier shall then prepare such documentation as required by the casino licensee to evidence such transactions and to balance the imprest fund prior to the issuance of the cash.

Renumber (e)-(k) as (g)-(m) without change in text.

19:45-1.27 Procedure for recording checks exchanged, redeemed or consolidated

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

(d) (No change.)

1.-6. (No change.)

7. The type of identification credentials examined, accompanied by the signature of the cage cashier and the date, indicating that the signature on the credit file compares to the signature on the identification credentials presented by the patron;

Renumber 7.-14. as 8.-15. without change in text.

(e) (No change.)

19:45-1.29 Procedure for collecting and recording checks returned to the casino after deposits

(a) (No change.)

(b) No person other than one licensed in a separate collection area within the accounting department as a casino key employee or a casino employee, and one who has no incompatible functions may engage in efforts to collect returned checks except that an attorney-at-law representing a casino licensee may bring action for such collection.

(c)-(h) (No change.)

(i) A record of all collection efforts shall be recorded and maintained by the collection area within the accounting department.

[(i)] (j) (No change in text.)

19:45-1.31 Procedure for closing gaming tables

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

(f) Upon meeting the signature requirements described in [subsection (d) of this section] (d) above, the Opener and the gaming chips and plaques remaining at the table shall be placed in the container specified in [section] N.J.A.C. 19:45-1.20 [of this regulation], after which the container shall be locked and either transported directly to the cashiers' cage by a security department member or secured to the gaming table provided that there is adequate security, as approved by the [Chairman] Commission.

(g) (No change.)

19:45-1.33 Procedure for counting and recording contents of drop boxes

(a)-(i) (No change.)

(j) The originals and copies of the Master Game Report, Counter Checks, Request for Fills, Fills, Request for Credits, Credits, and Table Inventory Slips shall, on a daily basis, in the accounting department be:

1. Compared for agreement with each other, on a test basis if the originals are received from the count room, by persons with no recording responsibilities and, if applicable, to triplicates or stored data;

2.-6. (No change.)

19:45-1.34 Slot [B]booths

(a) (No change.)

1.-4. (No change.)

5. The exchange by patrons of coupons for currency or coin, in conformity with N.J.A.C. 19:45-1.46(i).

Renumber 5.-7. as 6.-8. without change in text.)

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

19:45-1.39 Progressive slot machines

(a) This section shall apply to any slot machine with a [payout indicator] "progressive meter(s)" that increases as the machine is played.

(b) Unless otherwise authorized by the Commission, each progressive slot machine in a casino shall have the following identifying features:

1. A mechanical, electrical or electronic device, to be known as a "progressive meter(s)", visible from the front of the machine which increments at a set rate of progression with coins placed into the machine, and which advises the player of the amount which can be won if the progressive jackpot combination appears;

2. A mechanical, electrical or electronic device, to be known as a "progressive jackpot meter" that is visible without opening the door and that continuously and automatically records the number of times a progressive jackpot is hit.

3. A separate key and key switch to reset the "progressive meter(s)" or such other separate reset mechanism as may be approved by the Commission;

4. A separate key locking the compartment housing the progressive meter(s) or other means by which to preclude any unauthorized alterations to the progressive meters.

(c) Unless otherwise authorized by the Commission, each progressive slot machine connected to a common progressive display unit shall:

1. Be of the same denomination and have the same probability of hitting the combination that will award the progressive jackpot as every other machine connected to such display unit;

2. Require that the same number of coins be inserted to entitle the player to a chance at winning the progressive jackpot and each coin shall increment the meter(s) by the same rate of progression as every other machine connected to such display unit; and

3. Have its microprocessor or other control unit that controls the common display unit located in a slot machine drop bucket compartment under the dual key control of the Commission and the casino licensee, or in such other location and with such other key controls as the Commission may approve.

(d) Every casino seeking to utilize a progressive slot machine connected to a common progressive display unit shall submit to the Commission for approval the location and manner of installing the common progressive display unit.

(e) No progressive slot machine shall be placed on the casino floor until the casino licensee has submitted to the

Commission and the Commission has approved the following:

1. The initial and reset amounts at which the "progressive meter(s)" will be set;

2. The proposed system for controlling the keys and access codes to these machines; and

3. The proposed rate of progression for each machine;

[(b)] (f) No [payout indicator] "progressive meter(s)" shall be turned back to a lesser amount unless the amount indicated has been actually paid to a winning patron or the change in the [indicator] meter(s) reading is necessitated by a slot machine or [indicator] meter(s) malfunction, in which case an explanation must be entered on the summary required in subsection [(f)] (j) of this section and the Commission inspector must pre-approve the re-setting in writing.

[(c)] (g) Once an amount appears on a [payout indicator] "progressive meter(s)", the rate of progression and the probability of hitting the combination that will award the progressive jackpot may not be changed until there has been a winner of the payout amount registered on the [indicator] meter(s) or the payout limit, as described in subsection [(e)] (i) of this section, is registered on the [payout indicator.] "progressive meter(s)".

[(d)] (h) If the [payout indicator] "progressive meter(s)" progresses without a payout until the [payout indicator] meter(s) return to zero because of digital limitations on the [payout indicator] meter(s), some means must be utilized to [reflect] clearly advise the patrons of the value of the undisplayed digit.

[(e)] (i) The payout limit, if any, shall be posted on the slot machine and shall be clearly visible to the patron.

[(f)] (j) The amount indicated on the "progressive meter(s)" and "in meter" on each slot machine shall be recorded on a Progressive Slot Summary, at a minimum, once each day and such summary shall be signed by the preparer. Supporting documents shall be maintained to explain any reduction in the registered amount from the previous entry and shall indicate the date, casino number of the slot machine, and the amount of the reduction.

[(g)] (k) Unless otherwise authorized by the Commission, [If] a progressive slot machine [is] removed from the gaming floor [, it] shall [within five days] be returned to or replaced on the gaming floor[,] within five days. The [payout indicator] amount on the "progressive meter(s)" on the returned or replacement machine shall not be less than the [payout indicator] amount on the "progressive meter(s)" at the time of removal.

19:45-1.40 Jackpot payouts

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

(e) On originals, duplicates, and triplicates, or in stored data, the preparer shall record, at a minimum, the following information:

1.-2. (No change.)

3. The data and [time of the jackpot] shift during which the jackpot occurred;

4.-6. (No change.)

(f) The time of preparation of the jackpot shall be recorded at a minimum, on the original and duplicate upon preparation.

Renumber (f)-(i) as (g)-(j) without change in text.

19:45-1.41 Procedure for filling payout reserve containers of slot machines

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

(e) On originals, duplicates, and triplicates, or in stored data, the preparer shall record, at a minimum, the following information:

1. (No change.)

2. The date and [time of distribution] shift during which the coins are distributed;

3.-6. (No change.)

(f) The time of preparation of the Hopper Fill shall be recorded at a minimum, on the original and duplicate upon preparation.

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

(h) A slot mechanic who participates in hopper fill transactions shall inspect the slot machine and determine if the empty hopper resulted from a machine malfunction. When a slot attendant participates in hopper fills, he shall review the Machine Entry Authorization Log and alert a slot mechanic to inspect the slot machine if the entries in the log indicate a consistent malfunction problem, or if the slot machine has had two prior hopper fills during the gaming day in which this hopper fill occurs.

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

[(h)] (j) Upon meeting the signature requirements as described in [subsections (g)1. and (g)2. of this section] (i)1 and 2 above, the security department member shall maintain and control the duplicate and the slot or cage cashier shall maintain and control the original.

[(i)] (k) (No change in text.)

19:45-1.43 Slot count: procedure for counting and recording contents of drop buckets

(a)-(h) (No change.)

(i) (No change.)

1.-4. (No change.)

5. As the contents of each drop bucket is counted by the count machine or weighed by the scale, or, if currency, by two count team members, one member shall record on the Slot Win Sheet, or supporting document, the casino number of the slot machine to which the drop bucket contents corresponds, if not preprinted thereon. [, and] [t]The number of coin or the weight of the coin [(and the value of the coin and/or currency counted)] shall be converted by the count machine or scale to a value which, along with any currency counted, shall be recorded on the Slot Win Sheet by a count team member;

6.-7. (No change.)

(j) (No change.)

19:45-1.46 Procedures for control of coupon redemption programs

(a) This section shall apply to casino licensees offering coupon redemption programs including, but not limited to bus coupons.

(b) Only those coupons directly controlled and issued by the casino licensee shall be redeemed by the casino licensee.

(c) Each coupon, or part thereof, issued by a casino licensee shall only be redeemable for a specific item.

(d) All coupons shall be serially prenumbered forms; each series of coupons shall be used in sequential order. Each coupon shall be printed with a description of what is being offered, the location where it may be redeemed, and the statement "Valid only on Date of Issue." If a coupon is of a type that is divisible into sections or is multi-part each such separate part or copy shall contain the preprinted serial number, description of what is being offered, the location where it may be redeemed, and the statement "Valid only on Date of Issue."

(e) When coupons are received from the manufacturer or distributor, they shall be opened and checked by at least two individuals, one of whom shall be from the auditing department. Any deviations between the invoice accompanying the coupons, the purchase order, and the actual coupons received shall be reported promptly to the Corporate Controller and the Internal Audit Department.

1. After checking the coupons received, the casino licensee shall cause to be recorded in a coupon control ledger the type and quantity of coupon received, the date of such receipt, the beginning serial number, the ending serial number, the new quantity of unissued coupons on hand, the purchase order number, any deviations from the purchase order or invoice, and the signatures of the individuals who checked such coupons.

2. All unissued coupons shall be stored in a separate locked cabinet, the key to which shall be controlled by an accounting department supervisor, in the accounting department or cashiers' cage.

3. A representative from the audit department, shall prepare a monthly inventory of unissued coupons. Any deviations between the coupon inventory and the coupon control ledger shall be reported to the Casino Controller.

(f) The representative of the casino licensee shall, on a daily basis, prepare a written estimate of the coupons needed by shift for that day. The estimate, signed by the preparer, shall serve as a request for coupons. Upon receipt of the estimate, an accounting department representative shall obtain the quantity of coupons to be issued; affix a stamp indicating the current date on each coupon so issued, and record the following information in the coupon control ledger:

1. The date the coupons were issued;

2. The type of coupons issued;

3. The beginning serial number of the coupons issued;

4. The ending serial number of the coupons issued;

5. The quantity issued; and

6. The signatures of the accounting department representative issuing the coupons and such other department's representative receiving the coupons.

(g) The casino licensee shall require unissued coupons obtained from the accounting department representative to be stored in a locked cabinet until they are issued to patrons. Any coupons remaining unissued at the end of the day shall be voided and returned to the Accounting Department.

(h) Documentation, as required by the casino licensee, shall be prepared by a representative of the casino licensee for the distribution of coupons to patrons. The documentation shall have the following information, at a minimum, recorded on it:

1. The date and time, or shift of preparation;

2. The type of coupons issued;

3. The beginning serial number of the coupons issued;

4. The ending serial number of the coupons issued;

5. The total number of coupons issued;

6. Independent verification of the number of people receiving the coupons;

7. The total number of coupons voided due to non-issuance; and

8. The signature of the casino licensee's representative who has issued the coupons.

(i) Coupons redeemable for cash shall only be redeemed at the slot change booths or the cashiers' cage located on the casino floor. A slot cashier or general cage cashier shall accept the coupon in exchange for the stated amount of cash and shall cancel the coupon by stamping or punching holes through it. Redeemed coupons shall be maintained by the slot or general cashier and shall be exchanged with the Main or Master Coin Bank at the end of a shift for a like amount of cash.

(j) Coupons redeemable for food, beverages or other services shall only be redeemed at the locations on the licensed premises so indicated on the coupons. All coupons shall be immediately cancelled by the casino licensee's representative accepting such coupons and shall be maintained and controlled by that representative.

(k) All documentation, voided coupons, and redeemed coupons maintained in conformity with (g), (h), (i) and (j) above shall be forwarded on a daily basis to the accounting department where they shall be:

1. Accounted for by serial numbers;
2. Reviewed for the propriety of signatures on documentation;
3. Examined for proper calculation, summarization and recording;
4. Reconciled by: quantity of coupons date stamped, issued to patrons, unissued (voided) and redeemed;
5. Subsequently recorded; and
6. Maintained and controlled by the accounting department as a permanent accounting record.

(1) Each licensee shall file a quarterly report with the Commission and Division which lists, by type of coupon, the number of coupons issued, the number of coupons redeemed and the total cost of the coupons redeemed.

(m) The report shall be signed by the Corporate Controller indicating that no discrepancies were noted for the period covered by the report or if a discrepancy is noted it shall be explained in detail.

19:46-1.3 Primary and secondary sets of gaming chips

(a) Unless otherwise authorized by the Commission, each casino licensee shall have a primary set of gaming chips and a separate secondary set of gaming chips both of which shall conform to the color and design specification contained in [section 1. of this subchapter] N.J.A.C. 19:46-1.1 except that the secondary set of chips shall only be required for denominations over \$5.00 and shall have different secondary colors than the primary set.

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

19:46-1.11 Craps table; physical characteristics

Editor's Note: A proposed amended layout outlining the acceptable craps table was filed with this proposal and is available from the Casino Control Commission, Building 5, 3131 Princeton Pike, Office Park, Trenton, N.J. 08625. The present layout is referenced but not reproduced in the New Jersey Administrative Code.

19:46-1.26 Slot machines; identification; signs; meters; other devices

(a) (No change.)

(b) Unless otherwise authorized by the Commission, each slot machine in a casino shall be equipped with the following:

1-5. (No change.)

6. An on/off switch located in an accessible place in the interior of the slot machine which will control the current utilized in the operation of the slot machine.

(c)-(g) (No change.)

19:47-1.2 Permissible wagers

(a) The following shall constitute the definitions of permissible wagers at the game of craps:

1.-6. (No change.)

[7. "Big Six" shall mean a wager placed on the area of the layout marked "Big Six" which shall win if a total of 6 is thrown before a 7 and shall lose if a 7 is thrown before a 6.]

[8. "Big Eight" shall mean a wager on the area of the layout marked "Big 8" which shall win if a total of 8 is thrown before a 7 and shall lose if a 7 is thrown before an 8.]

Renumber 9.-20. as 7.-18. without change in text.

(b) (No change.)

19:47-1.4 Payout odds

(a) (No change.)

(b) No casino licensee, his employees or agents shall

pay off winning wagers at the game of craps at less than the odds listed below. A casino licensee may pay off winning wagers at higher odds than those listed below provided that such odds are uniform within the casino.

Wager	Payout Odds
Pass Bet	1 to 1
Don't Pass Bet	1 to 1
Come Bet	1 to 1
Don't Come Bet	1 to 1
Place Bet 4 to Win	9 to 5
Place Bet 5 to Win	7 to 5
Place Bet 6 to Win	7 to 6
Place Bet 8 to Win	7 to 6
Place Bet 9 to Win	7 to 5
Place Bet 10 to Win	9 to 5
Place Bet 4 to Lose	5 to 11
Place Bet 5 to Lose	5 to 8
Place Bet 6 to Lose	4 to 5
Place Bet 8 to Lose	4 to 5
Place Bet 9 to Lose	5 to 8
Place Bet 10 to Lose	5 to 11
Four the Hardway	7 to 1
Six the Hardway	9 to 1
Eight the Hardway	9 to 1
Ten the Hardway	7 to 1
Field Bet	1 to 1 on 3, 4, 9, 10, 11 2 to 1 on 2 2 to 1 on 12
[Big Six]	[1 to 1 or 7 to 6 on wagers of six dollars or multiples thereof]
[Big Eight]	[1 to 1 or 7 to 6 on wagers of six dollars or multiples thereof]
Any Seven	4 to 1
Any Craps	7 to 1
Craps 2	30 to 1
Craps 3	15 to 1
Craps 12	30 to 1
11 in one roll	15 to 1

(c)-(d) (No change.)

19:47-2.6 Procedure for dealing of cards

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

(e) After two cards have been dealt to each player and the appropriate number to the dealer, the dealer shall, beginning from his left, announce the point total of each player. As each player's point total is announced, such player shall indicate whether he wishes [to surrender,] to double down, split pairs, stand, draw and/or make an insurance wager, as provided for by [these regulations] this chapter.

(f)-(1) (No change.)

19:47-2.8 [Surrender] Reserved

[(a) After the first two cards are dealt to a player, the player may elect to discontinue play on his hand for that round by surrendering half his bet. The remaining half may then be removed by the player. All decisions to surrender shall be made immediately after the player receives his initial two cards, and the dealer receives the appropriate number and announces each player's point total.

(b) If the player has made an insurance wager and then elects to surrender, the player shall remove the insurance wager and surrender half of his original wager.]

19:47-2.12 Drawing of additional cards by players and dealers

(a) (No change.)

(b) Except as provided in (c) below, [A] a dealer shall draw additional cards to his hand until he has a hard or soft total of 17, 18, 19, 20 or 21, at which point no additional cards shall be drawn.

(c) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will have no effect on the outcome of the round of play.

19:47-2.13 More than one player wagering on a box

(a)-(f) (No change.)

[(g) Whenever more than one player is wagering on a box and the player calling the decisions decides to surrender, the additional players shall either surrender as provided for in section 19:47-2.8 or continue to play such hand. In such circumstances, the player with the highest remaining wager shall have the exclusive right to call the decisions with regard to the cards dealt to each box.]

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

19:47-5.2 Roulette; payout odds

(a) (No change.)

(b) When roulette is played on a double zero wheel and [If] the roulette ball comes to rest around the wheel in a compartment marked zero (0) or double zero (00), wagers on red, black, odd, even, 1 to 18, and 19 to 36 shall not be lost but each player having such a wager shall [choose one of the following options:]

[1.] [S]urrender half the amount on such bet and remove the remaining half[; or].

[2. Place the entire amount of the bet "in prison." If the bet loses on the next spin, the casino shall collect the entire amount. If the bet wins on the next spin, the bet shall not be paid off but it shall be taken out of prison and left up or removed by the player.]

(c) When roulette is played on a single zero wheel and the roulette ball comes to rest around the wheel in a compartment marked zero (0), wagers on red, black, odd, even, 1 to 12, and 19 to 36 shall be lost.

19:47-5.7 Minimum and maximum wagers

Foreword (No change.)

(a) (No change.)

1.-2. (No change.)

3. [During non-peak periods, the minimum number, by game, of such authorized or proposed blackjack, craps and roulette tables which shall be open for play and at which the minimum permissible wager is two dollars and five dollars respectively;] The minimum and maximum amount that the applicant or licensee will permit patrons to place on the possible wagers at each gaming table (forms will be provided by the Commission).

[4. During peak periods, the minimum number, by game, of such authorized or proposed blackjack, craps, and roulette tables which shall be open for play and at which the minimum permissible wager is two dollars and five dollars respectively;]

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

i.-iii. (No change.)

iv. "Peak periods" means the hours during which a licensed casino is permitted to operate, commencing on Friday at 6:00 P.M. and ending on Monday at 4:00 A.M., and commencing at 6:00 P.M. on the day before State and Federal holidays and ending at 4:00 A.M. on the day after State and Federal holidays;

v. "Non-peak periods" means the hours during which a licensed casino is permitted to operate, commencing on Monday at 10:00 A.M. and ending on Friday at 6:00 P.M., exclusive of the hours associated with State and Federal holidays as set forth in subparagraph iv. of this paragraph.

(b) The Commission shall review each submission required by subsection A hereof, and shall determine whether it conforms to the requirements of the Act and to the Regulations of the Commission in the following manner:

1. If the submission required by subsection A provides that during non-peak periods, for each of the games of blackjack, craps and roulette respectively, at least 30 percent of the table games authorized by the Commission or of the table games proposed by the licensee or applicant for authorization by the Commission shall be open for play and shall permit a minimum wager of two dollars, and at least 30 percent of such authorized or proposed table games shall be open for play and shall permit a minimum wager of five dollars; and that, during peak periods, at least 20 percent of table games authorized by the Commission or of the table games proposed by the licensee or applicant for authorization shall be open for play and shall permit a minimum wager of two dollars, and at least 30 percent of such authorized or proposed table games shall be open for play and shall permit a minimum wager of five dollars, then the Commission shall approve such submission; provided, however, that at any time when a casino licensee does not actually open for play sufficient numbers of blackjack, craps or roulette tables to meet the above-stated percentages of table games authorized by the Commission, the following percentages of table games open for play shall apply:

i. During non-peak periods, for each of the games of blackjack, craps and roulette respectively, at least 40 percent of the table games open for play shall permit a minimum wager of two dollars, and at least 40 percent of the table games open for play shall permit a minimum wager of five dollars;

ii. During peak periods, for each of the games of blackjack, craps and roulette respectively, at least 30 percent of the table games open for play shall permit a minimum wager of two dollars, and at least 50 percent of the table games open for play shall permit a minimum wager of five dollars;

2. If the submission required by subsection (a) of this section does not provide for at least the percentages set forth in paragraph 1 of this section, the burden shall be on the casino licensee or applicant for a casino license to establish that, in light of the following factors, the Commission should approve its submission:

i. Maximum participation by casino patrons, including:

(1.) The patron demand for table games with various minimum wagers;

(2.) The effect of minimum wagers and other limitations on the stimulation and retention of the tourist and convention trade.

ii. Return on investment in the casino hotel complex, including:

(1) The amount of the casino licensee's or applicant's investment in the casino hotel complex;

(2) The total amount of the casino licensee's or applicant's investment in Atlantic City;

(3) The profitability of the casino hotel complex;

(4) Competition with other licensed casino operations in this jurisdiction;

(5) Competition with casinos in other jurisdictions; and

(6) Such other factors as may be appropriate.

iii. The flexibility necessary to enable the casino licensee or applicant to react to:

- (1) Market conditions;
- (2) Seasonality;
- (3) Peak periods of the day and week;
- (4) Such other factors as may be appropriate.

3. If the submission required by subsection (a) does not provide for at least the percentages set forth in paragraph 1 of this section, the Commission shall review such submission and any material submitted by the casino licensee or applicant for a casino license in support thereof in light of the factors set forth in paragraph 2 of this section and shall determine the appropriate minimum wagers and other limitations at the authorized or proposed table games of the licensee's or applicant's casino.

(c) Notwithstanding any other provision of this Regulation, the Commission shall not regulate the permissible minimum wagers at more than 60 percent of the table games authorized by the Commission at any licensed casino.]

[d] (b) The spread between the minimum wager and the maximum wager at table games shall be as follows:

1. Blackjack: If the minimum wager at a table is [two dollars (\$2) or] five dollars (\$5.00) or less, the maximum wager shall be at least five hundred dollars (\$500.00);

2. Craps: If the minimum wager at a table is [two dollars (\$2) five dollars (\$5.00) or less, the maximum wager shall be at least five hundred dollars (\$500.00); provided, however, that the maximum wager on the pass, don't pass, come, or don't come shall not preclude a casino patron from taking the odds or laying the odds in accordance with the Regulations of the Commission relating to craps;

3. Roulette: If the minimum wager at a table is:

i. [Two dollars (\$2)] Less than five dollars (\$5.00), the maximum wager shall be at least:

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

ii. Five dollars, (\$5.00), the maximum wager shall be at least:

(1) (No change.)

(2) One thousand [Five hundred] (\$1,000) [\$500] on a wager where the odds are two to one;

(3) (No change.)

5. Baccarat:

i. There shall be at least one baccarat table where the minimum wager is not more than [twenty] twenty-five dollars [(\$20)] \$25.00;

ii. (No change.)

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

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Francis X. Fee, Director
Division of Financial Evaluation and Control
CN 208
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-148.

(a)

CASINO CONTROL COMMISSION

Adopted Amendments: N.J.A.C. 19:45-1.3,
1.8, 1.24, 1.45

Accounting and Internal Controls

Effective Date: August 6, 1981

On June 6, 1981, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-63(c) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:45-1.3, 1.8, 1.24, and 1.44 concerning licensee's system of internal control, junkets and procedures for and redemption of patrons cash deposits and signatures, as proposed in the Notice published January 8, 1981 at 13 N.J.R. 47(c), but with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

The change noted above was the deletion of the requirement to include the addresses of junket participants in addition to the name, as was originally proposed for N.J.A.C. 19:45-1.8(b)1.

An order adopting the rule was filed with the Office of Administrative Law on June 26, 1981 as R.1981 d.272.

(b)

CASINO CONTROL COMMISSION

Proposed Amendment: N.J.A.C. 19:50-1.6
Casino Hotel Alcoholic Beverage Control
Operating Conditions of Casino Hotel Alcoholic
Beverage Licensees

Public Hearing: None

The Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-103(e), proposes to amend N.J.A.C. 19:50-1.6 concerning the storage of alcoholic beverages on the premises of a casino hotel facility.

Summary

The proposed amendment precludes the storage of alcoholic beverages in, on, or about the premises of a casino hotel except in an area covered by a Class I through Class VI license or pursuant to an arrangement with a Class VII licensee.

The purpose of the proposed amendment is to permit this regulation to more clearly reflect the precise scope of the restriction on the storage of alcoholic beverages by a casino hotel facility. This amendment is promoted at this time by the Commission's declaratory ruling, entered on April 1, 1981, that the Casino Control Act does not prohibit a casino licensee or temporary permittee from storing alcoholic beverages off the site of its casino hotel facility.

The effect of this amendment is to limit the regulatory authority of the Casino Control Act to the physical situs of the casino hotel facility in matters concerning the storage of alcoholic beverages.

Social Impact

Since this amendment actually does not entail a substantive change in the Commission's regulations, there is no social impact.

Economic Impact

The proposed amendment is expected to have no economic impact on the Casino Control Commission. However, the availability of the option to a casino licensee or temporary casino permittee to store alcoholic beverages off the site of the casino hotel facility may increase the demand for storage of warehouse facilities in the Atlantic City area. Such off-site storage will necessitate the expenditure of resources by the Division of Alcoholic Beverage Control (ABC) to license affected facilities and vehicles utilized to transport the alcoholic beverages from the storage site to the casino hotel facility. Further, ABC will be charged with the additional responsibility of enforcing compliance with pertinent rules and regulations with regard to these facilities and vehicles.

The Casino Control Commission and the Division of Gaming Enforcement have exclusive jurisdiction over the possession, sale, exposure, transfer, or other disposition of alcoholic beverages in, on or about the premises of a casino hotel facility. Both the Commission and the Division exercise this authority through periodic inspections of licensed areas. Of course, should a casino hotel determine to store alcoholic beverages off the premises of its facility, then the ABC would properly assume jurisdiction over such a site.

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

19:50-1.6 General regulations concerning operating conditions of licensees [licenses]

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

(f) No casino hotel alcoholic beverage licensee shall store any alcoholic beverage **in, on, or about any portion of a casino hotel** except at his licensed premises or subject to an arrangement with a Class VII licensee.

(g) - (x) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert J. Genatt
Deputy Director
CN 208
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-147.

(a)

CASINO CONTROL COMMISSION

Proposed Amendments: N.J.A.C. 19:51-1.1—1.4 Advertising

Public Hearing: None

The Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-70(o) and 5:12-69, proposes to amend N.J.A.C. 19:51-1.1 through 1.4 concerning advertising by casino hotel licensees and applicants.

Summary

The proposed new rules abolish the requirement that casino hotel licensees and applicants submit copies of all

advertising to the Commission prior to broadcast or publication, and instead would require that semi-annual submissions, containing samples of advertisements and a description of the advertising program directly related to casino or gaming activity only, be made. Additionally, licensees and applicants would be required to maintain a file containing copies of all advertisements for a period of one year from broadcast or publication, which would be available for inspection by the Commission or Division of Gaming Enforcement.

Social Impact

It is not anticipated that the proposed amendments will have any social impact, as the standards pertaining to the content of advertising by casino hotel licensees and applicants will remain unchanged.

Economic Impact

Although casino hotel licensees and applicants will no longer be required to submit a copy of each and every proposed advertisement prior to broadcast or publication, the proposal is expected to result in only a minimal decrease in administrative costs for casino hotel licensees and applicants. There will be no discernible economic impact on the public at large or the Casino Control Commission.

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

19:51-1.1 Applicability of advertising regulations

(a) [These regulations shall govern] Any inducement or other means of calling to the attention of the public by advertising of any other sort including broadcasting, publication, or any other means of dissemination by a casino licensee or applicant, or any agent thereof, which [in any way suggests to the recipient that such recipient should or could visit Atlantic City of the purposes of playing any authorized game or patronizing in any way any applicant or licensee] **is directly related to casino gaming or casino gaming activity shall be subject to the standards established by these regulations. All other advertisements, advertising activity or promotional materials of a casino licensee or applicant shall be subject to the standards established by N.J.A.C. 19:51-1.2.**

[(b) Any advertisement by any applicant for a casino license or any casino licensee or approved hotel or by any employee or agent thereof shall be subject to these regulations whether or not such advertisement conforms to the substance of subsection (a) of this section.]

[(c)] (b) Any advertisement by an applicant for a casino service industry license or by a casino service industry licensee pursuant to section 92(a) and (b) of the act, **or agent thereof, shall be subject to these regulations if such an advertisement is directly related to casino gaming or casino gaming activity.**

[1. Falls within N.J.A.C. 19:51-1.1(a); or

2. Advertises the casino service industry licensee's relationship with a licensed casino; or

3. Advertises the casino service industry license as a licensee of the Commission.]

[(d) Provided, that the Commission may waive compliance with these regulations by any applicant for a casino service industry license or by any casino service industry licensee if it finds that such compliance is not necessary to effectuate the purposes of the act.]

19:51-1.2 General criteria governing advertising

(a) Advertising shall adhere to the legislative mandate that casinos licensed by the Commission are offered only as an integral element of the hospitality industry and

not as an industry unto themselves [and shall portray gaming as an activity conducted in an atmosphere of social graciousness].

(b) (No change.)

(c) Advertising shall adhere to generally accepted standards of good taste. No on-site advertising shall dominate or despoil the architecture or environment of Atlantic City.

(d) No advertisement shall be permitted within a casino hotel complex which violates the obscenity statutes of this State or which includes:

1. The portrayal or depiction of acts or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral compulsion, flagellation or any sexual acts which are prohibited by law;

2. The portrayal or depiction of touching, caressing or fondling of the breasts, buttocks, anus or genitals;

3. The portrayal or depiction of the pubic hair, vulva, genitals, anus, female nipple or female areola.

Renumber (d) and (e) as (e) and (f).

19:51-1.3 Prohibited advertising of Casino Gaming or Casino Gaming activity

(a) No advertisement shall stress gaming as its dominant theme. All advertising shall portray gaming as an activity conducted in an atmosphere of social graciousness.

(b) (No change.)

[(c) No on-site advertising shall dominate or despoil the architecture or environment of Atlantic City or New Jersey.]

Renumber (d) as (c).

[(e) No advertising shall appear if otherwise prohibited by applicable State or Federal Law.

(f) No advertising shall appear in the form of fiction.]

19:51-1.4 Commission approval

[(a) All proposed advertising shall be submitted to the Commission and the Division at least seven days prior to broadcast or publication of the material, provided, however, that the Commission may, for good cause shown and within its sole discretion, modify, reduce or dispense with this requirement of seven days prior notice.]

(a) All advertising, or in the case of standard or recurring advertising, a sample thereof, which is directly related to casino gaming or casino gaming activity, shall be maintained by the casino licensee or applicant, or the casino service industry licensee or applicant, as appropriate, for a period of one year from the date of placement of such advertisement. Advertising which must be maintained shall include such advertising as may have been placed for or on behalf of the casino licensee or applicant, or casino service industry licensee or applicant. Advertising required to be maintained by this section shall be maintained at the principal place of business of the licensee or applicant, and shall be made available or produced for inspection upon the request of the Casino Control Commission or the Division of Gaming Enforcement.

[(b) The proposal shall include seven copies of each advertisement which will appear in print media and so many copies of each advertisement as the Commission deems necessary if such advertisement will be transmitted in broadcast media.]

(b) Each casino licensee or applicant or casino service industry licensee or applicant shall submit a report, semi-annually, of advertising activity related to casino gaming or casino gaming activity to the Casino Control Commission which shall include typical samples and or facsimiles of advertisements and promotions, and describe in relative form the program of the licensee as it pertains to adver-

tising related to casino gaming or casino gaming activity, whether such advertisements or promotions were placed by the licensee, applicant or an agent therefore.

[(c) The proposal shall include proposed publisher, or broadcaster, frequency, times, dates and places of origin of each advertisement and estimated cost of advertising.]

(c) Each casino licensee or applicant shall maintain a file containing samples of the types and forms of advertising all promotional materials not directly related to casino gaming or casino gaming activity for a period of six months from the date of placement of such advertisement or promotion. Such advertising shall be maintained at the principal place of business of the casino licensee or applicant, and shall be made available or produced for inspection upon the request of the Casino Control Commission or the Division of Gaming Enforcement.

(d) Standard or recurring advertisement for purposes of this section shall be deemed to be standard advertisements in standard formats which may be used more than once with minor changes to the copy and/or pictures in such advertisement.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

David Arrajj, Director
Division of Licensing
Casino Control Commission
Tennessee and the Boardwalk
Atlantic City, New Jersey

The Casino Control Commission thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-146.

(a)

CASINO CONTROL COMMISSION

Proposed Amendments: N.J.A.C. 19:52-1.3 and 1.4
Entertainment

Public Hearing: None

The New Jersey Casino Control Commission, pursuant to the authority of N.J.S.A. 5:12-70(p), proposes to amend N.J.A.C. 19:52-1.3 and 1.4 concerning nightly entertainment offered by a casino hotel licensees.

Summary

The proposed amendments are submitted under two alternative proposals. The first alternative will allow the management of casino hotel licensees to determine the type and frequency of cabaret and pub style entertainment to be offered in the casino hotel facility, amending the existing regulation which requires casino licensees to offer nightly entertainment of both a cabaret and pub style. The amendment to N.J.A.C. 19:52-1.4 more comprehensively defines the prevailing community standards applicable to entertainment as determined by the Commission.

Under the second alternative proposal the amendments will allow casino hotel licensees to offer major entertainment of a wider and more diverse nature than is presently required, an average of five nights per week during the summer season and three nights per week during the winter season, rather than nightly throughout the entire year

as is presently required. Additionally, the proposal requires casino licensees offer live nightly pub entertainment within its casino hotel facility, rather than either live or prerecorded entertainment as required by present regulation.

Social Impact

Under the first alternative, the impact of the rule will depend on the type and frequency of entertainment offered by casino hotel licensees in the absence of mandated offerings. If the casino licensees offer substantial traditional entertainment, there will be little or no social impact. If substantial entertainment of a less traditional or more varied nature is offered, the public will be provided with a broader spectrum of leisure time entertainment options in Atlantic City and there may occur a shift in the employment demand for persons possessing the various skills and trades associated with the Atlantic City entertainment industry. If entertainment offerings are pared, the public will be provided with fewer leisure time entertainment options in Atlantic City and there will be a reduction in the employment demand for persons possessing the various skills and trades associated with the Atlantic City entertainment industry.

Under the second alternative, the impact of the rule will depend on the type of entertainment offered by casino hotel licensees and the extent to which licensees provide more than the required amount of entertainment. If the casino licensees continue to offer substantial traditional entertainment, there will be little or no social impact. If substantial entertainment of a less traditional or more varied nature is offered, the public will be provided with a broader spectrum of leisure time entertainment options in Atlantic City and there may occur a shift in the employment demand for persons possessing the various skills and trades associated with the Atlantic City entertainment industry. If no more than the required amount of entertainment is offered, the public will be provided with fewer, but nonetheless certain leisure time entertainment options in Atlantic City. Additionally, there will be a reduction in the employment demand for persons possessing the various skills and trades associated with the Atlantic City entertainment industry.

Economic Impact

Regardless of the entertainment offered, there will be no significant economic impact on either the general public or the enacting agency. Under the first alternative, casino hotel licensees may achieve significant savings in entertainment expenses by reducing their entertainment budgets and/or reallocating their entertainment budgets in a manner they believe will maximize profits and more effectively and efficiently meet market demands. Under the second alternative, casino hotel licensees may achieve significant savings in entertainment expenses by creative programming, thus, reducing their entertainment budgets and/or reallocating their entertainment budgets in a manner they believe will maximize profits and more effectively and efficiently meet market demands.

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

ALTERNATIVE 1:

19:52-1.3 General requirements concerning entertainment

(a) [Every casino hotel shall provide at least nightly entertainment in the nature of a live cabaret show, revue, or performing arts presentation, unless the casino licensee proves to the satisfaction of the commission that it is unable to provide such entertainment and that the entertainment provided is adequate for the purposes of the act.]

Every casino hotel shall offer entertainment consistent with management judgment as to type and frequency of entertainment, provided however that all such entertainment offered by the casino hotel conform to prevailing community standards as established by this chapter.

[(b) Every casino hotel shall provide at least nightly entertainment in a pub environment which entertainment may be either live or pre-recorded or broadcast in nature, unless such casino licensees proves to the satisfaction of the commission that it is unable to provide such entertainment and that the entertainment provided is adequate for the purposes of the act.]

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

[(d) Every casino licensee shall submit to the commission for approval all contracts entered into by the licensee and any entertainers. Such contracts shall be submitted at least two weeks prior to the date on which the entertainment is to commence, unless the commission, for good cause shown, relaxes that time period. The casino licensee may consider such a contract approved by the commission unless the commission notifies the licensee to the contrary within seven days of receipt of the contract by the commission.]

(c) Every casino hotel shall submit to the Commission an annual report of its entertainment programs and activities, which report shall summarize frequency of entertainment programs and activities by categories, attendance, and operating cost and revenue attributed to such programs and activities. In addition, every casino hotel shall file a quarterly report of all disbursements made for entertainment programs and activities identifying the recipient of the disbursement and the amount involved.

Renumber (e)-(g) as (d)-(f).

19:52-1.4 [Prohibited entertainment activities] Declaration of prevailing community standards

(a) No [motion pictures] form of entertainment shall be exhibited or presented within any casino hotel complex [either by direct projection or by closed circuit television in violation of the obscenity statutes of this State.] which contains obscene material as defined in (a)1 below.

1. "Obscene material" means any description, narrative account, display, or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film, which by means of posing, composition, format or animated sensual details:

i. Depicts or describes in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibition of the genitals;

ii. Lacks serious literary, artistic, political, or scientific value, when taken as a whole; and

iii. Is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

(b) (No change.)

(c) No form of entertainment shall be knowingly exhibited or presented to persons under 18 years of age within any casino hotel complex which includes any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details, emits sensuality with sufficient im-

pect to concentrate prurient interest on the area or activity; and in the case of a motion picture film or preview or trailer to a film, not including newsreels portraying actual current events or pictorial news of the day, in which a scene, taken by itself:

1. Depicts a specified anatomical area or specified sexual activity, or the simulation of a specified sexual activity, or verbalization concerning a specified sexual activity; and

2. Emits sensuality sufficient, in terms of the duration and impact of the depiction, to appeal to prurient interest;

3. "Specified anatomical area" means:

i. Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or

ii. Human male genitals in a discernibly turgid state, even if covered.

4. "Specified sexual activity" means:

i. Human genitals in a state of sexual stimulation or arousal; or

ii. Any act of human masturbation, sexual intercourse or deviate sexual intercourse; or

iii. Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast.

[(c)] (d) No entertainment shall be offered within the casino room itself other than broadcast or pre-recorded material.

ALTERNATIVE 2:

19:52-1.3 General requirements concerning entertainment

[(a)] Every casino hotel shall provide at least nightly entertainment in the nature of a live cabaret show, revue, or performing arts presentation, unless the casino licensee proves to the satisfaction of the commission that it is unable to provide such entertainment and that entertainment provided is adequate for the purposes of the act.]

(a) From Easter week to Thanksgiving week inclusive every casino hotel shall provide nightly entertainment at least an average of five nights per week in the nature of a live cabaret style, variety (star) show, vaudeville show, musical comedy, book show, production show, or performing arts presentation, unless the casino licensee proves to the satisfaction of the Commission that it is unable to provide such entertainment and that the entertainment provided is adequate for the purposes of the Act.

(b) From Thanksgiving week to Easter week exclusive, every casino hotel shall provide nightly entertainment at least an average of three evenings per week in the nature of a live cabaret style, variety (star) show, vaudeville show, musical comedy, book show, production show or performing arts presentation, unless the casino licensee

proves to the satisfaction of the Commission that it is unable to provide such entertainment and that the entertainment provided is adequate for the purposes of the Act.

[(e)] (c) All live sporting events of a professional or recognized amateur status nature, and productions taped live for television broadcast or broadcast live for television shall be deemed to constitute entertainment for the purpose of (a) and (b) above and shall adhere to [these regulations] this chapter.

(d) To the extent consistent with the policies of the Act and this chapter, the Commission may deem a production or productions of the following types, entertainment for the purposes of (a) and (b) above, regardless of the time or location within Atlantic City of their occurrence:

1. Closed circuit television broadcasts of major and exceptional sporting events not otherwise available to the public in the Atlantic City Region;

2. Gala celebrations of holidays, anniversaries or similar events, if open to the public;

3. Live showcases of new talent;

4. Any other production deemed appropriate by the Commission.

(e) [(b)] Every casino hotel shall provide at least nightly entertainment in a pub environment, which entertainment shall be live and in the nature of a lounge act [may be either prerecorded or broadcast in nature], unless such casino licensee proves to the satisfaction of the Commission that it is unable to provide such entertainment and that the entertainment provided is adequate for the purposes of the Act.

Re-number old (c)-(d) as (f)-(g).

Re-number old (f)-(g) as (h)-(i).

19:52-1.4 (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before September 8, 1981. These submission, and any inquiries about submissions and responses, should be addressed to:

Scott N. Silver
Licensing Division
Casino Control Commission
Tennessee and Boardwalk
Atlantic City, N.J. 08401

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

This proposal is known as PRN 1981-166.

LATE FILINGS AND NOTICES

(a)

ENVIRONMENTAL PROTECTION

Adopted Amendments: N.J.A.C. 7:25-14
Crabbing

Adopted: July 17, 1981, Jerry Fitzgerald English,
Commissioner of the Department of
Environmental Protection

Filed: July 20, 1981 as R.1981 d.299, with
Substantive Change Not Requiring Additional
Public Notice and Comment

Proposed: May 7, 1981 at 13 N.J.R. 262(b)
Notice of Legislative Action: Senate Concurrent
Resolution No. 3024 Disapproving Proposed
Rule, at 13 N.J.R. 382(a)

The substantive change between the rule as proposed and as adopted is the elimination of the \$5.00 fee for a noncommercial crab license in N.J.A.C. 7:25-14.5.

According to the Commissioner, the change was made in response to comments on the proposed rule.

The Office of Administrative Law does not consider this change, although substantial, to be one that requires additional public notice and comment pursuant to N.J.A.C. 1:30-3.5. Among the responses to the proposed rule was Senate Concurrent Resolution No. 3024, in which the New Jersey State Legislature disapproved the proposed rule. The statement to this resolution specifically pointed to the \$5.00 noncommercial licensing fee as the source of the Legislature's disapproval. Since the Legislature represents the public as a whole, a change in a proposed rule which corresponds to a declaration of the Legislature will not be considered one that requires additional public notice and opportunity for public comment.

The Commissioner's adoption includes an effective date of August 6, 1981 for this rule.

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Noise Informational Hearing

An informational public hearing on stationary emergency signaling devices will be held on September 22, 1981 by the New Jersey Department of Environmental Protection, with support from the New Jersey Noise Control Council, an advisory body to the Department.

The Department is seeking information on alternative systems such as radio communications systems, telecommunications, sirens and airhorns. Besides technical information, the Department is also interested in economic incentives, and insurance factors involved with the alternate systems when these systems are backed up by the current devices. Testimony will be welcomed from manufacturers of signaling devices, electronic radio equipment, telephone equipment, as well as insurance representatives and other interested groups.

The hearing will be held at the Lewis Herrmann Labor Education Center, Ryders Lane, New Brunswick, New Jersey, on September 22, 1981 beginning at 9:30 A.M. until the close of testimony. Please contact Edward DiPolvere, Chief, Office of Noise Control, 65 Prospect Street, Trenton, New Jersey, telephone (609) 984-4161, for further information.

This Notice is published as a matter of public information.

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