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RULE PROPOSALS

OFFICE OF ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice Applicability; Motions; Participation; Initial Decision

Proposed Amendments: N.J.A.C. 1:1-1.1, 1:1-9.1, 1:1-12.6 and 1:1-16.3

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982.

These submissions, and any inquiries about submissions and responses, should be addressed to:

Burton D. Weltman, Esq.
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 adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-6.

The agency proposal follows:

Summary

Regarding N.J.A.C. 1:1-1.1: The purpose of the amendment is to clarify that the same general rules governing contested cases heard by the OAL will be used to conduct uncontested cases heard by the OAL, pursuant to N.J.S.A. 52:14F-5o.

Regarding N.J.A.C. 1:1-9.1: The purpose of these amendments is twofold. First, the amendments clarify that a motion for emergency or interim relief should be made to the agency prior to transmittal of the case to OAL, and should be made to the OAL after

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PROPOSALS

ADMINISTRATIVE LAW

transmittal. This procedure is necessary for the orderly processing of cases. Second, the amendments clarify some of the language in the existing rules.

Regarding N.J.A.C. 1:1-12.6: This amendment makes the designation of a participation motion as procedural or substantive depending on the circumstances, rather than as per se procedural. The purpose of the amendment is to comport this section with changes previously made in N.J.A.C. 1:1-9.7, and to conform this section with other similar situations in the contested case rules.

Regarding N.J.A.C. 1:1-16.3: This amendment would eliminate the requirement of sending parties an inventory describing the record of the case. The purpose of this amendment is to eliminate superfluous processing of paper by the clerk of the Office of Administrative Law. Serving the parties with an inventory of the record provides them with nothing they do not already know about the record or could not otherwise find out. Elimination of this requirement should result in no detriment or hardship to any party.

Social Impact

Regarding N.J.A.C. 1:1-1.1: This rule should eliminate any confusion as to the procedures to be used in litigating any case before the OAL.

Regarding N.J.A.C. 1:1-9.1: These amendments should help clarify and expedite motion practice in contested cases. They should eliminate some confusion and duplication of motions.

Regarding N.J.A.C. 1:1-12.6: This is a technical amendment for clarification purposes only, and does not change any substantive impact. Therefore, it has no social impact.

Regarding N.J.A.C. 1:1-16.3: This rule change will have no social impact upon the public or governmental bodies of the State, as it merely terminates an unnecessary activity.

Economic Impact

Regarding N.J.A.C. 1:1-1.1: This rule should have no economic impact at all, as it merely clarifies the procedure in existing hearings.

Regarding N.J.A.C. 1:1-9.1: These amendments may save some money to the public agencies and private persons by eliminating some existing duplication in motion practice.

Regarding N.J.A.C. 1:1-12.6: This is a technical amendment for clarification purposes only, and does not change any substantive impact. Therefore it has no economic impact.

Regarding N.J.A.C. 1:1-16.3: This amendment will substantially reduce the cost to OAL of processing contested cases.

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

1:1-1.1 Applicability; scope; rules of special applicability

(a) Subject to any [superceding] **superseding** Federal or State law, this chapter shall govern the conduct of all contested cases in the Executive Branch of the State Government (see N.J.S.A. 52:14F-5), whether [conducted] by the Office of Administrative Law or by the agencies themselves pursuant to statute (see N.J.S.A. 52:14F-8) or N.J.S.A. 52:14B-2(a)), **and the conduct of all uncontested cases by the Office of Administrative Law.** In the event of conflict between this chapter and any other agency rule, this chapter shall prevail. Procedural rules formerly adopted by the agencies shall continue to apply to the extent they are not inconsistent with this chapter, with statutory requirements or with constitutional standards. Under N.J.S.A. 52:14F-5(e) no agency other than the Office of Administrative Law may hereafter adopt any rules to regulate the conduct of contested cases and the rendering of administrative adjudications.

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

1:1-9.1 When and how made; generally; interim relief

(a) [An application for an order shall be] **Where a party seeks an order of a judge, the party shall apply** by motion or, in special cases, by order to show cause.

1. [A motion other than one made by a party during a hearing, shall be] **A party shall make each motion** in writing, **unless it is made orally during a hearing or** unless a judge **otherwise** permits it to be made orally.

2. No technical forms of motion are required. **In [A] a motion, a party shall state the grounds upon which the motion is made and the relief or order being sought.**

(b) [All motions shall be accompanied by] **A party shall submit a proposed form of order with each motion, unless this requirement is waived by the judge.**

(c) [All motions shall be filed] **A party shall file each motion** with the clerk, except **for** motions made during a hearing. other motions permitted by a judge to be made orally, and emergency motions.

1. **If the party provides** an extra copy of the motion and a self addressed stamped envelope, [is provided.] the clerk shall mark the copy filed and [return] **mail** it to the movant.

2. Motions made during a hearing and other motions permitted by a judge to be made orally shall be subject to the verbatim record requirements of N.J.A.C. 1:1-3.3.

3. Emergency motions made in writing may be filed with the clerk or with the judge assigned to the case.

4. [When a motion is filed with] **Upon filing,** the clerk [it] shall [be] transmit[ted] **the motion** forthwith to the judge assigned to the case. When a motion is filed in a case which has not yet been assigned to a judge, the [case] **clerk** shall [be] immediately assign[ed] **the case and shall transmit** the motion [transmitted] to the judge along with the case file.

(d) **Where a [M]motion[s] is** filed in advance of a scheduled hearing date, **the judge** shall [be] **attempt to schedule[d] the motion** for decision before that hearing date [unless otherwise directed by the judge].

(e) During the pendency of a contested case, **a party may apply by motion for interim relief and emergency relief,** including temporary restraints and interlocutory injunctions [, may be applied for by motion].

1. **Prior to the transmittal of the case to the Office of Administrative Law, a party shall move for emergency or interim relief to the State agency wherein the case was initiated.**

2. **After transmittal, a party shall make all motions to the Office of Administrative Law.**

(f) [A] **In a motion for substantially the same relief as that previously denied, a party shall specifically identify the previous proceeding and its disposition.**

1:1-12.6 Participation; standards for participation; no agency review

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

[d] Participation motions decided by an administrative law judge are procedural and therefor not subject to review by an agency head.]

1:1-16.3 Initial decision

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

(e) Within 10 days after the initial decision is filed with the agency head, the clerk shall certify the entire record with original exhibits to the agency head [and shall serve upon the parties an inventory describing the items certified in the record].

ADMINISTRATIVE LAW

PROPOSALS

(a)

(b)

OFFICE OF ADMINISTRATIVE LAW

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice
Conduct of Lawyers, Judges and Agency Personnel

Uniform Administrative Procedure Rules of Practice
Settlement; withdrawal; Return of Case to Agency

Proposed Amendment: N.J.A.C. 1:1-3.8

Proposed Amendments: N.J.A.C. 1:1-17.1
Proposed New Rule: N.J.A.C. 1:1-17.2 and 17.3

Authorized By: Howard H. Kestin, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5e, f and g.

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Authority: N.J.S.A. 52:14F-5e, f and g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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88 East State Street
Trenton, New Jersey 08625

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

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

This proposal is known as PRN 1982-9.

This proposal is known as PRN 1982-10.

The agency proposal follows:

The agency proposal follows:

Summary

The purpose of this amendment is to clarify that it is inappropriate for a person who represents an agency in litigating a contested case also to participate in preparing the agency's final decision in that case.

Summary

The purpose of the proposed changes is to clarify the procedures for settlement, withdrawal and return of contested cases filed with the Office of Administrative Law (OAL).

Social Impact

This rule should help alleviate some confusion and doubts about the fairness of administrative adjudications. It would at least create an appearance of unfairness if the person who prosecuted a case before an administrative law judge could then also review and revise the judge's decision in the case. This rule prohibits such a practice.

The amendments make the following changes in the rules governing settlement and withdrawal of contested cases in the OAL:

Economic Impact

This rule should have no economic impact, as it only touches on the allocation of responsibilities within agencies, and does not impose any new requirement.

1. Specifically allow the parties to prepare the settlement agreement rather than requiring the judge to write the settlement agreement;

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

2. Specifically allow settlement to be orally stated on the record, for transcription, rather than requiring in all cases the preparation of a letter or written stipulation;

1:1-3.8 Conduct of lawyers, judges and agency personnel

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

(c) Where an agency or agency staff is a party to a contested case, the agency representative in the case may not engage in ex parte communications with the judge or agency head, and may not participate in the making of the final decision in the case.

3. Require the judge to determine that any settlement is legal and allow the judge, in an appropriate case, to hear evidence and make a determination on whether a settlement is in the public interest, rather than merely requiring a judge to determine that a settlement is fair;

4. Clarify that a case may not be withdrawn, and the administrative adjudicative procedure is bypassed, where the law requires or a party requests an order to effectuate a settlement;

5. Clarify that when a hearing request is withdrawn, the agency which transmitted the case may proceed with its proposed action;

6. Establish that upon request of the agency, the Director of OAL may return a case to the agency upon a showing of good cause, and the consent of all parties;

7. Clarify some of the language of the existing rules;

8. Reorganize the material in the existing N.J.A.C. 1:1-17.1 into three rules, N.J.A.C. 1:1-17.1, 17.2 and 17.3.

Social Impact

The changes should facilitate the process of settlement and thereby help eliminate some unnecessary hearings.

The changes also help protect the strong public interest which in-

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fuses contested cases, especially where a public agency is a party. The changes achieve this by allowing a judge, in an appropriate case, to investigate a settlement and reject it if it is not in the public interest. The changes should also help eliminate the previously off-the-record agreements, which were made following withdrawal of a case, and which the parties did not want subject to the public scrutiny.

The changes should also help clarify and facilitate OAL/agency relations on contested case matters.

Economic Impact

The changes should facilitate settlement and thereby save public agencies and private persons the costs of some hearings.

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

1:1-17.1 [Form of] [s]Settlements [; Withdrawal; Motions to Reopen After Withdrawal]

(a) When the parties to a contested case wish to settle the matter by consent, the judge [assigned to the case] shall **require the parties:** [prepare and enter an order, signed by both parties as to form and entry, which shall state the fact of settlement and the terms of settlement, if any.]

1. To submit a letter or stipulation signed by both parties containing the terms of the settlement; or

2. To express the settlement terms on the record.

(b) [A party may withdraw a request for a hearing at any time until testimony commences at the evidentiary hearing by notifying the clerk. A party may withdraw a request for a hearing after commencement of testimony at the evidentiary hearing, upon approval of the judge. Upon receipt of the withdrawal notification, the clerk shall return the matter to the agency marked "withdrawn."] If the judge determines that the settlement is **voluntary, [fair,] consistent with the law and fully dispositive of all issues in controversy, and does not determine that it is inconsistent with the public interest,** [the order shall] **the judge shall enter an order concluding the contested case** [dismiss the matter with prejudice and may be conditioned on terms. Unless the agency is a party and has consent to the settlement, the order shall be filed with the agency head in the manner of an initial decision as provided in N.J.A.C. 1:1-16.3. When the agency as a party consents to the settlement, the consent order shall be a final order terminating the contested case and shall be filed by the clerk with the agency].

(c) [Motions to reopen after the clerk has returned a withdrawn matter, must be addressed to the agency head.] **On a motion of his own or a party, the judge may review the settlement and require evidence on the record to determine whether the terms are consistent with the public interest.**

(d) **The judge shall set forth the settlement terms in or attach them to the order concluding the contested case and the clerk shall serve a copy upon each of the parties.**

(e) **Where an agency order is required by law or requested by the parties for purposes of implementing or recording a settlement, the matter must proceed in accordance with this subchapter and may not be withdrawn pursuant to N.J.A.C. 1:1-17.2.**

(f) **Where the agency transmitting the contested case is a party to the case, and the agency consents to the settlement terms, the order concluding the contested case shall be deemed the final decision in the case.**

(g) **Where the agency transmitting the case is not a party to the case, the settlement terms and order shall be deemed the initial decision of the judge in the case.**

1:1-17.2 Withdrawals

(a) **Other than for a settlement where an agency order is required by law or requested by the parties (see N.J.A.C. 1:1-17.1(d)), a party may withdraw a request for a hearing at any time for any reason until testimony commences at the eviden-**

tiary hearing by notifying the clerk or judge. A party may withdraw a request for hearing after commencement of testimony at the evidentiary hearing upon approval of the judge.

(b) **Upon notification of withdrawal, the clerk shall include in the case file the fact of withdrawal and shall return the matter to the agency for any further agency action permitted by statute.**

(c) **After the clerk has returned the matter to the agency, a party shall address to the agency head any motion to remove a withdrawn case.**

1:1-17.3 Director's return of case to agency

The Director may for good cause grant a request by an agency for return of a transmitted case if the parties consent to the return.

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

**Reclassification of Positions
Appeals Process**

**Proposed Amendment: N.J.A.C. 4:1-6.5
Proposed New Rule: N.J.A.C. 4:1-6.5A
Proposed Repeal: N.J.A.C. 4:2-6.4 and 4:3-6.6**

Authorized By: Civil Service Commission, Peter J. Calderone, Director of Administrative Practices and Labor Relations.

Authority: N.J.S.A. 11:5-1a, 11:7-2 and 11:22-12.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative Practices
and Labor Relations
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 adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-16.

The agency proposal follows:

Summary

N.J.A.C. 4:1-6.5 (amended) is a non-substantive word change that amends "of this chapter" to read "in accordance with N.J.A.C. 4:1-6.5A." All reference to appeals has been deleted and the appeal procedure is set forth in proposed rule N.J.A.C. 4:1-6.5A.

N.J.A.C. 4:2-6.4 and N.J.A.C. 4:3-6.6, being proposed for repeal, and new rule N.J.A.C. 4:1-6.5A are basically the same; they describe the procedures for appealing a classification or reclassification and a thorough, responsive report and recommendation at each level.

In addition: (1) A bargaining unit representative is recognized as

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a possible appellant along with the employee and appointing authority; (2) The number of days for a State appointing authority to respond to an appellant is increased from 10 days to 30 days. The appellant is apprised that if an appointing authority does not respond within the 30 days, an avenue of appeal to the Division of Classification and Compensation is available.

N.J.A.C. 4:3-6.6 provides that "the director shall after thorough review and investigation of the complaint respond to the appellant within 21 days..." This provision has been revised to allow the Division of Classification and Compensation 60 days to respond to the appellant.

The employee representation sections of N.J.A.C. 4:2-6.4 and 4:3-6.6 have been deleted as being unnecessary. These sections state that different appeals from one group shall be scheduled separately and a common appeal shall be scheduled as one review, time off being granted as appropriate.

The Commission's strict postponement policy on its hearings is being proposed for classification review. Unnecessary postponements have caused backlogs in the calendar as well as subjecting this department to needless expense in our austere fiscal climate.

Social Impact

The amendment to N.J.A.C. 4:1-6.5 will have no social impact since it is a non-substantive word change.

The repeal of N.J.A.C. 4:2-6.4 and N.J.A.C. 4:3-6.6 will result in a social impact as explained below under N.J.A.C. 4:1-6.5A since these rules are being incorporated, revised and issued as new rule N.J.A.C. 4:1-6.5A.

N.J.A.C. 4:1-6.5A enables employees and appointing authorities to be thoroughly informed as to their right to appeal a classification or reclassification action. It adds to the body of the knowledge that allows an employee to understand and benefit from the civil service system.

Economic Impact

The amendment to N.J.A.C. 4:1-6.5 will have no economic impact since it is a non-substantive word change.

The repeal of N.J.A.C. 4:2-6.4 and N.J.A.C. 4:3-6.6 will result in an economic impact as explained below under N.J.A.C. 4:1-6.5A since these rules are being incorporated, revised and issued as new rule N.J.A.C. 4:1-6.5A.

N.J.A.C. 4:1-6.5A will have negligible economic impact as a whole. The mechanism for processing appeals is well established in the Department of Civil Service, Division of Administrative Practices and Labor Relations. The adoption of a strict postponement policy will save this department between \$100.00 and \$200.00 per review for which a postponement is denied.

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

4:1-6.5 Reclassification of positions

(a) (No change.)

(b) No reclassification of any position shall become effective until the Chief Examiner and Secretary has so advised the appointing authority and the employee holding the position.

(c) (No change.)

1. (No change.)

2. Should the change as a result of the reclassification adversely affect an employee or should the appointing authority disagree with the reclassification, an appeal may be made [by either within 20 days of notification of the action to the Department of Civil Service. A final determination on the appeal shall be made by the Chief Examiner and Secretary unless he refers the matter to the Civil Service Commission as provided in Section 3.5(i) (Powers and duties of Commission) of this chapter.] **in accordance with N.J.A.C. 4:1-6.5A.**

4:1-6.5A Appeal procedure

(a) **An appeal from the classification or reclassification of a**

position is a request for review or a complaint that the duties of a specific position do not conform to the Civil Service job specification for the title assigned to that position.

(b) **In State service, an appeal from an employee or union representative shall be submitted, in writing, to the appointing authority through the personnel office. The appeal must identify the specific duties that do not conform to the job specification for the title and be accompanied by a Classification Questionnaire, CS-44, signed by the employee and the supervisor. If the appellant proposes a different title for the position, s/he must explain how the different title more accurately describes the duties of the position than the current or proposed title.**

1. The appointing authority shall review the appeal and notify the appellant of its decision within 30 days of receipt of the appeal. This decision letter must include the duties of the position, findings of fact, conclusions and the determination that:

i. The position is properly classified; or

ii. The position is properly classified, but that out-of-title duties are being performed; in which case the appointing authority shall order, in writing, the immediate removal of inappropriate duties, and forward a copy of this order to the Department of Civil Service, Division of Classification and Compensation; or

iii. The position should be reclassified; in which case, normal reclassification procedures shall be initiated.

2. The decision letter shall state that the appellant has the right to appeal an adverse decision. Additionally, if the appellant does not receive a decision letter from the appointing authority within 30 days, s/he may file an appeal, in writing, within 20 days from the final day for the appointing authority's decision. All appeals shall be sent to:

**Department of Civil Service
Director, Division of Classification
and Compensation
CN313
Trenton, New Jersey 08625**

3. Appeals from an employee or union representative to the Department of Civil Service, Division of Classification and Compensation, are second level appeals. Appeals from an appointing authority are first level appeals.

i. An appeal from an appointing authority shall include the same information as an appeal from an employee or union representative as stated in (b) above.

ii. An employee or union representative submitting a second level appeal must submit a copy of the initial appeal letter to the appointing authority, a copy of the completed Classification Questionnaire, CS44, and the appointing authority's decision letter, if issued. The appeal must state what specific portions of that decision are contested and the reasons.

4. The Director, Division of Classification and Compensation, shall review the appeal, order a desk audit where warranted, and issue a written decision. The decision letter shall be issued within 60 days of receipt of the appeal and shall include the duties of the position, findings of fact, conclusions, determination and a statement that the appellant has the right of appeal to the Chief Examiner and Secretary.

(c) In local government services, an appeal from an employee, appointing authority, or a union representative on behalf of an employee shall be submitted, in writing, to the appropriate local branch office of the Department of Civil Service, Division of Local Government Services. The appeal must identify the specific duties that do not conform to the civil service job specification for the title. If the appellant proposes a different title for the position, s/he must explain how the different title more accurately describes the duties of the position than the current or proposed title.

1. The local branch office manager shall order a desk audit

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CIVIL SERVICE

where warranted, review the appeal and determine that:

- i. The position is properly classified; or
- ii. The position is properly classified, but that out-of-title duties are being performed; in which case the branch office manager shall order, in writing, the immediate removal of inappropriate duties; or
- iii. The position should be reclassified; in which case normal reclassification procedures shall be initiated.

2. The determination from the branch office manager may be appealed to the Director, Division of Local Government Services within 20 days of receipt of the determination. The appeal shall include a copy of the initial appeal letter to the local branch manager, the branch manager's determination, the specific portions of the determination that are being contested, the reasons and any additional material the appellant wishes considered. The director shall review the written record and/or hold an informal hearing before issuing a decision letter. The director's decision letter shall be issued within 60 days of receipt of the appeal and shall include the duties of the position, findings of fact, conclusions, determination and a statement that the appellant has the right to appeal to the Chief Examiner and Secretary.

(d) All appeals to the Chief Examiner and Secretary must include copies of the determinations and decision letters from the lower levels, state which findings are being disputed and the reasons. Appeals shall be submitted, in writing, within 20 days of receipt of the decision letter to the:

Department of Civil Service
Division of Administrative Practices
and Labor Relations
CN312
Trenton, New Jersey 08625

1. The Chief Examiner and Secretary may render a decision based on the written record, appoint an independent classification reviewer, or refer the appeal to the Civil Service Commission. If the Chief Examiner and Secretary appoints an independent classification reviewer to conduct an informal review of the appeal, all parties will be advised of the review date. The parties shall present their arguments before the reviewer. An employee appealing his or her current or proposed classification is entitled to self-representation or representation by counsel or by an employee organization at every level except the Civil Service Commission. The strict postponement policy set forth in N.J.S.A. 11:1-25 et seq. will be followed.

2. If new duties are added to the position subsequent to the decision from the last level of appeal, they will not be considered by the classification reviewer. Instead, the appellant must again submit the required materials and appeal in accordance with (b) or (c) above.

3. The classification reviewer shall submit a report and recommendation to the Chief Examiner and Secretary within 15 days of the review. The report and recommendation shall include an analysis of the duties of the position as they relate to the civil service job specification, findings, conclusions, and recommendation. The report and recommendation shall be sent to all parties with notice that exceptions are to be filed with the Department of Civil Service, Division of Administrative Practices and Labor Relations within 15 days of receipt of the report and recommendation. Exceptions must be served on all parties. If exceptions are filed, cross-exceptions may be filed within five days of receipt of exceptions.

(e) In State service, if an appeal is upheld, the effective date of the reclassification shall be the pay period immediately after 14 days from the date the Department of Civil Service, Division of Classification and Compensation, received the reclassification request.

(f) In local government services, if an appeal is upheld, the effective date of the reclassification shall be from the date of the original classification audit for the title being appealed.

(g) The decision by the Chief Examiner and Secretary or the Civil Service Commission is the final administrative determination.

[4:2-6.4 Appeals from classification or reclassification of positions

(a) This section describes the procedures to be followed by employees in classified positions, or appointing authorities, who object to the classification or reclassification of a position or positions.

(b) Both an employee and an appointing authority may appeal pursuant to N.J.A.C. 4:1-6.5(b).

(c) An appeal of a classification or reclassification may be made no later than 20 calendar days from the effective date of action, or notice of the action, which is in dispute.

(d) Employees, appointing authorities, employee groups:

1. An employee aggrieved by the current or proposed classification of his position shall first appeal in writing to his appointing authority through the Personnel Office stating the reasons for which he believes his position to be incorrectly classified.

2. The appointing authority shall review the appeal and advise the appellant of its view in writing within 10 calendar days. If the appointing authority determines that reclassification would be appropriate, it shall follow existing administrative procedures to request reclassification by the Department of Civil Service.

3. If the appointing authority determines that the position is correctly classified or if no reply is received from the appointing authority within 10 days, the employee may appeal further in writing within 21 days to:

Department of Civil Service
Director, Division of Classification
and Compensation
CN 313
Trenton, New Jersey 08625

stating the reasons for which he believes his position to be incorrectly classified.

4. The Division Director shall after thorough review and investigation of the complaint respond to the appellant by letter which will include:

i. The decision of the Director with respect to appeal, the Civil Service Rule citations on which the Director relies;

ii. A detailed statement of the pertinent facts upon which the Director's action is based;

iii. A statement that the appeal may be pursued within 20 days to the Civil Service Commission through the Chief Examiner and Secretary;

iv. The address of the Division of Administrative Practices and Labor Relations, to which such appeals should be forwarded.

5. Upon receipt of the appeal forwarded through the Division of Administrative Practices and Labor Relations the Chief Examiner and Secretary will:

i. Render a decision based upon the report of the Director affirming, rejecting or modifying the recommendations, inform all interested parties and direct such action as necessary; or

ii. Appoint a Classification Appeals Reviewer who shall hold an informal review and report his findings, conclusions and recommendations; the Chief Examiner and Secretary will then proceed as in (d)5i above; or

iii. Refer the appeal, with or without the Classification Appeals Reviewer's recommendations, to the Civil Service Commission for a hearing.

6. An employee appealing his current or proposed classification is entitled to representation by counsel or by an employee organization at every level except that of the Civil Service Commission. Representation before the Civil Service Commission may be by the employee himself or by legal counsel.

7. Appointing authorities may appeal a refusal by the Department of Civil Service to reclassify a position as requested in the same manner as an employee.

(e) Classification Appeal Reviewer:

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1. A Classification Reviewer may be appointed by the Chief Examiner and Secretary on a per diem basis to review any of the above appeals and prepare a report and recommendation for action by the Chief Examiner and Secretary.

2. The Classification Appeal Reviewer will be appointed after consideration of experience, education and background suitable to the duties of that position. The report and recommendation of the Classification Reviewer will be in writing and will not be a final decision, but a guide for the Chief Examiner and Secretary in taking action in a classification appeal.

(f) Participation By Employee Organizations:

1. The first step of a classification appeal shall be the appointing authority even though employee organizations may first contact the Department of Civil Service.

2. When an employee organization requests a number of appeals, these appeals shall be scheduled separately and time off for the parties shall be granted only for their individual appeals.

3. Employee organizations shall contact the Department of Civil Service through the Chief, Hearings and Regulations in order to appeal from a decision by the appointing authority.]

[4:3-6.6 Appeals from classification or reclassification of positions

(a) This section will describe the procedures to be followed by employees in classified positions, or appointing authorities, who object to the classification or reclassification of a position or positions.

(b) Both an employee and an appointing authority may appeal pursuant to N.J.A.C. 4:1-6.5(b).

(c) An appeal of a classification or reclassification may be made no later than 20 calendar days from the effective date of action, or notice of the action, which is in dispute.

(d) Employees, appointing authorities, employee groups:

1. An employee aggrieved by the current or proposed classification of his position shall first appeal in writing to the Local Office of the Department of Civil Service detailing the reasons for which he feels his position to be incorrectly classified.

2. The appropriate Local Office of The Department of Civil Service shall make a recommendation to the Director of Local Government Services who shall conduct an administrative review. The Director shall after thorough review and investigation of the complaint respond to the appellant within 21 days by letter which will include:

i. The decision of the Director with respect to appeal, the Civil Service Rule citations on which the Director relies;

ii. A detailed statement of the pertinent facts upon which the Director's action is based;

iii. A statement that the appeal may be pursued within 20 days to the Civil Service Commission through the Chief Examiner and Secretary;

iv. The address of the Division of Administrative Practices and Employee Relations to which such appeals should be forwarded.

3. Upon receipt of the appeal forwarded through the Division of Administrative Practices and Employee Relations the Chief Examiner and Secretary shall do one of following:

i. Render a decision based upon the report of the Director affirming, rejecting or modifying the decision, inform all interested parties and direct such action as necessary; or

ii. Appoint a Classification Appeals Reviewer who shall hold an informal review and report his findings, conclusions and recommendations; the Chief Examiner and Secretary will then proceed as in (d)3i above; or

iii. Refer the appeal, with or without the Classification Appeals Reviewer's recommendations, to the Civil Service Commission for a hearing.

4. An employee appealing his current or proposed classification is entitled to representation by counsel or by an employee organization at every level except that of the Civil Service Commission. Representation before the Civil Service Commission may be by the employee himself or by legal counsel.

5. Appointing authorities may appeal a refusal by the Department

of Civil Service to reclassify a position as requested in the same manner as an employee.

(e) Classification Appeals Reviewer:

1. A classification Reviewer may be appointed by the Chief Examiner and Secretary on a per diem basis to review any of the above appeals and prepare a report and recommendation for action by the Chief Examiner and Secretary.

2. The Classification Appeals Reviewer will be appointed after consideration of experience, education and background suitable to the duties of that position. The report and recommendation of the Classification Reviewer will be in writing and will not be a final decision, but a guide for the Chief Examiner and Secretary in taking action in a classification appeal.

(f) Employee Representation:

1. When an employee group requests a number of different appeals, these appeals shall be scheduled separately and time off for the parties shall be granted only for the separate appeals.

2. When an employee group requests a common appeal, one review shall be scheduled and time off for the parties shall be granted only for the common appeal.]

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING

Uniform Construction Code Construction Official Licensing

Proposed Amendment: N.J.A.C. 5:23-5.5

Authorized By: Joseph A. LeFante, Commissioner,
Department of Community Affairs.
Authority: N.J.S.A. 52:27D-124.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. 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 Department of Community Affairs thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-11.

The agency proposal follows:

Summary

The amendment requires a person qualifying for a construction official's license on the basis of qualification as a fire subcode official to also meet the experience requirements specified in N.J.S.A. 52:27D-126b.

Social Impact

A person qualified for a fire protection subcode official license shall not be considered to have satisfied the subcode official qualification requirement for a construction official license as specified in the Uniform Construction Code Act. The amendment does not change the present situation because N.J.S.A. 52:27-126b requires

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10 years' experience in construction, design or supervision in a trade or as a contractor for persons seeking to be construction officials and who are neither engineers nor architects. The same requirement applies to all subcode officials except fire prevention or protection subcode officials, for whom lesser requirements are established by N.J.S.A. 52:27D-126.1c and N.J.A.C. 5:23-5.5(b)2iv. Consequently, as pointed out in a recent administrative law decision, N.J.A.C. 5:23-5.5(b)1i must, in light of the statute, be construed as excluding fire protection subcode officials who do not otherwise meet the statutory requirement. This amendment makes that exclusion explicit and thereby avoids further confusion on the subject.

Economic Impact

None is apparent since the amendment results in no actual change in licensing requirements.

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

5:23-5.5 Requirements for a license

(a) (No change.)

(b) Requirements are:

1. Construction officials: A candidate for a license as a construction official H.H.S., I.C.S. or R.C.S. shall meet the following qualifications:

i. Possession of the qualifications established herein for at least one of the four subcode official licenses in the specialty for which the construction official license is sought, **provided, however, that any person qualified as a fire protection subcode official must also have experience for the applicable period of time specified in N.J.S.A. 52:27D-126b;** and

ii.-iii. (No change.)

2.-9. (No change.)

(c)-(d) (No change.)

(a)

DIVISION OF HOUSING

New Home Warranty and Builders' Registration Restoration of Registration

Proposed New Rules: N.J.A.C. 5:25-2.8

Authorized By: Joseph A. LeFante, Commissioner,
Department of Community Affairs.
Authority: N.J.S.A. 46:3B-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. 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 Department of Community Affairs thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-12.

The agency proposal follows:

Summary

Builders' registrations that have been revoked or suspended shall only be restored upon a finding that the reason for revocation or suspension no longer applies and is unlikely to recur and that full compensation has been or will be, made to the State Plan or private plan for any payments made as a result of violation of the Act.

Registrations will only be restored after all payments due to the Department have been made. Payments to be made to the State Plan or private plan as a condition or restoration of a revoked or suspended license shall include interest at the maximum legal rate.

Social Impact

Builders who have made full restitution for past violations and who appear unlikely to violate the Act again are provided with an opportunity to again build homes in New Jersey. It is expected that such builders, having experienced the enforcement measures available to the Department, will be careful not to repeat their mistakes.

Economic Impact

Builders who show they have made full restitution and are unlikely to violate the Act again are given an opportunity to remain in the building industry. Repayment, with interest, of money paid out by the State Plan and the private plans will enhance the plans' solvency and will allow a reduction in premiums for those who do not violate the Act.

Full text of the proposed new rule follows.

5:25-2.8 Restoration of registration

(a) No certificate of registration which has been suspended or revoked shall be restored to any person previously registered as a builder unless the Director finds that the reason for the suspension or revocation no longer applies and is unlikely to recur and that such builder has fully compensated or, as a condition of such restoration, will fully compensate, the State Plan or any private plan or any other person for any loss incurred as a result of such builder's failure to comply with the Act.

(b) No certificate of registration which has been suspended, revoked or allowed to lapse shall be restored unless and until all fees, premiums, surcharges and penalties have been paid in full.

(c) In any case in which payment has been made by the State Plan or any private plan as a result of failure by a builder to comply with the Act, full compensation, within the meaning of (a) above, shall include, without limitation, interest in the maximum amount allowed by law on any payments made by the State Plan or private plan. For purposes of determining the legal interest rate, such payments shall be deemed to be unsecured loans made by the plan pursuant to a written agreement.

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(b)

STATE BOARD OF EDUCATION

Area Vocational and Private Schools Local Area Vocational School Districts: Definition of "Technical Education"

Proposed Amendment: N.J.A.C. 6:46-1.1

Authorized By: New Jersey State Board of Education,
Fred G. Burke, Secretary.
Authority: N.J.S.A. 18A:4-15, 18A:4-10, 18A:7A-1 et
seq. and 18A:54-6.

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Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-22.

The agency proposal follows:

Summary

The State Board of Education originally proposed amendments to the rules governing local area vocational school districts in the October 8, 1981, issue of the New Jersey Register (13 N.J.R. 635(b)). On December 2, 1981, the proposal was adopted by the State Board with several inconsequential structural and language changes. Also at the time of adoption, the definition of "technical education" was deleted because of substantive changes contemplated since publication in the Register. Therefore, the definition of "technical education" is now being republished.

This definition makes it clear that only a program involving three years of college preparatory mathematics, two one-year laboratory science courses and a technical laboratory course conducted for a minimum of 400 minutes per week for a period of not less than two years will be considered an approved secondary technical education program.

Social Impact

The emphasis on academic mathematics and science in technical education programs will provide New Jersey pupils with a broader educational background and greater career options in a rapidly expanding technological age. Employers will directly benefit from such expanded technical programs by being able to secure more versatile employees, equipped not only with technological knowledge but also with scientific and mathematical knowledge.

Economic Impact

The proposed definition will provide greater clarity and guidance to a school district seeking to meet the criteria for designation as a local area vocational school district, in order to qualify for categorical aid. The offering of technical education programs emphasizing academic mathematics and science will provide suitably trained employees for industry, especially "high technology" industries, and, as such, will have a positive impact on New Jersey's economy.

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

6:46-1.1 Definitions

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

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Water Supply Bond Loan Regulations Rehabilitation of Water Supply Facilities

Proposed New Rules: N.J.A.C. 7:1A

Authorized By: Jerry Fitzgerald English, Commissioner,
Department of Environmental Protection.

Authority: Water Supply Bond Act of 1981, P.L. 1981,
c.261, section 5.

DEP Docket No.: 062-81-12

Three **public hearings** concerning this rule will be held at the following times and locations:

February 11, 1982
7:00 P.M.
Mount Holly Municipal Building
23 Washington Street
Mount Holly, New Jersey 08060

February 16, 1982
7:00 P.M.
Labor Education Center
Rutgers University
Ryderson Lane and Clifton Avenue
New Brunswick, New Jersey 08903

February 18, 1982
7:00 P.M.
Rockaway Township Council
Conference Room
61 Mt. Hope Road
Rockaway Township, New Jersey 07866

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator
Water Supply and Watershed Management
Administration
Division of Water Resources
P.O. Box 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 adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-21.

The agency proposal follows:

Summary

The proposed rule establishes procedures governing loans for State or local projects for the rehabilitation, repair or consolidation of antiquated, damaged or inadequately operating water supply facilities pursuant to the Water Supply Bond Act of 1981, and as recommended by the New Jersey Statewide Water Supply Plan. The

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rules prescribe procedures, minimum standards of conduct for borrowers, and standards for the rehabilitation of water supply facilities. The proposed procedures are similar to the procedures for the other existing bond regulations administered by the Department, and it is the intention to consolidate all such regulations into a single document in the near future.

Social Impact

A major positive social impact will result from the proposed rule. More efficient operation of the water supply facilities in the State will result from the completion of rehabilitation projects financed by water supply bond loan funds. The rehabilitation and repair of antiquated or damaged water supply facilities will help conserve our vital water resources and lend increased support to the State's revitalization and economic development.

Economic Impact

The economic impact of the proposed rule will be realized by the provision of bond fund loans for the rehabilitation, repair or consolidation of antiquated, damaged or inadequately operating water supplies. While the expenditure of such funds will require repayment in accordance with the Water Supply Bond Act of 1981, and these proposed regulations, economic benefits will be realized by the improvement of such eligible water supply facilities.

Full text of the proposed new rule follows.

CHAPTER 1A

WATER SUPPLY BOND LOAN REGULATIONS FOR THE REHABILITATION OF WATER SUPPLY FACILITIES.

SUBCHAPTER 1. GENERAL PROVISIONS

7:1A-1.1 Scope and construction of rules

(a) The following shall constitute the rules governing disposition of appropriations for the purposes of providing loans for State or local projects for the rehabilitation, repair or consolidation of antiquated, damaged or inadequately operating water supply facilities pursuant to the Water Supply Bond Act of 1981, P.L. 1981, c.261, and as recommended by the New Jersey Statewide Water Supply Plan. These rules prescribe procedures, minimum standards of conduct for borrowers, and standards for the rehabilitation of water supply facilities.

(b) These rules shall be liberally construed to permit the Department to effectuate the purposes of the law.

7:1A-1.2 Purpose of rules

- (a) These rules are promulgated for the following purposes:
1. To implement the purposes and objectives of the Water Supply Bond Act of P.L. 1981, 1981, c.261 and the New Jersey Statewide Water Supply Plan;
 2. To establish policies and procedures for administration of funds appropriated pursuant to the Act for the purpose of making State loans for State or local projects for the rehabilitation, repair or consolidation of antiquated, damaged or inadequately operating water supply facilities;
 3. To protect the public and the State of New Jersey by insuring that funds appropriated are spent in a proper manner and for the intended purposes;
 4. To assure that the distribution and use of funds are consistent with the laws and policies of the State of New Jersey;
 5. To establish minimum standards of conduct to prevent conflicts of interest and insure proper administration of loans;
 6. To establish accounting procedures for the administration of loans.

7:1A-1.3 Practice where rules do not govern

The Commissioner may rescind, amend, or expand these rules from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

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7:1A-1.4 Annual budget request

(a) The Commissioner shall submit to the State Treasurer and the New Jersey Commission on Capital Budgeting and Planning with the Department's annual budget request, a plan for the expenditure of funds from the "Water Supply Fund" for the upcoming fiscal year.

(b) The plan shall include the following information:

1. A performance evaluation of the expenditures of the fund to date;
2. A description of programs planned during the upcoming year;
3. A copy of these rules governing the purposes conducted pursuant to P.L. 1981, c.261;
4. An estimate of expenditures for the upcoming fiscal year.

7:1A-1.5 Request for legislative appropriations

The Department shall periodically request that the Legislature appropriate funds under the Water Supply Fund pursuant to Section 14 of the Water Supply Bond Act of 1981, P.L. 1981, c.261.

7:1A-1.6 Procedure for obtaining a water supply bond loan

- (a) Each potential applicant for a water supply bond loan shall:
1. Determine if it meets the eligibility criteria of N.J.A.C. 7:1A-2.3.
 2. Arrange for a preapplication conference as required in N.J.A.C. 7:1A-2.4.
 3. Complete the application procedures required by N.J.A.C. 7:1A-2.5.

7:1A-1.7 Severability

If any section, subsection, provision, clause or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

SUBCHAPTER 2. LOAN PROCEDURES AND REQUIREMENTS

7:1A-2.1 Scope

This subchapter shall prescribe procedures and requirements for the award of State loans for the rehabilitation of water supply facilities pursuant to Section 4 of the Water Supply Bond Act of 1981, P.L. 1981, c.261, all as recommended by the New Jersey Statewide Water Supply Plan.

7:1A-2.2 Definitions

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

"Act" means the Water Supply Bond Act of 1981, P.L. 1981, c.261.

"Administrator" means the Administrator of the Water Supply and Watershed Management Administration of the Division of Water Resources of the Department of Environmental Protection.

"Applicant" means any political subdivision of the State or agency thereof that applies for a loan pursuant to the provisions of these rules and regulations.

"Bonds" means the bonds authorized to be issued, or issued under the Water Supply Bond Act of 1981, P.L. 1981, c.261.

"Borrower" means an applicant which has received a loan pursuant to the Water Supply Bond Act, P.L. 1981, c.261 and these rules, and which has executed a loan award document.

"Commission" means the New Jersey Commission on Capital Budgeting and Planning.

"Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection or his designated representative.

"Construct" and "construction" mean, in addition to the usual meaning thereof, acts of construction, reconstruction, replacement, improvement and betterment.

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"Department" means the Department of Environmental Protection.

"Division" means the Division of Water Resources of the Department of Environmental Protection which constitutes the agency designated to administer the program pursuant to this chapter for and on behalf of the Department and the State.

"Eligible project cost" means the costs which are determined by the Department under this chapter to be eligible for a water supply bond loan and shall include the cost of repair, replacement or reconstruction of all or part of any obsolete or antiquated water supply transmission system that is deemed by the Department to be necessary or useful and convenient therefor or in connection therewith, including costs of geological and hydraulic services, interconnection testing, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, operating and other expenses prior to or during such repair, replacement or reconstruction, and all such other expenses as may be necessary or incident to the financing, reconstruction and completion of such project or part thereof and the placing of the same in operation.

"Eligible project scope" means the repair, replacement or reconstruction of an obsolete or inadequately operating water supply transmission system consisting of pipes and appurtenances including but not limited to pump stations, valves, surge chambers, and storage tanks, which convey water. The applicant's project scope must conform to this definition to be funded pursuant to this chapter.

"Interconnection" means a water supply connection with another water supply system.

"Project" means any work relating to the rehabilitation of water supply facilities.

"Transmission system" means those pipes and appurtenances including but not limited to pump stations, valves, surge chambers and storage tanks which convey water.

"Water supply facilities" means and refers to the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, personal and mixed, constructed or operated, or to be constructed or operated, in whole or in part by or on behalf of the State, or of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering or transmitting of water, and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources, and facilitating incidental recreational uses thereof.

7:1A-2.3 Eligibility and criteria

(a) Any applicant operating an antiquated, damaged, or inadequately operating water supply facility in need of rehabilitation, repair or consolidation is eligible for a loan in any year where it satisfactorily completes the loan application process in a timely manner, meets the eligibility criteria set forth in this subchapter, receives the minimum priority score, and ranks high enough on the priority list to be funded. To receive a loan the project shall meet the following criteria to the satisfaction of the Department:

1. The minimum priority score set out in N.J.A.C. 7:1A-2.12.
2. The project shall be an independent and complete water supply rehabilitation project. An independent and complete project is one which by its implementation alone will render the system adequate and efficient and will accomplish the purpose set forth in the application. However, consideration may be given to waiving this requirement when the applicant proves to the satisfaction of the Department that the project is a portion of an overall plan to make the system adequate.
3. The project shall not be excessively expensive or cause unacceptably high environmental damage.
4. The project shall not conflict with any other State projects.

5. The application must be accompanied by adequate explanation of how the applicant plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project. The applicant must comply with all standard loan provisions of the State of New Jersey.

6. The application documents shall clearly state and document how the loan will accomplish the goal set out in the application.

7. No water supply rehabilitation project is eligible for a loan if construction on the project has commenced prior to filing of the loan application with the Department.

8. The project must conform with the water conservation measures required by the Department and recommended in the New Jersey Statewide Water Supply Plan.

7:1A-2.4 Preapplication procedures

(a) Every applicant shall request an informal conference prior to making a formal application for a loan. During the conference the Division shall identify and explain all loan application documents. It shall also identify and answer questions concerning other Departmental permits the applicant must obtain prior to being awarded a loan. This conference is not part of the application procedure and neither written nor verbal statement made during the conference shall bind the Department.

(b) Questions concerning the program and requests for a pre-application conference should be directed to:

Division of Water Resources
Attention: Water Supply and Watershed
Management Administration
P. O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

7:1A-2.5 Application procedures

(a) To apply for a water supply rehabilitation loan, an applicant shall comply with all the pertinent requirements of this section. The application shall be submitted to the Division on the forms provided for that purpose.

(b) An applicant for a water supply rehabilitation loan shall submit:

1. A completed loan application;
2. A description of how it plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project;
3. Evidence that all Federal, State, regional and local agencies with jurisdiction over the area have been notified of the project;
4. A written explanation of the need for the project;
5. A complete proposal outlining the problem, cause and effect of these problems, the proposed solution along with a discussion of alternatives to the proposed solution; and
6. A proposed construction schedule for the project.

(c) Signature:

1. Applications shall be signed for the applicant by a person authorized by resolution or ordinance to obligate the applicant to the terms and conditions of the loan.

2. Each application shall constitute an undertaking to accept the requirements of this subchapter and the terms and conditions of the loan award document.

(d) Applications should be submitted well in advance of the application closing date for the year in which the applicant wishes to be awarded a loan. The application closing date for the year 1982 shall be 90 days after the effective date of this chapter. For all subsequent

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application years the application closing date shall be the same month and day as the 1982 application closing date.

(e) Generally, processing of a completed application by the Department will be completed 90 calendar days after the application closing date. However, no loan shall be awarded until a State appropriation is made.

(f) Applications shall be sent to:

Division of Water Resources
Attention: Water Supply and Watershed
Management Administration
P.O. Box CN029
1474 Prospect Street
Trenton, New Jersey 08625

(g) The following additional completed forms and documents shall be submitted with an application:

1. Resolution or ordinance of the applicant authorizing the filing of an application for a State loan;
2. All other forms, agreements and subagreements the Department may require.

(h) At the time the applicant submits its application to the Division the applicant shall notify the applicable municipal environmental commission and the county environmental commission that it has applied for a water supply rehabilitation loan.

7:1A-2.6 Use and disclosure of information

All loan applications, preapplications, and other submittals, when received by the Division, constitute public records. The Division shall make them available to persons who request their release, to the extent allowed by New Jersey and Federal law.

7:1A-2.7 Evaluation of application

(a) The Division shall notify the applicant that it has received the application and is evaluating it pursuant to this section. Each application shall be subjected to:

1. Preliminary administrative review to determine the completeness of the application;
2. Program, technical, scientific and environmental evaluation to determine the merit and relevance of the project to the Department of Environmental Protection program objectives, especially those recommendations described in the New Jersey Statewide Water Supply Plan;
3. Budget evaluation to determine whether proposed project costs are eligible, reasonable, applicable, and allowable; and
4. Final administrative evaluation.

7:1A-2.8 Department approval/disapproval

(a) After a full review and evaluation of an application, the Division shall take one of the following actions:

1. Approve for priority ranking and possible loan;
2. Disapprove the application.

(b) The applicant shall be promptly notified in writing of any approval or disapproval. A disapproval of an application shall not preclude its reconsideration or resubmittal for the next application year.

7:1A-2.9 Amount and terms of loan

(a) The amount of the loan, determined by the Division, shall be based upon eligible project costs as set forth in this chapter.

(b) The interest rate for the loan shall be established at a rate equal to the average interest rate on the latest sale of Water Supply Bonds sold prior to the date of the loan award document.

(c) The first annual or semi-annual repayment of the loan by the borrower to the Department shall be due on or before the date of the second anniversary of the date of the last loan advance to the borrower from the Department or one year after construction is completed, whichever comes first, and shall continue, in an agreed amount, for a period not to exceed 10 years from the date of the execution of the loan award document unless a longer repayment period not to exceed 20 years can be justified to the satisfaction of

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the Department. The ten percent withholding requirement of N.J.A.C. 7:1A-2.21 shall not be considered as the last loan advance for the purposes of this section.

(d) A rate schedule setting forth the amounts charged for the sale of water by the borrower shall be established. A percentage of these receipts, as stipulated by the loan award document, shall be dedicated to a specific fund for the purpose of assuring repayment of the loan by the borrower. The Department may require additional collateral to secure the loan when deemed necessary.

7:1A-2.10 Loan award document

(a) The Division of Water Resources of the Department shall prepare and transmit four copies of the loan award document to the applicant.

1. The applicant shall execute the loan award document and return it within 30 calendar days after receipt. The Department may, in its discretion, extend the time for execution.

2. The loan award document shall set forth the terms and conditions of the loan, approved project scope, budget, approved project costs, and the approved commencement and completion dates for the project or major phases thereof.

3. The loan award document shall be deemed to incorporate all requirements, provisions, and information in documents or papers submitted to the Department in the application process.

4. After the Department has completed its internal processing of the loan award document it shall transmit a copy of the executed loan award document to the borrower.

7:1A-2.11 Effect of loan award

(a) The loan award document shall become effective immediately after its execution by the Department and the applicant, and shall constitute an obligation of the Water Supply Fund in the amount and for the purposes stated in the loan award document.

(b) The award of the loan shall not commit or obligate the Department to award any continuation loan to cover cost overruns for any project. The Department's policy is that cost overruns for any project or portion thereof are solely the responsibility of the borrower.

7:1A-2.12 Priority determination

(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives.

1. A water supply system serving less than or equal to 10,000 people shall be eligible for a loan if it receives at least eight priority points.

2. A water supply system serving between 10,001 through 75,000 people shall be eligible for a loan if it receives at least 12 priority points.

3. A water supply system serving greater than 75,000 people shall be eligible for a loan if it receives at least 20 priority points.

(b) All applications must also meet the criteria set forth in N.J.A.C. 7:1A-2.3 to be eligible for a loan.

(c) Three separate priority lists shall be established in each program year according to the size of the water supply system. Appropriations for each of the three separate priority lists shall be determined as a percentage of the total periodic appropriations by the Legislature to the Department for the purpose of implementing this chapter.

1. Twenty percent of the total Departmental appropriation for the purposes of implementing this chapter shall be appropriated for those eligible water supply systems that serve less than or equal to 10,000 people;

2. Thirty percent of the total Departmental appropriation for the purposes of implementing this chapter shall be appropriated for those eligible water supply systems that serve between 10,001 through 75,000 people; and

3. Fifty percent of the total Departmental appropriation for the purpose of implementing this chapter shall be appropriated for those eligible water supply systems that serve greater than 75,000 people.

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(d) If in any program year there are an insufficient number of eligible projects on any of the three separate priority lists the funds designated for said category shall be disbursed to eligible projects on the other priority lists in the same proportions as set forth in (c) above.

(e) A maximum loan amount for each project shall be set for each of the three categories of projects as follows:

1. A water supply system serving less than or equal to 10,000 people may receive a loan of up to five hundred thousand dollars maximum;

2. A water supply system serving between 10,001 and 75,000 people may receive a loan of up to one million dollars maximum; and

3. A water supply system serving greater than 75,000 people may receive a loan of up to three million dollars maximum;

4. Any loan funds appropriated for a project in excess of the actual costs spent for the completed project shall be returned to the Water Supply Fund created pursuant to the act within 30 days of final inspection of the project by the Department.

(f) Priority points shall be given for the following factors and in the amount shown. An applicant shall only receive priority points listed in (f)1, 3, 5, 6, 7, 8, and 10 below if the project scope provides for the actual repair, rehabilitation, or correction of the problem items enumerated which serves as the basis for awarding priority points in (f)1, 3, 5, 6, 7, 8, and 10 below.

1. Priority points shall be awarded for the age of water transmission lines. These water transmission lines include those pipes, aqueducts and appurtenances which convey water.

i. Two points shall be awarded for transmission lines constructed between the years 1966 through 1970;

ii. Four points shall be awarded for transmission lines constructed between the years 1951 through 1965;

iii. Eight points shall be awarded for transmission lines constructed between the years 1926 through 1950;

iv. Twelve points shall be awarded for transmission lines constructed between the years 1901 through 1925;

v. Sixteen points shall be awarded for transmission lines constructed in or before the year 1900.

2. The priority points awarded by (f)1i through v above for the age of the water transmission lines shall first be adjusted according to the following formula and then totaled to determine final priority points under (f) of this section.

i. Priority points awarded by (f)1i through v above equals points awarded above for the year of construction, multiplied by the number of miles of transmission lines constructed in the period specified in (f)1i through v above, and the result divided by the total number of miles of transmission lines in the water supply system.

3. Priority points shall be awarded for the residential population served by the water supply system on the following basis:

i. One point shall be awarded for a system supplying water to a residential population of 50 through 500 people;

ii. Two points shall be awarded for a system supplying water to a residential population of 501 through 1,000 people;

iii. Three points shall be awarded for a system supplying water to a residential population of 1,001 through 5,000 people;

iv. Four points shall be awarded for a system supplying water to a residential population of 5,001 through 10,000 people;

v. Five points shall be awarded for a system supplying water to a residential population of 10,001 through 20,000 people;

vi. Six points shall be awarded for a system supplying water to a residential population of 20,001 through 50,000 people;

vii. Seven points shall be awarded for a system supplying water to a residential population of 50,001 through 75,000 people;

viii. Eight points shall be awarded for a system supplying water to a residential population of 75,001 through 100,000 people;

ix. Nine points shall be awarded for a system supplying water to a residential population of 100,001 through 200,000 people;

x. Ten points shall be awarded for a system supplying water to a residential population of 200,001 through 500,000 people;

xi. Eleven points shall be awarded for a system supplying water to a residential population of 500,001 through 1,000,000 people;

xii. Twelve points shall be awarded for a system supplying water to a population of greater than 1,000,000 people.

4. Priority points shall be awarded on the following basis for system failure occurring since 1960 which resulted in interruption of service due to malfunction and/or breakdown of the transmission system and which is attributable to the system's age or inadequacy:

i. One priority point shall be awarded for each event resulting in a service breakdown lasting for a period of two or more hours.

5. Priority points shall be awarded for the percentage of the present daily demand of the applicant's water supply system that can be supplied from interconnections with other water supply systems. The present water supply demand for the applicant's service area shall be determined as the yearly average of daily demand of the system measured in gallons per day.

i. One point shall be awarded for a system having interconnections that can supply between 71 through 80 percent of the present daily water supply demand for the service area;

ii. Two points shall be awarded for a system having interconnections that can supply between 61 through 70 percent of the present daily water supply demand for the service area;

iii. Three points shall be awarded for a system having interconnections that can supply between 41 through 60 percent of the present daily water supply demand for the service area;

iv. Four points shall be awarded for a system having interconnections that can supply between 21 through 40 percent of the present daily water supply demand for the service area;

v. Five points shall be awarded for a system having interconnections that can supply less than or equal to 20 percent of the present daily water supply demand for the service area;

vi. Six points shall be awarded for a system having no interconnections with any other water supply system.

6. Priority points shall be awarded according to the system's ability to meet projected demand in the near future. For the purposes of (f)6 of this section, a system shall be considered inadequate if the average daily system demand exceeds the average daily system capacity by 10 percent or more.

i. Two points shall be awarded for a system that will not be adequate to meet the projected demand between the years 1996 through 2000;

ii. Four points shall be awarded for a system that will be inadequate to meet the projected demand between the years 1991 through 1995;

iii. Eight points shall be awarded for a system that will be inadequate to meet the projected demand between the years 1986 through 1990;

iv. Ten points shall be awarded for a system that is unable to meet the present demand or will be unable to meet the projected demand by the end of the year 1984.

7. Two points shall be awarded for each pump station which forms a component of the transmission system and which, because of the station's age, inadequacy or obsolete design, has malfunctioned or broken down for a minimum of five times since the year 1975.

8. Priority points shall be awarded for the leakage and other unaccountable water losses from the transmission system expressed as a percentage of the system capacity.

i. Two points shall be awarded for a system experiencing water losses between one through four percent of the system capacity;

ii. Three points shall be awarded for a system experiencing water losses between five through eight percent of the system capacity;

iii. Four points shall be awarded for a system experiencing water losses between nine through 12 percent of the system capacity;

iv. Five points shall be awarded for a system experiencing water losses between, 13 through 16 percent of the system capacity;

v. Six points shall be awarded for a system experiencing water losses between 17 through 20 percent of the system capacity;

vi. Seven points shall be awarded for a system experiencing water losses between 21 through 24 percent of the system capacity;

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- vii. Eight points shall be awarded for a system experiencing water losses between 25 through 28 percent of the system capacity;
- viii. Nine points shall be awarded for a system experiencing water losses between 29 through 32 percent of the system capacity;
- ix. Ten points shall be awarded for a system experiencing water losses of 33 percent or more.

9. Priority points shall be awarded for the adverse effect of transmission lines on the quality of treated water in the system as follows:

- i. Two points shall be awarded for chronic color or turbidity problems caused by the transmission system due to rusty pipes or infiltration of groundwater, etc;
- ii. Two points shall be awarded for chronic taste and odor problems caused by the transmission system due to rusty pipes or infiltration of groundwater, etc;
- iii. Two points shall be awarded for chronic low pressure problems caused by the age of the transmission system.
- iv. A chronic problem shall be defined as a problem concerning but not limited to color, odor, iron and low pressure which incites on an average at least two verifiable complaints per month received against the applicant's water supply between the years 1975 through 1980.

10. Priority points shall be awarded in the amount of 10 priority points for each administrative order issued by the Division to the applicant provided that the applicant's project scope provides for the implementation of the actions ordered by the Division in each relevant administrative order. Priority points shall also be awarded in the amount of five priority points for each directive or recommendation letter issued by the Division to the applicant provided that the applicant's project scope provides for the implementation of the actions directed by the Division in each relevant directive or recommendation letter.

(g) Total priority points shall be determined by totalling all the points awarded an applicant by (f) above.

(h) The Division shall establish and maintain three separate priority list for each program year in accordance with the number of priority points awarded each project pursuant to this section.

(i) The Department shall send a Notice of Intent to Award a loan to those approved applicants ranking high enough on the appropriate priority list to receive funds.

(j) The applicants receiving a Notice of Intent to Award a loan shall obtain all necessary Federal, State and local permits within six months of receipt of the Notice of Intent to Award a loan. Failure to obtain the required permits within the required time period shall make the project ineligible for a loan for that year.

(k) The Department shall award a loan to those applicants sent a Notice of Intent to Award a loan upon receipt by the Department, within six months, of a certified copy of all the permits required by (k) of this section. Failure to obtain and submit the required permits within the required time period shall make the project ineligible for a grant for that year unless prior approval for an extension has been granted by the Division pursuant to N.J.A.C. 7:1A-2.13(g).

(l) Applicants with approved projects on a priority list that are not awarded loans in a year, who wish to apply for a position on any subsequent priority list in any subsequent year, may apply by a timely filing of a new Water Supply Loan Application Form and by updating the other application documents required by N.J.A.C. 7:1A-2.5. This application will be treated as a new application for a Water Supply Loan and evaluated and approved in accordance with these rules.

7:1A-2.13 Project development phase of water supply bond loan program

(a) Each applicant receiving a Notice of Intent to Award a loan shall arrange to have a pre-design conference within 30 days after receipt of the notice, with personnel of the Division and shall submit all materials required by this section to the Division within six months after receipt of the notice or within the time limits of any extension granted pursuant to (g) below.

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(b) During the pre-design conference the Division personnel shall identify and explain the requirements of this section, including design criteria and review of the requirements of the Environmental Assessment specified in (d) below.

(c) The applicant shall submit all materials required by (c) of this section, prepared in accordance with accepted engineering practice within the specified time period.

1. A complete design report prepared by a New Jersey licensed professional engineer experienced in the field of water supply. The report shall include but not be limited to the engineering assumptions, references, calculations and conclusions relative to the structural and the hydraulic design of all elements within the project scope including all information, narrative, data, and computations necessary to support and describe the design developed and shall be in such detail as to permit complete understanding of the project design. Depending on the project scope, the design report shall address the distribution network, topographic conditions, geotechnical consideration, pump station performance, and operating characteristics of the distribution storage system capacity, adequacy, and condition.

2. The plans for the water supply rehabilitation project prepared by an engineer licensed by the State of New Jersey. Each drawing shall be signed and sealed and shall have a title block giving the name and location of the project, the scale or scales used, date, the name of the engineer and his license number. Plans shall show clearly the datum to which elevations shown are referred. The National Geodetic Vertical Datum of 1929 datum, (U.S.G.S.) should be used wherever possible or an equation converting to that datum given. The plans shall clearly reflect and label all existing and proposed features and shall include but not be limited to:

i. A vicinity map showing the location of the water supply system rehabilitation project. A U.S.G.S. 7 1/2 Minute Quadrangle map shall be used for this purpose.

ii. A plan and profile of the entire transmission-grid system that is to be rehabilitated. The plan shall include but not be limited to water mains, service connections, fire hydrants, gage valves, blowoff valves, gate valves, air relief valves, pressure reducing valves, pumping stations, surge chambers, storage tanks. The Plan shall also include but not be limited to the locations of all utilities and sewer lines, i.e. pipelines, telegraph and telephone lines, electrical conduits, and sanitary and storm sewers that will have an effect on the project implementation.

iii. A topographic and pressure contour map of the transmission grid system showing ground elevations, water main elevations and water pressure at various points in the system.

iv. Plan and elevation views of all storage tanks that are to be renovated.

v. Plan and elevation views of all pumping stations that are to be renovated.

vi. Standard details of all gate valves, check valves, air release valves, drains, surge control equipment, expansion joints, insulation joints, manholes, pump stations, gages, risers, headers and other components of the system that are to be renovated.

3. The construction specifications for the water supply rehabilitation project shall include but not be limited to:

i. The general provisions, which shall specify the rights, duties, and responsibilities of the owner, applicant, engineer, builder and the prescribed order of work.

ii. The technical provisions, which shall describe carefully and in detail the approved work methods, equipment, materials to be used, the results to be obtained and the project schedule.

4. A detailed cost estimate of engineering, design, and rehabilitation of the system and appurtenances thereto. The breakdown of the cost estimates shall be by unit prices covering estimated labor, equipment, materials, supplies and contractor overhead and profit. Background sheets will be furnished detailing the computation of the unit prices. A summary form showing item number, description, estimated quality, unit, unit price, and estimated amount is required.

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5. A report from the applicant's governing body detailing its plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan guaranteeing that at the time of signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project.

(d) All applicants except those excluded by (e) below shall submit with the materials required by this section an Environmental Assessment which shall include but not be limited to:

1. A written explanation of the need for the project;
2. A map showing the location and boundaries of the system service area;
3. A statement describing and analyzing possible direct and indirect effects of the proposed activity on the system itself as well as on adjacent and non-contiguous areas with particular reference to the effect of the project on public safety, health and welfare, public and private property, water quality and quantity, the preservation of areas, sites, structures and objects determined to have significant historical, archeological, architectural or cultural value, the public trust in wetlands and wildlife and fisheries; and the protection, preservation and enhancement of the natural environment. It shall describe and analyze:
 - i. The reasons why this plan and design are the most appropriate for the project;
 - ii. Temporary and permanent physical changes which would be caused by the proposed activity and the impact of these changes on the activity area and immediate environs;
 - iii. Alternatives to the proposed project which would reduce or avoid environmental damage;
 - iv. All measures to be taken during and after the completion of the project to reduce detrimental onsite and offsite effects;
 - v. Adverse environmental impacts which cannot be avoided and why they cannot be avoided;
 - vi. The specific benefits of the project.

(e) At the pre-design conference the Department will specify for each project those aspects of the Environmental Assessment it wants emphasized. The Department reserves the right to waive the Environmental Assessment requirement for those projects having no significant impact on the environment.

(f) The Department shall award a loan to those applicants receiving a Notice of Intent to Award a loan who obtain and submit all required permits and all materials, prepared to the satisfaction of the Department, within six months after the Notice of Intent to Award a loan or within the time limits of any extension granted pursuant to (g) below.

(g) Any applicant who fails to submit the required materials prepared in a proper manner and the required permits with the six month period shall lose its eligibility for a loan during that year unless the time period is extended by the Division. The Division may extend the time for submission of the required materials and/or permits for up to three months if the applicant justifies the need for such extension to the satisfaction of the Division. The Division may grant an additional three months extension for the submission of the required permits if the applicant demonstrates to the satisfaction of the Division that the permits are delayed through no fault of its own and that the delay is due to extremely unusual circumstances.

7:1A-2.14 Eligible project costs

(a) Project costs shall be allowed to the extent permitted by this subchapter and the loan award document.

(b) Land acquisition costs shall be ineligible to be accounted as eligible project costs.

(c) Development and construction project contracts must be awarded in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and the rules and regulations adopted pursuant thereto, N.J.A.C. 5:30-14.

(d) Borrowers shall be provided the actual costs incurred and properly documented for the project up to the maximum specified in the

loan award document. The salaries of regular water purveyor employees and expenses for governmentally owned or purveyor owned equipment are not eligible project costs.

(e) Project design development costs incurred prior to November 3, 1981, the day on which the voters approved the Water Supply Bond Act of 1981, shall not be an eligible project cost.

7:1A-2.15 Unused loan funds

Funds saved from projects whose actual eligible implementation costs are less than the estimated eligible costs, shall be retained by the State and deposited in the Water Supply fund to be applied to new water supply rehabilitation projects pursuant to the act and this chapter.

7:1A-2.16 Recycling of funds

Funds from repayment of loans issued under the authority of the Act and this chapter shall be deposited in the Water Supply Fund created pursuant to the Act and shall remain available for further disbursements as new loans to be awarded pursuant to this chapter.

7:1A-2.17 Fraud and other unlawful or corrupt practices

(a) The borrower shall administer loans, award contracts and subcontracts under those grants free from bribery, graft, and other corrupt practices. The borrower bears the primary responsibility for the prevention, detection and cooperation in the prosecution of any such conduct.

(b) The borrower shall pursue available judicial and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of such illegality or corrupt practices. The borrower shall notify the administrator immediately after such allegation or evidence comes to its attention, and shall periodically advise the administrator of the status and ultimate disposition of any matter.

7:1A-2.18 Loan conditions

(a) The following requirements, in addition to such other statutes, rules, terms and conditions as may be applicable to particular loans, are conditions of each loan and conditions precedent to each payment under a loan award document:

1. The project or phase of the project must have been initiated and completed in accordance with the time schedule specified in the loan award document.

2. The borrower must submit proof of its and its contractors and subcontractors compliance with all hazard insurance requirements of the loan award document and certify that the insurance is in full force and effect and that the premiums have been paid.

3. The borrower shall certify that it and its contractors and subcontractors are maintaining their financial records in accordance with standard accounting procedures.

4. The borrower shall certify it and its contractors and their subcontractors are in compliance with the discrimination and affirmative action provisions of N.J.S.A. 10:2-1 through 10:2-4, the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and the rules and regulations promulgated pursuant thereto.

5. The borrower shall include in all its construction or development contracts for the project a requirement that the contractor post a performance bond or other performance guarantee in an amount equal to the full cost of the project. This performance bond or guarantee shall remain in effect until the Division's final inspection of the project and determination in writing that the project is satisfactorily completed. The performance bond or performance guarantee shall be both nondiscriminatory and financially satisfactory to the Department.

6. The borrower shall certify it is in compliance with all other requirements and conditions of the loan award document.

7. The borrower shall certify that in the construction of the project, including letting of contracts in connection therewith, it has conformed to all applicable requirements of Federal, State and local laws, ordinances, rules, and regulations.

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7:1A-2.19 Administration and performance of loan

The borrower bears primary responsibility for the administration and success of the project, including any subagreements made by the borrower for accomplishing loan objectives. Although borrowers are encouraged to seek the advice and opinion of the Department on problems that may arise, the giving of such advice shall not shift the responsibility for final decisions to the Department. The primary concern of the Department is that loan funds awarded be used in conformance with these rules and the loan agreements to achieve loan objectives and to insure that the purposes set forth in the Water Supply Bond Act of 1981 and the recommendations of the New Jersey Statewide Water Supply Plan are fully executed.

7:1A-2.20 Access

The borrower and its contractor and subcontractors shall provide access to the Department personnel and any authorized representative of the Department to the facilities, premises and records related to the project. The borrower shall submit to the Department such documents and information as requested by the Department. All borrowers contractors and subcontractors may be subject to a financial audit. Records shall be retained and available to the Department for a minimum of three years after submission of the final payment.

7:1A-2.21 State payment

State funds shall be released to the borrower upon completion of the entire project to the satisfaction of the Department, or, on an interim basis. If interim payments are made they will be equal to the loan amount corresponding to the percent of the total project completed. Ten percent of all payments shall be withheld until the whole project has been completed to the satisfaction of the Department. No payments shall be made until the Department receives satisfactory cost documentation which shall include all forms and information required by the Department and completed in a manner satisfactory to the Department.

7:1A-2.22 Assignment

The right to receive payment from the State under a loan may not be assigned, nor may payments due under a loan be similarly encumbered.

7:1A-2.23 Publicity and signs

(a) Press releases and other public dissemination of information by the borrower concerning the project work shall acknowledge State loan support.

(b) A project identification sign, at least eight feet long and four feet high, bearing the emblem of the New Jersey Department of Environmental Protection, shall be displayed in a prominent location at each publicly visible project site and facility. The sign shall identify the project, State loan support, and other information as required by the Division.

7:1A-2.24 Debarment

(a) No borrower shall enter into a contract for work on Water Supply Bond loan project with any person debarred, suspended or disqualified from Department contracting pursuant to N.J.A.C. 7:1-5.

(b) Borrowers shall insert in every contract for work on a water supply rehabilitation project a clause stating that the contractor may be debarred, suspended or disqualified from contracting with the Department if the contractor commits any of the acts listed in N.J.A.C. 7:1-5.2.

(c) Bid specifications prepared by the borrower shall require bidders to submit a sworn statement of the bidder, or an officer or partner of the bidder, indicating whether or not the bidder is, at the time of the bid, included on the State Treasurer's List of Debarred, Suspended and Disqualified bidders as a result of action by any State agency other than the Department of Environmental Protection. Bid specifications shall also state that the borrower will immediately notify the Department whenever it appears that a bidder is on the Treasurer's list. The Department reserves the right, in such cir-

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cumstances, to immediately suspend such bidder from Department contracting, and to take such other action pursuant to N.J.A.C. 7:1-5 as is appropriate.

(d) Whenever a bidder is debarred, suspended or disqualified from Department contracting pursuant to N.J.A.C. 7:1-5, the borrower may take into account the loss of Department loan funds under this chapter, which would result from awarding a contract to such bidder, in determining whether such bidder is the lowest responsible bidder pursuant to law; and the borrower may advise prospective bidders that this procedure will be followed.

(e) Any person included on the Treasurer's List as a result of action by a state agency other than the Department, who is or may become a bidder on any contract which is or will be funded by a loan under this chapter, may present information to the Department why this section should not apply to such person. If the Commissioner of the Department determines that it is essential to the public interest and files a finding thereof with the Attorney General, the Commissioner may make an exception from the application of this section with respect to a particular contract, in keeping with N.J.A.C. 7:1-5.9. In the alternative, the Department may suspend or debar any such person, or take such other action as may be appropriate, pursuant to N.J.A.C. 7:1-5.

7:1A-2.25 Project changes and loan modifications

(a) A loan modification means any written alteration of the loan terms or conditions, budget or project method or other administrative, technical or financial agreements.

(b) Due to the limited amount of funds available for water supply rehabilitation projects there shall be no loan modification increasing the loan amount. Increased costs resulting from a loan modification shall be the responsibility of the borrower.

(c) The borrower shall promptly notify the Administrator in writing (certified mail, return receipt requested) of events or proposed changes which may require a loan modification including but not limited to:

1. Rebudgeting;
2. Changes in approved technical plans or specifications for the project;
3. Changes which may affect the approved scope or objective of a project;
4. Significant, changed conditions at the project site;
5. Deceleration in the time for the performance of the project or any major phase thereof;
6. Changes which may increase or substantially decrease the total cost of a project;
7. Changes in key personnel identified in the loan award document or a reduction in time or effort devoted to the project by such personnel.

(d) If the Department decides a formal loan amendment is necessary, it shall notify the borrower and a formal loan amendment shall be prepared in accordance with N.J.A.C. 7:1A-2.26. If the Department decides a formal loan amendment is not necessary, it shall follow the procedures of N.J.A.C. 7:1A-2.28.

7:1A-2.26 Formal loan award amendments

(a) The Department shall require a formal loan award amendment to change principal provisions of a loan where project changes substantially alter the cost or time of performance of the project or any major phase thereof.

(b) The Department and borrower shall effect a formal loan award amendment only by a written amendment to the loan award document.

7:1A-2.27 Administrative loan changes

Administrative changes by the Department, such as a change in the designation of key Department personnel or of the office to which a report is to be transmitted by the borrower, or a change in the payment schedule for loans for planning, design, and construction of water supply rehabilitation projects, constitute changes to

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the loan award document (but not necessarily to the project work) and do not affect the substantive rights of the Department or the borrower. The Department may issue such changes unilaterally. Such changes shall be in writing and shall generally be effected by a letter (certified mail, return receipt requested) to the borrower.

7:1A-2.28 Other changes

All other project changes, which do not require formal loan award amendment, require written approval of the Administrator.

7:1A-2.29 Noncompliance

(a) In addition to any other rights or remedies available to the Department pursuant to law, in the event of noncompliance with any loan conditions, requirement of this subchapter, or loan award document requirement or specifications, the Department may take any of the following actions or combinations thereof:

1. Issue a notice of noncompliance pursuant to N.J.A.C. 7:1A-2.30;
2. Withhold loan funds pursuant to N.J.A.C. 7:1A-2.31;
3. Order suspension of the project work pursuant to N.J.A.C. 7:1A-2.32;
4. Terminate or annul a loan pursuant to N.J.A.C. 7:1A-2.33 and 7:1A-2.34.

7:1A-2.30 Notice of noncompliance

When the Department determines that the borrower is in noncompliance with any condition or requirement of this chapter or with any loan award document specification or requirement, it shall notify the borrower, its engineer, and/or the contractor of the noncompliance. The Department may require the borrower, its engineer, and/or contractor to take and complete corrective action within 10 working days of receipt of notice. If the borrower, its engineer, and/or contractor do not take corrective action or if it is not adequate, then the Department may issue a stop work order or withhold payment. The Department may, however, withhold payment pursuant to N.J.A.C. 7:1A-2.31 or issue a stop work order pursuant to N.J.A.C. 7:1A-2.32 without issuing a notice pursuant to this section.

7:1A-2.31 Withholding of funds

The Department may withhold a loan payment or any portion thereof when it determines in writing that a borrower has failed to comply with any loan condition, provision of this chapter, or loan award document specification or requirement.

7:1A-2.32 Stop work orders

(a) The Department may order work to be stopped for good cause. Good cause shall include, but not be limited to, default by the borrower or noncompliance with the terms and conditions of the loan. The Department shall limit use of a stop work order to those situations where it is advisable to suspend work on the project or portion or phase of the project for important program or Department considerations.

(b) Prior to issuance, the Department shall afford the borrower an opportunity to discuss the stop work order with the Department personnel. The Department shall consider such discussions in preparing the order. Stop work orders shall contain:

1. The reasons for issuance of the stop work order;
2. A clear description of the work to be suspended;
3. Instructions as to the issuance of further orders by the borrower for materials or services;
4. Guidance as to action being taken on subagreements;
5. Other suggestions to the borrower for minimizing costs.

(c) The Department may, by written order to the borrower (certified mail, return receipt requested) require the borrower to stop all, or any part of, the project work for a period of not more than 45 days after the borrower receives the order, and for any further period to which the parties may agree.

(d) Effect of stop work order:

1. Upon receipt of a stop work order, the borrower shall immediately comply with the terms thereof and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within the suspension period or within any extension of that period to which the parties shall have agreed, the Department shall either:

- i. Rescind the stop work order, in full or in part;
- ii. Terminate the work covered by such order;
- iii. Authorize resumption of work.

2. If a stop work order is cancelled or the period of the order or any extension thereof expires, the borrower shall promptly resume the previously suspended work. An equitable adjustment shall be made in the loan period, the project, or both of these, and the loan award document shall be modified accordingly within discretion of the Department.

7:1A-2.33 Termination of loans

(a) The Department may terminate a loan in whole or in part for good cause subject to negotiation and payment of appropriate termination settlement costs. The term "good cause" shall include but not be limited to substantial failure to comply with the terms and conditions of the loan, or default by the borrower.

1. The Department shall give written notice to the borrower (certified mail, return receipt requested) of intent to terminate a loan in whole or in part at least 10 days prior to the intended date of termination.

2. The Department shall afford the borrower an opportunity for consultation prior to any termination. After such opportunity for consultation, the Department may, in writing (certified mail, return receipt requested) terminate the loan in whole or in part.

(b) A borrower shall not unilaterally terminate the project work for which a loan has been awarded, except for good cause and subject to negotiation and payment of appropriate termination settlement costs. The borrower shall promptly give written notice to the administrator of any complete or partial termination of the project work by the borrower. If the Department determines that there is good cause for the termination of all or any portion of a project for which the loan has been awarded, the Department may enter into a termination agreement or unilaterally terminate the loan effective with the date of cessation of the project work by the borrower. If the Department determines that a borrower has ceased work on a project without good cause, the Department may unilaterally terminate the loan pursuant to this section or annul the grant pursuant to N.J.A.C. 7:1A-2.34.

(c) The Department and borrower may enter into an agreement to terminate the loan at any time pursuant to terms which are consistent with this subchapter. The agreement shall establish the effective date of termination of the project and loan, basis for settlement of loan termination costs, and the amount and date of payment of any sums due either party.

(d) Upon termination, the borrower shall refund or credit to the State of New Jersey that portion of loan funds paid to the borrower and allocable to the terminated project work, except such portion thereof as may be required to meet legal obligations incurred prior to the effective date of termination and as may be otherwise allowable. The borrower shall make no new commitments without Department approval.

1. The borrower shall reduce the amount of outstanding commitments insofar as possible and report to the administrator the uncommitted balance of funds awarded under the loan. The Department shall make the final determination of the allowability of termination costs.

7:1A-2.34 Annulment of loan

(a) The Department may, in writing, annul the loan if it determines that:

1. Without good cause therefor substantial performance of the project work has not occurred;
2. The loan was obtained by fraud; or

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3. Gross abuse or corrupt practices in the administration of the project have occurred.

(b) At least 10 days prior to the intended date of annulment, the Department shall give written notice to the borrower (certified mail, return receipt requested) of intent to annul the loan. The Department shall afford the borrower an opportunity for consultation prior to annulment of the loan. Upon annulment of the loan, the borrower shall return all loan funds previously paid to the borrower. The Department shall make no further payments to the borrower. In addition, the Department shall pursue such remedies as may be available under Federal, State and local law.

7:1A-2.35 Administrative hearings

(a) The Director of the Division shall make the initial decision regarding all disputes arising under a loan. When a borrower so requests, the Division shall reduce a decision to writing and mail or otherwise furnish a copy thereof to the borrower.

(b) A borrower may request a hearing within 15 days of a decision by the Director of the Division. Where required by law the Department shall hold a hearing based upon such request.

(c) The Commissioner shall grant and conduct such hearings in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq., and any rules promulgated pursuant to those Acts.

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations Flood Delineations Along the Hackensack River, Hackensack River Bypass, Hirschfeld Brook and Hirschfeld Brook Tributary

Proposed Amendments: N.J.A.C. 7:13-1.11

Authorized By: Jerry Fitzgerald English, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1D-1 et seq. (see particularly
13:1D-33) and N.J.S.A. 58:16A-50 et seq.

DEP Docket No.: 061-81-12

A **public hearing** concerning this rule will be held on
January 20, 1982 at 10:00 A.M. at:

New Milford Borough
930 River Road
New Milford, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clark Gilman
Bureau of Flood Plain Management
Division of Water Resources
CN-029
1911 Princeton Avenue
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 adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-19.

The agency proposal follows:

ENVIRONMENTAL PROTECTION

Summary

This proposed amendment provides for the application of rules and regulations concerning the development and use of land in designated floodways to portions of the Hackensack River and some of its tributaries, as described above. Regulations of delineated flood hazard areas are designed to preserve flood carrying capacity and to minimize the threat to the public safety, health and general welfare.

Social Impact

This proposed delineation applies added flood protection to the following areas within the Hackensack River Basin: Boroughs Bergenfield, Dumont, Haworth, New Milford, Oradell and River Edge, all within the County of Bergen.

Economic Impact

This proposed amendment will have only a minor economic impact. The proposed delineation would more clearly define the flood hazard area thus resulting in less requirements for flood insurance. Minor reductions of property value could result by restricting future development in the floodway and requiring elevated construction designs in flood fringe areas. However, minor property value diminution would be offset by the savings to governmental bodies and private homeowners due to little or no future rehabilitation and rescue expenditures from flood damage in the delineated area.

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

7:13-1.11 Delineated Floodways

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

(d) A list of delineated streams in the Passaic-Hackensack Basin and a list of delineated streams in the Raritan Basin follow:

The flood hazard area of the Hackensack River from the Old New Bridge Road upstream to the Oradell-Emerson Borough Boundary in the Boroughs of Haworth, New Milford, Oradell and River Edge; Hackensack River Bypass from its downstream to upstream confluences with the Hackensack River in New Milford and Oradell Boroughs; Hirschfeld Brook from its confluence with the Hackensack River Bypass upstream to the Teaneck Township Boundary in the Boroughs of Dumont, Bergenfield and New Milford; and Hirschfeld Brook Tributary from its confluence with Hirschfeld Brook upstream to the Rucereto Avenue Bridge in the Boroughs of Bergenfield and Dumont, all in the County of Bergen.

Office of Administrative Law Note: A map delineating the flood hazard area described in this notice was submitted as part of the Department's notice of proposed rule. This map can be inspected at:

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Office of Administrative Law
Filings Section
88 East State Street
CN 301
Trenton, New Jersey 08625

Bureau of Flood Plain Management
Division of Water Resources
1911 Princeton Avenue
CN 029
Trenton, New Jersey 08625

(a)

DIVISION OF ENVIRONMENTAL QUALITY

Hazardous Waste Management Listing of Waste Oil as a Hazardous Waste, and Manifest Rules for Waste Oil

Proposed Amendments: N.J.A.C. 7:26-7.4, 7.5 and 8.15

Authorized By: Jerry Fitzgerald English, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1E-6.
DEP Docket No.: 063-81-12

A **public hearing** concerning this rule will be held on Friday,
February 5, 1982, at 9:00 A.M. (until close of comment) at:
Auditorium of the State Museum
205 West State Street
Trenton, New Jersey

Interested persons may submit in writing, data, views or argu-
ments relevant to the proposal on or before February 5, 1982. These
submissions, and any inquiries about submissions and responses,
should be addressed to:

Timothy McGuinness
Bureau of Hazardous Waste
32 E. Hanover Street
Trenton, New Jersey 08625

Agency Note: The technical justification for this regulatory ac-
tion is contained in the Basis and Background document. The Basis
and Background document is available upon request at the Bureau
of Hazardous Waste.

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

This proposal is known as PRN 1982-20.

The agency proposal follows:

Summary

The Department of Environmental Protection has recently
adopted comprehensive rules for the management and disposal of
hazardous wastes, including lists and procedures to name those
wastes and waste streams which are considered hazardous. When
those rules were adopted, we knew there would be wastes other than
those contained on the adopted lists that should be included in the
hazardous waste lists. Therefore, we established a specific proce-

cedure for the Department of Environmental Protection to include ad-
ditional wastes on the hazardous waste lists.

When considering whether to regulate a waste chemical as a haz-
ardous waste, we determine the hazard to human health and the en-
vironment posed by the chemical or chemical constituents in the
waste. In addition, we consider the management methods employed
by the industries which generate, transport, and dispose the chemi-
cal waste. If the types of businesses which deal with a chemical
waste employ poor environmental controls or are believed to be regu-
larly involved in illegal disposal practices, we will evaluate the
need for control.

It is the belief of this Department that waste oil is a hazardous
material on both of the bases discussed above. The hazardous con-
stituents present in the waste oil and the incidences of environmen-
tal damage caused by improper disposal and spillage of oil and
waste oil clearly warrant management of this material as a hazard-
ous waste in New Jersey. This Notice is of the intention of the New
Jersey Department of Environmental Protection to continue to regu-
late waste oil as a hazardous waste.

These regulations alone will not control all uses of waste oil. List-
ing waste oil as a hazardous waste will require generators, transpor-
ters, and disposal facilities to comply with the provisions of the
New Jersey Hazardous Waste Management Regulations. The De-
partment of Environmental Protection is also concerned with the
potential for emissions of toxic materials resulting from the burning
of reprocessed or blended waste oil as a fuel. Therefore, the Depart-
ment is currently studying the establishment of standards for the
sale of fuel, whether derived from waste oil or virgin crude. At pre-
sent, the only standard for fuel is sulfur content. By early 1982, the
Department plans to propose regulations which will place addi-
tional standards on fuel oil.

The Department of Environmental Protection began regulating
waste oil as a hazardous waste in 1978, when we initiated our haz-
ardous waste manifest program. Since that time, in addition to re-
quiring that waste oil transporters manifest and report all shipments
to the Department of Environmental Protection, the Department has
reviewed the design and operation of waste oil storage, reclamation
and disposal companies in New Jersey.

During the course of our regulatory involvement with this indus-
try, we have seen PCBs and other extremely hazardous chemicals
mixed with waste oil to disguise them, and then used to "oil" our
roads or be burned in furnaces and commercial boilers. Though we
are only now discovering how widespread is the practice of waste
oil adulteration, we believe that, because we are clamping down on
other, "cheaper" means of illegal hazardous waste disposal, this
practice is a growing one.

Even if waste oil has not been adulterated with highly hazardous
wastes, it poses significant environmental and health threats. This
is due both to the hazardous constituents of the waste, as well as
to the reported quantity of five million gallons and 15 million
pounds of such wastes which travel in and out of New Jersey each
year. We believe there are significant additional quantities of waste
oil generated and disposed in New Jersey, but not reported.

Because the U.S. EPA had not yet determined whether it would
require nationwide control of waste oil as a hazardous waste, the
Department of Environmental Protection chose to delay our final
decision to continue or discontinue regulation of waste oil until six
months after our hazardous waste lists were adopted. The six month
deadline is February 6, 1982. (See N.J.A.C. 7:26-9.18 in our new
Hazardous Waste Management Rules.) The Federal EPA has now
decided to leave to the states the determination of whether or not
to regulate waste oil as a hazardous waste. Therefore, the Depart-
ment of Environmental Protection today moves to formalize the
regulation of waste oil as a hazardous waste to insure continued
management of waste oil as a hazardous waste to insure sound man-
agement. The regulations proposed herein list classes of waste oil
as hazardous waste and detail manifest regulations specific to cer-
tain of these classes.

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ENVIRONMENTAL PROTECTION

Social Impact

This rule will affect generators, transporters and disposal facilities which manage waste oil. There are estimated to be 169 waste oil haulers, 15 waste oil handling facilities and 1,000 waste oil generators which will be impacted by these rules. Declaring waste oil to be a hazardous waste will require management of waste oil according to the New Jersey Hazardous Waste Management Regulations. Management of waste oil under these comprehensive regulations will mitigate the threat of pollution posed by the spillage and/or improper disposal of waste oil. The regulations will require management of waste oil and oil spill clean-up residues at secure disposal and secure recycling facilities. These facilities are and will be designed to contain the waste oil within the boundaries of the site and prevent migration of the oil into surface and groundwaters, mitigating the threat of pollution of these valuable drinking-water sources.

This rule-change will also insure that waste oil generators, transporters, and handling facilities will continue to be required to test, monitor and report waste oil handling activities to the Department of Environmental Protection. These rules include a flexible manifesting requirement which allows for automobile service stations and the like to comply with generator reporting requirements without having to complete a manifest form each time a waste oil collector picks up their waste oils. Though we are deeply concerned about the hazards of improper waste oil management, we do not wish to stop the recycling of waste oil by small businesses. There is also no present evidence that these small waste oil generators are responsible for the abuses which have been seen.

The Department of Environmental Protection believes that regulation of waste oil as a hazardous waste is absolutely necessary, if our health and our environment are to be protected.

Economic Impact

Present industry practice generally involves the recycling/recovery of waste oil at facilities which re-refine the waste into a useable product. Generators have manifested approximately five million gallons and 15 million pounds of waste oil, annually, most of which has been processed by such recovery facilities. No specific economic predictions can be made about the effects of this regulation on generators because industry practices vary widely with respect to fees charged for removal of waste oil. Depending upon the amounts, quality and demand, the generator is sometimes paid for this waste oil and other times must pay for its removal. Transporters will be required to continue registering as hazardous waste transporters, and must meet all requirements imposed by the regulations. However, since these facilities have been included in Department of Environmental Protection's previous hazardous waste facility authorizations, no significant additional economic impact will be felt by the waste oil facilities, above and beyond what other hazardous waste facilities will feel. This is not to say that there is no economic impact on the waste oil industry because of Department of Environmental Protection controls. The impact is, and with the adoption of this rule, will continue to be significant. Some waste oil companies are economically marginal, and have only become profitable due to the massive increases in petroleum costs we have seen recently. It is, to a degree, the very narrowness of this margin of the economic viability of some waste oil companies that has led to some of the abuses that our enforcement personnel have discovered. When balanced against the health and environmental hazards which would result from failure to comprehensively regulate waste oil, we believe the economic impact and the consequences thereof are clearly justified.

As concerns the economic impact of this rule on the Department's financial situation, there is proportionally little impact beyond what now exists and such impact was considered in the proposal and adoption of our Hazardous Waste Management Rules.

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

7:26-7.4 Hazardous Waste Generator Responsibilities

(a) General requirements for generators not exempted pursuant to N.J.A.C. 7:26-8.1 are as follows:

1.-2. (No change.)

3. A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest before transporting the waste offsite.

i. In lieu of the requirement of (a)3 above generators of waste crank-case and lubricating oils from automotive service and gasoline stations, truck terminals, and garages, and waste oil from residual fuel oil tank cleanouts shall comply with the requirements of N.J.A.C. 7:26-7.5(b).

4.-8. (No change.)

(b)-(h) (No change.)

7:26-7.5 Hazardous waste hauler responsibilities

(a) (No change.)

(b) A hauler of hazardous waste must also comply with N.J.A.C. 7:25-7.4 if the hauler:

1. (No change.)

2. Mixes hazardous waste of different DOT shipping descriptions by placing them into a single container[.]; **or**

3. Accepts waste crankcase and lubricating oils from automotive service and gasoline stations, truck terminals, and garages, and waste oil from residential fuel oil tank cleanouts.

i. A hauler of hazardous waste who accepts waste oil from automotive service and gasoline stations, truck terminals, and garages, and waste oil from heating oil tank cleanouts shall compile a list of sites at which the hauler accepts waste oil.

ii. The list of sites at which the hauler accepts waste oil shall contain the site owner's name and address, the address of the site, the quantity of waste oil accepted at the site, and the identification numbers of the manifest corresponding to the list.

iii. The hauler shall attach a copy of the site list to the copy of the manifest and forward these to the Department in compliance with N.J.A.C. 7:25-7.4.

iv. The hauler shall obtain a signed receipt from each site at which he accepts waste oil, retain a copy of these receipts on file for a period of three years, and shall make these receipts available to the Department upon request.

7:26-8.15 Discarded commercial chemical products, off-specification species, containers and spill residues thereof

(a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in (e) [or], (f), **or (g) below.**

(b) Any off-specification commercial chemical product or manufacturing intermediate which, if it met specifications, would have the generic name listed in (e) [or], (f), **or (g) below.**

(c) (No change.)

(d) Any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on a land or water, if any commercial chemical product or manufacturing chemical intermediate having the generic name listed in (e) [or], (f), **or (g) below.**

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

(g) The following commercial chemical products or manufacturing intermediates, referred to in (a), (b) and (d) above are identified as toxic wastes (T) unless otherwise designated. These wastes and their corresponding NJ DEP hazardous waste numbers are:

1. X721: Waste crankcase and lubricating oils from automotive service and gasoline stations, truck terminals and garages (T);

2. X722: Waste oil from tank clean outs primarily from residential/commercial fuel oil tanks (T);

3. X723: Waste oils and gasoline generated by gasoline stations when tank cleaning companies test, clean out, and replace their gasoline storage tanks (T);

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- 4. X724: Waste oil generated by trucking facilities in the cleaning out of tank truck (T);
- 5. X725: Oil spill cleanup residue (T);
- 6. X726: Miscellaneous gasoline/oil/petroleum products, including used industrial oils, unused waste oils, and transformer oils, N.O.S.

HEALTH

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Proposed Amendments: N.J.A.C. 8:71

Authorized By: Drug Utilization Review Council, Robert G. Kowalski, Chairman.

Authority: N.J.S.A. 24:6E-6g.

A public hearing concerning this rule will be held on January 25, 1982 at 10:00 A.M. at:

Training Room A
1st Floor
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Sol Mendell, Acting Director
Drug Utilization Review Council
Department of Health
CN 360
Trenton, New Jersey 08625
(609) 984-2157

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

This proposal is known as PRN 1982-14.

The agency proposal follows:

Summary

The proposed additions will expand the List of Interchangeable (Generic) Drug Products. For example, drugs such as Acetaminophen/Codeine can now be substituted by pharmacists for the brand Tylenol/Codeine.

Social Impact

If a patient's physician approves of substituting a different brand name or a non-brand name drug product, the pharmacist may disperse a substituted drug if it reflects a lower cost to the consumer. The substitution can only occur if the drug is placed on the List of Interchangeable Drug Products. Thus, additions to the list expand the choice of the consumer.

Economic Impact

There will be an expanded opportunity for customers to save money on prescriptions through the use of generic medicines in place of name brand medicines. The extent of the savings due to these specific proposed additions cannot be quantitated.

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

CHAPTER 71
INTERCHANGEABLE DRUG PRODUCTS

- Acetaminophen/Codeine Tabs. 15, 60 mg Drummer
- Allantoin, Aminacrine, Sulfanilimide, Vaginal Cream Lemmon
- Bethanechol Cl Tabs. 50 mg Bolar
- Chlorthalidone Tabs. 25, 50 mg KV, Danbury, Lederle
- Chlorzoxazone 250 mg/Acetaminophen 300 mg Tabs. Bolar, Barr
- Cyproheptadine HCl Tabs. 4 mg Danbury, Par, Superpharm
- Dexamethasone Tabs. 0.5, 0.75, 1.5, 4 mg Organon, Rowell
- Dexamethasone Tabs. 0.75 mg Bolar
- Dexamethasone Tabs. 0.25, 0.50, 0.75, 1.50 mg Barr
- Diphenoxylate HCl and Atropine Tab. Premo
- Fluocinolone Acetonide Cream 0.025%, 0.01% Thames Pharm.
- Furosemide Tabs. 20, 40 mg Cord, Mylan
- Glutethimide Tabs. 500 mg Premo
- Hydrochlorthiazide Tabs. 50 mg Steri-med
- Hydrochlorthiazide Tabs. 25, 50 mg Lederle
- Hydrocortisone Cream 0.5%, 1.0% Thames Pharm.
- Hydroxyzine Pamoate Caps. 25, 50, 100 mg Bolar
- Nitroglycerin Topical Oint. 2% Byk-Gulden
- Penicillin V Potassium Tabs. 250, 500 mg Beecham
- Penicillin V Potassium for sol. 125 mg/5 ml, 250 mg/5 ml Beecham
- Propoxyphene HCl Caps. 65 mg Halsey
- Pseudoephedrine HCl Tabs. 60 mg Drummer
- Selenium Sulfide Lotion 2 1/2% Thames Pharm.
- Spirinolactone Tabs. 25 mg Barr, Chelsea
- Spirinolactone 25 mg and Hydrochlorthiazide 25 mg Chelsea
- Sulfasalazine Tab. 500 mg Chelsea, Premo
- Sulfasoxizole Tabs. 500 mg Barr
- Tetracycline HCl Cap. 250, 500 mg Danbury
- Triamcinolone Acetonide Cream 0.5%, 0.1%, 0.025% Thames Pharm.
- Tolbutamide Tabs. 500 mg Barr

(b)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Proposed Amendments: N.J.A.C. 8:71

Authorized By: Drug Utilization Review Council, Robert G. Kowalski, Chairman.
Authority: N.J.S.A. 24:6E-6g.

A public hearing concerning this rule will be held on January 25, 1982 at 10:00 A.M. at:

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HIGHER EDUCATION

Training Room A
1st Floor
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

**Licensing and Degree Standards
Licensing of Branch Campuses, Extension
centers and Off Campus Locations**

**Proposed Amendments: N.J.A.C. 9:1-1.6 and
9:4-1.2**

Proposed Repeal: N.J.A.C. 9:4-2.14

Authorized By: Board of Higher Education, T. Edward
Hollander, Chancellor and Secretary.
Authority: N.J.S.A. 18A:3-14(c) and (m) and 18A:3-15.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Sol Mendell, Acting Director
Drug Utilization Review Council
Department of Health
CN 360
Trenton, New Jersey 08625
(609) 984-2157

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

This proposal is known as PRN 1982-15.

The agency proposal follows:

Summary

The proposed addition will expand the List of Interchangeable (Generic) Drug Products. For example, a drug such as Amitriptyline can now be substituted by pharmacists for Elavil. This drug entity was the subject of a public hearing November 26, 1980 and is being repropoed since more than a year has elapsed since the original proposal.

Social Impact

If a patient's physician approves of substituting a different brand name or a non-brand name drug product, the pharmacist may dispense a substituted drug if it reflects a lower cost to the consumer. The substitution can only occur if the drug is placed on the List of Interchangeable Drug Products. Thus, additions to the list expand the choice of the consumer.

Economic Impact

There will be an expanded opportunity for consumers to save money on prescriptions through the use of generic medicines in place of name brand medicines. The extent of the savings due to these specific proposed additions cannot be quantitated.

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

CHAPTER 71
INTERCHANGEABLE DRUG PRODUCTS

...

Amitriptyline Tabs. 10, 25, 50, 75, 100 mg **Squibb**

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-2.

The agency proposal follows:

Summary

The amended regulations establish a formal process for the approval and licensing of higher education institutions offering courses and degree programs at locations other than the main campus of the institution. The proposal also repeals existing inconsistent regulations.

Social Impact

The formal licensing process proposed will insure the quality of academic offerings and the support facilities utilized by institutions of higher education in offering off campus instruction. Proper support facilities will protect students insuring that they will receive the educational services which they pay for.

Economic Impact

The cost to institutions of higher education of offering off campus programs may be increased by the proposed regulation due to the additional support facilities which may be required as a condition of licensure. Licensed off campus facilities, however, will become eligible for State support.

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

9:1-1.6 Summer, evening, weekend and extension work
offered by all institutions
[(a) Regulations concerning summer, evening and extension work
are:]
Renumber 1. as (a).
[2. The establishment of off-campus centers or branches shall

HIGHER EDUCATION

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have prior approval of the Chancellor of Higher Education. Consideration for approval of off-campus centers shall include a statement justifying the need for such a center, as well as provisions for meeting the standards herein described. These shall include the adequacy of classroom, laboratory, and library facilities. Provisions for adequate administration and support staff, as well as the number and qualifications of regularly employed full-time faculty members, shall be part of the consideration.]

(b) **Off-Campus Location** is a physical facility located at a place other than the institution's principal campus with no complete credit bearing certificate, diploma or degree programs and 15 or fewer courses for credit and 350 or fewer course enrollments for credit in any academic year. It requires no separate approval.

(c) **Extension Center** is a physical facility located at a place other than the institution's principal campus with no complete credit bearing certificate, diploma or degree programs but more than 15 courses for credit or more than 350 course enrollments for credit in any academic year. It requires approval by the Chancellor of Higher Education.

(d) **Branch Campus** is a physical facility located at a place other than the institution's principal campus offering one or more programs leading to a credit bearing certificate, degree or diploma (any number of courses and course enrollments per academic year). It requires approval by the Board of Higher Education.

(e) In requesting approval for Extension Centers and Branch Campuses, a formal request shall be submitted to the Department of Higher Education which shall include a statement justifying the need for the site and a description of proposed courses/programs. It shall also include evidence that the proposed courses/programs at the off-campus site are at least equivalent in quality to the comparable courses/programs on the main campus and that the institution has provided for effective monitoring and control for the maintenance of quality. Specifically, it shall include:

1. Evidence regarding the adequacy of classroom, laboratory, and library facilities;
2. Provisions for sufficient administration, support staff, and counseling; and
3. Evidence that the qualifications of faculty, a suitable ratio of which should be full-time employees of the institution, are appropriate.

(f) Extension Centers and Branch Campuses will be approved for a period of up to five years; reapproval at the end of this period will be considered following the submission by the institution or a new request for approval. An institution proposing to offer at a branch campus a degree program which has not been previously offered at the main campus shall submit the program for full Departmental review and Board of Higher Education approval required for any new program.

(g) All institutions shall submit a report to the Chancellor by September 15 which will include the following information for each off-campus site for the previous academic year:

1. Location of off-campus site;
2. Category (Off-campus location, extension center or branch campus);
3. Number of credit courses offered at the site for academic year;
4. Number of credit course enrollments at the site for academic year; and
5. Total number of contact hours of noncredit offerings at the site for academic year.

(h) Only students enrolled at reported off-campus locations and formally approved extension centers and branch campuses may be counted, where eligible, for purposes of State support where such support is provided for in the State appropriation.

(i) The Chancellor should be notified at the time an institution formally determines that there is no longer a need for approved

off-campus sites and discontinues offering at that site.

9:4-1.2 Establishment

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

[(e) A branch campus shall be defined as a physical facility removed from the main campus which offers full-time programs and other courses of the main campus or which offers programs leading to degrees or diplomas or certificates without the substantial use of the classroom facilities of the main campus.

(f) A community college may establish branch campuses in order to make community college programs more readily available to the community served by a college, if such branch is provided for in the college master plan approved by the Board of Higher Education or if approved subsequently by the Board of Higher Education.

(g) An extension center shall be defined as a physical facility, utilized on a part-time basis, removed from the main campus which offers a limited number of courses applicable to a degree, certificate or diploma.

(h) Each community college shall request and receive prior approval of the Chancellor of Higher Education before establishing extension centers in off-campus facilities.]

9:4-2.14 [Definition of extension center] (Reserved)

[An extension center shall be defined as a physical facility removed from the main campus which offers the potential for the completion of any program leading to a degree, certificate or diploma, usually on a part-time basis.]

(a)

BOARD OF HIGHER EDUCATION

Licensing and Degree Standards Standards for Baccalaureate Teacher Education Programs at Public Colleges and Universities

Proposed New Rules: N.J.A.C. 9:1-7

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
Authority: N.J.S.A. 18A:3-14(d) and (e).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. 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, New Jersey 08625

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

This proposal is known as PRN 1982-4.

The agency proposal follows:

Summary

The proposed rules would establish new academic performance criteria for individuals entering and graduating from teacher preparation degree programs at public colleges and universities in New Jersey.

PROPOSALS

HIGHER EDUCATION

Social Impact

The intent of the proposed rules is to upgrade the quality of candidates for teacher licensure in New Jersey by establishing a more rigorous curriculum, requiring additional field service experience and requiring academic performance at a special level. Economic Impact

Economic Impact

The cost of the proposed rule will be covered by a reallocation of resources within the public colleges and university. No additional costs should accrue to prospective degree candidates.

Full text of the proposed new rule follows.

CHAPTER 1

LICENSING AND DEGREE APPROVAL STANDARDS

.....

SUBCHAPTER 7. STANDARDS FOR BACCALAUREATE TEACHER EDUCATION PROGRAMS AT PUBLIC COLLEGES AND UNIVERSITIES

9:1-7.1 Admission, retention, and graduation of students

(a) Formal admission to teacher preparation programs shall be confirmed at the beginning of the junior year and shall be granted only to those students who have:

1. Maintained a cumulative grade point average of at least 2.5 (4 A) for the first two years of college. It is the intent of this and other standards which refer to minimum grade point average to insure that institutions determine the intellectual competence of those recommended for certification. The required average of 2.5 should be viewed as only a minimal means of achieving this goal; the variability of the GPA among institutions should also be recognized. Therefore, institutions are encouraged to exceed this standard when appropriate and to develop additional criteria for insuring that prospective teachers are intellectually capable.

2. Achieved acceptable levels of proficiency in the use of the English language (oral and written) and mathematics. Students with deficiencies in these areas upon admission to college shall be required to demonstrate the elimination of such deficiencies through an oral or written assessment at the beginning of the junior year;

3. Demonstrated aptitude for the profession of teaching through successful completion of an introductory course which provides appropriate practical experiences in an elementary or secondary school. This requirement would normally have to be met before the student is granted status as a junior in the program.

(b) Each student shall be evaluated at the end of the junior year by college faculty (both education and subject matter) and confirmed as a candidate for certification on the basis of a comprehensive assessment of relevant indicators which shall include:

1. Having maintained a cumulative grade point average of at least 2.5 (4 A);

2. Having demonstrated acceptable levels of teaching proficiency in junior practica as indicated by the evaluation reports of college and school faculty. Such evaluations shall be communicated to the student and shall be included in the student's permanent file.

(c) Only students who have been confirmed as candidates for certification shall be assigned to student teaching.

(d) Colleges shall recommend for certification to the Department of Education only those students who have completed the certification program and have:

1. Maintained a cumulative grade point average of 2.5 (4 A);

2. Demonstrated continued competence, aptitude, motivation, and potential for outstanding success in teaching as indicated by assessments of student teaching performance by college and school supervisors. Such assessments shall be communicated to the student and shall be a part of the student's file;

3. Demonstrated knowledge of the behavioral/social foundations

of teaching through successful completion at the end of the senior year of a comprehensive oral or written test devised or selected by the institution (this standard applies to all elementary and secondary teacher candidates);

4. Demonstrated knowledge of the academic subject area major through successful completion at the end of the senior year of a comprehensive oral or written test devised or selected by the institution (this standard applies only to those candidates who will be certified to teach the subject area major, primarily at the secondary school level).

(e) All standards are to be applied equitably to all students, including transfer students, and without discrimination based upon legally prohibited criteria. All admissions and retention processes are to be consistent with State and institutional affirmative action policies and goals.

(f) Colleges shall develop appropriate procedures for placing on probation and dismissing from the program students who fall below minimum requirements after they have been admitted.

9:1-7.2 Curriculum

(a) Each undergraduate teacher education program shall provide approximately 60 semester credit hours of general education including electives. General education courses shall be distributed among the arts/humanities, mathematics/science/technology, and the social sciences. The inclusion of technology as an aspect of general education is intended to allow for the inclusion of courses and topics (such as the history of technology and the sociological impact of technological advancement) which would contribute to the general technical literacy of students. However, the purpose of general education is to develop the prospective teacher as an educated person rather than to provide professional preparation. Therefore, this component of the program shall exclude courses which are clearly professional or vocational in nature.

(b) Each teacher preparation program shall require its students to complete a coherent sequence of study no fewer than 30 semester credit hours in one of the arts/humanities, social science or mathematics/science/technology disciplines. The inclusion of technology as a potential academic major is intended to provide for those candidates who will be certified to teach one of the technical disciplines such as distributive occupations or industrial technology.

(c) Each undergraduate teacher preparation program shall provide a minimum of 18 semester credit hours in the study of the behavioral or social sciences.

(d) Each undergraduate teacher preparation program shall provide a coherent sequence of professional courses which shall emphasize the study of school curriculum and teaching methodology. This component of the undergraduate program shall provide students, normally beginning in the sophomore year, with practical experiences in an elementary or secondary school setting; these opportunities shall increase in intensity and duration as the student advances through the program and culminate with a student teaching experience.

(e) The student teaching experience of each undergraduate program shall be the equivalent of a full-time experience of one semester's duration.

9:1-7.3 Supervision of practicum students

(a) Collegiate faculty assigned to supervise practicum students shall:

1. Have had experience supervising, consulting or otherwise working in an elementary/secondary school in contact with classroom teachers within the previous two years;

2. Be full time faculty members or part time faculty with demonstrated expertise in the field they are supervising.

(b) College supervisors of student teachers shall be assigned supervisory loads which permit observation of each student once every other week.

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9:1-7.4 Exception to standards

Exceptions to one or more of these regulations may be granted by the Chancellor of Higher Education in cases where an institution is able to document the qualitative equivalency of an alternate approach.

(a)

BOARD OF HIGHER EDUCATION

Alternate Benefits Program
Designation of Eligible Participants

Proposed Amendments: N.J.A.C. 9:2-4.1

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
Authority: N.J.S.A. 18A:66-170 and 18A:66-172.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. 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, New Jersey 08625

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

This proposal is known as PRN 1982-3.

The agency proposal follows:

Summary

The amended regulation will permit State and county college employees in the areas of student services and publications and grants to enroll in the Alternate Benefit Plan, the designated pension plan for higher education employees.

Social Impact

The amended regulation will permit New Jersey's public colleges to compete with other higher education institutions in recruiting individuals with experience in higher education for the enumerated position.

Economic Impact

The amended regulation will increase the immediate pension costs of the State as the Alternate Benefit Program provides vesting and portability within one year of initial enrollment. The cost will vary depending upon the number of individuals in such positions at each institution of higher education and the salary level of these individuals.

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

9:2-4.1 General provisions

(a) Effective July 1, 1973, the following full-time members of the faculty and administrative staffs of the College of Medicine and Dentistry of New Jersey, Rutgers, the State University, the [Newark College of Engineering] **New Jersey Institute of Technology**, the State colleges and the county community colleges appointed to positions as follows are eligible to participate in the alternate benefit program under chapter 242, Public Law 1969 (N.J.S.A. 18A:66-167 et seq.)

1.-4. (No change.)

5. All directors, associate directors, and assistant directors in the following areas or functions, providing that those holding such titles serve in applicable academic positions:

i.-iii. (No change.)

iv. Evaluation, [and] psychological **counseling and student services**;

v.-x. (No change.)

xi. **Publications and grants.**

(b) The following guideline shall be used as a basis to determine whether specific full-time positions under the above categories, or their equivalents, are to be considered as applicable academic positions. Individuals will be considered as applicable academic positions. Individuals will be considered to be in an applicable academic position if **prospective employees for the position are commonly recruited from among individuals with experience in higher education, and they are:**

1.-4. (No change.)

(c)-(d) (No change.)

(b)

BOARD OF HIGHER EDUCATION

County Colleges
Auditing and Accounting

Proposed Amendments: N.J.A.C. 9:4-1.5,
1.12, 2.13, 3.1-3.10 and 3.57

Proposed Repeal: N.J.A.C. 9:4-1.4, 2.4,
Foreword to Subchapter 3, 3.11-3.56 and
3.58-3.88

Authorized By: T. Edward Hollander, Chancellor and Secretary, Board of Higher Education.
Authority: N.J.S.A. 18A:64A-7(b)1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. 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, New Jersey 08625

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

This proposal is known as PRN 1982-18.

The agency proposal follows:

Summary

The proposal will repeal the bulk of the existing county college auditing and accounting regulations and replace them with the standards of the National Association of College and University Administrators (NACUBO). The NACUBO standards have been accepted as principles for colleges and university accounting by the American Institute of Certified Public Accountants.

PROPOSALS

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Social Impact

The proposal will upgrade auditing and accounting standards for county colleges to the national standard. The existing regulations, which were appropriate for developing institutions, no longer provide the quality or flexibility necessary for established institutions.

Economic Impact

The proposal should lower the cost of auditing and accounting at county colleges through improved, uniform practices. It will in addition improve and facilitate Department review of county college finances.

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

9:4-1.5 Chargeback

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

(e) The college accepting such out-of county students shall then charge the sending counties, pursuant to N.J.S.A. 18A:64A-23 or N.J.S.A. 18A:64B-4, calculating the amount to be charged in the following manner:

1. The county appropriation [form, schedule one, line five of annual budget request] shall be divided by the number of FTE in-county residents enrolled, [taken from the enrollment summary, schedule three,] **as contained in the annual budget request made to the Department of Higher Education.**

2.-3. (No change.)

9:4-1.12 Physical facilities

(a)-(h) (No change.)

[(i) In order to insure that public funds are expended to the best advantage of the community college and the public, each college shall adopt purchasing policies in accordance with the principles embodied in the General Accounting and Procedures Manual for State Supported County Community Colleges.]

9:4-2.4 [Accounting and finances] (Reserved)

[(a) The physical property records should include, but need not be limited to the following classification:

1. Property records;
2. Records of supplies;
3. Register of insurance;

(b) The college should specify all tuition and fee charges in the college catalog, for each of the following categories of students:

1. In-county residents;
2. New Jersey residents of counties other than the county or counties sponsoring the colleges;
3. Out-of-State residents.]

9:4-2.13 Official publications

(a) Official catalogs should contain at least the following information:

1.-14. (No change.)

15. Tuition and fee charges for in-county residents, New Jersey non-county residents, and out-of-state residents.

[9:4-3.1 General provisions

The Colleges' accounting and financial reporting practices shall be in all respects, in accordance with College and University Business Administration, Third Edition, and, as it may be subsequently amended except in those instances where these practices would be in direct contravention to existing State regulations.]

[9:4-1.4] **9:4-3.1 Accounting and finances**

(a) The accounting system of a county college shall be maintained in accordance with [the General Accounting and Procedures Manual for State Supported County Colleges] **Chapter 5 of College and University Business Administration (1974) published by the National Association of College and University Business Offices, One Dupont Circle, Washington, D.C. 20036 and any subsequent revisions thereof except where otherwise specifically**

required by these regulations. Costs borne by the State and county on behalf of the college shall not be reflected on the financial statements and related reports of the college.

(b) (No change.)

(c) Not later than October 1, [the community] **each county college shall file with the Chancellor of Higher Education an audit of the college's accounts and financial transactions [and enrollment] for the previous fiscal year, together with a copy of the auditors' management letter as soon as it is available. Each college shall also file an audit of student enrollment by such date as the Chancellor shall establish. These [this] audits [it to] shall be conducted by a certified public account of New Jersey. [or a registered municipal accountant who holds a valid registration license as a public school accountant of New Jersey] The audits shall be in accordance with AICPA standards and must include compliance with all county college regulations. A college shall not employ the same certified public accountant for more than five consecutive years.**

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

[9:4-3.2 Double-entry bookkeeping

(a) Each county college shall utilize a double-entry system of accounting.

(b) The system shall be adequate to provide for the recording of assets, liabilities, fund balances, and income and expenditures in balanced fund groups.]

9:4-3.2 Submission of budgets

The board of trustees of each college shall annually submit budgets to the Department of Higher Education in a form and according to such deadlines as may be required.

Delete N.J.A.C. 9:4-3.3 and 3.4 in their entirety and insert below.

9:4-3.3 System of accounts

Each college shall adopt a system of accounts consistent with the standards and guidelines of the American Institute of Certified Public Accountants.

9:4-3.4 Determination and categorization of assets to be capitalized

(a) **The value of an article as well as its estimated useful life, should be considered in determining whether it should be capitalized.**

(b) **It is suggested that items of furniture, equipment, fixtures and audio visual hardware having an estimated useful life of three or more years and a cost of \$100.00 or more be capitalized and included in the inventory of capital assets. Included in the cost of the item will be installation and other costs that give the asset utility.**

(c) **For furniture, fixtures, equipment, and audio visua hardware, items having an estimated useful life of three years, a cost of \$100.00 or more must be included in the category, except for library books which may have a unit cost under \$25.00.**

(d) **The initial acquisition of library books, documents, and audio visual software, exclusive of binding or cataloging charges, may be capitalized. Replacement of library books or audiovisual software subsequent to the initial acquisition period are not to be included in the budget for current operations.**

9:4-3.5 (No change.)

9:4-3.6 (No change.)

Delete N.J.A.C. 9:4-3.7 through 3.10 in their entirety and insert new text below, and repeal 3.11 through 3.56.

9:4-3.7 Compliance with Local Public Contract Law

Each county college shall comply with the provisions of the Local Public Contract Law, N.J.S.A. 40A:11-1 et seq.

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9:4-3.8 Annual report of program costs

Each county college shall submit an annual report of program costs prepared in accordance with the National Center of Higher Education Management Systems, Resource Requirement Prediction Model 1.6, pursuant to a deadline established by the Department of Higher Education.

9:4-3.9 Appropriated resources

A county college board of trustees shall not permit the expenditures or projected expenditures of a college to exceed appropriated resources. Appropriated resources shall be unrestricted revenues and unrestricted current fund balances appropriated to be expendable in a given budget period by the college board of trustees.

[9:4-3.57] 9:4-3.10 Work load data

(a) The work load data schedule, presented in N.J.A.C. 9:4-3.62(e), fulfills two primary functions. It first provides the required student enrollment data in support of the requested State appropriation. Secondly, it contains various statistical data descriptive of the academic program of the college.

(b) Rules concerning enrollment data are:

(a) [1.] [In applying] [t]The following definitions [for] apply to the classification of students for [in the] enrollment audits and State aid requests [data section of Schedule 3,].

1. Only those full-time equated students generated by courses, credit or non-credit, the direct expenditures [(as defined in the program cost Chapter N.J.A.C. 9:4-3.75)] for which are borne by the college, are eligible to be counted in determining State support:

i.-vii. (No change.)

2. [The actual and estimated columns for the three-year period refer to the number of individual students.] For full-time and part-time students and those taking noncredit courses, the number of students within each category will be computed by adding the total 10th day enrollment within each category for each term and obtaining the average enrollment for the academic year, excluding summer session. For the summer session, the fifth day of classes will be the day on which enrollments are to be computed.

3. (No change.)

4. The enrollment data section will also indicate the estimated tuition to be received in the budget request year. Do not include student fees. The total tuition must agree with the tuition income on the budget summary section. N.J.A.C. 9:4-3.62(b) (Exhibits).]

[5] 4. In preparing the audited schedule for full-time equivalent enrollments for credit students as required by this section, the audit firm must adhere to the following.

i.-iv. (No change.)

v. The auditor shall follow the format outlined in [N.J.A.C. 9:4-3.57(b)7] this section. [if] If the auditor plans to deviate from any of the above procedures, he shall obtain prior written approval from the Department of Higher Education. Such approval, if granted, will be valid only for the audit in process.

vi. (No change.)

5. [6.] In preparing the audited schedule of full-time equivalent enrollments for noncredit students [as required by N.J.A.C. 9:4-3.57(b)7,] the audit firm must adhere to the following.

i.-v. (No change.)

vi. The auditor must follow the format outlined in [N.J.A.C. 9:4-3.57(b)7.] this section. If the auditor plans to deviate from any of the above procedures, he shall obtain prior written approval from the Department of Higher Education. Such approval, if granted, will be valid only for the audit in progress.

vii.-viii. (No change.)

6.[7.] When submitting the audit reports at the specified time in the budget year, full-time equated enrollments should be detailed on a format (example follows) for verification purposes of the college and for review by the Chancellor of Higher Education. Number of students (headcount and FTE) and credit hours should be displayed thusly:

Example: The full-time equated enrollment of 4,817 has been calculated and verified [in accordance with the requirements for the General Accounting and Procedures Manual for State Supported County Colleges, as follows:

(Schedule of Tenth Day FTE Enrollment, Fiscal Year 1971-72) (No change.)

(c) [Admissions data. The admissions data refer to matriculated students only, regardless of whether full-time, part-time, or summer session students. Do not include non-credit students. Transfer students refers to newly admitted students transferred from other colleges.] Direct cost of instruction for the purpose of this section will be developed by course. The direct costs are:

1. Salaries and benefits of instructors and paraprofessionals paid for the teaching and grading of courses;

2. Educational supplies used directly by the teacher or the students of a course;

3. Contract educational services which are employed for a specific course.

Delete (d)-(f.)

Repeal N.J.A.C. 9:4-3.58-3.88.

(a)

STUDENT ASSISTANCE BOARD

Public Tuition Benefits Program Eligibility Criteria

Proposed Amendments: N.J.A.C. 9:7-5.1, 5.2, 5.4, 5.5 and 5.9

Authorized By: Student Assistance Board.

Authority: N.J.S.A. 18A:71-26.8 and -77 (P.L. 1981 c.300).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. 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, New Jersey 08625

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

This proposal is known as PRN 1982-17.

The agency proposal follows:

Summary

The proposal revises the regulations governing the Public Tuition Benefits Program in accordance with the provisions of P.L. 1981 c.300. Specifically, the proposal recognizes the increased class of applicants and the shift of program responsibility from the Board of Higher Education to the Student Assistance Board required by the new law.

Social Impact

In accordance with the new law, the proposal expands the class of eligible participants in the Public Tuition Benefits Program.

PROPOSALS

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Economic Impact

The proposal will increase the cost of the Public Tuition Benefits program to the extent required by P.L. 1981 c.300.

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

SUBCHAPTER 5. PUBLIC TUITION BENEFITS PROGRAM

9:7-5.1 General Provisions

(a) [As of September 1980.] **Chapter 229, Laws of 1979 as amended by Chapter 300, Laws of 1981, provides that** free tuition will be available at any public institution of higher education in the State through the Public Tuition Benefits Program (PTB) to any child or surviving spouse of a member or officer of a New Jersey volunteer fire company, volunteer first aid or rescue squad or municipal fire, police, county police or park police department, State Fire Service or of the Division of State Police, **or of a permanent, active and full-time officer employee of this State or any political subdivision thereof holding the following titles: State investigator, correction officer, recruit, senior correction officer, sergeant lieutenant, captain, correction officer duty keeper, court attendant and sheriff's officer, court attendant and sheriff's officer lieutenant, court attendant and sheriff's officer captain, court attendant and sheriff's officer deputy chief, prosecutor's detective, prosecutor's investigator, narcotics officer, marine patrolman, senior marine patrolman, principal marine patrolman, chief, bureau of marine law enforcement, or who is an inspector, assistant, technician, supervisor or superintendent with respect to the enforcement and regulation of weights and measures, or civil defense or disaster control worker,** which member, officer or worker was killed in the performance of his/her duties.

(b) General provisions for all programs administered by the Student Assistance Board (N.J.A.C. 9:7-2) which pertain to residency, foreign nationals, [verification of enrollment and academic performance.] payments to students, student withdrawal or dismissal during period of an award, check endorsements, and fiscal responsibilities shall be in effect for the Public Tuition Benefits Program.

9:7-5.2 Policy responsibility

Development, coordination, and administration of policies for the PTB Program shall be the responsibility of the [Department of Higher Education] **Student Assistance Board** in accordance with the law. This program shall be coordinated with other State student assistance programs which provide for similar tuition benefits.

9:7-5.4 Public Institutions

Tuition benefits are available to eligible students at the following public institutions of higher education located in New Jersey:

State Colleges

Thomas Edison

9:7-5.5 Undergraduate enrollment

The eligible child or surviving spouse must be enrolled or plan to be enrolled as [a full-time] **an** undergraduate student in good standing in a curriculum leading to a degree in order to be eligible to receive Public Tuition Benefits. Students possessing a Baccalaureate Degree are not eligible. [Certification of full-time enrollment is the responsibility of the enrolling institution based on the current institutional definition of full-time status.]

9:7-5.9 [Period of eligibility] **Verification of enrollment and academic performance**

[Recipients shall be eligible for a maximum of four years of payment except when enrolled in an undergraduate program of study which normally requires five years to complete and then they shall

be eligible for five years of payment. Recipients who also qualify for aid through the New Jersey Educational Opportunity Fund shall be eligible for a maximum of six years of payment.] **Before payment may be made to an eligible student, the institution must have satisfactory evidence that the student is eligible for tuition benefits, and has registered for an academic term in an undergraduate degree program, and that the student is meeting the minimum standards for academic performance and academic progress at the institution.**

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Hearing Aid Services Manual

Proposed Amendments: N.J.A.C. 10:64

Authorized By: Timothy Carden, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:4D-6b(16) and 30:4D-7 and 7b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. 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 adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-5.

The agency proposal follows:

Summary

This is a re-publication of the proposal that appeared in the October 8, 1981 issue of the New Jersey Register at 13 N.J.R. 656(a). The text of the new manual has been re-organized to insure clarity, and the impedance testing requirement in an audiologic examination has been removed.

Other proposed changes include standards for testing equipment and testing environments, tightening procedures for obtaining authorization to dispense hearing aids allowing for reimbursement for reconditioned aids, and clarifying responsibilities for both providers and recipients.

The proposed basic reimbursement methodology, which is cost plus fee for service, has not changed. Also, the revisions to reimbursement for replacement parts as published in the October notice will remain the same.

Social Impact

It is not anticipated there will be any social impact, as Medicaid recipients will still be able to obtain the services, and providers will still be reimbursed for rendering these services.

Economic Impact

It is anticipated there will be a cost savings of approximately \$100,000 to the Division. Providers will initially experience a decline in profits until they adjust their practices to meet the program requirements. Increased performance responsibilities are placed on providers which will improve the State's ability to monitor quality and quantity of service. However, the market place should adjust to the needs of the program and the public through competition.

Full text of the proposal follows (additions indicated in boldface thus). Delete current text of N.J.A.C. 10:64 in its entirety.

**CHAPTER 64
HEARING AID SERVICES MANUAL**

...

SUBCHAPTER 1. GENERAL POLICIES

10:64-1.1 Scope

(a) This chapter is concerned only with hearing aids for eligible recipients of the New Jersey Medicaid Program. It is the intent of the program to furnish hearing aids and related services to eligible recipients who can benefit significantly from them.

(b) When a hearing aid is authorized and purchased on behalf of a Medicaid recipient, ownership of the hearing aid will vest in the Division of Medical Assistance and Health Services. The recipient will be granted a possessory interest for as long as the recipient requires use of the aid. When the recipient no longer needs the aid, possession and control will revert to the Division. The recipient shall sign an agreement to this effect as part of the process of authorizing purchase of the hearing aid.

10:64-1.2 Definitions

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

"Audiologist" means an individual who has received the Certificate of Clinical Competence in Audiology (CCC-A) from the American Speech-Language-Hearing Association, or who has completed the academic, experiential, and national examination requirements necessary to receive the CCC-A.

"Dispenser" means an individual who holds a current valid license or a temporary valid license to dispense hearing aids from the New Jersey Board of Medical Examiners and is approved as a provider by the New Jersey Medicaid Program, or is approved as a hearing aid provider under the Medicaid program in the state in which the hearing aid is to be dispensed.

"Hearing aid" means an ear-level or body-worn electroacoustic instrument for amplifying sound whose basic components are a microphone, amplifier, and receiver.

"Otologist" for purposes of this chapter refers to either a physician who specializes in diseases of the ear or a physician who specializes in diseases of the ear, nose and throat and who qualifies as a specialist according to the definition and conditions in the Physicians Manual.

10:64-1.3 Hearing aid program, policies and procedures

(a) An otologic examination, an audiologic examination, and a hearing aid examination must be performed prior to prescribing a hearing aid. If the recipient is a patient of a long-term care facility, a nursing home hearing aid screening must also be included.

1. Otologic examinations consist of a history and physical examination of the ear, with a relevant diagnosis supporting the

need for audiologic and hearing aid examinations, with such examination signed and dated by the otologist and forwarded to the individual providing the audiologic and hearing aid examinations.

2. Audiologic examinations performed by an audiologist or otologist shall include the following (data other than that in this section are acceptable for infants and non-verbal children):

- i. Pure tone air and bone conduction thresholds;
- ii. Speech reception thresholds;
- iii. Speech discrimination scores;
- iv. Masking when indicated;
- v. Most comfortable listening levels (MCL); and
- vi. Uncomfortable loudness levels or thresholds of discomfort (UCL).

3. Hearing aid examination: A hearing aid examination performed by an audiologist or otologist shall include initial hearing aid testing as described in this section, and follow-up as described in N.J.A.C. 10:64-1.8;

i. Initial testing:

(1) Either in the sound field both with and without amplification (unaided and aided) to indicate benefit and effectiveness of the prescribed amplification; or

(2) With a master hearing aid.

4. Nursing home hearing aid screening, for nursing home residents, consists of an evaluation of the patient's desire and ability to use a hearing aid, the nursing staff's willingness to assist in caring for the aid, the status of the patient's previous hearing aid, if any, and an assessment of whether an aid will significantly improve the patient's quality of life by increased socialization or increased involvement in activities. Form FD-257 to record results of the screening, which is signed by the nursing director or social worker and the treating physician. Then it is forwarded to the otologist, who will provide the otologic examination.

(b) The hearing aid prescription:

1. Monaural hearing aids may be considered, except those requiring Silver Oxide Batteries.

2. CROS, BICROS and binaural hearing aids may be considered only for children, for adults attending school, for individuals with severe high frequency loss who must use a CROS aid to prevent feedback, or for an eligible adult recipient who is gainfully employed or who is likely to be employed if a CROS, BICROS or binaural hearing aid arrangement is provided.

3. Electroacoustic characteristics for a reconditioned hearing aid may also be prescribed in addition to the specific hearing aid prescription if any of the conditions listed under this Section exists. The dispenser shall then have the option of providing either the specific aid or a reconditioned aid. Reconditioned hearing aids are subject to the conditions listed in N.J.A.C. 10:64-1.5(c) and may be provided if:

- i. The patient is a resident of a long-term care facility;
- ii. The patient is in a living arrangement other than a long-term care facility and is deemed an appropriate candidate for a reconditioned aid;
- iii. The patient has had a previous aid that was lost, stolen, or destroyed within 36 months of the date that it was dispensed.

10:64-1.4 Prior authorization for a hearing aid

(a) New and replacement hearing aids require prior authorization by the local medical consultant.

(b) The hearing aid dispenser (provider) completes all items except items 15, 18, and 19 on the Medical Supplies and Equipment Claim Form (MC-11) and submits the form in triplicate to the appropriate Local Medical Assistance Unit for prior authorization, along with the nursing home hearing aid screening form, if applicable, and the otologic and audiologic reports (see N.J.A.C. 10:64-1.7 concerning policies on replacement of hearing aids).

(c) The local medical consultant reviews the otologic and au-

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diologic reports along with the nursing home screening form, if applicable.

1. Claims for CROS, BICROS, binaural, and reconditioned aids will be reviewed by the audiology consultant before authorization is determined.

(d) Authorization for a hearing aid is indicated by the local medical consultant's signature in item 15 of the Medical Supplies & Equipment Claim, Form MC-11.

(e) The Local Medical Assistance Unit returns the provider's and contractor's copies to the dispenser and retains the Local Medical Assistance Unit's copy, the nursing home hearing aid screening, and the otologic and audiologic examination reports. The dispenser may then proceed to supply the authorized item to the recipient (see subchapter 2 for billing procedures). If the request is denied, the dispenser will receive an LD-29 notification letter from the Local Medical Assistance Unit.

10:64-1.5 Dispensing of hearing aid

(a) Delivery of the hearing aid shall be made to the patient within 21 days of receipt of authorization from the Local Medical Assistance Unit. If it is not possible to supply the instrument within the stated time, the dispenser shall notify the Local Medical Assistance Unit and give the reason(s) for the delay. If the patient is a first time user, the earmold shall not be dispensed until prior authorization for the hearing aid is received.

(b) When the new hearing aid is delivered the dispenser shall:

1. Supply the new instrument;
2. Supply a custom-fitted earmold;
3. Supply tubing, or cord and receiver;
4. Issue a one month's supply of batteries;
5. Issue a garment bag, if applicable, and any other accessories normally supplied with the type of hearing aid provided;
6. Issue the manufacturer's User Instructional Brochure for the particular instrument provided;
7. Instruct in the use and care of the hearing aid and earmold, including specific instruction on insertion of the earmold; and
8. Explain the need for a follow-up visit and complete a copy of the Notice of Requirement for Hearing Aid Follow-up Visit, unless the aid is a replacement aid and no hearing aid examination was performed.

(c) When a reconditioned hearing aid is delivered, the dispenser shall:

1. Supply a reconditioned instrument no more than three years old, which closely meets the prescribed electroacoustic characteristics or, if a replacement aid, the electroacoustic characteristics of the aid to be replaced;
2. Provide a six-month factory or laboratory warranty;
3. Submit a dated performance chart (e.g. B and K chart) with the claim form when requesting prior authorization;
4. Submit an invoice or sales document showing the acquisition cost of the aid, if any, and/or the factory or laboratory invoice showing the cost of reconditioning, with the claim form when requesting prior authorization and when billing the contractor;
5. Supply a custom-fitted earmold;
6. Supply tubing, or cord and receiver;
7. Issue a one month's supply of batteries;
8. Issue a garment bag, if applicable, and any other accessories normally supplied with the type of hearing aid provided;
9. Instruct in the use and care of the instrument and earmold, including specific instruction on insertion of the earmold;
10. Explain the need for a follow-up visit and a copy of the Notice of Requirement for Hearing Aid Follow-Up Visit, unless the aid is a replacement aid and no hearing aid examination was performed.

10:64-1.6 Dispensers responsibilities

(a) When the hearing aid is dispensed the dispenser shall:

1. Guarantee that all instruments and earmolds provided conform to the prescription as set forth in N.J.A.C. 10:64-1.3(b)

(Form FD-36), and fit comfortably and adequately to the extent that the recipient's condition permits.

2. Assume liability for material defects and unconditionally guarantee material and workmanship for one year from date of delivery for a new hearing aid and six months from date of delivery of reconditioned aid.

i. Exceptions:

(1) Cords and bone-conduction receivers are excluded from this liability.

(2) The dispenser shall not be responsible for damage to an aid due to accident, misuse or alteration.

3. Provide appropriate repair services for a period of at least one year after delivery of the aid, including a loaner instrument of comparable performance in good working order.

4. Provide appropriate maintenance services for a period of at least one year after delivery of the aid. This includes:

- i. Cleaning of the earmold;
- ii. Replacing tubing;
- iii. Cleaning contacts; and
- iv. Spraying for volume wheel noise.

5. Accept return of an instrument or part thereof within 30 days of delivery to the patient when the audiologist, otologist or Medicaid staff member, after the follow-up visit, determines that the instrument does not conform to the prescription, does not fit properly, is not of acceptable quality and comfort consistent with the condition of the patient, or has failed to produce the benefit anticipated during the nursing home hearing aid screening or the hearing aid examination.

i. If it is found that material or workmanship are defective, then the dispenser shall be allowed a reasonable opportunity to make such adjustments, corrections or replacement that may be necessary to allow for acceptance of the instrument and/or earmold, without additional charges to the program.

ii. Exception: This responsibility does not apply to corrections necessitated by the patient's misuse or abuse of the instrument.

6. Make services, supplies, and parts reasonably accessible and available in an identifiable and fixed place of business during regular business hours. There must be a public entrance directly into the dispenser's place of business.

7. Maintain copies of all records for a period of at least five years.

10:64-1.7 Policies on replacement of a hearing aid

(a) Replacement of a hearing aid requires prior authorization by the Local Medical Assistance Unit.

(b) Procedures for obtaining prior authorization to replace an aid will be the same as for providing the original aid, except (b)1, 2 and 3 below.

1. Another hearing aid examination is not required when the following conditions apply:

- i. The audiologic examination shows no significant change in auditory sensitivity; and
- ii. The recipient is under 18 years of age and a hearing aid examination has been performed within the preceding year; or
- iii. The recipient is an adult, 18 years of age or older, and a hearing aid examination has been performed within the preceding three years.

2. If the aid is less than five years old and is beyond repair for any reason other than defects in material or workmanship, the dispenser must submit to the Local Medical Assistance Unit a statement from the manufacturer or repair laboratory attesting to the nature of the damage and unreparability of the aid.

3. If an aid was lost, stolen, or destroyed within three years of the date dispensed, the recipient or a representative must appear in person before the Local Medical Consultant to explain and discuss the incident before prior authorization to replace the aid may be granted.

(c) At the option of the dispenser, a hearing aid which is lost,

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stolen or beyond repair may be replaced by a reconditioned hearing aid with similar electroacoustic characteristics if any of the conditions exists as listed in N.J.A.C. 10:64-1.3(b).

10:64-1.8 Hearing aid follow-up visit

(a) For patients other than nursing home residents, follow-up shall consist of counselling and testing in the sound field within 21 days of the date the aid was provided to evaluate the adequacy, performance, and utilization of the amplification provided.

(b) For nursing home residents, follow-up shall consist of a personal visit to the patient by a member of the Medicaid staff (local medical consultant, regional consultant, nurse, or social worker) within 21 days of the date the aid was provided to assess whether the aid has significantly improved the patient's quality of life by increased socialization or increased involvement in activities.

10:64-1.9 Policies on repairs, replacement earmolds, and replacement parts

(a) Repairs shall be provided when needed. Neither prior authorization nor a signed and dated prescription is required.

(b) Replacement earmolds shall be provided when needed. Neither prior authorization nor a signed and dated prescription is required.

(c) Replacement batteries shall be provided as a three month supply. Neither prior authorization nor a signed and dated prescription is required.

(d) Replacement cords, receivers, and garment bags shall be provided when needed. Neither prior authorization nor a signed and dated prescription is required.

10:64-1.10 Standards for environment and equipment used for audiologic and hearing aid testing

(a) The audiologic examination and hearing aid testing shall be performed in an environment that meets current standards published by the American National Standards Institute (ANSI S3.1-1977: Criteria for Permissible Ambient Noise during Audiometric Testing). When these standards are superseded by an approved revision, the revision shall apply.

1. Standards for the test environment may be waived in the rare case when a good hearing aid candidate cannot be moved due to severe health problems. Requests to waive these standards will be reviewed by the local medical consultant and the audiologic consultant.

(b) Audiometers used shall meet current standards published by the American National Standards Institute (ANSI S3.6-1969; Specifications for Audiometers) When these standards are superseded by an approved revision, the revision shall apply.

(c) Calibration of audiometers shall be performed according to the following schedule, as a minimum:

1. Quarterly by an artificial ear and sound level meter;
2. Annually by electroacoustic instrumentation for frequency, intensity, linearity, sound field, and special functions.

(d) A written log shall be kept on quarterly and annual audiometric calibrations and signed by the individual performing the calibration.

10:64-1.11 Reimbursement policies

(a) Reimbursement for a new hearing aid shall be the lower of the following charges:

1. Usual and customary charge; or
2. A charge consisting of the following:
 - i. Wholesale cost of the instrument; plus
 - ii. Wholesale cost of the earmold, as per laboratory invoice or laboratory price list; plus
 - iii. Wholesale cost of the batteries; plus
 - iv. A dispensing fee of \$175.00 for a monaural fitting or \$280.00 for a binaural fitting.

(b) Reimbursement for a reconditioned hearing aid shall be the lower of the following:

1. Usual and customary charge; or
2. A charge consisting of the following:
 - i. Acquisition cost of the hearing aid, when applicable, as per manufacturer's invoice or sales document; plus
 - ii. Wholesale cost of the reconditioning, when applicable, as per the factory or laboratory invoice; plus
 - iii. Wholesale cost of the earmold, as per laboratory invoice or laboratory price list; plus
 - iv. Wholesale cost of the batteries; plus
 - v. A dispensing fee of \$175.00.

(c) Reimbursement for a returned hearing aid:

1. Should it be determined at the follow-up examination that the prescribed hearing aid properly supplied has failed to provide the patient with the anticipated communication benefit, and that a different aid will not be prescribed (i.e. there will be no exchange), the dispenser shall be reimbursed for services and materials upon return of the hearing aid, at the lower of the following:

- i. Usual and customary charge; or
- ii. A charge consisting of the following:
 - (1) Wholesale cost of the earmold, as per laboratory invoice or laboratory price list; plus
 - (2) Wholesale cost of the batteries, cord and garment bag, as per laboratory invoice or laboratory price list; plus
 - (3) The manufacturer's restocking fee, if any; plus
 - (4) A service fee of \$30.00.

(d) Replacement of an aid within one year from date of original dispensing, if not covered by the manufacturer's warranty, shall be reimbursed at the lower of the following:

1. Usual and customary charge; or
2. A charge consisting of the following:
 - i. Wholesale cost of the instrument, if new; or the acquisition cost and cost of the factory or laboratory reconditioning, when applicable, if a reconditioned unit; plus
 - ii. Wholesale cost of the earmold, as per laboratory invoice or laboratory price list; plus
 - iii. A dispensing fee of \$50.00.

(e) Reimbursement for repair of a hearing aid, if not covered by the manufacturer's warranty, shall be the lower of the following:

1. Usual and customary charge; or
2. A charge consisting of the following:
 - i. Manufacturer's cost of repair; plus
 - ii. A 50 percent service fee.

(f) Reimbursement for replacement parts, if not covered by the manufacturer's warranty, shall be the lower of the following:

1. Usual and customary charge; or
2. A charge consisting of the following, depending upon the part or parts to be replaced:
 - i. Earmolds: Wholesale cost, as per laboratory invoice or laboratory price list; plus \$10.00;
 - ii. Batteries, which shall be provided as a three month's supply: Manufacturer list prices less 10 percent;
 - iii. Cords: Manufacturer list price less 10 percent;
 - iv. Receivers: Manufacturer list price less 10 percent;
 - v. Garment bags: Manufacturer list price less 10 percent.

SUBCHAPTER 2. BILLING PROCEDURES

10:64-2.1 General billing policy

(a) The Medical Supplies and Equipment Claim Form (MC-11-C4) is to be used for billing of hearing aids and equipment. For hearings aids which require prior authorization, item 15 must be signed and dated by the local medical consultant before the claim may be considered for payment. Before billing the contractor the dispenser shall have the recipient sign item 18

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(Patient Certification), and the dispenser shall sign item 19 (Provider Certification).

10:64-2.2 Procedures for the billing of hearing aids

(a) The procedure for the billing of hearing aids shall be as follows:

1. The dispenser shall attach one copy of Form FD-244 (Follow-Up to Hearing Aid Examination) to the contractor's copy of the claim form (Form MC-11-C4) when submitting the claim to the contractor for payment.

2. If the "Notice of Missed Appointment" has been completed on Form FD-244, or written reason given for lack of follow-up, the dispenser shall answer questions in the bottom portion of this form, giving the following information:

i. The aid and earmold provided conform to the prescription as per Form FD-36; and

ii. The aid and earmold provided fit comfortably and adequately.

3. If the dispenser has not received Form FD-244 from the Medicaid staff or the audiologic facility within 30 days of delivery of the aid to the patient, a copy of the Notice of Requirement for Hearing Aid Follow-Up Visit shall be attached to the claim in lieu of the FD-244. On the bottom portion of this Notice, the dispenser shall add a signed and dated affidavit certifying the following:

i. That notification regarding follow-up testing was not received within 30 days of dispensing the aid;

ii. That the aid and earmold provided conforms to the prescription as per Form FD-36; and

iii. That the aid and earmold provided fit comfortably and adequately.

4. When billing the contractor for a reconditioned hearing aid, the dispenser shall attach to the claim form the following:

i. A copy of the invoice or sales document showing the acquisition cost of the aid, if any; and/or

ii. A copy of the factory or laboratory invoice showing the cost of reconditioning.

10:64-2.3 Billing for services and materials

(a) Billing for services and materials in the event that an aid is returned, in accordance with N.J.A.C. 10:64-1.6(e), shall be as follows:

1. The dispenser shall prepare a new claim form showing charges for materials, manufacturer's charges, and the service fee. No prior authorization is necessary.

2. The dispenser shall attach a copy of Form FD-244 (Follow-Up to Hearing Aid Examination) to the new claim before mailing it to the contractor.

10:64-2.4 Billing for repairs

(a) Billing for repairs shall be as follows:

1. The dispenser shall attach one copy of the factory or laboratory invoice to the contractor's copy of the claim form (Form MC-11-C4) when billing the contractor.

2. The dispenser shall note on the claim form one of the following:

i. "Repair of new aid"; or

ii. "Repair of recon aid".

10:64-2.5 Mailing instructions

(a) Mailing instructions are as follows:

1. Mail the original copy (contractor's copy) to:

The Prudential Insurance Company

P.O. Box 1900

Millville, New Jersey 08332

2. Retain the second copy (provider's copy) for your records.

3. The third copy (Local Medical Assistance Unit copy) is retained by the Local Medical Assistance Unit for all authorized claims. For claims not requiring prior authorization, the provider may destroy the third copy.

SUBCHAPTER 3. INSTRUCTIONS FOR FILLING OUT FORMS AND EXHIBITS

10:64-3.1 Completion of "Nursing Home Hearing Aid Screening" (Form (FD-257))

(a) Instructions for completing the "Nursing Home Hearing Aid Screening" Form (FD-257) are as follows:

1. Items 1 thru 5: Self explanatory;

2. Item 6: All questions must be answered by designating checkmark in appropriate column;

3. Item 7: List any additional information or recommendations as to need of hearing aid;

4. Item 8: Signature of nursing director;

5. Item 9: Signature of social worker;

6. Item 10: This is to be checked if patient is a candidate for a hearing aid and form forwarded to the otologist who will provide the otologic examination;

7. Item 11: This is to be checked if the patient is not a candidate for a hearing aid and the completed form is to be placed in the patient's records;

8. Items 12 through 13: Self explanatory;

9. Item 13: Upon delivery of the aid to the patient, the local medical assistance unit is to be notified.

10:64-3.2 Completion of the "Audiologic and Hearing Aid Examinations" (Form FD-36)

(a) Results of the audiologic and hearing aid examinations shall be reported on the Audiologic and Hearing Aid Examinations (Form FD-36) and shall include the following:

1. Information relative to the patient's hearing aid candidacy, including:

i. Patient's occupation and whether currently employed;

ii. Special residential setting, if any;

iii. Motivation to wear an aid and physical ability to manipulate an aid;

iv. Assessment of patient's mental alertness and rationality;

v. Name and relationship to patient of persons responsible for the care of the aid (checking function, cleaning earmold, ordering batteries and repairs) if other than the patient;

vi. Data relative to patient's present hearing aid, if the patient currently has an aid, including make and model, age of aid, and reason for requesting a new aid.

2. Results of the audiologic examination.

3. Results of the hearing aid examination, including:

i. Brief description of the hearing aid examination procedure;

ii. The ear to be fitted, and the earmold and hearing aid prescription.

4. Signatures: Form FD-36 shall be signed by the prospective recipient, if mentally and physically capable, and by the individual who has personally performed the tests, and shall be forwarded in duplicate to the hearing aid dispenser along with a copy of the nursing home hearing aid screening, if applicable, and the otologic examination.

10:64-3.3 Completion of "Notice of Requirement for Hearing Aid Follow-Up Visit" (Form FD-245)

(a) At the time of delivery of an aid to a nursing home recipient, Affidavit I of the Notice of Requirement for Hearing Aid Follow-Up Visit shall be completed in duplicate by the dispenser, as follows:

1. The recipient's name shall be entered on the line provided.

2. The affidavit shall be read to the nursing director or a designee, describing the requirement for a site visit within 21 days and the requirement that the nursing supervisor or designee contact the local medical assistance unit within three days;

3. The Nursing Director or designee shall sign the affidavit stating that he or she was so advised;

4. One copy of the form shall be given to the Nursing Director or designee, and one copy maintained in the dispenser's files.

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(b) At the time of delivery of an aid to a recipient who does not reside in a nursing home, Affidavit II of the Notice of Requirement for Hearing Aid Follow-Up Visit shall be completed in duplicate by the dispenser, as follows:

1. The name of the audiologic facility and its telephone number shall be written on the lines provided and brought to the attention of the recipient or the recipient's guardian.
2. The affidavit shall be read to the recipient or the recipient's guardian, including the reasons why follow-up testing within 21 days is important.
3. Recipient or guardian shall sign the affidavit stating that he or she was so advised.
4. One copy of the form shall be given to the recipient or guardian and one copy maintained in the dispenser's files.

10:64-3.4 Completion of "Follow-Up to Hearing Aid Examination or Notice of Missed Appointment" (Form FD-244)

(a) Results of the follow-up visit shall be reported on Form FD-244 in triplicate and shall include the following information relative to the amplification provided:

1. Make, model, serial number and special fitting requirements of the aid provided, including type of earmold;
2. Sound field data showing whether improvement in communication has resulted. This information may be omitted in cases of infants and non-verbal children for whom such data are unobtainable, and in cases of nursing home patients when site visits are performed;
3. Statement as to the appropriateness of the aid and earmold provided, or explanation of changes required;
4. Statement as to the situations in which the recipient is using the hearing aid provided, or explanation of why the aid is not being used;
5. Recommendation for purchase, alteration, or return of the aid to the dispenser;
6. Signature: Form FD-244 shall be signed by the individual who has personally visited the nursing home, tested the patient, or verified a missed appointment by completing the Notice of Missed Appointment, and shall be forwarded in duplicate to the hearing aid dispenser.

(b) In the event that it is not possible to provide follow-up within 21 days of acceptance of the aid by the patient, the audiologic facility or the local medical assistance unit shall submit to the dispenser Form FD-244, completing Notice of Missed Appointment if applicable, or writing the reason why the follow-up visit could not be completed on the bottom of the form.

10:64-3.5 Instructions for completion of "Medical Supplies and Equipment Claim" (Form MC-11)

(a) Instructions for completing the Medical Supplies and Equipment claim (Form MC-11) are as follows:

1. Items 1 through 4: Copy patient's name, health services program case number and patient person number exactly as it appears on the monthly validation form;
2. Items 5 through 6: Self explanatory;
3. Item 7:
 - i. Check appropriate block to indicate whether the patient has other health insurance, liability coverage, or no fault auto coverage;
 - ii. If yes, you must attach a copy of the decline notice or a copy of the explanation of payment from the carrier, if any;
 - iii. When the recipient is covered by both Medicare and Medicaid, see Section 304 of your Medicaid Medical Supplier Manual;
4. Item 8: Check as appropriate. If patient's illness or injury is work related, enter name and address of employer.
5. Item 9: Name and address of provider - may be preprinted;
6. Item 10: Self-explanatory;
7. Item 11: Indicate whether a prescription accompanies the claim when submitted for prior authorization;

8. Item 12: Enter diagnosis;
9. Item 13: Self-explanatory;
- 10 Item 14:
 - i. A: Date of service - Leave blank
 - ii. C: Description of item;
 - (1) For hearing aids:
 - (A) Manufacturer and model;
 - (B) If a replacement aid within 36 months, the notation "replacement aid";
 - (C) If a reconditioned aid; the notation "Recon" and the notation "six month warranty"; and attach to the claim form, an invoice or sales document showing the acquisition cost of the aid, if any, and/or the factory or laboratory invoice showing the cost of reconditioning, and a dated performance chart (e.g. "B&K chart") showing that the aid is functioning as per the manufacturer's specifications.
 - (D) Number of batteries and type;
 - (E) Type of custom fitted earmold;
 - (F) If applicable, receiver model, one cord and garment bag;
 - (2) For repairs:
 - (A) If originally dispensed as a new aid, the notation "Repair of new aid";
 - (B) If a reconditioned aid is to be repaired, the notation "Repair of recon aid";
 - (3) For replacement earmolds:
 - (A) Describe the earmold; and
 - (B) Attach a copy of the laboratory cost list or laboratory invoice to the claim form.
 - (4) For batteries and replacement parts; describe the item.
 - (A) Check whether the item is new or used (reconditioned);
 - (B) D: Enter quantity of item;
 - (C) E: Not applicable;
 - (D) F: Enter itemized charges (See N.J.A.C. 10:64-1.11 for reimbursement policies).
11. Item 15: Authorization signature (For hearing aids only): Forward claim to the local medical assistance unit to obtain prior authorization before dispensing the aid. The Local Medical Assistance Unit will sign this item if the claim is authorized and will return the claim to the provider.
12. Item 16: Prescribing Practitioner: Give the name and Individual Medicaid Practitioner (IMP) Number of the referring otologist;
13. Item 17: Long-term care: If the patient is confined to a long-term care facility such as an extended care facility or nursing home, check the appropriate block and give the name and address of the facility in the space provided;
14. Item 18: Patient certification: Have patient sign here when the services have been received.
15. Item 19: Provider certification: Provider should sign here after providing the services.

PROPOSALS

TREASURY--GENERAL

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping
Route 35 and 439

Proposed New Rules: N.J.A.C. 16:28A-1.70
Proposed Amendments: N.J.A.C. 16:28A-1.25

Authorized By: David W. Gwynn, Chief Engineer,
Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-183.1 and
39:4-139.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. 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 adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-8.

The agency proposal follows:

Summary

This amendment will establish "no parking" zones along Route 35 and 439 in Aberdeen Township, Monmouth County and Elizabeth City, Union County respectively causing signs to be erected advising the motoring public.

Social Impact

This amendment will restrict parking along the area designated and enhance safety within Aberdeen Township.

Economic Impact

This amendment will cause signs to be erected and will involve direct and indirect costs for the Departments' workforce, and is dependent upon personnel, mileage and equipment to be utilized.

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

16:28A-1.25 Route 35

(a) The certain parts of State highway Route 35 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-5. (No change.)

6. No stopping or standing in Aberdeen Township, Monmouth County:

i. Along both sides of Route 35:

(1) Beginning at a point 150 feet north of the northerly curb line of County Road-Driveway to Fountain Casino to a point 150 feet south of the southerly curb line of County Road Driveway to Fountain Casino.

(b) (No change.)

16:28A-1.70 Route 439

(a) The certain parts of State Highway Route 439 described in (a) of this section, shall be, and hereby are designated and established as "No parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Elizabeth City, Union County:

i. Along (Elmora Avenue):

(1) East side between Westfield Avenue and Park Avenue;

(2) East side between Park Avenue and Magie Avenue between the hours of 7:00 A.M. and 9:00 A.M. and 4:00 P.M. and 6:00 P.M.;

(3) South side, from the Hillside City Line to Newark Avenue between the hours of 7:00 A.M. and 9:00 A.M.;

(4) North side, from Newark Avenue to North Broad Street between the hours of 4:00 P.M. and 6:00 P.M.

TREASURY--GENERAL

(b)

DIVISION OF PENSIONS

Pensioners' Group Health Insurance Plan
Amount of Coverage; Termination

Proposed New Rules: N.J.A.C. 17:1-1.24

Authorized By: William J. Joseph, Director, Division of Pensions.
Authority: N.J.S.A. 52:18A-96.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1982-1.

The agency proposal follows:

Summary

The proposed new rule establishes standards for the Pensioners' Group Health Insurance Plan within the areas of the amount of coverage available and the effects of termination from the plan which are similar to those established within the State Health Benefits Program for the same areas. Such proposal is an attempt to standardize such procedures between the two programs.

Social Impact

Present and future participants in the Pensioners' Group Health Insurance Plan may be affected by this proposal since it involves the maximum amount of coverage available and the effect that a termination or withdrawal from the plan has on subsequent coverage.

Economic Impact

This proposal may have an economic effect upon present and future participants in the Plan insofar as the amount of available

TREASURY-GENERAL

PROPOSALS

coverage is concerned as well as the inability to again participate in the Plan if such participant terminates coverage therein.

Full text of the proposed new rule follows.

17:1-1.24 Amount of coverage; termination; Pensioners' Group Health Insurance Plan

(a) For purposes of retired coverage or where coverage is provided to eligible beneficiaries or survivors, such coverage cannot be increased but can be decreased.

(b) If an individual voluntarily terminates coverage in the Pensioners' Group Health Insurance Plan at any time and for whatever reason, such individual cannot subsequently reinstate such participation or coverage in the plan.

(a)

STATE HEALTH BENEFITS COMMISSION

State Health Benefits Program Premiums and Coverage; Ten Month Employees; Effective Date

Proposed Amendment: N.J.A.C. 17:9-5.11

Authorized By: State Health Benefits Commission, William J. Joseph, Secretary. Authority: N.J.S.A. 52:14-17.27.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Secretary
State Health Benefits Commission
CN 295
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-24.

The agency proposal follows:

Summary

The proposed amendment is designed to clarify when the effective date of coverage applies to biweekly cases involving 10-month State employees.

Social Impact

State employees paid on a 10-month contract and on a biweekly basis, who choose to enroll in the State Health Benefits Program, may be affected by this proposal.

Economic Impact

Although this proposal does not significantly alter the participant's premium cost, the effective date of coverage can affect a participant economically, depending upon the individual circumstances.

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

17:9-5.11 Premiums and coverage; 10-month employees

(a) Employees hired as of September 1 under a 10-month contract shall have premiums deducted from the wages they received in September to establish their coverage as of the beginning date of their

employment. In order to continue a 10-month employee's coverage during the months of July and August, sufficient premiums will be deducted prior to the expiration of their 10-month contract to continue their coverage during the heretofore mentioned months provided their employment resumes in September.

(b) Regarding 10-month contract State employees paid on a biweekly basis, the effective date of coverage for September enrollments will be the period which is the one nearest September 1.

(b)

NEW JERSEY SPILL COMPENSATION FUND

Regulations Governing New Jersey Spill Compensation Fund Expenditures in Light of Federal Superfund Law

Proposed New Rules: N.J.A.C. 17:26-2

Authorized By: Clifford A. Goldman, State Treasurer. Authority: N.J.S.A. 58:10-23.11j, o and t.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 13, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford A. Goldman
State Treasurer
Department of the Treasury
Room 125, State House
Trenton, New Jersey 08625

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

This proposal is known as PRN 1982-23.

The agency proposal follows:

Summary

These rules are designed to formalize the guidelines which the Administrator of the New Jersey Spill Compensation Fund has been following to assure that expenditures from this Fund are consistent with the requirements of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (P.L. 96-510; 42 U.S.C. Sec. 9601, et seq., also known as the Superfund Law).

Social Impact

By limiting expenditures from the Fund to what is consistent with Federal law, the State is able to continue the Spill Compensation Fund tax and the spending programs supported thereby which serve the public health and welfare of New Jersey residents.

Economic Impact

Continued expenditures from the Spill Compensation Fund for the removal, containment, and prevention of discharges of petroleum products and hazardous substances are needed to protect the tourist, recreation, and other industrial or commercial enterprises adversely affected by such discharges and to limit economic damage from such discharges to the residents of this State.

PROPOSALS

OTHER AGENCIES

Full text of the proposed new rule follows.

CHAPTER 26
GENERAL PROVISIONS

.....

SUBCHAPTER 2. REGULATIONS GOVERNING NEW
JERSEY SPILL COMPENSATION FUND
EXPENDITURES IN LIGHT OF FEDERAL
SUPERFUND LAW

17:26-2.1 Allowable expenditures

(a) Consistent with the requirements of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (P.L. 96-510; 42 U.S.C. Sec. 9601, et seq., the Administrator of the New Jersey Spill Compensation Fund (the "fund"), in expending moneys pursuant to the terms of the Spill Compensation and Control Act (the "act") P.L. 1976, c.141, as amended (N.J.S.A. 58:10-23.11, et seq.), shall make such expenditures only for the following purposes:

1. The cleanup and removal of a petroleum or petroleum products discharge;
2. Third party damage payments as provided by subsection 7(e) of the act and for all direct and indirect damages for which the fund is liable pursuant to subsection 8(a) of the act except for payments to the United States or the State of New Jersey for the cost of restoration and replacement of any natural resources damaged or destroyed by a discharge of hazardous substance other than petroleum or petroleum products after December 10, 1980;
3. The administrative costs of the fund;
4. The cost of purchasing or pre-positioning hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affect the State of New Jersey;
5. The 10 percent or other State share mandated pursuant to section 104(c)(3) of P.L. 96-510 of the cost of remedial activities including future maintenance necessitated by a discharge of a hazardous substance other than petroleum or a petroleum product;
6. Subject to a prior commitment for reimbursement to the State Spill Compensation Fund by the United States pursuant to P.L. 96-510, the advancing of moneys in an amount equal to said reimbursement commitment, for the cleanup and removal of the discharge of hazardous substances other than petroleum or petroleum products or for the restoration and replacement of any natural resources of the United States or State of New Jersey which are damaged or destroyed by a discharge of a hazardous substance other than petroleum or petroleum products after December 10, 1980;
7. For any purpose authorized by (a)6 above even if the Federal government has not made a prior commitment to reimburse the State fund, provided the State fund administrator promptly applies for Federal payments to reimburse the fund; and
8. Any payments authorized by any section of the act provided the payments are made from tax revenues collected for taxable transactions which occurred prior to April 1, 1981, or for services performed prior to April 1, 1981.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

**Applications: Standards for Qualification
Employee Standards: Durational Residency
Requirement**

Proposed Amendments: N.J.A.C. 19:41-4.3

Authorized By: Casino Control Commission, Theron G. Schmidt, Acting Executive Secretary.
Authority: N.J.S.A. 5:12-63(c), 5:12-89(b) (4), 5:12-90(c) and 5:12-91(c).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. 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
Building 5
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 adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1982-7.

The agency proposal follows:

Summary

The proposed amendments would delete N.J.A.C. 19:41-4.3(a)5 and 6, to eliminate the requirement that casino key, casino and casino hotel employee licensees establish their residency in New Jersey for six months (casino key and casino employee) or three months (casino hotel employee) prior to issuance of their license. This requirement is not mandated by the Casino Control Act, however, provision is made for such a requirement to be imposed by regulation in N.J.S.A. 5:12-89(b)(4), 90(c) and 91(c). The proposed amendment has no effect on the requirement that employee license holders be residents of New Jersey while they are holders of such licenses.

Social Impact

The proposed amendment would most directly affect those applicants who would not otherwise meet the durational residency requirement, i.e., out-of-state employee license applicants. This group of applicants may not swell the casino employee work force to any significant extent. There are now nine casino hotels open and operating in Atlantic City and no additional casino openings are expected for approximately two years. There already exist a large pool of licensees in excess of the total number of employment positions. The impact of the proposed amendment is further diminished by the fact that the Commissioner has frequently considered applications for waivers of the durational residency requirement where good cause appears. Thus, the proposed amendment should not materially adversely affect the Atlantic City job market while removing the obligation of individual out-of-state license aspirants to seek a waiver of the durational residency requirement.

OTHER AGENCIES

PROPOSALS

Economic Impact

The problems of law enforcement investigations of employee applicants were a major factor in the enactment of the durational residency requirements in 1978. Now, there is a large pool of New Jersey casino licensees and the number of operating casinos is anticipated to remain fairly constant for the near future. There should be fewer initial licensing background investigations needed as employee applications diminish in the face of a stabilizing work force. Thus, the problem of investigating out-of-state applicant, and the attendant costs should be manageable due to the overall decrease in employee applications and the greater experience of the Division of Gaming Enforcement. On the other hand, the lifting of the durational residency requirement will remove the applicant's obligation to either seek a waiver or to move into the State while awaiting completion of the residency period. In an individual case, this could be a substantial economic consequence. Further, both the Commission and the Division will be spared the expense of investigating and verifying durational residence.

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

19:41-4.3 Employee standards

(a) The employee standards set forth in sections 89, 90 and 91 of the Act and the regulations of the Commission are as follows:

1.-4. (No change.)

[5. All casino key employee licensees and casino employee licensees shall be residents of this State for a period of six (6) months immediately prior to the issuance of such license, but application for such licenses may be made prior to the required period of residency. The Commission shall, by resolution, waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause by such a casino licensee or by said applicant;

6. All casino hotel employee licensees shall be residents of this State for a period of three (3) months immediately prior to the issuance of such license, but application for such licenses may be made prior to the required period of residency. The Chairman shall waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause by such a casino licensee or by said applicant].

(a)

CASINO CONTROL COMMISSION

**Applications; Fees
Employee License Position Additions**

**Proposed Amendments: N.J.A.C. 19:41-9.16
(Alternative I); N.J.A.C. 19:41-9.12, 9.13,
9.14 and 9.16 (Alternative II)**

Authorized By: Casino Control Commission, Theron G. Schmidt, Acting Executive Secretary.
Authority: N.J.S.A. 5:12-63(c) and 5:12-141.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

John Bowman
License Division
Casino Control Commission
Tennessee Avenue and the Boardwalk
Atlantic City, New Jersey 08401

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

This proposal is known as PRN 1982-13.

The agency proposal follows:

Summary

The proposed amendments are submitted under two alternative proposals. Alternative I would amend N.J.A.C. 19:41-9.16 to establish fixed fees for each employee license position addition requested by an individual, as opposed to the present regulation which provides for a variable fee based upon the highest license issuance fee previously paid. The proposed rule would also establish fixed expiration dates for licenses to which positions have been added, based upon the request date of the position addition and relating back to the month and year of initial licensure or last renewal.

Alternative II is offered in anticipation of the enactment of a proposed amendment to subsection 94(d) of the Casino Control Act. The proposed legislative amendment would increase the term of licensure for gaming related casino employees and gaming school resident directors, instructors, principal employees and sales representatives from two years to three years. Accordingly, under this alternative, the proposed amendments to N.J.A.C. 19:41-9.16 would establish fixed fees for employee license position additions without regard to, and without modification of, the original expiration date of the employee license. Furthermore, the license issuance and renewal fees established by N.J.A.C. 19:41-9.12, 9.13 and 9.14 would be modified on a prorated basis to reflect the additional year of licensure in the effected licensure categories.

Social Impact

Since the proposed amendments would only affect the timing of employee license fees which would otherwise be collected, no significant social impact is anticipated under either alternative.

Economic Impact

Under Alternative I, there will be no significant variation in the amount of license fees paid for position additions by any particular individual. Thus, the proposed amendments should have minimal economic impact on the public. Similarly, there should be no significant variation in the amount of such fees collected by the Commission.

Under Alternative II, there should again be no significant economic impact created by the establishment of fixed fees for employee license positions additions. Although individuals will be required to pay a proportionately greater amount for the issuance or renewal of gaming related casino employee and gaming school employee licenses, such increase will only reflect the increased term of licensure and will not represent a true increase in cost to the individual. These adjustments will result, however, in the Casino Control Fund receiving certain funds earlier than presently anticipated.

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

ALTERNATIVE I

19:41-9.16 Employee license position additions

(a) Under sections 89(c), 90(a) and 90[(c)](d) of the Act, casino key employee licenses and casino employee licenses shall have endorsed upon them the particular position which the licensee is qualified to hold. In addition to any other fee or charge imposed by the

PROPOSALS

OTHER AGENCIES

Act and this subchapter, a request to endorse [a second or subsequent] **any additional** authorized position upon a license shall require payment of \$60.00 for each such additional position. Furthermore, where such an additional position [is requested and initial licensure to such position requires payment of a greater fee than is required for any position previously requested or authorized to be endorsed on the same license, the applicant shall also pay the difference between the greater issuance fee and the highest issuance fee previously paid] **would change the license from casino employee non-gaming related to casino employee gaming related, the applicant shall pay an added \$5.00 if the request is made in the first 18 months of the license cycle or an added \$80.00 if the request is made in the second 18 months of the license. If such request is made in the period before licensure the applicant shall pay \$5.00.**

(b) Nothing [herein] **in this section** shall be deemed to permit endorsement on a casino employee license of a casino key employee position.

(c) Any license [upon which two or more positions have been endorsed shall expire when the term for any position endorsed thereon first expires in accordance with section 94(d) of the Act] **that has been changed from casino employee non-gaming related to casino employee gaming related because of a position addition request made in the first 18 months of the license cycle shall expire two years from the last day of the month of initial licensure or last renewal. Any license that has been changed from casino employee non-gaming related to casino employee gaming related because of a position addition request made in the second 18 months of the license cycle shall expire three years from the last day of the month of initial licensure or last renewal.**

(d) The renewal fee for any license upon which multiple positions are endorsed shall be the highest fee for any position endorsed thereon.

(e) **For purposes of this section the position addition request date shall be the date postmarked or date received, whichever is earlier.**

ALTERNATIVE II

19:41-9.12 Gaming school resident director license fees

(a) Under section 92(b) of the Act, a gaming school resident director shall be qualified to the standards for a casino employee. The responsibilities and duties of a resident director require more thorough investigation and continued assurances of suitability than are routinely required of casino employees generally. Under section 94(d) of the Act, a resident director license shall be issued for [two] **three** years and be renewable for [two] **three** year periods thereafter.

(b) The issuance fee or renewal fee for a [two] **three** year resident director license shall be as follows:

1. A minimum application charge of [\$1,000] **\$1,500** which shall be credited to the total fee; and
- 2.-3. (No change.)

19:41-9.13 Gaming school instructor, principal employee and sales representative license fees

(a) Under section 92(b) of the Act, each gaming school instructor, principal employee and sales representative shall be qualified and licensed to the standards established for casino employees. Under section 94(d) of the Act, a license for each such person shall be issued for [two] **three** years and be renewable for [two] **three** year periods thereafter.

(b) The issuance fee for a [two] **three** year gaming school instructor license, gaming school principal employee license or gaming school sales representative license shall be [\$160] **\$220.00**.

(c) The renewal fee for a [two] **three** year gaming school instructor license, gaming school principal employee license or gaming school sales representative license shall be [\$120] **\$180.00**.

19:41-9.14 Casino employee license fees

(a) (No change.)

(b) Under section 94(d) of the Act, a casino employee license for a person whose position is directly related to gaming activity shall be issued for [two] **three** years and be renewable for [two] **three** year periods thereafter. The issuance fee for such a [two] **three** year license shall be [\$200] **\$275.00**. The renewal fee for such a [two] **three** year license shall be [\$150] **\$225.00**.

(c) (No change.)

19:41-9.16 Employee license position additions

(a) Under sections 89(c), 90(a) and 90[(c)](d) of the Act, casino key employee licenses and casino employee licenses shall have endorsed upon them the particular position which the licensee is qualified to hold. In addition to any other fee or charge imposed by the Act and this subchapter, a request to endorse [a second or subsequent] **any additional** authorized position upon a license shall require payment of \$60.00 for each such additional position. Furthermore, where such an additional position [is requested and initial licensure to such position requires payment of a greater fee than is required for any position previously requested or authorized to be endorsed on the same license, the applicant shall also pay the difference between the greater issuance fee and the highest issuance fee previously paid] **would change the license from casino employee non-gaming related to casino employee gaming related, the applicant shall pay an added \$80.00. If such request is made in the period before licensure the applicant shall pay only \$80.00.**

(b) Nothing [herein] **in this section** shall be deemed to permit endorsement on a casino employee license of a casino key employee position.

(c) Any license upon which two or more positions have been endorsed shall expire when the term for any position endorsed thereon first expires in accordance with section 94(d) of the Act.

(d) The renewal fee for any license upon which multiple positions are endorsed shall be the highest fee for any position endorsed thereon.

BANKING

ADOPTIONS

RULE ADOPTIONS

BANKING

CIVIL SERVICE

(a)

(c)

DIVISION OF SAVINGS AND LOANS ASSOCIATIONS

CIVIL SERVICE COMMISSION

**State Chartered Savings and Loan Associations
Parity with Federally Chartered Savings and Loan Associations**

**Residency Standards
Requirements and Guidelines for Determining Legal Residence**

Adopted New Rules: N.J.A.C. 3:26-4

**Adopted New Rule: N.J.A.C. 4:1-8.8A
Adopted Repeal: N.J.A.C. 4:3-8.12 (published as CSPM 8-14.101 (Local))**

Proposed: October 8, 1981 at 13 N.J.R. 634(a).
Adopted: December 16, 1981 by Angelo R. Bianchi, Commissioner, Department of Banking.
Filed: December 17, 1981 as R.1981 d.506, **without change.**

Proposed: September 10, 1981 at 13 N.J.R. 552(c).
Adopted: November 5, 1981 by Civil Service Commission, Peter J. Calderone, Director of Administrative Practices and Labor Relations.
Filed: December 17, 1981 as R.1981 d.501, **without change.**

Authority: N.J.S.A. 17:12B-48(21).

Authority: N.J.S.A. 11:9-2, 11:22-7, and 11:5-1.

Effective Date: January 4, 1982.

Effective Date: January 4, 1982.

(b)

(d)

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

CIVIL SERVICE COMMISSION

**Mortgage Loans
Variable Rate Mortgage**

**Time and Place of Examinations
Cancellation of Examinations**

Adopted Repeal: N.J.A.C. 3:27-6

Adopted Amendments: N.J.A.C. 4:1-8.11

Proposed: November 2, 1981 at 13 N.J.R. 715(a).
Adopted: December 16, 1981 by Angelo R. Bianchi, Commissioner, Department of Banking.
Filed: December 17, 1981 as R.1981 d.507, **without change.**

Proposed: November 2, 1981 at 13 N.J.R. 716(a).
Adopted: December 15, 1981 by Civil Service Commission, Peter J. Calderone, Director of Administrative Practices and Labor Relations.
Filed: December 17, 1981 as R.1981 d.500, **without change.**

Authority: N.J.S.A. 17:12B-152 and 17:1-8.1.

Authority: N.J.S.A. 11:9-7, 11:23-8 and 11:5-1.

Effective Date: January 4, 1982.

Effective Date: January 4, 1982.

ADOPTIONS

EDUCATION

(a)

CIVIL SERVICE COMMISSION

**Examinations and Applications
Accommodation and Waiver of Examinations
for Handicapped Individuals**

**Readopted New Rules: N.J.A.C. 4:1-8.22
and 4:1-8.23**

Proposed: November 2, 1981 at 13 N.J.R. 754(d).
Adopted: December 15, 1981 by Civil Service Commission,
Peter J. Calderone, Director of Administrative Practices
and Labor Relations.
Filed: December 16, 1981 as R.1981 d.499, **without
change.**

Authority: N.J.S.A. 11:9-1, 11:5-1 and P.L. 1981 c.204
and c.205.

Effective Date: December 16, 1981.

(b)

CIVIL SERVICE COMMISSION

**Employee Advisory Service
Confidentiality**

**Adopted Amendments: N.J.A.C. 4:2-20.11
(published as CSPM 20-8.101)**

Proposed: July 9, 1981 at 13 N.J.R. 386(d).
Adopted: December 15, 1981 by Civil Service Commission,
Peter J. Calderone, Director, Administrative Practices
and Labor Relations.
Filed: December 17, 1981 as R.1981 d.504, **with
substantive changes** not requiring additional public
notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 11:5-1.

Effective Date: January 4, 1981.

Full text of the changes between proposal and adoption follows
(additions to proposal shown in boldface with asterisks ***thus***;
deletions from proposal shown in brackets with asterisks ***[thus]***).

4:2-20.11 Employee Advisory Service

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

(f) Confidentiality:

1. [All] Information concerning a[n] self-referred employee,
whether stated, written ***[,]*** [or] ***or*** known in the Employee
Advisory Service files, or referral files shall be confidential **unless
the employee authorizes release of such material.**

[2. Only the client can authorize the release of information
concerning his/her contact with the Employee Advisory Service.]

**2. All information, as in (f)1 above, concerning an employer-
referred employee shall be confidential except the following
information will be considered non-confidential and may be
released to the employer:**

- *i. Whether the individual has been accepted for a program;***
- *ii. Whether the program is expected to be beneficial;***

- *[i.]***iii.* Whether or not appointments were kept;**
- *[ii.]***iv.* The dates and times of future appointments with
the Employee Advisory Service or community resource;**
- *[iii. The prognosis; i.e., forecast in regard to the client's
expected progress as determined by the community resource.]****
- *v. The amount of time needed to complete the program.***

3. [In order to release] ***Release of* Confidential information:**

- i. **To release confidential information,** a release form must be
signed by the client and his/her treatment agency or counselor.
- ii. The client may state an expiration date ***[for]* *on*** the release
form after which confidentiality is restored. [and reestablished.]
- iii. A client who signs a confidentiality release form is allowing
full disclosure of information. There is no provision for partial
disclosure.

(g)-(h) (No change from proposal.)

OFFICE OF ADMINISTRATIVE LAW NOTE: This rule was
originally proposed for amendment as CSPM subpart 20-8.101.
This subpart was subsequently integrated into the New Jersey Ad-
ministrative Code by a notice of adoption appearing in the De-
cember 7, 1981 Register at 13 N.J.R. 885(a).

EDUCATION

(c)

STATE BOARD OF EDUCATION

**Area Vocational and Private Schools
Local Area Vocational School Districts**

**Adopted Amendments: N.J.A.C. 6:46-1.1
through 1.5**

Proposed: October 8, 1981 at 13 N.J.R. 635(b).
Adopted: December 2, 1981 by State Board of Education,
Fred G. Burke, Secretary.
Filed: December 10, 1981 as R.1981 d.495, **with
substantive and technical changes** not requiring
additional public notice and comment.

Authority: N.J.S.A. 18A:4-15, 18A:4-10, 18A:7A-1 et
seq. and 18A:54-6.

Effective Date: January 4, 1982.

Full text of the changes between proposal and adoption follows
(additions to proposal shown in boldface with asterisks ***thus***;
deletions from proposal shown in brackets with asterisks ***[thus]***).

6:46-1.1 Definitions [and requirements]

.....

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

.....

"Approved secondary school vocational education program ***
[/course]* means a program which is conducted for a minimum
of 600 minutes per week of actual hands-on vocational skill
development ***[, plus appropriate related instruction].*****

.....

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

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

.....
**[“Technical education”* means programs of instruction encompassing basic theoretical and applied science, related processes, procedures, techniques and work experiences necessary to prepare specialized workers at the technician level.]*

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

6:46-1.3 [Priority determination] Application procedure for designation of local area vocational school district

(a) (No change from proposal.)

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

2.-3. (No change from proposal.)

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

(a) (No change from proposal.)

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

2. Offer a minimum of five approved secondary vocational education programs **[courses]** in vocational industrial education.

3. Offer business education.

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

5. (No change from proposal.)

6. Provide a full-time job placement coordinator **or the equivalent.**

7. (No change from proposal.)

8. Provide appropriate opportunities for the enrollment of handicapped, disadvantaged *[*,*]* and limited **-** English proficient pupils in addition to regularly enrolled students.

9. (No change from proposal.)

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

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Schedules and Procedures for Establishing Privileges to Divert Water and for Obtaining Water Supply Allocation Permits

Adopted New Rules: N.J.A.C. 7:19

Proposed: October 8, 1981 at 13 N.J.R. 639(a).

Adopted: December 7, 1981 by Jerry Fitzgerald English, Commissioner, Department of Environmental Protection.

Effect: December 8, 1981 as R.1981 d.488, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1D-1 et seq., 13:1D-9k and 58:1A-1 et seq. (P.L. 1981, c.262).

Effective Date: January 4, 1982.

Full text of the changes in the rule between proposal and adoption follows (additions to the proposal indicated in boldface with asterisks **thus**; deletions from proposal indicated in brackets with asterisks **[thus]**).

SUBCHAPTER 1. GENERAL PROVISIONS

7:19-1.1 Scope and authority

This chapter shall constitute the Department's **[interim]** rules governing the establishment of privileges to divert water and issuance of permits pursuant to the Water Supply Management Act, **N.J.S.A. 58:1A-1 et seq.,** P.L. 1981 c. 262. This chapter establishes the schedule persons diverting more than 100,000 gallons of water per day shall follow to establish their privilege to divert water and to obtain a Water Supply Allocation permit and prescribes the application, review, notification and hearing procedures for establishing privileges to divert water and to obtain Water Supply Allocation Permits.

7:19-1.2 Construction

(a) These rules shall be liberally construed to permit the department to discharge its statutory functions under the Water Supply Management Act, **N.J.S.A. 58:1A-1 et seq.,** P.L. 1981, c. 262.

(b) (No change from proposal.)

7:19-1.3 Definitions

“Act” means the Water Supply Management Act, **N.J.S.A. 58:1A-1 et seq.,** P.L. 1981, c. 262.

“Decision Maker” means the person designated by the ** [Department]** **Division** to make decisions on applications for permits and claims of privileges to divert water.

“Division” means the Division of Water Resources in the Department of Environmental Protection **which constitutes the agency delegated the responsibility to administer this Act for and on behalf of the Department and the State.**

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ENVIRONMENTAL PROTECTION

“Water Supply Allocation Permit” means the document issued by the Department to a person granting that person the ***[rights]* *privileges***, so long as the person complies with the conditions of the document, to divert 100,000 or more gallons of water per day for any purpose other than agricultural or horticultural purposes.

7:19-1.4 Applicability

(a) This chapter applies to all persons presently holding a Water Policy and Supply Council permit or diverting or claiming the right to divert more than 100,000 gallons of water per day and to all persons who in the future wish to divert more than 100,000 gallons of water per day ***[.]* *except as specified below:***

1. This chapter does not apply to diversions for agricultural or horticultural purposes except as provided for in N.J.A.C. 7:19-1.5(c) and 7:19-2.2(f).

2. This chapter does not apply to diversion of salt water as determined by the Division except in situations such that salt water diversion and usage may affect utilization of fresh water.

3. Permits shall not be required for a person diverting water from a water purveyor or for transfers of water from a water purveyor within the scope of an existing permit. Permit modification shall be required for diversions or transfers of water from permitted usage to another use not within the scope of an existing permit regardless of the same or different ownership of the property.

4. This chapter shall not apply in cases of emergency as defined in State contingency plans; fire fighting; flood prevention; or any other emergency diversion of water. If such an emergency diversion is contemplated to continue for a period of more than three months, then a permit shall be applied for within 30 days of the beginning of the emergency or of the determination that the emergency will last for more than three months, whichever is less, in accordance with this chapter.

5. A plant site or group of contiguous properties under common ownership which have a total demand of over 100,000 gallons of water per day may be given a water diversion by a single permit.*

7:19-1.5 Schedule for applying for Water Supply Allocation Permits and establishing privileges to divert water

(a) Any person holding a valid Water Policy and Supply Council permit which will terminate within five years after the effective date of this chapter ***[shall]* *may*** apply for a new permit 90 days prior to the termination date of the person's present Water Policy and Supply Council permit by following the procedures set forth in N.J.A.C. 7:19-2.

(b) Any person holding a valid Water Policy and Supply Council permit with no termination date or a termination date five or more years after the effective date of this chapter may apply for a permit within 180 days after the effective date of this chapter by following the procedures set forth in N.J.A.C. 7:19-2. ***[Alternatively, the permittee may abstain from making such an application, and in that case, shall be deemed to have applied for a five year extension of the permit under the same conditions as the existing permit.]***

(c) Any person presently diverting or claiming the right to divert more than 100,000 gallons of water per day and who does not hold a valid Water Policy and Supply Council permit shall apply for a permit. Agricultural or horticultural users shall apply to establish the privilege to divert water ***[within 180 days after the effective date of these rules]* *prior to February 10, 1982*** by following the application procedures set forth in N.J.A.C. 7:19-2.

(d) (No change from proposal.)

7:19-1.6 Consequences of failure to apply for a Water Supply Allocation Permit or apply to establish its privilege to divert water

(a) Any person presently diverting or claiming the right to divert more than 100,000 gallons of water per day and who does not hold a valid Water Policy and Supply Council permit shall ***[lose the**

right to divert water]* *be required to file for a new permit prior to February 10, 1982 and* if he fails to apply for a permit or apply to establish its privilege to divert water ***[within 180 days after the effective day of these rules]* *prior to February 10, 1982* *and shall be subject to the penalty provisions in the act.]* *his previous right shall no longer be valid.***

(b) Any ***[other]*** person who fails to comply with ***[any of]*** this chapter or the Act shall be subject to the penalty provisions ***[in the act.]* *set forth in section 16 of the Act.***

7:19-2.2 General application procedures

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

(d) In general an applicant for a permit shall have to ***[prove at a minimum:]* *provide all information available which may establish:***

1. That the plans proposed are * [justified by]* *in the* public * [necessity]* *interest*, and provide for the proper and safe construction of all works connected therewith;

2. (No change from proposal.)

3. That diversion normally shall not exceed the natural replenishment *or safe yield* of the water resources or threaten to exhaust such waters or to render them unfit for use from any cause;

4. That the plans *for the proposed diversion* are just and equitable to the other water users affected thereby;

5.-7. (No change from proposal.)

8. * [That the water supply plans are economically feasible.]* *If permit application is made for a period of more than five years, reasons why a permit of such duration is required by economic considerations, including for example necessity of amortizing a new investment over an extended period of time, and the public interest.*

(e) (No change from proposal.)

(f) Applicants ***[establishing]* *applying for*** the privilege to divert more than 100,000 gallons of water per day for agricultural or horticultural use pursuant to prior legislative or administrative action and not holding a valid permit issued by the Water Policy and Supply Council, need only prove (f)1, 2, and 3 below. All other applicants establishing the privilege to divert more than 100,000 gallons of water per day pursuant to prior legislative or administrative action and not holding a valid permit issued by the Water Policy and Supply Council shall, in addition to (d) above, prove (f)1, 2, and 3 below.

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

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

***7:19-2.5 Applications for renewal of existing permits**

(a) Persons requiring renewal of existing Water Policy and Supply Council permits of any duration may abstain from making an application, and in that case, shall be deemed to have applied for a minimum five year to a maximum 10 year extension of the permit under the same conditions as the existing permit. The Department may grant the extension with the same or different conditions as the existing Water Policy and Supply Council permit or deny the request for an extension of the existing permit. If the extension is granted to a Water Policy and Supply Council permit which will terminate within five years after the effective date of this chapter, then the scheduled termination date of the existing Water Policy and Supply Council permit shall be the starting date of the extension of the permit pursuant to this section. If the extension is granted to a Water Policy and Supply Council permit which has no termination date or a termination date five or more years after the effective date of this chapter, then the starting date of the extension of the permit pursuant to this section shall be the effective date of this chapter. Any change in existing permit conditions shall require compliance with the procedures set forth in N.J.A.C. 7:19-2.

(b) Applications for renewal of existing permits shall supply

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to the Division information not previously established in the existing permit; any information relevant to proposed changes in permit conditions; and other information as requested by the Division for the proper implementation of the Act and this chapter.*

7:19-2.*[5]**6* Preliminary application review

(a) The Division shall make a preliminary review of the material to determine if:

1. The applicant has submitted with the application, documents addressing all the *[proofs required by]* ***requirements of*** N.J.A.C. 7:19-2.2, and if they have been completely and properly prepared.

2. (No change from proposal.)

(b) (No change from proposal.)

7:19-2.*[6]**7* Opportunity to review application by interested parties

(No change in text from proposal.)

7:19-2.*[7]**8* Review and notice of hearing requirements

(a) As soon as the Division determines the application is complete it shall:

1. (No change from proposal.)

2. In all other cases the Division shall:

i. (No change from proposal.)

ii. Have a notice of the hearing published in a newspaper circulating in the territory affected by the application at least 30 days prior to the scheduled hearing *[; and]*. ***If the Division determines that an emergency or other similar circumstances require an expedited hearing, the notice of the hearing need only be published in a local newspaper at least 14 days prior to the scheduled hearing;**

iii. **In the event of circumstances requiring emergency authority to divert water otherwise than by a properly processed permit or in the event that a person shall have acted without such authority, the person making such a diversion shall contact the Division within two days of the emergency and shall make an application for a permit under this chapter within 30 days after the emergency arises or the action is taken, whichever is less; and***

Renumber iii. as iv.

3.-4. (No change from proposal.)

(b) Between the time the notice is published and the scheduled date for the hearing the Division shall review the application and develop staff recommendations concerning the disposition of the application and any conditions that should be included in the permit if issued. These recommendations shall be:

1. (No change from proposal.)

2. If there is no hearing the recommendations shall be submitted to the decision maker for his review along with other information prior to his making a final determination whether to issue or not issue the permit and the conditions to be contained therein. ***Upon timely written request by the applicant to the Division, the staff recommendations as to conditions shall be made available to the applicant or any interested person within seven days of the rendering of a decision.***

7:19-2.*[8]**9* Expenses of hearing

(No change in text from proposal.)

7:19-2.*[9]**10* The public hearing

(a) If a timely request for the hearing to be held is filed, ***giving reasons for the request,*** or if reason to deny the permit appear or the Department determines a hearing should be held in the public interest, a public hearing shall be held on the date specified in the notice or on the subsequent day or days to which it has been adjourned.

(b) The hearing officer shall have reasonable discretion in the conduct of the hearing and shall give:

1. The applicant opportunity to submit his *[proofs.]* ***information meeting the requirements of this chapter.***

2.-3. (No change from proposal.)

(c) (No change from proposal.)

7:19-2.*[10]**11 The public hearing report

(No change in text from proposal.)

7:19-2.*[11]**12* Decision Making

(No change in text from proposal.)

7:19-2.*[12]**13* Notification of decision

(No change in text from proposal.)

7:19-2.*[13]**14* Record of decision

(No change in text from proposal.)

7:19-2.*[14]**15* Appeal procedure

(a) The applicant or any person *[testifying at the hearing on the application who dissents from the decision of the Department]* ***alleging to be adversely affected by the Division's decision*** shall have a right to a hearing thereon, if requested in writing within 20 days of receipt of *[the denial letter.]* ***a copy of the decision.***

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

*[7:19-2.15 Contracts for water supply between municipalities

(a) Contracts for water supply between municipalities shall be submitted to the Division for approval accompanied by:

1. A map showing the territory to be supplied and the connections with the system that will furnish the water.

2. Certified of resolutions passed by the governing body of each municipality authorizing the agreement.

3. A statement giving the current demand on both systems and the safe yield of the source.

(b) The procedure for handling cases involving approval of contracts shall be the same as that for granting a permit for a diversion.

(c) The findings of the hearing officer shall include a determination whether the proposed contract arrangement will provide for:

1. An emergency water supply only,

2. An interruptible or seasonal water supply,

3. A firm water supply, constituting part of the safe yield available to the receiving system during severe droughts and chargeable to the supplying system as part of the system demand for which it is obligated to provide safe yield.

(d) The findings of the hearing officer shall also include conclusions as to whether the charges and conditions of the contract are fair and equitable to all concerned.

(e) The hearing officer shall make his recommendation to the decision maker for approval, disapproval or approval with conditions.]*

HEALTH

(a)

HEALTH FACILITIES

SHARE Manual

Economic Factor Beginning January, 1979

Notice of Correction: N.J.A.C. 8:31A-9.2

Take notice than an error appears in the New Jersey Administra-

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tive Code at N.J.A.C. 8:31A-9.2. This section, presently marked "reserved", should contain rules concerning the economic factor to be applied to hospital budgets reviewed by the Department of Health "beginning January 1, 1979", which were filed with the Office of Administrative Law on January 17, 1979 as R.1979 d.25. These rules were omitted from the Code pursuant to an erroneous notice of adoption appearing in the September 6, 1979 New Jersey Register at 11 N.J.R. 439(b). These rules were never in fact proposed for "repeal" or "deletion" by the Department of Health.

(a)

HEALTH ECONOMIC SERVICE

**Hospital Rate Setting
Procedural and Methodological Regulations**

**Adopted Amendments and Recodification:
N.J.A.C. 8:31B-3**

Proposed: August 6, 1981 at 13 N.J.R. 486(b).
Adopted: November 16, 1981 by Joanne E. Finley, M.D., M.P.H., Commissioner, Department of Health (with the approval of the HCAB).
Filed: December 10, 1981 as R.1981 d.494, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).
Authority: N.J.S.A. 26:2H-1 et seq. (specifically, 26:2H-5b).

Effective Date: January 4, 1982.

Full text of the adopted rule, including changes made between proposal and adoption, can be obtained from:

Office of Administrative Law
Administrative Filings
CN 301
Trenton, New Jersey 08625

or

James R. Hub, Director
Health Economic Services
Department of Health
CN 360
Trenton, New Jersey 08625

OFFICE OF ADMINISTRATIVE LAW NOTE: As part of the adoption of amendments to N.J.A.C 8:31B-3, the subchapter was substantially recodified.

(b)

**CLINICAL LABORATORY
IMPROVEMENT PROGRAM**

**Licensure of Clinical Laboratories
Licensure Fees**

Adopted Amendments: N.J.A.C. 8:45-1.3

Proposed: October 8, 1981 at 13 N.J.R. 653(a).
Adopted: December 8, 1981, by Joanne E. Finley, M.D., M.P.H., Commissioner, Department of Health.
Filed: December 10, 1981 as R.1981 d.493, **without change**.
Authority: N.J.S.A. 45:9-42.30.

Effective Date: January 4, 1982.

(c)

PUBLIC HEALTH COUNCIL

**Communicable Diseases
Immunization of Pupils in Schools**

**Adopted Amendments: N.J.A.C. 8:57-4.5,
4.10, 4.12, 4.13, 4.15 and 4.16
Adopted New Rule: N.J.A.C. 8:57-4.16**

Proposed: November 2, 1981 at 13 N.J.R. 738(a).
Adopted: December 14, 1981 by Public Health Council, Evelyn Geddes, Chairperson.
Filed: December 17, 1981 as R.1981 d.502, **without change**.

Authority: N.J.S.A. 26:1A-7.

Effective Date: January 4, 1982.
Operative Date: January 4, 1982, except N.J.A.C. 8:57-4.12(c) and 4.13(b), which will become operative on September 1, 1982.

(d)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products List

Adopted Amendments: N.J.A.C. 8:71

Proposed: October 8, 1981 at 13 N.J.R. 654(a).
Adopted: November 17, 1981 by Drug Utilization Review Council, Robert G. Kowalski, Chairman.
Filed: December 17, 1981 as R.1981 d.503, **with substantive changes** not requiring additional public notice and comment, and with a portion of the proposal not adopted but **still pending** (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 24:6E-6.

Effective Date: January 4, 1982.
Operative Date: February 1, 1982.

The following proposed drugs, with their proposed acceptable manufacturers, were **not adopted**.

Chlorzoxazone 250 mg/Acetaminophen Tab.	300 mg	Premo
Guanethidine Sulfate Tabs.	10, 25 mg	PAR
Nitrofurantoin Caps.	50, 100 mg	Bolar
Nitrofurantoin Tabs.	50, 100 mg	Bolar
Spirinolactone 25 mg/Hydrochlorthiazide 25 mg		Barr
Trimethoprim/Sulfamethoxazole Tabs.	80 mg with 400 mg, 160 mg with 800 mg	B-W, Roche
Trimethoprim/Sulfamethoxazole Susp.		B-W, Roche

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Action on the following products, which were included in the proposal of October 8, 1981, is still pending:

Chlorpromazine HCl Tabs. 25, 50 mg	Cord
Chlorthalidone Tabs 25, 50 mg	Barr-Bolar Cord-Zenith
Chlorthalidone Tabs. 50 mg	Premo
Erythromycin Estolate Caps. 250 mg	Zenith
Spirinolactone 25 mg/Hydrochlorthiazide 25 mg Tabs.	Barr

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmaceutical Services Manual Non-Legend Drugs and Legend Devices

Adopted Amendments: N.J.A.C. 10:51-1 (Appendices B and D)

Proposed: November 2, 1981 at 13 N.J.R. 739(a). Adopted: December 14, 1981 by Timothy Carden, Commissioner, Department of Human Services. Filed: December 17, 1981 as R.1981 d.505, with a technical change not requiring additional public notice and comment.

Authority: N.J.S.A. 30:4D-6b(6) and 30:4D-7b.

Effective Date: January 4, 1982.

Full text of the changes between proposal and adoption follows (additions to the proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*).

10:51-1 (Appendix B) General Non-Legend drugs

.....

Hydrocortisone Cream 0.5 Fougera 120GM Each [GM 00168-0014-04] *00168-0014-04*

.....

(b)

DIVISION OF PUBLIC WELFARE

Ruling 11 Part I, Appendices I and II Salary Increases for County Welfare Agency Employees

Adopted Amendments: N.J.A.C. 10:109 (Appendices I and II)

Proposed: November 2, 1981 at 13 N.J.R. 741(a). Adopted: December 10, 1981 by Timothy Carden, Commissioner, Department of Human Services. Filed: December 16, 1981 as R.1981 d.498, without change.

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: January 4, 1982.

ENERGY

(c)

THE COMMISSIONER

Energy Emergency State Set-Aside

Adopted New Rules: N.J.A.C. 14A:2-5

Proposed: September 10, 1981 at 13 N.J.R. 609(d). Adopted: December 3, 1981 by Joel R. Jacobson, Commissioner, Department of Energy. Filed: December 10, 1981 as R.1981 d.492, without change.

Authority: N.J.S.A. 52:27F-11b,q,-16 and -17.

DOE Docket No.: 007-81-09. Effective Date: January 4, 1982.

TRANSPORTATION

(d)

BUREAU OF MAINTENANCE

Permits Outdoor Advertising on Limited Access Highways and Nonlimited Access Highways on the Federal Aid Primary System

Adopted Amendments: N.J.A.C. 16:41-8.1, 8.4, 8.5 and 8.6

Proposed: September 10, 1981 at 13 N.J.R. 615(a). Adopted: December 10, 1981 by Melvin R. Lehr, Assistant Commissioner for Transportation Services. Department of Transportation. Filed: December 16, 1981 as R.1981 d.497, with a substantive change not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7A-11 et seq. and P.L. 1971 c.371.

Effective Date: January 4, 1982.

Full text of the changes between proposal and adoption follows (additions to the proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*).

- 16:41-8.6 Standard requirements
- (a) (No change from proposal.)
- 1.-8. (No change from proposal.)
- 9. Non-conforming signs structure:

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i. (No change from proposal.)

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

(4) Its illumination is substantially the same as on the effective date of the adoption, revision, or amendment of the law or regulation which rendered the sign non-conforming. Illumination may not be provided for non-conforming signs which had no previous lighting. Revisions in the type of illumination will be permitted with prior approval of the New Jersey Department of Transportation, to allow for use of more energy *efficient* lighting systems.

(5) (No change from proposal.)

(a)

BUREAU OF MAINTENANCE

**Outdoor Advertising Tax Act
Exempt Advertisements**

Adopted Amendments: N.J.A.C. 16:41A-7.1

Proposed: September 10, 1981 at 13 N.J.R. 616(a).

Adopted: December 10, 1981 by Melvin R. Lehr, Assistant
Commissioner for Transportation Services, Department
of Transportation.

Filed: December 16, 1981 as R.1981 d.496, **without
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 54:40-64.

Effective Date: January 4, 1982.

ENVIRONMENTAL PROTECTION

MISCELLANEOUS NOTICES

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

THE COMMISSIONER

State Certifications of Draft NPDES Permits

Public Notice

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.

COMPLETE INDEX OF RULES ADOPTED 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

The complete index will appear in the first issue of each month, with a supplemental index appearing in the second issue of each month (covering only rules adopted in that issue).

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 July 5, 1979.

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (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)
1:1-3.5	Attorneys obstruction	R. 1981 d. 443	13 N.J.R. 842(a)
1:1-3.7	Appearances and representation in conteted cases	R. 1981 d. 442	13 N.J.R. 842(b)
1:1-3.10	Interpreters	R. 1981 d. 441	13 N.J.R. 842(c)
1:1-9.7, 11.2, 11.3	Finality of procedural decisions	R. 1981 d. 55	13 N.J.R. 114(a)
1:1-11.5	Time for discovery	R. 1981 d. 444	13 N.J.R. 842(d)
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. 114(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. 114(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 calthood 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)
2:54-1.1	Milk marketing order	R. 1981 d. 416	13 N.J.R. 753(a)
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			
3:1-1.1	Emergency amend interest rates	R. 1981 d. 429	13 N.J.R. 753(b)
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 10 year dormant accounts	R. 1980 d. 435	12 N.J.R. 627(c)
3:6-1.1	Savings bank parity rule	R. 1981 d. 352	13 N.J.R. 551(b)
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)
3:6-12.1	Commercial bank parity	R. 1981 d. 351	13 N.J.R. 552(a)
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)

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3:17-4.4,-7	Small loan licensees	R. 1981 d.257	13 N.J.R. 384(a)
3:17-7.1, 7.3	Permits to small loan licensees	R. 1981 d.430	13 N.J.R. 754(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)
3:21-2	State chartered credit unions	R. 1981 d.414	13 N.J.R. 754(b)
3:26-4.1	Parity with federally chartered savings and loan associations	R. 1981 d.506	14 N.J.R. 40(a)
3:27-6	Repealed: Variable rate mortgage rules	R. 1981 d.507	14 N.J.R. 40(b)
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 3, Transmittal 15 dated September 18, 1980)			
CIVIL SERVICE-TITLE 4			
4:1	CSPM into Title 4	R. 1981 d.458	13 N.J.R. 885(a)
4:1-1.10	Petitions from interested persons	R. 1981 d.413	13 N.J.R. 754(c)
4:1-2.1	Employee Advisory Service	R. 1981 d.233	13 N.J.R. 387(a)
4:1-8.6	Promotional examinations	R. 1981 d.92	13 N.J.R. 186(c)
4:1-8.8A	Residency standards	R. 1981 d.501	14 N.J.R. 40(c)
4:1-8.11	Time and place of examinations	R. 1981 d.461	13 N.J.R. 885(c)
4:1-8.11	Cancellation of examinations	R. 1981 d.500	14 N.J.R. 40(d)
4:1-8.22, 8.23	Emergency rules: Handicapped accommodation and test waiver	R. 1981 d.401	13 N.J.R. 754(d)
4:1-8.22, 8.23	Waiver of examinations for handicapped	R. 1981 d.499	14 N.J.R. 41(a)
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)
4:1-20.2, 20.3	Employee Advisory Service	R. 1981 d.233	13 N.J.R. 387(a)
4:1-20.3	Performance evaluations	R. 1981 d.485	13 N.J.R. 943(a)
4:1-20.4	Inspection of evaluations	R. 1981 d.459	13 N.J.R. 885(b)
4:1-20.8	Employee Advisory Service	R. 1981 d.233	13 N.J.R. 387(a)
4:2	CSPM into Title 4	R. 1981 d.458	13 N.J.R. 885(a)
4:2-20.2	Performance evaluations	R. 1981 d.485	13 N.J.R. 943(a)
4:2-20.11	Employee Advisory Service	R. 1981 d.504	14 N.J.R. 41(b)
4:3	CSPM into Title 4	R. 1981 d.458	13 N.J.R. 885(a)
4:3-8.12	Residency standards	R. 1981 d.501	14 N.J.R. 40(c)
4:4, 5, 6	CSPM into Title 4	R. 1981 d.458	13 N.J.R. 885(a)
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COMMUNITY AFFAIRS-TITLE 5			
5:10	Amend maintenance of hotels and multiple dwellings	R. 1981 d.95	13 N.J.R. 189(d)
5:10-1.3, 2.2	Hotels and multiple dwellings	R. 1981 d.363	13 N.J.R. 704(a)
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)
5:10-25.3	Hotels and multiple dwellings	R. 1981 d.363	13 N.J.R. 704(a)
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)
5:12-1.1, 1.2	Plain language review of consumer contracts	R. 1981 d.424	13 N.J.R. 782(b)
5:17	Expiration date for retirement community disclosure requirements	R. 1981 d.425	13 N.J.R. 782(c)
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)
5:23-2.5	Uniform Construction Code	R. 1981 d.462	13 N.J.R. 885(d)
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(e)
5:23-3.3	Emerg. amend Uniform Construction Code	R. 1980 d.537	13 N.J.R. 8(a)
5:23-3.3	Uniform Construction Code interpretations	R. 1981 d.454	13 N.J.R. 886(a)
5:23-3.3	Uniform Construction Code: Casino hotels	R. 1981 d.455	13 N.J.R. 886(b)
5:23-4.8	Uniform Construction Code	R. 1981 d.133	13 N.J.R. 258(c)
5:23-5.2	Uniform Construction Code	R. 1981 d.134	13 N.J.R. 258(b)
5:23-5.3, 5.5	Uniform Construction Code	R. 1981 d.462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	R. 1981 d.463	13 N.J.R. 886(c)
5:23-5.11	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)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	R. 1981 d.354	13 N.J.R. 562(a)
5:25	Readopt New Home Warranty and Builders' Registration	R. 1980 d.522	13 N.J.R. 7(c)
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)

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5:26	Planned Real Estate Development Full Disclosure Act	R.1981 d.130	13 N.J.R. 259(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	R.1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	R.1981 d.359	13 N.J.R. 704(c)
5:27-1.6, 3.2	Rooming and boarding houses licenses and discrimination	R.1981 d.435	13 N.J.R. 842(e)
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)
5:30-1.11	Realized revenue analysis report	R.1981 d.381	13 N.J.R. 755(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)
5:30-9.3	Tax collector examination	R.1981 d.121	13 N.J.R. 260(b)
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees	R.1980 d.456	13 N.J.R. 633(b)
5:37	Emergency amend deferred compensation	R.1980 d.557	13 N.J.R. 71(b)
5:71	County offices on aging	R.1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	R.1981 d.255	13 N.J.R. 397(a)
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EDUCATION--TITLE 6			
6:11-3.3	Amend teacher certification fees	R.1981 d.82	13 N.J.R. 191(a)
6:11-3.18	Amend teacher education and academic credentials	R.1981 d.22	13 N.J.R. 123(b)
6:20-2.3	Budget and cost distribution records	R.1981 d.353	13 N.J.R. 563(b)
6:24-1.3	Format of petition for controversies and disputes	R.1981 d.265	13 N.J.R. 397(b)
6:46-1.1-1.5	Local areavocational school disticts	R.1981 d.495	14 N.J.R. 41(c)
6:66	Archives and history records management	R.1981 d.202	13 N.J.R. 397(c)
(Title 6, Transmittal 17 dated November 10, 1980)			
ENVIRONMENTAL PROTECTION--TITLE 7			
7:1-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1-4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1A	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1C-1.5	Fees for 90-day construction permits	R.1981 d.187	13 N.J.R.M 334(b)
7:1C-1.5	Maximum fees for waterfront development, wetlands and CAFRA permits	R.1981 d.473	13 N.J.R. 943(b)
7:1C-1.13	90-day construction permits	R.1981 d.48	13 N.J.R. 128(b)
7:1D	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1G	Pinelands Comprehensive Management Plan	R.1980 d.370	12 N.J.R. 575(c)
7:1G	Emergency rules concerning drought crisis	R.1981 d.93	13 N.J.R. 195(c)
7:1G	Water rationing plan	R.1981 d.203	13 N.J.R. 397(d)
7:1G-3.1	Drought crisis	R.1981 d.147	13 N.J.R. 334(c)
7:1G-3.3	Emergency amendments on drought emergency	R.1981 d.105	13 N.J.R. 204(a)
7:1G-3.7, 3.8	Rules of Drought Coordinator	R.1981 d.222	13 N.J.R. 399(a)
7:1G-3.8	Water rationing plan	R.1981 d.266	13 N.J.R. 400(a)
7:1G-4.1	Emergency adoption: Use of fresh water for horticulture	R.1981 d.159	13 N.J.R. 335(a)
7:1G-5.4-5.7	Drought crisis	R.1981 d.147	13 N.J.R. 334(c)
7:1G-5.8	Landlord/tenant: Excess use charges	R.1981 d.217	13 N.J.R. 400(b)
7:1H	County environmental health services	R.1980 d.362	12 N.J.R. 514(a)
7:2-11.22	Amend Swimming River Natural Area map	R.1981 d.4	13 N.J.R. 91(a)
7:7	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:7-2	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:7-2	Waterfront development permits	R.1981 d.355	13 N.J.R. 564(b)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	R.1981 d.267	13 N.J.R. 401(b)
7:7E	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:7E	Coastal resource and development policies	R.1981 d.186	13 N.J.R. 338(a)
7:8	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-4, -5, -6	Water quality standards	R.1981 d.80	13 N.J.R. 194(b)
7:9-13.3, 13.5, 13.6	Sewer extension ban	R.1981 d.224	13 N.J.R. 402(a)
7:9-15	Grants for restoring publicly owned freshwater lakes	R.1980 d.374	12 N.J.R. 575(e)
7:10-8	Repealed: See 7:18	R.1981 d.279	13 N.J.R. 481(c)
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	R.1981 d.190	13 N.J.R. 339(b)
7:12-1.3	Condemnation of certain shellfish areas	R.1981 d.431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	R.1981 d.190	13 N.J.R. 339(b)
7:13-1.11	Amend flood plain delineation along Mullica River	R.1981 d.8	13 N.J.R. 91(c)
7:13-1.11	Amend flood plain delineation along Cedar Creek	R.1981 d.9	13 N.J.R. 91(d)
7:13-1.11	Amend flood plain delineation of Great Egg Harbor River	R.1981 d.88	13 N.J.R. 194(d)
7:13-1.11	Amend flood plain delineation of Mullica River and tributaries	R.1981 D.89	13 N.J.R. 194(c)

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7:13-1.11	Flood hazard area delineations	R. 1981 d.144	13 N.J.R. 339(c)
7:13-1.11	Flood hazard area delineations	R. 1981 d.145	13 N.J.R. 340(a)
7:14	Amend pollutant discharge and waste management	R. 1981 d.84	13 N.J.R. 194(c)
7:14-1.4	New definition of "treatment works"	R. 1980 d.424	12 N.J.R. 642(b)
7:14A	Conditions for users of DTW	R. 1981 d.84	13 N.J.R. 194(c)
7:14A-4	Industrial waste management facilities	R. 1981 d.373	13 N.J.R. 705(a)
7:14A-13.4	Pollutant discharge and waste management	R. 1981 d.214	13 N.J.R. 403(a)
7:15	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:17	Hard clam depuration pilot plant program	R. 1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	R. 1981 d.279	13 N.J.R. 481(c)
7:19	Water diversion and water supply allocation permits	R. 1981 d.488	14 N.J.R. 42(a)
7:21	Water policy and supply council	R. 1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	R. 1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	R. 1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	R. 1981 d.104	13 N.J.R. 195(b)
7:25-1.7	Penalties for shellfish law violations	R. 1980 d.395	12 N.J.R. 576(d)
7:25-4.8	Amend potentially dangerous species	R. 1980 d.448	12 N.J.R. 643(b)
7:25-5	Game Code	R. 1981 d.253	13 N.J.R. 403(c)
7:25-6	1981 Fish Code	R. 1980 d.400	12 N.J.R. 577(a)
7:25-6	1982-1983 Fish Code	R. 1981 d.470	13 N.J.R. 887(a)
7:25-7.2	Oyster seed beds recodification	R. 1981 d.189	13 N.J.R. 304(b)
7:25-7.3	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:25-7.4	Repeal rules prohibiting oyster dredging	R. 1980 d.369	12 N.J.R. 575(b)
7:25-7.10	Taking of oysters	R. 1981 d.199	13 N.J.R. 403(d)
7:25-7.13	Crab dredging	R. 1980 d.396	12 N.J.R. 576(e)
7:25-7.13	Crab dredging	R. 1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Penalties for shellfish law violations	R. 1980 d.395	12 N.J.R. 576(d)
7:25-9.2	Hard clam harvest penalties	R. 1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:25-9.4	Bay scallops	R. 1981 d.256	13 N.J.R. 404(c)
7:25-10	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:25-12.1	Amend preservation of clam resource	R. 1980 d.521	13 N.J.R. 11(b)
7:25-12.1	Sea clam harvesting (emergency adoption)	R. 1981 d.448	13 N.J.R. 843(a)
7:25-12.1	Harvest of sea clams	R. 1981 d.486	13 N.J.R. 943(c)
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)
7:25-16.1	Upstream line revisions	R. 1981 d.469	13 N.J.R. 887(b)
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)
7:25-1	Solid waste administration	R. 1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	R. 1981 d.370	13 N.J.R. 706(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)
7:26-9	Hazardous waste management	R. 1981 d.370	13 N.J.R. 706(b)
7:26-11	Resource recovery grants	R. 1981 d.184	13 N.J.R. 340(d)
7:26-11, -12	Hazardous waste management	R. 1981 d.370	13 N.J.R. 706(b)
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. 1981 d.185	12 N.J.R. 643(a)
7:28-41	Mercury vapor lamps	R. 1981 d.464	13 N.J.R. 887(c)
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)

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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)

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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)
8:31-27	Certificate of need: Megavoltage radiation (recodified as 8:33I)	R. 1981 d. 406	13 N.J.R. 756(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)
8:31A-7	1982 SHARE regulations	R. 1981 d. 325	13 N.J.R. 571(c)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	R. 1981 d. 404	13 N.J.R. 756(c)
8:31B-3	Amend hospital procedural and methodological regulations	R. 1980 d. 455	12 N.J.R. 645(c)
8:31B-3	Procedural and methodological regulations	R. 1981 d. 494	14 N.J.R. 45(a)
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)
8:33G	Certificate of Need reviews: CT scanners	R. 1981 d. 472	13 N.J.R. 944(a)
8:33I	Megavoltage raditation units (recodified from 8:31-27)	R. 1981 d. 406	13 N.J.R. 756(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	Residential health care standards	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	R. 1981 d. 402	13 N.J.R. 756(d)
8:43-4.13, 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)
8:45-1.3	Licensure of clinical laboratories	R. 1981 d. 493	14 N.J.R. 45(b)
8:57-1.1-1.18	Amend reportable disease rules	R. 1980 d. 498	13 N.J.R. 13(b)
8:57-4.5, 4.10, 4.12, 4.13, 4.15, 4.16	Immunization of pupils in school	R. 1981 d. 502	14 N.J.R. 45(c)
8:65-7.8	CDS prescription filling requirements	R. 1981 d. 452	13 N.J.R. 845(a)
8:65-7.10	CDS: Prescriptions in LTCF's	R. 1981 d. 453	13 N.J.R. 845(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)
8:71	Interchangeable drug product list	R. 1981 d. 364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	R. 1981 d. 405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	R. 1981 d. 403	13 N.J.R. 757(b)
8:71	Interchangeable drug products	R. 1981 d. 503	14 N.J.R. 45(d)

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION-TITLE 9

9:1-1.1	Amend definition of "college"	R. 1980 d. 524	13 N.J.R. 14(a)
9:1-4.6	Post-master's level programs	R. 1981 d. 392	13 N.J.R. 757(c)
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)
9:2-11.7	Veteran's Tuition Credit Program	R. 1981 d. 449	13 N.J.R. 845(c)
9:4-1.2	Establishment of a Community College	R. 1981 d. 391	13 N.J.R. 758(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)
9:7-3.1	Tuition Aid Grant Program	R. 1981 d. 415	13 N.J.R. 758(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)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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 (Title 9, Transmittal 15 dated September 18, 1980)	R. 1981 d. 60	13 N.J.R. 220(a)
HUMAN SERVICES—TITLE 10			
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)
10:49-1.3	Provider participation	R. 1981 d. 393	13 N.J.R. 758(c)
10:49-1.5	Amend recipient controls	R. 1980 d. 549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	R. 1981 d. 329	13 N.J.RM 574(b)
10:49-1.7	Utilization of insurance benefits	R. 1981 d. 123	13 N.J.RM 272(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)
10:49-1.17	Suspended providers	R. 1981 d. 315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	R. 1981 d. 393	13 N.J.R. 758(c)
10:49-1.26	Patient certification	R. 1981 d. 331	13 N.J.R. 575(a)
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)
10:50	Patient certification	R. 1981 d. 331	13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	R. 1981 d. 250	13 N.J.R. 418(a)
10:51	Patient certification	R. 1981 d. 331	13 N.J.R. 575(a)
10:51-1.13, 1.14	Emergency amend Pharmacy Manual: "Less than effective" drugs	R. 1981 d. 476	13 N.J.R. 945(a)
10:51-1.17	Legend drug dispensing fee	R. 1981 d. 411	13 N.J.R. 758(d)
10:51-1.19	Emergency amendment: "Less than effective" drugs	R. 1981 d. 476	13 N.J.R. 945(a)
10:51-App. B, D	Pharmaceutical Services Manual	R. 1981 d. 124	13 N.J.R. 274(a)
10:51-App. B, D	Non-legend drugs and legend services	R. 1981 d. 505	14 N.J.R. 46(a)
10:51-2	Pharmacy Manual billing procedures	R. 1981 d. 247	13 N.J.R. 415(a)
10:51-3	Pharmaceutical services in LTC facilities	R. 1981 d. 344	13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	R. 1981 d. 465	13 N.J.R. 887(d)
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	Hospital and special hospital manuals	R. 1981 d. 327	13 N.J.R. 578(a)
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)
10:52-1.17	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)
10:52-2.8A	Outpatient dental services	R. 1981 d. 479	13 N.J.R. 946(a)
10:52-2.13	Automated Data Exchange Billing	R. 1981 d. 250	13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	R. 1981 d. 479	13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	R. 1981 d. 327	13 N.J.R. 578(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)
10:53-2.18	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)
10:54-1.2	Routine chest X rays	R. 1981 d. 125	13 N.J.R. 292(b)
10:54-1.3	Record keeping by providers	R. 1981 d. 329	13 N.J.R. 574(b)
10:54-1.5	Amend Physicians and Psychologist Manual	R. 1981 d. 374	13 N.J.R. 706(d)
10:54-1.6	Physicians Manual: Reimbursement for anesthesia time	R. 1981 d. 220	13 N.J.R. 417(b)
10:54-1.22	Routine chest X rays	R. 1981 d. 125	13 N.J.R. 292(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)
10:54-3	Procedure codes for physicians services	R. 1981 d. 305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	R. 1981 d. 314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	R. 1981 d. 475	13 N.J.R. 946(b)
10:55	Patient certification	R. 1981 d. 331	13 N.J.R. 575(a)
10:56	Patient certification	R. 1981 d. 331	13 N.J.R. 575(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)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:57-1.4	Podiatry services	R. 1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	R. 1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 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)
10:59	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	R. 1980 d.510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	R. 1981 d.376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	R. 1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	R. 1981 d.328	13 N.J.R. 579(b)
10:59-1.11	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)
10:59-2.11	Repair of durable medical equipment	R. 1980 d.510	13 N.J.R. 17(d)
10:60	Patient certification	R. 1981 d.331	13 N.J.R. 575(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)
10:61-1.4	Physician orders for laboratory services	R. 1981 d.342	13 N.J.R. 579(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	Patient certification	R. 1981 d.331	13 N.J.R. 575(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, 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	Retention of records in LTC facilities	R. 1981 d.345	13 N.J.R. 579(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)
10:63-3.8	LTC's nursing care costs	R. 1981 d.326	13 N.J.R. 579(e)
10:63-3.21	Rescission: Long-term care per diem reduction	R. 1981 d.375	13 N.J.R. 707(b)
10:65	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:65-2.1	Medical day care rates	R. 1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:66-2.10	Automated Data Exchange Billing	R. 1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	R. 1981 d.313	13 N.J.R. 580(b)
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	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Amend Physicians and Psychologist Manual	R. 1981 d.374	13 N.J.R. 706(d)
10:67-2.5, 2.8	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	R. 1981 d.305	13 N.J.R. 578(b)
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)
10:69A-5.6	PAA eligibility determinations	R. 1981 d.332	13 N.J.R. 580(c)
10:81	Emergency amend PAM: Federal Omnibus Reconciliation Act of 1981	R. 1981 d.397	13 N.J.R. 759(a)
10:81-2.7	Amend PAM: Deprivation of parental support in AFDC-C	R. 1981 d.28	13 N.J.R. 146(b)
10:81-7.1	AFDC: New or changed income	R. 1981 d.262	13 N.J.R. 432(b)
10:81-7.22	AFDC: Funeral or burial payments for children	R. 1981 d.447	13 N.J.R. 845(d)
10:82	Emergency rules re ASH: Federal Omnibus Reconciliation Act of 1981	R. 1981 d.396	13 N.J.R. 763(a)
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)
10:82-3.2	Amend ASH: HUD community development block grant	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)
10:82-4.15	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 director 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 General Assistance application process	R. 1980 d.514	13 N.J.R. 18(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)
10:85-4.6	Amend GAM: Emergency grants	R. 1980 d.538	13 N.J.R. 18(d)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R. 1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM-Payments for inpatients hospital care	R. 1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Amend submission of Form GA-18	R. 1980 d.531	13 N.J.R. 18(c)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
10:85-5.4	GAM: Procedure for payments of medical bills	R. 1981 d.417	13 N.J.R. 768(b)
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)
10:85-7.2	Amend GAM: Receipt of assistance	R. 1981 d.53	13 N.J.R. 147(d)
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)
10:87	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	Food Stamp Manual	R. 1981 d.316	13 N.J.R. 581(a)
10:87	Food Stamp Manual: Federal Ombibus Reconciliation Act of 1981	R. 1981 d.398	13 N.J.R. 769(a)
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	Food Stamp Program maximum net income levels	R. 1981 d.400	13 N.J.R. 772(a)
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	Home energy assistance (emergency adoption)	R. 1981 d.466	13 N.J.R. 888(a)
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)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	R. 1981 d.385	13 N.J.R. 773(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)
10:100-1.23	Readopt SSI payment levels	R. 1981 d.386	13 N.J.R. 773(b)
10:109-1	Ruling 11	R. 1981 d.445	13 N.J.R. 846(b)
10:109-3.2, 3.4	Ruling 11—Sick leave and leave without pay	R. 1981 d.395	13 N.J.R. 774(a)
10:109—App. I,II	Ruling 11: Salary increases for CWA employees	R. 1981 d.498	14 N.J.R. 46(b)
10:121-5.1	Medical information form	R. 1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	R. 1981 d.298	13 N.J.R. 516(a)
10:123-3.1, 3.2	Personal needs allowance	R. 1981 d.423	13 N.J.R. 774(b)
10:132	Court actions and proceedings	R. 1981 d.434	13 N.J.R. 846(c)

(Title 10, Transmittal 15 dated November 10, 1980)

CORRECTIONS—TITLE 10A

10A:31-4	County jails emergency rule	R. 1981 d.270	13 N.J.R. 467(a)
10A:31-4	Readopt remission of time from sentence	R. 1981 d.538	13 N.J.R. 596(a)
10A:71	Parole Board rules	R. 1981 d.322	13 N.J.R. 597(a)
10A:71-3.3	Amend Parole Board rules	R. 1980 d.554	13 N.J.R. 101(c)
10A:71-3.19	Parole Board rules	R. 1981 d.179	13 N.J.R. 364(c)
10A:71-6.9	Discharge from parole supervision	R. 1981 d.324	13 N.J.R. 598(a)
10A:71-7.7	Notice for preliminary hearings	R. 1981 d.106	13 N.J.R. 302(a)

(Title 10A, Transmittal 6 dated November 10, 1980)

INSURANCE—TITLE 11

11:2-1.6	Independent testing service	R. 1981 d.433	13 N.J.R. 846(d)
11:2-17	Unfair claims-settlement practices	R. 1981 d.407	13 N.J.R. 774(c)
11:4-16.8(b)	Minimum standards for health insurance	R. 1980 d.343	12 N.J.R. 538(b)
11:4-17.6,17.7	Minimum standards for health insurance	R. 1980 d.343	12 N.J.R. 538(b)
11:5-1.2,1.3	Real Estate Commission rules	R. 1981 d.261	13 N.J.R. 440(c)
11:5-1.16	Amend listing agreements and contracts of sale	R. 1980 d.408	12 N.J.R. 665(c)
11:5-1.16	Emergency amend contracts of sale and listing agreements	R. 1980 d.409	12 N.J.R. 665(d)
11:5-1.28	Amend approved schools requirements	R. 1980 d.441	12 N.J.R. 665(e)
11:5-1.32	Amend rental location operations	R. 1980 d.447	12 N.J.R. 666(a)
11:5-1.33-1.35	Real Estate Commission rules	R. 1981 d.261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	R. 1981 d.252	13 N.J.R. 441(a)
11:12	Legal insurance	R. 1981 d.422	13 N.J.R. 776(a)

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

LABOR AND INDUSTRY—TITLE 12

12:15-1.3	Maximum weekly benefit rates	R. 1980 d.355	12 N.J.R. 543(b)
12:15-1.3	Maximum weekly benefit rates	R. 1981 d.419	13 N.J.R. 777(a)
12:15-1.4	Taxable wage base under Unemployment Compensation	R. 1980 d.356	12 N.J.R. 543(c)
12:15-1.4	Taxable wage base for unemployment compensation	R. 1981 d.421	13 N.J.R. 777(b)
12:15-1.5	Contribution rates of governmental entities	R. 1980 d.354	12 N.J.R. 543(a)
12:15-1.5	Unemployment compensation contribution rates	R. 1981 d.418	13 N.J.R. 777(c)
12:17-10	Refund of unemployment benefits	R. 1980 d.468	12 N.J.R. 724(e)
12:17-11	Emergency rules on offset of unemployment benefits by pension income	R. 1980 d.561	13 N.J.R. 102(a)
12:51	Vocational rehabilitation facilities	R. 1981 d.289	13 N.J.R. 517(a)
12:56	Amend Wage and Hour Law	R. 1980 d.430	12 N.J.R. 666(c)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
12:56-7.1	Emergency amend definition of "executive"	R.1980 d.506	13 N.J.R. 37(a)
12:57	Wage orders for minors	R.1981 d.226	13 N.J.R. 441(c)
12:57	Amend wage orders for minors	R.1980 d.431	12 N.J.R. 666(d)
12:58	Amend child labor rules	R.1980 d.432	12 N.J.R. 666(e)
12:60	Emergency amend prevailing wage rate determination	R.1980 d.410	12 N.J.R. 666(b)
12:105	Arbitration	R.1980 d.397	12 N.J.R. 605(a)
12:235-1.5	Amend benefit rates	R.1980 d.357	12 N.J.R. 543(d)
12:235-1.5	Workers' compensation benefit rates	R.1981 d.420	13 N.J.R. 777(d)

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

LAW AND PUBLIC SAFETY-TITLE 13

13:2-7.10	ABC rules	R.1981 d.432	13 N.J.R. 777(e)
13:2-23.31	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-24.1, 24.4	ABC rules	R.1981 d.432	13 N.J.R. 777(e)
13:2-24.4	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:2-24.9	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-38.1,39.3	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:2-41	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:19-5.1	Amend rules on convulsive seizures	R.1981 d.18	13 N.J.R. 150(b)
13:19-10.3	Amend driver improvement school fees	R.1980 d.494	12 N.J.R. 727(a)
13:20-25.2	Amend approval of safety glazing material	R.1981 d.15	13 N.J.R. 149(d)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:20-33.53	Amend motorcycle handlebars and grips	R.1981 d.16	13 N.J.R. 149(e)
13:20-33.72	Repeal handhold devices	R.1981 d.17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	R.1981 d.31	13 N.J.R. 150(e)
13:21-2.3	Amend motor licensing statutory interpretation	R.1980 d.495	12 N.J.R. 727(b)
13:21-3	Repeal rules on dealer's temporary certificates	R.1981 d.14	13 N.J.R. 149(c)
13:21-7.2	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)
13:27-6	Division of responsibility in site planning	R.1981 d.320	13 N.J.R. 607(a)
13:28-1.3	Toilet facilities in beauty shops	R.1989 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)
13:30-2.18	Application fees for dental hygienists	R.1981 d.378	13 N.J.R. 707(c)
13:30-8.1	Amend fee schedules	R.1980 d.527	13 N.J.R. 41(d)
13:30-8.3	Amend general anesthesia rules	R.1980 d.423	12 N.J.R. 672(b)
13:30-8.4	Announcements of practice in special area of dentistry	R.1980 d.368	12 N.J.R. 609(a)
13:30-8.6	Amend professional advertising	R.1980 d.540	13 N.J.R. 103(a)
13:30-8.8	Amend emergency dental patient records	R.1980 d.457	12 N.J.R. 672(f)
13:30-8.9	Reporting of deaths and other medical incidents	R.1980 d.503	13 N.J.R. 40(a)
13:30-8.10	Display of names in dental offices	R.1980 d.509	13 N.J.R. 41(a)
13:30-8.11	Intravenous sedation rule	R.1980 d.541	13 N.J.R. 103(b)
13:30-8.12	Dental insurance forms and professional misconduct	R.1981 d.175	13 N.J.R. 366(a)
13:31-1.3	Examinations	R.1981 d.491	13 N.J.R. 946(c)
13:31-2.1	Repeal: Uniform penalty letter (electrical)	R.1981 d.372	13 N.J.R. 707(d)
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)
13:35-1.5	Military service in lieu of internship (podiatry)	R.1981 d.346	13 N.J.R. 608(a)
13:35-2.7	Military service in lieu of internship	R.1981 d.348	13 N.J.R. 608(b)
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	Use 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)
13:36-5.12	Advertising of funeral services and funeral establishments	R.1981 d.349	13 N.J.R. 609(a)
13:36-9.1	Uniform penalty letter	R.1981 d.347	13 N.J.R. 609(b)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
13:39-9.12	Outdated or sample drugs	R. 1981 d. 350	13 N.J.R. 609(c)
13:39-9.17	Advertising and sale of prescription drugs	R. 1981 d. 377	13 N.J.R. 708(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)
13:40-7	Division of responsibility in site planning	R. 1981 d. 320	13 N.J.R. 607(a)
13:41-1.2, 1.3	Amend rules governing use of seals	R. 1980 d. 445	12 N.J.R. 672(e)
13:41-4	Division of responsibility in site planning	R. 1981 d. 320	13 N.J.R. 607(a)
13:44-2.1	Veterinary prescriptions	R. 1981 d. 451	13 N.J.R. 847(a)
13:44-2.12	Patient records	R. 1981 d. 450	13 N.J.R. 847(b)
13:44-3.1	Repeal: Uniform penalty letter (veterinary)	R. 1981 d. 371	13 N.J.R. 708(b)
13:44A-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)
13:70-6.16	Racing: Eligibility of maidens	R. 1981 d. 489	13 N.J.R. 946(d)
13:70-29.48	Emergency amend daily double pool	R. 1981 d. 32	13 N.J.R. 150(f)
13:70-29.48	Racing: Entries and daily double	R. 1981 d. 490	13 N.J.R. 947(a)
(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)
(Title 14, Transmittal 14 dated July 17, 1980)			
ENERGY--TITLE 14A			
14A:2-5	State set-aside for energy emergency	R. 1981 d. 492	14 N.J.R. 46(c)
14A:3-5	Seven-day, day-night thermostats in public buildings	R. 1981 d. 468	13 N.J.R. 895(a)
14A:3-11	Amend used oil rules	R. 1980 d. 513	13 N.J.R. 43(c)
14A:11-4	Reporting of energy information (retail dealers)	R. 1981 d. 379	13 N.J.R. 708(c)
14A:11-5	Reporting of energy information (retail fuel merchants)	R. 1981 d. 380	13 N.J.R. 708(d)
14A:13	Energy Conservation Bond Program	R. 1981 d. 390	13 N.J.R. 778(a)
14A:21	Residential Energy Conservation Service (RCS) Program	R. 1980 d. 516	13 N.J.R. 44(a)
14A:21-14.3	Home Energy Savings Program	R. 1981 d. 254	13 N.J.R. 450(a)
(Title 14A, Transmittal 6 dated July 17, 1980)			
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)
16:28-1.23	Speed limits along Route 18	R. 1981 d. 484	13 N.J.R. 947(d)
16:28-1.49	Emergency amend speed zone along Route 35	R. 1981 d. 59	13 N.J.R. 243(a)
16:28-1.49	Speed limits on Route 35	R. 1981 d. 333	13 N.J.R. 612(a)
16:28-1.67	Amend speed zones along Route 34 and U.S. 202	R. 1981 d. 74	13 N.J.R. 243(c)
16:28-1.111	Speed limits for Route 87	R. 1981 d. 334	13 N.J.R. 613(a)
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-1.6	Restricted parking along Route 7	R. 1981 d. 383	13 N.J.R. 778(b)
16:28A-1.6	Restricted parking on Route 7	R. 1981 d. 483	13 N.J.R. 947(b)
16:28A-1.7	Restricted parking along Route US 9	R. 1981 d. 76	13 N.J.R. 243(f)
16:28A-1.7	Restricted parking along Route US 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 US 9	R. 1981 d. 195	13 N.J.R. 453(a)
16:28A-1.7	Parking on US 9	R. 1981 d. 191	13 N.J.R. 453(a)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.335	13 N.J.R. 613(b)
16:28A-1.7	Restricted parking on US 9	R.1981 d.487	13 N.J.R. 947(f)
16:28A-1.13	Route US 22	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.14	Restricted parking along Route U.S. 22 alternate	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	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-1.15	Restricted parking along Route 23	R.1981 d.337	13 N.J.R. 613(d)
16:28A-1.16	Restricted parking along Route 24	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.18	Restricted parking along Route 27	R.1981 d.312	13 N.J.R. 613(f)
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-1.23, 1.25	Restricted parking on Routes 33 and 35	R.1981 d.482	13 N.J.R. 947(c)
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-1.28	Restricted parking on US 40 and Route 70	R.1981 d.481	13 N.J.R. 947(e)
16:28A-1.29	Restricted parking on 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-1.32	Restricted parking along Route US 46	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.32	Restricted parking on US 46	R.1981 d.480	13 N.J.R. 948(a)
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 highway	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-1.37	Restricted parking along Route 70	R.1981 d.339	13 N.J.R. 614(a)
16:28A-1.43	Restricted parking along Route 82	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.44	Route 88 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.46	Parking on US 130	R.1981 d.482	13 N.J.R. 947(c)
16:28A-1.51	Restricted parking along Route 168	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.55	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.55	Restricted parking on State highways	R.1981 d.338	13 N.J.R. 613(c)
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-1.57	Parking along U.S. 206	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.60	Restricted parking on Route US 322-47	R.1981 d.382	13 N.J.R. 779(b)
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)
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)
16:28A-1.22	No passing zones	R.1981 d.78	13 N.J.R. 244(b)
16:29-1.23	No passing zones on Route 179	R.1981 d.79	13 N.J.R. 244(c)
16:30-3.6	Readopt HOV lanes along Route 444	R.1981 d.323	13 N.J.R. 614(b)
16:30-7.2	Amend limited access prohibition along U.S. 9 and Route 444	R.1981 d.73	13 N.J.R. 243(d)
16:30-8	No trespassing zones	R.1981 d.36	13 N.J.R. 159(b)
16:31-1.4, 1.7	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31-1.10	Turns along Route U.S. 30	R.1981 d.340	13 N.J.R. 614(c)
16:31-1.15	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31-1.16	No left turn along Route 79	R.1981 d.460	13 N.J.R. 895(b)
16:31A	Amend prohibited right turns on red signals	R.1980 d.518	13 N.J.R. 44(c)
16:41-8.1, 8.4 8.5, 8.6	Outdoor advertising	R.1981 d.497	14 N.J.R. 46(d)
16:41-16	Amend permits for use or occupancy of State-owned railroad property	R.1981 d.103	13 N.J.R. 244(d)
16:41A-7.1	Outdoor Advertising Tax Act	R.1981 d.496	14 N.J.R. 47(a)
16:54	Licensing of aeronautical facilities	R.1981 d.141	13 N.J.R. 374(c)
16:56-3	Repeal aircraft registry logs	R.1981 d.341	13 N.J.R. 616(b)
16:65-1.1	Amend definition of "prequalification committee"	R.1981 d.72	13 N.J.R. 243(b)
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