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RULE PROPOSALS

BANKING

(a)

DIVISION OF BANKING

Operating Management of a Bank Limitation on Loans to Executive Officer

Proposed New Rules: N.J.A.C. 3:6-3.2 and 3.3

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:9A-71B.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
CN 040
Trenton, NJ 08625

The Department of Banking 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 1983-576.

The agency proposal follows:

Summary

Pursuant to the provisions of Federal legislation recently enacted and commonly referred to as The Garn-St. Germain Depository Institutions Act of 1982, the Federal law limiting educational loans to executive officers in national banks for the education of the children of such executive officer to \$20,000 was removed. Loans of this nature therefore are no longer subject to any specific dollar limi-

tation. This bill also removed the \$10,000 limitation on other loans to executive officers and stipulated that the Comptroller of the Currency and other appropriate Federal regulators should, by regulation, prescribe a limit on such loans.

In May of 1983, the Comptroller of the Currency, the Federal Reserve Board and the Federal Deposit Insurance Corporation all proposed regulations to establish a uniform lending limitation for executive officers. The regulation, as proposed, was subsequently adopted effective October 11, 1983. With respect to loans for purposes other than home mortgages or education, a national bank may lend to an executive officer up to \$25,000 or 2.5 percent of its capital, whichever is greater, with an overall limit of \$100,000. In view of the general increase in prices, such as cars, home repair, etc., it was obvious that the existing \$10,000 level was too low. Further, it was felt that the relative size of an institution should have a bearing on the dollar level of loans it may make. This theory applies to loans made by institutions to other borrowers and therefore should also apply to loans available to executive officers.

The New Jersey Department of Banking concurs with the position taken by the various Federal regulators and, therefore, proposes new rules to grant parity to State chartered banks in their dealings with their executive officers. N.J.S.A. 17:9A-71B(2) grants the Commissioner authority to increase the total amount in which an executive officer of a bank may become liable to a bank, provided that such amount is consonant with executive officer loans at a national bank and will establish substantial parity between national and State banks.

Social Impact

The proposed new rules should have no negative social impact but should allow State chartered banks to offer their executive officers similar lending opportunities as are available to executive officers in national banks.

Economic Impact

There should be no major economic impact on the State. However, affording State chartered institutions general parity with national banks in granting executive officers educational loans for their children and for other purposes should allow State institutions to offer these officers comparable opportunities that national banks may offer their executive staff.

Full text of the proposed new rules follows.

NEW JERSEY REGISTER

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3:6-3.2 Limitation on loans to an executive officer
The \$10,000 maximum loan limitation prescribed in N.J.S.A. 17:9A-72B(2) on loans to an executive officer is increased to an aggregate amount not to exceed at any one time 2.5 percent of the capital funds of the bank, as defined in N.J.S.A. 17:9A-60, or \$25,000 whichever is greater, but in no event more than \$100,000.

3:6-3.3 Exclusion
Loans to finance the education of an executive officer's children, which exceed the \$20,000 amount provided in N.J.S.A. 17:9A-74B(5), are excluded from the limitations set out in N.J.A.C. 3:6-3.2.

(a)

DIVISION OF BANKING

Investments
Domestic Operating Subsidiaries

Proposed New Rule: N.J.A.C. 3:11-5
Proposed Repeal: N.J.A.C. 3:11-5

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:9A-25.2 and 17:9A-25.3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
CN 040
Trenton, NJ 08625

The Department of Banking 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 1983-577.

The agency proposal follows:

Summary

The office of the Comptroller of the Currency has established a policy position whereby it now considers the application for the establishment of a domestic operating subsidiary of a bank to be primarily a business decision of the applicant. Further, the Comptroller has taken the position that an applicant's ownership of 80 percent or more of a company will be approved if the proposed activity is a part of the business of banking or incidental thereto and if the applicant has the capacity to support such expansion.

In evaluating an application, the Comptroller must be satisfied that the general condition of an applicant is satisfactory; significant or serious problems will normally preclude approval of an application to expand the bank's activities. It is stipulated that a bank should not have an undue amount of criticized assets; violations of law; inadequate liquidity; adverse operating trends; poor internal controls or other significant problems. Other considerations are capital and earnings which are sufficient to support the current operations of the bank and the expanded activity. Cost of establishing or acquiring the subsidiary are to be considered as well as the volume and scope of business to be generated.

The Department concurs with the position of the Comptroller of

the Currency. In the interest of maintaining substantial competitive parity between State and national banks, the Commissioner of the New Jersey Department of Banking under the authority granted to him in N.J.S.A. 17:9A-25.2 and N.J.S.A. 17:9A-25.3 proposes to adopt new regulations set out in this proposal. The Department's existing regulation on investment in subsidiaries is being simultaneously proposed for repeal.

Social Impact

Adoption of this new regulation will grant State chartered banks substantial parity with nationally chartered banks operating in the State of New Jersey and aid in the preservation of the dual banking system. The public should benefit from the potential increased competition that may be generated through this activity.

Economic Impact

The potential expanded activities in State chartered banks should benefit the State economy by increased growth in institutions taking advantage of this expanded authority. Such growth also brings the potential for expanded employment opportunities.

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

[SUBCHAPTER 5. INVESTMENT BY BANK IN CAPITAL STOCK OF WHOLLY-OWNED OPERATIONAL SUBSIDIARIES]

[3:11-5.1 Limitation on investment; Commissioner approval
Banks are authorized to purchase for their own account shares in wholly-owned operational subsidiaries to perform, at locations at which the banks are authorized to engage in business, functions that the banks are empowered to perform directly, provided that the cost of the acquisition of any wholly-owned subsidiary will not exceed 20 percent of the capital stock and surplus of the bank, and, provided, further, that the Commissioner approves such investment prior to its being made by banks.

3:11-5.2 Additional power of Commissioner
The Commissioner shall have power to order a bank to divest itself of a subsidiary for good cause shown.]

SUBCHAPTER 5. INVESTMENT BY BANK IN CAPITAL STOCK OF DOMESTIC OPERATING SUBSIDIARIES

3:11-5.1 Operational subsidiaries
(a) With the prior approval of the Commissioner of Banking, a bank may engage in activities, which are a part of the business of banking or incidental thereto, by means of an operating subsidiary corporation. In order to qualify as an operating subsidiary hereunder, at least 80 percent of the voting stock of the subsidiary must be owned by the bank.
(b) An operating subsidiary may perform any business function which the parent bank is permitted to perform.
(c) The Department considers an application for the establishment of a domestic operating subsidiary to be primarily a business decision of the applicant, however, the Commissioner must be satisfied that the general condition of the applicant is satisfactory. The existence of conditions warranting special supervisory attention by the Banking Department normally will preclude approval. A bank should not have an undue amount of criticized assets, particularly in relation to capital; serious or frequent violations of law; inadequate liquidity; adverse operating trends; poor internal controls or other significant problems. Capital, earnings and retention of earnings should be sufficient to support the current level of operations as well as the proposed expansion. In determining the applicant's capacity to support the proposed

subsidiary, the estimated cost of establishing or acquiring the subsidiary and the volume and scope of anticipated business will be considered. If the application is for the acquisition of an existing business, the Commissioner will also take into account the public interest factor, similar to the requirement for this consideration on mergers as called for in N.J.S.A. 17:9A-136.

(d) Transactions between the parent bank and the operating subsidiaries are not subject to the limitations in N.J.S.A. 17:9A-62.

(e) Except as otherwise permitted by statute or regulation, all provisions of State banking laws applicable to the operations of the parent bank shall be equally applicable to the operations of its operational subsidiaries.

(f) Unless otherwise provided by statute or regulation, pertinent book figures of the parent bank and its operating subsidiaries shall be consolidated for the purpose of applying applicable statutory limitations.

(g) Each operating subsidiary shall be subject to examination and supervision by the Commissioner of Banking in the same manner and to the same extent as the parent bank. If upon examination, the Commissioner shall ascertain that the subsidiary is created or operated in violation of law or regulation or that the manner of operation is detrimental to the business of the parent bank and its depositors, he may order the bank to dispose of all or part of such subsidiary upon such terms as he may deem proper. The cost of an examination into the condition of an existing business proposed to be acquired and operated as an operating subsidiary shall be paid by the applicant as will any subsequent examinations of an approved subsidiary.

(h) Prior to the disposition of an operating subsidiary, the parent bank shall inform the Commissioner of Banking, by letter, of the terms of the transaction.

(a)

**DIVISION OF CONSUMER COMPLAINTS,
LEGAL AND ECONOMIC RESEARCH**

**Credit Service Charge Rate Regulation
Number One**

Proposed Repeal: N.J.A.C. 3:19-2.1

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:16C-69.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dominick A. Mazzagetti, Deputy Commissioner
Department of Banking
Division of Consumer Complaints,
Legal and Economic Research
CN 040
Trenton, NJ 08625

The Department of Banking 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 1983-581.

The agency proposal follows:

Summary

The repeal of N.J.A.C. 3:19-2.1, which sets the maximum credit service charge rate on home repair contracts at 18 percent, is required by the statutory amendment to N.J.S.A. 17:16C-69. The amendment to N.J.S.A. 17:16C-69 permits a negotiable credit charge on home repair contracts. Consequently the Department of Banking regulation N.J.A.C. 3:19-2.1 limiting the maximum credit service charge on home repair contracts to 18 percent is inconsistent with the provisions of the Home Repair Sales Act and therefore unnecessary.

Social Impact

The passage of P.L. 1981, c.103, (N.J.S.A. 17:16C-69), removed the interest rate restrictions imposed upon lenders and afforded the public greater access to lendable funds. The availability of these funds is now established by competitive market forces.

Economic Impact

Statutory and regulatory imposed interest rate restrictions have, as a result of market forces, limited the availability of funds for consumer type loans. With the elimination of these regulated interest limits, lenders can adjust interest rate charges to more accurately reflect economic conditions.

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

SUBCHAPTER 2. [CREDIT SERVICE CHARGE RATE
REGULATION NUMBER ONE]
(RESERVED)

[3:19-2.1 Maximum credit service charge rate permissible

(a) The maximum credit service charge rate to be charged, contracted for or received for the financing of home repair contracts shall not exceed an annual percentage rate of 18 percent. Such credit service charge shall be calculated in accordance with the provisions of N.J.S.A. 17:16c-69 (Chapter 174, P.L. 1980).

(b) This section shall have prospective effect only.

(c) The rate established by this section shall be effective upon filing and shall remain in force until such time as this regulation is rescinded or until said rate is increased or decreased by a subsequent regulation.]

CIVIL SERVICE

(b)

CIVIL SERVICE COMMISSION

**Examinations and Applications
Promotions of Employees in County Welfare
Boards**

Proposed Repeal: N.J.A.C. 4:3-8.2

Authorized By: Civil Service Commission, Peter J.
Calderone, Assistant Commissioner, Department of
Civil Service.
Authority: N.J.S.A. 11:5-1a.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

PROPOSALS

Peter J. Calderone
Assistant Commissioner
Department of Civil Service
CN 312
Trenton, NJ 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 1983-582.

The agency proposal follows:

Summary

N.J.A.C. 4:3-8.2 defines Civil Service policy concerning promotion of employees in the Social Work and Income Maintenance series in county welfare boards. This rule, which was originally a subpart in the Civil Service Personnel Manual, was written as a guideline for welfare boards. The subpart was an appropriate vehicle for disseminating information specific to a title or narrow subject; however, since the subparts have been formalized as rules it is proposed that N.J.A.C. 4:3-8.2 be repealed and the information communicated by more informal means.

Social Impact

Since the proposed repeal of N.J.A.C. 4:3-8.2 will not alter the promotional policies or practices concerning employees of county welfare boards, the proposal will have no social impact.

Economic Impact

Since the proposed repeal of N.J.A.C. 4:3-8.2 will not alter the promotional policies or practices concerning employees of county welfare boards, the proposal will have no economic impact.

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

4:3-8.2 [Policies concerning the promotion of professional and non-professional employees in county welfare boards] (**Reserved**)

[(a) This section defines the Department of Civil Service's policies with regard to promotions of professional and non-professional employees in the Social Work and Income Maintenance series of positions in County Welfare Boards.

(b) Definitions:

1. Social Work Series: A group of positions involving the gathering of required social information, the assessment of the case, and the implementation of a preventative, rehabilitative, and or supportive social services treatment program. This series encompasses the following titles:

- i. Administrative Supervisor of Social Work;
- ii. Assistant Administrative Supervisor of Social Work;
- iii. Social Work Supervisor;
- iv. Social Work Specialist;
- v. Social Worker;
- vi. Social Service Technician;
- vii. Social Service Aide.

2. Income Maintenance Series: A group of positions involving the performance of eligibility determination, validation of initial public assistance applications, and redeterminations of eligibility for financial assistance. This series encompasses the following titles:

- i. Administrative Supervisor of Income Maintenance;
- ii. Assistant Administrative Supervisor of Income Maintenance;
- iii. Income Maintenance Supervisor;
- iv. Income Maintenance Specialist;
- v. Income Maintenance Technician;
- vi. Income Maintenance Aide.

(c) General policy:

1. In all promotional situations in County Welfare Boards

COMMUNITY AFFAIRS

(including promotions from non-professional to professional positions) the Department of Civil Service will adhere to its standard policy of opening eligibility for promotion down to the class level of the provisional incumbent if any.

2. For a period of one year from the date of the issuance of this section, eligibility to compete in promotional examinations will **automatically be opened** to lower level classes of positions in both the Income Maintenance and Social Work series regardless of the occupational series from which the provisional appointment is made. After the expiration of this initial one year period, eligibility to compete in promotional examinations will be limited to class titles within the respective series indicated above unless the appointing authority:

- i. Provisionally promotes a permanent employee from one series to the other; or
- ii. Specifically requests in writing that a promotional examination be opened to both series.

(d) In order to qualify for promotional examinations to higher level positions in either the Social Work or Income Maintenance series all applicants must meet both the following two conditions:

1. S/he must be a permanent employee in a class to which the examination is opened for at least one year immediately preceding the announced closing date for filing applications; and
2. S/he must possess both the educational and work experience requirements contained in the class specification for the position to which the promotion is being made.

(e) Lateral title changes from positions in one series to comparable positions in the other series will not be granted except for those who had previously attained permanent status in the other series.]

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code Standard Forms and Procedures

Proposed Amendments: N.J.A.C. 5:23-1.4, 4.5 and 4.19

Authorized By: John P. Renna, 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 December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing and Development
CN 804
Trenton, NJ 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 1983-578.

The agency proposal follows:

Summary

The Commissioner is establishing standard forms and procedures for administration and enforcement of the State Uniform Construction Code in all municipalities. Extensive research and field testing have gone into the development of the new forms and procedures. Their use is now to be made mandatory. The proposal also defines certain terms relevant to the processing of the forms and changes the procedure and timetable for the remitting of State of New Jersey training fees as a result of a construction data reporting arrangement. The Department will, in the near future, conduct training for local code officials in the use of the new forms and procedures and will thereafter make this training available to contractors and other interested persons.

Social Impact

Standardized forms and procedures will simplify work, eliminate unnecessary paperwork and facilitate collection of necessary data for construction regulation. This advances the objectives of the State Uniform Construction Code Act by increasing efficiency. The data that will be collected from local enforcing agencies will more accurately reflect construction activity in the State than any other measures now available.

Economic Impact

Builders, contractors, architects, engineers and others involved in dealing with construction code administration will be able to stock application forms for use in all municipalities. This will save them the cost of having to obtain and stock different forms for each of the municipalities in which they are involved in construction. Municipalities will be able to recover any additional costs incurred in obtaining the forms by making any necessary adjustments in their fees, which are intended to cover their costs.

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

5:23-1.4 Definitions

“Major work” means any construction work for which any prior approvals are required, any construction of a new structure not previously occupied and any construction work other than ordinary repairs otherwise not qualifying as “minor work” or a “small job”.

“Minor work” means construction work of a single trade only undertaken in existing structures, requiring no prior approvals and no plan review, not altering in any way the structural members of a building and meeting the definition set forth in N.J.A.C. 5:23-2.17A.

“Municipal Procedures Manual” means the book established by the Commissioner, effective January 1, 1984, and any subsequent revisions, detailing the steps to be followed in completing, processing and filing the standards forms, logs and reports required for administration and enforcement of the State Uniform Construction Code.

“Ordinary repair” means restoration or improvement of a routine or usual nature which is done by replacing a part of, or putting together, something that is worn or broken in a building, electrical, plumbing, heating, ventilation or air conditioning system and meeting the definition set forth in N.J.A.C. 5:23-2.7.

“Small job” means construction work requiring no prior approvals and the total cost of which is under \$5000. A “small job” may involve more than one trade and may require plan review.

5:23-4.5 Municipal enforcing agencies—administration and enforcement

(a) Records and procedures: The municipality shall ensure that the construction official, with the assistance of the subcode officials and other necessary municipal employees, maintains a central file system, by block and lot, for each property in the municipality for which a permit has been issued or requested or for which an action has been taken by the municipal enforcing agency.

1. The files shall contain all information, including inspection reports, correspondence, and so forth, relevant to each application for a construction permit or certificate of occupancy.

2. The files shall contain or indicate the storage location of all plans and specifications too bulky for inclusion in the central file.

3. The files and records of the municipal enforcing agency shall be open to department review and audit and public inspection during normal business hours.

i. File copies of all documents in connection with building operations shall be retained in the official records as provided by law.

ii. Files and records shall be maintained in a manner consistent with the Municipal Procedures Manual established by the commissioner for this purpose.

(b) [Procedures] Forms:

1. (No change.)

2. [All forms utilized by the municipal enforcing agency shall meet the requirements of the regulations.]

3. Whenever the commissioner shall establish standardized forms, they shall be required for use by the municipality. The following standardized forms established by the commissioner are required for use by the municipal enforcing agency:

Form No.	Name
F-100	Construction Permit Application
F-110	Building Subcode Technical Section
F-120	Electrical Subcode Technical Section
F-130	Plumbing Subcode Technical Section
F-140	Fire Subcode Technical Section
F-160	Application for a Variation
F-170	Construction Permit
F-180	Construction Permit Placard
F-190	Notice of Permit Update
F-210	Notice of Violation and Order to Terminate/Notice and Order to Pay Penalty
F-220	Inspection Sticker – Approved
F-230	Inspection Sticker – Not approved
F-240	Notice of Unsafe Structure
F-245	Unsafe Structure Placard
F-250	Stop Construction Order
F-255	Stop Construction Placard
F-260	Certificate
F-270	Application for Certificate
F-310	Elevator Inspection
F-320	Elevator Placard
F-330	Application to Construction Board of Appeals
F-350	Cut-In Card

3. The following standardized forms established by the commissioner are optional for use by the municipal enforcing agency; provided, however, that where they are not used, equivalent forms or mechanisms are used by the enforcing agency to accomplish the same purpose:

Form No.	Name
F-150	Tickler/X-Ref Card
F-185	Required Inspections
F-200	Inspection Notice
F-280	T.C.O. Control Card

F-290 Ongoing Inspections Control Card
F-300 Ongoing Inspections Schedule

4. No forms other than those established by the commissioner shall be required of the public in connection with the administration and enforcement of the State Uniform Construction Code. The municipal enforcing agency may use additional forms for its own internal processing and recordkeeping. Nothing in this section pertaining to forms or in the forms themselves shall be deemed to affect the requirements for plans and specifications or documentation of prior approvals. Where there is insufficient space on a form for all required information, the form shall be used with attachments.

5. **Printing of forms:** The municipal enforcing agency shall arrange for the printing of all forms. Other interested persons may also arrange for the printing of forms or they may purchase and use forms printed by others. The municipal enforcing agency may provide for the inclusion of its name and other appropriate identifying information on the forms it has printed. However, the municipal enforcing agency shall accept forms not having municipal identification and shall, in any such case, insert the name of the municipality. All required forms shall be exact replicas of the forms required by the commissioner, conforming in content, size, format, and colors, except that all multi-part forms may be printed with an additional copy so long as the additional copy shall be in a color distinct from those specified by the commissioner. Forms F-110, F-120, F-130 and F-140 may have the Subcode Technical Sections printed in any color or colors of ink as desired and Form F-310 (Elevator Inspection) may be printed as a multi-part form on separate pages with up to four copies of each page.

(c) [Reporting: The commissioner may, from time-to-time, issue regulations requiring the municipality to furnish data regarding enforcing agency activity.] **Logs:**

1. The following standardized logs established by the commissioner are required to be maintained by the municipal enforcing agency:

Log No.	Name
L-700	Permit Fee Log
L-710	Inspection Log
L-720	Certificate Log
L-730	Ongoing Inspections Log

2. The municipal enforcing agency shall maintain the required logs either on log sheets established by the commissioner or on log sheets or ledger books of its own choice or design, provided that all required entries are maintained.

(d) **Reports:**

1. The following standardized report form established by the commissioner is required to be completed by the municipal enforcing agency and transmitted to the Department together with State of New Jersey training fees, as required by N.J.A.C. 5:23-4.19, by the third business day following the end of each calendar month:

Report No.	Name
R-810	Municipal Monthly Activity Report

2. The following standardized report form established by the commissioner is optional for use by the municipal enforcing agency:

Report No.	Name
R-800	Inspector's Report

(e) **Exceptions:** Exceptions may be made by the municipal enforcing agency to those requirements for records and procedures, forms, logs, and reports as stated in this section and in the Municipal Procedures Manual established by the commissioner only with the express written authorization of the Department. Requests for exceptions shall be in writing and shall detail the requirement(s) to which an exception is sought, the reason(s) for such exception and the duration for which the exception is sought, and shall be accompanied by any appropriate documentation and examples of alternative procedures, forms, logs or reports.

(d)-(f) renumbered as (f)-(h).

5:23-4.19 State of New Jersey training fees

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

(c) **Remitting and reporting:**

1. The municipality shall remit such fees to the bureau on a [quarterly] **monthly** basis, [coinciding with the quarters of the calendar year.] **in conjunction with report number R-810 (Municipal Monthly Activity Report) in accordance with N.J.A.C. 5:23-4.5(d).**

[i. Thereafter, fees shall be remitted to the bureau at each fiscal quarter, ending on September 30, December 31, March 31, and June 30, respectively, and remitted not later than the last day of the month next succeeding.

2. A quarterly report detailing the fees collected shall be prepared in the format as prescribed by the bureau and shall be submitted with the fees to the bureau.

3. The fees and report for each quarter of the year shall be remitted not later than the last day of the next month succeeding.

i. Beginning July 1, 1982, quarterly reports shall coincide with the calendar such that period January 1 through March 31 shall constitute the first quarter of the year; April 1 through June 30, the second quarter of the year; July 1 through September 30, the third quarter of the year; and October 1 through December 31, the fourth quarter of the year.]

(a)

DIVISION ON AGING

Congregate Housing Services Program

Proposed Amendment: N.J.A.C. 5:70

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-188.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Ritamarie Rondum, Supervisor
 Office of Program Initiatives
 Division on Aging
 Department of Community Affairs
 CN 807
 Trenton, NJ 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 1983-567.

The agency proposal follows:

Summary

The Department of Community Affairs adopted rules on August 16, 1982, to implement P.L. 1981 c.533, N.J.S.A. 52:27D-182 et seq., which established a Congregate Housing Services Program to provide personal support services to frail elderly tenants living in subsidized housing facilities and, in addition, to provide financial assistance to help these elderly tenants to purchase services available through the program. These services were limited to two: at least one hot meal served in a group setting, and a combination of personal care and housekeeping service. Fee for service was based on income; eligibility for program services was determined by housing facility management staff and was based on the degree of physical and/or social impairment of the individual tenants.

The proposed amendments will modify income eligibility guidelines for determining the level of financial assistance to eligible tenants, increase flexibility in program management primarily for local operators of subsidized housing projects, and improve the response time of the Department in meeting the changing needs of the aging population. These amendments will intensify program use particularly by those frail elderly persons who need services to maintain a sense of self-sufficiency but who have been unable to purchase the services available under the Congregate Housing Services Program.

Social Impact

A growing and major social problem is the need to plan for the health and welfare of hundreds of thousands of "young old" people who moved into the many senior citizen housing projects developed during the 1960's and 1970's and who are now aging in place. They are now into their 70's and within the next decade will, for the many who survive, be approaching their 90's. The average age of a tenant now receiving congregate housing services is just under 80 years according to a 1983 survey.

Of those surveyed, approximately half of the tenants using congregate housing services, could be defined as pre-nursing home candidates, and 25 percent would likely be Medicaid eligible for nursing home entry if not maintained in their independent setting. The mobility of these tenants is usually impaired; fewer than half can walk without a cane, walker, or wheelchair. These physically impaired elderly are forced to enter nursing homes or other medically oriented facilities when they become unable to care for themselves and their living units without help.

The positive impact of the availability of congregate housing services upon the management of subsidized housing facilities is less well defined, but there is growing evidence that persons can now be admitted to these facilities with a higher degree of frailty than was possible previously and that tenants were able to return to the facility after a nursing home stay. The average person using the program had spent about two weeks in a hospital in the past year.

The managers report a growing positive relationship with the families of tenants. The major social impact of the program will in the end be controlled by the older consumer who is a wise watcher of costs and benefits.

Economic Impact

The initial economic impact of the amendments will be directly upon the older tenant living in subsidized housing facilities who is either receiving congregate housing services or should be receiving them.

The amendments modify the financial subsidy formula to decrease the share of program cost borne by the tenant, and take into account Federal poverty and 125 percent poverty level income guidelines to determine the program fee charged to the tenant.

The average daily program cost per tenant for services in 1982-1983 was \$6.00; of this, the average subsidy was \$3.74, and the tenant fee was \$2.26. In contrast, the next most likely alternative care available was Intermediate Care Level IV(B) at \$41.00 - \$44.00 daily.

A survey in May 1983 identified approximately 160 potential Intermediate Care Level IV(B) recipients who could not purchase the congregate housing services under the existing formula.

A secondary impact of the program is the growing acceptance by housing management staff of the program as a useful mechanism for administering these housing facilities. The fundamental independent living environment of the facility can be maintained at the same time that premature institutionalization of the tenants is controlled. In the future, however, there will be ever growing numbers of aging tenants living in buildings not constructed for the delivery of health and social services.

It is expected that approximately 500 tenants will receive varying combinations of services in the next year throughout the State. An independent survey conducted in the summer of 1983 pointed to increased numbers of Medicaid eligible tenants and a pre-nursing home population of approximately 50 percent of the tenants in the congregate housing services projects. Most of these surveyed tenants will not be able to remain in their familiar home environments without the assistance of this program.

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

5:70-1.2 Purpose

[The purpose of the Congregate Housing Services Program is to provide a supportive environment primarily as a countermeasure to premature institutionalization in nursing homes or similar medically oriented facilities.]

The purpose of the Congregate Housing Services Program is to establish a supportive environment for certain low-income frail elderly persons through the provision of selected services in order to avoid premature institutionalization in nursing homes or similar medically oriented facilities.

OFFICE OF ADMINISTRATIVE LAW NOTE: At 14 N.J.R. 610, the definition section of the proposal, N.J.A.C. 5:70-2.1, contains several errors in citations to the New Jersey Statutes Annotated. Wherever N.J.S.A. 52:27D-188 appears, the correct citation should be N.J.S.A. 52:27D-184.

5:70-2.1 Definitions

The following words and terms when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"Activities of Daily Living (ADL)" shall mean those [activities] **personal services** including but not limited to assistance in eating, bathing, grooming, dressing, and transferring, described in N.J.A.C. 5:70-4.4.

"Community Kitchen" shall mean a kitchen [adjacent to the community room] **which is accessible to the residents** in a residential housing facility.

"Congregate meals" shall mean one or two hot **or other appropriate** meals served in a community **dining** room and conforming to the standards established in N.J.A.C. 5:70-4.3.

"Congregate services coordinator" shall mean the person who has the responsibility for the [administration of the Congregate Housing Services Program] **assessment of the eligibility of residents for the program, for designing individualized programs, and for the overall coordination of service delivery** at each residential housing facility.

"Disposable Income (DI)" is the income of a participant **determined by deducting rent and other allowable expenses from the individual's net income.**

PROPOSALS

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"Facility" shall mean any specially designed subsidized housing for the elderly and handicapped.

...

"O.M.B." shall mean the Office of Management and Budget.

"Project" shall mean a participating residential housing facility in which persons who are disabled or are 62 years of age and over reside (P.L. 1981 c.553).

...

["Facility" shall mean any specially designed subsidized housing for the elderly and handicapped.]

...

"Sponsor" shall mean grantee.

[SUBCHAPTER 3. PLANNING]

SUBCHAPTER 3. PROGRAM DEVELOPMENT

[5:70-3.1 General

Projects eligible for the congregate services program subsidies may be new construction, substantial rehabilitation, or existing housing designed specifically for elderly independent living or congregate living as defined in P.L. 1981 c.553 A3626.]

5:70-3.1 Congregate housing services

(a) Congregate housing services shall be an integral component of any eligible facility designed for independent living.

(b) For purpose of these regulations, an eligible project shall not include any type of medical facility, shared or group living arrangement.

(c) Enrollment in the congregate housing services program shall not exceed 25 percent of a project's resident population, in order to retain the independent nature of the environment.

(d) If space is provided in a project for a health clinic or other similar facility, no part of the cost of establishing, maintaining or expanding the facility or its services will be borne by funds made available through the Congregate Housing Services Act.

[5:70-3.2 Congregate housing concept

(a) For purpose of this chapter, congregate housing shall not include any type of medical facility, shared or group living arrangement.

(b) Congregate services shall be an integral component of any eligible project designed for independent living.

(c) In order to retain the independent nature of the building, enrollment in the congregate services shall not exceed 25 percent of the tenant population.

(d) Space may be provided in a project for a health clinic, but it must be operated under separate contract by an authorized and qualified health agency (public or private). Appropriate linkages should include transfer agreements with nearby general hospitals, nursing homes and private physicians.]

5:70-3.2 Sponsor eligibility

Projects eligible for the congregate housing services program subsidies may include newly constructed facilities, facilities which have been the subject of substantial rehabilitation, or existing housing designed specifically for elderly independent living or congregate living as defined in P.L. 1981, c.553, N.J.S.A. 52:270-182 et seq.

[5:70-3.3 Initial planning procedure

(a) A Professional Assessment Committee (see subchapter 7.1) shall be assembled to aid in selection of participants.

(b) Service needs, methods of service, meal provision, and associated costs shall be identified.

(c) The Congregate Services Coordinator shall be employed several months prior to the program's inception to ensure that essential services are in place and a minimum number of participants are identified to make the program viable.]

5:70-3.3 Grant application and approval

(a) As a precondition to approving a grant application for the implementation of a congregate housing services program, or the continuation of a program, the following information shall be submitted to the Division on Aging:

1. Description of services to be provided, source of each service, and method of delivery;

2. Total projected program cost for congregate services per participant with a budget/cost breakdown; and other direct costs associated with the program;

3. Proof of satisfying the requirements of State and local health departments (for example, Chapter 12, State Sanitary Code, N.J.A.C. 8:24), including a copy of the "Sanitation Inspection Report", issued within the preceding 12 month period of time, which must have a "Satisfactory Rating";

4. The number of potential participants, and the number of current participants, if applying for program continuation.

[5:70-3.4 Final approval

(a) As a precondition to final approval for the implementation of a Congregate Services Program, the following information shall be submitted for review by the Division on Aging:

1. A description of services to be provided;

2. The total cost to resident for congregate services, with budget/cost breakdown;

3. Proof of satisfying the requirements of State and Local Health Departments (i.e., Chapter 12 of the State Sanitary Code, N.J.A.C. 8:24), including a copy of the "Sanitation Inspection Report" which must have a "Satisfactory Rating" (white certificate).

4. The number of participants and the services they will receive.]

5:70-3.4 Program plan

(a) The Congregate Services Coordinator, who shall be appointed prior to the program's inception, shall ensure that a sufficient number of potential participants are identified and that services are available to make the program cost effective.

(b) Service needs, methods for delivery of service, meal provisions, staffing, itemized program costs, and number of potential participants shall be prepared for review by the Division on Aging.

(c) A Professional Assessment Committee (see N.J.A.C. 5:70-7.1) shall be established to aid in selection of participants.

[5:70-4.1 General

[(a) The normal services that are provided in any housing project designed specifically for the elderly, such as management, security, recreation, and maintenance shall not be affected by this program.

(b) Congregate housing shall include a program of supportive services that includes the provision of meals, housekeeping and personal assistance.

(c) Several alternate service plans, based on the specific needs of project participants, shall be made available.]

(a) Congregate housing services shall include a program of supportive services that includes the provision of meals, housekeeping and personal assistance.

(b) Several alternate service plans based on the specific needs of program participants shall be made available.

(c) Services provided in any housing project designed specifically for the elderly, such as management, security, recreation and maintenance, shall not be modified by this program.

(d) Congregate housing services provided will not duplicate any services which are already accessible, affordable, and sufficiently available to eligible project residents under programs administered by any Federal, State or local agency, or any public or private agency or organization.

[5:70-4.2 Administration

[(a) The sponsor shall hire a part-time, Congregate Services

Coordinator who shall coordinate the delivery of services, but who may also provide for direct services (gap filling) that are not available within the community.]

(a) **The sponsor shall appoint a Congregate Services Coordinator who shall have primary responsibility for the day-to-day operation of the program.**

[(b) Wherever possible preference shall be given persons 55 years of age and older.]

(b) **Preference in hiring program staff shall be given to persons 55 years of age and older who are residents of the housing facility. Such employment shall be subject to the limitations in the Congregate Housing Services Act, N.J.S.A. 52:27D-182 et seq.**

[(c) The housing manager shall have the responsibility for overseeing the program and supervising the part-time coordinator.]

(c) **The responsibilities of the Congregate Services Coordinator shall include, but not be limited to:**

1. **The administration of the Congregate Housing Services Program according to State policy, rules and regulations;**

2. **Identification of and the provision of support and encouragement to those eligible residents in need of program services and to their families, when feasible;**

3. **The establishment of the Professional Assessment Committee (PAC) which shall advise on the eligibility and priority of need of residents for the program;**

4. **The establishment and maintenance of a waiting list, in accordance with written procedures developed by the PAC, of residents who are eligible for the Congregate Housing Services Program;**

5. **The development of individual programs for participants, if necessary;**

6. **The on-going assessment of participant's eligibility, needs, and financial status in cooperation with the PAC;**

7. **The hiring, training, and supervision of the program staff and volunteers;**

8. **The establishment and maintenance of the management system for program records, reports, etc., including menu plans;**

9. **The direction and coordination of the program and services for participants;**

10. **The establishment of contacts with health care and service agencies and the maintenance of a current resource file as needed to supplement information and referral services available through such agencies as the county offices on aging.**

11. **The identification of all available community resources and the establishment of linkages with such resources especially the appropriate county office on aging.**

[(d) The responsibilities of the Congregate Services Coordinator shall include, but not be limited to:

1. **The administration of the Congregate Services Program according to the State guidelines;**

2. **The assessment together with Professional Assessment Committee of Congregate Services participants to determine eligibility, individual needs, and financial status;**

3. **The maintenance of all necessary documentation, required reports, and menu plans;**

4. **The hiring, training and supervising of all employees;**

5. **The arrangement and coordination of all services for participants;**

6. **The development of individual programs for participants if necessary;**

7. **Work with Professional Assessment Committee to ensure ongoing assessment of all participants;**

8. **The establishment of contacts with other health care and service agencies, and maintenance of an active information and referral file;**

9. **Acting as community liaison within the area to maximize available community resources;**

10. **The maintenance of on-going assessment of the impact and**

quality of services being provided through the Congregate Services Program;

11. **The establishment of a format to educate prospective and current tenants about the Congregate Services Program.**

(e) **The residential housing facility shall supply the appropriate clerical and office space requirements.**

(f) **The Division on Aging shall provide technical assistance, including sponsorship of Quarterly Program Coordinators meetings to assist in implementation of the program and conducting of on-site evaluations.]**

(d) **The residential housing facility shall supply the appropriate space to meet program requirements.**

(e) **The Division on Aging shall provide technical assistance to aid implementation of the program, assess and monitor programs, and conduct periodic meetings of the Congregate Services Coordinators.**

5:70-4.3 Meals

[(a) Either one or two appropriate meals will be served.]

(a) **Either one or two appropriate meals will be available, at least one of which should be hot.**

[(b) Each meal shall contain 1/3 of the RDA as determined by the Nutrient Standard Method of menu planning.]

(b) **Each meal shall contain one-third of the RDA as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council, as determined by the Nutrient Standard Method of menu planning.**

[(c) That part of the Code of Federal Regulations known as 45 CFR 1321.45 (including all subsequent amendments and supplements) is hereby adopted as rule and shall serve as a guideline for the food service component.]

(c) **Weekly/monthly cycle menus shall be submitted to the Division on Aging's Congregate Housing Services Coordinator three weeks prior to the serving date and must meet the approval of a qualified nutritionist.**

[(d) Menus shall be submitted for approval two weeks prior to the serving date to the state nutrition consultant working with Title III C₁ (Nutrition Program of the Older Americans Act).]

(d) **Meals shall be available seven days a week to participants of the Congregate Housing Services Program. If congregare nutrition services are available on the premises which meet program standards, arrangements should be made to integrate the participants into the existing meal service. Provision for weekend meal service should be established unless seven day congregare nutrition services are available.**

[(e) One meal shall be the main or dinner meal and must be a hot meal.]

(e) **The meals shall be served in a community setting, such as a dining room, preferably at tables seating four to six people. If meals are served cafeteria style, provisions must be made for those participants requiring assistance in carrying food to the table.**

[(f) Meals shall be provided seven days a week to participants of the congregare services program.]

(f) **For the purpose of this program, the existing community kitchen, if it meets the minimum standards as described in Chapter 12 of the New Jersey State Sanitary Code (N.J.A.C. 8:24), may be used for food preparation.**

[(g) The meals shall be served in a community dining room, preferably at tables seating four to six people. If meals are served cafeteria style, provisions must be made for those residents requiring assistance in carrying food to the table.]

(g) **The food preparation facility must post a current "Satisfactory" New Jersey State Department of Health Sanitary Inspection Report certificate issued within the preceding 12 month period of time prior to any food preparation.**

[(h) The nutrition consultants working with the Nutrition Program for the elderly as well as the Division on Aging Nutrition Consultant shall be available for technical assistance.]

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(i) For the purposes of this program the existing community kitchen, if it meets the minimum standards as described in Chapter 12 of the New Jersey State Sanitary Code (N.J.A.C. 8:24) may be used for food preparation.

(j) The food preparation facility must post a current satisfactory New Jersey State Department of Health Sanitary Inspection Report certificate issued within the preceding 12 month period of time prior to food preparation.

(k) If suitable on-site facilities are not available or their use would not be economically feasible, alternatives to food preparation by the sponsor may include the following:

1. Use of a catered service.
2. **Having a Title III C₁ nutrition site** on the premises (assuming meals are served seven days a week or making appropriate arrangements for the additional meal service as necessary.)

(h) If suitable on-site food preparation facilities are not available, or their use would not be economically feasible, alternatives to food preparation by the sponsor may include contracting for the delivery of congregate meals from other sources, pending approval of the menus by the Division on Aging. Such meals, their preparation and delivery, must meet the provisions of this subchapter and of all State and local health and sanitation codes.

5:70-4.4 Housekeeping and personal services

[(a) A minimum of one hour per week for general house cleaning and one hour per month for heavy duty cleaning (washing windows, walls, thorough vacuuming) shall be provided or a minimum of four hours per month shall be available to each congregate services participant for personal services and general supervision either by management, agencies or volunteer groups serving the needs of the elderly.]

(a) Housekeeping services shall be available and shall include general house cleaning and/or heavy duty cleaning with the minimum number of hours per month for each service to be determined by the project with the approval of the Division on Aging.

- [(b) Personal services shall include the following:
1. Assistance with grooming, bathing, eating, transferring;
 2. Information and referral;
 3. Arrangement for emergency services;
 4. Assistance with shopping for personal needs (pharmacy, laundry, dry cleaning, stamps, toiletries, clothing, magazines, etc.);
 5. Delivery of meals to units on a limited basis due to illness only when necessary.]

(b) Personal services shall be available for a minimum number of hours per month as determined by the project with the approval of the Division on Aging. Such services may include:

1. **Assistance with grooming, bathing, eating, transferring;**
2. **Information and referral;**
3. **Arrangement for emergency services;**
4. **Assistance with shopping for personal needs;**
5. **Delivery of meals to units on a limited basis when necessary because of temporary incapacity due to illness or injury.**

[(c) The minimal requirements in functional abilities of participants are:

1. **Eating: May need assistance with cutting food or serving food, but must be able to feed self;**
2. **Bathing: May need assistance with getting in and out of shower or tub, but must be able to wash self;**
3. **Grooming: May need assistance with washing hair but must be able to take care of personal appearance;**
4. **Dressing: Must be able to dress self, but may need occasional assistance;**
5. **Transferring: Must be mobile, but does not prohibit persons in wheel chairs or requiring mobility devices.]**

(c) The minimal functional abilities of program participants eligible for supportive services are defined as:

1. **Eating: May need assistance with cutting food, but must be able to feed self;**
2. **Bathing: May need assistance with getting in and out of shower or tub, but must be able to wash self;**
3. **Grooming: May need assistance with washing hair, but must be able to take care of personal appearance;**
4. **Dressing: Must be able to dress self, but may need occasional assistance;**
5. **Transferring: Must be mobile, but does not prohibit persons in wheel chairs or requiring mobility devices.**

5:70-4.5 Laundry services

(a) A monthly service charge may bill for weekly change of linens. It is an optional service to be decided by management, but may be included as a separate item in the total monthly charge for food, housekeeping and personal services.

(b) All residents shall be responsible for their own personal laundry. However, assisting with personal laundry may be considered a "personal service" and its inclusion is permissible.]

[SUBCHAPTER 5. COST OF SERVICE

5:70-5.1 General

(a) The proportion of the program cost that is paid by the participants shall be based upon each individual's income.

(b) The total cost of the support service package shall be the same for all participants within the selected plan.

(c) The operating subsidy shall be used to assist eligible tenants in meeting the total cost.

(d) In cases of temporary absence (e.g., vacations, short hospital stays, etc.) an administrative fee may be assessed in order to keep the services in place.]

SUBCHAPTER 5. PROGRAM COST

5:70-5.1 Program costs

(a) The total program costs shall be determined by computing all costs of providing meals and services, including the coordination of the program, and other services performed by the Congregate Services Coordinator.

(b) Other additional direct costs which are related to the delivery of services, but which are not included in the total program costs when determining participant costs, may be allowable with approval of the Division on Aging.

5:70-5.2 Program cost

(a) Salaries for housekeeping and personal services personnel may be included in the program costs so long as these services are not provided by volunteers or other agencies at no cost to management.

(b) The part-time Services Coordinator's salary shall be included in the cost of the program once participants have been signed into the program and services begin.

(c) For an initial period of two to three months, to be determined by the Division on Aging and the residential housing facility, the Services Coordinator's salary shall be subsidized for start up purposes.

(d) No money from the service subsidy fund may be expended, for capital costs, office costs, in kind costs, or other administrative expenses of the Congregate Services Program except for the part-time Services Coordinator's salary.]

5:70-5.3 Computing per person program costs for actual costs to participants (see N.J.A.C. 5:70-6.5)

(a) The total program costs shall be determined by computing costs of the meals, the personnel needed for housekeeping and personal aid, and the monthly salary of the part-time program coordinator divided by the number of participants.

(b) The following formula shall be used to determine program costs for an individual, per month:

Cost of	Unit Cost	Cost of	Pro Rated
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COMMUNITY AFFAIRS

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Services of Housekeeping and Personal Aid (For Approx. 10-15 Hrs.) + Part-Time Services Coordinators Salary

(c) The following formula shall be used to determine program cost for a couple, per month:

Cost of Services Program = Meals Above x 2 + Cost of Housekeeping and Personal Aid Above x 1.5 + Part-time Services Coordinators Salary As Above x 1.5]

5:70-6.1 General

(a) Operating subsidies for congregate housing services shall be provided to eligible participants through the Division on Aging to assist in reducing the amount they have to pay for services.

(b) Subsidies to assist with the cost of meals, housekeeping, and personal services shall be based on the amount of personal income, and rent, and shall be available in an amount not to exceed an average per project of \$100.00 per month, per person.

(c) A minimum charge of \$10.00 per month shall be assessed for those with exceedingly low income as determined by the subsidy formula described below under income limits and payment schedules (see N.J.A.C. 5:70-6.5).]

(a) The service subsidy will be provided to reduce the cost of the program to each participant.

(b) The service subsidy will reduce the participant's cost of meals, housekeeping, personal services, and other services and will be based on a formula for determining disposable income as set forth in N.J.A.C. 5:70-6.3.

(c) Income definitions and the formula for determining disposable income (DI) set forth in N.J.A.C. 5:70-6.3 are intended as basic guidelines for determining the service subsidy. The Director, Division on Aging, shall be authorized to provide subsidies in excess of those in the formula or to modify subsidies set forth in the formula or to change income definitions as circumstances warrant.

(d) The service subsidy may not exceed the amount shown in the formula for determining disposable income (DI).

(e) Subsidies may be provided by other sources and are allowable to further assist in reducing participant's payment toward the program cost.

[5:70-6.2 Gross and net income (NI)

(a) Gross income shall include:

1. The full amount received from annuities, retirement income and pensions.
2. Payments in lieu of earnings, such as, unemployment and disability, compensation, social security benefits, workmen's compensation and dismissal wages, excluding, however, lump sum payments under health and accident insurance and under workmen's compensation.
3. Cash relief receipts exclusive of rental subsidies.
4. Periodic and determinable allowance, such as, alimony and regular contributions or gifts.
5. Interest, dividends and net income of any kind from real or personal property.
6. Net income from a business or profession.
7. The full amount, before any payroll deductions, of wages and salaries, including compensation for overtime and all other compensation for personal services.

(b) Net income means gross income of all members of a family occupying the same dwelling unit less deductions specified below and anticipated during the 12 month period of which the gross income is estimated.

1. A deduction for extraordinary medical or other expenses when not compensated for or covered by insurance, defined for this purpose to mean medical expenses in excess of three percent of gross income, will be decided on an individual basis jointly agreed upon by the housing project and the Division on Aging.
2. A deduction of 10 percent of gross income.]

5:70-6.2 Eligibility for service subsidy

(a) Present or prospective residents who qualify for congregate housing services and require financial assistance are eligible for a service subsidy.

[5:70-6.3 Eligibility for financial assistance

These applicants shall be eligible for financial assistance who are present or prospective tenants and who show a deficit in subsidy formula as described below under income limits and payment schedules (see N.J.A.C. 5:70-6.5).]

5:70-6.3 Income, program costs, and service subsidy formula

(a) Gross income shall include:

1. The full amount received from annuities, retirement income and pensions;
2. Payments in lieu of earnings, such as, unemployment and disability compensation, social security benefits, worker's compensation and dismissal wages, excluding, however, lump sum payments under health and accident insurance and under worker's compensation;
3. Cash relief receipts exclusive of rental subsidies;
4. Periodic and determinable allowances, such as alimony and regular contributions or gifts;
5. Interest, dividends and net income of any kind from real or personal property;
6. Net income from a business or profession;
7. The full amount, before any payroll deductions, of wages and salaries, including compensation for overtime and all other compensation for personal services.

(b) Net income (NI) is gross income less ten percent. For purposes of the subsidy formula, net income (NI) is to be computed as one-twelfth of annual net income.

1. A deduction from net income will be allowed for extraordinary medical or other expenses when such expenses are not compensated for or covered by insurance. This amount shall be determined on an individual basis monthly by the Congregate Services Coordinator with the approval of the Division on Aging.

(c) Program cost (PC) is the monthly total of allowable costs per participant for services described in N.J.A.C. 5:70-5.1.

(d) Disposable income (DI) is the amount remaining each month after rent is deducted from net income. When utilities, excluding telephone, are contracted for individually by residents, these costs may be included when computing rent.

(e) Service subsidies for eligible program participants will be provided in accordance with the following formula:

STEP I

$$\text{NET INCOME} - \text{RENT} = \text{DISPOSABLE INCOME}$$

$$(\text{NI}) - (\text{R}) = \text{DI}$$

STEP II

- D.I. of \$ 0.00-\$159.00: SERVICE SUBSIDY = 95 percent of Program Cost
- D.I. of \$160.00-\$224.00: SERVICE SUBSIDY = 75 percent of Program Cost
- D.I. of \$225.00-\$369.00: SERVICE SUBSIDY = 60 percent of Program Cost
- D.I. of \$370.00-\$506.00: SERVICE SUBSIDY = 20 percent of Program Cost

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(f) The ceiling on the amount of disposable income for determination of eligibility for service subsidy is based upon current Office of Management and Budget (O.M.B.) Poverty Level Income Guidelines.

5:70-6.4 Verification and documentation of income

[(a) Determination of financial assistance shall be based upon data furnished by the resident.

(b) Complete and accurate records consisting of, but not routinely limited to, the following are to be maintained:

1. Photostatic or carbon copies of documents in the tenant's or residential facility's possession which substantiate the resident's statement;

2. When necessary to conform to good business practice, memoranda of verification data obtained by personal interview, telephone or other means, with source, data reviewed and identification of the person providing and receiving the information;

3. Letters or other statements from pertinent sources (when doubt exists that information provided is reliable or accurate) giving authoritative information concerning all items and amounts of income and deductions together with eligibility determinations.]

(a) Determination of need for service subsidy shall be based upon data which shall be furnished by the resident to the Congregate Services Coordinator.

(b) Complete and accurate records consisting of, but not routinely limited to, the following are to be maintained:

1. Photostatic or carbon copies of documents to substantiate the resident's statement;

2. When deemed necessary by the Division on Aging, memoranda of verification data obtained by personal interview, telephone or other means, with sources, data reviewed, and identification of the persons providing and receiving the information;

3. Letters or other statements from pertinent sources giving authoritative information concerning all items and amounts of income and deductions, together with other eligibility determinations.

[5:70-6.5 Income limits and payment schedules for individuals]

[(a) Operating subsidies for qualified congregate housing residents will be provided in accordance with the following subsidy formula:

$$\text{Net Income (NI)}^1 - \text{rent (R)} + \text{personal spending money } \$90 + \text{Credit for monthly program cost below } \$225 \text{ ceiling (if applicable)}^2 = \text{Resident's payment towards costs of congregate services (P)}^3$$

$$\text{Cost of congregate services program } \$225 \text{ or actual cost of services if less} - (P) = \text{Amount of subsidy received by resident}$$

(b) Income Limits and Payment Schedules for a couple or two persons sharing an apartment only one person participating shall be as follows:

$$\text{Half of net Income (NI)} - \text{Half of Rent (R)} + \text{Personal Money } \$90 + \text{Credit for monthly program cost below } \$225 \text{ ceiling (if applicable)}^2 = \text{payment toward cost of congregate services (P)}^3$$

$$\text{Cost of Congregate Services Program } \$225 \text{ or actual cost} - (P) = \text{Amount of subsidy received by resident}$$

of services, if less

¹As defined in N.J.A.C. 5:70-6.2.

²If a sponsoring group is able to provide the total service package for less than \$225.00 per person, the cost difference will be applied to the participant's portion of the program cost. (i.e., if the program can be offered for \$200.00 per month, per person, the amount the resident pays would be reduced by \$25.00 irrespective of whether the person takes the full program.)

³Food Stamps may be accepted for resident's payment toward meal cost.

⁴The program credit is to be applied if the total service package for two is less than \$388.00.

(c) Income Limits and Payment Schedules for a couple or two persons sharing an apartment for both participants shall be as follows:

$$\text{Net Income (NI)} - \text{Rent (R)} + \text{Personal spending money } \$158 + \text{Credit for monthly program cost below } \$388 \text{ ceiling (if applicable)}^4 = \text{Couple's payment towards cost of congregate services (P)}^5$$

$$\text{Cost of Congregate Services Program } \$388 \text{ or actual cost of services if less} - (P) = \text{Amount of subsidy received by residents]}$$

[SUBCHAPTER 7. CONDITIONS GOVERNING TENANTS ELIGIBILITY

5:70-7.1 Eligibility admissions

(a) A Professional Assessment Committee (PAC) shall be utilized in the selection of residents for the Congregate Program.

1. The team shall include, but need not be limited to, the project manager, the services coordinator, a physician and/or suitable other health professional and a representative designated by the Area Agency on Aging.

2. The PAC shall meet a minimum of four times a year to evaluate and determine the eligibility of potential participants for entrance to, and termination from the Congregate Services Program.

3. The PAC shall:

i. Evaluate the functional ability of each congregate applicant or participant based on material presented by the Services Coordinator using an accepted standard tool to determine the individual's need for assistance in activities associated with daily living;

ii. Evaluate and assess the remaining tenant population presently residing within the housing environment for the purpose of developing an awareness of hidden needs and possible future applicants for the congregate program; and

iii. Evaluate and assess all new applicants who apply for housing facilities to determine immediate needs of new residents.

4. The PAC shall recommend an individualized service plan that will provide assistance in those areas where the tenant's functional incapacities impede independent living.

(b) The purpose of the PAC shall be to aid the individual to remain in his/her immediate environment for as long as possible.

1. If or when the PAC determines that a resident is no longer capable of functioning independently, even with a maximum amount of supportive services within the Congregate Services Program and/or if the resident becomes/or is in continued need of the type of health care usually provided in an institutional setting, the manager, with proper documentation and the majority consensus of the PAC shall act to remove the participant from the program.

2. Management shall initiate proceedings for the purpose of

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obtaining proper care for the residents to assure the future well being of the individual.]

SUBCHAPTER 7. PROCEDURES FOR DETERMINATION OF RESIDENTS ELIGIBILITY

5:70-7.1 Establishment of the Professional Assessment Committee (PAC)

(a) The PAC shall be utilized in the determination of participant eligibility for the Congregate Housing Services Program.

1. The PAC shall include, but need not be limited to the manager of the housing facility, the Congregate Services Coordinator, a physician and/or other suitable health professional, and a representative designated by the appropriate county office on aging.

2. The PAC shall meet a minimum of four times a year to evaluate and determine the eligibility of potential participants for participation in, and termination from the Congregate Housing Services Program.

3. The PAC shall:

i. Evaluate the functional ability of each Congregate Services Project applicant or participant based on information presented by the Congregate Services Coordinator using a measurement of functional ability to determine the individual's need for assistance in activities associated with daily living.

ii. Evaluate and assess the remaining resident population and establish written procedures for maintaining a waiting list of potential participants for the program.

iii. Evaluate and assess all new applicants who apply for admission to the housing project to determine their immediate needs.

4. The PAC shall recommend an individualized service plan that will provide assistance in the areas where the resident's functional incapacities impede independent living.

5. If, or when, the PAC determines that a participant is no longer capable of functioning independently with the maximum amount of supportive services available from the Congregate Housing Services Program and/or if the resident becomes or is in continual need of the type of health care usually provided in an institutional setting, the Congregate Services Coordinator, with documentation and the majority consensus of the PAC, shall recommend to the program sponsor that action be taken to remove the participant from the program.

6. The Congregate Services Coordinator, with the advice of the PAC, may also recommend that the program sponsor initiate proceedings to obtain other appropriate care for the resident to assure the future well being of the individual.

7. The Congregate Services Coordinator shall have the discretion to admit persons to the Program prior to review by the PAC at its next regularly scheduled meeting.

[5:70-7.2 Eligibility for financial assistance

Those applicants shall be eligible for financial assistance who are present or prospective tenants and who show a deficit when the subsidy formula is applied.]

5:70-7.2 Non-discrimination

The procedures set forth in N.J.A.C. 5:70-7.1 shall be followed without regard to race, creed, color, sex or national origin.

[5:70-7.3 Priority

(a) In accordance with the goals of the program, priority for congregate services subsidy shall be given to those applicants who have been evaluated and deemed to need assistance under the criteria developed in N.J.A.C. 5:70-7.1.

1. The Services Coordinator shall have discretion to place persons

on the Program for review by the PAC at its next regularly scheduled meeting.]

5:70-7.3 Residents ineligible for service subsidy

Residents in need of congregate housing services whose disposable income exceeds 125 percent of the current O.M.B. poverty levels are not eligible for financial assistance, but may receive the available services by paying the total program costs.

[5:70-7.4 Waiting list

(a) Management shall maintain a waiting list of applicants for congregate housing services in accordance with a set of written and equitable procedures adopted and approved by the Owner or Board of Directors.

(b) The Division on Aging will be the final arbiter in the case of any unresolved complaints.]

[5:70-7.5 Non-discrimination

The foregoing procedures shall be followed without regard to race, creed, color, sex or national origin.]

[5:70-7.6 Over Income tenants

If it is determined that a tenant is not eligible for financial assistance, the tenant may participate in the program, paying full charge for congregate services.]

[SUBCHAPTER 8. MONITORING AND EVALUATION

5:70-8.1 General

To the greatest extent possible, sponsors and management of the congregate housing services program shall be allowed maximum flexibility for operations and administration. However, financial feasibility must be maintained while, at the same time, providing the highest possible quality of support services.]

SUBCHAPTER 8. PERFORMANCE REVIEW AND ASSESSMENT

5:70-8.1 General

(a) Sponsors and management of congregate housing services programs shall be allowed maximum flexibility for operations consistent with effective and efficient program administration in accordance with standards developed by the Division on Aging.

(b) The Division will reallocate to the statewide program those funds which are unexpended by program grantees within the program grant period.

5:70-8.2 Monitoring

[(a) The Division on Aging shall monitor all Congregate Housing Services programs from time to time to ascertain whether or not the physical plant is being properly maintained and to ensure that the social and physical needs of the elderly are being met in a satisfactory manner by management and staff.

(b) If services do not meet the standards promulgated under this act, the Division may terminate the contract and reallocate the unexpended funds.]

The Division on Aging shall monitor all Congregate Housing Services Programs periodically to insure financial and programmatic compliance with grant agreements, policy and procedures and all applicable state regulations.

5:70-8.3 Evaluation

[Housing Managers and Congregate Services Coordinators shall cooperate in any program evaluation to be conducted by an outside agency commissioned by the Division on Aging.]

Managers of congregate housing facilities and Congregate Housing Services Coordinators shall be required to cooperate in any performance or fiscal review, assessment, or evaluation which may be conducted by the Division on Aging or an outside agency commissioned by the Division on Aging.

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5:70-8.4 Self assessment

The program sponsor shall prepare and submit to the Division on Aging an annual evaluation of the effectiveness of the Congregate Housing Services Program in accordance with guidelines developed by the Division on Aging.

5:70-9.1 General

[(a) The grantee's records shall be in conformity with generally accepted accounting principles and shall be in such a form as to make the following information readily available:

- 1. Documentation of all persons in a program, both subsidized and nonsubsidized, listing income and rent for each person.
- 2. Allocations of costs by budget category to each of the subsidized services: Food, Housekeeping, and Personal Services.
- 3. Evidence that all subsidies received were expended for the intended purpose and that no amounts were expended for capital costs, other than food, housekeeping, or personal services to eligible residents.]

(a) The program sponsor's records shall be in conformity with generally accepted accounting principles and shall be in such a form as to make the following information readily available:

- 1. Documentation of all persons in the program, both subsidized and non-subsidized, listing income, rent, and program cost per participant, for example, subsidized cost and participant contribution.
- 2. Allocation of costs by budget category to each of the subsidized services (food, housekeeping, and personal services).
- 3. All expenditures directly related to the Congregate Housing Services Program.
- 4. Documentation that all subsidies received were expended for allowable service costs, for example, the provision of meals, salaries of personnel needed for housekeeping, personal services, coordination and other services rendered by the coordinator, and that none were expended for capital costs.
- 5. Subsidies provided by other sources used to reduce participant payments toward the cost of the program. (See: N.J.A.C. 5:70-6.1.)

5:70-9.2 Quarterly financial reports

(a) (No change.)

[(b) A monthly Audit Report Form shall be maintained at the project for use in determining the validity of the subsidies at the time the final audit is done by the Department of Community Affairs.]

(b) A monthly reporting form shall be maintained at the project for use in determining at the time of the final audit by the Department of Community Affairs the validity of the subsidies.

[(c) The Division may terminate the contract and reallocate unexpended funds if the program has not been established within six months after funding approval is granted or if the sponsor has failed to submit two consecutive quarterly financial reports.]

(c) The Division on Aging may terminate the grant agreement if the sponsor has not delivered congregate housing services to eligible recipients of services within six months after funding approval is granted, or if the sponsor has failed to submit two consecutive quarterly financial reports.

5:70-9.3 Performance Reports: quarterly and annual

(a) Performance (progress) reports shall be submitted [quarterly] within 15 days of the end of each quarter and within [30] 15 days after the completion of each contract period.

[(b) The annual report shall include a list of all individuals participating in the program during the contract period.]

(b) The report submitted at the end of the contract period shall include:

- 1. A list of all subsidized and nonsubsidized participants in the program during the contract period;
- 2. Services provided to each participant and the time enrolled in the program;

3. Reasons for participant's discontinuation of or termination from the program.

(c) (No change.)

5:70-10.1 Appeal procedure

(a) Any housing agency, program applicant or participant, aggrieved by a decision of the Division and entitled to a hearing shall have a right to a hearing if requested in writing to the Division on Aging within 20 days of receipt of written notification of the decision.

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

SUBCHAPTER 11. ADMINISTRATION

5:70-11.1 General

(a) The Congregate Housing Services Program will be administered by the Division on Aging, Department of Community Affairs.

1. The Director, Division on Aging, as the designee of the commissioner, is authorized to promulgate policies and procedures as may be deemed necessary to carry out the purpose of the program.

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(a)

DIVISION OF COASTAL RESOURCES

**Boat Regulation Commission
Boating Regulations**

Proposed Readoption: N.J.A.C. 7:6

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection, and Boat
Regulation Commission, Kenneth Husted, Chairman.
Authority: N.J.S.A. 12:6-1(e), 12:7-34.1 et seq.,
specifically 12:7-34.40, 12:7-34.49, and 12:7-44.
DEP Docket No. 056-83-09.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Neil Yoskin
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, NJ 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules (except subchapter 7) expired on October 16, 1983. The readoption of the expired rules becomes effective upon publication in the Register of a notice of readoption.

This proposal is known as PRN 1983-541.

The agency proposal follows:

Summary

Executive Order No. 66 of 1978 provides that any agency rule adopted after May 15, 1978 shall expire no later than five years after its effective date. The purpose of this "sunset" provision is to insure that the State's administrative agencies periodically review their

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rules and regulations in order to insure their continued usefulness and necessity. The proposed re-adoption of N.J.A.C. 7:6 is being made in accordance with N.J.A.C. 1:30-4.3(c) in order to maintain the effectiveness of the boating regulations.

The Boating Rules, N.J.A.C. 7:6, were adopted over a number of years by the Department, together with the State's Boat Regulation Commission. The Commission consists of seven members representing the various geographical and boating interests around the State. Its meetings are open to the public, and its deliberations afford a continued review of the reasonableness, efficiency, clarity and need for these rules. The Commission has determined, on the basis of this process, that these rules are necessary and should be continued.

The rules came into being over a period of years. Most were adopted under the authority of the Boat Act of 1962 as amended (N.J.S.A. 12:7-34.36 et seq.). They are enforced by the Marine Bureau of the Division of State Police, and provide a comprehensive set of rules governing the operation, docking, mooring, anchoring and numbering of vessels on the waters of the State. They are, therefore, a necessary part of a continuing law enforcement program.

The Boating Rules, except subchapter 7, expired on October 16, 1983. The subchapters proposed for re-adoption are summarized below. No change in the existing text is proposed; however, any comments submitted in response to this notice will receive a reply.

7:6-1 Boating Regulations

These are rules of general application concerning the operation of vessels and include such matters as certification and numbering, lifesaving devices, muffling devices, speed restrictions, anchoring rules and accident reports.

7:6-2 Water Vessels Used In Business

These rules deal with tax exemption certificates for commercial vessels.

7:6-3 Water Skiing

These rules concern the areas and hours of permissible water-skiing in selected inland lakes and tidal water bodies.

7:6-4 Non-tidal Waters

These rules govern the operation of vessels on non-tidal waters, including Lake Hapatcong. They include rules on minimum age, non-licensed operators, operation while intoxicated and racing events.

7:6-5 Hull Identification Numbers

These rules govern the format and location of hull identification numbers.

7:6-6 Watercraft Noise Control

These rules establish certain noise limitations for motor vessels, including racing vessels.

7:6-7 Abandoned Vessels

(These rules expire April 12, 1984 and are not part of this proposed re-adoption.)

7:6-8 Motor Vehicles On Ice-covered Waters

These rules prohibit the operation of all motor vehicles except snowmobiles on ice-covered waters of the State.

Social Impact

The boating regulations affect approximately 130,000 recreational vessels in New Jersey. Registrations fees are established by law, and range from \$6.00 for vessels of 16 feet or less, to \$125.00 for vessels over 65 feet. The manner of numbering is set by regulation. Were these rules not re-adopted, the ability of the Marine Police to enforce safety standards would be seriously curtailed.

Economic Impact

The rules themselves have no economic impact on the public, since vessel registration fees are established by law. However, the failure to adopt this proposal could have an adverse effect on the State's marine trades industry by curtailing safety enforcement, thereby increasing insurance costs.

Full text of the proposed re-adoption can be found in the New Jersey Administrative Code at N.J.A.C. 7:6, as amended in the New Jersey Register at 15 N.J.R. 765(a) and 1180(b).

(a)

DIVISION OF WASTE MANAGEMENT

DIVISION OF WATER RESOURCES

Hazardous Waste Management Phase II, Interim Authorization

Proposed Amendments: N.J.A.C. 7:26-1.1, 1.4, 7.6, 9.1-9.6, 9.8-9.14, 11.4, 12.2 and 12.12; 7:14A-4.5

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1E-6 and N.J.S.A. 58:10A-4.
DEP Docket No. 059-83-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

J. Mark McQuerry, Esq.
Office of Regulatory Services
CN 402
Trenton, NJ 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 1983-590.

The agency proposal follows:

Summary

In order for New Jersey to be authorized to implement a hazardous waste management program under the Federal Resource Conservation and Recovery Act, the State's rules must be equivalent to or more stringent than their Federal counterparts. The vast majority of our rules are virtually identical to the Federal regulations, and have therefore been incorporated by reference herein. However, as described below, certain minor additions and changes must be made to the State's rules in order for the Department's program to be acceptable to the United States Environmental Protection Agency. Should the State fail to receive Federal authorization of its hazardous waste program, Federal funding would be jeopardized. Additionally, hazardous waste industries would have to continue to comply with duplicative Federal and State requirements.

Phase II Interim Authorization relates to that part of the hazardous waste management program governing the issuance of permits to hazardous waste facilities. The amendments relate to general permit application requirements applicable to all facility types, and specific permit requirements for facilities which store, treat, process or incinerate hazardous wastes.

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The rules presently set forth in N.J.A.C. 7:26-9.10, 9.11, 9.12 and 9.13 provide for financial assurance for hazardous waste facility closure and post-closure care and set minimum liability insurance requirements. New Jersey adopted the present rules on October 8, 1981. In April of 1982, the USEPA adopted rules governing the same subject matter. EPA rules were much the same as New Jersey's but allowed facility owners to use three additional financial instruments to comply with their financial obligations. These three instruments are:

1. A financial test which allows a facility owner to provide for closure, post-closure care and for liability insurance by submitting to a review of their company's financial worth. If the company which owns the facility qualifies, it may escape all or part of the requirement to arrange for specific closure and post-closure care funding and to obtain complying insurance coverage.

2. A closure or post-closure insurance policy which allows all or part of closure and post-closure care funding to be covered by insurance.

3. A Certificate of Liability Insurance. New Jersey's present rules only allow for the use of a Liability Endorsement. A Certificate of Liability Insurance is a certification that the insurance policy is in compliance, as opposed to the Liability Endorsement which is an amendment to the policy, itself, which assures compliance.

4. The Department proposes to adopt 2 and 3, above, and to allow for the use of a financial test only for the liability insurance obligation. It is not the Department's intent to adopt an amendment which allows for the use of a financial test for closure and post-closure care financial responsibilities at this time; however, the Department is considering proposing such an amendment in response to a petition for rulemaking by the Chemical Industry Council.

To summarize, the significant provisions of the proposal are described as follows:

N.J.A.C. 7:26-1.1(a)6. The USEPA has required that New Jersey amend the Solid Waste Management Act to remove the possible interpretation that the exemption for publicly-owned sewage treatment plants would allow certain hazardous waste management facilities to escape legal control. The exemption is now set forth in the definition of "solid waste" in N.J.S.A. 13:1E-3, and the Department has recommended to the Legislature that it delete this exemption from the law. In addition, the Department proposes to adopt a rule to more accurately describe an exemption for domestic treatment works, as defined in N.J.A.C. 7:14A-1.9. What the proposed rule exempts are wastes which are delivered to a domestic treatment works from approved discharges into the sanitary sewer system. The exemption does not apply to transport of wastes prior to discharge into the sewer.

N.J.A.C. 7:26-1.4. An amendment is proposed to clarify what is meant by the term "permit", as used in the rules. Since the Solid Waste Management Act uses the terms "registration statement and engineering design", it is appropriate to make clear that the terms are interchangeable.

N.J.A.C. 7:26-1.4. There is presently a reference in N.J.A.C. 7:26-12.1(b)6 to the definition of a publicly-owned treatment works (POTW), yet no such definition exists in the rules. Such is proposed, hereby.

N.J.A.C. 7:26-7.6(f)2 v and ix. These amendments require the owner or operator of an off-site hazardous waste facility to identify in its annual reports generators of wastes which were accepted.

N.J.A.C. 7:26-9.1(c)1. Owners and operators of barges and vessels involved in ocean disposal of hazardous wastes are required by Federal rule to file reports and to comply with manifest requirements regarding their hazardous waste activities. The proposed amendment parallels that requirement.

N.J.A.C. 7:26-9.2 and 9.3. By these amendments, New Jersey proposes to discontinue the exemption from permitting, which exists for the operation of small (less than 200 cubic yards) hazardous waste piles. When hazardous waste rules were adopted

in 1981, New Jersey concluded that the use of waste piles was environmentally unacceptable and disallowed all waste piles except small ones, and then, only for storage for less than 90 days. The Federal regulations allow the use of wastepiles, but requires that the activity be licensed. The USEPA has indicated that New Jersey's system of allowing small waste piles to be used for temporary storage of wastes without a permit is less stringent than the Federal rule in these circumstances. Accordingly, this rule deletes the present exemption. This results in an across-the-board prohibition of waste piles in this State.

N.J.A.C. 7:26-9.5(b). This rule was added to the Administrative Code, effective December 6, 1982. Since this rule was adopted, the Department has determined that there are no hazardous waste facilities subject to monitoring under State hazardous waste rules which are not also subject to Federal requirements. Therefore, this rule is unnecessary and is being repealed.

N.J.A.C. 7:26-9.6(a). The Federal rule requires that facilities be "designed, constructed, maintained and operated to minimize the possibility of a fire, explosion, . . .". Our equivalent rule failed to include the words "designed, constructed" and, accordingly, they are proposed to be inserted.

N.J.A.C. 7:26-9.8(e). The Federal rules require that closure plans identify steps necessary for facility closure during and at the end of the facility's operating life. New Jersey's rule requires identification of closure steps at any time during the facility's operating life. Though the language of the two rules is arguably of equivalent breadth, we are adopting the amendment to insure equivalence.

N.J.A.C. 7:26-9.9(m). The Federal rule requires that the deed notice, associated with land-based hazardous waste facilities, be amended, if changed circumstances require. An equivalent provision is proposed to be incorporated in our rule.

N.J.A.C. 7:26-9.10, 9.11, 9.12 and 9.13. New Jersey's present rules governing financial assurance for closure and post-closure care are being replaced by the text of their Federal counterparts. Provisions governing the case of a financial test for liability insurance coverage and the use of a Certificate of Insurance have been added, as well as provisions concerning "compliance procedures."

N.J.A.C. 7:26-11.4(c)1. Federal rules require that this paragraph make reference to the closure and post-closure care plans in N.J.A.C. 7:26-9.8 and 9.9, with specific regard to final cover of landfills. The required Federal language is incorporated.

N.J.A.C. 7:26-12.2(d)8. The Federal rule requires a permit applicant to indicate wells, springs, other surface water bodies and drinking wells listed in public records or otherwise known to the applicant within one-quarter mile of the facility boundary. New Jersey's rule only requires reference to public records and, therefore, is proposed to be amended.

N.J.A.C. 7:26-12.2(d)16. All data used to complete an application for a permit must be retained by the applicant for three years.

N.J.A.C. 7:26-12.2(e)22 and 23. These amendments require that applicants for permits evaluate traffic impact and control, relating to the facility, and to submit an employee training program outline, as part of the application.

N.J.A.C. 7:26-12.2(k). Federal rules set forth these additional requirements for insuring that permit application submissions are signed by authorized employees of an applicant company.

N.J.A.C. 7:26-12.4(a)17. A description of what is included in the term "manifest discrepancy" is proposed to be added in this paragraph.

N.J.A.C. 7:26-12.12(c). The public comment period on draft permit approvals and permit denials is extended from 30 to 45 days.

N.J.A.C. 7:26-12.12(e). Public notice of draft hazardous waste facility permits must include local radio broadcast, in addition to other notice methods.

N.J.A.C. 7:26-12.12(i). With this amendment, public hearings on draft hazardous waste facility permits is required if any written

requests are received.

N.J.A.C. 7:14A-4.5(b)v and vi. Operators of publicly-owned treatment works must, should they ever accept vehicle shipments of hazardous waste, comply with rules concerning the filing of manifest discrepancy reports and unmanifested waste reports.

Social Impact

Consistency between the State and Federal hazardous waste programs will facilitate compliance with the rules by removing the need for generators and disposers of hazardous waste to meet two differing sets of regulations. Aiding compliance with the State program benefits the health and welfare of the public.

Economic Impact

Hazard waste facility owners and operators presently must meet the regulatory requirements in this proposal under Federal law and rules and, therefore, should suffer no additional economic impact. Hazardous waste facilities which are regulated solely under New Jersey law will suffer the limited economic impact of having to comply with the new requirements set forth herein.

By allowing the use of new financial mechanisms by facility owners to fulfill their closure and post-closure care financial responsibilities and liability insurance obligations, additional and potentially more economical alternatives become available to comply with the rules. These alternatives are now available under Federal rules and, in the opinion of this Department, should also be available in New Jersey.

The rule which deletes the existing exemption for hazardous waste storage in small waste piles results in an extension of the prohibition against waste piles to all waste piles in the State. This may result in an adverse economic impact to those who presently operate small wastepiles.

Environmental Impact

The proposed rules will enhance environmental protection by requiring, under New Jersey rules, that all facility owners and operators meet more stringent Federal standards. Since the bulk of hazardous waste control will be performed by the New Jersey Department of Environmental Protection, it is important that the Department's rules set forth all the standards and restrictions upon which it will rely to enforce environmental controls.

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

7:26-1.1 Scope of rules

(a) Unless otherwise provided by rule or statute, this chapter shall constitute the rules of the [Bureau of Solid Waste Management] **Department of Environmental Protection** and shall govern the registration, operation and maintenance of landfill operations in the State of New Jersey, and other methods of solid and liquid waste disposal as may be approved by the Department; registration, operation and maintenance of collection and haulage operations in the State of New Jersey and other methods of collection and haulage of solid wastes as may be approved by the Department; a fee schedule for engineering review, registration and inspection of solid waste disposal and registration of collection, haulage and disposal operations in the State of New Jersey. These rules shall not apply to the following:

1.-5. (No change.)

6. Any discharge of a mixture of domestic sewage and other wastes that are discharged into a sewer system to a domestic treatment works, as defined in N.J.A.C. 7:14A-1.9, which is authorized in accordance with N.J.A.C. 7:14A-1 and local ordinances; "domestic sewage" means untreated sanitary waste that passes through a sewer system.

i. This exemption does not include transport or discharge by waste transporters.

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

7:26-1.4 Definitions

"Permit" means the approval issued by the Department to construct and operate a solid waste facility and shall mean the approved registration statement and engineering design approval described in the Solid Waste Management Act.

"Publicly-owned treatment works" or "POTW" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by the State, a municipality or a public authority. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

7:26-7.6 Hazardous waste facility operator responsibilities

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

(f) Reporting and recordkeeping requirements are as follows:

1. (No change.)

2. The owner or operator must prepare and submit two copies of an annual report to the Department by March 1 of each year. The report must include:

i.-iv. (No change.)

v. For each type of hazardous waste accepted, a report of the total quantity received and the quantities consigned to each treatment, recovery, or disposal process used. The report shall include the quantities of each waste type placed into storage and removed from storage during the reporting period. **For off-site facilities, this information must be listed by the EPA identification number of each generator.**

vi. (No change.)

vii. The most recent closure cost estimate under N.J.A.C. 7:26-9.[8]**10(e)** and the most recent post-closure cost estimate under N.J.A.C. 7:26-9.[9]**11(c)2**, where applicable.

viii. A certification signed and dated by the owner or operator of the facility or his authorized representative stating "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties under N.J.S.A. [7]**13:1E-1** et seq. for submitting false information, including the possibility of fine and imprisonment."

ix. For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator.

3. (No change.)

7:26-9.1 Scope and applicability

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

(c) The standards and requirements of this subchapter do not apply to:

1. **The following handlers of hazardous waste.**

i. Any person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 14[01]**20** et seq.), except that these standards and requirements do apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea (**whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of N.J.A.C. 7:26-7**); and

ii. The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, if the owner or operator:

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(1) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research and Sanctuaries Act, as amended, 33 U.S.C. 1420 et seq.);

(2) Complies with the following hazardous waste regulations:

(A) Identification number, N.J.A.C. 7:26-7.6(a)1.

(B) Use of manifest system, N.J.A.C. 7:26-7.6(b) and (d).

(C) Manifest discrepancies, N.J.A.C. 7:26-12.4(a)17i.

(D) Operating record, N.J.A.C. 7:26-9.4(i).

(E) Annual report, N.J.A.C. 7:26-9.4(j).

(F) Unmanifested waste report, N.J.A.C. 7:26-12.4(a)17ii. Such report must be designated "Unmanifested Waste Report" and include the EPA identification number, name, and address of the facility, the date the facility received the waste, the EPA identification number, name and address of the generator and the transporter, if available, a description and the quantity of each unmanifested hazardous waste and facility received; the method of treatment, storage, or disposal for each hazardous waste, the certification signed by the owner or operator of the facility or his authorized representative and a brief explanation of why the waste was unmanifested, if known.

2.-11. (No change.)

7:26-9.2 General prohibitions

(a) (No change.)

(b) No person shall cause, suffer, allow or permit:

1.-3. (No change.)

4. The use of hazardous waste piles [except for temporary accumulation in conformance with the applicable requirements of N.J.A.C. 7:26-9.3(a)5].

(c) (No change.)

7:26-9.3 Accumulation of hazardous waste for 90 days or less

(a) A generator may accumulate hazardous waste on-site without a permit for 90 days or less provided that:

1.-4. (No change.)

[5. For bulk accumulation of dry hazardous waste materials, the waste pile is managed according to the following:

i. The waste pile is no larger than 200 cubic yards; and

ii. The pile shall be placed on an impermeable base that is compatible with the waste; and

iii. Run-on shall be diverted away from the pile; and

iv. Any leachate and run-off from the pile must be collected and managed as a hazardous waste.]

(b) (No change.)

7:26-9.4 General facility standards

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

(f) General inspection requirements include the following:

1.-2. (No change.)

3. The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that are utilized for the prevention, detection, or response to environmental or human health hazards.

i.-v. (No change.)

4. Until final approval by the Department of the schedule submitted pursuant to [paragraph 9.4(f)2,] (f)3 above, the owner or operator shall conform the monitoring equipment inspection schedule with the provisions of the proposed inspection schedule. Upon approval of a monitoring equipment inspection schedule by the Department, the owner or operator shall conform the monitoring equipment inspections to the plan as modified and approved by the Department.

5.-6. (No change.)

(g)-(o) (No change.)

7:26-9.5 Groundwater monitoring system

(a) (No change.)

[(b) Hazardous waste facilities which are excluded from the groundwater monitoring requirements of the United States Environmental Protection Agency but are required to install a groundwater monitoring system pursuant to N.J.A.C. 7:14A-1 et seq. shall have 180 days from the effective date of this rule amendment to comply with the requirements of this section.]

7:26-9.6 Preparedness and prevention

(a) Facilities shall be **designed, constructed**, maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, surface water or groundwater which could threaten human health or the environment.

(b)-(f) (No change.)

7:26-9.7 Contingency plan and emergency procedures

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

(d) If the owner or operator has already prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40CFR 112 or 1510 or a Discharge Prevention, Containment and Countermeasure (DPCC) Plan in accordance with N.J.A.C. 7:1E-4[.1 et seq.], the owner or operator needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this section.

(e)-(l) (No change.)

7:26-9.8 General closure requirements

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

(e) The closure plan shall identify the steps necessary to completely or partially close the facility at any point during **and at the end of** its intended operating life. The closure plan shall include at least:

1.-4. (No change.)

(f)-(h) (No change.)

(i) Within 90 days after receiving the final volume of hazardous waste, or 90 days after approval of the closure plan, if that is later, the owner or operator shall treat, remove from the site, or dispose of on-site all hazardous wastes in accordance with the approved closure plan. The Department may approve a longer period using the procedures under [paragraph 9.8(h)] (**h**) above if the owner or operator demonstrates that:

1.-3. (No change.)

(j)-(l) (No change.)

7:26-9.9 General post-closure care requirements

(a)-(l) (No change.)

(m) Within 90 days after closure is completed, the owner or operator of a disposal facility shall submit to the local land authority and to the Department a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat shall be prepared and certified by a professional land surveyor.

1. The plat filed with the local and authority shall contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in [paragraph 9.9(1)](e) above.

2. In addition, the owner or operator shall submit to the Department and to the local land authority a record of the type, location, and quantity of hazardous wastes disposed of within each cell or area of the facility.

i. For wastes disposed of before these regulations were adopted, the owner or operator shall identify the type, location, and quantity of the wastes as accurately as possible and in accordance with any facility records.

3. Any changes in the type, location, or quantity of hazardous wastes disposed of within each cell or area of the facility that

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occur after the survey plat and record of wastes have been filed must be reported to the local zoning authority or the authority with jurisdiction over local land use, and to the Department.

(n) Requirements for notice in deed to property include the following:

1. (No change.)
- i. (No change.)
- ii. Its use is restricted under [paragraph 9.9(1)](e) above; and
- iii. (No change.)
2. (No change.)

Replace the current text of 7:26-9.10, 9.11, 9.12, 9.13 and 9.14 with the following (the current text may be inspected at the Office of Administrative Law):

7:26-9.10 Financial requirements for facility closure

(a) This section applies to owners and operators of all hazardous waste facilities except as provided in this section or in N.J.A.C. 7:26-9.1.

(b) When used in this section, the following terms have the meanings given below:

1. "Closure plan" means the plan for closure prepared in accordance with the requirements of N.J.A.C. 7:26-9.8.

2. "Compliance procedure" means any proceeding instituted by the Department which seeks to require compliance or which is in the nature of an enforcement action or an action to cure a violation.

i. A compliance procedure includes a compliance order or notice of intention to terminate a permit pursuant to N.J.A.C. 7:26-12 or an application in a court of competent jurisdiction for appropriate relief.

ii. A compliance procedure is considered to be pending from the time an order or notice of intent to terminate is issued or judicial proceedings are begun until the Department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

3. "Current closure costs estimate" means the most recent of the estimates prepared in accordance with (e) below.

4. "Current post-closure costs estimate" means the most recent of the estimates prepared in accordance with N.J.A.C. 7:26-9.11(c).

5. "Parent corporation" means a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

6. "Post closure plan" means the plan for post-closure care prepared in accordance with the requirements of N.J.A.C. 7:26-9.9.

(c) The following terms are used in the specification for the financial tests for liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

1. "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

2. "Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

3. "Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

4. "Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

5. "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or

provide services to other entities in the future as a result of past transactions or events.

6. "Net working capital" means current assets minus current liabilities.

7. "Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

8. "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

(d) In the liability insurance requirements the terms "bodily injury" and "property damage" shall have the meanings given these terms by State law. However, these terms do not include those liabilities which, consistent with standard industry practices, are excluded from coverage in liability policies for bodily injury and property damage. The Department intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

1. "Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

2. "Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

3. "Nonsudden accidental occurrence" means an occurrence which takes place over time and involves continuous or repeated exposure.

4. "Sudden accidental occurrence" means an occurrence which is not continuous or repeated in nature.

(e) The owner or operator shall comply with the following provisions concerning the cost estimate for facility closure:

1. The owner or operator must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in N.J.A.C. 7:26-9.8 and applicable closure requirements in N.J.A.C. 7:26-10 and 11. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan, see N.J.A.C. 7:26-9.8.

2. The owner or operator must adjust the closure cost estimate for inflation within 30 days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment must be made, as specified in (e)2i and 2ii below, using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product, as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

i. The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

ii. Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

3. The owner or operator must revise the closure cost estimate whenever a change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation, as specified in (e)2 above.

4. The owner or operator must keep the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with (e)1 and 3 above, and when this estimate has been adjusted in accordance with (e)2 above, the latest adjusted closure cost estimate.

(f) The owner or operator of each facility must establish financial assurance for closure of the facility. He must choose from the options, as specified in (f)1 through 5 below, except

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the option in (f)3 is not available to owners of operators of existing facilities.

1. Closure trust fund requirements are as follows:

i. An owner or operator may satisfy the requirements of this section by establishing a closure trust fund which conforms to the requirements of this paragraph and by submitting an originally signed duplicate of the trust agreement to the Department.

(1) An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the Department at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.

(2) The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

ii. The wording of the trust agreement must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A), and the trust agreement must be accompanied by a formal certification of acknowledgement. Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.

iii. Payments into the trust fund must be made annually by the owner or operator over the term of the initial permit or over the remaining operating life of the facility, as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." For existing facilities, the pay-in period shall be 20 years beginning October 8, 1981 or the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter. The payments into the closure trust fund must be made as follows:

(1) For a new facility, the first payment must be made before the initial receipt of hazardous waste for treatment, storage, or disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Department before the initial receipt of hazardous waste. The first payment must be at least equal to the current closure cost estimate, except as provided in (f)6 below, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next payment} = \frac{CE - CV}{Y}$$

where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

(2) If an owner or operator establishes a trust fund as specified in (f)1 of this section and the value of that trust fund is less than the current closure cost estimate when a permit is awarded for the facility, the amount of the current closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period, as defined in (f)liii. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to this section. The amount of each payment must be determined by this formula:

$$\text{Next payment} = \frac{CE - CV}{Y}$$

where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

iv. The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the current closure cost estimate at the time the fund is established. However, he must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in (f)liii above.

v. If the owner or operator establishes a closure trust fund

after having used one or more alternate mechanisms specified in (f) of this section, his first payment must be at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of (f)1.

vi. After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance, as specified in this section to cover the difference.

vii. If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Department for release of the amount in excess of the current closure cost estimate.

viii. If an owner or operator substitutes other financial assurance as specified in this section for all or part of the trust fund, he may submit a written request to the Department for release of the amount in excess of the current closure cost estimate covered by the trust fund.

ix. Within 60 days after receiving a request from the owner or operator for release of funds, as specified in (f)lvii and lviii above, the Department will instruct the trustee to release to the owner or operator such funds as the Department specifies in writing.

x. After beginning final closure, an owner or operator or any other person authorized to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the Department.

(1) Within 60 days after receiving bills for closure activities, the Department will determine whether the closure expenditures are in accordance with the closure plan or otherwise justified, and if so, will instruct the trustee to make reimbursement in such amounts as the Department specifies in writing.

(2) If the Department has reason to believe that the cost of closure will be significantly greater than the value of the trust fund, he may withhold reimbursement of such amounts as he deems prudent until he determines, in accordance with (f)8 below, that the owner or operator is no longer required to maintain financial assurance for closure.

xi. The Department will agree to termination of the trust when:

(1) An owner or operator substitutes alternate financial assurance, as specified in this section; or

(2) The Department releases the owner or operator from the requirements of this section in accordance with (f)8 below.

2. Requirements for the surety bond guaranteeing payment into a closure trust fund are as follows:

i. An owner or operator may satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of (f)2 and submitting the bond to the Department.

(1) An owner or operator of a new facility must submit the bond to the Department at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

(2) The bond must be effective before this initial receipt of hazardous waste.

(3) The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of Treasury.

ii. The wording of the surety bond must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A).

iii. The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Department. This standby trust fund must meet the requirements specified in (f)1 above, except that:

(1) An originally signed duplicate of the trust agreement must be submitted to the Department with the surety bond; and

(2) Until the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

(A) Except for a nominal initial payment, agreed upon between the trustee and the owner or operator, payments into the trust fund, as specified in (f)1 above.

(B) Updating of Schedule A of the trust agreement (see N.J.A.C.7:26-9, Appendix A) to show current closure cost estimates;

(C) Annual valuations as required by the trust agreement; and

(D) Notices of nonpayment as required by the trust agreement.

iv. The bond must guarantee that the owner or operator will:

(1) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or

(2) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Department, a State or Federal court or other court of competent jurisdiction; or

(3) Provide alternate financial assurance, as specified in this paragraph, and obtain the Department's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Department of a notice of cancellation of the bond from the surety.

v. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform, as guaranteed by the bond.

vi. The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in (f)6 below.

vii. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Department, or obtain other financial assurance, as specified in this section, to cover the increase.

(1) Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Department.

viii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Department. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Department, as evidenced by the return receipts nor may cancellation occur while a compliance procedure is pending, as defined in this section.

ix. The owner or operator may cancel the bond, if the Department has given prior written consent, based on his receipt of evidence of alternate financial assurance, as specified in this paragraph.

3. Requirements for the surety bond guaranteeing performance of closure requirements are as follows:

i. An owner or operator of a facility with a hazardous waste facility permit may satisfy the requirements of (f) of this section by obtaining a surety bond which conforms to the requirements of (f)3 and submitting the bond to the Department.

(1) An owner or operator of a new facility must submit the bond to the Department at least 60 days before the date on

which hazardous waste is first received for treatment, storage, or disposal.

(2) The bond must be effective before this initial receipt of hazardous waste.

(3) The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

ii. The wording of the surety bond must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A).

iii. The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Department. This standby trust must meet the requirements specified in (f)1 above, except that:

(1) An originally signed duplicate of the trust agreement must be submitted to the Department with the surety bond; and

(2) Unless the standby trust fund is funded pursuant to the requirements of this section the following are not required by these regulations:

(A) Except for a nominal initial payment, agreed upon between the trustee and the owner or operator, payments into the trust fund, as specified in (f)1 above;

(B) Updating of Schedule A of the trust agreement (see N.J.A.C.7:26-9, Appendix A) to show current closure cost estimates;

(C) Annual valuations, as required by the trust agreement; and

(D) Notices of nonpayment as required by the trust agreement.

iv. The bond must guarantee that the owner or operator will:

(1) Perform final closure in accordance with the closure plan and other requirements of the permit for the facility, whenever required to do so; or

(2) Provide alternate financial assurance as specified in this paragraph and obtain the Department's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Department of a notice of cancellation of the bond from the surety.

v. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, under the terms of the bond, the surety will perform final closure as guaranteed by the bond, or will deposit the amount of the penal sum into the standby trust fund.

vi. The penal sum of the bond must be in an amount at least equal to the current closure cost estimate.

vii. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Department, or obtain other financial assurance, as specified in this section.

(1) Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Department.

viii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Department. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Department, as evidenced by the return receipts, nor may cancellation occur while a compliance procedure is pending as defined by this section.

ix. The owner or operator may cancel the bond if the

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Department has given prior written consent. The Department will provide such written consent when:

(1) An owner or operator substitutes alternate financial assurance, as specified in this paragraph; or

(2) The Department releases the owner or operator from the requirements of this section in accordance with (f)8 below.

x. The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the Department releases the owner or operator from the requirements of this section in accordance with (f)8 below.

4. Closure letter of credit requirements are as follows:

i. An owner or operator may satisfy the requirements of this section by obtaining an irrevocable standby letter of credit which conforms to the requirements of (f)4 and by submitting the letter to the Department.

(1) An owner or operator of a new facility must submit the letter of credit to the Department at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

(2) The letter of credit must be effective before this initial receipt of hazardous waste.

(3) The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

ii. The wording of the letter of credit must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A).

iii. An owner or operator who uses a letter of credit to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Department will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Department. This standby trust fund must meet the requirements of the trust fund specified in (f)1 above, except that:

(1) An originally signed duplicate of the trust agreement must be submitted to the Department with the letter of credit; and

(2) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

(A) Except for a nominal initial payment agreed upon between the trustee and the owner or operator, payments into the trust fund, as specified in (f)1 above.

(B) Updating of Schedule A of the trust agreement (see N.J.A.C. 7:26-9, Appendix A) to show current closure cost estimates;

(C) Annual valuations, as required by the trust agreement; and

(D) Notices of nonpayment, as required by the trust agreement.

iv. The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

v. The letter of credit must be irrevocable and issued for a period of at least one year.

(1) The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Department by certified mail of a decision not to extend the expiration date.

(2) Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Department have received the notice, as evidenced by the return receipts.

(3) Expiration may not occur while a compliance procedure is pending, as defined in N.J.A.C. 7:26-9.10(b).

vi. The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in this section.

vii. Whenever the current closure cost estimate increases to an amount greater than the amount of credit, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Department, or obtain other financial assurance, as specified in this section, to cover the increase.

(1) Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Department.

viii. Following a determination that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the Department may draw on the letter of credit.

ix. If the owner or operator does not establish alternate financial assurance, as specified in (f) of this section, and obtain written approval of such alternate assurance from the Department within 90 days after receipt by both the owner or operator and the Department of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Department will draw on the letter of credit.

(1) The Department may delay the drawing if the issuing institution grants an extension of the term of the credit.

(2) During the last 30 days of any such extension, the Department will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance, as specified in (f) of this section, and obtain written approval of such assurance from the Department.

x. The Department will return the letter of credit to the issuing institution for termination when:

(1) An owner or operator substitutes alternate financial assurance, as specified (of) of this section; or

(2) The Department releases the owner or operator from the requirements of this section in accordance with (f)8 below.

5. Closure insurance requirements are as follows:

i. An owner or operator may satisfy the requirements of this section by obtaining closure insurance which conforms to the requirements of (f)5 and by submitting a certificate of such insurance to the Department.

(1) An owner or operate of a new facility must submit the certificate of insurance to the Department at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

(2) The insurance must be effective before the initial receipt of hazardous waste.

(3) At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

ii. The wording of the certificate of insurance must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A).

iii. The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in (f)6 below. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

iv. The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Department, to such party or parties as the Department specifies.

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v. After beginning final closure, an owner or operator or any other person authorized to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the Department.

(1) Within 60 days after receiving bills for closure activities, the Department will determine whether the closure expenditures are in accordance with the closure plan or otherwise justified, and if so, will instruct the insurer to make reimbursement in such amounts as the Department specifies in writing.

(2) If the Department has reason to believe that the cost of closure will be significantly greater than the face amount of the policy, it may withhold reimbursement of such amounts as the Department deems prudent until the Department determines, in accordance with (f)8 below, that the owner or operator is no longer required to maintain financial assurance for closure of the facility.

vi. The owner or operator must maintain the policy in full force and effect until the Department consents to termination of the policy by the owner or operator as specified in (f)5x below.

(1) Failure to pay the premium, without substitution of alternate financial assurances as specified in this section, will constitute a significant violation of these regulations, warranting such remedy as the Department deems necessary.

(2) Such violation will be deemed to begin upon receipt by the Department of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

vii. Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

viii. The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must at a minimum provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Department. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Department and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

- (1) The Department deems the facility abandoned; or
- (2) The permit is terminated or revoked or a new permit is denied; or
- (3) Closure or other compliance procedure is ordered by the Department, a State or Federal court or other court of competent jurisdiction; or
- (4) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or
- (5) The premium due is paid.

ix. Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Department, or obtain other financial assurance, as specified in this section, to cover the increase.

(1) Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Department.

x. The Department will give written consent to the owner or operator that he may terminate the insurance policy when:

(1) An owner or operator substitutes alternate financial assurance, as specified in this section; or

(2) The Department releases the owner or operator from the requirements of this section in accordance with (f)8 below.

6. Requirements for the use of multiple financial mechanisms are as follows:

i. An owner or operator may satisfy the requirements of this section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, and insurance. The mechanisms must be as specified in (f)1, 2, 4 and 5 above, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current closure cost estimate.

(1) If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, he may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms.

(2) The Department may use any or all of the mechanisms to provide for closure of the facility.

7. Requirements for the use of a financial mechanism for multiple facilities follows:

i. An owner or operator may use a financial assurance mechanism specified in this section to meet the requirements of this section for more than one facility.

(1) Evidence of financial assurance submitted to the Department must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for closures assured by the mechanism.

(2) The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.

(3) In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Department may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

ii. A letter of credit may not be used to assure funds for facilities outside New Jersey. If other financial mechanisms specified in this section cover facilities that are located in more than one state, the RCRA permitting authority for each jurisdiction in which the facilities are located shall be involved in all transactions, except when the transactions involve only those facilities in one state.

8. Release of the owner or operator from the requirements of (f) of this section shall be governed by the following requirements:

i. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that closure has been accomplished in accordance with the closure plan, the Department will notify the owner or operator in writing that he is no longer required by this section to maintain financial assurance for closure of the particular facility, unless the Department has reason to believe that closure has not been in accordance with the closure plan.

7:26-9.11 Financial requirements for facility post-closure care

(a) The requirements of this section apply to owners and operators of facilities where hazardous wastes are intended to remain at the facility site after closure is completed, except as provided in this section or in N.J.A.C. 7:26-9.1.

(b) Terms defined in N.J.A.C. 7:26-9.10(b) above retain the same meanings for the purpose of this section.

(c) The owner or operator shall comply with the following provisions concerning the cost estimate for facility post-closure care:

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1. The owner or operator of a facility subject to post-closure monitoring or maintenance requirements must have a written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in N.J.A.C. 7:26-10.1 and 11.1. The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under N.J.A.C. 7:26-9.9.

2. During the operating life of a facility, the owner or operator must adjust the post-closure cost estimate for inflation within 30 days after each anniversary of the date on which the first post-closure cost estimate was prepared. The adjustment must be made as specified in (c)2i and 2ii below, using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product, as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

i. The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

ii. Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

3. The owner or operator must revise the post-closure cost estimate during the operating life of the facility whenever a change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation, as specified in (c)2 above.

4. The owner or operator must keep the following at the facility during the operating life of the facility: the latest post-closure cost estimate prepared in accordance with (c)1 and 3 above, and when this estimate has been adjusted in accordance with (c)2 above, the latest adjusted post-closure cost estimate.

(d) The owner or operator of a facility subject to post-closure monitoring or maintenance requirements must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility. He must choose from the following options:

1. Post-closure trust fund requirements are as follows:

i. An owner or operator may satisfy the requirements of this section by establishing a post-closure trust fund which conforms to the requirements of (d)1 and by submitting an originally signed duplicate of the trust agreement to the Department.

(1) An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the Department at least 60 days before the date on which hazardous waste is first received for disposal.

(2) The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

ii. The wording of the trust agreement must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A), and the trust agreement must be accompanied by a formal certification of acknowledgement. Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.

iii. Payments into the trust fund must be made annually by the owner or operator over the term of the initial permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." For existing facilities, the pay-in period shall be 20 years, beginning October 8, 1981 or the remaining operating life of the facility, as estimated in the closure plan, whichever period is shorter. The payments into the post-closure trust fund must be made as follows:

(1) For a new facility, the first payment must be made before

the initial receipt of hazardous waste for disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Department before this initial receipt of hazardous waste. The first payment must be at least equal to the current post-closure cost estimate, except as provided in (d)6 below, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next payment} = \frac{\text{CE} - \text{CV}}{\text{Y}}$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

(2) If an owner or operator establishes a trust fund as specified in (d)1 of this section and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the fund must be paid in over the pay-in period, as defined in (d)liii. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to this paragraph. The amount of each payment must be determined by this formula:

$$\text{Next payment} = \frac{\text{CE} - \text{CV}}{\text{Y}}$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

iv. The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the current post-closure cost estimate at the time the fund is established. However, he must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in (d)liii above.

v. If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in (d) of this section, his first payment must be at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this paragraph.

vi. After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or obtain other financial assurance as specified in this section to cover the difference.

vii. During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Department for release of the amount in excess of the current post-closure cost estimate.

viii. If an owner or operator substitutes other financial assurance, as specified in this section, for all or part of the trust fund, he may submit a written request to the Department for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

ix. Within 60 days after receiving a request from the owner or operator for release of funds, as specified in (d)lvii and lviii above, the Department will instruct the trustee to release to the owner or operator such funds as the Department specifies in

writing.

x. During the period of post-closure care, the Department may approve a release of funds if the owner or operator demonstrates to the Department that the value of the trust fund exceeds the remaining cost of post-closure care.

xi. An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure expenditures by submitting itemized bills to the Department. Within 60 days after receiving bills for post-closure activities, the Department will determine whether the post-closure expenditures are in accordance with the post-closure plan or otherwise justified, and if so, will instruct the trustee to make reimbursement in such amounts as the Department specifies in writing.

xii. The Department will agree to termination of the trust when:

(1) An owner or operator substitutes alternate financial assurance, as specified in this section; or

(2) The Department releases the owner or operator from the requirements of this section in accordance with (d)7 below.

2. Requirements for the surety bond guaranteeing payment into a post-closure trust fund are as follows:

i. An owner or operator may satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of (d)2 and submitting the bond to the Department.

(1) An owner or operator of a new facility must submit the bond to the Department at least 60 days before the date on which hazardous waste is first received for disposal.

(2) The bond must be effective before this initial receipt of hazardous waste.

(3) The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

ii. The wording of the surety bond must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A).

iii. The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Department. This standby trust fund must meet the requirements specified in (d)1 above, except that:

(1) An originally signed duplicate of the trust agreement must be submitted to the Department with the surety bond; and

(2) Until the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

(A) Except for a nominal initial payment agreed upon by the trustee and the owner or operator, payments into the trust fund as specified in (d)1 above;

(B) Updating of Schedule A of the trust agreement (see N.J.A.C. 7:26-9, Appendix A) to show current post-closure cost estimates;

(C) Annual valuations, as required by the trust agreement; and

(D) Notices of nonpayment as required by the trust agreement.

iv. The bond must guarantee that the owner or operator will:

(1) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or

(2) Fund the standby trust fund in an amount equal to the penal sum within 25 days after an order to begin closure is issued by the Department, State or Federal court or other court of competent jurisdiction; or

(3) Provide alternate financial assurance, as specified in this section, and obtain the Department's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Department of notice of cancellation

of the bond from the surety.

v. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform, as guaranteed by the bond.

vi. The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in (d)6 below.

vii. Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Department or obtain other financial assurance as specified in this section, to cover the increase.

(1) Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Department.

viii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Department. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Department, as evidenced by the return receipts, nor may cancellation occur while a compliance procedure is pending, as defined in N.J.A.C. 7:26-9.10(b).

ix. The owner or operator may cancel the bond if the Department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in this section.

3. Requirements for the surety bond guaranteeing performance of post-closure care are as follows:

i. An owner or operator of a facility with a hazardous waste facility permit may satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of (d)3 and submitting the bond to the Department.

(1) An owner or operator of a new facility must submit the bond to the Department at least 60 days before the date on which hazardous waste is first received for disposal.

(2) The bond must be effective before this initial receipt of hazardous waste.

(3) The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of Treasury.

ii. The wording of the surety bond must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A).

iii. The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Department. This standby trust fund must meet the requirements specified in (d)1 above, except that:

(1) An originally signed duplicate of the trust agreement must be submitted to the Department with the surety bond; and

(2) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

(A) Except for a nominal initial payment, agreed upon between the trustee and the owner or operator, payments into the trust fund, as specified in (d)1 above;

(B) Updating of Schedule A of the trust agreement to show current post-closure cost estimates;

(C) Annual valuations, as required by the trust agreement; and

(D) Notices of nonpayment, as required by the trust agreement.

iv. The bond must guarantee that the owner or operator will:

(1) Perform post-closure care in accordance with the post-

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closure plan and other requirements of the permit for the facility; or

(2) Provide alternate financial assurance as specified in this section, and obtain the Department's written approval of the assurance provided, within 90 days of receipt by both the owner or operator and the Department of a notice of cancellation of the bond from the surety.

v. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform, as guaranteed by the bond. Following a determination that the owner or operator has failed to perform post-closure care in accordance with the post-closure plan and other permit requirements under the terms of the bond, the surety will perform post-closure care in accordance with the post-closure plan and other permit requirements or will deposit the amount of the penal sum into the standby trust fund.

vi. The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate.

vii. Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Department, or obtain other financial assurance, as specified in this section.

(1) Whenever the current post-closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Department.

viii. During the period of post-closure care, the Department may approve a decrease in the penal sum if the owner or operator demonstrates to the Department that the amount exceeds the remaining cost of post-closure care.

ix. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Department. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Department, as evidenced by the return receipts, nor shall cancellation occur while a compliance procedure is pending, as defined in N.J.A.C. 7:26-9.10(d).

x. The owner or operator may cancel the bond if the Department has given prior written consent. The Department will provide such written consent when:

(1) An owner or operator substitutes alternate financial assurance as, specified in this section; or

(2) The Department releases the owner or operator from the requirements of this section, in accordance with (d)7 below.

xi. The surety will not be liable for deficiencies in the performance of post-closure care by the owner or operator after the Department releases the owner or operator from the requirements of this section, in accordance with (d)7 below.

4. Post-closure letter of credit requirements are as follows:

i. An owner or operator may satisfy the requirements of this section by obtaining an irrevocable standby letter of credit which conforms to the requirements of (d)4 and by submitting the letter to the Department.

(1) An owner or operator of a new facility must submit the letter of credit to the Department at least 60 days before the date on which hazardous waste is first received for disposal.

(2) The letter of credit must be effective before this initial receipt of hazardous waste.

(3) The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

ii. The wording of the letter of credit must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A).

iii. An owner or operator who uses a letter of credit to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Department will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Department. This standby trust fund must meet the requirements of the trust fund specified in (d)1 above, except that:

(1) An originally signed duplicate of the trust agreement must be submitted to the Department with the letter of credit; and

(2) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

(A) Except for a nominal initial payment agreed upon between the trustee and the owner or operator, payments into the trust fund, as specified in (d)1 above;

(B) Updating of Schedule A of the trust agreement (see N.J.A.C. 7:26-9, Appendix A) to show current post-closure cost estimates;

(C) Annual valuations, as required by the trust agreement; and

(D) Notices of nonpayment, as required by the trust agreement.

iv. The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information: the EPA Identification Number, the name and address of the facility and the amount of funds assured for post-closure care of the facility by the letter of credit.

v. The letter of credit must be irrevocable and issued for a period of at least one year.

(1) The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Department by certified mail of a decision not to extend the expiration date.

(2) Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Department have received the notice, as evidenced by the return receipts.

(3) Expiration may not occur while a compliance procedure is pending, as defined in N.J.A.C. 7:26-9.10(b).

vi. The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in N.J.A.C. 7:26-9.11(d)6 below.

vii. Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equal the current post-closure cost estimate and submit evidence of such increase to the Department or obtain other financial assurance, as specified in this section, to cover the increase.

(1) Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Department.

viii. During the period of post-closure care, the Department may approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Department that the amount exceeds the remaining cost of post-closure care.

ix. Following a determination that the owner or operator has failed to perform post-closure care in accordance with the post-closure plan and other permit requirements, the Department may draw on the letter of credit.

x. If the owner or operator does not establish alternate financial assurance, as specified in this section, and obtain

written approval of such alternate assurance from the Department within 90 days after receipt by both the owner or operator and the Department of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Department will draw on the letter of credit.

(1) The Department may delay the drawing if the issuing institution grants an extension of the term of the credit.

(2) During the last 30 days of any such extension, the Department will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance, as specified in this section, and obtain written approval of such assurance from the Department.

xi. The Department will return the letter of credit to the issuing institution for termination when:

(1) An owner or operator substitutes alternate financial assurance, as specified in this subsection; or

(2) The Department releases the owner or operator from the requirements of this section, in accordance with (d)7 below.

5. Post-closure insurance requirements are as follows:

1. An owner or operator may satisfy the requirements of this section by obtaining post-closure insurance which conforms to the requirements of (d)5 and by submitting a certificate of such insurance to the Department.

(1) An owner or operator of a new facility must submit the certificate of insurance to the Department at least 60 days before the date on which hazardous waste is first received for disposal.

(2) The insurance must be effective before this initial receipt of hazardous waste.

(3) At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

ii. The wording of the certificate of insurance must be identical to the wording specified in N.J.A.C. 7:26-9 (Appendix A).

iii. The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in (d)6 below. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

iv. The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of the facility whenever the post-closure period begins. The policy must also guarantee that once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Department, to such party or parties as the Department specifies.

v. An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure expenditures by submitting itemized bills to the Department. Within 60 days after receiving bills for post-closure activities, the Department will determine whether the post-closure expenditures are in accordance with the post-closure plan or otherwise justified, and if so, the Department will instruct the insurer to make reimbursement in such amounts as the Department specifies in writing.

vi. The owner or operator must maintain the policy in full force and effect until the Department consents to termination of the policy by the owner or operator as specified in (d)5xi below.

(1) Failure to pay the premium, without substitution of alternate financial assurance as specified in this section, will constitute a significant violation of these regulations, warranting such remedy as the Department deems necessary. Such violation will be deemed to begin upon receipt by the Department of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather

than upon the date of expiration.

vii. Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

viii. The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Department. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Department and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

(1) The Department deems the facility abandoned; or

(2) The permit is terminated or revoked or a new permit is denied; or

(3) Closure or other compliance procedure is ordered by the Department, State or Federal court or other court of competent jurisdiction; or

(4) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or

(5) The premium due is paid.

ix. Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Department, or obtain other financial assurance as specified in this section, to cover the increase.

(1) Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Department.

x. Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer will thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.

xi. The Department will give written consent to the owner or operator that he may terminate the insurance policy when:

(1) An owner or operator substitutes alternate financial assurance, as specified in this section; or

(2) The Department releases the owner or operator from the requirements of this section in accordance with (d)7 below.

6. Requirements for the use of multiple financial mechanisms are as follows:

i. An owner or operator may satisfy the requirements of this section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in (d)1, 2, 4, and 5 above, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current post-closure cost estimate.

(1) If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, he may use the trust fund

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as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms.

(2) The Department may use any or all of the mechanisms to provide for post-closure care of the facility.

7. Requirements for the use of a financial mechanism for multiple facilities are as follows:

i. An owner or operator may use a financial assurance mechanism specified in this section to meet the requirements of this section for more than one facility.

(1) Evidence of financial assurance submitted to the Department must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for post-closure care assured by the mechanism.

(2) The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.

(3) In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Department may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

ii. A letter of credit may not be used to assure funds for facilities outside New Jersey. If other financial mechanisms specified in this section cover facilities that are located in more than one state, the RCRA permitting authority for each jurisdiction in which the facilities are located shall be involved in all transactions, except when the transactions involve only those facilities in one state.

8. Release of the owner or operator from the requirements of (d) of this section is governed by the following requirements:

i. When an owner or operator has completed, to the satisfaction of the Department, all post-closure care requirements in accordance with the post-closure plan, the Department will, at the request of the owner or operator, notify him in writing that he is no longer required by this section to maintain financial assurance for post-closure care of the particular facility.

7:26-9.12 Use of a mechanism for financial assurance of both closure and post-closure care

An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit or insurance that meets the specifications for the mechanism in both N.J.A.C. 7:26-9.10 and 11. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care.

7:26-9.13 Liability requirements

(a) Coverage for sudden accidental occurrences shall meet the following requirements:

1. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in (a)1i, ii and iii below:

i. An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in (a)1.

(1) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement and the wording of the certificate of insurance must be identical to the wording specified in N.J.A.C. 7:26-9(Appendix A).

(A) The owner or operator must submit a signed duplicate original of the endorsement or certificate of insurance and assigned duplicate original of the insurance policy to the Department.

(B) An owner or operator of a new facility must submit the signed duplicate original of the endorsement or the certificate and a signed duplicate original of the insurance policy to the Department at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

(2) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or is eligible to provide insurance as an excess or surplus lines insurer in one or more states.

ii. An owner or operator may meet the requirements of this section by passing a financial test for liability coverage, as specified in (f) below.

iii. An owner or operator may demonstrate the required liability coverage through use of both the financial test and insurance, as these mechanisms are specified in this section. The amounts of coverage demonstrated must total at least the minimum amounts required by (a)1 above.

(b) Coverage for nonsudden accidental occurrences shall meet the following requirements:

1. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, must demonstrate financial responsibility for bodily injury or property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in (b)1i, ii and iii below:

i. An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in (b)1.

(1) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement and the wording of the certificate of insurance must be identical to the wording specified in N.J.A.C. 7:26-9(Appendix A).

(A) The owner or operator must submit a signed duplicate original of the endorsement or the certificate and a signed duplicate original of the insurance policy to the Department.

(B) An owner or operator of a new facility must submit the signed duplicate original of the endorsement or the certificate and assigned duplicate original of the insurance policy to the Department at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

(2) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance or is eligible to provide insurance as an excess or surplus lines insurer in one or more states.

ii. An owner or operator may meet the requirements of this section by passing a financial test for liability coverage, as specified in (f) below.

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iii. An owner or operator may demonstrate the required liability coverage through use of both the financial test and insurance, as these mechanisms are specified in this section. The amounts of coverage must total at least the minimum amounts required by (b)1 above.

iv. For existing facilities, the required liability coverage for nonsudden accidental occurrences must be demonstrated by the dates listed below. The total sales or revenues of the owner or operator in all lines of business in the fiscal year preceding the effective date of these regulations will determine which of the dates applies. If the owner or operator of a facility are two different parties, or if there is more than one owner or operator, the sales or revenues of the owner or operator with the largest sales or revenues will determine the date by which the coverage must be demonstrated. The dates are as follows:

(1) For an owner or operator with sales or revenues totaling \$10 million or more, April 8, 1982.

(2) For an owner or operator with sales or revenues greater than \$5 million but less than \$10 million, April 8, 1983.

(3) All other owners or operators, April 8, 1984.

v. An owner or operator who is within the category described in (b)liv(3) above must, unless liability coverage has been demonstrated for nonsudden accidental occurrences, send a letter to the Department stating the date by which such coverage will be established.

(c) If an owner or operator can demonstrate to the satisfaction of the Department that the levels of financial responsibility required by (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the Department.

1. The request for a variance must be submitted to the Department as part of the permit application for Part B for a facility that does not have a permit, or pursuant to the procedures for permit modification under N.J.A.C. 7:26-12.13 for a facility that has a permit.

2. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the Department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities.

3. The Department may require an owner or operator who requests a variance to provide such technical and engineering information, as is deemed necessary by the Department, to determine a level of financial responsibility, other than that required by (a) or (b) above.

4. Any request for a variance for a permitted facility will be treated as a request for a permit modification under N.J.A.C. 7:26-12.6 and 12.13.

(d) If the Department determines that the levels of financial responsibility required by (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Department may adjust the level of financial responsibility required under (a) or (b), as may be necessary to protect human health and the environment. This adjusted level will be based on the Department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities.

1. In addition, if the Department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, he may require that an owner or operator of the facility comply with (b) above.

2. An owner or operator must furnish to the Department, within a reasonable time, any information which the Department requests to determine whether cause exists for such adjustments of level or type of coverage.

3. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under N.J.A.C. 7:26-12.6 and 12.13.

(e) An owner or operator must continuously provide liability coverage for a facility, as required by this section, until certifications of closure of the facility, as specified in N.J.A.C. 7:26-9.8(1), are received by the Department.

(f) Requirements for the use of the financial test for liability coverage are as follows:

1. An owner or operator may satisfy the requirements of this section by demonstrating that he passes a financial test, as specified in (f) of this section. To pass this test the owner or operator must meet the criteria of (f)1i or (f)1ii below:

i. The owner or operator must have:

(1) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and

(2) Tangible net worth of at least \$10 million; and

(3) Assets in the United States amounting to either:

(A) At least 90 percent of his total assets; or

(B) At least six times the amount of liability coverage to be demonstrated by this test.

ii. The owner or operator must have:

(1) A current rating for his/her most recent bond issuance of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A or Baa, as issued by Moody's; and

(2) Tangible net worth of at least \$10 million; and

(3) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and

(4) Assets in the United States amounting to either:

(A) At least 90 percent of his total assets; or

(B) At least six times the amount of liability coverage to be demonstrated by this test.

2. The phrase "amount of liability coverage", as used in (f)1 of this section, refers to the annual aggregate amounts for which coverage is required under (a) and (b) of this section.

3. To demonstrate that this test is met, the owner or operator must submit the following three items to the Department:

i. A letter signed by the owner's or operator's chief financial officer and worded, as specified in N.J.A.C. 7:26-9.15(g).

ii. A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.

iii. A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

(1) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

(2) In connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.

4. An owner or operator of a new facility must submit the items specified in (f)3 above to the Department at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

5. After the initial submission of items specified in (f)3 above, the owner or operator must send updated information to the Department within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in (f)3 above.

6. If the owner or operator no longer meets the requirements of (f)1 above, he must obtain insurance for the entire amount of required liability coverage, as specified in this section. Evidence of insurance must be submitted to the Department within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer

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meets the test requirements.

7. The Department may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements (see (f)3ii above). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Department will evaluate other qualifications on an individual basis.

i. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage, as specified in this section, within 30 days after notification of disallowance.

7:26-9.14 Incapacity of owners or operators, guarantors or financial institutions

(a) An owner or operator must notify the Department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee, as specified in N.J.A.C. 7:26-9.13(f), must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (N.J.A.C. 7:26-9, Appendix A).

(b) An owner or operator who fulfills the requirements of N.J.A.C. 7:26-9.10, 9.11 or 9.13 by obtaining a trust fund, surety bond, letter of credit or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

OFFICE OF ADMINISTRATIVE LAW NOTE: Appendix A, Wording of the Instruments (see 40 CFR 264.151), was submitted as a part of this proposal but is not reproduced here. The 18 pages of instructions and sample forms concerning the financial and liability requirements of 7:29-9.10, 9.11 and 9.13 may be inspected at the Office of Administrative Law, 88 East State Street, Trenton, N.J.

7:26-11.4 Hazardous waste landfills

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

(c) Closure and post-closure requirements for hazardous waste landfills include the following:

1. The owner or operator shall place final cover over the hazardous waste landfill as required by the Department.

i. The closure plan of N.J.A.C. 7:26-9.8 must specify the function and design of the cover.

ii. The post-closure care plan of N.J.A.C. 7:26-9.9 must include the post-closure care requirements of (c)4 below.

2.-4. (No change.)

7:26-12.2 Permit applications

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

(d) All applicants shall provide the following information to the Department in Part A of the permit application:

1.-6. (No change.)

7. A listing of all permits or construction approvals received or applied for which affect the subject of the current application under any of the following programs:

i.-vii. (No change.)

viii. Dredge or [full] fill permits under section 404 of the Federal Clean Water Act or the New Jersey Water Pollution Control Act;

ix. (No change.)

8. A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the boundaries of the

source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies and drinking water wells listed in public records[,] or as otherwise known to the applicant;

9.-15. (No change.)

16. Applicants shall keep records of all data used to complete permit applications and any supplemental information required to be submitted for a period of at least three years from the date of the application is signed.

(e) All applicants shall provide the following information in Part B of the permit application:

1.-14. (No change.)

15. Identification of whether [a] the facility is located within a 100-year flood plain.

i.-iii. (No change.)

16.-21. (No change.)

22. Traffic patterns, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfaces and load bearing capacities; show traffic control signals).

23. An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with N.J.A.C. 7:26-9.4(g). A brief description of how training will be designed to meet actual job tasks in accordance with requirements in N.J.A.C. 7:26-9.4(g)3.

(f) The following additional information is required from an owner or operator of specific types of hazardous waste management facilities that are used or to be used for storage or treatment:

1.-2. (No change.)

3. For facilities that store or treat hazardous waste in surface impoundments, except as otherwise provided in N.J.A.C. 7:26-10.6, the owner or operator shall submit detailed plans and specifications accompanied by an engineering report which must collectively include the information itemized in [N.J.A.C. 7:26-12.2](f)3.i through [xi] xii below. For new facilities, the plans and specifications shall be in sufficient detail to provide complete information to a contractor hired to build the facility even if the owner or operator intends to construct the facility without hiring a contractor. For existing facilities, comparable detail shall be provided, but the form of presentation need not assume contractor construction except to the extent that the facility will be modified.

i.-ii. (No change.)

4.-5. (No change.)

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

(j) Any person signing a permit application or report under (i) or (k) of this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(k) All reports required by permits and other information requested by the Department shall be signed by a person described in (i) above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described in (i) above;

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent or position of

equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

3. The written authorization is submitted to the Department.

4. If an authorization is not longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this subsection must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

7:26-12.4 Standards applicable to all permits

(a) The conditions in this section shall apply to all permits issued pursuant to this subchapter. All conditions applicable to all permits shall be incorporated into the permit either expressly or by reference. If incorporated by reference, a specific citation to this subchapter shall be given in the permit.

1.-16. (No change.)

17. The following reports required by N.J.A.C. 7:26-9. and 10. shall be submitted in addition to those required by [N.J.A.C. 7:26-12.4] (a)12 above:

i. If a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy. If not resolved within 15 days, the permittee shall submit a letter report, including a copy of the manifest, to the Department. **Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives.**

(1) Significant discrepancies in quantity are:

(A) For bulk waste variations greater than 10 percent in weight; and

(B) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.

(2) Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents, not reported on the manifest or shipping paper.

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

7:26-12.12 Public participation in the permit process

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

(c) Public notice of the preparation of a draft permit, including notice of intent to deny, shall allow at least [30] 45 days for public comment.

(d) (No change.)

(e) Public notice of the activities described above shall be given in the following methods:

1. (No change.)

2. By notice in a daily or weekly newspaper within the area affected by the facility in a manner constituting legal notice under State law and by broadcast over local radio stations; and

3. (No change.)

(f)-(h) (No change.)

(i) The Department shall hold a public hearing:

1.-4. (No change.)

5. Whenever the Department receives written notice of opposition to a draft permit and a request for hearing within 45 days of public notice under this section.

(j)-(m) (No change.)

7:14A-4.5 Permits-by-rule

(a) Notwithstanding any other provision of this subchapter or N.J.A.C. 7:14A-7 and 8, the following shall be deemed to have a IWMF permit if the conditions listed are met:

1. (No change.)

2. Publicly-owned treatment works. A POTW which accepts for treatment hazardous waste, if the owner or operator:

i.-ii. (No change.)

iii. Complies with the following regulations:

(1)-(4) (No change.)

- (5) N.J.A.C. 7:26-12.4(a)17i (manifest discrepancy report);
- (6) N.J.A.C. 7:26-12.4(a)17ii (unmanifested waste report).

(a)

DIVISION OF WASTE MANAGEMENT

Hazardous Waste Criteria, Identification and Listing Hazardous Waste from Specific Sources

Proposed Amendment: N.J.A.C. 7:26-8.14

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1E-1 et seq.

Interested persons may submit comments in writing concerning this proposal until December 7, 1983. These comments and any inquiries regarding this matter should be addressed to:

David J. Leu, Ph. D.
Division of Waste Management
New Jersey Department of
Environmental Protection
32 East Hanover Street
Trenton, NJ 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 1983-588.

The agency proposal follows:

Summary

The Department of Environmental Protection is issuing a list of wastestreams which are being deleted from N.J.A.C. 7:26-8.14. It is the Department's intention to maintain equivalency of regulations with those of the U.S. Environmental Protection Agency. To achieve this purpose, the wastestreams listed under N.J.A.C. 7:26-8.14 should match the wastestreams listed under 40 CFR 261.32 published July 1, 1981 by EPA. The wastestreams in question are as follows:

KO53 through KO59 and KO74, N.J.A.C. 7:26-8.14; delisted 45 FR 72035 and 72037, October 30, 1980.

The wastestreams KO53 through KO59 and KO74 were delisted by EPA because the waste constituent of concern in these is trivalent chromium. It has been determined that hexavalent chromium is a hazardous waste but trivalent chromium is not of concern (see 45 FR 72029 and 72036, October 30, 1980 and 45 FR 74886, November 12, 1980). If any of the above wastestreams should have hexavalent chromium present at enforceable levels by EP Toxicity tests, that wastestream should be handled as a hazardous waste.

The Department is hereby notifying any interested parties that the above listed wastestreams (KO53 through KO59 and KO74) are being deleted from N.J.A.C. 7:26-8.14.

Social Impact

By deleting the previously mentioned wastestreams, the Department is maintaining equivalency of regulations with EPA. This meets statutory requirements and contributes to consistent national procedures for regulating industry in its disposal of hazardous waste. Where it is deemed necessary, the State of New Jersey will promulgate and enforce more stringent regulations than

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those of EPA. Generally, the State will adhere to regulations similar to EPA's.

These deletions, in addition to maintaining equivalency with EPA regulations, represent an equitable treatment of industry. Since hexavalent chromium, rather than trivalent chromium, poses an environmental hazard, it is not reasonable to require the leather tanning industry or the TiO₂ processing industry to handle wastes with trivalent chromium as hazardous. This is the reason for deleting KO53 through KO59 and KO74.

Economic Impact

These deletions will have a beneficial effect upon the industries involved: leather tanning and TiO₂ production. It will relieve them of the expense of disposing of these wastestreams as hazardous waste. It is conferring a favorable financial impact on these industries in the State of New Jersey.

Environmental Impact

In regard to the leather tanning industry and the TiO₂ processing industry, no negative environmental effect is foreseen. The wastestreams from these industries containing trivalent chromium are not expected to cause any harm to human health or the environment.

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

7:26-8.14 Hazardous waste from specific sources

Industry	EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Leather Tanning Finishing	[KO53]	[Chrome (blue) trimming generated by the following sub-categories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling]	[(T)]
	[KO54]	[Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling]	[(T)]
	[KO55]	[Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; and through-the-blue]	[(T)]
	[KO56]	[Sewer screenings generated by the following subcategory	[(T)]

ies of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling]

[KO57] [Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue and shearling] [(T)]

[KO58] [Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue] [(R,T)]

[KO59] [Wastewater treatment sludges generated by the following subcategory of the leather tanning and finishing industry: hair save/non-chrome tan/retan/wet finish] [(R)]

Inorganic Chemicals

[KO74] [Wastewater treatment sludges from the production of TiO₂ pigment using chromium bearing ores by the chloride process] [(T)]

(a)

DIVISION OF WASTE MANAGEMENT

Hazardous Waste Criteria, Identification and Listing Discarded Commercial Products, Off-Specification Species, Containers and Spill Residues Thereof

Proposed Amendment: N.J.A.C. 7:26-8.15(f)

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 13:1E-1 et seq.

methylindole-3-acetic acid]

Interested persons may submit comments in writing concerning this proposal until December 7, 1983. These comments and any inquiries regarding this matter should be addressed to:

David J. Leu, Ph.D.
 Division of Waste Management
 New Jersey Department of
 Environmental Protection
 32 East Hanover Street
 Trenton, NJ 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 1983-589.

The agency proposal follows:

Summary

The Department of Environmental Protection is delisting Indomethacin (also known as 1-[p-chlorobenzoyl]-5-methoxy-2-methylindole-3-acetic acid) from the toxic wastes list (N.J.A.C. 7:26-8.15(f)). This action is taken pursuant to the deletion of this compound by EPA listed in 46 FR 27473.

The drug "Indomethacin" has been regulated as hazardous waste U245 when discarded. It is listed in N.J.A.C. 7:26-8.15(f) under its generic chemical name (1-(p-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid). Indomethacin was listed as a hazardous waste because its generic name is similar to that of a compound appearing on the EPA Carcinogen Assessment Group's list of substances exhibiting substantial evidence of carcinogenicity. This listing was a mistake as Indomethacin does not appear to pose a substantial threat to human health and the environment if managed improperly. A temporary delisting was granted for Indomethacin. The proposed action, if adopted, will formally delist Indomethacin.

Social Impact

The deletion of the drug "Indomethacin" from the toxic wastes list will have no social impact as it does not appear to pose a substantial threat to human health.

Economic Impact

The deletion of the drug "Indomethacin" from the toxic wastes list will have some beneficial economic impact. It was listed as a toxic waste by mistake. As a result of being delisted, discarded or off-spec batches of "Indomethacin" no longer have to be disposed of as hazardous waste. This presents a financial benefit to the manufacturer of "Indomethacin".

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

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

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

(f) The following commercial chemical products or manufacturing chemical intermediates, referred to in (a), (b) and (d) above, are identified as toxic wastes (T) unless otherwise designated. These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste Number	Substance
[U245]	[1-(p-Chlorobenzoyl)-5-methoxy-2-

(g) (No change.)

HEALTH

(a)

CONSUMER HEALTH SERVICES

Good Drug Manufacturing Practices Reserve Sample Retention for Radioactive Drugs; Retention Times Established

Proposed Amendment: N.J.A.C. 8:21A-2.45

Authorized By: J. Richard Goldstein, M.D. Commissioner, Department of Health.

Authority: N.J.S.A. 24:2-1 and 24:5-1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lucius A. Bowser, R.P., MPH
 Chief, Drug Control Program
 CN 364
 Trenton, NJ 08625

The Department of Health 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 1983-566.

The agency proposal follows:

Summary

The proposed amendment would add to the Good Drug Manufacturing Practices Rules a retention period for holding a reserve sample of products containing radioactive ingredients. Presently such retention periods are not delineated in the existing regulations.

The Good Drug Manufacturing Practice Act amendment requires a retention sample for all drug products produced in the State. This amendment will bring radioactive drug products into compliance with this Act and establish a realistic retention period.

Social Impact

The proposed amendment would bring the State's Good Drug Manufacturing Practices Act into conformity with the Federal Food & Drug Act establishing a retention period for holding samples of radioactive products or radioactive ingredients. Similar regulations were published in the Federal Register at 48 F.R. 61 - page 13025 and became effective April 28, 1983. The proposal establishes a practical time period for surveillance of reserve samples of radioactive drug products based upon the half-life (shelf life) of the radioactive ingredient or ingredients.

Economic Impact

There would be no economic impact on any citizen and would have a small reduced economic cost to the manufacturer/repackager of the radioactive drug product since the period of retention is more realistic in terms of shelf life studies. There would be savings to the

manufacturer under the provisions of the established retained sample schedule since the present established product reserve sample for all drug products, radioactive or not, is held for a much longer period than is practical for this type of drug product.

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

8:21A-2.45 Reserve samples

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

(c) For an active ingredient in a radioactive drug product, except for nonradioactive reagent kits, the reserve sample shall be retained for:

1. Three months after the expiration date of the last lot of the drug product containing the active ingredient if the expiration dating of the period of the drug product is 30 days or less; or

2. Six months after the expiration date of the last lot of the drug product containing the active ingredient if the expiration dating period of the drug product is more than 30 days.

(d) For a radioactive drug product, except for nonradioactive reagent kits, the reserve sample shall be retained for:

1. Three months after the expiration date of the drug product if the expiration dating period of the drug product is 30 days or less; or

2. Six months after the expiration date of the drug product if the expiration dating period of the drug product is more than 30 days.

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

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

Authorized By: Drug Utilization Review Council, Leroy

L. Schwartz, M.D., Chairman.

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

A **public hearing** concerning this proposal will be held on November 29, 1983 at 10:00 a.m. at:

Conference Room
First Floor
Health-Agriculture Building
John Fitch Plaza
Trenton, NJ 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas T. Culkin, PharmD, MPH
Drug Utilization Review Council
N.J. State Department of Health
120 S. Stockton Street
CN 364
Trenton, NJ 08625
(609) 984-1304

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 1983-579.

The agency proposal follows:

Summary

The proposed additions will expand the List of Interchangeable Generic Drug Products. For example, generic indomethacin could then be used by pharmacists in place of the brand name product, Indocin.

Social Impact

If a patient's physician approves the substitution of a generic for a brand name product, the pharmacist must dispense a substitute which reflects a lowered price to the consumer. This substitution can only occur if the drug is placed on the List of Interchangeable Drug Products. Thus, additions to the list expand the pharmacist's choice.

Economic Impact

There will be an expanded opportunity for consumers to save money on prescriptions through the use of generic medicines in place of brand name 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).

Allopurinol Tabs 100, 300 mg	Chelsea
Aminophylline tabs 100, 200 mg	Duramed
Amitriptyline HCL 10, 25, 50, 75, 100, 150 mg	Ikapharm
Amitriptyline HCL tab 25 mg	Purepac
Belladonna/Phenobarbital elixir	Purepac
Betamethasone Valerate cream 0.1%	K-Line
Brompheniramine/Phenylephrine/ Phenylpropanolamine ER tabs	Amide
Brompheniramine/Phenylephrine/ Phenylpropanolamine Elixir	Copley
Butalbital 50/Aspirin 325/Caffeine 40 tabs	Purepac, Zenith
Caramiphen Edisylate/Phenylpropanolamine Liquid	NPC
Carbinoxamine/Dextromethorphan/Pseudoephedrine Syrup	NPC
Chlorpheniramine/Phenylephrine/ Phenylpropanolamine Syrup	NPC
Chlorothiazide tabs 500 mg, 250 mg	Chelsea
Chlorzoxazone/Acetaminophen tabs	Amide
Dexamethasone tabs 0.25, 0.5, 0.75, 1.5, 4.0 mg	Par
Dexchlorpheniramine Maleate tabs 4, 6 mg	Amide
Diphenhydramine HCL caps 25, 50 mg	LNK International
Dipyridamole tabs 25 mg	Bolar
Diprydamole tabs 25 mg	Purepac, Danbury
Doxycycline Hyclate tabs 100 mg	Chelsea
Furosemide tabs 20, 40 mg	Heather
Hydrocodone/Phenylpropanolamine Syrup (Full and] Strength	NPC
Hydrocodone/Pseudoephedrine Syrup	NPC
Hydrocodone/Pseudoephedrine/Guaifenesin Syrup	NPC
Hydrocodone/Homatropine HBr Syrup	NPC
Hydroflumethiazide tabs 50 mg	Bolar
Hydroxyzine HCL Syrup 10 mg/5 ml	NPC
Hydroxyzine HCL tabs 25, 50, 100	Barr
Indomethacin caps 25, 50 mg	Chelsea
Iodoquinol tabs 650 mg	Duramed
Lidocaine Viscous solution 2%	NPC
Metronidazole tabs 500 mg	Par
Multivitamins/Fluoride chew tab 0.5, 1.0 mg	Copley
Multivitamins/Fluoride/Iron tab	Copley
Nitroglycerin Oint. 2%	Pharmafair
Nystatin/Neomycin/Gramicidin/Triamcinolone Cream	K-Line
Phenazopyridine HCL tabs 100, 200 mg	Copley
Phenobarbital elixir 20 mg/5 ml	NPC
Phenylbutazone caps, 100 mg	Zenith
Potassium Bicarb Effervescent tab 25 mgEq	Copley, Nomax
Potassium CL 40 mEq/15 ml	Genck

Potassium Iodide Solution, Saturated (SSKI)
Promethazine HCL 6.25/5, 25/5 Syrup
Propoxyphene 65/Aspirin 389/Caffeine 32 caps
Sodium Fluoride Chew Tab 1.1, 2.2 mg
Sodium Fluoride Drops 0.125 mg/drop
Sulfamethoxazole/Trimethoprim tabs 400/80, 800/160

Theophylline (Anhydrous) E.R. tabs 300 mg
Theophylline/Ephedrine/Hydroxyzine tabs
Thioridazine tabs 10, 15, 25, 50, 100 mg
Triple Vitamins (A,D,C)/Fluoride chew tabs
Triple Vitamins (A,D,C)/Fluoride tabs
Triprolidine HCL 1.25/5 Syrup

NPC
NPC
Zenith
Copley
Copley

Danbury
Forest
Amide
Zenith
Amide
Copley
NPC

program and will thereby encourage additional lenders to participate in the program.

Social Impact

Students who receive GSL loans will benefit from the ability to pay their educational obligations in a timely manner. By increasing the attractiveness of PLUS loans to lenders additional loan assistance will be made available to college students.

Economic Impact

Permitting students to receive student loans 60 days prior to the beginning of classes will allow students to pay their educational financial obligations in a timely manner and avoid the assessment of late charges.

Permitting lending institutions to accrue interest will result in higher cost to borrowers in the PLUS program but will encourage additional lenders to participate, thus making loans more available.

The current text of the rule may be found at 15 N.J.R. 475(a), 15 N.J.R. 1663(b).

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

9:9-1.9 [Documents to student] **Disbursement procedures**

(a) **Disbursement of funds should occur at such time and in such amounts as the lending institution and the applicant agree best meets the applicant's needs. This shall be not more than 60 days prior to the beginning of the academic year.**

(b) After disbursement of funds, the duplicate copies of the original note and the agreement between the student and the Authority should be given to the student.

9:9-3.5 **Capitalization of accrued interest**

(a) **For PLUS loans insured under a guarantee agency program, a lender may add accrued interest and unpaid insurance premiums to the borrower's unpaid principal balance according to the institution's own billing cycle but in no case more frequently than on the semi-annual basis.**

(b) **This section shall be effective for all PLUS loans made on or after January 1, 1984. For all PLUS loans made prior to January 1, 1984, this section shall only be applicable upon the written consent of the borrower.**

HIGHER EDUCATION

(a)

HIGHER EDUCATION ASSISTANCE AUTHORITY

Student Loans; Disbursement Procedure; Plus Loans; Capitalization of Accrued Interest

Proposed New Rule: N.J.A.C. 9:9-3.5
Proposed Amended Rule: N.J.A.C. 9:9-1.9

Authorized By: Higher Education Assistance Authority,
Jerome Lieberman, Chairman.
Authority: N.J.S.A. 18A:72-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. 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
CN 542
Trenton, NJ 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 1983-565.

The agency proposal follows:

Summary

The proposed amendment would permit lending institutions to issue checks for Guaranteed Student Loans (GSL's) to students 60 days prior to the scheduled beginning of the academic year. The current practice has been that loan proceeds could not be issued more than 30 days prior to the academic year. GSL's are made by lending institutions to students under a Federal program.

The proposed new rule will allow lenders to capitalize (add accrued interest to the principal balance) loans under the P.L.U.S. program semi-annually. The addition of the accrued interest will provide a higher yield to lenders on loans made pursuant to this

HUMAN SERVICES

(b)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Lost or Stolen Assistance Checks

Proposed Amendment: N.J.A.C. 10:81-7.18

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 44:7-6 and 44:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 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 1983-568.

The agency proposal follows:

Summary

Under current regulations, county welfare agencies (CWAs) must, within five working days, either issue or deny the issuance of a duplicate assistance check to an Aid to Families with Dependent Children (AFDC) recipient who reports to the agency that his or her original check was lost or stolen. The most recent implementation of this five day time frame (without possibility of extension) was effected in December 1982. CWA administrators now indicate that since implementation of this absolute rule they have experienced difficulty in making definitive determinations in the absence of appropriate documentation as to identification of the individual who endorsed and/or cashed the original assistance check. This proposal would increase, from five to ten working days, the period of time during which CWAs must either issue or deny the issuance of a duplicate assistance check to provide a more practically acceptable time frame. This 10 day period would be in effect for only one year as a pilot test. Within the first eight months of operation, a determination will be made as to whether this new time frame should be retained or modified in accordance with normal rulemaking procedures.

Social Impact

This proposal would prolong the time CWAs have to make a decision as to whether or not to issue a replacement check. In some instances there may be a delay, by up to five additional working days, in issuance of replacement checks to recipients whose original checks are lost or stolen.

Economic Impact

The impact of the proposed amendment on actual assistance expenditures is anticipated to be negligible. It is expected however that there will be some savings realized in terms of administrative costs, which are equally shared by CWAs and the Federal government, inasmuch as fewer duplicate assistance checks will be issued involving costly recovery action.

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

10:81-7.18 Lost or stolen assistance checks

(a) Upon notification from a client that his or her assistance check has been lost or stolen, the CWA will immediately secure the client's affidavit of the facts and circumstances and will file a stop payment order with the bank. Within [five] **ten** working days the CWA will either issue a duplicate check or provide written notice that the check will not be replaced. The notice must be in the format of an adverse action notice including information about both regular and emergency fair hearing rights and setting forth the reason(s) for the action. (See N.J.A.C. 10:81-6.2 and 6.17.)

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

(a)

DIVISION OF PUBLIC WELFARE

**Food Stamp Program
Administrative Disqualification of Authorized
Representatives, Certification Process,
Procedures for Alien Individuals, Income
Exclusions and Repeal of Transfer
Provisions**

**Proposed New Rule: N.J.A.C. 10:87-9.8
Proposed Amendments: N.J.A.C. 10:87-2.10,
2.19, 2.21, 3.2, 3.8, 4.2, 5.1, 5.4, 5.9, 6.22,
7.6, 7.8, 9.2 and 9.3
Proposed Repeal: N.J.A.C. 10:87-9.8-9.14**

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:4B-2, 7 CFR 273.1, 273.2, 273.4,
273.9, 273.10 and 273.11, (47 FR 17763).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 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 1983-583.

The agency proposal follows:

Summary

As a result of the ongoing process of regulatory review, the Department is proposing the following amendments to the Food Stamp Program. These amendments reflect Federal policy interpretations, technical amendments, and procedural changes which have resulted in amendments to the above cited Federal regulations.

The rule at N.J.A.C. 10:87-2.10 is being amended to allow for administrative disqualification of an authorized representative, for up to one year, if the county welfare agency (CWA) can substantiate that the representative misrepresented the household's circumstances without the household's knowledge.

Policy interpretations and technical changes clarify parts of the certification process by amending N.J.A.C. 10:87-2.19 to specify that an applicant may bring any person he or she chooses to the interview. Additionally, the rule at N.J.A.C. 10:87-4.2 clarifies that when determining resources, available resources at the time the household is interviewed shall be used to determine the household's eligibility.

Changes at N.J.A.C. 10:87-2.21 incorporate technical amendments which reflect changes in the Immigration and Nationality Act affecting the mandatory verification of legal alien status and incorporate two new Immigration and Naturalization Service (INS) forms used to verify or obtain verification of legal alien status. The rule at N.J.A.C. 10:87-9.8 has also been amended to reflect the Federal provisions requiring that the CWA report an alien to the INS whenever the CWA determines that any household

member is ineligible for food stamp benefits because that individual is specifically known to be an illegal alien.

Further, the listing of eligible alien categories at N.J.A.C. 10:87-3.8 is amended to reflect categories of lawfully present aliens as they were redefined by amendments to the Immigration and Nationality Act relating to refugees, parolees, and aliens granted asylum.

Clarifying language was added at N.J.A.C. 10:87-5.9 regarding identification of income exclusions. Additional exclusions have been added to this section to provide for income exclusions for payments made to certain Indian tribes and payments to certain VISTA volunteers.

The proposal at N.J.A.C. 10:87-6.22 revises regulations to eliminate indefinite certification periods. The revised rule requires CWAs to assign definite certification periods for Aid to Families with Dependent Children (AFDC) cases which will expire the month following the month the AFDC redetermination is due. The proposed rule provides that a certification period may not exceed 12 months and that food stamp benefits will not be continued beyond the end of the certification period. Changes at N.J.A.C. 10:87-9.2 and 9.3 regarding notices are amended to reflect the revised rule on definite certification periods.

Amendments to the rules at N.J.A.C. 10:87-7.6 and 7.8 eliminate the income deduction for depreciation as a cost of doing business for self-employed households.

All regulations at N.J.A.C. 10:87-9.8 through 9.14 regarding the transfer of a food stamp case from one county to another or out of state, are proposed for repeal. The 60-day continuation of food stamp benefits for households which move out-of-county was eliminated by amendment to the Food Stamp Act (47 FR35167, August 13, 1982). Frequently, income and resources change when a household moves. As a result, the 60-day transfer did not accurately assess the household's eligibility or allotment level because it did not reflect changes in income or resources.

Social Impact

The intent of the administrative disqualification provision is to protect the program and the household alike, by providing CWAs the authorization to disqualify the representative since households are held liable for any overissuances that result from misrepresentation by the household's authorized representative.

Provisions regarding the referral of illegal aliens to the Immigration and Naturalization Service and the elimination of depreciation as a cost of doing business are intended to reduce fraud, abuse, and program costs.

The elimination of the transfer provisions has little or no impact on food stamp recipients as the 60-day continuation policy was little used due to the use of expedited service provisions which enable a household to obtain benefits within five days of filing an application.

The several other policy interpretations and technical amendments contained in this proposal serve to clarify policy and provide for more effective administration of the program with minimal impact on the program population.

Economic Impact

Elimination of depreciation as a cost of doing business for self-employed households may slightly reduce program benefits to a small number of self-employed households contingent upon other household circumstances.

The provision requiring the reporting of illegal aliens to INS does not represent a major change in certification policy and will not have a significant impact on Department or county welfare agency workload.

The elimination of the transfer provisions, and the transfer form FNS-286, reduces some administrative expense and the potential for abuse. The document was one requiring control and security and presented a potential for fraud and abuse as it could have been altered while in the household's possession.

The remaining provisions provide policy interpretation and technical amendments to clarify current regulations and reduce administrative complexity. These changes will not impact significantly on administrative functions or costs of the Department or county welfare agencies administering the program.

Any reduction in program benefit expenditures will result in no fiscal savings to the State or county governments as such expenditures are fully funded by the Federal government.

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

10:87-2.10 Restrictions on authorized representatives

(a) The following restrictions apply to authorized representatives:

1.-3. (No change.)

4. Disqualification of authorized representatives: CWAs which have obtained evidence that an authorized representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household, or has made improper use of coupons, may disqualify that person from acting as an authorized representative for up to one year. The CWA shall send written notification to the affected household(s) and the authorized representative 30 days prior to the date of disqualification. The notification shall include the proposed action, the reason for the proposed action, the household's right to request a fair hearing, the telephone number of the food stamp office and, if possible, the person to contact for further information. The household, not the authorized representative, may appeal this action. This provision is not applicable in the case of drug and alcoholic treatment centers and those group homes which act as authorized representatives for their residents.

10:87-2.19 Interview process

(a) All interviews for food stamp benefits shall meet the requirements below.

1. Person interviewed: The individual interviewed may be the head of household, spouse, any other responsible member of the household or an authorized representative. **An applicant may bring any person he or she chooses to the interview.**

2.-7. (No change.)

10:87-2.21 Mandatory verification

(a) The CWA shall verify the following information prior to certification for households initially applying for food stamp benefits.

1. (No change.)

2. Alien status: For each household member identified on the application as an alien, the CWA shall determine if that member is an eligible alien (see N.J.A.C. 10:87-3.8) by requiring that the household present verification for each alien member.

i. Verification of immigrant status and continuous residence: Aliens lawfully admitted as immigrants (see N.J.A.C. 10:87-3.8(a)1) and aliens in continuous residence (see N.J.A.C. 10:87-3.8(a)2) shall present INS Form I-151 or Form I-551 "Alien Registration Receipt Card" or the "Re-entry Permit", a passport booklet for lawful permanent resident aliens.

(1) INS Form I-181-B: Form I-181-B, an interim document pending issuance of I-551 cards, is provided to some new immigrants at the time of adjustment of status to lawful permanent residence. This card is imprinted with the stamped annotation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence" and may be used to verify alien status.

ii. INS Form I-94: Aliens in the categories specified in N.J.A.C. 10:87-3.8(a)3 through [5]7 shall present an INS Form I-94, "Arrival-Departure Record". The CWA shall accept the INS Form I-94 only if it is annotated with Section 203(a)(7), **207, 208**, [Section] 212(d)(5), or [Section] 243(h) of the Immigration and

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Nationality Act; or if the form is annotated with one of the following terms or combination of terms: refugee, parolee, paroled, [conditional entry or entrant,] or asylum. **However, an INS Form I-94 annotated with Section 203(a)(7) of the Immigration and Nationality Act must have been issued prior to April 1, 1980 to be considered as acceptable verification.**

(1) No change.)

(2) If the INS Form I-94 does not bear any acceptable annotations and the alien has no other verification of alien classification in his[/] or her possession, the CWA shall advise the alien to submit Form G-641, Application for Verification of Information from Immigration and Naturalization Service Records, to INS. CWAs shall accept this form when presented by the alien and properly annotated at the bottom by an INS representative as evidence of lawful admission for permanent residence or parole for humanitarian reasons. The alien shall also be advised that classification under Section 203(a)(7), 207, 208, 212(d)(5) or 243(h) of the Immigration and Nationality Act shall result in eligible status. **Additionally, [T]he alien shall be advised that he []/or she may be eligible if acceptable verification is obtained and that the alien may contact INS or otherwise obtain the necessary verification. If the alien so wishes and signs a written consent, the CWA will contact INS to obtain clarification of the alien's status.**

iii. (No change.)

iv. Other documentation of alien status: If the proper INS documentation is not available, the alien may state the reason and submit other conclusive verification. The CWA shall accept other forms of documentation or corroboration from INS that the alien is classified pursuant to Section 101(a)(15), 101(a)(20), 203(a)(7), 207, 208, 212(d)(5), 243, or 249 of the Immigration and Nationality Act, or other conclusive evidence such as a court order stating that deportation has been withheld pursuant to Section 243(h) of the Immigration and Nationality Act.

v. (No change.)

vi. **Reporting illegal aliens: Whenever the CWA determines that any member of a household is ineligible to receive food stamps because he or she is present in the United States in violation of the Immigration and Nationality Act, that individual shall be reported to the local INS office. CWAs must make a distinction between aliens who are ineligible for the Food Stamp Program for various reasons and aliens who are in the United States illegally. Only those aliens specifically known to be illegal aliens shall be reported to INS.**

(1) **When a household indicates inability or unwillingness to provide documentation of alien status for any household member, that member should be classified as an ineligible alien.**

3.-9. (No change.)

10:87-3.2 Residency in the county

(a) A household must be a resident of the county in which it files an application for participation. No individual may participate as a member of more than one household, or in more than one county, in any month (for transfers between counties see N.J.A.C. 10:87-9.8) except as follows in (a)1 below.

1. (No change.)

i. (No change.)

10:87-3.8 Eligible aliens; listing

(a) With the provision that all other eligibility requirements are met, the following aliens shall be eligible for participation in the Food Stamp Program:

1. Immigrants: An alien lawfully admitted for permanent residence as an immigrant pursuant to sections 101(a)15 and 101(a)(20) of the Immigration and Nationality Act (see N.J.A.C. 10:87-2.21(a)2 for verification);

2. (No change.)

3. **Conditional entry after March 31, 1980:** An alien qualified for conditional entry after March 31, 1980 because of persecution or fear of persecution on account of race, religion, or political opinion

[or because of being uprooted by catastrophic natural calamity] pursuant to section 207 (formerly section 203 (a)(7)) of the Immigration and Nationality Act (see N.J.A.C. 10:87-2.21(a)2 for verification);

4. **Conditional entry prior to April 1, 1980:** An alien who qualifies for conditional entry prior to April 1, 1980 pursuant to former section 203(a)(7) of the Immigration and Nationality Act (see N.J.A.C. 10:87-2.21(a)2 for verification);

5. **Granted asylum:** An alien granted asylum through an exercise of discretion by the Attorney General pursuant to section 208 of the Immigration and Nationality Act;

[4.]6. Emergent reasons: An alien lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons deemed strictly in the public interest pursuant to section 212(d)(5) of the Immigration and Nationality Act, or as a result of a grant of parole by the Attorney General (see N.J.A.C. 10:87-2.21(a)2 for verification);

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

10:87-4.2 Determining resources and [A]applicant responsibility

(a) **Available resources at the time the household is interviewed shall be used to determine the household's eligibility.**

(b) At the time of the certification or recertification interview, the applicant shall report all resources currently held by any member of the household.

10:87-5.1 Applicability

All households which do not contain an elderly or disabled member, including those in which all members are recipients of public assistance, [must have net food stamp income within the standards] shall meet both the net and gross income eligibility standards set forth in [Table II] N.J.A.C. 10:87- 12.3 and 12.4 (Tables III and IV) respectively in order to be eligible for program participation. Households which contain an elderly or disabled member shall meet the net income eligibility standards in N.J.A.C. 10:87-12.3 (Table III). Net Food Stamp Income shall be determined in accordance with procedures contained in this section.

10:87-5.4 Earned income

(a) For the purposes of determining Net Food Stamp Income, earned income shall include:

1.-4. (No change.)

5. **Payments to volunteers: Payments to volunteers under Title I (VISTA, University Year for Action, and so forth) of the Domestic Volunteer Service Act of 1973 (P.L. 93-113) shall be considered earned income and subject to the earned income deduction specified in N.J.A.C. 10:87-5.10(a)2, excluding payments to households as set forth in N.J.A.C. 10:87-5.9(a)12iii.**

10:87-5.9 Identification of income exclusions

(a) Only the following shall be excluded from household income; and no other income shall be excluded.

1.-11. (No change.)

12. Income excluded by Federal law: Any income that is specifically excluded by any other law from consideration as income for the purpose of determining eligibility for the Food Stamp Program shall be excluded. The following qualify under this provision:

i. Federal relocation reimbursements: Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (**Public Law 91-646**).

ii. Alaska native claims: Payments received under the Alaska Native Claims Settlement Act (**Public Law 92-203**).

iii. Payments to volunteers: Any payment to volunteers under Title II (RSVP, foster grandparents and other) [and Title III

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(SCORE and ACE)] of the Domestic Volunteer Services Act of 1973 (Public Law 93-113), as amended, shall be excluded. Payments to volunteers under Title I of that Act (including payments from such Title I programs as VISTA, University Year for Action, and Urban Crime Prevention Program) shall be excluded for those individuals receiving food stamps or public assistance at the time they joined [VISTA] the Title I program, except that households which were receiving an income exclusion for VISTA or other Title I subsistence allowance at the time of conversion to the Food Stamp Act of 1977 shall continue to receive an income exclusion for VISTA for the length of their volunteer contract in effect at the time of conversion. Temporary interruptions in food stamp participation shall not alter the exclusion once the initial determination has been made. New applicants who were not receiving public assistance or food stamps when they joined VISTA shall have these volunteer payments included as earned income.

iv. Income from certain Indian lands: Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 94-114).

v. Crisis Intervention Program: Payments from the Energy Crisis Assistance and Crisis Intervention Programs administered by the Community Services Administration.

vi.-viii. (No change.)

ix. Income from certain Indian funds: Income derived from disposition of funds to the Grand River Band of the Ottawa Indians (Public Law 94-540).

x. Payments from Indian Claims Commission: Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission as designated under Public Law 94-433.

xi. Payments from Maine Indian Claims Settlement: Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (Public Law 96-420).

10:87-6.22 PA households

(a) PA households (see N.J.A.C. 10:87-2.12(a)1) shall have their food stamp recertifications, to the extent possible, completed at the same time they are redetermined for AFDC. The CWA shall assign such households [indefinite] definite certification periods which will expire the month following the [completion of] month the household's AFDC redetermination is due, unless the circumstances of the household members would otherwise require a shorter certification period. [In no event shall the certification period exceed six months for AFDC-F and -N segment cases and nine months for AFDC-C segment cases. (For AFDC companion cases the certification period shall not exceed six months.)]

1. For households which do have their food stamp recertification scheduled for the same time as their AFDC redetermination the CWA shall ensure that the food stamp recertification is completed timely, regardless of whether or not the AFDC redetermination is completed timely.

i. If the AFDC redetermination is not completed timely, the household shall be sent a Notice of Expiration and recertified in accordance with N.J.A.C. 10:87-9.2.

ii. In no event shall food stamp benefits be continued beyond the end of the certification period.

iii. In no event shall a certification period extend beyond 12 months.

10:87-7.6 Determining monthly income from self-employment

(a) (No change.)

(b) Anticipated self-employment income: For those households whose self-employment income is not averaged but is instead calculated on an anticipated basis (see N.J.A.C. 10:87-7.3(b)), the CWA shall add any capital gains (see [section 7 of this subchapter]

N.J.A.C. 10:87-7.7) the household anticipates it will receive in the next 12 months (starting with the date the application is filed) and divide this amount by 12. This amount shall be used in successive certification periods during the next 12 months, except that a new average monthly amount shall be calculated over this 12-month period if the anticipated amount of capital gains changes. The CWA shall then add the anticipated capital gains to the anticipated monthly self-employment income and subtract the cost of producing the self-employment income. [Except for depreciation, t] The cost of producing the self-employment income shall be calculated by anticipating the monthly allowable costs of producing the self-employment income.

(c) (No change.)

10:87-7.8 Allowable costs of producing self-employment income

(a) (No change.)

[(b) Depreciation: Depreciation shall be allowed as a cost of producing self-employment income for equipment, machinery or other capital investments necessary to the self-employment enterprise.

(c) Federal or State income tax form: The Federal or State income tax form for the most recent tax year shall be used for calculating depreciation on an annual basis. No depreciation shall be allowed on a capital asset unless it is documented by the appropriate Federal or State income tax form.

(d) Consideration for depreciations: Households which did not file a tax return or did not claim depreciation may still receive consideration for depreciation by filing a regular or amended tax form for that year and presenting a copy of that amended return to the CWA.]

[(e)](b) Costs not allowable: The following items shall not be allowable as a cost of doing business.

1.-2. (No change.)

3. Income taxes: Federal, State and local taxes; [and]

4. Money for personal expenses: Money set aside for retirement purposes and other work-related personal expenses (such as transportation to and from work)[.]; and

5. Depreciation: Depreciation of equipment, machinery or other capital investments.

10:87-9.2 Notice of expiration

(a) The CWA shall provide each household with a Notice of Expiration (Form FSP-907A) at the start of the last month of the household's certification period with the exception of those PA households which were assigned certification periods which coincide with the redetermination of PA eligibility and the redetermination was completed timely. (See N.J.A.C. 10:87-6.19, et seq.)

(b)-(g) (No change.)

10:87-9.3 Notice of eligibility

(a) Every applicant household found eligible shall be provided with a written notice of eligibility as described in the following [Items] items as soon as a determination is made but no later than 30 days after the date of the initial application. The notice shall inform the household of the amount of the allotment. The household shall also be advised of variations in the benefit level based on changes anticipated (if any) at the time of certification. If the initial allotment contains benefits for both the month of application and the current month's benefits, the notice shall explain that the initial allotment includes more than one month's benefits, and shall indicate the allotment amount for the remainder of the certification period. The notice shall also inform the household of beginning and ending dates of the certification period.

1. (No change.)

2. PA households: For those PA households assigned [indefinite] definite certification periods in accordance with N.J.A.C. 10:87-6.22, the notice shall state that the certification will expire the

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month following the month [of redetermination for AFDC, but not later than six or nine months, as appropriate] the household's AFDC redetermination is due.

10:87-9.8 [Sixty day continuation of certification] **Reporting of illegal aliens**

[(a) The CWA shall provide for continuation of the certification of any household for two months after the month the household moves from one county to another or out of state if:

1. Household composition: The membership of the household does not change;

2. Definition of household: The household continues to meet the definition of a household as provided in N.J.A.C. 10:87-2.2;

3. Expedited processing: The household was not certified under expedited procedures in N.J.A.C. 10:87-2.32 through 2.35 unless verification that was initially postponed was subsequently completed; and

4. SSI cash-out states: The household does not contain an SSI member when moving into the cash-out states of Massachusetts, California, or Wisconsin.]

Whenever it is determined that any applicant/recipient is ineligible for program participation because he or she is present in the United States in violation of the Immigration and Nationality Act, that individual shall be reported to the local INS office.

10:87-9.9 [Responsibilities of the former CWA] **(Reserved)**

[The CWA from which the household is moving shall prepare the Form FNS-286, "Certification of Transfer of Household Benefits". If the household has received its coupon allotment for the month in which the move takes place, the CWA shall authorize the extension of certification for the two months subsequent to the move. The Form FNS-286 is given to the household for delivery to the food stamp office in the new jurisdiction.]

10:87-9.10 [Responsibilities of the new jurisdiction] **(Reserved)**

[(a) The jurisdiction to which the household moves shall accept the Form FNS-286 and issue the allotment authorized by the form to households which report compliance with the criteria noted above. At the time the household provides the form to the new jurisdiction, the household shall report any changes in circumstances. New jurisdiction area will act on changes, except that in no event would the changes reported affect the initial issuance under the Form FNS-286. However, the second issuance in the new jurisdiction, if any, shall reflect changes reported. The new jurisdiction shall provide benefits to households as provided below:

1. Households which have participated in the month of the move: If the household has participated in the former jurisdiction in the month of the move, and presents the Form FNS-286 to the new jurisdiction that same month, it shall be accepted and acted on in time for the next month's issuance. The first issuance shall be based on the income reflected on the Form FNS-286.

2. Households which have not participated in the month of the move: If the household has not participated in the former jurisdiction in the month of the move and presents the transfer form to the new jurisdiction that same month, the household will be provided an opportunity to participate in that month. The first issuance shall be based on the income reflected on the transfer form.

3. Households which have experienced a decrease to zero net monthly income: If the household anticipates zero net monthly income upon its arrival in the new jurisdiction an exception shall be made to the use of the transfer form and recorded income figures. The household may reapply and receive expedited service.]

10:87-9.11 [Rights of households in the new project area] **(Reserved)**

[Households participating on the basis of a Form FNS-286 shall

be entitled to all procedural rights of any food stamp household, including notice of adverse action on reported changes, and notices of expiration prior to the expiration of the second month of issuance authorized by the Form FNS-286.]

10:87-9.12 [Certification during participation under form-286] **(Reserved)**

[Households may elect to be certified in the new jurisdiction at any time during their participation under the Form FNS-286.]

10:87-9.13 [Households which move while covered by form FNS-286] **(Reserved)**

[(a) Households which move from the new jurisdiction during the two months covered by the Form FNS-286 shall be issued:

1. Balance of entitlement: A Form FNS-286 for the balance of the period covered by the original form, and which reflect the changes reported at the time the form was accepted in the new jurisdiction area;

2. Additional two months: A new Form FNS-286 for an additional two months if the households were recertified in the new jurisdiction and otherwise qualifies for a transfer of certification as outlined in section 8 of this subchapter.]

10:87-9.14 [Security and control of FNS-286] **(Reserved)**

[(a) The CWA shall take all precautions necessary to prevent or detect unauthorized use of Forms FNS-286 and shall safeguard these forms from theft, embezzlement, loss, damage, or destruction.

(b) CWA responsibilities: Specifically, the CWA shall have the following responsibilities with regard to Form FNS-286.

1. Record serial number for forms: Upon receipt of Forms FNS-286, the CWA shall record the serial numbers of the forms and insert the address and telephone number of the certification office on the forms.

2. Provide secure storage: the CWA shall keep the supply of unissued Forms FNS-286 in secure storage.

3. Limit access: The CWA shall limit access to these forms to authorized personnel only.

4. Maintain an inventory control: The CWA shall maintain an inventory and control log for issuing Forms FNS-286 to other office personnel. The inventory control record shall provide for:

i. The assignment of a specific individual or a limited number of individuals to maintain the inventory control record;

ii. A record, by serial number, of all Forms FNS-286 and the date withdrawn from, or place in, inventory;

iii. The initials of the person receiving Forms FNS-286, as a record of receipt;

iv. The retention of inventory control records for audit purposes.

5. Take inventory: At least once a year, the CWA shall make a physical inventory of all unissued Forms FNS-286 by staff not otherwise involved in the issuing, handling, or storage of Forms FNS-286.

6. Notification regarding criminal activity: The CWA shall notify the DPW immediately if counterfeit or stolen forms are discovered or if a theft occurs. The DPW shall then notify FNS.

7. Notify local police: The CWA shall notify local police of any irregularity that appears to fall within the jurisdiction of local authorities.]

(a)

**DEVELOPMENTAL DISABILITIES
COUNCIL****Charity Racing Days for the Developmentally
Disabled
Distribution of Proceeds****Proposed Rule: N.J.A.C. 10:141**

Authorized By: Catherine Rowan, Executive Director,
Developmental Disabilities Council.
Authority: N.J.S.A. 5:5-44.2-44.6 and 30:1AA-7.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Catherine Rowan
Executive Director
N.J. Developmental Disabilities Council
108-110 North Broad Street
CN 700
Trenton, NJ 08625

The Departmental Disabilities 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 1983-552.

The agency proposal follows:

Summary

Rules for Charity Racing Days were first proposed on September 7, 1978. The rules were not formally adopted however, as no notice of adoption was submitted to the New Jersey Register. This rule, therefore, is considered a new rule.

Pursuant to P.L. 1977, Chapter 200, Charity Racing Days for the Developmentally Disabled, a portion of the proceeds from three days of horse racing at various tracks in New Jersey are distributed to eligible organizations which provide services to persons with developmental disabilities. The Developmental Disabilities Council (DDC) determines annually which organizations are eligible according to State statute. Eligible organizations complete service forms which are used along with a formula to determine fiscal awards. Upon notification of the award figure, the New Jersey Racing Commission forwards the Charity Racing Days monies to the recipients. Annual reports on the distribution of Charity Racing Days proceeds are submitted by the Developmental Disabilities Council to the State legislature.

In the five years of administering Charity Racing Days, there has been a total of \$849,876.37 awarded. Pursuant to P.L. 1983, Chapter 20, the New Jersey Racing Commission increased the number of racing days from one to three race meeting days per track. Currently, 12 eligible organizations are recipients of Charity Racing Days proceeds. Examples include the New Jersey Association for Retarded Citizens, United Cerebral Palsy of New Jersey and the New Jersey Chapter Epilepsy Foundation of America. The recipient organizations have received annual monies ranging from several hundred dollars to several thousand, depending on their level of service and the types of disabilities their clients have.

The proposed rules define relevant terms such as developmental disabilities, eligible services, eligible organizations, etc., and explain the Charity Racing Days award procedures. Further details

about Charity Racing Days are available upon request from the New Jersey Developmental Disabilities Council.

Social Impact

The proposed adoption of the rules will have a positive impact, as the Charity Racings Days proceeds permit the continuation or expansion of necessary programs serving persons with developmental disabilities.

Economic Impact

The proposed adoption of the rules will have a positive impact as the Charity Racing Days proceeds contribute to the financial sustenance of eligible organizations for administrative and direct costs.

Full text of the proposed rule follows.

CHAPTER 141
CHARITY RACING DAYS FOR THE
DEVELOPMENTALLY DISABLED

SUBCHAPTER 1. DISTRIBUTION OF PROCEEDS
FOR CHARITY RACING
DAYS FOR THE
DEVELOPMENTALLY DISABLED

10:141-1.1 Scope

In 1977 interested organizations which provided services to persons with developmental disabilities sought additional funding for program operations. The state legislature responded by passing P.L. 1977, c.200, which provides that a portion of the proceeds from three days of horse racing at various tracks in New Jersey are distributed to certain eligible organizations. The Developmental Disabilities Council, as the primary advisory body on services for persons with developmental disabilities remained the administrator of the monies, in cooperation with the New Jersey Racing Commission. The rules explain the Charity Racing Days award procedures, and define relevant terms such as "developmental disability," "eligible organizations," etc.

10:141-1.2 Definitions

"Developmental disability" means a disability which:

1. Originates before such person attains age 18;
2. Has continued or can be expected to continue indefinitely;
3. Constitutes a substantial handicap to such person's ability to function normally in society and which is attributable to:
 - i. Mental retardation, cerebral palsy, epilepsy or autism;
 - ii. Any other condition found to be closely related to mental retardation, i.e., an impairment of general intellectual functioning or adaptive behavior, and which requires treatment and services similar to those required for mental retardation; or
 - iii. Dyslexia resulting from a disability as described in i and ii above.

"Nonprofit organization" means a private, rather than public, body which must provide proof of both incorporation as a nonprofit organization with the New Jersey Secretary of State and classification as a tax exempt organization under Section 501(c)(3) of the United States Internal Revenue Code.

10:141-1.3 Eligible organizations

(a) An eligible organization shall be a nonprofit organization located in New Jersey which expends funds for direct services in full-time programs to New Jersey residents who are developmentally disabled, which organization shall be affiliated with a national organization of the same type and purpose.

1. Affiliation with a national organization of the same type and purpose shall require proof of a formal written affiliation agreement between a local organization and a national organization, or between a local organization and a state organization, which in turn

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has a formal written affiliation agreement with the national organization. The national organization shall:

- i. Have a bona fide charter or by-laws with objectives relating to the developmentally disabled and include a statement of purpose essentially the same as or closely similar to the statement of purpose contained in the charter by-laws of the state or local organization.
- ii. Have a Board of Directors and officers who meet at least once a year;
- iii. Have chapters in at least forty (40) states;
- iv. Publish an annual report summarizing expenditures for programs and activities;
- v. Engage in annual fund raising as stated in its charter or by-laws and/or as recognized by the National Information Bureau;
- vi. Require financial contributions and accounting from its chapters;
- vii. Have an annual publication which is widely disseminated;
- viii. Have a Federal tax exempt identification number.

(b) An eligible organization shall be a full time developmental disabilities service provider which expends funds for direct services and which has as its main purpose either:

1. The provision of services (as defined below); or
2. The raising of funds on behalf of a single other organization whose sole purpose is the provision of eligible service.
 - i. All funds raised (excepting minimal costs for administration and fund raising) shall be contributed to the provision of eligible services.
 - ii. At least seventy-five (75) percent of the recipients of eligible services provided by the organization must be developmentally disabled, as defined herein.

10:141-1.4 Eligible services

(a) Eligible direct services shall include evaluation services, diagnostic services, treatment, day care, training and education, sheltered employment, recreation, special living arrangements, counseling, and information and referral. Such services may be funded directly by an organization from contributions, by grants, or by purchase contracts with public agencies. Explanation of eligible direct services, based on federal definitions and as published in the 1978 developmental disabilities State Plan, follows:

1. Diagnostic services are the provision of coordinated services, including but not limited to medical, psychological, social or other services necessary to identify the presence, cause and extent of a developmental disability.
2. Evaluation is the systematic appraisal of physical, psychological, vocational, educational, cultural, social, economic or other characteristics of the individual to determine: The extent to which the disability limits or can be expected to limit his or her daily living and work activities; the extent to which the disability can be minimized through the provision of services; the nature and scope of services needed; and objectives which are commensurate with the individual's needs, interests and capacities.
3. Information and referral is the provision of a current and complete listing of all appropriate resources which are available and accessible to the developmentally disabled.
4. Counseling is the provision of professional guidance made on the basis of evaluation in order to achieve goals which are mutually agreeable to counselor and client.
5. Advocacy services are the provision of a system of social, legal and other services to help developmentally disabled individuals exercise their rights as citizens and to assist those who are unable to protect themselves from neglect, exploitation or other hazardous situations.
6. Treatment services are interventions designed to halt, control or reverse conditions which cause or complicate developmental disabilities. Such interventions may include: Surgery, provision of prosthetic devices, dental treatment, physical therapy, occupational therapy, speech and hearing therapy, and other medical and medically oriented treatments needed by the individual.
7. Recreational services provide for planned and supervised

activities designed to: Help meet the individual's therapeutic needs for self-expression, social interaction and entertainment and develop skills and interests leading to constructive and enjoyable use of leisure time.

8. Special living arrangements are settings for the provision of living quarters for developmentally disabled persons who need some degree of supervision, but who do not require the more intensive services provided by domiciliary care. (Short term living arrangements refers to temporary residential care, e.g., camps, respite care, etc.) (Long term living arrangements refers to permanent residential care, e.g., group homes, skill development homes, etc.)

9. Day care services are the provision of comprehensive and coordinated activities providing personal care and other services to pre-school, school age and adult developmentally disabled individuals. The services are provided outside of the residence for a portion of the 24-hour day. Services include creative, educational, social, physical and learning activities designed to provide at least training, counseling, personal care and recreation services. Day care services for pre-school age and school age children are likely to emphasize recreation activities and maturation of the children in order to supplement service being provided by parents or guardians. Day care for adults is likely to emphasize the development of occupational and/or social skills to make the individual as independent as possible.

10. Education services are the provision of structured learning experiences based on appropriate evaluations and taking place within the least restrictive environment. Curriculum should be designed to develop ability to learn and acquire useful knowledge and basic skills, and to improve the ability to apply them to everyday living. Education services are to be provided to every age group. Training services are the provision of a planned and systematic sequence in instruction to: Develop skills for daily living, including self-help, motor skills and communication; enhance emotional, personal, and social development; and provide experiences for gaining occupational and pre-vocational skills. Training services should be based upon appropriate evaluation of the individual and objectives designed to meet the needs of the individual.

11. Sheltered employment services are the provision of activities involving work evaluation, occupational skills, training and paid employment for those who cannot be absorbed into the general labor market because of their disability.

10:141-1.5 Procedures

(a) The following procedures shall be carried out on an annual basis:

1. Notification of application solicitation: the Developmental Disabilities Council shall provide notice soliciting formal applications for eligibility determination.
2. Application: organizations shall submit designated appropriate proof that eligibility requirements are met.
 - i. Such applications and supporting documentation shall be reviewed and determination of eligibility made by the Developmental Disabilities Council.
 3. Notification of eligibility determination shall be provided to applicant organizations in a timely manner.
 4. Organizations determined to be ineligible shall have the right of appeal to the Council within 30 days of the date of notification to such effect.
 5. Award determinations and allocation of funds: upon receipt of notice from the Racing Commission of the total monies available for distribution, the Developmental Disabilities Council, using the designated computerized data base system, shall allocate such monies as provided herein and shall notify organizations and the Racing Commission of the amounts of such allocations.

10:141-1.6 Methods for allocation of funds

(a) The amount of monies each eligible organization shall receive shall be allocated in the following manner:

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1. Incidence Formula: one-half of the total amount available for distribution shall be allocated proportionately among the eligible organizations on the basis of the officially accepted "incident rate" of each type of disability (as set forth in the Developmental Disabilities Annual State Plan for year 1978), in relation to the total number of developmentally disabled residents of this state.

2. Service Formula: one-half of the total amount available for distribution shall be allocated proportionately among eligible organizations on the basis of the number of developmentally disabled residents of this State who are provided services by each organization in relation to the total number of developmentally disabled residents of this State who are served by all such organizations.

10:141-1.7 Participatory requirements

(a) Organizations determined to be eligible shall provide required information on the approved forms to the agency responsible for processing the computerized data as designated by the Council.

(b) Eligible organizations shall be required to participate in a computerized data base system designated by the Council by periodically reporting on the approved forms the primary diagnosis of each individual served and those eligible direct services he/she is receiving; such reports shall provide the base information for allocation of funds.

10:141-1.8 Accountability of Charity Racing Days monies

(a) Organizations allotted such funds shall be required to submit an annual report to the Developmental Disabilities Council concerning the dispersal of such funds, as well as such other reports, materials and information as may be from time to time required by the Council.

(b) The New Jersey Developmental Disabilities Council shall maintain records on the implementation of Charity Racing Days procedures and submit annual reports to the State legislature on the distribution and use of Charity Racing Days monies.

INSURANCE

(a)

DIVISION OF ADMINISTRATION

Agents for Life Insurance, Health Insurance and Annuity Contracts; Temporary Licensing

Proposed New Rule: N.J.A.C. 11:1-9

Authorized By: Joseph F. Murphy, Commissioner,
Department of Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17B-22-26a and c.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

W. Morgan Shumake
Executive Director of Insurance
New Jersey Department of Insurance
CN325
Trenton, NJ 08625

The Department of Insurance 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 1983-585.

The agency proposal follows:

Summary

N.J.S.A. 17B:22-26a authorizes the Commissioner of Insurance to promulgate rules pertaining to the temporary licensing of insurance representatives for life and health insurance and annuity contracts. This proposal sets forth the educational requirements and other qualifications which must be met by any applicant for an agent's license who seeks a temporary license, pending the processing and issuance of a permanent license. The proposal also specifies the procedures which both the applicant and the appointing insurer must follow in order to secure temporary licensing of the applicant. For instance, the proposal requires that the appointing insurer furnish the applicant with a Temporary Certificate of Appointment on a form prescribed by the Commissioner; in order to effect temporary licensing, the insurer must also mail or deliver to the Commissioner at least three working days prior to the effective date of appointment a properly completed application as provided under N.J.S.A. 17B:22-9, a copy of the temporary certificate and the temporary license fee prescribed under N.J.S.A. 17B:22-23b. Finally, the insurer is required to submit to the Department, on a monthly basis, a list of all applicants to whom it has issued a Temporary Certificate of Appointment.

Social Impact

The insurance statutes specify that no individual shall act as an agent without first procuring a license from the Commissioner. Accordingly, an individual who has met all qualifications for holding an agent's license is precluded from engaging in that occupation until an application has been completed, submitted to the Department for review and approval and an agent's license issued.

By providing for temporary licensing, this proposal will permit a properly qualified applicant to be appointed by an insurer, pending the processing and issuance of the agent's license. The individual will be able to engage in the kind or kinds of insurance solicitation for which he or she has qualified in a more timely fashion.

Economic Impact

Through temporary licensing, a qualified applicant may engage in the business of insurance sales and earn income prior to issuance of the agent's license. The Department will charge no additional fees in connection with the temporary license, and expects to absorb any costs resulting from implementing the subchapter within current budget resources.

Full text of the proposed new rule follows.

CHAPTER 1
ADMINISTRATION

SUBCHAPTER 9. AGENTS FOR LIFE INSURANCE,
HEALTH INSURANCE AND ANNUITY
CONTRACTS; TEMPORARY
LICENSING

11:1-9.1 Purpose

(a) N.J.S.A. 17B:22-26a and c authorize the Commissioner of Insurance to promulgate rules concerning the temporary licensing of insurance representatives. The purposes of this subchapter are to:

1. Provide a procedure whereby a qualified applicant for an agent's license may be appointed by an insurer to act as its agent on a temporary basis, pending the issuance of the agent's license.

2. Establish educational and other requirements which must be met by the temporary licensee; and

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3. Set forth filing, reporting and other requirements which must be met by any insurer who appoints an applicant for an agent's license as its agent under a temporary licensing arrangement.

11:1-9.2 Scope

(a) This subchapter shall apply to any individual, partnership, corporation or other entity, hereinafter referred to as the "applicant," who or which applies under the provisions of N.J.S.A. 17B:22-9 through 17B:22-13 for a license to act as an agent.

(b) This subchapter shall also apply to every authorized insurer.

11:1-9.3 General provisions

(a) No applicant for an agent's license may act as an agent of an insurer under the temporary licensing provisions of N.J.S.A. 17B:22-26a and c without first procuring a Temporary Certificate of Appointment in conformance with the provisions of this subchapter.

(b) No insurer shall appoint an applicant as its agent or file a Temporary Certificate of Appointment with the Commissioner on behalf of such applicant unless it shall first satisfy itself that the applicant is eligible and qualified to hold an agent's license in this State and qualified for temporary licensing pursuant to N.J.A.C. 11:1-9.4.

(c) The Commissioner shall prescribe the form and content of the Temporary Certificate of Appointment.

(d) A temporary license shall continue in force for a period not to exceed 45 days from the effective date of appointment specified on the temporary certificate or until the issuance of the agent's license, whichever is sooner, provided, however, that a temporary license may be revoked by the Commissioner for cause at any time during the aforesaid 45-day period.

11:1-9.4 Qualifications for temporary license

(a) Except as specified in (b) and (c) below, an applicant for an agent's license shall qualify as a temporary licensee pursuant to N.J.S.A. 17B:22-26a and c and may be appointed by an authorized insurer to act as its agent provided:

1. The applicant has met the educational prerequisites for licensing set forth in insurance laws and regulations, including the applicable provisions of N.J.S.A. 17B:22-1 et seq. and N.J.A.C. 11:2-1.3;

2. The applicant has qualified by a written or personal examination, if required by law;

3. The insurer has filed with the Commissioner the application prescribed at N.J.S.A. 17B:22-9;

4. The insurer has filed with the Commissioner a Temporary Certificate of Appointment of the applicant to act as its agent and furnished the applicant with a copy of such certificate;

5. The temporary license fee prescribed at N.J.S.A. 17B:22-23 accompanies the application and Temporary Certificate of Appointment filed with the Commissioner.

(b) An applicant shall not qualify for temporary licensing in any instance in which the educational or examination requirements otherwise applicable to such applicant may be waived at the discretion of the Commissioner.

(c) An applicant shall not qualify for temporary licensing in the following instances:

1. The applicant has been convicted of a crime involving moral turpitude; or

2. The applicant has been denied, or has had suspended or revoked a license to engage in business as an insurance agent, broker or solicitor, or other profession or occupation licensed under the laws of any State.

11:1-9.5 Filing requirements

(a) The application, Temporary Certificate of Appointment and accompanying fee specified at N.J.A.C. 11:1-9.4(a)3, 4 and 5 shall be mailed or delivered by the insurer to the Commissioner at least three working days prior to the effective date of appointment indicated on the Temporary Certificate of Appointment.

(b) Upon terminating the temporary appointment of an agent, an insurer shall immediately file a written notice of termination with the Commissioner in accordance with the provisions of N.J.S.A. 17B:22-25c.

(c) Each insurer shall, on a monthly basis, furnish the Commissioner with a listing of all applicants which it has appointed to act as an agent in accordance with the temporary licensing provisions of this subchapter. The list shall include the applicant's name, address and date of birth and the effective date of temporary appointment.

11:1-9.6 Separability

If any provision of this subchapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.

11:1-9.7 Penalties

Any person failing to comply with the provisions of this subchapter shall be subject to such penalties as may be authorized by law.

LABOR

(a)

THE COMMISSIONER

**Unemployment Compensation
Contribution rates of Governmental Entities
for 1984**

Proposed Amendment: N.J.A.C. 12:15-1.5

Authorized By: Roger A. Bodman, Commissioner,
Department of Labor.
Authority: N.J.S.A. 34:1-5, 34:1-20, 43:21-7.3(e).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Arthur J. O'Neal, Jr., Director
Division of Planning and Research
CN 056
Department of Labor
Trenton, NJ 08625

The Department of Labor 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 1983-575.

The agency proposal follows:

Summary

This proposed amendment establishes the 1984 contribution rate for governmental entities that elect to pay contributions under the Unemployment Compensation Law.

Social Impact

The maintenance of the contribution rate for governmental entities for 1984 at the same level as the rate that prevailed in 1983 will have no significant social impact.

Economic Impact

The proposed amendment will maintain the contribution rate for governmental entities in 1984 at the same level as the rate that prevailed in 1983.

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

12:15-1.5 Contribution rate of governmental entities and instrumentalities

(a) In accordance with the provisions of N.J.S.A. 43:21-7.3(e), the contribution rate for all governmental entities and instrumentalities electing to pay contributions under the Unemployment Compensation Law is hereby established as being one and one-half percent (1.5 percent), for the entire calendar year.

(b) This contribution rate shall be effective on taxable wages paid in the calendar year [1983] **1984**.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Regulation of Use of Manufacturers' Rebates and Coupons

Proposed Amendment: N.J.A.C. 13:2-24.11

Authorized By: John F. Vassallo, Jr., Director, Division of Alcoholic Beverage Control.

Authority: N.J.S.A. 33:1-39, 33:1-39.2 and 33:1-93.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John F. Vassallo, Jr., Director
Division of Alcoholic Beverage Control
Richard J. Hughes Justice Complex
CN 087
Trenton, NJ 08625

The Director, Division of Alcoholic Beverage Control 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 1983-564.

The agency proposal follows:

Summary

N.J.A.C. 13:2-24.11, regulating the use of manufacturers' rebates, became effective on September 6, 1983. In the proposal which appeared on June 20, 1983 at 15 N.J.R. 1003 (a), and in the Notice of Adoption which appeared on September 6, 1983 at 15 N.J.R. 1478(a), the rationale for the regulation was set forth at length. In the Notice of Adoption, and specifically in the summary of the comments and responses, it was noted that Division studies had indicated that rebates were generally limited to one per household.

Upon receipt of initial filings under the new regulation, N.J.A.C. 13:2-24.11, it became apparent that certain concerns that were addressed in comments and other matters that became apparent

which had not previously come to the attention of the Division, need to be included in the regulation. Specifically, it is necessary to amend N.J.A.C. 13:2-24.11 to clearly limit any rebate offer to one per household or family, as well as to affirmatively indicate that multiple purchases may not be required in order to obtain or enhance a rebate. Such limitations will insure that rebate and refund programs remain basically advertising programs as opposed to programs designed to enhance the volume of sales of an alcoholic beverage product. The addition of N.J.A.C. 13:2-24.11(a)(5) and (6) and the amendment of language in N.J.A.C. 13:2-24.11(a) will effectuate these limitations.

It is also necessary to specifically define and limit the advertising which may be done by a retailer concerning rebate programs since the rebates and refunds are essentially advertising programs and are not in themselves reductions in the cost of alcoholic beverages. Unless a consumer fulfills certain requirements such as soaking off a label from a bottle, filling in a form and mailing it to the designated address, the rebate cannot be obtained and the purchase price paid by the consumer remains the same as the purchase price paid by any other consumer not considering use of a rebate or refund program. The proposed amendment cited as N.J.A.C. 13:2-24.11(c) addresses this concern.

Social Impact

The amendments to N.J.A.C. 13:2-24.11 will insure that the use of manufacturers' rebates and refunds will not have any adverse or negative social impact in that it will prevent the unintended and unforeseen use of the regulation as a means to unduly promote sales volume of alcoholic beverages. The proposed amendments will rather insure that the use of rebate and refund programs are for the purpose of advertising or introducing or re-introducing consumers to new products, as was intended by the recent adoption of N.J.A.C. 13:2-24.11. Other than that, the anticipated social and economic consequences of the regulation were previously articulated in the original proposal (PRN 1983-310).

Economic Impact

No economic impact is foreseen as a result of the proposed amendments to N.J.A.C. 13:2-24.11. The anticipated economic impact of the regulation itself was previously articulated in the original proposal (PRN 1983-310).

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

13:2-24.11 Manufacturers' rebates and coupons

(a) Subject to the provisions of this section, a manufacturer, distiller, blender and rectifier, brewer, vintner, or any importer may offer mail-in rebates or refunds of a portion of the purchase price of [alcoholic beverages] **an alcoholic beverage** directly to consumers for the purpose of introducing or reintroducing consumers to its product(s) or for advertising, promotion or market-testing purposes.

1.-4. (No change.)

5. No such rebate offered in accordance with this section shall require the purchase of more than one alcoholic beverage product or the purchase of any other item or product as a condition for either obtaining a rebate or enhancing the value of a rebate.

6. Any rebate offered in accordance with this section shall be limited to one refund or rebate per household or family for any one rebate or refund program and the rebate offer form shall specifically indicate such restriction. Any manufacturer, distiller, blender and rectifier, brewer, vintner or importer offering a rebate or refund program shall maintain adequate records, or shall cause the clearinghouse processing such rebates to maintain adequate records, in order to assure compliance with the limitation of one rebate or refund per household or family as set forth herein.

(b) (No change.)

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(c) No retail licensee shall advertise a lower price or a reduction in the price of an alcoholic beverage product or package it is offering for sale by reason of a manufacturer's rebate or refund. A retail licensee, however, may indicate in advertising that a manufacturer's rebate is being offered on a particular alcoholic beverage product or package but any such advertising must also indicate that the rebate is limited to one per household or family.

(a)

DIVISION OF MOTOR VEHICLES

Student Permits
Oral Law-Knowledge Test for Hearing Impaired

Proposed Amendment: N.J.A.C. 13:21-7

Authorized By: Clifford W. Snedeker, Director of the Division of Motor Vehicles.
Authority: N.J.S.A. 39:3-10, 39:3-11.3 and 39:3-13.1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director
Division of Motor Vehicles
25 South Montgomery Street
Trenton, NJ 08666

The Division of Motor Vehicles 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 1983-571.

The agency proposal follows:

Summary

The proposed amendments provide for the administration of oral law-knowledge tests to applicants for student learners' permits who are hearing impaired.

Social Impact

The proposed amendments facilitate the student learners' permit procedure for the hearing impaired by providing for oral law-knowledge tests.

Economic Impact

There is a minimal economic impact on the Division of Motor Vehicles in that driver testing personnel will have to be diverted from other duties for the administration of the oral law-knowledge tests. There is no direct economic benefit for hearing impaired applicants. There may be an indirect benefit in that licensure may impact on employment opportunities.

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

SUBCHAPTER .7. [STUDENT] SPECIAL PERMITS

13:21-7.1 [Student] Special permit defined
"[Student] Special permit" means a permit issued in accordance with the provision of N.J.S.A. 39:3-13.1 to students enrolled in a course of behind-the-wheel automobile driving education approved

by the New Jersey State Department of Education or a course of behind-the-wheel automobile driving instruction conducted by a licensed drivers' school.

13:21-7.2 Driving test appointment requirements

(a) Driving test appointments may be granted and recorded on the driver examination [student] permits prior to the 17th birthday of the applicant; provided that:

- 1. (No change.)
- 2. The student has passed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approval certificate indicating that he has passed. An oral law-knowledge test may be administered by a representative of the Division of Motor Vehicles to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf or certified by the Interpreter Referral Service must accompany the student at the oral test.

3. The [student] special permit, when presented for the driving test, bears the Snellen eye reading recorded by the school nurse or a representative of the Division of Motor Vehicles:

- 4. The [student] special permit, when presented for the driving test, bears the signatures of the principal, commercial driver school owner, school nurse and student. A school principal, commercial driver school owner or school nurse may use a signature stamp in place of a hand-written signature.

13:21-7.3 Method of securing appointment

[(a)] A student may present his [student] special permit at any Driver Qualification Center for the purpose of securing an appointment for the driving test; provided, however, that the [permit has been sent by the driver education instructor in a sealed envelope containing also a self-addressed, stamped envelope. The permit will be mailed back to the Driver Education Instructor after the appointment has been recorded,] applicant has completed six hours of "behind-the-wheel" automobile driving training or has reached the age of 16 1/2.

[(b)] An Instructor of Driver Education may present one or more student permits at a Driver Qualification Center and obtain appointments. If the permits are sent by mail, then they must be accompanied by a stamped, self-addressed envelope.]

13:21-7.4 Validation of [student] special driver examination permits

(a) A [student] special driver examination permit may be validated for practice driving a motor vehicle of the class for which a basic driver's license is required during the hours between sunrise and sunset while in the company and under the control of a licensed driver of this State who has had at least three years' experience as a licensed motor vehicle driver when:

- 1. A student has completed "behind-the-wheel" driver training [and/or] or is at least [17] 16 1/2 years old and has successfully completed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approved certificate indicating that he has passed.
- 2. The Snellen eye reading has been recorded on the [student] special permit by the school nurse [when presented for the driving test]. [In the absence of a school nurse, the] The eye reading may be recorded by a [motor vehicle officer] representative of the Division of Motor Vehicles if the eye reading has not been recorded by the school nurse.

3. The signatures of the principal, commercial driver school owner, school nurse and student must be on the [student] special permit [when appearing for a driving test]. A school principal, commercial driver school owner or school nurse may use a signature stamp in place of a hand-written signature.

- 4. If a student has not completed six hours of "behind-the-wheel" driver training, he must purchase a driver examination permit before the driving test appointment.

(a)

**BOARD OF EXAMINERS OF
OPHTHALMIC DISPENSERS AND
OPHTHALMIC TECHNICIANS**

**General Administrative Regulations
Preceptors and Verification of Lenses**

**Proposed Amendments: N.J.A.C. 13:33-1.3
and 1.29**

**Proposed Repeal: N.J.A.C. 13:33-1.4 and
1.36**

Authorized By: State Board of Ophthalmic Dispensers
and Ophthalmic Technicians, J. Leo Kymer,
President.

Authority: N.J.S.A. 52:17B-41.13.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

J. Leo Kymer, President
Board of Ophthalmic Dispensers
and Ophthalmic Technicians
1100 Raymond Boulevard
Room 503
Newark, NJ 07012

The Board of Ophthalmic Dispensers and Ophthalmic Technicians 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 1983-570.

The agency proposal follows:

Summary

The proposed amendments and repeals will result in a consolidation of the subject matter of several separate rules into one rule. Thus, the proposed repeal of N.J.A.C. 13:33-1.4 and 1.36 will not result in substantive changes because their terms will be incorporated into the amended form of N.J.A.C. 13:33-1.3. However, N.J.A.C. 13:33-1.3 goes on to propose some other substantive changes. Generally, it explains the concepts of apprenticeship and preceptorship and clearly defines the duties and responsibilities inherent in those terms in subsections (a) and (b). Subsection (c) provides the means for determining whether preceptors are fulfilling their obligations to their apprentices in the field. That is, it requires preceptors of apprentices to prove their competency to be preceptors by demonstrating their ability to produce and reproduce ophthalmic lenses, kindred products, and mount them to supporting materials, if requested to do so by the Board. Subsection (d) restates the number of apprentices assignable to a preceptor. Subsection (e) discusses the terms of the work-study program, whereby students enrolled in certain approved ophthalmic programs are afforded "on the job" experience.

The Board has determined that the changes which would be implemented through the proposed amendments will provide a clearer basis to follow-up on the effectiveness of these programs, and in the final outcome help to raise the quality of ophthalmic dispensing and technicianry in this State.

The proposed amendment to N.J.A.C. 13:33-1.29 reiterates the record keeping requirements. The necessity for performing and recording the verification of lenses and eyeglasses has been added, as well as a breakdown of all the information required to properly

fabricate, verify, or duplicate a lens or pair of eyeglasses. The Board has also determined what equipment is necessary to obtain the above. In so doing, better accuracy, consistency, quality and accountability will result in ophthalmic dispensing and technicianry.

Social Impact

These amendments will affect all permanent licensees of the Board, as well as those under apprenticeships, and the public. The clear articulation of standards in N.J.A.C. 13:33-1.3 will force all permanent licensees who act as preceptors to recognize what their responsibilities entail and act accordingly. Accountability and control are placed over preceptors in that if it is demonstrated that they are ineffective in meeting their teaching responsibilities, the Board may remove their apprentices.

Those who are working as apprentices are given a more definitive idea of the areas in which they can expect to become proficient, and for which they must rely on training by their preceptor. The time which is now wasted under inadequate apprenticeship training will be reduced and an improvement in poor showing of individual candidates on licensing examinations should result. The goal of higher quality ophthalmic dispensers and technicians will be fostered by offering comprehensive training to those entering the field.

N.J.A.C. 13:33-1.29 will affect licensees only to the extent that they do not already perform and record a complete verification of lenses or eyeglasses which they dispense. The requirement to make this final check of the product will reduce the number of dispensing errors which might otherwise go undetected.

Ophthalmic dispensers and technicians will be required to obtain the information specified in the rule by using the recited equipment. This will increase the chances of well-made products being consistently dispensed to consumers. Moreover, the public will benefit in that each procedure will be identified as attributable to a particular licensee. Thus responsibility for the finished product will be placed squarely on the licensee over whom the Board maintains control.

Economic Impact

N.J.A.C. 13:33-1.3 may result in decreasing the number of persons available to train ophthalmic dispensers and ophthalmic technicians, thereby altering the economic factors relating to employment of apprentices. N.J.A.C. 13:33-1.29 will not impose an discernable impact.

Full text of the current rules may be found at 14 N.J.R. 545(a), 15 N.J.R. 157(a).

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

13:33-1.3 **Supervision of apprentice ophthalmic dispensers
and technicians**

(a) Apprentice ophthalmic dispensers shall [prepare and/or] dispense ophthalmic appliances, eyeglasses or ophthalmic lenses as set forth in N.J.S.A. 52:17B-41.5, only under the immediate supervision of a licensed ophthalmic dispenser. **Apprentice ophthalmic dispensers and technicians may produce, prepare and process ophthalmic lenses only under the immediate supervision of a licensed ophthalmic dispenser or a licensed ophthalmic technician. For the purpose of this subsection, "immediate supervision" shall mean that a supervising preceptor shall be on the premises at all times during which an individual is engaged in apprentice functions.**

(b) **During an apprenticeship, a supervising preceptor shall be qualified to instruct and train an apprentice in the requisite skills, methods and techniques so as to assure that an apprentice is competent in producing and reproducing ophthalmic lenses and kindred products and mounting the same to supporting**

materials. In addition, a preceptor must be qualified to afford training and instruction in the following areas:

1. With regard to ophthalmic dispenser apprentices:
 - i. Reading and interpreting prescriptions brought to a dispensing establishment and ascertaining the patient's individual needs;
 - ii. Selection, physical fitting and adjustment of frame in accordance with the patient's prescription and facial contour;
 - iii. Taking of near and far monocular pupillary distances;
 - iv. Lenses: grinding, processing, optical and geometric centers, prisms, measurement, base curve, multi-focal, colors (tints), neutralization, transposition, duplication, and insertion;
 - v. Use of all required equipment pursuant to N.J.A.C. 13:33-2.1 and 2.2, including, but not limited to, vertometer, lensometer or any other automatic electronic equipment to measure the power of a lens, a lens clock and millimeter ruler, hand or automatic protractor for marking up lenses, automatic edger and handfinishing stone;
 - vi. Frames: mountings, sizes, measurements and types of temples.
 2. With regard to ophthalmic technician apprentices:
 - i. Reading and transposition of prescriptions or orders for lenses;
 - ii. Lenses: grinding, processing, optical and geometric centers, prisms, measurements, base curve, multi-focal, colors (tints), neutralization, transposition, duplication, and insertion;
 - iii. Use of all required equipment pursuant to N.J.A.C. 13:33-2.1 and 2.2, including, but not limited to, vertometer, lensometer or any other automatic electronic equipment to measure the power of a lens, a lens clock and millimeter ruler, hand or automatic protractor for marking up lenses, automatic edger and hand-finishing stone;
 - iv. Frames: mountings, sizes, measurements and types of temples.
- (c) In the event that a preceptor's apprentice fails to establish competence in licensing examinations for reasons attributable to the failure of a preceptor to properly train and instruct such apprentice, the Board, upon notice and affording an opportunity to be heard, may exclude an individual from acting as a preceptor.

(d) A licensed ophthalmic dispenser or licensed ophthalmic technician employed full time at an optical establishment, or a physician or optometrist duly licensed to practice medicine or optometry in the State of New Jersey who is qualified to train apprentices, shall not be permitted to employ, supervise or train more than two registered apprentices at any given time.

(e) A work-study program is defined as that activity which places students enrolled in the Ophthalmic Science curriculum of any school approved by the New Jersey State Department of Higher Education into the optical field on a limited basis under the supervision of a college-approved preceptor for the purpose of gaining college-supervised practical experience. A college-approved preceptor is that individual licensed in New Jersey as an ophthalmic dispenser or ophthalmic technician who meets the conditions established by the college in the development of its work-study program.

1. Where a licensed ophthalmic dispenser or a licensed ophthalmic technician qualifies as a college-approved preceptor in a work-study program, he or she shall be permitted to supervise additionally a maximum of two work-study students who shall be registered with the State Board of Examiners. The work-study time accumulated by students will not be credited to apprenticeship time required by statute to qualify for licensure.

13:33-1.4 [Supervision of apprentice ophthalmic technicians] **(Reserved)**

[Apprentice ophthalmic technicians may prepare and process ophthalmic lenses and kindred products and mount same to supporting materials as set forth in N.J.S.A. 52:17B-41.5, only under the immediate supervision of a licensed ophthalmic dispenser, or a licensed ophthalmic technician.]

13:33-1.29 Record of prescriptions filled

(a) [Effective immediately, each] **Each** [and every] person licensed as an ophthalmic dispenser [in the State of New Jersey will be required to] **shall** maintain for a period of at least six years at [employer's] a New Jersey establishment **the following records:**

1. All prescriptions which the licensee and/or licensee's apprentices fill;

2. [Those] A record[s] for all eyeglasses, frames and lenses fabricated and dispensed which denotes all the data required to prepare and dispense eyeglasses, frames, and lenses, such as, sphere, cylinder, axis, prism, base, add, patient pupillary distance (P.D.), eyeglass pupillary distance (P.S.), and height of segment (Seg) if multi-focal. [; and identify on those records,] **The record shall identify** up to the point of original delivery to the consumer the individuals involved in the interpretation and measurements, **the duplication, the fabrication,** the verification, and the fitting and adjusting of all eyeglasses, frames and lenses fabricated and dispensed.

3. **Prior to dispensing or duplicating a lens or a pair of eyeglasses, a licensee shall verify the lenses and shall make and maintain in accordance with (a)2 above, an appropriate record of such verification.**

(b) **In order to fabricate, verify, and/or duplicate a lens or a pair of eyeglasses, the following information shall be obtained or checked:**

1. **Sphere, cylinder, axis, prism, base, add, patient pupillary distance, eyeglass pupillary distance, height of segment, base curve, frame size, eye size, bridge size and temple length.**

(c) **To obtain the information outlined in (b) above, the following equipment shall be utilized:**

1. **Lensometer, vertometer, or any other automatic electronic equipment to measure the power of a lens, a lens clock and a millimeter ruler.**

2. **Any person using the equipment listed in (c)1 above to obtain information for the purpose of fabricating, dispensing, verifying, and/or duplicating a lens or pair of eyeglasses shall be deemed to be practicing Ophthalmic Dispensing and Ophthalmic Technicianry.**

13:33-1.36 [Limits on number of apprentices] **(Reserved)**

[(a) A licensed ophthalmic dispenser or licensed ophthalmic technician employed full time at an optical establishment, or a physician or optometrist duly licensed to practice medicine or optometry in the State of New Jersey who is qualified to train apprentices, shall not be permitted to employ, supervise or train more than two registered apprentices at any given time.

(b) However, where a licensed ophthalmic dispenser or a licensed ophthalmic technician qualifies as a college approved preceptor in a work-study program, he shall be permitted to supervise additionally a maximum of two work-study students. The work-study time accumulated by students will not be credited to apprenticeship time required by statute to qualify for licensure.

(c) A work-study program is defined as that activity which places students enrolled in the Ophthalmic Science curriculum of any school approved by the New Jersey State Department of Higher Education into the optical field on a limited basis under the supervision of a college-approved preceptor for the purpose of gaining college-supervised practical experience. A college-approved preceptor is that individual licensed in New Jersey as an ophthalmic dispenser or ophthalmic technician who meets the conditions established by the college in the development of its work-study program.]

(a)

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Land Surveyors Preparation of Land Surveys

Proposed Amendment: N.J.A.C. 13:40-5.1

Authorized By: New Jersey Board of Professional Engineers
and Land Surveyors, Edward A. Taratko, Jr.,
President.

Authority: N.J.S.A. 45:8-27 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Ruth Weisman, Executive Secretary
State Board of Professional Engineers
and Land Surveyors
1100 Raymond Boulevard, Room 319
Newark, NJ 07102

The Board of Professional Engineers and Land Surveyors 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 1983-569.

The agency proposal follows:

Summary

In the six years since adoption of the land survey regulation, the Board of Professional Engineers and Land Surveyors has noted several recurring questions. The proposed amendments herein attempt to clarify these "problem areas".

The Board receives many questions about corner markers on surveys. The current rule requires the showing of existing or newly set corner markers on surveys, but gives the client the option of waiving the setting of corner markers where they do not already exist. However, many surveys are arranged by an attorney on behalf of his client, who unfortunately, may not realize that a survey has been ordered without the setting of corner markers. This leads to complaints of "missing" corner markers and the like. Therefore, the Board proposes that any contract waiving the setting of corner markers be in writing for the protection of all parties. The proposed amendments also describe in detail how corner markers should be set, including the placing of a surveyor's name on each marker.

Another area of difficulty involves property descriptions, which are the verbal depictions of property utilized in deeds or contracts. It is felt by the Board that surveyors should provide written property descriptions with their surveys to reduce the possibility of incomplete or inaccurate descriptions being prepared by untrained persons.

A third amendment would require major and minor subdivisions, as defined in the Municipal Land Use Act, N.J.S.A. 40:55D-5, to be prepared by a licensed surveyor based on a survey of the property. This would assure that proper and conforming lots are available from the original tract, and also that the property owner will have access to a licensed professional in the event of a future problem.

A final proposed amendment requires that maps which show topographic and planimetric data (vertical and horizontal features) together with property lines, be prepared by a licensed land

surveyor. This is in accord with the law in most neighboring states and would assure that topographic data is properly aligned with features on the ground.

Social Impact

The proposed requirement for a written contract will help clarify what the client wishes to purchase and eliminate confusion and dissatisfaction among clients.

The placing of identifiable corner markers will afford both the public, the property owners, and subsequent land surveyors knowledge of who has worked in the area previously, as well as eliminating reliance on assorted pipes, stakes, etc. in establishing property lines.

The amendment concerning the preparation of a legal description of the property surveyed by the land surveyor also eliminates the present need for less knowledgeable persons to prepare descriptions, which if inaccurate may break the chain of title, may change the order of call and may circumvent the intent of the original description from which the survey was made. This is in keeping with the general understanding of most adjacent states that the writing of descriptions is basic to the preparation of a land survey.

That portion of the amendment which regulates minor subdivisions assures that a survey will be used to ascertain that proper and conforming lots are available from the original tract, and that the subdivision can be granted without variance being required at a later date.

The proposed amendment which requires the combination of topographic and planimetric data on maps showing property lines or street right-of-way lines, is intended to bring New Jersey into line with most other adjacent states. In most cases vertical data has meaning to the user (public or private) only when it is properly located in a horizontal plane. Only a licensed land surveyor is qualified to make this alignment.

Economic Impact

No increased costs should be generated by the requirement for written contracts. The amendment concerning the requirement for identifying the surveyor responsible for setting property corner markers will impose slightly higher costs on practicing land surveyors. These costs may be passed on to the consumer; however, since this portion of the rule is discretionary on the part of the consumer and requires a written contract, any increase can be negotiated to the satisfaction of the purchaser. In the long run, the proposed amendments will probably reduce costs by reducing research time, since previous survey work in the area will be identified.

The amendment requiring a written description to be supplied with each survey will increase the cost to produce the survey. This cost is expected to be minimal and may or may not be passed on to the consumer. However, the long range effect will also decrease the required research time. In addition, better and more concise descriptions will more accurately identify parcels to be surveyed; thus resulting in less confusion in the future.

It is anticipated that there will be little or no increase in costs associated with that part of the amendment requiring that subdivisions be based on a survey. In general practice, most subdivisions being prepared are based on some survey data. In those cases where there is not a survey, one will most likely be needed for the transfer of title for any of the subdivided lots. The cost for correcting problems created by transferring noncomplying lots from a poorly prepared subdivision map may well exceed the short term cost for providing a proper subdivision map.

No anticipated cost increase is expected for the amendment relating to topography and planimetric maps delineating property lines. These maps are currently being prepared by other professionals, (for example, architects, planners or engineers) whose fees are at least equal to the fees charged by surveyors.

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

13:40-5.1 Land surveyors; preparation of land surveys

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

(d) Appropriate corner markers, such as stakes, iron pipes, cut crosses, monuments, and so forth, shall be set either by the licensed land surveyor or under the supervision of the licensed land surveyor. Such markers should be set at each property corner not previously marked by a property marker, unless the actual corner is not accessible, or unless written contractual arrangements specify otherwise.

1. All markers, found or set, must be described on the plat of survey with data provided to show their relation to the property corner or if appropriate, to the boundary lines. When a property corner cannot be set because of physical constraints, a witness marker shall be set and so noted upon the plat of survey.

2. If, for any reasonable temporary condition, a property corner cannot be set at the time of survey, such action will not be cause for disciplinary action if said corner is set within six months of the date of said survey. A revised plat of survey must be provided showing the property corner markers actually set.

3. Markers for property corners set by licensed land surveyors, except for monuments required on Filed Maps, shall be composed of durable material and have a minimum length of 18 inches. These markers may include:

- i. Concrete monuments;
- ii. Iron pins, one-half inch O.D. or larger;
- iii. Reinforcing steel bars;
- iv. Iron pipes, one-half inch O.D. or larger;
- v. Commercially manufactured iron or aluminum monuments;
- vi. Brass discs (or similar metal), set in durable material;
- vii. Nails or spikes set in durable materials;
- viii. Cross cuts, chiseled in durable materials;
- ix. Plastic stakes.

4. In all cases listed in (d)3 above, except (d)3xiii, the marker shall be identified with a durable cap, disc, or shiner, etc., bearing the name of the surveyor or firm responsible for setting the corner.

5. All markers set pursuant to (d)3 above, except (d)3viii, shall be detectable with conventional instruments used to find ferrous or magnetic objects.

6. Paragraph 3 of subsection (d) does not apply to individual condominium units where same are composed totally of buildings.

(e) (No change.)

(f) The items which must always be shown are:

1.-5. (No change.)

6. Property corner markers, both found and set, or the relation of existing markers to the property corner or if appropriate, to the boundary lines;

7.-10. (No change.)

(g)-(h) (No change.)

(i) Upon completing the plat or plan of survey, the licensed land surveyor shall provide the client an agreed upon number of print copies of the survey drawing. Such print copies of the plat or plan of survey shall bear the signature and impression seal of the licensed land surveyor. Certification by the licensed land surveyor may be given when requested by the client. **The licensed land surveyor shall also supply a legal description of the property surveyed. This description shall be consistent with both the survey provided and the documentation upon which the survey was based, and shall be written in such a manner as to define the boundary lines of legal ownership of real property so that the description is unambiguous and sufficient for a surveyor to lay it out on the ground.**

(j)-(l) (No change.)

(m) Subdivisions, whether classified as major or minor, shall be prepared by a licensed land surveyor and shall be based on a new or existing survey of the property being subdivided.

(n) Maps prepared to show topographic data or planimetric data which also delineate property lines or street right-of-way lines thereon shall be prepared by a licensed land surveyor.

(a)

OFFICE OF WEIGHTS AND MEASURES

General Weighing and Measuring Devices

Proposed Amendment: N.J.A.C. 13:47C-1.1 Proposed New Rule: N.J.A.C. 13:47C-3.6

Authorized By: Thomas W. Kelly, State Superintendent,
Office of Weights and Measures.
Authority: N.J.S.A. 51:4-27, 51:4-31, 51:4-38 and 51:1-61.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas W. Kelly, Superintendent
New Jersey Office of Weights and Measures
187 West Hanover Street
Trenton, NJ 08625

The Office of Weights and Measures 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 1983-572.

The agency proposal follows:

Summary

The Superintendent of the Office of Weights and Measures, pursuant to the general authority of N.J.S.A. 51:4-31, proposes to adopt the current industry standards for treated lumber. The Superintendent has consulted with representatives of the treated lumber industry who have assisted in the implementation of these proposed rules.

Social Impact

These proposed rules will have a beneficial impact on consumers who have the right to be protected in the purchase and use of treated lumber. These industry standards will establish the criterion under which lumber is treated. These rules will also benefit those treaters who currently follow good treating practices.

Economic Impact

The annual sales of treated lumber in New Jersey is a multimillion dollar industry. The sale of properly treated lumber will protect the seller of treated woods from product liability litigation while affording protection to the public, including public agencies and publicly funded construction projects against premature product failure and property damage.

There will be no appreciable manufacturing costs borne by treaters who presently follow the dictates of the proposed standards.

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

13:47C-1.1 Words and phrases defined

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

“Treated lumber” means any lumber or lumber product which has been chemically treated for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria or other wood destroying organisms.

13:47C-3.6 Standards for treated lumber

(a) All preservatives, commodities, analysis methods, miscellaneous standards, conversion factors and correction tables for treated lumber as contained in the “Book of Standards” published by the American Wood-Preservers Association (AWPA), 7735 Georgetown Road, Bethesda, Maryland, 20814, together with all amendments and supplements thereto, are hereby adopted by reference as the legal requirements for treated lumber sold, sold and delivered, offered or advertised for sale to consumers as building materials in the State of New Jersey.

(b) Treated lumber sold, sold and delivered, offered or advertised for sale to consumers as building materials in the State of New Jersey with a preservative retention of less than .4 of a pound per cubic foot shall in addition to being graded, measured and labeled in accordance with the requirements of N.J.S.A. 51:4-27, bear legible treatment marks that contain the following minimum information:

1. The year of treatment;
2. The treater’s trademark;
3. The preservative used in treatment;
4. The applicable AWPA or equivalent standard;
5. The maximum or worst exposure conditions to which the pressure treated wood should be subjected;
6. Treating company name and plant location.

(c) Because of industry practice, treated lumber with waterborne preservative retentions in excess of .4 of a pound per cubic foot or equivalent may carry only the treatment mark information set forth in (b) above.

(d) Any violation of or noncompliance with the provisions of this section shall subject the violator to a penalty of not less than \$50.00 nor more than \$100.00 for the first offense, not less than \$100.00 nor more than \$250.00 for the second offense, and not less than \$250.00 nor more than \$500.00 for each subsequent offense, as authorized by N.J.S.A. 51:4-38.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
 Administrative Practice Officer
 Department of Transportation
 1035 Parkway Avenue
 CN 600
 Trenton, NJ 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 1983-574.

The agency proposal follows:

Summary

The proposed amendments will establish “no parking” zones along Route 5 in Edgewater Borough, Bergen County and Route 93 in Palisades Park Borough, Bergen County, for the efficient flow of traffic and the safe and efficient on/off loading of passengers at established bus stops.

Based upon requests from the local authorities the Department’s Bureau of Traffic Engineering conducted traffic studies in the designated areas.

The engineering studies and data obtained indicated that the installation of signs restricting parking and establishing “no parking” zones would facilitate traffic flow in the area.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.5 regarding “no parking” zones along Route 5 in Edgewater Borough, Bergen County, and amend N.J.A.C. 16:28A-1.68 regarding “no parking” zones along Route 93 in Palisades Park Borough, Bergen County, in compliance with requests from the local officials.

Social Impact

The proposed amendments will establish “no parking” zones along Route 5 in Edgewater Borough, Bergen County, and Route 93 in Palisades Park Borough, Bergen County for the safe and efficient flow of traffic and the on/off loading of passengers at established bus stops, respectively. Additionally, the amendments will enhance public safety in the respective areas designated and the interest of mass transit. Appropriate signs will be erected advising the motoring public.

Economic Impact

The Department and local authorities will incur direct and indirect costs for personnel for mileage and equipment requirements. There will be no economic impact on any businesses within the areas where parking is being restricted. However, fines will be levied for the motoring public in violation of the law. Local authorities will be responsible for the placement of signs establishing “no parking” zones.

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

16:28A-1.5 Route 5

(a) (No change.)

(b) **The certain parts of State Highway Route 5 described in this sub-section shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:**

1. **Along the southerly (eastbound) side in the Borough of Edgewater, Bergen County:**
 - i. **Mid-block bus stop:**

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
 Routes 5 and 93**

**Proposed Amendments: N.J.A.C. 16:28A-1.5
 and 1.68**

Authorized By: John P. Sheridan, Jr., Commissioner,
 Department of Transportation.
 Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-6, 39:4-138.1,
 39:4-139 and 39:4-199.

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TRANSPORTATION

(1) Grand Avenue - Beginning 775 feet west of the westerly curb line of Grand Avenue and extending 135 feet westerly therefrom.

16:28A-1.68 Route 93

(a) The certain parts of State highway Route 93 described in [(a) of] this section shall be [, and hereby are] designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is [hereby] granted to erect appropriate signs at the following established bus stops:

1.-2. (No change.)

3. Along [Route 93] [(] Grand Avenue[)] southbound on the westerly side [thereof,] in the Borough of Palisades Park, Bergen County:

i. Far side bus stop:

[i.] **(1) West Edsall Boulevard - [(Far side):] Beginning at the southerly curb line of West Edsall Boulevard, extending 110 feet southerly therefrom.**

[(1) Beginning at the southerly curb line of West Edsall Boulevard, extending 110 feet southerly therefrom.]

(2) West Ruby Avenue - Beginning 50 feet south of the southerly curb line of West Ruby Avenue, extending 110 feet southerly therefrom.

ii. Near side bus stop:

[ii.] **(1) West Central Boulevard - [(Near side):] Beginning at the northerly curb line of West Central Boulevard, extending 110 feet northerly therefrom.**

[(1) Beginning at the northerly curb line of West Central Boulevard, extending 110 feet northerly therefrom.]

[iii. West Ruby Avenue (Near side):

(1) Beginning at the northerly curb line of West Ruby Avenue, extending 110 feet northerly therefrom.]

4.-6. (No change.)

(b) (No change.)

(a)

TRANSPORTATION OPERATIONS

Miscellaneous Traffic Rules

Mid-Block Crosswalk on Route 28

Proposed New Rule: N.J.A.C. 16:30-10.1

Authorized By: John P. Sheridan, Jr., Commissioner,
Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-34.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
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 1983-573.

The agency proposal follows:

Summary

The proposed new rule, N.J.A.C. 16:30-10.1, will establish a mid-block crosswalk along Route 28 in Somerville Borough, Somerset County for the enhancement of public safety. It will also establish a regular designated area for pedestrians to cross a roadway at other than an area which is controlled and directed by a police officer or a traffic control signal.

Based upon a request from local officials, the Department's Bureau of Traffic Engineering conducted engineering studies to determine the best method to control unnecessary jaywalking. The engineering studies which consisted of traffic volumes, traffic counts and other statistical data proved that the establishment of a mid-block crosswalk in the area designated was warranted.

The Department therefore proposes new rule N.J.A.C. 16:30-10.1 establishing a mid-block crosswalk in compliance with the request from local officials and the data obtained from the engineering studies.

The local officials will install appropriate signs to advise the motoring public.

Social Impact

The proposed new rule will establish a mid-block crosswalk for the enhancement of the safety of pedestrians, who normally cross the roadway at other than an area normally controlled either by a police officer or traffic control signal. Additionally, it will provide and establish a regular designated area, where pedestrians may safely cross the roadway, rather than having to jaywalk. Appropriate signs will be installed to advise the motoring public of pedestrian crossing.

Economic Impact

The proposed new rule will cause the Department and local officials to incur direct and indirect costs for their workforce for mileage and equipment requirements. The local officials will bear the costs involved in the installation and obtaining of signs to advise the motoring public. Motorists who violate the regulations will be assessed the fines imposed.

Full text of the proposed new rule follows.

SUBCHAPTER 10. MID-BLOCK CROSSWALK

16:30-10.1 Route 28

(a) Under the provisions of N.J.S.A. 39:4-34, the certain part of Route 28 described in this section shall be designated as a Mid-Block Crosswalk.

1. Along Route 28 (Main Street) in Somerville Borough, Somerset County:

i. From a point 227 feet east of the easterly curb line of Union Street to a point 6 feet easterly therefrom.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

Taxes

Section 144 Investment Obligation and Investment Alternative Tax

Proposed New Rule: N.J.A.C. 19:54-2

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
 Authority: N.J.S.A. 5:12-63(c), 5:12-69(a), 5:12-70(e) and 5:12-144(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert J. Genatt
 General Counsel
 Casino Control Commission
 3131 Princeton Pike Office Park
 Building No. 5
 CN 208
 Trenton, NJ 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 1983-580.

The agency proposal follows:

Summary

These rules are being proposed in order to implement those provisions of section 144 of the Casino Control Act (N.J.S.A. 5:12-144) which establish investment and investment alternative tax obligations for casino licensees. The provisions of subsections b. through f. of section 144 (hereafter "section 144") are intended to encourage casino licensees to make non-casino investments in Atlantic City and other parts of the State. Such investments would be made as an alternative to paying the additional two percent tax on gross revenues which would otherwise be incurred whenever the gross revenues of a casino licensee in any given year exceeded the amount of its cumulative investments in this State as of that year.

In order to avoid paying the additional tax, a casino licensee would be obligated to invest an amount equal to two percent of that year's gross revenues in qualifying investments in Atlantic City or other municipalities within the State. Any required investment would be subject to a commission determination of eligibility and would have to be made within five years of the year in which the obligation was incurred. Permissible investments are limited by the Act to equity investments in land and real property on which improvements have been made and in real property improvements.

Section 144 also permits a casino licensee to meet its investment obligation by making contributions of money or realty to approved recipients or programs. In order to be approved, the commission must determine that such contributions best serve the public interest and either promote the tourist industry of the State or directly relate to the promotion of the health and well-being of the people of New Jersey.

Alternatively, a casino licensee which incurs a section 144

investment obligation may choose to pay the additional two percent gross revenue tax in lieu of making a qualifying investment or contribution. Upon payment of the alternative tax, the licensee's investment obligation is extinguished.

More specifically, the proposed rules address, among other things: procedures for determining the eligibility of investments and cumulative investments, including application requirements, filing deadlines and hearings; substantive standards for determining the eligibility of investments and cumulative investments, including provisions concerning the establishment of policies and priorities regarding favored investments; procedures for insuring the completion and operation of eligible investments and for imposing conditions on investments to insure their intended purpose and viability; requirements concerning the sale or disposition of casino facilities and eligible investments; investments by multiple parties; restrictions on investments in licensed casino hotel facilities; procedural guidelines and substantive standards concerning allowable contributions of money and realty; procedures and standards for determining liability for the investment alternative tax; reporting, audit and disclosure requirements concerning investment obligations and the investment alternative tax; and penalties and sanctions for failure to file reports or pay the investment alternative tax.

Social Impact

Legalized casino gaming was approved by the citizens of New Jersey as a unique tool of urban redevelopment for Atlantic City. The introduction of a limited number of major casino hotel complexes was intended to facilitate the redevelopment of existing blighted areas in the city and to attract new investment capital to New Jersey in general and to Atlantic City in particular. N.J.S.A. 5:12-1(b)(4). To the extent that the proposed rules will enable casino licensees to obtain credit for eligible investments, the rules may encourage casino licensees to make qualifying investments as opposed to paying the investment alternative tax, and thus will assist in the achievement of these statutory goals. Of course, the degree to which the proposed rules will actually lead to increased investment in Atlantic City cannot be accurately predicted since obligated casino licensees always have the option of paying the investment alternative tax. If a casino licensee chooses to pay the investment alternative tax, these funds will be deposited in the Casino Revenue Fund established pursuant to section 145 of the Act and will redound to the benefit of the disabled and senior citizens of New Jersey.

Economic Impact

To the extent that the proposed rules facilitate the infusion of investment capital in Atlantic City and New Jersey, they should have a beneficial impact on both the local and State economies. The rules should not have any significant economic impact on casino licensees since the Casino Control Act itself establishes the obligation to make the investments or pay the tax. Again, it is impossible to accurately predict at this point in time the amount of funds which casino licensees will choose to invest or pay over as additional gross revenue tax.

The proposed rules should have a minimal economic impact on the operations of the Casino Control Commission and the Division of Gaming Enforcement. Although the implementation of the rules will impose certain new responsibilities on these agencies, it is presently anticipated that no additional staff will be required to meet these obligations.

Full text of the proposed new rule follows.

SUBCHAPTER 2. SECTION 144 INVESTMENT
OBLIGATION AND INVESTMENT
ALTERNATIVE TAX

19:54-2.1 General description of investment obligation and
investment alternative tax

(a) Commencing with the first annual Gross Revenue Tax return of a casino licensee for any calendar year beginning after December 31, 1978, and based upon a determination that in said return or any annual return thereafter the gross revenue of such licensee in the tax year exceeds the cumulative investments in this State of such licensee as of that year, such licensee shall make investments in an amount not less than two percent of the gross revenues for the tax year. Such investments must be made within a period of five years from the end of the tax year. Fifty percent of the investments required as a result of any of the three annual Gross Revenue Tax returns commencing with the first such return for any calendar year beginning after December 31, 1978, shall be made in the municipality in which the licensed premises are located and fifty percent of such investments shall be made in any other municipality of this State. Twenty-five percent of investments required as a result of any annual Gross Revenue Tax return subsequent to the third such return in a series of returns the first of which is for a calendar year beginning after December 31, 1978, shall be made in the municipality in which the licensed premises are located, and seventy-five percent of such investments shall be made in any other municipality of this State. The foregoing obligation is imposed by section 144(b) of the Casino Control Act (N.J.S.A. 5:12-144(b)).

(b) All investments and cumulative investments made pursuant to the obligation imposed by section 144(b) of the Act shall be subject to a determination by the commission as to the eligibility of such investments or cumulative investments. Only those investments or cumulative investments, or portions thereof, as are found to be eligible shall be recognized. In determining eligibility the commission shall consider the public interest, including the social and economic benefits to be derived from such investments by the people of this State.

(c) Under section 144(d) of the Act, the licensee may include contributions of money or realty in computing the amount of investments or cumulative investments made by the licensee; provided the commission determines that such contributions best serve the public interest and either:

1. Directly relate to the improvement, furtherance, and promotion of the tourist industry in this State through the planning, acquisition, construction, improvement, maintenance, and operation of recreational, entertainment and other facilities for the public, including, without limitation, a performing arts center, the beaches and shore front of this State, and transportation facilities providing or enhancing service in resort areas of this State; or

2. Directly relate to the improvement, furtherance and promotion of the health and well-being of the people of this State, through the planning, acquisition, construction, improvement, maintenance, and operation of a facility, project or program approved by the commission.

(d) In the event that eligible investments or allowable contributions in the amounts required by section 144(b) of the Act are not made within the applicable five year period, there shall be imposed an investment alternative tax in an amount equivalent to two percent of gross revenues for the tax year for which the obligation was incurred. The investment alternative tax shall be added to the Gross Revenues Tax for the most recent calendar year and shall be due and payable at the time of the annual Gross Revenue Tax return.

(e) In the event of a sale or other disposition of the licensed premises, any investment obligation which is not satisfied shall be immediately deemed due and payable as investment alternative tax, and said amount shall constitute a lien upon the licensed premises until paid, together with interest at the rate specified in the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised

Statutes. For this purpose, the phrase "sale or other disposition of the licensed premises" shall have the meaning ascribed to it in N.J.A.C. 19:54-2.2.

19:54-2.2 Definitions

As used in this subchapter, the following words and terms shall have the meaning herein ascribed to them unless a different meaning clearly appears from the context.

"Act" means the New Jersey Casino Control Act (N.J.S.A. 5:12).

"Adjusted Debt Financing" means subsequent to the completion of the real property investment and the securing of initial permanent debt financing, the amount of the initial permanent debt financing plus any additional debt financing or refinancing which exceeds the amount of any demonstrated increase in the assessed value of the real property.

"Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the affiliated person.

"Allowability" means the status of all or part of a contribution which status results from a determination by the commission that such contribution best serves the public interest and either:

1. Directly relates to the improvement, furtherance, and promotion of the tourist industry in this State through the planning, acquisition, construction, improvement, maintenance, and operation of recreational, entertainment, and other facilities for the public, including, without limitation, a performing arts center, the beaches and shore front of this State, and transportation facilities providing or enhancing service in resort areas of this State; or

2. Directly relates to the improvement, furtherance, and promotion of the health and well-being of the people of this State through the planning, acquisition, construction, improvement, maintenance, and operation of a facility, project or program approved by the commission.

"Allowable contribution" means a contribution, or any part thereof, which has received a positive determination of allowability from the commission.

"Capitalized lease" means a long-term lease of real property where the lessor and the lessee both account for the lease consistent with generally accepted accounting principles as though it were actually an installment contract for the purchase of the real property. Where a lease is properly capitalized, the "lessee" shall be deemed to have the investment or cumulative investment in the subject property.

"Casino licensee or licensed casino" means for purposes of this regulation, a casino licensee or licensed casino which shall include the holder of a casino license.

"Casino management agreement" means a written agreement between a casino licensee which owns or leases, as tenant, all or part of the approved hotel or the land thereunder and another casino licensee whereby the latter agrees to provide complete management of a casino in accordance with section 82(c) of the Act.

"Casino management licensee" means a casino licensee which provides complete management of a casino pursuant to a casino management agreement, as herein defined.

"Casino operator" means the following:

1. Where there is no casino management agreement with regard to the casino hotel facility, the casino operator shall be the casino licensee which controls and operates the casino, whether such casino licensee leases, as tenant, all or part of the licensed premises or the land thereunder or owns all or part of such premises or land under an agreement approved by the commission in accordance with section 82(c) of the Act; or

2. Where there is a casino management agreement with regard to the approved hotel, the casino operator shall be the casino management licensee, if said licensee has supplied capital at risk in the gaming operations of the casino. If the casino management licensee has supplied none of the capital at risk in the gaming operations of the casino, the casino operator shall be the casino licensee for which the casino management licensee operates the casino and to which the gross revenues derived therefrom are directly attributable; or

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3. Where more than one casino licensee associated with the licensed premises meets the criteria of paragraph 1 or 2 above, the commission shall either designate one such casino licensee as the casino operator or shall permit such casino licensees to form one business association, acceptable to the commission in accordance with section 82(c)(3) of the Act, to be the casino operator.

"Casino revenue fund" means a separate special account established in the Department of the Treasury for deposit of all revenues from the tax imposed by section 144 of the Act.

"Contribution" means a gift of cash or realty to an unaffiliated person for the improvement, furtherance and promotion of the tourist industry in this State or of the health and well-being of the people of this State.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person whether through the ownership of equity securities, by contract, or otherwise.

"Cumulative investments" means investments in and debt financing of the licensed premises, plus other investments in and debt financing of land and real property on which improvements are made and real property improvements; provided such investments and debt financing not associated with the licensed premises have been made subsequent to July 6, 1976; and provided, further, that the amount of cumulative investment shall not exceed the cost of the land, real property and improvements, calculated in accordance with generally accepted accounting principles. If such lands, real property and real property improvements are sold or otherwise disposed of by the licensee they shall not be included for the purposes of determining cumulative investments of that licensee.

"Day" means in computing taxes or investments due for any period, the last day of the period which shall end either at midnight or at the close of business, provided that the casino is continuously open for business until the closing time, whichever is later.

"Debt financing" means the amount of borrowed funds or credit repayment of which is secured by a specific lien, mortgage or other encumbrance on land and real property on which improvements are made and real property improvements, whether or not such lien, mortgage or encumbrance is recorded or perfected as against third parties. In the case of a capitalized lease or other installment contract for the purchase of real property, the unpaid balance of the present value of lease payments or of the purchase price of the real property, exclusive of interest, shall be treated as though it were borrowed funds or credit secured by a lien or mortgage in favor of the lessor or vendor. The present value of such lease payments (effective purchase price) shall be computed in accordance with generally accepted accounting principles using a commercially reasonable rate of imputed interest for deferred or future payments.

"Eligibility" means the status of all or part of an investment or cumulative investment which status results from a determination by the commission based upon the public interest, including the social and economic benefits to be derived from such investments for the people of the State.

"Eligible investment" or "Eligible cumulative investment" means an investment or cumulative investment, or any part thereof, which has received a positive determination of eligibility from the commission.

"Equity investment" or "Equity" means:

1. The amount by which the actual cost of land and real property on which improvements are made and real property improvements, calculated in accordance with generally accepted accounting principles, exceeds the lesser of the current debt financing or adjusted debt financing associated with such land, real property and improvements. Equity investments made in any given year shall be the difference between the amount of such investments at the close of that year and the amount at the close of the previous year.

2. Applications of "equity investment", "investments", "cumulative investments", "debt financing" and "adjusted debt financing" may be illustrated by the following examples:

i. A casino licensee purchases a parcel of real property at a price

of \$50,000. If the licensee immediately pays the full price and obtains title free and clear of any encumbrance, the licensee would have an equity investment of \$50,000, the difference between the cost (\$50,000) and the amount of debt financing (\$0);

ii. In order to purchase a parcel of property costing \$50,000, a licensee obtains a loan of \$30,000 to be secured by a mortgage on the property. The licensee supplies the additional \$20,000 and purchases the property in calendar year 1. The amount of debt financing is \$30,000. The licensee's present equity investment is \$20,000, the difference between the total cost (\$50,000) and the debt financing (\$30,000);

iii. Assume the same facts as in ii. above and further assume that in calendar year 2 the licensee made payments on the mortgage of \$5,000, of which \$4,000 was interest and \$1,000 was principal. Although total mortgage payments were \$5,000, only \$1,000 was repayment of the borrowed funds secured by the mortgage. Thus, the amount of debt financing is reduced from \$30,000 to \$29,000. The reduction of debt financing through repayment of the principal increases the equity investment to \$21,000, since the equity investment is equal to total cost (\$50,000) minus debt financing (\$29,000). The amount of equity investment made for the calendar year is \$1,000, the difference between the current amount (\$21,000) and the former amount (\$20,000);

iv. Assume the same facts as in iii. above and further assume that in calendar year 3 the licensee refinances the real property as a result of which the property is subject to a mortgage to secure repayment of borrowed funds or credit in the amount of \$40,000. The licensee's current equity investment in the property is \$10,000, or cost (\$50,000) minus debt financing (\$40,000). The equity investment made by the licensee in the current year is the current equity investment (\$10,000) minus the investment as of the previous year (\$21,000), that is, negative \$11,000;

v. Assume the same facts as in iii. above and further assume that in calendar year 3 the licensee refinances the real property as a result of which the property is subject to a mortgage to secure repayment of borrowed funds or credit in the amount of \$40,000. Further assume that the licensee is able to demonstrate that the assessed value of the real property has risen from \$50,000 to \$65,000, subsequent to completion of the project. The actual debt financing has increased from \$29,000 to \$40,000, or \$11,000. However, the value of the real property has increased by \$15,000 (\$65,000 minus \$50,000). The additional debt financing, as adjusted, will be the amount by which the additional debt financing (\$11,000) exceeds the increased assessed value (\$15,000). Since \$11,000 does not exceed \$15,000, the additional adjusted debt financing is zero and the adjusted debt financing is \$29,000 plus zero, or \$29,000. Equity investment is then \$21,000, actual cost (\$50,000) minus adjusted debt financing (\$29,000). Equity investment made in calendar year 3 is the difference between the current amount (\$21,000) and the amount at the close of the prior year (\$21,000), or zero;

vi. A licensee, as lessee, enters into a long term lease for the rental of real property. Consistent with generally accepted accounting principles, both the lessor and the lessee account for the lease as an installment contract for the purchase of the real property. Using a commercially reasonable interest rate and discounting future rental payments, the effective purchase price is computed to be \$50,000. By the end of the calendar year in which the lease was entered the licensee has made payments of \$1,000 attributable to the purchase price rather than interest or other expenses. The licensee's equity investment as of the end of that year is the total cost or price minus the amount of debt financing. The amount of debt financing is defined to be the amount outstanding on the effective purchase price, here, \$49,000. Thus, the equity investment is \$50,000 minus \$49,000, or \$1,000.

"Investments" means equity investments in land and real property on which improvements are made and in real property improvements, whether such investments are by fee ownership, installment sales contract or capitalized lease.

"Investment project" means a scheme of development for

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investment property, including, without limitation, planning, acquisition, construction, improvement, maintenance and operation; provided that nothing herein shall be construed to allow credit for costs incurred in such project other than those costs which constitute investments or cumulative investments as defined herein.

"Investment property" means land and real property on which improvements are made and real property improvements, or any portion thereof, which have received a positive determination of eligibility or which an operator intends to submit for such determination.

"Lease" or "Lease agreement" means a written agreement for the lease of all or part of the licensed premises in accordance with section 82 of the Act or for the lease of any investment property including any such lease which is capitalized under generally accepted accounting principles.

"Licensed premises" means the approved hotel, as defined in section 27 of the Act, with respect to which a casino license has been issued and in which the gross revenues subject to the investment obligation are generated.

"Real property improvement" or "Improvement" means the construction, expansion, modernization, rehabilitation, renovation, alteration or repair of buildings, structures and other facilities, which improvements form an integral part of the real property and which would be included in the assessed valuation of the real property for local real property tax purposes.

"Sale or other disposition of the licensed premises" means as used in section 144(e) of the Act, any event which affects the ownership of the licensed premises or the interests of the casino operator therein or which interferes with or prevents operation of the casino including, but not limited to, sale of the premises, loss of occupancy, physical destruction of the premises, and termination, refusal to renew, suspension or revocation of the casino license; provided that if, in the judgment of the commission, a sale or other disposition does not significantly affect the operations of the casino operator in such premises, the commission may declare that, under such conditions as may be appropriate, the sale or other disposition is not an event included in this definition; and further provided that a conservator being appointed shall not be deemed such an event.

19:54-2.3 Obligated licensee

(a) The obligation to make eligible investments or allowable contributions or pay the alternative investment tax, to file necessary returns and to satisfy any other related requirement imposed by the Act or by these regulations shall be upon the casino operator who shall be primarily liable therefor.

(b) In accordance with section 82(c) of the Act, each casino licensee which is a party to either a casino management agreement or a lease of the licensed premises or the land thereunder or an agreement to jointly own such premises or land with the casino operator shall be jointly and severally liable for any acts, omissions and violations by the casino operator regarding the obligations imposed by (a) above regardless of actual knowledge of such act, omission or violation and notwithstanding any provision of such agreement or lease to the contrary.

(c) In the event of a sale or other disposition of the licensed premises, any investment obligation which is imposed by section 144(b) of the Act and these regulations with respect to such premises and which is not fully satisfied in accordance with the Act and this subchapter, shall be immediately deemed due and payable as investment alternative tax, and said amount shall constitute a lien upon the licensed premises until paid, together with interest at the rate specified in the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes. Additionally, if the licensed premises or the interests of the casino operator therein are sold or transferred to another casino licensee, the latter shall also be liable in the event of a default by the casino operator.

(d) Nothing in this section shall be construed to limit the authority of the State Treasurer or the commission to determine and enforce any obligation either by way of a lien against the property of an

obligated licensee, including a lien against the licensed premises, or otherwise as provided by the Act, by the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes, or by any other applicable law.

19:54-2.4 Eligibility requirement

For purposes of determining whether an investment obligation is imposed by section 144(b) of the Act and of determining whether the obligated licensee has fulfilled such obligation, no investment or cumulative investment, nor any part thereof, shall be recognized unless such investment or cumulative investment, or part thereof, has been determined to be eligible in accordance with these regulations.

19:54-2.5 Eligibility determination: Time for application

(a) With respect to a cumulative investment commenced by the casino operator prior to the issuance of said operator's casino license or prior to the effective date of these regulations, whichever is later, if the operator intends to qualify such cumulative investment as an eligible cumulative investment, the operator shall apply to the commission for an eligibility determination within three months of the date on which the casino license was issued or of the effective date of these regulations, whichever is later, or within such other time as the commission may direct; provided, however, that no eligibility determination need be sought with respect to the licensed premises. Nothing herein shall prohibit either a casino license applicant from seeking review of a cumulative investment or the commission from directing such applicant to present its cumulative investment for review prior to the time specified herein.

(b) With respect to an investment commenced by the casino operator prior to the effective date of these regulations, if the operator intends to qualify such investment as an eligible investment, the operator shall apply to the commission for an eligibility determination within three months of the effective date of these regulations, or within such other time as the commission may direct.

(c) With respect to an investment or a cumulative investment to be commenced after the issuance of the casino license or the effective date of these regulations, whichever is later, if the operator intends to qualify such investment or cumulative investment as eligible, the operator shall apply to the commission for an eligibility determination before commencing the investment or cumulative investment and shall not commence the investment or cumulative investment until the commission determines eligibility.

(d) For purposes of this section, commencement of an investment or cumulative investment shall not occur by mere acquisition of land or real property or by engagement of an architect, engineer or other consultant to draw plans or to determine feasibility, legality, costs or other such factors, or by negotiations with prospective sellers, contractors and investors, or by execution of agreements or contracts which are expressly conditioned upon a positive determination of eligibility by the commission.

(e) Failure of the casino operator to timely apply for an eligibility determination as provided in this section shall render the pertinent investment or cumulative investment ineligible unless the casino operator can establish to the satisfaction of the commission that there was good cause for the failure to timely apply in which case the commission may accept an untimely application for eligibility.

19:54-2.6 Eligibility determination: Application

(a) A casino licensee may apply to the commission for a determination of eligibility as to a cumulative investment or investment by filing with the commission a properly completed application for eligibility determination which shall include, without limitation:

1. A detailed narrative description of the project;
2. Architectural and site plans; and
3. A cost analysis reflecting real property costs and total costs.

(b) The application shall be completed, signed and filed in conformance with the general application rules set forth in N.J.A.C. 19:41-7. In addition to filing a properly completed and signed application, the applicant shall provide any other information, assurances and documentation requested by the commission to establish the eligibility of the cumulative investment or investment.

19:54-2.7 Eligibility: Standards

(a) In determining eligibility, the commission shall consider the public interest, including the social and economic benefits to be derived from such investments for the people of this State. In deciding whether these standards are met, the commission may consider any pertinent factors including, but not limited to, the following:

1. The extent to which the investment project responds to demands directly or indirectly created by legalized casino gaming and related developments;
2. The pressing social and economic needs of the municipality or region and the ability of the project to serve those needs;
3. For investment projects located outside Atlantic City, the comparative need of the area served by the project for the type of facilities, benefits or services the project will provide;
4. The ability of the project to qualify for Federal or State funding subsidies or to obtain real property tax exemptions or abatements;
5. The nature of the existing development and use of land in the locality;
6. The compatibility of the investment project with future development of the locality as envisioned by the master plan adopted for the locality or region;
7. The compatibility of the investment project with the physical characteristics and natural resources of the locality;
8. The impact of the investment project on municipal, county or regional services;
9. The availability of adequate public transportation to serve the project;
10. For housing projects, the availability of adequate parks, recreational areas, utilities, schools and parking;
11. For commercial projects, the employment to be generated and the extent to which such employment will be available to local residents, especially unemployed residents;
12. For commercial projects, the availability of adequate housing for anticipated employees; and
13. The acceptance of the investment project by residents of the affected locality or region.

19:54-2.8 Eligibility determination: procedures; priorities

(a) In considering whether a particular project or proposal is an eligible investment or cumulative investment, the commission shall conduct such hearings as may be necessary or appropriate to determine whether the project or proposal satisfies the standards set forth in these regulations. The commission may conduct such hearings directly or may designate an appropriate hearing examiner to preside at the hearing and to render a report and recommendation to the full commission. Unless otherwise required by law, such hearings may be conducted as non-adversarial, informational proceedings and shall not be considered contested cases within the meaning of P.L. 1968, c. 410, as amended (N.J.S.A. 52:14B-1 et seq.) or of N.J.A.C. 19:42-1 et seq. In addition to considering information provided by the applicant or introduced at the hearing, the commission shall be entitled to utilize any relevant information or data which is within its knowledge or which is supplied by any Federal, State or local agency with relevant experience or jurisdiction, including, without limitation, the Department of Housing and Urban Development, the Department of Community Affairs, the Department of Labor and Industry, the Department of Transportation, and regional, county or local housing, planning and redevelopment agencies.

(b) Aside from considering the eligibility of a particular project or proposal, the commission may at any time:

1. Receive information and data relevant generally to eligibility from various sources, including governmental agencies;
2. Conduct such investigative or fact-finding hearings as may be helpful to identify factors bearing upon eligibility, such as:
 - i. The needs of a particular locale or region;
 - ii. The effects, if any, of casino development in the locale or region; and
 - iii. The nature and types of projects which would best respond to such needs and demands; and
3. Adopt by regulation or resolution policies and priorities regarding the nature and type of investment projects which would be favored as to eligibility. Where such policies and priorities have been adopted, the commission may apply them in determining the eligibility of any particular project or proposal.

19:54-2.9 Eligibility: Completion and operation

(a) Approval of an application for eligibility shall be conditioned upon the satisfactory completion of investment property construction and improvement and upon operation of the completed investment property in the approved manner for the minimum operation period; provided, however, that the commission may, with the consent of the casino operator and other interested parties and upon a finding of changed circumstances or other good cause, modify the conditions imposed for completion or operation of the investment property at any time.

(b) In approving an eligibility application for a proposed project, the commission shall establish a completion date for the construction and improvement of the investment property and shall also establish the minimum operation period during which the completed investment property must be operated in accordance with the operation conditions imposed by the commission. Such minimum operation period shall be at least 25 years or the estimated useful life of the completed investment property, whichever is less. The commission may revise the completion date upon a showing of good cause.

(c) Subsequent to a determination of eligibility but prior to the satisfaction of the completion or operation conditions, the casino operator may conditionally claim any otherwise eligible investment or cumulative investment made by the operator in the project subject to the following:

1. In the event that the casino operator subsequently fails to complete the investment property as required, any investment obligation credited to the investment property shall be deemed unsatisfied and any investment obligation avoided by reason of the cumulative investment claimed for such property shall be deemed to have been incurred. Any investment obligation so unsatisfied or incurred shall be due at the time provided by the act and these regulations as though the incomplete project had not received a determination of eligibility. If any such investment obligation is overdue, the casino operator shall immediately pay the overdue amount as investment alternative tax together with interest from the due date at the rate specified in the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes; provided, however, that the casino operator may attribute to such overdue investment obligation any other eligible equity investments where:
 - i. The other equity investments were made within the five calendar years following the calendar year in which such overdue investment obligation was incurred; and
 - ii. The other equity investments are sufficient in amount to satisfy the overdue obligation. Nothing herein shall be construed to permit multiple credit for the same investment amount.
2. In the event that the casino operator subsequently completes the investment property but fails to operate the property in the approved manner for the minimum operation period, only a percentage of the investment and cumulative investment previously made by the operator in the property and considered as eligible shall be recognized. The percentage shall be the percentage of the minimum operation period in which the project was operated in conformance with the operating conditions. The casino operator shall be liable

for any investment obligations unsatisfied or incurred by reason of such reduction and shall be required to satisfy such obligations or to pay investment alternative tax in the same manner as provided in (c)1 above. Nothing herein shall be deemed to prohibit a casino operator or other interested party from seeking authorization from the commission to modify the operation conditions in accordance with (a) above or from operating the project in conformance to such modified conditions.

(d) Following appropriate operation of the completed investment property for the minimum operation period, the operator shall not be deprived of equity investments or cumulative investments made in the project in any prior calendar year. The operator may make further eligible equity investments and claim eligible cumulative investments in such property after the minimum operation term if the casino operator is otherwise entitled to do so under the act and this subchapter and if the casino operator continues to operate the investment property in accordance with all legal requirements and operation conditions imposed by the commission. Failure to properly maintain and operate the investment property after the minimum operation period will be treated in the same manner as a sale or other disposition of the property and the investment property will no longer be considered in determining cumulative investments of the operator as of the close of that calendar year.

(e) Notwithstanding the provisions of (c) above, the commission may permit a casino operator to sell or otherwise transfer its interest in the investment property prior to satisfaction of all completion and operation conditions and without forfeiting any equity investment or cumulative investment made in a prior calendar year if all other requirements of the act and this subchapter are met and if the casino operator first presents guarantees and assurances acceptable to the commission that the investment property will be completed and operated by the purchaser or transferee in accordance with the eligibility conditions; provided, however, that, if such conditions are not met by the purchaser or transferee, the casino operator shall either promptly act to satisfy such conditions or be liable for any investment obligation or investment alternative tax and any interest thereon in the manner and to the extent required by (c) above. Nothing herein shall be construed to permit a casino operator to include the cost of any investment property or any portion thereof, sold or otherwise disposed of in determining eligible cumulative investments as of the close of the calendar year in which such sale or other disposition occurred.

(f) In the event of a sale or other disposition of the licensed premises, if the casino operator has conditionally claimed investments or cumulative investments for investment property and if the completion and operation conditions imposed on such investment property have not been satisfied as of the date of the sale or other disposition of the licensed premises, then the casino operator shall be deemed to have failed to satisfy such completion or operation conditions with the consequences set forth in (c) above, except that any unsatisfied investment obligation which results from application of (c) above shall be immediately deemed due and payable as investment alternative tax, together with interest, as provided by section 144(e) of the Act and N.J.A.C. 19:54-2.3(c).

(g) Notwithstanding the provisions of (f) above, a casino operator may retain conditionally claimed investment or cumulative investment in an investment property upon a sale or other disposition of the licensed premises if:

1. At least 60 days prior to such sale or disposition of the licensed premises or, if such sale or disposition is unexpected, within 10 days thereafter, the casino operator represents in writing to the commission that it will continue to complete and operate the investment property in accordance with any eligibility conditions and provides to the commission financial assurances in a form acceptable to the commission and in an amount sufficient to secure the full amount of any investment alternative tax and interest thereon which may become due upon failure to satisfy the eligibility conditions; or

2. At least 60 days prior to such sale or disposition of the licensed

premises or, if such sale or disposition is unexpected, within 10 days thereafter, a casino licensee associated with an operating casino hotel represents in writing to the commission that the investment property will continue to be completed and operated in accordance with any eligibility conditions, that such casino licensee will be liable for any failure to satisfy such conditions and that all other casino licensees associated with the said operating casino hotel shall be jointly and severally liable in accordance with section 82(c) of the Act and N.J.A.C. 19:54-2.3(b); provided that if the casino licensee assuming the obligation to complete and continue the investment property is not the obligated casino operator, said casino operator shall also be liable for the amount of any investment alternative tax and interest in the event of a failure to satisfy the eligibility conditions.

19:54-2.10 Eligibility: Compliance with legal requirements

Approval of an application for eligibility shall require the approval of all regulatory bodies and fulfillment of all legal requirements applicable to the investment project including compliance with the master plan and zoning ordinances of the locality and, where applicable, the "Coastal Area Facility Review Act," P.L. 1973, c.185 (N.J.S.A. 13:19-1 et seq.); provided, however, that the applicant may apply for an eligibility determination and the commission may conditionally approve such application prior to the approval of other regulatory bodies and fulfillment of all legal requirements when it appears that such approvals will be obtained and legal requirements fulfilled. In the event of a subsequent failure of the project to meet all pertinent legal requirements, the project shall be considered incomplete with the consequences provided in N.J.A.C. 19:54-2.9.

19:54-2.11 Eligibility: Licensed premises; evaluation date

Issuance of a casino license with respect to an approved hotel shall be the equivalent of a determination of eligibility with respect to the licensed premises as a cumulative investment; provided that the amount of the casino operator's eligible cumulative investment in such licensed premises, if any, shall be evaluated as of the date of the issuance of such license or, if the casino operator is not entitled to claim the licensed premise as a cumulative investment at the time of the license issuance, as of the date on which the casino operator acquired a cumulative investment in such premises. Subsequent to the evaluation date, any renovation, rehabilitation or improvement of the licensed premises or any payment of the mortgages or encumbrances on the licensed premises shall not be included in the automatic eligibility conferred by this section.

19:54-2.12 Eligibility: Accounting for partial approval and multiple licensed premises

(a) Where the commission determines that only part of an investment or cumulative investment satisfies the standards for eligibility, the commission may either reject the application for eligibility in its entirety or approve only that part of the investment or cumulative investment which satisfies the standards. If the commission does grant such partial approval, the casino operator shall account for such eligible portion as though it were a separate eligible investment or cumulative investment and shall enter in the appropriate accounts for eligible investments or cumulative investments only such amounts as are attributable to the eligible portion.

(b) Where a person is the casino operator for more than one licensed premises, such casino operator shall separately account for gross revenues, investment obligations, cumulative investment and investments with respect to each such licensed premises; and the obligations of such casino operator under the act and this subchapter shall be determined separately with respect to each such licensed premises. The casino operator may apportion investments or cumulative investments in investment property between or among the operator's various licensed premises; provided that no amount of investment or cumulative investment may be credited more than

once; and provided, further, that no investment or cumulative investment in one of the licensed premises operated by such casino operator may be considered in determining the obligations of the operator with respect to any other licensed premises operated by such casino operator.

19:54-2.13 Presumptively ineligible investments

(a) Without in any way restricting the authority of the commission to determine eligibility, the following investments or cumulative investments will ordinarily not be determined to be eligible:

1. Repayment of mortgage loans or reduction of other debts secured by liens or encumbrances on the licensed premises;
2. All maintenance, renovation or rehabilitation of the investment property which is a normal or reasonably foreseeable expense in the long term upkeep and operation of such property, including the licensed premises;
3. All other real property improvements to the investment property, including the licensed premises, which in the judgment of the commission would be made by the operator to enhance the profitability of the business associated with such property and would likely be made as a business investment regardless of the investment obligation of section 144(b) of the Act; and
4. Mere acquisition of land, real property and real property improvements, including such property as has been determined to be eligible in the hands of another casino operator.

19:54-2.14 Eligibility: Voluntary sale or other disposition of investment property

(a) For purposes of this section, the phrase "sold or otherwise disposed of by the casino operator" shall include any sale or disposition of all or part of a casino operator's investment real property or real property improvements where such sale or disposition is voluntarily and purposely initiated or accepted by the casino operator. It shall not include a "sale or other disposition of the licensed premises" as defined in N.J.A.C. 19:54-2.2. It shall also not include an allowable contribution of realty, nor placing any mortgage, lien or encumbrance on the property, nor any forced sale, or other involuntary conversion such as a foreclosure sale or destruction of the property through natural or other causes, beyond the control of the casino operator.

(b) Real property and real property improvements sold or otherwise disposed of by the casino operator shall not be included for the purpose of determining:

1. Eligible cumulative investments as of the close of the calendar year in which the real property or real property improvements are sold or otherwise disposed of by such operator; and
2. Eligible equity investments made by the operator in the year in which such property was sold or otherwise disposed of by such operator.

(c) In the event that only a portion of real property or real property improvements, or of the operator's interest therein is sold or otherwise disposed of by the casino operator, the casino operator may:

1. For the purpose of determining eligible cumulative investments after the partial sale or other disposition, include the amount of retained cumulative investment if the casino operator has first obtained a determination of continued eligibility for the retained portion or, where appropriate, for multiply owned property in accordance with N.J.A.C. 19:54-2.17; and
2. For the purpose of obtaining credit for equity investments made in the retained portion of the real property or real property improvements after the partial sale or other disposition, include additional equity investments in such retained portion in the same manner and to the same extent permitted by N.J.A.C. 19:54-2.16 as though the retained portion were a separate investment project in which the casino operator's cost and equity investment immediately after the sale or disposition are the amounts derived in accordance with (d) below; provided, that the operator has obtained a determination of continued eligibility for the retained portion or, where appropriate, multiply owned property.

(d) The amount of retained cumulative investment or equity investment immediately following a partial sale or other disposition shall be determined by using the resultant cost incurred by the operator in the retained investment property and the debt financing, if any, associated with the operator's retained portion as though the retained portion were a separate investment property. The resultant cost shall be the operator's cost of the investment real property before the transaction reduced by the amount obtained directly or indirectly by the operator for the investment real property sold or otherwise disposed of. Any assumption, reduction or forgiveness of the operator's obligation to repay debt financing associated with the investment property shall be deemed an amount obtained by the operator for these purposes and shall reduce the resultant cost in the retained investment property.

(e) A sale or other disposition of all or part of eligible real property or real property improvements by a casino operator shall be subject to the completion and operation conditions and consequences set forth in N.J.A.C. 19:54-2.9 with respect to previously credited investments or cumulative investments made in prior calendar years in such property. Upon a partial sale or other disposition of eligible investment property, if the commission determines that, as to either the retained portion or the sold or otherwise disposed of portion, the operator failed to satisfy its completion and operation conditions but as to the other portion such conditions are not then breached, the operator shall be liable for any unsatisfied or incurred investment obligation as results from application of N.J.A.C. 19:54-2.9 to the portion which has not satisfied the eligibility conditions as though such portion were a separate investment property. For this purpose, unless the casino operator can demonstrate otherwise, it shall be presumed that previous equity investments and cumulative investments in the entire property before the partial sale or other disposition were divided between the retained portion and the sold or otherwise disposed of portion in the same proportion as the relative value of each portion to each other.

19:54-2.15 Eligibility: Involuntary sale or other disposition of investment property

(a) For purposes of this section, an involuntary sale or other disposition shall include: any forced sale, such as a foreclosure sale; any involuntary conversion caused by destruction of the investment property from natural or other forces beyond the control of the casino operator; and any other event which prevents the operator from controlling or using the property for its intended purpose. It shall not include a "sale or other disposition of the licensed premises" as defined in N.J.A.C. 19:54-2.2. It shall also not include a voluntary sale or other disposition nor an allowable contribution.

(b) Except as otherwise provided herein, real property and real property improvements which are subject to an involuntary sale or other disposition shall not be included for the purpose of determining:

1. Eligible cumulative investments as of the close of the calendar year in which such sale or disposition occurred; and
2. Eligible equity investments made by the operator in the calendar year in which such sale or disposition occurred.

(c) In the event that only a portion of real property or real property improvements is the subject of an involuntary sale or other disposition, the casino operator may include the amount of retained cumulative investments in the remaining portion for the purpose of determining eligible cumulative investments after the involuntary sale or disposition if:

1. The casino operator, within 10 days or such further time as the commission may allow, applies for a determination that the remaining portion continues to be eligible and obtains such determination; or
2. The casino operator, within 10 days or such further time as the commission may allow, files written assurances acceptable to the commission that the investment property will be regained, completed, rebuilt, restored and operated in accordance with any

eligibility conditions, including any time schedule, set by the commission.

(d) Where the casino operator proceeds under (c)1. above, the operator shall treat the remaining portion of eligible investment property as though it were a separate investment project. Where the casino operator proceeds under (c)2. above, the operator shall treat the remaining portion of the property as part of the overall investment project and may retain previously credited investments and cumulative investments as provided in (f) below. In either case, the operator shall claim additional equity investments in such investment property only as allowed by N.J.A.C. 19:54-2.16.

(e) The amount of current cumulative investment or equity investment immediately following a partial involuntary sale or other disposition shall be determined by using the resultant cost incurred by the operator in the retained investment property and the debt financing, if any, associated with the operator's retained portion as though the retained portion were a separate investment property. Nothing in this subsection shall be construed to permit credit for any cumulative investment or equity investment in real property without an appropriate determination of eligibility. For purposes of this subsection, the resultant cost shall be the lesser of the following:

1. The percentage of the cost of the entire real property before the partial sale or disposition which percentage is the same as the percentage of the entire real property retained by the operator after such sale or disposition; or

2. The cost of the entire real property before the partial sale or disposition reduced by the amount obtained directly or indirectly by the operator from such sale or disposition. Any insurance payments made to the operator on account of the involuntary sale or other disposition and any assumption, reduction or forgiveness of the operator's obligation to repay debt financing associated with the entire investment property shall be deemed an amount obtained by the operator for the purpose of calculating the resultant cost.

(f) An involuntary sale or other disposition of all or part of eligible real property or real property improvements shall be subject to the completion and operation conditions and consequences of N.J.A.C. 19:54-2.9 in the same manner as provided for a voluntary sale or disposition in N.J.A.C. 19:54-2.14. Notwithstanding the foregoing, if a casino operator obtains approval to regain, complete, rebuild or restore the investment property in accordance with (c)2. above, the operator shall not forfeit previously credited equity investments and cumulative investments in such investment property so long as the operator complies with all conditions of such approval.

19:54-2.16 Eligibility: Increased equity investment; reduction of debt financing

(a) Where an investment in real property has been determined to be eligible and where the operator has obtained credit for equity investments in such property for previous calendar years, additional equity investment in such property in a given year shall be eligible only to the extent that the amount of equity investment in the property as of the close of the given year exceeds the amount of all equity investments in such property which have been credited against investment obligations and not forfeited under the act and this subchapter.

(b) Subject to the restrictions of (a) above, payments by a operator which increase the level of equity investments in eligible investment property, other than the licensed premises, by reduction of the debt financing or adjusted debt financing associated with such property shall be eligible equity investments in such property.

19:54-2.17 Eligibility: Multiple ownership

(a) The commission may determine an investment or cumulative investment to be eligible where the real property or real property improvements are owned or to be owned jointly by the casino operator and another person or persons, including another casino licensee.

(b) The application for eligibility in such case shall be made in the same manner and at the same time as provided for any other eligibility application, provided that the application reveals the identity of the co-owner, the relationship, if any, of the co-owner to the licensee, the nature and number of all agreements between the licensee and the co-owner, the amounts to be invested by each party, and the obligations to be assumed by each.

(c) The co-owner must agree to permit the commission, the Division of Gaming Enforcement ("the division") and the State Treasurer to inspect and examine all records and accounts pertaining to the investment property and to provide any information related to such property.

(d) The commission shall not approve an application for eligibility of multiply owned property unless it first approves the agreement between the parties on the basis of the reasonableness of its terms and also approves the qualifications of the person involved in the agreement with the casino licensee, which qualifications shall be reviewed according to the standards enumerated in section 86 of the Act. In order to properly perform its review function the commission or the division may require such person to provide additional information and to file disclosure forms prepared by the commission.

(e) Where a casino licensee holds real property or real property improvements which have already been determined to be eligible, sale or other transfer of any part of the interests in such property to an additional party shall terminate the eligibility of the property unless the licensee and the co-owners satisfy the requirements of this section; provided, however, that the transfer of assets to a conservator appointed under the act shall not effect eligibility.

(f) A casino operator which jointly owns eligible investment property shall separately account for its portion of the property so that the appropriate accounts accurately reflect the amount of equity investment and cumulative investment attributable to such operator in the property.

19:54-2.18 Eligibility: Agreements and parties

In addition to determining whether the investment project satisfies the standards for eligibility, the commission may review all written and unwritten agreements pertaining to the construction or operation of the project prior to issuing its determination of eligibility. After issuance, the commission may review any such agreement subsequently entered into by the casino operator. Each agreement shall be reviewed by the commission on the basis of the reasonableness of its terms and of the qualifications of the person involved in the agreement with the casino operator, which qualifications shall be reviewed according to the standards enumerated in section 86 of the Act. Such person shall provide the commission with any information it may require to determine the person's qualifications in the same manner as required for persons subject to qualification by section 104(b) of the Act.

19:54-2.19 Eligibility: Amount eligible; related party transactions

(a) Following a determination by the commission that a particular project is eligible, a casino operator may claim as eligible and the State Treasurer shall certify only such costs of investment or cumulative investment as result from good faith, arm's length bargaining between unaffiliated parties; but in no event shall the certified costs exceed the fair market value for goods or services applied to the project if such fair market value can be fairly determined by the State Treasurer in certifying the amount of eligible investments or cumulative investments pursuant to section 144(e) of the Act and the regulations promulgated by the State Treasurer thereunder.

(b) Regardless whether a particular cost exceeds the fair market value or not, the casino operator may be required to justify costs charged by a party with which the operator has previously dealt or with which the operator contemplates dealing for other goods or services. The operator may also be required to justify to the

Treasurer the costs charged by a party where those costs are significantly higher than such party has charged other clients, customers, contractors or purchasers, regardless whether the operator has dealt or contemplates future dealings with such party.

(c) Where the casino operator and any of the persons involved in an investment project are related parties, where the operator can exercise control over any involved person or where any involved person can exercise control over the operator, the amount of costs which may be claimed by the operator shall not exceed the costs shown on the books of such other party or person; provided that the costs shown on such books are themselves the result of arm's length dealings with an unrelated party. For these purposes, a related party shall include any affiliate or any other party deemed to be related by application of generally accepted auditing standards.

(d) Nothing in this section shall be construed to limit the power and responsibility of the State Treasurer or the commission to establish regulations and procedures for disallowing or adjusting the eligible amount of investments and cumulative investments by reason of related party transactions or other arrangements or understandings which affect the costs of the investment project.

19:54-2.20 Eligibility: Identity of parties; disclosure

(a) As part of its application for an eligibility determination, a casino operator shall disclose the identity of all parties involved in the investment project, shall specify the nature of the goods or services provided or to be provided by each party, and shall include a copy of all written agreements or a detailed description of all unwritten agreements between the licensee and such party.

(b) Where the licensee has engaged, is engaged or contemplates engaging in transactions with an involved party, other than transactions related to the investment project, the licensee shall so indicate and shall include copies or descriptions of such transaction agreements.

(c) Where any party involved in an investment or cumulative investment is a related party within the meaning of N.J.A.C. 19:54-2.19(c), the licensee shall so indicate and shall specify the nature of the relationship and any intermediary persons forming part of that relationship.

(d) The casino operator shall permit the commission, division or State Treasurer to inspect and examine all books and records for purposes of determining the relationship, if any, between the licensee and other persons involved in the investment and to authenticate any costs claimed by the operator as part of the investment. The casino operator shall also secure similar cooperation of any person involved in the investment.

19:54-2.21 Eligibility: Continuing disclosure

As a condition of eligibility, the casino operator shall promptly notify the commission of any significant change in information bearing on the eligibility determination, including the names of involved persons as they become known, the financing, construction or operation of the investment property, any additional related parties within the meaning of N.J.A.C. 19:54-2.19(c), any sale or other disposition of the investment property, any destruction of the property and any other change in information bearing on eligibility.

19:54-2.22 Allowable contributions of money or realty

For the purposes of satisfying all or part of the amount of investments, if any, required by section 144(b) of the Act or of increasing the amount of its cumulative investments, a casino operator shall be entitled to include in such amounts any contributions of money or realty made by the casino operator if such contributions have received an affirmative determination of allowability by the commission.

19:54-2.23 Allowability determination: Time for application

(a) A casino operator which intends to claim a contribution of money or realty as an allowable supplement to investments or

cumulative investments shall apply to the commission for an allowability determination at the time provided in N.J.A.C. 19:54-2.5 for eligibility determinations by substituting allowability for eligibility and the making of the contribution for commencement of an investment project.

(h) Failure of the casino operator to timely apply for an allowability determination shall disallow the pertinent contribution as a supplement to investments or cumulative investments unless the operator can establish to the satisfaction of the commission that there was good cause for the failure to timely apply in which case the commission may accept an untimely application for allowability.

19:54-2.24 Allowability determination: Application

(a) A casino licensee may apply to the commission for a determination of allowability as to a contribution of money or realty by filing with the commission an application statement which shall include the following:

1. The amount of the contribution;
2. The name and address of the recipient of the contribution;
3. A description of the recipient including whether it is a charitable or non-profit organization, whether it is exempt from Federal, State or local taxes and whether the contribution entitles the operator to a Federal or State tax deduction; and
4. The purpose of the contribution including the nature and location of the facility, project or program to be planned, acquired, constructed, improved, maintained and operated by the recipient.

(b) The foregoing application statement shall be completed, signed and filed in conformance with the general application rules set forth in N.J.A.C. 19:41-7. In addition to the foregoing information, the applicant shall provide any other information, assurances and documentation requested by the commission to establish the allowability of the proposed contribution.

(c) Nothing herein shall be deemed to prohibit the commission from exercising its discretion to accept an application for approval of a facility, project or program filed directly by a potential recipient of allowable contributions where the commission preliminarily determines that the facility, project or program would probably be approved and that there is a reasonable probability that a casino operator will agree to make contributions to the potential recipient for such facility, project or program. With regard to such preliminary determination, the commission shall not be required to afford a hearing to any potential recipient.

19:54-2.25 Allowability: Standards and conditions

(a) In determining allowability, the commission shall determine whether the proposed contribution best serves the public interest by the direct improvement, furtherance, and promotion of the tourist industry in this State or of the health and well-being of the people of this State through a facility, project or program approved by the commission.

(b) A positive allowability determination shall not be given unless it affirmatively appears that:

1. The proposed recipient is the State of New Jersey, a political subdivision of the State, a public or quasi-public corporation of the State, or a private non-profit corporation chartered in New Jersey;
2. If the proposed recipient is a private non-profit corporation, it will directly apply such contribution to plan, acquire, construct, improve, maintain or operate a facility, project or program approved by the commission as best serving the public interest by improving, furthering and promoting the tourist industry or the health and well-being of the people of this State;

3. If the proposed recipient is any other entity listed in 1. above, the entity can and will accept the contribution on the condition that it be directly applied to the purpose approved by the commission; and

4. If the proposed recipient is a private non-profit corporation, it is not directly or indirectly affiliated with or related to the contributing casino operator.

(c) In determining whether a proposed contribution best serves the public interest and whether a facility, project or program should be approved to receive such contributions, the commission shall be entitled to consider any pertinent factors, including, without limitation: the ability of the recipient to properly apply the contribution and to develop, manage or operate the approved facility, project or program; the availability of alternate sources of funding for such facility, project or program; and any factors or information pertinent to an eligibility determination under N.J.A.C. 19:54-2.8. The commission may also establish and recognize priorities and policies to be favored in determining allowability in the same manner as provided for eligibility of investments.

19:54-2.26 Allowability determination: Hearing and procedure

Upon receipt or acceptance of the application, the commission shall process same and shall conduct such hearings as may be necessary or appropriate in the same manner as provided by these regulations for eligibility applications. In addition, the commission may rely upon prior determinations as to the allowability of contributions to certain recipients and as to the approval of certain facilities, projects or programs as proper recipients. Nothing herein shall be construed to limit the authority of the commission to deny allowability for contributions to persons who have previously received allowable contributions.

19:54-2.27 Allowability: Recipient obligations and suitability

(a) The intended recipient of an allowable contribution shall:

1. Have the obligation to provide the commission and the division with any requested information relevant to the allowability of the contribution;

2. Supply assurances that the contribution, if allowed, shall be applied to the approved purposes; and

3. Abide by any conditions imposed by the commission in allowing the contribution. Any such conditions on the allowability of a contribution may be modified by the commission for good cause shown and with the agreement of the recipient and casino operator.

(b) A recipient of an allowable contribution shall cooperate with the commission, the division and the State Treasurer, shall promptly advise the commission of any material change of fact affecting allowability and shall otherwise assist the proper administration of these regulations. Each such recipient shall agree to permit authorized representatives of the commission, the division and the State Treasurer to conduct reasonable on-site inspections of any facility or project to which allowable contributions have been made and to examine, copy or audit any relevant books and records of the recipient organization.

(c) If a recipient is a private entity, its management and supervisory personnel and other persons who may control or direct the entity shall provide any assistance or information requested by the commission or the division relative to the suitability of such persons. If any such person is found disqualified under the criteria contained in section 86 of the Act, no further contributions shall be allowed to the entity unless the commission finds that, in the public interest and consistent with the policies of the Act, such disqualification criterion shall not bar the entity from receiving allowable contributions.

(d) In the event that a recipient fails to meet any allowability conditions imposed by the commission, the casino operator shall forfeit any credit for equity investment or cumulative investment attributable to the non-conforming amount of the contribution and shall be liable for any investment obligation which becomes unsatisfied or incurred in the same manner as provided in N.J.A.C. 19:54-2.9 for failure to fulfill completion and operation conditions of an eligible investment. For purposes of this section, the non-conforming amount of a contribution shall be the value of that portion of the contribution which is not applied or used in

accordance with the allowability conditions. Where a contribution is subject to conditions for a specified period, the casino operator shall be entitled to retain credit for the same percentage of the contribution value as the percentage of the specified period in which the conditions were met.

(e) In the event that a proposed contribution consists of real property held by the casino operator as an eligible investment project, the commission shall require any eligibility conditions to continue as allowability conditions unless good cause appears to modify or eliminate such conditions.

19:54-2.28 Allowable contributions: Valuation

(a) An allowable contribution of money shall be valued at the amount of the money contributed for the approved use and purpose.

(b) An allowable contribution of realty shall be valued at the fair market value of the real property at the time of the contribution; provided, however, that if only a portion of the real property contribution is determined to be allowable only a proportionate amount of the fair market value of the entire property shall be recognized.

(c) In the event that the commission allows a contribution of real property, or any part thereof, held by the casino operator as eligible investment real property, the value of the contribution for the purpose of determining cumulative investment shall be the operator's cost in the real property or part thereof. For the purposes of determining equity investment from such contribution, the cost shall be reduced by the amount of any equity investments claimed and credited in the property and not forfeited as of the contribution date.

19:54-2.29 Amount of investments and cumulative investments: Certification of State Treasurer

In accordance with section 144(e) of the Act, the State Treasurer shall certify to the commission the amount of investments made by a casino operator in each calendar year and the amount of cumulative investments of that operator as of the close of the calendar year. The State Treasurer shall promulgate rules and regulations regarding such certification process including any filing or information requirements. In promulgating such regulations and certifying such amounts, the State Treasurer shall act consistent with the act and this subchapter and shall identify the equity investments and cumulative investments by the eligible investment project or allowable contribution with which they are associated.

19:54-2.30 Investment obligation and satisfaction determination; estimated tax payments

Upon receipt of the certification by the State Treasurer in accordance with N.J.A.C. 19:54-2.29, the commission shall determine whether the casino operator is required to make equity investments for the prior calendar year and whether the casino operator is obliged to pay an investment alternative tax for any unsatisfied investment obligations. Nothing herein shall be deemed to relieve a casino operator of the obligation to timely make investments or pay any investment alternative tax. If the commission has not made a determination of obligations within the time required for payment of a possible investment alternative tax, the casino operator shall file a return and pay any estimated tax at the time specified in the act and this subchapter.

19:54-2.31 Annual reports and returns

(a) In addition to filing an annual tax return as required by N.J.A.C. 19:54-1.7 (gross revenues tax), a casino operator shall file with the State Treasurer and the commission an Annual Report for purposes of the Investment Alternative Tax. The Report shall be filed no later than March 15 following the end of a calendar year. Such Annual Report shall reflect:

1. The investment obligations, if any, incurred by the operator in the tax year (estimated) and in each of the five previous calendar years;

2. The amount of eligible equity investments and cumulative investments claimed by the operator for each eligible project or allowable contribution;

3. The equity investments made by the operator in the tax year and each of the five preceding calendar years; and

4. The allocation of such investments to investment obligations incurred in the tax year and five previous calendar years.

(b) The report shall be made on a form promulgated and provided by the commission pursuant to section 151 of the Act. A casino operator shall provide all information required by the Report. The Report shall be signed by the president, financial vice president, treasurer, or corporate controller if the casino operator is a corporation, by a general partner if the operator is a partnership, by the chief executive officer if the operator is any other form of business association, or by the proprietor if the operator is a sole proprietorship. Additionally, the casino operator shall file any reports and supply any information required by the State Treasurer to certify the amounts of the equity investments and cumulative investments in accordance with N.J.A.C. 19:54-2.29.

19:54-2.32 Audits and records

(a) The casino operator shall permit duly authorized representatives of the commission, the division and the State Treasurer to conduct periodic and special audits of the operator's accounts, records and financial statements. In addition, the casino operator shall discharge all accounting and auditing responsibilities imposed by the act or the regulations of the commission and the State Treasurer, including the responsibility to have an annual audit performed by a certified public accountant in accordance with section 70(n) of the Act. In the event that any records or documents deemed pertinent by an auditor are in the possession of another licensee or person, the casino operator shall be responsible for making those records or documents available to the auditor. Further, the casino operator shall be jointly and severally liable for any relevant accounts, records or documents maintained or required to be maintained by any other licensee or person with regard to the investment obligation or investment alternative tax.

19:54-2.33 Determination of tax liability, notice, disputes, hearings

(a) If an investment or investment alternative tax as required by section 144 of the Act or by this subchapter is not made or paid, or if the investment or investment alternative tax when made or paid is incorrect or insufficient in the opinion of the State Treasurer, the amount of tax or investment due shall be determined by the State Treasurer from such information as may be available. The commission shall, upon request, provide the State Treasurer with any relevant information including audits performed by the commission or the division.

(b) If the State Treasurer determines that the casino operator has not satisfied its obligation as to making investments or paying investment alternative taxes, a notice of such determination shall be given to the casino operator and to other licensees liable for the payment under N.J.A.C. 19:54-2.3. Such determination shall finally and irrevocably fix the tax unless within 30 days after receiving notice of such determination, the casino operator or any other licensee liable for the payment shall apply to the State Treasurer for a hearing, or unless the State Treasurer on his own motion shall redetermine the same.

(c) In discharging his responsibilities under the act, the State Treasurer shall have all the authority granted by the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes, and all proceedings shall be conducted in accordance with said law, except to the extent that a specific provision of the Casino Control Act or these regulations may be in conflict therewith. Nothing herein shall prevent the State Treasurer from employing additional procedures including informal conferences with a casino operator at which the casino operator may present legal and factual contentions to the Treasurer. Such informal conferences shall not,

however, be a substitute for a formal hearing as defined and described in the said "State Tax Uniform Procedure Law."

19:54-2.34 Penalties and sanctions

(a) A casino operator who shall fail to file its Annual Report when due or to make an investment or to pay the investment alternative tax when the same becomes due shall be subject to such penalties and interests as provided in the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes. If the State Treasurer determines that the failure to comply with any provisions of the act or these regulations was excusable under the circumstances, he may remit such part or all of such penalty as shall be appropriate under the circumstances.

(b) If the State Treasurer determines that any part of any underpayment required to be shown on an Annual Report is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment.

(c) Any person failing to file an Annual Report, failing to make the investment or pay the investment alternative tax, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any Annual Report, certificate, affidavit, representation, information, testimony or statement required or authorized by the act, or rules or regulations adopted thereunder which is willfully false, or failing to keep any records required by the act or rules and regulations adopted thereunder, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor and subject to not more than three years imprisonment or a fine of \$100,000 or both.

(d) The certificate of the State Treasurer certifying the amount of investments or cumulative investment or the fact that a investment or investment alternative tax has not been made or paid, that an Annual Report has not been filed, that information has not been supplied or that inaccurate information has been supplied pursuant to the provisions of the act or rules or regulations adopted thereunder, shall be presumptive evidence thereof. The State Treasurer shall immediately forward a duly certified copy of such certificate to the commission. Such certified copy shall become part of the records of the commission and shall be admissible in any court or before any administrative body in this State.

(e) In addition to the foregoing, any casino operator or other licensee which violates any of the provisions of the Act or these regulations regarding the investment obligation or investment alternative tax shall be liable to any sanction, penalty or other consequence which the commission may be authorized to impose, such as those delineated in sections 111, 129 and 130 of the Act.

19:54-2.35 Delegation by State Treasurer

The State Treasurer may delegate any of his responsibilities, including the responsibility to determine amounts of investments and cumulative investments, determine deficiencies, conduct hearings and issue certificates, to an appropriate designee such as the Division of Taxation which shall perform these responsibilities, except only to the extent that a specific provision of the Casino Control Act or this subchapter may be in conflict therewith.

19:54-2.36 Exchange of information

The State Treasurer or his designee shall permit the commission and the division to examine any records relating to the tax obligations of a casino operator or other casino licensee and shall immediately apprise the commission and division of any irregularity in the records, returns, reports or other information supplied or to be supplied by such licensee.

19:54-2.37 Commission authority and responsibility

(a) The commission is charged under section 63(d) of the Act with the responsibility to collect all taxes imposed by the Act. Consistent with that responsibility, the commission is empowered to determine whether a casino operator or other casino licensee has fully satisfied its obligations with regard to the investment tax and to require that

a casino operator or licensee make additional payments including payment of interest or penalty, or take additional steps to comply. The commission may render such a determination where the State Treasurer has taken no action and, where the State Treasurer has acted, the commission may make further determinations not inconsistent with the authority reposed by the Act in the Treasurer.

(b) The commission and division shall be notified of any formal or informal hearing to be held by the State Treasurer in regard to tax obligations of a casino operator or other casino licensee, and the commission and division shall be allowed to appear and participate in such hearing. In the event of an appeal to the Tax Court or to any court of this State, the commission shall be permitted to intervene in order to contest any factual question or to argue any legal issue arising under the act or the regulations thereunder. Nothing herein shall limit the authority of the commission to hold its own hearings to determine any matter where the State Treasurer has not acted, or where the Treasurer has acted, to determine any matters not inconsistent with the authority reposed in the Treasurer by the Act.

ADDITIONAL FILING

OFFICE OF ADMINISTRATIVE LAW NOTE: The following proposal was submitted by the Department of Law and Public Safety and received by the Office of Administrative Law on time according to the proposal deadline schedule. However, because of technical difficulties and typesetting deadlines, the proposal could not be included in the Rule Proposals section in this Register and has, therefore, been placed under Additional Filings to facilitate its timely publication.

LAW AND PUBLIC SAFETY

(a)

STATE BOARD OF NURSING

Licensure by Examination and Endorsement; Foreign Nurses; Nursing Procedures

Proposed Amendments: N.J.A.C. 13:37-2 through 6 Proposed Repeal: N.J.A.C. 13:37-9, 10 and 11

Authorized By: New Jersey State Board of Nursing,
Kathleen M. Dirschel, President.

Authority: N.J.S.A. 45:11-23, 45:11-24(d)(8) and (19),
45:11-26 and 45:11-27.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before December 7, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Marianna Bacigalupo
Executive Secretary
State Board of Nursing
Room 319
1100 Raymond Boulevard
Newark, NJ 07102

The New Jersey State Board of Nursing 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 1983-586.

The agency proposal follows:

Summary

The proposed amendments which set forth the standards and requirements for licensure by examination and by endorsement for persons desiring to become licensed as a registered or licensed practical nurse, and requirements for persons graduating from foreign schools to become licensed as a registered licensed practical nurse, make few substantive changes in the existing regulations. The changes delete those sections which were unnecessary or obsolete. The only major change is the placing of a limit on the number of times an individual can sit for the licensing exam without additional remediation, and the removal of specific nursing functions as part of the regulation.

Social Impact

The proposed amendments will have a favorable social impact upon the licensees. It does not substantially change most of the regulations currently in effect regarding licensure of candidates. The substantial changes center around a limit on the number of times an individual can sit for the exam without remediation. The impact of this change will be favorable to the public because it will insure that sufficiently prepared nurses will be able to sit for the exam; the removal of a specific regulation indicating what function a nurse can and cannot perform will also have a favorable social impact upon the public and licensees. The Board will determine on a case by case basis the scope of nursing practice within the definition of nursing.

Economic Impact

The economic impact of the proposed amendments will be minimal because it requires the payment of no fees by any party. It will, therefore, have no foreseeable economic effect on the public.

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

SUBCHAPTER 2. [LICENSURE BY EXAMINATION] LICENSURE BY EXAMINATION FOR PROFESSIONAL NURSES

[13:37-2.1 Educational requirements

(a) Applicants who entered schools of nursing on or before April 20, 1920 shall have completed one year of high school or the equivalent, as determined by the Board.

(b) Applicants who entered schools of nursing between April 21, 1920 and June 22, 1938 shall have completed one year of high school or the equivalent, as determined by the State Bureau of Academic Credentials as evidenced by a nurse's qualifying certificate.

(c) Applicants who entered schools of nursing after June 22, 1938 shall have completed four years of high school or the equivalent, as determined by the State Bureau of Academic Credentials as evidenced by a nurse's qualifying certificate, except that students entering schools of nursing after September 1, 1966 shall not require a nurse's qualifying certificate.]

13:37-2.1 Educational requirements

(a) Applicants who entered schools of nursing on and after June 22, 1938 shall have completed a course of at least three calendar years duration.

(b) Applicants who entered schools of nursing on and after June 11, 1947 shall have completed the course of study required at such school meeting the requirements of N.J.A.C. 13:37-1.6.

[13:37-2.2 Length of nursing school course

(a) Applicants who entered schools of nursing before June 22, 1938 shall have completed a course of at least two calendar years duration.

(b) Applicants who entered schools of nursing on and after June 22, 1938 shall have completed a course of at least three calendar years duration.

(c) Applicants who entered schools of nursing on and after June 11, 1947 shall have completed the course of study required at such school.]

13:37-2.2 Nature of examinations

The examination shall be the licensing examination approved by the New Jersey State Board of Nursing.

[13:37-2.3 Daily average patient load of nursing school course

(a) Applicants who entered schools of nursing before March 21, 1923 shall have been enrolled in a school of nursing with clinical facilities of a daily average of at least 25 patients.

(b) Applicants who entered schools of nursing on and after March 21, 1923 shall have been enrolled in a school of nursing with clinical facilities of a daily average of at least 50 patients.]

13:37-2.3 Examinations; temporary work permits

(a) An individual who has met all of the qualifications of a registered nurse shall be required to apply for and pass the licensing examination in order to receive a license to practice nursing in the State.

(b) An individual who has submitted an application to take the first licensing examination scheduled by the Board following completion of an approved course of study in nursing shall be issued a temporary work permit enabling such person to work as a graduate nurse in hospitals, institutions and agencies approved by the Board for this purpose, pending the results of the first licensing examination.

(c) If an individual passes the licensing examination, the temporary work permit shall be extended until such time as the Board issues a plenary license.

(d) If an individual fails to pass the licensing examination, such person shall be required to forthwith surrender the temporary work permit to the Board and refrain from further practice as a graduate nurse.

(e) An individual who is unable to apply for or take the first scheduled licensing examination following completion of an approved course of study in nursing may receive permission to work as a graduate nurse upon a showing of good cause, such as illness or emergency, timely made to the Board.

(f) If an individual fails to pass three consecutive licensing examinations, such person shall be required to submit to the Board proof of having completed recognized remediation in the areas of need before applying to take a fourth examination.

[13:37-2.4 Student final record of nursing school course

(a) Applicants who entered schools of nursing prior to September 1, 1928 shall submit a record showing dates of entrance and completion of required course and experience in four basic services: medicine, surgery, pediatrics and obstetrics.

(b) Applicants who entered schools of nursing after September 1, 1928 and prior to July 1, 1946 shall submit the required Board final record form, or the equivalent.

(c) Applicants who entered schools of nursing on and after July 1, 1946 shall submit a National League for Nursing Education Student Final Record or the equivalent, except that on and after July 1, 1949 such record shall indicate completion of the required course and experience in psychiatric nursing.

(d) Applicants who entered schools of nursing on and after September 1, 1963 shall submit the student final record, Form S-1, or the equivalent, except that if the school of nursing is part of a college or university, the college or university transcript may be submitted in lieu of such record.]

13:37-2.4 Passing Score on Examination

The passing score on the examination shall be determined and reviewed annually by the Board.

[13:37-2.5 Nature of examinations

The examination shall be the State Board Test Pool Examination, for example, the integrated examination provided cooperatively by State Boards and the National League for Nursing Evaluation Service.]

[13:37-2.6 Passing score on examination

The passing score on the examination shall be determined annually by the Board.]

[13:37-2.7 Examinations

(a) An individual who has met all of the qualifications of a registered nurse shall be required to apply for the first scheduled examination after successfully completing their nursing program. An extension of an applicant to the next succeeding examination may be granted by the Board upon a showing of good cause, such as illness or extreme emergency.

(b) If a candidate is unsuccessful in passing two consecutive examinations, that individual may not be employed in the capacity of a registered nurse or graduate nurse until she or he has taken and passed the licensing examination. Individuals may not be denied the right to continue to take any subsequent examination for licensure for which they qualify.]

[13:37-2.8 Nonsupervisory capacity employment for examination failures; special conditions

(a) Any applicant who has taken the State Board Test Pool Professional Nurse Examination two or more times and who has not passed the November 1969 State Board Test Pool Professional Examinations may work in a nonsupervisory capacity in New Jersey hospitals for a period beginning March 15, 1970 and continuing said work pending the grading and posting of the results of the November 1970 examination; provided, that:

1. An educational curriculum be instituted immediately which shall offer a comprehensive, intensive course of study with the object thereof being the advancement of those persons who are educated but not licensed in nursing;

2. Foreign and native applicants of the State Board Test Pool Examination who have taken the examination once and who have not passed may attend the above described educational program;

3. Those foreign and native applicants of the State Board Test Pool Examination who have taken the examination two or more times and who have not passed must attend the above described educational program.

(b) It is further a condition of said extension of work permits that said applicants take the November 1970 examination.]

SUBCHAPTER 3. [FOREIGN NURSES] LICENSURE BY EXAMINATION FOR PRACTICAL NURSES

[13:37-3.1 Initial inquiry

(a) Upon receipt of an initial inquiry from a foreign nurse applicant, the applicant shall be required to submit information form 1. If in the board's opinion, the applicant potentially satisfies the requirements for licensure, the applicant shall be required to submit:

1. Official application form EX-1 accompanied by the required fee (fee not refundable);

2. A verification of licensure or registration in the foreign country, form R2F, or in the event such verification is unavailable, proof that the applicant is a graduate of an approved school of professional nursing;

3. Student final record, form S-1F, or an equivalent school of nursing record, or in the event such record is unavailable, proof that the applicant is a graduate of an approved school of professional nursing;

4. A nurse qualifying certificate for four years of high school from the State Bureau of Academic Credentials.]

13:37-3.1 Educational requirements

Applicants shall have completed 10th grade education or the equivalent and meet the requirements of N.J.A.C. 13:37-3.2.

[13:37-3.2 Eligibility letter

Upon being satisfied that the applicant is eligible for licensure as a professional nurse in this State, the board will furnish the applicant with an eligibility letter to be used for immigration purposes.]

LAW AND PUBLIC SAFETY**ADDITIONAL FILING****13:37-3.2 Nursing school course**

(a) Applicants shall have completed a course of at least 44 weeks in length, excluding vacations and holidays, as prescribed by N.J.A.C. 13:37-8.4 (course of study), in an approved school of practical nursing. Applicants shall submit their final record as proof of successful completion of the nursing course.

(b) Applicants who are not graduates of an approved school of practical nursing shall be eligible for admission to the examination, provided they submit evidence of having completed an approved professional nursing program.

[13:37-3.3 Deficiencies

Prior to being examined for registration, applicants deficient in medical, surgical, pediatric, obstetric or psychiatric nursing must complete an accredited course in an approved school of professional nursing in the area or areas of deficiency.]

13:37-3.3 Nature of examination

The examination shall be the licensing examination approved by the State Board of Nursing.

[13:37-3.4 Examinations

An applicant shall be required to take the first examination conducted after the applicant's arrival in this State, except that the board may extend such time in order for the applicant to make up any deficiency required by section 3 (Deficiencies) of this subchapter; and provided that such deficiency is eliminated prior to the second scheduled examination following the applicant's arrival in this State.]

13:37-3.4 Passing examination score

The passing score on the examination shall be determined by the State Board and reviewed annually.

[13:37-3.5 Employment prior to licensure

(a) The board may issue letters granting permission to applicants to be employed as professional nurses, pending examination, in hospitals, institutions and agencies in this State; provided, however, that the applicant shall have furnished the board with either an alien registration number, visa classification number or letter from the United States Immigration Service permitting such employment.

(b) An employer of such an applicant shall be required to afford the applicant opportunity to make up any deficiencies within the time required by the letter granting permission to be employed.]

13:37-3.5 Examinations; temporary work permits

(a) An individual who has met all of the qualifications of a licensed practical nurse shall be required to apply for and pass the licensing examination in order to receive a license to practice nursing in the State.

(b) An individual who has submitted an application to take the first licensing examination scheduled by the Board following completion of an approved course of study in nursing shall be issued a temporary work permit enabling such person to work as a graduate nurse in hospitals, institutions and agencies approved by the Board for this purpose, pending the results of the first licensing examination.

(c) If an individual passes the licensing examination, the temporary work permit shall be extended until such time as the Board issues a plenary license.

(d) If an individual fails to pass the licensing examination, such person shall be required to forthwith surrender the temporary work permit to the Board and refrain from further practice as a graduate nurse.

(e) An individual who is unable to apply for the first scheduled licensing examination following completion of an approved course of study in nursing may receive permission to work as

a graduate nurse upon a showing of good cause, such as illness or emergency, timely made to the Board.

(f) If an individual fails to pass three consecutive licensing examinations, such person shall be required to submit to the Board proof of having completed recognized remediation in the areas of need before applying to take a fourth examination.

[13:37-3.6 Canadian nurses

Canadian nurses shall not be considered "foreign nurses" for purposes of this subchapter.]

13:37-3.6 Waiver; practical nurse; license by examination

(a) A practical nurse licensed in this State by waiver pursuant to N.J.S.A. 45:11- 27(b)(3) shall be permitted to apply for a license to practice practical nursing by examination and shall be granted said license provided that the applicant:

1. Fulfills the requirements as stated in N.J.S.A. 45:11-27(a) (1) and (2);
2. Has satisfactory experience in practical nursing for a period of not less than five years within the past ten years.
3. Successfully completes the examination for practical nurses as approved by the Board.

[13:37-3.7 (Reserved)]**[13:37-3.8 Language comprehension requirement**

(a) All foreign professional nurse candidates from non-English speaking countries or countries wherein the primary language is other than English, prior to being granted a permission to work letter or licensure as a professional nurse in this State shall submit to the board the following:

1. Evidence that they have successfully completed the Test of English as a Foreign Language (TOEFL) examination with a minimum score of 500; and
2. Evidence that they have successfully completed the language proficiency interview with a minimum score of three.

(b) The TOEFL examination and the language proficiency interview are offered and administered by the Educational Testing Service of Princeton, New Jersey, and are available at testing centers throughout the United States and in many foreign countries.

(c) This requirement will take effect on January 1, 1978.]

[13:37-3.9 Commission on Graduates of Foreign Nursing Schools

The Board will accept a valid certificate issued by the Commission on Graduates of Foreign Nursing Schools in lieu of a transcript from a foreign nursing program and the results of the Test of English as a Foreign Language (TOEFL) Examination.]

**SUBCHAPTER 4. [LICENSURE BY ENDORSEMENT]
FOREIGN NURSES****[13:37-4.1 Initial inquiry**

(a) Upon receipt of an initial inquiry from an applicant who has been licensed by examination or original waiver in another state or Canada, the applicant shall be required to submit the following:

1. License to practice professional nursing;
2. Official application for licensure by endorsement, Form R-1;
3. Verification of licensure in another state, Form R-2, to be completed by the state board in the state of licensure. In the event such form is incomplete concerning high school or school of nursing data, the applicant shall be required to provide a high school diploma or school of nursing record.]

13:37-4.1 Initial inquiry

(a) Professional nurse: Upon receipt of an initial inquiry from a foreign nurse applicant, the applicant shall be required to submit an information form. If the applicant appears to satisfy the requirements for licensure, the applicant shall be required to submit:

1. Official application accompanied by the required fee (fee not refundable);

2. A verification of licensure or registration in the foreign country or in the event such verification is unavailable, proof that the applicant is a graduate of an approved school of professional nursing;

3. Student final record or an equivalent school of nursing record, or in the event such record is unavailable, proof that the applicant is a graduate of an approved school of professional nursing;

4. Evidence of completion of four years of high school or the equivalent.

(b) Practical nurse: Upon receipt of an initial inquiry from a foreign nurse applicant, the applicant shall be required to submit an information form. If the applicant appears to satisfy the requirements for licensure, the applicant shall be required to submit:

1. Official application, accompanied by the required fee (fee not refundable);

2. Verification of licensure or registration in the foreign country or in the event such verification is unavailable, proof that the applicant is a graduate of an approved school of practical nursing;

3. Student final record or the equivalent, or in the event such record is unavailable, proof that the applicant is a graduate of an approved school of practical nursing;

4. Evidence of having completed two years of secondary school in the country of nursing education or the equivalent.

[13:37-4.2 Evaluation of credentials

Applicants having the educational requirements and passing scores in their state board examinations equal to those required in this State at the time of their graduation from nursing school may be licensed by endorsement.]

13:37-4.2 Eligibility letter

Upon being satisfied that the applicant is eligible for licensing as a professional nurse or practical nurse in this State, the Board will furnish the applicant with an eligibility letter to be used for immigration purposes.

[13:37-4.3 Deficiencies

(a) Applicants not meeting the high school requirements shall be required to pass the General Educational Development Test conducted by the State Department of Education.

(b) Applicants not meeting the nursing school requirements in the five basic subjects (medical, surgical, pediatric, obstetric and psychiatric nursing shall be required to eliminate any deficiencies in an accredited school of nursing and pass the State Board Test Pool Examination in the deficient subjects.]

13:37-4.3 Deficiencies

Prior to being examined for registration, applicants deficient in medical, surgical, pediatric, obstetric or psychiatric nursing shall complete an accredited course in an approved school of professional nursing in the areas of deficiency.

[13:37-4.4 Male applicants

(a) Male applicants entering schools of nursing prior to September 1, 1954 shall not be required to have taken courses in pediatric or obstetric nursing but shall be required to have taken a course in urological nursing.

(b) Male applicants entering schools of nursing on and after September 1, 1954 shall be required to have taken pediatric nursing and obstetric nursing including clinical experience provided clinical experience in obstetric nursing was offered in the school of nursing to male students and, in addition, shall be required to have passed the State Board Test Pool examination in such subjects.

(c) Male applicants entering schools of nursing on or before January 2, 1957 shall be required to have passed the State Board Test Pool examination in obstetric nursing.]

13:37-4.4 Examinations; temporary work permits

(a) An individual who has met all of the qualifications of a nurse shall be required to apply for and pass the licensing examination in order to receive a license to practice nursing.

(b) An individual who has submitted an application to take the first licensing examination scheduled by the Board following completion of an approved course of study in nursing and arrival in this country shall be issued a temporary work permit enabling such person to work as a graduate nurse in hospitals, institutions, and agencies approved by the Board for this purpose, pending the results of the first licensing examination.

(c) If an individual passes the licensing examination, the temporary work permit shall be extended until such time as the Board issues a plenary license.

(d) If an individual fails to pass the licensing examination, such person shall be required to forthwith surrender the temporary work permit to the Board and refrain from further practice as a graduate nurse.

(e) An individual who is unable to apply for the first scheduled licensing examination following completion of an approved course of study in nursing and arrival in this country may receive permission to work as a graduate nurse upon a showing of good cause, such as illness or emergency, timely made to the Board.

(f) If an individual fails to pass three consecutive licensing examinations, such person shall be required to submit to the Board proof of having completed recognized remediation in the areas of need before applying to take a fourth examination.

[13:37-4.5 Passing score

(a) Applicants licensed in their state of licensure prior to March 18, 1954 shall be required to have attained the passing score required in their state of licensure.

(b) Applicants licensed in their state of licensure on and after March 18, 1954 shall be required to have attained in all subjects in the State Board Test Pool examination the scores required of applicants for licensure by examination. Applicants not having the New Jersey passing score shall be required to retake the examination in such subjects.]

13:37-4.5 Employment prior to licensure

(a) The Board may issue a permission to work letter pending examination; provided, however, that the applicant shall have furnished the Board with either an alien registration number, visa classification number or letter from the United States Immigration Service permitting such employment.

[13:37-4.6 Employment prior to licensure

Upon the applicant's exhibiting to the Board a license to practice professional nursing in another state and filing with the Board the Official Application for Licensure by Endorsement, Form R-1, the Board may issue a letter granting permission to be employed as a professional nurse pending the Board's evaluation of such application and the verification by the Board of licensure in another state.]

13:37-4.6 Language comprehension requirement

(a) All foreign nurse candidates from non-English speaking countries or countries wherein the primary language is other than English, prior to being granted a permission to work letter as a nurse in this State shall submit to the Board a certificate from the commission on Graduates of Foreign Nursing Schools or evidence that they have successfully completed the Test of English (TOEFL) Examination with a minimum score acceptable to the Board and determined annually.

SUBCHAPTER 5. [EXCHANGE-VISITOR NURSE PROGRAM] LICENSURE BY ENDORSEMENT

[13:37-5.1 Exchange-visitor nurse defined

An "exchange-visitor nurse" means a foreign professional nurse admitted to the United States under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).]

13:37-5.1 Initial inquiry

(a) **Professional nurse:** Upon receipt of an initial inquiry from an applicant who has been licensed by examination or original waiver in another state, the applicant shall be required to submit:

1. License to practice professional nursing;
2. Official application for licensure by endorsement;
3. Verification of licensure in another state to be completed by the state board in the state of licensure;
4. Foreign nurse graduates shall submit proof of completion of the equivalent in high school and school of nursing record.

(b) **Practical nurse:** Upon receipt of an initial inquiry from an applicant who has been licensed by examination or original waiver in another state, the applicant shall be required to submit:

1. License to practice practical nursing;
2. Official application for licensure by endorsement;
3. Verification of licensure in another state to be completed by the state board in the state of licensure. In the event such form is incomplete concerning high school, the applicant shall be required to provide proof of completion of at least 10th grade in high school.

[13:37-5.2 Program rules

(a) A full-time exchange nurse coordinator must be employed in charge of the program.

(b) A minimum of five hours planned education program per 40-hour week, in addition to the orientation period, must be given each year.

(c) Admissions must be limited to twice a year for first-year candidates and not more than twice a year for second-year candidates. The total number of exchange nurses in both first and second year must not exceed 40 per cent of the total number of professional nurses employed by the hospital.

(d) Rotation of shifts is permissible when related to the goals of the educational program and when adequate supervision is provided, but shall not exceed 60 working days of 3:00 p.m. to 11:00 p.m. or 11:00 p.m. to 7:00 a.m. in the first year nor 120 working days of 3:00 p.m. to 11:00 p.m. or 11:00 p.m. to 7:00 a.m. in the second year. For those taking second-year transfer exchange nursing only, not more than 60 working days of 3:00 p.m. to 11:00 p.m. to 11:00 p.m. to 7:00 a.m.

(e) The exchange-visitor nurse program shall be based on a 40-hour week. Any additional hours of duty beyond this will be in violation of regulations promulgated by the Bureau of Educational and Cultural Affairs of the United States Department of State and the New Jersey Nurse Practice Act.

(f) Personnel policies including an additional stipend for evening and night duty, holidays, sick time and vacation shall be the same as for staff nurses.

(g) No transfers can be made to other programs until the year has been completed. No transfers can be made to other programs in New Jersey.]

13:37-5.2 Evaluation of credentials

Applicants having the educational requirements and passing scores in their State Board Examinations equal to those required in this State at the time of their graduation from an approved nursing program or school may be licensed by endorsement.

13:37-5.3 Deficiencies

(a) Applicants not meeting the high school requirements shall be required to pass the General Educational Development Test or the equivalent.

(b) Applicants not meeting the requirements as defined in N.J.A.C. 13:37-1.6 or 13:37-8.4 shall be required to eliminate any deficiencies in an accredited program of nursing as well as pass the licensing examination approved by the Board of Nursing.

13:37-5.4 Passing score

(a) Professional nurse applicants shall have the following scores:

1. Applicants licensed in their state of licensure prior to March 1954 shall be required to have attained the passing score required in their state of licensure.

2. Applicants licensed in their state of licensure on and after March 1954 and prior to July 1982 shall be required to have attained in all subjects in the State Board Test Pool Examination the scores required of applicants for licensure by examination.

3. Applicants licensed in their state of licensure after July 1982 shall be required to have attained the score required for all applicants for licensure by the licensing examination approved by the Board of Nursing.

4. Applicants not having the passing score required by New Jersey Board of Nursing shall be required to retake the examination.

(b) Practical nurse applicants shall the following scores:

1. Applicants licensed in their state of licensure prior to January 1, 1949, shall be required to have attained the passing score required in the state of licensure.

2. Applicants licensed between January 1, 1949 and December 31, 1960 shall be required to have received a score of 350; applicants licensed after January 1, 1961, a score of 375 on the State Board Test Pool Examination and applicants licensed after October 1982, a score of 350 on NCLEX-PN, except that where the state of licensure did not utilize such examination at the time of licensure, that applicant shall be required to have attained the passing score on the examination conducted by the state of licensure having previously availed itself of the State Board Test Pool Examination or NCLEX-PN was not using such examination at the time of licensure, the applicant shall be required to retake such examination.

13:37-5.5 Employment prior to licensure

Upon the applicant's exhibiting to the Board a license to practice nursing in another state and filing with the Board the official application for licensure by endorsement, the Board may issue a permission to work letter granting permission to be employed as a nurse pending the Board's evaluation of such application and the verification by the Board of licensure in another state.

SUBCHAPTER 6. NURSING PROCEDURES

[13:37-6.1 Intradermal tuberculin test

(a) A professional nurse may administer an intradermal tuberculin test within the meaning of N.J.S.A. 45:9-21(k) in the absence of a regularly licensed physician provided:

1. The test is administered at the specific written direction of a licensed physician;

2. The nurse has received training in the techniques of administering and recording of the results of such tests;

3. The nurse has been certified as qualified to administer the test by the medical board or the physician responsible for tuberculosis control activities at the employing agency;

4. Standing orders relating to the administering of the test and recording of results are provided by the physician authorizing the

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test and records of each test indicating the authorizing physician are maintained by the agency responsible for the employment, supervision and direction of the nurse;

5. Reactive tuberculin tests are reported immediately to the reactor's physician in order that indicated medical examination can be undertaken.]

13:37-6.1 Nursing procedures

Nursing procedures shall be determined by the Nursing Practice Act of the State which, are subject to interpretation and revision by the Board of Nursing.

[13:37-6.2 Intravenous therapy

(a) A registered professional nurse may administer intravenous therapy within the meaning of N.J.S.A. 45:9-21(k) in the absence of a regularly licensed physician or surgeon provided:

1. The employing agency has established a joint committee, including the administrative, medical, pharmacy, laboratory and nursing staff, to establish and coordinate a program of intravenous therapy;

2. The nurse has received a course of instruction in intravenous therapy and has been approved for the administering of such tests by the joint committee;

3. The joint committee shall develop a list of medications which the registered professional nurse may administer intravenously, and under what circumstances they may be administered.]

[13:37-6.3 Insertion or removal of intravenous catheters

(a) A professional nurse may insert or remove an intravenous catheter within the meaning of N.J.S.A. 45:9-21(k) in the absence of a regularly licensed physician provided:

1. The procedure is performed at the specific written direction of a licensed physician;

2. The nurse has received specific training concerning this procedure;

3. The employing agency has adopted a policy permitting professional nurses to perform this procedure.

(b) An intravenous cut-down may not be performed by a professional nurse.]

SUBCHAPTER 9. [LICENSURE BY EXAMINATION] (RESERVED)

[13:37-9.1 Educational requirements

Applicants shall have completed two years of high school or the equivalent as determined by the Department of Education.]

[13:37-9.2 Nursing school course

(a) Applicants shall have completed a course of at least 52 weeks in length, including vacations, as prescribed by N.J.A.C. 13:37-8.4 (Course of study), in an approved school of practical nursing.

(b) Student final record, form P-6A, or the equivalent.

(c) Applicants who are not graduates of an approved school of practical nursing shall be eligible for examination provided they submit evidence of having completed courses in all areas of nursing, such as in medical nursing, surgical nursing, obstetrical nursing, pediatric nursing and psychiatric nursing, which are equivalent to a preparation in an approved curriculum of practical nursing or one year of training and experience of a nursing nature satisfactory to the Board in the Armed Forces of the United States.]

[13:37-9.3 Nature of examination

The examination shall be the State Board test pool examination, that is, the integrated examination provided cooperatively by State Boards and the National League for Nursing Evaluation Service.]

[13:37-9.4 Passing examination score

The passing score on the examination shall be determined annually by the Board.]

[13:37-9.5 Examinations

(a) An individual who has met all of the qualifications of a licensed practical nurse shall be required to apply for the first scheduled examination after successfully completing their nursing program. An extension of an applicant to the next succeeding examination may be granted by the Board upon a showing of good cause, such as illness or extreme emergency.

(b) If a candidate is unsuccessful in passing two consecutive examinations, that individual may not be employed in the capacity of a licensed practical nurse or a graduate nurse until she or he has taken and passed the licensing examination. Individuals may not be denied the right to continue to take any subsequent examination for licensure for which they qualify.]

[13:37-9.6 Waiver; practical nurse; license by examination

(a) A practical nurse licensed in this State by waiver pursuant to N.J.S.A. 45:11-27(b)(3) shall be permitted to apply for a license to practice practical nursing by examination and shall be granted said license provided that the applicant:

1. Can fulfill the requirements demanded in N.J.S.A. 45:11-27(a) (I) and (2);

2. Has satisfactory experience in practice nursing for a period of not less than five years within the past ten years;

3. Successfully completes a review course in practical nursing, such as, participation in an inservice educational program, tutoring, a general review course, seminars and/or conferences;

4. Successfully completes the State Board Test Pool Examination for practical nurses.]

SUBCHAPTER 10. [FOREIGN PRACTICAL NURSES] (RESERVED)

[13:37-10.1 Initial inquiry

(a) Upon receipt of an initial inquiry from a foreign nurse applicant, the applicant shall be required to submit an information form.

(b) If in the Board's opinion, the applicant potentially satisfies the requirements for licensure, the applicant shall be required to submit:

1. Official application, Form P6-1, accompanied by the required fee (fee not refundable);

2. Verification of licensure or registration in the foreign country, Form PE-1, or in the event such verification is unavailable, proof that the applicant is a graduate of an approved school of practical nursing;

3. Student final record, Form PE-6A, or the equivalent, or in the event such record is unavailable, proof that the applicant is a graduate of an approved school of practical nursing;

4. A nurse qualifying certificate for two years of high school from the State Bureau of Academic Credentials.]

[13:37-10.2 Eligibility letter

Upon being satisfied that the applicant is eligible for licensure as a professional nurse in this State, the Board will furnish the applicant with an eligibility letter to be used for immigration purposes.]

[13:37-10.3 Examinations

An applicant shall be required to take the first examination conducted after the applicant's arrival in this State, except that the Board may extend such time for good cause shown.]

[13:37-10.4 Employment prior to licensure

The Board may issue letters granting permission to applicants to be employed as practical nurses, pending examination, in hospitals, institutions and agencies in this State; provided, however, that the applicant shall have furnished the Board with either an alien registration number, visa classification number or letter from the United States Immigration Service permitting such employment.]

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[13:37-10.5 Language comprehension requirement

(a) All practical nurse candidates from non-English speaking countries or countries wherein the primary language is other than English, prior to being granted a permission to work letter or licensure as a practical nurse in the State, shall submit to the board the following:

1. Evidence that they have successfully completed the Test of English as a Foreign Language (TOEFL) examination with a minimum score of 447; and
2. Evidence that they have successfully completed the language proficiency interview with a minimum score of three.

(b) The TOEFL examination and the language proficiency interview are offered and administered by the Educational Testing Service of Princeton, New Jersey, and are available at testing centers throughout the United States and in many foreign countries.

(c) This requirement will take effect on January 1, 1978.]

SUBCHAPTER 11. [LICENSURE BY ENDORSEMENT] (RESERVED)

[13:37-11.1 Initial inquiry

(a) Upon receipt of an initial inquiry from an applicant who has been licensed by examination or original waiver in another state, the applicant shall be required to submit:

1. License to practice practical nursing, or the equivalent;
2. Official application for licensure by endorsement, form PE-2;
3. Verification of licensure in another state, form PE-1, to be completed by the state board in the state of licensure. In the event such form is incomplete concerning high school or school of nursing data, the applicant shall be required to provide a high school diploma or school of practical nursing record;
4. Student final record, form PE-6A.]

[13:37-11.2 Evaluation of credentials

Applicants having the educational requirements and passing scores in their state board examinations equal to those required in this State at the time of their graduation from practical nursing school may be licensed by endorsement.]

[13:37-11.3 Deficiencies

Applicants not having completed two years of high school shall be required to pass the general education development test for two years of high school conducted by the Department of Education.]

[13:37-11.4 Passing score

(a) Applicants licensed in their state of licensure prior to January 1, 1949, shall be required to have attained the passing score required in the state of licensure.

(b) Applicants licensed between January 1, 1949, and December 31, 1960, shall be required to have received a score of 350, and applicants licensed on and after January 1, 1961, a score of 375 on the State Board Test Pool examination, except that where the state of licensure did not utilize such examination at the time of licensure, the applicant shall be required to have attained the passing score on the examination conducted by the state of licensure; provided, however, that if the state of licensure having previously availed itself to the State Board Test Pool examination was not using such examination at the time of licensure, the applicant shall be required to retake such examination.]

[13:37-11.5 Employment prior to licensure

Upon the applicant's exhibiting to the board a license to practice practical nursing in another state and filing with the board the official application for licensure by endorsement, the board may issue a letter granting permission to be employed as a practical nurse pending the board's evaluation of such application and the verification by the board of licensure in another state.]

RULE ADOPTIONS

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Certification and Appointment Certification Rules

Readoption with Amendments: N.J.A.C. 4:1-12.1 through 4:1-12.11 and 4:1-12.13 through 4:1-12.18

Adopted Recodification: N.J.A.C. 4:2-12.5 as 4:2-7.11; 4:2-12.7 as 4:2-12.1; 4:2-12.8 as 4:2-12.2; 4:3-12.7 as 4:3-12.1; and 4:3-12.8 as 4:3-12.2

Adopted Repeal: N.J.A.C. 4:1-12.12; 4:2-12.1 through 4:2-12.4, 4:2-12.6 and 4:3-12.1 through 4:3-12.6

Proposed: September 6, 1983, at 15 N.J.R. 1403(a).
Adopted: October 18, 1983 by Civil Service Commission,
Eugene J. McCaffrey, Sr., President.
Filed: October 24, 1983 as R.1983, d.513 **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 11:1-7a, 11:4-1, 11:5-1, 11:9-9, 11:10-12, 11:9-13, 11:10-1, 11:10-2, 11:10-5, 11:10-6, 11:10-6.1, 11:10-7.

Effective Date: November 7, 1983 (Amendments and Repeals); October 24, 1983 (Readoption).

Expiration Date pursuant to Executive Order No. 66(1978): October 24, 1988.

Summary of Public Comments and Agency Responses:

Comments concerning the proposed readoption of N.J.A.C. 4:1-12 were received from the Department of Environmental Protection and the Department of Human Services.

The Director, Division of Personnel and Data Processing Services at the Department of Environmental Protection, took exception to the provision in proposed N.J.A.C. 4:1-2.1 which requires that an appointing authority give preference to appointment from special reemployment lists before filling a vacancy by transfer. She contends that this may give preference to an employee with less seniority and may lead to incorrect appointment if the personnel officer is not notified of the current special reemployment list.

Civil Service law, which is implemented through rule and policy, is clear in its intent that permanent employees who are laid off through no fault of their own have employment priority. Proposed N.J.A.C. 4:1-12.1 is in keeping with this intent. It provides for reemployment of available, qualified employees before an agency may bring in an active employee from a different organizational unit. To this end, special reemployment lists are available from the Division of Examinations.

The Director also notes that a special reemployment list may be issued in the time that elapses between negotiating with the employee to be transferred and the implementation of the transfer. The Department of Civil Service will take this problem into consideration and determine appropriate procedure to address this possible conflict of two overlapping actions.

The Director, Division of Medical Assistance and Health Services at the Department of Human Services, objects to the deletion of the phrase "in a permanent position" from proposed N.J.A.C. 4:1-12.1(b). He contends that if lists have to be used to fill all vacancies, administrative inefficiency and layoff situations may be created.

When the Department receives a request for a temporary appointment with a definite ending date, it does not issue a list; and, since temporary employees do not have layoff rights, their appointment does not affect layoff determinations. However, if a department needs to fill the vacancy on a permanent basis, the appointment must be from a list.

The Director also expressed concern that since the five-day limitation for response to certification has been deleted from the rules there would be no time limit on responses thereby creating an administrative burden. The stated number of days for response was deleted from the rules as being overregulatory since this limitation does appear on all certification cards thereby notifying the eligibles who are directly affected.

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)***).

4:1-12.2 Certification from eligible lists

(a) [When a certification is to be made, t]The Department of Civil Service shall certify or [after review and approval] authorize a certification to the appointing authority of the name and address of the eligibles **interested in that appointment** [or eligibles] **who are highest on the appropriate [reemployment or employment] list [who have indicated interest in that employment.] as designated in 4:1-12.4.**

(b) All **interested** eligibles certified [to an appointing authority] from a promotional list [who have indicated interest in that employment] shall be interviewed.

(c) Any person currently on [a] **an approved** leave of absence [to fill an elective office who, prior to the granting of the leave of absence, took a promotional examination, subsequently appeared on an eligible list resulting from same, and is appointed therefrom prior to the expiration of said list] [shall] **is not [be] disqualified from promotional opportunities or appointment** because of [his/her] the leave of absence. [The] **A permanent** promotional appointment **of an eligible on an approved leave of absence** is subject to **appointing authority approval and** the satisfactory completion of a working test period. [which] **With appointing authority approval *of the appointment,* the working test period** may commence upon the appointee's [voluntary scheduled] return from the leave of absence. See N.J.A.C. 4:1-8.4 ***[and]* *, * 4:1-12.9 *and 4:1-12.16*.**

4:1-12.4 Number of names to be certified

(a) An appointing authority is entitled to a certification of the following number of **interested** eligibles [persons]:

1. **For s[S]pecial reemployment and regular reemployment lists[:T], the name of one eligible [person] for each [provisional, temporary or] permanent appointment [to be made];**

2. **For p[P]romotional [and open competitive] *and open**

competitive* employment lists: T], the names of three eligibles [persons] for [a provisional, temporary or] **each** permanent appointment [to be made]; and the name of one more eligible for each additional appointment.

[(b) See also N.J.A.C. 4:1-12.1 and 4:3-12.1.]

(b) When a certification is comprised of multiple lists and an eligible's name appears more than once, he or she will count as one eligible for purposes of making a complete certification.

4:1-12.9 Eligibles absent in military service

(a) [The name of] **Interested** eligibles on [any employment list, known to be absent and in the] **military leave** [or naval service of the State or United States] shall **continue to be certified**, [included in the certification of eligible and t]The appointing authority may consider such eligibles [to be] **immediately** available for appointment even though reporting for [actual] work may be delayed.

(b) Upon termination of military duty, [such] **appointed** eligibles [appointed] shall have the same rights, privileges and obligations as if [he] **they** had served continuously in [such] **the** [position] **titles** from the **original effective** date of [such] appointment, except that [he] **the eligibles** must successfully complete the required working test period for [that] **the** [position] **title**. See N.J.A.C. 4:2-7.11.

[(c) See also N.J.A.C. 4:2-12.5]

(c) Eligibles returning from military leave shall have an opportunity to take *[yet to be administered]* promotional examinations *that have not yet been administered* or *[to]* make-up examinations for active promotional lists for which they *[would have been]* *were* eligible while on military leave. The appointing authority shall advise the Department of Civil Service of those active promotional lists for which an eligible missed the examination process while absent on military leave. Certifications and appointments for such persons will commence after successful completion of the examination process.

4:1-12.16 Date of appointment

(a) [The date of appointment and commencement of work of a] **An** eligible shall not be **appointed and begin work after** [made subsequent to] the expiration date of the employment list except:

1. When the eligible is in the armed services*, *(N.J.A.C. 4:1-12.9. Eligibles absent in military service)] *[or]* is on military leave, ***or, in the case of promotional appointments, is on an approved leave of absence,*** *[he or she]* ***in which case, the employee*** may [commence] **begin** work upon his ***or her*** return *[from such military leave or]* [upon his] *[discharge]* from the armed services ***or leave of absence***. See N.J.A.C. 4:1-12.9* [and 4:1-17.3]*;

2. When there is limited revival ***or statutory extension*** of an employment list [as provided in Section 11.7 (Limited of expired employment lists) of this Chapter]; or

3. When the certification [from the Department of Civil Service] is made [less than 15 calendar days] **just** prior to the expiration of the employment list, in which case the date of appointment and **the date the eligible begins** [commencement of] work shall [be within 15 calendar days from the date of certification.] **coincide with the required date of disposition.**

(b) See also N.J.A.C. 4:1-13.

COMMUNITY AFFAIRS

(a)

DIVISION OF LOCAL GOVERNMENT SERVICES

Intergovernmental Review of Federal Programs and Direct Development Activities State Review Process

Adopted New Rule: N.J.A.C. 5:38
Adopted Repeal: N.J.A.C. 5:42

Proposed: September 6, 1983 at 15 N.J.R. 1494(a).

Adopted: October 18, 1983 by John P. Renna,

Commissioner, Department of Community Affairs.

Filed: October 20, 1983 as R.1983 d.488, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. N.J.S.A. 52:27D-3.

Effective Date: November 7, 1983.

Expiration Date: Pursuant to Executive Order No. 66 (1978): November 7, 1988.

Summary of Public Comments and Agency Responses:

The Division of Local Government Services received comments from two State agencies during the comment period. A memorandum was received from the Department of Human Services. Verbal comments were received from the Department of Environmental Protection.

No significant changes were made to the proposed rules as published in the September 6, 1983 Register on the basis of written and verbal comments received. The modification to the method by which the review period is identified was the result of the receipt of additional explanatory material from the Federal Office of Management and Budget in the Executive Office of the President. It should be noted that prior to the formal publication of the proposed rules, the Division widely circulated an initial draft and a significantly revised draft to State, county, areawide and municipal officials engaged in the preparation and review of applications for Federal financial assistance. Comments received on the draft versions of the proposed rules were incorporated into the final draft of the rules prior to their publication.

Comment: Several questions were raised about the length of the review period.

Response: The length of the comment or review period was set by the Federal funding agencies at 30 days for noncompeting continuation awards and 60 days for awards other than noncompeting continuation awards. This time frame applies to all Federal agencies. It should provide sufficient time for the review of an applicant's proposal.

Comment: The Department of Human Services felt that an application for Federal financial assistance was subject to review by too many agencies.

Response: The number of parties reviewing an application is

similar to those under the previous A-95 Review System. On an average seven agencies will simultaneously review an application review package.

Comment: The Department of Human Services and the Department of Environmental Protection questioned the requirement that the applicant distribute application information directly to reviewing agencies.

Response: In developing the State Review Process, one objective was to reduce the amount and volume of paper moving through the process. Whereas A-95 required submission of a complete application, the State Review Process requires a brief summary and a map to be distributed to reviewing agencies by the applicant. This requirement was not viewed as placing a great burden upon the applicant. Furthermore, given the strict time frame provided by Federal funding agencies for review, we believe this will expedite a more thorough review of applications.

Summary of Changes Between Proposal and Adoption:

Several elements of the proposed rules required minor modifications, but the changes were not significant enough to require republication.

To N.J.A.C. 5:38-1.2 Definitions "for profit organizations" was added to the definition of "Applicant." This expands the definition to reflect all potential applicant groups which might apply for Federal funds. This change has no substantive impact upon the rules.

In N.J.A.C. 5:38-1.3 the method for defining the initiation of the review period is clarified through the insertion of a subsection. This addition clarifies a potentially confusing condition and reflects the Federal agency rules implementing Presidential Executive Order 12372.

In N.J.A.C. 5:38-1.4 all references to submission of an application review package prior to application submission to the Federal funding agency have been deleted. The modification more closely reflects Federal rules and accommodates greater flexibility in the review process. This change has no substantive impact upon the rules.

From N.J.A.C. 5:38-1.4(a)2i through 5:38-1.4(a)2v inclusive the "Office of the Governor" was deleted as a categorical reviewing agency. This change was made subsequent to consultation with the Office of the Governor. This modification clarifies a potentially confusing situation wherein applicants for Federal assistance might assume that every application should be forwarded to that office. The Office of the Governor is included as one of nineteen agencies under the categorical heading of "State Reviewing Agency." The Guidelines developed pursuant to N.J.A.C. 5:38-1.12 clearly identify which program applications must be transmitted to the Office of the Governor as a reviewing agency. This change has no substantive impact upon the rules.

To N.J.A.C. 5:38-1.4(a)2 "for profit organization" was added as a new applicant category. This addition accommodates a limited class of applicants for financial assistance primarily from the United States Department of Housing and Urban Development, the Farmers Home Administration in the United States Department of Agriculture and the United States Department of Commerce. It serves to clarify a potentially confusing situation wherein profit making organizations would not have clear direction as to where their application review package should be forwarded for review.

In N.J.A.C. 5:38-1.4(a)2vi the numbering sequence was modified to reflect a numbering change required by the addition of for profit organizations as a new applicant category. This change will have no substantive impact upon the rules.

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]*).

5:38-1.2 Definitions

"Applicant" means a State agency, local government, areawide agency *[or]* *,* nonprofit organization ***or for profit organization***.

. . .

5:38-1.3 Review period

(a) (No change in text from proposal.)

(b) The date for the initiation of the review period for an application for Federal financial assistance will be set by the Secretary or Agency Administrator of the Federal funding agency.

[(b)] *(c)* (No change in text from proposal.)

5:38-1.4 Review process; applications for financial assistance

[(a) Prior to the submission of the application to a Federal funding agency for financial assistance under a qualifying program, the applicant and reviewing agencies shall adhere to the following procedures:]

(a) Applicants for Federal financial assistance under a qualifying program and reviewing agencies shall adhere to the following procedures:

1. Provide the Director and appropriate reviewing agency(s) with an application review package as prescribed by the Director at least 30 days for noncompeting continuation awards, and at least 60 days for financial assistance other than noncompeting awards, prior to *[submission of an application to the Federal funding agency as set forth in N.J.A.C. 5:38-1.3]* ***the end of the review period established by the Secretary or Agency Administrator of the Federal funding agency***. The application review package will be defined in guidelines to be prepared in accordance with N.J.A.C. 5:38-1.12.

2. Applicants for Federal financial assistance shall submit the application review package to the appropriate reviewing agencies as identified in guidelines issued by the Director:

i. A State Department shall simultaneously submit the application review package to:

- (1) The Director;
- *[(2) Office of the Governor;]*
- (3) State reviewing agency(s);
- (4) County reviewing agency(s); and
- (5) Areawide agency(s).

ii. A county shall simultaneously submit the application review package to:

- (1) The Director;
- *[(2) Office of the Governor;]*
- (3) State reviewing agency(s);
- (4) Adjacent county(s); and
- (5) Areawide agency(s).

iii. A municipality shall simultaneously submit the application review package to:

- (1) The Director;
- *[(2) Office of the Governor;]*
- (3) State reviewing agency(s);
- (4) County of location; and
- (5) Areawide agency.

iv. An areawide agency shall simultaneously submit the application review package to:

- (1) The Director;
- *[(2) Office of the Governor;]*
- (3) State reviewing agency(s); and
- (4) County(s) within service area.

v. A nonprofit organization shall simultaneously submit the application review package to:

- (1) The Director;
- *[(2) Office of the Governor;]*
- (3) State reviewing agency(s);
- (4) County reviewing agency(s) within service area; and
- (5) Areawide agency.

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For 2i through 2v above, reviewing agencies originally numbered (1) through (5) are renumbered (1) through (4).

***vi. A profit organization shall simultaneously submit the application review package to:**

- (1) **The Director of the Division of Local Government Services;**
- (2) **State reviewing agency(s);**
- (3) **County reviewing agency(s) within project area; and**
- (4) **Areawide agency.***

[vi.]**vii. For purposes of subparagraphs i, ii, iii *, * [and]* v ***and vi*** above, submission to areawide agencies shall be required only for those programs subject to Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended, as identified by the individual Federal funding agency.

3.-5. (No change in text from proposal.)
 6. If conflicts or issues arise, the reviewing agency(s) and the applicant should seek to resolve their differences. The Director shall be notified by both the applicant and reviewing agency(s) of any changes or modifications in the proposal and review comments. Any resolution of differences and changes or modifications in the proposal or comments shall be accomplished ***[prior to the submission of the application to the Federal funding agency]*** within the time ***[provided]*** for review as set forth in (a)1 above.

(a)

HOUSING FINANCE AGENCY

Income Limits

Maximum Gross Aggregate Family Income

Adopted Amendment: N.J.A.C. 5:80-3.1

Proposed: August 1, 1983 at 15 N.J.R. 1212(a).
 Adopted: September 6, 1983 by New Housing Finance Agency, Feather O'Connor, Secretary.
 Filed: October 3, 1983 as R.1983 d.470, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 55:14J-34(f).

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): May 30, 1985.

Summary of Public Comments and Agency Responses:
No comments received.

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]***).

5:80-3.1 Maximum gross aggregate family income
 Pursuant to N.J.S.A. [14J-19(a)] **55:14J-10(a)**, the maximum gross aggregate family income for eligibility for admission to any housing project financed by the New Jersey Housing Finance Agency shall be [\$26,850] **\$45,000**.

The income limit is revised to \$45,000 with the condition that projects having units with income limits in excess of \$36,000 will be required to give preference to qualified applicant households with incomes below \$36,000.

EDUCATION

(b)

STATE BOARD OF EDUCATION

**Teacher Certification
 Types of Certificates**

Adopted Amendments: N.J.A.C. 6:11-4

Proposed: July 18, 1983 at 15 N.J.R. 1154(a).
 Adopted: October 5, 1983 by State Board of Education, Saul Cooperman, Secretary.
 Filed: October 20, 1983 as R.1983 d.492, **without change**.

Authority: N.J.S.A. 18A:4-15 and 18A:6-38.

Effective Date: October 20, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): October 1, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

STATE BOARD OF EDUCATION

**Physical Education and Athletics Personnel
 Basic Certification Requirements for Athletic
 Coaches**

**Adopted Amendments: N.J.A.C. 6:11-4.7
 and 6:29-6.3
 Adopted Repeal: N.J.A.C. 6:11-3.12**

Proposed: July 18, 1983 at 15 N.J.R. 1152(b).
 Adopted: October 5, 1983 by State Board of Education, Saul Cooperman, Secretary.
 Filed: October 20, 1983 as R.1983 d.493, **without change**.

Authority: N.J.S.A. 18A:4-15 and 18A:6-38 and 18A:35-5.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): N.J.A.C. 6:11-4.7, October 1, 1988; N.J.A.C. 6:29-6.3, May 1, 1984.

Summary of Public Comments and Agency Responses:

Two letters with comments were received. One organization expressed support for the new rules. The other individual suggested that:

1. A bidding war for qualified coaches could erupt between school districts.

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2. A clause be put back into the rules requiring mutual approval by both boards of education when a teacher in one district desires to coach in another district.

The reactions of the Department of Education to these suggestions were that:

1. A factor contributing to the coaching shortage is the low pay. Although it is unlikely there will be a bidding war for coaches, if competition does raise the pay scale, it might attract more qualified individuals to coaching.

2. The clause requiring mutual approval was deleted from the rules because it is restrictive. When a teacher meets his or her contractual obligation for teaching, he or she can pursue part-time employment in other areas; this should also apply to coaching.

(a)

STATE BOARD OF EDUCATION

**Bookkeeping and Accounting in Local School Districts
Petty Cash Fund**

Adopted Amendment: N.J.A.C. 6:20-2.10

Proposed: June 20, 1983 at 15 N.J.R. 982(a).
Adopted: October 5, 1983 by State Board of Education,
Saul Cooperman, Secretary.
Filed: October 20, 1983 as R.1983 d.491, **without change.**

Authority: N.J.S.A. 18A:4-15 and 18A:19-13.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
September 1, 1985.

Summary of Public Comments and Agency Responses:
No comments received.

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF COASTAL RESOURCES

Obtaining Title to Abandoned Vessels

**Adopted Amendments: N.J.A.C. 7:6-7.1,
7.2, 7.4 and 7.6**

Proposed: September 6, 1983 at 15 N.J.R. 1411(a).
Adopted: October 19, 1983 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: October 24, 1983 as R.1983 d.503, **without change.**

Authority: N.J.S.A. 12:7C-20.

Effective Date: November 7, 1983.

ENVIRONMENTAL PROTECTION

Expiration Date pursuant to Executive Order No. 66(1978):
April 12, 1984.
DEP Docket No. 049-83-08.

Summary

The Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq., enables property owners to obtain title to vessels which have been abandoned on their property for six months or more, provided that notice is given to the vessel's present owner and that proof of such notice is submitted to the Division of Coastal Resources. The implementing rules (N.J.A.C. 7:6-7) first became effective in April 1979, and are now being revised to clarify their intent.

Summary of Public Comments and Agency Responses:
No comments were received.

(c)

DIVISION OF WASTE MANAGEMENT

**Hazardous Waste From Non-Specific Sources
Hazardous Constituents**

**Adopted Amendments: N.J.A.C. 7:26-8.13
and 8.16**

Proposed: July 18, 1983 at 15 N.J.R. 1184(a).
Adopted: October 19, 1983, 1983 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.
Filed: October 24, 1983 as R.1983 d.502, **without change.**

Authority: Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

Effective Date: October 24, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
August 6, 1986.
DEP Docket No. 036-83-06.

Summary of Public Comments and Agency Responses:

The Department of Environmental Protection ("Department") held an August 16, 1983 public hearing concerning the proposal at the New Jersey State Museum Auditorium in Trenton, New Jersey. Five persons attended the public hearing, however, they made no comments. The Department received written comments from only one source, Givaudan Corporation ("Givaudan") located in Clifton, New Jersey.

Givaudan, the only hexachlorophene manufacturer in New Jersey, objects to the proposed amendments at 7:26-8.13(b)9 and 11. Givaudan believes that further regulation of hexachlorophene is unnecessary and that no basis or background exists for regulating hexachlorophene manufacturing.

Givaudan notes that the Department's basis and background document states that the Department proposes to regulate as hazardous wastes the four wastestreams which the United States Environmental Protection Agency ("EPA") listed in April 4, 1983 at 48 Fed. Reg. 14514. The EPA proposal has the same language as 7:26-8.13(b)9 plus the following exemption:

"(This listing does not include wastes from the production of hexachlorophene from highly purified 2, 4, 5-trichlorophenol.)"
EPA explains this exemption at 48 Fed. Reg. 14514, note 7:
The 2,4,5,-TCP derivative Hexachlorophene is now synthesized

from a purified 2,4,5,-TCP in an acid-catalyzed condensation reaction. **Because the reaction occurs at rather low temperatures, and at acid pH, no CDD or CDF formation is expected to occur.** Earlier production techniques resulted in TCDD contamination. Wastes resulting from Hexachlorophene production therefore are not included in this listing unless prepurified 2,4,5, TCP was not used, or the process took place on equipment contaminated with CDDs or CDFs (Emphasis added.)

However, the Department's recent experience with dioxin contamination in New Jersey illustrates that EPA's expectations have not been realized. Givaudan's comments are inconsistent with the Department's recent findings. Although the Department has allowed Givaudan to resume production, the fact remains that Givaudan's Clifton, New Jersey site was contaminated with dioxin particularly in the hexachlorophene production area. While it is true that Givaudan utilizes highly purified TCP, there is still evidence that levels below one part per billion may be a persistent problem in hexachlorophene production. It is not clear whether this dioxin contamination resulted from historical production of hexachlorophene, current production techniques or other sources. For this reason the Department requires Givaudan to conduct a continuous monthly monitoring program on their Clifton, New Jersey site. Until conclusive information becomes available, the Department will not in the interests of public health exempt wastes from the production of hexachlorophene from highly purified 2,4,5,-trichlorophenol from regulation as a hazardous waste. After consideration of appropriate data from Givaudan's monitoring and other relevant information the Department may reevaluate the exemption requested by Givaudan.

Givaudan has taken extensive steps to protect workers from potential low-level exposure and the Department sincerely commends these efforts. However, the Department must also take comparable steps to prevent any contamination of the environment of New Jersey. The persistence of dioxin in the environment has been clearly demonstrated. Dioxin has the tendency for the dioxin compound to accumulate and biomagnify in the food chain. Fish can bioconcentrate TCDD 20,000 times, meaning one part per billion in river sediments can lead to a level in fish of 20 parts per million. Since dioxin may be the most toxic substance known to man and its teratogenic and carcinogenic potential has been well demonstrated, all potential sources must be tightly controlled.

The widespread contamination at Times Beach, Missouri is due to waste products from hexachlorophene production. Our similar findings at Givaudan's Clifton, New Jersey site confirmed the potential for hexachlorophene waste to contain dioxin. Although measures have been taken to reduce dioxin levels in hexachlorophene manufacturing, the substance continues to be closely regulated by the United States Food and Drug Administration. Waste from the hexachlorophene manufacturing process must also be tightly controlled.

The Department's experience with dioxin in New Jersey remains contrary to EPA's expressed expectations. Granting the exemption requested by Givaudan would be inconsistent with the Department's dioxin experience. The Department must control all potential dioxin contamination by declaring wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol to be hazardous waste and require their management according to the New Jersey Hazardous Waste Management Rules, N.J.A.C. 7:26. The Department's comprehensive regulation of substituted dibenzodioxins and dibenzofurans as hazardous waste is absolutely necessary for the protection of the public health and welfare of the citizens of the State of New Jersey.

HEALTH

(a)

DIVISION OF PUBLIC HEALTH AND ENVIRONMENTAL LABORATORIES

Chapter IV, State Sanitary Code Laboratories

Readoption with Amendments: N.J.A.C. 8:44

Proposed: June 20, 1983 at 15 N.J.R. 995(a).
Adopted: October 6, 1983 by Evelyn Geddes, Chairperson, Public Health Council.
Filed: October 24, 1983 as R.1983 d.498, **without change.**

Authority: N.J.S.A. 45:9-42.26 et seq., specifically 45:9-42-34.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendment: N.J.A.C. 8:71

Proposed: June 6, 1983 at 15 N.J.R. 846(a).
Adopted: October 21, 1983 by Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.
Filed: October 21, 1983 as R.1983 d.499, **with portions of the proposal not adopted and portions not adopted but still pending.**

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

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order 66(1978): March 6, 1984.

Summary of Public Comments and Agency Responses:

BYK-Gulden commented that fluocinolone acetonide cream 0.01%, 0.025%, ointment 0.025%, and solution 0.01%, should all appear in the formulary as manufactured by Pharmaderm and by Fougera. The Council agreed.

Mylan commented that the bioequivalency study of their doxycycline tablets with Vibramycin capsules should be acceptable since the FDA mandated the comparison. The Council did not agree, but the point was moot since Mylan later provided an acceptable direct bioequivalency study of the Mylan doxycycline tablet compared to Vibramycin tablets.

The following products and their respective manufacturers were adopted:

Acetaminophen 300/Codeine 30 mg tabs	Boots Labs
Acetaminophen 120/Codeine 12 mg/5 ml elixir	Bay
ADC Vitamin Drops/Fluoride	Bay
Aspirin/Codeine tabs 15, 30, 60 mg	Barr
Betamethasone Valerate cream 0.1%	Lemmon
Caramiphen 6.7/Phenylpropanolamine 12.5 mg/5 ml liquid	Bay
Carbinoxamine 2 mg/Dextromethorphan 4 mg/Pseudoephedrine 25 mg/5 ml liquid	Bay
Carbinoxamine 4 mg/Dextromethorphan 15 mg/Pseudoephedrine 60 mg/5 ml syrup	Bay
Chloramphenicol 1.0% Ophthalmic Ointment	Pharmafair
Chloramphenicol 0.5% Ophthalmic Solution	Pharmafair
Chlorpheniramine, Phenylephrine, Phenylpropanolamine, Phenyltoloxamine Syrup	Bay
Chlorpheniramine 5 mg/Phenylephrine 10 mg/Phenylpropanolamine 40 mg/Phenyltoloxamine 15 mg E.R. tabs	Amide
Chlorpromazine HCL concentrate 30/ml, 100/ml	Bay
Chloroquine Phosphate tabs 500 mg	Danbury
Chlorthalidone tabs 25, 50 mg	Bolar
Cyclopentolate Hydrochloride 1% Ophthalmic Solution	Pharmafair
Cyproheptadine Syrup 2 mg/5 ml	Bay
Dexamethasone Sodium Phosphate Ophthalmic Ointment 0.05%	Pharmafair
Dexamethasone Sodium Phosphate Ophthalmic Solution 0.1%	Pharmafair
Doxycycline Hyclate tabs 100 mg	Mylan
Erythromycin estolate susp. 250/5 ml	NPC
Fluocinolone Acetonide cream 0.01, 0.025%	Pharmaderm/BYK-Gulden
Fluocinolone Acetonide Ointment 0.025%	Fougera/BYK-Gulden
Fluocinolone Acetonide Solution 0.01%	Fougera/BYK-Gulden
Gentamicin Sulfate Ophthalmic Ointment 3 mg/g	Pharmafair
Gentamicin Sulfate Ophthalmic 3 mg/ml Solution	Pharmafair
Hydralazine 25/Hydrochlorothiazide 25 caps	Bolar
Hydralazine 50/Hydrochlorothiazide 50 caps	Bolar
Hydralazine 100/Hydrochlorothiazide 50 caps	Bolar
Hydrocodone 5 mg/Homatropine 1.5 mg Syrup	Bay
Hydrocodone 5 mg/Phenylpropanolamine 25 mg syrup	Bay
Hydrocodone 2.5 mg/Phenylpropanolamine 12.5 mg Syrup	Bay
Hydrocodone 5 mg/Pseudoephedrine 60 mg Liquid	Bay
Hydrocodone 5 mg/Guaifenesin 200 mg/Pseudoephedrine 60 mg Syrup	Bay
Hydroxyzine HCL Syrup 10 mg/5 ml	Bay
Hydroxyzine HCL tabs 10, 25, 50 mg	Cord
Isoxsuprine tabs 10, 20 mg	Amide
Lidocaine 2% Viscous Solution	Bay
Methocarbamol 400 mg/Aspirin 325 mg tabs	Zenith
Metronidazole tabs 250 mg	Par
Metronidazole tabs 250, 500 mg	Barr
Metronidazole tabs 500 mg	Danbury
Multivitamin Drops/Fluoride	Bay
Multiple Vitamins/Fluoride, Chewable	Amide
Naphazoline HCL 0.1% Ophthalmic Solution	Pharmafair
Nystatin Ointment 100,000 u/g	BYK-Gulden
Phenazopyridine tabs 100, 200 mg	Amide
Polymyxin B Sulfate, Neomycin Sulfate, Dexamethasone Ophthalmic Ointment	Pharmafair
Polymyxin B Sulfate, Neomycin Sulfate, Hydrocortisone Otic Solution	Pharmafair

Polymyxin B Sulfate, Neomycin Sulfate, Hydrocortisone Otic Suspension	Pharmafair
Polymyxin B Sulfate, Neomycin Sulfate, Zinc Bacitracin Ophthalmic Ointment	Pharmafair
Potassium Bicarbonate effervescent tabs 2.5 g	Tower
Prednisolone Acetate 1% Ophthalmic Suspension	Pharmafair
Prednisolone Sodium Phosphate 1% Ophthalmic Solution	Pharmafair
Promethazine Syrup 6.25 mg/5 ml	Bay
Promethazine Syrup 25 mg/5 ml	Bay
Proparacaine HCL 0.5% Ophthalmic Solution	Pharmafair
Propoxyphene with Aspirin and Caffeine Caps	Chelsea
Sulfacetamide Sodium 10% Ophthalmic Ointment	Pharmafair
Sulfacetamide Sodium 10% Ophthalmic Solution	Pharmafair
Sulfacetamide Sodium/Prednisolone Acetate Ophthalmic Ointment	Pharmafair
Sulfacetamide Sodium/Prednisolone Acetate Ophthalmic Suspension	Pharmafair
Theophylline/Potassium Iodide Syrup	Bay
Trimethoprim/Sulfamethoxazole Susp.	Biocraft
Trimethoprim/Sulfamethoxazole Susp.	B-W, Roche

The following products and their respective manufacturers were not adopted:

Chloroquine P04 tabs 250mg	Danbury
Chlorthalidone tabs 25, 50 mg	Superpharm
Dipyridamole tabs 25, 75 mg	Halsey
Dipyridamole tabs 25, 50, 75 mg	Barr
Lidocaine 4% Topical Solution	Bay
Opium Tinct, Camphorated	Bay
Phenobarbital elixir	Bay
Potassium Iodide, Saturated Solution	Bay
Triprolidine/Pseudoephedrine tabs	Danbury
Triprolidine Syrup	Bay

The following products are still pending:

Ampicillin caps 250, 500mg	Pfizer
Ampicillin for Susp. 125/5, 250/5	Pfizer
Butalbital/Aspirin/Caffeine tabs, caps	Chelsea
Carisoprodol Comp. tabs	Danbury
Doxycycline Hyclate caps 50, 100 mg	Barr
Furosemide tabs 40 mg	Superpharm
Furosemide tabs 20, 40 mg	P-D
Hydralazine 25/Hydrochlorothiazide 15 tabs	Bolar
Isosorbide Dinitrate tabs 20 mg	Barr
Phenazopyridine/Sulfamethoxazole tabs	Amide
Phenazopyridine/Sulfisoxazole tabs	Amide
Prenatal Vit's/Folic Acid	Amide
Spironolactone 25/Hydrochlorothiazide 25 tabs	Cord
Spironolactone tabs 25 mg	Cord
Sulfasalazine tabs 0.5 g	Bolar
Thioridazine HCL tabs 10, 25, 50 mg	Mylan
Theophylline (Anhydrous) E.R. tabs 300 mg	Geigy
Warfarin Sodium tabs 5 mg	Bolar

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendment: N.J.A.C. 8:71

Proposed: March 21, 1983 at 15 N.J.R. 420(a).

Adopted: October 21, 1983 by the Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.

Filed: October 21, 1983 as R.1983 d.500, **without change.**

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

Effective Date: November 7, 1983.

Operative Date: January 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978):
March 6, 1984.

Summary of Public Comments and Agency Responses:

Rugby Laboratories commented that the proposed deletions should occur in early 1984, not immediately. The Council agrees.

HIGHER EDUCATION

(a)

STUDENT ASSISTANCE BOARD

Tuition Aid Grant Program 1983-1984 Award Table

Adopted Amendment: N.J.A.C. 9:7-3.1

Proposed: September 6, 1983 at 15 N.J.R. 1427(a).
Adopted: October 12, 1983 by Student Assistance Board,
Joseph Streit, Chairman.
Filed: October 14, 1983 as R.1983 d.485, **without
change.**

Authority: N.J.S.A. 18A:71-47(b) and 18A:71-48.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order 66(1978):
April 13, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

BOARD OF HIGHER EDUCATION

Graduate Medical Education Program

Readoption with Amendments: N.J.A.C. 9:15

Proposed: September 6, 1983 at 15 N.J.R. 1429(a).
Adopted: October 21, 1983 by Board of Higher Education,
T. Edward Hollander, Chancellor and Secretary.
Filed: October 25, 1983 as R.1983 d.518, **without
change.**

Authority: N.J.S.A. 18A:64H-8.
Effective Date (Readoption): October 25, 1983.
Effective Date (Amendments): November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
October 25, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

HUMAN SERVICES

(c)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmaceutical Services Manual Dispensing Fee and Capitation Rates

Readopted Amendments: N.J.A.C. 10:51-1.17 and 3.15

Proposed: August 15, 1983 at 15 N.J.R. 1386(a).
Adopted: October 20, 1983 by George J. Albanese,
Commissioner, Department of Human Services.
Filed: October 24, 1983 as R.1983 d.501, **without
change.**

Authority: N.J.S.A. 30:4D-6b(6), 7 and 7b, 4D-20, 24.

Effective Date: October 24, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 2, 1985 for Subchapter 1; September 11,
1986 for Subchapter 3.

Summary of Public Comments and Agency Responses:
No comments received.

(d)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Settlement of Claims Allowance

Adopted Amendment: N.J.A.C. 10:81-3.41

Proposed: September 6, 1983 at 15 N.J.R. 1430(b).
Adopted: October 21, 1983 by George J. Albanese,
Commissioner, Department of Human Services.
Filed: October 24, 1983 as R.1983 d.505, **without
change.**

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: November 7, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

DIVISION OF PUBLIC WELFARE**Assistance Standards Handbook
Settlement of Claims Allowance****Adopted Amendment: N.J.A.C. 10:82-3.2**

Proposed: September 6, 1983 at 15 N.J.R. 1431(a).
 Adopted: October 21, 1983 by George J. Albanese,
 Commissioner, Department of Human Services.
 Filed: October 24, 1983 as R.1983 d.504, **without
 change.**

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order 66(1978):
 July 22, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

**DIVISION OF YOUTH AND FAMILY
SERVICES****Adoption Complaint Investigation Fees****Adopted Amendment: N.J.A.C. 10:121-3**

Proposed: August 15, 1983 at 15 N.J.R. 1341(a).
 Adopted: October 20, 1983 by George J. Albanese,
 Commissioner, Department of Human Services.
 Filed: October 24, 1983 as R.1983 d.509, **without
 change.**

Authority: N.J.S.A. 9:3-53.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
 November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

INSURANCE

(c)

REAL ESTATE COMMISSION**Rules and Regulations****Readoption with Amendments: N.J.A.C.
11:5**

Proposed: August 15, 1983 at 15 N.J.R. 1343(a).

Adopted: September 21, 1983 by Division of the New
 Jersey Real Estate Commission, Daryl G. Bell,
 Director.

Filed: October 5, 1983 as R.1983 d.471, **without
 change.**

Authority: N.J.S.A. 45:15-16; 45:15-17 and 45:16-
 16.19(a).

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order 66(1978):
 November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

LAW AND PUBLIC SAFETY

(d)

DIVISION OF MOTOR VEHICLES**Motorized Bicycles
Helmets****Adopted New Rule: N.J.A.C. 13:25-9**

Proposed: May 2, 1983 at 15 N.J.R. 684(a).
 Adopted: September 19, 1983 by Clifford W. Snedeker,
 Director, Division of Motor Vehicles.
 Filed: October 20, 1983 as R.1983 d.489, **without
 change.**

Authority: N.J.S.A. 39:3-43 and P.L. 1983, c.105, §18.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
 November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(e)

BOARD OF MEDICAL EXAMINERS**Chiropractic Endorsement
Fee Schedule****Adopted Amendments: N.J.A.C. 13:35-3.3
and 6.13**

Proposed: May 16, 1983 at 15 N.J.R. 784(a).
 Adopted: July 22, 1983 by Board of Medical Examiners,
 Edwin H. Albano, M.D., President.
 Filed: October 24, 1983 as R.1983, d.510, **without
 change.**

Authority: N.J.S.A. 45:9-2.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
August 1, 1988.

Summary of Public Comments and Agency Responses:

Only one comment was received on the chiropractic endorsement proposal. A New Jersey chiropractor requested that an endorsement provision be added to the provision for endorsement of other types of licensees in the Board's regulatory scheme. There had been no prior rule on the subject since endorsement had already been authorized under N.J.S.A. 45:9-41.8. However, in the interest of convenience to consumers who might consult only the rules for information on endorsement availability, this provision was added. However, the Board rejected as not in the public interest another suggestion by the same writer, that the Board accept a sister state examination rather than the examination offered on a national basis and prepared by a nationally recognized agency.

No comment was received concerning the fee schedule proposal.

(a)

BOARD OF MEDICAL EXAMINERS

Prescribing of Amphetamines and Sympathomimetic Amine Drugs

Adopted Amendment: N.J.A.C. 13:35-6.7

Proposed: May 16, 1983 at 15 N.J.R. 785(a).
Adopted: July 22, 1983 by Board of Medical Examiners,
Edwin H. Albano, M.D., President.
Filed: October 20, 1983 as R.1983 d.490, **without change**.

Authority: N.J.S.A. 45:9-2.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
August 1, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

BOARD OF OPTOMETRISTS

**Optometric Practice
Minimum Examination; Record of
Conditions**

**Adopted Repeal: N.J.A.C. 13:38-2.1
Adopted New Rule: N.J.A.C. 13:38-2.1**

Proposed: August 1, 1983 at 15 N.J.R. 1234(a).
Adopted: September 21, 1983 by State Board of
Optometrists, Leonard Strulowitz, President.
Filed: October 24, 1983 as R.1983 d.511, **without change**.

Authority: N.J.S.A. 45:12-4 and 45:12-111(v).

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
July 17, 1984.

Summary of Public Comments and Agency Responses:

The Board of Optometrists gave the public the opportunity to comment on the amendment of N.J.A.C. 13:38-2.1 by allowing interested persons to submit their views in writing by August 31, 1983 to the attention of the Board President, Leonard Strulowitz, O.D. The announcement was made in the August 1, 1983 (15 N.J.R. 1234) issue of the New Jersey Register and reported to the Focal Points, an optometric association publication.

There were two written comments received within the stated period. The letter from Stanley E. Roeber, O.D., President of the New Jersey Optometric Association offered support for the Board's adoption of the amendment. At its meeting on September 21, 1983, the Board acknowledged Dr. Roeber's letter and was pleased that the Association is in agreement with the amendment.

A second letter was received from Louis D. Triche, President of the New Jersey Association of Optometrists and Opticians which was also considered by the Board at its September 21, 1983 meeting. The first issue raised in his comments was the use of the term "extra-ocular measurement" in the amendment. He expressed the belief that the term is "potentially unclear" and should be defined more precisely. The Board considered his concern, but disagrees with his conclusion. The Board is confident that the term is readily understood and commonly used by optometrists. Practicing professionals are familiar with the term as stated, and no further refinement or **definition** of "extra-ocular measurement" is seen as necessary by the Board. Mr. Triche also questioned the section dealing with tonometry. Specifically he inquired whether the intent of the regulation was to require tonometry examinations in all patients. The Board **feels the** regulation is clear in generally requiring the tonometry examination, but allowing for an exception when professional judgment determines such examination is contraindicated. It is to be noted that this element of professional judgment was also present in the former N.J.A.C. 13:38-2.1, without resulting in confusion as to its meaning. Consequently, the Board did not view the issues raised by Mr. Triche a substantial basis for withholding the proposed regulation from adoption procedures.

A full record of this opportunity to be heard can be inspected by contacting the Board office at 1100 Raymond Boulevard, Room 510, Newark, New Jersey, 07102.

N.J.A.C. 13:38-2.1 was subsequently adopted by the Board as proposed without change.

(c)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules

Adopted Amendment: N.J.A.C. 13:70-9.18

Proposed: April 4, 1983 at 15 N.J.R. 518(a).
Adopted: October 6, 1983 by New Jersey Racing
Commission, Harold G. Handel, Executive Director.
Filed: October 24, 1983 as R.1983, d.512, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: November 7, 1983.
Operative Date: January 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

ENERGY

(a)

THE COMMISSIONER

Technical Sufficiency Standards for Solar Energy Systems Qualifications for Property Tax Exemption

Readoption with Amendments: N.J.A.C. 14A:4

Proposed: September 6, 1983 at 15 N.J.R. 1448(a).
Adopted: October 18, 1983 by Leonard S. Coleman, Jr.,
Commissioner, Department of Energy.
Filed: October 19, 1983 as R.1983 d.487, **without change.**

Authority: N.J.S.A. 54:4-3.113 and P.L. 1983, c.44.

Effective Date (Readoption): October 19, 1983.
Effective Date (Amendments): November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
October 19, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

THE COMMISSIONER

Technical Sufficiency Standards for Solar Energy Systems Qualifications for Sales and Use Tax Exemption

Readoption with Amendment: N.J.A.C. 14A:5

Proposed: September 6, 1983 at 15 N.J.R. 1450(a).
Adopted: October 18, 1983 by Leonard S. Coleman, Jr.,
Commissioner, Department of Energy.
Filed: October 19, 1983 as R.1983 d.486, **without change.**

Authority: N.J.S.A. 54:32B-8.33.

Effective Date (Readoption): October 19, 1983.
Effective Date (Amendment): November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
October 19, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

TRANSPORTATION

(c)

LOCAL AID

**Municipal Operations
Municipal Construction**

Readoptions: N.J.A.C. 16:16 and 16:17

Proposed: September 6, 1983 at 15 N.J.R. 1505(a).
Adopted: October 7, 1983 by Michael F. Barrett, Assistant
Commissioner for Management.
Filed: October 20, 1983 as R.1983 d.494, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:15-1 to 27:15-20.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(d)

TRANSPORTATION OPERATIONS

Speed Limits for State Highways; Restricted Parking and Stopping; No Passing; Miscellaneous Traffic Rules; Turns; Prohibited Right Turns on Red

Readoptions: N.J.A.C. 16:28-1, 16:28A-1 and -2, 16:29, 16:30, 16:31 and 16:31A

Proposed: September 6, 1983 at 15 N.J.R. 1450(b).
Adopted: October 7, 1983 by Michael F. Barrett, Assistant
Commissioner for Management.
Filed: October 20, 1983 as R.1983 d.495, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-21, 39:4-98, 39:4-138.1, 39:4-139, 39:4-199, 39:4-201.1, 39:4-85.1, 39:4-140, 39:4-183.6, 39:4-88, 39:4-208, 39:4-94.1 and 39:4-183.27.

Effective Date: November 7, 1983 for N.J.A.C. 16:28-1, 16:28A-1 and -2, 16:29, 16:30 and 16:31.
Effective Date: October 20, 1983 for N.J.A.C. 16:31A-1.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988, except N.J.A.C. 16:31A-1 will
expire October 20, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

TRANSPORTATION

ADOPTIONS

(a)

TRANSPORTATION OPERATIONS

**Speed Limits for State Highways
Route I-80**

Adopted Amendment: N.J.A.C. 16:28-1.2

Proposed: June 6, 1983 at 15 N.J.R. 877(a).
Adopted: July 18, 1983 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid.
Filed: July 25, 1983 as R.1983 d.329, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route 439**

Adopted Amendment: N.J.A.C. 16:28A-1.70

Proposed: June 20, 1983 at 15 N.J.R. 1012(a).
Adopted: August 8, 1983 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid.
Filed: August 16, 1983 as R.1983 d.362, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-197.5.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route 28**

Adopted Amendment: N.J.A.C. 16:28A-1.19

Proposed: August 1, 1983 at 15 N.J.R. 1237(a).
Adopted: September 2, 1983 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid.

Filed: September 6, 1983 as R.1983 d.408, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-197.5.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(d)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Routes US 30 and 94**

**Adopted Amendments: N.J.A.C. 16:28A-1.21
and 1.45**

Proposed: July 5, 1983 at 15 N.J.R. 1080(a).
Adopted: August 17, 1983 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid.
Filed: August 24, 1983 as R.1983 d.377, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-6, 39:4-138.1, 39:4-139 and 39:4-199.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(e)

TRANSPORTATION OPERATIONS

**Speed Limits for State Highways
Route 109**

Adopted New Rule: N.J.A.C. 16:28-1.22

Proposed: August 15, 1983 at 15 N.J.R. 1358(a).
Adopted: September 21, 1983 by David W. Gwynn,
Chief Engineer, Transportation Operations and Local
Aid.
Filed: September 23, 1983 as R.1983 d.438, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Routes 45 and 77**

**Adopted Amendments: N.J.A.C. 16:28A-1.31
and 1.41**

Proposed: August 15, 1983 at 15 N.J.R. 1358(b).
Adopted: September 21, 1983 by David W. Gwynn,
Chief Engineer, Transportation Operations and Local
Aid.
Filed: September 23, 1983 as R.1983 d.437, **without
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-199.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Routes 47 and 73**

**Adopted Amendments: N.J.A.C. 16:28A-1.33
and 1.40**

Proposed: September 6, 1983 at 15 N.J.R. 1451(a).
Adopted: October 7, 1983 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid.
Filed: October 13, 1983 as R.1983 d.478, **without
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-
139 and 39:4-199.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Routes 82**

Adopted Amendment: N.J.A.C. 16:28A-1.43

Proposed: September 6, 1983 at 15 N.J.R. 1452(a).
Adopted: October 7, 1983 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid.
Filed: October 13, 1983 as R.1983 d.479, **without
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and
39:4-199.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(d)

TRANSPORTATION OPERATIONS

**Speed Limits for State Highways
Route 36**

**Adopted New Rule: N.J.A.C. 16:28A-1.75
Adopted Repeal: N.J.A.C. 16:28A-1.75**

Proposed: August 1, 1983 at 15 N.J.R. 1236(a).
Adopted: September 2, 1983 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid.
Filed: September 15, 1983 as R.1983 d.417, **without
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-98.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(e)

TRANSPORTATION OPERATIONS

**Miscellaneous Traffic Rules
Route US 206**

Adopted Amendment: N.J.A.C. 16:30-2.6

Proposed: August 15, 1983 at 15 N.J.R. 1359(a).

Adopted: September 16, 1983 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.

Filed: September 23, 1983 as R.1983 d.436, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-140.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

TRANSPORTATION OPERATIONS

**Miscellaneous Traffic Rules
Route US1 and 9, The Pulaski Skyway**

Adopted New Rule: N.J.A.C. 16:30-7.5

Proposed: September 6, 1983 at 15 N.J.R. 1506(a).
Adopted: October 7, 1983 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.
Filed: October 13, 1983 as R.1983 d.480, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-94.1.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

AERONAUTICS

**Licensing of Aeronautical Activities
Aircraft Registration
Special Aircraft Operating Registration**

**Adopted Amendment: N.J.A.C. 16:55-1
Adopted Repeal: N.J.A.C. 16:56 and 16:62**

Proposed: September 6, 1983 at 15 N.J.R. 1453(a).
Adopted: October 12, 1983 by James A. Crawford, Acting Assistant Commissioner for Transportation Services.
Filed: October 13, 1983 as R.1983 d.476, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29 and 6:1-44.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

AERONAUTICS

**Issuance of Summons and Designation of Peace Officer
Aircraft Accidents**

Adopted Amendments: N.J.A.C. 16:60 and 16:61

Proposed: September 6, 1983 at 15 N.J.R. 1456(a).
Adopted: October 12, 1983 by James A. Crawford, Acting Assistant Commissioner for Transportation Services.
Filed: October 13, 1983 as R.1983 d.477, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29 and 6:1-44.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

TREASURY-GENERAL

(d)

DIVISION OF PENSIONS

**Teachers' Pension and Annuity Fund
Election of Member-Trustee**

Adopted Amendment: N.J.A.C. 17:3-1.4

Proposed: August 15, 1983 at 15 N.J.R. 1360(a).
Adopted: September 15, 1983 by the Board of Trustees of the Teachers' Pension and Annuity Fund, Mary C. Conrey, Secretary.
Filed: October 13, 1983 as R.1983 d.483, **without change.**

Authority: N.J.S.A. 18A:66-56.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order 66(1978): May 16, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

ADOPTIONS

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Teachers' Pension and Annuity Fund Enrollment; Eligible Positions

Adopted Amendment: N.J.A.C. 17:3-2.1

Proposed: August 15, 1983 at 15 N.J.R. 1360(b).
Adopted: September 15, 1983 by the Board of Trustees of the Teachers' Pension and Annuity Fund, Mary C. Conrey, Secretary.
Filed: October 13, 1983 as R.1983 d.484, **without change.**

Authority: N.J.S.A. 18A:66-56.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order 66(1978): May 16, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

DIVISION OF PENSIONS

Police and Firemen's Retirement System Age Requirements for Police and Firemen

Adopted Amendment: N.J.A.C. 17:4-2.5

Proposed: June 6, 1983 at 15 N.J.R. 883(a).
Adopted: September 26, 1983 by the Board of Trustees of the Police and Firemen's Retirement System, Anthony Ferrazza, Secretary.
Filed: October 13, 1983 as R.1983 d.481, **without change.**

Authority: N.J.S.A. 43:16A-3(1) and 43:16A-13(7).

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order 66(1978): April 1, 1985.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

DIVISION OF PENSIONS

Police and Firemen's Retirement System Membership Creditable Salary

Adopted Amendment: N.J.A.C. 17:4-4.1

Proposed: August 1, 1983 at 15 N.J.R. 1238(b).

Adopted: September 26, 1983 by the Board of Trustees of the Police and Firemen's Retirement System, Anthony Ferrazza, Secretary.
Filed: October 13, 1983 as R.1983 d.482, **without change.**

Authority: N.J.S.A. 43:16A-13(7).

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order 66(1978): April 1, 1985.

Summary of Public Comments and Agency Responses:
No comments received.

(d)

STATE INVESTMENT COUNCIL

Real Estate Equity Permissible Investment

Adopted New Rule: N.J.A.C. 17:16-45

Proposed: September 6, 1983 at 15 N.J.R. 1457(b).
Adopted: October 7, 1983 by State Investment Council, Roland M. Machold, Director, Division of Investment.
Filed: October 7, 1983 as R.1983 d.473, **without change.**

Authority: N.J.S.A. 52:18A-91.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(e)

STATE LOTTERY COMMISSION

Lottery Commission Rules

Adopted Repeal: N.J.A.C. 17:20
Adopted New Rules and Recodification:
N.J.A.C. 17:20

Proposed: August 15, 1983 at 15 N.J.R. 1361(a).
Adopted: October 7, 1983 by New Jersey State Lottery Commission, Hazel Frank Gluck, Executive Director.
Filed: October 7, 1983 as R.1983 d.472, **without change.**

Authority: N.J.S.A. 5:9-7(a)(b)(f).

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

TREASURY-TAXATION

ADOPTIONS

(a)

AFFIRMATIVE ACTION OFFICE

**Public Contracts
Affirmative Action Procedures**

**Readoption with Amendments: N.J.A.C.
17:27**

Proposed: September 6, 1983 at 15 N.J.R. 1459(a).
Adopted: October 24, 1983 by Kenneth R. Biederman,
State Treasurer.
Filed: October 24, 1983 as R.1983 d.506, **without
change.**

Authority: N.J.S.A. 10:5-36.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

**Corporation Business Tax
Regulated Investment Companies**

Adopted Amendment: N.J.A.C. 18:7-3.10

Proposed: August 15, 1983 at 15 N.J.R. 1365(a).
Adopted: October 19, 1983 by John R. Baldwin, Director,
Division of Taxation.
Filed: October 20, 1983 as R.1983 d.496, **without
change.**

Authority: N.J.S.A. 54:10A-27 and P.L. 1983, c.75.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
February 6, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

DIVISION OF TAXATION

**Corporation Business Tax
Extension of Time to File Return; Interest
and Penalty**

Adopted Amendment: N.J.A.C. 18:7-11.12

Proposed: August 15, 1983 at 15 N.J.R. 1366(a).
Adopted: October 19, 1983 by John R. Baldwin, Director,
Division of Taxation.
Filed: October 20, 1983 as R.1983 d.497, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 54:10A-15, 54:10A-17, 54:10A-19
and 54:10A-27.

Effective Date: November 7, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
February 6, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

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]***).

18:7-11.12 Extension of time to file return; interest and
[penalties] **penalty**

(a) No extension will be granted unless request is made on
Tentative Return Form CBT-200T and is actually received by the
Division on or before the due date of the return. The Tentative
Return must [show]:

1.-2. (No change from proposal.)

3. [In addition, taxpayer is required to make a] **Be accompanied
by the payment on account of its *[current year's estimated]* *
tentative* tax** which is due on or before the original due date for
filing of the return for which an extension is requested.

(b) [A request for an extension for a period not exceeding three
months requires no reason and will receive automatic approval.]
**Taxpayers using the New Jersey Corporation Business Tax
Return Form CBT-100 may request an extension for a period
not exceeding six months and will receive automatic approval,**
provided that the taxpayer has complied with the instructions set
forth on the [t]Tentative [r]Return [f]Form CBT-200T, and has
paid any unpaid balance of its estimated tax. ***[In the case where
the taxpayer is not entitled to or has not requested a Federal
extension, a request for an extension for a period not exceeding
three months requires no reason and will receive automatic
approval, provided that the taxpayer has complied with the
instructions set forth on the Tentative Return Form, and has
paid any unpaid balance of its estimated tax.]***

[1. If extension for a period in excess of three months is desired,
request may also be made on Tentative Return Form CBT-200T.
An additional extension of time not to exceed three months to file
a final return shall be granted where a copy of the approved Federal
extension is attached to the final return. In the event an additional
Federal extension has not been requested or has been denied, an
additional extension not to exceed three months may be granted if
sufficient cause is submitted. Sufficient cause should be interpreted
such that it is impossible or wholly impracticable to file a return
within three months of the original due date of the return. In

ADOPTIONS**OTHER AGENCIES**

general, extension requests shall not be granted for any period exceeding six months from the original due date of the return. In general, extension requests shall not be granted for any period exceeding six months from the original due date.]

1. [If extension for a period in excess of three months is desired, request may also be made on Tentative Return Form CBT-200T. In the event an additional extension has not been requested or has been denied, an additional extension not to exceed three months may be granted if sufficient cause is submitted. Sufficient cause should be interpreted so that it is impossible or wholly impracticable to file a return within three months of the original due date of the return.]* In general, extension requests shall not be granted for any period exceeding six months from the original due date.

2.-3. (No change from proposal.)

(c) Banking and financial corporations may request an extension on time to file return subject to the following conditions.

1. (No change from proposal.)

2. The extension shall be made on a copy of page 1 of Form BFC-1, including the exact name, address, New Jersey Serial number, if applicable, the Federal employer identification number, if any, and the amount of *[estimated]* *tentative* tax liability;

3. Be accompanied by a remittance to cover the unpaid balance of the *[estimated]* *tentative* tax due for the accounting year for which an extension of time to file the return is requested; and

4.-6. (No change from proposal.)

(d) *[All]* *[e]* *E*extensions *[will]* *may* be confirmed in writing by the Division*[.]*, if necessary.*

(e) (No change from proposal.)

[(c)](f) Interest and [penalties] penalty

1.-2. (No change from proposal.)

3. In addition, if the amount paid on or before the time *[of]* *for* filing *of* the return was less than 90 percent of the amount of tax due, the taxpayer shall be liable for a penalty of five percent per month, or fraction thereof, on the amount of underpayment. In this context, "filing of the return" means filing its tentative return [on Form CBT-200T] incident to its request for extension, "the time for filing" means the original due date for filing the return, and "amount of underpayment" means the difference between 100 percent of the tax shown on the final return and the total of all installments of estimated tax paid on or before the original due date for filing the return, as well as any amount paid with the tentative return.

[(d)](g) (No change from proposal.)

OTHER AGENCIES**(a)****HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION****New Planned Park Zone**

Adopted New Rules: N.J.A.C. 19:4-4.18A, 4.19A, 4.20A, 4.21A, 4.22A, 4.23A, 4.24A, 4.25A, 4.26A and 4.27A

Proposed: January 3, 1983 at 15 N.J.R. 16(b).

Adopted: October 21, 1983 by Hackensack Meadowlands Development Commission, Anthony Scardino, Jr., Executive Director.

Filed: October 24, 1983 as R.1983 d.514, **without change.**

Authority: N.J.S.A. 13:17-1 et seq.

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): November 2, 1986.

Summary of Public Comments and Agency Responses:

By Resolution 83-93, dated July 25, 1983, the Hackensack Meadowlands Development Commission adopted the within proposal. Pursuant to N.J.S.A. 13:17-8 the proposal was to take effect barring adverse response by the Hackensack Meadowlands Municipal Committee (HMMC). By letter dated September 14, 1983 the HMMC rejected the proposal in its entirety, and more specifically its stated concern that the premises affected by the proposal should have been zoned in accordance with N.J.A.C. 19:4-5.11, as a Specially Planned Area.

The Commission responded to the above response by noting that a Specially Planned Area is appropriate for an elaborate and large tract of land requiring analysis or protection of large wetland areas within a tract. The parcel in question constituted only 77 acres and because of its relatively small size is in keeping with the more traditional zones. The Commission further noted that traffic and road conditions were considered in adopting the proposed rules.

Based upon the above, the Commission, by adoption of Resolution 83-108 reaffirmed the adoption of the proposal.

There were no changes from the proposal.

(b)**HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION****Zoning Regulations****Readoption: N.J.A.C. 19:4-6**

Proposed: September 6, 1983 at 15 N.J.R. 1506(b).

Adopted: October 19, 1983 by Hackensack Meadowlands Development Commission, Anthony Scardino, Jr., Executive Director.

Filed: October 24, 1983 as R.1983 d.507, **without change.**

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-b(i).

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:

A copy of Resolution No. 83-16 by the Hackensack Meadowlands Municipal Committee (HMMC) was forwarded by Dominick Cassamassina, Executive Director, prior to the hearing. The resolution approved readoption of the proposal with the following exceptions:

1. That the power of the Chief Engineer and/or staff members to override municipal action relative to any planning or zoning matter be eliminated and changed so as to vest that power solely in the Commissioners of the Hackensack Meadowlands Development Commission as a public body.

2. All public hearings regarding or impacting in any way on residents in the district be held in the evening and not during the day.

3. That any municipality that has substantially and fully developed within its municipal boundaries be limited from the effectiveness of any of the HMDC zoning and planning regulations in question and any other jurisdiction of the HMDC or the provisions of the Hackensack Meadowlands Development Act.

The Commission responded to the above by noting that:

1. Was not a subject addressed by the proposed readoption but rather was part of a prior agreement between HMDC and the HMMC which would require renegotiation to amend.

2. That efforts have been made and will continue to be made to accommodate the parties by holding some hearings during evening hours.

3. Was outside of the scope of the proposed readoption and would require legislative action.

There were no changes from the proposal.

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Zoning Regulations

Adopted Amendment: N.J.A.C. 19:4-6.28

Proposed: August 15, 1983 at 15 N.J.R. 1367(a).

Adopted: October 19, 1983 by Hackensack Meadowlands Development Commission, Anthony Scardino, Jr., Executive Director.

Filed: October 24, 1983 as R.1983 d.508, **without change.**

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-6(1).

Effective Date: November 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:

Favorable comments were received from Dominick Casamassina, Executive Director, on behalf of the Hackensack Meadowlands Municipal Committee.

There were no changes, additions or deletions from the proposed amendment and the adopted rule.

(b)

CASINO CONTROL COMMISSION

Gaming Schools

Readoption: N.J.A.C. 19:44

Proposed: September 6, 1983 at 15 N.J.R. 1460(a).

Adopted: October 13, 1983 by Casino Control Commission, Walter N. Read, Chairman.

Filed: October 13, 1983 as R.1983 d.474, **with amendments as proposed not adopted.**

Authority: N.J.S.A. 5:12-63(c) and -69(a).

Effective Date: October 13, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): October 13, 1988.

Summary of Public Comments and Agency Responses:

The Commission did not receive any written comments; however, verbal comments were received from representatives of two gaming schools. The comments related to the current regulations that were published for readoption and the proposed amendments which were published concurrently.

Concerning N.J.A.C. 19:44-8.3(a)2, the representatives advocated an increase in the minimum number of training hours for students studying craps as a second game because of recent changes in the rules of the game. They also recommended an increase in the minimum hours for second game roulette when baccarat is the first game, since baccarat does not provide skills that would enhance students' comprehension of roulette.

In response to the proposed amendment to N.J.A.C. 19:44-9.1(b), the consensus was that notifying the Commission prior to altering the number or arrangement of tables was too burdensome since these items change frequently.

To prevent confusion, the gaming school representatives indicated that N.J.A.C. 19:44-9.4(a) should specify which gaming equipment does not have to meet the requirements imposed on casino licensees. They also felt that subsection (b) should be revised to permit the name of casino licensees to be imprinted on a gaming table since the schools periodically use tables loaned by casinos.

Concerning N.J.A.C. 19:44-15.4(a)2, the representatives suggested that only full-time instructors be listed in the bulletin since the inclusion of temporary instructors would require an inordinate number of revisions to the bulletin. Concerning N.J.A.C. 19:44-15.4(a)10, the representatives requested that the bulletin not be required to contain the time and clock hours allotted to each subject since this information is contained elsewhere and compliance with this requirement would necessitate a voluminous bulletin.

Finally, concerning the proposed amendments to N.J.A.C. 19:44-18.1(b), the representatives asked that the additional information on the permanent record card only be required for students accepted after the effective date of the amendment.

The Commission is not accepting or rejecting the comments but is deferring action thereon pending further analysis and review. The Commission has also decided to readopt N.J.A.C. 19:44 without the amendments that were published on September 6, 1983. The Commission will consider the amendments at a later date after it has had time to more fully research the amendments and their ramifications.

(c)

CASINO CONTROL COMMISSION

Exclusion of Persons

Readoption: N.J.A.C. 19:48

Proposed: September 6, 1983 at 15 N.J.R. 1466(a).

Adopted: October 13, 1983 by Casino Control Commission, Walter N. Read, Chairman.

Filed: October 13, 1983 as R.1983 d.475, **without change.**

Authority: N.J.S.A. 5:12-69(a) and -71.

Effective Date: October 13, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
October 13, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

MISCELLANEOUS NOTICES

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

**Livestock and Poultry Importations
Notice of Correction: Executive Order No.
66(1978) Expiration Date, N.J.A.C. 2:3-4**

An error appears in the New Jersey Administrative Code at N.J.A.C. 2:3-4, Livestock for Immediate Slaughter. The expiration date pursuant to Executive Order No. 66(1978) should read **January 8, 1986.**

LAW AND PUBLIC SAFETY

(b)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

**Club Licenses; Definitions
Notice of Correction: N.J.A.C. 13:2-8.1**

An error appears in the definition of "club member" at N.J.A.C. 13:2-8.1 in the New Jersey Administrative Code. The text should read as follows:

13:2-8.1 Definitions

"Club member" means any individual in good standing who has been admitted to voting membership in the manner regularly prescribed by the bylaws of a club, and who maintains such membership in a bona fide manner and whose name and address are entered on the list of members. No individual shall be eligible for such club membership unless he has filed written application with the appropriate body, as set forth in the club bylaws, and such application is approved by said body at least three days subsequent to the filing thereof. Persons holding limited or auxiliary club membership shall **not** be deemed to be club members.

(c)

DIVISION OF MOTOR VEHICLES

Bulk Commodities Application

Public Notice

Take notice that Clifford W. Snedeker, Director, Division of Motor Vehicles pursuant to the authority of N.J.S.A. 39:E.11, hereby lists the names and addresses of applicants who have filed an application for a common carrier's Certificate of Public Convenience and necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)
Quality Carrier, Inc.
c/o Air Products & Chemical, Inc.
P.O. Box 1000
Dayton, NJ 08810

CONTRACT CARRIER (NON-GRANDFATHER)
Daniel G. Myers, Inc.
RR 3 Box 124
Milford, NJ 08848

Vogt Transportation, Inc.
215 Harrison Street
Frenchtown, NJ 08825

R.M. O'Melia Sr., Inc.
114 Newbury Road
Howell, NJ 07731

TREASURY-GENERAL

(d)

DIVISION OF BUILDING AND CONSTRUCTION

Architect/Engineer Selection

New Project

Applications (DBC Form 48B) for the project described below are due in DBC no later than 5:00 P.M., November 10, 1983, and shall be submitted to the attention of Ron Wengerd, Secretary of the A/E Selection Board. Submissions received after this time and date will not be considered. If not currently prequalified by DBC, applicants must submit a completed DBC form 48A by the closing date of October 28, 1983.

DBC No. Project Title and Location Est. Constr. Cost

P420 Restoration of Train Sheds \$1,733,750
 Liberty State Park
 Jersey City, NJ

DBC is seeking to engage the services of an architectural firm to develop a program, prepare the design documents, and administer the construction contracts for the referenced project. The scope of work includes the following: (A) Render the existing construction structurally sound; (B) Complete the enclosure of the roof and make it weathertight; (C) Clean up and grade the interior; (D) Provide interior lighting; and (E) Provide all necessities to conform to codes for commercial occupancy.

Only architectural firms with a DBC rating of at least \$5,000,000 and related experience will be considered. Applicants must identify their electrical/mechanical and structural engineering consultants as well as their historical specialists in the 48B submittal. At least one firm of a joint venture must have a DBC rating of \$5,000,000 or more.

(a)

DIVISION OF BUILDING AND CONSTRUCTION

Architect/Engineer Selection

New Project

Applications (DBC Form 48B) for the project described below are due in DBC no later than 5:00 P.M., November 10, 1983, and shall be submitted to the attention of Ron Wengerd, Secretary of the A/E Selection Board. Submissions received after this time and date will not be considered. If not currently prequalified by DBC, applicants must submit a completed DBC Form 48A by the closing date of October 28, 1983.

DBC No.	Project Title and Location	Est. Constr. Cost
M532	Design of Air Conditioning System, Ten Cottages Marlboro Psychiatric Hospital	\$2,500,000

DBC is seeking to engage the services of a mechanical engineering firm to design an air conditioning system at the referenced facility. The scope of services to be provided by the selected consultant will include program verification as well as design documentation.

Only engineering firms with a DBC Rating of at least \$5,000,000 and appropriate HVAC experience will be considered. At least one firm of a joint venture must have a DBC Rating of \$5,000,000 or more.

(b)

DIVISION OF BUILDING AND CONSTRUCTION

Architect/Engineer Selection

Notice of Assignments

The following assignments have been made:

DBC No.	PROJECT	A/E	CCE
E123	Study of Space	Malloy & Duffe	\$2,000.00

	Requirements	Study
	Records Storage Center/N.J. State Library, Trenton, N.J.	
H696	Roof Replacement Freeman Hall & Boiler House Montclair State College	Martin B. Dassa \$56,000.00
C277	Emergency Steam Replacement Clinton Correctional Institute for Women	Brownworth, Moshier & Doran Cost not Known
A434-01	N.J. Horse Park at Stone Tavern Introductory Facilities Allentown, N.J.	Holt & Morgan \$130,000.00
S157	Metal Storage Building State Police Headquarters W. Trenton, N.J.	Matthew L. Rue \$45,000.00
H668	Extension of Gas Distribution System Fine Arts Building Montclair State College Upper Montclair, N.J.	A. D. Jilajian \$6,000.00
P410	Study of Water Leaks Twin Lights Historic Site Matawan, N.J.	Donald P. Van-Court, P.E. \$3,300.00 Services
M531	Bathroom/Toilet Room Renovations Cottages 9 thru 14 G, I, & J Marlboro Psychiatric Hospital	Milstein & Yezzi \$85,000.00
H919	Energy Management Systems-Analysis/Development Ramapo, Paterson, Kean and Glassboro State College	Gibbs & Hill \$86,975.00

Competitive Proposals

OTHER AGENCIES

MISCELLANEOUS NOTICES

	CCE \$178,000 Audit	CCE \$265,000 Paterson Kean	CCE \$140,000 Ramapo	Total
Gibbs & Hill Brownworth, Mosher & Doran Kallen & Lemelson	\$37,000 \$49,500 \$50,000	8.50% 7.75% 11.236%	8.74% 7.75% 11.321%	8.21% 7.75% 11.429%
A449	Energy Audits Museum-Cultural Center Capitol Complex Trenton, N.J.	Barnickel Engineers	\$6,900.00 Service	\$ 86,795.00 \$ 94,682.50 \$116,000.00
Competitive Proposals				
Barnickel Engineers M. Benton O'Connor & Jeffries			\$6,900.00 \$13,500.00 \$14,500.00	
C902	HVAC Renovations- Youth Correctional Institution-Bordentown Steam Line Repairs, Temperature Controls Youth Reception & Correction Center Yardville	M. Benton	\$350,000.00	
Competitive Proposals				
M. Benton Robert D. Hubbard Colm Engineers			7.98% 8.8% 9.95%	
H917	HVAC System Modifications Energy Program- Cycle II Glassboro State College	Gannett & Fleming	\$1,100,000.00	
Competitive Proposals				
Gannett & Fleming Kallen & Lemelson Colm Engineering			6.85% 6.50% 9.80%	
C225	Renovation of Bates Building DBC Central Office Complex Trenton, N.J.	Joseph N. Wirth, A.I.A.	\$260,000.00	
Competitive Proposals				
Joseph N. Wirth, A.I.A. Matthew L. Rue, A.I.A. Malloy & Duffe, A.I.A.			6.95% 7.89% 8.80%	
A448	Energy Audits Capitol Complex & Health & Agriculture Building, John Fitch Plaza Trenton, N.J.	F.J. Rospond	\$28,300.00 Services	
Competitive Proposals				
F.J. Rospond Burns & Roe Co.			\$28,300.00 \$47,700.00	

Brown & Caldwell		\$54,088.00
C904	Insulate Attic Space Training School for Boys & Girls Jamesburg, N.J. & Central Office Complex Trenton, N.J.	Matthew L. Rue \$100,000.00
Competitive Proposals		
Matthew L. Rue Clark & Caton Sander Assoc.		7.47% 7.89% 8.94%
P209-02	Lake Waterloo Dam Rehabilitation Delaware River Basin Morris & Sussex Counties	RBA Group \$170,400.00
Competitive Proposals		
RBA Group Lippincott Eng. PRC Harris		7.90% 11.13% 15.0%

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

**Petition for Rulemaking
Manual Slot Payouts**

**Petitioner: Bally's Park Place, Inc.
Authority: N.J.S.A. 5:12-69(c), N.J.A.C.
19:42-8.1, N.J.S.A. 52:14B-4(f) and
N.J.A.C. 1:30-3.6**

Take Notice that on September 26, 1983, the Casino Control Commission received a petition for rulemaking from Bally's Park Place, Inc. requesting an amendment to N.J.A.C. 19:45-1.40, concerning jackpot payouts. Bally's is seeking to increase the threshold figure for jackpot payouts requiring hand-payment by slot supervisors from \$600.00 to \$1,000.

After due notice, this petition will be considered by the Casino Control Commission in accordance with the provisions of N.J.S.A. 5:12-69(c).

INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. **Rules which are being promulgated in this Register, and which appear in the Table of Rules in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.**

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption. At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The *Index of Adopted Rules* appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make

available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

To be certain 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 October 5, 1979.

HOW TO USE THE TABLE OF CITATIONS

Generally, the key to locating a particular adopted rule is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research.

The N.J.A.C. citation itself indicates the extent of the changes to a rule. Every citation includes, at a minimum, the numerical designation of the title and chapter (1:30), and may include subchapter and section designations (1:30-1.1). In general, the less specific the citation, the more extensive the rule change. For example, 1:30 means that much or all of chapter 30 of title 1 has been modified; 1:30-1 means that several sections of subchapter 1 of 1:30 have been revised; and 1:30-1.1 means that only section 1 of 1:30-1 has been changed.

An N.J.A.C. citation that includes several section numbers (1:30-1.1, 1.3, 1.4) or several different subchapter and section numbers (1:30-1.1, 2.1, 4.3) means that similar or related changes have been made to those provisions. Additionally, a citation may designate an entirely new rule rather than an amended one.

In general, each rule is listed separately and chronologically. However, where an adoption notice contained several related rule adoptions or amendments within a single chapter, all of those changes may be under a single entry. Therefore, to be certain that you have found all of the changes to a given rule, be sure to scan the citations above and below that rule to find any entries which might contain related rule adoptions, including the one you are researching.

N.J.A.C. CITATION

PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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ADMINISTRATIVE LAW—TITLE 1

1:1-2.2	Contested cases and OAL jurisdiction	14 N.J.R. 486(a)	R. 1982 d. 467	15 N.J.R. 23(a)
1:1-3.3	Pre-hearing conferences and tape-recording	14 N.J.R. 606(a)	R. 1982 d. 297	14 N.J.R. 975(a)
1:1-3.11	Succession of parties in contested cases	14 N.J.R. 606(b)	R. 1982 d. 295	14 N.J.R. 975(b)
1:1-9.1, 9.2, 9.6, 9.7	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R. 1982 d. 472	15 N.J.R. 25(a)
1:1-10.1	Pre-hearing conferences by telephone	15 N.J.R. 582(a)	R. 1983 d. 268	15 N.J.R. 1093(a)
1:1-13.2, 13.3, 14.5	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R. 1982 d. 472	15 N.J.R. 25(a)
1:1-14.1	Consolidation of cases	14 N.J.R. 674(b)	R. 1982 d. 296	14 N.J.R. 975(c)
1:1-16.5	Substantiation of final decisions	14 N.J.R. 608(a)	R. 1982 d. 292	14 N.J.R. 975(d)
1:2-2	Conference hearings and Civil Service cases	15 N.J.R. 66(a)	R. 1983 d. 87	15 N.J.R. 435(a)
1:2-3	"Hearings on the papers" and MV cases	15 N.J.R. 68(a)	R. 1983 d. 86	15 N.J.R. 436(a)
1:2-3.1	Correction: MV cases and "hearings on the papers"	15 N.J.R. 68(a)	R. 1983 d. 86	15 N.J.R. 1243(a)
1:6A	Special Education Program hearing rules	14 N.J.R. 930(a)	R. 1982 d. 462	15 N.J.R. 25(b)
1:6A-2.2, 4.2, 5.5	Special Education Program hearing rules	15 N.J.R. 2(a)	R. 1983 d. 88	15 N.J.R. 437(a)
1:6A-3.3, 4.4, 4.5	Special Education Program hearing rules	15 N.J.R. 451(a)	R. 1983 d. 253	15 N.J.R. 1015(a)
1:6A-5.3	Special Education Program: appeals of ALJ decisions	15 N.J.R. 978(a)	R. 1983 d. 358	15 N.J.R. 1467(a)
1:20	Representation fee hearings before PERC Appeal Board	14 N.J.R. 862(a)	R. 1983 d. 305	15 N.J.R. 1243(b)
1:30	Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d. 466	15 N.J.R. 29(a)
1:30-2.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d. 466	15 N.J.R. 543(a)
1:30-3.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d. 466	15 N.J.R. 101(a)
1:31	Organization of OAL	Organizational	R. 1982 d. 291	14 N.J.R. 976(a)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d. 339	14 N.J.R. 1163(b)

(Title 1, Transmittal 2 dated June 21, 1982)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
AGRICULTURE—TITLE 2				
2:2-1	Animal Health: readopted Reportable Diseases	15 N.J.R. 1202(a)	R. 1983 d.448	15 N.J.R. 1753(a)
2:2-2	Readopted: Brucellosis Control and Eradication	15 N.J.R. 1203(a)	R. 1983 d.411	15 N.J.R. 1647(a)
2:2-2.1, 2.6, 2.10, 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d.237	14 N.J.R. 833(a)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R. 1982 d.234	14 N.J.R. 833(b)
2:2-2.19	Brucellosis testing for intrastate movement	14 N.J.R. 865(a)	R. 1982 d.360	14 N.J.R. 1154(a)
2:2-3	Animal Health: readopted Tuberculosis Control and Eradication	15 N.J.R. 1203(b)	R. 1983 d.449	15 N.J.R. 1753(b)
2:2-4	Readopted: Swine Disease Control	15 N.J.R. 1204(a)	R. 1983 d.450	15 N.J.R. 1753(c)
2:2-10	Repealed: Duplicate poultry and turkey rules	15 N.J.R. 1204(b)	R. 1983 d.451	15 N.J.R. 1753(d)
2:3-1	Readopted: Livestock and Poultry Importations	15 N.J.R. 1205(a)	R. 1983 d.452	15 N.J.R. 1754(a)
2:3-1.8	Livestock: prior import permits	15 N.J.R. 1290(a)	R. 1983 d.455	15 N.J.R. 1754(b)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d.237	14 N.J.R. 833(a)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d.235	14 N.J.R. 833(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d.235	14 N.J.R. 833(c)
2:6	Readopted: Biological Products for Diagnostic and Therapeutic Purposes	15 N.J.R. 1205(b)	R. 1983 d.453	15 N.J.R. 1754(c)
2:7	Readopted: Poultry and Turkey Improvement Plans	15 N.J.R. 1206(a)	R. 1983 d.454	15 N.J.R. 1754(d)
2:23	Voluntary Gypsy-Moth Suppression Program	15 N.J.R. 370(a)	R. 1983 d.267	15 N.J.R. 1093(b)
2:32-2	Sire Stakes Program	15 N.J.R. 69(a)	R. 1983 d.84	15 N.J.R. 439(a)
2:50-1.1	Dairy farmers and relief from notice of intent	14 N.J.R. 489(b)	R. 1982 d.238	14 N.J.R. 833(d)
2:68-1	Commercial feeding stuffs: Association standards	15 N.J.R. 583(a)	R. 1983 d.325	15 N.J.R. 1372(a)
2:69	Readopted: Commercial Fertilizers and Soil Conditioners	15 N.J.R. 1206(b)	R. 1983 d.412	15 N.J.R. 1647(b)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R. 1982 d.236	14 N.J.R. 833(e)
2:71-1	Readopted: Quality of Individual Shell Eggs	15 N.J.R. 1050(a)	R. 1983 d.394	15 N.J.R. 1574(a)
2:71-2	Readopted: Grades of Fruits and Vegetables	15 N.J.R. 1051(a)	R. 1983 d.395	15 N.J.R. 1574(b)
2:71-2.28	Fruits and vegetables: rates for inspection services	15 N.J.R. 462(a)	R. 1983 d.312	15 N.J.R. 1245(a)
2:72-1.1	Readopted: Bonding Requirement of Commission Merchants, Dealers, Brokers, Agents	15 N.J.R. 1051(b)	R. 1983 d.396	15 N.J.R. 1574(c)
2:73-2	Readopted: State Seal of Quality for eggs	15 N.J.R. 584(a)	R. 1983 d.313	15 N.J.R. 1245(b)
2:74-1	Readopted: Controlled Atmosphere Storage for Apples	15 N.J.R. 1052(a)	R. 1983 d.397	15 N.J.R. 1574(d)
2:85-1	Repealed: Agricultural Preserve Demonstration Program (Title 2, Transmittal 19 dated June 21, 1982)	15 N.J.R. 371(a)	R. 1983 d.169	15 N.J.R. 889(a)
BANKING—TITLE 3				
3:1-9	Readopted: Home Mortgage Disclosure rules	15 N.J.R. 1146(a)	R. 1983 d.379	15 N.J.R. 1575(a)
3:9.4-9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R. 1983 d.85	15 N.J.R. 439(b)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R. 1982 d.242	14 N.J.R. 834(a)
3:1-11	“Executive officer” and affiliated persons	14 N.J.R. 490(b)	R. 1982 d.243	14 N.J.R. 834(b)
3:1-14	Revolving Credit Equity Loans	15 N.J.R. 1147(a)	R. 1983 d.378	15 N.J.R. 1575(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R. 1982 d.213	14 N.J.R. 755(a)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R. 1982 d.244	14 N.J.R. 834(c)
3:6-7.1-7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R. 1982 d.307	14 N.J.R. 988(a)
3:6-13	Automated teller machines	15 N.J.R. 190(a)	R. 1983 d.286	15 N.J.R. 1179(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R. 1983 d.42	15 N.J.R. 330(a)
3:7-4	Readopted: Notice of Maturity on Long Term Time Deposits	15 N.J.R. 1053(a)	R. 1983 d.363	15 N.J.R. 1467(b)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R. 1982 d.245	14 N.J.R. 834(d)
3:11-1.1	Readopted: Approval of banks to exceed 10% limitation on investments	15 N.J.R. 658(b)	R. 1983 d.264	15 N.J.R. 1094(a)
3:11-2.1	Commercial bank lending: Approved subsidiaries	15 N.J.R. 110(a)	R. 1983 d.108	15 N.J.R. 622(a)
3:11-7.2, 7.8, 7.9	Expanded lending limitations	15 N.J.R. 192(a)	R. 1983 d.133	15 N.J.R. 688(a)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R. 1982 d.263	14 N.J.R. 909(a)
3:17-7.1, 7.3	Small loan lenders and second mortgage purchases	15 N.J.R. 111(a)	R. 1983 d.120	15 N.J.R. 622(b)
3:23-2.1	License fees for credit sales and loan businesses	15 N.J.R. 463(a)	R. 1983 d.183	15 N.J.R. 889(b)
3:26-3.1	Readopted: Action upon Detection of Crime	15 N.J.R. 372(a)	R. 1983 d.184	15 N.J.R. 889(c)
3:28-5.1-5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R. 1982 d.306	14 N.J.R. 989(a)
3:30-1.3, 1.4	Maturity notice on fixed-term and variable savings accounts	15 N.J.R. 1207(b)	R. 1983 d.459	15 N.J.R. 1754(e)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R. 1982 d.302	14 N.J.R. 977(a)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation (Title 3, Transmittal 18 dated June 21, 1982)	14 N.J.R. 493(a)	R. 1982 d.303	14 N.J.R. 977(b)
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4:1-2.1	“Base salary” defined	14 N.J.R. 679(a)	R. 1982 d.331	14 N.J.R. 1089(a)
4:1-5	Commission Review and Appeals: readopted	15 N.J.R. 1148(a)	R. 1983 d.421	15 N.J.R. 1647(c)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)	
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4:1-5.11	Hearings: Decision notification	15 N.J.R. 111(b)	R. 1983 d.100	15 N.J.R. 543(b)
4:1-7.11	Hours of work and compensation	14 N.J.R. 938(a)	R. 1983 d.159	15 N.J.R. 801(a)
4:1-8	Readopted: Examinations and Applications	15 N.J.R. 1292(a)	R. 1983 d.444	15 N.J.R. 1755(a)
4:1-8.3	Notice of examinations	15 N.J.R. 726(a)	R. 1983 d.307	15 N.J.R. 1245(c)
4:1-8.8B	Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d.326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R. 1982 d.496	15 N.J.R. 83(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R. 1983 d.17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R. 1982 d.204	14 N.J.R. 709(a)
4:1-15.2	Lateral title change	14 N.J.R. 940(b)	R. 1983 d.340	15 N.J.R. 1372(a)
4:1-16.13	Request for reemployment (local)	15 N.J.R. 272(b)	R. 1983 d.222	15 N.J.R. 1015(b)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R. 1982 d.300	14 N.J.R. 978(a)
4:1-18.2, 18.6-18.8	Hours of work and compensation	14 N.J.R. 938(a)	R. 1983 d.159	15 N.J.R. 801(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d.18	15 N.J.R. 141(b)
4:1-18.5	Inclement weather emergency policy (State)	15 N.J.R. 273(a)	R. 1983 d.196	15 N.J.R. 889(d)
4:1-20.9	Tuition aid program (State)	15 N.J.R. 274(a)	R. 1983 d.306	15 N.J.R. 1246(a)
4:1-25.1	Public inspection of records	14 N.J.R. 942(a)	R. 1983 d.134	15 N.J.R. 689(a)
4:2-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d.326	14 N.J.R. 1089(b)
4:2-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R. 1983 d.421	15 N.J.R. 1647(c)
4:2-6.8	Repealed: (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d.496	15 N.J.R. 83(a)
4:2-7.1	Repealed (see 4:1-7.11, 18.8)	14 N.J.R. 938(a)	R. 1983 d.159	15 N.J.R. 801(a)
4:2-8.1, 8.9	Readopted (see 4:1-8)	15 N.J.R. 1292(a)	R. 1983 d.444	15 N.J.R. 1755(a)
4:2-10.1, 10.2	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d.496	15 N.J.R. 83(a)
4:2-15.2	Repealed (see 4:1-15.2)	14 N.J.R. 940(b)	R. 1983 d.340	15 N.J.R. 1372(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d.300	14 N.J.R. 978(a)
4:2-18.1	Repealed (see 4:1-18.5)	15 N.J.R. 273(a)	R. 1983 d.196	15 N.J.R. 889(d)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d.18	15 N.J.R. 141(b)
4:2-20.3	Granting of increments after denial	15 N.J.R. 112(a)	R. 1983 d.164	15 N.J.R. 890(a)
4:2-20.9	Repealed (see 4:1-20.9)	15 N.J.R. 274(a)	R. 1983 d.306	15 N.J.R. 1246(a)
4:2-20.12	Repealed (see 4:1-25.1)	14 N.J.R. 942(a)	R. 1983 d.134	15 N.J.R. 689(a)
4:3-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d.326	14 N.J.R. 1089(b)
4:3-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R. 1983 d.421	15 N.J.R. 1647(c)
4:3-6.7	Repealed: Modification of sheriff's officer series	15 N.J.R. 820(b)	R. 1983 d.419	15 N.J.R. 1650(a)
4:3-6.9	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d.496	15 N.J.R. 83(a)
4:3-8.2, 8.3, 8.7, 8.8	Readopted (see 4:1-8)	15 N.J.R. 1292(a)	R. 1983 d.444	15 N.J.R. 1755(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R. 1982 d.204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d.300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d.18	15 N.J.R. 141(b)
4:6	Overtime Committee Rules	14 N.J.R. 1126(a)	R. 1983 d.158	15 N.J.R. 801(b)

(Title 4, Transmittal 16 dated June 21, 1982)

COMMUNITY AFFAIRS-TITLE 5

5:3-2.1	Rooming house licensure: nonpublic records	15 N.J.R. 1152(a)	R. 1983 d.433	15 N.J.R. 1758(a)
5:10-1.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d.363	13 N.J.R. 704(a)
5:10-1.3	State-local cooperative housing inspection	15 N.J.R. 1054(a)	R. 1983 d.389	15 N.J.R. 1575(c)
5:10-1.4	Row houses and multiple dwelling jurisdiction	15 N.J.R. 375(a)	R. 1983 d.156	15 N.J.R. 803(a)
5:10-1.4, 1.6	Row house and retirement community fire safety	15 N.J.R. 1054(b)	R. 1983 d.388	15 N.J.R. 1576(a)
5:10-1.17	Readopted: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R. 1982 d.334	14 N.J.R. 1089(c)
5:10-2.2	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d.363	13 N.J.R. 704(a)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R. 1982 d.253	14 N.J.R. 910(a)
5:10-25.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d.363	13 N.J.R. 704(a)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d.59	15 N.J.R. 330(b)
5:11-3.2	Duplicate rental assistance	14 N.J.R. 72(a)	R. 1982 d.71	14 N.J.R. 278(a)
5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d.59	15 N.J.R. 330(b)
5:11-9.2	Relocation assistance hearings	13 N.J.R. 186(d)	R. 1981 d.183	13 N.J.R. 332(a)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R. 1982 d.487	15 N.J.R. 83(b)
5:12	Repeal State aid for urban renewal projects	13 N.J.R. 187(a)	R. 1981 d.180	13 N.J.R. 333(a)
5:12	Plain language review of residential leases	13 N.J.R. 473(a)	R. 1981 d.424	13 N.J.R. 782(b)
5:12	Repealed: Plain language review of leases	14 N.J.R. 222(a)	R. 1982 d.139	14 N.J.R. 426(a)
5:13-1.1, 1.5, 1.19, 1.20, 1.25, 1.27	Limited dividend and nonprofit housing corporations	15 N.J.R. 193(a)	R. 1983 d.145	15 N.J.R. 803(b)
5:13-1.3, 1.21-1.24, 1.26	Repealed	15 N.J.R. 193(a)	R. 1983 d.145	15 N.J.R. 803(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:17	Expiration date for retirement community disclosure	13 N.J.R. 560(d)	R. 1981 d.425	13 N.J.R. 782(c)
5:21	Repealed: Uniform standards for mobile homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:22-1.4	Residential tax exemptions: additions and improvements	15 N.J.R. 586(a)	R. 1983 d.258	15 N.J.R. 1094(b)
5:22-2.6	Multiple dwelling exemptions and tax list designations (joint adoption, see 18:12-6A.8)	14 N.J.R. 72(b)	R. 1982 d.78	14 N.J.R. 278(b)
5:23	Readopted: Uniform Construction Code	14 N.J.R. 1247(a)	R. 1983 d.144	15 N.J.R. 803(c)
5:23-1.4	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-1.4, -2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-2.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d.462	13 N.J.R. 885(d)
5:23-2.6	Uniform Construction Code inspections	13 N.J.R. 187(b)	R. 1981 d.182	13 N.J.R. 333(b)
5:23-2.8	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-3	Uniform Construction Code	13 N.J.R. 121(a)	R. 1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Uniform Construction Code interpretations	13 N.J.R. 561(a)	R. 1981 d.454	13 N.J.R. 886(a)
5:23-3.3	Uniform Construction Code: Casino hotels	13 N.J.R. 561(b)	R. 1981 d.455	13 N.J.R. 886(b)
5:23-3.8A	Products violating the Uniform Construction Code	15 N.J.R. 587(a)	R. 1983 d.296	15 N.J.R. 1247(a)
5:23-3.9	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R. 1983 d.12	15 N.J.R. 141(c)
5:23-4.3	Temporary appointments of municipal code officials	13 N.J.R. 863(a)	R. 1982 d.23	14 N.J.R. 142(b)
5:23-4.6	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-4.8	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-4.8	Interlocal Construction Code enforcement (recodified as 5:23-4.17(d))	14 N.J.R. 495(a)	R. 1982 d.401	14 N.J.R. 1300(a)
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R. 1982 d.220	14 N.J.R. 755(b)
5:23-4.8, 4.10	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-4.10A	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.42	14 N.J.R. 233(a)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R. 1982 d.232	14 N.J.R. 834(e)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R. 1982 d.402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R. 1982 d.220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d.463	15 N.J.R. 32(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d.463	15 N.J.R. 84(a)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R. 1982 d.232	14 N.J.R. 834(e)
5:23-5.2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-5.3, 5.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d.462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	13 N.J.R. 635(a)	R. 1981 d.463	13 N.J.R. 886(c)
5:23-5.5	Licensing of Code officials	13 N.J.R. 801(a)	R. 1982 d.10	14 N.J.R. 143(b)
5:23-5.5	Fire subcode officials and construction licensing	14 N.J.R. 8(a)	R. 1982 d.56	14 N.J.R. 234(a)
5:23-5.5, 5.6, 5.7	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R. 1982 d.8	14 N.J.R. 143(a)
5:23-5.8, 5.9	Licensing of Code officials	13 N.J.R. 801(a)	R. 1982 d.10	14 N.J.R. 143(b)
5:23-5.11	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R. 1982 d.8	14 N.J.R. 143(a)
5:23-5.11	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	13 N.J.R. 70(a)	R. 1981 d.131	13 N.J.R. 258(e)
5:24-1.3	Correction: Condominium and cooperative conversion	13 N.J.R. 70(a)	R. 1981 d.131	13 N.J.R. 333(c)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	13 N.J.R. 392(a)	R. 1981 d.354	13 N.J.R. 562(a)
5:24-2	Protected tenancy for disabled and seniors	13 N.J.R. 802(a)	R. 1982 d.9	14 N.J.R. 144(a)
5:25-2.8	Restoration of builders' registrations	14 N.J.R. 9(a)	R. 1982 d.55	14 N.J.R. 234(b)
5:25-3.1	New home warranty and mixed use property	13 N.J.R. 863(b)	R. 1982 d.22	14 N.J.R. 145(a)
5:25-5.5	New home warranties and builders' registration	13 N.J.R. 187(c)	R. 1981 d.181	13 N.J.R. 333(d)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R. 1982 d.386	14 N.J.R. 1210(a)
5:26	Planned real estate development full disclosure	12 N.J.R. 631(b)	R. 1981 d.130	13 N.J.R. 259(a)
5:26-2.3, 3.1, 3.2, 3.4, 4.1-4.4, 5.2, 6.3, 9.1, 10.1, 10.2, 11.1	Planned real estate development full disclosure	15 N.J.R. 1055(a)	R. 1983 d.446	15 N.J.R. 1758(b)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R. 1982 d.260	14 N.J.R. 912(a)
5:26-2.4	Planned real estate development registration fees	15 N.J.R. 1059(a)	R. 1983 d.370	15 N.J.R. 1468(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	13 N.J.R. 474(a)	R. 1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	13 N.J.R. 393(a)	R. 1981 d.359	13 N.J.R. 704(c)
5:27-1.5	Certificate of occupancy for boarding house change of use	15 N.J.R. 821(a)	R. 1983 d.342	15 N.J.R. 1468(b)
5:27-1.6	Rooming and boarding houses: License fees	15 N.J.R. 7(a)	R. 1983 d.60	15 N.J.R. 330(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R. 1982 d.422	14 N.J.R. 1365(a)
5:27-1.6	Rooming and boarding houses and discrimination	13 N.J.R. 562(b)	R. 1981 d.435	13 N.J.R. 842(e)
5:27-2.1	Fire safety in boarding houses;	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1210(b)

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5:27-3.2	Rooming houses and discrimination	13 N.J.R. 562(b)	R. 1981 d.435	13 N.J.R. 842(e)
5:27-3.5	Boarding houses: Non-ambulatory residents	14 N.J.R. 499(a)	R. 1982 d.379	14 N.J.R. 1211(a)
5:27-3.12	Limited tenure residents and boarding houses	15 N.J.R. 375(b)	R. 1983 d.157	15 N.J.R. 804(a)
5:27-4.8, 5.1, 5.3, 5.8, 5.9	Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1210(b)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R. 1982 d.490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1300(c)
5:27-10.6	Boarding houses: self-administration of medicine	14 N.J.R. 499(a)	R. 1982 d.379	14 N.J.R. 1211(a)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1210(b)
5:27-12.2	Boarding houses: rental assistance agreements	15 N.J.R. 587(b)	R. 1983 d.251	15 N.J.R. 1015(c)
5:29	Petitions for rules	13 N.J.R. 259(b)	R. 1981 d.242	13 N.J.R. 395(a)
5:30	Readopted: Local Finance Board rules	15 N.J.R. 463(b)	R. 1983 d.277	15 N.J.R. 1180(a)
5:30	Correction: Local Finance Board rules	15 N.J.R. 463(b)	R. 1983 d.277	15 N.J.R. 1373(b)
5:30-1.11	Realized revenue analysis report	13 N.J.R. 475(a)	R. 1981 d.381	13 N.J.R. 755(a)
5:30-3.3	"Dedication by rider" to local budgets	14 N.J.R. 301(a)	R. 1982 d.186	14 N.J.R. 654(a)
5:30-3.4	Filing of municipal budget amendments	13 N.J.R. 188(a)	R. 1981 d.216	13 N.J.R. 395(b)
5:30-9.2	Form of tax collection record	13 N.J.R. 121(b)	R. 1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	13 N.J.R. 70(d)	R. 1981 d.121	13 N.J.R. 260(b)
5:36	Readopted: Grant rules for Handicapped Persons' Recreational Opportunities Act (recodified as 5:51)	15 N.J.R. 1305(a)	R. 1983 d.443	15 N.J.R. 1759(a)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R. 1982 d.272	14 N.J.R. 912(b)
5:71	County offices on aging	13 N.J.R. 395(c)	R. 1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	12 N.J.R. 385(a)	R. 1981 d.255	13 N.J.R. 397(a)
5:80-5	Housing Finance Agency: transfer of ownership interests	15 N.J.R. 822(a)	R. 1983 d.315	15 N.J.R. 1373(c)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d.288	14 N.J.R. 983(a)
5:100-1.5, 1.6	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R. 1983 d.215	15 N.J.R. 1016(a)
5:100-2	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R. 1983 d.215	15 N.J.R. 1016(a)

(Title 5, Transmittal 16 dated March 19, 1981)

EDUCATION-TITLE 6

6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R. 1982 d.268	14 N.J.R. 913(a)
6:3-1	School districts: general provisions	15 N.J.R. 376(a)	R. 1983 d.248	15 N.J.R. 1016(b)
6:3-1.10	School districts: standards for determining seniority	15 N.J.R. 464(a)	R. 1983 d.255	15 N.J.R. 1017(a)
6:3-3	Readopted: Withdrawal from Limited Purpose Regional School Districts	15 N.J.R. 728(a)	R. 1983 d.368	15 N.J.R. 1468(c)
6:8-1.1, 3.4, 3.8, 4.2, 4.6	Statewide testing program	15 N.J.R. 979(b)	R. 1983 d.458	15 N.J.R. 1759(b)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R. 1983 d.40	15 N.J.R. 244(a)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 978(b)
6:20-4.1, 4.2	Tuition for private schools for handicapped	15 N.J.R. 730(a)	R. 1983 d.369	15 N.J.R. 1469(a)
6:21-1.4	Useful life of school buses	15 N.J.R. 982(b)	R. 1983 d.457	15 N.J.R. 1760(a)
6:21-5.1-5.12	Standards for school buses	15 N.J.R. 383(a)	R. 1983 d.247	15 N.J.R. 1019(a)
6:21-6, 18, 19	Repealed: see 6:21-5.1-5.12	15 N.J.R. 383(a)	R. 1983 d.247	15 N.J.R. 1019(a)
6:28	Readopted: Special Education rules	15 N.J.R. 732(a)	R. 1983 d.348	15 N.J.R. 1470(a)
6:28-5.10, 5.11, 6.10, 6.11	Approval of auxiliary services for private school students	14 N.J.R. 617(a)	R. 1982 d.316	14 N.J.R. 1054(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:39-1.1-1.4	Statewide testing program	15 N.J.R. 979(b)	R. 1983 d.458	15 N.J.R. 1759(b)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R. 1982 d.368	14 N.J.R. 1154(b)
6:64-2.1-2.4	County library reorganization	15 N.J.R. 194(a)	R. 1983 d.199	15 N.J.R. 890(b)
6:66	Archives and History and Records Management: transferred to Department of State by Governor's Reorganization Plan	_____	_____	15 N.J.R. 818(a)
6:66-2.15, 2.17, 2.20, 2.21, 3.12, 3.13	Records Management: microfilm systems and standards	15 N.J.R. 590(a)	R. 1983 d.241	15 N.J.R. 1019(b)
6:68-4.1-4.9	Library Construction Incentive Act rules	15 N.J.R. 196(a)	R. 1983 d.198	15 N.J.R. 890(c)
6:72-77	State Museum: transferred to Department of State by Governor's Reorganization Plan	_____	_____	15 N.J.R. 270
6:79-1.9, 1.11	Child nutrition program changes	14 N.J.R. 1248(b)	R. 1983 d.71	15 N.J.R. 440(a)

(Title 6, Transmittal 18 dated June 21, 1982)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ENVIRONMENTAL PROTECTION-TITLE 7				
7:1A	Water Supply Bond Act loans	14 N.J.R. 10(a)	R. 1982 d. 167	14 N.J.R. 573(c)
7:1A	Extension of application closing date	Public Notice	R. 1982 d. 167	14 N.J.R. 1172(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R. 1982 d. 281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R. 1983 d. 26	15 N.J.R. 141(d)
7:1C-1.5	Fees for 90-day construction permits	13 N.J.R. 123(c)	R. 1981 d. 187	13 N.J.R. 334(b)
7:1C-1.5	Maximum fees for waterfront development permits	13 N.J.R. 564(a)	R. 1981 d. 473	13 N.J.R. 943(b)
7:1C-1.13	90-day construction permits	Procedural	R. 1981 d. 48	13 N.J.R. 128(b)
7:1G	Loan procedures: water supply interconnections	14 N.J.R. 1012(a)	R. 1983 d. 425	15 N.J.R. 1650(b)
7:1H-3.4	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R. 1983 d. 50	15 N.J.R. 330(d)
7:2	Readopted: State Park Service rules	15 N.J.R. 822(b)	R. 1983 d. 320	15 N.J.R. 1373(d)
7:2	State Park Service rules	15 N.J.R. 983(a)	R. 1983 d. 464	15 N.J.R. 1760(b)
7:6-1.37	Water skiing events on private lakes	15 N.J.R. 765(a)	R. 1983 d. 280	15 N.J.R. 1180(b)
7:7-2	Waterfront development permits	13 N.J.R. 73(c)	R. 1981 d. 355	13 N.J.R. 564(b)
7:7A-1.13	Correction to Code: Wetlands maps			14 N.J.R. 1403(a)
7:7A-1.13	Wetlands maps in Atlantic County	15 N.J.R. 119(a)	R. 1983 d. 335	15 N.J.R. 1374(a)
7:7A-1.13	Wetlands maps in Cumberland County	15 N.J.R. 119(a)	R. 1983 d. 401	15 N.J.R. 1576(b)
7:7A-1.13	Wetlands maps in Cape May County	14 N.J.R. 1330(a)	R. 1983 d. 402	15 N.J.R. 1576(a)
7:7A-1.13	Correction: Expiration date of wetlands maps			15 N.J.R. 1645(a)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	13 N.J.R. 75(a)	R. 1981 d. 267	13 N.J.R. 401(b)
7:7E	Coastal Management Program: "Routine implementation" determination			14 N.J.R. 1467(b)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R. 1983 d. 27	15 N.J.R. 142(a)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R. 1982 d. 421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R. 1983 d. 24	15 N.J.R. 142(b)
7:9-2	Readopted: rules on individual subsurface disposal systems	15 N.J.R. 591(a)	R. 1983 d. 243	15 N.J.R. 1042(a)
7:9-4, -5, -6	Water quality standards	12 N.J.R. 108(c)	R. 1981 d. 80	13 N.J.R. 194(b)
7:9-10	Repealed: Duplicative review of Pinelands and coastal area sewerage installation	15 N.J.R. 1155(a)	R. 1983 d. 432	15 N.J.R. 1654(b)
7:9-8,-11,-14	Repealed	12 N.J.R. 108(c)	R. 1981 d. 80	13 N.J.R. 194(b)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewerage approval	14 N.J.R. 504(a)	R. 1982 d. 298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R. 1982 d. 298	14 N.J.R. 979(a)
7:9-13.3, 13.5, 13.6	Sewer extension ban	12 N.J.R. 639(b)	R. 1981 d. 224	13 N.J.R. 402(a)
7:10	Readopted: Safe Drinking Water Act rules	15 N.J.R. 592(a)	R. 1983 d. 244	15 N.J.R. 1019(c)
7:10-8	Repealed: See 7:18	13 N.J.R. 260(d)	R. 1981 d. 279	13 N.J.R. 481(c)
7:11-2	Consolidated Rate Schedule: D&R Canal and Spruce Run-Round Valley	15 N.J.R. 122(a)	R. 1983 d. 191	15 N.J.R. 891(a)
7:11-2, -4	Water rate schedule: D and R, Spruce Run-Round Valley	14 N.J.R. 681(a)	R. 1982 d. 455	14 N.J.R. 1449(b)
7:11-4	Repealed (see 7:11-2)	15 N.J.R. 122(a)	R. 1983 d. 191	15 N.J.R. 891(a)
7:12	Readopted: Shellfish-Growing Water Classification	15 N.J.R. 595(a)	R. 1983 d. 249	15 N.J.R. 1020(a)
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	13 N.J.R. 191(b)	R. 1981 d. 190	13 N.J.R. 339(b)
7:12-1.2-1.5	Shellfish beds: Reclassification	14 N.J.R. 310(a)	R. 1982 d. 182	14 N.J.R. 655(a)
7:12-1.3	Condemnation of certain shellfish areas	13 N.J.R. 566(a)	R. 1981 d. 431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	13 N.J.R. 191(b)	R. 1981 d. 190	13 N.J.R. 339(b)
7:12-2.9, 2.12	Correction: Shellfish transplant and processing programs	15 N.J.R. 595(a)	R. 1983 d. 249	15 N.J.R. 1761(a)
7:13-1.11(b)7	Flood plain delineation of Great Egg Harbor River	12 N.J.R. 506(a)	R. 1981 d. 88	13 N.J.R. 194(d)
7:13-1.11(b)8	Flood plain delineation of Mullica River and tributaries	12 N.J.R. 506(b)	R. 1981 d. 7	13 N.J.R. 194(c)
7:13-1.11(d)49	Flood hazard area delineations	12 N.J.R. 640(b)	R. 1981 d. 144	13 N.J.R. 339(c)
7:13-1.11(d)50	Flood hazard area delineations	12 N.J.R. 640(a)	R. 1981 d. 145	13 N.J.R. 340(a)
7:13-1.11(c)17	Delaware Basin floodway delineations	13 N.J.R. 805(a)	R. 1982 d. 154	14 N.J.R. 472(b)
7:13-1.11(b)9	Floodway delineations along Tuckahoe River	13 N.J.R. 921(a)	R. 1982 d. 155	14 N.J.R. 473(a)
7:13-1.11(d)47	Floodway delineations in Hackensack basin	14 N.J.R. 19(a)	R. 1982 d. 156	14 N.J.R. 473(b)
7:13-1.11(d)39	Floodway delineations: Woodbridge and Rahway rivers	13 N.J.R. 920(a)	R. 1982 d. 157	14 N.J.R. 473(c)
7:13-1.11(b)5	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R. 1982 d. 209	14 N.J.R. 755(c)
7:13-1.11(d)31	Delineated streams in Somerset County	14 N.J.R. 367(a)	R. 1982 d. 392	14 N.J.R. 1211(b)
7:13-1.11(d)42	Floodway delineations in Union County	14 N.J.R. 870(a)	R. 1982 d. 428	14 N.J.R. 1365(c)
7:13-1.11(b)6	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R. 1982 d. 430	14 N.J.R. 1365(d)
7:13-1.11(c)2	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R. 1982 d. 431	14 N.J.R. 1366(a)
7:13-1.11(c)27	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R. 1982 d. 432	14 N.J.R. 1366(b)
7:13-1.11(d)48	Floodway delineations in Morris County	14 N.J.R. 870(b)	R. 1982 d. 453	14 N.J.R. 1451(a)
7:13-1.11(d)48	Floodway delineations in Essex County	14 N.J.R. 1027(a)	R. 1982 d. 478	15 N.J.R. 32(b)
7:13-1.11(d)1	Floodway delineations in Hunterdon County	14 N.J.R. 1131(b)	R. 1983 d. 109	15 N.J.R. 622(c)
7:13-1.11(c)28	Floodway delineations in Burlington County	14 N.J.R. 1434(a)	R. 1983 d. 135	15 N.J.R. 689(b)
7:13-1.11(d)42	Floodway delineations in Somerset-Union counties	14 N.J.R. 1131(a)	R. 1983 d. 136	15 N.J.R. 690(a)
7:13-1.11(c)29	Floodway delineations in Somerset County	14 N.J.R. 1134(a)	R. 1983 d. 168	15 N.J.R. 893(a)
7:13-1.11(b)10	Flood delineations in Ocean-Monmouth counties	14 N.J.R. 1189(a)	R. 1983 d. 197	15 N.J.R. 894(a)
7:13-1.11(d)47	Floodway delineation along Mill Brook in Montvale	15 N.J.R. 989(a)	R. 1983 d. 405	15 N.J.R. 1576(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:13-1.11(c)	Floodway delineations in Mercer County	14 N.J.R. 1132(a)	R. 1983 d.462	15 N.J.R. 1761(b)
7:13-1.11(d)45	Floodways along the Raritan River	15 N.J.R. 659(a)	R. 1983 d.463	15 N.J.R. 1761(c)
7:13-1.11	Readopted: Delineated Floodway rules	15 N.J.R. 839(a)	R. 1983 d.321	15 N.J.R. 1374(b)
7:14	Pollutant discharge and waste management	12 N.J.R. 569(f)	R. 1981 d.84	13 N.J.R. 194(c)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R. 1982 d.338	14 N.J.R. 1155(b)
7:14-2.12	Correction: Select trench backfill payment width	14 N.J.R. 75(a)	R. 1982 d.338	15 N.J.R. 440(b)
7:14-5, App. A	Statewide septage management	13 N.J.R. 124(a)	R. 1982 d.82	14 N.J.R. 336(c)
7:14A	Conditions for users of DTW	12 N.J.R. 569(f)	R. 1981 d.84	13 N.J.R. 194(c)
7:14A	Readopted: NJPDES permit program rules	15 N.J.R. 606(a)	R. 1983 d.260	15 N.J.R. 1094(c)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R. 1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R. 1983 d.9	15 N.J.R. 145(a)
7:14A-4	Industrial waste management facilities	12 N.J.R. 569(f)	R. 1981 d.373	13 N.J.R. 705(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R. 1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R. 1982 d.310	14 N.J.R. 1054(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R. 1983 d.9	15 N.J.R. 145(a)
7:14A-11, 13.1	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d.97	14 N.J.R. 338(a)
7:14A-13.4	Pollutant discharge and waste management	13 N.J.R. 89(a)	R. 1981 d.214	13 N.J.R. 403(a)
7:17	Hard clam depuration pilot plant program	12 N.J.R. 253(a)	R. 1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	13 N.J.R. 260(d)	R. 1981 d.279	13 N.J.R. 481(c)
7:19	Water diversion and water supply allocation permits	13 N.J.R. 639(a)	R. 1981 d.488	14 N.J.R. 42(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R. 1982 d.239	14 N.J.R. 834(f)
7:19-3.9	Annual review: fee schedule for water supply allocation			15 N.J.R. 950(a)
7:19-4	Diversion assessment and payment for public water supply	15 N.J.R. 276(a)	R. 1983 d.400	15 N.J.R. 1577(a)
7:21	Water policy and supply council	Organizational	R. 1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	13 N.J.R. 481(d)	R. 1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	13 N.J.R. 192(a)	R. 1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	13 N.J.R. 9(a)	R. 1981 d.104	13 N.J.R. 195(b)
7:25-2	Use of Wildlife Management Areas	15 N.J.R. 840(a)	R. 1983 d.336	15 N.J.R. 1374(c)
7:25-2.14	Field trials and horseback riding permits	15 N.J.R. 387(a)	R. 1983 d.185	15 N.J.R. 894(b)
7:25-4.6	Nongame and exotic wildlife inspection	13 N.J.R. 806(a)	R. 1981 d.513	14 N.J.R. 102(a)
7:25-5	Game Code	13 N.J.R. 262(a)	R. 1981 d.253	13 N.J.R. 403(c)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R. 1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982-83 Game Code changes	14 N.J.R. 871(a)	R. 1982 d.351	14 N.J.R. 1158(a)
7:25-5	1983-1984 Game Code	15 N.J.R. 771(a)	R. 1983 d.302	15 N.J.R. 1247(b)
7:25-6	1982-1983 Fish Code	13 N.J.R. 483(a)	R. 1981 d.470	13 N.J.R. 887(a)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R. 1982 d.429	14 N.J.R. 1366(c)
7:25-7.2	Oyster seed beds recodification	13 N.J.R. 193(a)	R. 1981 d.189	13 N.J.R. 340(b)
7:25-7.10	Taking of oysters	13 N.J.R. 125(a)	R. 1981 d.199	13 N.J.R. 403(d)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R. 1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging	13 N.J.R. 125(b)	R. 1981 d.200	13 N.J.R. 404(a)
7:25-9.1	Taking of hard clams: size tolerance control	14 N.J.R. 689(a)	R. 1983 d.270	15 N.J.R. 1095(a)
7:25-9.2	Hard clam harvest penalties	13 N.J.R. 404(b)	R. 1981 d.362	13 N.J.R. 706(a)
7:25-9.2	Penalties for harvesting undersized clams	15 N.J.R. 1220(a)	R. 1983 d.461	15 N.J.R. 1762(a)
7:25-9.4	Bay scallops	13 N.J.R. 126(a)	R. 1981 d.256	13 N.J.R. 404(c)
7:25-12.1	Sea clam harvesting	Emergency	R. 1981 d.448	13 N.J.R. 843(a)
7:25-12.1	Harvest of sea clams	13 N.J.R. 613(a)	R. 1981 d.486	13 N.J.R. 943(c)
7:25-12.1	1982 sea clam harvest limits	Emergency	R. 1982 d.80	14 N.J.R. 288(a)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R. 1982 d.393	14 N.J.R. 1213(a)
7:25-14	Atlantic Coast crabbing	13 N.J.R. 262(b)	R. 1981 d.299	13 N.J.R. 546(a)
7:25-14	Crab pots	15 N.J.R. 388(b)	R. 1983 d.291	15 N.J.R. 1181(a)
7:25-14.8-14.10	Crab harvesting	13 N.J.R. 645(a)	R. 1982 d.169	14 N.J.R. 578(a)
7:25-15.1	Hard clam relay program	13 N.J.R. 645(b)	R. 1982 d.117	14 N.J.R. 387(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R. 1982 d.411	14 N.J.R. 1300(d)
7:25-16.1	Upstream line revisions	13 N.J.R. 484(a)	R. 1981 d.469	13 N.J.R. 887(b)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R. 1982 d.454	14 N.J.R. 1451(b)
7:25-18A	Readopted: Fisheries closures and advisories	15 N.J.R. 39(a)	R. 1983 d.102	15 N.J.R. 543(c)
7:25-21	Terrapin	13 N.J.R. 126(b)	R. 1981 d.198	13 N.J.R. 405(a)
7:25-22.1	Marine finfish: Menhaden season	14 N.J.R. 945(a)	R. 1983 d.137	15 N.J.R. 690(b)
7:25A-1.1	Emergency: Oyster dredging license moratorium	Emergency	R. 1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	13 N.J.R. 192(b)	R. 1981 d.188	13 N.J.R. 340(c)
7:25A-1.1, 1.2, 2.1, 2.3-2.5	Oyster dredging and management	15 N.J.R. 990(a)	R. 1983 d.351	15 N.J.R. 1473(a)
7:25A-2.1-2.7	Oyster management in Delaware Bay	13 N.J.R. 192(c)	R. 1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	13 N.J.R. 193(a)	R. 1981 d.189	13 N.J.R. 340(b)
7:25A-3.1	1982 seed oyster season	14 N.J.R. 264(a)	R. 1982 d.148	14 N.J.R. 426(b)
7:25A-3.1	1983 oyster seed bed season	15 N.J.R. 200(a)	R. 1983 d.161	15 N.J.R. 804(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:26-1	Solid waste administration	12 N.J.R. 511(a)	R.1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-1.1	Pollutant discharge and waste management	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:26-1.1, 1.4	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-1.4	Correction: Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 333(a)
7:26-1.4	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R.1983 d.192	15 N.J.R. 894(c)
7:26-1.4	Hazardous waste: gas cylinder facility exemption	15 N.J.R. 390(a)	R.1983 d.350	15 N.J.R. 1474(a)
7:26-1.7	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-1.8	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:26-2.9, 2.13	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R.1983 d.192	15 N.J.R. 894(c)
7:26-2.14	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-3.2,4.7	Solid waste collection and haulage	Procedural	R.1981 d.49	13 N.J.R. 129(a)
7:26-3.8	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-4	Readopted: solid waste fee schedules	15 N.J.R. 662(a)	R.1983 d.269	15 N.J.R. 1095(b)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R.1982 d.289	14 N.J.R. 979(b)
7:26-4.10	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R.1983 d.50	15 N.J.R. 330(d)
7:26-5.5	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	15 N.J.R. 900(a)
7:26-7, -8	Solid waste administration	12 N.J.R. 511(a)	R.1981 d.281	13 N.J.R. 484(b)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7	Waste oil management as hazardous material	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-7.6	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-8.13, 8.15	Waste oil management	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	Emergency	R.1983 d.292	15 N.J.R. 1184(a)
7:26-8.16	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9.1, 9.2, 9.4, -10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-9.1, 12.1	Gas cylinder facility exemption	15 N.J.R. 390(a)	R.1983 d.350	15 N.J.R. 1474(a)
7:26-11, -12	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-12.2	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:26-12.3	Permits for existing hazardous waste facilities	15 N.J.R. 1063(a)	R.1983 d.403	15 N.J.R. 1578(a)
7:26-13	Siting of new hazardous waste facilities	15 N.J.R. 113(a)	R.1983 d.276	15 N.J.R. 1096(a)
7:26-13.7	Siting of commercial hazardous waste facilities	15 N.J.R. 1064(a)	R.1983 d.406	15 N.J.R. 1579(a)
7:26-14	Resource recovery grants	13 N.J.R. 9(a)	R.1981 d.184	13 N.J.R. 340(d)
7:26-14	Codification correction: Resource recovery grants	13 N.J.R. 9(a)	R.1981 d.184	15 N.J.R. 147(a)
7:26-15	Recycling of municipal solid waste (joint adoption, see 14A:6)	13 N.J.R. 865(a)	R.1982 d.32	14 N.J.R. 206(b)
7:26-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R.1983 d.119	15 N.J.R. 622(d)
7:27-2	Control and prohibition of open burning	12 N.J.R. 690(a)	R.1981 d.135	13 N.J.R. 264(a)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R.1982 d.456	14 N.J.R. 1452(a)
7:27-10	Sulfur in coal	12 N.J.R. 571(a)	R.1981 d.185	13 N.J.R. 341(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	Emergency	R.1983 d.407	15 N.J.R. 1607(a)
7:27-16	Air pollution control: Volatile organic substances	13 N.J.R. 127(a)	R.1982 d.3	14 N.J.R. 145(b)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R.1982 d.457	14 N.J.R. 1455(a)
7:28-41	Mercury vapor lamps	13 N.J.R. 9(b)	R.1981 d.464	13 N.J.R. 887(c)
7:29B	Noise measurement	13 N.J.R. 127(b)	R.1982 d.81	14 N.J.R. 339(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R.1982 d.435	14 N.J.R. 1385(a)
7:30-3, -5, -6, -7	State Pesticide Control Code	14 N.J.R. 787(a)	R.1983 d.166	15 N.J.R. 915(a)
7:30-10	State Pesticide Control Code: Pesticide use	14 N.J.R. 787(a)	R.1983 d.63	15 N.J.R. 333(b)
7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R.1982 d.231	14 N.J.R. 835(a)
7:38-1.17	Wild and scenic rivers addition	13 N.J.R. 568(a)	R.1982 d.2	14 N.J.R. 147(a)
7:50	Pinelands management	13 N.J.R. 569(a)	R.1982 d.131	14 N.J.R. 388(a)
7:50	Pinelands Comprehensive Management Plan and Sunset Provision	Public Notice	_____	14 N.J.R. 1102(b)

(Title 7, Transmittal 16 dated January 14, 1981; 7:7E, Transmittal 17 dated June 21, 1982)

HEALTH-TITLE 8

8:13-2.1, 2.3, 2.4,	Soft-shell clam depuration	14 N.J.R. 415(a)	R.1982 d.241	14 N.J.R. 835(b)
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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
2.7-2.9, 2.11, 2.13-2.15				
8:18-1	Repealed: Children's boarding home rules	14 N.J.R. 1436(b)	R. 1983 d. 101	15 N.J.R. 544(a)
8:21-2.34	Repealed (see 8:21-12)	14 N.J.R. 1265(a)	R. 1983 d. 115	15 N.J.R. 623(a)
8:21-3.23	Legal animal repellants	14 N.J.R. 79(a)	R. 1982 d. 123	14 N.J.R. 389(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R. 1982 d. 451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R. 1983 d. 41	15 N.J.R. 244(b)
8:21-9	Readopted: Licensing rules for food and cosmetic plants	15 N.J.R. 609(a)	R. 1983 d. 345	15 N.J.R. 1475(a)
8:21-9.5	License fees for wholesale food and cosmetic plants	15 N.J.R. 1317(a)	R. 1983 d. 456	15 N.J.R. 1762(b)
8:21-10	Designated fluid milk products	12 N.J.R. 643(c)	R. 1980 d. 539	13 N.J.R. 13(f)
8:21-12	Nonalcoholic beverages and bottled water	14 N.J.R. 1265(a)	R. 1983 d. 115	15 N.J.R. 623(a)
8:21-12.5	Correction: labeling of bottled water	15 N.J.R. 623(a)		15 N.J.R. 809(a)
8:22-1	State Sanitary Code—Campgrounds	13 N.J.R. 130(a)	R. 1981 d. 161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	12 N.J.R. 577(d)	R. 1980 d. 499	13 N.J.R. 13(c)
8:23-1.4	Psittacosis testing of quarantined birds	15 N.J.R. 466(a)	R. 1983 d. 207	15 N.J.R. 918(a)
8:24	Retail food establishments; vending machines	14 N.J.R. 509(a)	R. 1983 d. 98	15 N.J.R. 544(b)
8:24	Correction: retail food establishments		R. 1983 d. 98	15 N.J.R. 809(b)
8:25	Readopted: Youth Camp Safety rules	15 N.J.R. 467(a)	R. 1983 d. 186	15 N.J.R. 918(b)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R. 1982 d. 476	15 N.J.R. 33(a)
8:30	Expiration date	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:30	Repealed (see 8:39)	15 N.J.R. 279(a)	R. 1983 d. 236	15 N.J.R. 1022(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:30-14	Recodified as 8:39-27	15 N.J.R. 279(a)	R. 1983 d. 236	15 N.J.R. 1022(b)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R. 1982 d. 273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R. 1982 d. 274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R. 1982 d. 275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved	14 N.J.R. 1331(a)	R. 1983 d. 28	15 N.J.R. 147(b)
8:31-26.1	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R. 1983 d. 235	15 N.J.R. 1021(a)
8:31-26.3	All health care facilities: Employee physicals	14 N.J.R. 1274(a)	R. 1983 d. 69	15 N.J.R. 337(a)
8:31-26.3	Health care facilities: employee physical exams	15 N.J.R. 470(a)	R. 1983 d. 234	15 N.J.R. 1022(a)
8:31-26.4	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:31-26.4	Correction: Child abuse reporting	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 756(a)
8:31-26.5	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:31-27	Megavoltage radiation (recodified as 8:331)	13 N.J.R. 406(b)	R. 1981 d. 406	13 N.J.R. 756(b)
8:31-28.1, 28.3	Need and designation of regional services	12 N.J.R. 515(a)	R. 1980 d. 528	13 N.J.R. 13(d)
8:31-30.1	Plan Review Fee multiplier	13 N.J.R. 265(b)	R. 1981 d. 284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	13 N.J.R. 266(a)	R. 1981 d. 325	13 N.J.R. 571(c)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R. 1982 d. 452	14 N.J.R. 1456(b)
8:31A-7	SHARE Manual: relief from overspending challenge	15 N.J.R. 200(b)	R. 1983 d. 201	15 N.J.R. 918(c)
8:31A-8.1	Hospital reporting: medical discharge abstract	15 N.J.R. 470(b)	R. 1983 d. 338	15 N.J.R. 1374(d)
8:31A-9.2	Correction to Code: SHARE Manual	10 N.J.R. 534(c)	R. 1979 d. 25	14 N.J.R. 44(a)
8:31A-10.1	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d. 38	14 N.J.R. 208(a)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	13 N.J.R. 410(a)	R. 1981 d. 404	13 N.J.R. 756(c)
8:31B-3	Hospital procedural and methodological regulations	12 N.J.R. 515(b)	R. 1980 d. 455	12 N.J.R. 645(c)
8:31B-3	Procedural and methodological regulations	13 N.J.R. 486(b)	R. 1981 d. 494	14 N.J.R. 45(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R. 1982 d. 427	15 N.J.R. 43(a)
8:31B-3	Hospital rate setting: RIM and other 1983 changes	14 N.J.R. 737(a)	R. 1982 d. 427	14 N.J.R. 1389(a)
8:31B-3.19	Hospital rate setting: Patient care cost finding	14 N.J.R. 737(a)	R. 1983 d. 194	15 N.J.R. 919(a)
8:31B-3.20D	Rate of return: For-profit hospitals	13 N.J.R. 266(b)	R. 1981 d. 290	13 N.J.R. 486(c)
8:31B-3.26, 3.72	Hospital rate setting: economic factor; periodic adjustments	15 N.J.R. 471(a)	R. 1983 d. 206	15 N.J.R. 920(a)
8:31B-3.27, 3.73	Hospital rate setting: capital facilities; reconciliation	15 N.J.R. 201(a)	R. 1983 d. 200	15 N.J.R. 920(b)
8:31B-4	Hospital financial elements and reporting regulations	12 N.J.R. 516(a)	R. 1980 d. 453	12 N.J.R. 645(a)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R. 1982 d. 449	14 N.J.R. 1457(a)
8:31B-4.62	Excluded health care services	12 N.J.R. 643(d)	R. 1981 d. 10	13 N.J.R. 92(a)
8:31B-5.1, 5.2, 5.3	Diagnostic related groups	13 N.J.R. 726(b)	R. 1982 d. 27	14 N.J.R. 147(b)
8:31B-6.1-6.5	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d. 38	14 N.J.R. 208(a)
8:33	Certificate of Need application changes	13 N.J.R. 267(a)	R. 1981 d. 296	13 N.J.R. 487(b)
8:33-2.2	Batching cycle for long-term care facilities	15 N.J.R. 307(b)	R. 1983 d. 205	15 N.J.R. 920(c)
8:33D-1.3	Regional hemophilia care centers	13 N.J.R. 727(a)	R. 1982 d. 26	14 N.J.R. 147(c)
8:33E-1.1	Cardiac diagnostic facilities	13 N.J.R. 649(a)	R. 1982 d. 24	14 N.J.R. 147(d)
8:33E-2.2	Cardiac surgical centers	13 N.J.R. 651(a)	R. 1982 d. 25	14 N.J.R. 147(e)
8:33F	Regional renal disease services: certification of need	15 N.J.R. 1221(a)	R. 1983 d. 431	15 N.J.R. 1654(c)
8:33F-1.1-1.4, 1.6, 1.7	Regional end-stage renal services	13 N.J.R. 922(b)	R. 1982 d. 143	14 N.J.R. 426(c)
8:33G	Certificate of Need reviews: CT scanners	13 N.J.R. 487(c)	R. 1981 d. 472	13 N.J.R. 944(a)
8:33G-1.2, 1.4	CT scanners: Need review	14 N.J.R. 1275(a)	R. 1983 d. 64	15 N.J.R. 337(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:33H-3.3	Medicare and Medicaid beds in long-term care	14 N.J.R. 191(a)	R. 1982 d. 180	14 N.J.R. 578(b)
8:33H-3.3	Long-term care: expansion and new construction	15 N.J.R. 473(a)	R. 1983 d. 195	15 N.J.R. 921(a)
8:33H-3.10	Long-term care: bed need methodology	15 N.J.R. 1226(a)	R. 1983 d. 429	15 N.J.R. 1656(a)
8:33I	Megavoltage radiation units (recodified from 8:31-27)	13 N.J.R. 406(b)	R. 1981 d. 406	13 N.J.R. 756(b)
8:37	Expiration date	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:37	Intermediate care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:37	Repealed (see 8:39)	15 N.J.R. 279(a)	R. 1983 d. 236	15 N.J.R. 1022(b)
8:37-4.7	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:39	Licensure of long-term care facilities	15 N.J.R. 279(a)	R. 1983 d. 236	15 N.J.R. 1022(b)
8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:39-1	Foreword: Amend operational dates	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.1	Long term care standards	13 N.J.R. 268(a)	R. 1981 d. 285	13 N.J.R. 495(a)
8:39-1.1, 1.16-1.21	Long-term care facilities: Licensure standards	14 N.J.R. 193(a)	R. 1982 d. 146	14 N.J.R. 427(a)
8:39-1.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:39-1.33	LTC facilities: Construction standards	13 N.J.R. 809(a)	R. 1982 d. 276	14 N.J.R. 916(c)
8:39-1.34	LTC facilities: Additional standards	13 N.J.R. 809(b)	R. 1982 d. 277	14 N.J.R. 916(d)
8:39-1.35	Operational dates	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:40	Repealed: interim rules for abortion facilities	15 N.J.R. 308(a)	R. 1983 d. 202	15 N.J.R. 922(a)
8:42-1.4, 2.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:42-1.8	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:42-2	Readopted: Inpatient drug treatment facilities	14 N.J.R. 812(a)	R. 1982 d. 391	14 N.J.R. 1214(a)
8:42-2	Repealed (see 8:42B)	15 N.J.R. 397(a)	R. 1983 d. 309	15 N.J.R. 1248(a)
8:42A	Alcoholism treatment facilities	13 N.J.R. 217(b)	R. 1981 d. 236	13 N.J.R. 411(a)
8:42A-2.2	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:42B	Drug treatment facilities: licensure	15 N.J.R. 397(a)	R. 1983 d. 309	15 N.J.R. 1248(a)
8:43-1.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43-2.6	Residential health care facilities	15 N.J.R. 8(a)	R. 1983 d. 90	15 N.J.R. 440(c)
8:43-2.13	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d. 529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	13 N.J.R. 495(c)	R. 1981 d. 402	13 N.J.R. 756(d)
8:43-3.22	Fire safety in residential care homes	14 N.J.R. 194(a)	R. 1982 d. 145	14 N.J.R. 427(b)
8:43-3.22	Fire protection in residential health care	15 N.J.R. 991(a)	R. 1983 d. 462	15 N.J.R. 1657(a)
8:43-4.13	Residential care facilities: personal needs allowance	15 N.J.R. 309(a)	R. 1983 d. 204	15 N.J.R. 923(a)
8:43-4.13, 4.14	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-4.14	Repealed (see 8:43-7)	15 N.J.R. 992(a)	R. 1983 d. 428	15 N.J.R. 1658(a)
8:43-6.9	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d. 529	13 N.J.R. 13(e)
8:43-7	Resident rights in residential health care	15 N.J.R. 992(a)	R. 1983 d. 428	15 N.J.R. 1658(a)
8:43-7.1	Residential health care facilities	15 N.J.R. 8(a)	R. 1983 d. 90	15 N.J.R. 440(c)
8:43-8	Residential health care: maintenance and monitoring services	15 N.J.R. 309(b)	R. 1983 d. 430	15 N.J.R. 1660(a)
8:43A	Readopted: rules on Ambulatory Care Facilities	15 N.J.R. 994(a)	R. 1983 d. 427	15 N.J.R. 1662(a)
8:43A-1.5	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	13 N.J.R. 810(a)	R. 1982 d. 278	14 N.J.R. 916(e)
8:43A-3.1	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:43A-8.1	Ambulatory care facilities: Surgical services	15 N.J.R. 9(a)	R. 1983 d. 92	15 N.J.R. 440(d)
8:43A-9.4, 9.7, 9.11	Drug abuse treatment centers	14 N.J.R. 529(a)	R. 1982 d. 390	14 N.J.R. 1214(b)
8:43A-9.9	Outpatient drug abuse counseling	15 N.J.R. 10(a)	R. 1983 d. 91	15 N.J.R. 441(a)
8:43B-1.8	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43B-1.13	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:43B-3.1, 3.1A	Hospital construction standards	13 N.J.R. 811(a)	R. 1982 d. 279	14 N.J.R. 916(f)
8:43B-6	Readopted: Hospital Medical Staff rules	15 N.J.R. 1065(a)	R. 1983 d. 469	15 N.J.R. 1762(c)
8:43B-8.3	Early detection of biochemical disorders in newborn infants	15 N.J.R. 311(a)	R. 1983 d. 203	15 N.J.R. 923(b)
8:43B-8.3, 8.6	Hospital facilities: Maternal and newborn services	14 N.J.R. 1276(a)	R. 1983 d. 68	15 N.J.R. 338(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	13 N.J.R. 812(a)	R. 1982 d. 280	14 N.J.R. 917(a)
8:43F-2.3	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43F-3.3	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R. 1983 d. 235	15 N.J.R. 1021(a)
8:43F-3.26	Medical day care in long-term facilities	15 N.J.R. 11(a)	R. 1983 d. 89	15 N.J.R. 441(b)
8:43F-4.3, 4.20	Medical day care: admission physical; social workers	15 N.J.R. 312(a)	R. 1983 d. 208	15 N.J.R. 923(c)
8:45-1.3	Licensure of clinical laboratories	13 N.J.R. 653(a)	R. 1981 d. 493	14 N.J.R. 45(b)
8:57-1.1	Reportable diseases	14 N.J.R. 1277(a)	R. 1983 d. 67	15 N.J.R. 338(b)
8:57-1.1-1.18	Reportable disease rules	12 N.J.R. 577(e)	R. 1980 d. 498	13 N.J.R. 13(b)
8:57-4	Readopted: Immunization of Pupils in Schools	15 N.J.R. 781(a)	R. 1983 d. 311	15 N.J.R. 1253(a)
8:57-4.5, 4.10, 4.12, 4.13, 4.15, 4.16	Immunization of pupils in school	13 N.J.R. 738(a)	R. 1981 d. 502	14 N.J.R. 45(c)
8:65	Administrative corrections	_____	_____	15 N.J.R. 164(b)

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8:65-1.1	Controlled dangerous substances: Registration fees	14 N.J.R. 1191(b)	R. 1983 d.29	15 N.J.R. 147(c)
8:65-7.5	Prescriptions for controlled substances: time limits	15 N.J.R. 125(a)	R. 1983 d.193	15 N.J.R. 923(d)
8:65-7.8	CDS prescription filling requirements	13 N.J.R. 130(b)	R. 1981 d.452	13 N.J.R. 845(a)
8:65-7.10	CDS: Prescriptions in LTCF's	13 N.J.R. 130(c)	R. 1981 d.453	13 N.J.R. 845(b)
8:65-7.14, 7.18	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d.124	14 N.J.R. 389(b)
8:65-8.7	Controlled dangerous substances	13 N.J.R. 131(a)	R. 1981 d.238	13 N.J.R. 411(b)
8:65-10	Controlled dangerous substances: schedule changes	15 N.J.R. 844(a)	R. 1983 d.339	15 N.J.R. 1375(a)
8:65-10.1, 10.2	Controlled dangerous substances	Emergency	R. 1981 d.50	13 N.J.R. 132(b)
8:65-10.1, 10.2	Rescheduling of methaqualone	14 N.J.R. 1029(b)	R. 1982 d.450	14 N.J.R. 1457(b)
8:65-10.1, 10.3, 10.4	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d.124	14 N.J.R. 389(b)
8:65-10.4, 10.8	Controlled dangerous substances	Emergency	R. 1981 d.50	13 N.J.R. 132(b)
8:65-10.5	Loperamide removed from Controlled Substances	15 N.J.R. 126(a)	R. 1983 d.171	15 N.J.R. 924(a)
8:70	Redopted: Drug Evaluation and Acceptance Criteria	15 N.J.R. 845(a)	R. 1983 d.422	15 N.J.R. 1663(a)
8:70-1.4	Resubmission of rejected generic drug products	14 N.J.R. 1030(a)	R. 1983 d.33	15 N.J.R. 147(d)
8:71	Interchangeable drug products	12 N.J.R. 465(a)	R. 1980 d.454	12 N.J.R. 645(b)
8:71	Interchangeable drug products	12 N.J.R. 516(b)	R. 1981 d.25	13 N.J.R. 131(b)
8:71	Interchangeable drug products	12 N.J.R. 465(b)	R. 1981 d.26	13 N.J.R. 131(c)
8:71	Interchangeable drug products	Emergency	R. 1981 d.27	13 N.J.R. 132(a)
8:71	Interchangeable drug products	12 N.J.R. 644(b)	R. 1981 d.81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	13 N.J.R. 269(a)	R. 1981 d.364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	12 N.J.R. 644(b)	R. 1981 d.405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	13 N.J.R. 354(a)	R. 1981 d.403	13 N.J.R. 757(b)
8:71	Interchangeable drug products	13 N.J.R. 654(a)	R. 1981 d.503	14 N.J.R. 45(d)
8:71	Correction: Generic drug list	13 N.J.R. 654(a)	R. 1981 d.503	14 N.J.R. 102(b)
8:71	Generic drug list additions	13 N.J.R. 217(c)	R. 1982 d.58	14 N.J.R. 235(a)
8:71	Amitriptyline addition	14 N.J.R. 22(b)	R. 1982 d.106	14 N.J.R. 342(a)
8:71	Generic drug list additions	14 N.J.R. 22(a)	R. 1982 d.115	14 N.J.R. 389(c)
8:71	Additions to generic drug list	14 N.J.R. 22(a)	R. 1982 d.197	14 N.J.R. 655(b)
8:71	Additions to generic drug list	14 N.J.R. 369(a)	R. 1982 d.240	14 N.J.R. 836(a)
8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R. 1982 d.240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R. 1982 d.371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R. 1982 d.372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R. 1982 d.373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R. 1982 d.374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R. 1982 d.426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R. 1982 d.426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R. 1982 d.488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R. 1982 d.489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R. 1983 d.30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R. 1983 d.31	15 N.J.R. 148(a)
8:71	Steri-med 50mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R. 1983 d.32	15 N.J.R. 148(b)
8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R. 1983 d.34	15 N.J.R. 149(a)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R. 1983 d.65	15 N.J.R. 339(a)
8:71	Generic drug list changes	14 N.J.R. 888(a)	R. 1983 d.138	15 N.J.R. 690(c)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R. 1983 d.139	15 N.J.R. 691(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R. 1983 d.140	15 N.J.R. 691(b)
8:71	Oxycodones; Schedule II policy	14 N.J.R. 1077(a)	_____	15 N.J.R. 700(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R. 1983 d.272	15 N.J.R. 1100(a)
8:71	Generic drug list addition	14 N.J.R. 690(a)	R. 1983 d.273	15 N.J.R. 1100(b)
8:71	Generic drug list changes	15 N.J.R. 126(b)	R. 1983 d.274	15 N.J.R. 1100(c)

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION—TITLE 9

9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R. 1982 d.219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R. 1982 d.444	14 N.J.R. 1458(a)
9:2-2.25	Correction: State college retirement	14 N.J.R. 947(a)	R. 1982 d.444	15 N.J.R. 809(c)
9:2-13.1-13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R. 1982 d.493	15 N.J.R. 91(b)
9:3-1.1	Approval of renovation projects	15 N.J.R. 1070(a)	R. 1983 d.447	15 N.J.R. 1767(a)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R. 1982 d.335	14 N.J.R. 1099(a)
9:4-1.6	County colleges: General education requirements	15 N.J.R. 203(a)	R. 1983 d.147	15 N.J.R. 805(a)
9:4-3.1, 3.10	County college annual audit	14 N.J.R. 318(a)	R. 1982 d.218	14 N.J.R. 757(a)
9:4-3.4	Correction: Assets to be capitalized by county colleges	_____	_____	15 N.J.R. 700(b)
9:4-5	County colleges reduction in force rules	15 N.J.R. 128(a)	R. 1983 d.146	15 N.J.R. 805(b)
9:5-1.5	State funding for senior citizens	15 N.J.R. 73(b)	R. 1983 d.118	15 N.J.R. 625(a)
9:7	Readopted: Student Assistance Programs	15 N.J.R. 129(a)	R. 1983 d.126	15 N.J.R. 692(a)
9:7-2.3	Foreign nationals and student assistance eligibility	15 N.J.R. 1071(a)	R. 1983 d.468	15 N.J.R. 1768(a)

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9:7-2.10	Student Assistance Programs: minimum academic progress	15 N.J.R. 205(a)	R. 1983 d.261	15 N.J.R. 1101(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 206(a)	R. 1983 d.250	15 N.J.R. 1032(a)
9:9	Readopted: Student Loan Program rules	15 N.J.R. 475(a)	R. 1983 d.413	15 N.J.R. 1663(b)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R. 1982 d.385	14 N.J.R. 1214(c)
9:11-1.5, 1.16	Educational Opportunity Fund financial aid rules	15 N.J.R. 206(b)	R. 1983 d.170	15 N.J.R. 924(b)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R. 1982 d.385	14 N.J.R. 1214(c)

(Title 9, Transmittal 17 dated June 21, 1982)

HUMAN SERVICES—TITLE 10

10:1-2	Public comments and petitions regarding department rules	—————	R. 1983 d.165	15 N.J.R. 924(c)
10:3-2	Capital Funding Agreement for community-based facilities	15 N.J.R. 1072(a)	R. 1983 d.392	15 N.J.R. 1580(a)
10:4	Group homes and community relations	14 N.J.R. 1192(a)	R. 1982 d.475	15 N.J.R. 33(c)
10:38	Interim Assistance Procedures Manual	13 N.J.R. 220(d)	R. 1981 d.225	13 N.J.R. 412(c)
10:43	Readopted: Need for Guardianship rules	15 N.J.R. 1111(a)	R. 1983 d.390	15 N.J.R. 1581(a)
10:44	Readopted: Standards for Public Institutions for Mentally Retarded	15 N.J.R. 1156(a)	R. 1983 d.432	15 N.J.R. 1664(a)
10:44A	Group homes and supervised apartments for developmentally disabled	14 N.J.R. 531(a)	R. 1983 d.23	15 N.J.R. 149(b)
10:45	Readopted: Guardianship Services for mentally retarded	15 N.J.R. 1073(a)	R. 1983. d.391	15 N.J.R. 1581(b)
10:49-1.2	Amend recipient controls	12 N.J.R. 274(a)	R. 1980 d.549	13 N.J.R. 100(c)
10:49-1.2	Medicaid ID: Special Status Card	14 N.J.R. 418(a)	R. 1982 d.261	14 N.J.R. 917(b)
10:49-1.3	Provider participation	13 N.J.R. 496(c)	R. 1981 d.393	13 N.J.R. 758(c)
10:49-1.3, 1.4	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415	14 N.J.R. 1393(a)
10:49-1.5	Amend recipient controls	12 N.J.R. 274(a)	R. 1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	12 N.J.R. 187(c)	R. 1981 d.123	13 N.J.R. 272(a)
10:49-1.8	Medicaid: prior authorization and emergency situations	15 N.J.R. 997(a)	R. 1983 d.376	15 N.J.R. 1582(a)
10:49-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R. 1982 d.52	14 N.J.R. 235(b)
10:49-1.13, 1.14	Providers using management agencies	13 N.J.R. 272(b)	R. 1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Suspension of provider from Medicaid program	12 N.J.R. 581(a)	R. 1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	13 N.J.R. 222(a)	R. 1981 d.315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	13 N.J.R. 496(c)	R. 1981 d.393	13 N.J.R. 758(c)
10:49-1.24	Medical day care in hospital-affiliated facilities	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:49-1.26	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	13 N.J.R. 133(c)	R. 1981 d.114	13 N.J.R. 273(a)
10:49-1.27	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R. 1983 d.5	15 N.J.R. 155(a)
10:49-2	Medicaid: readopted rules on availability of program information	15 N.J.R. 998(a)	R. 1983 d.344	15 N.J.R. 1475(b)
10:49-5	Readopted: Fair Hearing rules	15 N.J.R. 848(a)	R. 1983 d.327	15 N.J.R. 1375(b)
10:49-5.3, 5.4	Recipient fair hearings	12 N.J.R. 581(b)	R. 1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Recipient fair hearings	12 N.J.R. 581(b)	R. 1980 d.512	13 N.J.R. 17(f)
10:49-6	Readopted: Medicaid Administrative Provisions	15 N.J.R. 1075(a)	R. 1983 d.349	15 N.J.R. 1475(c)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d.147	14 N.J.R. 427(c)
10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R. 1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:50	Readopted: Transportation Services Manual	15 N.J.R. 999(a)	R. 1983 d.375	15 N.J.R. 1582(b)
10:50-2.7	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:51-1.7	Pharmacy Manual: legend drug dispensing fee	Emergency	R. 1983 d.333	15 N.J.R. 1386(a)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R. 1981 d.476	13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28	14 N.J.R. 158(a)
10:51-1.14, 1.17	Pharmaceutical Services: Fees and delivery	14 N.J.R. 1336(a)	R. 1983 d.56	15 N.J.R. 339(b)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R. 1981 d.411	13 N.J.R. 758(d)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R. 1981 d.476	13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28	14 N.J.R. 158(a)
10:51-1(App. B,D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R. 1981 d.124	13 N.J.R. 274(a)
10:51-1(App. B,D)	Non-legend drugs and legend services	13 N.J.R. 739(a)	R. 1981 d.505	14 N.J.R. 46(a)
10:51-1(App. E)	Pharmacy Manual: Protein replacements	14 N.J.R. 418(b)	R. 1982 d.211	14 N.J.R. 757(b)
10:51-1(App. B,C,D)	Pharmaceutical Services	14 N.J.R. 1142(a)	R. 1982 d.458	14 N.J.R. 1458(b)
10:51-1(App. B,D,E)	Pharmaceutical Services	15 N.J.R. 664(a)	R. 1983 d.293	15 N.J.R. 1253(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R. 1981 d.247	13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R. 1982 d.340	14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	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	13 N.J.R. 577(b)	R. 1981 d.465	13 N.J.R. 887(d)
10:51-3.15	Pharmacy Manual: capitation rates	Emergency	R. 1983 d.333	15 N.J.R. 1386(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R. 1981 d.101	13 N.J.R. 228(c)
10:51-5	Readopted: PAAD in Pharmacy Manual	15 N.J.R. 209(a)	R. 1983 d.155	15 N.J.R. 806(a)

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10:51-5.9, 5.12	Prescription policies; telephone orders	15 N.J.R. 209(a)	R. 1983 d. 155	15 N.J.R. 806(a)
10:51-5.16, 5.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d. 28	14 N.J.R. 158(a)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	13 N.J.R. 289(a)	R. 1981 d. 248	13 N.J.R. 415(c)
10:51-6	Expired: Institutional Pharmacy Permits	15 N.J.R. 209(a)	R. 1983 d. 155	15 N.J.R. 806(a)
10:52	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d. 327	13 N.J.R. 578(a)
10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d. 51	13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:52-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R. 1981 d. 126	13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R. 1982 d. 459	14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d. 51	13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R. 1982 d. 52	14 N.J.R. 235(b)
10:52-1.9	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R. 1981 d. 162	13 N.J.R. 358(b)
10:52-1.17	Correction: Out-of-State hospital services	13 N.J.R. 15(a)	R. 1981 d. 162	13 N.J.R. 416(b)
10:52-1.18	Out-of-State hospital services	13 N.J.R. 359(a)	R. 1981 d. 293	13 N.J.R. 497(a)
10:52-2.2	Uniform billing of hospital services	13 N.J.R. 93(a)	R. 1982 d. 13	14 N.J.R. 158(b)
10:52-2.8A	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d. 479	13 N.J.R. 946(a)
10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d. 479	13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d. 327	13 N.J.R. 578(a)
10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d. 51	13 N.J.R. 147(c)
10:53-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d. 459	14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d. 51	13 N.J.R. 147(c)
10:53-1.15	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:53-2.18	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d. 125	13 N.J.R. 292(b)
10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d. 459	14 N.J.R. 1458(c)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d. 329	13 N.J.R. 574(b)
10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d. 374	13 N.J.R. 706(d)
10:54-1.6	Reimbursement for anesthesia time	12 N.J.R. 413(a)	R. 1981 d. 220	13 N.J.R. 417(b)
10:54-1.20	Physicians Services: Sterilization by hysterectomy	14 N.J.R. 1337(a)	R. 1983 d. 55	15 N.J.R. 339(c)
10:54-1.22	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d. 125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R. 1980 d. 511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R. 1981 d. 111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R. 1981 d. 211	13 N.J.R. 418(c)
10:54-3	Procedure codes for pacemakers	13 N.J.R. 297(a)	R. 1981 d. 251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R. 1981 d. 305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R. 1981 d. 314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R. 1981 d. 475	13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
10:54-3	Procedure codes: Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d. 459	14 N.J.R. 1458(c)
10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:55	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	12 N.J.R. 700(a)	R. 1981 d. 219	13 N.J.R. 430(b)
10:56-1.14, 1.15	Limitations on diagnostic dental services	13 N.J.R. 875(a)	R. 1982 d. 403	14 N.J.R. 1301(a)
10:56-3.15	Orthodontics	13 N.J.R. 134(b)	R. 1981 d. 113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	13 N.J.R. 360(a)	R. 1981 d. 300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R. 1981 d. 300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	13 N.J.R. 430(c)	R. 1981 d. 376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R. 1981 d. 328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)

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10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:60	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:60-1, 2.1-2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R. 1982 d.199	14 N.J.R. 656(a)
10:60-1.3	Covered home health services: medical supplies	15 N.J.R. 610(a)	R. 1983 d.266	15 N.J.R. 1102(a)
10:60-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	13 N.J.R. 95(b)	R. 1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	13 N.J.R. 430(d)	R. 1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	13 N.J.R. 299(d)	R. 1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:62-3.8	Vision Care Manual: lens and frame envelopes	15 N.J.R. 783(a)	R. 1983 d.434	15 N.J.R. 1768(b)
10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R. 1982 d.210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R. 1982 d.110	14 N.J.R. 391(b)
10:63-1.5	Inspection of long-term care	14 N.J.R. 81(a)	R. 1982 d.72	14 N.J.R. 279(a)
10:63-1.5	Medical Evaluation Team (LTC) and alternate care option	15 N.J.R. 485(a)	R. 1983 d.304	15 N.J.R. 1254(a)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R. 1982 d.264	14 N.J.R. 917(c)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R. 1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R. 1981 d.345	13 N.J.R. 579(d)
10:63-1.19	LTCISM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R. 1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R. 1981 d.23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R. 1983 d.5	15 N.J.R. 155(a)
10:63-2	Readopted: Billing Procedures in long-term care	15 N.J.R. 421(a)	R. 1983 d.182	15 N.J.R. 925(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R. 1981 d.87	13 N.J.R. 227(a)
10:63-3.2	LTC: Related-party lease costs	14 N.J.R. 742(a)	R. 1983 d.74	15 N.J.R. 442(b)
10:63-3.8	LTC's nursing care costs	13 N.J.R. 360(b)	R. 1981 d.326	13 N.J.R. 579(e)
10:63-3.10	LTC: Capital Facilities Allowance rate	14 N.J.R. 743(a)	R. 1983 d.73	15 N.J.R. 443(a)
10:63-3.20	Long-term care facilities: Reimbursement appeals	14 N.J.R. 269(a)	R. 1983 d.11	15 N.J.R. 156(a)
10:63-3.21	Rescission: Long-term care per diem reduction	13 N.J.R. 498(a)	R. 1981 d.375	13 N.J.R. 707(b)
10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R. 1982 d.74	14 N.J.R. 279(b)
10:65	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:65-1.2-1.8, 2.1, 2.4-2.7	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:65-2.1	Medical day care rates	13 N.J.R. 362(a)	R. 1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:66-1.5, 1.6	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d.19	14 N.J.R. 158(c)
10:66-2.10	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	13 N.J.R. 363(a)	R. 1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	12 N.J.R. 662(b)	R. 1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R. 1981 d.212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d.19	14 N.J.R. 158(c)
10:66-3.3	Family planning procedure codes	13 N.J.R. 663(a)	R. 1982 d.84	14 N.J.R. 343(b)
10:66-3.3	Independent Clinic Services:procedures code revisions	14 N.J.R. 1339(a)	R. 1983 d.386	15 N.J.R. 1583(a)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d.374	13 N.J.R. 706(d)
10:67-2.5,2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	13 N.J.R. 298(a)	R. 1981 d.305	13 N.J.R. 578(b)
10:68-2.5,2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:69A	Readopted: Pharmaceutical Assistance Manual (PAAD)	15 N.J.R. 211(a)	R. 1983 d.154	15 N.J.R. 806(b)
10:69A-2.1	Pharmaceutical Assistance for Aged and Disabled	14 N.J.R. 321(b)	R. 1982 d.198	14 N.J.R. 659(a)
10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R. 1981 d.332	13 N.J.R. 580(c)
10:69A-7.1	PAA: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d.147	14 N.J.R. 427(c)
10:81	PAM: Readopted Federal requirements	13 N.J.R. 759(a)	R. 1981 d.518	14 N.J.R. 102(c)
10:81-1.14	PAM: Welfare board minutes	13 N.J.R. 877(b)	R. 1982 d.151	14 N.J.R. 473(d)
10:81-2, 3	PAM: readopted AFDC application and eligibility rules	15 N.J.R. 933(a)	R. 1983 d.319	15 N.J.R. 1375(c)
10:81-2.6, 2.17, 2.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d.482	15 N.J.R. 92(a)
10:81-2.7	PAM: Deprivation of parental support in AFDC-C	12 N.J.R. 703(a)	R. 1981 d.28	13 N.J.R. 146(b)
10:81-3.1, 3.5, 3.11, 3.13, 3.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d.482	15 N.J.R. 92(a)
10:81-3.17	PAM: Readopted revisions	14 N.J.R. 1168(a)	R. 1982 d.441	14 N.J.R. 1459(a)

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10:81-3.35	PAM: Legally responsible relatives	14 N.J.R. 814(a)	R.1982 d.352	14 N.J.R. 1161(b)
10:81-3.38	PAM: Liquidation and transfer of resources	14 N.J.R. 1437(a)	R.1983 d.94	15 N.J.R. 443(b)
10:81-4.5-4.11, 4.13, 4.14, 4.16, 4.18, 4.19	PAM: Vendor payments	14 N.J.R. 1034(a)	R.1982 d.424	14 N.J.R. 1395(a)
10:81-5.2	PAM: Periodic redetermination	14 N.J.R. 1341(a)	R.1983 d.54	15 N.J.R. 340(a)
10:81-5.9	PAM: corrections to Administrative Code			15 N.J.R. 1388(c)
10:81-6.17, 7.18	PAM: Replacement of lost or stolen checks	14 N.J.R. 373(a)	R.1982 d.419	14 N.J.R. 1396(a)
10:81-7.1	AFDC: New or changed income	13 N.J.R. 300(a)	R.1981 d.262	13 N.J.R. 432(b)
10:81-7.13	PAM: Request and authorization for records disposal	14 N.J.R. 947(b)	R.1982 d.417	14 N.J.R. 1397(a)
10:81-7.22	AFDC: Funeral or burial payments for children	13 N.J.R. 580(d)	R.1981 d.447	13 N.J.R. 845(d)
10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R.1982 d.286	14 N.J.R. 980(b)
10:81-7.26	PAM: Veterans' funeral expenses	14 N.J.R. 374(a)	R.1982 d.228	14 N.J.R. 836(b)
10:81-7.26, 8.4	PAM: RSDI lump sum benefits	13 N.J.R. 925(a)	R.1982 d.90	14 N.J.R. 344(a)
10:81-8.22	PAM: Extension of Medicaid benefits	14 N.J.R. 893(a)	R.1982 d.357	14 N.J.R. 1161(c)
10:81-8.22	PAM revisions	14 N.J.R. 1168(a)	R.1982 d.441	14 N.J.R. 1459(a)
10:81-8.23, 8.24, 8.25	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-10	PAM: Refugee programs	14 N.J.R. 948(a)	R.1982 d.425	14 N.J.R. 1397(b)
10:81-10.7	PAM: corrections to Administrative Code			15 N.J.R. 1388(c)
10:81-App. A	Repealed: See 10:81-10	14 N.J.R. 948(a)	R.1982 d.425	14 N.J.R. 1397(b)
10:82	ASH: Readopted Federal requirements	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 102(d)
10:82-1, 2, 3	ASH: readopted rules on AFDC eligible units, monthly grants, resources	15 N.J.R. 935(a)	R.1983 d.318	15 N.J.R. 1377(a)
10:82-1.2, 1.4, 1.5, 1.7, 2.1-2.6, 2.8- 2.10, 2.13, 2.19	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-2.1, 2.2, 2.18, 2.20	ASH: Readopted revisions	14 N.J.R. 1169(a)	R.1982 d.440	14 N.J.R. 1461(a)
10:82-2.9	Correction: Stepparent's income in AFDC-C	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 281(a)
10:82-2.14	ASH: Established monthly earnings	13 N.J.R. 16(a)	R.1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	13 N.J.R. 300(a)	R.1981 d.262	13 N.J.R. 432(b)
10:82-3.1, 3.2, 3.4	ASH: Resources	14 N.J.R. 1438(a)	R.1983 d.93	15 N.J.R. 443(c)
10:82-3.2	Correction to ASH: Exemption resources			15 N.J.R. 346(c)
10:82-3.2	ASH: HUD community development block grant	13 N.J.R. 96(a)	R.1981 d.96	13 N.J.R. 227(b)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	13 N.J.R. 224(b)	R.1981 d.282	13 N.J.R. 499(a)
10:82-3.8	ASH: Relatives as a resource	14 N.J.R. 814(b)	R.1982 d.353	14 N.J.R. 1161(d)
10:82-3.13	Correction: Federal requirement for ASH	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 837(a)
10:82-3.13, 4.1, 4.3, 4.4, 4.15	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-4.9	ASH: Foster care rates	14 N.J.R. 374(b)	R.1982 d.208	14 N.J.R. 709(c)
10:82-4.11, 4.13	ASH: Corrections to Administrative Code			15 N.J.R. 1389(a)
10:82-4.15	Irregular and nonrecurring income in AFDC	13 N.J.R. 224(c)	R.1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	13 N.J.R. 134(c)	R.1981 d.243	13 N.J.R. 432(c)
10:82-5.3	ASH: Care for unwed mothers	13 N.J.R. 134(c)	R.1982 d.43	14 N.J.R. 235(c)
10:82-5.3	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-5.3, 5.10	ASH: Child care; emergency assistance	14 N.J.R. 1169(a)	R.1982 d.440	14 N.J.R. 1461(a)
10:82-5.7	ASH: corrections to Administrative Code			15 N.J.R. 1389(a)
10:82-5.10	ASH: Emergency assistance	12 N.J.R. 584(a)	R.1980 d.552	13 N.J.R. 101(a)
10:82-5.10	ASH: Emergency house furnishings allowance	14 N.J.R. 375(a)	R.1982 d.207	14 N.J.R. 709(d)
10:82-5.10	ASH: Return of child from foster care placement	14 N.J.R. 698(a)	R.1982 d.376	14 N.J.R. 1215(a)
10:83	Repeal Medical Assistance for Aged	14 N.J.R. 1081(a)	R.1982 d.460	14 N.J.R. 1462(a)
10:85-1, 2, 3, 4, 5, 6, 10	Readopted: portions of General Assistance Manual	15 N.J.R. 938(a)	R.1983 d.328	15 N.J.R. 1378(a)
10:85-1.2, 1.5, 2.2	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R.1982 d.61	14 N.J.R. 281(b)
10:85-2.2	GAM: Temporary director of municipal welfare	12 N.J.R. 584(b)	R.1980 d.505	13 N.J.R. 17(c)
10:85-2.2	GAM: Local assistance board	13 N.J.R. 96(b)	R.1981 d.98	13 N.J.R. 228(b)
10:85-2.2	GAM: Local assistance board appointments	14 N.J.R. 1144(a)	R.1982 d.492	15 N.J.R. 92(b)
10:85-3.1	GAM: Common living quarters	13 N.J.R. 927(a)	R.1982 d.102	14 N.J.R. 344(b)
10:85-3.1	GAM: Eligibility of young people	14 N.J.R. 815(a)	R.1982 d.355	14 N.J.R. 1162(a)
10:85-3.1	Correction to Code: General Assistance eligibility			14 N.J.R. 1103(b)
10:85-3.1, 3.2	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R.1981 d.160	13 N.J.R. 363(b)
10:85-3.2	General Assistance application process	12 N.J.R. 584(c)	R.1980 d.514	13 N.J.R. 18(a)
10:85-3.2	GAM: Clarification of "unemployable"	13 N.J.R. 927(b)	R.1982 d.103	14 N.J.R. 344(c)
10:85-3.2	GAM: Workfare compliance	13 N.J.R. 929(a)	R.1982 d.104	14 N.J.R. 344(d)
10:85-3.2	GAM: Verification of unemployment/disability benefits	14 N.J.R. 956(a)	R.1982 d.418	14 N.J.R. 1398(a)
10:85-3.2(f)	GAM: Residency and Municipal responsibility	15 N.J.R. 313(a)	R.1983 d.374	15 N.J.R. 1476(a)

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10:85-3.2	GAM: Determination of unemployability	15 N.J.R. 314(a)	R. 1983 d. 160	15 N.J.R. 807(a)
10:85-3.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d. 547	13 N.J.R. 100(a)
10:85-3.3	GAM: Financial eligibility	12 N.J.R. 16(b)	R. 1981 d. 46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d. 263	13 N.J.R. 433(a)
10:85-3.3	GAM: Boarding rate for residential care	13 N.J.R. 879(a)	R. 1982 d. 53	14 N.J.R. 235(d)
10:85-3.3	GAM: Hospital shelter time	13 N.J.R. 930(a)	R. 1982 d. 98	14 N.J.R. 345(a)
10:85-3.3	GAM: Cash Contributions	14 N.J.R. 270(a)	R. 1982 d. 185	14 N.J.R. 659(b)
10:85-3.3	GAM: Members of household	14 N.J.R. 893(b)	R. 1982 d. 375	14 N.J.R. 1216(a)
10:85-3.3	GAM: Residential health care rates	14 N.J.R. 894(a)	R. 1983 d. 105	15 N.J.R. 550(a)
10:85-3.4	GAM: Income and alien sponsorship	14 N.J.R. 122(b)	R. 1982 d. 134	14 N.J.R. 428(a)
10:85-4.6	GAM: Emergency grants	12 N.J.R. 585(a)	R. 1980 d. 538	13 N.J.R. 18(d)
10:85-4.6	GAM: Emergency grants	14 N.J.R. 124(a)	R. 1982 d. 135	14 N.J.R. 428(b)
10:85-4.6	GAM: Emergency house furnishings	14 N.J.R. 1342(a)	R. 1983 d. 58	15 N.J.R. 340(b)
10:85-4.8	GAM: Funeral and burial contributions	14 N.J.R. 463(a)	R. 1982 d. 287	14 N.J.R. 980(c)
10:85-5.2	GAM: Diagnostic-Related Group payments	12 N.J.R. 585(b)	R. 1980 d. 515	13 N.J.R. 18(b)
10:85-5.2	GAM—Payments for inpatients hospital care	13 N.J.R. 433(b)	R. 1981 d. 394	13 N.J.R. 768(a)
10:85-5.3	Submission of Form GA-18	12 N.J.R. 586(a)	R. 1980 d. 531	13 N.J.R. 18(c)
10:85-5.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d. 547	13 N.J.R. 100(a)
10:85-5.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d. 263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	13 N.J.R. 499(c)	R. 1981 d. 417	13 N.J.R. 768(b)
10:85-5.6, 8.4	GAM: Renal services; child health services	14 N.J.R. 420(b)	R. 1982 d. 377	14 N.J.R. 1217(a)
10:85-6.5	GAM: Repayment by SSI recipients	12 N.J.R. 586(b)	R. 1980 d. 551	13 N.J.R. 100(d)
10:85-6.5	GAM: Reimbursement authorization and repayment agreement	14 N.J.R. 1342(b)	R. 1983 d. 57	13 N.J.R. 340(c)
10:85-6.6	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d. 263	13 N.J.R. 433(a)
10:85-7.2	GAM: Receipt of assistance	12 N.J.R. 535(b)	R. 1981 d. 53	13 N.J.R. 147(d)
10:85-7.3	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R. 1982 d. 61	14 N.J.R. 281(b)
10:85-8.2	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d. 263	13 N.J.R. 433(a)
10:85-8.2	GAM: Eligibility of refugee groups	14 N.J.R. 815(b)	R. 1982 d. 356	14 N.J.R. 1162(b)
10:85-8.3	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R. 1981 d. 160	13 N.J.R. 363(b)
10:85-8.4	GAM: pharmaceutical assistance to disabled	15 N.J.R. 783(b)	R. 1983 d. 284	15 N.J.R. 1181(b)
10:85-9.1	GAM: Legally responsible relatives	14 N.J.R. 543(a)	R. 1982 d. 284	14 N.J.R. 980(d)
10:85-9.3, 9.5	GAM: Corrections to Administrative Code			15 N.J.R. 1389(b)
10:85-10.3, 10.6, 10.8	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d. 104	14 N.J.R. 344(d)
10:87	Emergency amend Food Stamp Manual	Emergency	R. 1981 d. 64	13 N.J.R. 226(b)
10:87	Student participation in Food Stamps	13 N.J.R. 96(c)	R. 1981 d. 97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	13 N.J.R. 364(a)	R. 1981 d. 316	13 N.J.R. 581(a)
10:87	FSM: Readopted Federal requirements	13 N.J.R. 769(a)	R. 1981 d. 517	14 N.J.R. 103(a)
10:87	Correction: FSM—Federal requirements	13 N.J.R. 769(a)	R. 1981 d. 517	14 N.J.R. 208(b)
10:87-2.2, 2.3, 2.21	Readopted Food Stamp Program revisions	15 N.J.R. 97(a)	R. 1983 d. 72	15 N.J.R. 444(a)
10:87-2.3, 2.21	Food Stamp Program: readopted revisions	15 N.J.R. 629(a)	R. 1983 d. 223	15 N.J.R. 1033(a)
10:87-2.4, 2.7, 2.8	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d. 473	15 N.J.R. 34(a)
10:87-2.7	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d. 437	14 N.J.R. 1462(b)
10:87-2.32, 2.34, 2.35	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d. 121	15 N.J.R. 625(b)
10:87-2.34	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d. 473	15 N.J.R. 34(a)
10:87-2.38	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d. 72	15 N.J.R. 444(a)
10:87-3.2, 3.12	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d. 473	15 N.J.R. 34(a)
10:87-3.10, 3.11	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d. 223	15 N.J.R. 1033(a)
10:87-3.15–3.21	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d. 437	14 N.J.R. 1462(b)
10:87-3.19	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d. 72	15 N.J.R. 444(a)
10:87-3.23, 3.24	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d. 121	15 N.J.R. 625(b)
10:87-4.3, 4.8	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d. 121	15 N.J.R. 625(b)
10:87-4.4, 4.6, 4.7, 4.14, 4.16	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d. 223	15 N.J.R. 1033(a)
10:87-4.4, 4.19	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d. 473	15 N.J.R. 34(a)
10:87-4.8, 4.12, 5.5	Food Stamp Program: Resource exclusions	15 N.J.R. 212(a)	R. 1983 d. 141	15 N.J.R. 692(b)
10:87-5.4, 5.6	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d. 223	15 N.J.R. 1033(a)
10:87-5.5	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d. 121	15 N.J.R. 625(b)
10:87-5.10	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d. 72	15 N.J.R. 444(a)
10:87-5.10	Food Stamp Program income deductions and maximum allotments	Emergency	R. 1983 d. 460	15 N.J.R. 1774(a)
10:87-6.2, 6.3, 6.16, 6.17, 6.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d. 121	15 N.J.R. 625(b)
10:87-6.14, 6.15	FSP: Readopted emergency revisions	15 N.J.R. 97(a)	R. 1983 d. 72	15 N.J.R. 444(a)
10:87-7.14, 7.15	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d. 223	15 N.J.R. 1033(a)

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10:87-7.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121 15 N.J.R. 625(b)
10:87-9.7	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473 15 N.J.R. 34(a)
10:87-9.7	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223 15 N.J.R. 1033(a)
10:87-9.16	Replacement of food stamp benefits	14 N.J.R. 1081(b)	R. 1982 d.474 15 N.J.R. 35(a)
10:87-11.1-11.12, 11.15, 11.16, 11.20-11.29	Food Stamp Program: readopted revisions	15 N.J.R. 633(a)	R. 1983 d.224 15 N.J.R. 1034(a)
10:87-12.1	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72 15 N.J.R. 444(a)
10:87-12.1, 12.2	Food Stamp Manual	Emergency	R. 1980 d.558 13 N.J.R. 100(e)
10:87-12.1, 12.2	FSP: income deductions and maximum allotments	Emergency	R. 1983 d.460 15 N.J.R. 1774(a)
10:87-12.1, 12.3, 12.4, 12.6	Readopted: Food Stamp Program adjustments	14 N.J.R. 757(d)	R. 1982 d.318 14 N.J.R. 1057(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Readopted revisions	14 N.J.R. 1170(a)	R. 1982 d.442 14 N.J.R. 1463(a)
10:87-12.3	Food Stamp Program maximum net income levels	13 N.J.R. 500(a)	R. 1981 d.400 13 N.J.R. 772(a)
10:87-12.3,12.4	Food Stamp income levels	Emergency	R. 1981 d.278 13 N.J.R. 500(a)
10:87-12.3, 12.4,12.7	FSP: Maximum income eligibility limits	15 N.J.R. 1185(a)	R. 1983 d.382 15 N.J.R. 1583(b)
10:87-12.4	Food Stamp Manual	Emergency	R. 1980 d.558 13 N.J.R. 100(e)
10:87-12.5, 12.6	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121 15 N.J.R. 625(b)
10:87-12.7	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72 15 N.J.R. 444(a)
10:88	Repealed: Food Stamp Plan of Operation Manual	15 N.J.R. 611(a)	R. 1983 d.246 15 N.J.R. 1034(b)
10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R. 1982 d.62 14 N.J.R. 281(c)
10:89-Fwd, 2.3, 3.2, 3.4, 3.6, 4.1	Home Energy Assistance	15 N.J.R. 1338(a)	R. 1983 d.465 15 N.J.R. 1768(c)
10:89-2.3, 3.1, 3.2, 3.4, 3.5, 3.6, 4.1, 5.2, 5.3	Readopted: Home Energy Assistance Handbook	14 N.J.R. 1311(a)	R. 1982 d.497 15 N.J.R. 92(c)
10:89-3.6	Emergency rule on Home Energy Assistance	Emergency	R. 1980 d.548 13 N.J.R. 100(b)
10:90	Monthly Reporting Policy Handbook	14 N.J.R. 958(a)	R. 1982 d.399 14 N.J.R. 1302(a)
10:90-2.,2.4 4.1-4.4.,4.6, 5.3,5.6,6.1	Monthly Reporting Policy Handbook	15 N.J.R. 1162(a)	R. 1983 d.398 15 N.J.R. 1584(a)
10:90-2.3	Monthly Reporting Policy Handbook	15 N.J.R. 849(a)	R. 1983 d.326 15 N.J.R. 1381(a)
10:91	Repealed: Services to families and children	14 N.J.R. 744(a)	R. 1982 d.317 14 N.J.R. 1057(b)
10:93	Repealed: obsolete rules on refugee assistance programs	15 N.J.R. 611(b)	R. 1983 d.245 15 N.J.R. 1035(a)
10:94-3	Medicaid Only: readopted nonfinancial eligibility criteria	15 N.J.R. 948(a)	R. 1983 d.317 15 N.J.R. 1382(a)
10:94-4,-5	Medicaid Only: Income and resource eligibility	12 N.J.R. 663(a)	R. 1981 d.177 13 N.J.R. 364(b)
10:94-4,-5	Medicaid Only: readopted financial eligibility standards	15 N.J.R. 999(b)	R. 1983 d.373 15 N.J.R. 1477(a)
10:94-4.4, 5.3	Medicaid Only: exclusion of burial spaces and funds	15 N.J.R. 422(a)	R. 1983 d.167 15 N.J.R. 925(b)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385 13 N.J.R. 773(a)
10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385 13 N.J.R. 846(a)
10:94-5.4, 5.5, 5.6	Readopted: Medicaid Only computation amounts	14 N.J.R. 758(a)	R. 1982 d.314 14 N.J.R. 1058(a)
10:94-5.4, 5.5, 5.6	Medicaid Only: eligibility computation amounts	Emergency	R. 1983 d.289 15 N.J.R. 1187(a)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R. 1982 d.354 14 N.J.R. 1162(c)
10:94-8	Medicaid Only	12 N.J.R. 663(a)	R. 1981 d.177 13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R. 1982 d.461 14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R. 1982 d.311 14 N.J.R. 1058(b)
10:98	State Plan for Vocational Rehabilitation Services	14 N.J.R. 1193(a)	R. 1983 d.149 15 N.J.R. 807(b)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R. 1981 d.386 13 N.J.R. 773(b)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R. 1983 d.315 14 N.J.R. 1059(a)
10:100-1.23	SSI payment levels (recodified as 10:100-App.A)	Emergency	R. 1982 d.290 15 N.J.R. 1188(a)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R. 1982 d.285 14 N.J.R. 981(a)
10:100-App.A	SSI payment levels	15 N.J.R. 1188(a)	R. 1983 d.383 15 N.J.R. 1586(a)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R. 1981 d.445 13 N.J.R. 846(b)
10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R. 1982 d.227 14 N.J.R. 837(b)
10:109-3.2, 3.4	Ruling 11-Sick leave and leave without pay	13 N.J.R. 515(a)	R. 1981 d.395 13 N.J.R. 774(a)
10:109-App.I,II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R. 1981 d.498 14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R. 1982 d.319 14 N.J.R. 1060(a)
10:120-3	Youth and Family Services: readopted fair hearing rules	15 N.J.R. 1340(a)	R. 1983 d.442 15 N.J.R. 1769(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R. 1982 d.321 14 N.J.R. 1060(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R. 1981 d.63 13 N.J.R. 226(a)
10:121A	Adoption agency practices	13 N.J.R. 99(a)	R. 1981 d.298 13 N.J.R. 516(a)
10:122-1.1-1.3, 2.1, 2.2, 3.2, 3.3	Combined standards for child care centers	15 N.J.R. 850(a)	R. 1983 d.372 15 N.J.R. 1586(b)

10:122-1.1-1.3, 2.1, 2.2, 2.4, 2.5, 2.6, 3.1-3.6	Child care centers for ages 2 1/2-5	15 N.J.R. 214(a)	R. 1983 d. 179	15 N.J.R. 926(a)
10:122-4.1, 4.3-4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R. 1982 d. 384	14 N.J.R. 1218(a)
10:122-4.1, 4.3-4.7	Correction: Child care centers	14 N.J.R. 816(b)	R. 1982 d. 384	14 N.J.R. 1307(a)
10:122-4.2	Standards for child care centers	14 N.J.R. 82(a)	R. 1982 d. 136	14 N.J.R. 428(c)
10:122-4.2-4.7, 5.1-5.4, 6.1-6.6, 6.9, 7.3	Combined standards for child care centers	15 N.J.R. 850(a)	R. 1983 d. 372	15 N.J.R. 1586(b)
10:122-4.4, 4.6, 5.1-5.4, 6.1-6.9, 7.1, 7.2, 7.6, 7.7	Child care centers for ages 2 1/2-5	15 N.J.R. 214(a)	R. 1982 d. 179	15 N.J.R. 926(a)
10:122-7.1-7.7	Child care centers	14 N.J.R. 82(a)	R. 1982 d. 136	14 N.J.R. 428(c)
10:123-2.4	Rooming houses: visits by county welfare staff	15 N.J.R. 1168(a)	R. 1983 d. 420	15 N.J.R. 1665(a)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d. 423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d. 423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R. 1982 d. 301	14 N.J.R. 981(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R. 1982 d. 222	14 N.J.R. 761(a)
10:127	Residential child care facilities	15 N.J.R. 486(a)	R. 1983 d. 393	15 N.J.R. 1597(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R. 1982 d. 138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R. 1982 d. 222	14 N.J.R. 761(a)
10:130-3	Funding of shelters for victims of domestic violence	15 N.J.R. 1169(a)	R. 1983 d. 399	15 N.J.R. 1603(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R. 1982 d. 317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R. 1981 d. 434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled (Title 10, Transmittal 15 dated November 10, 1980)	14 N.J.R. 699(b)	R. 1982 d. 320	14 N.J.R. 1060(c)

CORRECTIONS-TITLE 10A

(Title 10A, Transmittal 7 dated June 21, 1982)

INSURANCE-TITLE 11

11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance	_____	_____	15 N.J.R. 810(a)
11:1-14	Licenses: Address change; process serving	14 N.J.R. 748(a)	R. 1982 d. 336	14 N.J.R. 1099(b)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R. 1982 d. 400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R. 1982 d. 410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R. 1982 d. 410	14 N.J.R. 1398(b)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R. 1982 d. 246	14 N.J.R. 917(d)
11:3-8	Nonrenewal of automobile policies	15 N.J.R. 231(a)	R. 1983 d. 190	15 N.J.R. 927(a)
11:3-12	Automobile rate filers: flat uniform premium tax and fees	15 N.J.R. 1170(a)	R. 1983 d. 424	15 N.J.R. 1666(a)
11:3-13	Auto insurance: collision and comprehensive deductibles	15 N.J.R. 1342(a)	R. 1983 d. 467	15 N.J.R. 1769(b)
11:13	Commercial lines insurance (Title 11, Transmittal 17 dated June 21, 1982)	14 N.J.R. 1045(a)	R. 1982 d. 423	14 N.J.R. 1398(c)

LABOR-TITLE 12

12:15-1.3	Maximum weekly benefit rates	13 N.J.R. 602(b)	R. 1981 d. 419	13 N.J.R. 777(a)
12:15-1.3	Correction: Operative date	13 N.J.R. 602(b)	R. 1981 d. 419	13 N.J.R. 894(b)
12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R. 1982 d. 383	14 N.J.R. 1218(b)
12:15-1.4	Taxable wage base for unemployment compensation	13 N.J.R. 602(c)	R. 1981 d. 421	13 N.J.R. 777(b)
12:15-1.4	Correction: Operative date	13 N.J.R. 602(c)	R. 1981 d. 421	13 N.J.R. 894(b)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R. 1982 d. 382	14 N.J.R. 1219(a)
12:15-1.5	Unemployment compensation contribution rates	13 N.J.R. 603(a)	R. 1981 d. 418	13 N.J.R. 777(c)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R. 1982 d. 381	14 N.J.R. 1219(b)
12:17-10.3, 10.4	Repayment of unemployment benefits	15 N.J.R. 74(a)	R. 1983 d. 83	15 N.J.R. 447(a)
12:45	Vocational Rehabilitation Services: legal authority	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:46	Vocational Rehabilitation Services: Administration	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:47	Vocational Rehabilitation Services: advisory councils	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:48	Vocational Rehabilitation Services: potential, eligibility, economic need	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:49	Vocational Rehabilitation Services: appeals	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:50	Repealed: Disability Determinations Service	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:51	Vocational rehabilitation facilities	13 N.J.R. 230(a)	R. 1981 d. 289	13 N.J.R. 517(a)
12:56-3.2	Correction to Code: Exemptions from minimum wage rates	_____	_____	15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R. 1982 d. 468	15 N.J.R. 36(a)
12:57	Wage orders for minors	13 N.J.R. 307(a)	R. 1981 d. 226	13 N.J.R. 441(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R. 1982 d. 229	14 N.J.R. 837(c)
12:191	Repealed	13 N.J.R. 517(b)	R. 1982 d. 229	14 N.J.R. 837(c)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)	
12:192	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:195	Carnival-amusement rides	13 N.J.R. 441(d)	R. 1981 d.321	13 N.J.R. 603(b)
12:195	Readopted: rules on Carnival-Amusement Rides	15 N.J.R. 1002(a)	R. 1983 d.364	15 N.J.R. 1477(b)
12:235-1.5	Workers' compensation benefit rates	13 N.J.R. 604(a)	R. 1981 d.420	13 N.J.R. 777(d)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R. 1982 d.380	14 N.J.R. 1219(c)
(Title 12, Transmittal 14 dated January 14, 1981)				
LAW AND PUBLIC SAFETY—TITLE 13				
13:1	Readopted: Police Training Commission rules	15 N.J.R. 866(a)	R. 1983 d.316	15 N.J.R. 1382(b)
13:2-24.11	ABC: manufacturers' rebates and coupons	15 N.J.R. 1003(a)	R. 1983 d.361	15 N.J.R. 1478(a)
13:3-1.2, 1.11, 1.14, 1.16, 1.17	Amusement games control	15 N.J.R. 680(a)	R. 1983 d.303	15 N.J.R. 1254(b)
13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:3-2.2, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.15, 4.3, 7.1, 7.2, 7.9	Amusement games control	15 N.J.R. 680(a)	R. 1983 d.303	15 N.J.R. 1254(b)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:4-2.3	Fact-finding conferences on discrimination complaints	15 N.J.R. 500(a)	R. 1983 d.385	15 N.J.R. 1604(a)
13:4-12.1	Discrimination complaints and hearings before OAL	15 N.J.R. 501(a)	R. 1983 d.347	15 N.J.R. 1481(a)
13:18-10	Readopted: Unsatisfied claim and Judgment Fund rules on excess medical benefits	15 N.J.R. 872(a)	R. 1983 d.387	15 N.J.R. 1604(b)
13:19-2	Repealed: Probationary Driver Licenses	15 N.J.R. 501(b)	R. 1983 d.242	15 N.J.R. 1035(b)
13:19-10	Point system; motorized bicycle offenses	15 N.J.R. 1004(a)	R. 1983 d.360	15 N.J.R. 1481(b)
13:19-11	Out-of-state conviction for drunk driving	15 N.J.R. 1009(a)	R. 1983 d.352	15 N.J.R. 1481(c)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R. 1982 d.364	14 N.J.R. 1162(e)
13:20-7.4	Motor vehicle inspection: repeal odd-even system	Emergency	R. 1983 d.294	15 N.J.R. 1261(a)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R. 1982 d.485	15 N.J.R. 93(b)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R. 1983 d.19	15 N.J.R. 156(b)
13:20-32.4, 32.14, 32.15	Motor vehicle reinspection centers: mechanic certification	Emergency	R. 1983 d.404	15 N.J.R. 1608(a)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R. 1983 d.20	15 N.J.R. 156(c)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R. 1982 d.370	14 N.J.R. 1163(a)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R. 1982 d.484	15 N.J.R. 94(a)
13:25-6	Repeal (see 13:19-10)	15 N.J.R. 1004(a)	R. 1983 d.360	15 N.J.R. 1481(b)
13:26	Readopted: Transportation of Bulk Commodities rules	15 N.J.R. 1116(a)	R. 1983 d.441	15 N.J.R. 1770(a)
13:27-3.13	Board of Architects examination fees	15 N.J.R. 502(a)	R. 1983 d.271	15 N.J.R. 1102(b)
13:27-7	Pre-prepared plans for single family houses	15 N.J.R. 1010(a)	R. 1983 d.466	15 N.J.R. 1770(b)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R. 1982 d.387	14 N.J.R. 1219(d)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2	_____	_____	15 N.J.R. 347(a)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R. 1982 d.405	14 N.J.R. 1309(a)
13:29-1.7	Board of Accountancy: conditional credit	14 N.J.R. 1279(a)	R. 1982 d.211	15 N.J.R. 1035(c)
13:29-3.1-3.9, 3.12-3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R. 1982 d.407	14 N.J.R. 1309(b)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R. 1982 d.388	14 N.J.R. 1219(e)
13:33-1.1-1.7, 1.9-1.13, 1.15-1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R. 1983 d.15	15 N.J.R. 157(a)
13:33-1.38	Minimum standards for eyeglass dispensing	14 N.J.R. 1085(a)	R. 1983 d.81	15 N.J.R. 447(b)
13:35-1-6	Board of Medical Examiners: standards and rules	15 N.J.R. 503(a)	R. 1983 d.314	15 N.J.R. 1255(a)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R. 1982 d.214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R. 1982 d.214	14 N.J.R. 918(b)
13:35-7,9,10	Repealed (see 13:35-1-6)	15 N.J.R. 503(a)	R. 1983 d.314	15 N.J.R. 1255(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R. 1982 d.416	14 N.J.R. 1400(a)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R. 1983 d.97	15 N.J.R. 550(b)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R. 1982 d.409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R. 1982 d.333	14 N.J.R. 1110(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R. 1982 d.404	14 N.J.R. 1309(d)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R. 1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R. 1982 d.408	14 N.J.R. 1310(a)
13:38-6.1	Optometric practices: readopted rule on patient records	15 N.J.R. 1011(a)	R. 1983 d.359	15 N.J.R. 1481(d)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)	
13:39-5	Readopted: Rules for registration of pharmacists	15 N.J.R. 1172(a)	R. 1983 d. 440	15 N.J.R. 1770(c)
13:39-6.4, 6.5, 6.7, 6.8, 9.13	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R. 1983 d. 22	15 N.J.R. 157(b)
13:39-8.14, 9.14	Pharmacist-in-Charge; in-store pharmacies	14 N.J.R. 898(b)	R. 1983 d. 341	15 N.J.R. 1482(a)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R. 1983 d. 21	15 N.J.R. 157(c)
13:39-9.16	Board of Pharmacy fees	15 N.J.R. 78(a)	R. 1983 d. 95	15 N.J.R. 553(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R. 1983 d. 36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R. 1983 d. 16	15 N.J.R. 158(a)
13:40-6	Engineers and Land Surveyors: readopted licensing fee schedule	15 N.J.R. 1077(a)	R. 1983 d. 418	15 N.J.R. 1667(a)
13:40-6.1	Examination fees for engineers and surveyors	15 N.J.R. 78(b)	R. 1983 d. 148	15 N.J.R. 807(c)
13:41-3.2	Professional planning examination fees	15 N.J.R. 79(a)	R. 1983 d. 114	15 N.J.R. 626(a)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R. 1983 d. 122	15 N.J.R. 626(b)
13:43-4	Certified Shorthand Reporting: examination and licensure fees	15 N.J.R. 873(a)	R. 1983 d. 414	15 N.J.R. 1667(b)
13:44-2.9	Veterinary board: Temporary permits	15 N.J.R. 130(a)	R. 1983 d. 113	15 N.J.R. 626(c)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R. 1982 d. 502	15 N.J.R. 94(b)
13:44-4.1	Veterinary Medical Examiners: registration fees	15 N.J.R. 612(a)	R. 1983 d. 252	15 N.J.R. 1035(d)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R. 1982 d. 221	14 N.J.R. 767(b)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-1.2-1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-15.15-15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R. 1982 d. 398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R. 1982 d. 271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R. 1982 d. 271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R. 1982 d. 304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R. 1982 d. 265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R. 1982 d. 266	14 N.J.R. 919(c)
13:47B-1.1	Correction to Code: Liquid measuring devices	_____	_____	14 N.J.R. 1315(b)
13:70-3, 14, 15, 29, 29	Readopted: Thoroughbred rules	15 N.J.R. 685(a)	R. 1983 d. 295	15 N.J.R. 1256(a)
13:70-3.47	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d. 14	15 N.J.R. 158(b)
13:70-4.1	Thoroughbred racing: License fees	14 N.J.R. 1444(a)	R. 1983 d. 103	15 N.J.R. 553(b)
13:70-6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d. 14	15 N.J.R. 158(b)
13:70-19.43	Repealed (see 13:70-3, 14, 15, 19, 29)	15 N.J.R. 685(a)	R. 1983 d. 295	15 N.J.R. 1256(a)
13:71-1.23	Harness racing: No smoking in barn areas	15 N.J.R. 873(b)	R. 1983 d. 337	15 N.J.R. 1383(a)
13:71-5, 9, 21, 23	Readopted: Harness rules	15 N.J.R. 685(a)	R. 1983 d. 295	15 N.J.R. 1256(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R. 1983 d. 13	15 N.J.R. 158(c)
13:71-7.1	Harness racing: License fees	14 N.J.R. 1445(a)	R. 1983 d. 104	15 N.J.R. 554(a)
13:76	Arson investigators: training requirements	15 N.J.R. 1078(a)	R. 1983 d. 365	15 N.J.R. 1482(b)
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PUBLIC UTILITIES—TITLE 14				
14:1-3.3	Board proceedings and ex parte communications	14 N.J.R. 1148(a)	R. 1983 d. 415	15 N.J.R. 1667(c)
14:17-18	Cable television: common tariff rate-making	15 N.J.R. 1356(a)	R. 1983 d. 435	15 N.J.R. 1673(a)
14:18-11	Readopted: CATV application for municipal consent and certification rules	15 N.J.R. 874(a)	R. 1983 d. 346	15 N.J.R. 1483(a)
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ENERGY—TITLE 14A				
14A:3	Correction: Expiration date of N.J.A.C. 14A:3, Energy Conservation	_____	_____	15 N.J.R. 701(a)
14A:3-1.2, 3, 4, 6, 7, 8, 9	Readopted: Energy Conservation rules	15 N.J.R. 789(a)	R. 1983 d. 298	15 N.J.R. 1256(b)
14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R. 1982 d. 262	14 N.J.R. 919(d)
14A:3-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R. 1983 d. 119	15 N.J.R. 622(d)
14A:12-1	Computing cost savings in shared-savings contracts	14 N.J.R. 820(a)	R. 1983 d. 10	15 N.J.R. 158(d)
(Title 14A, Transmittal 8 dated June 21, 1982)				
STATE—TITLE 15				
15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R. 1983 d. 61	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d. 339	14 N.J.R. 1163(b)
(Title 15, Transmittal 13 dated March 19, 1981)				

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TRANSPORTATION—TITLE 16

16:2	Readopted: Award of Contracts for Professional services	15 N.J.R. 1176(a)	R. 1983 d.410	15 N.J.R. 1668(a)
16:22-1.1, 1.2, 1.4	Transportation Rehabilitation and Improvement funds	14 N.J.R. 97(a)	R. 1982 d.68	14 N.J.R. 284(a)
16:25-13	Railroad crossing and bridge cases	14 N.J.R. 1197(a)	R. 1983 d.45	15 N.J.R. 341(a)
16:26-1.1	Traffic signal information	13 N.J.R. 152(b)	R. 1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal traffic and parking on NJDOT property	13 N.J.R. 153(a)	R. 1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	13 N.J.R. 153(b)	R. 1981 d.150	13 N.J.R. 372(c)
16:28-1.15	Speed limits along Route 13	13 N.J.R. 155(a)	R. 1981 d.152	13 N.J.R. 372(d)
16:28-1.16	Speed rates on I-195	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.17	Speed limits on Route 147	13 N.J.R. 239(a)	R. 1981 d.196	13 N.J.R. 451(a)
16:28-1.23	Speed limits along Route 18	13 N.J.R. 744(b)	R. 1981 d.484	13 N.J.R. 947(d)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R. 1982 d.465	15 N.J.R. 41(a)
16:28-1.23	Speed rate on Route 18 in East Brunswick	14 N.J.R. 1446(a)	R. 1983 d.51	15 N.J.R. 341(b)
16:28-1.23	Readopted school zone on Route 18 in Old Bridge	15 N.J.R. 41(a)	R. 1983 d.70	15 N.J.R. 448(a)
16:28-1.23	Speed limits on Route 18 in Monmouth and Middlesex Counties	15 N.J.R. 519(a)	R. 1983 d.232	15 N.J.R. 1036(a)
16:28-1.41	US 9 and 35 speed changes in Atlantic County	13 N.J.R. 838(a)	R. 1982 d.11	14 N.J.R. 160(c)
16:28-1.49	Speed limits on Route 35	13 N.J.R. 451(b)	R. 1981 d.333	13 N.J.R. 612(a)
16:28-1.56	Speed rates on US 40 and 322	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130 in Gloucester County	14 N.J.R. 824(a)	R. 1982 d.323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R. 1982 d.499	15 N.J.R. 94(c)
16:28-1.72	Speed limits on US 206 and 130 in Bordentown	14 N.J.R. 324(a)	R. 1982 d.168	14 N.J.R. 580(b)
16:28-1.90	School zone on Route 166 in Dover Twp.	15 N.J.R. 520(a)	R. 1983 d.231	15 N.J.R. 1036(b)
16:28-1.111	Speed limits for Route 87	13 N.J.R. 452(a)	R. 1981 d.334	13 N.J.R. 613(a)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.2	Parking on Route 1 and 9 in Newark	14 N.J.R. 1049(a)	R. 1982 d.420	14 N.J.R. 1402(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R. 1982 d.247	14 N.J.R. 919(e)
16:28A-1.4	Route 4 bus stops	14 N.J.R. 98(a)	R. 1982 d.83	14 N.J.R. 347(b)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R. 1982 d.328	14 N.J.R. 1100(b)
16:28A-1.6	Restricted parking along Route 7	13 N.J.R. 522(a)	R. 1981 d.383	13 N.J.R. 778(b)
16:28A-1.6	Restricted parking on Route 7	13 N.J.R. 745(a)	R. 1981 d.483	13 N.J.R. 947(b)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R. 1982 d.203	14 N.J.R. 710(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 157(b)	R. 1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	US 9 parking	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.7	Parking on US 9	13 N.J.R. 240(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route US 9	13 N.J.R. 452(c)	R. 1981 d.335	13 N.J.R. 613(b)
16:28A-1.7	Restricted parking on US 9	13 N.J.R. 745(b)	R. 1981 d.487	13 N.J.R. 947(f)
16:28A-1.7	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d.44	14 N.J.R. 236(a)
16:28A-1.7	Parking on US9	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.7	Parking on US 9 in Dover Twp, Ocean County	15 N.J.R. 686(a)	R. 1983 d.279	15 N.J.R. 1181(c)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R. 1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R. 1982 d.45	14 N.J.R. 236(b)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R. 1982 d.201	14 N.J.R. 710(b)
16:28A-1.9	Parking on Route 17 in Paramus	15 N.J.R. 520(b)	R. 1983 d.228	15 N.J.R. 1036(c)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US22	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.13	Route US 22	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R. 1982 d.313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.14	Restricted parking along Route US 22 alternate	13 N.J.R. 453(b)	R. 1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	13 N.J.R. 241(a)	R. 1981 d.192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	13 N.J.R. 454(a)	R. 1981 d.337	13 N.J.R. 613(d)
16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R. 1982 d.501	15 N.J.R. 95(a)
16:28A-1.15	Parking on Route 23 in Sussex County	Emergency	R. 1983 d.96	15 N.J.R. 555(a)
16:28A-1.15	Readopted: Parking on Route 23 in Sussex County	15 N.J.R. 555(a)	R. 1983 d.225	15 N.J.R. 1036(d)
16:28A-1.16	Restricted parking along Route 24	13 N.J.R. 455(a)	R. 1981 d.338	13 N.J.R. 613(e)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R. 1982 d.248	14 N.J.R. 919(f)

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16:28A-1.18	Restricted parking along Route 27	13 N.J.R. 373(c)	R. 1981 d.312 13 N.J.R. 613(f)
16:28A-1.18	Route 27 bus stops in Edison	13 N.J.R. 934(a)	R. 1982 d.46 14 N.J.R. 236(c)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R. 1982 d.249 14 N.J.R. 920(a)
16:28A-1.18	Route 27 parking in South Brunswick	15 N.J.R. 317(a)	R. 1983 d.150 15 N.J.R. 807(d)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R. 1982 d.283 14 N.J.R. 982(a)
16:28A-1.19	Route 28 parking	13 N.J.R. 155(b)	R. 1981 d.153 13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	13 N.J.R. 157(b)	R. 1981 d.156 13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 242(a)	R. 1981 d.193 13 N.J.R. 455(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 240(a)	R. 1981 d.191 13 N.J.R. 453(a)
16:28A-1.19	Route 28 parking in Roselle Park	14 N.J.R. 138(a)	R. 1982 d.111 14 N.J.R. 391(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R. 1982 d.250 14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R. 1982 d.322 14 N.J.R. 1061(b)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R. 1982 d.251 14 N.J.R. 920(c)
16:28A-1.23	Route 33 parking	13 N.J.R. 154(a)	R. 1981 d.151 13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	13 N.J.R. 156(a)	R. 1981 d.154 13 N.J.R. 374(a)
16:28A-1.23	Route 33 parking in Hopewell Township	13 N.J.R. 838(b)	R. 1982 d.12 14 N.J.R. 161(a)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R. 1982 d.283 14 N.J.R. 982(a)
16:28A-1.23, 1.25	Restricted parking on Routes 33 and 35	13 N.J.R. 746(a)	R. 1981 d.482 13 N.J.R. 947(c)
16:28A-1.25	Route 35 parking	13 N.J.R. 157(a)	R. 1981 d.155 13 N.J.R. 374(b)
16:28A-1.25	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R. 1982 d.60 14 N.J.R. 284(b)
16:28A-1.25	Parking on Route 35	14 N.J.R. 324(b)	R. 1982 d.173 14 N.J.R. 580(c)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R. 1982 d.500 15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R. 1982 d.501 15 N.J.R. 95(a)
16:28A-1.25	Route 35 parking in Dover Township	15 N.J.R. 318(a)	R. 1983 d.151 15 N.J.R. 808(a)
16:28A-1.25	Parking on Route 35 in Old Bridge	15 N.J.R. 792(a)	R. 1983 d.297 15 N.J.R. 1256(c)
16:28A-1.26	Parking on Route 36	13 N.J.R. 453(a)	R. 1981 d.191 13 N.J.R. 453(a)
16:28A-1.26, 1.27	Parking on Routes 36, 38	14 N.J.R. 702(b)	R. 1982 d.312 14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R. 1982 d.203 14 N.J.R. 710(a)
16:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R. 1982 d.313 14 N.J.R. 1061(a)
16:28A-1.28	Restricted parking on US 40 and Route 70	13 N.J.R. 747(a)	R. 1981 d.481 13 N.J.R. 947(e)
16:28A-1.28	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d.44 14 N.J.R. 236(a)
16:28A-1.28, 1.31, 1.32	Parking on Routes 40, 45, 46	14 N.J.R. 702(b)	R. 1982 d.312 14 N.J.R. 1061(c)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 241(a)	R. 1981 d.192 13 N.J.R. 454(b)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 242(b)	R. 1981 d.194 13 N.J.R. 455(c)
16:28A-1.32	Restricted parking along Route US 46	13 N.J.R. 522(b)	R. 1981 d.384 13 N.J.R. 779(a)
16:28A-1.32	Restricted parking on US 46	13 N.J.R. 747(b)	R. 1981 d.480 13 N.J.R. 948(a)
16:28A-1.32	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R. 1982 d.47 14 N.J.R. 236(d)
16:28A-1.33	Parking on Route 47	14 N.J.R. 637(a)	R. 1982 d.283 14 N.J.R. 982(a)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R. 1982 d.249 14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R. 1983 d.1 15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	13 N.J.R. 242(b)	R. 1981 d.194 13 N.J.R. 455(c)
16:28A-1.36, 1.37	Parking on Routes 57, 70	14 N.J.R. 637(a)	R. 1982 d.283 14 N.J.R. 982(a)
16:28A-1.37	Restricted parking along Route 70	13 N.J.R. 456(a)	R. 1981 d.339 13 N.J.R. 614(a)
16:28A-1.37	Route 70 parking	13 N.J.R. 747(a)	R. 1981 d.481 13 N.J.R. 947(e)
16:28A-1.37	Parking on Route 70 in Lakehurst	15 N.J.R. 426(a)	R. 1983 d.172 15 N.J.R. 929(a)
16:28A-1.38	Parking on Route 71 in Belmar	14 N.J.R. 325(a)	R. 1982 d.174 14 N.J.R. 580(d)
16:28A-1.38	Parking on Route 71 in Spring Lake Heights	15 N.J.R. 686(a)	R. 1983 d.279 15 N.J.R. 1181(c)
16:28-1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R. 1982 d.283 14 N.J.R. 982(a)
16:28A-1.41	Parking on Route 77	14 N.J.R. 324(b)	R. 1982 d.173 14 N.J.R. 580(c)
16:28A-1.43	Restricted parking along Route 82	13 N.J.R. 522(b)	R. 1981 d.384 13 N.J.R. 779(a)
16:28A-1.44	Route 88 parking	13 N.J.R. 155(b)	R. 1981 d.153 13 N.J.R. 373(d)
16:28A-1.46	Parking on US 130	13 N.J.R. 746(a)	R. 1981 d.482 13 N.J.R. 947(c)
16:28A-1.50	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R. 1982 d.45 14 N.J.R. 236(b)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R. 1982 d.312 14 N.J.R. 1061(c)
16:28A-1.51	Restricted parking along Route 168	13 N.J.R. 522(b)	R. 1981 d.384 13 N.J.R. 779(a)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R. 1982 d.283 14 N.J.R. 982(a)
16:28A-1.55	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R. 1982 d.47 14 N.J.R. 236(d)
16:28A-1.55	Restricted parking on State highways	13 N.J.R. 455(a)	R. 1981 d.338 13 N.J.R. 613(e)
16:28A-1.55	Parking on US 202 in Morris Township	15 N.J.R. 131(a)	R. 1983 d.111 15 N.J.R. 626(d)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R. 1982 d.252 14 N.J.R. 920(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 155(b)	R. 1981 d.153 13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 156(a)	R. 1981 d.154 13 N.J.R. 374(a)
16:28A-1.57	Parking along US 206	13 N.J.R. 453(b)	R. 1981 d.336 13 N.J.R. 613(c)

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16:28A-1.57	US206 parking in Hamilton Township	14 N.J.R. 139(a)	R. 1982 d.112 14 N.J.R. 391(d)
16:28A-1.60	Restricted parking on Route US 322-47	13 N.J.R. 523(a)	R. 1981 d.382 13 N.J.R. 779(b)
16:28A-1.61	Bus stops on US9W in Fort Lee	14 N.J.R. 139(b)	R. 1982 d.113 14 N.J.R. 391(e)
16:28A-1.61	Bustops and parking on US 9W	14 N.J.R. 465(a)	R. 1982 d.224 14 N.J.R. 838(b)
16:28A-1.61	Parking on US 9W in Fort Lee	15 N.J.R. 521(a)	R. 1983 d.227 15 N.J.R. 1036(e)
16:28A-1.64	Route 41 parking	13 N.J.R. 157(a)	R. 1981 d.155 13 N.J.R. 374(b)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R. 1982 d.202 14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R. 1983 d.52 15 N.J.R. 342(a)
16:28A-1.65	Route 15 parking	13 N.J.R. 154(a)	R. 1981 d.151 13 N.J.R. 373(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R. 1982 d.226 14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R. 1982 d.500 15 N.J.R. 94(d)
16:28A-1.66	Parking on Route 18	13 N.J.R. 239(b)	R. 1981 d.195 13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	13 N.J.R. 157(a)	R. 1981 d.155 13 N.J.R. 374(b)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R. 1982 d.283 14 N.J.R. 982(a)
16:28A-1.68	Route 93 parking	13 N.J.R. 155(b)	R. 1981 d.153 13 N.J.R. 373(d)
16:28A-1.68	Parking on Route 93	14 N.J.R. 199(a)	R. 1982 d.116 14 N.J.R. 391(b)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R. 1982 d.312 14 N.J.R. 1061(c)
16:28A-1.69	Parking on Route 124	13 N.J.R. 240(a)	R. 1981 d.191 13 N.J.R. 453(a)
16:28A-1.70	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R. 1982 d.60 14 N.J.R. 284(b)
16:28A-1.70	Parking on Route 439 in Elizabeth	15 N.J.R. 521(b)	R. 1983 d.226 15 N.J.R. 1037(a)
16:28A-1.71	Bus stops on Route 67 in Fort Lee	14 N.J.R. 139(b)	R. 1982 d.113 14 N.J.R. 391(e)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R. 1982 d.251 14 N.J.R. 920(c)
16:28A-1.74-1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50, 53, 59, I-80, 87, US 130, 33, 153, 159, 161, 182, 62, 208, 280, I-280, 287, I-295, US322, US322-45	14 N.J.R. 637(a)	R. 1982 d.283 14 N.J.R. 982(a)
16:28A-1.81	Parking along Route 87 in Atlantic City	15 N.J.R. 234(a)	R. 1983 d.130 15 N.J.R. 694(a)
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R. 1982 d.322 14 N.J.R. 1061(b)
16:29-1.3, 1.20, 1.24-1.28	No passing zone changes	14 N.J.R. 1283(b)	R. 1983 d.2 15 N.J.R. 162(b)
16:30-2.5	Stop intersection on Route 71, Oceanport-Eatontown	15 N.J.R. 318(b)	R. 1983 d.152 15 N.J.R. 808(b)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R. 1982 d.414 14 N.J.R. 1402(b)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R. 1982 d.299 14 N.J.R. 982(c)
16:30-3.6	Readopt HOV lanes along Route 444	13 N.J.R. 456(b)	R. 1981 d.323 14 N.J.R. 614(b)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R. 1982 d.294 14 N.J.R. 982(d)
16:30-3.7	Bus lane on US 22 in Westfield-Mountainside	15 N.J.R. 522(a)	R. 1983 d.229 15 N.J.R. 1037(b)
16:30-9.1	Drawbridge use on Route 35 in Old Bridge-Sayerville	15 N.J.R. 132(a)	R. 1983 d.106 15 N.J.R. 554(b)
16:31-1.1	U turns on US 206 in Bordentown	15 N.J.R. 426(b)	R. 1983 d.173 15 N.J.R. 930(a)
16:31-1.1	Turns on US 206 in Somerset County	15 N.J.R. 522(b)	R. 1983 d.230 15 N.J.R. 1037(c)
16:31-1.3	Turns on Route 46 in Dover, Morris County	15 N.J.R. 319(a)	R. 1983 d.153 15 N.J.R. 808(c)
16:31-1.10	Turns along Route US 30	13 N.J.R. 457(a)	R. 1981 d.340 13 N.J.R. 614(c)
16:31-1.16	No left turn along Route 79	13 N.J.R. 614(d)	R. 1981 d.460 13 N.J.R. 895(b)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R. 1982 d.225 14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R. 1982 d.327 14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R. 1982 d.394 14 N.J.R. 1220(c)
16:31-1.20	Left turns on Route 28 in Somerset County	14 N.J.R. 1447(a)	R. 1983 d.53 15 N.J.R. 342(b)
16:31-1.21	Turns on Route 15 in Morris County	15 N.J.R. 319(a)	R. 1983 d.153 15 N.J.R. 808(c)
16:31A-1.4, 1.13, 1.17, 1.19, 1.23	Prohibited rights on red: Routes 4, 18, 24, 28, 33	13 N.J.R. 935(b)	R. 1982 d.48 14 N.J.R. 236(e)
16:31A-1.25, 1.35, 1.37, 1.65	Prohibited rights on red: Routes 35, 49, US46, and 206	13 N.J.R. 936(a)	R. 1982 d.49 14 N.J.R. 237(a)
16:31A-1.67	Route I-280 right-on-red prohibition in Orange	13 N.J.R. 937(a)	R. 1982 d.50 14 N.J.R. 237(b)
16:31A-1.77	Route 181 right-on-red prohibition in Sparta	13 N.J.R. 937(b)	R. 1982 d.51 14 N.J.R. 237(c)
16:32	Designated routes for special categories of trucks	Emergency	R. 1983 d.124 15 N.J.R. 643(a)
16:32	Readopted: Designated routes for special categories of trucks	15 N.J.R. 643(a)	R. 1983 d.259 15 N.J.R. 1102(c)
16:32	Correction: Designated routes for special categories of trucks	15 N.J.R. 1102(c)	R. 1983 d.259 15 N.J.R. 1182(a)
16:41-8.1, 8.4, 8.5, 8.6	Outdoor advertising	13 N.J.R. 615(a)	R. 1981 d.497 14 N.J.R. 46(d)
16:41A-7.1	Outdoor Advertising Tax Act	13 N.J.R. 616(a)	R. 1981 d.496 14 N.J.R. 47(a)
16:51	Recodified as 16:73	13 N.J.R. 881(a)	R. 1982 d.40 14 N.J.R. 209(a)
16:51-4	Repealed: Delegation of powers	13 N.J.R. 881(a)	R. 1982 d.40 14 N.J.R. 209(a)
16:53-1.1-1.3, 1.6-1.9, 1.11, 1.19, 1.21-1.30, 2	Autobus specifications	14 N.J.R. 1347(a)	R. 1983 d.110 15 N.J.R. 694(b)
16:53-1.29, 1.30, 3.23, 3.24, 6.21, 6.30, 7.17, 7.23,	Autobus specifications	15 N.J.R. 877(b)	R. 1983 d.445 15 N.J.R. 1771(a)

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8.22, 8.25			
16:53-2	Autobus specifications	13 N.J.R. 834(a)	R. 1982 d.30
16:53-3.1-3.39, 4, 5.1, 6, 7, 8, 9.1, 9.2	Autobus specifications	14 N.J.R. 1347(a)	R. 1983 d.110
16:54	Licensing of aeronautical facilities	12 N.J.R. 289(a)	R. 1981 d.141
16:54-1.3	"Commercial purposes" and balloon operations	14 N.J.R. 326(a)	R. 1982 d.175
16:56-3	Repeal aircraft registry logs	13 N.J.R. 457(b)	R. 1981 d.341
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R. 1983 d.8
16:65	Readopted: Contract Administration rules	15 N.J.R. 1080(b)	R. 1983 d.409
16:65	Contract Administration rules recodified as 16:44		
16:65-9	Corporate reorganization of contractors	13 N.J.R. 524(a)	R. 1981 d.399
16:72	N.J. Transit procurement policies and procedures	13 N.J.R. 158(a)	R. 1981 d.176
16:73	Reduced Fare Transportation Program	13 N.J.R. 881(a)	R. 1982 d.40
16:75	NJ TRANSIT: bus allocation rules	15 N.J.R. 881(a)	R. 1983 d.371

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TREASURY-GENERAL-TITLE 17

17:1	Readopted: General Administration pension rules	15 N.J.R. 523(a)	R. 1983 d.174
17:1-1.3, 1.8, 1.18, 1.19	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R. 1982 d.491
17:1-1.5	Pensions: Monthly transmittals and interest charges	15 N.J.R. 80(b)	R. 1983 d.77
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R. 1982 d.470
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R. 1982 d.358
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R. 1982 d.346
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R. 1982 d.438
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R. 1982 d.483
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R. 1201(a)	R. 1982 d.480
17:1-4.6, 4.25	Transfers and hearings	14 N.J.R. 1290(a)	R. 1982 d.491
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R. 1982 d.347
17:1-4.11	Teachers' Pension: Credit for prior military service	15 N.J.R. 1238(a)	R. 1983 d.416
17:1-4.13, 4.34	Pensions: Service credit; purchases	14 N.J.R. 1201(b)	R. 1982 d.469
17:1-5,-7	Hearing request; Adjustment Program	14 N.J.R. 1290(a)	R. 1982 d.491
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R. 1982 d.471
17:1-8.12	Social Security: Late filing penalties	15 N.J.R. 319(b)	R. 1983 d.132
17:1-8.14	Social Security late transmittal fee	15 N.J.R. 687(a)	R. 1983 d.265
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R. 1982 d.350
17:1-12.2	Loan information	14 N.J.R. 1201(b)	R. 1982 d.469
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R. 1983 d.39
17:1-12.4	Interfund transfers: court attendants appointed sheriff's officers	15 N.J.R. 525(a)	R. 1983 d.216
17:1-12.5	Interfund transfers and accumulated interest	15 N.J.R. 526(a)	R. 1983 d.217
17:1-12.6	Pension credit for extended maternity leave	15 N.J.R. 1012(b)	R. 1983 d.334
17:2-2.3, 3.3 7.1, 7.2	PERS: Ineligibility; contributory insurance rates; interfund transfers	14 N.J.R. 1150(a)	R. 1983 d.7
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R. 1982 d.343
17:2-3.9	Repealed: PERS insurance liability for unenrolled members	15 N.J.R. 16(a)	R. 1983 d.76
17:2-3.12, -5	PERS: Beneficiary designation; purchases	14 N.J.R. 1151(a)	R. 1983 d.6
17:2-6.26	PERS: Critical disability claims	13 N.J.R. 748(a)	R. 1981 d.515
17:3	Readopted: Teachers' Pension and Annuity Fund rules	15 N.J.R. 526(b)	R. 1983 d.175
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R. 1982 d.344
17:3-1.11, 3.12	Teachers' Pension and Annuity Fund	14 N.J.R. 1202(b)	R. 1983 d.78
17:3-2.8	Teachers' Pension: repealed insurance liability for unenrolled members	15 N.J.R. 1177(a)	R. 1983 d.439
17:3-5	Teachers' Pension: Purchase and eligible service	13 N.J.R. 618(b)	R. 1981 d.510
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d.78
17:3-6.4	Loan repayments to teachers' fund	13 N.J.R. 748(b)	R. 1982 d.14
17:3-6.15	Teachers' Pension: Compulsory retirement	13 N.J.R. 620(a)	R. 1981 d.509
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d.78
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R. 1983 d.4
17:4-3.6	Police and Firemen's Retirement: Insurance liability	14 N.J.R. 1291(a)	R. 1983 d.47
17:4-5.1	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d.292
17:4-5.3, 5.6	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R. 1983 d.3
17:4-5.5	Police and Firemen's Retirement: Reinstatement	15 N.J.R. 132(b)	R. 1983 d.127

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17:4-6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d. 292	13 N.J.R. 525(c)
17:4-6.4	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R. 1983 d. 3	15 N.J.R. 163(c)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d. 292	13 N.J.R. 525(c)
17:4-7.1, 7.2	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R. 1983 d. 3	15 N.J.R. 163(c)
17:5-1.9	State Police Retirement: Proof of age	14 N.J.R. 1205(a)	R. 1983 d. 49	15 N.J.R. 342(d)
17:5-2.4	State Police Retirement System	14 N.J.R. 1448(a)	R. 1983 d. 48	15 N.J.R. 342(e)
17:5-4.1, 4.2, 4.3	State Police pension purchases and eligible service	13 N.J.R. 939(a)	R. 1982 d. 66	14 N.J.R. 284(e)
17:5-5.15	State Police: Critical disability claims	13 N.J.R. 939(a)	R. 1982 d. 67	14 N.J.R. 285(a)
17:5-6.1, 6.2	State Police Retirement: Interfund transfers	14 N.J.R. 1292(a)	R. 1983 d. 46	15 N.J.R. 343(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R. 1983 d. 35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R. 1982 d. 349	14 N.J.R. 1164(d)
17:7	Readopted: Prison Officers' Pension Fund rules	15 N.J.R. 527(a)	R. 1983 d. 176	15 N.J.R. 930(d)
17:8-2.6, 3.3	Supplemental Trust: Suspended deductions; withdrawal or retirement	15 N.J.R. 81(a)	R. 1983 d. 128	15 N.J.R. 697(a)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R. 1982 d. 348	14 N.J.R. 1164(e)
17:9	Readopted: Health Benefits Program rules	15 N.J.R. 529(a)	R. 1983 d. 177	15 N.J.R. 930(e)
17:9	State Health Benefits Program	15 N.J.R. 792(b)	R. 1983 d. 330	15 N.J.R. 1383(c)
17:9-1.4, 1.6	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d. 44	15 N.J.R. 343(b)
17:9-1.5	Health Benefits Program: employer termination of participation	15 N.J.R. 793(a)	R. 1983 d. 332	15 N.J.R. 1383(d)
17:9-1.7	State Health Benefits Program: local governments	15 N.J.R. 884(a)	R. 1983 d. 331	15 N.J.R. 1383(e)
17:9-2.1, 2.2, 2.3, 2.6, 2.7, 2.11	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d. 44	15 N.J.R. 343(b)
17:9-2.10	HMO options for employees who move	15 N.J.R. 81(b)	R. 1983 d. 129	15 N.J.R. 697(b)
17:9-4.6	State Health Benefits Program: "Local, full time"	14 N.J.R. 1296(a)	R. 1983 d. 43	15 N.J.R. 343(c)
17:9-5.3, 5.5, 5.6, 5.8, 5.10	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d. 44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R. 1982 d. 341	14 N.J.R. 1165(a)
17:9-6.1-6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d. 44	15 N.J.R. 343(b)
17:10	Readopted: Judicial Retirement System rules	15 N.J.R. 530(a)	R. 1983 d. 178	15 N.J.R. 931(a)
17:10-1.3, 1.4	Judicial Retirement System administration	14 N.J.R. 1296(b)	R. 1983 d. 212	15 N.J.R. 1038(a)
17:10-1.8	Judicial Retirement System: proof of age	14 N.J.R. 1298(a)	R. 1983 d. 214	15 N.J.R. 1038(b)
17:10-2.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R. 1983 d. 212	15 N.J.R. 1038(a)
17:10-3.1	Judicial Retirement: computation of benefits	14 N.J.R. 1299(a)	R. 1983 d. 213	15 N.J.R. 1038(c)
17:10-3.2	Judicial Retirement System: Maternity leave	14 N.J.R. 201(b)	R. 1982 d. 345	14 N.J.R. 1165(b)
17:10-3.6, 4.3, 4.4, 4.7, 4.8, 4.9, 5.1, 5.2, 5.3	Judicial Retirement System administration	14 N.J.R. 1296(b)	R. 1983 d. 212	15 N.J.R. 1038(a)
17:10-5.10	Judicial Retirement System: Disability	14 N.J.R. 140(a)	R. 1982 d. 342	14 N.J.R. 1165(c)
17:10-6.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R. 1983 d. 212	15 N.J.R. 1038(a)
17:12-5.1	Subscription fee for State contract information	14 N.J.R. 1085(b)	R. 1982 d. 481	15 N.J.R. 96(b)
17:16-5.1, 5.2	Readopted: State Investment Council, classification of funds	15 N.J.R. 531(a)	R. 1983 d. 233	15 N.J.R. 1038(d)
17:16-5.1-5.6	State Investment Council funds	14 N.J.R. 329(b)	R. 1982 d. 397	14 N.J.R. 1220(d)
17:16-17.2, 17.3	State Investment Council: Applicable funds; equity investments	15 N.J.R. 133(a)	R. 1983 d. 107	15 N.J.R. 627(a)
17:16-27.1, 27.2, 27.3	State Investment Council: Certificates of deposit	15 N.J.R. 794(a)	R. 1983 d. 281	15 N.J.R. 1182(b)
17:16-31.15	Cash Management Fund: Statement correction	14 N.J.R. 899(a)	R. 1982 d. 363	14 N.J.R. 1166(a)
17:16-37.1-37.4	State Investment Council: repurchase agreements	15 N.J.R. 795(a)	R. 1983 d. 282	15 N.J.R. 1182(c)
17:16-39.1-39.6	State Investment Council: bankers acceptances	15 N.J.R. 796(a)	R. 1983 d. 283	15 N.J.R. 1182(d)
17:16-43.1, 43.2	Mortgage-backed securities	14 N.J.R. 652(a)	R. 1982 d. 396	14 N.J.R. 1221(a)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R. 1982 d. 362	14 N.J.R. 1166(b)
17:20-10	Correction to Code: Lottery ticket rules			15 N.J.R. 166(a)
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TREASURY-TAXATION-Title 18				
18:3-1.2, 2.1	New Jersey wines	13 N.J.R. 839(a)	R. 1982 d. 181	14 N.J.R. 664(a)
18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R. 1982 d. 256	14 N.J.R. 920(e)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d. 62	15 N.J.R. 343(d)
18:7-1.15	Investment company defined	13 N.J.R. 684(b)	R. 1982 d. 34	14 N.J.R. 209(b)
18:7-3	Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d. 6	14 N.J.R. 105(d)
18:7-3.1, 3.3, 3.4	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d. 62	15 N.J.R. 343(d)

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18:7-3.5	Corporation Business Tax and short table	14 N.J.R. 826(b)	R. 1982 d.395	14 N.J.R. 1221(b)
18:7-3.5	Corporation Business Tax: short tax table	15 N.J.R. 320(a)	R. 1983 d.219	15 N.J.R. 1038(e)
18:7-3.14	Correction: Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d.6	14 N.J.R. 1065(a)
18:7-4.1, 4.10, 5.2, 8.5	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-11.12	Emergency extension for filing corporate return	Emergency	R. 1981 d.163	13 N.J.R. 377(a)
18:7-11.12, 13.6, 14.2	Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d.6	14 N.J.R. 105(d)
18:9	Readopted: Business Personal Property Tax rules	15 N.J.R. 1081(a)	R. 1983 d.345	15 N.J.R. 1487(a)
18:12-18:17	Readopted: Local Property Tax rules	15 N.J.R. 1082(a)	R. 1983 d.355	15 N.J.R. 1487(b)
18:12-4	Local property tax: revaluation of real property	15 N.J.R. 322(a)	R. 1983 d.221	15 N.J.R. 1039(a)
18:12-6A.8	Multiple dwelling exemptions and tax list designations (joint adoption, see 5:22-2.6)	14 N.J.R. 72(b)	R. 1982 d.78	14 N.J.R. 278(b)
18:12-6A.8	Residential exemptions: improvements to multiple dwellings	15 N.J.R. 613(a)	R. 1983 d.256	15 N.J.R. 1105(a)
18:12-7.12	Readopted: Homestead rebate filing extension	13 N.J.R. 948(b)	R. 1982 d.41	14 N.J.R. 212(a)
18:12-7.12	Homestead Rebate: Extension of time to file	Emergency	R. 1982 d.439	14 N.J.R. 1466(a)
18:12-9	Mobile homes tax moratorium (local property)	13 N.J.R. 162(b)	R. 1981 d.207	13 N.J.R. 462(c)
18:12A-1.6	Appeals to county tax boards	14 N.J.R. 231(a)	R. 1982 d.176	14 N.J.R. 580(f)
18:12A-1.12	Local property tax	13 N.J.R. 621(a)	R. 1981 d.478	13 N.J.R. 948(c)
18:12A-1.20	County boards of taxation	13 N.J.R. 44(d)	R. 1981 d.44	13 N.J.R. 165(a)
18:14-1.1, 2.2, 2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10	Local property tax senior citizens deduction	13 N.J.R. 462(d)	R. 1981 d.426	13 N.J.R. 779(f)
18:14-3.9	Local property tax: senior citizens' deduction	15 N.J.R. 885(a)	R. 1983 D.366	15 N.J.R. 1487(c)
18:18-3.6	Distributors and gas jobbers bond ceiling	14 N.J.R. 202(a)	R. 1982 d.140	14 N.J.R. 430(a)
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18:19-2.2	Retail gasoline prices display	14 N.J.R. 331(b)	R. 1982 d.257	14 N.J.R. 921(a)
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