

NEW JERSEY REGISTER



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THE JOURNAL OF STATE AGENCY RULEMAKING

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(Includes rules filed through November 7, 1986)

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MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: SEPTEMBER 22, 1986.

See the Register Index for Subsequent Rulemaking Activity.

NEXT UPDATE WILL BE DATED OCTOBER 20, 1986.

RULEMAKING IN THIS ISSUE

RULE PROPOSALS

Interested persons comment deadline	2346
AGRICULTURE	
Jersey Fresh Quality Grading Program	2347(a)
COMMUNITY AFFAIRS	
Barrier-Free Subcode	2348(a)
Energy Subcode: Thermal efficiency standards	2349(a)
ENVIRONMENTAL PROTECTION	
Natural Areas System	2349(b)
Redelineation of Wolf Creek in Hackensack Basin	2355(a)
Hazardous waste management	2356(a)
Recycling Grants and Loans Program	2358(a)
Licensure of orthopedic and urologic x-ray technologists ..	2361(a)
HEALTH	
Control of new drugs and Laetrile use	2363(a)
HIGHER EDUCATION	
Submission of financial statements by independent special purpose and theological institutions	2364(a)
Approval of courses-for-credit offered by out-of-state institutions	2365(a)
HUMAN SERVICES	
Personal care assistant services	2365(b)
LAW AND PUBLIC SAFETY	
Continuing education in landscape architecture	2367(a)
Preparation of land surveys	2367(b)
Thoroughbred racing: refunds of advance wagers	2368(a)
STATE	
State Museum	2368(b)
TRANSPORTATION	
Zone of rate freedom	2376(a)

TREASURY-GENERAL	
Reconciliation of pension accounts	2377(a)
Common Pension Fund A: distribution of realized appreciation	2377(b)
Common Pension Fund B: distribution of realized appreciation	2378(a)
TREASURY-TAXATION	
Purchase of cigarette revenue stamps	2378(b)
OTHER AGENCIES	
CASINO CONTROL COMMISSION	
Alcoholic beverage licenses	2379(a)

RULE ADOPTIONS

ADMINISTRATIVE LAW	
Prior transcribed testimony	2381(a)
PERSONNEL	
Promotional examinations	2381(b)
HIGHER EDUCATION	
Policies and procedures for community colleges	2382(a)
HUMAN SERVICES	
Pharmacy claims	2387(a)
ASH: conformity with Federal regulations	2388(a)
ASH: AFDC eligibility requirements	2388(b)
LAW AND PUBLIC SAFETY	
Ambulatory care facilities: advertising and solicitation practices	2390(a)

(Continued on Next Page)

INTERESTED PERSONS

Interested persons may submit, in writing, information or arguments concerning any of the rule proposals in this issue until **December 31, 1986**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-4.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

RULEMAKING IN THIS ISSUE—Continued

MISCELLANEOUS NOTICES

COMMUNITY AFFAIRS	
Thermal efficiency standards: operative date	2391(a)
HUMAN SERVICES	
Food stamp applications: correction to	
Administrative Code	2391(b)
TREASURY-GENERAL	
Public Employees' Retirement System: correction to	
Administrative Code	2391(c)
Architect-engineer selection for major projects	2391(d)
EXECUTIVE ORDER NO. 66(1978)	
EXPIRATION DATES	2393

INDEX OF PROPOSED AND ADOPTED RULES

2398

Filing Deadlines

January 20 issue:	
Proposals	December 19
Adoptions	December 23
February 2 issue	
Proposals	January 5
Adoptions	January 12
February 17 issue:	
Proposals	January 16
Adoptions	January 26

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September 1969, and twice-monthly since November 1981.

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RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF REGULATORY SERVICES

Jersey Fresh Quality Grading Program Logo

Proposed Amendment: N.J.A.C. 2:71-2.2, 2.3, 2.4, 2.5, 2.6, 2.7

Authorized By: State Board of Agriculture;

Arthur R. Brown, Jr., Secretary of Agriculture.

Authority: N.J.S.A. 4:10-3, 4:10-13 and 4:10-20.

Proposal Number: PRN 1986-510.

Submit comments by December 31, 1986 to:

Robert C. Fringer, Director

Division of Regulatory Services

New Jersey Department of Agriculture

CN 330

Trenton, New Jersey 08625

Telephone (609) 292-5575

The agency proposal follows:

Summary

The proposed amendments to the regulations for the voluntary "Jersey Fresh Quality Grading Program" were developed to aid packers of fresh market cucumbers, iceberg lettuce, eggplant, sweet peppers, tomatoes (fresh market), cabbage (domestic type), green corn, summer, fall and winter types squash, sweet potatoes, white potatoes, common green onions, blueberries, and peaches to pack a grade that will have greater acceptance by the consumer and ultimately increase the demand for the superior quality of these New Jersey grown products. The text of these regulations describes the configuration of the "logo", the application for license and licensing procedure, the license period, charges for the "logo" labels and imprinted containers, the commodities intended to be marketed under the "logo" program, commodity grades, packaging requirements, packer identification and containers definition of terms and penalties that may be incurred.

Social Impact

The people affected by these regulations will be those transferring ownership of containers imprinted with the "logo", packers using the Jersey Fresh Quality Program logo and the consumers. Products packed under the "logo" will enhance the promotion of uniformly packed high quality New Jersey farm products, to the benefit of the packers and consumers. Packers will gain new markets for their products, while consumers will have a larger supply of quality product available to fill their needs. Those who transfer ownership of "logo" imprinted containers will be licensed in order to provide more control over the use of the "logo", thus creating greater protection of the "logo's" integrity.

Economic Impact

The economic impact on voluntary logo packers will be very minimal. Packers' costs will be \$.01 per label per container or \$1.00 per 1,000 imprinted containers. This small cost will be offset by increases in prices received by the packers through the sale of high quality produce.

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

2:71-2.2 Use of the "Jersey Fresh Quality Grading Program" Logo (referred to as the "logo") on containers of certain fresh fruits and vegetables

(a) (No change.)

(b) The configuration of the Jersey Fresh Quality Grading Program Logo follows:

OFFICE OF ADMINISTRATIVE LAW NOTE: The logos now in the New Jersey Administrative Code are being replaced by the logo reproduced below, which does not contain any designation of "U.S. No. 1 or Better" or "U.S. Extra No. 1 or Better," pursuant to U.S.D.A. requirements.



(c) Only those persons, firms, partnerships, corporations or associations licensed by the New Jersey Department of Agriculture pursuant to N.J.S.A. 4:10-5 to use the Jersey Fresh Quality Grading Program Logo shall be permitted to attach the printed label to or have it printed upon a panel of the container in which the agricultural commodity is to be marketed or to employ its use in advertising or in any manner whatsoever. All containers are subject to the approval of the New Jersey Department of Agriculture.

[1. The logo shall be printed on the upper corner of the containers end panel, except for white potatoes, it may be printed anywhere on the bag; blueberries it shall be attached to or printed on the end panel of the master flats; and it may be printed on the corner end panel of the lid or container of peach or tomato cartons. The logo shall be at least two inches in width and three inches in length, except when printed on the end panel of peach or tomato carton lids, where the length of the logo shall not be less than three-quarters of the depth of the lid's end panel; with a corresponding reduction in the width of the logo imprint.]

(d) (No change.)

(e) Any person, firm, partnership, corporation or co-operative wishing to transfer ownership of containers bearing the "logo" to licensed registrants shall make application to the New Jersey Department of Agriculture for a license. The application shall be made in writing, upon a form provided by the department. Information given in the application shall be held confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq.

[(e)](f) (No change in text.)

2:71-2.3 Charges for Jersey Fresh Quality Grading Program logo labels and Use of Jersey Fresh Quality logo imprinted containers

(a) (No change.)

(b) Licensees may purchase Jersey Fresh logo labels in increments of 1,000. The charge for Jersey Fresh logo labels shall be [\$20.00] **\$10.00** per thousand. Checks are to be made payable to New Jersey Farm Products Publicity Fund.

(c) The licensed packer using the [Jersey Fresh Quality Grading Program] "logo" on approved containers shall pay to the New Jersey Farm Products Publicity Fund [a charge of] \$1.00 per [one thousand] **1,000** containers on which the "logo" is imprinted. **However, for produce in retail packages of 20 pounds or less, the charge shall be based on the weight of the wholesale package.** Such charge shall be levied on the quantity of containers delivered to the packer. A copy of each shipping invoice or a statement shall be supplied to the department by the licensed person, firm, partnership, corporation or co-operative that transfers ownership of containers bearing the "logo" to the licensed registrant. Said copy of each shipping invoice or statement shall include: licensed packer's name and address, the registration number, the number of containers delivered, the type of containers and the date of delivery. [Failure to supply invoices or statements may be sufficient cause to withdraw approval to imprint Jersey Fresh Quality Grading Program logo containers.] The amount of

said charge shall be paid by the licensed packer within ten days after date of billing by the department.

(d)-(e) (No change.)

(f) **No charge will be levied for a license to transfer ownership of containers bearing the "logo".**

2:71-2.4 Agricultural commodities intended to be marketed under the Jersey Fresh Quality Grading Program

(a) Only blueberries, cabbage, green corn, cucumbers, eggplants, iceberg lettuce, common green onions, **peaches**, sweet peppers, sweet potatoes, white potatoes, summer squash, fall and winter type squash, and tomatoes (fresh market), may be identified by the "logo."

(b) All agricultural commodities marketed under the [Jersey Fresh] "logo" program shall be produced and packed in New Jersey.

2:71-2.5 Commodity grades, packing requirements, packer identification and containers

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

(c) Cabbage, Domestic type, shall be U.S. No. 1, Green grade, with the heads being of two and one-half pound minimum weight to [3½] **four** pound maximum weight. Each head shall be fairly well trimmed. Containers shall be marked "U.S. No. 1, Green" ["U.S. No. 1"]. All containers shall be new.

(d)-(l) (No change.)

(m) Squash, Fall and Winter (acorn and butternut) shall be U.S. No. 1 grade and shall meet the following size specifications: Acorn shall be a minimum of [one pound] **1½ pounds** and a maximum of [two] **2½** pounds in weight. Butternut shall be a minimum of 1½ pounds and a maximum of [three] **3½** pounds in weight. All containers shall be new.

(n) Squash, Summer (yellow and green) shall be U.S. No. 1 grade and shall meet the following size specifications: green type shall be a maximum of eight inches in length and a maximum of [1¼] **2¼** inches in diameter; yellow type shall be a maximum of eight inches in length and a maximum of [two] **2½** inches in diameter at the bulb. All containers shall be at least fairly well filled. All containers shall be new.

(o) (No change.)

2:71-2.6 Definitions

"Hydrocooled" means using the process of conveying produce through cold water (as near to [34] **32°F** or 0°C as possible) to remove field heat quickly.

"Mixed Colors" means that a lot of tomatoes may contain not more than 5 percent of tomatoes which are green in color. "Green" means that the surface of the tomato[e] is completely green in color. The shade of green color may vary from light to dark.

2:71-2.7 Penalties

(a) (No change.)

(b) After the [third] **second** violation of any part of this subchapter of the same regulated product packed by the same licensed packer during the same calendar year, the license to pack under the Jersey Fresh Quality Grading program will be revoked for the remainder of the license year.

(c) **Any entity licensed to transfer ownership of containers bearing the "logo" which violates any part of the regulations shall be subject to a penalty of not more than \$50.00 for the first offense and revocation of license for a subsequent offense, except for violators of N.J.S.A. 4:10-5 which the penalty shall be \$50.00.**

[(c)](d) Prior to the imposition of penalties under (a), [or] (b) or (c) above the individual charged with a violation of the regulations shall be afforded the opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq.

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

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT Uniform Construction Code Barrier-Free Subcode

Proposed Amendments: N.J.A.C. 5:23-2.23 and 7.57

Authorized By: Leonard S. Coleman, Jr., Commissioner,

Department of Community Affairs.

Authority: N.J.S.A. 52:27D-123.

Proposal Number: PRN 1986-493.

Submit comments by December 31, 1986 to:

Michael L. Ticktin, Esq.

Administrative Practice Officer

Division of Housing and Development

CN 804

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendments are made in conjunction with the adoption of the Barrier Free Subcode (see November 3, 1986 Register at 18 N.J.R. 2194(a)), establishing standards for accessibility for the handicapped to all newly-constructed and renovated structures. The amendment to N.J.A.C. 5:23-2.23 adds platform lifts to the same inspection cycle established under the Uniform Construction Code for elevators. The amendment to N.J.A.C. 5:23-7.57 would require a grab bar beside a urinal of standard height for the use of mobility impaired individuals.

Social Impact

The proposed amendments are intended to enhance the independence of disabled citizens and their ability to travel freely.

Economic Impact

The economic impact of the proposal to require the semiannual inspection of platform lifts will be minimal, consisting of the administrative costs associated with conducting the inspection and the cost, if any, of repairing the lift to maintain it in a safe operating condition. There will be no economic impact associated with the proposal to require a grab bar adjacent to a urinal of standard height as a grab bar is currently required in toilet rooms required to be accessible adjacent to an accessible urinal. Under the proposed amendment, this required grab bar is moved from one location to another.

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

5:23-2.23 Certificate of occupancy requirements

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

(i) Limitations: Equipment herein below listed, having been determined to create a significant potential for hazard to public health and safety shall be granted a certificate of approval by the appropriate sub-code official or other approved agency for the duration specified herein:

1. Elevators: six months;

2. Platform lifts: six months;

Renumber existing 2. through 9. as 3. through 10. (No change in text.)

(j)-(k) (No change.)

5:23-7.57 Accessible toilet and bathing facilities: urinals

(a) (No change.)

(b) A vertical grab bar shall be located next to at least one urinal at standard height.

(a)

DIVISION OF HOUSING AND DEVELOPMENT
Uniform Construction Code
Energy Subcode
Thermal Efficiency Standards
Proposed Amendments: N.J.A.C. 14A:3-4

Authorized By: Leonard S. Coleman, Jr., Commissioner,
 Department of Community Affairs.
 Authority: N.J.S.A. 52:27D-124 and 52:27F-27; Executive
 Reorganization Plan No. 001-1986.
 Proposal Number: PRN 1986-501.

Submit comments by December 31, 1986 to:
 Michael L. Tickin, Esq.
 Administrative Practice Officer
 Division of Housing and Development
 CN 804
 Trenton, NJ 08625

The agency proposal follows:

Summary

The New Jersey Builders Association (N.J.B.A.) submitted extensive comments on the Energy Subcode: Thermal and Lighting Efficiency Standards prior to the adoption of the thermal and lighting efficiency standards of the Energy Subcode by the Department of Energy (see 18 N.J.R. 1612(a)). As a result of further discussions with the N.J.B.A., the Department of Energy and, after the August 29, 1986 effective date of Executive Reorganization Plan No. 001-1986, which transferred responsibility for the adoption, amendment and repeal of the Energy Subcode to the Department of Community Affairs, the Department of Community Affairs recognizes the need to make certain technical changes. These changes involve allowable thermal transmittance values for walls and roof/ceiling assemblies. It is intended that the requirements of the Energy Subcode be brought into conformity with those established by the Farmers Home Administration of the United States Department of Agriculture for one- and two-family detached houses.

In response to comments by the N.J.B.A., the proposed amendments also makes the revisions necessary to have the standards for one- and two-family homes and those for other types of residential construction not more than three stories in height be equivalent.

The distinction between the three thermal regions of the State is eliminated because the differences in thermal requirements is too minimal to justify having three sets of standards.

Social Impact

The effect of the amendment will be to clarify construction requirements regarding thermal efficiency and thereby avoid the confusion and error on the part of builders, property owners and code administrators that would otherwise result if the rule adopted at 18 N.J.R. 1612(a) were to become operative on November 3, 1986 without correction.

Economic Impact

Elimination of confusion as to what the standards are will eliminate error and guesswork that might be costly to builders and property owners. The added cost to persons building in the southern parts of the State, as well as any reduction in cost to those building in the northern parts of the State, as a result of the adoption of a uniform statewide thermal standard will be of no real economic consequence.

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

14A:3-4.4 Thermal efficiency standards

(a) (No change.)

(b) The Energy Subcode is amended as follows:

1.-2. (No change.)

3. The following amendments are made to Article 3 of the energy subcode entitled "Building Envelope"

i. In Section E-301.2.1, delete the words "those specified in Figure E-301.2.1a" and add the words "**0.135 Btu/hr.-ft.² °F.** [Table E-301.2.1]".

ii. Delete Figure E-301.2.1a [and add Table E-301.2.1 below:].

(Delete Table E-301.2.1, Note 1 and Note 2.)

iii. (No change.)

iv. In Section E-301.2.2, delete the words "as specified in Table E-301-2.2" and add the words "not exceeding 0.03 Btu/hr.-ft.² °F. Delete Figure E-301-2.2 [and add Table E-301.2.2 below:].

(Delete Table E-301.2.2.)

v. [In Section E-301.2.2, delete exception 1.] **Reserved**

vi. In Section E-301.2.3, delete the words "combined thermal transmittance value U₀ as specified in Figure E-301.2.3" and add the words "maximum allowable transmittance value U₀ of 0.052 Btu/hr.-ft.² °F.". **Delete the words "meet the same requirements as for roofs in Section E-301.2.2" and add the words "be 0.045"**.

vii. (No change.)

viii. In Section E-301.2.4, delete the words "those specified in Figure E-301.2.4" and add the words "**6.7 if the slab is heated, or 4.5 if the slab is unheated** [Table E-301.2.4]".

ix. Delete Figure E-301.2.4 [and add Table E-301.2.4 below:].

(Delete Table E-301.2.4.)

x. In Section E-301.3.1, delete the words "those specified in Figure E-301.2.1" and add the words "**0.345 Btu/hr.-ft.² °F. for buildings over three stories, and 0.285 Btu/hr.-ft.² °F. for buildings of three stories and under** [Table E-301.3.1]".

xi. Delete Figure E-301.3.1 [and add Table E-301.3.1 below:].

(Delete Table E-301.3.1.)

xii. In Section E-301.3.2, delete the words "those specified in Figure E-301.3.2" and add the words "**0.080 Btu/hr.-ft.² °F.** [Table E-301.3.2]".

xiii. Delete Figure E-301.3.2 [and add Table E-301.3.2 below:].

(Delete Table E-301.3.2.)

xiv. (No change.)

xv. In Section E-301.3.4, delete the words "Figure E-301.2.4" and add the words "**Section E-301.2.4** [Table E-301.2.4]".

xvi.-xvii. (No change.)

xviii. **After Section E-301.4.3, add the words "Design temperatures shall be as follows: Winter 14°F.; Summer DB 90°F.; Summer WB 76°F."**

4. (No change.)

5. The following changes are made to Article 5 of the energy subcode entitled "Plumbing Systems".

i. (No change.)

ii. Add Section E-504.0 SWIMMING POOLS as follows:

(1) [E-501.1] **E-504.1 Pool Heaters.**

(A)-(C) (No change.)

(2)-(3) (No change.)

6.-7. (No change.)

(Delete Figure A.)

ENVIRONMENTAL PROTECTION

The following proposals are authorized by Richard T. Dewling, Commissioner, Department of Environmental Protection; except as otherwise indicated.

(b)**DIVISION OF PARKS AND FORESTRY****Natural Areas System****Proposed Repeal: N.J.A.C. 7:2-11****Proposed New Rule: N.J.A.C. 7:2-11**

Authority: N.J.S.A. 13:1D-1 et seq., 13:1B-3, 13:1B-15.4 et seq., 13:1B-15.12a et seq., and 23:7-9.

Authorized By: Richard T. Dewling, Commissioner, Department of Environmental Protection and Thomas F. Hampton, Administrator, Office of Natural Lands Management.

DEP Docket Number: 054-86-10.

Proposal Number: PRN 1986-503.

Submit comments by December 31, 1986 to:

Howard Geduldig, Esq.

Office of Regulatory Services

Department of Environmental Protection

CN 402

Trenton, NJ 08625

The agency proposal follows:

Summary

The Department proposes to repeal the existing rule and adopt a new rule at N.J.A.C. 7:2-11 to effect a complete revision of the regulations implementing the Natural Areas Act (N.J.S.A. 13:1B-15.4 et seq.) and the Natural Areas System Act (N.J.S.A. 13:1B-15.12a et seq.) in order to provide detailed procedures, standards and criteria for the administering agencies and the public. The most significant changes involve specific procedures for placing lands on the Register of Natural Areas (Register), designating lands to the Natural Areas System (System), and identifying the role of the Natural Areas Council. The proposal also defines specific standards and criteria for lands placed on the register and designated to the system. The classification of natural areas has been revised to reflect the type of habitat management necessary to achieve the designation objective for each area. Finally, the proposal provides a listing of interim management practices which may be conducted, absent a management plan, and specifies levels of responsibility for each practice.

Social Impact

The purpose of the Natural Areas System is to protect and preserve natural and ecological resources for present and future generations. The current rules have accomplished this goal by setting aside over 22,000 acres of land for preservation within the system. However, designation as a natural area, by itself, does not adequately protect and preserve these resources. More emphasis must be placed, not only on the type of lands being preserved, but on the levels of management needed to accomplish the preservation objective for each area. The proposed new rule clarifies the types of lands to be preserved by establishing specific criteria for inclusion in the system. Further, the classification of each area reflects the type of habitat management required in order to protect or preserve those resources justifying the land's inclusion in the system. By doing so, present and future generations will benefit from the proposal.

Economic Impact

Under the current rule, a significant amount of time must be spent on the development of a management plan for each natural area. Absent such a plan, public use and habitat management are not specified. By prescribing interim management practices in the proposed new rule, protection and preservation of resources will be achieved. Less time will be required for area-specific plans because use and habitat management will be specified in the new rule and it will only be necessary to address unusual circumstances involving individual areas in the area-specific plans.

Environmental Impact

By specifying criteria for lands listed on the register and designated to the system, only those lands critically important for preservation will be protected. As proposed, classification based on the type of habitat management will ensure preservation of resources. Likewise, interim management practices will allow measures to be taken to protect each natural area until such time as the area-specific management plan is prepared.

Full text of the proposed repeal appears in the New Jersey Administrative Code at N.J.A.C. 7:2-11.

Full text of the proposed new rule follows:

7:2-11.1 Scope

(a) This subchapter constitutes the rules and regulations of the Department of Environmental Protection concerning the identification, classification, and management of natural areas and administration of the Natural Areas System pursuant to N.J.S.A. 13:1B-15.4 et seq. and 13:1B-15.12a et seq.

(b) This subchapter shall be deemed to be supplemental to existing Departmental rules and not in derogation thereof.

7:2-11.2 Purpose

The purpose of this subchapter is to provide detailed procedures, standards, and criteria for the administration and public use of natural areas and the Natural Areas System in order to protect and preserve the natural and ecological resources thereon for present and future generations.

7:2-11.3 Definitions

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

"Administering agency" means the Division of Parks and Forestry or Fish, Game and Wildlife in the Department of Environmental Protection,

or any other group or organization managing land designated as part of the Natural Areas System.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Department" means the Department of Environmental Protection.

"Designation objective" means the stated purpose or goal for placing an area in the Natural Areas System.

"Division" means the Division of Parks and Forestry.

"Easement" means an interest in land less than fee simple absolute, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will or other instrument, other than a lease, executed by or on behalf of the person vested with a greater interest therein, appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition, or for conservation of suitable habitat for plants or animals.

"Existing use or activity" means a use or activity which was lawful prior to designation of a site to the Natural Areas System.

"Interim management practice" means any use, activity, or management conducted within a natural area prior to adoption of a management plan.

"Natural area" means an area of land or water, owned in fee simple or held as an easement by the Department, which has retained its natural character, although not necessarily completely undisturbed, or having rare or vanishing species of plant and animal life, or having similar features of interest, which are worthy of preservation for present and future residents of the State.

"Natural Areas Council", hereafter "Council," means that body consisting of seven members including the Administrator of the Office of Natural Lands Management and six members of the public appointed by the Governor in accordance with N.J.S.A. 13:1B-15.7.

"Natural Areas System", hereafter "System," means those lands designated as natural areas pursuant to this subchapter, identified at N.J.A.C. 7:2-11.12, and consisting of lands that serve as habitat for rare plant species or animal species, or both, or are representative of natural communities.

"Natural Heritage Inventory" means a mapped and computerized data base of the State's rare plant and animal species and representative natural communities.

"Prescribed burning" means the open burning of plant life under such conditions that the fire is confined to a predetermined area and accomplishes the environmentally beneficial objectives of habitat management and prevention or control of wildfires.

"Primary classification" means a category reflecting the type of habitat management permitted within the largest single portion of a natural area.

"Right-of-way" means a less-than-fee interest in property held by another over which the Department has no control, such as, but not limited to, use of property for pipelines, transmission lines, and roads.

7:2-11.4 Register of Natural Areas

(a) The Register of Natural Areas, hereinafter "Register," is a list of sites which serves as:

1. The official recognition of the site's important natural features which are worthy of preservation by the property owner; and
2. The list of sites from which to draw new areas for designation to the System.

(b) Listing on the Register does not, in itself, alter land use or ownership, nor does it impose any regulatory authority.

(c) Any individual or organization may suggest a potential Register site for Division study through a request to the Commissioner or the Council. Potential sites may also be studied and presented to the council by the Department's Office of Natural Lands Management.

(d) Upon review of a written analysis prepared by the Office of Natural Lands Management and recommendation by the Council, the Commissioner may place a site on the Register. The site must satisfy one or more of the following criteria:

1. Endangered species habitat: significant habitats for plant or animal species, or both, which have been determined to be rare, threatened, or endangered in the State or nation;
2. Representative ecosystems: significant examples of each terrestrial and aquatic ecosystem or community occurring in the State;
3. Unusual ecosystems: unique, unusual, or rare habitats, communities, or ecosystems; and
4. Wildlife habitats: spawning, breeding, nesting, resting, or feeding habitats which are highly significant in supporting the fauna of the State.

(e) The Division shall notify the local and county planning boards and environmental commissions, property owners, and other Department agencies, within 45 days subsequent to listing on the Register.

(f) The Division shall maintain a list of sites that have been placed on the Register together with a summary of information used to justify the listing.

(g) Register sites may be removed from the list by administrative order of the Commissioner upon a finding and recommendation by the Council that the site can no longer be classified in accordance with the categories enumerated in (d) above.

7:2-11.5 Natural Areas Council

(a) The Natural Areas Council shall advise the Commissioner in matters relating to the administration of the Natural Areas Act (N.J.S.A. 13:1B-4 et seq.) and the Natural Areas System Act (N.J.S.A. 13:1B-15.12a et seq.). The specific functions of the Council include, but are not limited to, the following:

1. Recommending sites to be studied by the Division for possible listing on the Register;
2. Evaluating studies conducted by the Division and providing a recommendation to the Commissioner for listing on the Register;
3. Periodically evaluating sites listed on the Register and recommending to the Commissioner acquisition of those considered most important for preservation;
4. Evaluating those lands owned in fee or easement by the State that are listed on the Register, and recommending to the Commissioner their inclusion within the System.
5. Evaluating management plans prepared by the Division and recommending to the Commissioner revisions or adoption, or both; and
6. Evaluating rules proposed by the Division for implementation of the Natural Areas System Act.

7:2-11.6 Natural areas designation

(a) To qualify for designation to the System, a site must be:

1. Listed on the Register; and
2. Owned in fee or held as an easement by the Department.

(b) Upon request of the Commissioner or a majority vote of the Council, the Division shall undertake a study of a site to assess appropriateness of designation. This study shall include, but not be limited to, the following analyses:

1. The overall quality of the site including:
 - i. The inherent ability to perpetuate the feature(s) of concern;
 - ii. The size of the site necessary to perpetuate the feature(s) of concern;
 - iii. The size of the population(s) at the site sufficient to assure perpetuation of biotic features of concern; and
 - iv. The integrity of the site in terms of its ability to significantly illustrate the feature(s) of concern;
2. The significant diversity of biotic features and the number of plant or animal species, or both, per community;
3. The relative scarcity or uniqueness of plant and animal species, community types, and wildlife habitats;
4. The presence and quality of surrounding buffer areas to provide protection and insure integrity of the site;
5. The degree of disturbance or potential threat, directly or indirectly, from one or more of the following:
 - i. Highways, roads, or railroads;
 - ii. Housing or commercial development;
 - iii. Industrial use;
 - iv. Military use;
 - v. Utility lines or rights-of-way;
 - vi. Visitor use;
 - vii. Active recreational use; and
 - viii. Flooding or erosion;
6. The ability of an administering agency to adequately manage the site or enter into a management agreement with others, to preserve the integrity of the natural features including such factors as cost, usability, boundaries, and accessibility;
7. The degree of threat to the public health, safety, and welfare which may be encountered as a result of terminating existing uses or activities such as, but not limited to, prescribed burning and maintenance of firebreaks;
8. The existence of similar sites of equal significance under public or private ownership that are apparently assured of preservation; and
9. The identification of preliminary boundaries of the area in the form of a site map to be refined upon adoption of a management plan.

(c) Upon review of the study and comments from the administering agency, the Council shall submit a final recommendation to the Commissioner for designation of the lands in question for inclusion within the System. If the Council favors designation, their recommendation shall include:

1. A designation objective for the area;
2. A summary of qualifications of the site related to quality, diversity, and scarcity of the feature or species and potential management practices which may be necessary to ensure preservation; and
3. An interim primary classification for the area as provided in N.J.A.C. 7:2-11.7. This primary classification may be modified upon preparation of a management plan.

(d) If the Council recommends designation of an area to the System, and the Commissioner concurs, the Commissioner shall propose such designation as an amendment to this subchapter and the Department shall hold a public hearing in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.

(e) The Commissioner shall review the recommendation of the Council together with comments from the public or administering agency and shall take the following action on the proposal:

1. Adopt subject to gubernatorial approval;
2. Make changes to the proposal and adopt subject to gubernatorial approval;
3. Request the Council's reconsideration of the recommendation for designation; or
4. Take no action.

(f) Inclusion of an area in the System shall be effective upon publication in the New Jersey Register of the notice of adoption after compliance with the provisions of (d) and (e) above.

(g) If the Council recommends removal of an area from the System, and the Commissioner concurs, the Commissioner shall propose such removal as a revision to this subchapter and the Department shall hold a public hearing in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.

(h) Designated natural areas may be removed from the System in accordance with the following:

1. Natural Areas shall only be removed from the System if the Commissioner finds that:
 - i. The area no longer serves the purpose for which it was designated to the System; or
 - ii. A public safety or health hazard exists and cannot be eliminated while the area is part of the System;
2. After making the findings in (h)1 above, the Commissioner shall propose such removal as an amendment to this subchapter and the Department shall hold a public hearing in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.;
3. The Commissioner shall review the comments submitted at the hearing and shall take the following action on the proposal:
 - i. Adopt subject to gubernatorial approval;
 - ii. Make changes to the proposal and adopt subject to gubernatorial approval;
 - iii. Request the Council's reconsideration of its recommendation for designation; or
 - iv. Take no action.

7:2-11.7 Classification of natural areas

(a) Primary classification of natural areas shall be related to the designation objective of the area.

(b) Primary classification of a natural area shall be determined at the time of its designation to the System. Primary classifications may be revised upon adoption of a management plan or amendment thereto.

(c) Each designated natural area or portion of an area shall be categorized into one of the following primary classifications:

1. Ecological reserve: an area managed to allow natural processes to proceed with limited habitat manipulation;
2. Conservation preserve: an area where habitat manipulation is permissible in order to preserve a plant or animal species, community type, or ecosystem;
3. Buffer area: an area that forms the perimeter of the natural area and which may serve the purpose of protecting ecological reserves and conservation preserves.

7:2-11.8 Natural area management plans

(a) Management and uses of natural areas shall be subject to:

1. Interim management practices conducted by the administering agency;
2. Management practices requiring approval by the Commissioner as provided in N.J.A.C. 7:2-11.9; or
3. A management plan adopted by the Commissioner specifying users, activities, or management.

(b) The Division, with the cooperation of the administering agency and other units of the Department, shall prepare a management plan. The

primary purpose of the management plan is to describe the natural features of the area and prescribe management practices and public uses to ensure preservation in accordance with the designation objective.

(c) Each management plan shall include, but not be limited to:

1. A site description identifying the physical features, natural communities, and species composition of the area;
 2. A description of the existing uses and activities;
 3. A description of existing rights-of-way which are to be expected from the boundaries;
 4. Any management practices that will contribute towards preservation in accordance with the designation objective;
 5. An analysis of public uses and their impact on the natural area resulting in identification of:
 - i. Areas dedicated and restricted to ecological research and study;
 - ii. Areas which provide opportunities for public interpretation, observation, and study of the natural communities, species, and ecosystem; and
 - iii. Areas where recreational activities will be permitted provided that these activities have no serious or long term effects on natural values; and
 6. An evaluation of the current boundaries and changes, if necessary, to achieve preservation in accordance with the designation objective.
- (d) A draft management plan shall be reviewed by the administering agency and other agencies within the Department, as appropriate, prior to submission to the Council.

(e) The Council shall review the management plan and the comments of the administering agency and shall request additional information from the Division or recommend to the Commissioner that the plan be adopted.

(f) If the Division or the administering agency disagrees with the recommendation of the Council, the recommendations of each shall be forwarded to the Commissioner for a final decision.

7:2-11.9 Interim management practices

(a) Interim management practices shall be implemented by the administering agency, provided that:

1. The practice will have no direct or indirect adverse impact on natural features of concern;
2. The administering agency notifies the secretary of the Council, in writing, no later than 30 days after initiating the practice;
3. Approval of the Commissioner is not required by provision elsewhere in this subchapter; and
4. The practice is consistent with terms of any easement held by the Department.

(b) Interim management practices which require the approval of the Commissioner shall first be submitted to the Council for its review and recommendation.

(c) Where there are conflicts between general practices described below at (d) and practices specific to a natural area classification described below at (e), the latter shall apply.

(d) The following interim management practices apply generally to all natural areas:

1. Natural area boundaries shall be made clearly evident by posting boundary signs at intervals of approximately 300 feet; entrance points shall be posted to indicate to users that they are entering a natural area; boundary signs shall be of a standard size and format as approved by the Commissioner and provided by the Division;
2. Boundary fences that are needed to protect the natural area may be installed provided the fence shall not have a detrimental effect on movement of wildlife, air circulation, or other natural conditions;
3. Vehicular access lanes may be maintained within a natural area but may not be enlarged in any manner except upon approval of the Commissioner.
4. Existing firebreaks within a natural area may be maintained for safety purposes; temporary firebreaks made by mowing, raking, plowing or wetting, may be used in conjunction with prescribed burning for habitat management;
5. Existing structures may be maintained in a natural area but may not be enlarged; new structures, of a temporary nature, may be constructed for research purposes in accordance with N.J.A.C. 7:2-11.10;
6. No measures, such as cutting of grass, brush or other vegetation, thinning of trees, opening of scenic vistas, or planting, shall be taken to alter natural processes or features for the purpose of enhancing the beauty or neatness of a natural area;
7. Except as provided in this section, there shall be no introduction, removal or consumptive use of any material, product or object to or from a natural area; prohibited activities include grazing by domestic animals,

farming, gathering of plants or parts thereof, mining or quarrying, and dumping, burying, or spreading of garbage, trash or other materials; structures or materials may be removed as follows:

- i. Old interior fences may be removed, giving consideration to leaving posts to mark boundaries between former land uses;
 - ii. Rubbish or any other waste material may be removed; and
 - iii. Structures having no utilitarian, historic, scientific or habitat value may be demolished and removed;
8. Water levels within a natural area shall not be altered except to restore water levels which have been altered due to a sudden natural phenomena or man-induced conditions off-site; routine repairs to existing water control structures may be undertaken but the structures may not be enlarged;

9. All wildfires shall be brought under control as quickly as possible; after a fire within a natural area, there shall be no cleanup or replanting except as approved by the Commissioner to achieve the designation objective or for reasons of health and safety;

10. Prescribed burning, to eliminate safety hazards and to manage habitat, may be conducted upon review of a plan by the Council and approval by the Commissioner; use of vehicles and equipment shall be specified in the plan;

11. Erosion control within a natural area shall not be undertaken except to restore existing grades which have been altered due to a sudden natural phenomena or man-induced conditions within or beyond the natural area;

12. Habitat manipulation may be undertaken if preservation of a particular habitat type or species of native flora or fauna is included in the designation objective of the natural area and the prior approval of the Commissioner is obtained;

13. Gypsy moth control activities may be implemented as an interim management practice after approval by the Commissioner; the Commissioner shall review a control plan only after the State Forester has determined that egg mass counts and prior year defoliation indicate that tree mortality will be severe without intervention;

14. There shall be no physical manipulation of a natural area for the purpose of controlling mosquitoes; spraying of chemicals to control mosquitoes shall not be permitted unless the Commissioner has determined that a threat to the public health exists as a result of documented cases of mosquito-borne infectious disease;

15. Research activities and the collection of specimens may only be conducted in accordance with N.J.A.C. 7:2-11.10 and upon approval of the administering agency; and

16. Public use of natural areas shall be allowed only to the extent and in a manner that it will not impair natural features; the administering agency may restrict access and use as necessary to protect the natural area; the following are permissible public uses:

i. Hunting, trapping, and fishing are permitted in accordance with N.J.A.C. 7:25-5 and 7:25-6; except for the stocking of fish and game, habitats may not be manipulated for the purpose of enhancing hunting, trapping, or fishing;

ii. Occasional camping along trails, boating, and swimming may be permitted in specified locations of natural areas in accordance with N.J.A.C. 7:2-2, 7:2-5, 7:2-7, 7:2-8, and 7:25-2, and are further limited as follows:

- (1) No permanent structures may be erected;
 - (2) No motorized methods of boating or camping are permitted;
 - (3) Trailside shelters of the type called lean-tos are permitted, but there may not be two such shelters within three miles of each other; and
- iii. Existing trails may be maintained, but not enlarged in any manner, by the administering agency to allow public use and prevent erosion, trampling of vegetation beyond the trails, and other deterioration as follows:

(1) New trails or enlargement of existing trails for interpretive purposes may be initiated subsequent to review of a plan therefore by the Council and approval of that plan by the Commissioner;

(2) Rare plants may not be removed for the purpose of maintaining existing or constructing new trails; and

(3) To the extent possible, natural materials shall be used on and along trails; and

iv. All pets shall be kept caged or leashed and under immediate control of the owner except that dogs used while legally hunting shall be exempt from the leashing requirement.

(e) The following interim management practices, unless superseded by an adopted management plan, apply to the appropriate specified natural area classifications:

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

1. Location markers identifying interpretation points of interest may be installed except within ecological reserves;

2. Trail blazes may be used within any natural area;

3. Existing vehicular access lanes may not be enlarged in any manner within an ecological reserve;

4. New vehicular access lanes may be constructed only within buffer areas and upon approval by the Commissioner;

5. New firebreaks to contain wild fires, made by any appropriate means, may be initiated on an emergency basis except within an ecological reserve;

6. New structures and enlargement of existing structures may be undertaken by the administering agency only within buffer areas, provided the structures directly or indirectly contribute to the designation objective;

7. The alteration of natural processes or features for the purpose of enhancing public use of the natural area may be conducted by the administering agency only within buffer areas; and

8. The following management practices shall not be permitted within ecological reserves:

i. New, existing or temporary firebreaks;

ii. Construction of new trails;

iii. Alteration or restoration of water levels;

iv. Prescribed burning;

v. Erosion control measures;

vi. Gypsy moth control activities; and

vii. Manipulation of vegetation and wildlife habitats.

7:2-11.10 Procedures for conducting research and collecting specimens

(a) In accordance with this section, research or collection within a natural area may be conducted by individuals, groups, or governmental agencies, who, in the opinion of the administering agency, are qualified to conduct such activities and which, in the opinion of the administering agency, will not have a detrimental effect on the natural features of the area.

(b) A written proposal for research or collection activities within a natural area shall be submitted to the administering agency. The submission shall contain:

1. The name, address, position, and professional qualifications of the applicant;

2. The purpose and theme of the research or collecting and benefits to be derived therefrom;

3. The specific methods and procedures for carrying out the activity;

4. The location of the research sites;

5. The duration of the project, the frequency of visitation, and the method of access;

6. The name(s) and number of persons involved; and

7. Any anticipated direct and indirect impacts on the natural area that may result from implementation of the project.

(c) The administering agency shall review the submission and approve, conditionally approve, or disapprove the application for research or collection. The decision shall be based on:

1. The relationship of the activity to the designation objective of the area and the benefits to be derived;

2. The ability and competence of the applicant to conduct the activity; and

3. The approved activity having minimal adverse impact on the natural area and the administering agency's ability to adequately manage the area while subject to research and collection.

(d) Interim and final reports and publications resulting from the research or collection, as specified in the approval, shall be submitted to the administering agency and secretary of the Council.

7:2-11.11 Enforcement of rules

(a) Any employee or agent of the Department upon whom the Commissioner has conferred powers of police officers shall have the authority to enforce any of the provisions of this subchapter.

(b) Remedies for the violation of the provisions of this subchapter applicable to those State-owned or leased lands, waters and facilities administered by the Department other than wildlife management areas or reservoir lands shall be as provided at N.J.S.A. 13:1L-23.

(c) Penalties for the violation of the provisions of this subchapter applicable to State-owned or leased lands under the control of the Division of Fish, Game and Wildlife shall be as provided for at N.J.S.A. 23:7-9.

7:2-11.12 Natural Areas System

(a) The Division shall maintain general location maps of each area in the System and shall periodically update these maps to reflect minor boundary changes due to acquisitions or new information. Major changes

in boundaries may be made upon adoption of a management plan or amendment thereto.

(b) Boundaries indicated on these maps shall reflect the true location of the natural area and be made available to the administering agency and the general public.

(c) The following are designated as components of the Natural Areas System:

1. Absegami Natural Area:

i. Location: Bass River State Forest, Bass River Township, Burlington County;

ii. Designation Objective: preservation of southern white cedar and pine/oak communities and a southern swamp habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Bass River State Forest;

2. Allamuchy Natural Area:

i. Location: Allamuchy State Park, Allamuchy Township, Warren County, and Hopatcong Borough, Sussex County;

ii. Designation Objective: preservation of a hardwood forest and old fields in various stages of succession, and rare species habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Hopatcong State Park;

3. Batsto Natural Area:

i. Location: Wharton State Forest, Mullica Township, Atlantic County, and Washington Township, Burlington County;

ii. Designation Objective: preservation of a southern swamp, Pine Barrens bog and floodplain habitats, and rare species habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Wharton State Forest;

4. Bearfort Mountain Natural Area:

i. Location: Wawayanda State Park, West Milford Township, Passaic County;

ii. Designation Objective: preservation of scrub oak and hardwood swamp habitats;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Wawayanda State Park;

5. Bear Swamp East Natural Area:

i. Location: Downe Township, Cumberland County;

ii. Designation Objective: preservation of ecological communities and relationships, management of bald eagle nesting site and other known and potential endangered species habitat;

iii. Primary Classification: ecological reserve;

iv. Administering Agency: to be determined upon preparation of a management plan;

6. Black River Natural Area:

i. Location: Black River Wildlife Management Area, Chester and Washington Townships, Morris County;

ii. Designation Objective: preservation of mesic, marsh, and floodplain habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Fish, Game and Wildlife, through Whittingham Wildlife Management Area;

7. Bull's Island Natural Area:

i. Location: Bull's Island Recreation Area, Delaware Township, Hunterdon County;

ii. Designation Objective: preservation of a northern floodplain habitat, and rare species habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Delaware and Raritan Canal State Park;

8. Bursch Sugar Maple Natural Area:

i. Location: Hope Township, Warren County;

ii. Designation Objective: preservation of a northeastern climax forest, and sugar maple/mixed hardwood community;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Jenny Jump State Forest;

9. Cape May Point Natural Area:

i. Location: Cape May Point State Park, West Cape May Borough, Cape May County;

ii. Designation Objective: preservation of fresh water marsh behind a coastal dune, habitat diversity for migratory birds, and rare species habitat;

- iii. Primary Classification: conservation preserve;
- iv. Administering Agency: Division of Parks and Forestry, through Cape May Point State Park;
- 10. Cape May Wetlands Natural Area:
 - i. Location: Avalon Borough, Dennis and Middle Townships, Cape May County;
 - ii. Designation Objective: preservation of tidal salt marsh ecosystem;
 - iii. Primary Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Region 1 Office;
- 11. Cedar Swamp Natural Area:
 - i. Location: Lebanon State Forest, Woodland Township, Burlington County;
 - ii. Designation Objective: preservation of southern swamp and floodplain habitat, southern white cedar, red maple and pine/oak forest communities, and rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Lebanon State Forest;
- 12. Cheesequake Natural Area:
 - i. Location: Cheesequake State Park, Old Bridge Township, Middlesex County;
 - ii. Designation Objective: preservation of habitat diversity including hardwood forest, cedar swamp, mature white pine stand, fresh water swamp, Pine Barren outlier and salt marsh, and rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Cheesequake State Park;
- 13. Cook Natural Area:
 - i. Location: South Brunswick Township, Middlesex County;
 - ii. Designation Objective: preservation of freshwater marsh habitat;
 - iii. Primary Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Delaware and Raritan Canal State Park;
- 14. Dryden Kuser Natural Area:
 - i. Location: High Point State Park, Montague Township, Sussex County;
 - ii. Designation Objective: preservation of a northern bog habitat, and rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through High Point State Park;
- 15. Dunnfield Creek Natural Area:
 - i. Location: Worthington State Forest, Pahaquarry Township, Warren County;
 - ii. Designation Objective: preservation of a hemlock ravine, and rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Worthington State Forest;
- 16. Farny Natural Area:
 - i. Location: Farny State Park, Rockaway Township, Morris County;
 - ii. Designation Objective: preservation of rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Region 3 Office;
- 17. Great Bay Natural Area:
 - i. Location: Little Egg Harbor Township, Ocean County;
 - ii. Designation Objective: preservation of tidal salt marsh ecosystem;
 - iii. Primary Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Region 1 Office;
- 18. Hacklebarney Natural Area:
 - i. Location: Hacklebarney State Park, Chester and Washington Townships, Morris County;
 - ii. Designation Objective: preservation of a river ravine and northern hemlock/mixed hardwood forest, and rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Hacklebarney State Park;
- 19. Island Beach Northern Natural Area:
 - i. Location: Island Beach State Park, Ocean Township, Ocean County;
 - ii. Designation Objective: preservation of barrier island dune system, and plant community associations, and rare species habitat;
 - iii. Primary Classification: ecological reserve;
- iv. Administering Agency: Division of Parks and Forestry, through Island Beach State Park;
- 20. Island Beach Southern Natural Area:
 - i. Location: Island Beach State Park, Ocean Township, Ocean County;
 - ii. Designation Objective: preservation of barrier island dune system, salt water marsh and fresh water bogs;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Island Beach State Park;
- 21. Johnsonburg Natural Area:
 - i. Location: Frelinghuysen Township, Warren County;
 - ii. Designation Objective: preservation of habitat diversity for rare species;
 - iii. Primary Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Jenny Jump State Forest;
- 22. Ken Lockwood Gorge Natural Area:
 - i. Location: Ken Lockwood Gorge Wildlife Management Area, Lebanon Township, Hunterdon County;
 - ii. Designation Objective: preservation of hemlock/mixed hardwood forest with highly varied understory, and rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Fish, Game and Wildlife, through Whittingham Wildlife Management Area;
- 23. Liberty Park Natural Area:
 - i. Location: Liberty State Park, Jersey City, Hudson County;
 - ii. Designation Objective: preservation of a salt marsh in lower New York Bay;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Liberty State Park;
- 24. Manahawkin Natural Area:
 - i. Location: Manahawkin Wildlife Management Area, Stafford Township, Ocean County;
 - ii. Designation Objective: preservation of a mature bottomland hardwood forest, and rare species habitat;
 - iii. Primary Classification: ecological reserve;
 - iv. Administering Agency: Division of Fish, Game and Wildlife, through Edward G. Bevan Wildlife Management Area;
- 25. North Brigantine Natural Area:
 - i. Location: City of Brigantine, Atlantic County;
 - ii. Designation Objective: preservation of salt marsh habitat behind a coastal dune, and rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Wharton State Forest;
- 26. Osmun Forest Natural Area:
 - i. Location: Knowlton Township, Warren County;
 - ii. Designation Objective: preservation of a northeastern mixed hardwood forest;
 - iii. Primary Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Jenny Jump State Forest;
- 27. Oswego River Natural Area:
 - i. Location: Wharton State Forest, Washington and Bass River Townships, Burlington County;
 - ii. Designation Objective: preservation of a variety of Pinelands habitats including uplands, white cedar stands, bogs, pine/oak forest, and rare species habitat;
 - iii. Primary Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Wharton State Forest;
- 28. Parvin Natural Area:
 - i. Location: Parvin State Park, Pittsgrove Township, Salem County;
 - ii. Designation Objective: preservation of mixed oak and pine forest on the Pine Barrens fringe with a diversity of plant and animal species, and rare species habitat;
 - iii. Primary Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Parvin State Park;
- 29. Ramapo Lake Natural Area:
 - i. Location: Ramapo Mountain State Forest, Wanaque and Ringwood Boroughs, Passaic County, and Oakland Borough, Bergen County;
 - ii. Designation Objective: preservation of northern upland habitats;
 - iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Ringwood State Park;

30. Rancocas Natural Area:

i. Location: Rancocas State Park, Westampton Township, Burlington County;

ii. Designation Objective: preservation of fresh water marsh and southern floodplain habitat, including one of the largest stands of wild rice in state;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Lebanon State Forest;

31. Readington Natural Area:

i. Location: Readington Township, Hunterdon County;

ii. Designation Objective: preservation of early stages of secondary field succession;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Round Valley Recreation Area, for the New Jersey Natural Lands Trust;

32. Strathmere Natural Area:

i. Location: Corson's Inlet State Park, Upper Township, Cape May County;

ii. Designation Objective: preservation of a dune habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Belleplaine State Forest;

33. Sunfish Pond Natural Area:

i. Location: Worthington State Forest, Pahaquarry Township, Warren County;

ii. Designation Objective: preservation of a lake of glacial origin surrounded by a hardwood forest, and rare species habitat;

iii. Primary Classification: ecological reserve;

iv. Administering Agency: Division of Parks and Forestry, through Worthington State Forest;

34. Swan Point Natural Area:

i. Location: Brick Township, Ocean County;

ii. Designation Objective: preservation of tidal salt marsh ecosystem;

iii. Primary Classification: ecological reserve;

iv. Administering Agency: Division of Parks and Forestry, through Island Beach State Park;

35. Swimming River Natural Area:

i. Location: Borough of Tinton Falls, Monmouth County;

ii. Designation Objective: preservation of habitat diversity including fresh water marsh, salt water marsh, woodlands, fields and estuary;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Allaire State Park;

36. Tillman Ravine Natural Area:

i. Location: Stokes State Forest, Walpack and Sandyston Townships, Sussex County;

ii. Designation Objective: preservation of a hemlock ravine and associated geologic forms, and rare species habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Stokes State Forest;

37. Troy Meadows Natural Area:

i. Location: Parsippany-Troy Hills Township, Morris County;

ii. Designation Objective: preservation of freshwater marsh habitat northern swamp and floodplain habitat, and rare species habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Region 3 Office;

38. Washington Crossing Natural Area:

i. Location: Washington Crossing State Park, Hopewell Township, Mercer County;

ii. Designation Objective: preservation of natural succession and mixed hardwood forests;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Washington Crossing State Park;

39. Wawayanda Hemlock Ravine Natural Area:

i. Location: Wawayanda State Park, Vernon Township, Sussex County;

ii. Designation Objective: preservation of hemlock/mixed hardwood forest and rare species habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Wawayanda State Park;

40. Wawayanda Swamp Natural Area:

i. Location: Wawayanda State Park, Vernon Township, Sussex County, and West Milford Township, Passaic County;

ii. Designation Objective: preservation of extensive northern swamp and forest habitats, glacially formed, spring fed pond, and rare species habitat;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Wawayanda State Park; and

41. Whittingham Natural Area:

i. Location: Whittingham Wildlife Management Area, Fredon Township, Sussex County;

ii. Designation Objective: preservation of a northern swamp and floodplain forest with rare species of plants on a limestone cliff;

iii. Primary Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Swartswood State Park.

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineation

Redelineation of Wolf Creek in the Hackensack Basin

Proposed Amendment: N.J.A.C. 7:13-7.1(d) (Plate No. WC-1)

Authority: N.J.S.A. 58:16A-50 et seq. and 13:1D-1 et seq.

DEP Docket Number: 055-86-10.

Proposal Number: PRN 1986-502.

A **public hearing** concerning this proposal will be held on:

December 17, 1986 at 1:00 P.M.

Carroll Building

Conference Room 402

428 East State Street

Trenton, New Jersey

Submit comments by December 31, 1986 to:

Robert L. Vincent

Hearing Officer

Department of Environmental Protection

Division of Water Resources

CN 029

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment provides for the application of rules and regulations concerning the development and use of land in designated floodways and flood hazard areas to a portion of Wolf Creek. Bergen County Engineering Department proposes to regrade Wolf Creek downstream of South Broad Avenue and channelize Wolf Creek from South Broad Avenue upstream to Hamilton Street in the Boroughs of Fairview and Ridgefield. In addition to channelizing the creek, Bergen County proposes to replace the existing culvert at Elite Court with an 8 foot x 25 foot concrete box culvert. The proposed map revision will only include the channel improvement along the Fairview-Ridgefield municipal boundary. The channel improvement significantly lowers the flood profiles and reduces flooding.

Social Impact

The proposed delineation indicates floodways and flood hazard areas where added flood protection will apply within the Hackensack Basin along Wolf Creek located in the Boroughs of Fairview and Ridgefield in Bergen County. Regulations of delineated flood hazard areas are designed to preserve flood carrying capacity and to minimize the threat to the public safety, health and general welfare.

Economic Impact

The proposed amendment will have only a minor economic impact. The delineation clearly defines the flood hazard areas, thus reductions in property value could result by restricting future development in the floodway and requiring elevated construction in flood fringe areas. How-

ever, minor property diminution would be offset by the savings to governmental bodies and private homeowners due to little or no future rehabilitation and rescue expenditures from flood damage in the delineated areas.

All relevant information and documents are available for inspection during normal working hours at the Office of the Bureau of Flood Plain Management, 1911 Princeton Avenue, Trenton, New Jersey.

In addition, maps of the proposed delineations have been sent to the Clerks of the affected municipalities, to the Bergen County Engineering Department, and to the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey. Review of the maps prior to the hearing is invited.

The revised floodway and flood hazard areas are identified on the plate specifically identified:

State of New Jersey
Department of Environmental Protection
Division of Water Resources
Delineation of Floodway and Flood Hazard Area
Wolf Creek Sta. 0+00 to sta. 28+36 Plate No. WC-1

(a)

DIVISION OF HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Management Accumulation Areas, Rigid Structures, and Paint Filter Test

Proposed Amendments: N.J.A.C. 7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, and 12.2

Authority: N.J.S.A. 13:1D-9, 13:1E-6(a)2 and 58:10A-4.

DEP Docket Number: 053-86-10.

Proposal Number: PRN 1986-504.

Submit comments by December 31, 1986 to:

Ann Zeloof, Esq.
New Jersey Department of Environmental Protection
Office of Regulatory Services
CN 402
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The New Jersey Department of Environmental Protection ("Department" or "NJDEP") proposes several amendments to New Jersey's hazardous waste management regulations, N.J.A.C. 7:26. Several of the proposed amendments are required to ensure that New Jersey retains final authorization from the United States Environmental Protection Agency ("USEPA") to implement and enforce the hazardous waste management provisions of the Resource Conservation and Recovery Act, 42 U.S.C. 6900 et seq. As a condition of this final authorization, the Department must adopt equivalent or more stringent regulatory requirements within one year of the promulgation of regulations by USEPA. The Department summarizes the substance of the proposed amendments below:

1. The proposed amendments to N.J.A.C. 7:26-9.1, 9.3, and 12.1 reflect a regulatory change made by the USEPA. USEPA promulgated a rule allowing a generator of hazardous waste to accumulate up to 55 gallons of hazardous waste in satellite accumulation areas (see the December 20, 1984 Federal Register at 49 FR 48569). A satellite accumulation area is defined by USEPA as an area at or near any point of generation where hazardous wastes initially accumulate in a process under the control of the waste generator. According to the USEPA, these satellite accumulation areas do not have to be permitted or covered under interim status provided that the containers are moved to an authorized area within three days of being filled. After careful review, the Department determined this rule to be acceptable and proposes equivalent regulatory requirements at N.J.A.C. 7:26-9.1, 9.3 and 12.1.

2. The proposed amendment to N.J.A.C. 7:26-10.4 requires that container storage areas be equipped with a rigid structure preventing precipitation from entering the containment system of the container storage area. Under this proposed amendment, all container storage areas with a capacity to store more than 1,100 gallons would be required to install a rigid structure prior to obtaining a hazardous waste facility permit. Existing rigid structures may be deemed adequate by the Department if the Department determines during the permit application review process

that the structure is in compliance with this amendment. The proposed amendment allows the owner or operator of a hazardous waste facility a choice concerning construction of an entire building or installation of a roof of adequate size to prevent precipitation from entering the containment system.

3. The proposed amendments to N.J.A.C. 7:26-10.8 and 11.4 require a paint filter test be used in order to determine the presence or absence of free liquids in solid wastes that are to be disposed of in a landfill. This proposed amendment is equivalent to the paint filter test promulgated by USEPA (see the April 30, 1985 Federal Register at 50 FR 18370). The results of the tests shall be made part of the operating record. The Department prepared these proposed amendments to ensure that New Jersey's hazardous waste management program will be equivalent or more stringent than the Federal regulations.

4. The proposed amendment to N.J.A.C. 7:26-12.2 is a revision to the Part B application requirement contained in N.J.A.C. 7:26-12. This proposed amendment outlines the information that must be submitted as part of the Part B application in order to demonstrate compliance with the requirement of a rigid structure which prevents the effect of precipitation as required by the proposed amendment at N.J.A.C. 7:26-10.4(b) and with the containment requirements for tanks adopted in the June 17, 1985 New Jersey Register at 17 N.J.R. 1560(b) (see N.J.A.C. 7:26-10.5(d)).

Social Impact

The proposed amendments relating to satellite accumulation areas at N.J.A.C. 7:26-9.1, 9.3 and 12.1 will make the State regulations consistent with Federal regulations. These proposed amendments will improve the hazardous waste handling procedures for generators which have a number of generation points on-site. This will also decrease the possibility of environmental harm caused by mismanagement of partially filled drums.

With reference to the proposed amendment to N.J.A.C. 7:26-10.4, the NJDEP has concluded that hazardous waste container storage areas should be equipped with a rigid structure which will prevent precipitation from entering the containment system. Owners or operators will be required to provide these structures. This will prevent containers holding hazardous waste from being exposed to precipitation. This exposure increases the probability of corrosion occurring to the containers which could result in leaks from the containers and unsafe storage of containerized hazardous wastes.

The proposed amendments to N.J.A.C. 7:26-10.8 and 11.4 concerning the paint filter test will make the State regulations consistent with the Federal regulations. Owners or operators of hazardous waste landfills will be required to use this test to ensure that the wastes placed in a hazardous waste landfill shall be in accordance with N.J.A.C. 7:26-10.8(e)10. The reason for this prohibition is that liquids are very mobile in the environment and cause a great threat of contaminating water supplies. Owners or operators of hazardous waste landfills will be required to use this test to ensure that wastes materials are not placed in a hazardous waste landfill unless they meet the requirements as stated in N.J.A.C. 7:26-10.8(e).

The proposed amendment of application requirements at N.J.A.C. 7:26-12.2 for rigid structures which will prevent precipitation from entering the containment system and tank containment identifies additional information that must be submitted as part of the Part B permit application.

Economic Impact

The proposed amendments to N.J.A.C. 7:26-9.1, 9.3, and 12.1 relating to satellite accumulation areas will result in a positive economic impact to generators. These proposed amendments will decrease the operating and handling costs for facilities which have a number of generation points within generators in that they authorize the accumulation at generation points of a full drum rather than having to transport partially filled drums to a central storage area.

The proposed amendment to N.J.A.C. 7:26-10.4 will require an initial investment for the facilities to construct a rigid structure if one does not presently exist. However, in the long term, the reduction in volumes of containerized waste due to precipitation will be lessened by the presence of the rigid structure. This will result in lesser volumes of contaminated waste water requiring analysis, treatment or disposal. Therefore, the costs associated with analysis, treatment or disposal of contaminated waste water will be significantly reduced. The NJDEP and USEPA conclude that the long term economic effects will outweigh the initial construction costs.

The proposed amendments to N.J.A.C. 7:26-10.8 and 11.4, which require that a paint filter test be used in order to determine the presence

or absence of free liquids in wastes that are disposed in a landfill, will not have an economic effect on the hazardous waste facility. This is due to the fact that the rule is already a Federal requirement (see the April 30, 1985 Federal Register at 50 FR 18370).

The proposed amendment to N.J.A.C. 7:26-12.1, which outlines the information that must be submitted in the Part B application to demonstrate compliance with the containment regulations, will result in a positive economic impact to the facilities. This positive impact will be realized in the greater ease of public understanding concerning regulations that pertain to permit application submission requirements.

Environmental Impact

With reference to the proposed amendments to N.J.A.C. 7:26-9.1, 9.3 and 12.1, the NJDEP has concluded that exempting satellite generation areas from the hazardous waste regulations will not adversely affect human health or the environment. This conclusion was based on the quantity of waste being stored, knowledge of the waste being stored, and the amount of time the waste is being stored. On-site transportation of partially filled drums may pose a greater risk than the satellite areas. Finally, this will minimize the risk of incompatible wastes being placed in the same containers.

With reference to the proposed amendment to N.J.A.C. 7:26-10.4, the NJDEP has concluded that the requirement for a rigid structure at container storage areas will protect containers from being exposed to rain and will reduce the amount of accumulated standing liquids. This will provide for a more efficient method of hazardous waste storage. In addition, the amount of rain water that could become contaminated will be greatly reduced. Therefore, the amount of contaminated water which is discharged to waters of the State will be reduced.

The proposed amendments to N.J.A.C. 7:26-10.8 and 11.4 require that the paint filter test be used to determine the free liquid content of waste intended for disposal in a hazardous waste landfill. If test results indicate that the liquid content of the waste is within acceptable limits for disposal as per the criteria stated at N.J.A.C. 7:26-10.8(10), disposal may proceed. The use of the paint filter test as a regulatory tool will serve to minimize the amount of free liquids that ultimately are disposed in a hazardous waste landfill. Liquids are very mobile and the presence of liquid in a landfill can result in leaks which can cause contamination of groundwater. In helping to minimize the amount of liquids which enter a hazardous waste landfill, and thus decreasing the potential for leaks and subsequent groundwater contamination, the use of the paint filter test will have a positive environmental impact.

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

7:26-9.1 Scope and applicability

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

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

1.-12. (No change.)

13. Any generator accumulating waste on-site in compliance with N.J.A.C. 7:26-9.3(d).

(d)-(e) (No change.)

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

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

(d) A generator may accumulate hazardous waste on-site without a permit provided that:

1. The quantity of waste in each accumulation area is less than 55 gallons of hazardous waste or less than one quart of acutely hazardous waste listed in N.J.A.C. 7:26-8.15(e);

2. The waste is placed in containers which meet the standards of N.J.A.C. 7:26-7.2 and are managed in accordance with N.J.A.C. 7:26-9.4(d)2, 9.4(d)3, and 9.4(d)4i;

3. The accumulation area is at or near any point of generation where wastes initially accumulate in a process, which is under the control of the operator of the process generating the waste;

4. The generator marks the containers with the words "Hazardous Waste";

5. The generator marks the container with the date that the container reaches the volume indicated in (d)1 above; and

6. Within three days after the container reaches the volume identified in (d)1 above, the generator complies with one of the following:

i. Places the container in an accumulation area in accordance with (a) above; or

ii. Places the container in an on-site authorized facility, as defined at N.J.A.C. 7:26-1.4; or

iii. Transports the container to an off-site authorized commercial hazardous waste facility in accordance with N.J.A.C. 7:26-7.

7:26-10.4 Use and management of containers

(a) (No change.)

(b) Rules on containment in container storage areas include the following:

1. Container storage areas must have a containment system that is capable of collecting and holding spills, leaks and precipitation. The containment system shall:

i.-iii. (No change.)

iv. Have sufficient capacity to contain 10 percent of the volume of all of the containers; or the volume of the largest container whichever is greater[.]. For container storage areas not required to be in compliance with (b)2 below, [A]additional capacity shall be provided to compensate for any anticipated normal accumulation of rain water;

2. (No change.)

3. For container storage areas not required to be in compliance with (b)5 below, [A]accumulated precipitation shall be removed from the sump or collection area in as timely a manner as is necessary to prevent blockage or overflow of the collection system; and

4. Spilled or leaked waste shall be removed from the sump or collection area daily.

i. (No change.)

ii. If the collected material is discharged through a point source to waters of the State, [it is subject to] the material shall be managed in accordance with all applicable requirements of [NJPDDES in N.J.A.C. 7:26] this chapter and N.J.A.C. 7:14A[, R]regulations concerning the New Jersey Pollutant Discharge Elimination System[.].

5. Container storage areas which have a design storage capacity of greater than 1,100 gallons shall be equipped with a rigid structure (such as a roof or building) which is in compliance with the following:

i. The rigid structure shall be of adequate size to prevent precipitation from entering into the secondary containment system required in (b)1 above;

ii. The rigid structure must be constructed in compliance with the BOCA Basic/National Building Codes; and

iii. The rigid structure shall be constructed in compliance with the codes and standards of the National Fire Protection Association.

iv. The Department will determine if an existing rigid structure is in compliance with i, ii, and iii above as part of the permit application review process.

(c) (No change.)

7:26-10.8 Hazardous waste landfills

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

(e) Operational standards for hazardous waste landfills include the following:

1.-21. (No change.)

22. The owner or operator of a hazardous waste landfill shall, before accepting the waste, use the following test to determine the presence or absence of free liquids in either a containerized or a bulk waste: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication Number SW-846).

(f) The owner or operator of a landfill shall include the following items as part of the operating record required by N.J.A.C. 7:26-9.4(i):

1. (No change.)

2. The contents of each cell; [and]

3. The approximate location of each hazardous waste within each cell[.]; and

4. The records and results of waste analysis performed as specified in N.J.A.C. 7:26-10.8(e)21.

(g)-(j) (No change.)

7:26-11.4 Hazardous waste landfills

(a) Operational standards for hazardous waste landfills include the following:

1.-9. (No change.)

10. An empty container shall be crushed flat, shredded, or similarly reduced in volume before it is buried beneath the surface of a hazardous waste landfill; [and]

11. The owner or operator of a hazardous waste landfill shall not continue to dispose of hazardous wastes subsequent to the detection of any liquid in the secondary collection system unless the owner or operator has obtained written authorization from the Department for continued disposal[.]; and

12. The owner or operator of a hazardous waste landfill shall, before accepting the waste, use the following test to determine the presence or

absence of free liquids in either a containerized or bulk waste: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication Number SW-846).

(b) The owner or operator of a hazardous waste landfill shall maintain in the operating record required in N.J.A.C. 7:26-9.4(i):

1. On a map, the exact location and dimensions, including depth of each cell with respect to permanently surveyed bench marks; [and]
2. The contents of each cell and the appropriate location of each hazardous waste type within each cell[.]; and
3. **The records and results of waste analysis performed as specified in N.J.A.C. 7:26-11.4(a)12.**

(c) (No change.)

7:26-12.1 Scope and applicability

(a) (No change.)

(b) The following persons are not required to obtain a permit pursuant to this subchapter to conduct the following activities or operate the following hazardous waste facilities:

1.-11. (No change.)

12. Any generator accumulating waste on-site in accordance with N.J.A.C. 7:26-9.3(d).

(c) (No change.)

7:26-12.2 Permit application

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

(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. For facilities that store containers of hazardous waste, except as otherwise provided in N.J.A.C. 7:26-9.4(d):

i.-iii. (No change.)

iv. A description of the rigid structure required under N.J.A.C. 7:26-10.4(b)2 showing how the structure will prevent precipitation from entering into the containment systems.

2. For facilities that use tanks to store or treat hazardous waste, except as otherwise provided in N.J.A.C. 7:26-10.5 [et seq.], a design description and operation procedures which demonstrate compliance with the requirements of N.J.A.C. 7:26-10.5 [et seq.] including:

i.-vii. (No change.)

viii. A description of the containment system to demonstrate compliance with N.J.A.C. 7:26-10.5(d) which includes at least the following:

- (1) **Basic design parameters, dimensions, and materials of construction;**
- (2) **How the design promotes drainage and how tanks are kept from contact with accumulated liquids in the containment system;**
- (3) **The capacity of the containment system relative to the number and volume of storage tanks;**
- (4) **Provisions for preventing or managing run-on;**
- (5) **The procedure for removing accumulated liquids from the containment system.**

3.-5. (No change.)

(g)-(l) (No change.)

(a)

DIVISION OF WASTE MANAGEMENT

Recycling Grants and Loans Program

Proposed Amendments and Recodification:

N.J.A.C. 7:26-15 recodified as 7:26A-1

Authority: N.J.S.A. 13:1E-6a(2) and 13:1E-97.

DEP Docket Number: 052-86-10.

Proposal Number: PRN 1986-505.

Submit comments by December 31, 1986 to:

Catherine Tormey, Esq.
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, NJ 08625

The agency proposal follows:

Summary

On October 31, 1985, N.J.S.A. 13:1E-92 through 99, now known as the Clean Communities and Recycling Act, was amended to provide for the distribution of recycling tonnage grant funds to municipalities based upon the total of materials recycled from sources within the municipality.

That amendment, P.L. 1985, C.346, removed the requirement in N.J.S.A. 13:1E-96(b) that municipalities must increase their recycling tonnages from the previous year in order to receive grant funds.

To conform with the current law, the New Jersey Department of Environmental Protection proposes to amend the recycling regulations to remove the requirement that municipalities must increase their recycling tonnages from the previous year in order to receive future grant funds. Accordingly, the amendments revise the existing formula used to determine the size of recycling grants and eliminate the division of the recycling fund into three equal parts.

In addition, the proposed amendments change the title of the competitive grants from planning grants to program and education grants, extend the existing deadline for acceptance of applications for recycling grants from March 15 to March 31 of each grant year, and require more stringent record keeping and documentation for certain categories of recyclable materials. The proposed amendments also remove the unnecessary restriction that recyclable material generated or collected as specified in N.J.A.C. 7:26A-1.5(c)1 and (c)2 shall not be eligible for a recycling tonnage grant if that material is already subject to a deposit or tax imposed by the county or municipality to ensure its return to a collection center.

Pursuant to the Governor's Reorganization Plan No. 001—1986, effective August 29, 1986, the Office of Recycling is now wholly contained within the Department of Environmental Protection. As a result, all references in this Chapter to the New Jersey Department of Energy have been deleted.

Social Impact

As recycling activities in New Jersey continue to expand, it is necessary that the Department be able to meet the needs of municipalities and counties. The amendments simplify grant application procedures and requirements thereby providing increased opportunities for applicants to receive grant funds.

Economic Impact

The Department anticipates that the proposed amendments will have a positive economic impact on grant applicants. The municipalities that are achieving exceptional levels of recycling will be afforded the opportunity to continue to participate in the recycling grant program by receiving credit for all the tons of material recycled. The Department will experience some reduction in data management through deletion of the formula method of providing grants.

Environmental Impact

The proposed amendments encourage the expansion of material recycling programs and therefore will have a positive environmental impact through a reduction in the solid waste stream.

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

[SUBCHAPTER 15. RECYCLING GRANTS AND LOANS PROGRAM] (RESERVED)

**CHAPTER 26A
RECYCLING**

SUBCHAPTER 1. RECYCLING GRANTS AND LOANS PROGRAM

[7:26-15.1]**7:26-1.1** Scope

This subchapter shall constitute the [joint] rules of the Department[s] of [Energy and] Environmental Protection governing the disposition of grants and loans pursuant to the **Clean Communities and Recycling Act**, [P.L. 1981, c.278] N.J.S.A. 13:1E-92 et seq.

[7:26-15.2]**7:26A-1.2** Construction

(a) This subchapter shall be liberally construed as to permit the NJDEP [and NJDOE] to discharge [their] its statutory functions and effectuate the purposes of the [law] **Act**.

(b) The Commissioner[s] may, from time to time, [jointly] amend, expand or repeal this subchapter in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

[7:26-15.3]**7:26A-1.3** Practice where these rules do not govern

The Commissioner[s] shall exercise discretion in respect to any matters not explicitly covered by this subchapter.

[7:26-15.4]**7:26A-1.4** Definitions

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

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

"Act" means the **Clean Communities and Recycling Act**, [P.L. 1981, c.278] N.J.S.A. 13:1E-92 et seq.

"Commissioner[s]" means the Commissioner[s] of the Department of Environmental Protection [and the Department of Energy].

"Department[s]" means the New Jersey Department of [Energy and New Jersey Department of] Environmental Protection.

"Education Grant" means grants awarded by the Department[s] from the Education Fund.

"[NJDOE and] NJDEP" means the New Jersey Department[s] of [Energy and] Environmental Protection.

"[Planning and] Program Fund" means the portion of the State Fund specified by Section 5(b)(4) of the Act.

"[Planning and] Program Grant" means any grant awarded by the Department[s] from the [Planning and] Program Fund.

"Recycling Tonnage Grant" means any **tonnage** grant awarded by the Department[s] from the Recycling **Tonnage** Grant Fund.

"Recycling Tonnage Grant Fund" means the portion of the State Fund specified by Section 5(b)(1) of the Act.

"Recipient" means any person to whom monies have been identified or allocated by the Department[s] from any of the Funds established pursuant to the Act, whether or not said person has actually received monies.

"Supplementary Projects" shall include recycling research, program development, and program implementation projects which may be initiated by the Department or may be proposed by public or private entities.

[7:26-15.5]7:26A-1.5 Application and award procedures for Recycling Tonnage Grants

(a) Eligible applicants for Recycling **Tonnage** Grants shall be limited to municipalities, except that a municipality may, upon vote of the appropriate governing body, authorize a regional recycling coalition to apply on its own behalf, provided that:

i. (No change.)

2. The municipality has conformed to all restrictions, prohibitions and obligations of the Act as set forth therein and in this subchapter, including but not limited to the following:

i.-ii. (No change.)

iii. The first time an applicant applies for a Recycling Grant, it shall demonstrate that one or more types of materials specified in (c)1 below were recycled during the previous year.

iv. The second and subsequent times an applicant applies for a Recycling Grant it shall demonstrate that at least two types of materials specified in (c) below are currently recycled, or will be recycled during the calendar year in which the grant is awarded, and that the following minimum quantities shall be recycled:

(1) All paper products: 15 pounds per capita per year;

(2) All glass products: 15 pounds per capita per year;

(3) All other products: one pound per capita per year per product.]

(b) Applications for Recycling **Tonnage** Grants shall be accepted by the Department[s] between January 1 and March [15] 31 of each grant year [beginning in 1983 and ending in 1987]. **Mailed applications shall be postmarked by March 31.** Applications shall be made on such forms as provided by the Department[s] and shall be submitted [in triplicate] to:

[NJDEP and NJDOE]
New Jersey Department of Environmental Protection
Office of Recycling
Grant [and Loan] Officer
101 Commerce Street
Newark, [NJ] New Jersey 07102

(c) Eligible municipalities shall be entitled to receive Recycling **Tonnage** Grants based on the tonnage of recyclable material generated by, and recovered for, recycling from residential and commercial sources within the municipality.

1. Recyclable material generated by residential and commercial sources shall include:

i.-ix. (No change.)

x. Additional solid or liquid materials which are non-hazardous which are approved by the Department[s] upon application by the municipality.

2. Only recyclable material which is collected in accordance with all applicable regulations and permit procedures, and documented in accordance with (d) below using one or more of the following procedures shall be considered to be generated within the municipality and eligible for the purposes of this grant:

i. [Curbside pick-up:] When the recyclable materials are separated by the source and collected at the curbside or on the premises by a public agency or its contractor, a commercial recycling business, or a volunteer agency, the material shall be credited to the municipality in which the collection occurs.

ii. [Drop-off centers:] When the recyclable materials are separated by the source and delivered to a municipal or volunteer drop-off center, the material shall be credited to the municipality in which the center is located. However, when the center is sponsored by a county or other regional agency and is specifically designated to serve more than one municipality, the operator(s) of the center shall allocate the quantity of material recycled among the participating municipalities based on the best available data.

iii. [Transfer stations and resource recovery facilities:] In order for materials separated from mixed solid waste at a transfer station or resource recovery facility to qualify, the approved [county] solid waste district management plan shall specifically designate such facility to be the recipient of a municipality's solid waste, and shall specifically require that the separation and recovery of recyclables shall occur prior to incineration, fuel production or disposal. In these instances, the municipalities which generate the material shall be proportionally credited for recycling tonnage based on the best available data.

iv. [Markets:] When recyclable material is separated and delivered by the source directly to a market, the municipality in which such materials are generated shall receive credit for the tonnage recycled.

3. Recyclable material which is generated and collected as specified in (c)1 and (c)2 above shall not be eligible for the purposes of this grant if it is:

i.-ii. (No change.)

iii. Burned or otherwise used for direct energy recovery; or

iv. Converted to a fuel or fuel product, except as specifically permitted by the Department[s] upon application by a municipality; or].

[v. Subject to a deposit or tax imposed by the county or municipality to ensure its return to a collection center.]

(d) The tonnage of recycled materials claimed by the municipality shall be accurately reported to the Department[s]. Records verifying tonnage claimed shall be maintained by the applicant for a minimum of five years following each grant period. For the purpose of this grant, the following records shall be acceptable subject to review and approval by the Department[s] on a case-by-case basis:

1.-3. (No change.)

4. In the case of food and yard materials converted to and used for feed, compost, mulch or fertilizer, a written [estimate] **statement** of the quantity of materials collected and recycled [and an explanation of the procedure used by the municipality to estimate the tonnage] **and the necessary records or documentation to support the tonnage claim.**

(e) The [size] **amount** of the Recycling **Tonnage** Grants to be awarded to each municipality shall be determined in the following manner:

1. In the calendar years 1983 to 1987, grants awarded shall be based on the number of tons of eligible recyclable material sold or distributed in accordance with (c) and (d) above during the **previous** calendar year [1982] and shall be calculated in accordance with the following formula, provided that no municipality shall receive more than \$25.00 per ton:

$$\text{Municipal Award} = R \times T_m / T[S]$$

where **Municipal Award** = Dollar value of award to a given municipality for the **previous** calendar year [1982]

R = Total dollar amount allocated to the Recycling **Tonnage** Grant Fund as of January 1, 1983 to 1987, **inclusive**

Ts = Total tonnage of eligible recyclable material collected within the State during the **previous** calendar year [1982] and claimed by all municipalities.

Tm = Total tonnage of eligible recyclable material recycled within a given municipality during the **previous** calendar year [1982].

[2. In the calendar years 1984 to 1987, inclusive, the Recycling Grant Fund shall be divided into three equal parts. Grants awarded shall be based on the increase in municipal tonnage over the previous year in each of three categories: paper products, glass and all other materials and shall be calculated in accordance with the following formula, provided that no municipality shall receive more than \$25.00 per ton for any of the three categories:

Municipal Award = $(Pm / (3 \times R \times Ps)) + (Gm / (3 \times R \times Gs)) + (Om / (3 \times R \times Os))$

where R Total dollar amount in the Recycling Grant Fund in each of the calendar years 1984 to 1987, inclusive

PS = Increase in State paper tonnage recycled

Pm = Increase in municipal paper tonnage recycled

Gs = Increase in State glass tonnage recycled

Gm = Increase in municipal glass tonnage recycled

Os = Increase in State other tonnage recycled

Om = Increase in municipal other tonnage recycled.]

(f) Applications shall be made on forms [provided by] **available from the Department[s]** and shall include the following:

- 1.-2. (No change.)
3. A description of the recycling program(s), including:
 - i.-vi. (No change.)
 - vii. Manner of disposal of material(s) (e.g., name of purchaser); and
 - [viii. Value of material recycled (if available); and]
 - [ix.]viii. (No change.)
- 4.-5. (No change.)
6. Other information as required by the Department[s].

(g) (No change.)

[7:26-15.6]7:26A-1.6 Application and award procedures for Recycling Business Loans

(a) [This portion of the Act] **The Recycling Business Loan Fund** shall be administered jointly by the Department[s] and the EDA.

(b) Eligible applicants for Recycling Business Loans shall be limited to recycling businesses and industries located in New Jersey. Applicants shall conform to all restrictions, prohibitions, and obligations of the Act, applicable EDA regulations and guidelines, and all other relevant acts as set forth therein and in this subchapter.

(c) Applications may be made at such times as announced and on such forms as provided by the Department[s] and shall be submitted [in triplicate] to:

[NJDEP and NJDOE]
New Jersey Department of Environmental Protection
Office of Recycling
[Grant and] Loan Officer
101 Commerce Street
Newark, New Jersey 07102

(d) Loans and loan guarantees may be used for the creation or expansion of any legitimate commercial activity involved with the collection, separation, transportation, processing, or conversion of recyclable materials as determined by the Department[s] and EDA.

(e) Loans and loan guarantees shall be awarded in accordance with such terms and conditions as set forth by the Department[s] and EDA. No single applicant or project may receive a loan or loan guarantee which commits more than 20 percent of the total annual balance of the fund.

(f) (No change.)

(g) Applications shall be made on forms [provided by] **available from the Department[s]** and EDA and shall include but not be limited to the following:

1.-7. (No change.)

(h) Applicants receiving loans or loan guarantees shall file an annual status report with the Department[s] for as long as the loan is outstanding, describing the progress being made towards the goals and objectives set forth in the application.

[7:26-15.7]7:26A-1.7 [Application and award procedure for Planning and] Program Grants and Education Grants

(a) Subject to the further restrictions contained in (c) below, the following shall be eligible to apply for and receive [either or both] Program [and Planning] Grants and/or Education Grants, unless specifically limited to Program [and Planning] Grants alone or Education Grants alone:

1. (No change.)
2. Municipalities, provided that the project is not inconsistent with the appropriate [county] solid waste district management plan(s):
3. Regional recycling coalitions, provided that an ordinance or resolution, as appropriate, authorizing application and funding has been approved by the appropriate governing bodies of the coalition members, and that the project is not inconsistent with the appropriate [county] solid waste district management plan(s);

4. Non-profit groups involved directly with the implementation of recycling or litter abatement programs, provided that the project is not inconsistent with the appropriate [county] solid waste district management plan(s). Non-profit groups shall be eligible to apply only for Education Grants.

[(b) Applications for Planning and Program Grants and Education Grants shall be made at such time as announced on such forms provided and in accordance with any guidelines issued by the Departments. Applications shall be submitted in triplicate to:]

(b) Applications for Program Grants and Education Grants shall be submitted to the Department during an announced application period, on forms available from the Department and in accordance with any instructions provided by the Department. Applications shall be submitted to:

[NJDEP and NJDOE]
New Jersey Department of Environmental Protection
Office of Recycling
Grant [and Loan] Officer
101 Commerce Street
Newark, New Jersey 07102

[(c) Planning and Program Grants and Education Grant applications shall be subject to the following minimum amounts. The Departments shall issue such guidelines as are necessary to encourage counties to include provisions in the applications that will allocate grant monies to municipalities which require less than the minimum amounts.

1. For Planning and Program Grant applications, \$5,000;
2. For Education Grant application, \$2,000.

(d) Planning and Program Grants may be used for any legitimate administrative, planning or operating expenses associated with publicly sponsored recycling programs, including but not limited to:

1. Staff salaries and fringe benefits;
2. Office expenses;
3. Equipment purchases;
4. Enforcement; and
5. Construction of facilities.

(e) Education Grants may be used for any legitimate expenditures associated with recycling and litter abatement publicity, information and education programs, including:

1. The project will further the goals and objectives of the State Recycling Plan;
2. The project's goals, objectives and implementation strategy are clearly stated;
3. The project is practical and has a high probability of success;
4. The value of the materials to be recovered will be comparable to the size of the grant; and
5. The project substantially increases the quantity of recyclable materials removed from the waste stream and actually recycled.

(f) Planning and Program Grants and Education Grants shall be awarded competitively based on the Departments' assessments of factors which shall include but not be limited to the following:

1. The ability of the applicant to successfully implement the proposed project;
2. The relative contribution that the proposal will make toward achieving the State's recycling goals; and
3. The cost effectiveness and innovativeness of the proposed projects.

(g) Applicants receiving either Planning and Program Grants or Education Grants shall file annual progress reports with the Departments during the grant year and for two years following receipt of the grant. Applicants who receive a municipal recycling grant pursuant to N.J.A.C. 14A:6-1.5 (7:26-15.5) shall be deemed to have satisfied this requirement.]

(c) The Department shall issues an application package for each grant cycle which shall be available from the Office of Recycling at the address set forth at (b) above. Permitted uses for grant monies may include, but are not limited to, the following:

- 1. Staff salaries;**
- 2. Equipment purchases;**
- 3. Program enforcement;**
- 4. Construction of facilities; and**
- 5. Other legitimate expenditures associated with recycling publicity, information, and education programs that will further the goals and objectives of the Act.**

(d) Applicants receiving either Program or Education Grants shall file semi-annual reports with the Department during the grant year and for two years following receipt of the grant.

[7:26-15.8]7:26A-1.8 Application and award procedure for Supplementary Projects

(a) The Department[s] may, in [their] its discretion, make available any or all of the monies in the Program [and Planning] Fund and in the Education Fund which are not used for the grants specified in N.J.A.C. [7:26-15.7] 7:26A-1.7 [(14A:3-15.7)] for Supplementary Projects involving recycling research, program development, program implementation and

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

other related activities. Supplementary Projects may be developed by the Department[s] on [their] its own initiative or in response to proposals submitted by public or private entities.

(b) Awards for Supplementary Projects shall be made giving due consideration to the qualifications of the applicants in view of the nature of the projects. Awards may be made by the Department[s] as grants, contracts, or other forms of disbursement as appropriate for the particular Supplementary Project.

[7:26-15.9]7:26A-1.9 Execution of award documents

(a) As concerns Recycling Grants, [Planning and] Program Grants and Education Grants, the Department[s] shall prepare and transmit an original and three copies of the award document to the applicant. The applicant shall execute the **original and all three copies of the award document** and return [it] **them** to the Department[s] with an ordinance or resolution of the appropriate governing body, authorizing the signing of the document, naming the person authorized to sign the document and committing the applicant to use the funding in accordance with the terms and conditions of the award document, this subchapter and the Act.

(b) (No change.)

(c) The award document shall be deemed to incorporate all requirements, provisions, and information in this subchapter, the Act and all documents and papers submitted to the Department[s] in the application process.

(d) At the time of execution of the award document by the Department[s] and the applicant, the grant, loans or loan guarantees shall become effective and shall constitute an obligation [on] of the Recycling Fund in the amount and for the purposes stated in the award document.

[7:26-15.10]7:26A-1.10 Unused monies

(a) All monies which remain unused or unexpended by the Department[s] at the close of the calendar year, or which have been withheld or rescinded by the Department[s], shall remain with, or be returned to, the Fund.

1. (No change.)

2. Unused monies derived or allocated from the State Program Fund [and Planning and Program Fund] may be added to their respective funds or to any of the funds in (a)l above, as the Department[s] in [their] its discretion deems appropriate.

[7:26-15.11]7:26A-1.11 Debarment

(a) Any person or corporation who is debarred, suspended or disqualified from State contracting pursuant to N.J.A.C. 7:1-5 shall be ineligible to receive State grants, loans or loan guarantees under this subchapter, whether directly or through a contract with a recipient of the State Fund monies.

(b) (No change.)

(c) Bid specifications prepared by the recipient shall require submission of a sworn statement by the bidder, or an officer or partner of the bidder, indicating whether or not the bidder is, at the time of the bid, included on the State Treasurer's List of Debarred, Suspended and Disqualified Bidders as a result of action by a State agency other than the Department[s].

(d) Any person included on the Treasurer's List as a result of action by a State agency other than the Department[s], who is or may become a bidder, or any contractor who is or will be funded by a grant or loan under this subchapter may present information to the Department[s], indicating why this section should not apply to such person. If the Commissioner[s] determines that an exception is essential to the public interest and files a finding thereof with the Attorney General, the Commissioner[s] may grant such exceptions in [keeping] **accordance** with the provisions of N.J.A.C. 7:1-5.9.

(e) The Department[s] may suspend or debar any such person[,] or take such other action as may be appropriate pursuant to N.J.A.C. 7:1-5.

[7:26-15.12]7:26A-1.12 Discriminatory practices

(No change.)

[7:26-15.13]7:26A-1.13 Procedure for withholding or rescission of grants

(a) The Department[s] may, in addition to any other rights or remedies available pursuant to law, withhold a grant or any portion thereof[,] for good cause. The term "good cause" shall include, but not be limited to the following:

1. Failure to comply with the provisions of this subchapter, the Act or other applicable State laws or regulations;

2. (No change.)

3. Submission of false or misleading information to the Department[s].

(b) The Department[s] shall give written notice to the recipient of its intent to withhold or rescind the grant in whole or in part.

(c) The Department[s] shall afford the recipient an opportunity for consultation prior to withholding or rescission of the grant.

(d) The Department[s], may, after affording the recipient opportunity for consultation, withhold or rescind the grant in whole or in part. The withholding or rescission shall be in writing and effective on the date such action is taken.

(e) The determination to withhold or rescind a grant shall be solely within the discretion of the Department[s].

[7:26-15.14]7:26A-1.14 Return of grants

(a) The recipient of a grant which has been withheld or rescinded by the Department[s] shall refund or credit to the Department[s] the amount of grant monies withheld or rescinded.

(b) The Department[s] shall, upon receipt of the monies, return same to the appropriate Fund in accordance with the provisions of N.J.A.C. [7:26-15.10] 7:26A-1.10.

[7:26-15.15]7:26A-1.15 Procedure for termination of loans and loan guarantees

(a) Loans and loan guarantees authorized or created by the Act may be terminated by the EDA according to procedures and guidelines established by that agency in the event of default by the holder of the loan. The term default shall include but not be limited to:

1.-3. (No change.)

4. Failure to comply with this subchapter, the Act or other applicable State laws or regulations; or

5. Submission of false or misleading information to the Department[s] or EDA.

(b) (No change.)

[7:26-15.16]7:26A-1.16 Severability

(No change.)

(a)

COMMISSION ON RADIATION PROTECTION**Medical Exposure to Ionizing Radiation by Radiologic Technologists****Proposed Amendments: N.J.A.C. 7:28-19.2, 19.3, 19.4, 19.6, 19.9 and 19.10****Proposed New Rule: N.J.A.C. 7:28-19.12**

Authorized By: Commission on Radiation Protection,
Max M. Weiss, Ph.D., Chairman.

Authority: N.J.S.A. 13:1D-7 and 26:2D-7 and specifically
26:2D-24 et seq., as amended by P.L. 1985, c. 540.

DEP Docket Number: 051-86-10.

Proposal Number: PRN 1986-506.

Submit comments by December 31, 1986 to:

Rachel Lehr, Esq.

Office of Regulatory Services

Department of Environmental Protection

CN 402

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Radiologic Technologist Act, N.J.S.A. 26:2D-24 et seq., was amended by P.L. 1985, c. 540, to provide for the licensing of orthopedic and urologic x-ray technologists by the Radiologic Technology Board of Examiners. The practice of orthopedic x-ray technology is limited to the application of radiologic technology to the spine and extremities for diagnostic purposes only. The practice of urologic x-ray technology is limited to the abdomen and pelvic area for urologic diagnostic purposes only.

Currently, the licensing rules provide for the licensure of radiation therapy technologists whose application of radiation to human beings is for therapeutic purposes and diagnostic x-ray technologists whose application of radiation of human beings is for diagnostic purposes. This proposal adds the limited specialties of orthopedic and urologic x-ray technologist to the limited specialties of chest x-ray, dental x-ray, and podiatric x-ray technologist, already regulated by the Department. The reason for this addition is that the practice of urologic and orthopedic x-ray technology has increased dramatically over the past years. Therefore, amending these rules to include the education and training of technologists in these fields is warranted.

In order to implement this program for orthopedic and urologic x-ray technology, the Commission has defined these two categories in N.J.A.C. 7:28-19.2, has added them to the licensing procedure in N.J.A.C. 7:28-19.4, and has included them in the scope of practice for each category in N.J.A.C. 7:28-19.6, which is determined by the Radiologic Technology Board of Examiners.

The general provisions of N.J.A.C. 7:28-19.3 have been expanded and minor changes have been made to N.J.A.C. 7:28-19.8, 7:28-19.9, and 7:28-19.10 to include the requirement of orthopedic and urologic x-ray technology.

Proposed new rule N.J.A.C. 7:28-19.12 was added to include provisions for fees.

Social Impact

A positive social impact could occur because better health care may be provided to the public by requiring specific educational qualifications for orthopedic and urologic x-ray technologists, including the successful completion of a Board-mandated curriculum in orthopedic and urologic x-ray technology prior to admission to the licensing examination. On the other hand, with more people practicing x-ray technology, it may take greater effort by the Department of Environmental Protection (the "Department") to ensure quality and to monitor compliance with these regulations.

Economic Impact

Additional expense will be incurred by the Department in implementing the revisions to this subchapter. However, the administrative and technical support is already in place and is handled by the Department's certification section, which is a fee supported program. Orthopedic and urologic x-ray technologists will incur an expense for completing the Board's mandated curriculum. They, as well as other regulated technologists, will also be required to pay the Department's examination and licensing fee.

N.J.A.C. 7:28-19.12 is a new rule that has been added to provide for the adoption of a new fee schedule. Although the Department has always charged a fee for its certification program, the new fees represent the first increase since N.J.S.A. 26:2D was enacted in 1968.

Environmental Impact

The environmental impact should be positive because these amendments provide further assurance that exposure to medical ionizing radiation will be controlled by properly qualified individuals.

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

7:28-19.2 Definitions

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

...
"Orthopedic x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to the spine and extremities for diagnostic purposes only.

...
"Radiologic technologist" means any person who is licensed pursuant to this subchapter, which shall include [C]chest x-ray technologist (LRT(C)), [D]dental x-ray technologist (LRT(D)), [D]diagnostic x-ray technologist (LRT(R)), [and] [R]radiation therapy technologist (LRT(T)), podiatric x-ray technologist (LRT(P)), orthopedic x-ray technologist (LRT(O)), and urologic x-ray technologist (LRT(U)).

...
"Urologic x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to the abdomen and pelvic area for urologic diagnostic purposes only.

7:28-19.3 General provisions

(a)-(f) (No change.)

(g) The Board shall establish criteria and standards for programs of diagnostic, radiation therapy, dental, chest, [or] podiatric, orthopedic, or urologic x-ray technology and approve these programs upon finding[s] that the standards and criteria have been met.

(h) **No person licensed to operate equipment emitting ionizing radiation shall be permitted in the primary beam, unless it is deemed essential for the specific examination by the licensed practitioner.**

7:28-19.4 Licensure procedure

(a) The Board shall admit to examination for licensing any applicant who shall pay to the Department a nonrefundable fee [established by rule

of the Commission] **as specified in N.J.A.C. 7:28-19.12** and submit satisfactory evidence, verified by oath or affirmation, that the applicant:

1.-4. (No change.)

(b) In addition to the requirements of (a) above, any person seeking to obtain a license in a specific area of radiologic technology must comply with the following applicable requirements:

1. Each applicant for a license as a [D]diagnostic x-ray technologist (LRT(R)) shall have satisfactorily completed a 24-month course of study in diagnostic x-ray technology approved by the Board or its equivalent as determined by the Board.

2. Each applicant for a license as a [R]radiation [T]therapy technologist (LRT(T)) shall have satisfactorily completed a 24-month course in radiation therapy technology approved by the Board or the equivalent of such as determined by the Board.

3. Each applicant for a license as a [C]chest x-ray technologist (LRT(C)) shall have satisfactorily completed the basic curriculum for chest radiography as approved by the Board or its equivalent as determined by the Board.

4. Each applicant for a license as a [D]dental x-ray technologist (LRT(D)) shall have satisfactorily completed the curriculum for dental radiography as approved by the Board or its equivalent as determined by the Board.

5. (No change.)

6. **Each applicant for a license as an orthopedic x-ray technologist (LRT(O)) shall have satisfactorily completed the basic curriculum for orthopedic radiography as approved by the Board or its equivalent as determined by the Board.**

7. **Each applicant for a license as a urologic x-ray technologist (LRT(U)) shall have satisfactorily completed the basic curriculum for urologic radiography as approved by the Board or its equivalent as determined by the Board.**

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

(f) All licenses are renewable as of December 31 of every even numbered year following the year of issuance. A license shall be renewed by the Board for a period of two years upon payment of a renewal fee [in an amount to be determined by rule of the Commission, and complying] **as specified in N.J.A.C. 7:28-19.12, if the applicant has complied with [any] all other applicable conditions or requirements established by the Board.**

(g)-(i) (No change.)

7:28-19.6 Practice of radiologic technology

(a) The practice of diagnostic radiologic technology shall include: patient measurement, proper positioning for varied procedures **to demonstrate the appropriate anatomical part on a radiograph as requested by a physician**, selecting [adequate] the correct technique factors on control panel, [demonstrating anatomy as requested by physician,] selecting proper distance and exercising proper principles of radiation protection and making x-ray exposures.

(b) (No change.)

(c) The practice of dental x-ray technology shall include application of x-rays to human beings [to dental radiography for routine diagnostic purposes] **for diagnostic dental examination** and exercising proper principles of radiation protection.

(d)-(e) (No change.)

(f) **The practice of orthopedic x-ray technology shall include application of x-rays to human beings to spine and extremities for diagnostic purposes. Such practice shall include patient measurement, proper positioning to demonstrate the appropriate anatomical part on a radiograph as requested by a physician, selecting the correct technique factors on control panel, selecting proper distance, exercising proper principles of radiation protection and making x-ray exposure.**

(g) The practice of urologic x-ray technology shall include application of x-rays to human beings limited to the abdomen and pelvic area for urologic diagnostic purposes. Such practices shall include patient measurement, proper positioning to demonstrate the appropriate anatomical part on a radiograph as requested by a physician, selecting correct technique factors on control panel, selecting proper distance, exercising proper principles of radiation protection and making x-ray exposure.

7:28-19.8 Students

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

[(d) A sponsoring institution shall so limit the number of students enrolled that the ratio of students to full time Licensed Radiologic Technologists engaged in clinical instruction, both diagnostic or therapeutic at the clinical facilities shall be appropriate as determined by the Board.]

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

HEALTH**(a)****NARCOTIC AND DRUG ABUSE CONTROL****Drugs and Devices****New Drugs and Laetrile****Proposed New Rules: N.J.A.C. 8:21-4****Proposed Amendments: N.J.A.C. 8:21-4.5, 4.26,
4.31, 4.32**Authorized By: Molly Joel Coye, M.D., M.P.H., Commissioner,
Department of Health.

Authority: N.J.S.A. 24:2-1 and 24:6F-5.

Proposal Number: PRN 1986-499.

Submit comments by December 31, 1986 to:

Lucius A. Bowser, RP, MPH
Chief, Office of Drug Control
CN 362
Trenton, New Jersey 08625-0362
(609) 984-1308

The agency proposal follows:

Summary

The Department proposes the regulations found in N.J.A.C. 8:21-4 et seq., as new rules, since these regulations expired July 21, 1983, pursuant to the provisions of Executive Order 66(1978). The proposed new rules are being modified to include the updated Federal form numbers, Federal Regulation updated codification of sections 21 CFR, and to change the mailing address of the Department's office responsible for the administration of these new rules.

The proposed new rules deal with the procedures which must be followed in order to have a drug substance or product declared a "new drug" so that it may be lawfully marketed in this State. The new rules also delineate the process necessary to import, use and administer Laetrile (also known as Vitamin B-17) for terminal cancer therapy.

The proposal of these regulations as new rules is necessary to control the production of spurious products believed to have medical and pharmaceutical benefits to the citizens of this State and to regulate the handling of Laetrile in cancer therapy for those persons termed terminally ill from this dreaded disease.

Although the rules have expired and are being treated as new rules, the changes are being published full text with bracketing and boldface for purposes of clarity and understanding of what amendments are being made to the text of the expired rules. Full text of the expired rules proposed as new is located at N.J.A.C. 8:21-4.

Social Impact

The proposed new rules concerning procedures over new drugs and Laetrile use will have a definite social impact in that they will control the introduction and unlawful use of products that have not been determined to be safe for medical indications. The New Drug provisions will have a great impact upon researchers and industry wishing to market new drug entities of drugs having new indication in that the use of the drugs must be in accordance with these rules. The Laetrile provisions will keep the State's activity in conformity with Federal Statutes. In the past the Laetrile regulations assisted more than 200 persons to obtain and use the extracts of apricots (Laetrile) for the relief of the discomforts of terminal cancer.

Economic Impact

The proposed new rule on New Drugs and Laetrile use, as modified from the expired regulations found in N.J.A.C. 8:21-4, would have a slight impact on the public in that it would afford the mechanism for approving New Drug substances or old drugs with new indications of use to be marketed and used by the public. It would have a slight impact on researchers and pharmaceutical manufacturers in New Jersey who would be able to meet the criteria for approval and marketing of New Drugs. The regulations are similar to those under the Federal regulations, but could be used by those wishing to market their products only intrastate, rather than interstate. The Laetrile provisions found in the proposed New Rule would have an economic impact on a very few persons who wish to use Laetrile in cancer therapy as a "new drug" for the easement of pain of terminal cancer.

(d) The sponsoring institution shall maintain an adequate student/licensed radiologic technologist ratio as determined by the Board. In a limited license curriculum the LRT shall be licensed in the category the student is pursuing. A licensed diagnostic radiologic technologist (LRT(R)) may supervise students enrolled in any limited license curriculum.

(e)-(h) (No change.)

7:28-19.9 Program approval

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

(d) The Board shall establish criteria and standards for programs of chest, dental, [and] podiatric, **orthopedic and urologic** radiography and may approve such programs upon finding that the standards and criteria have been met.

(e)-(h) (No change.)

(i) Accreditation and [slash] / or Provisional accreditation may be withheld or withdrawn, for failure to correct specified deficiencies and where the [d]Department has determined that the institution is engaging in practices that are not consistent with acceptable standards for the operation of an educational institution. The sponsoring institution shall be notified in writing of the violation or violations resulting in withholding of accreditation or of the intent to withdraw accreditation and may, within 30 days of said notification, petition the [d]Department in writing for a review thereof, and shall thereupon be given the opportunity to be heard on the violations by the Commissioner of Environmental Protection or shall be referred to the Office of Administrative Law. Hearings referred to the Office of Administrative Law shall be conducted in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Uniform Administrative Procedure Rules (N.J.A.C. 1:1-1 et seq.)

(j)-(q) (No change.)

7:28-19.10 Use of medical ionizing equipment by students

(a) (No change.)

(b) Students enrolled in and attending a Board approved diagnostic, chest, dental, [or] podiatric, **orthopedic or urologic** radiologic technology program may apply radiation to a human being for necessary diagnostic purposes only at the approved clinical facilities of the sponsoring institutions.

1. The operation of the x-ray equipment by a student shall be for the purpose of clinical experience in radiologic procedures and shall occur under the direct supervision of a licensed radiologic technologist in the **appropriate category** or a licensed practitioner.

2. (No change.)

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

7:28-19.12 Fees

(a) Any person who submits an application for a license or license renewal to the Department shall include as an integral part of said application a service fee as follows:

1. Application Fee:	\$30.00
2. Examination Fee:	\$30.00
3. Renewal Fee:	\$20.00

(b) The fees accompanying the application or license renewal shall be in the form of a certified check or money order made payable to the State of New Jersey.

1. The fees submitted to the Department are not refundable.

2. The fees accompanying the initial application or renewal shall be mailed to:

State of New Jersey
Department of Environmental Protection
Bureau of Collection and Licensing Unit
CN 402
Trenton, New Jersey 08625

Full text of the expired rules proposed as new may be found at N.J.A.C. 8:21-4.

Full text of the amendments to the expired rules follows (additions shown in boldface **thus**; deletions shown in brackets [thus]).

8:21-4.3 Subpart A, General provisions; definitions

(a) (No change.)

(b) The definitions set forth in Subpart A (General provisions), section 21 C.F.R. 310.3 [(this section),] pursuant to the intent and policy of the Department of Health set forth in a preamble to new drug regulations, mean the following.

1.-4. (No change.)

8:21-4.5 Subpart A, General provisions; new drug applications

(a) 21 C.F.R. 314.1 (Applications), 21 C.F.R. 314.60 (Amended applications), 21 C.F.R. [314.7] **314.65** (Withdrawal of applications without prejudice), 21 C.F.R. [314.8] **314.70** (Supplemental applications), 21 C.F.R. 314.90 (Insufficient information in application), 21 C.F.R. [314.10] **314.105** (New drug application approvals; availability of information), 21 C.F.R. [314.11] **314.420** (Master files), 21 C.F.R. [314.12] **314.12** (Untrue statements in application), 21 C.F.R. [314.13] **314.104** (New drugs with potential for abuse) and 21 C.F.R. [314.14] **314.140** (Confidentiality of data and information in a new drug application, NDA, file) are hereby adopted by reference.

(b) Regarding subpart B (Administrative actions on application), 21 C.F.R. [314.100] **314.102** (Comment on application), 21 C.F.R. [314.105] (Notification to applicant of approval of application), 21 C.F.R. [314.110] **314.125** (Reasons for refusing to file applications), 21 C.F.R. [314.111] **314.120** (Refusal to approve the application), 21 C.F.R. [314.115] **314.150** (Withdrawal of approval of an application), 21 C.F.R. [314.116] **314.152** (Notice of withdrawal of approval of application), 21 C.F.R. [314.120] **314.160** (Revocation of order refusing to approve application, or suspending or withdrawing approval of an application), and 21 C.F.R. [314.121] **314.162** (Notices and orders) are hereby adopted by reference.

(c) Full text of Federal regulations pertaining to new drugs may be found in sections 310, 312, and 314 of 21 C.F.R., parts 300 through 499, revised as of April 1, [1977] **1986**, and may be purchased from:

Superintendent of Documents
United States Printing Office
Washington, D.C. 20404
Price [\$5.00] **\$25.00** per copy

(d) The complete text of those sections adopted by the Department may be reviewed in the office of:

Drug Control
[Consumer Health Services] **Narcotic and Drug Abuse Control**
[1911 Princeton Avenue] **CN 362 (129 E. Hanover Street)**
Trenton, NJ [08648] **08625-0362**
(609) [392-1180] **984-1308**

8:21-4.26 Amygdalin; testing

(a) As a substance subject to a new drug application (FD form 356H), amygdalin, also known as Laetrile or vitamin B-17, shall not be available for testing on humans until such time as the sponsor identified in FD form 356H provides to the department the information specified in a "Notice of Claimed Investigational Exemption for a New Drug" (form FD1571, 1572 and 1573), known as an IND. Copies of those IND. forms may be obtained from:

Office of Drug Control
[Consumer Health Services] **Narcotic & Drug Abuse Control**
New Jersey Department of Health
[1911 Princeton Avenue] **CN 362 (129 E. Hanover Street)**
Trenton, [New Jersey] NJ [08648] **08625-0362**

8:21-4.31 Filing of affidavit

Any physician who makes or witnesses an affidavit which authorizes the importation of Amygdaline, Laetrile or Vitamin B-17 (hereafter Laetrile) for any person or who prescribes Laetrile for any person shall immediately file with the **Office of Drug Control** [Drug Program] in the Department of Health at [1911 Princeton Avenue] **CN 362**, Trenton, New Jersey [08648] **08625-0362**, a copy of the "Written Informed Request for Prescription of Amygdalin (Laetrile) for Medical Treatment" established by N.J.S.A. 24:6F-1. Forms may be obtained at no cost from the Department of Health.

8:21-4.32 Written orders; prescriptions; dispensing

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

(c) Any physician who prescribes or orders the administration or dispensing of Laetrile shall file with the **Office of Drug Control** [Drug

Program] in the Department of Health at [1911 Princeton Avenue, Trenton, New Jersey 08648] **CN 362, Trenton, NJ 08625-0362**, a clear copy of the order as described above [on subsection (a) of this section].

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

The following proposals are authorized by the Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.

Submit comments by December 31, 1986 to:

Grey J. Dimenna, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

(a)

Licensing and Degree Program Approval Rules Financial Statements

Proposed Amendment: N.J.A.C. 9:1-1.4

Authority: N.J.S.A. 18A:3-14, 18A:3-15, 18A:3-16 and 18A:3-21.

Proposal Number: PRN 1986-495.

The agency proposal follows:

Summary

Currently, the "Independent College and University Assistance Act" requires independent institutions of higher education in New Jersey which receive State support to annually submit financial statements to the Board of Higher Education. Although the special purpose independent and theological institutions of higher education do not receive aid under this Act, they must maintain financial statements which are audited annually by independent certified public accountants. In order to alert the Department of Higher Education to any institutional financial difficulties, this proposed amendment requires the special purpose independent institutions and theological institutions to provide the Chancellor with a copy of the institution's annual financial statement.

Social Impact

The amendment to N.J.A.C. 9:1-1.4 will enable the Department of Higher Education to ensure that independent institutions are financially sound. The Department of Higher Education will be able to provide appropriate technical assistance to these institutions if it finds they are having financial difficulties thereby assuring students a quality education.

Economic Impact

The amendment does not have any economic impact upon the Department of Higher Education, the Board of Higher Education or the institutions of higher education affected by these provisions.

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

9:1-1.4 Finances

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

(e) **Each independent institution shall furnish to the Chancellor a copy of the institution's audited financial statement. With the exception of those independent institutions receiving funding under the Independent College and University Assistance Act (ICUAA), N.J.S.A. 18A:72B-15 et seq., all other independent institutions, including special purpose and theological institutions, shall submit these statements to the Chancellor on or before December 31 of each year. The ICUAA institutions shall furnish the audited financial statements to the Chancellor on or before November 1 of each year in accordance with N.J.A.C. 9:14-1.2(d).**

[(e)](f) Each institution shall carry insurance or provide for self-insurance to maintain the solvency of the institution in case of loss by fire or other causes, to protect the institution in instances of personal and public liability and to assure the continuity of the institution.

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

(a)

**Licensing and Degree Program Approval Rules
Out-of-State Institutions****Proposed Amendment: N.J.A.C. 9:1-6.1**Authority: N.J.S.A. 18A:3-14, 18A:3-15, 18A:3-16, 18A:3-21 and
18A:68-6.

Proposal Number: PRN 1986-496.

The agency proposal follows:

Summary

The proposed amendment concerns the Board of Higher Education's current annual review of petitions from out-of-state institutions to offer credit-bearing courses in New Jersey. The amendment would allow institutions, which have been providing credit-bearing collegiate courses with Board of Higher Education approval for at least five consecutive years, to obtain Board of Higher Education approval to offer such courses for a period of up to five years if they annually provide materials indicating that there is no significant change in the offerings or no additional or different resources are needed to provide quality educational services or that there is no change in the status of the institution. If the Departmental review realizes the existence of one of these conditions, it shall have the option of submitting the matter to the Board of Higher Education for its review. The Board of Higher Education's denial of any modification would revoke their approval for offering such courses for the time remaining in the five-year period.

Social Impact

The amendment to N.J.A.C. 9:1-6.1 will streamline the Board of Higher Education's approval process that currently exists with respect to out-of-state institutions offering credit-bearing courses. The elimination of a required annual review will benefit the institutions in that they will not be required to submit full petitions to the Board for course approvals each year.

Economic Impact

The amendment does not have any economic impact upon the Department of Higher Education, the Board of Education or the institutions of higher education affected by these provisions.

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

9:1-6.1 Review of petitions

(a) (No change.)

(b) Programs may be approved for periods of one to five years. Initially, programs will not be approved for longer than a three-year period. With respect to requests to offer credit-bearing courses, but not with a degree program, approval will be for a period of only one year, with the exception of those institutions meeting the criteria of (c) below.

(c) **Institutions which have been providing credit-bearing courses in New Jersey with the approval of the Board of Higher Education for at least five consecutive years, may have courses approved by the Board of Higher Education for a period of up to five years, if the institution during this five-year period annually provides to the Department of Higher Education, six months prior to desired implementation, an update of the information required pursuant to N.J.A.C. 9:1-6.2(c). If during the five-year approval period the Department determines, in conjunction with the Licensure and Approval Advisory Board (LAAB), from a review of the annual materials submitted by the institution, that there is a significant change in the offerings and/or additional or different resources are needed to provide educational services of quality or if there is a change in the status of the institution, the Department shall have the option of submitting the matter to the Board of Higher Education for its review. The Board of Higher Education's denial of such a modification shall serve to revoke approval for the period of time remaining in the existing five-year approval period.**

HUMAN SERVICES

(b)

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH
SERVICES****Home Health Care Services Manual
Personal Care Assistant Services****Proposed Amendments: N.J.A.C. 10:60-2.2, 2.3, 3.1**Authorized By: Drew Altman, Ph.D., Commissioner,
Department of Human Services.Authority: N.J.S.A. 30:4D-6b(2)(16), 7, 7a, b, c; 42 CFR 440.70,
440.170(f).

Proposal Number: PRN 1986-498.

Submit comments by December 31, 1986 to:

Henry W. Hardy, Esq.

Administrative Practice Officer

Division of Medical Assistance and Health Services

CN-712

Trenton, NJ 08625

The agency proposal follows:

Summary

This proposal concerns personal care assistant services (hereinafter referred to as "services"). The Division of Medical Assistance and Health Services (the Division) is establishing a weekend/holiday rate for reimbursement for personal care assistant services. The rate will be up to \$9.30 per hour or up to \$4.65 per half-hour for services provided to individual patients. The proposed group rate will be up to \$7.24 per hour or up to \$3.62 per half-hour. A group rate applies to two or more patients, with a maximum of eight patients, in the same residential setting at the same time. The proposal defines a "weekend" as a Saturday or Sunday. There is no change in the rate of reimbursement for services provided on weekdays.

Reimbursement for holidays will be at the higher rate. In order for the provider to claim the service was provided on a holiday, the provider must recognize the day as a holiday in the contract of employment with their employees. In addition, the holiday must be a recognized state or federal holiday.

Providers will be responsible for entering the correct procedure code(s) on the claim form that correspond to the day the service was rendered, for example, weekday, weekend, or holiday.

The proposal will enable children residing in DYFS foster care homes to receive personal care assistant services. The existing rule excludes the DYFS foster care homes.

Social Impact

"Personal Care Assistant Services" means health related tasks performed by a qualified individual in a recipient's home, under the supervision of a registered professional nurse, as certified by a physician in accordance with a written plan of care and prior authorized by the Division. These services are limited to a maximum of 25 hours per week. The services can be provided by either a homemaker agency or a home health agency and are intended to provide health care in the community as an alternative to institutionalization. Both types of providers, if enrolled as personal care assistant providers, will be entitled to the increased rate for weekends and holidays.

The proposal impacts generally on Medicaid patients who receive these services. The increased reimbursement rate may increase the availability of services available to the public.

The proposal will also impact on children residing in DYFS foster care homes. These children, if they are otherwise financially eligible for Medicaid, will be able to receive personal care assistant services in accordance with the usual Medicaid policies and procedures. There are currently 500 children in the DYFS foster care homes.

Economic Impact

Currently the Division of Youth and Family Services (DYFS) funds personal care assistant services to its children with 100 percent state dollars. It is anticipated that the expansion of Medicaid (Title XIX) to include the children residing in the DYFS foster care homes will result in an annual cost of 2.7 million dollars to the Division. The combined federal-state share is 5.4 million dollars. There will be a reduction in DYFS expenditures for these services.

There are no estimates currently available to determine the effect of the increased rate for weekends and holidays because the Division currently pays only one rate.

Providers of personal care assistant services will be entitled to increased reimbursement on weekends and holidays. The impact on providers will vary, especially since holidays will be individualized for each provider. However, any day that is properly classified as a holiday will be paid at the higher rate. Weekends, which are defined as Saturday or Sunday, will be paid at the higher rate uniformly.

There will be no cost to the Medicaid patient for these services.

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

10:60-2.2 [Personal care assistant services] **Personal Care Assistant Services**

(a) (No change.)

(b) Personal care assistant services are health related tasks performed by a qualified individual in a recipient's home, under the provision of a registered professional nurse, as certified by a physician in accordance with a written plan of care and prior authorized by the State Agency. These services are available from a home health agency or a homemaker agency.

1.-2. (No change.)

3. Medicaid reimbursement will not be made for personal care assistant service provided to Medicaid eligible recipients in:

i.-iv. (No change.)

v. Intermediate care facility [; and] .

[vi. Division of Youth and Family Services foster care homes.]

4. (No change.)

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

(f) Reimbursement

1. The following are all inclusive maximum rates for personal care assistant services, the initial nursing assessment visit and the personal care assistant nursing reassessment visit. No direct or indirect cost over and above these established rates will be considered for reimbursement. A provider may not charge the New Jersey Medicaid Program in excess of present charges for other payors. **For reimbursement purposes a weekend means a Saturday or Sunday; a holiday means an observed agency holiday which is also recognized as a federal or state holiday.**

i. Personal care assistant services are limited to a maximum of 25 hours per week at a reimbursement rate up to \$8.30 per hour **weekday** for individual patient. Code No. Z1600; and

ii. Up to \$4.15 per half-hour **weekday** for individual patient. Code Z1611; and

iii. Up to \$6.24 per hour **weekday** for a group rate (two or more patients, with a maximum of eight patients in the same residential setting at the same time). Code No. Z1605; and

iv. Up to \$3.12 per half-hour **weekday** for a group rate (two or more patients in the same residential setting at the same time). Code No. Z1612; and

v. **Up to \$9.30 per hour weekend, holiday for individual patient, Code No. Z1614; and**

vi. **Up to \$4.65 per half-hour weekend, holiday for individual patient. Code No. Z1615; and**

vii. **Up to \$7.24 per hour weekend, holiday for a group rate (two or more patients, with a maximum of eight patients in the same residential setting, at the same time). Code No. Z1616; and**

viii. **Up to \$3.62 per half-hour weekend, holiday for a group rate (two or more patients, with a maximum of eight patients in the same residential setting, at the same time). Code No. Z1617; and**

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

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

10:60-2.3 Requirements for **provisions of services and procedures** for authorization of covered services

(a) This section outlines requirements governing the provisions of Home Care Services, (b) and (c) below, as well as the procedures to follow when requesting authorization to provide services, (d) below).

(b) Home Health Care Services: Requirements for [authorization] **provision** of Home Health Care Services are outlined as follows:

1. Certification by attending physician: To qualify for payment of home health care benefits by the New Jersey Medicaid Program, the patient's need for services must be certified, in writing, to the Home Health Agency at least once every 60 days by the attending physician who must be licensed [in the state in which he/she practices]. The

certifications must be kept in the Home Health Agency's file for appropriate review.

2. Plan of care: The plan of care shall be developed by the attending physician in cooperation with agency personnel. It shall include, but not be limited to medical, nursing, and social care information. The following shall be part of the plan of care:

i.-xi. (No change.)

xii. Discharge planning in all areas of care (coordinated with short and long-term goals);

(1) As a significant part of the plan of care, a patient's potential for improvement [is] **shall be** periodically reviewed and appropriately revised. These revisions should reflect changes in the medical, nursing, social and emotional needs of the patient, with attention to the economic factors when considering alternative methods of meeting these needs.

(2) Discharge planning [takes] **shall take** the patient's preferences into account when changing the intensity of care in his residence, arranging services with other community agencies, transferring to or from home health providers. Discharge planning also provides for the transfer of appropriate information about the patient by the referring home health agency to the new providers to ensure continuity of health care.

xiii. (No change.)

3. Medical Care:

i. Home health services [should] **shall be** performed pursuant to a licensed physician's orders and in accordance with a plan of care.

ii.-iv. (No change.)

4.-5. (No change.)

(c) Personal Care Assistant Services: Requirements for [authorization] **provision** of personal care assistant services are outlined as follows:

1.-3. (No change.)

(d)-(e) (No change.)

10:60-3.1 Home care services billing procedures

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

(f) Procedure Codes for personal care assistant services:

Code	Description
1. Z1610	Initial Nursing Visit
2. Z1600	Personal Care Assistant Service (Individual)—per hour weekday .
3. Z1605	Personal Care Assistant Service (Group)—per hour, per patient weekday . Care provided involves two or more patients, with a maximum of eight patients in the same residential setting at the same time.
4. Z1611	Personal Care Assistant Service (Individual)—one half-hour weekday .
5. Z1612	Personal Care Assistant Service (Group)—one half-hour, per patient weekday . Care provided involves two or more patients, with a maximum of eight patients in the same residential setting at the same time.
6. Z1613	Nursing Reassessment Visit.
7. Z1614	Personal Care Assistant Service (Individual)—per hour weekend, holidays.
8. Z1615	Personal Care Assistant Service (Individual)—per half-hour weekend, holidays.
9. Z1616	Personal Care Assistant Service (Group)—per patient, per hour weekend, holidays. Care provided involves two or more patients, with a maximum of eight patients in the same residential setting at the same time.
10. Z1617	Personal Care Assistant Service (Group)—per patient, per half-hour weekend, holidays. Care provided involves two or more patients, with a maximum of eight patients in the same residential setting at the same time.

(g) (No change.)

LAW AND PUBLIC SAFETY

(a)

BOARD OF ARCHITECTS

Landscape Architect Examination and Evaluation Committee

Continuing Education Requirements

Proposed Repeal and New Rule: N.J.A.C. 13:27-8.12

Authorized By: Roy J. Dunn, L.A., Chairman, Landscape Architect Examination and Evaluation Committee.

Authority: N.J.S.A. 45:3-3 and 45:3A-15.

Proposal Number: PRN 1986-509.

Submit comments by December 31, 1986 to:

Barbara S. Hall, Secretary Director
Board of Architects and Landscape Architect Examination and Evaluation Committee
1100 Raymond Boulevard, Room 511
Newark, New Jersey 07102

The agency proposal follows:

Summary

The proposed new rule sets out the requirements of the Landscape Architecture Examination and Evaluation Committee regarding continuing education, as required by N.J.S.A. 45:3A-15. The new rule outlines the Committee's procedures for implementing this statutory requirement, and gives guidelines of acceptable courses.

Social Impact

The proposed new rule will impact upon all certificate holders, as well as upon the administrative processes of the Committee. This impact, however, should have a positive effect in that it will clearly articulate to certificate holders the method by which they may comply with their statutory obligation of continuing education. Furthermore, implementation of this rule will benefit the public, as it will help to improve and update the qualifications of those certified to practice Landscape Architecture.

Economic Impact

There is inherent in this new rule economic impact upon those individuals who are certificate holders, in that they will have to pay for the various continuing education courses, which are required for retention of their certification. However, this impact is justified by the statutory provision requiring such continuing education.

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

[13:27-8.12 Continuing education]

[Commencing September 4, 1987, each person certified to practice landscape architecture shall certify to the board every four years, upon a form issued and distributed by the board, that he or she has attended or participated in not less than 20 hours of continuing education in landscape architecture including, but not limited to, post-graduate level courses, lectures, seminars, or workshops.]

13:27-8.12 Continuing education requirements; professional development

(a) **Beginning on January 1, 1987, as a condition for renewal of a certificate of registration, the certificate holder shall be required to successfully complete 10 hours of continuing education within the two-year biennial renewal period.**

(b) **The continuing education requirements for renewal of a certification are 10 hours of continuing education for each two year period that certification is active. Three contact hours of continuing education/professional improvement constitutes one "hour." No more than five hours in excess of the required 10 hours may be credited to the succeeding certification period. Fractions of units are not acceptable. For example, a one-day symposium which has essentially three hours of instruction in the morning and three hours of instruction in the afternoon is credited with two hours. Likewise, an evening program of three hours would constitute one hour. Other examples:**

Breakdown of Specific Programs

	Hours
Rutgers Symposium	2
New Jersey ASLA Annual Meeting (2 days/12 contact hours)	4
ASLA National Annual Meeting (3 days/18 contact hours)	6
Three credit college/university course (45 contact hours)	15

(c) Only those hours earned at universities, seminars, conferences and continuing education programs offered for the purpose of keeping the certificate holder apprised of advancements and new developments in their profession will be acceptable. As a guideline, any of the areas tested within the Uniform National Examination (UNE), should be considered as acceptable course content, that is, professional practice, design (conceptual site design, planting design, comprehensive site design), or design implementation (grading, construction details, layout). Certificate holders shall submit in advance the name and a brief description of a proposed course 60 days prior to enrollment in such course to ensure acceptability of credits by the Committee.

(d) A report of continuing education completed by the certificate holder shall be filed with the Board on forms provided by the Board in December prior to the certificate renewal. The initial period will commence on January 1, 1987 and will require five units to be accumulated by December 31, 1987, which is to be reported to the Board in January of 1988 on the forms provided. Subsequent reporting of accumulated continuing education units will be on the two-year cycle and will require 10 units.

(e) The Board shall not renew the certificate of registration of any certificate holder who has failed to complete the continuing education requirements, and/or the form as provided by the Board. In the event a certificate holder fails to meet the continuing education requirements, the certificate will not be renewed until all delinquent credits have been accumulated to the satisfaction of the Committee and Board, and reinstatement fees for each two years or portion thereof in which the holder is in arrears have been paid, pursuant to N.J.S.A. 45:3A-12.

(b)

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: John V. DeGrace, P.E., L.S., President, Board of Professional Engineers and Land Surveyors.

Authority: N.J.S.A. 45:8-27 et seq.

Proposal Number: PRN 1986-507.

Submit comments by December 31, 1986 to:

Cathleen A. McCoy, B.S., M.A., Secretary-Director
Board of Professional Engineers and Land Surveyors
1100 Raymond Boulevard, Room 317
Newark, New Jersey 07102

The agency proposal follows:

Summary

The Board of Professional Engineers and Land Surveyors proposes to amend N.J.A.C. 13:40-5.1(i) to eliminate confusion among licensees as to the proper procedure for providing descriptions for surveys. The amendment clarifies policies of the Board which may not have been expressly understood by all land surveyors. For instance, the amendment explains that a mortgage is considered to be a reconveyance of property, and therefore, a description must be provided. The amendment goes on to explain the method by which this description should be made.

Social Impact

The proposed amendment to N.J.A.C. 13:40-5.1(i) will benefit the licensees by clearly informing them how descriptions for surveys must be made. It will also benefit consumers, by requiring the licensees to provide their clients with the appropriate descriptions.

Economic Impact

It is not anticipated that the amendment to N.J.A.C. 13:40-5.1(i) will have any economic impact. To the extent that licensees were not providing descriptions for surveys as outlined in the amended rule, it may result in revised procedures by these professionals in the future.

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)-(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 prints 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.

1. The licensed land surveyor shall also supply a description of the property surveyed when the survey is to be used for conveyancing (title transfer or mortgage). This description must be suitable for use in a deed. The description may be by metes and bounds or by reference to a filed plan, block and lot. If a filed plan, block and lot is utilized, the entire title of the filed plan shall be set forth along with, the filed plan number and the date on which the plan was recorded in the office of the County Recording Officer. If there is any deviation from the filed plan to the completed survey, a description by filed plan, block and lot, shall not be utilized. [This] The deed 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 real property unambiguous and sufficient for a surveyor to lay it out on the ground. This description may be reproduced on the survey plat itself or may be by separate document. If the deed description is provided on the survey plat, it must be titled "Deed Description." If a separate document is provided, the description shall be signed and sealed by the licensed land surveyor responsible for its preparation.

2. The term "referenced" shall not be utilized when referring to a filed plat when it is intended to meet the requirements of supplying the deed description listed in 1. above. It shall also be improper to use or reference a municipal tax map to comply with the requirements for deed description by reference to a filed plat. A tax map shall not be deemed a filed plan for the purpose of title transfer.

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules: Refunds

Proposed New Rule: N.J.A.C. 13:70-29.29

Proposed Repeal: N.J.A.C. 13:70-29.30 through 13:70-29.34

Authorized By: New Jersey Racing Commission,

Charles K. Bradley, Deputy Director.

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1986-508.

Submit comments by December 31, 1986 to:

Charles K. Bradley, Deputy Director
New Jersey Racing Commission
CN-088 Justice Complex
Trenton, New Jersey 08625

The agency proposal follows:

Summary

This proposal will place the existing language of sections 13:70-29.29 through 13:70-29.34 into section 13:70-29.29, as subsections thereof. In addition, a new subsection (g) will be added which allows refunds of advance wagers when races are removed from the turf. The existing rule numbers of 13:70-29.30 through 13:70-29.34, will be designated as reserved.

Social Impact

The social impact of the proposed amendment will place all refunds into one section of the rules. A new rule included in this section will allow patrons to cancel the wagers on turf races when they are removed to the main track due to inclement weather. This is a positive benefit for the wagering public.

Economic Impact

The economic impact of the proposed amendment is positive. Although it may cause some refunds to the racing associations, it will allow the public the opportunity to wager on horses whose form may be better suited to races on the main track.

Full text of the proposed repeal appears in the New Jersey Administrative Code at N.J.A.C. 13:70-29.30 through 13:70-29.34.

Full text of the proposed new rule follows:

13:70-29.29 Refunds

(a) In all cases when a horse has been excused by the stewards after wagering has started, but before off-time, all money wagered on the horse so excused shall be deducted from the pool and be refunded.

(b) If a horse is left at the post at off-time there shall be no refund, but if one horse or more is prevented from leaving the post at off-time because of being locked in the gate, the money wagered on said horse or horses so locked in the gate shall be deducted from the pool and be refunded.

(c) If no horse finishes in a race, all money wagered on that horse shall be refunded.

(d) If two or more horses in a race are coupled on the same mutual ticket, there shall be no refund unless all of the horses so coupled are excused before off-time, or all of the horses so coupled are locked in the gate. Discretion is, however, vested in the stewards to order a refund wherein a part of an entry in a stake, handicap or futurity is excused before off-time where it is in the public interest to do so. In such an instance, the remaining part of the entry shall race for the purse only.

(e) In the case of a race postponed beyond the day originally scheduled, as provided for in N.J.A.C. 13:70-6.50, all money wagered on said race shall be refunded.

(f) If a race is declared off by the stewards after wagering begins on that race, all money wagered on that race shall be refunded.

(g) In the event track conditions require a turf race to be moved to the main track, advance wagers shall be refunded at the request of the bettor up until post-time of the race immediately preceding the scheduled turf race. This does not apply to Super-Six wagers.

STATE

(b)

DIVISION OF NEW JERSEY STATE MUSEUM

State Museum Rules

Proposed New Rules: N.J.A.C. 15:5

Authorized By: Leah P. Slosberg, Director, New Jersey State Museum; Jane Burgio, Secretary of State.

Authority: N.J.S.A. 18A:73-1 et seq. and N.J.S.A. 52:16A-11.
Proposal Number: PRN 1986-497.

Submit comments by December 31, 1986 to:

Charles C. Hager
Assistant Counsel
Department of State
CN 300
Trenton, NJ 08625

The agency proposal follows:

Summary

The New Jersey State Museum has performed the traditional functions of collecting, exhibiting and interpreting in the broad areas of science, history and the arts for nearly a century. This framework now includes expanding emphasis on community outreach services.

The Museum's primary responsibility is to care for the State's collections while making them available for the public's enjoyment and education. Therefore, the emphasis in the proposed new rules is on how the collections are to be managed and the conditions under which they may be seen.

It should be noted that while these rules are new in the sense that there have not been codified Administrative Rules for the Museum in the past, the contents of the proposed rules derive from the Museum's actual practices and procedures developed over nearly a century and from accepted professional museum standards.

Among the major areas covered are: methods of acquisitions, rules for deaccessioning (disposal) of objects in the Museum's collections and documentation rules for both of these procedures. Also included in the new rules are provisions for loans of objects in the Museum's collections to other institutions and the limitations imposed on such loans. In ad-

CHAPTER 5
DIVISION OF THE STATE MUSEUM

SUBCHAPTER 1. PURPOSE AND OBJECTIVES OF THE STATE MUSEUM

15:5-1.1 Purpose and scope

The New Jersey State Museum performs the traditional functions of collecting, exhibiting and interpreting in the broad areas of science, history and the arts. This framework includes an expanding emphasis on community outreach services (film loan service and traveling exhibition service).

15:5-1.2 Objectives

(a) Collecting is a major objective of the New Jersey State Museum. Through judicious purchases and selective gift solicitations and through field collecting and archaeological and paleontological excavations, the Museum is realizing its objective of having significant collections in the following areas:

1. Fine Arts, consisting of New Jersey paintings, sculpture, prints and drawings of the 19th and 20th centuries; American paintings, sculpture, prints and drawings of the 19th and 20th centuries; painting, sculpture, prints and drawings of the Western European tradition; and objects similar to the above but from other locales (for purposes of comparison).

2. Cultural History, consisting of objects and artifacts that help to document and describe the existence of the peoples who have lived in New Jersey during the historic period; documented New Jersey ceramics, glass, metalware, furniture and similar objects with major aesthetic and/or historic value; and similar objects and artifacts from other cultures (for purposes of comparison).

3. Archaeology and/or Ethnology, consisting of data and archaeological artifacts relating to prehistoric New Jersey; similar materials from other areas of North America (for comparison); ethnographic specimens from New Jersey, for documentation purposes; and ethnographic specimens from other areas of the Americas for purposes of comparison.

4. Natural History, consisting of paleontological and geological specimens relating to New Jersey; other natural history specimens relating to New Jersey; and similar science-related specimens from other areas (for better understanding of New Jersey).

(b) Exhibiting consists of long-term and short-term installations.

1. Large exhibition halls on the Museum's second floor have been designated for long-term installations. They include the following:

i. The Hall of Natural History, which contains exhibits devoted to: theories on the origin of the universe; origin of matter; a synoptic account of the formation and structure of the earth; theories on the origin of life; a synoptic account of geologic time periods with emphasis on New Jersey paleontology; the Pleistocene Epoch in New Jersey; and current ecology of New Jersey; and

ii. The galleries, which house selections from the Fine and Decorative Arts collections and feature furniture and appropriate accessories from the 18th century to the early 19th century; American paintings from the 20th century; New Jersey silver, ceramics, and iron; selections from the print and drawing collections.

2. Short-term installations are housed in the Museum's street level galleries, and areas of the lower (planetarium) level galleries and are devoted to changing exhibitions covering the full range of the Museum's broad interests in fine arts, cultural history, archaeology/ethnology and science. To allow flexibility in presenting current exhibitions of maximum interest, no limits have been established on the thematic content of short-term installations, though the focus is clearly on New Jersey. In short-term installations covering fine and decorative arts, the intent has been to offer an overall balance of periods and schools of expression.

(c) There are three major modes of interpretation in the Museum's program. They are:

1. School programs, which are designed to extend and enrich classroom experiences, and which are characterized by experimental and innovative teaching techniques utilizing advanced educational technology as well as the Museum's unique environment. The intent is to stimulate the students' capacity for learning, inquiry, interest and the excitement of discovery. Emphasis is placed on controlled learning situations. Classroom size groups are regarded as optimum, but specially designed instruction areas are available for presentations to larger groups.

2. Public programs for children, which are designed to stimulate the excitement of discovering a new experience, to encourage appreciation of the efforts of others, and to provide an opportunity for participation in and/or observation of artistic performances.

dition, the new rules address public participation in the Museum's interpretive programs and the requirements of the State Office's Fine Arts Loan program.

There are a broad range of persons and institutions who will be affected by these new rules: members of the public who visit the Museum in Trenton to participate in the Museum's interpretive programs or those who experience the traveling exhibitions throughout the State, state agencies who participate in the film loan program or the State House Fine Arts Loan program, and, of course, Museum staff members who must also abide by the rules.

Social Impact

There are four areas in the proposed rules which will have major social impact: community outreach programs, loans of objects to other institutions, acquisitions of new objects and deaccessioning. Again, it should be noted that the impact is not "new" in the sense that the procedures set forth have been Museum policy for some time. The rules will, however, clarify these procedures for the public and other state agencies.

The rules for the community outreach programs will have a positive social impact in that they provide for wide distribution of traveling exhibitions to assure maximum public benefit. The rules also guarantee the existence of the various education programs to the extent that budgetary limits allow.

The rules for loans to other institutions not only protect the objects to be loaned but also guarantee that the objects will be available to the greatest number of people, whenever possible.

The acquisitions rules ensure that the public will continue to benefit from prudent acquisitions which will improve, expand and develop the collections for future generations.

The deaccessioning rules have been written to ensure that the Museum is careful in its disposition of objects to make room for better or more useful ones. The rules include appropriate checks and balances so that objects will not be disposed of without a thorough evaluation by the Director, Museum Advisory Council and Secretary of State.

Economic Impact

The proposed rules will have an economic impact in three major areas. First, the rules allow the Museum to charge fees to cover the costs of: special programs, postage and insurance on film loans, processing and documentation costs for loans of objects in the Museum's collections to other institutions, and supervisory costs for access to collections not on display. The Museum has not, in the past, charged fees to cover processing and documentation costs for loans of objects to other institutions. This has become common practice in other museums. Since the Museum does not have a staff conservator, each time an object is requested for loan the Museum must pay to have the objects' condition (ability to withstand travel) assessed for insurance and conservation purposes. The processing and documentation costs may also include photography fees which add substantially to the Museum's costs of loaning the object. The fees assessed will vary according to the work required in each individual situation.

Additionally, the Museum has not, in the past, charged fees to cover supervisory costs for access to collections not on display. It may do so in the future when access is requested for the purposes of long term research or private sector commercial endeavors. These fees will save New Jersey taxpayers money. Only those who are directly benefiting from the special services will assume the costs. Since the Museum does not charge a general admission fee, there will be no economic impact on the majority of those who use the Museum.

Second, in the areas of acquisition, the Museum spends State funds (allotted in the budget) along with money raised in the private sector to purchase new objects for the collections. The proposed rules will clarify these procedures. It should be noted that most of the additions to the Museum's collections are in the form of valuable gifts to the Museum or funds to purchase such objects from private individuals or groups, thereby building the State's collections at no cost to the taxpayers.

Finally, in the areas of deaccessioning, items which may legally be sold are disposed of at public sales to insure the greatest profits for future acquisitions. The proposed rules also provide for an appraisal by a disinterested third party to insure that the Museum sells objects in an equitable and honest manner. Requiring more than one appraisal would not be cost effective nor necessary. The requirement that the appraisal be by a disinterested third party, and the thorough evaluation procedures for deaccessioning, assure that the sale of objects will be handled in a legally efficient manner.

Full text of the proposed new rules follows.

3. Public family programs, which are intended to provide opportunities for enjoyment and benefit from both traditional and innovative programs in the arts, humanities and sciences.

4. The publications program, which documents exhibitions and collections in a manner that will contribute to public and scholarly understanding and appreciation. Bulletins, Investigations and Reports, published on an irregular basis, provide a medium for public documentation of studies and/or research by the Museum's professional staff or other professionals exploring the Museum's areas of concern.

(d) Community outreach services are an important part of the Museum's program. The Museum is playing an increasingly active role in carrying an awareness of its areas of interest into the New Jersey community. Currently, this program includes a film loan service and a traveling exhibition service, both of which are being expanded and refined. The following are provided by these services:

1. The film loan service extends the Museum into the classroom and the community by providing meaningful films that will enrich the learning process and contribute to public insight and understanding. The service also serves as a distribution agency for films produced or purchased by other branches of State government to explain, interpret and/or educate in their areas of concern. The service is endeavoring to expand its film offerings of interest to minority groups and groups for whom English is a second language.

2. The traveling exhibition service provides educational institutions, civic centers and libraries with representative art, history or science exhibits containing original art works, artifacts, specimens, interpretive materials and teaching aids. Exhibitions offered through the service are designed to support curriculum and teaching programs and, at the same time, to introduce the non-museum-going public to the educational potential of museums in general and the New Jersey State Museum in particular.

15:5-1.3 Definitions

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

"Acquisitions" means newly acquired through purchase, gift, bequest, exchange for field collecting.

"Advisory Council" means the State Museum's five member advisory council which advises and consults with the Museum director with respect to the functions of the Museum.

"Collections" means a group of objects within a particular category or may refer to all of the objects in the Museum's care.

"Curator" means the head administrator of a particular Museum bureau who keeps and develops the collections, organizes exhibits and supervises the educational interpretive programs.

"Deaccession(ing)" means to dispose of objects in the Museum's collections through sale, exchange or trade.

"Director" means the director of the New Jersey State Museum.

"Sponsoring State agency" means the State agency responsible for placing a particular film in the film depository at the State Museum.

SUBCHAPTER 2. MANAGEMENT AND OPERATION OF THE STATE MUSEUM

15:5-2.1 Museum admittance and conduct

(a) Hours when the Museum shall be open to the public are limited to the days and times posted at all main entrances and published in the Museum's calendar of events, for gallery exhibits. The Museum offices are open during the days and times posted in the main foyer of the Museum. They are closed weekends and state holidays.

(b) The Museum galleries and offices may be closed to the public at the director's discretion when there is insufficient security personnel available to maintain adequate protection of the collections; during temporary emergencies due to weather or to building emergencies; when there is a lack of operating funds due to budgetary limitations; during special state occasions when the Museum will be in use; and during special training days for personnel. The Museum will make every effort to publish closing dates in advance in the Museum's Calendar of Events.

(c) There is no charge for general admission to the Museum. Children under the age of 17 will not be admitted to the galleries housing the permanent collections in fine and decorative arts and other posted areas, unless accompanied by an adult.

(d) Food or drink is prohibited in the galleries unless special approval by the director has been obtained.

(e) Smoking and gum chewing are prohibited in the galleries.

(f) Shoes, shirts or blouses, pants or skirts, or dresses must be worn in the Museum.

(g) Bulky and potentially dangerous possessions may be regulated in the following manner:

1. Gallery visitors carrying briefcases, parcels, umbrellas and other similarly bulky objects may be asked to leave them with security personnel to insure the safety of the Museum's collections.

2. Any visitor who is asked to check his or her parcel and does not do so may be subject to a security check upon leaving the Museum.

Photography limitations are:

(h) The general public is not permitted to take pictures in the galleries with the exception of the hall of natural sciences.

(i) Reproduction for publication is permitted with the approval of the director subject to the following requirements:

1. The payment of a reproduction fee (which may be waived for educational publications).

2. If the work is copyrighted, artist may charge a reproduction fee.

3. If no photograph is available of the work, the Museum will have one taken and charge a fee to cover such costs.

4. There is a service charge for the use of the Museum's color transparencies.

(j) The Museum is barrier free to provide access to handicapped persons.

15:5-2.2 Use of facilities

(a) Museum meeting areas shall be used primarily for programming in the arts, history and sciences with events originated, sponsored and/or implemented by, or in the interest of, the Museum. High priority is assigned to programs of direct educational value to New Jersey's student population. Additionally, the facilities may be used by the following types of organizations if adequate space is available.

1. Departments and agencies of state government.

2. Statewide organizations with primary goals and objectives of an educational, cultural or academic character.

3. Other municipal, county and federal agencies when their programs/meetings relate to statewide concerns.

(b) Use of the facilities shall be limited in the following manner:

1. The director may reject any requests for use of facilities when required security or audio-visual personnel cannot be secured or when it appears that the nature of the meeting or the size of anticipated attendance could damage the facility or its contents.

2. Admission to non-Museum programs cannot be charged and there can be no merchandising of any sort.

(c) All requests for non-Museum use shall be forwarded to the Director's office, 205 West State Street, Trenton, New Jersey 08625. Requests from non-governmental organizations must be in writing, describing the nature of the meeting and anticipated attendance.

(d) Fees for the use of Museum facilities shall be imposed in the following manner:

1. There shall be a service fee for all non-Museum use of facilities. For meetings outside of regular hours, there will be an additional fee for security personnel (number to be determined by state police), and for technical personnel (when required). Only Museum-furnished security and technical personnel may be used.

2. Fees shall be estimated and agreed upon in advance and confirmed in writing. Charges incurred by state agencies will be handled on a debit-credit basis through departmental channels. Charges incurred by other organizations will be paid by check directly to the Museum.

SUBCHAPTER 3. BUREAU OF EDUCATIONAL SERVICES

15:5-3.1 Function of the Educational Services Bureau

(a) The function of the Educational Services Bureau is:

1. To coordinate the interpretive services of the Museum;

2. To conduct a film program for children and adults;

3. To provide a film loan service to school groups and organized community groups;

4. To schedule the traveling exhibition service;

5. To coordinate the Museum's performing arts program.

15:5-3.2 School services

(a) Reservations for gallery talks, lesson demonstrations, performing arts programs, State House tours and other services should be made as early as possible, but at least two week in advance in all cases. Teachers or other group leaders wishing to make a reservation should call 609-292-6347 and provide the following information:

1. Title of the program desired;

2. Date and time preferred;

3. Number of students and their grade or knowledge level special needs;

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

4. Name and address of school;
5. Telephone number of school;
6. Name of teacher or other contact.

(b) Confirmation of reservations will be forwarded by mail along with bus parking information and a list of suggestions designed to make the Museum visit and its follow-up as meaningful as possible to the students.

15:5-3.3 Public educational services

(a) The Museum provides films, lectures and performing arts programs which increase or enhance the Museum visitor's appreciation of the arts and sciences.

(b) Program shall be selected on the basis of appropriateness to exhibitions, collections, visitor interest, the Museum's physical limitations and advancement of Museum's objectives.

(c) For selected programs there may be a charge to offset costs.

(d) Public service programs available to the public are as follows:

1. Films;
2. Concerts;
3. Plays;
4. Operas;
5. Lectures;
6. Guided tours;
7. Special activities.

(e) The public may be notified about public service programs through:

1. Special interest mailings;
2. Press releases;
3. The Museum's calendar of events.

(f) Individuals interested in information regarding public service programs may call 609-292-6464 for a 24-hour recording, or 609-292-6308 during business hours.

15:5-3.4 Traveling exhibitions

(a) The traveling exhibition program is designed to extend the services of the Museum to all areas of the state.

(b) The exhibitions shall consist of objects from the Museum's art, cultural history, natural science, and archaeology/ethnology collections.

(c) The exhibits shall be available to schools, libraries, community centers and other non-profit institutions and organizations.

(d) Non-profit New Jersey institutions or organizations interested in scheduling a traveling exhibition should contact the:

Traveling Exhibition Service
New Jersey State Museum
205 West State Street—CN 530
Trenton, New Jersey 08625
609-292-7780

(e) An information kit containing a loan condition report, an exhibit inventory, an instruction sheet and a sample press release will be mailed to the borrower approximately two weeks before the opening date. The loan condition report form shall be completed by the borrower and returned to the Traveling Exhibition Service and shall include the title of the exhibit, the name of the exhibitor, the dates of the exhibit, the number attending, and the nature of the publicity used.

(f) The following are the responsibilities of the borrower:

1. Borrowers are expected to exercise reasonable care in unpacking, handling and repacking an exhibit and to provide adequate protection against fire and theft. Exhibition areas must be arranged so that artwork is not exposed to direct or reflected sunlight. Adhesive material may not be attached to frames or plexiglas. Any wiring added for installation must be removed before repacking.

2. The statement, "A New Jersey State Museum Traveling Exhibition" must appear in all invitations, posters and other publicity material prepared by the borrower.

3. Each borrower is committed to arrange for and provide delivery of the exhibition to the borrower or to the Museum, whichever is applicable. In most instances this requires the use of a station wagon or small van. Shipment by U.S. Mail or commercial package delivery is prohibited, without the approval of the director.

(g) The Museum reserves the right to discontinue the circulation of any traveling exhibition at any time. In such cases, every attempt will be made to provide an appropriate substitute.

15:5-3.5 Film Loan Services

(a) Film Loan Services provides films to New Jersey schools and organized community groups and serves as the statewide depository and distribution agency for films purchased by other New Jersey state agencies for educational use.

(b) Film loans are made to the public under the following circumstances.

1. The film(s) expand classroom learning experiences for New Jersey public, private and parochial schools; and serve as a resource for community groups.

2. The films are representative of those fields of study covered by Museum collections, exhibits and programs.

3. Film selection is based on accuracy of information, creative presentation, excellence of production (photography, narration, color, sound, etc.) and the film's ability to stimulate discussion and study.

(c) The procedures for borrowing films are:

1. The film should be requested by mail. A limited number of requests may be processed by telephone (609-292-6313) or in person at the Film Loan Office in the Museum (205 West State Street, Trenton).

2. The film service order form shall be completed for requests for film loans by public and state agencies. The information required includes the title of the film, the date the film is desired, the name and address of the borrower, and how the borrower wishes to obtain film (mail or borrower pick-up).

3. There is a service charge to cover postage and insurance. There may also be a late charge imposed after five days.

4. Films are shipped one week before the date that they are scheduled to be shown. They may also be picked up and returned directly.

5. The Film Loan Service provides films for educational purposes. There can be no admission charge, directly or indirectly, and film may not be used, in whole or in part, in any television programming.

6. The borrower is responsible for keeping projectors clean and in good repair so as not to damage the films.

(d) The following are the Museum's responsibilities for state films deposited for distribution.

1. The film loan service: schedules and distributes films upon request within New Jersey;

2. Maintains and services films;

3. Supplies annual reports of film usage;

4. Carries listings in Museum Film Catalog and supplements;

5. Underwrites costs of booking, circulating and routine maintenance of films;

6. Recommends purchase of additional prints of titles, as indicated by demand.

(e) Restrictions on the Film Loan Service are as follows.

1. Films must be chosen by sponsoring state agency;

2. Museum staff shall not make recommendations or substitute titles (users shall be referred to the sponsoring agency);

3. Sponsoring state agency must notify Museum to withdraw films which have become obsolete and direct them how to dispose of such films;

4. Film borrowers shall be responsible for postage and service charges.

SUBCHAPTER 4. ARCHAEOLOGY/ETHNOLOGY: COLLECTIONS

15:5-4.1 Collections policy

(a) The archaeology/ethnology collections are to include data and artifacts representative of the prehistory and history of New Jersey, and artifacts representative of other areas useful for comparative cultural interpretations.

(b) The Museum's ethnographic accessioning priorities are as follows:

1. Specimens and collections, preferably with associated anthropological data from prehistoric and historic Native Americans of the New Jersey area.

2. Specimens and collections with associated data from other Indian groups of the Northeast.

3. Specimens and collections, preferably with associated data, from other areas of North America.

(c) The Museum's archaeological accessioning priorities are as follows:

1. Collections excavated using professional standards from archaeological sites in New Jersey.

2. Collections excavated by less than satisfactory standards but which constitute valuable data from under-represented areas, i.e. Northeastern, Atlantic Coast, and South Central portions of New Jersey.

3. Specimens without associated data which are typologically representative and of use as comparative or illustrative material in the Museum's programs.

15:5-4.2 Methods of acquisition

(a) The Museum may acquire specimens through field collecting, purchase, exchange, or gift/bequest. Gifts and bequests are accepted by the curator and director, subject to final approval by the Secretary of State.

(b) Acquisitions shall be transferred unconditionally to the Museum unless noted on the fact of the certificate of transaction form.

(c) All gifts are tax deductible subject to existing laws. Appraisals of gifts are the responsibility of the donor.

15:5-4.3 Methods of deaccessioning

(a) The Museum shall honor any legal restrictions applying to a specimen acquired for its collections, for example, conditions stipulated by donor.

(b) Documented archaeology and/or ethnographic specimen deaccessioning restrictions and procedures are as follows:

1. No specimen may be considered for disposal until five years after acquisition. The five year waiting period may be waived when a decomposing specimen poses a threat to the Museum's other collections. Consideration for disposal must include written documentation of one or more of the following justifications: deterioration, improved or more appropriate use in another institution, inappropriate to the Museum's collections or no longer needed in the collection due to the addition of a similar or better example.

2. Written notice of any planned disposal of accessioned specimens shall be submitted by the curator to the director, who shall present such notices to the Museum Advisory Council for review and recommendations and to the Secretary of State for approval. If approved by the Secretary of State, the specimen may be offered for exchange or donation ONLY to institutions with comparable deaccessioning policies.

(c) Undocumented ethnographic specimen deaccessioning procedures are as follows:

1. Undocumented ethnographic specimens shall be treated the same as documented specimens (see (b) above), except that they may be offered for public sale.

2. Written notice of any planned sale of undocumented specimens shall be submitted by the curator to the Director, who will present such notices to the Museum Advisory Council for review and recommendations and to the Secretary of State for approval. Upon approval by the Secretary of State, objects shall be offered at public sale as follows:

i. Public sale shall follow auction format and shall be conducted by an auction house specializing in ethnographic artifacts;

ii. Selection of the auction house shall be made by the Director of the Museum upon recommendation from the curator;

iii. If the donor of the object is living, he shall be notified at least 120 days prior to public sale. During the period the donor must cite the existence of any legal restrictions preventing deaccessioning.

iv. Public notice of a proposed sale of items from the Museum's collections shall be given at least 60 days prior to the sale date;

v. Funds from the sale shall accrue to the Museum for acquisition within the collection area from which the sold items were drawn;

vi. Written reports on all sales shall be presented to the Museum Advisory Council, the Secretary of State and Governor.

(d) The Museum will retain copies of all documents that pertain to a specimen which has been removed from the collections. Original documents should be offered to a potential recipient with the specimen. If this is inconvenient or impossible, an alternative written agreement must be reached between the Museum and recipient with regard to the documents.

(e) Proposals for destructive analysis of specimen for research purposes (neutron activation, x-ray diffraction, thin-section preparation) shall be submitted for approval to the director by the curator with full documentation of the resultant benefits to the interpretive value of the Museum's collections. Upon approval, any specimen to be subjected to destructive analysis shall be fully documented through morphological written description and photographs.

15:5-4.4 Documentation and record-keeping

(a) The acquisition of a specimen by gift shall be recorded by a Certificate of Transaction form, approved by the Director and signed by the curator or a designee for the Museum and by the donor. The Certificate of Transaction form shall include the type of transaction (loan, exchange, gift, purchase, etc.); the names of parties involved; and a description of the object. The form is used for museum documentation and donor's documentation.

(b) All data associated with any acquired specimen shall be recorded in a manner to insure retrieval.

(c) The Museum shall maintain full descriptive documentation (including photographs) of any specimen deaccessioned along with records of the gift, exchange or destruction of the specimen.

15:5-4.5 Loans

(a) Specimens may be loaned to other institutions or to individuals for purposes of exhibition, education and/or research with the approval of the curator and notification of the director.

(b) Loans will be made on the basis of security of the specimen and maximum public benefit from the collections.

(c) The Museum may charge a fee to other institutions to cover processing and documentation costs.

(d) All loans must be documented by a Certificate of Transaction form. All objects are to be insured upon leaving the Museum.

15:5-4.6 Care and preservation

The physical integrity of the Archaeology and Ethnology collections shall be maintained by the professional staff of the Museum through normal standards and procedures of conservation, storage and periodic inventory.

SUBCHAPTER 5. ARCHAEOLOGY/ETHNOLOGY: EXHIBITIONS

15:5-5.1 Loans from other institutions

The Archaeology Bureau may borrow objects from other institutions and/or individuals for exhibition and/or research purposes. It is the responsibility of the curator to review and select appropriate items and to document them with the Certificate of Transaction Form (see N.J.A.C. 15:5-4.4(a)). Incoming objects are insured by the Museum at owner's appraisal or are covered under lender's policy (State pays premium).

15:5-5.2 Kinds of exhibitions

(a) Long term and short term exhibitions in archaeology/ethnology shall be planned, executed and maintained by the curator with the approval of the Director;

(b) Traveling exhibitions in archaeology/ethnology shall be planned and executed by the staff for circulation by the Bureau of Educational Services and approved by the Director. All traveling exhibitions/objects shall be insured for the replacement cost of specimens and materials for the length of the loan. Insurance coverage may be carried by the Museum or by the borrower, by prior agreement.

15:5-5.3 Care and maintenance

All exhibitions, both in-house and traveling shall periodically be inspected by the curator to insure the security of the specimens.

SUBCHAPTER 6. ARCHAEOLOGY/ETHNOLOGY: INTERPRETATION

15:5-6.1 Publications

Articles, catalogues and research reports shall be prepared for publication under the supervision of the curator with the approval of the Director and within budgetary limits. A fee may be charged to cover the costs of such publications.

15:5-6.2 Programs by reservation

Interpretive programs, including lectures, gallery walks and lesson demonstration in archaeology/ethnology shall be planned and delivered under the supervision of the curator in coordination with the Curator of Educational Services and with the approval of the Director.

15:5-6.3 Additional services

(a) As the state archaeologist, the curator shall provide technical expertise for identification of specimens to federal and state agencies, their representatives and to the general public by appointment only and within budgetary limits.

(b) Data on archaeological resources of New Jersey shall be made available to federal and state agencies and their contractors and to professional researchers consistent with preservation of such resources.

(c) Lectures and other off-site interpretive programs shall be made available within staff and time constraints and with notification to the Director.

SUBCHAPTER 7. SCIENCE BUREAU: COLLECTIONS

15:5-7.1 Contents and standards

(a) The science collections shall include specimens that represent the natural history of New Jersey or that benefit the study and interpretation of New Jersey natural history in related or comparative ways.

(b) Study or research specimens must be documented as to origin, except in the case of undocumented specimens useful for purposes of comparison.

(c) The object must have exhibition, study, research or programming potential.

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

(d) The object must be of a physical condition and size suitable for Museum storage and/or Museum climate.

15:5-7.2 Methods of acquisition

(a) The Museum may acquire specimens through field collecting, purchase, exchange, or gift/bequest. Gifts and bequests are accepted by the curator and Director subject to final approval by the Secretary of State.

(b) Acquisition must be documented by the curatorial staff with possession transferred unconditionally to the Museum.

(c) The curator shall choose specimens to be accessioned from among the specimens acquired through field collection.

(d) All gifts are tax deductible, subject to existing tax laws. Appraisals of the gifts are the responsibility of the donor.

15:5-7.3 Methods of deaccessioning

(a) The Museum will honor any legal restrictions applying to a specimen acquired for its collection, for example, conditions stipulated by the donor.

(b) No accessioned specimen may be considered for disposal until five years after acquisition. The five-year waiting period may be waived when a decomposing specimen poses a threat to the Museum's other collections. Consideration for disposal must include written documentation of one or more of the following justifications:

1. Deterioration;
2. Improved or more appropriate use in another institution;
3. Inappropriate to the Museum's collections.

(c) Written notice of any planned disposal of accessioned specimens shall be submitted by the curator to the Director, who shall present such notices to the Museum Advisory Council for review and recommendations and to the Secretary of State for approval.

(d) If approved by the Secretary of State, the specimen may be offered for exchange or donation to museums with similar acquisition and disposal policies. If no interested recipient can be found within one year the specimen may be offered to other museums, schools, libraries or similar institutions. If no interested recipient can be found within an additional year, the specimen may be destroyed, provided this may be done legally according to existing federal regulations, for example, Endangered Species Act, etc.

(e) Specimens acquired but not accessioned may be considered for disposal at any time, with approval of the curator. If approved for disposal, such specimens may be offered for exchange or donation, and may be destroyed if no interested recipient is found within 30 days.

(f) The Museum shall retain copies of all documents that pertain to a specimen which has been removed from the collections. Original documents shall be offered with the specimen to a potential recipient. If this is inconvenient or impossible, an alternative written agreement must be reached between the Museum and the recipient with regard to documents.

15:5-7.4 Documentation and record-keeping

(a) The Science Bureau shall maintain documentation of its transactions and assure that adequate data are obtained and recorded with all accessioned materials.

(b) The acquisition of a gift shall be recorded on a Certificate of Transaction form, approved by the Director and signed by the curator or a designee for the Museum and by the donor. The Certification of Transaction form shall include the type of transaction (loan, exchange, gift, purchase, etc.); the names of parties involved; and a description of the object. The form shall be used for museum documentation and donor's documentation.

(c) All data associated with any acquired specimen shall be recorded in a manner to insure retrieval.

(d) The Museum shall maintain full descriptive documentation (including photographs) of any specimens deaccessioned along with records of the gift, exchange or destruction of the specimen.

15:5-7.5 Loans

(a) Specimens may be loaned to other institutions or to individuals for purposes of exhibition, education and/or research with the approval of the curator and notification of the Director.

(b) Loans will be made on the basis of security of the specimen and maximum public benefit from the collections.

(c) The Museum may charge a fee to other institutions to cover processing and documentation costs.

(d) All loans must be documented by a Certificate of Transaction form (see N.J.A.C. 15:5-7.4).

(e) All objects are to be insured upon leaving the Museum.

15:5-7.6 Care and preservation

The physical integrity of the collections shall be maintained through normal standards and procedures of conservation, storage and periodic inventory by the professional staff.

SUBCHAPTER 8. SCIENCE BUREAU: EXHIBITIONS

15:5-8.1 Loans from other institutions

The Science Bureau may borrow objects from other institutions and/or private parties for exhibitions and/or research purposes. It is the responsibility of the curator to review and select appropriate items and to document them with the Certificate of Transaction Form (see N.J.A.C. 15:5-7.4). Incoming objects are insured by the Museum at owner's appraisal, or are covered under lenders policy (State pays premium).

15:5-8.2 Kinds of exhibitions

(a) Long term and short term exhibitions in science shall be planned, executed and maintained in designated areas of the Museum by the curator with the approval of the Director.

(b) Traveling exhibitions in science shall be planned and executed by the staff for circulation by the Bureau of Educational Services (see N.J.A.C. 15:5-2.4). All traveling and exhibitions/objects shall be insured for the length of the loan. Insurance coverage may be carried by the Museum or the borrower by prior agreement.

15:5-8.3 Care and maintenance

All exhibition, both in-house and circulating, shall periodically be inspected to insure the security of the specimens.

SUBCHAPTER 9. SCIENCE BUREAU: INTERPRETATION

15:5-9.1 Publications

Articles, catalogues and research reports shall be prepared for publication under the supervision of the curator with the approval of the Director and within budgetary limits. A fee may be charged to cover the costs of such publications.

15:5-9.2 Programs by reservation

Interpretive programs, including lectures, gallery walks and lesson demonstrations in science shall be planned and delivered under the supervision of the Curator in coordination with the Curator of Educational Services and with the approval of the Director.

15:5-9.3 Additional services

(a) The Curator of Science shall provide technical expertise for identification of specimens by appointment and within budgetary and staff limitations.

(b) Off-site lectures and other interpretive programs shall be provided within staff and time constraints, if approved by the curator with notification to the Director.

SUBCHAPTER 10. PLANETARIUM AND OBSERVATORY

15:5-10.1 Maintenance and programs

The Science Bureau shall maintain the Planetarium and Observatory and shall establish appropriate programs for the general public.

15:5-10.2 Public programs

(a) Planetarium and Observatory programs shall be offered to the general public on a regular basis.

(b) Persons interested in information about Planetarium and Observatory programs may phone the Museum at 609-292-6333 or 609-292-6464 for a recorded message.

(c) Planetarium and Observatory program information is also available in the Museum's calendar of events which may be acquired by phoning the Museum's Public Information Office at 609-292-6308 or in the Museum foyer.

(d) No admission is charged to regularly scheduled Planetarium and Observatory programs.

(e) Programs for children under 7 will only be offered as staffing and scheduling permit.

15:5-10.3 School programs

(a) The Science Bureau shall provide Planetarium and Observatory programs for the benefit of educational institutions.

(b) The school programs shall be administered by the Educational Services Bureau. School groups may apply to Educational Services by calling 609-292-7780 as far in advance as possible.

15:5-10.4 Additional services

Personnel of the Science Bureau may present other programs relating to the Planetarium and/or Observatory within time and budgetary restraints. Programs, such as off-site lectures, are subject to approval by the Curator with notification to the Director.

SUBCHAPTER 11. FINE ARTS BUREAU: COLLECTIONS

15:5-11.1 Collections policy

(a) Objects shall be acquired for the Fine Arts collections in the following areas of priority:

1. New Jersey paintings, sculpture, prints and drawings of the 18th, 19th and 20th centuries;
2. American paintings, sculpture, prints and drawings of the 18th, 19th and 20th centuries;
3. Paintings, prints or drawings from the 18th, 19th and 20th centuries for purposes of supplementing cultural history collections;
4. Paintings, sculpture, prints and drawings of the Western European tradition;
5. Objects similar to those in 1. through 5. above, but from other locales (for purposes of comparison).

(b) Objects added to the collection shall have two or more of the following attributes:

1. High aesthetic merit;
2. A patricular or peculiar historic connection with the state, area or nation;
3. Exhibition, research or programming potential;
4. Represent the best example of an artist's work;
5. Be of a physical condition and size suitable for Museum climate.

15:5-11.2 Methods of acquisition

(a) The Museum may acquire objects for addition to the collection through exchange, purchase, or gift/bequest. Gifts and bequests are accepted by the curator and Director subject to final approval by the Secretary of State.

(b) All gifts and bequests shall be accepted without conditions attached unless otherwise noted on the face of the official Gift Agreement form. The Gift Agreement form shall include the type of object; a description; and the names of the parties involved. The Gift Agreement form is used for museum and donor documentation.

(c) All gifts are tax deductible, subject to existing tax laws. Appraisals are the responsibility of the donor.

15:5-11.3 Methods of deaccessioning

(a) Reasons for deaccession shall be presented in writing to the Director and must include one or more of the following justifications:

1. No longer needed in the collection due to the addition of a similar or better example;
2. Deteriorating condition of the object;
3. Non-use in the Museum's research, exhibitions and educational programs;
4. New information about authorship/attribution;
5. Revision of Museum's collections policy;
6. Improved or expanded use in a sister institution.

(b) The Museum shall honor any legal restrictions applying to an object acquired for its collection, for example, conditions stipulated by donor.

(c) No accessioned object may be considered for disposal until five years after acquisition. The five year waiting period may be waived when an object poses a threat to the Museum's other collection (for example, object is decomposing).

(d) Written notice of any planned disposal of accessioned objects shall be submitted by the curator to the Director, who will present such notices to the Museum Advisory Council for review and recommendations and to the Secretary of State for approval. Upon approval by the Secretary of State, objects which have a monetary value will be offered at public sale or exchanged/traded.

(e) The procedure for deaccessioning by public sale is as follows:

1. The public sale will follow an auction format and will be conducted by an auction house specializing in fine art objects. Selection of the auction house will be made by the Director of the Museum upon the recommendation of the curator.
2. If the donor of the object is living, he shall be notified at least 120 days prior to public sale. During this period the donor must cite the existence of any legal restriction preventing deaccessioning.
3. Public notice of a proposed sale of items from the Museum's collections shall be given at least 60 days prior to the sale date.
4. Funds from the sale shall accrue to the Museum for acquisitions within the collection area from which the sold items were drawn.
5. Written reports on all sales shall be presented to the Museum Advisory Council, Secretary of State and Governor.

(f) The procedure for deaccessioning by exchange or trade is as follows:

1. If the donor of the object is living, he shall be notified at least 120 days prior to exchange or trade. During this period, the donor must cite

the existence of any legal restriction preventing deaccessioning. If any restriction is cited, the Museum Advisory Council shall review the restriction and make a recommendation to the Director; the Secretary of State shall then rule on the validity of the restriction.

2. Written market value appraisals shall be obtained from a disinterested third party for items both offered and considered for exchange or trade.

3. Market value appraisals will be presented to the Museum Advisory Council for review and recommendation and to the Director and Secretary of State for approval.

4. Written reports on all final exchanges or trades will be presented to the Museum Advisory Council, Secretary of State and the Governor for review.

(g) An inventory list of objects with no monetary value, but potential usefulness outside the Museum, will be presented to the Museum Advisory Council for review and recommendation, and to the Secretary for unconditional deaccessioning approval. After such approval is granted (and the donor has been offered first refusal), the objects shall be offered as gifts to other museums, schools, libraries or similar institutions. If no interested recipient can be found, the objects may be destroyed.

15:5-11.4 Documentation and record-keeping

(a) The Museum shall fully document any object acquired for its collections.

(b) All data associated with any acquired object shall be recorded in a manner to insure retrieval.

(c) The Museum shall maintain full descriptive documentation of any object deaccessioned along with records of the gift, sale, exchange or destruction of the object.

15:5-11.5 Loans to museums and other institutions

(a) Objects from the Museum's collections may be loaned to other institutions for purposes of exhibition, education and/or research with the approval of the curator and Director. Loan proposals may also be submitted to the Advisory Council for review and recommendation.

(b) Loans shall be made on the basis of security of the object and maximum public benefit from the collections.

(c) The Museum may charge a fee to other institutions to cover processing and documentation costs.

(d) All objects from the Museum's collections shall be insured upon leaving the Museum.

15:5-11.6 State Offices Fine Arts Loan Program

(a) The purpose of the State Offices Fine Arts Loan Program is to expand public display opportunities for collection materials which would otherwise be in storage.

(b) The following individuals are eligible to participate in the program: the Governor, legislative leaders, members of the cabinet, other major state officials whose responsibilities relate directly to Museum activities. For a complete list of eligible individuals phone the Museum Registrar at 609-292-1886.

(c) Works may be recalled when needed for Museum exhibits or when security or care conditions become unsatisfactory.

(d) All requests for objects must be made on the State Office Fine Arts Loan Program Request Form and must include the signature of the responsible official. The completed State Office Fine Arts Loan Program Form shall include the department of state government, the official responsible for the loan, and a description of object (to be completed by the Museum). The form is used for documentation for the Museum's records.

(e) The Museum shall determine if day and night security is adequate. The Museum shall not place collection materials in areas where ultraviolet light or unsatisfactory temperature and/or humidity conditions may cause deterioration.

(f) No works may be installed or removed without Museum supervision.

(g) The length of the loan shall be that of the term of the eligible person. Changes shall be every two years if the eligible person requests such changes.

(h) The eligible person may designate another person to choose the works and to schedule installation, but the eligible person must sign the loan agreement and must be ultimately responsible for the loan.

(i) The eligible person, or his or her designated loan coordinator, must call the Museum prior to the termination of the eligible person's term or upon his/her resignation, in order for the Museum to terminate the loan responsibility and to arrange for return to the Museum.

(j) For insurance purposes, the Museum shall maintain records on the exact location of each work and the name of the responsible official. To

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

facilitate and document the loan requirement, periodic location and condition checks shall be made.

(k) Officials or their designated loan coordinators wishing to select works must make an appointment with the Fine Arts Registrar, 609-292-1886, to see items available for loan. Installation of the works must also be scheduled through the Registrar who will consult the Museum Exhibits Bureau schedule and suggest installation dates to the borrower.

(l) Since objects suitable for office loans are limited, no more than four works per official shall be available and choices must be made from the group designated for the program.

(m) All works must be shown with a State Museum identification label beside them.

15:5-11.7 Care and preservation

The physical integrity of the collections shall be maintained through normal standards and procedures of conservation, storage and periodic inventory by the professional staff.

SUBCHAPTER 12. FINE ARTS BUREAU: EXHIBITIONS

15:5-12.1 Loans from other institutions

The Fine Arts Bureau may borrow objects from other institutions and/or individuals for exhibition and/or research purposes. It is the responsibility of the curator to review and select appropriate items; and to document the items with a Loan Agreement Form (to be filled out by the lending institution). Incoming objects are insured by the Museum at owner's appraisal or are covered under lenders policy (State pays premium). The completed Loan Agreement Form provides the lender's name, the artist's name, a description of the objects, shipping instructions, and permission to photograph the object. The form is used for Museum insurance and/or internal records.

15:5-12.2 Kinds of exhibitions

(a) The Fine Arts Bureau shall conduct a permanent collections/exhibition program. Any works on paper shall only be exhibited periodically due to their relatively short life-span according to conservation considerations.

(b) Short term exhibitions in fine arts shall be planned, executed and maintained by the curator with the approval of the Director.

1. No limits have been established on the thematic content of short-term installations to allow flexibility in presenting current exhibitions of maximum interest, though the focus is clearly on New Jersey.

2. The intent has been to offer an overall balance of periods and schools of expression.

3. The exhibitions may consist of objects borrowed from other institutions, individuals and/or objects from the Museum's collections.

(c) Traveling exhibitions in fine arts shall be planned and executed by the Fine Arts Bureau for circulation by the Educational Services Bureau. Circulating exhibitions are available on a limited time basis for protection of the objects. All traveling fine arts exhibitions/objects shall be insured for the length of the loan. Coverage may be carried by the Museum or the borrower by prior agreement.

15:5-12.3 Care, maintenance and security

(a) The Museum's fine arts collections shall periodically be inspected by the curator to insure their security. Should any security problems arise which might threaten the physical integrity of the Museum's collections, the Director shall notify the Division of the State Police.

(b) The curator shall monitor the building's temperature and humidity to prevent possible damage from occurring to the collections. The Director shall notify the Division of Purchase and Property should any problems arise.

SUBCHAPTER 13. FINE ARTS BUREAU: INTERPRETATION

15:5-13.1 Publications

Brochures, pamphlets and catalogues which document fine arts exhibitions shall be prepared for publication within budgetary and time limits, under the supervision of the curator and with the approval of the Director. A fee may be charged to cover the costs of such publications.

15:5-13.2 Programs by reservation

Interpretive programs, including lectures and gallery walks in fine arts shall be planned and delivered under the supervision of the curator in coordination with the Curator of Educational Services and with the approval of the Director.

15:5-13.3 Additional services

Off-site fine arts lectures and other interpretive programs shall be made available within staff and time constraints, if approved by the curator with notification to the Director.

SUBCHAPTER 14. CULTURAL HISTORY BUREAU: COLLECTIONS

15:5-14.1 Collections policy

(a) The priorities for Cultural History Acquisitions are as follows:

1. Objects and artifacts that help document and describe the existence of people who have lived in New Jersey from the 17th century to the present;

2. New Jersey ceramics, glass, metalware, furniture, textiles and similar objects with major aesthetic and/or historic value;

3. American ceramics, glass, metalware, furniture, textiles and similar objects with major aesthetic and/or historic value;

4. Similar objects from other cultures (for purposes of comparison).

(b) Objects added to the collection shall have two or more of the following attributes:

1. High aesthetic merit;

2. A particular or peculiar historic connection with the state, area or nation;

3. Exhibition, research or programming potential;

4. Represent the best of a particular craftsman's work;

5. Be of a physical condition and size suitable for Museum storage and Museum climate.

15:5-14.2 Methods of acquisition

(a) The Museum may acquire objects for addition to the collection through exchange, purchase or gift and/or bequest. Gifts and bequests are accepted by the curator and Director subject to final approval by the Secretary of State.

(b) All gifts and bequests shall be accepted without conditions attached unless otherwise noted on the face of the official Gift Agreement Form.

(c) All gifts are tax deductible, subject to existing tax law. Appraisals are the responsibility of the donor.

15:5-14.3 Methods of deaccessioning

(a) Reasons for deaccession shall be presented in writing to the Director and must include one or more of the following justifications:

1. No longer needed in the collection due to the addition of a more useful example or one of better quality;

2. Deteriorating condition of the object;

3. Non-use in the Museum's research, exhibitions and educational programs;

4. New information about authorship/attribution;

5. Revision of Museum's collections policy;

6. Improved or expanded use in a sister institution.

(b) The Museum shall honor any legal restrictions applying to an object acquired for its collection, for example, conditions stipulated by donor.

(c) No accessioned object may be considered for disposal until five years after acquisition. The five year waiting period may be waived when an object poses a threat to the Museum's other collections (for example, it is decomposing or contaminated).

(d) Written notice of any planned disposal of accessioned objects will be submitted by the curator to the Director, who will present such notices to the Museum Advisory Council for review and recommendations and to the Secretary of State for approval. Upon approval by the Secretary, objects which have an monetary value will be offered at public sale or exchanged or traded.

(e) Deaccessioning by public sale shall be done as follows:

1. The public sale will follow an auction format and will be conducted by an auction house specializing in decorative arts objects. Selection of the auction house will be made by the Director of the Museum with recommendations from the curatorial staff.

2. If the donor of the object is living, he shall be notified at least 120 days prior to public sale. During this period the donor must cite the existence of any legal restriction preventing deaccessioning.

3. Public notice of a proposed sale of items from the Museum's collections shall be given at least 60 days prior to the sale date.

4. Written reports on all final sales will be presented to the Museum Advisory Council, Secretary of State and Governor for review.

(f) Deaccessioning by exchange or trade shall be done as follows:

1. If the donor of the object is living, he shall be notified at least 120 days prior to exchange/trade. During this period the donor must cite the existence of any legal restriction preventing deaccessioning. If any restric-

tion is cited, the Museum Advisory Council shall review it and make a recommendation to the Director; the Secretary of State shall then rule on the validity.

2. Written market value appraisals shall be obtained from a disinterested third party for items both offered and considered for exchange/trade.

3. These appraisals will be presented to the Museum Advisory Council for review and recommendation and to the Director and Secretary of State for approval.

4. Funds from the sale shall accrue to the Museum for acquisitions within the collection area from which the sold items were drawn.

5. Written reports on all final exchanges/trades will be presented to the Museum Advisory Council, Secretary of State and Governor for review.

(g) An inventory list of objects with no monetary value but potential usefulness outside the Museum will be presented to the Museum Advisory Council for review and recommendation, and to the commissioner for unconditional deaccessioning approval. After approval is granted (and the donor has been offered first refusal), the objects shall be offered as gifts to other museums, schools, libraries or similar institutions. If no interested recipient can be found, they may be destroyed.

15:5-14.4 Documentation and record-keeping

(a) The Museum shall fully document any object acquired for its collections.

(b) All data associated with any acquired object shall be recorded in a manner to insure retrieval.

(c) The Museum shall maintain full descriptive documentation of any object deaccessioned along with records of the gift, sale, exchange or destruction of the object.

15:5-14.5 Security and maintenance

(a) The Museum's cultural history collections shall periodically be inspected by the curator to insure their security. The Director shall notify the Division of State Police should any security problems arise which might threaten the physical integrity of the Museum's collections.

(b) The Curator shall monitor the building's temperature and humidity to prevent possible damage from occurring to the collections. The Director shall notify the Division of Purchase and Property should any problems arise.

15:5-14.6 Conservation and preservation

The physical integrity of the cultural history collections shall be maintained through normal standards and procedures of conservation, storage and periodic inventory by staff.

15:5-14.7 Loans

(a) Objects from the Museum's collections may be loaned to other institutions for purposes of exhibition, education, and/or research with the approval of the curator and Director.

(b) Loans shall be made on the basis of security of the object and maximum public benefit from the collections.

(c) The Museum may charge a fee to other institutions to cover processing and documentation costs.

(d) All objects from the Museum's collections shall be insured upon leaving the Museum.

SUBCHAPTER 15. CULTURAL HISTORY BUREAU: EXHIBITIONS

15:5-15.1 Loans from other institutions

The Cultural History Bureau may borrow objects from other institutions and/or individuals for exhibition and/or research purposes. It is the responsibility of the curator to review and select appropriate items, and to document the items with a Loan Agreement Form (see N.J.A.C. 15:5-12.1) to be filled out by the lending institution. Incoming objects are insured by the Museum at owner's appraisal value or are covered under lenders policy (State pays premium).

15:5-15.2 Kinds of exhibitions

(a) The Cultural History Bureau shall conduct a permanent collections/exhibition program. Any works on paper or textiles shall only be exhibited periodically due to their relatively short life-span according to conservation considerations.

(b) Short term exhibitions in cultural history shall be planned, executed and maintained by the curator with the approval of the Director.

1. No limits shall be established on the thematic content of short-term installations to allow flexibility in presenting current exhibitions of maximum interest, though the focus is clearly on New Jersey.

2. The Museum shall attempt to offer an overall balance of periods, materials and makers.

3. The exhibitions may consist of objects borrowed from other institutions, individuals and/or objects from the Museum's collections.

(c) Traveling exhibitions in cultural history shall be planned and executed by the Cultural History Bureau for circulation by the Educational Services Bureau. Traveling exhibitions are available on a limited time basis to provide for wider distribution and for protection of the objects. All traveling cultural history exhibitions/objects shall be insured for the length of the loan. Coverage may be carried by the Museum or the borrower by prior agreement.

SUBCHAPTER 16. CULTURAL HISTORY BUREAU: INTERPRETATION

15:5-16.1 Publications

Brochures, pamphlets and catalogues which document cultural history exhibitions shall be prepared for publication, within budgetary and time limits, under the supervision of the curator and with the approval of the Director. A fee may be charged to cover the costs of such publications.

15:5-16.2 Programs by reservation

Interpretive programs, including lectures and gallery walks in cultural history shall be planned and delivered under the supervision of the curator in coordination with the Curator of Educational Services and with the approval of the Director.

15:5-16.3 Additional services

Off-site cultural history lectures and other interpretive programs shall be made available within staff and time constraints with approval of the curator and notification to the Director.

TRANSPORTATION

(a)

THE COMMISSIONER

Office of Regulatory Services

Zone of Rate Freedom

Proposed Amendment: N.J.A.C. 16:53D-1.1

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 48:2-21 and 48:4-2.0 through 2.25.

Proposal Number: PRN 1986-515.

A public hearing concerning this proposal will be held on:

December 17, 1986 at 1:30 P.M.
Hearing Room,
Office of Administrative Law
185 Washington Street
Newark, New Jersey 07102

Submit written comments by December 31, 1986 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment implements certain provisions of Chapter 2 Title 48 which direct the Commissioner of the Department of Transportation to establish a "zone of rate freedom" for the regular route bus carriers operating within the State. The "zone of rate freedom" constitutes a limited percentage range to be set annually by the Commissioner in which regular route carriers are to be permitted to adjust their rates, fares or charges without petitioning the Department for approval. Provided the carrier remains within the designated percentage range, all that is required is notice to the Department and the riding public of the rate, fare or charge adjustment. If, however, the regular route carriers seeks a percentage adjustment greater than that provided for in the "zone of the freedom", it will be requested to follow the standard petitioning procedures specified in N.J.S.A. 48:2-21.

After extensive review of the existing zone of rate freedom and its relationship to the State's regular route bus carrier costs, revenues and fare structure, the Department proposes to amend the current "zone of

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Administration

Minimum Adjustments

Proposed Amendment: N.J.A.C. 17:1-1.10

Authorized By: Douglas R. Forrester, Director, Division of Pensions.

Authority: N.J.S.A. 52:18A-96 et seq.

Proposal Number: PRN 1986-492.

Submit comments by December 31, 1986 to:

Peter J. Gorman, Esq.
Administrative Practice Officer
Division of Pensions
20 West Front St.
Trenton, N.J. 08625

The agency proposal follows:

Summary

The proposed amendment clarifies recently proposed changes to the loan tolerance section of the rules governing the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, the Police and Firemen's Retirement System and the State Police Retirement System whereby interest will be calculated on a period basis and, if at the end of the loan payment schedule, there remains a balance of \$10.00 or less, such amounts will be written off. The proposed amendment reflects the same situation concerning writing off balances of \$10.00 or less when the member dies or withdraws from the State-administered retirement systems, and clarifies the existing text at N.J.A.C. 17:1-1.10.

Social Impact

The proposed amendment may affect any member who dies or withdraws from the State-administered retirement system and has a loan or arrearages balance of less than \$10.00 at the time of death.

Economic Impact

The proposed amendment will not have any significant adverse economic impact upon the affected members, the retirement system, or the general public.

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

17:1-1.10 Minimum adjustments

(a) In order to facilitate the reconciliation of members' accounts upon death[,] or withdrawal, [loans and arrearages,] no rebates or additional contributions shall be made to a **member's loan and arrearages balances** if such adjustments involve amounts of \$10.00 or less. All bad balances of \$10.00 or less will be written off.

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

STATE INVESTMENT COUNCIL

The following proposals are authorized by the State Investment Council; Ronald M. Machold, Director, Division of Investment.

Submit comments by December 31, 1986 to:

Roland M. Machold
Administrative Practice Officer
Division of Investment
349 West State Street
CN 290
Trenton, N.J. 08625

(b)

Common Pension Fund A

Distribution of Realized Appreciation

Proposed Amendment: N.J.A.C. 17:16-32.11

Authority: N.J.S.A. 52:18A-91.

Proposal Number: PRN 1986-490.

The agency proposal follows:

rate freedom." The percentage limitations contained in this proposal are scaled in consideration of the varying fares currently charged by intrastate regular route operators.

The percentages set forth in the proposal do not apply to charter and special bus service operating within the State. Under the Act, the Commissioner is authorized to exempt charter and special bus operations from the purview of rate adjustment regulation. In accordance with this authority, the Commissioner proposes to extend this exemption to charter and special carriers operating within the State.

Social Impact

The proposed amendment will enable carriers in most cases to increase or decrease fares as required without hearing costs, while also limiting the chance for uncontestable fare increases to adversely impact the public. In the Department's opinion, the fare changes permitted through the zone of rate freedom will not be burdensome to the public or to autobus companies.

Economic Impact

The proposed amendment will provide privately owned autobus companies fare adjustment flexibility. The carriers will not have to incur costly and time consuming petitioning procedures when their fare adjustments are in line with foreseeable costs allowances. The proposed amendment reduces the allowable increase for most groupings of fares in comparison with the current zone of rate freedom. The proposed adjustment to the zone of the rate freedom reflects the relative stabilization of costs that has resulted for a cross-section of regular route carriers. No adverse economic impact to carriers or the public will result from the proposed amendment.

Full text of the proposal follows.

16:53D-1.1 General provisions

(a) Any regular route bus carrier operating within the State which seek to revise its rates, fares or charges in effect as of the time of the promulgation of this regulation shall not be required to conform with N.J.A.C. 14:1-6.15 (Tariff filings which do not propose increases in charges to consumers) or N.J.A.C. 14:1-6.16 (Tariff filings or petitions which propose increases in charges to customers) provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase or decrease as promulgated below upgraded to the nearest \$.05.

1. The following charts sets forth the percentage maximum for increases to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05.

Delete the following chart:

Present Fare	% Of Increase	Increase Upgraded To Nearest \$.05
\$.30	50%	\$.15
\$.40	25%	\$.10
\$.45-.55	15%	\$.10
\$.60-.70	9%	\$.10
\$.75 upward	7%	\$.10+

Proposed new chart follows:

Present Fare	% Of Increase	Increase Upgraded To Nearest \$.05
\$.30	50%	\$.15
\$.40-.50	30%	\$.15
\$.55-.60	15%	\$.10
\$.65-.75	13%	\$.10
\$.80-\$1.00	10%	\$.10
\$1.05 upward	5%	\$.10+

2. The following chart sets forth the percentage maximum for decrease to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05.

Additions to chart shown in boldface:

Present Fare	% Of Decrease	Decrease Upgraded To Nearest \$.05
\$.30	20%	\$.10
\$.30-.50	20%	\$.10
\$.55-.75	20%	\$.15
\$.80 upward	20%	\$.20+

Summary

The amendment proposes additional options with regard to the distribution of realized gains in Common Pension Fund A to the participating pension funds. The only present option of distributing realized gains is to declare such gains as income to the participating funds. The new option would be to declare realized gains as capital gains. Distribution of realized gains, if made, would be subsequent to receipt of audited financial statements and would be permissible for all realized gains, not just for those realized in the prior years.

Social Impact

The proposed amendment is an accounting function in nature and will have no social impact other than efficiency of operation.

Economic Impact

Insofar as any additional gains are realized in the common fund and distributed, the unfunded liabilities of the pension funds would decrease. Distribution of capital gains to the participating funds would also benefit the participants in the common fund by offsetting losses that might be realized elsewhere within the pension funds.

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

17:16-32.11 Distribution of realized appreciation

(a) [In January of each] **Each year, subsequent to the receipt of audited financial statements for the prior fiscal year**, the State Investment Council shall consider the realized appreciation in the Common Fund [per month and] per unit. [during the preceding calendar year and shall declare as income to the participating funds such percentage of said realized appreciation of principal as it may deem prudent.] **The Council may, in its sole discretion, choose any or all of the following options:**

1. **Declare as income to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal to be income shall be deducted from the total principal in the Common Fund and added to income in the Common Fund prior to the next regular monthly valuation. Following such declaration, the amount declared as income shall be treated and distributed as income to the participating funds monthly or quarterly in cash and/or units.**

2. **Declare as capital gains to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal declared shall be deducted from the total principal in the Common Fund and distributed monthly or quarterly in cash and/or units.**

3. **Retain any or all realized appreciation for future investments within the Common Fund.**

[b) When such declaration is made, the percentage of such appreciation of principal declared to be income shall be deducted from the total principal in the Common Fund and added to income in the Common Fund prior to the next regular monthly valuation.]

[c) Following such declaration the amount declared as income, shall be treated and distributed as income to the participating funds as is normally effected each valuation date.]

[d) Such distribution shall be calculated and made on the realized appreciation of principal per month per unit times the number of units held by each participating fund in each month affected by the declaration.]

(a)

Common Pension Fund B Distribution of Realized Appreciation Proposed Amendment: N.J.A.C. 17:16-36.11

Authority: N.J.S.A. 52:18A-91.
Proposal Number: PRN 1986-491.

The agency proposal follows:

Summary

Under the proposed amendment, distribution of realized gains would be permitted in cash or units to the participating funds in Common Pension Fund B on a monthly or quarterly basis, subsequent to receipt of audited financial statements. Furthermore, distribution is not limited to gains realized in the prior six months.

Social Impact

The proposed amendment is an accounting function in nature and will have no social impact other than efficiency of operation.

Economic Impact

The participants of Common Pension Fund B would benefit through efficiency in administering the realized appreciation distribution. Furthermore, any full distribution of gains could be used to offset losses realized elsewhere in the pension funds. Finally, insofar as any additional gains are realized in the common fund and distributed, the unfunded liabilities of the pension plans would decrease.

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

17:16-36.11 Distribution of realized appreciation

(a) [In January and July of each] **Each year, subsequent to the receipt of audited financial statements for the proper fiscal year**, the State Investment Council shall consider the realized appreciation in the Common Fund [per month and] per unit [during the preceding six months].

(b) The Council may, in its sole discretion, choose any or all of the following options:

1. **Declare as income to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal declared to be income shall be deducted from the total principal in the Common Fund and added to income in the Common Fund prior to the next regular monthly valuation. Following such declaration, the amount declared as income shall be treated and distributed as income to the participating funds monthly or quarterly in cash and/or units. [as is normally effected each valuation date];**

2. **Declare as capital gains to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal declared shall be deducted from the total principal in the Common Fund and distributed monthly or quarterly in cash and/or units; [prior to the next regular monthly valuation];**

(c) **Retain any or all realized appreciation for future investments within the Common Fund.**

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

Cigarette Tax

Purchase of Stamps on a Credit Basis

Proposed Amendment: N.J.A.C. 18:50-3.6

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:40A-1, et seq., specifically 54:40A-20.

Proposal Number: PRN 1986-494.

Submit comments by December 31, 1986 to:

Nicholas Catalano
Assistant Chief Tax Counselor
Division of Taxation
50 Barrack Street, CN 269
Trenton, NJ 08646

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 18:5-3.6 related to the Cigarette Tax Act, N.J.S.A. 54:40A-1, et seq., which authorizes the purchase of tax stamps on a credit basis by the issuance of an irrevocable letter of credit. The proposed amendment would comply with the amendment to the Cigarette Tax Act (N.J.S.A. 54:40A-13) effective January 17, 1983.

Social Impact

The proposal would allow a cigarette distributor the option of purchasing tax stamps by either posting a bond or a letter of credit. Inasmuch as bonds required a high premium, distributors can comply with the law and obtain stamps on credit by having the bank issue a letter of credit at a supposedly more reasonable rate.

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

Economic Impact

There is no economic impact to the general public attributable to this proposed amendment. State revenue is not affected by this proposal which is only intended for cigarette distributors' assistance. The cigarette distributors are no longer required to post a bond, but may have a letter of credit issued, and are benefited by the lower financial requirements.

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

18:5-3.6 Purchase of stamps on a credit basis

(a) Licensed resident distributors, upon the discretionary approval of the Director, may make purchases of cigarette revenue stamps on a credit basis, provided that Cigarette Tax Form CD-4, Distributors Tax Stamp Credit Bond, or an Irrevocable Letter of Credit issued by a State or federally chartered bank, that is satisfactory to the Director, has been filed with the Director in an amount not less than the gross sales price of such stamps which the distributor intends to purchase.

1. The Stamp Credit Bond or Irrevocable Letter of Credit must remain in effect for a period of 90 days after the expiration of the license period.

(b) (No change.)

[(c) This regulation shall take effect June 1, 1972.]

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION**Casino Hotel Alcoholic Beverage Licenses Fees; License Terms****Proposed Repeal and New Rule: N.J.A.C. 19:41-9.7****Proposed Amendments: N.J.A.C. 19:50-1.3**

Authorized By: Casino Control Commission,

Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-69, 5:12-70(q), 5:12-103 and 5:12-141.

Proposal Number: PRN 1986-500.

Submit comments by December 31, 1986 to:

Carole R. Jacobson

Assistant Counsel

Legal Division

Casino Control Commission

3131 Princeton Pike Office Park

Building No. 5, CN-208

Trenton, New Jersey 08625

The agency proposal follows:

Summary

N.J.A.C. 19:41-9.7 establishes the fee which is charged by the Casino Control Commission for the issuance or annual renewal of a casino hotel alcoholic beverage license. The rule currently provides that this fee shall be \$5,000 for each location within the casino hotel facility which is approved by the Commission for any or all of the activities listed in N.J.S.A. 5:12-103. The rule includes an exception, however, for approved alcoholic beverage storage areas; all such areas within the casino hotel are deemed to be a single licensable location for purposes of N.J.A.C. 19:41-9.7. The proposal would change the methodology by which such fees are assessed. Under the proposal, the \$5,000 per location fee would be eliminated. Instead, a fee structure would be established whereby casino licensees would be charged \$40.00 per hour for professional time spent by agents of the Commission and Division on casino hotel alcoholic beverage related activity, regardless of the number of alcoholic beverage locations in a particular casino hotel. The fee for the issuance or renewal of a casino hotel alcoholic beverage license held by a casino service industry licensee would be fixed at \$1,000. The proposal would also add a new section pertaining to fees for the issuance of any permit or approval required by the Casino Control Act or Title 33 of the Revised Statutes for an alcoholic beverage activity which is not included within a casino hotel alcoholic beverage license. Such fees would be assessed at a rate of \$40.00 per hour for professional time spent by agents of the Commission or Division on the issuance of any such permit or approval for a casino licensee; all other persons would pay a fee of \$50.00 per day.

N.J.A.C. 19:41-9.7 also currently establishes the license term for casino hotel alcoholic beverage licenses. This rule provides that such licenses

shall be issued and renewed for one-year periods. The proposal would conform the hotel alcoholic beverage license term for casino licensees and casino service industry licensees with the periods of licensure for the underlying licenses. Thus, casino licensee hotel alcoholic beverage licenses would be issued and renewed for one year, and casino service industry casino hotel alcoholic beverage licenses would be issued and renewed for three years. There is, however, a bill pending in the Legislature which would amend the Casino Control Act to provide that a casino license shall be issued for a one-year period and be renewable for two-year periods after the second renewal. If this bill becomes law, the proposal would allow casino licensee casino hotel alcoholic beverage licenses to be issued or renewed for either one or two years, as appropriate.

It should also be noted that the proposed amendment to N.J.A.C. 19:50-1.3 includes provisions which would retroactively apply the proposed amendment to any casino hotel alcoholic beverage license issued or renewed after July 1, 1986. Since the regulatory fees paid by casino licensees are generally assessed and collected on the basis of the State's fiscal year, the Commission believes that it is appropriate to apply the proposed amendments to all casino hotel alcoholic beverage licenses issued or renewed during the current fiscal year. Any excess fee payments made by casino licensees under the existing regulation for the current fiscal year will be credited against other fee obligations incurred by the casino licensee during the fiscal year. Prior excess fee payments made by casino service industry licensees will be refunded to the licensees since they pay fixed fees at the time of license issuance or renewal and do not incur additional fee obligations during the fiscal year.

Social Impact

The proposed amendments are not anticipated to have any significant social impact, since they will not affect the type or location of alcoholic beverage service which is available in casino hotel facilities.

Economic Impact

The elimination of the \$5,000 per location fee will result in a reduction of the casino hotel alcoholic beverage license fees currently paid by casino licensees. Should the elimination of the monies previously generated by this fee result in a deficit in the Casino Control Fund, however, each casino licensee will be required by N.J.A.C. 19:41-9.4 to pay an equal share of the year-end liability. Accordingly, the overall effect of the proposal on casino licensees is impossible to calculate at this time. The combined effect of the fee amendment and the extension of license term should result in a substantial savings for casino service industry licensees who hold casino hotel alcoholic beverage licenses. The addition of a fee schedule for the issuance of a permit or approval for activities not included within a casino hotel alcoholic beverage license will not have any significant economic impact, since it merely codifies the fee structure as currently interpreted and enforced by the Commission. The proposed amendments should have little or no effect on the general public, the Commission and the Division of Gaming Enforcement.

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

19:41-9.7 Casino hotel [and] alcoholic beverage licenses

[Under Section 103 of the Act no business may expose for sale, solicit or promote the sale of, possess with intent to sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel unless said business possesses an appropriate Casino Hotel Alcoholic Beverage License. Such licenses shall be issued for one year and are renewable annually. The fee for the issuance or annual renewal of a Casino Hotel Alcoholic Beverage or annual renewal of a Casino Hotel Alcoholic Beverage License shall be \$5,000 for each location within the casino hotel approved by the Commission for any or all of the activities listed in section 103 of the Act. All storage areas within a facility shall be deemed a single licensable location for the purposes of this subsection. If a Casino Hotel Alcoholic Beverage License is amended to add additional locations after the issuance or annual renewal of that license, the fee for each such additional location approved by the Commission for any or all of the activities listed in section 103 of the Act shall be \$5,000 reduced on a pro rata basis in accordance with the number of full calendar months which have expired during the term of the license to which the additional location is added.]

(a) Under Section 103 of the Act no business may expose for sale, solicit or promote the sale of, possess with intent to sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel unless said business possesses an appropriate casino hotel alcoholic beverage license.

(b) The fee for the issuance or renewal of a casino hotel alcoholic beverage license for a casino licensee conducting alcoholic beverage activity in a casino hotel shall be assessed as follows:

1. Payment for the efforts of professional agents and employees of the Commission and Division on matters directly related to the casino hotel alcoholic beverage license or application at the rate of \$40.00 per hour; and

2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Commission and Division on matters directly related to the casino hotel alcoholic beverage license or application.

(c) The fee for the issuance or renewal of a casino hotel alcoholic beverage license for a casino service industry licensee which is not affiliated with any casino licensee shall be \$1,000 for each location approved by the Commission for any or all of the activities listed in section 103.

(d) The fee for the issuance of any permit or approval required by the Act or Title 33 of the Revised Statutes for an alcoholic beverage activity which is not included within a casino hotel alcoholic beverage license shall be assessed:

1. For a casino licensee, in accordance with (b) above;

2. For all other persons, at a rate of \$50.00 per day.

(e) The fees established by (b) and (c) above shall apply to any casino hotel alcoholic beverage license issued after July 1, 1986. Any casino licensee which paid a fee for a casino hotel alcoholic beverage license issued or

renewed after July 1, 1986, which was greater than the fee established in (b) above shall be entitled to a credit toward the payment of additional fees incurred by that casino licensee pursuant to this subchapter. The credit shall be equal to the difference between the amount of casino hotel alcoholic beverage fees which were previously paid and the amount of fees imposed by (b) above. Any casino service industry licensee which paid a fee for a casino hotel alcoholic beverage license issued or renewed after July 1, 1986, which was greater than the fee established in (c) above shall be entitled to a refund of the excess fee payment. The refund shall be equal to the difference between the amount of casino hotel alcoholic beverage license fees which were previously paid and the amount of fees imposed by (c) above.

19:50-1.3 License as condition precedent to operation

(a) No casino licensee, nor any of its lessees, agents or employees, nor any other person or entity, shall expose for sale, solicit or promote the sale of, possess with intent to sell, sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel, unless such person possesses an appropriate casino hotel alcoholic beverage license. Any casino hotel alcoholic beverage license issued or renewed after July 1, 1986, shall be granted for a term which coincides with the term of the casino license or casino service industry license held by the licensee.

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

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules Prior Transcribed Testimony

Adopted New Rule: N.J.A.C. 1:1-15.10

Proposed: May 19, 1986 at 18 N.J.R. 1020(a).

Reproposed: September 22, 1986 at 18 N.J.R. 1865(a).

Adopted: November 6, 1986 by Ronald I. Parker, Acting

Director, Office of Administrative Law.

Filed: November 7, 1986 as R.1986 d.468, **with changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

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

Effective Date: December 1, 1986.

Expiration Date: May 15, 1991.

Summary of Public Comments and Agency Responses:

The OAL received two comments about N.J.A.C. 1:1-15.10, one from the Department of Insurance and the other from the Department of Personnel.

The Department of Insurance felt that the meaning of the word "proceeding" was unclear. Did the rule apply to administrative hearings and/or depositions? The OAL intended the rule to apply to prior administrative hearings and not to depositions. Therefore, the word "proceeding" has been changed to "hearing" in order to make that clear.

The Department of Personnel had two concerns. First, the agency questioned whether it was necessary for an ALJ to render an opinion in a case that would be decided totally on transcripts. Instead, they suggested that "it is more economical just to pass the file to the agency." Second, the Department felt that transcribed testimony should be used only when the credibility of a witness is not an issue.

Regarding the Department of Personnel's first point, the OAL believes the value of an ALJ decision is not limited to assessing live testimony. In a typical Department of Personnel matter, the ALJ will evaluate an extensive record in order to make findings of fact and conclusions of law as well as to determine a disposition for the case.

On the second point, the OAL concurs with the Department's position that the rule should refer specifically to "credibility" rather than "demeanor." Case law related to Department of Personnel matters requires that live testimony be offered when "credibility" is an issue; the OAL appreciates that the agency is concerned about complying with that requirement.

Another change from the proposal is the addition of language to 1:1-15.10(b) requiring the party offering prior testimony to provide copies of the transcript to all other parties and the judge. This will enable other parties to better assess whether the witness should be subpoenaed to give live testimony instead.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks *thus*; deletions shown with asterisks and brackets *[thus]*).

1:1-15.10 Prior transcribed testimony

(a) If there was a previous *[proceeding]* ***hearing*** in the same matter which was electronically or stenographically recorded, a party may, unless the judge determines that it is necessary *[to observe the witness' demeanor in order]* to evaluate *[the testimony]* ***credibility***, offer the transcript of a witness in lieu of producing the witness at the hearing provided that the witness' testimony was taken under oath, all parties were present at the proceeding and were afforded a full opportunity to cross-examine the witness.

(b) A party who intends to offer a witness' transcribed testimony at the hearing must give all other parties and the judge at least five days notice of that intention ***and provide each with a copy of the transcript being offered***.

(c) Opposing parties may subpoena the witness to appear personally. Any party may produce additional witnesses and other relevant evidence at the hearing.

(d) Provided the requirements in (a) above are satisfied, the entire controversy may be presented solely upon transcribed testimony if all parties agree and the judge approves.

(e) Prior transcribed testimony that would be admissible as an exception to the hearsay rule under Evidence Rule 63(3) is not subject to the requirements of this section.

PERSONNEL

(b)

MERIT SYSTEM BOARD (formerly Civil Service Commission)

Examinations and Applications Promotional Examinations

Adopted Amendment: N.J.A.C. 4:1-8.4

Proposed: April 7, 1986 at 18 N.J.R. 591(a).

Adopted: November 3, 1986 by the Merit System Board (formerly Civil Service Commission), Eugene J. McCaffrey, Sr., Commissioner of Personnel.

Filed: November 7, 1986 as R.1986 d.469, **without change**.

Authority: N.J.S.A. 11A:2-6(d); 11A:4-14; 11A:6-14; 38:23-4; 38A:4-4.

Effective Date: December 1, 1986.

Expiration Date: January 28, 1990.

Summary of Public Comments and Agency Responses:

A representative from the Department of Personnel explained that the proposed amendment codifies Department of Personnel policies and practices, clarifies statutes governing State and local government employees and presents one substantive change. A clarification is made to 4:1-8.4(c) which refers to applicants for law enforcement and firefighter titles to pertain to local service only. N.J.A.C. 4:1-8.4(d) incorporates a Civil Service Commission (Merit System Board) decision, which provided that applicants may not use out-of-title work to meet open competitive requirements for promotional examinations. See, *In the Matter of Out-of-Title Work*, CSC, 2/3/82. N.J.A.C. 4:1-8.4(f) represents a substantive addition which will extend promotional eligibility rights for employees displaced as a consequence of layoffs. N.J.A.C. 4:1-8.4(g) provides that seniority computation for local governments shall not deduct military leave, education leave or leave to fill an elective office. See N.J.S.A. 11:21-9 and 38A:4-4. Such computation in State service does not deduct military, education, sick or disability leave. N.J.A.C. 4:1-8.4(h) provides that permanent employees, serving as provisionals or probationers in a title in the same or higher range, are eligible for promotional examinations open to their permanent titles. In addition, minor clarifications have been made and repetitive phrases have been deleted.

Local 195—IFPTE stated that the Department of Personnel use of the scope of eligibility concept denies promotional opportunity to many employees and should be in the scope of collective negotiation. For example, he asserted that a mechanic could not compete in a promotional examination for an inspector title.

Another commenter indicated that the language, "Insofar as it is consistent with the best interests of the service," is indefinite and should be replaced with more precise language.

The Department of Health supported the proposed rule amendments as a positive statement of promotional examination procedures.

There were two concerns raised: one questioned the promotional unit scope concept and the other pertained to indefinite language. Otherwise the comments supported the proposed rule.

With respect to the restrictive unit scopes of eligibility for promotional examinations, the Department of Personnel is committed to filling vacancies by promotions based on competitive examinations when it is within the best interest of the service. See N.J.A.C. 4:1-8.4(a). Given this commitment the Department provides that unit scopes follow organizational

lines. If such organizational lines artificially reduce competition, the Department will increase the unit scope, thereby increasing the number of competitors. Not to use unit scopes could lead to employees in one organizational unit competing for jobs in another organizational unit for which they are unqualified. Further, what may be beneficial to employees in one organizational unit by providing them increased opportunity for promotions may be detrimental to employees in another unit scope by flooding it with competitors not experienced in their functions. If an employee objects to a promotional unit scope designation, he or she is provided an appeal mechanism to the Merit System Board.

The phrase that vacancies will be filled by promotions, "when it is in the best interests of the service," reflects statutory language. See N.J.S.A. 11:10-7 and 11:22-34. The Department intends to fill as many vacancies as possible by promotional examinations. Nonetheless, there are times when an insufficient pool of eligibles or other circumstances warrant filling vacancies by means other than promotion.

The Merit System Board adopted the amendment without change.

Full text of the adoption follows.

4:1-8.4 Promotional examinations

(a) Insofar as it is consistent with the best interests of the service, vacancies shall be filled by promotions based on competitive examinations including an evaluation of service records and other tests or measures of knowledge, skills and abilities.

(b) An applicant for a promotional examination shall meet all of the following criteria by the closing date for filing an application:

1. Have continuous permanent service in a title to which the examination is open for an aggregate of one year. Such service shall be without interruption except for an approved leave of absence;

2. Meet all the requirements specified in the examination announcement; and

3. File the application on or before the closing date.

(c) In local service, applicants for promotion from entry level law enforcement or firefighter titles shall have three years of continuous permanent service in a title to which the examination is open.

(d) Applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, except as permitted by the President of the Civil Service Commission for good cause.

(e) Employees who have been demoted to or appointed from a special reemployment list to a title to which the examination is open may, in order to satisfy the permanent service requirement, include continuous permanent service in any higher related or comparable title.

(f) Employees who are displaced due to a layoff, and who subsequently return to a title to which a promotional examination is open after the application period for the examination is closed but before the administration of the examination, shall be permitted to apply for such examination.

(g) Suspensions, leaves of absence without pay and any period of time an employee is laid off shall be deducted from seniority calculations for promotional examinations, except:

1. In State service, military, education, sick or disability leave or any other leave designated by the Civil Service Commission or by law shall not be deducted from seniority calculations.

2. In local service, military, education, and leave to fill an elected public office or any other leave designated by the Civil Service Commission or by law shall not be deducted from seniority calculations.

(h) Provisional and probationary employees with permanent status in a title at the same or lower salary range are eligible for promotional examinations open to their permanent titles.

(i) The time requirements specified in (b) and (c) and (f) above may be reduced to completion of the working test period if:

1. The number of employees eligible for examination will result in an incomplete list; or

2. Vacancies to be filled within the duration of the promotional list can reasonably be expected to exceed the maximum number of eligibles that could result from the examination; or

3. A promotional examination was announced with the normal service requirements and all candidates failed the examination; or

4. The Civil Service Commission determines that other valid reasons exist for such action.

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

Community Colleges

Policies and Procedures

Readoption: N.J.A.C. 9:4-1.8; 3.2 and 3.9; 5.2 through 5.5, 5.7 and 5.11; 6.2 through 6.5; 8.1 through 8.4

Readoption with Amendments: N.J.A.C. 9:4-1.1, 1.2, 1.3, 1.5, 1.6, 1.7, 1.9 and 1.12; 3.1, 3.5, 3.6, 3.10, 3.11 through 3.16; 5.1, 5.6, 5.8, 5.9 and 5.10; 6.1 and 6.6, 7.1 through 7.4

Adopted Repeal: N.J.A.C. 9:4-1.10, 1.11 and 1.13; 9:4-2; 9:4-3.3, 3.4 and 3.8; 9:4-4

Adopted New Rules: N.J.A.C. 9:4-1.4, 1.14 and 1.15

Proposed: July 21, 1986 at 18 N.J.R. 1439(a).

Adopted: October 30, 1986 by Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.

Filed: October 30, 1986 as R.1986 d.466, with substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18A:64A-7.

Effective Date for Readoption: October 30, 1986.

Effective Date for Amendments and New Rules: December 1, 1986.

Expiration Date: October 30, 1991.

Summary of Public Comments and Agency Responses:

The Board of Higher Education received comments from the County College Presidents Association of New Jersey; Essex County College; Peter Shapiro, County Executive of Essex County; Board of Chosen Freeholders of Essex County; New Jersey Education Association and the Association of New Jersey County College Faculties. The comments raised by these groups and the agency responses thereto are set forth in detail below.

COMMENT: The general education requirement for certificate programs set forth in N.J.A.C. 9:4-1.6(e) is too restrictive, is not required for certificates offered by other institutions and should be removed.

RESPONSE: This area is being considered by the Board's panel which is studying the future health and vitality of the county community colleges, and the Board does not wish to change this area until it hears the report of that panel.

COMMENT: Some special health and technological programs require attendance during the summer for clinical instruction. N.J.A.C. 9:4-1.15(b) would prohibit this.

RESPONSE: The Board agreed to amend N.J.A.C. 9:4-1.15(b) to allow such required attendance at special sessions when approved by the Board.

COMMENT: The proposed amendment to N.J.A.C. 9:4-5.1 wherein the phrase "tenured faculty and multi-year contract employees" was replaced by the phrase "professional employees" expands the application of the subchapter to employees other than tenured faculty and multi-year contract employees. The original language should be retained.

RESPONSE: The Board agreed with this point and reinserted the original language.

COMMENT: Amendments proposed for N.J.A.C. 9:4-7.2(b) would render departmental chairpersons ineligible for academic rank.

RESPONSE: The Board amended its proposal to allow departmental chairpersons to obtain academic rank.

COMMENT: Proposed language in N.J.A.C. 9:4-1.12(g) allowing county colleges to make repairs and renovations of up to \$100,000 for projects not financed in whole or in part by state funds sets a dollar limitation which is too low.

RESPONSE: The Board agreed and modified the dollar limitation set in N.J.A.C. 9:4-1.12(g) to be the lesser of \$500,000 or one percent of the net investment of the physical plant as reported in the college's current audited financial statement.

COMMENT: The proposed changes to the language of N.J.A.C. 9:4-1.5 should be rejected because the result would be to discriminate against county colleges with less attractive academic programs, the

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

chargeback system discriminates against lower income students who cannot afford the additional costs of attending an out-of-county institution, the chargeback system serves as a convenient means for many middle-class students to attend other county colleges in affluent neighboring counties and chargebacks constitute a sizeable drain on finances in urban counties.

RESPONSE: The proposed language in N.J.A.C. 9:4-1.5 with the exception of subsections (g) and (h) which are to be renoted, clarifies and sets forth in regulatory form the chargeback policy followed by the Department of Higher Education for several years. It does not constitute a change in policy. The chargeback policy is an educationally sound one which provides county college students with expanded curricular options through opportunities to enroll in programs that are not offered in their home counties. By allowing students to take their entire program of study at the out-of-county institution, a student would be required to attend county colleges in two separate counties, perhaps simultaneously, in order to obtain his or her degree.

COMMENT: N.J.A.C. 9:4-6.6(b) requires the evaluation of tenured faculty each year. Such a task is unnecessary and too burdensome to carry out, taking time away from teaching. This section should be changed to provide for evaluation of tenured faculty once every five years.

RESPONSE: The language of N.J.A.C. 9:4-6.6(b) is permissive, not mandatory. The language was amended, however, to emphasize the permissive nature of the yearly evaluation and the more stringent five year evaluation.

COMMENT: N.J.A.C. 9:4-1.9(a), (e) and (f) should not be deleted as the requirements of these subsections insure minimal attention to these areas by the college administration.

RESPONSE: The Board agreed to reinstate the requirements of these subsections as it believed that personnel policies and orientation and training programs are vital to a college, however, the Board did not agree that the filing of such policies with the Chancellor was necessary to ensure the development of such policies.

COMMENT: N.J.A.C. 9:4-1.9(g) and 9:4-6.6(b) should be deleted as they unnecessarily intrude into the collective bargaining process.

RESPONSE: As such provisions are general and suggestive in nature, the Board did not agree that these regulations interfered in the collective bargaining process.

COMMENT: Several changes proposed in N.J.A.C. 9:4-7.3, especially the date of notification of contract renewal after five years of service and reappointment if said notification date is not met, greatly diminish the rights of professional staff employees.

RESPONSE: The Board agreed with the comments. Such changes were not intentional and language has been amended and added to clarify rights in these areas.

Full text of the adoption follows (additions to the proposal shown in boldface with asterisks *thus*; deletions from the proposal shown in brackets with asterisks *[thus]*).

SUBCHAPTER 1. REGULATIONS FOR NEW JERSEY COMMUNITY COLLEGES

9:4-1.1 Authorizations

(a) The establishment and operation of community colleges in New Jersey is authorized principally by chapter 64A (titled "County Colleges") of the Education Law of New Jersey, as revised N.J.S.A. 18A:64A-1 through 78 and other relevant statutes of the Education Law of New Jersey (Title 18A).

(b) (No change.)

(c) The community colleges shall also be governed by the provisions of N.J.A.C. 9:1-1 et seq., Licensing and Degree Approval Standards. In the event of a conflict between the provisions of this chapter and the provisions of N.J.A.C. 9:1-1 et seq., the regulations under this chapter shall govern.

9:4-1.2 Establishment

(a) An application to establish a community college shall be filed with the Chancellor of Higher Education. The application shall contain such information as the Chancellor may require.

(b) Authorization to open a community college shall constitute licensure for a period of two years. No later than the third semester of operation each community college shall be visited by the Chancellor of Higher Education or his designated representatives for the purposes of granting initial state licensure. Renewal of licensure shall be for a period not to exceed three years. With respect to institutions accredited by the Middle States Association of Colleges and Secondary Schools, the Board of Higher Education will ordinarily accept such accreditation as sufficient

for the continuance of licensure and approval, provided that the institution shall submit to the Chancellor within 30 days of its receipt of the letter of the Middle States Association informing the institution of its accreditation status and provided that the representatives of the Chancellor working with the Middle States team participate fully in accreditation visits, excluding voting privileges with respect to recommendations related to accreditation status. The Chancellor may proceed separately with respect to an institution and recommend to the Board with respect to continuation of institutional license. The Board of Higher Education may direct the Chancellor at any time to proceed with respect to any particular institution as though that institution were not accredited by the Middle States Association.

9:4-1.3 Organization and administration

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

(c) The board of trustees shall meet and reorganize annually during the month of November and shall schedule at least nine additional meetings a year. The board may meet, at the call of its chairman, or of any four board members, at any other time that the business of the board may require.

(d)-(e) (No change.)

(f) The board of trustees of each community college shall file with the Chancellor of Higher Education, and incorporate in the official college catalog, a statement of philosophy outlining the purposes and objectives of the community college and setting forth programs consistent with the definition and legal functions of the community college. Among the purposes and objectives shall be the following:

1.-3. (No change.)

4. To provide supplementary education and training for those in the work force who seek to upgrade their capabilities or to develop new skills.

5. To provide general education to facilitate the development of the broadly educated person, one who is able to think effectively, communicate thoughts, make relevant judgments and distinguish among values.

6. To provide opportunities for entering or continuing higher education for those with scholastic deficiencies who show promise of success.

7. To provide counseling, guidance and academic advisement to assist students in self-appraisal and self-determination of goals and objectives.

(g) The board of trustees should maintain a plan for action in the case of disruption of its normal activities.

(h) Candidates for president to be considered by the board should have appropriate academic credentials, previous administrative experience and an understanding of, and a commitment to the philosophy and mission of a community college. Previous teaching experience, as well as administrative experience at the community college level, is highly desirable.

(i) The president shall assure the relevance of the college programs and services to the service boundary area and conformance to Statewide regional areas of specialization.

9:4-1.4 Regional program admissions

Admissions criteria for a particular program of study which has been designated by the Board of Higher Education as a regional program shall not consider an applicant's county of residence nor shall a community college limit the number of out-of-county residents it allows into a regional program which is sponsors.

9:4-1.5 Chargeback

(a) (No change in text.)

(b) A student residing in a county which sponsors a community or county-assisted college and who desires to attend an out-of-county college of the aforementioned type, pursuant to criteria of N.J.S.A. 18A:64A-23, shall first receive certification of eligibility for chargeback assistance from the aforementioned home-county college. This certification will be executed upon a standard Department of Higher Education form.

(c) Upon acceptance by an out-of-county community or county-assisted college, the student shall present evidence of such acceptance with the certification of eligibility from the home-county college to the chief fiscal officer of his county of residence and request certification of residence.

(d) The issuance of a certificate of residence by the home county's chief fiscal officer signifies the county's agreement to pay its share of the operating expenses of the receiving community or county-assisted college, as provided in the aforementioned law, and by criteria and procedures provided for within this section.

(e) (No change in text.)

(f) A student attending an out-of-county community or county-assisted college on a chargeback basis because his local county or county-assisted college does not offer a particular program of study shall be permitted

to register for and attend, on a chargeback basis, all course work necessary to satisfy the requirements of such a program of study. This requirement shall apply whether or not any portion of that course work is offered at the student's local county or county-assisted college.

(g) ***[Students required to enroll in remedial reading as part of a comprehensive remedial effort must take that full sequence of remediation in the home country. After the successful completion of such remediation, students will be eligible to take the intended courses of study on a chargeback basis at the out-of-county institution.]*** ***(Reserved)***

(h) ***[Students who require remediation other than reading may take such remediation as part of the program of study at the out-of-county institution on a chargeback basis.]*** ***(Reserved)***

(i) A student shall be eligible to attend an out-of-county community or county-assisted college on a chargeback basis if the student's local county or county-assisted college cannot admit the student into a particular course or program of study desired by the student due to lack of available space in the course or program of study which continues or will continue over one year from the initial date of attempted admission.

(j) The college accepting such out-of-county students shall charge the sending counties according to a system of differential chargeback rates as determined by the Board of Higher Education, calculating the amount to be charged in the following manner:

1. The total number of the current year's estimated resident credit-hour and equivalent credit-hour enrollments and divide by 30 to obtain the full-time equivalent student enrollments (resident FTE's).

i. Equivalent credit hours for State fundable non-credit course offerings shall be calculated by dividing total non-credit course contact hours by 15.

ii. Resident credit-hour and equivalent credit-hour enrollments are defined as all county resident enrollments which are eligible for State funding pursuant to N.J.A.C. 9:4-3.10 and 9:4-3.12.

2. Divide the sum of all resident FTE's from (j)1 of this section into the current county operating appropriation to determine the base chargeback rate.

3. Multiply the sending county's eligible credit-hour and equivalent credit-hour enrollments for each differential funding group by their respective differential ratios, and total. Divide the total by 30 to determine the sending county's eligible weighted FTE's.

4. (No change.)

5. The receiving college shall adjust the charge to sending counties when audited actual credit-hour and equivalent credit-hour enrollments become available from the annual enrollment audit. The calculations in (j)1 to 4 above shall be made utilizing the audited actual credit-hour and equivalent credit-hour enrollments divided by 30 to equal FTE's and adjusted county operating appropriation, if applicable. The difference between this adjusted chargeback amount and the previous State Fiscal Year's chargeback amount to each sending county shall be added to or subtracted from the following year's initial chargeback billing to said sending counties, and be so identified upon that bill.

(k) (No change in text.)

(l) The receiving college may expend the \$1.00 per credit hour collected for minor capital purposes as part of its chargeback billing subject to the following limitations:

1. Expenditures must be for capital items as defined in Chapter 5 of College and University Business Administration (1982) and revisions thereof.

2. (No change.)

9:4-1.6 Educational programs

(a) (No change.)

(b) The regular academic year shall fall within a ten-month period and shall include a minimum of 30 weeks*, or its equivalent in duration*, of regularly scheduled student-faculty instructional activity, exclusive of final examination periods. Holidays and summer sessions are to be excluded.

(c) An associate degree program shall be a course of study which requires not less than 60 nor more than 66 semester hours, or the equivalent, except when required for licensure or accreditation by a recognized agency or when required for transfer of full junior status, where applicable. In addition, exceptions may be made above the maximum when requested by the institution and approved by the curriculum coordinating committee. Each program shall provide for the following:

1. (No change.)

2. Electives which offer opportunities for enriched general education, preprofessional education and/or competence in an appropriate occupational field.

(d)-(e) (No change.)

(f) The curriculum of a community college shall be consistent with the statement of philosophy adopted by the board of trustees of the community college and shall be in accordance with regulations and standards set by the Board of Higher Education.

(g)-(h) (No change.)

(i) Rules concerning the awarding of degree credit for non-traditional experience include the following:

1. Board of trustees should be encouraged to adopt institutional policies to award credit for successful completion of advanced placement courses taken in high school, for successful completion of college-level examinations, or for successful performance on locally devised tests designed for this purpose. Such policies should be described in the official college catalog.

2. Any policy to award degree credit in a specific educational program should be consistent with institution-wide policies.

3. Community colleges should not normally accept credits from an institution not recognized as a full member or candidate status of a regional accrediting association, except that credit may be given for successful passage of advanced placement tests or review by an appropriate individual or committee for courses taken at non-credit institutions or work experience.

4. Upon adoption, any such policy should be filed with the Chancellor of Higher Education.

[(i)]**[(j)] Advisory committees, as appropriate, should be established for each program area proposed or offered, to assist in its development and evaluation.

9:4-1.7 Curriculum coordinating committee

(a) A curriculum coordinating committee shall be appointed by the Council of County Colleges, with the composition of the committee and the number of members and terms of office of the members to be determined by the council. The Chancellor of Higher Education shall designate a representative to the committee, who may participate in all meetings but have no vote.

(b) (No change.)

(c) The curriculum coordinating committee shall establish its own by-laws subject to the approval of the Council of County Colleges and appoint its own officers.

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

9:4-1.8 Evaluation

(No change.)

9:4-1.9 Personnel

(a) Each community college shall establish written personnel policies governing professional and non-professional personnel.

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

(c) Each community college shall maintain a program for orientation of new faculty and a continuing program of in-service training.

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

[(f)]**[(c)]**[(e)] Each community college shall establish a policy statement regarding performance evaluations for all employees, and shall make such statement available to all employees.

[(d)]**[(f)] Employment of faculty should include the following considerations:

1. Faculty members shall have earned Master's degrees or the equivalent in the subject or the fields to be taught. Relevant training and experience may be substituted for earned degrees.

2. So far as practicable, instruction should be given by faculty members who are employed full-time. The full-time faculty may be supplemented by equally competent part-time teachers serving under the supervision of full-time professional staff.

3. Professional personnel responsible for supervision should be employed on a full-time basis.

[(e)]**[(g)] Adequate secretarial and clerical staff should be available for faculty as well as sufficient laboratory and technical assistants to make laboratory and large-group instruction meaningful and efficient.

[(f)]**[(h)] Each college should publish its policies and criteria for promotion and dismissal.

[(g)]**[(i)] A compensation policy should establish salary ranges which should not exceed those established by the Board of Higher Education for the State colleges.

[(h)]**[(j)] The normal teaching load should not be less than the load in effect at the State colleges.

[(i)]**[(k)] The total institutional student-teaching faculty ratio should normally not exceed 25 students to one instructor on a full-time basis, excepting cases where self-instructional or differentiated staffing

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

approaches are used, nor should it be below 15 to one. In computing the ratio of students to teachers for the institution, the total number of full-time equated students should be divided by the total number of full-time equated teaching faculty members.

*[(j)]***(l)* The community college should devise means to evaluate the effectiveness of the instructional processes utilized in terms of student learning outcomes.

*[(k)]***(m)* The community college should establish specific standards and job designations for such chairmen and define their relationship to the faculty and administration, if such positions are provided for in the community college's pattern of organization.

9:4-1.10 (Reserved)

9:4-1.11 (Reserved)

9:4-1.12 Physical facilities

(a) Each community college shall prepare for approval by the Board of Higher Education a long-range building plan, based on educational specifications incorporating the institution's objectives and philosophy, to include plans for physical plant and site analyses and financial projections with cost estimates for each phase of development planned for a five-year period. Such plan shall be submitted to the Board of Higher Education not later than the second year of operation of a community college and shall be subject to review by the Board of Higher Education every three years.

(b) Each community college shall prepare for physical facilities in accordance with N.J.A.C. 9:3-1 et seq., the Facilities Planning Standards and Approval Procedures for New Jersey Public Colleges and Universities.

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

(f) A community college board of trustees contemplating the construction, remodeling, or rehabilitation of a building(s), or the acquisition of a building(s) or land for community college purposes shall submit an application for approval of the proposed construction, remodeling, rehabilitation of the building or acquisition to the Board of Higher Education except as provided in (g) below. Such application shall set forth the need for the construction, remodeling, or rehabilitation of the building(s), or for the acquisition of the building(s) or land, the purpose for which it is to be used and an estimate of the cost of land to be acquired, site development, construction architect's fees, equipment and other items necessary for the completion of the facility as set forth in the Facilities Planning Standards and Approval Procedures for New Jersey Public Colleges and Universities.

(g) Any construction project that involves the renovation, rehabilitation, or alteration of existing facilities, the total project cost of which does not exceed *[\$100,000,]* ***one percent of the net investment of the college's physical plant as reported in the college's current audited financial statements or \$500,000, whichever is less***, and which is not financed in whole or in part by State funds may proceed with the approval of the college board of trustees.

9:4-1.13 (Reserved)

9:4-1.14 Admission requirements

The requirements for admission to the community college and, where applicable, to individual programs as determined by the board of trustees ***in accordance with N.J.A.C. 9:4-1.3(f)1.*** should be appropriate in terms of the purpose of the institution and objectives of its educational programs. The requirements should be clearly defined, published and promulgated so that all applicants may know of the policies and standards of the institution.

9:4-1.15 Special sessions

(a) A special session shall be any session, other than the traditional fall and spring semesters, including summer and/or mini-sessions.

(b) No student shall be required to take course work during a special session to complete a curriculum ***[of]* ***or*** program of study within the prescribed period of time for completion of such a curriculum or program of study ***unless specifically approved by the Board of Higher Education***.**

(c) Tuition fees charged to students enrolled in special sessions shall not exceed the maximum per credit hour tuition charges established annually by the Board of Higher Education; however, such tuition amounts shall not be included in determining compliance with the maximum annual tuition ceiling established by the Board of Higher Education.

SUBCHAPTER 2. (RESERVED)

(See New Jersey Administrative Code for text of proposed repeal.)

SUBCHAPTER 3. AUDITING AND ACCOUNTING
STANDARDS FOR COUNTY COLLEGES

9:4-3.1 Accounting finances

(a) The accounting system and reports of a county college shall be maintained in accordance with Chapter 5 of College and University Business Administration (1982) published by the National Association of College and University Business Officers, One Dupont Circle, Washington, D.C. 20036 and any subsequent revisions thereof except where otherwise specifically required by these regulations. Each college shall adopt a system of accounts consistent with the standards and guidelines of the American Institute of Certified Public Accountants. Costs borne by the State and county on behalf of the college shall not be reflected on the financial statements and related reports of the college.

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

9:4-3.2 Submission of budgets

(No change.)

9:4-3.3 (Reserved)

9:4-3.4 (Reserved)

9:4-3.5 Interfund expenditures, transfers and balances

(a) Each community college board of trustees shall develop a written policy governing interfund expenditures and transfers.

(b) All expenditures or transfers by one fund for the benefit of another fund shall be in accordance with the above board of trustee policy.

(c) (No change in text.)

9:4-3.6 Consolidated reports

The financial statements of any development fund, foundation or other organization that is affiliated or associated with, or controlled by, the college shall be combined with the financial statements of the college or presented separately. The financial activities of auxiliary enterprises managed and administered by a separate organization shall be included in the auxiliary enterprises section of the college's statement of current income and expenditures.

9:4-3.7 (Reserved)

9:4-3.8 (Reserved)

9:4-3.9 Appropriated resources

(No change.)

9:4-3.10 State support

(a) When direct costs of instruction for courses, credit or non-credit, are properly classified as current unrestricted expenditures these costs are considered to be directly incurred by the college and the related credit and equivalent credit hours are eligible to be counted in determining State support, except as restricted by other policies and regulations.

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

9:4-3.11 Calculation of full-time equivalent enrollments (FTE's)

(a) Annual full-time equivalent student enrollments (FTE's) for all session students shall be calculated by dividing total annual credit-hour and equivalent credit-hour enrollments by 30.

(b) (No change.)

9:4-3.12 Noncredit courses

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

i. The county college shall maintain documentation in accordance with state requirements for audit purposes including, but not limited to, student registration, student attendance, and course descriptions for non-credit courses eligible for state funding.

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

9:4-3.13 Residency

(a) A student's residency status shall be determined pursuant to N.J.A.C. 9:5-1.1 et seq.

(b) (No change in text.)

(c) Any New Jersey resident student who moves intrastate from one county to another shall be charged no more than the prevailing in-county tuition rate by the county college located in the county to which the student has moved.

9:4-3.14 Enrollment data

(a) Enrollment data shall be accumulated and maintained by each college in a format and according to such differential categories as promulgated by the Department of Higher Education. Tenth-day enrollments shall be used for calculating enrollments during the academic year. The tenth-day enrollment shall be considered the tenth day of classes, excluding weekends and holidays. For summer and other sessions, a prorated point in time shall be used, based on the duration of the session.

(b) (No change.)

9:4-3.15 Audit rules

(a) In preparing the audited schedule of credit-hour enrollments and equivalent credit hours by differential category as required by this section, the audit firm must adhere to the following:

1.-10. (No change.)

11. The auditor shall additionally certify that he or she has reviewed and completed the enrollment audit in accordance with the rules and guidelines as outlined pursuant to this subchapter.

12. (No change in text.)

9:4-3.16 Educational and general expenditure base defined

(a) Educational and general expenditures are defined as all institutional current unrestricted fund expenditures and mandatory transfers as are defined in College and University Business Administration (1982) and revisions thereof pursuant to this subchapter.

(b) Adjusted educational and general expenditures for the purposes of determining annual county college sector State funding requests shall be defined as total educational and general expenditures adjusted as outlined below:

1. (No change.)

2. Educational and general expenditures decreased by the following:

i. (No change.)

ii. Direct expenditures for public service activities.

iii.-iv. (No change.)

(c) (No change.)

SUBCHAPTER 4. (RESERVED)

(See New Jersey Administrative Code for text of proposed repeal.)

SUBCHAPTER 5. COUNTY COLLEGE REDUCTION IN FORCE POLICIES

9:4-5.1 Scope and purpose

These policies govern the procedures to be used by the county colleges when it becomes necessary to reduce the number of *[professional]* ***tenured faculty or multi-year contract*** employees of a college due to a fiscal crisis, a natural diminution in the number of students in a program or at the institution or a reduction of programs. The policies address the rights of employees at the county colleges of New Jersey under such circumstances. These regulations shall not apply to those persons laid off pursuant to non-renewal of contracts or early termination provisions.

9:4-5.2 Declaration of need for a reduction in force

(No change.)

9:4-5.3 Plans and recommendations

(No change.)

9:4-5.4 Consultation with college community

(No change.)

9:4-5.5 Affirmative action

(No change.)

9:4-5.6 Review of recommendations

(a) (No change.)

(b) If such recommendations as noted in (a) above include the layoff of employees, the board shall be guided by the following principles:

1.-8. (No change.)

9:4-5.7 Notice requirement; time period

(No change.)

9:4-5.8 Reemployment lists; generally

(a) With respect to reemployment rights of *[professional]* ***tenured faculty and multi-year contract*** employees, the college president shall establish separate reemployment lists for academic and administrative positions, including the names and qualifications of all *[professional]* ***tenured faculty and multi-year contract*** employees on layoff status.

(b) (No change.)

(c) The college president shall not fill a vacancy in an administrative position in any layoff unit in which a layoff has occurred without first making a written offer of employment to the person on the administrative reemployment list whom the president in his administrative judgment confirmed by the Board of Trustees, believes is most qualified for the position.

(d) In the event that two or more persons on an academic reemployment list are equally qualified for a single faculty position, the college shall give reemployment preference in reverse of the order in which they were laid off; i.e. last laid off, first rehired. Where the president deems two or more persons on the administrative reemployment list to be

equally qualified for an administrative position, the person with the longest employment within the layoff unit in which the vacancy exists shall be preferred.

(e) A person offered reemployment shall have two weeks from receipt to respond to an offer, which shall be sent by certified mail, return receipt requested, after which the offer shall be deemed to have expired and the person to have waived any rights to reemployment under these regulations. Persons on a reemployment list shall have the obligation to keep the college office designated by the president informed of current addresses.

(f) (No change.)

9:4-5.9 Reemployment lists; time period

(a) Faculty who are tenured on the date of layoff shall remain on the reemployment lists for a period of five years from the date of layoff.

(b) Employees serving under a multi-year contract on the date of layoff shall remain on the reemployment lists for the duration of the multi-year contract.

(c) Employees serving under an annual contract shall remain on the reemployment list until the end of the annual contract pursuant to which they were employed on the date of layoff.

(d) Notwithstanding the provisions of this subsection, a person who is offered and declines reemployment pursuant to N.J.A.C. 9:4-5.8(b) shall be removed from the reemployment list and waive all rights to reemployment.

9:4-5.10 Reappointment of laidoff employees

Any employee on layoff status who is reemployed after layoff shall be reappointed with a rank and salary equivalent to his or her rank and paid the salary earned when laid off, or the then current minimum of the salary range for the rank, whichever is greater.

9:4-5.11 Other colleges

(No change.)

SUBCHAPTER 6. TENURE POLICIES

[9:4-5.12] 9:4-6.1 Preparation of a ten-year plan

(a) Each college Board of Trustees shall prepare an academic plan for its institution indicating the steps it plans to take to achieve a future balance of faculty in which no more than a reasonable proportion are ultimately tenured.

1. The academic plan established by each institutional trustee board shall include the proportion of tenured faculty projected each year during the plan's life.

(b) The college trustees shall report their plan to the Chancellor of Higher Education and shall inform the Chancellor each year of the progress being made in achieving their goals.

NOTE: The Board of Higher Education believes that by limiting the proportion of tenured faculty, the institution maintains the flexibility to respond to changing educational needs of future generations of students.

9:4-6.2 Establishment of internal policies

(No change.)

9:4-6.3 Reappointment

(No change.)

9:4-6.4 Performance during probationary period

(No change.)

9:4-6.5 Positive evidence of excellence

(No change.)

9:4-6.6 Evaluation procedures

(a) Each community college board of trustees should establish a procedure which the college will employ to regularly evaluate the performance of tenured faculty members.

(b) *[Such evaluations]* ***Evaluations*** should occur not less frequently than each year. ***A comprehensive evaluation including the components set forth in (c) below shall occur at least once every five years.***

(c) These evaluations, which should include student input, should comprehend such factors as continued teaching competence, professional preparation and attainments which are directly related to teaching or administrative assignments, contributions to campus life beyond formal, assigned instructional activity and significant research, scholarly or community activity.

SUBCHAPTER 7. PROFESSIONAL EMPLOYEE POLICIES

9:4-7.1 Definitions

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

...
"Professional person" or "professional staff member" means individuals serving in positions which at minimum require the individual to hold a bachelors degree or its equivalent.
...

9:4-7.2 Academic rank for nonteaching personnel

(a) (No change in text.)
(b) Eligibility for concurrent academic rank for nonteaching professional persons in the county colleges shall be limited to professional librarians who meet qualifications for rank. professional staff members engaged in student counseling related to an academic program who meet all qualifications for rank, and to other professional persons as set forth in (h) below. Any nonteaching professional person granted concurrent academic rank prior to the effective date of this section shall retain such academic rank while employed by the college.

(c) Eligibility for concurrent academic rank for nonteaching professional persons in the community colleges may be determined by each college board of trustees, but may include only those categories of persons identified in (b) above.

(d) through (g) (No change from proposal.)

(h) Notwithstanding the provisions of subsections (b) and (c) of this Section, a board at its discretion may grant concurrent academic rank in a department of instruction to a president who meets all qualifications for rank. Upon the recommendation of the president, a board at its discretion may grant concurrent academic rank to a vice president for academic affairs (or equivalent title) *, [or]* a dean *or a departmental chairperson* who meets all qualifications for rank.

(i) Except for the president of the community college, no person with concurrent academic rank may receive an administrative appointment for a term of more than one year, although yearly reappointments may be made without limit.

9:4-7.3 Contracts for professional staff (non faculty)

(a) Professional staff employees not holding faculty rank may be appointed by a board of trustees for one year terms for five consecutive academic years. For the purposes of this section, the academic year shall be defined as July 1 to June 30. Eligible professional staff employees whose initial agreement is after July 1, but prior to October 1, shall be given a term from the date of appointment to June 30 of the following year, and this appointment shall be considered as one full academic year of service for the purpose of this regulation. Eligible professional staff employees whose initial appointment is after October 1 shall be given an appointment until June 30 of the following year, but this appointment shall not be considered as a full academic year of service for the purpose of this section. Professional staff serving under such initial one year contracts shall be notified of reappointment or non-reappointment to a succeeding one year contract by March 15 of each academic year.

(b) A professional staff employee shall be eligible for, but not entitled to, reappointment to a multi-year term of two to five years, as well as reappointment to a one year term, after such employee's fifth consecutive full academic year of service. The college shall notify the professional staff employee by December 15 of the fifth consecutive contract year of the determination to reappoint or non-reappoint and in the instance of reappointment of the duration of said reappointment. During the period of any multi-term contract after five consecutive years of service, employees shall be subject to dismissal only in the manner prescribed by N.J.S.A. 18A:6-18.

(c) Subsequent to the fifth consecutive contract year professional staff employees who are appointed to one year contracts after five consecutive years of service shall be notified of reappointment or non-reappointment to a succeeding contract by *[March]* *December* 15 of each academic year.

(d) Professional staff employees who are appointed to multi-year contracts shall be notified of appointment or non-reappointment to a succeeding contract one year prior to the expiration of such contracts. Failure to so notify an employee shall entitle such employee to reappointment for a one-year term.

(e) Any professional staff employee, whether serving under an annual contract or a multi-year contract, who is not notified of reappointment in accordance with the applicable provisions set forth above in this section, shall be entitled to reappointment for an additional one year term.

[(e)](f)*** A professional staff employee who has served longer than five consecutive academic years and whose contract, whether for a one-year term or a multi-year term, is due to expire at the end of the academic year may in accordance with the provisions of this section be reappointed to a one-year term, a multi-year term, or not reappointed, regardless of the duration of his or her current contract.

*[(f)]***(g)* (No change in text.)

*[(g)]***(h)* The board of each college which offers multi-year contracts shall establish a formal procedure for considering and approving the offering of multi-year contracts and for determining whether the length of such contracts shall be two, four or five years. This procedure should encompass a thorough review of all personnel records including the reports of regular, systematic and formal evaluations conducted during the employment of the individual, as suggested in N.J.A.C. 9:4-7.3(e).

9:4-7.4 Career development

(a) The board of trustees and the president of each State and community college, in conjunction with their faculty, shall establish a formal procedure for the career development of all members of the professional staff including, but not limited to, a systematic and regular evaluation for the purpose of identifying any deficiencies, extending assistance for their correction and improving instruction.

(b) Members of the teaching staff and other professional employees serving for one-year appointments should be formally evaluated at least once each academic year. Professional employees with multi-year contracts should be formally evaluated at least once each five years.

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

(f) (No change in text.)

SUBCHAPTER 8. RULES GOVERNING THE COUNTY COLLEGE CONTRACTS LAW

(No change.)

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Pharmaceutical Services Manual
Elimination of Plastic Pharmacy Card**

**Adopted Amendments: N.J.A.C. 10:51-2.2 and 2.8
Adopted Repeal: N.J.A.C. 10:51-2.3**

Proposed: August 18, 1986 at 18 N.J.R. 1674(a).

Adopted: October 29, 1986 by Drew Altman, Ph.D.,

Commissioner, Department of Human Services.

Filed: October 29, 1986 as R.1986 d.465, **without change.**

Authority: N.J.S.A. 30:4D-6b(6), 7a, b, c.

Effective Date: December 1, 1986.

Expiration Date: October 28, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

10:51-2.2 Patient identification

The pharmacy shall verify that the patient is a covered person. This is done by checking the patient's validation form. (See N.J.A.C. 10:49-1.2, How to identify a covered person.)

10:51-2.3 (Reserved)

10:51-2.6 Instructions for completion of form MC-6

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

[(d)](c) Claims shall be mailed as follows:

1.-3. (No change.)

[(c)](d) Form MC-6 shall be completed exactly as indicated in EXHIBIT I.

EXHIBIT I

1.-19. (No change.)

DIVISION OF PUBLIC WELFARE

(a)

**Assistance Standards Handbook
Income from Eligible and Noneligible Individuals in
the Household, Penalty of Ineligibility, Earned
Income from Self-employment
Adopted Amendments: N.J.A.C. 10:82-2.3, 2.4, 3.10
and 4.3**

Proposed: May 5, 1986 at 18 N.J.R. 928(a).
Adopted: November 7, 1986 by Drew Altman, Ph.D.,
Commissioner, Department of Human Services.
Filed: November 10, 1986, as R.1986 d.470, **with substantive and
technical changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).
Authority: N.J.S.A. 44:7-6 and 44:10-3; 45 CFR 233.20(a)(3)(ii),
(ii)(C) and (vi).
Effective Date: December 1, 1986.
Expiration Date: October 29, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of Changes Subsequent to Proposal:
Since publication, policy clarification has been received from the
United States Department of Health and Human Services, Office of
Family Assistance and changes are being made accordingly as follows.
Language at N.J.A.C. 10:82-2.3(b) and 4.3(c) has been revised regard-
ing the treatment of income received from a noneligible individual living
in the household of an Aid to Families with Dependent Children (AFDC)
eligible unit. If extensive personal services are provided, such income shall
be reduced by a business expense of \$125.00 for providing those services.
Otherwise, the income shall be treated as rental income in accordance
with regulations at N.J.A.C. 10:82-4.12.

The change at N.J.A.C. 10:82-2.3(c) stipulates that earned or unearned
income of a sanctioned individual shall be considered available, without
allocation to him or herself, to the remaining members of the eligible
unit. This change is required by Federal regulations at 45 CFR
233.20(a)(3)(ii)(C).

Revisions at N.J.A.C. 10:82-3.10(b)4 and 5 are included in this adop-
tion for purposes of consistency with the revised regulations at N.J.A.C.
10:82-2.3.

At N.J.A.C. 10:82-2.3(a), (b) and (c), editorial changes have been made
to include titles for each subsection.

Full text of the adoption follows (additions to proposal indicated by
boldface with asterisks ***thus***; deletions from proposal indicated in
brackets with asterisks ***[thus]***).

**10:82-2.3 Income from eligible and noneligible individuals in the
household**

(a) ***Family groups living together:** For purposes of AFDC, in family
groups living together, income of the spouse is considered available for
the other spouse and income of a parent (natural or adoptive) is con-
sidered available for children under 21. If the spouse or parent is living
with his or her spouse or children, respectively, income is considered
available regardless of whether the spouse or natural or adoptive parent
is noneligible or sanctioned. However, if a spouse or parent is receiving
SSI benefits, including mandatory or optional State supplementary pay-
ments, then for the period for which such benefits are received, his or
her income and resources shall not be counted as income and resources
available to the eligible unit.

1. If the spouse is also a stepparent of eligible AFDC-C children and
is in fact a member of the household, income will be considered available
in accordance with N.J.A.C. 10:82-2.9.

2. For earned income, the net amount to be considered available to
the eligible unit shall be determined by deducting only the first \$75.00
of such income and the actual expenses of child care or care for an
incapacitated individual that does not exceed \$160.00 (\$110.00 for part-
time employment) per child or individual.

(b) ***Noneligible individual:** A noneligible individual ***is neither sanc-
tioned nor required by law or regulation to be included in the eligible unit.***
***[does not meet the eligibility criteria for AFDC for reasons other than**

a sanction.]* When a noneligible individual is living in the household of
an eligible unit, an amount of \$125.00 per month shall be recognized as
the cost standard for that individual's share of household expenses. Only
the cash amount which is over and above \$125.00 shall be considered
as income to the eligible unit ***the income from that living arrangement
to the eligible unit shall be treated in accordance with N.J.A.C. 10:82-4.3(c),
if extensive personal services are provided, or N.J.A.C. 10:82-4.12.***

(c) ***Sanctioned individual:** A sanctioned individual is not included in
the eligible unit because of the imposition of a sanction for failure or
refusal to comply with an AFDC eligibility requirement. When an indi-
vidual is not included in the eligible unit because of a sanction and has
earned or unearned income of his or her own, such income*[less the
individual's per capita share of the allowance standard for the eligible
unit with the individual included, shall be applied to the needs of the]*
shall be considered available to the remaining members of the eligible
unit.

1. For earned income, the net amount to be considered available to
the eligible unit shall be determined without application of earned income
disregards set forth in N.J.A.C. 10:82-2.8.

10:82-2.4 Penalty of ineligibility

When a member of an eligible unit has incurred a penalty of ineligibility
for AFDC due to the imposition of a sanction, such individual cannot
be included in the eligible unit and his or her needs shall not be taken
into account in determining the family's need for assistance. However,
his or her income in excess of amounts set forth in N.J.A.C. 10:82-2.3(c)
shall still be considered available to the remaining members of the eligible
unit (also see N.J.A.C. 10:81-8.13(a)2).

10:82-3.10 Evaluating LRR's capacity to support

(a) (No change.)

(b) Income determination rules are:

1.-3. (No change.)

4. ***Income from* *[R]**r*oomer-boarder in LRR's home: *[If]*
When an LRR has ***[either related or unrelated]*** roomer-boarders
living in the home, ***[the method as outlined in subchapters 2 and 4 of
this chapter]*** ***N.J.A.C. 10:82-4.3(c) or 4.12*** shall be used to determine
the net income to the LRR from such ***roomers or*** roomer-boarders.**

5. ***Income from*** LRR in the home of the eligible unit: When an LRR,
other than a natural or adoptive parent, is living in the home of an eligible
unit and makes payment to the eligible unit toward household expenses,
that ***[portion of the payment which is over and above \$96.00 shall be
entered on form PA-3A as income to eligible unit.]*** ***payment shall be
treated as income available to the eligible unit in accordance with N.J.A.C.
10:82-4.3(c), if extensive personal services are provided, or N.J.A.C.
10:82-4.12.*** Such payment does not otherwise affect the LRR's evaluated
capacity, if any, to contribute to support.

6. (No change.)

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

10:82-4.3 Earned income from self-employment

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

(c) An individual who is providing extensive personal services along
with room and board accommodation to an ***[adult other than a relative]***
a noneligible individual shall be considered self-employed. ***An amount
of \$125.00 shall be recognized as the business expense and cost of providing
room, board and extensive personal services.*** Any income from this ar-
rangement in excess of \$125.00 shall be recognized as earned income.

(b)

**Assistance Standards Handbook
School Attendance, Establishing Monthly Earnings,
Change in Need, Resources, Disregard of Earned
Income in AFDC-C and -F segments, Irregular or
Nonrecurring Income, Child Support Received by
the Eligible Unit, Child Care, Emergency
Assistance**

**Adopted Amendment: N.J.A.C. 10:82-1.8, 1.9, 2.14,
2.20, 3.1, 3.2, 4.4, 4.6, 4.15, 4.17, 5.3 and 5.10**

Proposed: February 3, 1986 at 18 N.J.R. 260(a).
Adopted: November 7, 1986 by Drew Altman, Ph.D.,
Commissioner, Department of Human Services.
Filed: November 10, 1986 as R.1986 d.471, **with substantive
changes** not requiring additional public notice and comment
(see N.J.A.C. 1:30-3.5).

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

Authority: N.J.S.A. 44:7-6 and 44:10-3; 45 CFR 224.20, 233.10, 233.20, 233.31, and 233.35.

Effective Date: December 1, 1986.

Expiration Date: October 29, 1989.

Summary of Public Comments and Agency Responses:

No comments received.

Summary of Changes Subsequent to Proposal:

- 10:82-3.1(b)-(d) Language revised and added for clarification purposes.
- (e) Reference to N.J.A.C. 10:82-3.2(b)6vi is deleted since that paragraph has been deleted.
- 3.2(b)6vi Paragraph is deleted since material is addressed sufficiently at N.J.A.C. 10:82-3.1(e).
- 4.15(a) To clarify the fact that SSI benefits are not subject to lump sum income treatment in the determination of ongoing eligibility and level of grant entitlement for members otherwise eligible for AFDC.
- 5.3(d)2 and (e)2 A publication spelling error is corrected from "mont" to "month."

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

10:82-1.8 Parent regularly attending school (all segments)

(a) When a parent of an eligible child is a student regularly attending school as defined in N.J.A.C. 10:82-1.9, the provisions of N.J.A.C. 10:82-1.7(b) and (c) shall apply (see N.J.A.C. 10:81-3.18(b)2ii(6)).

1. (No change.)

10:82-1.9 School attendance defined

(a) A child eligible under the age requirements of N.J.A.C. 10:81-3.13(a) shall be considered a student regularly attending school or training course when he or she is enrolled in and physically attending, as certified by the school or institute, a program of study or training leading to a certificate, diploma or degree:

1.-3. (No change.)

(b) (No change.)

(c) A child shall be considered in regular attendance in months in which he or she is not attending because of official school or training program, vacation, illness, convalescence or family emergency, and for the month in which he or she begins, completes or discontinues his or her school or training program.

10:82-2.14 Establishing monthly earnings

(a) The procedures in this section apply in the determination of earned income for the purposes of establishing the amount of assistance grant with the exception of initial grants (see N.J.A.C. 10:82-2.2).

Renumber (c), (d) and (e) as (b), (c) and (d) (No change in text.)

10:82-2.20 Change in need while assistance is being received

(a) A change in the circumstances of the eligible unit may result in an adjustment upward or downward in the amount of the assistance payment. Unless (b) below applies, the adjustment must be effective for the payment month corresponding to the budget month in which the change in circumstances occurred. Downward adjustments are subject to adequate notice if the change in circumstances was reported on the Monthly Status Report (MSR), and timely add adequate notice if the change was reported by means other than the MSR.

(b) Additional payments to an eligible unit supplementing the last regular payment shall be issued during the current payment period for any of the following reasons only:

1. Administrative error: The CWA shall issue an additional assistance payment(s) supplementing any assistance payment incorrectly computed or not issued due to administrative error. Such supplemental payment(s) shall be considered as corrections to underpayments;

2. Emergency assistance: The CWA shall supplement an assistance payment with additional payment(s) if authorized under the emergency assistance provisions of N.J.A.C. 10:82-5.10; or

3. (No change in text.)

(c) Any additional payments made to an eligible unit due to the addition of a new member are subject to proration (see N.J.A.C. 10:82-2.2) based on the date of such change if all other eligibility factors are met.

1. Newborn child: The date of change for proration of an additional payment for a newborn child added to an eligible unit shall be the date the child was born.

2. Other member: The date of change for proration of an additional payment for other members added to an eligible unit shall be the date the eligible unit reports to the CWA the addition of the member.

(d) Reduction or loss of income: If the eligible unit experiences a reduction or loss of income in or after a budget month, the CWA shall not issue additional assistance payments for the corresponding processing month or payment month to supplement this loss of income. However, an eligible unit may apply for AFDC supplemental payments, set forth in N.J.A.C. 10:82-5.11, if the family has suffered a substantial loss of income due to unanticipated circumstances and its regular AFDC grant does not reflect that loss because of retrospective budgeting.

10:82-3.1 General provisions

(a) The resource policy set forth in this subchapter applies equally to program applicants and recipients. State and Federal laws require that the agency consider all income and resources of the eligible unit in determining eligibility for AFDC and the amount of assistance to be granted. Available resources include cash and other forms of income immediately obtainable to meet the needs of the eligible unit (see N.J.A.C. 10:82-4).

(b) Resources as recognized in this subchapter are either exempt or ***[potential]* *countable***. They are defined as real or personal property which is within the control of one or more members of the eligible unit, or to which the member(s) may have a valid claim, and certain benefits and other contributions of support which may become available.

(c) All ***[nonexempt]* *countable*** resources shall be evaluated by their equity value; that is, the current market value of resource less encumbrances, if any.

(d) The total equity value of all ***[nonexempt]* *countable*** resources ***[together with savings]* *(including savings)*** shall not exceed \$1,000.

(e) Savings ***[(see N.J.A.C. 10:82-3.2(b)6vi)]*** may be retained by a family applying for or receiving AFDC and may be accrued from the AFDC payment or other income, except as provided in N.J.A.C. 10:82-4.15.

10:82-3.2 Exempt resources

(a) Exempt resources are not subject to any requirement for liquidation and are not considered in determining the assistance grant. When any resource is not or is no longer exempt, it shall be evaluated ***as a countable resource*** in accordance with N.J.A.C. 10:82-3.1(c) and considered in the determination of eligibility for AFDC.

(b) The exempt resources are as follows:

1.-5. (No change.)

6. Resources designated for special purposes as follows:

i.-iii. (No change.)

iv. In AFDC, incentive payment from participation in certain training programs;

(1) (No change.)

(2) A weekly allowance of \$30.00 paid to recipients of AFDC who are participants in the Job Training Partnership Act (JTPA) training programs.

v. (No change.)

[vi. Savings: Those funds set aside by a family applying for or receiving public assistance so long as the sum of the amount thus accumulated plus the value of other nonexempt resources does not exceed the \$1,000 resource limit.]

[vii.]* *vi. (No change.)

(1)-(8) (No change.)

7.-11. (No change.)

10:82-4.4 Disregard of earned income in AFDC-C and -F segments

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

(c) The CWA shall disregard from the total earned income not already disregarded, the first \$30.00 and one-third of the remainder for each employed individual.

1. (No change.)

2. The \$30.00 and one-third disregard is to be applied only when an amount of earned income remains, after application of the disregards in (a) and (b) above, to permit application of this disregard.

i. For any month in which any part of the \$30.00 and one-third disregard is applied, that month shall be counted as one of the four consecutive months of disregard.

3. (No change in text.)

(d)-(e) (No change.)

10:82-4.6 Disregard of certain allowances and payments in AFDC (all segments)

(a) (No change.)

(b) Earned income received through the JTPA by an AFDC dependent child is exempt in the determination of initial eligibility, maximum income eligibility, prospective needs test, and grant entitlement. However, the disregard of such income shall not exceed six months in any calendar year.

1. (No change.)

(c) (No change.)

10:82-4.15 Nonrecurring earned or unearned lump sum income

(a) When a recipient receives nonrecurring earned or unearned lump sum income (for example, retroactive RSDI payments), that income will be added together with all other income received that month by the eligible unit after application of the disregards in N.J.A.C. 10:82-2.8 and 2.12 and the exemption of income in N.J.A.C. 10:82-2.7. No portion of lump sum or other income may be applied toward the resource limit in the month of its receipt. When this total exceeds the AFDC allowance standards in Tables I or II as appropriate, the family will be ineligible for AFDC for the number of full months derived by dividing this total income by the allowance standard applicable to the eligible unit. Any remaining income from this calculation is treated as if it is unearned income received in the first month following the period of ineligibility and is considered available for use at that time. ***SSI payments shall not be subject to lump sum treatment.***

1.-5. (No change.)

(b) (No change.)

10:82-4.17 Child support received by the eligible unit

The first \$50.00 of any child support payments received on behalf of a dependent child or children by any family applying for or receiving AFDC shall be disregarded. Such child support payments shall include disregarded child support (DCS) payments paid the family through the child support and paternity process and direct support payments received by the eligible unit which represent a current monthly support obligation. These monies are disregarded in determination of initial eligibility, maximum income eligibility, prospective needs test, and the grant computation. The total amount of child support disregarded shall not exceed \$50.00 per month per eligible unit.

10:82-5.3 Child care

(a)-(c) No change.)

(d) Day care center rules:

1. (No change.)

2. The maximum allowable rate for care in a licensed (if required) day care center, regardless of the source or sources of payment, shall be the rate established by the Division of Youth and Family Services for that center for the class of service provided. If no such rate has been established, the CWA will notify the Division of Youth and Family Services of the need for an established rate. In this event, until a rate is established, the CWA maximum rate per child, regardless of the source or sources of payment, shall be the least of the following, not to exceed the limit at (a) above of \$160.00 per *[mont]* ***month*** per child:

i.-iii. (No change.)

3. (No change.)

(e) Family day care rules are:

1. (No change.)

2. The authorized rates for family day care shall not exceed the following, as applicable, except in situations where it can be established by the worker, in cooperation with the parent, that appropriate care can only be obtained in that geographic area at a higher rate, but the authorized rates shall not exceed the limit at (a) above of \$160.00 per *[mont]* ***month*** per child:

i.-iii. (No change.)

3. (No change.)

(f) In-home care rules are:

1.-4. (No change.)

5. The authorized payment for in-home care shall be deemed to be the full cost for such services and no additional amounts shall be recognized. The authorized payment shall not exceed the limit at (a) above of \$160.00 per month per child.

(g)-(h) (No change.)

10:82-5.10 Emergency assistance

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

(c) When there has been substantial loss of shelter, food, clothing or household furnishings by fire, flood or other similar natural disaster, or when because of an emergent situation over which they had no control or opportunity to plan in advance, the eligible unit is in a state of homelessness and the county welfare agency determines that the providing of shelter and/or food and/or emergency clothing, and/or minimum essential house furnishings are necessary for health and safety, such needs may be recognized in accordance with regulations and limitations in the following sections:

1. (See proposal at 17 N.J.R. 2336(a).)

i. (No change.)

ii. Emergency temporary rehousing: Payment for emergency temporary rehousing may be authorized under the Home Energy Assistance Program in accordance with N.J.A.C. 10:89-3.4(e).

2.-5. (No change.)

(d)-(e) (No change.)

(f) (See proposal at 17 N.J.R. 2337(a).)

LAW AND PUBLIC SAFETY

(a)

BOARD OF MEDICAL EXAMINERS

Advertising and Solicitation Practices

Adopted Amendment: N.J.A.C. 13:35-6.10

Proposed: September 8, 1986 at 18 N.J.R. 1788(d).

Adopted: October 15, 1986 by New Jersey State Board of Medical Examiners, Edward W. Luka, M.D., President.

Filed: November 5, 1986 as R.1986 d.467, **without change.**

Authority: N.J.S.A. 45:9-2.

Effective Date: December 1, 1986.

Expiration Date: November 19, 1989.

Summary of Public Comments and Agency Responses:

Notice of the proposed amendment was sent to the standard notice list maintained by the Board of Medical Examiners for organizations and individuals interested in matters affecting the general practice of Medical Board licensees. One public comment was received, from the Medical Society of New Jersey, supporting the proposal. The rules was adopted as published.

Full text of the adoption follows.

13:35-6.10 Advertising and solicitation practices

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

(h) The name and nature of professional practice of every licensee practicing independently or as an employee of another licensee or of a professional service corporation shall appear on professional stationery and shall be conspicuously displayed and kept at the entrance of the place where the licensed practice is conducted. The name of every licensee employed by an ambulatory health care facility licensed by the New Jersey Department of Health shall be posted at the entrance to the treatment area and the licensee providing professional services shall be identified on the bill and insurance claim form.

(i)-(k) (No change.)

(l) All Board licensee advertisements and public representations intended to be displayed or circulated away from the office premises shall contain the name and address or name and telephone number of the Board licensee or the professional service corporation or trade name under which the practice is conducted and the nature of the professional practice. All such advertisements, including telephone directory advertisements, may, if desired, list only the professional service corporation or trade name but must disclose the nature of the practice, and address or telephone number, and the name of at least one of the principal practitioners. This requirement does not apply to licensees employed by an ambulatory health care facility licensed by the New Jersey State Department of Health.

MISCELLANEOUS NOTICES

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT Energy Subcode: Thermal Efficiency Standards N.J.A.C. 14A:3-4.4: Notice of Operative Date

Take note that the amendment to N.J.A.C. 14A:3-4.4, Thermal Efficiency Standards, adopted by the Department of Energy in the August 4, 1986 New Jersey Register at 18 N.J.R. 1612(a) and placed within the jurisdiction of the Department of Community Affairs by Executive Reorganization Plan No. 001-1986, shall be operative February 2, 1987 and not, as stated in the adoption notice, on November 3, 1986.

Take further note that the proposal published by the Department of Energy which appeared on September 22, 1986 at 18 N.J.R. 1926(a) is withdrawn.

HUMAN SERVICES

(b)

DIVISION OF PUBLIC WELFARE

Mandatory Verification

Notice of Correction: N.J.A.C. 10:87-2.21

Take notice that an error appears in the New Jersey Administrative Code at N.J.A.C. 10:87-2.21 concerning Mandatory verification. A proposal to amend N.J.A.C. 10:87-2.21 was published in the February 5, 1981 issue of the New Jersey Register at 13 N.J.R. 96(c). The intent of the proposal was to delete (a)8iv. The text of (a)8iv was deleted in the adoption notice published in the April 9, 1981 Register at 13 N.J.R. 228(a) and should not have appeared in the New Jersey Administrative Code. The current text of N.J.A.C. 10:87-2.21, with the deletion of subparagraph 8iv, follows:

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.-7. (No change.)

8. Verification of questionable information: With the exception of liquid resources and loans, the CWA shall verify all other factors of eligibility prior to certification only if they are questionable and affect the household's eligibility or benefit level. Procedures for verifying loans and liquid resources are described in (a)8v below.

i.-iii. (No change.)

Renumber v. and vi. and iv. and v. (No change in text.)

9.-10. (No change.)

TREASURY-GENERAL

(c)

DIVISION OF PENSIONS

Withdrawal Application; Contributory Insurance

Notice of Correction: N.J.A.C. 17:2-3.7

Take notice that an error appears in the New Jersey Administrative Code at 17:2-3.7 concerning Withdrawal application; contributory insurance. The text of N.J.A.C. 17:2-3.7 should appear as follows:

17:2-3.7 Withdrawal application; contributory insurance

A properly executed contributory insurance withdrawal application must be in the possession of the **Retirement System** before termination of the contributory coverage can be effected. Such withdrawal application cannot be retroactive.

(d)

DIVISION OF BUILDING AND CONSTRUCTION

Architect-Engineer Selection

Notice of Assignments—Month of October

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, pre-qualified New Jersey consulting firms. For information on DBC's pre-qualification and assignment procedures, call (609) 984-6979.

Last list dated October 7, 1987.

The following assignments have been made:

DBC NO.	PROJECT	A/E	CCE
A517	Containment Laboratory Project Renovations—Second Floor Health & Agriculture Building Trenton, NJ	Haines Lundberg Wahler	\$ 71,000
A482	CPM Scheduling Services State House and Annex Renovations Legislative Demolition Project Trenton, NJ	Tri Tech Planning Consultants	\$ 40,750 Services
M703	Evaluation Study Renovation/Replacement—Sewage Treatment Plant Johnstone Training Research Center Bordentown, NJ	SAFE International, Inc.	\$ 1,800 Services
M910	Vertical Energy Loss Prevention Woodbine Development Center Woodbine, NJ	Oliver & Becica	\$ 112,540
E164	Miscellaneous Repairs Piscataway & Morris County Day Schools	Tighe-Firtion-Carrino	\$ 41,000
C279-50	Testing/Inspection Services Close Custody Units Rahway, NJ	United States Testing Company, Inc.	\$ 7,440 Services
H874	Sewage Treatment System Temporary Abatement & Program/Evaluation/Preliminary Design School of Conservation Montclair State College Branchville, NJ	Langan Engineering Associates, Inc.	\$ 35,700 Services
A285-11	Sculpture—Green Acres DEP Office Building Trenton, NJ	Athena Tacha	\$ 50,000 Artist Services
H871	Air Conditioning—Music Building Montclair State College Upper Montclair, NJ	Jeffrey & Kallaur	\$ 257,400
A518	Septic System Renovations Superintendent Residences Yardville YCL, Bordentown	Trenton Engineering Co., Inc.	\$ 45,000
J011	Facility Consultant FY-87 Division of Purchase & Property	Maitra Associates	\$ 20,000 Services
J013	Facility Consultant FY-87 Division of Purchase & Property	London, Kantor, Umland	\$ 50,000 Services
J014	Facility Consultant FY-87 Division of Purchase & Property	Frank R. Holtaway & Son	\$ 50,000 Services
J015	Facility Consultant FY-87 Division of Purchase & Property	Kling-Lindquist, Inc.	\$ 50,000 Services
J016	Facility Consultant FY-87 Division of Purchase & Property	Edward A. Sears Assoc.	\$ 50,000 Services
Y012	Facility Consultant FY-87 Dept. of Transportation	Barnickel Engineering Corp.	\$ 10,000 Services
Y013	Facility Consultant FY-87 Dept. of Transportation	J. M. Di Giacinto & Associates, Inc.	\$ 10,000 Services
R010	Facility Consultant FY-87 Dept. of Human Services	Leslie M. Dennis & Son	\$ 10,000 Services
H878	Re-Roofing Science Building William Paterson College Wayne, NJ	Goldberg Associates, PA	\$ 240,000
COMPETITIVE PROPOSALS			
	Goldberg Associates, PA	11.90%	
	L. J. Mineo, Jr., AIA	14.10%	
P516	Historic Structures Report Ringwood Manor Ringwood State Park	David V. Abramson & Associates	\$ 33,500 Services

(CITE 18 N.J.R. 2392)
TREASURY-GENERAL

MISCELLANEOUS NOTICES

COMPETITIVE PROPOSALS		
	David V. Abramson & Associates	\$33,500
	Giorgio Cavaglieri	\$38,280
	Nadasky Kopelson Architects, PA	\$77,500
M699	Replacement of Wastewater Treatment Plant New Lisbon Developmental Center New Lisbon, NJ	Post Buckley Schuh & Jernigan \$1,433,600

COMPETITIVE PROPOSALS	
Post Buckley Schuh & Jernigan	6.90%
Kupper Associates	8.37%
Elson T. Killam Assoc., Inc.	12.90%

M700	Replacement of Wastewater Treatment Plant North Princeton Developmental Center Skillman, NJ	Post Buckley Schuh & Jernigan	\$1,433,600
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COMPETITIVE PROPOSALS	
Post Buckley Schuh & Jernigan	6.90%
Kupper Associates	8.37%
Elson T. Killam Assoc., Inc.	12.90%

EXECUTIVE ORDER NO. 66(1978) EXPIRATION DATES

Pursuant to N.J.A.C. 1:30-4.4, all expiration dates are now affixed at the chapter level. The following table is a complete listing of all current New Jersey Administrative Code expiration dates by **Title** and **Chapter**. If a chapter is not cited, then it does not have an expiration date. In some instances, however, exceptions occur to the chapter-level assignment. These variations do appear in the listing along with the appropriate chapter citation, and are noted either as an exemption from Executive Order No. 66(1978) or as a subchapter-level date differing from the chapter date.

Current expiration dates may also be found in the loose-leaf volumes of the Administrative Code under the **Title** Table of Contents for each executive department or agency and on the **Subtitle** page for each group of chapters in a Title. Please disregard all expiration dates appearing elsewhere in a Title volume.

This listing is revised monthly and appears in the first issue of each month.

OFFICE OF ADMINISTRATIVE LAW—TITLE 1

N.J.A.C.	Expiration Date	N.J.A.C.	Expiration Date
1:1	5/15/90	3:7	9/16/90
1:2	5/15/90	3:11	3/19/89
1:5	10/20/91	(Except for 3:11-2 which expired 6/3/85)	
1:6	8/18/91	3:13	11/17/91
1:6A	1/1/88	3:17	6/18/91
1:7	8/9/90	3:19	3/17/91
1:10	3/4/90	3:21	11/2/86
1:10A	9/16/90	(Except for 3:21-1 which expired 2/2/84)	
1:10B	10/6/91	3:22	5/21/89
1:11	3/4/90	3:23	5/3/87
1:20	8/1/88	3:24	8/20/89
1:21	7/15/90	3:26	12/31/90
1:30	2/14/91	3:27	9/16/90
1:31	8/12/87	3:28	12/17/89
		3:30	10/17/88
		3:38	9/7/87
		3:41	10/16/90

AGRICULTURE—TITLE 2

N.J.A.C.	Expiration Date
2:1	9/3/90
2:2	10/3/88
(Except for 2:2-9 which expired 6/11/84)	
2:3	6/18/89
(Except for 2:3-4 which expired 1/8/86)	
2:5	6/18/89
2:6	9/3/90
2:7	9/29/88
2:9	7/7/91
2:16	5/7/90
2:22	1/18/87
2:23	6/6/88
2:24	2/11/90
2:32	2/3/91
2:48	11/27/90
2:50	7/15/87
2:52	6/7/90
2:53	3/3/91
2:54	Exempt (7 U.S.C. 601 et seq. 7 C.F.R. 1004)
2:68	8/1/88
2:69	10/3/88
2:70	5/7/90
2:71	9/1/88
2:72	9/1/88
2:73	7/18/88
2:74	9/1/88
2:76	8/29/89
2:90	6/24/90

BANKING—TITLE 3

N.J.A.C.	Expiration Date
3:1	1/6/91
3:2	4/15/90
3:6	3/3/91
(Except for 3:6-8 which expired 4/9/85)	

CIVIL SERVICE—TITLE 4

N.J.A.C.	Expiration Date
4:1	1/28/90
4:2	1/28/90
4:3	6/4/89
4:4	12/7/86
4:5	12/7/86
4:6	5/5/91

COMMUNITY AFFAIRS—TITLE 5

N.J.A.C.	Expiration Date
5:3	9/1/88
5:10	12/1/88
5:11	3/1/89
5:12	1/1/90
5:13	1/1/88
5:14	12/1/90
5:17	6/1/89
5:18	2/1/90
5:18A	2/1/90
5:18B	2/1/90
5:22	12/1/90
5:23	4/1/88
5:24	9/1/90
5:25	3/1/91
5:26	3/1/91
5:27	6/1/90
5:28	12/20/90
5:29	6/18/91
5:30	6/1/88
5:31	12/1/89
5:37	11/18/90
5:38	11/7/88
5:51	9/1/88
5:70	8/16/87
5:71	3/1/90
5:80	5/20/90
5:91	6/16/91

N.J.A.C.	Expiration Date
5:92	6/16/91
5:100	5/7/89

DEPARTMENT OF DEFENSE—TITLE 5A

N.J.A.C.	Expiration Date
5A:2	5/20/90

EDUCATION—TITLE 6

N.J.A.C.	Expiration Date
6:2	3/1/89
6:3	8/18/88
6:8	1/1/87
6:11	12/12/90
6:12	4/2/91
6:20	8/9/90
6:21	8/9/90
6:22	9/3/90
6:24	4/2/91
6:26	1/24/90
6:27	1/24/90
6:28	6/1/89
6:29	3/25/90
6:30	8/31/88
6:31	1/24/90
6:39	10/18/89
6:43	4/7/91
6:46	12/1/87
6:53	9/1/87
6:64	5/1/88
6:68	4/12/90
6:70	1/25/90
6:79	2/1/88

ENVIRONMENTAL PROTECTION—TITLE 7

N.J.A.C.	Expiration Date
7:1 (Except for 7:1-3 which expired 3/5/87)	9/16/90
7:1A	6/7/87
7:1C	6/17/90
7:1D	12/1/88
7:1E	7/15/90
7:1F	3/27/87 (Governor's Waiver)
7:1G	10/1/89
7:1H	7/24/90
7:1I	11/18/88
7:2	7/19/88
7:4	Expired 8/16/84
7:6	12/19/88
7:7	5/7/89
7:7E	7/24/90
7:7F	12/6/87
7:8	2/7/88
7:9	1/21/91
7:10 (Except for 7:9-1 which expired 4/25/85)	9/4/89
7:11	6/6/88
7:12	6/6/88
7:13	5/4/89
7:14	4/27/89
7:14A (Except for 7:14-5 which expired 6/23/85)	6/4/89
7:15	4/2/89
7:17	4/7/91
7:18	8/6/91
7:19	4/15/90
7:19A	2/19/90
7:19B	2/19/90

N.J.A.C.	Expiration Date
7:20	5/6/90
7:20A	12/19/88
7:22	12/7/86
7:23	6/18/89
7:24	5/19/91
7:25	2/18/91
(Except for 7:25-1 which expired 9/17/85)	
7:25A	5/6/90
7:26	11/4/90
(Except for 7:26-5 which expired 10/7/85)	
7:27	Exempt
7:27A	Expired 10/7/85
7:27B-3	Exempt
7:28	10/7/90
7:29	3/18/90
7:29B	4/5/87
7:30	12/6/87
7:36-1	8/5/90
7:36-2	Expired 1/9/86
7:36-3	Expired 1/9/86
7:36-4	8/5/90
7:36-5	Expired 1/9/86
7:36-6	Expired 1/9/86
7:36-7	8/5/90
7:37	Exempt
7:38	9/18/90
7:45	Expired 1/11/85

HEALTH—TITLE 8

N.J.A.C.	Expiration Date
8:7	9/16/90
8:8	5/21/89
8:9	2/18/91
8:13	8/2/87
8:19	6/28/90
8:20	3/4/90
8:21	11/18/90
(Except for 8:21-1 which expired 5/15/85;	
8:21-4 which expired 7/21/83;	
8:21-6 which expired 9/18/85)	
8:21A	4/1/90
8:22	8/4/91
8:23	12/17/89
8:24	4/4/88
8:25	5/20/88
8:26	8/4/91
8:31	11/5/89
8:31A	3/18/90
8:31B	10/15/90
(Except for 8:31B-1 which expired 7/19/84)	
8:32	Expired 3/12/85
8:33	10/7/90
8:33A	4/15/90
8:33B	10/7/90
8:33C	8/20/89
8:33D	2/1/87
8:33E	2/4/90
8:33F	1/14/90
8:33G	7/20/89
8:33H	7/19/90
8:33I	9/15/91
8:33J	5/17/89
8:33K	4/16/89
8:34	11/18/88
8:39	6/20/88
8:40	4/15/90
8:42	3/18/90
8:42A	6/12/91
8:42B	8/1/88

N.J.A.C.	Expiration Date
8:43	1/21/91
8:43A	9/3/90
8:43B	1/21/91
8:43E	1/17/88
8:43F	3/18/90
8:43G	9/8/91
8:44	11/7/88
8:45	5/20/90
8:48	8/20/89
8:51	9/16/90
8:53	8/4/91
8:57	6/18/90
8:58	Expired 5/1/84
8:59	10/1/89
8:60	5/3/90
8:61	10/6/91
8:65	12/2/90
8:70	9/17/88
8:71	4/2/89

N.J.A.C.	Expiration Date
10:64	3/3/91
10:65	11/5/89
10:66	12/15/88
10:67	3/3/91
10:68	7/7/91
10:69A	4/26/88
10:69B	11/21/88
10:70	6/16/91
10:80	8/23/89
10:81	10/15/89
10:82	10/29/89
10:85	1/30/90
10:87	3/1/89
10:89	9/11/90
10:90	11/15/87
10:94	1/6/91
10:95	8/23/89
10:97	4/16/89
10:98	7/12/87
10:99	2/19/90
10:100	2/6/89
10:109	3/17/91
10:112	2/17/89
10:120	9/26/88
10:121	3/13/89
10:121A	8/6/87
10:122	8/6/89
10:122A	Exempt
10:122B	9/10/89
10:123	7/20/90
10:124	7/19/87
10:125	7/16/89
10:127	9/19/88
10:129	10/11/89
10:130	9/19/88
10:131	9/20/87
10:132	11/16/86
10:140	12/31/86
10:141	2/21/89

HIGHER EDUCATION—TITLE 9

N.J.A.C.	Expiration Date
9:1	1/17/89
9:2	6/17/90
9:3	10/17/88
9:4	10/30/91
9:5	1/21/91
9:6	5/20/90
9:7	4/13/88
9:8	11/4/90
9:9	10/3/88
9:11	1/17/89
9:12	1/17/89
9:14	5/20/90
9:15	10/25/88
9:16	Expired 7/9/85

HUMAN SERVICES—TITLE 10

N.J.A.C.	Expiration Date
10:1	5/6/88
10:3	9/19/88
10:4	1/3/88
10:5	12/19/88
10:6	2/21/89
10:36	8/18/91
10:37	11/4/90
10:38	5/28/91
10:40	3/15/89
10:42	8/18/91
10:43	9/1/88
10:44	10/3/88
10:44A	2/7/88
10:44B	4/15/90
10:45	9/19/88
10:47	11/4/90
10:48	1/21/91
10:49	8/12/90
10:50	3/3/91
10:51	10/28/90
10:52	2/19/90
10:53	4/29/90
10:54	3/3/91
10:55	3/11/90
10:56	8/26/91
10:57	3/3/91
10:58	3/3/91
10:59	3/3/91
10:60	8/27/90
10:61	3/3/91
10:62	3/3/91
10:63	11/29/89

CORRECTIONS—TITLE 10A

N.J.A.C.	Expiration Date
10A:3	10/6/91
10A:4	7/21/91
10A:5	10/6/91
10A:31	2/4/90
10A:32	3/4/90
10A:33	7/16/89
10A:70	Exempt
10A:71	4/15/90

INSURANCE—TITLE 11

N.J.A.C.	Expiration Date
11:1	2/3/91
11:1-20	7/7/88
11:1-22	7/7/88
11:2	12/2/90
11:3	1/6/91
11:4	12/2/90
11:5	11/7/88
11:10	7/15/90
11:12	10/27/91
11:13	12/6/87
11:14	7/2/89
11:15	12/3/89
11:16	2/3/91

LABOR—TITLE 12

N.J.A.C.	Expiration Date
12:15	8/19/90
12:16	4/1/90
12:17	1/6/91
12:20	11/5/89
12:35	8/5/90
12:45	5/2/88
12:46	5/2/88
12:47	5/2/88
12:48	5/2/88
12:49	5/2/88
12:51	6/30/91
12:56	9/26/90
12:57	9/26/90
12:58	9/26/90
12:90	12/17/89
12:100	11/5/89
12:105	1/21/91
12:120	5/3/90
12:175	12/9/88
12:190	9/5/87
12:195	9/6/88
12:200	8/5/90
12:235	5/5/91

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

N.J.A.C.	Expiration Date
12A:100-1	9/8/91

LAW AND PUBLIC SAFETY—TITLE 13

N.J.A.C.	Expiration Date
13:1	7/19/88
13:1C	Expired 12/1/83
13:2	8/5/90
13:3	8/1/88
13:4	1/21/91
13:10	5/27/89
13:13	6/17/90
13:18	4/1/90
13:19	8/23/89
13:20	12/18/90
13:21	12/16/90
13:22	1/7/90
13:23	6/4/89
13:24	11/5/89
13:25	3/18/90
13:26	10/17/88
13:27	4/1/90
13:27A	11/1/87
13:28	9/3/90
13:29	6/3/90
13:30	4/15/90
13:31	12/21/86
13:32	11/1/87
13:33	3/18/90
13:34	11/21/88
13:35	11/19/89
13:36	11/19/89
13:37	2/11/90
13:38	10/7/90
13:39	1/6/91
13:39A	7/7/91
13:40	9/3/90
13:41	9/3/90
13:42	11/3/88
13:43	9/8/88
13:44	8/20/89
13:44A	Expired 5/17/84
13:44B	5/3/87

N.J.A.C.	Expiration Date
13:44C	6/2/91
13:45A	12/16/90
13:46	6/3/90
13:47A	8/16/87
(Except for 13:47A-25 which expired 8/14/83)	
13:47B	1/4/89
13:47C	8/20/89
13:48	1/21/91
13:49	12/19/88
13:51	6/21/87
13:54	10/5/91
13:58	9/7/89
13:59	9/16/90
13:70	2/25/90
13:71	2/25/90
13:75	8/20/89
13:76	9/6/88

PUBLIC UTILITIES—TITLE 14

N.J.A.C.	Expiration Date
14:1	12/16/90
14:3	5/6/90
14:5	12/16/90
14:6	3/3/91
14:9	4/15/90
14:11	2/1/87
14:10	9/8/91
14:17	5/7/89
14:18	7/29/90

ENERGY—TITLE 14A

N.J.A.C.	Expiration Date
14A:2	4/17/89
14A:3	10/7/90
(Except for 14A:3-10 which expired 9/1/85)	
14A:4	10/19/88
14A:5	10/19/88
14A:6	8/6/89
14A:7	9/16/90
14A:8	9/20/89
14A:9	Expired 4/27/84
14A:11	9/20/89
14A:12	2/7/88
14A:13	11/2/86
14A:14	2/6/89
14A:20	2/3/91
14A:21	11/21/90
14A:22	6/4/89

STATE—TITLE 15

N.J.A.C.	Expiration Date
15:2	3/7/88
15:3	7/7/91
15:10	2/18/91

TRANSPORTATION—TITLE 16

N.J.A.C.	Expiration Date
16:1	8/5/90
16:2	10/3/88
16:6	9/3/90
16:13	5/7/89
16:16	11/7/88
16:17	11/7/88
16:20A	12/17/89
16:20B	12/17/89
16:21	9/3/90

N.J.A.C.	Expiration Date
16:21A	8/20/89
16:22	2/3/91
16:25-12	Expired 2/5/84
16:25-13	Expired 2/5/84
16:26	8/6/89
16:27	9/8/91
16:28	11/7/88
16:28A	11/7/88
16:29	11/7/88
16:30	11/7/88
16:31	11/7/88
16:31A	10/20/88
16:32	4/15/90
16:33	9/3/90
16:41	11/15/87
16:41A	2/19/90
16:41B	3/4/90
16:43	9/3/90
16:44	10/3/88
16:49	3/18/90
16:53	3/19/89
16:53A	4/15/90
16:53B	Expired 8/21/84
16:53C	9/19/88
16:53D	5/7/89
16:54	4/7/91
16:55	11/7/88
16:56	6/4/89
16:60	11/7/88
16:61	11/7/88
16:62	4/15/90
16:72	3/31/91
16:73	2/16/87
16:75	6/6/88
16:76	12/19/88
16:77	1/21/90
16:78	10/7/90
16:79	10/20/91

TREASURY-GENERAL—TITLE 17

N.J.A.C.	Expiration Date
17:1	6/6/88
17:2	12/17/89
17:3	6/6/88
17:4	7/1/90
17:5	12/2/90
17:6	2/19/89
17:7	6/6/88
17:8	6/27/90
17:9	6/6/88
17:10	6/6/88
17:12	8/15/89
17:16	12/2/90
17:19	3/18/90
(Except for 17:19-10 which expired 3/3/85)	
17:19A	Expired 2/1/84
17:20	11/7/88
17:25	6/18/89
17:27	11/7/88
17:28	9/13/90
17:29	10/18/90

TREASURY-TAXATION—TITLE 18

N.J.A.C.	Expiration Date
18:3	4/23/89
18:5	4/16/89
18:6	4/2/89
18:7	4/2/89
18:8	4/2/89
18:9	8/12/88
18:12	8/12/88
18:12A	8/12/88
18:14	8/12/88
18:15	8/12/88
18:16	8/12/88
18:17	8/12/88
18:18	4/2/89
18:19	4/6/89
18:22	4/2/89
18:23	4/2/89
18:23A	8/5/90
18:24	8/12/88
18:25	1/6/91
18:26	8/12/88
18:30	4/2/89
18:35	8/12/88
18:36	2/4/90
18:37	8/5/90

OTHER AGENCIES—TITLE 19

N.J.A.C.	Expiration Date
19:3	6/19/88
19:3B	Exempt (N.J.S.A. 13:17-1)
19:4	11/7/88
19:4A	5/2/88
19:8	6/1/88
19:9	7/13/88
19:12	8/7/91
19:16	8/7/91
19:17	7/15/88
19:25	1/9/91
19:30	10/7/90
19:40	9/26/89
19:41	5/17/88
19:42	5/17/88
19:43	4/27/89
19:44	10/13/88
19:45	4/7/88
19:46	5/4/88
19:47	5/4/88
19:48	10/13/88
19:49	3/29/88
19:50	5/23/88
19:51	8/14/91
19:52	9/25/91
19:53	5/4/88
19:54	4/15/88
19:61	7/7/91
19:65	7/7/91
19:75	1/17/89

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change 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. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the October 6, 1986 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(d).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1986 d.100 means the one hundredth rule adopted in 1986.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A number and date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: SEPTEMBER 22, 1986.

NEXT UPDATE WILL BE DATED OCTOBER 20, 1986.

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
17 N.J.R. 2815 and 2934	December 2, 1985	18 N.J.R. 1223 and 1326	June 16, 1986
17 N.J.R. 2935 and 3032	December 16, 1985	18 N.J.R. 1327 and 1432	July 7, 1986
18 N.J.R. 1 and 128	January 6, 1986	18 N.J.R. 1433 and 1504	July 21, 1986
18 N.J.R. 129 and 234	January 21, 1986	18 N.J.R. 1505 and 1640	August 4, 1986
18 N.J.R. 235 and 376	February 3, 1986	18 N.J.R. 1641 and 1726	August 18, 1986
18 N.J.R. 377 and 446	February 18, 1986	18 N.J.R. 1727 and 1862	September 8, 1986
18 N.J.R. 447 and 506	March 3, 1986	18 N.J.R. 1863 and 1978	September 22, 1986
18 N.J.R. 507 and 582	March 17, 1986	18 N.J.R. 1979 and 2078	October 6, 1986
18 N.J.R. 583 and 726	April 7, 1986	18 N.J.R. 2069 and 2148	October 20, 1986
18 N.J.R. 727 and 868	April 21, 1986	18 N.J.R. 2149 and 2234	November 3, 1986
18 N.J.R. 869 and 1018	May 5, 1986	18 N.J.R. 2235 and 2344	November 17, 1986
18 N.J.R. 1019 and 1122	May 19, 1986	18 N.J.R. 2345 and 2408	December 1, 1986
18 N.J.R. 1123 and 1222	June 2, 1986		

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1			
1:1, 1:2-1:21	Administrative hearings	18 N.J.R. 1728(a)	
1:1-15.10	Prior transcribed testimony	18 N.J.R. 1865(a)	R.1986 d.468
1:5	Council on Affordable Housing hearings	18 N.J.R. 1506(a)	R.1986 d.421
1:10B	Medicaid and Medically Needy hearings	18 N.J.R. 1507(a)	R.1986 d.405

(TRANSMITTAL 23, dated August 18, 1986)

AGRICULTURE—TITLE 2			
2:6-1	Sale and use of animal biologics	18 N.J.R. 2151(a)	
2:7-1.2, 1.3, 1.4	Pullorum and fowl typhoid control	18 N.J.R. 1508(a)	R.1986 d.430
2:76-5.3	Cost-share assistance for soil and water conservation projects	18 N.J.R. 1981(a)	18 N.J.R. 2123(a)
2:76-6.15	Acquisition of development easements: deed restrictions	18 N.J.R. 513(a)	
2:90-1.3	Soil erosion and sedimentation control	18 N.J.R. 2081(a)	

(TRANSMITTAL 43, dated September 22, 1986)

BANKING—TITLE 3			
3:11-11.13	Leeway investments: confidentiality of approval process	18 N.J.R. 1224(a)	
3:13-1	Registration of bank holding companies	18 N.J.R. 1434(a)	R.1986 d.459
3:13-2, 3	Bank holding company: reporting requirements and examination charges	18 N.J.R. 1763(a)	R.1986 d.458
3:13-4	Bank holding companies: interstate acquisitions	18 N.J.R. 1982(a)	
3:21-2.1	Credit union parity	18 N.J.R. 2237(a)	18 N.J.R. 2324(a)
3:41	Cemeteries: disinterment and reinterment of human remains	18 N.J.R. 1642(a)	18 N.J.R. 2325(a)

(TRANSMITTAL 34, dated July 21, 1986)

PERSONNEL—TITLE 4			
4:1-2.1, 5.2, 11.2, 16.24	Separations, demotions, layoffs; review and appeals	18 N.J.R. 450(a)	
4:1-8.4	Promotional examinations	18 N.J.R. 591(a)	R.1986 d.469
4:1-12.18	Disposition of certification by appointing authority	18 N.J.R. 1642(b)	18 N.J.R. 2381(b)
4:1-15	Assignments and transfers	18 N.J.R. 592(a)	
4:1-18	Workweek programs	18 N.J.R. 1764(a)	
4:1-26	Supplemental compensation on retirement	18 N.J.R. 2152(a)	
4:2-15.1	Assignments and transfers	18 N.J.R. 592(a)	
4:2-16	Separations and demotions	18 N.J.R. 450(a)	
4:2-18	Workweek programs	18 N.J.R. 1764(a)	
4:2-26	Supplemental compensation on retirement	18 N.J.R. 2152(a)	
4:3-16	Separations and demotions	18 N.J.R. 450(a)	
4:4	State employees' awards program	18 N.J.R. 1766(a)	
4:5	Supplemental compensation on retirement	18 N.J.R. 2152(a)	

(TRANSMITTAL 31, dated June 16, 1986)

(CITE 18 N.J.R. 2400)

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
COMMUNITY AFFAIRS—TITLE 5				
5:11-2.1	Uniform Fire Code enforcement and relocation assistance	17 N.J.R. 2938(a)		
5:18-2.5, 2.7, 2.11, 2.14, 3.2, 4.1, 4.7, 4.9-4.13, 4.17, 4.18	Uniform Fire Code: Fire Safety Code	18 N.J.R. 1225(a)		
5:18A-2.3, 4.3, 4.4	Fire Code Enforcement Subcode exceptions	18 N.J.R. 1225(a) 18 N.J.R. 757(a)	R.1986 d.448	18 N.J.R. 2194(a) 18 N.J.R. 2063(b)
5:23-3.2	Uniform Construction Code: correction	18 N.J.R. 2083(a)		
5:23-3.4, 3.20	Uniform Construction Code: mechanical subcode	18 N.J.R. 2237(b)		
5:23-3.15	Plumbing subcode	18 N.J.R. 757(a)	R.1986 d.448	18 N.J.R. 2194(a)
5:23-7	Barrier Free Subcode: access for physically handicapped and aged			
5:25	New Home Warranty and Builders' Registration rules: waiver of sunset provision	18 N.J.R. 218(a)		
5:25	New Home Warranty and Builders' Registration rules: waiver of sunset provision	18 N.J.R. 490(a)		
5:91-1.2, 1.3, 2.1, 3.1, 5.1, 7.1, 13.3, 13.4	Council on Affordable Housing: procedural rules	18 N.J.R. 1643(a)		
5:80-21	Housing and Mortgage Finance: single family loans	18 N.J.R. 2238(a)		
5:92-1.3, 10.4, 14, 15	Council on Affordable Housing: inclusionary development and affirmative marketing	18 N.J.R. 2083(b)		

(TRANSMITTAL 45, dated September 22, 1986)

DEFENSE—TITLE 5A

(TRANSMITTAL 1, dated May 20, 1985)

EDUCATION—TITLE 6

6:8	Thorough and Efficient System of Free Public Schools	18 N.J.R. 1984(a)		
6:11-12.11	Speech-language specialist endorsement	18 N.J.R. 1994(a)		
6:11-12.24	Teacher-coordinator certification in Work Experience Career Exploration Program	18 N.J.R. 1995(a)		
6:21-10	Pupil transportation in small private vehicles	18 N.J.R. 2155(a)		
6:28-3.4, 3.5	Special education	18 N.J.R. 1771(a)		
6:29-4.4	Children with HIV infection and school attendance	18 N.J.R. 1509(a)	R.1986 d.445	18 N.J.R. 2206(a)
6:29-8.1, 8.2	Audiometric screening	18 N.J.R. 1996(a)		
6:29-9	Policies and procedures concerning pupil use of drugs and alcohol	18 N.J.R. 1237(b)	R.1986 d.396	18 N.J.R. 2009(a)
6:46	Area Vocational Technical and Private Schools: waiver of Executive Order No. 66 (1978) sunset provision	18 N.J.R. 1996(b)		
6:46-1	Area vocational technical schools	18 N.J.R. 1511(a)		

(TRANSMITTAL 44, dated September 22, 1986)

ENVIRONMENTAL PROTECTION—TITLE 7

7:1-6	Disposal of solid waste	18 N.J.R. 883(a)		
7:2-11.22	Bear Swamp East natural area: public hearing	18 N.J.R. 532(a)		
7:7-1, 2, 3, 4, 6	Coastal Permit Program	18 N.J.R. 2156(a)		
7:7-2.1	CAFRA facilities	18 N.J.R. 1772(a)	R.1986 d.461	18 N.J.R. 2326(a)
7:7-2.2	Monmouth County wetlands maps	18 N.J.R. 2162(a)		
7:9-4.14	Water quality criteria for Mainstem Delaware River Zones	18 N.J.R. 1435(a)		
7:9-13	Sewer connection bans	18 N.J.R. 2163(a)		
7:11-3	Use of water from Delaware and Raritan Canal and Spruce Run/Round Valley Reservoir Complex	18 N.J.R. 1330(a)		
7:13-7.1	Floodway delineations along East Branch of Stony Brook, South Branch of Rockaway Creek, and Whale Pond Brook	18 N.J.R. 1239(a)		
7:13-7.1	Floodway delineations in Montgomery Township and Rocky Hill	18 N.J.R. 1334(a)	R.1986 d.460	18 N.J.R. 2327(a)
7:13-7.1(d)	Flood hazard delineations for Raritan River and Peters Brook	18 N.J.R. 600(a)		
7:13-7.1(d)	Redelineation of Holland Brook in Somerset County	18 N.J.R. 1866(a)		
7:13-7.1(d)	Redelineation of North Branch Raritan River in Somerset County	18 N.J.R. 1866(b)		
7:13-7.1(e)	Redelineation of Henderson Brook in Passaic River	18 N.J.R. 2169(a)		
7:14A-1, 2, 3, 5, 10, 12	New Jersey Pollutant Discharge Elimination System	18 N.J.R. 2085(a)		
7:14A-1.9, 12	Sewer connection bans	18 N.J.R. 2163(a)		
7:14A-6.16	Disposal of solid waste	18 N.J.R. 883(a)		
7:22-1, 2, 8	Wastewater treatment facilities: State matching grants	18 N.J.R. 1869(a)		
7:22-3	Wastewater Treatment Fund procedures	18 N.J.R. 1875(a)		
7:22-4	Wastewater Treatment Trust procedures	18 N.J.R. 1883(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
7:22-5	Determination of allowable costs: Wastewater Treatment Fund and Trust	18 N.J.R. 1891(a)		
7:22-6	Pinelands Infrastructure Trust Fund procedures	18 N.J.R. 1896(a)		
7:22-7	Determination of allowable costs: Pinelands Higbee Beach Wildlife Management Area	18 N.J.R. 1904(a)		
7:25-2.20		18 N.J.R. 1511(b)	R.1986 d.437	18 N.J.R. 2123(b)
7:25-6	1987-88 Fish Code	18 N.J.R. 1644(a)		
7:25-18A.4	Sale of striped bass	18 N.J.R. 2170(a)		
7:26-1.4, 2, 2A, 2B, 5, 12.11, 12.12	Disposal of solid waste	18 N.J.R. 883(a)		
7:26-1.4, 7.5, 7.7, 8.13	Waste oil	18 N.J.R. 878(a)		
7:26-2.9	Closure and post-closure of sanitary landfills	18 N.J.R. 252(a)		
7:26-2.9	Closure and post-closure of sanitary landfills	18 N.J.R. 924(a)		
7:26-2.9	Closure and post-closure care of sanitary landfills	18 N.J.R. 2170(b)		
7:26-6.5	Interdistrict and intradistrict solid waste flow	18 N.J.R. 1773(a)		
7:26-6.5	Interdistrict and intradistrict solid waste flow	18 N.J.R. 2171(a)		
7:26-8.1, 8.2, 8.19, 9.3, 9.7, 12.2	Hazardous waste management	17 N.J.R. 2941(a)		
7:26-8.1, 8.2, 8.19, 9.3, 9.7, 12.2	Hazardous waste management: extension of comment period	18 N.J.R. 254(a)		
7:26-8.14, 8.15, 8.16	Hazardous waste criteria, identification and listing	18 N.J.R. 1037(a)		
7:26-8.17	Hazardous waste delisting procedure	18 N.J.R. 1335(a)		
7:26-16A.1, 16A.2	Filing of disclosure statements by solid and hazardous waste licensees subject to A-901	18 N.J.R. 2172(a)		
7:26-17	Scales at solid waste facilities	18 N.J.R. 1154(a)		
7:27-16.1, 16.3	Air pollution control: Stage II vapor recovery	18 N.J.R. 1867(a)		
7:28-14	Therapeutic radiation installations	18 N.J.R. 1157(a)		
7:28-42.1	Workplace exposure to radio frequency radiation	18 N.J.R. 1166(a)		
7:50	Pinelands Comprehensive Management Plan	18 N.J.R. 2239(a)		

(TRANSMITTAL 46, dated September 22, 1986)

HEALTH—TITLE 8

8:2-1	Birth certificates	18 N.J.R. 2278(a)		
8:8-1.2, 5.5, 6.2	Screening of human blood	18 N.J.R. 2280(a)		
8:21-2.41	Sale of striped bass	18 N.J.R. 2174(a)		
8:21-5	Foods, drugs, cosmetics, devices: order to remove from sale and recall	18 N.J.R. 1361(b)		
8:21-5	Order to remove from sale and recall of foods, drugs, cosmetics, and devices: extension of proposal comment period	18 N.J.R. 1715(b)		
8:26-3.9, 5.6, 5.7, 5.9, 7.6, App.	Public recreational bathing	18 N.J.R. 2281(a)		
8:31-25.1	Mobile intensive care: administration of medications	18 N.J.R. 602(a)		
8:31-26.3, 26.4	Home health agencies: employee physicals; child abuse and neglect	18 N.J.R. 2283(a)		
8:31-30.1	Health facilities construction: plan review fees	18 N.J.R. 795(a)		
8:31B-2.2, 3.51, 3.57, 3.73, 4.40	Hospital reimbursement: Same Day Surgery services	18 N.J.R. 1908(a)		
8:31B-3.27, 4.42	Hospital reimbursement: capital facilities allowance	18 N.J.R. 1912(a)		
8:31B-3.38, 3.58, App. II, 4.66	Hospital reimbursement: malpractice costs	18 N.J.R. 1911(a)		
8:31B-3.41, 4.15, 4.38, 4.39	Hospital reimbursement: uncompensated care	18 N.J.R. 2283(b)		
8:31B-3.72	Hospital reimbursement: periodic adjustments	18 N.J.R. 1917(a)		
8:31B-3.73, App. IX	Hospital reimbursement: cost/volume methodology	18 N.J.R. 2284(a)		
8:31B-3.76-3.82	Hospital reimbursement: URO performance evaluation; post-billing denial of payments	18 N.J.R. 150(b)		
8:31C-1	Residential alcoholism treatment facilities: cost accounting and rate evaluation	18 N.J.R. 1918(a)		
8:33H-2.1, 3.2, 3.3, 3.5, 3.8, 3.10	Long-Term Care Policy Manual	18 N.J.R. 2095(a)		
8:33I	Megavoltage radiation oncology services	18 N.J.R. 1436(a)	R.1986 d.417	18 N.J.R. 2010(a)
8:41-8	Mobile intensive care: administration of medications	18 N.J.R. 602(a)		
8:42	Licensure of home health agencies	18 N.J.R. 2287(a)		
8:43E-1	Hospital Policy Manual	18 N.J.R. 825(a)		
8:51-1—6	Standards for local boards of health	18 N.J.R. 1690(a)		
8:52	Standards for local boards of health	18 N.J.R. 1690(a)		
8:57-1.14	Reporting of AIDS and AIDS Related Complex	18 N.J.R. 1245(a)	R.1986 d.408	18 N.J.R. 2011(a)
8:60-1.1, 4.2-4.8, 5.2, 5.4-5.7, 6.1, 6.3, 6.11	Asbestos licenses and permits	18 N.J.R. 156(a)		
8:61-1.1	Children and adults with HIV infection and school attendance	18 N.J.R. 1512(a)	R.1986 d.407	18 N.J.R. 2014(a)

(CITE 18 N.J.R. 2402)

NEW JERSEY REGISTER, MONDAY, DECEMBER 1, 1986

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
8:65-10.1, 10.2	Reschedule Dronabinol from Schedule I to II	18 N.J.R. 1774(a)	R.1986 d.457	18 N.J.R. 2327(b)
8:71	Generic drug list additions (see 18 N.J.R. 417(a), 984(b), 1102(b), 1382(a), 1463(a), 1957(b))	17 N.J.R. 2842(a)	R.1986 d.442	18 N.J.R. 2208(a)
8:71	Generic drug list additions: public hearing (see 18 N.J.R. 1381(a), 1463(b), 1957(a))	18 N.J.R. 537(a)	R.1986 d.406	18 N.J.R. 2015(a)
8:71	Generic drug list additions (see 18 N.J.R. 1955(b))	18 N.J.R. 1167(a)	R.1986 d.443	18 N.J.R. 2208(b)
8:71	Generic drug additions	18 N.J.R. 1775(a)		
8:71	Interchangeable drug products	18 N.J.R. 2100(a)		
8:71	Interchangeable drug products	18 N.J.R. 2101(a)		

(TRANSMITTAL 43, dated September 22, 1986)

HIGHER EDUCATION—TITLE 9

9:2-5	Management of computerized information	18 N.J.R. 799(a)		
9:4	Policies and procedures for community colleges	18 N.J.R. 1439(a)	R.1986 d.466	18 N.J.R. 2382(a)
9:7-3.1	Tuition Aid Grant Program: 1986-87 Award Table	18 N.J.R. 1713(a)	R.1986 d.435	18 N.J.R. 2124(a)
9:7-9	Carl D. Perkins Scholarship Program	18 N.J.R. 2174(b)		
9:11-1.2	Student residency	18 N.J.R. 1777(a)		
9:12-1.5, 2.3	Educational Opportunity Fund Program	18 N.J.R. 801(b)		

(TRANSMITTAL 33, dated August 18, 1986)

HUMAN SERVICES—TITLE 10

10:2	County Human Services Advisory Councils	18 N.J.R. 1777(b)		
10:12-3	Referral of handicapped students for adult educational services	18 N.J.R. 1997(a)		
10:36-1	Patient supervision at State psychiatric hospitals: public hearing	18 N.J.R. 20(a)		
10:36-2	Clinical review procedures for special status psychiatric patients	17 N.J.R. 2951(a)	R.1986 d.449	18 N.J.R. 2209(a)
10:51-1, App. B, C	Pharmaceutical services manual	18 N.J.R. 1780(a)		
10:51-1.14, 5.16	Pharmaceutical services: ineligible prescription drugs	17 N.J.R. 2730(a)	Expired	
10:51-2.2, 2.3, 2.6	Pharmaceutical Services Manual: pharmacy claims	18 N.J.R. 1674(a)	R.1986 d.465	18 N.J.R. 2387(a)
10:52-1.5, 1.17	Out-of-state inpatient hospital services	18 N.J.R. 538(a)		
10:61-1.2	Independent laboratory services	18 N.J.R. 540(a)		
10:62-1, 2, 3	Vision Care Manual	18 N.J.R. 1246(a)		
10:63-3.2, 3.4, 3.5, 3.6, 3.8, 3.10-3.15, 3.18, 3.19	Long-term care facilities: CARE Guidelines	18 N.J.R. 257(a)		
10:66-2, 3	Independent clinic services	18 N.J.R. 541(a)		
10:66-3	Independent clinic transportation services: HCPCS codes	18 N.J.R. 1252(a)		
10:68-2	Chiropractor billing procedures	18 N.J.R. 810(a)		
10:81-3.17, 3.18, 5.9, 5.10	PAM: AFDC eligibility, WIN status, LLR reevaluation	18 N.J.R. 1513(a)	R.1986 d.440	18 N.J.R. 2211(a)
10:81-3.18	PAM: exemption from WIN registration	18 N.J.R. 2301(a)		
10:81-3.34	PAM: temporary absence of child from home	18 N.J.R. 1675(a)		
10:81-3.38	PAM: transfer of resources	18 N.J.R. 1168(a)	R.1986 d.397	18 N.J.R. 2015(b)
10:81-7.21—7.29	PAM: funeral and burial payments	18 N.J.R. 1168(b)	R.1986 d.428	18 N.J.R. 2125(a)
10:81-7.29	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:81-11.18	PAM: child support guidelines	18 N.J.R. 2178(a)		
10:82-1.8, 1.9, 2.14, 2.20, 3.1, 3.2, 4.4, 4.6, 4.15, 4.17, 5.3, 5.10	ASH: conformity with Federal regulations	18 N.J.R. 260(a)	R.1986 d.471	18 N.J.R. 2388(a)
10:82-2.3, 2.4, 4.3	ASH: AFDC eligibility requirements	18 N.J.R. 928(a)	R.1986 d.470	18 N.J.R. 2388(b)
10:85-3.2	GAM: exemption from work requirement and unemployability	18 N.J.R. 2183(a)		
10:85-3.3	GAM: Medically Needy eligibility	18 N.J.R. 1781(a)		
10:85-4.8	GAM: funeral and burial payments	18 N.J.R. 1170(a)	R.1986 d.427	18 N.J.R. 2125(a)
10:85-4.9	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:85-8.4	GAM: information concerning PAAD	18 N.J.R. 1343(b)		
10:87-2.21	Mandatory verification: correction			18 N.J.R. 2391(b)
10:87-5.4, 5.5, 12.3, 12.4, 12.7	Food Stamp Program: maximum income limits	18 N.J.R. 1490(a)	R.1986 d.395	18 N.J.R. 2015(c)
10:87-12.1, 12.2	Food Stamp Program: income deductions and maximum coupon allotments	Emergency	R.1986 d.436	18 N.J.R. 2137(a)
10:89-2.2, 2.3, 3.4	Home Energy Assistance	18 N.J.R. 1676(a)	R.1986 d.450	18 N.J.R. 2328(a)
10:94-4.2, 4.3	Medicaid eligibility and nonliquid resources	18 N.J.R. 542(a)		
10:100-3.6, 3.7	Special Payments Handbook: funeral and burial payments	18 N.J.R. 1171(a)	R.1986 d.426	18 N.J.R. 2125(a)
10:100-3.10	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:121-2	Adoption subsidy	18 N.J.R. 24(a)		
10:121A-2.2	Certification period for adoption agencies	18 N.J.R. 1923(a)		
10:132	Youth and Family Services: court actions and proceedings	18 N.J.R. 1924(a)		

(TRANSMITTAL 44, dated September 22, 1986)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
CORRECTIONS—TITLE 10A				
10A:3	Security and control	18 N.J.R. 1057(b)	R.1986 d.410	18 N.J.R. 2016(a)
10A:4-4.1	Inmate prohibited acts: correction to Administrative Code	_____	_____	18 N.J.R. 2138(d)
10A:5	Close custody units	18 N.J.R. 1067(a)	R.1986 d.409	18 N.J.R. 2027
10A:5-5.2	Involuntary placement to Protective Custody: correction to adopted rule	_____	_____	18 N.J.R. 2218(a)
10A:9	Classification of inmates	18 N.J.R. 1649(a)		
10A:16	Medical and health services	18 N.J.R. 1662(a)		
10A:17-9	Referral of handicapped children for adult educational services	18 N.J.R. 2102(a)		
10A:31-3.12, 3.15	Medical screening of new inmates in county facilities: public hearing	17 N.J.R. 2955(b)		

(TRANSMITTAL 13, dated August 18, 1986)

INSURANCE—TITLE 11				
11:1-16	Filing of rate decreases	18 N.J.R. 1998(a)		
11:1-20, 22	Cancellation and nonrenewal of commercial policies	18 N.J.R. 2301(b)		
11:1-24	Credit cards and payment of insurance premiums	18 N.J.R. 1999(a)		
11:2-19.2	Continuing education	18 N.J.R. 44(a)		
11:2-20	License renewal: continuing education requirement	17 N.J.R. 2962(a)		
11:3-8	Nonrenewal of automobile policies	18 N.J.R. 1079(a)	R.1986 d.418	18 N.J.R. 2039(a)
11:3-16	Pre-proposal: Private passenger automobile rate filings	18 N.J.R. 1083(a)		
11:3-17	Rating organizations: private passenger automobile filings	18 N.J.R. 1171(b)	R.1986 d.419	18 N.J.R. 2045(a)
11:3-22	Automobile coverage option survey	18 N.J.R. 1344(b)	R.1986 d.463	18 N.J.R. 2329(a)
11:4-16.6	Daily hospital room and board coverage	18 N.J.R. 608(a)		
11:4-16.8	Medicare information brochure	18 N.J.R. 2103(a)		
11:4-20	Coverage of the handicapped	18 N.J.R. 44(b)		
11:4-21	Limited death benefit policies	18 N.J.R. 1085(a)		
11:4-23.8	Medicare information brochure	18 N.J.R. 2107(a)		
11:5-1.3	Real estate licensing qualifications	18 N.J.R. 1782(a)		
11:5-1.15	Advertising by real estate licensees	18 N.J.R. 1679(a)		
11:5-1.16	Obligations of real estate licensees	18 N.J.R. 1677(a)		
11:5-1.16, 1.23	Public hearing: Obligations of real estate licensees	18 N.J.R. 2113(a)		
11:5-1.23	Obligations of real estate licensees	18 N.J.R. 1680(a)		
11:5-1.23	Obligations of real estate licensees	18 N.J.R. 2112(a)		
11:5-1.25	Sales of interstate properties	18 N.J.R. 1678(a)		
11:5-1.28	Certification as approved real estate education instructor	18 N.J.R. 1681(a)		
11:5-1.30	Sponsoring of real estate license applications	18 N.J.R. 2000(a)		
11:12	Legal services insurance	18 N.J.R. 1782(b)	R.1986 d.462	18 N.J.R. 2330(a)
11:12	Pre-proposal: Legal services insurance	18 N.J.R. 1783(a)		
11:17-1	Surplus lines insurance guaranty fund surcharge	18 N.J.R. 1173(a)		

(TRANSMITTAL 40, dated July 21, 1986)

LABOR—TITLE 12				
12:15-1.3	Unemployment compensation and temporary disability: 1987 maximum weekly benefits	18 N.J.R. 1787(a)	R.1986 d.451	18 N.J.R. 2330(b)
12:15-1.4	Unemployment compensation: 1987 taxable wage base	18 N.J.R. 1787(b)	R.1986 d.452	18 N.J.R. 2330(c)
12:15-1.5	Unemployment compensation: 1987 contribution rate for governmental entities	18 N.J.R. 1788(c)	R.1986 d.456	18 N.J.R. 2331(a)
12:15-1.6	Base week earnings for claim eligibility	18 N.J.R. 1787(c)	R.1986 d.453	18 N.J.R. 2331(b)
12:15-1.7	Alternate earnings test	18 N.J.R. 1788(a)	R.1986 d.454	18 N.J.R. 2331(c)
12:16-19.1	Charging of unemployment benefits to employer's account	18 N.J.R. 1682(a)		
12:16-20.1	Work relief and work training programs: exempt employment	18 N.J.R. 1683(a)		
12:17-2.2, 2.4	Unemployment compensation claims and verification of Social Security numbers	18 N.J.R. 1683(b)		
12:17-3.1, 4.1, 4.2	"Week of partial unemployment" defined	18 N.J.R. 1684(a)		
12:17-7.1, 7.2	Unemployment compensation and temporary disability: disclosure of information	18 N.J.R. 1447(a)	R.1986 d.420	18 N.J.R. 2127(a)
12:235-1.6	Workers' compensation: 1987 maximum weekly benefit	18 N.J.R. 1788(b)	R.1986 d.455	18 N.J.R. 2331(d)

(TRANSMITTAL 32, dated August 18, 1986)

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A				
12A:10-1	Award of contracts to small, female-owned and minority businesses	18 N.J.R. 2306(a)		

(TRANSMITTAL 1, dated September 22, 1986)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
LAW AND PUBLIC SAFETY—TITLE 13				
13:27	Rules of Board of Architects	17 N.J.R. 2851(b)		
13:30-2.16	Continuing education in dental hygiene and dental assisting	18 N.J.R. 2113(b)		
13:30-8.6, 8.15	Practice of dentistry and referral fees	18 N.J.R. 1515(a)		
13:30-8.16	Dental X-rays and use of lead shield	18 N.J.R. 2113(c)		
13:31-1	Board of Examiners of Electrical Contractors	18 N.J.R. 2113(d)		
13:35-1.5	Practice by medical school graduates in hospital residency programs	18 N.J.R. 2184(a)		
13:35-6.10	Ambulatory care facilities: advertising and solicitation practices	18 N.J.R. 1788(d)	R.1986 d.467	18 N.J.R. 2390(a)
13:36-1.9	Itemization of funeral expenses	18 N.J.R. 2186(a)		
13:37-6.2	Delegation of selected nursing tasks	18 N.J.R. 1448(a)	R.1986 d.431	18 N.J.R. 2128(a)
13:37-6.3	Nursing procedures: administration of renal dialysis treatment	18 N.J.R. 398(b)		
13:39A-1.4	Licensure of physical therapists: fees and charges	18 N.J.R. 1177(a)		
13:39A-2.2	Authorized practice by physical therapist	18 N.J.R. 1177(b)		
13:39A-2.2, 3.3	Electromyographic testing by licensed physical therapist: public hearing	18 N.J.R. 1684(b)		
13:39A-3.3	Physical therapy: unlawful practices	18 N.J.R. 1178(a)		
13:39A-5.2—5.4, 5.6—5.9	Physical therapy educational credentials and examination standards	18 N.J.R. 1179(a)		
13:39A-6	Temporary licensure of physical therapists	18 N.J.R. 1179(b)		
13:42-6	Reimbursement for psychological services: disclosure of patient information	18 N.J.R. 817(a)	R.1986 d.438	18 N.J.R. 2129(a)
13:44-2.5	Veterinary practice and referral fees	18 N.J.R. 1515(b)	R.1986 d.414	18 N.J.R. 2048(a)
13:45A-2	Motor vehicle advertising practices	17 N.J.R. 2861(a)		
13:45A-6.2	Unlawful automobile sales practices	18 N.J.R. 2115(a)		
13:45A-24	Sale of grey market merchandise	17 N.J.R. 2866(a)		
13:46-1A.1, 1A.2, 5.19, 12.4	Boxing: weight classes, age limitations, health safeguards	18 N.J.R. 1789(a)		
13:46-3.1	Bandage specifications for boxer's hands	18 N.J.R. 1924(b)		
13:46-4.7, 4.25	Licensure of boxers	18 N.J.R. 1924(c)		
13:46-8.19	Point system scoring in boxing contests	18 N.J.R. 1515(c)	R.1986 d.444	18 N.J.R. 2211(b)
13:46-8.25, 11.10	Compensation for boxing referees, judges and timekeepers	18 N.J.R. 1925(a)		
13:46-21.2	Compensation of wrestling referees	18 N.J.R. 1790(a)		
13:47-6.19	Prohibited prizes in games of chance	18 N.J.R. 1180(a)		
13:47-14.3	Rental of premises for bingo	18 N.J.R. 1180(b)		
13:47B-1.22	Approaches for vehicle scales	18 N.J.R. 2116(a)		
13:54	Regulation of firearms businesses	18 N.J.R. 51(a)	R.1986 d.413	18 N.J.R. 2048(b)
13:60	Motor carrier safety	18 N.J.R. 2311(a)		
13:70-3.42	Thoroughbred racing: workmen's compensation insurance	18 N.J.R. 2116(b)		
13:70-3.47	Thoroughbred racing: Coggins test	18 N.J.R. 401(a)		
13:70-3.47	Thoroughbred racing: Coggins test for track entrance	18 N.J.R. 1448(b)	R.1986 d.416	18 N.J.R. 2054(a)
13:70-29.56	Thoroughbred racing: Super Six	18 N.J.R. 1619(a)	R.1986 d.411	18 N.J.R. 2054(b)
13:71-6.1	Harness racing: workmen's compensation insurance	18 N.J.R. 2117(a)		
13:71-6.24	Harness racing: Coggins test	18 N.J.R. 402(b)		
13:71-6.24	Harness racing: Coggins test for track entrance	18 N.J.R. 1448(c)	R.1986 d.415	18 N.J.R. 2055(a)
13:71-21.8	Harness racing: purse deductions	18 N.J.R. 1516(a)		
13:71-27.53	Harness racing: Super Six	18 N.J.R. 1619(a)	R.1986 d.412	18 N.J.R. 2055(b)

(TRANSMITTAL 46, dated September 22, 1986)

PUBLIC UTILITIES—TITLE 14

14:3-7.12A	Residential electric and gas service during heating season	18 N.J.R. 2315(a)		
14:18-1.2, 11.21, 3	CATV: franchise renewals	18 N.J.R. 1181(a)		

(TRANSMITTAL 29, dated September 22, 1986)

ENERGY—TITLE 14A

14A:3-4.4	Energy Subcode: thermal efficiency standards	18 N.J.R. 1926(a)	Withdrawn	
14A:3-4.4	Thermal efficiency standards: operative date			18 N.J.R. 2391(a)
14A:13	Energy conservation in State buildings	18 N.J.R. 2187(a)		
14A:21-1.2, 2.2, 2.3, 3.4—3.7, 5.2, 6.1, 6.2, 7.1, 7.2, 7.5—7.7, 8.1—8.3, 9.4, 10.1, 11.2, 11.3	Home Energy Savings Program	18 N.J.R. 2001(a)		

(TRANSMITTAL 21, dated September 22, 1986)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
STATE—TITLE 15 15:3-2.15	Microfilm standards: correction to Administrative Code	_____	_____	18 N.J.R. 1623(b)

(TRANSMITTAL 17, dated July 21, 1986)

PUBLIC ADVOCATE—TITLE 15A

(TRANSMITTAL 1, dated March 20, 1978)

TRANSPORTATION—TITLE 16

16:28-1.10	Speed limits on U.S. 46 in Morris County	18 N.J.R. 2117(b)		
16:28-1.24	Speed rates on Frontage Roads 1 and 2 in Paterson	18 N.J.R. 2190(a)		
16:28-1.44	Speed limits on Route 27 in Middlesex County	18 N.J.R. 2117(c)		
16:28-1.92	Speed limits on Route 169	18 N.J.R. 1790(b)	R.1986 d.446	18 N.J.R. 2212(a)
16:28-1.98	Speed limits on Route 52 in Cape May and Atlantic Counties	18 N.J.R. 2118(a)		
16:28A-1.7, 1.25, 1.47, 1.71, 1.97	No parking zones along U.S. 9, Routes 35, 147, 67, and U.S. 1 Alternate	18 N.J.R. 2316(a)		
16:28A-1.7, 1.36	No parking zones along U.S. 9 in Little Egg Harbor and Route 57 in Mansfield	18 N.J.R. 1517(a)	R.1986 d.400	18 N.J.R. 2056(a)
16:28A-1.22, 1.104	No parking zones along Route 31 and U.S. 40-322	18 N.J.R. 2318(a)		
16:28A-1.32, 1.107	Bus stops along U.S. 46 in Mountain Lakes and Route 175 in Ewing Township	18 N.J.R. 2190(b)		
16:28A-1.33	Parking along Route 47 in Cape May County	18 N.J.R. 1491(a)	R.1986 d.391	18 N.J.R. 2056(b)
16:28A-1.45, 1.57, 1.58	No parking zones along Route 94, U.S. 206 and U.S. 206-94 in Newton	18 N.J.R. 2319(a)		
16:28A-1.47	Parking on Route 147 in Cape May County	18 N.J.R. 2118(b)		
16:29-1.26, 1.63	No passing zones on Route 72, Ocean County, and Route 45, Gloucester County	18 N.J.R. 2119(a)		
16:29-1.36	No passing zones on Route 147 in Cape May County	18 N.J.R. 2119(b)		
16:29-1.56, 1.58, 1.59	No passing zones along U.S. 9W, U.S. 202, and Route 77	18 N.J.R. 1449(a)	R.1986 d.394	18 N.J.R. 2056(c)
16:29-1.60	No passing zones along Route 54 in Atlantic County	18 N.J.R. 1449(b)	R.1986 d.392	18 N.J.R. 2057(a)
16:29-1.61-1.64	No passing zones along Routes 17, 24, 45 and 48	18 N.J.R. 1450(a)	R.1986 d.393	18 N.J.R. 2057(b)
16:29-1.65	No passing zones on Route 166 in Ocean County	18 N.J.R. 2119(c)		
16:30-1.8	One-way on Route 57 ramp in Warren County	18 N.J.R. 1517(b)	R.1986 d.402	18 N.J.R. 2057(c)
16:30-1.9	One-way traffic on U.S. 206-94 in Newton	18 N.J.R. 2319(b)		
16:30-2.11	Stop-intersections along Route 57, Warren County	18 N.J.R. 1517(c)	R.1986 d.401	18 N.J.R. 2057(d)
16:30-3.4	Bus and HOV lane on U.S. 9 in Middlesex County	18 N.J.R. 1518(a)	R.1986 d.403	18 N.J.R. 2058(a)
16:30-5.3	DOT parking along Route 52 in Ocean City	18 N.J.R. 2191(a)		
16:31-1.14, 1.21	No left turns along Route 15 in Morris County and Route 57 in Warren County	18 N.J.R. 1518(b)	R.1986 d.404	18 N.J.R. 2058(b)
16:31-1.23	No left turn on Route 38 in Mount Laurel	18 N.J.R. 2319(c)		
16:32-1.2, 1.3, 3	Designated routes for double trailers and wide trucks	18 N.J.R. 1184(b)		
16:49-1.3	Transportation of hazardous materials	18 N.J.R. 933(a)		
16:49-1.3, 1.4, 1.5, 1.6, 2.1	Transportation of hazardous materials	18 N.J.R. 1791(a)	R.1986 d.447	18 N.J.R. 2212(b)
16:51	Pre-proposal: Practice before Office of Regulatory Affairs	17 N.J.R. 2867(a)		
16:53-3.5, 3.19, 6.28, 6.29	Autobus specifications	18 N.J.R. 1519(a)	R.1986 d.399	18 N.J.R. 2058(c)
16:74	NJ TRANSIT: claims of destructive competition	18 N.J.R. 1255(a)	R.1986 d.434	18 N.J.R. 2133(a)
16:79	NJ TRANSIT: background checks on prospective employees	18 N.J.R. 1685(a)	R.1986 d.433	18 N.J.R. 2134(a)

(TRANSMITTAL 44, dated September 22, 1986)

TREASURY-GENERAL—TITLE 17

17:1-1.17	Administrative expenses proration among retirement systems	18 N.J.R. 1686(a)	R.1986 d.425	18 N.J.R. 2135(a)
17:1-2.37	Alternate Benefit Program: transmittal of employee contributions	18 N.J.R. 1256(a)		
17:1-4.4	Enrollment schedule for State-administered retirement systems	18 N.J.R. 2320(a)		
17:1-4.35	PERS: purchase of temporary service credit	18 N.J.R. 1450(b)	R.1986 d.390	18 N.J.R. 2059(a)
17:2-2.4, 3.1, 5.2	Enrollment in PERS	18 N.J.R. 2320(b)		
17:2-3.7	PERS contributory coverage termination: correction	_____	_____	18 N.J.R. 2391(c)
17:2-6.1	PERS: application for retirement	18 N.J.R. 1451(a)	R.1986 d.432	18 N.J.R. 2135(b)
17:3-5.5	Teachers' Pension and Annuity Fund: optional purchases of eligible service	18 N.J.R. 2120(a)		
17:3-6.1	Teachers' Pension and Annuity Fund: filing of retirement application	18 N.J.R. 1517(b)		
17:4-2.6, 5.1, 5.2	Enrollment in Police and Firemen's Retirement System	18 N.J.R. 2321(a)		
17:4-6.1	Police and Firemen's Retirement System: retirement applications	18 N.J.R. 1795(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
17:5-5.1	State Police Retirement System: filing of retirement application	18 N.J.R. 1520(a)	R.1986 d.439	18 N.J.R. 2216(a)
17:5-5.12	State Police disability retirant rule	17 N.J.R. 2746(b)	Expired	
17:7-1.4	Prison Officers' Pension Fund: election of commission members	18 N.J.R. 1352(b)		
17:7-3.1	Prison Officers' Pension Fund: retirement applications	18 N.J.R. 1796(a)		
17:9-6.1	State Health Benefits Program: "retired employee" status	18 N.J.R. 1451(b)	R.1986 d.423	18 N.J.R. 2135(c)
17:9-6.6	State Health Benefits Program: coverage for surviving dependent	18 N.J.R. 1452(a)	R.1986 d.424	18 N.J.R. 2135(d)
17:12-6	Award of contracts to small, female-owned and minority businesses	18 N.J.R. 2306(a)		
17:20-4.4, 5.1, 6.2, 6.4	Lottery Commission rules	18 N.J.R. 1927(a)		
17:30	Urban Enterprize Zone Authority	18 N.J.R. 2191(b)		

(TRANSMITTAL 41, dated September 22, 1986)

TREASURY-TAXATION—TITLE 18

18:7-4.5, 4.6, 5.5	Corporation business tax: indebtedness, interest, and offsets	18 N.J.R. 2004(b)		
18:7-11.16	Corporation business tax: returns filed by S corporations	18 N.J.R. 1686(b)	R.1986 d.464	18 N.J.R. 2332(a)
18:24-1.1	Sales and use tax forms	18 N.J.R. 2192(a)		
18:24-1.2	Sales and Use Tax: "periodicals"	18 N.J.R. 1928(a)		
18:26-8.7	Transfer inheritance tax waiver	18 N.J.R. 1520(b)	R.1986 d.441	18 N.J.R. 2216(b)
18:26-12.2	Representation of estates	18 N.J.R. 2321(b)		

(TRANSMITTAL 37, dated July 21, 1986)

TITLE 19—OTHER AGENCIES

19:8-1.8	Bus use of Parkway service areas	18 N.J.R. 2120(b)		
19:8-2.12	Emergency service rates on Parkway	18 N.J.R. 2120(c)		
19:17-2.1, 3.1-4.5	PERC: Appeal Board procedure	18 N.J.R. 1521(a)		
19:25-1.7, 7.2, 7.3, 7.4	Surplus campaign funds	18 N.J.R. 1359(a)		
19:75-1.1, 2.1, 2.2, 2.3, 3.1, 5.4, 6.1, 6.2, 7.1, 7.2, 7.4, 9.2, 9.4	Atlantic County Transportation Authority: bus management program	18 N.J.R. 1688(a)		

(TRANSMITTAL 34, dated September 22, 1986)

TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY

19:40-1.2	Slot machine jackpot payouts	18 N.J.R. 2005(a)		
19:41-9.7	Fee for casino hotel alcoholic beverage license	18 N.J.R. 1687(a)		
19:44-8.3	Minibaccarat training	18 N.J.R. 2322(a)		
19:45-1.1, 1.37, 1.40, 1.40A	Slot machine jackpot payouts	18 N.J.R. 2005(a)		
19:45-1.32, 1.43	Hard count room procedures	18 N.J.R. 1929(a)		
19:45-1.40	Manually-paid slot machine jackpots	18 N.J.R. 1360(a)	R.1986 d.398	18 N.J.R. 2059(b)
19:46-1.16, 1.18, 1.20	Gaming equipment and evidence of cheating or tampering	18 N.J.R. 2121(a)		
19:46-1.26	Slot machine jackpot payouts	18 N.J.R. 2005(a)		
19:47-2.9	Blackjack: insurance wagers	18 N.J.R. 1361(a)	R.1986 d.422	18 N.J.R. 2136(a)
19:50-1.6	Security of alcoholic beverages	18 N.J.R. 2323(a)		
19:52	Casino entertainment	18 N.J.R. 1687(b)	R.1986 d.429	18 N.J.R. 2136(b)

(TRANSMITTAL 26, dated September 22, 1986)

NOTES



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