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NEW JERSEY REGISTER

THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

G. Duncan Fletcher, Director of Administrative Procedure
Norman Olsson, Editor
Richard Dana Krebs, Rules Analyst

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(a)

OFFICE OF ADMINISTRATIVE LAW

Notice of Correction

Take notice that errors appeared in the Notice of Adoption of rules concerning administrative hearings that appeared in the July 10, 1980 issue of the New Jersey Register at 12 N.J.R. 362(a).

Full text of the corrected portions as they should have appeared follows.

1:1-9.1(d) Motions filed in advance of a scheduled hearing date shall be scheduled for decision before that hearing date unless otherwise directed by the judge.

1:1-9.7(a) On any substantive issue decided by motion, an [interim or emergency] order that changes the status quo at the time of hearing before the Office of Administrative Law shall by its terms, not be effective for ten days from the entry of the order. On the day such an order is entered, the [clerk] judge shall forward a copy to the agency head who shall indicate in writing to the clerk, judge and all parties within the specified ten day period whether the order will be reviewed. If the order will be reviewed by the agency head, its effective date shall be stayed pending such review subject to the provisions of subsections (c) and (d) of this section. If the agency head elects not to review the order it shall be effective on the eleventh day after its entry.

1:1-13.4 Opposing affidavits

(a) When a motion for summary decision is made and supported as provided by N.J.A.C. 1:1-13.2, an adverse party in order to prevail must set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding. If the adverse party does not so respond, a summary decision, if appropriate, shall be entered. If it appears from the affidavits that a party is then unable to establish the existence of a genuine issue of material fact, the judge may deny the motion, may order a continuance to permit additional affidavits or discovery to be obtained, or may enter such other order as may be appropriate.

(b) If the judge is satisfied, at any time, that any party submitting an affidavit pursuant to this rule is proceeding in bad faith or solely for the purpose of delay, the judge shall consider sanctions as permitted in N.J.A.C. 1:1-3.5.

1:1-14.4(a)4. Whether the common issue is clearly severable from the balance of the controversy and thus will permit nonduplicative factual and legal determinations by each agency.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Repeal Minimum Prices on Fluid Whole Milk and Amend Sales Below Cost

Woodson W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., proposes to repeal N.J.A.C. 2:53-1 concerning minimum prices on fluid whole milk and to amend N.J.A.C. 2:53-3.1 concerning sale of milk or milk products below cost.

The Department notes that this repeal will be reviewed periodically to determine if the action has been detrimental to the best interest of the dairy industry and consumers of the State, and if so determined it shall be terminated.

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

[SUBCHAPTER 1. MINIMUM PRICES ON FLUID WHOLE MILK]

(Repeal text of subchapter.)

2:53-3.1 Sales below cost prohibited

It shall be unlawful and a violation of these regulations for any licensed store to offer for sale or sell milk or milk products[, not covered by N.J.A.C. 2:53-1.1 through

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

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1.4,] at less than the cost thereof as hereinafter defined; but nothing in this regulation shall prevent a store from meeting the price or offer of a competitor for a product or products of like quality sold in similar quantities; provided, however, that the burden of proving and properly documenting the meeting of a competitive price shall rest with the licensee asserting the claim; and provided further that nothing in this subsection shall prohibit bulk, distress or business closing sales if prior notice of such sale has been filed with and approved in writing by the Director, Division of Dairy Industry.

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the above proposal on or before October 29, 1980 to:

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
N.J. Department of Agriculture
P.O. Box 1999
Trenton, N.J. 08625
(Telephone: (609) 292-5646)

The Department of Agriculture may thereafter adopt this proposal substantially as proposed without further notice.

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
Department of Agriculture

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Amend Notice of Intent To change Source of Supply

Woodson W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., proposes to amend N.J.A.C. 2:53-4.1(a) concerning notice of intent by stores to change sources of milk and milk products supply.

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

2:53-4.1(a)4. **Without notice, if such change is mutually agreeable to all parties, provided that the new supplier shall notify the director of the change within five days thereafter.**

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the above proposal on or before October 29, 1980 to:

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
N.J. Department of Agriculture
P.O. Box 1999
Trenton, N.J. 08625
(Telephone: (609) 292-5646)

The Department of Agriculture may thereafter adopt this proposal substantially as proposed without further notice.

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
Department of Agriculture

(b)

BANKING

DIVISION OF BANKING

Proposed Sale of Unsecured Days Funds by Savings Banks

Angelo R. Bianchi, Commissioner of the New Jersey Department of Banking, pursuant to the authority of N.J.S.A. 17:9A-182.1 and 182.2 proposes to adopt new rules to be cited as N.J.A.C. 3:6-10.1 and 10.2 concerning the proposed sale of unsecured days funds by savings banks.

Full text of the proposed new rules follows.

SUBCHAPTER 10. SAVINGS BANKS: UNSECURED DAYS FUNDS TRANSACTIONS

3:6-10.1 Description; unsecured days funds

Unsecured days funds transactions represents the sale of excess funds, usually on an unsecured basis, for a period longer than overnight or a weekend. Such transactions are commonly referred to as "term federal funds." Sales are restricted to an insured bank which is defined as being a commercial bank whose deposits are insured by the Federal Deposit Insurance Corporation.

3:6-10.2 Limitation on such investments

A savings bank may sell unsecured days funds (term federal funds) in an amount not to exceed 10 per cent of the surplus of the savings bank as reported in the latest consolidated report of condition on file with the Department of Banking.

Interested persons may present relevant written comments, statements, or arguments on or before October 29, 1980 to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
P.O. Box CN040
Trenton, N.J. 08625

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

Angelo R. Bianchi
Commissioner
Department of Banking

(c)

BANKING

DIVISION OF BANKING

Proposed Asset Valuation Of the Common Trust Fund

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-43 proposes to adopt new rules to be cited as N.J.A.C. 3:6-11 concerning asset valuation of the common trust fund.

Full text of the proposed new rules follows.

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SUBCHAPTER 11. SHORT TERM INVESTMENTS FOR TRUST CASH

3:6-11.1 Type of investment

Cash held for various fiduciary accounts may be invested on a short term basis utilizing the cost method in determining the value of property and investments of the common trust fund.

3:6-11.2 Provisions for cost valuation

(a) Investments must be limited largely to bonds, notes or other evidences of indebtedness which are payable on demand (including variable amount notes) or which have a maturity date not exceeding 91 days from the date of purchases. However, 20 per cent of the value of the fund may be invested in longer term obligations.

(b) Principal is to be valued at cost. The difference between cost and anticipated receipt on maturity is accrued on a straight-line basis.

(c) Assets of the fund must be held to maturity under usual circumstances.

(d) After effecting the entries and withdrawals not less than 40 per cent of the value of the remaining assets of the fund must be composed of cash, demand obligations and assets that mature on the fund's next business day.

Interested persons may present relevant written comments, statements or arguments on or before October 29, 1980 to:

Roger F. Wagner, Deputy Commissioner
Division of Banking
CN 040
Trenton, New Jersey 08625

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

Angelo R. Bianchi
Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

Proposed Amend Required Reserve

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48 proposes to amend N.J.A.C. 3:8-3.1 concerning required reserves to be maintained by banks not members of the Federal Reserve System. This proposal is being made in order to update reserves to be maintained by state chartered non-member banks in view of the changes in the Federal Reserve Regulation D.

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

3:8-3.1 Required reserve

[(a)] Each bank of this State, not a member of the Federal Reserve System, shall maintain as its required reserve **such reserves as are prescribed by the Federal Reserve Bank for member banks. Notwithstanding this requirement, no bank of this State, which is not a member of the Federal Reserve System, shall be required to maintain reserves in amounts in excess of the reserves required for member banks.** [for time deposits:

1. Three percent of (A) its savings deposits and (B) its time deposits, open accounts, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months; plus

2. Three percent of the first $5,000,000.00 of all other time deposits with an initial maturity of less than 180 days and six percent on all such accounts in excess of $5,000,000.00; plus

3. Two and one-half percent of all other time deposits with an initial maturity of 180 days or more, but less than four years; plus

4. One percent of all other time deposits with an initial maturity of four years or more;

(b) Provided that no non-member bank shall maintain as its required reserve less than three percent of its total time and savings deposits.

(c) The bank shall maintain an additional reserve balance of two percent of all time deposits of $100,000.00 or more.

(d) Each bank of this State not a member of the Federal Reserve System shall maintain as its required reserve for immediate liabilities:

1. Seven percent of its immediate liabilities if its aggregate immediate liabilities are $2 million or less; $140,000.00 plus 9½ percent of its immediate liabilities in excess of $2 million if its aggregate immediate liabilities are in excess of $2 million but less than $10 million; $900,000.00 plus 11¾ percent of its immediate liabilities in excess of $10 million if its aggregate immediate liabilities are in excess of $10 million but less than $100 million; $11,475,000.00 plus 12¾ percent of its immediate liabilities in excess of $100 million if its aggregate immediate liabilities are in excess of $100 million but less than $400 million; or $49,725,000.00 plus 16¼ percent of its immediate liabilities in excess of $400 million.]

Interested persons may present relevant written comments, statements, or arguments on or before October 29, 1980 to:

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

The Department of Banking may thereafter adopt this proposal without further notice.

Angelo R. Bianchi
Commissioner
Department of Banking

(b)

BANKING

DIVISION OF BANKING

Proposed Repeal Savings Bank Reserves

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311 proposes to repeal N.J.A.C. 3:8-5 concerning reserves to be maintained by savings banks against demand deposits. This proposal is being made in view of the recent changes in reserve requirements as prescribed by the Federal Reserve System in Regulation D.

Full text of the subchapter proposed for repeal can be found in the New Jersey Administrative Code.

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Interested persons may present relevant written comments, statements or arguments on or before October 29, 1980 to:

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

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

Angelo R. Bianchi
Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

Proposed Renegotiable Rate Mortgages by Savings Banks

Angelo R. Bianchi, Commissioner of the New Jersey Department of Banking, pursuant to the authority of N.J.S.A. 17:9A-182.1 and 182.2 proposes to adopt new rules to be cited as N.J.A.C. 3:10-8 which would allow savings banks to offer renegotiable rate mortgages.

Full text of the proposed new rules follows.

SUBCHAPTER 8. SAVINGS BANKS: RENEGOTIABLE RATE MORTGAGES

3:10-8.1 Description

For purposes of this section, a renegotiable rate mortgage loan is a loan issued for a term of three, four or five years, secured by a long-term mortgage of up to 30 years, and automatically renewable at equal intervals except as provided in section 2 of this subchapter. The loan must be repayable in equal monthly installments of principal and interest during the loan term, in an amount at least sufficient to amortize a loan with the same principal and at the same interest rate over the remaining term of the mortgage. At renewal, no change other than in the interest rate may be made in the terms or conditions of the initial loan. Prepayment in full or in part of the loan balance secured by the mortgage may be made without penalty at any time.

3:10-8.2 Interest rate charges at renewal

(a) The interest rate offered at renewal shall reflect the movement, in reference to the date of the original loan, of the contract interest rate on the purchase of previously-occupied homes in the Federal Home Loan Bank Board's most recent monthly national average mortgage rate index for all major lenders: provided, that a savings bank may alter the initial terms of loans originated within a six-month period so that they mature on the same date three, four or five years after the end of that period, in which case the interest rate offered at renewal shall reflect the movement of the index from the end of that period (that is, as though all loans in the group had originated at the end of the period).

(b) The maximum rate increase or decrease shall be one-half of one percentage point per year multiplied by the number of years in the loan term, with a maximum increase or decrease of five percentage points over the life of the mortgage. A savings bank may offer a borrower a renegotiable rate mortgage loan with maximum annual and total interest rate decreases smaller than the maximum set out in this subparagraph, except that in such a case the maximum annual and total interest rate increases offered shall not exceed the maximum annual and total decreases set out in the loan contract.

(c) Interest rate decreases from the previous loan term are mandatory. Interest rate increases are optional with the savings bank, but the savings bank may obligate itself to a third party to take the maximum increase permitted by this paragraph.

3:10-8.3 Cost of renewal

The borrower may not be charged any costs or fees in connection with the renewal of such loan.

3:10-8.4 Renewal notice

At least 90 days before the due date of the loan, the savings bank shall send written notification in the following form to the borrower:

NOTICE

Your loan with (Name of savings bank), secured by a (mortgage/deed of trust) on property located at (..... address .....), is due and payable on (90 days from date of notice).

If you do not pay by that date, your loan will be renewed automatically for ..... years, upon the same terms and conditions as the current loan, except that the interest rate will be .....%. (See accompanying Truth-in-Lending statement for further credit information.)

Your monthly payment, based on that rate, will be $....., beginning with the payment due on....., 19.....

You may pay off the entire loan or a part of it without penalty at any time. If you have any questions about this notice, please contact (title and telephone number of savings bank employee).

3:10-8.5 Application disclosure

An applicant for a renegotiable rate mortgage loan must be given, at the time he/she requests an application, a disclosure notice in the following form:

INFORMATION ABOUT THE RENEGOTIABLE-RATE MORTGAGE

You have received an application form for a renegotiable-rate mortgage ("RRM"). The RRM differs from the fixed-rate mortgage with which you may be familiar. In the fixed-rate mortgage the length of the loan and the length of the underlying mortgage are the same, but in the RRM the loan is short-term (3-5 years) and is automatically renewable for a period equal to the mortgage (up to 30 years). Therefore, instead of having an interest rate that is set at the beginning of the mortgage and remains the same, the RRM has an interest rate that may increase or decrease at each renewal of the short-term loan. This means that the amount of your monthly payment may also increase or decrease.

The term of the RRM loan is ..... years, and the length of the underlying mortgage is ..... years. The initial loan term may be up to six months longer than later terms.

The lender must offer to renew the loan, and the only loan provision that may be changed at renewal is the interest rate. The interest rate offered at renewal is based on changes in an index rate. The index used is computed monthly by the Federal Home Loan Bank Board, an agency of the Federal government. The index is based on the national average contract rate for all major lenders for the purchase of previously-occupied, single-family homes.

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At renewal, if the index has moved higher than it was at the beginning of the mortgage, the lender has the right to offer a renewal of the loan at an interest rate equaling the original interest rate plus the increase in the index rate. This is the maximum increase permitted to the lender. Although taking such an increase is optional with the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

If the index has moved down, the lender must at renewal reduce the original interest rate by the decrease in the index rate. No matter how much the index rate increases or decreases, THE LENDER, AT RENEWAL, MAY NOT INCREASE OR DECREASE THE INTEREST RATE ON YOUR RRM LOAN BY AN AMOUNT GREATER THAN .... OF ONE PERCENTAGE POINT PER YEAR OF THE LOAN, AND THE TOTAL INCREASE OR DECREASE OVER THE LIFE OF THE MORTGAGE MAY NOT BE MORE THAN .... PERCENTAGE POINTS.

3:10-8.6 Parity authorization

Savings banks are granted the authority to make, purchase or participate in renegotiable rate mortgages on one-to-four family home loans in accordance with the authority granted to the Commissioner in sections 182.1 and 182.2 of The Banking Act of 1948, as amended. The authority is granted to place savings banks on a substantial parity with federally chartered savings and loan associations.

There will be no formal public hearing on the proposed regulation.

Interested persons may present relevant written comments, statements, or arguments on or before October 29, 1980 to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
P.O. Box CN040
Trenton, N.J. 08625

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

Angelo R. Bianchi
Commissioner
Department of Banking

(a)

BANKING

CONSUMER CREDIT BUREAU

Proposed Amend Home Repair Contractor's License Number

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to amend N.J.A.C. 3:19-1.6, concerning the required use of a home repair contractor's license number.

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

3:19-1.6 License or certificate number

(a) A home repair contractor shall indicate [his] the current license or certificate number on all contracts, subcontracts, bids and all forms of advertising.

(b) Home repair contractors having multiple offices may utilize their main office license or certificate number for the purpose of compliance with this regulation and N.J.S.A. 45:1-9.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Roger F. Wagner
Deputy Commissioner
Department of Banking
36 West State Street
P.O. Box CN 040
Trenton, New Jersey 08625

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

Angelo R. Bianchi
Commissioner
Department of Banking

(b)

BANKING

THE COMMISSIONER

Notice of License Revocation

Take notice that Angelo R. Bianchi, Commissioner of Banking, revoked the home repair contractor license of the following:

1. Sidney Malkin, on August 15, 1980;
2. Tru-Art Kitchens, on September 8, 1980.

This Notice is published as a matter of public information, is not subject to codification in the New Jersey Administrative Code.

Howard H. Kestin
Director
Office of Administrative Law

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amend Unused Sick Leave Payments

On July 31, 1980, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 4:1-17.24 (Appendix II) concerning joint regulations of the President of the Civil Service Commission, the State Treasurer, and the Director of the Division of Budget and Accounting in the Department of the Treasury concerning the administration of payments to State employees for unused sick leave.

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

APPENDIX II

. . .

I. Faculty members of the State Colleges, Rutgers University, [Newark College of Engineering,] the New Jersey Institute of Technology, and the College of Medicine and

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Dentistry of New Jersey are not eligible for sick leave reimbursement upon retirement since they are not granted leave in a manner similar to employees in the classified service. Faculty members who have served in an administrative capacity may be eligible for sick leave reimbursement based on the time served in said administrative capacity. Such employees, deemed eligible, shall be entitled to payment based on sick leave earned while serving in an administrative title and the salary attendant thereto.

II. and III. (No change in text.)

An order adopting this rule was filed and became effective on September 18, 1980 as R.1980 d.398 (Exempt, Procedural Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amend UCC: Building and Plumbing Subcodes

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217 as amended, proposes to adopt amendments to N.J.A.C. 5:23-3.4 and 3.5 concerning the building and plumbing subcodes of the State Uniform Construction Code.

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

5:23-3.4(a)1.i. The BOCA Basic Building Code 1980 Supplement is adopted with amendments as cited in subsection (c) of this section.

(Renumber existing subparagraph i as ii.)

5:23-3.4(c) The following articles or sections of the 1980 Supplement to the Building Subcode are modified as follows:

1. Sections 104.1 (B1-79) and 106.6 (B2-79) are deleted.

2. The following amendments are made to Article 3 entitled "General Building Limitations."

i. Section 301.1 (B36-79) is amended to delete the term "building official" on line 2, and substitute in lieu thereof, "municipality."

ii. Section 315.0 (B45-79) to and including Table 315.9 (B54-79) are deleted in its entirety.

3. The following amendments are made to Article 4 entitled "Special Use and Occupancy Requirements."

i. The following sections are amended to delete the term "fire prevention code listed in Appendix B" and in lieu of thereof, substitute "fire protection subcode."

(1) 402.1 (B57-79).
(2) 403.1 (B58-79).
(3) 406.1 B61-79).
(4) 412.1 and 412.6 ((B70-79).
(5) 415.3 (B78-79).
(6) 416.3 (B79-79).

ii. Section 404.2 (B79-79) is deleted.

iii. Section 431.9 (B105-79 and (B106-79) is amended to insert "electrical subcode and with the" after the word "the" on line 2.

4. The following amendment is made to Article 6 entitled "Means of Egress."

i. Section 609.4 (B135-79) is amended to delete the term "and R-4" on line 20.

5. The following amendment is made to Article 10 entitled "Chimney, Flues and Vent Pipes."

i. Section 1007.14.1 is amended to delete the word "may" and in lieu thereof substitute "shall."

6. The following amendment is made to Article 12 entitled "Fire Protection Systems."

i. The following sections are amended to delete the term "and R-4."

(1) 1216.5 (B300-79).
(2) 1216.9 (B301-79).
(3) 1217.3.1 (B302-79).
(4) 625.5.
(5) 1216.3.4.
(6) 1216.8.

7. The following amendment is made to Article 16 entitled "Elevator, Dumbwaiter and Conveyor Equipment."

i. Sections 1605.2.2, 1605.2.3 and 1605.3.2 (B311-79) are deleted.

8. The following amendments are made to Article 17 entitled "Plumbing Systems."

i. Section 1705.4.1 (B323-79) is deleted.

ii. Section 1706.0 (B324-79) is deleted in its entirety.

9. The following amendments are made to Appendix B of the Building Subcode entitled "Accepted Engineering Practice Standards."

i. The subheading "Energy Conservation" is deleted in its entirety.

ii. Under the subheading "Mechanical Equipment and Piping," delete "Basic Plumbing Code, BOCA - 80."

5:23-3.5(a)1.i. The National Standard Plumbing Code 1979 Supplement is adopted with amendments as cited in subsection (c) of this section.

(Renumber existing subparagraph i as ii.)

5:23-3.5(c) The following articles or sections of the 1979 Supplement to the plumbing subcode are modified as follows:

1. The following amendments are made to Chapter 2 entitled "General Regulations."

i. Section 2.4.1 is amended to delete "The provisions of this paragraph may be waived by the Administrative Authority" from line 3.

ii. Section 2.16 is amended to insert the number "42" in item a and the number "24" in item b.

iii. Section 2.19.1 is amended to delete "200 feet, or" and "other" on line 5.

2. The following amendment is made to Chapter 3 entitled "Materials."

i. Sections 3.3.1 and 3.3.2 are deleted.

3. The following amendments are made to Chapter 7 entitled "Plumbing Fixtures."

i. Section 7.25 is amended to delete "local Administrative Authority" and substitute "Barrier Free Subcode" on line 2.

ii. Table 7.24.1 is amended to delete notes 1 and 2.

4. The following amendment is made to Chapter 10 entitled "Water Supply and Distribution."

i. Section 105.3E is amended to insert "using a toxic heat transfer fluid" after the word systems on line 2.

5. The following amendment is made to Chapter 16 entitled "Regulations Governing Individual Sewage Dis-

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posal Systems for homes and other establishments where public sewage systems are not available."

i. Chapter 16 is deleted in its entirety.

6. The following amendment is made to Chapter 17 entitled "Potable Water Supply Pumps."

i. Chapter 17 is deleted in its entirety.

Interested persons may present statements in writing relevant to the proposed action on or before October 29, 1980 to:

Department of Community Affairs
Bureau of Construction Code Enforcement
P.O. Box 2708
Trenton, N.J. 08625

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

Joseph A. LeFante
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Proposed Amend Emergency Resolutions Exceeding Three Per Cent Limitation; Written Opinion Required

The Local Finance Board of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10, proposes to amend N.J.A.C. 5:30-1.8 concerning emergency resolutions exceeding the three per cent limitation (written opinion required) by deleting the existing text and section heading and substituting new text therefor.

The proposed revision is intended to clarify all emergency resolutions pursuant to N.J.S.A. 40A:4-48 and 40A:4-49 and all emergency ordinances pursuant to N.J.S.A. 40A:4-45.3 by a certification of the Municipal Attorney for the local governing body as to compliance with N.J. S.A. 40A:4-46 and the opinion No. 10-1980 of the Attorney General.

Full text of the proposed amended new text follows.

5:30-1.8 Emergency resolutions and ordinances; written opinion required

All emergency resolutions prescribed by N.J.S.A. 40A:4-48 and 40A:4-49, prior to being reviewed and approved by the Director, Division of Local Government Services and all emergency ordinances prescribed by N.J.S.A. 40A:4-45.3, (the forms for which are hereby being filed) prior to being reviewed and action taken thereon by the Local Finance Board, must be accompanied by a certification of the municipal attorney for the local governing body as to compliance with N.J.S.A. 40A:4-46 and Opinion No. 10-1980 of the Attorney General.

Forms for emergency resolutions under 3%, over 3%, emergency ordinances and copies of the proposed format of "Certification of Attorney for Local Governing Body" may be obtained from the party indicated below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Helen L. Mathews, Secretary
Local Finance Board
Department of Community Affairs
P.O. Box 2769
Trenton, New Jersey 08625

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

Helen L. Mathews, Secretary
Local Finance Board
Department of Community Affairs

(b)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Proposed Amend Capital Budgets And Capital Improvement Programs

The Local Finance Board of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10, proposes to amend N.J.A.C. 5:30-4.4 concerning capital budgets and capital improvement programs. The proposed amendment is intended to clarify the capital budgets and capital improvement programs by the use of capital budget amendments.

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

5:30-4.4(b) Amendment to capital budget and capital improvement program:

1. Form CB1 - Capital Budget and Capital Program Amendment to be utilized for change in priority of a specific project and use funds for a new unrelated project.

2. Form CB2 - Capital budget and Capital Program Amendment to be utilized for new projects not previously considered.

3. Advertisement of either form CB1 and/or CB2 is not required if a copy of ordinance authorizing the project is submitted with amendment forms and contains the following statement:

"The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services as on file with the (municipal clerk) (Clerk of the Board of Chosen Freeholders) and is available for public inspection."

4. Forms CB1 and CB2, as appropriate shall be prepared and submitted in duplicate to the Director, Division of Local Government Services.

Copies of the proposed capital budget amendment forms may be obtained from the party indicated below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Helen L. Mathews, Secretary
Local Finance Board
Department of Community Affairs
P.O. Box 2769
Trenton, N.J. 08625

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

Helen L. Mathews, Secretary
Local Finance Board
Department of Community Affairs

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(a)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY

Notice of Correction

Take notice that in the proposal concerning rents and carrying charges in developments financed by the New Jersey Housing Finance Agency that appeared in the April 10, 1980 issue of the New Jersey Register at 12 N.J.R. 170(c), there was a failure to mention that rent regulations codified at N.J.A.C. 5:18 were repealed and superseded by the adoption of the new rules cited as 5:80-1, which notice appeared in the July 10, 1980 issue of the New Jersey Register at 12 N.J.R. 388(a).

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Rooming and Boarding Houses And Uniform Construction Code

On August 28, 1980, Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13B-4 and 52:27D-124 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 5:27 and amendments to N.J.A.C. 5:23-2.7 concerning rooming and boarding houses and the Uniform Construction Code respectively, as proposed in the Notice published August 7, 1980 at 12 N.J.R. 452(a), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on August 28, 1980 as R.1980 d.376.

Howard H. Kestin
Director
Office of Administrative Law

(c)

EDUCATION

STATE BOARD OF EDUCATION

Notice of Correction: Family Life Education Programs

Take notice that, in the Notice of Adoption appearing in the September 4, 1980, issue of the New Jersey Register at 12 N.J.R. 505(c) concerning family life education programs certain language was omitted from the second paragraph. The paragraph, as properly amended, should read as follows (additions indicated in boldface **thus**):

An order adopting this rule was filed and became effective on August 7, 1980, **or as otherwise specified in the rules,** as R.1980 d.353.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(d)

EDUCATION

STATE BOARD OF EDUCATION

Bookkeeping and Accounting In Local School Districts

On September 3, 1980, Fred G. Burke, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:18A-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:20-2.6(d)4 concerning supplies and equipment in the rules on bookkeeping and accounting in local school districts as proposed in the Notice published August 7, 1980 at 12 N.J.R. 453(a).

An order adopting this rule was filed and became effective on September 5, 1980 as R.1980 d.381.

Howard H. Kestin
Director
Office of Administrative Law

(e)

EDUCATION

STATE BOARD OF EDUCATION

Pupil Transportation: Retirement of School Buses

On September 3, 1980, Fred G. Burke, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:21-1.4 concerning retirement of school buses in the rules on pupil transportation as proposed in the Notice published August 7, 1980 at 12 N.J.R. 453(b).

An order adopting this rule was filed and became effective on September 5, 1980 as R.1980 d.382.

Howard H. Kestin
Director
Office of Administrative Law

(f)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Pollutant Discharge And Waste Management: Notice of Hearing

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to authority of the following acts: (a) New Jersey "Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq.; (b) "Water Quality Planning Act," N.J.S.A. 58:11A-1 et seq.; (c) "Pretreatment Standards for Sewerage," N.J.S.A. 58:11-49 et seq.; (d) "Spill Compensation and Control Act," N.J.S.A. 58:10-23.11 et seq.; (e) "Licensing of Superintendents or Operators of Public Water Treatment Plants, Public Sewage Treatment Plants and Public Water Supply Systems," N.J.S.A. 58:11-18.10 et seq.; (f) N.J.S.A. 13:1D-1 et seq.; (g) N.J.S.A. 13:1B-5; and (h) "Federal Water Pollution Control Act," P.L. 95-217, 33 U.S.C. 1251 et seq.; proposes to adopt new rules to be cited as N.J.A.C. 7:14A-1 concerning

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the New Jersey Pollutant Discharge Elimination System (NJPDES) permit program, and to amend N.J.A.C. 7:26-1.1 concerning solid waste management. This proposal is known within the Department of Environmental Protection as Docket No. 052-80-09.

The purpose of the New Jersey Water Pollution Control Act ("the Act") is to protect the waters of the State. The New Jersey Pollutant Discharge Elimination System (NJ PDES) permit program regulations prescribe the procedures and guidelines for the implementation of the Act.

Within the broad scope of authority in the Act it is the Department's intent to administer, with State revisions, three permit programs which are currently Federal programs. These programs are as follows:

(a) The National Pollutant Discharge Elimination System (NPDES) regulates point source discharges to surface water pursuant to the "Federal Water Pollution Control Act."

(b) The Underground Injection Control (UIC) Program regulates disposal of pollutants into wells under the "Safe Drinking Water Act" P.L. 95-523, 42 U.S.C. 300(f) et seq. This program includes permits by rule.

(c) The "Resource Recovery and Conservation Act" P.L. 94-580, as amended by P.L. 95-609, 42 U.S.C. 6901 et seq. regulates the treatment, storage and disposal of hazardous waste. The NJPDES regulations are a partial implementation of RCRA to the extent the Department has authority under this Act. They regulate the treatment, storage, and disposal of hazardous waste in the following instances: the pretreatment and discharge of hazardous pollutants into privately or publicly owned waste treatment facilities; the intracompany intrastate collection and treatment of hazardous wastes by surface water dischargers; and, the treatment of hazardous waste in surface impoundments. This program includes permits by rule.

In addition, the New Jersey Pollutant Discharge Elimination System permit program will regulate: the discharge of pollutants into privately or publicly owned waste treatment facilities (indirect discharges), surface impoundments, land application of sludge and septage, land application of effluents by spray irrigation, land application of effluents by overland flow, land disposal by infiltration-percolation lagoons, and discharges from sanitary landfills.

The proposed (NJPDES) rules contain the following:

General Information; General Requirements for the NJPDES Permit; Additional Requirements for Discharges to Surface Water (DSW); Additional Requirements for an Industrial Waste Management Facility; Additional Requirements for Underground Injections Control (UIC); Additional Requirements for Discharges to Ground Water; Procedures for Decisionmaking; Public Comment and Notice Procedures; Specific Procedures Applicable to DSW Permits; Filing Requirements for DSW Permits; Public Access to Information and Requirements for Department Determination of Confidentiality.

The Department of Environmental Protection has prepared a Basis and Background document concerning the proposed amendment and rules. Copies of the full text of the proposed rules and the Basis and Background document may be obtained from:

Dr. Marwan M. Sadat, P.E.
Assistant Director
Water Quality Management Element
Division of Water Resources
P.O. Box CN-029
Trenton, N.J. 08625

Copies of the full text of the proposed NJPDES rules, and the Basis and Background document may also be reviewed 20 days before the first hearing date at the following depositories:

Government Documents
Stockton State College Library
College Drive, near Rts. 561 & 575
Pomona, New Jersey

N.J. Documents Depository
Johnson Free Public Library
274 Main Street
Hackensack, New Jersey

N.J. Documents Depository
Burlington County Library
Woodland Road
Mount Holly, New Jersey

Free Public Library
Gift Department
5 Washington Street
Newark, New Jersey

Woodbury Public Library
33 Delaware Street
Woodbury, New Jersey

Reference Department
Cherry Hill Free Public Library
1100 Kings Highway North
Cherry Hill, New Jersey

Documents Department
Cape May County Free Library
Main Street
Cape May Court House, New Jersey

N.J. Documents Depository
Cumberland County Library
800 East Commerce Street
Bridgeton, New Jersey

New Jersey Room
Somerset County Library
County Administration Building
Somerville, New Jersey

Salem Free Public Library
112 W. Broadway Street
Salem, New Jersey

Jersey City Public Library
New Jersey Collection
472 Jersey Avenue
Jersey City, New Jersey

Reference Department
Hunterdon County Library
Route 12
Flemington, New Jersey

Reference Department
New Brunswick Public Library
60 Livingston Avenue
New Brunswick, New Jersey

Morris County Library
N.J. Documents Depository
30 East Hanover Avenue
Whippany, New Jersey

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N.J. Documents Depository
Free Public Library
250 Broadway
Paterson, New Jersey

Free Public Library
200 Frost Avenue
Phillipsburg, New Jersey

N.J. Documents Depository
Sussex County Library
R.D. 3, Box 76
Newton, New Jersey

N.J. Documents Depository
Elizabeth Public Library
11 South Broad Street
Elizabeth, New Jersey

Eastern Branch
Monmouth County Library
New Jersey Highway 35
Shrewsbury, New Jersey

N.J. Documents Depository
Ocean County Library
15 Hooper Avenue
Toms River, New Jersey

Reference Department
N.J. State Library
185 W. State Street
Trenton, New Jersey

The Department of Environmental Protection invites public comment on these rules. Written and oral comments may be presented at public hearings to be held on October 29, 1980 in A Wing Auditorium, Stockton State College, College Drive, Pomona, New Jersey and on October 30, 1980 in the Labor Education Center Auditorium, Cook College, Rutgers University, New Brunswick, New Jersey.

The public hearings will be held from 9:00 a.m. until the end of testimony. Written comments relevant to the proposed action will also be accepted by the Department at the above address on or before December 15, 1980.

The Department of Environmental Protection may thereafter adopt these rules substantially as proposed without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Proposed Amend Sulfur in Coal: Notice of Hearing

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. proposes to amend N.J.A.C. 7:27-10 concerning sulfur in coal.

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

7:27-10.1 Definitions

. . .

"Approved stack-gas cleaning process" **means a process** which removes sulfur dioxide from the products of combustion of coal and which has been approved by the Department.

"Bituminous coal" means a coal containing 70-85 percent carbon and having usually more than seven percent violatile matter.

. . .

"Coal" means anthracite coal, bituminous coal **[and]**, coke [.], **lignite, and cannel coal.**

["Coal merchant" means any person who stores, offers for sale or sells coal in retail or wholesale trade, excluding agents, brokers, wholesalers, distributors or producers who sell coal for use in single steam and/or electric power generating facilities having rated hourly capacities that equal or exceed 200,000,000 British Thermal Units (BTU) gross heat input, or in a group of steam and/or electric power generating facilities at one location having a combined rated capacity which equals or exceeds 450,000,000 British Thermal Units (BTU) gross heat input.**]**

. . .

"Control apparatus" means any device which prevents or controls the emission of any air contaminant.

"Lignite" means coal that is classified as lignite A or B according to the American Society of Testing Materials Standard Specification for Classification of Coals.

"Potential combustion emission rate" means the theoretical emission rate that would result from the combustion of a fuel in an uncleaned state without control apparatus.

"Resource recovery facility" means a facility that combusts more than 75 percent non-fossil fuel based on the moving average of heat input during 3-month periods.

"Solid fuel" means solid material or any substance derived from solid material used or to be used for the purpose of creating useful heat and includes, but is not limited to, coal, gasified coal, liquified coal, solid solvent-refined coal, municipal garbage, refuse-derived fuel, and wood.

. . .

"Steam generating unit" means any furnace, boiler, or other device used for combusting fuel for the purpose of producing steam.

. . .

7:27-10.2 Sulfur content standards

(a) No **[**coal merchant**]** **person shall store, offer for sale,** sell, deliver or exchange in trade, for use in New Jersey, **[**bituminous or anthracite coal**]** **solid fuel which contains** sulfur in excess of the percentages by weight set forth **in** Table 1.

(b) No person shall use in New Jersey, **[**bituminous or anthracite coal**]** **solid fuel which contains sulfur in excess** of the percentages by weight set forth in Table 1.

TABLE 1

Existing **[**Coal**]** **Solid Fuel Burning [Facilities] Units**

Type **[**Coal**]** Fuel	Maximum Allowable Percent Sulfur by Weight (Dry Basis)			
	Zone One	Zone Two	Zone Three	Zone Four
[Bituminous**]** Anthracite Coal and Coke	**[**0.7%**]**0.8	**[**0.7%**]**0.8	**[**0.2%**]**0.8	**[**0.2%**]**0.8
All other solid fuels	1.0	1.0	0.2	0.2

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(c) The provisions of subsections (a) and (b) of this section shall not apply[:

1. To bituminous or anthracite coal] **to solid fuel whose combustion causes sulfur dioxide (SO2) emissions from any stack or chimney into the outdoor atmosphere which are demonstrated to the Department as not exceeding, at any time, those quantities of sulfur dioxide expressed in pounds per 1,000,000 British Thermal Units (BTU) gross heat input, set forth in Table 2.**

TABLE 2

Existing [Coal] **Solid Fuel Burning [Facilities] Units**

Type [Coal] Fuel	Maximum Allowable SO2 Emissions (lbs/10^6 BTU)			
	Zone One	Zone Two	Zone Three	Zone Four
[Bituminous] Anthracite	[1.5]	[1.5]	[0.3]	[0.3]
Coal and Coke	[1.0]1.2	[1.0]1.2	[0.3]1.2	[0.3]1.2
All other solid fuels	**1.5**	**1.5**	**0.3**	**0.3**

(d) [2. To any coal-fired] **Any solid fuel-fired** steam [or electric power] generating [facility] **unit** which is located in Zone Three or Zone Four, having a rated hourly capacity of greater than 200,000,000 British Thermal Units (BTU) gross heat input or group of [facilities] **units at one facility** located in Zone Three or Zone Four having a combined rated hourly capacity of greater than 450,000,000 British Thermal Units (BTU) gross heat input, and which was in operation prior to May 6, 1968,[. Such facility units] shall be subject to the standards specified in Table 1 **or** Table 2 for Zone One.

(e) [3. In any case in which the] **Any person responsible for the use of bituminous coal who believes that bituminous coal containing** [one percent sulfur or less by weight] **a maximum allowable percent sulfur by weight as set forth in Table 1 cannot be used in a specific steam** [and/or electric] generating [facility] unit [he] may submit data to the Department setting forth justification for a less restrictive percent of sulfur content by weight in bituminous coal. [If a change is approved by the Department,] The Department [shall] **may** authorize the use of a less restrictive percent of sulfur by weight in bituminous coal. Any less restrictive percent of sulfur content by weight in bituminous coal authorized by the Department shall not exceed 1.5 percent [at any time], **except as provided in subsection (f) of this section.**

(f) [(d)] The Department may authorize the use of bituminous coal not exceeding a maximum sulfur content of 3.5 percent by weight (dry basis) at existing facilities in Zone One if:

1. The person responsible for the use of bituminous coal demonstrates that bituminous coal, containing one percent sulfur or less by weight and suitable for use in the specific steam [or electric power] generating [facility] **unit,** is not reasonably available in sufficient quantities; and

2. (No change in text.)

3. The sulfur content of the **bituminous** coal burned [by] **at the** facility represents the minimum sulfur content coal which can be used by the facility and is reasonably available in sufficient quantity; and

4. (No change in text.)

5. The person responsible for the use of bituminous coal submits to the Department for such authorization an application which considers and addresses as a minimum, in addition to the above, the following criteria:

i. Physical surroundings of the coal-fired steam [or electric power] generating [facility] **unit;**

ii. Population density of the surrounding area;

iii. Dispersion characteristics of the source;

iv. Topography of the immediate vicinity;

v. Aesthetic [or] **and** nuisance effects.

(g) [(e)] Authorizations granted pursuant to subsection [(d)] **(f)** shall be valid for a period not to exceed five years from the date of issuance and may be renewed upon application to the Department, setting forth reasons and justifications for such renewal, including a demonstration of continued conformance with subsection [(d)] **(f)** of this section.

[(f) No person shall store, offer for sale, sell, deliver or exchange in trade, for use in New Jersey, or use coke which contains sulfur in excess of 0.75 percent by weight.]

7:27-10.3 Expansion, reconstruction or construction of [coal-fired] **solid fuel burning [facilities] units**

(a) No person shall expand or reconstruct an existing solid fuel-fired steam generating unit or construct a new solid fuel-fired steam generating unit having a rated hourly capacity that exceeds, or would exceed, as a result of expansion, construction, and/or reconstruction, 250,000,000 British Thermal Units (BTU) gross heat input unless it is demonstrated to the Department:

1. That the sulfur dioxide emissions caused by the combustion of solid fuel from any stack or chimney into the outdoor atmosphere, except as provided under subsections (a)2 or (a)3 of this section, do not exceed 0.60 pounds of sulfur dioxide per 1,000,000 British Thermal Units (BTU) gross heat input and 30 percent of the potential combustion emission rate of sulfur dioxide determined as a 30-day rolling average; or

2. That the sulfur dioxide emissions from a unit which combusts anthracite coal exclusively do not exceed 1.20 pounds of sulfur dioxide per 1,000,000 British Thermal Units (BTU) gross heat input determined as a 30-day rolling average; or

3. That the sulfur dioxide emissions, if the unit is a resource recovery facility, do not exceed 1.20 pounds of sulfur dioxide per 1,000,000 British Thermal Units (BTU) gross heat input determined as a 30-day rolling average.

(b) Compliance with the standards of subsection (a) of this section shall be determined in accordance with the provisions of 40 CFR Part 60 Subpart Da.

[(a)] **(c)** No person shall expand or reconstruct existing [coal-fired] **solid fuel-fired** steam [and/or electric power] generating [facilities] **units** or [build] **construct** new [coal-fired] **solid fuel-fired** steam [and/or electric power] generating [facilities] **units, not subject to the provisions of subsection (a) of this section,** having rated hourly capacities that equal or exceed, or would equal or exceed as a result of expansion, **construction,** and/or reconstruction, 1,000,000 British Thermal Units (BTU) gross heat input unless it is demonstrated to the Department:

1. That the sulfur dioxide emissions, caused by the combustion of [bituminous or anthracite coal] **solid fuel, excluding coke and anthracite coal,** from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed at any time 0.30 pounds of sulfur dioxide per 1,000,000 British Thermal Units (BTU) gross heat input; or

2. That the [bituminous or anthracite coal] **solid fuel, excluding coke and anthracite coal,** used to fire such a facility will at no time contain more than 0.20 percent sulfur by weight[.]; **or**

3. That anthracite coal or coke used to fire such a facility will at no time contain more than 0.8 percent sulfur by weight.

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7:27-10.4 Exemptions

(a) (No change in text.)

(b) In any case in which it is demonstrated to the Department that a bona fide pilot installation of a stack-gas cleaning process is to be made, the use of nonconforming [coal] solid fuel to the extent necessary, in the judgment of the Department, to evaluate the effectiveness of the process will not be prohibited by this subchapter.

(c) Anthracite coal containing not more than [0.7] 0.8 percent sulfur by weight or cannel coal containing not more than 1.0 percent sulfur by weight, may be burned solely for heating purposes in one or two family residences only in combustion equipment in use for such purpose prior to October 1, 1971.

Written and/or oral testimony concerning the proposed rules will be received at public hearings to be held from 10:00 A.M. to 4:00 P.M. and 7:00 P.M. to 9:00 P.M., or until the conclusion of testimony, at each session, on November 19, 1980 at:

New Jersey State Museum Auditorium
205 West State Street
Trenton, N.J. 08625

Copies of the proposal and the basis thereof may be obtained from, and written testimony relating thereto, will be accepted prior to November 25, 1980, by:

Herbert Wortreich, Assistant Director
Division of Environmental Quality
Department of Environmental Protection
CN 027
Trenton, New Jersey 08625

Copies of this notice, of the proposed regulations, and of the basis and background document are being deposited and will be available for inspection during normal office hours for at least 30 days prior to the hearing until the closing of the hearing record on November 25, 1980 at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, New Jersey 08330

N.J. Bureau of Air Pollution Control
Room 1108, Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control
Metropolitan Field Office
25 Route 22
Springfield, New Jersey 07081

N.J. Bureau of Air Pollution Control
Southern Field Office
100 Larwin Road
Cherry Hill, New Jersey 08002

Warren County Health Department
151 West Washington Avenue
Washington, New Jersey 07882

This hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended (N.J.S.A. 26:2C-1 et seq.) and under Title 40, Section 51.4, of the Code of Federal Regulations as a proposed amend-meet National Ambient Air Quality Standards.
meet National Ambient Air QQuality Standards.

The Department may thereafter adopt these rules substantially as proposed without further notice after the close of the hearing record.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

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(a)

ENVIRONMENTAL PROTECTION

CLEAN AIR COUNCIL

Notice of Hearing on Car and Van Pooling

Take notice that the Clean Air Council, an advisory body in the New Jersey Department of Environmental Protection, under the authority of N.J.S.A. 26:2C-3.3(h), will hold public hearings on the question, "How can New Jersey Stimulate Car and Van Pooling In Order to Improve Air Quality?"

Information is sought on the following topics:

1. What problems does a company face in establishing car and van pooling programs?

2. How does the individual participant view the advantages and disadvantages of such programs?

3. What are the personal, local and regional benefits of car and van pooling?

4. What forms of help are available for developing and maintaining car and van pools?

5. How can car and van pooling be encouraged?

The public hearing will be held October 23, 1980 from 6:30 to 10:00 p.m. in the Freeholders Meeting Room of the Middlesex County Administration Building, New Brunswick.

Oral testimony should be limited to 10 minutes. Testifiers should submit three copies of their oral testimony and at least one copy of any supporting material at the time of the hearing. Scheduling of testimony may be arranged by calling (609) 984-1474. At least one copy of any additional materials may be submitted up to November 21, 1980 to:

Clean Air Council
Attn: James Slaughter
CN 027
Trenton, New Jersey 08625

After the public hearing, the Clean Air Council will prepare a report and make recommendations on the subject matter to the Commissioner of the Department of Environmental Protection.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

CLEAN WATER COUNCIL

Notice of Public Hearing on Water Resource Regulations

The New Jersey Clean Water Council, pursuant to N.J.S.A. 26:2E-9, serves as the major advisory body to the Commissioner of the Department of Environmental Protection and the Division of Water Resources. The Council holds public hearings at least once a year on water pollution control statutes and regulations and reports its findings to the Commissioner.

The Council will hold its 1980 Public Hearing on enforcing New Jersey's Water Resource Regulations. The Council is seeking comment on statewide enforcement activities in the following areas of Water Resource Management:

1. National Pollutant Discharge Elimination System Program (NPDES).
2. Potable Water Program.
3. Stream Encroachments Program.
4. Soil Erosion and Sedimentation Control Program.

The hearing will be held on Thursday, November 6, 1980 at:

Lewis M. Hermann Labor Education Center
Ryders Lane
New Brunswick, N.J.
10:00 a.m. to 12 noon; 1:15 p.m. to 4:00 p.m.

Those wishing to testify should submit their name, address and telephone number to:

The New Jersey Clean Water Council
Department of Environmental Protection
Division of Water Resources
P.O. Box CN-029
Trenton, N.J. 08625

Written statements may be submitted in advance to the same address. The hearing record will be kept open for 30 days following the hearing for those wishing to submit subsequent statements.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

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(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Correction

Take notice that an error appeared in the proposal concerning development and land use in the flood fringe area appearing in the September 4, 1980 New Jersey Register at 12 N.J.R. 507(a). This proposal notice specified that the close of the comment period was September 22, 1980. This date is incorrect. The close of the comment period for this proposal is October 22, 1980.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Repeal Rules Prohibiting Oyster Dredging

On August 15, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3, 50:1-5, 50:3-8 and 52:14B-4(c) and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 7:25-7.4 concerning oyster dredging prohibition below the Southwest Line (as defined in N.J.S.A. 50:3-11).

An order adopting this rule was filed and became effective on August 15, 1980 as R.1980 d.369 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan

On August 8, 1980, Franklin E. Parker, Chairman, Pinelands Commission in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:18A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a comprehensive management plan for the Pinelands area, to be cited as N.J.A.C. 7:1G, as proposed in the Notice published June 5, 1980 at 12 N.J.R. 309(a), but with substantive changes not detrimental to the public in the opinion of the Commission.

An order adopting this rule was filed on August 15, 1980 to become effective on September 23, 1980 as R.1980 d.370.

Howard H. Kestin
Director
Office of Administrative Law

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Atlantic Coast Harvest Season

On August 18, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3 and 50:1-5 and the Marine Fisheries Council not having disapproved, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 7:25-19.1 concerning the Atlantic Coast harvest season as proposed in the Notice published June 5, 1980 at 12 N.J.R. 312(b) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on August 22, 1980 as R.1980 d.373.

Howard H. Kestin
Director
Office of Administrative Law

(e)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Grants for Restoring Publicly Owned Freshwater Lakes

On August 18, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:9-15 concerning grants for restoring publicly owned freshwater lakes as proposed in the Notice published June 5, 1980 at 12 N.J.R. 310(a), but with substantive changes not detrimental to the public in the opinion of the Department.

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Note: Copies of the revised new rules may be obtained from:

John Brzozowski
Lakes Management Coordinator
New Jersey Department of Environmental Protection
Division of Water Resources
P.O. Box CN-029
Trenton, N.J. 08625

An order adopting this rule was filed and became effective on August 22, 1980 as R.1980 d.374.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Waterfront and Coastal Resource Development

On July 31, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9, 13:19-16 and 13:19-17 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:7E and new rules to be cited as N.J.A.C. 7:7-2 concerning waterfront and coastal resource development as proposed in the Notice published May 8, 1980 at 12 N.J.R. 252(a), but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed on August 26, 1980 to become effective on September 26, 1980 as R.1980 d.375.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

List of Nongame Wildlife Species of New Jersey

On September 10, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:25-20 concerning the list of nongame wildlife species of New Jersey as proposed in the Notice published July 10, 1980 at 12 N.J.R. 390(b), but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on September 16, 1980 as R.1980 d.390.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Marine Fisheries

On September 17, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:25-18 concerning marine fisheries as proposed in the Notice published June 5, 1980 at 12 N.J.R. 312(a).

An order adopting this rule was filed and became effective on September 17, 1980 as R.1980 d.394.

Howard H. Kestin
Director
Office of Administrative Law

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Penalties for Shellfish Law Violations

On September 17, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3 and 23:2B-14 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:25-1.7 and 7:25-9.2 and amended the current text of N.J.A.C. 7:25-14.9 concerning monetary penalties for minor violations of certain shellfish laws, rules and regulations as proposed in the Notice published August 7, 1980 at 12 N.J.R. 456(a) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on September 17, 1980 as R.1980 d.395.

Howard H. Kestin
Director
Office of Administrative Law

(e)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Crab Dredging

On September 17, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-7.13 concerning crab dredging as proposed in the Notice published August 7, 1980 at 12 N.J.R. 457(b) but with substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on September 17, 1980 as R.1980 d.396.

Howard H. Kestin
Director
Office of Administrative Law

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(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

1981 Fish Code

On September 9, 1980, James Manetas, Chairman of the Fish and Game Council within the Department of Environmental Protection, pursuant to authority of N.J.S.A. 52:14B-1 et seq. and 13:1B-30 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted the Fish Code for 1981 as proposed in the Notice published August 7, 1980 at 12 N.J.R. 457(a).

An order adopting this rule was filed September 18, 1980 and became effective on January 1, 1981 as R.1980 d.400.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Wild and Scenic Rivers

On September 18, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:8-45 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 7:38 concerning the administration and regulation of wild, scenic, recreational and developed recreational rivers as reproposed in the Notice published August 7, 1980 at 12 N.J.R. 458(a).

An order adopting this rule was filed and became effective on September 18, 1980 as R.1980 d.401.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Amend Campground Sanitation

The Public Health Council of the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 proposes to amend Chapter XI of the State Sanitary Code (N.J.A.C. 8:22-1) concerning campgrounds (recreational sanitation). These amendments are proposed to exclude those provisions of the Code now being enforced by other departments and agencies of state government.

The proposed amendments concern modifications of sections concerning: General provisions; definitions; general layout and design; water supply and distribution; sanitary conveniences; sewerage and storm drainage facilities; refuse storage, collection and disposal; auxiliary buildings; insect, rodent and weed control; electricity; fuel, flammable liquids and gases; swimming and bathing; and responsibilities of owners and campers.

Copies of the full text with proposed amendments can be obtained from:

Jule M. Erdie
Executive Secretary, Public Health Council
Department of Health
Health-Agriculture Building, Room 801
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to the person and address above.

The Public Health Council may thereafter adopt rules concerning this subject without further notice.

Jule M. Erdie
Executive Secretary
Public Health Council

(d)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Repeal Mobile Home Parks: Notice of Hearing

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 et seq., proposes to repeal N.J.A.C. 8:22-2 concerning mobile home parks. The responsibility for most of the requirements in this subchapter have been transferred to the Department of Environmental Protection and Community Affairs.

Full text of the subchapter proposed for repeal can be found in the New Jersey Administrative Code.

A public hearing on this matter will be held on October 20, 1980 at 9:30 A.M. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, South Warren Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Jule M. Erdie
Executive Secretary, Public Health Council
Department of Health
Health-Agriculture Building
Trenton, N.J. 08625

The Public Health Council may thereafter adopt the proposed repeal without further notice.

Jule M. Erdie
Executive Secretary
Public Health Council

(e)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Amend Reportable Diseases: Notice of Hearing

The Public Health Council in the Department of Health pursuant to authority of N.J.S.A. 26:1A-7 et seq., proposes

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to amend Chapter 2 of the State Sanitary Code (N.J.A.C. 8:57) concerning reportable diseases.

The Public Health Council, at its meeting on September 15, 1980, approved, on the recommendation of the Attorney General's Office, the republication and hearing of the changes to Chapter II of the State Sanitary Code. This regulation was initially published in the April 10, 1980 issue of the New Jersey Register and is cited as 12 N.J.R. 183(d).

The Public Health Council decided, that because of substantive changes to be made based on the Hearing Officer's Report a hearing would be conducted on these changes; specifically, the addition of four diseases to the list of reportable diseases (Kawasaki Disease; Reyes Disease; Guillain-Barre Syndrome; Lyme Arthritis) and the deletion of the phrase "unusual manifestations of disease" in sections 1, 3, 4, 5, and 6.

A public hearing on the substantive changes to the amendments originally proposed concerning reportable diseases will be held on October 20, 1980 at 9:30 A.M. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, South Warren Street, Trenton, New Jersey.

Copies of the seven pages of the full text of this amended proposal may be obtained from or made available for review by contacting:

Ronald Altman
Director, Epidemiologic Services
N.J. Department of Health
Room 403
P.O. Box 1540
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to the Department of Health at the above address.

The Public Health Council may thereafter adopt rules concerning this subject without further notice.

Jule M. Erdie
Executive Secretary
Public Health Council

(a)

HEALTH

THE COMMISSIONER

Notice of Correction

The following error appeared at 12 N.J.R. 463(b):

1. In N.J.A.C. 8:43B-5.1, the bracket at the end of subsection (c) should not have appeared. The intent is to repeal subsections (c) and (d) in their entirety.

2. The text of the definitions cited as N.J.A.C. 8:39-1.1, 8:42-2.1, 8:43-9.2 and 8:43-1.1 should have bracketed the words "positive tuberculin test, determined on the basis of either a". The citation N.J.A.C. 8:43-9.2 should have been 8:43A-9.2.

3. The citations to 8:43A refer to that chapter as recently recodified. The new citations refer to existing codification as follows:

8:43A-3.1(m) was 8:43A-1.10(m)
8:43A-9.3(a) was 8:43A-1.53(a)
8:43A-9.2 was 8:43A-1.52

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Notice of Recodification

N.J.A.C. 8:43A has been extensively recodified. This recodification will be included in the update supplement of March 1980 which will be mailed to subscribers during September.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Employee Health Examinations

On September 17, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:30-2.3; 8:37-4.5, 8:39-1.1 and 1.11; 8:42-1.8, 2.1 and 2.8; 8:43-1.3, 4.6 and 9.2; 8:43A-3.1 and 9.3; 8:43B-5.1, 15.1, 16.1 and 17.4; and 8:43F-1.1 and 3.7 and adopted a new rule to be cited as 8:31-26.3 concerning employee health examinations as proposed in the Notice published August 7, 1980 at 12 N.J.R. 463(b) but with substantive changes not detrimental to the public in the opinion of the Department respecting only the rules on standards for all health facilities (N.J.A.C. 8:31-26.3).

An order adopting this rule was filed on September 18, 1980 to become effective on October 9, 1980 as R.1980 d.399.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HEALTH

PUBLIC HEALTH COUNCIL

Repeal of Rules on Local Boards of Health and Personnel

On September 17, 1980, Evelyn Geddes, Chairperson of the New Jersey Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed in its entirety the current text of Chapter 50 in Title 8 of the New Jersey Administrative Code concerning local boards of health and personnel as proposed in the Notice published April 10, 1980 at 12 N.J.R. 183(c).

An order adopting this rule was filed and became effective on September 18, 1980 as R.1980 d.402.

Howard H. Kestin
Director
Office of Administrative Law

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(a)

HEALTH

PUBLIC HEALTH COUNCIL

Certified Milk

On September 17, 1980, Evelyn Geddes, Chairperson of the New Jersey Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:21-6 (Chapter 7 of the State Sanitary Code) concerning certified milk as proposed in the Notice published April 10, 1980 at 12 N.J.R. 181(d).

An order adopting this rule was filed and became effective on September 18, 1980 as R.1980 d.403.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Policy Manual for Planning and Certificate of Need Reviews of Long Term Care Facilities and Services

On September 16, 1980, Joanne E. Finley, M.D., Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 8:33H concerning the Policy Manual for Planning and Certificate of Need Reviews of Long Term Care Facilities and Services within the State of New Jersey as proposed in the Notice published July 10, 1980 at 12 N.J.R. 393(a).

An order adopting this rule was filed and became effective on September 18, 1980 as R.1980 d.404.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HIGHER EDUCATION

THE CHANCELLOR

HEALTH

THE COMMISSIONER

Proposed Physician-Dentist Loan Redemption Program

T. Edward Hollander, Chancellor of Higher Education and Joanne E. Finley, M.D., M.P.H., Commissioner of Health, pursuant to the authority of N.J.S.A. 18A:72D-10 propose to adopt new rules concerning the Physician-Dentist Loan Redemption Program to be cited as N.J.A.C. 9:16-1.3 through 1.5.

Full text of the proposed new rules follows.

9:16-1.3 Selection of program participants

To receive consideration for participation in the program, interested students must submit an application to the Department. Upon receipt of applications, the Department shall determine the eligibility of applicants based upon the minimum criteria as defined in N.J.S. 18A:7D-1 et seq.

9:16-1.4 Guidelines for expenditure of loan redemption funds

(a) On an annual basis each program participant shall apply to the Department for redemption of the amount of indebtedness specified in the agreement. At the time of application each participant shall submit to the Department evidence that he or she has provided service in an underserved area in accordance with the agreement between the participant and the Chancellor. Such evidence shall include:

1. An affidavit, indicating that the participant did provide primary care services for a full year, attested to by the chief executive officer or director of a private nonprofit or public health care facility in a designated underserved area.

2. In the case of participants who establish or join a private practice in an underserved area such verification shall be in the form of summaries of patients served, including relevant demographic characteristics indicating that patients are representative of underserved population groups or residents of underserved areas as designated by the Commissioner of Health.

(b) Each participant shall be required to furnish to the Department an official release so that copies of official tax returns may be obtained from the Internal Revenue Service or the New Jersey State Division of Taxation. The Department shall determine the amount of each participant's educational indebtedness eligible for redemption in accordance with N.J.S. 18A:72D-1 et seq.

(c) The Chancellor shall authorize payment to eligible participants for that portion of their indebtedness to be forgiven as specified in the agreement. Checks shall be made payable jointly to the program participant and the lending institution to insure proper application of the payment to eligible indebtedness as defined in N.J.S. 18A:72D-1 et seq.

9:16-1.5 Designation of underserved areas

(a) The Commissioner of Health shall annually designate physician and or dentist and institutions according to the following criteria:

1. Physician shortage area: The Commissioner of Health shall designate a geographic area as having a shortage of physicians if the following three criteria are met:

i. The area is a rational area for the delivery of primary medical care services. The following areas will be considered rational areas for the delivery of primary medical care services:

(1) A county, or a group of contiguous counties whose population centers are within 30 minutes travel time of each other. Under normal conditions with primary roads available this shall be a distance of 20 miles. In mountainous terrain or in areas with only secondary roads available this shall be a distance of 15 miles. In flat terrain or in areas connected by interstate highways this shall be a distance of 25 miles. Within inner portions of metropolitan areas, the large variations in the scope of public transportation systems and traffic conditions do not permit standard mileage figures to be specified. In these areas, information on the public transportation system will be used to determine the distance corresponding to 30 minutes travel time.

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(2) A portion of a county, or an area made up of portions of more than one county, whose population, because of topography, market or transportation patterns, distinctive population characteristics or other factors, has limited access to contiguous area resources, as measured generally by a travel time greater than 30 minutes to such resources.

(3) Established neighborhoods and communities within urbanized areas which display a strong self-identity (as indicated by a homogeneous socioeconomic or demographic structure and/or a tradition of interaction or intradependency), have limited interaction with contiguous areas, and which, in general, have a minimum population of 20,000.

ii. One of the following conditions prevails within the area:

(1) The area has a population-to-primary care physician ratio of at least 3,500:1; or

(2) The area has a population-to-primary care physician ratio of less than 3,500:1 but greater than 3,000:1 and has either unusually high needs for primary medical care services or insufficient capacity of existing primary care providers;

ii. Primary medical care in contiguous areas are overutilized, excessively distant, or inaccessible to the population of the area under consideration.

2. Physician or Dental Shortage County and Municipal Institutions: The Commissioner of Health shall designate as Physician or Dental Shortage County or Municipal Institution those institutions that meet the following criteria. (Physician Shortage County and Municipal Institutions must meet all criteria. Dental Shortage County and Municipal Institutions must meet criteria in subparagraphs i, ii and iv of this paragraph):

i. The institution must be administered by a unit of county or municipal government.

ii. The institution must have a minimum of 200 beds.

iii. At least 25% of the staff physicians must be alien graduates of a foreign medical school.

iv. The institution has had chronicity of documented vacancies of staff physicians and/or dentists. "Chronicity" means a shortage for one year or more.

3. Physician or Dental Shortage State Institutions: The Commissioner of Health shall designate as Physician or Dental Shortage State Institutions those institutions that meet the following criteria (Physician Shortage State Institutions must meet all criteria. Dental Shortage State Institutions must meet criteria in subparagraphs i and iii):

i. The institution must be administered by a unit of State government.

ii. At least 25% of the staff physicians must be alien graduates of a foreign medical school.

iii. The institution must have a chronicity of documented vacancies of staff physicians and/or dentists.

4. Physicians or Dental Shortage State, County or Municipal Public Health Programs: The Commissioner of Health shall designate as Physician or Dental Shortage State, County or Municipal Public Health Programs those programs that meet the following criteria:

i. The program must be administered by a unit of State, county or municipal government.

ii. The program must have a chronicity of documented vacancies of physicians or dentists.

iii. The program must serve a minimum population base of 100,000.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

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

The Chancellor and Commissioner may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander
Chancellor of Higher Education
Department of Higher Education

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HUMAN SERVICES

DIVISION OF MENTAL HEALTH AND HOSPITALS

Proposed Amend Rules on Community Mental Health Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:9A-1 et seq., proposes to amend N.J.A.C. 10:37 concerning rules and regulations governing community mental health services. Substantial proposed amendments, previously announced at 12 N.J.R. 119(b) and 12 N.J.R. 317(c) have been widely circulated throughout the State. Those proposed rules and regulations have again been substantially modified after careful review of the second period's comments received by the Department from the community.

The Commissioner is now proposing to delete the current text of subchapters one through twelve of N.J.A.C. 10:37 and replace it with new rules and regulations, developed jointly with the community, to meet State and Federal guidelines for the planning and development of community mental health and related social services.

A summary of the major areas addressed in the proposed amendments is as follows:

10:37-1	Introduction and Purpose
10:37-2	State Community Mental Health Citizens' Advisory Board
10:37-3	County Mental Health Boards
10:37-4	Consumer Requirements for All Mental Health Program Elements
10:37-5	Program Element Requirements
10:37-6	General Administrative Requirements for All Mental Health Program Elements
10.37-7	Fiscal Administration, Audit Requirements, and Allowable Costs
10:37-8	Conditions Governing State Grants for Construction Assistance for Community Mental Health Facilities

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Copies of the 113 pages of the full text of the proposed amendments may be obtained for final review by contacting:

Ms. Geraldine Botwinick, Director
Office of Community Services
N.J. Division of Mental Health and Hospitals
Capital Place One - 2nd Floor
Trenton, N.J. 08625

The Division will again be mailing additional copies to all of the individuals who received and/or commented on these rules and regulations previously.

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Interested persons may present statements or arguments in writing relevant to the proposed amendments on or before October 31, 1980, to the Department of Human Services at the above address.

The Department of Human Services may thereafter adopt rules and regulations concerning this subject without further notice. If the rules and regulations are adopted, they will become effective November 1, 1980.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Suspension of Provider from Medicaid Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:49-1.17 concerning suspension of a provider from the Medicaid Program.

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

10:49-1.17(j)5. Reasonable suspicion of the existence of a cause described in subsection (d) of this section may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, **by arrest,** or by evidence that such violations of civil or criminal law did in fact occur.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Fair Hearings

Selma Rubin, Acting Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:49-5.3, 5.4, and 5.6 concerning recipient hearings.

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

10:49-5.3(a)2. Such requests for hearing must be made **in writing** within 20 days **from the date of mailing of the notice** of the agency action giving rise to said complaint or issue.

(b) An opportunity for a fair hearing will be granted to any claimant requesting a hearing because his claim for medical assistance is denied or is not acted upon with reasonable promptness, or because he [is aggrieved by any other] **believes the agency has erroneously** [action affecting receipt, termination, reduction] **terminated, reduced** or [suspension of such] **suspended his assistance. The agency need not grant a hearing if the sole issue is one of a Federal or State law requiring an automatic termination, reduction or suspension of assistance affecting some or all claimants.** Under this requirement:

1. [Any] A request for hearing is defined as any clear expression [(oral or written)] **submitted in writing by the** claimant (or someone authorized to act on behalf of the claimant) to the effect that he desires the opportunity to present his case to a higher authority.

2. (No change in text.)

3. The claimant shall have 20 days from the date of [receipt] mailing of the notice of departmental action in which to request a hearing;

4. The fair hearing shall include consideration of:

i. (No change in text.)

[ii. The department's interpretation of the law and the reasonableness and equitableness of the policies promulgated under law if the claimant is aggrieved by their application to his situation;]

ii. [iii.] Departmental decisions regarding:

(1) Eligibility for medical assistance in both initial and subsequent determinations; **and**

(2) Amount of medical assistance or change in such assistance[;].

[(3) The manner and form of assistance; and

(4) Conditions upon which such assistance was premised;]

5. [(5)] The department may respond to a series of individual requests for fair hearings by conducting a single group hearing. A consolidation of cases by the department is allowable only in cases which the sole issue involved is one of [withdraw from the group hearing in favor of an individual hearing;] **Federal or State law or policy;**

[(6) If a group hearing is requested by individuals on a policy issue, the department must grant it;]

6. [(7)] In all group hearings, whether initiated by the department or by the claimant, the policies governing fair hearings shall be followed. Thus, each individual claimant must be permitted to present his own case and be represented in accordance with the provisions of N.J.A.C. 10:49-5.2(a)3;

7. [(8)] The department shall not deny or dismiss a request for a hearing except where it has been withdrawn by claimant in writing or abandoned.

(c) (No change in text.)

10:49-5.4(a)1. "Timely" means that the notice is [received] **mailed** at least ten days before the action is to be taken.

2. "Adequate advance notice" means a written notice that includes **a statement of the action the department intends to take,** [details of] reasons for the proposed departmental action, [explanation of the recipient's right to conference], **the specific regulations that support, or the change in Federal or State law that requires, the action,** his right to request a fair hearing, **or in cases of a departmental action based on a change in law, the circumstances under which a hearing will be granted,** and the circumstances under which assistance is continued if a fair hearing is requested.

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(b) In cases in which there is a request for a fair hearing within the advance notice period:

1. Assistance shall be continued until a decision is rendered [and through a period consistent with the State's established policies for issuance of payments when the issue involved in the determination is one of fact or judgment relating to the individual case, including a question of whether the Department's rules or policies were correctly applied to the facts of the particular case. Assistance shall not be continued when the issue involved is one of policy of the Department or the Federal or State law serving as a basis of such policy:] **unless:**

i. It is determined at the hearing that the sole issue is one of Federal or State law or policy; and

ii. The Department promptly informs the claimant in writing that services are to be terminated or reduced pending the hearing decision.

[2. The Department promptly informs the recipient in writing if assistance will be discontinued, based on the Department's determination.]

2. If the Department's action is sustained by the hearing decision, the Department may institute recovery procedures against the claimant to recoup the cost of any services furnished the claimant, to the extent the services were furnished solely by reason of this section.

(c) The Department may reinstate services if a claimant requests a hearing not more than ten days after the effective date of the termination, suspension or reduction of eligibility or covered services.

1. If they are reinstated, the services must continue until a hearing decision unless:

i. It is determined at the hearing that the sole issue is one of Federal or State law or policy.

(d) The Department must reinstate and continue services until a decision is rendered after a hearing if:

1. An action is taken to terminate, suspend or reduce eligibility or covered services without affording the claimant adequate advance notice as defined herein;

2. The claimant requests a hearing within ten days of the mailing of the notice of action; and

3. The Department determines that the action to terminate, reduce or suspend assistance resulted from reasons other than the application of Federal or State law or policy.

(e) If a claimant's whereabouts are unknown, as indicated by the return of unforwardable Departmental mail directed to him, any discontinued services must be reinstated if his whereabouts become known during the time he is eligible for services.

10:49-5.6(a) The hearing shall be conducted by an [impartial official (or officials) of the Department] **Administrative Law Judge from the Office of Administrative Law or by other persons eligible to conduct hearings pursuant to the New Jersey Administrative Procedure Act.**

[(b) Under this requirement, the hearing officer must not have been involved in any way with the action in question.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rule on Compromising Claims

Selma Rubin, Acting Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a new rule to be cited as N.J.A.C. 10:49-6.8 in the Administration Manual concerning authority to adjust, compromise, settle and/or waive claims, etc.

Full text of the proposed new rule follows.

10:49-6.8 Authority to adjust, compromise, settle or waive claims, liens and certificates of debt

(a) The Commissioner, Department of Human Services, Director, Division of Medical Assistance and Health Services, Assistant Director, Office of Program Integrity Administration, or anyone serving in an acting capacity in any of those positions has the authority to adjust, compromise, settle or waive any claim, lien or certificate of debt arising under this act, and to execute an appropriate release or document of discharge with respect to that claim, lien or certificate of debt.

(b) Such authority may be exercised by other officials only in the following limited circumstances:

1. The Chief or the Chief Auditor of the Bureau of Audits may, prior to the time a case is referred to the Bureau of Administrative Control, adjust an amount or claim set forth in a preliminary notification of overpayment or underpayment issued by the Bureau of Audits within the dollar limits specified by the Director, Division of Medical Assistance and Health Services.

2. The Chief of the Bureau of Administrative Control may compromise, settle or waive any claim or lien not arising under N.J.S.A. 30:4D-7(h) within the dollar limits specified by the Director, Division of Medical Assistance and Health Services.

3. The fiscal agents may compromise, settle or waive claims arising under N.J.S.A. 30:4D-7(h) within the dollar limits specified by the Director, Division of Medical Assistance and Health Services.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

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

Selma Rubin
Acting Commissioner
Department of Human Services

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(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Independent Clinic Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:66-1.2 concerning payment for "specialists".

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

10:66-1.2 Definitions

"Specialist" means a fully licensed physician who limits his practice to his specialty and who:

1. through 5. (No change in text.)

[Note: Specialists rendering services outside their field of specialization will not be reimbursed as a specialist.]

Note: For specialists as defined above to be paid at the specialist rate, 90 per cent of their Medicaid practice must be limited to their specialty. Those providers who otherwise qualify as specialists, but who do not limit 90 per cent of their Medicaid practice to their specialty, will be paid at the non-specialist rates, and recovery of the difference between the specialist and non-specialist rates, may be sought together with any appropriate penalties if warranted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend Child Support and Paternity

Ann Klein, Commissioner if Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend N.J.A.C. 10:81-3.17 of the Public Assistance Manual concerning child support and paternity regulations.

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

10:81-3.17(a) The [county welfare board] **CWA** will make every reasonable effort to locate an absent parent in order to obtain support payments[.] **(see Appendix D).** [An absent parent will be given the opportunity to voluntarily support his/her child to the extent of his/her ability based on State Standards, but it must be explained to both parents that the extent of support will be established by the court if there is cause for legal action. There is no cause for action if legally responsible relatives in fact fulfill their evaluated obligation. (See subsection (d)2 of this section and N.J.A.C. 10:82-3.8 through 3.12.)]

10:81-3.17(b) [No one may be required to initiate or cooperate in paternity or support proceedings as a condition of eligibility.] **Cooperation in obtaining support and establishing paternity whenever necessary is a condition of eligibility for AFDC (see Appendix D 230). If the parent refuses to take the necessary steps, the county welfare agency will initiate or pursue legal action, unless the parent makes the decision to withdraw the application or to have assistance discontinued.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Indochinese Refugee Assistance Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to adopt a new rule to be cited as N.J.A.C. 10:81-13 of the Public Assistance Manual concerning the Indochinese Refugee Assistance Program. N.J.A.C. 10:81-10 through -12 will be marked "RESERVED".

Full text of the proposed new rule may be obtained from:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to the Division of Public Welfare at the above address.

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

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(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend Emergency Assistance

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend N.J.A.C. 10:82-5.10 of the Assistance Standards Handbook concerning emergency assistance.

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

10:82-5.10(c)1.i. Funds from the regular assistance grant or funds considered in developing the amount of that grant are not to be considered in computing the amount of payment for temporary emergency shelter. When more permanent living arrangements are made, any funds actually available to the client from the grant or other income are to be counted in the determination of emergency assistance payments for shelter or utility deposits.

10:82-5.10(c)3. Emergency clothing allowance: **Funds from the regular assistance grant or funds considered in developing the amount of that grant are not to be considered in computing the amount of payment for replacement of clothing lost or destroyed in the incident or occurrence giving rise to the emergency.** When necessary, payments to enable members of the eligible unit to purchase minimum essential clothing for physical health and safety may be granted, not to exceed the amounts stated below:

i. Adult, $86.00;

ii. Child, age 13 and over, $86.00;

iii. Child, age five through 12, $48.00;

iv. Child, birth through four, $29.00.

10:82-5.10(c)4. Emergency house furnishings allowance: Allowances for those items deemed urgent and essential to the physical health and safety of the eligible unit shall not exceed the maximums listed below. Furnishings to be authorized may be new items or available used items, if in good condition, on a selective basis. The maximum allowances stated below are applicable to new items; where satisfactory used items are available and purchase of same is specified by the county welfare agency, the allowances shall be proportionately less, to be determined in the sound and reasonable discretion of the county welfare agency. **Funds from the regular assistance grant or funds considered in developing the amount of that grant are not to be considered in computing the amount of payment for replacement or house furnishings lost or destroyed in the incident or occurrence giving rise to the emergency.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend Temporary and/or Acting Directors of Municipal Welfare Departments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-2.2 of the General Assistance Manual concerning temporary and/or acting directors of municipal welfare departments.

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

10:85-2.2(d)3.ii. Temporary appointments: In case of a vacancy in the office of Director of Welfare, one temporary or acting director may be appointed for a term not to exceed 90 days. Such appointment is not subject to extension or renewal.

(1) Note: A protracted illness of whatever duration, so long as it does not exceed the individual's term of office, shall not be construed as a vacancy; however, the LAB may appoint an acting director where necessary. **The prohibitions of (d)6 below apply to acting directors. Members of the municipal governing body are not eligible for appointment as acting directors.**

(2) [(1)] The temporary appointee may be a member of the LAB, preferably the chairman, a subordinate employee of the welfare agency, or any other person deemed competent to serve as temporary director and so designated by the LAB. **The prohibitions of (d)6 below apply to temporary appointees. Members of the municipal governing body are not eligible for temporary appointment.**

(3)[(2)] (No change in text)

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend General Assistance Application Process

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-3.2 of the General Assistance Manual concerning furnishing the applicant with an informational program pamphlet, Form GA-197, and with a copy of the completed application.

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

10:85-3.2(c)1.iv. At the time of application the MWD shall advise the applicant(s) of his/her obligation to promptly report changes in income, resources or other circumstances. The applicant(s) shall be required to sign two copies of Form GA-51 (Important Reminder of Your Obligation to Report Changes). The applicant shall retain one copy and the original shall be filed in the case record. **In addition, the applicant(s) shall be provided with the pamphlet, Your Rights and Responsibilities (Form GA-197) and any oral explanations the individual(s) may request.**

v. Upon request, the MWD shall provide the applicant(s) with a copy of the completed GA-1 form.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend GAM: Emergency Grants

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-4.6 of the General Assistance Manual concerning establishment of a seven day period following an emergent incident to enable an otherwise eligible unit to make application to have the emergency recognized for assistance purposes.

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

10:85-4.6(a) An emergency grant shall be authorized to or for an individual(s) otherwise eligible to receive General Assistance under the regulations in this manual when[:] **circumstances set forth in paragraphs 1 through 3 of this subsection exist. In addition, these regulations shall apply to an emergency (as described in paragraphs 1 through 3 of this subsection) which occurred within the seven calendar days immediately prior to the application for General Assistance if the applicant(s) is determined eligible at the time of application under established procedures and standards.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend Diagnostic Related Group Payments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-5.2 of the General Assistance Manual concerning use of Diagnostic Related Group (DRG) payments to hospitals when applicable.

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

10:85-5.2(g) Upon certification of hospitalization, the Director of Welfare shall approve an authorized all-inclusive [per diem] rate **which shall cover all items listed in subsection (c) of this section.**

. . . .

10:85-5.2(g)2. [Amount of Payment: Payment for hospital services by the municipal department of welfare shall not exceed the current Blue Cross all-inclusive per diem hospital rate; the Medicaid rate; or a rate, not to exceed the actual charges, negotiated between the hospital and the municipal department of welfare, whichever is less. The MWD may contact the DPW/BMA by phone or letter for the appropriate rates. Payment rates based on Blue Cross or Medicaid rates are based on those rates in effect at the time of the hospitalization, later retroactive changes in Blue Cross or Medicaid rates notwithstanding.]

Amount of Payment: Payment for hospital services by the municipal department of welfare shall be at the Diagnostic Related Group (DRG) rate if such a rate is applicable. If a DRG rate is not applicable, payment shall be authorized at the least of the following. (Note: The MWD may consult by telephone or letter with DPW/BMA about any of the below-mentioned rates and their applicability to particular cases or situations.):

i. The current Medicaid rate, future retroactive changes notwithstanding;

ii. The current Blue Cross all-inclusive per diem rate, future retroactive changes notwithstanding;

iii. A rate not in excess of actual charges which has been negotiated between the MWD and the hospital.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

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(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend Submittal of Form GA-18

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-5.3(f)1 of the General Assistance Manual concerning submittal of Form GA-18 to the Bureau of Medical Affairs of the Division of Public Welfare for level-of-care determination.

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

10:85-5.3(f)1. Physician certification (Completion of GA-18): Physician certification shall be accomplished by means of Form GA-18, Certification of Need for Patient Care in Facility Other than Public or Private General Hospital. This form must be completed in duplicate, by the attending or staff physician and the operator or superintendent of the appropriate facility. One copy shall be **submitted to the DPW/BMA for level-of-care determination and, subsequently,** filed in the case record and the other copy shall be retained by the nursing home or institution.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend Repayment of General Assistance for SSI Recipients

Ann Klein, Commissioner, Department of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-6.5 of the General Assistance Manual concerning repayment of General Assistance extended recipients found eligible for SSI.

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

10:85-6.5(e)1. Transmitting Letter, Form GA-31: Within five working days of receipt from the Division of Public Welfare of the check covering the SSI award, the municipal welfare department will make the proper deduction for general assistance expended, excluding any medical payments, [from the date on which the form GA-30 was signed and witnessed by the applicant,] **since the first day of the first month of SSI eligibility,** and shall forward to the client a check equal to the net benefit remaining, if any, together with a letter, Form GA-31, indicating how the amount of the net benefit was computed.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

THE COMMISSIONER

Boarding Homes

On August 6, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and Title 30 of the R.S. as amended and supplemented by the Rooming and Boarding House Act of 1979 (P.L. 1979, c. 496) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to the rules concerning boarding homes by deleting the current text of N.J.A.C. 10:123-2 and adopting new text therein as proposed in the Notice published July 10, 1980 at 12 N.J.R. 415(a), but with only inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on August 15, 1980 as R.1980 d.371.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Rate Review Guidelines

On August 28, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:63-3.18(e) and 10:63-3.19(a)3 concerning long term care rate review guidelines as proposed in the Notice published September 6, 1979 at 11 N.J.R. 445(b).

An order adopting this rule was filed September 3, 1980 to become effective on September 5, 1980 as R.1980 d.377.

Howard H. Kestin
Director
Office of Administrative Law

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INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

It includes all rules adopted from receipt of the last individual transmittals, as indicated, through September 18, 1980.

RULES NOT YET IN PRINT IN CODE: Adoption Notices may be found in N.J. Register beginning with July 5, 1979. Full text (in proposal form), if published, may be found in N.J. Register beginning with March 8, 1979.

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW — TITLE 1			
1:1	Rules on administrative hearings	R.1980 d.275	12 N.J.R. 362(a)
AGRICULTURE — TITLE 2			
2:2-2.4	Amend conformity of brucellosis tests and federal standards	R.1980 d.237	12 N.J.R. 377(c)
2:6-1.3, 1.4	Amend biologic product licensing	R.1980 d.306	12 N.J.R. 451(b)
2:16	Amend seed certification requirements	R.1980 d.210	12 N.J.R. 302(a)
2:52-2.1, 2.2, 3.1, 3.2, 4.1	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:53-4.1, 4.2	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:54	Amend milk marketing	R.1980 d.285	12 N.J.R. 450(d)
2:69-1.11	Amend commercial values of primary plant nutrients	R.1980 d.238	12 N.J.R. 378(a)
2:70-1.1, 1.8	Amend agricultural liming materials	R.1980 d.239	12 N.J.R. 378(b)
2:71-2.28—2.31	Amend fruit and vegetable inspection and grading	R.1980 d.140	12 N.J.R. 248(b)
2:72-1.1	Amend bond requirements	R.1980 d.57	12 N.J.R. 103(a)
2:90-1.3	Amend soil erosion and sediment control	R.1980 d.305	12 N.J.R. 451(a)
	(Title 2, Transmittal 16 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)		
BANKING — TITLE 3			
3:1-1.1	Amend interest rates	R.1980 d.151	12 N.J.R. 249(b)
3:2	Advertising by financial institutions	R.1980 d.125	12 N.J.R. 170(a)
3:6-8.1	Savings banks' deposits	R.1980 d.144	12 N.J.R. 249(a)
3:6-8.2	Escrow account limitations	R.1980 d.298	12 N.J.R. 451(c)
3:6-9.1	Maximum interest rate on small business loans	R.1980 d.204	12 N.J.R. 302(d)
3:11-2.1	Amend approved subsidiaries	R.1980 d.240	12 N.J.R. 383(a)
3:21-1.8	Loan interest rate; credit union law	R.1980 d.207	12 N.J.R. 303(a)
3:22	Insurance Premium Finance Company Act	R.1980 d.203	12 N.J.R. 302(c)
	(Title 3, Transmittal 15 dated January 17, 1980 includes all rules through March 6, 1980 N.J. Register.)		
CIVIL SERVICE — TITLE 4			
4:1-2.1	Amend definition of immediate family	R.1980 d.60	12 N.J.R. 104(a)
4:1-9.1	Amend review of scoring key	R.1980 d.236	12 N.J.R. 383(c)
4:1-9.5	Amend performance evaluations	R.1980 d.61	12 N.J.R. 104(b)
4:1-17.9	Amend disability leave and sick leave injury	R.1980 d.231	12 N.J.R. 383(b)
4:1-17.24	Unused sick leave payments	R.1980 d.398	12 N.J.R. 566(c)
4:1-20.3	Amend performance evaluation	R.1980 d.61	12 N.J.R. 104(b)
	(Title 4, Transmittal 13 dated June 1, 1979 includes all rules through February 7, 1980 N.J. Register.)		

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COMMUNITY AFFAIRS — TITLE 5

5:18	Repeal rules on rentals	R.1980 d.234	12 N.J.R. 569(a)
5:19	Repeal rules of practice of Bureau of Housing Inspection	R.1980 d.205	12 N.J.R. 305(a)
5:22	Rules on exemptions from taxation	R.1980 d.206	12 N.J.R. 305(b)
5:22-1.5	Amend tax abatement	R.1980 d.334	12 N.J.R. 504(a)
5:23	Amend Uniform Construction Code	R.1980 d.316	12 N.J.R. 452(a)
5:23-2.7	Rooming and boarding houses and Uniform Code	R.1980 d.376	12 N.J.R. 569(b)
5:23-4.9	Repeal plan waivers	R.1980 d.276	12 N.J.R. 452(b)
5:23-6	Readopt solar facility tax exemption	R.1980 d.303	12 N.J.R. 452(c)
5:25	Amend new home warranty	R.1980 d.316	12 N.J.R. 452(d)
5:25-1.3, 4.2, 5.5	Amend new home warranties and builders registration	R.1980 d.158	12 N.J.R. 250(a)
5:26-1.3, 2.2, 2.17, 3.1, 4.2, 6.5, 8.4, 11.7, 11.9	Amend planned real estate development full disclosure	R.1979 d.439	11 N.J.R. 610(b)
5:27	Rooming and boarding houses and Uniform Code	R.1980 d.376	12 N.J.R. 569(b)
5:30-17	Co-operative pricing and joint purchasing systems	R.1980 d.104	12 N.J.R. 172(a)
5:30-17	Ratify rules concerning cooperative pricing and joint purchasing system	R.1980 d.243	12 N.J.R. 388(b)
5:80	Amend determining rents or carrying charges in developments financed by HFA	R.1980 d.234	12 N.J.R. 388(a)
5:100-1.6	Amend ombudsman subpoenas	R.1980 d.233	12 N.J.R. 387(a)

(Title 5, Transmittal 13 dated October 1, 1979 includes all rules through November 8, 1979 N.J. Register.)

EDUCATION — TITLE 6

6:3-1.22	Evaluation of tenured chief school administrators	R.1979 d.480	12 N.J.R. 7(a)
6:8-1.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:8-1.1, 3.8, 4.2	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:8-6.2, 7.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:11-4.7	Amend county substitute certificate	R.1980 d.105	12 N.J.R. 177(a)
6:20-2.6(d)4	Bookkeeping and accounting in local school districts	R.1980 d.381	12 N.J.R. 569(d)
6:20-3.1, 3.4	Amend tuition public schools	R.1980 d.165	12 N.J.R. 251(c)
6:20-3.1, 3.4	Amend public school tuition	R.1980 d.225	12 N.J.R. 308(a)
6:20-5.4	Additional State school building aid	R.1979 d.479	12 N.J.R. 6(b)
6:20-6.2, 6.8	Amend purchase and loan of textbooks	R.1980 d.163	12 N.J.R. 251(a)
6:20-7	Amend qualifications, debarment, suspension and disqualification of person(s) concerning contract administration	R.1979 d.478	12 N.J.R. 6(a)
6:20-8	Rules on public school contracts	R.1980 d.69	12 N.J.R. 107(a)
6:21-1.4	Pupil transportation: retirement of school buses	R.1980 d.382	12 N.J.R. 569(e)
6:26-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:27-1.4	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:27-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:29-7.1	Family life education	R.1980 d.164	12 N.J.R. 251(b)
6:29-7.1	Amend family life education programs	R.1980 d.353	12 N.J.R. 505(c)
6:31	Amend bilingual education	R.1980 d.70	12 N.J.R. 107(b)
6:39-1.3, 1.4	Amend Statewide assessment	R.1980 d.352	12 N.J.R. 505(b)
6:68-2	Amend library incentive grant program	R.1980 d.224	12 N.J.R. 307(b)

(Title 6, Transmittal 15 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1C-1.2, 1.6—1.10	Amend 90-day construction permits	R.1980 d.75	12 N.J.R. 113(d)
7:1C-1.9	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.185	12 N.J.R. 314(a)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.267	12 N.J.R. 392(b)
7:1E-1.3	Amend discharge of hazardous substances	R.1980 d.326	12 N.J.R. 463(a)
7:1F	Industrial survey project	R.1980 d.129	12 N.J.R. 259(c)
7:1F	Amend industrial survey project	R.1980 d.181	12 N.J.R. 313(b)
7:1G	Pinelands Comprehensive Management Plan	R.1980 d.370	12 N.J.R. 575(c)
7:1H	County environmental health services	R.1980 d.362	12 N.J.R. 514(a)
7:4-2.2(c)	Amend N.J. Register of Historic Places	R.1980 d.241	12 N.J.R. 391(b)
7:6-8	Motor vehicles using ice-covered waters	R.1980 d.88	12 N.J.R. 114(b)
7:7-2	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)

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7:7A-1.14	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:7E	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:9-1.98	Delete rule on other disinfectants	R.1980 d.182	12 N.J.R. 313(c)
7:9-15	Grants for restoring publicly owned freshwater lakes	R.1980 d.374	12 N.J.R. 575(e)
7:12	Amend condemnation of certain shellfish beds	R.1980 d.230	12 N.J.R. 391(a)
7:12-1.4	Delete rule on condemnation of certain Atlantic Ocean waters for shellfish harvesting	R.1980 d.48	12 N.J.R. 112(b)
7:13-1.11	Amend Green Brook floodway	R.1980 d.325	12 N.J.R. 462(e)
7:13-1.11(c)	Amend flood plain delineation of the Delaware River	R.1980 d.65	12 N.J.R. 113(b)
7:13-1.11(c)	Amend flood plain delineations; North Branch Rancocas Creek and Rancocas Creek; Burlington County	R.1980 d.76	12 N.J.R. 113(e)
7:13-1.11(c)	Amend flood plain delineation within the Delaware River Basin	R.1980 d.242	12 N.J.R. 391(c)
7:13-1.11(c)	Amend delineated floodways in the Delaware Basin	R.1980 d.251	12 N.J.R. 391(e)
7:13-1.11(d)	Amend delineated floodways in the Raritan Basin	R.1980 d.99	12 N.J.R. 181(b)
7:13-1.11(d)	Amend flood plain delineation of parts of the Rockaway River and Passaic River	R.1980 d.66	12 N.J.R. 113(c)
7:14-2.5	Amend water pollution control act regulations	R.1980 d.49	12 N.J.R. 112(c)
7:14-2.26	Wastewater treatment report	R.1980 d.58	12 N.J.R. 113(a)
7:14-5	Septage disposal	R.1980 d.277	12 N.J.R. 462(a)
7:23	Amend flood control bond grants	R.1980 d.297	12 N.J.R. 462(b)
7:25-1.7	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-5	1980-1981 Game Code	R.1980 d.266	12 N.J.R. 392(a)
7:25-6	1981 Fish Code	R.1980 d.400	12 N.J.R. 577(a)
7:25-7.2	Amend oyster seed beds	R.1980 d.215	12 N.J.R. 314(d)
7:25-7.4	Oyster dredging prohibition	R.1980 d.216	12 N.J.R. 314(e)
7:25-7.4	Repeal rules prohibiting oyster dredging	R.1980 d.369	12 N.J.R. 575(b)
7:25-7.13	Crab dredging	R.1980 d.396	12 N.J.R. 576(e)
7:25-9.2, 14.9	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-15.1	Amend relay of hard clams	R.1980 d.161	12 N.J.R. 260(a)
7:25-17	Disposal of dead deer	R.1980 d.193	12 N.J.R. 314(c)
7:25-18	Marine fisheries	R.1980 d.394	12 N.J.R. 576(c)
7:25-19.1	Atlantic Coast harvest season	R.1980 d.373	12 N.J.R. 575(d)
7:25-20.1	Temporary fishing ban	R.1980 d.177	12 N.J.R. 313(a)
7:25-20.1	Temporary fishing ban	R.1980 d.184	12 N.J.R. 313(e)
7:25-20.1	List of nongame wildlife species of New Jersey	R.1980 d.390	12 N.J.R. 576(b)
7:26-8.2, 4.7	Amend registration and fees for solid waste collector/haulers	R.1980 d.250	12 N.J.R. 391(d)
7:27-18	Amend air pollution in non-attainment areas	R.1980 d.307	12 N.J.R. 462(c)
7:28-12	Amend transportation	R.1980 d.191	12 N.J.R. 314(b)
7:28-24.15	Amend certification fees for nuclear medicine technology	R.1980 d.87	12 N.J.R. 114(a)
7:37-1.5(d)	Delete part of rules on urban neighborhood assistance program	R.1980 d.183	12 N.J.R. 313(d)
7:38	Wild and scenic rivers	R.1980 d.401	12 N.J.R. 577(b)

(Title 7, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

HEALTH — TITLE 8

8:7-1.7	Amend health officer licensure	R.1980 d.317	12 N.J.R. 467(b)
8:7-1.9(a)	Amend health officer qualifications	R.1980 d.168	12 N.J.R. 272(c)
8:15	Amend effective date	R.1980 d.32	12 N.J.R. 75(b)
8:15	Correction to printed text	—	12 N.J.R. 74(b)
8:15	Repeal rules on smoking in certain public places	R.1980 d.124	12 N.J.R. 187(a)
8:19	Newborn hearing screening program	R.1980 d.173	12 N.J.R. 273(d)
8:21-1.13	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-1.29	Labeling, sale and distribution of cosmetics for professional use only	R.1980 d.218	12 N.J.R. 317(a)
8:21-1.31, 1.32	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-3.14	Delete rules	R.1979 d.454	11 N.J.R. 622(d)
8:21-3.15—3.18	Repeal of certain rules concerning Uniform Narcotic Act	R.1979 d.451	11 N.J.R. 622(a)
8:21-6	Certified milk	R.1980 d.403	12 N.J.R. 579(a)
8:21-10.12(f)	Amend expiration date requirement for containers of white whole milk	R.1980 d.96	12 N.J.R. 186(a)
8:21A	Rules on good drug manufacturing	R.1979 d.453	11 N.J.R. 622(c)
8:25-3.2(a)	Amend physical examinations regarding Youth Camp Safety Act standards	R.1980 d.169	12 N.J.R. 272(d)
8:30	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:30-2.2	Appointment of administrator	R.1980 d.364	12 N.J.R. 518(b)
8:30-2.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:31-8 App. B	Amend standards and general criteria for the planning, certification of need and designation of perinatal services	R.1979 d.369	11 N.J.R. 549(c)
8:31-25.1(a)23	Add dexamethasone to list of therapeutic agents	R.1979 d.409	11 N.J.R. 550(c)
8:31-26.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)

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8:31-30.1	Amendments concerning plan review fee	R.1980 d.256	12 N.J.R. 405(b)
8:31A-5.5	Temporary reporting procedures; implementation of S446	R.1979 d.368	11 N.J.R. 549(b)
8:31A-5.5	Amend hospital cost reporting procedures	R.1980 d.271	12 N.J.R. 407(a)
8:31A-6	1981 Hospital Rate Setting Rules in SHARE Manual	R.1980 d.269	12 N.J.R. 406(d)
8:31A-7	1981 SHARE guidelines	R.1980 d.270	12 N.J.R. 406(e)
8:31B-2	Rules on hospital reporting of uniform bill-patient summaries (in-patient)	R.1979 d.450	11 N.J.R. 621(a)
8:31B-2	Uniform bill-patient summaries (inpatient)	R.1980 d.361	12 N.J.R. 517(b)
8:31B-3	Procedural and methodological regulations to implement Chapter 83, P.L. 1978	R.1979 d.408	11 N.J.R. 550(b)
8:31B-3.8(b)	Amend procedural and methodological rules for implementing Chapter 83, P.L. 1978	R.1979 d.484	12 N.J.R. 15(b)
8:31B-3.48	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:31B-4	Financial elements and reporting	R.1979 d.407	11 N.J.R. 550(a)
8:31B-5	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:32	Amend 1976-77 (Interim) N.J. State Medical Facilities Plan Long-term care bed need methodology and formula	R.1980 d.110	12 N.J.R. 186(b)
8:33-1.4, Exhibit 2	Amendments to guidelines and criteria for submission of applications for certificates of need	R.1980 d.36	12 N.J.R. 75(e)
8:33-1.4, 2.7, 2.8	Amend guidelines and criteria for submission of applications for certificate of need	R.1980 d.123	12 N.J.R. 186(c)
8:33H	Policy manual for certificate of need reviews, long term care	R.1980 d.404	12 N.J.R. 579(b)
8:34-1.29, 1.30	Administrative experience regarding nursing home administrators	R.1980 d.170	12 N.J.R. 273(a)
8:35-1.3(g)	Amend antibiotic use	R.1980 d.85	12 N.J.R. 117(a)
8:36	Delete current text	R.1980 d.39	12 N.J.R. 76(c)
8:36A	Amend certificate of need for end stage renal disease service	R.1980 d.34	12 N.J.R. 75(c)
8:37	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:37-4.4(a)	Administrators and intermediate care facilities	R.1980 d.363	12 N.J.R. 518(a)
8:37-4.5	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39	Amend effective date	R.1980 d.257	12 N.J.R. 406(a)
8:39-1.1	Amend definition of ancillary nursing personnel	R.1980 d.171	12 N.J.R. 273(b)
8:39-1.1, 1.11	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39-1.13(h)	Administrators, long term care facilities	R.1980 d.365	12 N.J.R. 518(c)
8:39-1.15, 1.25	Amendments to Manual of Standards for Licensure of Long-Term Care Facilities	R.1980 d.258	12 N.J.R. 406(b)
8:39-1.33	Amend standards for licensure of long term care facilities	R.1979 d.492	12 N.J.R. 16(e)
8:42-1.1	Amend definition of governing authority	R.1979 d.485	12 N.J.R. 15(c)
8:42-1.8, 2.1, 2.8	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:42-3	Extend expiration date of standards to June 30, 1980	R.1979 d.486	12 N.J.R. 15(d)
8:42-3	Amend expiration date of standards, alcohol abuse residential and inpatient treatment facilities	R.1980 d.272	12 N.J.R. 407(b)
8:43-1.1	Definition of boarding home	R.1980 d.366	12 N.J.R. 518(d)
8:43-1.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43-4.1(a)	Amendments to standards for licensure of new boarding homes for sheltered care	R.1980 d.172	12 N.J.R. 273(c)
8:43-4.6, 9.2	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43A-1.21(b)	Amend emergency medical care and defibrillators	R.1979 d.488	12 N.J.R. 16(a)
8:43A-1.52, 1.59, 1.63	Amend hours of counseling and availability of hours	R.1979 d.406	11 N.J.R. 549(e)
8:43A-1.66	Amend construction standards	R.1979 d.493	12 N.J.R. 17(a)
8:43A-1.71	Amend computerized axial tomography services	R.1979 d.487	12 N.J.R. 15(e)
8:43A-1.72	Extend expiration date for standards to June 30, 1980	R.1979 d.489	12 N.J.R. 16(b)
8:43A-1.72	Amend expiration date of standards	R.1980 d.273	12 N.J.R. 407(c)
8:43A-1.74	Amendments on intermediate renal dialysis services	R.1980 d.39	12 N.J.R. 76(c)
8:43A-3.1, 9.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-1.11(q)7	Amend waiver of emergency room services	R.1979 d.410	11 N.J.R. 550(d)
8:43B-5.1	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-7.2(c)	Amend respiratory therapists	R.1979 d.491	12 N.J.R. 16(d)
8:43B-17.12, 17.13, 17.16	Amend number of physicians and cardiac diagnostic and surgical services	R.1979 d.490	12 N.J.R. 16(c)
8:43B-15.1, 16.1, 17.4	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-17.17	Amend construction standards and cardiac diagnostic and surgical services	R.1979 d.494	12 N.J.R. 17(b)
8:43F	Manual of Standards for Licensure of Non-Residential Medical Day Care Facilities	R.1979 d.452	11 N.J.R. 622(b)
8:43F-1.1, 3.7	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:45-1.3	Amend clinical laboratories licensure fees	R.1979 d.398	11 N.J.R. 549(d)
8:45-2.1, 2.2	Amendments increasing certain laboratory fees	R.1979 d.411	11 N.J.R. 550(e)
8:50	Repeal rules on local boards of health and personnel	R.1980 d.402	12 N.J.R. 578(d)

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8:51	Amend local board of health standards	R.1980 d.321	12 N.J.R. 467(f)
8:51-1.2(a)	Amend local board of health	R.1980 d.319	12 N.J.R. 467(d)
8:65-1.1—1.3	Use of controlled dangerous substances by animal care facilities	R.1980 d.86	12 N.J.R. 117(b)
8:65-2	Delete rules	R.1979 d.453	11 N.J.R. 622(c)
8:65-2.5, 5.3, 5.4	Use of controlled dangerous substances by animal care facilities	R.1980 d.86	12 N.J.R. 117(b)
8:65-5.4	Amend maintenance of records and inventories	R.1980 d.360	12 N.J.R. 517(a)
8:65-5.11, 5.17, 6.6	Use of controlled dangerous substances	R.1980 d.86	12 N.J.R. 117(b)
8:65-10.1	Amend controlled dangerous substances	R.1980 d.322	12 N.J.R. 467(g)
8:65-10.2	Amend controlled dangerous substances	R.1980 d.323	12 N.J.R. 468(a)
8:65-10.2(b)5.	Add immediate precursors to Schedule II of Controlled Dangerous Substances	R.1980 d.37	12 N.J.R. 76(a)
8:65-10.2(b)5.	Add immediate precursor to phencyclidine (PCP)	R.1980 d.38	12 N.J.R. 76(b)
8:65-10.4	Amend controlled dangerous substances	R.1980 d.327	12 N.J.R. 468(b)
8:65-10.8	Amend exempt chemical preparations	R.1980 d.180	12 N.J.R. 316(b)
8:65-11.7	Use of Dextropropoxyphene in narcotic treatment	R.1980 d.328	12 N.J.R. 468(c)
8:70-1.1(c)	Amend drug evaluation and acceptance criteria	R.1979 d.412	11 N.J.R. 551(a)
8:70-1.1(d)	Amend manufacturer's name on drug labels	R.1979 d.483	12 N.J.R. 15(a)
8:71	Amend interchangeable drug products	R.1979 d.498	12 N.J.R. 75(a)
8:71	Amend list of interchangeable drug products	R.1980 d.35	12 N.J.R. 75(d)
8:71	Deletions to list of interchangeable drug products	R.1980 d.254	12 N.J.R. 394(c)
8:71	Amend list of interchangeable drug products	R.1980 d.255	12 N.J.R. 405(a)
8:71	Additions to the list of interchangeable drug products	R.1980 d.263	12 N.J.R. 406(c)

(Title 8, Transmittal 12 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

HIGHER EDUCATION — TITLE 9

9:2-2.7, 2.10,	Amend petitions from out-of-State institutions	R.1979 d.441	11 N.J.R. 623(a)
9:1-6.1, 6.4	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
2.12, 9.7—9.10			
9:3-1.3	Amend personnel policies for State colleges; contracts for nonfaculty professional staff	R.1980 d.50	12 N.J.R. 118(b)
9:3-2.14	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:6-1.1—1.4	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:6-1.2	Amend personnel policies for State colleges; contracts for nonfaculty professional staff	R.1980 d.50	12 N.J.R. 118(b)
9:7-2.2	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.6	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.10	Amend verification of enrollment and academic performance	R.1980 d.74	12 N.J.R. 119(a)
9:7-3.3	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-4.1	Amend Garden State scholarship eligibility requirements	R.1980 d.212	12 N.J.R. 317(b)
9:7-6	Tuition Benefit Program	R.1980 d.324	12 N.J.R. 469(b)
9:9-1.12(a)	Amend loan amounts and eligibility requirements	R.1979 d.401	11 N.J.R. 551(c)
9:9-5.2	Amend Graduate Insured Loan procedures and policies	R.1980 d.339	12 N.J.R. 520(a)
9:9-5.3	Amend loan amounts and eligibility	R.1979 d.401	11 N.J.R. 551(c)
9:9-5.4	Amend Graduate Insured Loan	R.1980 d.339	12 N.J.R. 520(a)
9:11-1.1(c)6.	Amend student eligibility	R.1980 d.1	12 N.J.R. 76(d)
9:14	Amend implementing Independent Colleges and Universities Assistance Act	R.1980 d.98	12 N.J.R. 186(b)
9:16-1	Physician/dentist Loan Advisory Committee	R.1980 d.309	12 N.J.R. 469(a)

(Title 9, Transmittal 13 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

HUMAN SERVICES — TITLE 10

10:44B	Standards on regulating adult foster homes, skill development homes and supervised apartments	R.1980 d.157	12 N.J.R. 278(e)
10:49-1.3	Amend disclosure of information	R.1980 d.90	12 N.J.R. 193(b)
10:49-1.12	Amend medical assistance claims	R.1980 d.278	12 N.J.R. 481(a)
10:49-1.18, 1.23	Amend nondiscrimination of handicapped recipients	R.1980 d.247	12 N.J.R. 418(d)
10:49-5.5	Amend fair hearing	R.1980 d.33	12 N.J.R. 86(f)
10:49-7.1	Provider reinstatement	R.1980 d.378	12 N.J.R. 599(a)
10:50-1.2—1.4,	Amend transportation services	R.1980 d.93	12 N.J.R. 193(e)
2.2, 2.5, 2.6			
10:52-1.6	Amend outpatient hospital services	R.1980 d.313	12 N.J.R. 483(c)
10:52-1.6(c)	Amend out-patient hospital services	R.1980 d.45	12 N.J.R. 125(c)

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10:52-1.6(c)	Reimbursement for outpatient hospital services	R.1980 d.337	12 N.J.R. 536(a)
10:52-1.7, 1.13	Amend Hospital Services Manual	R.1980 d.139	12 N.J.R. 278(a)
10:52-1.16	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:52-1.16	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:52-2.12	Assessment of interest on overpayments	R.1980 d.47	12 N.J.R. 126(a)
10:53-1.6	Special Hospital Services Manual	R.1980 d.392	12 N.J.R. 600(c)
10:53-1.14	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:53-1.14	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:53-2.17	Assessment of interest on overpayments	R.1980 d.217	12 N.J.R. 323(c)
10:54-1.5(b)	Amend Physician's Services Manual	R.1980 d.138	12 N.J.R. 277(c)
10:54-1.9	Amend Physicians Services Manual	R.1980 d.91	12 N.J.R. 193(c)
10:54-1.23	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:54-1.23	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:55-1.5(b)3.	Amend Prosthetic and Orthotic Services Manual	R.1980 d.89	12 N.J.R. 193(a)
10:58	Repeal of Independent Clinic Services Manual	R.1980 d.351	12 N.J.R. 536(d)
10:60-2.5	Assessment of interest on overpayments	R.1980 d.46	12 N.J.R. 125(d)
10:63-1.4	Amend consultations in Long Term Care Manual	R.1980 d.340	12 N.J.R. 536(c)
10:63-1.14	Nurses' notes in long term care facilities	R.1980 d.393	12 N.J.R. 600(d)
10:63-3	Amend longterm care facilities rate review guidelines	R.1979 d.482	12 N.J.R. 42(b)
10:63-3.1	Amend penalties for delinquent cost studies	R.1980 d.211	12 N.J.R. 323(b)
10:63-3.5	Amend long-term care manual rate review guidelines	R.1980 d.42	12 N.J.R. 125(b)
10:63-3.18, 3.19	Long term care rate review guidelines	R.1980 d.377	12 N.J.R. 536(d)
10:63-3.21	Long-term care per diem rates	R.1980 d.341	12 N.J.R. 536(b)
10:66	Amend Independent Clinic Manual	R.1980 d.249	12 N.J.R. 418(f)
10:66-1.15	Amend changes of reimbursement for independent clinics	R.1980 d.248	12 N.J.R. 418(e)
10:66-4.18	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
19:67-1.8	Amend Psychologists Service Manual regarding prior authorization	R.1980 d.137	12 N.J.R. 277(b)
10:81-2.7	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.2, 3.3	Amend determination of presumptive eligibility	R.1980 d.77	12 N.J.R. 126(b)
10:81-3.8	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.17	Amend ways by which continued absence from the home may be established	R.1980 d.222	12 N.J.R. 324(a)
10:81-3.21	Amend residence requirement and support rights	R.1980 d.119	12 N.J.R. 194(d)
10:81-3.27	Amend documentation in AFDC transfers	R.1980 d.330	12 N.J.R. 483(f)
10:81-3.27, 3.28	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-3.32, 3.33, 3.34	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.38	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.38, 3.40	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.41(a)	Amend recovery of assistance granted on behalf of a child pending settlement of a claim	R.1980 d.80	12 N.J.R. 126(e)
10:81-3.42	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-7.1	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-7.13	Amend retention and destruction of case records	R.1980 d.81	12 N.J.R. 127(a)
10:81-7.22, 7.26	Amend payment of burial and funeral costs	R.1980 d.244	12 N.J.R. 518(a)
10:81-7.32	Amend subpoena notification	R.1980 d.329	12 N.J.R. 483(e)
10:81-8.20	Amend exemption of an institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:81-App.D.	Amend residence requirements and assignment of support rights	R.1980 d.119	12 N.J.R. 194(d)
10:82-1.2	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-1.4	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-1.6	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.3	Amend grant effective date	R.1980 d.331	12 N.J.R. 484(a)
10:82-2.6	Amend institutionalized child, homemaker service, travel expenses and emergency assistance	R.1980 d.28	12 N.J.R. 86(c)
10:82-2.9	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.13	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.14	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-2.14(f)	Amend the determination of monthly income of AFDC clients employed on a contractual basis	R.1980 d.82	12 N.J.R. 127(b)
10:82-2.20	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-3.2	Inclusion of burial plots as exempt resource	R.1980 d.383	12 N.J.R. 599(b)
10:82-3.7	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-4.6	Disregard of certain allowances and payments in AFDC	R.1980 d.384	12 N.J.R. 599(c)

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10:82-4.9	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-4.9(c)	Amend increase in monthly rates for foster care as established by DYFS	R.1980 d.83	12 N.J.R. 127(c)
10:82-4.13	Contributions of support by legally responsible relative	R.1980 d.389	12 N.J.R. 600(a)
10:82-5.4, 5.5	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10(d)	Amend emergency assistance and victims of domestic violence	R.1980 d.166	12 N.J.R. 278(f)
10:85	Amend forms and references to forms in the general assistance program	R.1980 d.11	12 N.J.R. 86(a)
10:85-3.1, 3.2	Amend general assistance procedures for persons released from State psychiatric institutions	R.1980 d.116	12 N.J.R. 194(a)
10:85-3.2	Amendments on fair hearings and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-3.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-3.2	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.2	Amend application on behalf of a critically ill or hospitalized client by an authorized agent	R.1980 d.152	12 N.J.R. 278(b)
10:85-3.2	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-3.2	Amend out-of-State individuals entering New Jersey medical facilities	R 1980.d.245	12 N.J.R. 418(b)
10:85-3.2	Amend GAM	R.1980 d.252	12 N.J.R. 419(a)
10:85-3.3	Allowance schedule	R.1980 d.310	12 N.J.R. 483(a)
10:85-3.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.3	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.3(c)	Amend determination of monthly income for persons employed on a contractual basis	R.1980 d.84	12 N.J.R. 127(d)
10:85-3.3(g)	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-3.4	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.5	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.5	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.6	GAM: Overpayments and underpayments	R.1980 d.391	12 N.J.R. 600(b)
10:85-4.6(b)	Amend emergency assistance and victims of domestic violence	R.1980 d.167	12 N.J.R. 279(a)
10:85-5.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-5.2, 5.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-5.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-5.3, 5.4	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-5.3, 5.5	Amendments on medical payments	R.1979 d.495	12 N.J.R. 43(a)
10:85-5.8, 5.9	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-6.3	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-6.8	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-7.1—7.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-7.3	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-7.6	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-10	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-App. C	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-App. C	Amend GAM: Income and allowance standards	R.1980 d.295	12 N.J.R. 482(a)
10:87-2.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-2.21, 2.29	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-3.18(b)	Amend criteria for student exemption from work registration	R.1980 d.30	12 N.J.R. 86(e)
10:87-3.18, 4.7	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-4.8	Amend exclusion of resources	R.1980 d.220	12 N.J.R. 323(d)
10:87-5.8	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-5.10	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-5.10	FSM: Shelter cost deductions	R.1980 d.387	12 N.J.R. 599(e)
10:87-6.9, 6.11 6.13, 6.15	Amend Food Stamp Manual	R.1980 d.459	12 N.J.R. 40(c)
10:87-6.16	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-7.18, 9.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-9.7	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-10	Amend Food Stamp Manual	R.1980 d.121	12 N.J.R. 195(a)
10:87-10.1	Amend retention period for source documents	R.1980 d.117	12 N.J.R. 194(b)
10:87-11.15, 11.20	Amend Food Stamp Manual	R.1979 d.422	12 N.J.R. 559(d)
10:87-12	Amend Tables in Food Stamp Manual	R.1979 d.477	12 N.J.R. 42(a)
10:87-12	Amend Food Stamp allotment and income	R.1980 d.296	12 N.J.R. 482(b)
10:87-12.1	Amend income deduction table	R.1980 d.154	12 N.J.R. 278(d)
10:90	Repeal Handbook for Home Services	R.1980 d.208	12 N.J.R. 323(a)
10:94-4.33	Amendments concerning Medicaid Only income eligibility levels	R.1980 d.223	12 N.J.R. 324(b)
10:94-5.8	Amend living allowance deductions	R.1980 d.187	12 N.J.R. 322(b)
10:94-5.8	Amend exemption of institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:94-5.8(a)	Amendments concerning living allowance deductions	R.1980 d.27	12 N.J.R. 86(b)
10:99	Repeal	R.1980 d.178	12 N.J.R. 322(a)

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10:100-1.23	Amend SSI payments	R.1980 d.221	12 N.J.R. 323(e)
10:100-3.5, 3.6, 3.7	Amend payment of burial and funeral costs	R.1980 d.246	12 N.J.R. 418(c)
10:102	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:104-1.19	Pre-adoption home studies in cases of foreign born children	R.1979 d.457	12 N.J.R. 40(b)
10:105	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:107	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:108	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:109-App.I, II	Salary increases for county welfare agencies' employees	R.1980 d.386	12 N.J.R. 599(d)
10:120-Foreword	Amend DYFS administrative foreword	R.1980 d.308	12 N.J.R. 482(c)
10:122	Amend child care standards	R.1980 d.314	12 N.J.R. 483(d)
10:122A	Recodify AFDC Foster Care	R.1980 d.314	12 N.J.R. 483(d)
10:122B	Recodify Family Day Care	R.1980 d.314	12 N.J.R. 483(d)
10:123-2	Boarding homes	R.1980 d.371	12 N.J.R. 586(c)
10:123-3	Adopt personal needs allowance	R.1980 d.358	12 N.J.R. 536(e)

(Title 10, Transmittal 13 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

CORRECTIONS — TITLE 10A

10A:32	Manual of standards for juvenile detention facilities	R.1980 d.14	12 N.J.R. 87(b)
10A:33	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:35	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:70-1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-1.11	Temporary postponements of certain provision of Parole Act of 1979	R.1980 d.174	12 N.J.R. 335(a)
10A:70-1.11	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-8.1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71-3.3, 3.4, 3.19, 7.16	Amended Rules of State Parole Board	R.1980 d.226	12 N.J.R. 335(b)

(Title 10A, Transmittal 4 dated Nov. 13, 1979 includes all rules through Jan. 10, 1980 N.J. Register.)

INSURANCE — TITLE 11

11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-16	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-17.6, 17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-18	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-21	Life insurance policies—limited death benefit as alternative to underwriting	R.1980 d.265	12 N.J.R. 423(c)
11:5-1.15	Amend real estate business cards	R.1980 d.279	12 N.J.R. 484(d)
11:5-1.15(l)	Amend advertising	R.1980 d.52	12 N.J.R. 128(a)
11:5-1.15(m)	Amend advertising	R.1980 d.213	12 N.J.R. 343(a)
11:5-1.16(c)	Amend advertising	R.1980 d.51	12 N.J.R. 127(e)
11:5-1.16(c)	Amend listing agreements and contracts	R.1980 d.214	12 N.J.R. 342(d)
11:5-1.16(c)	Amend contracts of sale and listing agreements	R.1980 d.274	12 N.J.R. 423(d)

(Title 11, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(c)
12:35	Assignment of employable general assistance recipients to worksites	R.1980 d.162	12 N.J.R. 280(b)
12:105	Arbitration	R.1980 d.397	12 N.J.R. 605(a)
12:200	Amend liquefied petroleum gases	R.1980 d.143	12 N.J.R. 280(a)
12:235-1.5	Amend benefit rates	R.1980 d.357	12 N.J.R. 543(d)

(Title 12, Transmittal 12 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-4, -40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-20, -23, -24	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-33, 36	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)

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13:2-40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:21-4.1	Amend statements of origin	R.1980 d.112	12 N.J.R. 209(c)
13:21-14	Amend bus drivers	R.1980 d.114	12 N.J.R. 209(e)
13:25-8.5	Amend motorized bicycles	R.1980 d.113	12 N.J.R. 209(d)
13:28-1.54	Amend beauty culture notice requirements	R.1980 d.94	12 N.J.R. 208(b)
13:28-1.56	Beauty shop price posting	R.1980 d.229	12 N.J.R. 433(b)
13:28-2.6	Amend names of schools	R.1980 d.261	12 N.J.R. 434(c)
13:28-2.11	Amend non-English speaking student enrollment	R.1980 d.109	12 N.J.R. 209(a)
13:28-2.24	Amend student standards and requirements	R.1980 d.262	12 N.J.R. 434(d)
13:28-2.24	Repeal of part of rule exempting male beauty students from performing manicuring and facial work	R.1980 d.228	12 N.J.R. 433(a)
13:28-2.33	Amend beauty culture curriculum	R.1980 d.94	12 N.J.R. 208(b)
13:30-8.4	Announcements of practice in special area of dentistry	R.1980 d.368	12 N.J.R. 609(a)
13:33-1.11, 1.12 1.15, 1.16	Amend licensure requirements	R.1980 d.201	12 N.J.R. 348(c)
13:35-6.16	Uses of amphetamines and sympathonimetic amines	R.1980 d.380	12 N.J.R. 609(c)
13:35-6.16(a)	Uses of amphetamines and sympathonimetic amines	R.1980 d.379	12 N.J.R. 609(b)
13:35-6.18	Provision of radiological services	R.1980 d.344	12 N.J.R. 551(b)
13:38-2.2	Amend examination equipment	R.1980 d.202	12 N.J.R. 348(d)
13:39-5.7, 5.11, 5.15	Amend reciprocal licensure	R.1980 d.259	12 N.J.R. 434(a)
13:39-6.9	Availability of records	R.1980 d.260	12 N.J.R. 434(b)
13:41-3.2	Annual license fees and charges	R.1980 d.179	12 N.J.R. 348(a)
13:45A-9	Amend merchandise advertising	R.1980 d.200	12 N.J.R. 348(b)
13:45A-16	Home improvement practices	R.1980 d.111	12 N.J.R. 209(b)
13:47A-25.3	Amend disclosure of material terms to wire services	R.1980 d.155	12 N.J.R. 284(a)
13:70-12	Amend claiming requirements	R.1980 d.95	12 N.J.R. 208(c)
13:70-29.56	Pick-Six pool	R.1980 d.286	12 N.J.R. 494(a)

(Title 13, Transmittal 15 dated February 15, 1980 includes all rules through March 6, 1980 N.J. Register.)

PUBLIC UTILITIES — TITLE 14

ENERGY — TITLE 14A

14:3-7.9	Amend utility bill form	R.1980 d.299	12 N.J.R. 495(d)
14:3-7.9(b)	Estimated bills for residential customers	R.1980 d.44	12 N.J.R. 156(d)
14A:3-2.2, 2.11	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-4.2, 4.4	Repeal gas burning ignition	R.1980 d.280	12 N.J.R. 494(c)
14A:3-8.2, 8.4, 9.2, 9.3, 9.4	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-10	Energy conservation certificate of compliance	R.1980 d.282	12 N.J.R. 495(b)
14A:3-11	Used oil	R.1980 d.283	12 N.J.R. 495(c)

(Title 14, Transmittal 13 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)
(Title 14A, Transmittal 5 dated January 17, 1980 includes all rules through July 10, 1980 N.J. Register.)

STATE — TITLE 15

15:15-10	Amend Administrative hearings	R.1980 d.275	12 N.J.R. 362(a)

(Title 15, Transmittal 11 dated May 17, 1979 includes all rules through June 5, 1980 N.J. Register.)

PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978 includes all rules to date.)

TRANSPORTATION — TITLE 16

16:16-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:17-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:21	State aid to counties and municipalities	R.1980 d.127	12 N.J.R. 215(a)
16:22	Urban revitalization, special demonstration and emergency projects	R.1980 d.333	12 N.J.R. 553(b)
16:26-3.4	Amend reimbursed highway safety lighting	R.1979 d.466	12 N.J.R. 52(a)
16:28-1.11	Speed limits: Terrill Road	R.1980 d.145	12 N.J.R. 289(c)
16:28-1.18	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.41	Amend speed zones on parts of Route U.S. 9	R.1980 d.55	12 N.J.R. 157(c)
16:28-1.57(a)	Amend speed zones on parts of Route U.S. 30 in Atlantic County	R.1980 d.3	12 N.J.R. 95(a)
16:28-1.69	Amend speed zones on parts of Route U.S. 130	R.1980 d.56	12 N.J.R. 157(d)

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16:28-1.72, 1.77	Speed zones on Routes U.S. 206, N.J. 29	R.1980 d.346	12 N.J.R. 553(d)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.81	Speed zones on Route N.J. 49	R.1980 d.346	12 N.J.R. 553(d)
16:28-3.1	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.38(d)	No-parking zones on part of Route U.S. 9	R.1980 d.126	12 N.J.R. 214(b)
16:28-3.39	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.44, 3.46, 3.47	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.48	Amend restricted parking on parts of Routes 44, 52, 152 and 35	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.51, 3.53	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.61	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.62	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.66	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.75	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.94	Amend restricted parking	R.1980 d.53	12 N.J.R. 157(a)
16:28-3.95	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.97	Amend restricted parking	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.107	Amend restricted parking: Routes 94 and 3	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.107	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.107	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.112	Amend restricted parking	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.113	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.121	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.194	Restricted parking on Route 7	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.198, 3.199	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.199	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.201, 3.202	Restricted parking on parts of Routes 29 and 179	R.1979 d.390	11 N.J.R. 589(b)
16:28-7.6	Lane usage on parts of Route 35	R.1979 d.296	11 N.J.R. 471(a)
16:28-12.7, 12.21 12.22, 12.25, 12.33, 12.34, 12.36, 12.37, 12.48, 12.59, 12.71	Amend right turns on red signals	R.1979 d.470	12 N.J.R. 52(b)
16:28A-1.7	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:28A-1.9	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.19, 1.20	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.21	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.21	Restricted parking: Route 30	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.22, 1.25	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.26	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.26	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.32, 1.33	Amend restricted parking	R.1980 d.291	12 N.J.R. 496(c)
16:28A-1.35	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.46, 1.51	Restricted parking: Routes 130, 168	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.61	Restricted parking: Route 41	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61—1.63	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:29-1.8	Amend no passing zones on parts of Route U.S. 46	R.1979 d.346	11 N.J.R. 524(b)
16:29-1.20	No-passing zones on parts of Route U.S. 40	R.1979 d.264	11 N.J.R. 410(b)
16:29-1.21	No passing zones on parts of Route 27 in Mercer County	R.1980 d.2	12 N.J.R. 94(c)
16:30-1.7	One-way traffic on parts of Eisenhower Avenue in Dover Township	R.1979 d.347	11 N.J.R. 524(c)
16:30-3.1	Amend lane usage on parts of Routes 35 and U.S. 9	R.1979 d.471	12 N.J.R. 52(c)
16:30-3.1(c)	Amend lane usage on Route 35	R.1980 d.342	12 N.J.R. 553(c)
16:30-3.4	Amend lane usage on Routes 35 and U.S. 9	R.1979 d.471	12 N.J.R. 52(c)
16:30-3.5, 3.6	High occupancy vehicle lanes on parts of Routes I-95 and 444	R.1979 d.312	11 N.J.R. 471(c)
16:30-5.1	Amendments on parking at Metro Park train station	R.1980 d.13	12 N.J.R. 95(d)
16:30-5.1	Amend traffic and parking at Metro Park Train Station	R.1980 d.128	12 N.J.R. 289(b)
16:31-1.13	Amend no left turns on parts of Route 71	R.1979 d.348	11 N.J.R. 524(d)
16:31-1.14	Rules on no-left turns on parts of Route 35	R.1979 d.389	11 N.J.R. 589(a)
16:41-16	Permits allowing use or occupancy of State-owned railroad property	R.1979 d.331	11 N.J.R. 523(a)
16:43	Junkyards adjacent to the interstate and primary highway systems	R.1979 d.499	12 N.J.R. 94(b)
16:53A	Rules on financial and accounting conditions and criteria for bus operating assistance program	R.1979 d.302	11 N.J.R. 471(b)
16:53B	Delegation of authority by Computer Operating Agency	R.1979 d.334	11 N.J.R. 523(b)
16:65-1.4	Amend effective date of classification	R.1980 d.103	12 N.J.R. 214(a)
16:65-3.1, 3.2	Amend distribution and sale of construction plans and supplementary specifications	R.1979 d.388	11 N.J.R. 588(b)

(Title 16, Transmittal 12 dated June 14, 1979 includes all rules through June 7, 1979 N.J. Register.)

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TREASURY-GENERAL — TITLE 17

17:1 foreword	Amend general administration	R.1980 d.63	12 N.J.R. 163(a)
17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-4.13	Amend pension cash purchase discounts	R.1980 d.302	12 N.J.R. 497(d)
17:1-4.21	Amend general administration	R.1980 d.63	12 N.J.R. 163(a)
17:1-4.31	Rules on normal retirement age	R.1980 d.64	12 N.J.R. 163(b)
17:1-8.7, 8.8, 8.12	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-9.1-9.6, -10 foreword, -11 foreword, 11.9	Amend general administration	R.1980 d.63	12 N.J.R. 163(a)
17:2-1.8, 2.2, 2.4, 3.1, 3.6, 4.11, 4.14, 5.7, 6.2, 6.19, 7.1, 7.2	Amend Public Employees' Retirement System	R.1979 d.399	11 N.J.R. 596(b)
17:3-1.8, 1.11, 2.1, 2.7, 3.1	Amend Teachers' Pension and Annuity Fund	R.1980 d.103	12 N.J.R. 224(e)
17:3-3.4	Amend contributory insurance rate of contribution	R.1980 d.175	12 N.J.R. 354(a)
17:3-5.2, 6.7, 6.11, 6.13, 6.14	Amend Teachers' Pension and Annuity Fund	R.1980 d.103	12 N.J.R. 224(e)
17:3-6.15	Amend compulsory retirement	R.1979 d.397	11 N.J.R. 596(a)
17:4-1.8, 1.11 3.3, 4.10, 6.7, 6.8, 6.12, 6.14	Amend Police and Firemen's Retirement System	R.1980 d.135	12 N.J.R. 290(a)
17:5-1.7	Amend State Police Retirement System	R.1980 d.209	12 N.J.R. 355(d)
17:5-1.7, 2.3, 3.8	Amend State Police Retirement System	R.1980 d.101	12 N.J.R. 224(c)
17:5-5.7, 5.8	Amend State Police Retirement	R.1980 d.209	12 N.J.R. 355(d)
17:6-1.8	Amend the suspension of pension checks	R.1979 d.476	12 N.J.R. 57(a)
17:9-2.15	Amend major medical reimbursement	R.1980 d.300	12 N.J.R. 497(b)
17:9-5.5	Amend State Health Benefits Program	R.1979 d.396	11 N.J.R. 595(c)
17:10-1.7	Amend Judicial Retirement System	R.1979 d.431	11 N.J.R. 649(b)
17:10-1.8, 2.2	Amend Judicial Retirement System	R.1980 d.97	12 N.J.R. 224(a)
17:10-3.6	Amend Judicial Retirement System	R.1979 d.431	12 N.J.R. 649(b)
17:10-5.4	Amend Judicial Retirement System	R.1980 d.97	12 N.J.R. 224(a)
17:12-1.1, 2.4, 2.5, 2.7, 2.8, 3.3	Amend administrative procedures of Purchase Bureau	R.1980 d.142	12 N.J.R. 293(a)
17:12-7.2(a)	Amendments concerning debarment, suspension and disqualification of a person	R.1980 d.141	12 N.J.R. 292(a)
17:16-5.5	Amend fund classification	R.1980 d.315	12 N.J.R. 497(e)
17:16-27	Amend certificates of deposit	R.1979 d.436	11 N.J.R. 650(c)
17:16-31.7—31.12	Amend common Treasury Fund A	R.1980 d.235	12 N.J.R. 436(a)
17:16-31.9	Amend calculation of daily income per participating unit	R.1979 d.437	11 N.J.R. 651(a)
17:19-10	Architect/engineer selection procedures	R.1980 d.100	12 N.J.R. 224(b)
17:20	Amend concerning Lottery Bingo game	R.1980 d.67	12 N.J.R. 163(c)
17:21	Amend concerning Lottery Bingo game	R.1980 d.67	12 N.J.R. 163(c)
17:21-1.4	3-Of-A-Kind Instant Lottery	R.1980 d.372	12 N.J.R. 619(b)
17:21-11	Meadowlands Sports Lottery	R.1979 d.381	11 N.J.R. 594(b)
17:21-15	Pick-6 (Lotto) Lottery	R.1980 d.136	12 N.J.R. 290(b)

(Title 17, Transmittal 13 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

TREASURY-TAXATION — TITLE 18

18:5-6	Amend Cigarette Tax Act	R.1980 d.194	12 N.J.R. 354(b)
18:7-3.6	Amend Corporation Business Tax Act and method of company tax and net income base	R.1980 d.146	12 N.J.R. 293(b)
18:12-1.1	Amend categories of nonusable deed transactions	R.1980 d.62	12 N.J.R. 162(a)
18:12-6, -6A	Amend home improvement exemptions	R.1980 d.253	12 N.J.R. 436(b)
18:12-6A.6	Adoption on home improvement exemption	R.1980 d.335	12 N.J.R. 554(c)
18:12-9	Moratorium on taxation of mobile homes as real property	R.1980 d.147	12 N.J.R. 293(c)
18:12A-1.7(c)	Amend filing fees and county boards of taxation	R.1980 d.148	12 N.J.R. 293(d)
18:18-12.5	Amend the Motor Fuels Tax Act	R.1980 d.195	12 N.J.R. 354(c)
18:24-7.18	Amend sales and use tax; commercial motor vehicles	R.1980 d.197	12 N.J.R. 355(a)
18:24-7.19	Taxation of mobile homes	R.1980 d.149	12 N.J.R. 293(e)
18:24-14.3	Deletion of part of rule on hospital sales of meals	R.1980 d.196	12 N.J.R. 354(d)
18:24-16.1, 16.2 16.5—16.7	Amend coin-operated vending machines and appropriate sales tax	R.1980 d.150	12 N.J.R. 293(f)

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18:24-22.1, 22.3	Amend floor covering and the Sales and Use Tax Act	R.1980 d.102	12 N.J.R. 224(d)
18:26	Amend transfer inheritance tax	R.1980 d.198	12 N.J.R. 355(b)
18:26-3.10, 5.14, 5.15	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:26-8.9, 9.14, 10.5, 11.15, 12.9	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:37	Spill Compensation and Control Act	R.1980 d.199	12 N.J.R. 355(c)

(Title 18, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

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

19:4-6.28	Amend district zoning regulations	R.1980 d.43	12 N.J.R. 164(a)
19:8-2.11	Amend concerning Garden State Arts Center	R.1980 d.189	12 N.J.R. 355(e)
19:8-7.3(b)	Amendments concerning inspection and obtaining authority records regarding State Police reports	R.1980 d.131	12 N.J.R. 294(a)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-8	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(b)

(Title 19, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

19:41-8.6	Amend withdrawal of applications	R.1980 d.159	12 N.J.R. 295(a)
19:41-8.8	Reapplication by natural persons	R.1980 d.160	12 N.J.R. 295(b)
19:45-1.11	Amend casino licensee's organization	R.1980 d.232	12 N.J.R. 447(c)
19:47	Amend rules of the games	R.1980 d.132	12 N.J.R. 294(c)
19:47	Corrected version of amendments to rules of the games	R.1980 d.186	12 N.J.R. 357(a)
19:47-5.7(d)	Amend minimum wagers on Big-Six Wheel	R.1980 d.133	12 N.J.R. 294(d)
19:54	Amendments concerning the gross revenue tax	R.1980 d.134	12 NJ.R. 294(e)

(Title 19 Subtitle K, Transmittal 1 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

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(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Provider Reinstatement

On August 19, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act adopted new rules to be cited as N.J.A.C. 10:49-7.1 et seq. concerning provider reinstatement as proposed in the Notice published July 10, 1980 at 12 N.J.R. 409(a).

An order adopting this rule was filed and became effective on September 3, 1980 as R.1980 d.378.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Inclusion of Burial Plots As An Exempt Resource

On September 3, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-3.2 of the Assistance Standards Handbook concerning the inclusion of burial plots as an exempt resource as proposed in the Notice published July 10, 1980 at 12 N.J.R. 414(a).

An order adopting this rule was filed and became effective on September 8, 1980 as R.1980 d.383.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Disregard of Certain Allowances and Payments in AFDC

On September 3, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-4.6 of the Assistance Standards Handbook concerning the disregard of certain allowances and payments in AFDC as proposed in the Notice published July 10, 1980 at 12 N.J.R. 414(b).

An order adopting this rule was filed and became effective on September 8, 1980 as R.1980 d.384.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Salary Increases for County Welfare Agencies' Employees

On September 10, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:109 (Appendices I and II) concerning salary increases for county welfare agencies' employees as proposed in the Notice published June 5, 1980 at 12 N.J.R. 321(a) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on September 15, 1980 as R.1980 d.386.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

FSM: Shelter Cost Deductions

On September 10, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 39:4B-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-5.10 in the Food Stamp Manual concerning shelter cost deductions as proposed in the Notice published August 7, 1980 at 12 N.J.R. 470(b).

An order adopting this rule was filed September 15, 1980 to become effective on November 1, 1980 as R.1980 d.387.

Howard H. Kestin
Director
Office of Administrative Law

(f)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Treatment of Funds in Trust or Joint Accounts In Determining GA Eligibility

On September 10, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3 and 3.4 in the General Assistance Manual concerning treatment of funds in trust accounts or in joint accounts in determining eligibility for general assistance as proposed in the Notice published August 7, 1980 at 12 N.J.R. 469(d).

An order adopting this rule was filed September 15, 1980 to become effective on November 1, 1980 as R.1980 d.388.

Howard H. Kestin
Director
Office of Administrative Law

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(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Contributions of Support by Legally Responsible Relative

On September 10, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-4.13 in the Assistance Standards Handbook concerning contributions of support by a legally responsible relative as proposed in the Notice published July 10, 1980 at 12 N.J.R. 414(c).

An order adopting this rule was filed September 15, 1980 to become effective on November 1, 1980 as R.1980 d.389.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

GAM: Overpayments and Underpayments

On September 10, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.6 of the General Assistance Manual concerning overpayments and underpayments as proposed in the Notice published August 7, 1980 at 12 N.J.R. 470(a), but with inconsequential structural or language changes in the opinion of the department .

An order adopting this rule was filed September 16, 1980 to become effective on November 1, 1980 as R.1980 d.391.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Special Hospital Services Manual

On September 8, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:53-1.6 concerning covered outpatient hospital services and prior authorization for psychiatric services as proposed in the Notice published June 5, 1980 at 12 N.J.R. 318(c).

An order adopting this rule was filed and became effective on September 17, 1980 as R.1980 d.392.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Nurses' Notes in Long Term Care Facilities

On September 8, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:63-1.14 concerning requirements for nurses' notes in long term care facilities as proposed in the Notice published July 10, 1980 at 12 N.J.R. 413(c) but with substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on September 17, 1980 as R.1980 d.393.

Howard H. Kestin
Director
Office of Administrative Law

(e)

CORRECTIONS

THE COMMISSIONER

Repeal Parole Regulations

On August 13, 1980, William H. Fauver, Commissioner of Corrections, pursuant to authority of N.J.S.A. 30:1B-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 10A:33 and 10A:35 concerning parole supervisions and standards of the Division of Corrections and Parole.

An order adopting this rule was filed August 13, 1980 to become effective on September 1, 1980 as R.1980 d.367 (Exempt Agency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(f)

INSURANCE

THE COMMISSIONER

Proposed Rules on Unfair Claims Settlement Practices

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29B-1 et seq. and 17B:30-1 et seq. proposes to adopt new rules on unfair claims settlement practices to be cited as N.J.A.C. 11:2-17.

The proposed rules have been revised substantively from the original version proposed in the April 10, 1980 New Jersey Register at 12 N.J.R. 195(d). This revised proposal completely replaces the earlier proposal above-mentioned.

The purpose of the new rules is to delineate minimum standards for claim settlement practices by insurers under N.J.S.A. 17:29B-1 et seq. and N.J.S.A. 17B:30-1 et seq.

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Full text of the proposed new rules follows.

SUBCHAPTER 17. UNFAIR CLAIMS SETTLEMENT PRACTICES

11:2-17.1 Purpose

N.J.S.A. 17:29B-4(9) and 17B:30-13.1 prohibit insurers from engaging in unfair claims settlement practices. The purpose of this subchapter is to promote the fair and equitable treatment of claimants by defining certain minimum standards for the settlement of claims which, if violated with such frequency as to indicate a general business practice, would constitute unfair claims settlement practices in the business of insurance.

11:2-17.2 Scope

This subchapter applies to all persons and all insurance policies except ocean marine, fidelity and surety, boiler and machinery and worker's compensation insurance. This regulation is not exclusive, and other acts, not herein specified, may also be found to constitute unfair claims settlement practices. This subchapter is not intended to supersede any other rule or regulation.

11:2-17.3 Definitions

"Catastrophe" means a calamity or other disastrous event that causes widespread losses resulting in excessive claims volume.

"Claimant" means either a first party claimant, a third party claimant, or both and includes such claimant's designated legal representative and includes a member of the claimant's immediate family designated by the claimant.

"Claims settlement" means all the activities of an insurer relating directly or indirectly to the determination of the extent of liabilities due or potentially due under coverages afforded by the policy, and which result in a claim payment or acceptance, compromise or rejection.

"First party claimant" means an individual, corporation, association, partnership, or other legal entity asserting a right to payment under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such policy or contract.

"Insurer" means any person, corporation, association, partnership, company, fraternal benefit society, eligible unauthorized surplus lines insurer and any other legal entity engaged as an indemnitor or contractor in the business of insurance. For the purposes of this subchapter, "insurer" shall include any individual, corporation, association, partnership or other legal entity authorized to represent an insurer with respect to a claim.

"Investigation" means all activities of an insurer related directly or indirectly to the determination of liabilities under coverages afforded by an insurance policy.

"Notification of claim" means any notification, whether in writing or other means acceptable under the terms of an insurance policy or insurance contract, to an insurer or its agent, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim.

"Pertinent communication" means all correspondence as well as conversations or other forms of communication that are materially related to the handling of a claim.

"Policy" means any contract of insurance and includes, but is not limited to, all policies, contracts, certificates, riders and endorsements which provide insurance coverage.

"Proof of loss" means the necessary documentation required from a claimant to establish entitlement to payment or benefits under a policy.

"Third party claimant" means any individual, corporation, association, partnership or other legal entity asserting a claim against any individual, corporation, association, partnership or other legal entity insured under an insurance policy or insurance contract of an insurer.

"Workers' compensation" includes, but is not limited to Longshoreman's and Harbor Workers' Compensation.

11:2-17.4 Miscellaneous rules

(a) Every insurer shall provide a toll free, local, or collect telephone number to enable a claimant to telephone, without charge, the claims office handling his/her claim. The telephone number(s) shall be communicated to the claimant at the time of the acknowledgment required by N.J.A.C. 11:2-17.6(b). This subsection shall not apply to insurance agents.

(b) Every insurer shall distribute copies of this regulation to every person directly responsible for the handling and settlement of claims subject to this regulation. Every insurer shall satisfy itself that all such responsible persons are thoroughly conversant with and are complying with this regulation.

(c) All correspondence to a claimant required of an insurer pursuant to this regulation shall be written in easy to read and understandable terms. All form letters used by an insurer pursuant to this subchapter shall achieve a minimum score of 50 on the Flesch reading ease test or an equivalent score on any other comparable test. This subsection shall not apply to correspondence to a claimant's legal representative.

11:2-17.5 Misrepresentation of policy provisions

(a) No insurer shall fail to fully disclose to first party claimants all pertinent benefits, coverages or other provisions of an insurance policy or insurance contract under which a claim is presented.

(b) No agent, broker, or insurer shall conceal from first party claimants benefits, coverages or other provisions of any insurance policy or insurance contract when such benefits, coverages or other provisions are pertinent to a claim.

(c) No insurer shall, except where there is a time limit specified in the policy, make statements, written or otherwise, requiring a claimant to give written notice of loss or proof of loss within a specified time limit and which seek to relieve the company of its obligations if such time limit is not complied with unless the failure to comply with such time limit prejudices the insurer's rights.

(d) No insurer shall request a claimant to sign a release that extends beyond the subject matter that gave rise to the claim payment.

(e) No insurer shall issue checks or drafts in partial settlement of a loss or claim using language which releases the insurer or its insured from its total liability.

11:2-17.6 Rules for replying to pertinent communications

(a) All claims must be reported to the designated insurer by a broker no later than three working days following receipt of notification of claim by the broker. For the purposes of this subsection, "broker" shall include a producer of record with respect to the New Jersey Automobile Insurance Plan and the New Jersey Insurance Underwriting Association.

(b) Every insurer, upon receiving notification of claim shall, within ten working days, acknowledge receipt of such notice unless payment is made within such period of time. Notification given to an agent of an insurer shall be considered notice to the insurer.

(c) Every insurer, upon receiving notification of claim shall promptly provide necessary claim forms, instructions, and reasonable assistance so that first party claimants can

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comply with the policy conditions and the insurer's reasonable requirements. Compliance with this paragraph within ten working days of notification of a claim shall constitute compliance with subsection (b) of this section.

(d) Every insurer, upon receipt of any inquiry from the Insurance Department respecting a claim shall, within fifteen working days of receipt of such inquiry furnish the Department with, based on the information available to the insurer, a complete and accurate written response to the inquiry.

(e) An appropriate reply shall be made within ten working days on all other pertinent communications from a claimant which reasonably suggest that a response is expected.

11:2-17.7 Rules for prompt investigation and settlement of claims

(a) Every insurer shall commence an investigation on all claims other than auto physical damage within ten working days of receipt of noitfication of claim.

(b) Unless a clear justification exists, or unless otherwise provided by law, it is expected that the maximum payment periods for all property/liability claims shall be:

1. For all first party claims, other than auto physical damage, thirty calendar days from receipt by the insurer of properly executed proofs of loss.

2. For all third party property damage claims, forty-five calendar days from receipt by the insurer of notification of claim.

3. For all third party bodily injury claims, ninety calendar days from receipt by the insurer of notification of claim.

(c) Unless a clear justification exists, or unless otherwise provided by the policy, all life and health insurance claims must be paid within a maximum payment period of thirty calendar days. The payment period is defined as the period between the date proof of loss is received by the insurer and the date of claims settlement.

(d) If the insurer is unable to settle the claim within the time periods specified by subsections (b) and (c) of this section, the insurer must send the claimant written notice by the end of the payment periods specified by subsections (b) and (c) of this section. The written notice must state the reasons additional time is needed, and must include the identity and claims processing address of the insurer, the toll free, collect or local telephone number of the insurer, the insured's policy number and claim number. An updated written notice setting forth the reasons additional time is needed shall be sent within forty-five days after the initial notice and within every forty-five days thereafter until all elements of the claim are either honored or rejected.

(e) Unless otherwise provided by law, every insurer shall pay any amount finally agreed upon in settlement of all or part of any claim not later than five working days from either the receipt of such agreement by the insurer or the date of the performance by the claimant of any conditions set by such agreement, whichever is later.

11:2-17.8 Rules for fair and equitable settlements and reasonable explanations applicable to all insurance

(a) No insurer shall deny or compromise a claim on the grounds of a specific policy provision, condition, or exclusion unless a reference to such provision, condition, or exclusion and the basis thereof is included in the denial. A statement of the facts which render the policy provision, condition or exclusion operative should be included in the denial.

(b) Any denial or compromise must be given to the claimant in writing and a copy shall be placed in the insurer's claim file.

(c) In any case where a claim is denied in whole or in part, the insurer shall notify the first party claimant of any applicable policy provision limiting such claimant's right to sue the insurer.

(d) Final settlement offers made by the insurer to a claimant shall be confirmed in writing and shall indicate the amount offered.

(e) Insurers shall not fail to settle first party claims on the basis that responsibility for payment should be assumed by others except as may otherwise be provided by law or policy provisions such as Workers' Compensation exclusions, or coordination of benefits provisions.

(f) If a claimant is actively negotiating with an insurer for settlement of a claim, and the claimant's rights may be affected by a statute of limitations or a policy time limit, the insurer shall provide the claimant with written notice that the time limit may be expiring and may affect the claimant's rights. Such notice shall be given to claimants sixty calendar days before the date on which such time limit may expire. This rule shall only apply if the insurer is negotiating a claims settlement with a person who is neither an attorney nor represented by an attorney.

(g) No insurer shall make statements which indicate that the rights of a claimant may be impaired if a form or release is not completed within a given period of time unless the statement is given for the purpose of notifying the claimant of any applicable law or policy provision.

(h) Unless otherwise provided by law, in any case where there is no dispute as to one or more elements of a claim, payment for such element(s) shall be made notwithstanding the existence of disputes as to other elements of the claim where such payment can be made without prejudice to either party.

(i) An insurer shall not compel claimants to institute litigation to recover amounts due under an insurance policy by offering substantially less than amounts recovered in actions brought by such claimants.

(j) No insurer shall deny payment of a claim when it is reasonably clear that either full or partial benefits are payable.

(k) No claim shall be denied or compromised based on an exclusion, reduction or limitation in a policy unless documentation of facts rendering the exclusion, reduction or limitation operative can be obtained. If such documentation is not made a part of the claim file, the insurer shall place in the claim file a written notation explaining how documentation may be obtained.

(l) With respect to first party claims, insurers shall make claim payments by check or draft with a statement setting forth the coverage under which payment is made and in sufficient detail so that first party claimants can reasonably understand the benefits included within the claim payment. The details should include an explanation of how the benefit payment was calculated. This subsection shall not apply to claims in which the claim payment figure was arrived at through negotiations between the insurer and the first party claimant.

(m) If a claimant did not submit sufficient information or documentation to establish entitlement to any benefits which may be payable under the policy for the loss incurred, then the insurer shall inform the claimant of the information or documentation needed to establish such entitlement.

11:2-17.9 Rules for fair and equitable settlements applicable to life and health insurance

(a) No insurer shall indicate on a payment draft, check

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or in any accompanying cover letter that said payment is "final" if additional benefits relating to the claim for which benefits are being paid are payable under the policy.

(b) When it is apparent to the insurer that additional benefits would be payable under a policy upon receipt of additional proofs of loss from the claimant, the insurer shall explain to the claimant in writing or by telephone the additional proofs or information needed to establish entitlement to additional benefits.

(c) No insurer shall undertake any activity that has the effect of coercing the insured to settle a disability claim on a lump sum basis.

(d) No insurer shall pay a claim involving both a covered and non-covered condition on a percentage basis of contributing loss, unless said percentage is reasonable.

(e) Settlement of claims for a fraction of an indemnity period shall be on a pro-rata basis unless the policy specifically excludes pro-rata payments.

(f) If it is found that an insured's age is overstated on an individual life or health policy or understated on an annuity, benefits shall be adjusted upward under a policy which contains a misstatement of age provision specified in N.J.S.A. 17B:25-6 and N.J.S.A. 17B:26-18.

(g) No insurer shall request a claimant to sign an agreement which releases the insurer from all future claims under an insurance policy unless no other benefits are payable under it.

(h) Unless otherwise provided by the policy, no insurer may terminate disability benefits based solely on lack of regular medical attendance when the disability has been verified by a physician and can reasonably be expected to continue beyond the date through which benefits have been paid.

(i) No policy shall be rescinded and claim denied for loss incurred during the contestable period based on material misrepresentation by the applicant unless the application is a part of the contract.

(j) No policy shall be rescinded and claim denied for loss incurred during the contestable period based on omission of material information when such information is not specifically requested on the application.

(k) When an application for a life/health policy contains only one medical question or declaration as to the general status of the insured's health, such as, "Are you now in good health?", an insurer shall not rescind a policy or deny a claim for loss incurred during the contestable period on the basis of material misrepresentation, if based on the totality of circumstances, the insured responded to the best of his/her knowledge and belief that the general status of his/her health was satisfactory.

11:2-17.10 Rules for fair and equitable settlements applicable to property and liability insurance

(a) This section, unless otherwise noted in this subchapter, is applicable to claims arising under all property/liability coverages. This section is organized so that the requirements for all lines of property/liability insurance are found in paragraphs 1 through 6 of this subchapter; for automobile insurance only, the requirements are found in paragraphs 7 through 9 of this subsection; for other than automobile insurance only, the requirements are found in paragraphs 10 and 11 of this subsection. The requirements of this section with respect to motor vehicle claims are in addition to the requirements of N.J.A.C. 11:3-10. In addition to the rules found in this section, the requirements for auto physical damage first party claims found in N.J.A.C. 11:3-10 shall be construed to also apply to auto property damage third party claims provided liability is reasonably clear. The requirements are as follows:

1. Where liability and damages are reasonably clear, insurers shall not recommend that third party claimants make claim under their own policies solely to avoid paying claims under such insurer's policy.

2. When the amount claimed is reduced because of betterment or depreciation, all information and calculations for such deduction shall be contained in the claim file. Such deductions shall be itemized and specified as to dollar amounts and shall be fair and equitable.

3. Irrespective of the amount of any settlement, the insurer remains liable for hidden damage directly related to the loss giving rise to the claim.

4. No insurer shall refuse to grant advance payments on a claim primarily because the claimant has retained an attorney for the purpose of facilitating recovery on his/her behalf.

5. No insurer shall deny a claim for failure to exhibit the property without proof of demand and unfounded refusal by a claimant to do so.

6. Insurers shall not require as a condition to payment of claims that repairs be made by a particular contractor or repair shop.

7. In all automobile physical damage claims, the first party claimant shall be notified at the time of the insurer's acknowledgement of the claim, or sooner if inquiry is made, that coverage exists for the rental of an automobile subject to policy terms and conditions.

8. In all automobile property damage liability claims in which liability has become reasonably clear, the claimant shall be informed in the insurer's acknowledgement of the claim, or sooner if the claimant inquires, that coverage exists for the rental of an automobile at a reasonable price for a reasonable time until his own vehicle is repaired or in the case of a total loss, until the claim is settled. In those instances in which the doctrine of comparative negligence is applicable, the insurer's responsibility for rental costs shall be determined in accordance with this doctrine, and the claimant shall be advised of the extent of the insurer's liability in the insurer's acknowledgement of the claim.

9. An insurer shall provide notice to a claimant three working days prior to the termination of payment for automobile storage charges and place a copy of such notice in a claim file.

10. If the insurer intends to exercise its right to inspect, or cause to be inspected by an independent appraiser, damages prior to repair, it shall have ten working days following receipt of notification of claim to inspect the claimant's damaged property, which is available for inspection at a place and time reasonably convenient to the claimant. For third party property damage claims, this subsection shall apply only if the insured's liability is reasonably clear. This subsection does not apply to losses caused by a catastrophe.

11. If any loss other than a motor vehicle loss subject to N.J.A.C. 11:3-10 is settled on the basis of a written estimate prepared by or for the insurer, the insurer shall supply to the claimant a copy of the estimate upon which the settlement is based.

i. Such estimate prepared by or for the insurer shall be reasonable, and of an amount which will allow for repairs to be made in accordance with generally accepted standards for safe and proper repairs, subject to policy conditions, such as limits, deductible, depreciation, and prior damage.

ii. If the claimant subsequently claims, based upon a written estimate which he/she obtains, that necessary repairs will exceed the written estimate prepared by or for the insurer, the company shall review the written

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estimate and respond to the claimant within ten working days, and may provide or, if requested, must provide the claimant with the name of the repair shop or contractor that will make the repairs in accordance with generally accepted standards for safe and proper repairs.

11:2-17.11 Examinations

(a) Each insurer's claim files are subject to examination and inspection by the Commissioner or by his duly appointed designees pursuant to N.J.S.A. 17:23-4, 17:29B-5, 17B:21-3 and 17B:30-16.

(b) Detailed documentation and/or evidence shall be contained in each claim file in order to permit the Commissioner or his designated examiners or investigators to reconstruct the company's activities relative to the claims settlement. Such documentation shall include but is not necessarily limited to all investigative reports, payment vouchers, transactions, notes, memoranda and work papers. All such documentation shall be properly dated and, for investigative reports, notes, memoranda and work papers, the parties preparing such documents shall be identified.

(c) Every insurer shall maintain records of all pertinent communications relating to a claim. The records must identify the date of the communication and the parties, and describe the substance of the communication.

11:2-17.12 Special claims reports and statistical plan

(a) If it should be found by the Department of Insurance that an insurer's claims settlement practices are not meeting the standards established by statute or by this subchapter, the Department may require such insurer to file a report at periodic intervals. The report shall contain some or all of the statistics listed below, at the discretion of the Commissioner:

1. The total number of claims submitted;
2. The original amount claimed;
3. The classification by line of insurance of each individual claim;
4. The total number of claims denied;
5. The total number of claims paid;
6. The total number of claims compromised;
7. The amount of each settlement;
8. The total number of claims for which lawsuits are instituted against the insurer, the reason for the lawsuit, and the amount of the final adjudication;
9. An individual listing showing the disposition and other information for each claim.

11:2-17.13 Separability

If any provision of this subchapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.

11:2-17.14 Penalties

If, after notice and hearing, the Commissioner finds that a person has violated this regulation he may, in addition to any other penalty authorized by law, make his findings in writing and shall issue and cause to be served upon the person charged with the violation an order requiring such person to cease and desist from engaging in such violation. Any person who violates such cease and desist order shall be liable to a penalty not exceeding $5000.00 to be collected by the Commissioner in the name of the State in a summary proceeding in accordance with the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.). The Commissioner in his discretion may revoke or suspend the license or certificate of authority of any such person.

11:2-17.15 Effective date

This subchapter shall become effective 90 days after adoption of this subchapter by the Commissioner.

Interested persons may present statements or arguments in writing relevant to the proposed action to:

Eugene F. Gery, Acting Director
Division of Consumer Services
N.J. Department of Insurance
P.O. Box 1510
Trenton, New Jersey 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Correction Notice: Minimum Standards for Health Insurance

The adoption notice respecting the above matter at 12 N.J.R. 538(b) is incorrect to the extent that it cites the adopted new rules as N.J.A.C. 11:4-16.8(b), 17.6 and 17.7. The adoption notice should have stated that the rules adopted included the readoption of N.J.A.C. 11:4-16, -17 and -18 in their entirety with the changes indicated in the proposal at 12 N.J.R. 420(c).

The rules originally proposed and adopted were repealed by the Legislature in their entirety by resolution dated June 12, 1980. Thereafter, the Department reproposed and readopted the rules in their entirety with the changes as noted at 12 N.J.R. 420(c).

Howard H. Kestin
Director
Office of Administrative Law

(b)

LABOR AND INDUSTRY

THE COMMISSIONER

Proposed Repeal Various Rules

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:1A-3 proposes to repeal various rules and regulations of the Department of Labor and Industry. This action is being taken in response to Executive Order No. 66 which requires all State departments and agencies to initiate a thorough review of all existing administrative rules and to report on those which are not necessary, adequate, reasonable, efficient, understandable and responsive to the purpose for which they were promulgated.

Full text of the following rules proposed for repeal may be found in the New Jersey Administrative Code.

N.J.A.C. 12:16-3.1 Certification of payroll information

N.J.A.C. 12:16-3.2 Liability of employer

N.J.A.C. 12:16-5.3 Certification of information to non-registered primary contractor

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N.J.A.C. 12:18-2.27 Exchange of information
subparagraph (e)

N.J.A.C. 12:18-2.42 Notice of formal hearing
subparagraph (c)

N.J.A.C. 12:18-3.4 Reduction of benefits
subparagraph (b)

Title 12, Subtitle F, pertaining to the State Rehabilitation Commission, has been obsolete since 1973 when the Division of Vocational Rehabilitation Services was created. The entire subtitle should be deleted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Department of Labor and Industry
Administrative Practice Officer
Labor and Industry Building, Room 1000
Trenton, N.J. 08625

The Department of Labor and Industry may thereafter repeal these rules as proposed without further notice.

John J. Horn
Commissioner
Department of Labor and Industry

(a)

LABOR AND INDUSTRY

STATE BOARD OF MEDIATION

Arbitration

On September 17, 1980, John F. Tesauro, Executive Director of the State Board of Mediation, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to Chapter 105 in Title 12 of the New Jersey Administrative Code concerning arbitration as proposed in the Notice published July 10, 1980 at 12 N.J.R. 423(e).

An order adopting this rule was filed and became effective on September 17, 1980 as R.1980 d.397.

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Amend Employment of Police Officers and Combination Sales

Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control, pursuant to authority of N.J.S.A. 33:1-1 et seq. proposes to amend N.J.A.C. 13:2-23.31 and 24.9 concerning employment of police officers and combination sales.

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

13:2-23.31 Law enforcement officers

(a) No license shall be held by any regular police officer, by any peace officer or any other person whose powers or duties include the enforcement of the Alcoholic Beverage Law or Regulations, or by any profit corporation or association in which any such officer or person is interested, directly or indirectly[,].

(b) [nor shall any] No licensee shall employ or have connected with him in any business capacity whatsoever any such officer or person, except that:

1. [n] Nothing herein shall prohibit a licensee from employing in a non-managerial capacity a special police officer who shall not sell, serve or deliver any alcoholic beverages[.]; and

2. A licensee, upon prior written application to and written approval by the Director, may employ in a non-managerial capacity a regular police officer, peace officer or other person whose powers and duties include the enforcement of the Alcoholic Beverage Law (other than an officer employed by the Division of State Police) provided that such officer shall not be employed in a jurisdiction in which the officer is officially employed and such officer shall not sell, serve, possess or deliver alcoholic beverages;

3. Written application pursuant to this section shall include prior written approval of such employment by the chief law enforcement officer of the jurisdiction which employs said officer or person and proof that written notice of the application has been provided to the chief law enforcement officer of the jurisdiction where the licensee is located. In the case of the chief law enforcement officer seeking such employment, the prior written approval must be from the chief executive officer of the governing body of the jurisdiction which employs said chief officer; and

[(b)] 4. The Director may authorize, upon prior application, the employment of regular police officers, peace officers, or other persons whose powers and duties include the enforcement of the Alcoholic Beverage Laws and Regulations, by licensees who operate race tracks, stadiums, auditoriums, theatres and other such establishments whose primary business does not consist of the sale or service of alcoholic beverages where the use of trained police officers may be required to provide crowd control, traffic control or security for large sums of money located at such establishments. Persons employed in such capacity may not distribute, possess or sell alcoholic beverages and may only accept such employment with the consent of their governmental employer.

13:2-24.9(b) Combination sales

Except for sales to retailers of malt alcoholic beverages; no wholesale licensee shall offer to sell or sell any alcoholic beverage product in combination with another product. For purposes of this subsection, a sales of products which are identical, except for size, in mixed lots (a mixed size sale), **and the sale of distillers' and vintners' packaged holiday and gift merchandise pre-packaged as a unit** [is] are not [a] combination sales.

Interested persons may present comments, statements or arguments in writing relevant to the proposed amendments on or before October 29, 1980 to:

Joseph H. Lerner, Director
Division of Alcoholic Beverage Control
Department of Law and Public Safety
Newark International Plaza
U.S. Routes 1-9 (Southbound)
Newark, New Jersey 07114

The Division of Alcoholic Beverage Control may thereafter adopt the proposed rules concerning these subject areas without further notice.

Joseph H. Lerner
Director
Division of Alcoholic Beverage Control

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(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amend Convulsive Seizures

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30 proposes to amend N.J.A.C. 13:19-5.1 concerning convulsive seizures.

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

13:19-5.1 Satisfaction of physical qualifications

Any person 16 years of age or older who suffers or who has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or less of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, shall as a prerequisite to the issuance of a learner's permit or driver's license, renewal of a driver's license or retention of a driver's license establish to the satisfaction of the Director that he has been free from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination for a period of [two years] **one year** with or without medication and that he is physically qualified to operate a motor vehicle.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amend Approval of Safety Glazing Material

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-43, proposes to amend N.J.A.C. 13:20-25.2 concerning approval of safety glazing material.

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

13:20-25.2 Application for approval; report

Applications for approval shall be accompanied by a report from a recognized independent testing laboratory and such report shall reveal that the device, safety glazing material or other equipment for which approval is requested, meets or exceeds the specifications and standards established by the Society of Automotive Engineers or the American Standards Association, or specifications and standards adopted by the Director[.] **or the American Association of Motor Vehicle Administrators.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amend Motorcycle Handlebars

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2 et seq., proposes to amend N.J.A.C. 13:20-33.53 concerning motorcycle handlebars and handlebar grips.

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

13:20-33.53 Steering, handlebars and suspension; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. through 4. (No change in text.)

5. [Handlebars or] **Handlebar** grips (in normal driving position) are [more than 15 inches] higher than the [seat or saddle for] **shoulder height of the operator when seated. Inasmuch as no portion of the [handlebars or] handlebar grips shall be [more than 15 inches] higher than the [seat or saddle] shoulder height of the operator,** the measurement should be made to the highest point on the [handlebars or] **handlebar** grips [but should not include mirrors or other items attached to handlebars].

6. and 7. (No change in text.)

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety

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(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Repeal Rule on Handhold Devices

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2 et seq., proposes to repeal in its entirety N.J.A.C. 13:20-33.72 concerning handhold devices.

Full text of the section to be repealed follows.

13:20-33.72 [Handholds; Class III licenses] (Reserved)

[(a) Motorcycles designed to carry more than one person shall be equipped with an adequate handhold device such as a strap or rail for the passenger.

(b) Certification of a motorcycle shall be refused for the following reasons:

1. Handhold devices are not equivalent in quality and performance to original equipment type.
2. Handhold devices are not securely mounted.
3. Handhold devices are not sufficiently strong for purposes for which they are intended.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Repeal Rules on Dealer's Temporary Certificates

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-4c proposes to repeal in its entirety N.J.A.C. 13:21-3 concerning Dealer's Temporary Certificates.

Full text of the subchapter to be repealed follows.

SUBCHAPTER 3. [DEALER'S TEMPORARY CERTIFICATES] (Reserved)

[13:21-3.1 Issuance of certificates

(a) Upon application by any New Jersey licensed automobile dealer, the Director may furnish a supply of certificates in triplicate form to be issued by the dealer only between the hours of 4:00 P.M. of a business day and 4:00 P.M. of the second business day immediately following the date of issue, or if issued on a Friday, the hours shall be 4:00 P.M. Friday to 4:00 P.M. on the Tuesday immediately following the date of issue.

(b) This certificate certified that the Dealer has sold the vehicle described therein to the holder of valid registration plates and certificate which the purchaser desires to transfer, in accordance with N.J.S.A. 39:3-30, to the vehicle sold to him by the dealer.

(c) This certificate authorizes the purchaser to display said plates on the vehicle purchased, and further, permits the purchaser two full business days to register the said vehicle following the date of issue.

13:21-3.2 Certificate form

The form of the certificate is as follows: (Reproduced in the New Jersey Administrative Code.)

13:21-3.3 Disposition of certificate copies

The first copy of the certificate shall be given to the applicant and surrendered by him to the Motor Vehicle Agent when transfer of the plates is completed. The second copy of the certificate shall be mailed to the Division of Motor Vehicles, State House, Trenton, New Jersey 08608, on the day of issuance. The third copy of the certificate shall be dated and filed in the office of the dealer where it may be examined, upon reqeust, by any police officer; provided, however, that the original certificate given to the purchaser shall be surrendered by him to the Motor Vehicle Agent upon application for the transfer of the registration in accordance with N.J.S.A. 39:3-30; and provided further, that the duplicate copy of the certificate shall be mailed to the Division of Motor Vehicles, State House, Trenton, New Jersey 08608, on the day of issue.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Proposed Reporting of Deaths And Other Medical Incidents

Samuel E. Furman, President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to adopt a new rule concerning the reporting of deaths and other medical incidents to the Board office.

Full text of the proposed new rule follows.

13:30-8.9 Reporting of incidents or deaths

(a) All licensees shall report to the main office of the State Board of Dentistry within seven days, in writing, any incident occurring in a dental office, clinic or any other dental facility which requires the removal of a patient to a hospital for observation or treatment.

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(b) All licensees shall likewise report any death which may be related to dental treatment, whether or not the death occurred in the dental facility.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1980 to:

Samuel E. Furman, D.D.S., President
New Jersey State Board of Dentistry
150 East State Street
Trenton, New Jersey 08608
Telephone: (609) 292-5416

The New Jersey State Board of Dentistry may thereafter adopt the above rule substantially as proposed without further notice.

Samuel E. Furman, D.D.S.
President
State Board of Dentistry

(a)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Proposed Display of Names In Dental Office

Samuel E. Furman, President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. proposes to adopt new rules to be cited as N.J.A.C. 13:30-8.10 concerning display of names in a dental office.

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

13:30-8.10 Display of names; identifying badges

(a) Every facility offering dental care to the public shall have legibly displayed on all exterior signs or other means of exterior display, the name(s) of the licensee(s) who are responsible for the administration of said facility.

(b) Every dental care facility wherein two or more dental licensees are engaged in providing dental care shall legibly display in its office, the names and professional status of all licensees associated with said facility.

(c) Any licensee associated with such facility shall be required to wear an identifying badge indicating his or her name and professional status.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1980 to the following:

Samuel E. Furman, D.D.S. President
New Jersey State Board of Dentistry
150 E. State Street
Trenton, New Jersey 08608
Telephone: (609) 292-5416

The New Jersey State Board of Dentistry may thereafter adopt the above rule as proposed without further notice.

Samuel E. Furman, D.D.S.
President
State Board of Dentistry

(b)

LAW AND PUBLIC SAFETY

OFFICE OF WEIGHTS AND MEASURES

Proposed Repeal Live Poultry Rules

William J. Wolfe, Sr., Superintendent of Weights and Measures, State Office of Weights and Measures, Division of Consumer Affairs, Department of Law and Public Safety, pursuant to authority of N.J.S.A. 4:11-44 proposes to repeal N.J.A.C. 13:47F concerning live poultry. This action is being taken because licensing requirements have been abolished.

Full text of the proposed repeal follows.

[CHAPTER 47F
POULTRY DEALERS;
WEIGHTS AND MEASURES

SUBCHAPTER 1. LIVE POULTRY

13:47F-1.1 Small quantities defined
The term "small quantities" as contained in Section 12, of Chapter 248, P.L.N.J. 1942, shall be construed to mean quantities of live poultry not exceeding 50 pounds in a single purchase nor exceeding an average total weight of 200 pounds per week.

13:47F-1.2 License exemption
Storekeepers under said Section 12, whose purchases of live poultry do not exceed the amounts in weight stipulated in section 1 (Small quantities defined) of this subchapter, shall be exempt from licensing requirements.]

Interested persons may present statements or arguments in writing to the proposed deletion on or before October 31, 1980 to:

James R. Bird, Deputy State Supt.
Office of Weights and Measures
187 West Hanover Street
Trenton, New Jersey 08625

The Office of Weights and Measures may thereafter delete the rule concerning the subject without further notice.

William J. Wolfe, Sr.
Superintendent
Office of Weights and Measures

(c)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Notice of Correction

Take notice that in the Notice of Adoption concerning various rules as proposed in the Notice published June 5, 1980 at 12 N.J.R. 343(b), but with subsequent substantive changes not detrimental to the public in the opinion of the Department, appearing at 12 N.J.R. 494(b), the following paragraph was incorrectly cited as N.J.A.C. 13:2-24.5(b) whereas the correct citation for this paragraph is N.J.A.C. 13:2-24.5(a)2. Too, the word "and" should be preceded by a semi-colon and not a comma.

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Full text of the corrected paragraph as it should have appeared follows.

13:2-24.5(a)2. **By the first day of the month preceding the month for which they are to become effective, make available to all its wholesalers or distributors its prices, inclusive of all discounts, allowances or differentials; and**

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Announcement of Practice in a Special Area of Dentistry

On August 6, 1980, Samuel E. Furman, President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:30-8.4 concerning the announcement of practice in a special area of dentistry as proposed in the Notice published July 10, 1980 at 12 N.J.R. 429(a).

An order adopting this rule was filed and became effective on August 13, 1980 as R.1980 d.368.

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

Uses of Amphetamines and Sympathonimetic Amines

On April 9, 1980, Edwin A. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-6.16 concerning uses of amphetamines and sympathonimetic amines as proposed in the Notice published July 5, 1979 at 11 N.J.R. 351(b).

An order adopting this rule was filed and became effective September 4, 1980 as R.1980 d.379.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

Uses of Amphetamines and Sympathonimetic Amines

On April 9, 1980, Edwin A. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-6.16 concerning uses of amphetamines and sympathonimetic amines as proposed in the Notice published October 4, 1979 at 11 N.J.R. 521(c).

An order adopting this rule was filed and became effective on September 4, 1980 as R.1980 d.380.

Howard H. Kestin
Director
Office of Administrative Law

(d)

ENERGY

THE COMMISSIONER

Proposed Amend Used Oil

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 proposes to amend N.J.A.C. 14A:3-11 concerning the collection, storage, recycling, use and disposal of used oil.

The Department of Energy adopted regulations concerning the recycling of used oil on June 25, 1980 (12 N.J.R. 495(c)). The regulations became effective on September 1, 1980. In its Notice of Adoption the Department indicated that it intended to amend the regulations to require that all oil retailers accept used oil, regardless of whether they presently had used oil collection tanks on their premises. The attached amendments reflect the proposed change.

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

14A:3-11.3 Definitions

. . .

"Used oil collection site" means any Division of Motor Vehicles reinspection station [, oil retailer,] or retail service station, which has a used oil collection tank(s) existing on the premises, **oil retailer** or any site which accepts used oil for recycling.

. . .

14A:3-11.8(b) To assure conformance with the minimum standards for [lubricating] recycled oil, the Department may require oil recyclers to conduct, or may cause to be conducted, appropriate laboratory analysis of samples of recycled oil.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 006-80-10.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

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Gerard Burke, Administrator
Office of Regulatory and Governmental Affairs
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

The Department of Energy may thereafter adopt the amendments substantially as proposed without further notice subject to N.J.S.A. 52:27F-25.

Joel R. Jacobson
Commissioner
Department of Energy

(a)

ENERGY

THE COMMISSIONER

Proposed Rules on State Agency Conformity with Energy Master Plan

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules to be cited as N.J.A.C. 14A:12-1 concerning State agency conformity with the Energy Master Plan.

This proposal implements the legislative intent expressed in the Department of Energy Act, N.J.S.A. 52:27F-1 et seq., that the actions, decisions, determinations and rulings of State Government with respect to energy shall to the maximum extent practicable and feasible conform with the Energy Master Plan.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 008-80-10.

Full text of the proposed new rules follows.

CHAPTER 12. STATE AGENCY CONFORMITY WITH THE ENERGY MASTER PLAN

SUBCHAPTER 1. ENERGY MASTER PLAN CONFORMITY DETERMINATIONS

14A:12-1.1 Scope

(a) The following rules shall govern State agencies in determining whether their actions conform with the Energy Master Plan.

(b) Notwithstanding the provisions of (a) above, the applicability of this subchapter shall be presently limited to the Board of Public Utilities, the New Jersey Department of Environmental Protection and the New Jersey Department of Transportation.

14A:12-1.2 Purpose

(a) The purpose of these rules is as follows.

1. To implement the legislative intent expressed in the Department of Energy Act, N.J.S.A. 52:27F-1 et seq., that the actions, decisions, determinations and rulings of State government with respect to energy shall to the maximum extent practicable and feasible conform with the Energy Master Plan.

2. To describe the responsibilities of State agencies which are required to comply with the Energy Master Plan conformity provisions of the Department of Energy Act, N.J.S.A. 52:27F-1 et seq.

3. To implement the energy master plan conformity provisions in a manner which strikes a balance between the need to insure conformity of actions of State agencies with the Energy Master Plan and the need to promote efficiency in State programs.

4. To provide procedures which foster intergovernmental cooperation and minimize duplicative effort and unnecessary delay, while making certain that the objectives of the Department of Energy Act, N.J.S.A. 52:27F-1 et seq., are satisfied.

14A:12-1.3 Definitions

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

"Action with respect to energy" includes, but is not limited to, the following when the State agency is the Board of Public Utilities, any action, decision, determination or ruling concerning:

1. Rate petitions by an electric or natural gas utility requesting an increase in rates to meet revenue requirements;

2. Rate petitions concerning landfill disposal rates and the issuance of new landfill certificates of public convenience and necessity;

3. Ratemaking determinations including the designing of new rates or the modification of existing rates;

4. Generic proceedings including investigations of forecasting practices, cost-of-service methodologies, and other rate structure standards and practices; and

5. Implementation of federal laws including Title I of the Public Utility Regulatory Policies Act of 1978, the fuel conversion requirements of the Powerplant and Industrial Fuel Use Act of 1978, the provisions governing pricing under the Natural Gas Policy Act of 1978, and other discretionary actions under Federal Energy Regulatory Commission and Economic Regulatory Administration rules and regulations.

"Action with respect to energy" includes, but is not limited to, the following when the State agency is the Department of Environmental Protection, or the Tidelands Resources Council, any action, decision, determination or ruling concerning:

1. The siting of energy facilities;

2. Classification or changes in classifications of public lands as it may impact on electric transmission or pipeline corridor siting;

3. Submerged or riparian lands within the jurisdiction of the State;

4. New Jersey Pollution Discharge Elimination System Permits for energy facilities;

5. Approval or certification of permits to the Environmental Protection Agency which directly or indirectly affect Prevention of Significant Deterioration (PSD) determinations of energy facilities;

6. The revised State Implementation Plan (SIP) for the attainment and maintenance of National Ambient Air Quality Standards; and

7. The sulfur in fuels regulations, N.J.A.C. 7:27-9.1 et seq. and 10.1 et seq.

"Action with respect to energy" includes, but is not limited to, the following when the State agency is the Department of Transportation, any action, decision, determination or ruling concerning the following specific project review categories:

1. Highway Planning and Research Program (Federal Highway Administration (FHWA);

2. Urban Planning Program (FHWA);

3. Technical Studies Grants (Urban Mass Transportation Administration (UMTA);

4. Airport Development Aid Program Federal Aviation Administration (FAA);

5. Federal and Highway Program (FHWA);

6. Rural and Small Urban Section 8 (FHWA/UMTA);

7. Financial assistance to railroads: Title V Program

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(Federal Railroad Administration);
8. Local Rail Service Assistance Program (FRA);
9. Amtrak: Northeast Corridor Improvement Project (FRA);
10. Highway Safety Grant Program (National Highway Traffic Safety Program NHTSA) (FHWA);
11. National Maximum Speed Limit Program (NHTSA);
12. Innovative Project Grant Program (NHTSA);
13. Formula Grants for Operating and Capital Assistance Section 5 Program (UMTA);
14. Discretionary Capital Grants Program (UMTA);
15. Interstate Transfer Program (UMTA/FWHA);
16. State Funded Projects Subject to Executive Order No. 53.

"Department" means the New Jersey Department of Energy.

"Energy Master Plan" means the New Jersey Energy Master Plan adopted by the Department pursuant to N.J.S.A. 52:27F-14.

14A:12-1.4 Conformity with the Energy Master Plan

No State agency shall take any action with respect to energy unless such action shall to the maximum extent practicable and feasible conform with the Energy Master Plan.

14A:12-1.5 Conformity determinations

(a) State agencies shall provide the Department with conformity determinations for all actions with respect to energy.

(b) State agencies shall provide the Department with a conformity determination at the earliest practicable time in the planning or review of an action. A conformity determination should be prepared following development of sufficient information to determine reasonably the conformity of the action with the Energy Master Plan, but before the State agency reaches a significant point of decision-making in its review process. The conformity determination shall be provided to the Department at least 60 days before final approval of the action unless the State agency and the Department agree to an alternate notification schedule.

14A:12-1.6 Content of a conformity determination

The conformity determination shall include a statement indicating whether or not the action with respect to energy will be taken in a manner which is to the maximum extent practicable and feasible in conformity with the Energy Master Plan. The statement must be based upon an evaluation of the relevant provisions of the Energy Master Plan. The conformity determination shall also include a detailed description of the action and comprehensive data and information sufficient to support the State agency's conformity statement.

14A:12-1.7 Department response

(a) The Department shall inform the State agency of its agreement or disagreement with the State agency's conformity determination at the earliest practicable time.

(b) In the event the Department disagrees with the State agency's conformity determination, the Department shall accompany its response to the State agency with its reasons for disagreement and supporting information. The Department response shall describe:

1. How the proposed activity will not to the maximum extent practicable and feasible conform to the Energy Master Plan; and

2. Alternative measures (if any exist) which would allow the action to proceed in a manner that would to the maximum extent practicable and feasible conform to the Energy Master Plan.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Gerard Burke, Administrator
Office of Regulatory and Governmental Affairs
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

The Department of Energy may thereafter adopt rules concerning this subject substantially as proposed without further notice subject to N.J.S.A. 52:27F-25.

Joel R. Jacobson
Commissioner
Department of Energy

(a)

ENERGY

THE COMMISSIONER

Proposed Residential Energy Conservation Service Program

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 proposes to adopt new rules to be cited as N.J.A.C. 14A:21-1 concerning the Residential Energy Conservation Service (RCS) Program.

This proposal implements the State RCS Plan which the New Jersey Department of Energy developed and submitted to the United States Department of Energy pursuant to the National Energy Conservation Policy Act, P.L. No. 95-619, as amended by the Energy Security Act, P.L. No. 96-294, and 10 C.F.R. Part 456 (44 F.R. 64602; November 7, 1979). The purpose of the RCS Program is to encourage the installation of energy conservation measures, including renewable resource measures, in existing houses by residential customers of investor-owned electric and gas utilities as well as home heating suppliers.

The proposed rules require each covered electric utility to send an announcement of the RCS Program to each of its eligible customers by March 31, 1981. Each covered utility is required to:

(1) provide a program audit to each eligible customer who requests an audit;

(2) provide lists of participating installers, suppliers and lenders who install, sell or finance program measures upon request by any eligible customer;

(3) arrange installation of any program measure upon request by any eligible customer; and

(4) arrange financing for the supply and installation of any program measure upon request by any eligible customer.

The rules require participating home heating suppliers to provide an oil-fired heating unit analysis to each eligible customer who requests a program audit.

The rules prescribe the method of customer billing for services performed pursuant to the RCS Program and the manner of repayment of loans made by a covered utility or a participating heating supplier. The rules prohibit covered utilities and participating home heating suppliers from terminating or otherwise restricting utility or fuel service upon customer default for payments due for any services under the RCS Program.

The rules also prescribe audit contents and procedures and the qualifications for auditors and inspectors of program measures. The rules require covered utilities to perform inspections of some installations to determine if they are in compliance with applicable installation standards.

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The proposal also includes provisions concerning the supply, installation and financing of program measures by covered utilities.

The Department will compile and maintain a Master Record of installers, lenders and suppliers who install, sell or finance program measures and wish to participate in the RCS Program. The rules prescribe the requirements for participation in the RCS Program by installers, lenders and suppliers of program measures. To be eligible for inclusion in the Master Record, installers, lenders and suppliers must complete a verified application. All applications must be accompanied by a $25 application fee. The rules also set forth the grounds for exclusion or removal from the Master Record.

The rules also require covered utilities and participating home heating suppliers to submit certain reports and to maintain certain records concerning the RCS Program.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 007-80-10.

Copies of the full text of the proposal may be obtained by contacting:

Ms. Janice Laskowitz
Office of Regulatory and Governmental Affairs
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102
(201) 648-2410

A public hearing will be held on October 29, 1980 at 9:30 A.M. in the Board of Public Utilities Hearing Room #1, 1100 Raymond Boulevard, Newark, New Jersey 07102 for the purpose of receiving comments on the proposed rules.

Persons who wish to testify should contact Ms. Janice Laskowitz at the above address by October 22, 1980. Presentations will be limited to 15 minutes. Persons who request an opportunity to testify will be notified of their scheduled time. Persons scheduled to testify should bring five copies of their testimony to the hearing location on the date of the hearing.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Gerard Burke, Administrator
Office of Regulatory and Governmental Affairs
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

The Department of Energy may thereafter adopt rules concerning this subject without further notice subject to N.J.S.A. 52:27F-25.

Joel R. Jacobson
Commissioner
Department of Energy

(a)

ENERGY

THE COMMISSIONER

Public Notice Concerning Residential Energy Conservation Service Program

Please take notice that as part of the New Jersey Residential Energy Conservation Service Program (RCS), the New Jersey Department of Energy (NJDOE) is developing a Master Record of installers and suppliers of energy conservation and renewable resource measures and lenders who will finance these measures. This program has been developed pursuant to the National Energy Conservation Policy Act, Pub. L. 95-619, as amended by the Energy Security Act, Pub. L. 96-294, and 10 C.F.R. Part 456 (44 F.R. 64602; November 7, 1979). The purpose of the RCS Program is to encourage the installation of energy conservation and renewable resource measures in existing houses by residential customers of investor-owned gas and electric utilities and home heating suppliers.

NJDOE will compile and maintain a Master Record of all firms who meet the qualifications and agree to participate in the program. Lists will be developed from these Master Records and distributed to all participating utilities. Every homeowner who receives a utility audit or who requests a copy of the list from a utility will receive one free. All lists will be updated every 45 days. (See the notice of proposed rules concerning the RCS Program in this issue of the Register.)

All interested lenders, suppliers, and installers can receive information on requirements for participation, or an application by contacting:

Ms. Molly Davis
New Jersey Department of Energy
Office of Conservation
101 Commerce Street
Newark, New Jersey 07102
(201) 648-3901

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENERGY

THE COMMISSIONER

Public Notice on Qualifications For TA Analysts for Institutional Building Grants Program

The Department of Energy (NJDOE) will pre-qualify Technical Assistance (TA) Analysts and maintain a list of qualified individuals for the TA phase of the Institutional Building Grants Program. This list will be used only to assist institutions which inquire in writing or by phone about specific analysts being considered to perform the TA on their buildings. Our Department will contact the institution by phone to confirm the approval status. Any individual who is not on the approved list and is otherwise qualified is not prohibited from performing a TA which is conducted without the use of federal funds. Any individual chosen by the institution to conduct a federally funded TA must send his qualifications to NJDOE to be placed on the list.

Institutions in New Jersey which are eligible for the TA phase of the program include all public and private, non-profit schools, colleges, hospitals, and public care facilities, and local governments. These institutions cannot expend any federal TA funds until their TA Analysts have been approved by NJDOE.

If qualified individuals subcontract with other individuals to assist with a portion of the TA, those individuals must also be approved.

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In order to qualify as TA Analysts, the individual must meet the following requirements:

1. Be a New Jersey licensed Professional Engineer or Architect, or a member of an Architect-Engineer Team, the Principal Team members of which are licensed in New Jersey;

2. Be free from any financial interests which may conflict with the proper performance of analysts duties;

3. Have completed a prior analysis which is substantially the same as the study required under this program as specified in the Federal Regulations of April 17, 1979, 10 CFR Part 455.42, or have completed an NJDOE approved TA Analyst Training Course.

Individuals interested in performing TA studies under this program should forward the following documentation to our Department:

1. A resume, including a New Jersey State license number;

2. Completed copies of forms 48A and 48B, which are available from the State Division of Building and Construction;

3. A sample of a past study which has been conducted, which is substantially the same as the study required under this program; or proof of completion of an NJDOE approved TA Analyst training course;

4. A statement of lack of financial conflict, the form of which can be obtained from NJDOE.

Individuals who have already been formally approved by our Department under this program need not resubmt the above information.

For further information please contact:

Frank Monachello
Office of Conservation
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102
(201) 648-3902

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amend Restricted Parking And Speed Zones on State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and 39:4-98 proposes to repeal N.J.A.C. 16:28-1.3 concerning speed zones along Morris Avenue Westbound by deleting the current text and substituting new text therefor, and to amend various regulations concerning restricted parking along State highway Routes 49, 42, 47, 28, 31 and U.S. 202.

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

16:28-1.3 [Morris Avenue Westbound] **Lafayette Avenue: Route I-287**

(a) [The rate of speed designated for the certain part of Morris Avenue Westbound described in this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. Zone 1: 40 miles per hour from the easternmost intersection of Morris Avenue Eastbound (at Whippany Road) to Washington Place; thence

ii. Zone 2: 35 miles per hour to Ridgedale Avenue.

2. For the one-way westbound direction of traffic:

i. Zone 1: 30 miles per hour from Ridgedale Avenue to the westernmost intersection of Morris Avenue Eastbound (at Pine Street).]

The rate of speed designated for the certain parts of Lafayette Avenue (formerly Morris Avenue Westbound)—Route I-287 described in this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For the one-way westbound direction of traffic along westbound Lafayette Avenue:

i. 40 miles per hour between 60 feet west of the westerly curb of Malcolm Street and Ridgedale Avenue.

16:28A-1.19(a)9. **No stopping or standing in the Township of Bridgewater**

i. Along the northbound side of Route 28 (Union Avenue):

(1) Between Adamsville Road and Fairmount Avenue.

16:28A-1.22(a)3. No stopping or standing:

. . .

iii. Along both sides of Route 31 for its entire length within the corporate limits of Raritan Township, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

16:28A-1.29(b) **The certain parts of State highway route number 42 described in this section shall be and hereby are designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:**

1. Along Route 42, northbound on the easterly side of Route 42 (milepost 6.2) south of the Turnersville garage of the Transport of New Jersey in Washington Township at a point:

i. Beginning 2,280 feet north of the northerly curb line of Whitman Drive to 135 feet northerly thereof.

16:28A-1.34(a)2.i. Along the eastbound side:

. . .

(2) From a point [92] **100** feet west of the westerly curb line of Brandriff Avenue [to the westerly curb line] to a **point 100 feet east of the easterly curb line of Brandriff** Avenue[;].

16:28-1.34(a)12.ii. Along the westbound side:

. . .

(2) From a point [60] **80** feet east of the easterly curb line of Brandriff Avenue to [the easterly curb line] **a point 100 feet west of the westerly curb line of Brandriff** Avenue.

16:28A-1.33(a)2. No stopping or standing in Millville:

i. (No change.)

(Renumber subparagraph ii. as v.)

ii. Along the northbound side from a point 75 feet south of the southerly curb line of Mulberry Street to a point 75 feet north of the northerly curb line of Mulberry Street.

iii. Along the northbound side from the northerly curb line of Vine Street to a point 75 feet north of the northerly curb line of East Oak Street.

iv. Along the northbound side from the northerly curb line of "F" Street to the Millville-Vineland Corporate Line.

. . .

vi. Along both sides of Route 47 from a point 1,715 feet south of the southerly curb line of Orange Street to a point 350 feet north of the northerly curb line of Orange Street.

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16:28A-1.33(a)7. **No stopping or standing in the Township of Maurice, County of Cumberland (including all ramps and connections under the jurisdiction of the Commissioner of Transportation):**

i. Along both sides of Route 47:

(1) From the northerly curb line of New Road to the southerly curb line of High Street;

(2) From a point 200 feet south of the southerly curb line of Mauricetown Road-Old Stagecoach Road to a point 300 feet north of the northerly curb line of Mauricetown Road-Old Stagecoach Road;

(3) From South Street to Hands Mills Road.

16:28A-1.55(a)5. **No stopping or standing in Raritan Township**

i. Along both sides of Route U.S. 202:

(1) For its entire length within the corporate limits of Raritan Township, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before October 29, 1980 to:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

The New Jersey Department of Transportation may thereafter adopt these regulations substantially as proposed without further notice.

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TREASURY

DIVISION OF PENSIONS

Proposed Repeal Dental Insurance Coverage For Covered Dependents

William J. Joseph, Director, Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 70, Public Law 1955 proposes to delete N.J.A.C. 17:1-11.9 concerning dental insurance coverage for covered dependents.

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

17:1-11.9 [Dependents; extension of coverage] **(Reserved)**

[(a) Upon the death of an insured employee, the dental insurance for his covered dependents can be continued for 180 days provided such dependents continue to be eligible for coverage subject to the following:

1. A request for the extension of coverage is received from an eligible dependent withn 30 days following the death of the insured.

2. A completed enrollment card and a check for the total amount of premiums due on a quarterly basis is received from the dependent within 15 days from the date the request for payment is mailed to the dependent.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

William J. Joseph, Director
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Division of Pensions may thereafter adopt rules concerning this subject without further notice.

William J. Joseph, Director
Division of Pensions
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed Rule Concerning Home Improvement Exemption

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to the authority of N.J.S.A. 54:50-1 et seq., proposes to adopt a new rule to be cited as N.J.A.C. 18:12-6A.7 concerning home improvement exemptions.

Full text of the proposed new rule follows.

18:12-6A.7 Notification of disallowance

When application for exemption is made with respect to a rehabilitation or conversion which does not qualify, the assessor shall notify the claimant of the disallowance in writing upon form MD-EA-1-1980 within 20 days after disallowance and properly note thereon the specific reason for the disallowance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

J. Henry Ditmars
Superintendent
Local Property Tax Branch
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser, Director
Division of Taxation
Department of the Treasury

(c)

TREASURY

DIVISION OF TAXATION

Proposed Amend County Boards of Taxation

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14, proposes to amend N.J.A.C. 18:12A concerning county boards of taxation.

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

. . .

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FOREWORD

These rules are being promulgated pursuant to [Chapter 119, Laws of 1973 (N.J.S.A. 54:3-14).] **R.S. 54:3-14,** and shall take effect upon filing with the Division of Administrative Procedure.

These rules are not intended to cover county tax board matters concerning space, supplies, personnel and their salaries, and similar items related to administration.

From time to time, as appropriate, these rules will be amended and modified to embrace items which in the opinion of the Director are required to implement said [Chapter 119, Laws of 1973] **R.S. 54:3-14.**

18:12A-1.2 [Organization and meetings] **Educational requirements; organization and meetings, annual report by board president**

(a) Each member shall, within 18-months of appointment, furnish proof that he has received certificates indicating satisfactory completion of training course designated in Section 4 of P.L. 1967; c. 44 (C. 54:1-35.28) or that he possesses an assessor's certificate issued pursuant to P.L. 1967, c. 44.

(b) Each member serving on January 1, 1980, the effective date of P.L. 1979, c. 499 shall furnish such proof within 18 months of such date, if 18 months or more of his term are remaining thereafter.

(c) If any board, so required, does not furnish such proof within said 18-month period, the Administrator shall immediately notify the President of the Board and the Director of the Division of Taxation who shall upon receipt of such notification declare the position to be vacant and shall notify the Governor of the existence of such vacancies. The Governor shall thereupon appoint with the advice and consent of the Senate, a different citizen and resident of the relevant county to fill such position for the unexpired term.

(d) On or before June 1 of each year, the Administrator shall furnish the Director of the Division of Taxation with a certified report listing the members of the board in office at that time indicating whether the required courses have been satisfactorily completed by them and, if not, those courses that are still required to be taken. The report shall also indicate the appointment date and expiration date of the term of each member and any other information that the Director may request.

(e) [a] The board shall meet from time to time and may adjourn any meeting to another time or place in the county.

(f) [(b)] The board shall organize on the first business day in May of each year and elect from its members a president who shall hold office for one year, or until his successor is duly elected.

(g) [(c)] A majority of the members of the board shall constitute a quorum for transaction of business as provided by N.J.S.A. 54:3-25.

(h) Annually, on or before August 15, the president of the board shall report to the Director of the Division of Taxation in such form as prescribed by the Director, information and statistics as may be appropriate to demonstrate for the immediately preceding 3-month period during which tax appeals were heard by the board. The report shall contain the number of appeals filed with the board, the disposition of the appeals disposed of during that period; the character of appeals filed with regard to the classification of properties appealed; the total amount of assessments involved in those appeals, the number of appeals filed in each filing fee category in that period; the total amount of reductions and increases of assessed valuation granted by the board during that period; and, any other information deemed necessary by the Director.

18:12A-1.3 [Secretary] **County Tax Administrator**

[(a) The board may authorize the secretary to conduct the daily business of the board as may be deemed necessary.

(b) The secretary shall keep accurate and complete minutes and records of all proceedings and official actions of the board.]

(a) The board shall appoint a County Tax Administrator who shall hold office for a term of three years.

(b) The County Tax Administrator hereinafter shall be referred to as Administrator.

(c) The Administrator shall except as set forth in subsection (d) of this section, subject to personnel policies adopted by the governing body of a county, appoint such clerical assistance as may be necessary. The Administrator shall devote full time to his duties and shall be available during the prevailing hours of the respective county and/or as otherwise determined by the board.

(d) The Administrator holding the office of Secretary at time of enactment of Chapter 499, P.L. 1979, effective January 1, 1980 who served on a part-time basis, may continue to serve on that basis at the option of the board.

1. Part-time Administrators must obtain a tax assessor certificate no later than January 1, 1981 to continue to serve.

(e) After January 1, 1980, no person shall be newly appointed as Administrator unless he shall hold a tax assessor certificate issued by the Director of the Division of Taxation pursuant to C. 54:1-35.25 et seq.

(f) Each Administrator hereafter appointed who shall have received two consecutive appointments for full terms or, who served a full term as Secretary, and a full time County Tax Administrator, or who has heretofore acquired tenure as Secretary, pursuant to R.S. 54:3-9 shall hold office as Administrator during good behavior, efficiency, and residency, in the county where employed, and shall not be removed for political reasons or for any cause other than incapacity, misconduct, non-residence, or disobedience of just rules and regulations established by the Director of the Division of Taxation.

1. Any person holding the position of County Board Secretary on January 1, 1980 shall be considered to be serving a full term as Secretary if he was appointed to serve a full term of three or five years as the case may be, or to serve more than two years of an unexpired term.

(g) No Administrator who has heretofore acquired or shall hereafter acquire tenure pursuant to the provisions of R.S. 54:3-9 shall be removed from office except for just cause as provided in that section. All charges preferred against an Administrator must be in writing; signed by the person making the charge, and filed with the President of the Board. The charges must be publicly examined by the board after reasonable notice is given the person charged, and the examination must be conducted in such manner as the rules of the board may prescribe.

1. Every Administrator shall receive a fair trial upon the charge, and have every reasonable opportunity to make a defense thereto. An appeal from a determination of the board may be taken to the Director of the Division of Taxation by filing a written petition for review within 45 days from the date of the board determination.

(h) Each Administrator under the supervision and control of the board shall be responsible for the administrative functions of the board, and pursuant to such supervision and control, shall direct all officers charged with the duty of making assessments for taxes in every district in the county.

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(i) Such officers shall be subject to and shall, in making assessments, be governed by directions issued by the Administrator pursuant to such rules and orders as shall be issued by the board. However, before making such rules or orders, the board shall submit them to the Director of the Division of Taxation, and no rule or order shall be considered adopted by the board until approved by the Director.

1. The board shall, within 90 days of January 1, 1980, promulgate rules governing the conduct and performance of such officers which rules will have been approved by the Director of the Division of Taxation.

2. If the board does not comply with paragraph 1 of this subsection the board shall then be governed by the rules promulgated by the Director of the Division of Taxation, which rules shall be enforced by the board.

(j) The Administrator shall annually prepare a County Equalization Table on or before March 1 of each year and submit to the board such table showing for each district the items required in the preparation of such table.

1. A copy of the table shall be mailed to the assessor of each district and to the Division of Taxation and be posted at the court house, not later than March 1.

2. The board shall meet annually for the purpose of reviewing the Equalization Table prepared by the Administrator and shall confirm or revise the Table in accordance with the fact before them.

3. The hearings may be adjourned from time to time but the Equalization Table shall be completed before March 10.

4. At the first hearing, any taxing district may object to the ratio or valuation fixed for any other district, but no increase in any valuation shall be made by the board without giving a 3-day notice to the governing body and assessor of the taxing district affected.

(k) Any qualified person appointed to the position of assessor shall within 30 days of such appointment notify the respective Administrator of the appointment and shall note if the appointee is in a full time position or is servicing more than one municipality and the names of such municipalities.

1. Any assessor who intends to terminate his position as assessor shall within 30 days of his termination date notify the respective Administrator.

2. The Administrator shall forthwith notify the Director of the Division of Taxation of any new appointments or terminations.

(l) The assessor shall maintain predetermined and specific hours during which time he will be available to the general public.

1. The assessor shall furnish his respective County Tax Administrator with a schedule of these hours and also have it posted in a municipal building on or before January 25 of each year.

2. The County Tax Administrator shall summarize these schedules and furnish the Director of the Division of Taxation with this summary on or before February 1 of each year.

3. It should be noted that these hours are not to be construed to be the full working period for the assessor, but it is intended to assure that the assessor will be available to the general public during predetermined and specific hours.

4. Nothing herein shall be construed to supersede any agreement between the assessor and the municipality with regard to hours of work.

18:12A-1.6 Petitions of appeal

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

(e) Petitioner who alleges discrimination, except where discrimination is claimed pursuant to P.L. 1973, c. 123, as amended, and [uses the assessments and/or] comparable sales on other properties as comparisons must affix a schedule to the petition of appeal and to the copy of said petition, giving the name of the owner, block and lot number, assessed valuation as shown in the current tax list and sales price. This rule may be waived in individual cases at the discretion of the board.

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

(i) A petitioner must file a copy of each petition with the [assessor] clerk [or attorney] personally or by regular mail. **The Clerk shall forthwith notify the assessor, collector and such other municipal officials as the governing body shall direct.** [Assessors must notify the clerk or attorney of all petitions filed wherein the subject property is situated.] In case of appeal by the taxing district, a copy of the petition must be served on the record owner of the subject property and on the assessor, unless the tax collector has received written notice that the taxpayer is a person, partnership or corporation other than the record owner. In which event a copy of the petition must also be served on the taxpayer. Where petitioner files a petition with respect to another owner's property, he shall furnish a copy of the petition to such owner in addition to all other parties.

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

18:12A-1.7 Filing fees

(a) A filing fee in the amount determined by N.J.S.A. 54:3-21.3 must accompany each petition of appeal **filed by the taxpayer** and shall be computed on the basis of the total assessment including both lands and improvements, if any.

(b) (No change.)

(c) No filing fee shall be required to contest the denial of an application for:

1. - 2. (No change.)

3. A [senior citizen's deduction; or] **property tax deduction for persons of the age of 65 or more years, or less than 65 years of age who are permanently and totally disabled and certain surviving spouses;**

4. An exemption of a disabled veteran or a widow of a disabled veteran; or

5. A homestead tax rebate.

(d) (No change.)

18:12A-1.8 Petitions; commercial, industrial properties or multi-dwelling appeals

(a) There shall be annexed to a petition of appeal from an assessment of a commercial, an industrial property or a multi-dwelling, that is, more than a four-family dwelling, an itemized statement showing all sources of income and expenses with respect to such property for the most recently completed accounting year and for such additional years as the board may request.

(b) No appeal shall be heard from the assessor's valuation and assessment with respect to income producing property where the owner has failed or refused to respond to such written request for information within 45 days of such request or to testify on oath when required, or shall have rendered a false or fraudulent act.

(c) The board may impose such terms and conditions for furnishing the requested information where it appears that the owner, for good cause shown, could not furnish the information within the required time.

18:12A-1.9 Hearings

(a) The [secretary] **Administrator,** with the approval of the board, shall prepare a calendar assigning dates and

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times for hearings and shall not grant adjournments except for good cause shown.
(b) - (d) (No change.)

18:12A-1.11 [Stenographic services] **Record of proceedings**
[In any hearing before the board, the board or presiding commissioner, upon request of either party, shall designate a certified shorthand reporter to transcribe the proceedings. Such request for a reporter must be made to the board in writing not less than three days before the date set for the hearing, but any party may make his own arrangements for the presence of a certified shorthand reporter. All such certified shorthand reporter services shall be furnished at the expense of the requesting party.]
The board shall record all proceedings before it involving tax appeals, and shall furnish a transcript of the record of any appeal to any party to that appeal upon request, and upon payment of a reasonable fee to be fixed by the board.

18:12A-1.12 Determination; judgments
(a) (No change.)
(b) In order to provide for a more orderly appeal procedure, county boards of taxation shall, effective immediately, institute the procedure herein described with respect to the issuance of their judgments.
1. - 2. (No change.)
3. Written memorandum of judgment
i. The President of the board shall have the responsibility for over-seeing the writing of the written memorandum of judgment required pursuant to R.S. 54:3.26, and each memorandum shall be under his signature as well as the signature of any other member of the board who participated in the rendering of the county board judgments on appeal.
ii. Judgments must be considered to be the action of the board and must be agreed upon by the majority of such board.
iii. The board shall transmit a written memorandum of its judgment to the assessor of the taxing district and to the taxpayer setting forth the reasons on which such judgment was passed on the form prescribed by the Director of the Division of Taxation, and the procedures set forth by him.
[3. - 5.] Renumber as **4. - 6.**

18:12A-1.14 Revaluations; reassessments
(a) (No change.)
(b) Regarding revaluation ordered by County Board of Taxation, when a Board determines the need to order a taxing district to revalue its real property, it shall submit the proposed order to the Director, Division of Taxation, for his approval, outlining the reasons that warrant such action. Upon approval of such order, the Board shall take appropriate action to implement same.
1. The following criteria shall be utilized by a board when it is considering a proposal to order a taxing district to conduct a revaluation. The results of a board's findings with respect to these criteria and any other basis for issuing a revaluation order shall be attached to the written order when it is submitted to the Director of the Division of Taxation for approval:
i. General coefficient of deviation — This is an average deviation from average assessment ratio expressed as a percentage of average assessment ratio for each taxing district, for all properties included in "usable sales." It is a measure of variation in assessment-sales ratios of all properties sampled without regard to property class, property size, or any other property characteristic.
ii. Stratified coefficient of deviation — This is an average deviation of assessment ratios for all usable sales of each property class from average assessment ratio for the class. It provides a measure of assessment uniformity for properties within each class, but provides no insight into comparability of assessment levels as among property classes.
iii. Segmented coefficient of deviation — This is an average deviation of assessment ratios for all "usable sales" of each property class from average assessment ratio for all properties of all classes expressed as a percentage of average assessment ratio for all properties of all classes. It provides a measure of uniformity or lack thereof of one property class compared to other property classes.
(1) For the above purpose a coefficient of deviation above 15, generally denotes lack of uniformity in assessments.
iv. Assessment — sales ratios
A source of information for ascertaining assessment-sales ratios is the data gathered in the equalization program for the distribution of State school aid. A continual decline of assessment-sales ratios in a district from the percentage level of taxable value established by a board is an indication of a lack of maintenance of the assessment list. However, a declining ratio does not provide any insight into the level of uniformity of assessment and in and of itself does not imply any automatic judgment with respect to lack of uniform assessments.
v. Individual assessment — sales ratio
The individual sales are listed in order of ratios established from the lowest to the highest. A wide divergence of ratios as opposed to a clustering of ratios at a common level would be indicative of a lack of uniformity in assessments.
vi. Class weighted ratios
The weighted ratio of a property class basis is found by dividing the total ratables of a property class by the total true value of that property class. Uniformity between property classes is indicated when the class weighted ratios are in conformity with each other. Wide variances in class weighted ratios are an indication of a lack of uniformity in assessments between property classes.
vii. District weighted ratio
The district weighted average ratio is found by adding the total ratables for each of the four property classes and dividing the sum by the total true value for all classes of real property. A district weighted ratio, which is based on usable sales for the most recent sample period, is indicative of whether there is compliance with the adopted percentage level of assessment established by a county board of taxation.
viii. Neighborhood and zoning changes
The need for a revaluation program may be indicated by neighborhood and zoning changes which affect value in part or all of a taxing district. Changes in uses permitted by zoning may substantially increase or decrease the value of property. A revaluation order citing changes in zoning as its basis must delineate the impact of zoning changes as the change relates to assessments.
ix. Lack of adequate records
A lack of adequate records, such as property record cards, which cause difficulty for the assessor in arriving at a sound assessment is indicative of the need for a revaluation. The absence of essential information which may affect assessments is detrimental to the valuation process and may impede the maintenance of an assessment list. The absence of information relating to changes made to improvements such as failure of property owners to secure building permits or copies of building permits not being furnished to an assessor is a contributory factor resulting in the lack of uniform assessments.
(c) - (g) (No change.)

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18:12A-1.15 Practice and procedure

In the absence of a rule covering any matter at issue, the rules of the [Division of Tax Appeals] **Tax Court** insofar as they may be applicable, shall govern.

18:12A-1.16 Tax assessment lists and duplicates; EDP

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

(f) The [secretary] **Administrator** of each county board of taxation shall designate the critical dates as to the submission of change forms to effectuate the electronic data processing program, in keeping with the administrative procedure now in force with respect to the EDP program used for the construction of the tax rolls and satellite reports.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

J. Henry Ditmars
Superintendent
Local Property Tax Branch
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser, Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amend Sales and Use Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J. S.A. 54:32B-1 et seq., proposes to adopt amendments to N.J.A.C. 18:24-7.12 concerning the Sales and Use Tax Act.

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

18:24-7.12 Services; taxable **and nontaxable**

(a) The following services, except as hereinafter provided, sold or purchased by a dealer in motor vehicles[,] **or any other person engaged in the performance of such services,** are subject to tax; provided, however, that where the following services are performed on tangible personal property held for sale by the purchaser of such services, the performance of such services is not subject to tax:

1. - 3. (No change in text.)

(b) The towing of a motor vehicle by a wrecker or tow car is a service subject to tax under subsection (b) of section 3 of the Sales and Use Tax Act as long as the towing is incidental to or relates in some manner to the maintaining, servicing or repairing of the vehicle in this State. The repairing may be done by the one towing the vehicle or someone else. The towing service includes the use of special equipment such as a dolly, tilt-bed truck or other special hook-up. Provided, however, that where the towing services are performed on tangible personal property held for sale by the purchaser of such services, the performance of such services is not subject to tax. For example:

1. A vehicle becomes disabled on a public street or highway. This vehicle is taken by an operator of a towing service to a destination within New Jersey for repair. The charge for the towing service is subject to tax, whether or not the repair service is rendered by the tower.

2. A vehicle is stuck in snow or mud and cannot be operated under its own power. The vehicle is towed to a point where it can operate under its own power. Under these circumstances, the vehicle is considered disabled and, therefore, the charge for towing is subject to tax.

3. A vehicle is involved in an accident. It is towed in for repairs. The charge for towing is subject to tax. The vehicle is subsequently determined to be a total loss and cannot be repaired. The charge for towing to a scrap metal or junk yard is not incidental to maintaining or repairing the vehicle and such charge is not subject to tax.

(c) The following towing services are not considered subject to tax:

1. Towing a vehicle from a "No Parking" zone.

2. Towing a demolished vehicle to a scrap metal or junk yard.

3. Towing a vehicle for delivery to a location outside this State.

(d) [(b)] None of the services renumerated in subsection (a) **or (b) above** are subject to tax when rendered with respect to trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public.

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

(f) [(d)] The purchase or use by any person engaged in the sale of the services enumerated in subsection (a) **or (b) above** of machinery, apparatus, equipment, tools, or supplies (not otherwise exempted) **is subject to tax.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt this amendment substantially as proposed without further notice.

Sidney Glaser, Director
Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed Amend Sales and Use Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to the authority of N.J.S.A. 54:32B-1 et seq., proposes to amend N.J.A.C. 18:24-5.11 concerning the Sales and Use Tax Act.

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

18:24-5.11 Fabricator/contractor sale and installation of completed products; tax

(a) Where a fabricator/contractor sells his fabricated product, and as a part of that sale further agrees to

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install the product[,] **at a location in this State, he may not** collect tax from his customer **for charges rendered in connection with the installation** if the installation of his product results in a capital improvement to real property. In such cases, the fabricator/contractor is, **however,** required to pay use tax directly to the [Sales Tax Bureau] **Division of Taxation** upon the value of his product[.] **as hereinafter set forth.** The use tax shall be computed on:

1. The [value] **price** at which items of the same kind are offered for sale by him; or

2. If the fabricator/contractor makes no sales of items of the same kind, the tax shall be computed on [market value of such property.] **the cost of all materials used in fabrication.**

(b) Where a fabricator/contractor sells his fabricated product, and as a part of that sale agrees to install the product[,] **at a location in this State,** and such installation does not result in a capital improvement to real property (see section 5.7 of this chapter), he is required to pay use tax on the product installed, in the same manner as described in subsection (a) of this section, and is further required to collect the sales tax on that portion of his bill attributable to installation charges.

(c) Where a fabricator/contractor sells his fabricated product, and as a part of that sale agrees to install the product at a location outside this State, he is neither responsible for the payment of use tax as provided in subsection (a) of this section nor for the collection of sales tax on installation charges as provided in subsection (b) of this section.

For example: A structural steel fabricator purchases steel which is delivered to his facility in New Jersey. The steel is fabricated as provided in shop drawing specifications for on-site installation. The fabricated structural steel is then shipped to a job-site located outside this State. Such fabricated steel is not subject to tax in this Sate.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amend Sales and Use Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J. S.A. 54:32B-1 et seq., proposes to amend N.J.A.C. 18:24-15.2, 15.3 and 15.6 concerning the Sales and Use Tax Act.

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

18:24-15.2 Reduction percentage of adjusted charge

The total charge for the furnishing of any product enumerated in [Section 14.1 of this Chapter] **N.J.A.C. 18:24-15.1** may be reduced by 66⅔ per cent of the total charge.

18:24-15.3 Tax computation; inclusion on invoice

(a) The tax must be calculated at the rate of five per cent on the adjusted charge as set forth in [Section 14.2 (Modification by hospital sales exemption for retail sales) of this Chapter.] **N.J.A.C. 18:24-15.2.**

(b) (No change in text.)

18:24-15.6 **[Expiration] Effective date**

This subchapter is effective [for the six month period ending December 31, 1971.] **on and after January 1, 1972.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser, Director
Division of Taxation
Department of the Treasury

(b)

TREASURY

STATE LOTTERY COMMISSION

3-Of-A-Kind Instant Lottery

On August 20, 1980, Gloria A. Decker, Executive Director of the New Jersey State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J. S.A. 5:9-7 and N.J.A.C. 17:21-1.4 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the 3-Of-A-Kind Instant Lottery.

Note: 3-Of-A-Kind Instant Lottery is a temporary lottery and will be referenced but not reproduced in the New Jersey Administrative Code. The full text may be obtained from:

New Jersey Lottery Commission
CN 041
Trenton, N.J. 08625

An order adopting this rule was filed and became effective on August 20, 1980 as R.1980 d.372 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Special Permits for Oversize Vehicles

F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.

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S.A. 27:12B-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, proposes to adopt new rules to be cited as N.J.A.C. 19:8-8 concerning special permits for oversize vehicles.

Full text of the proposed new rules follows.

SUBCHAPTER 8. SPECIAL PERMITS FOR OVERSIZE VEHICLES

19:8-8.1 Scope

(a) Special permits for oversize vehicles issued by the Authority are valid on the toll portions of the Parkway only.

(b) These regulations are in addition to the requirements of Title 39, Motor Vehicles and Traffic Regulations, and the regulations of the New Jersey Division of Motor Vehicles, including, but not limited to, the New Jersey Division of Motor Vehicles' regulations governing permits for overdimensional or overweight vehicles.

19:8-8.2 Permit requirement

A permit is required for each one-way trip of an oversize vehicle.

19:8-8.3 Period of validity

(a) A permit is valid for a one-way trip for the period specified in the permit only.

(b) In the event the one-way trip cannot be completed within the valid life of the permit due to hazardous road conditions or vehicle breakdown, an extension may be granted, provided that the request is made before the permit expires.

(c) A permit shall not be valid on Saturdays, Sundays and holidays during the period May 15 through September 15.

(d) A permit shall not be valid during the period from dusk to dawn.

19:8-8.4 Fee

(a) The fee for each permit shall be $5.00.

(b) No fee may be required when the request is made by the United States, the State of New Jersey, or any agency or political subdivision thereof, and individuals or firms doing work or performing services for the Authority.

19:8-8.5 Issuance

(a) Permits shall be requested weekdays, except holidays, during regular business hours.

(b) Applications may be made as follows:

1. By mail addressed to Operations Department, New Jersey Highway Authority, Garden State Parkway, Woodbridge, N.J. 07095.

2. In person at the Authority's Administration Building in Woodbridge.

3. By telephone to the Operations Department at (Area Code 201) 442-8600, however, telephone requests shall not be honored less than two hours before the requested entry time and payment of the fee must be received within 10 days of such request.

19:8-8.6. Limitations on permit

(a) The maximum gross weight, i.e., combined weight of vehicles and load, shall be 80,000 pounds.

(b) The maximum dimensions shall be:

1. Height:

i. Where the route traverses any overhead structure, such as a toll plaza, bridge, overpass or sign bridge, the maximum height of any vehicle and load shall be 13' 6".

ii. Where the route does not traverse any overhead structure, the maximum height approved by the State of New Jersey in the companion New Jersey Division of Motor Vehicles' permit will apply.

iii. Clearance of all cables and wires, whether public utilities or otherwise, shall be the responsibility of applicant/permittee.

2. Width:

i. The maximum width shall be 10', and the vehicle must use the outside lanes of all toll facilities or such lane as may be directed.

3. Length:

i. The maximum length shall not exceed the maximum length set forth by the companion New Jersey Division of Motor Vehicles' permit.

(c) Route: The Authority reserves the right to designate the routes of travel, speed liimts, exact day and time of operation or to impose any other restrictions which may be necessary to minimize traffic delays or safety hazards.

19:8-8.7 Application

(a) The applicant shall furnish the following information and such other information as may be required:

1. Name of applicant;
2. Address of applicant;
3. Telephone number of applicant;
4. Name of applicant's authorized agent;
5. Date of trip;
6. Entry:
i. Ramp number or location;
ii. Time.
7. Exit:
i. Ramp number or location;
ii. Time.
8. Description of vehicle:
i. Make, model and year of vehicle (truck or trailer);
ii. License plate number (truck and trailer);
iii. State of registration (truck and trailer);
iv. Total gross weight;
v. Description of load;
vi. Dimensions;
vii. New Jersey Division of Motor Vehicles permit number.

19:8-8.8 Insurance

(a) By accepting a permit, the applicant/permittee certifies that the vehicle is insured in the following minimum limits:

1. $1,000,000 single limit for bodily injury and property damage.

2. In lieu of the above, $500,000 each person; $1,000,000 each accident bodily injury and $100,000 property damage.

19:8-8.9 Permit to be carried in vehicle

A permit issued pursuant to these regulations and companion New Jersey Division of Motor Vehicles' permit should be carried in the vehicle and shall be exhibited to Authority personnel or New Jersey State Police upon request.

19:8-8.10 Permit nontransferable

A permit shall be issued for a specific vehicle and is not transferable to any other vehicle.

19:8-11 Permit privilege, suspension or revocation

In the event of violation of these regulations by applicant/permittee, its agents, servants or employees, the Authority reserves the right to revoke any existing permits and to refuse to issue permits in the future.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

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F. Joseph Carragher, Executive Director
New Jersey Highway Authority
Garden State Parkway

Woodbridge, New Jersey 07095

The Highway Authority may thereafter adopt this rule substantially as proposed without further notice.

F. Joseph Carragher
Executive Director
New Jersey Highway Authority
Garden State Parkway

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Proposed Public Financing of Primary Election for Office of Governor

The New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.A.C. 19:44A-6 and 19:44A-38 proposes to adopt new rules to be cited as N.J.A.C. 19:25-16 concerning public financing of the primary election for the Office of Governor and to amend the current text of N.J.A.C. 19:25-16 (Investigation) and recodify same as N.J.A.C. 19:25-17.33 (Investigation by commission).

These rules are being promulgated and proposed pursuant to P.L. 1980 Chapter 74 which Act provides for the public financing of primary elections for the Office of Governor. These rules are intended to supersede the interim rules proposed at 12 N.J.R. 555(a) in the September 4, 1980, New Jersey Register.

Copies of the 41 pages of the full text of this proposal may be obtained from or made available for review by contacting the Election Law Enforcement Commission at the address listed below.

A public hearing will be held October 15, 1980 at 10:00 A.M. at the Senate Majority Conference Room, State House, Trenton, New Jersey.

Persons wishing to testify shall contact Gregory E. Nagy, Esq., at (609) 292-8700.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before October 29, 1980 to:

Gregory E. Nagy, Esq.
New Jersey Election Law Enforcement Commission
28 West State Street, Suite 1114
Trenton, N.J. 08608

The Election Law Enforcement Commission may thereafter adopt rules concerning this subject without further notice.

Lewis B. Thurston, III
Executive Director
Election Law Enforcement Commission

(b)

COMMISSION ON CHILDREN'S SERVICES

Notice of Public Hearing to Identify Needs of Children

On December 10, 1979 Governor Brendan Byrne signed into law a bill creating the Commission on Children's Services for New Jersey. The bill S 455 (1978) P.L. 1979, Chapter 238, creating the Commission on Children's Services was sponsored by Senator Anthony Scardino (D-Bergen). The Commission's responsibility is to review and coordinate services for children offered by State, local and private agencies or organizations.

The Commission is announcing a series of four public hearings in the State from 10 A.M. to 1 P.M.:

September 27th at Glassboro State College in Glassboro, N.J.

October 4th at N.J. Institute of Technology in Newark, N.J.

October 18th at Mercer County Community College, Trenton, N.J.

October 25th at Passaic Community College, Passaic, N.J.

The purpose of the hearings will be to identify the needs of children not being met or being met inadequately and to make recommendations on programs and services. If possible, you should submit a written copy of your presentation. The Commission further requests that you limit your presentation to ten minutes. For your convenience you may schedule a specific time to testify.

For further information, please contact:

Matt Martin
c/o Commission on Children's Services
129 East Hanover Street
Trenton, N.J. 08608
Telephone: (609) 292-4414

This notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(c)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Amendments to Schedule of Rates For Vehicular Parking at Various Facilities

On September 2, 1980, the Board of Commissioners of the Port Authority of New York and New Jersey adopted amendments to the schedule of rates for vehicular parking concerning the New York City passenger ship terminal at piers 40, 88, 90, 92 and 94, the Port Authority Bus Terminal and Kennedy International, LaGuardia, and Newark International Airports.

Full text of the adoption follows.

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Pier 40:

Enclosed Space - Second Deck	
Monthly Parking Permit	$52.50
Outside Space - Second Deck	
Monthly Parking Permit	$42.50
Outside Space - Roof	
Monthly Parking Permit	$42.50
Daily Parking	2.50
10 coupon booklet, each coupon good for one day's parking within one year of issuance	$22.50

All rates include 14% sales tax.

Kennedy International, LaGuardia and Newark International Airports:

1. LaGuardia Airport:

Parking Garage:	$1.00 for 1st hr. or part
	$1.00 per 2 hrs., or part thereafter
	$9.00 max. to 24 hrs.
	$1.00 per 2 hrs. or part thereafter
	$9.00 max. each 24 hrs.
All Other Lots except Premium Metered Area in Garage	$1.00 for 1st hr. or part
	$1.00 per 2 hrs. or part thereafter
	$7.00 max. to 24 hrs.
	$1.00 per 3 hrs. or part thereafter
	$7.00 max. each 24 hrs.
Premium Metered Area in Garage:	$ .25 per ¼ hr. (interim rate)
	$1.00 per hr. or part (permanent rate)

2. Kennedy International Airport:

Premium	$1.00 per hr. or part
Pan Am Rooftop: (Lot No. 6)	$16.00 max. each 24 hrs.
Intermediate Central Terminal Area: (Except Lot No. 6)	$1.00 for 1st hr. or part
	$1.00 per 2 hrs. or part thereafter
	$8.00 max. to 24 hrs.
	$1.00 per 3 hrs. or part thereafter
	$8.00 max. each 24 hrs.
Remote Reduced Rate	$3.00 for 1st 24 hrs. or part
Long Term: (Lots No. 8 & 9)	$1.50 per 12 hrs. or part thereafter
	$3.00 max. each 24 hrs.

3. Newark International Airport:

Premium	$1.00 per hr. or part
"Hourly" Lots:	$16.00 max. each 24 hrs.
Intermediate "Daily" Lots:	$1.00 for 1st hr. or part
	$1.00 per 2 hrs. or part thereafter
	$8.00 max to 24 hrs.
	$1.00 per 3 hrs. or part thereafter
	$8.00 max. each 24 hrs.
Remote Reduced Rate	$1.00 for 1st hr. or part
Long Term: (Lots D, No. 1 & 3)	$1.00 per 2 hrs. or part thereafter
	$3.00 max. to 24 hrs.
	$1.50 per 12 hrs. or part thereafter
	$3.00 max. each 24 hrs.

All rates include tax on parking.

Port Authority Bus Terminal:
Parking Duration:

Up to ½ hour	$3.00
Up to 1 hour	3.50
Up to 2 hours	4.50
Up to 4 hours	5.00
Up to 6 hours	5.50
Up to 10 hours	6.00
Up to 11 hours	6.50
Up to 12 hours	7.00
Up to 13 hours	8.00
Up to 24 hours	9.00
Over 24 hours (each added 2 hours)	1.00
Maximum for each 24 hours	9.00

New York City Passenger Ship Terminal:
Piers 88, 90, 92:
Roof:

Seven days a week	Up to 3 hrs. - $4.50
	Up to 10 hrs. - $5.50
	Up to 24 hrs. - $6.50
For persons employed at or doing business at the terminal	$1.25

Pier 94: Daily Rate:

Saturdays and Sundays	
Early bird (enter 6 a.m. to 10 a.m.)	$2.25
Seven days a week when roof reaches capacity	$4.50
For persons employed at or doing business at the terminal	$1.25

Pier 94: Monthly Rates:

Public Patrons Monday-Friday	$ 45.00
Persons employed at the terminal	$ 22.50
Buses 30 feet or less	$ 80.00
Buses over 30 feet	$110.00

Pier 94: Long Term Cruise Parking Rates:

Up to 12 days	$ 5.50
13 or 14 days	$ 71.50
each additional day	$ 5.50
21 to 30 days	$110.00
each additional day	$ 4.50

All rates include 14% New York City Tax.

An order adopting these amendments was filed on September 9, 1980 as R.1980 d.385 (Exempt, Exempt Agency).

Howard H. Kestin
Director
Office of Administrative Law

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The New Jersey Administrative Code

OFFICIAL COMPILATION OF ALL RULES AND REGULATIONS OF THE STATE OF NEW JERSEY

PUBLICATION of the first five volumes of the New Jersey Administrative Code was in 1972, to bring together for the first time all rules and regulations of the State of New Jersey.

BY mid-1973 the full Code had been issued —in 22 volumes. Since then it has grown to its present 30 volumes covering all State administrative rules.

The NEW JERSEY REGISTER, the State's monthly publication of all new rules and proposed rules, is available at $15 ANNUALLY to supplement the Administrative Code prior to publication of current rules in the Code. Like the Code, it is published by the Division of Administrative Procedure.

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