

# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure

John K. Barnes, Editor

Peter J. Gorman, Rules Analyst

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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Amended Schedules of Milk Prices

On September 8, 1978, 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. in keeping with the provisions of the Finding of Fact which was entered in 1969 and affirmed by the New Jersey

Supreme Court in *Garden State Farms v. Mathis* (61 N.J.R. 406, 294 A2d 713, 1972), and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning the schedule of milk prices, which replace the current text of N.J.A.C. 2:53-1.2 and 2:53-1.3.

Full text of the adoption follows:

2:53-1.2 Schedule 69-1N; North Jersey

(a) Schedule 69-1N is as follows:

1. Minimum prices for fluid whole milk sold out-of-stores and vending machines for off-premises consumption and on home-delivery routes.

(Cents Per Unit)

M. A. Order	1	2	3	4	5	6
No. 2	\$10.48	\$10.67	\$10.86	\$11.05	\$11.24	\$11.43
Class I Price	to	to	to	to	to	to
Quart	10.66	10.85	11.04	11.23	11.42	11.61
Half Gallon	38.5	39	39.5	40	40.5	41
Gallon	72	73	74	75	76	77
	138	140	142	144	146	148
M. A. Order	7	8	9	10	11	12
No. 2	\$11.62	\$11.81	\$12.00	\$12.19	\$12.38	\$12.57
Class I Price	to	to	to	to	to	to
Quart	11.80	11.99	12.18	12.37	12.56	12.75
Half Gallon	41.5	42	42.5	43	43.5	44
Gallon	78	79	80	81	82	83
	150	152	154	156	158	160
M. A. Order	13	14	15	16	17	18
No. 2	\$12.76	\$12.95	\$13.14	\$13.33	\$13.52	\$13.71
Class I Price	to	to	to	to	to	to
Quart	12.94	13.13	13.32	13.51	13.70	13.89
Half Gallon	44.5	45	45.5	46	46.5	47
Gallon	84	85	86	87	88	89
	162	164	166	168	170	172
M. A. Order	19	20	21	22	23	24
No. 2	\$13.90	\$14.09	\$14.28	\$14.47	\$14.66	\$14.85
Class I Price	to	to	to	to	to	to
Quart	14.08	14.27	14.46	14.65	14.84	15.03
Half Gallon	47.5	48	48.5	49	49.5	50
Gallon	90	91	92	93	94	95
	174	176	178	180	182	184

Larger-than-gallon: The quart equivalent of the minimum price for gallon containers minus \$0.01 per quart multiplied by the number of quarts in the unit.

## NEW JERSEY REGISTER

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2:53-1.3 Schedule 69-1S; South Jersey

(a) Schedule 69-1S is as follows:

1. Minimum prices for fluid whole milk sold out-of-stores and vending machines for off-premises consumption and on home-delivery routes.

(Cents Per Unit)

	1	2	3	4	5	6
M. A. Order	\$11.07	\$11.26	\$11.45	\$11.64	\$11.83	\$12.02
No. 4	to	to	to	to	to	to
Class I Price*	11.25	11.44	11.63	11.82	12.01	12.20
Quart	38.5	39	39.5	40	40.5	41
Half Gallon	72	73	74	75	76	77
Gallon	138	140	142	144	146	148
M. A. Order	\$12.21	\$12.40	\$12.59	\$12.78	\$12.97	\$13.16
No. 4	to	to	to	to	to	to
Class I Price*	12.39	12.58	12.77	12.96	13.15	13.34
Quart	41.5	42	42.5	43	43.5	44
Half Gallon	78	79	80	81	82	83
Gallon	150	152	154	156	158	160
M. A. Order	\$13.35	\$13.54	\$13.73	\$13.92	\$14.11	\$14.30
No. 4	to	to	to	to	to	to
Class I Price*	13.53	13.72	13.91	14.10	14.29	14.48
Quart	44.5	45	45.5	46	46.5	47
Half Gallon	84	85	86	87	88	89
Gallon	162	164	166	168	170	172
M. A. Order	\$14.49	\$14.68	\$14.87	\$15.06	\$15.25	\$15.44
No. 4	to	to	to	to	to	to
Class I Price*	14.67	14.86	15.05	15.24	15.43	15.62
Quart	47.5	48	48.5	49	49.5	50
Half Gallon	90	91	92	93	94	95
Gallon	174	176	178	180	182	184

\*Including direct delivery differential pursuant to section 1004.83 of Federal Order Number 4.

Larger-than-gallon: The quart equivalent of the minimum price for gallon containers minus \$0.01 per quart multiplied by the number of quarts in the unit.

An order adopting these amendments was filed and became effective on September 13, 1978, as R.1978 d.318 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Amendments on Limits of Indemnities For Brucellosis Reactors

On September 1, 1978, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22, 4:5-93.32 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:2-2.15(b), concerning limits of indemnities for brucellosis reactors, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 314(a).

An order adopting these amendments was filed and became effective on September 1, 1978, as R.1978 d.302.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Amended Minimum Milk Prices

On September 8, 1978, 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. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning minimum milk prices, which replace the current text of N.J.A.C. 2:53-1.1(b).

Full text of the adoption follows:

2:53-1.1(b) Effective October 1, 1978, minimum milk prices under Order 69-1 will be \$.42 per quart, \$.79 per half gallon, and \$1.52 per gallon. This amendment shall be effective from and after October 1, 1978.

An order adopting these amendments was filed on September 13, 1978, as R. 1978 d.317 (Exempt, Procedure Rule), to become effective October 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## AGRICULTURE

### BOARD OF AGRICULTURE

#### Proposed Amendments to Rules of the Department

The Board of Agriculture of the Department of Agriculture, pursuant to authority of N.J.S.A. 4:1-11 et seq. proposes to amend various rules concerning the Department in Title 2 of the New Jersey Administrative Code.

This proposal will eliminate obsolete, out-of-date and redundant rules, modernize others to reflect the current organizational structure of the Department and of the United States Department of Agriculture, correct typographical errors and any errors in citations.

These proposed changes are the result of the thorough review mandated by Governor Brendan T. Byrne in Executive Order Number 66, which ordered each State agency to review its rules for "necessity, adequacy, reasonableness, efficiency, understandability and responsiveness."

Copies of the 75 pages of full text of the proposal may be obtained by contacting:

Kathryn A. Clark, Chief  
Hearings and Administrative Practices  
Department of Agriculture  
P. O. Box 1888  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 25, 1978 to the above-named person.

The Board of Agriculture may thereafter adopt rules concerning this subject without further notice.

Phillip Alampi  
Secretary  
Department of Agriculture

(b)

## BANKING

### THE COMMISSIONER

#### Adopt Home Mortgage Disclosure Rules

On September 1, 1978, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:16F-11 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:1-9.1 et seq., concerning the home mortgage disclosure rules, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 314(c).

An order adopting these amendments was filed and became effective on September 1, 1978, as R.1978 d.304.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Rules on Planned Real Estate Development Full Disclosure Act

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 45:33A-21 et seq., proposes to adopt new rules concerning the planned real estate development full disclosure act. Such rules, if adopted, will be cited as N.J.A.C. 5:26-1.1 et seq.

The proposed rules concern the registration of planned real estate developments, retirement communities, and conversions, advertising standards, contract provisions, warranties, nonbinding reservation agreements and association management.

Copies of the 49 pages of full text of this proposal may be obtained from or made available for review by contacting:

Bureau of Housing and Renewal Services  
Department of Community Affairs  
P.O. Box 2768  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to Bureau of Housing and Renewal Services, at the above address.

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

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(d)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Amendments Concerning Capital Budgets And Capital Improvement Programs

On September 14, 1978, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments which deleted in their entirety the current text of Chapter 34, Capital Budget Manual, and Subchapter 4, Capital Budgets, in Chapter 30 of Title 5 of the New Jersey Administrative Code and adopted new text concerning capital budgets and capital improvement programs.

Such new rules will be cited as N.J.A.C. 5:30-4.1 et seq. Chapter 34 will now be marked as "Reserved."

Full text of the new rules follows:

#### SUBCHAPTER 4. CAPITAL BUDGETS AND CAPITAL IMPROVEMENT PROGRAMS

##### 5:30-4.1 Authority and application

(a) This regulation is adopted by the Local Finance Board pursuant to its powers authorized at N.J.S.A. 52:27BB-10, 52:27BB-32, and 40A:4-43 to 45.

(b) This regulation shall apply to all local units, and it shall be the duty of the governing body of each local unit to comply.

5:30-4.2 Definitions

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

"Local unit" means any county or municipality.

"Capital budget" means the first year of a capital program.

"Capital program" means a moving, multi-year plan and schedule for capital projects, including prospective financing sources and, when pertinent, first year operating costs and savings.

"Capital project" means any of the following, with an expected useful life of five years or more and a prospective individual or (when added to the cost of other such items as are listed below) cumulative cost in any year of \$25,000 or more, regardless of the financing sources:

1. Acquisition and/or development of land;
2. Acquisition of major equipment, furniture, or other personal property;
3. Acquisition, construction, improvement and/or renovation of buildings, roads, utilities, structures, improvements or public works;
4. Any other matter described in N.J.S.A. 40A:2-22.

"Financing sources" means any of the following, in any combination, from which moneys are provided to finance capital projects:

1. Appropriations in the annual budget(s) of the current, utility or enterprise, capital or other fund;
2. Bonds or notes;
3. Appropriations from the Capital Improvement Fund or any other funds or reserves;
4. State or Federal aid;
5. Private contributions, bequests, etc.

"Annual budget" means the Official Budget required to be adopted by the Local Budget Law, and which for purposes of this regulation includes a separate section known as the Capital Budget and Capital Improvement Program.

"Director" means the Director of the Division of Local Government Services or his designated representative.

5:30-4.3 When required

(a) Every local unit shall prepare and adopt a capital budget, in conjunction with its annual operating budget, for any year in which it proposes to undertake a capital project. Inclusion of the following in the annual budget for the year shall, as a minimum, demonstrate the necessity of adopting a capital budget: appropriations for capital improvement fund, specific capital line items or down payments.

(b) No local unit shall adopt a bond ordinance unless:

1. It has already adopted a capital budget as part of the annual budget; or
2. If prior to final adoption of the annual budget, by adoption of a temporary capital budget which subsequently shall be included in the annual budget; or
3. If a need is determined after adoption of the annual budget, by adoption of a capital budget or an amendment to the capital budget.

(c) Every local unit which adopts a capital budget shall also adopt a capital program, as provided below, or add a year to an existing capital program to replace the budget year. The capital program shall be submitted to the director with the capital budget.

5:30-4.4 Method of adoption

(a) Any capital budget or capital improvement program that is to be adopted shall:

1. Be assembled and prepared by the officer(s) responsible for preparing the annual budget, provided that the provisions of N.J.S.A. 40:55D-29, permitting the governing body to authorize the planning board to prepare a suggested capital improvement program, are considered.
2. Be adopted by the affirmative vote of a majority of the full authorized membership of the governing body.
3. Be referred to the planning board, if it affects the adopted master plan, at least 45 days prior to adoption. (See N.J.S.A. 40:55D-31 for full provisions.) Observance of this requirement would suggest notification to the planning board by January 10 for counties and February 3 for municipalities.
4. Be treated as part of the Official Budget and shall be published as part of it.
5. When an initial adoption or amendment is needed outside of the normal budget adoption procedure, the following should be observed:
  - i. Planning board review: As described above, this is optional at governing body discretion per N.J.S.A. 40:55D-29; except that it is mandatory per N.J.S.A. 40:55D-31 if the project affects the master plan (Consult local attorney for guidance.);
  - ii. Use of the standard forms described below;
  - iii. Adoption by resolution;
  - iv. Same majority vote;
  - v. Publication in local newspaper;
  - vi. Filing with the Director for review and certification.

5:30-4.5 Forms and content

(a) The director shall provide forms as part of the annual budget document. These forms are mandatory, except that the director, at his discretion, may authorize the use of other forms that provide substantially the same information. Prior written approval shall be sought.

(b) The capital budget shall include by title all projects scheduled for startup in the current budget year or for continuation/completion from prior years, the amounts appropriated and the anticipated financing by source and amount.

(c) Capital program forms rules are:

1. The capital program shall include by title all projects anticipated for the budget year and two or more additional years, as provided below, with the estimated costs and the anticipated financing by sources and amounts:

Population	Minimum Program Period
Under 10,000 .....	3 years
Over 10,000 .....	6 years

2. A municipality with population under 10,000 may discontinue annual capital program submissions whenever it shall, in compliance with the terms of this regulation, have had no capital budgets for three consecutive years; provided, that the capital program shall be reinstated when a capital budget is adopted.

5:30-4.6 Review and certification

(a) The director shall, as part of his review of each local unit's annual budget, determine whether a capital budget and program are required, and if so, whether it has been included in the proper form. This review shall not extend to any determination as to the sufficiency or wisdom of its content.

(b) If the required capital budget and programs are not included in accordance with the requirements of this

regulation, approval of the entire budget may be withheld, pending local corrective action.

**5:30-4.7 Capital expenditures proscribed**

Pursuant to N.J.S.A. 40A:4-44, no local unit shall make appropriations or authorize expenditures or obligations for capital projects in the absence of an adopted capital budget or other than in accordance therewith, except for the preliminary expenses of plans, specifications, and estimates.

**5:30-4.8 Director's action**

The director is authorized to advise local units of the requirements and purposes of this regulation, to issue such forms and provide such guidance as may be necessary, and to take such other steps as may, in his judgment, be necessary to effectuate the purposes of this regulation in light of the need for orderly overall fiscal administration.

**5:30-4.9 Transitional provisions**

Any local unit that has not enacted a capital improvement program (capital budget) in 1978 as required by the provisions of N.J.A.C. 5:34-9 which have been rescinded shall not be relieved of any such obligation. Copies of the old 5:34-9 regulation will be available from the secretary to the Local Finance Board for local units desiring to adopt capital improvement programs (budgets) prior to December 31, 1978. This Transitional Provision 5:30-4.9 shall expire and be rescinded as of January 1, 1979, without further action by the Local Finance Board.

An order adopting these amendments was filed and became effective on September 14, 1978, as R.1978 d.322 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Rules on Tax Exemption for Solar Facilities

On September 15, 1978, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, as amended, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:23-6.1 et seq., concerning tax exemptions for solar facilities, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 222(b).

An order adopting these rules was filed and became effective on September 18, 1978, as R.1978 d.334.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Amendments on Intern Certificates

The State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to amend N.J.A.C. 6:11-4.5, concerning rules for the issuance of the Intern Certificate.

The Intern Certificate is used to cover half-year or full-year assignments in public schools for students who are in Master's programs leading to initial teaching certification. The certificate is for one year's duration, but in the case of special circumstances or innovative programs certificates could be renewed after appropriate review by the Bureau of Teacher Education and Academic Credentials.

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

**6:11-4.5 Intern certificate**

(a) The Commissioner of Education, upon recommendation of the State Board of Examiners, may approve undergraduate or graduate programs of teacher education, including periods of apprenticeship or internship, may authorize local school districts to affiliate as teacher training centers with such approved programs, and may authorize issuance of intern certificates to the students engaged in such programs.

(b) An intern certificate is valid for the school year in which it is issued, but may be renewed [by the college in accordance with procedures established] **under special circumstances as determined by the Bureau of Teacher Education and Academic Credentials.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State Street  
Trenton, N.J. 08625

The State Board of Education may thereafter adopt these amendments substantially as proposed without further notice.

Fred G. Burke  
Commissioner of Education  
Secretary, State Board of Education

**(c)**

## EDUCATION

### STATE BOARD OF EDUCATION

#### Emergency Rule on School Bus Strobe Warning Lamps

On September 6, 1978, the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning school bus strobe warning lamps.

Present regulations require all new buses to be equipped with strobe warning lamps. New buses are ready for delivery, except for the installation of strobe lamps. Strobe lamps are manufactured by only one company and are in short supply. The temporary suspension of the regulation mandating strobe lamps will enable manufacturers to install incandescent lamps, thus allowing for delivery of new buses and the alleviation of a possible shortage of pupil transportation.

Full text of the adoption follows:

**6:21-19.1(h) The Commissioner of Education may, under justifiable circumstances, allow the substitution of incandescent warning lamps until November 6, 1978.**

An order adopting this rule was filed and became effective on September 6, 1978, as R.1978 d.306 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

## **ENVIRONMENTAL PROTECTION THE COMMISSIONER**

### **Proposed Rule on Flood Hazard Area For Portion of Cedar Creek**

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-50 et seq., proposes to adopt the flood hazard area limits along the Cedar Creek from U.S. Route 9 upstream to the outlet of Bamber Lake, just above Lacey Road within the Townships of Berkeley and Lacey, Ocean County, as delineated by the Water Policy and Supply Council pursuant to N.J.S.A. 58:16A-52.

Such rule, if adopted, will be cited as N.J.A.C. 7:13-1.12.

The Water Policy and Supply Council is proposing to adopt the aforesaid flood hazard area delineation and will hold a public hearing on the matter on Wednesday, September 27, 1978, 8:00 p.m., at the Lacey Township Municipal Building.

All relevant information and documents are available for inspection during normal working hours at the offices of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 035-78-09.

Interested persons may submit arguments, statements or comments relevant to the proposed action in writing on or before October 25, 1978 to John H. O'Dowd, Chief, Bureau of Flood Plain Management, at the above address.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt this delineation substantially as proposed without further notice.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

**(b)**

## **ENVIRONMENTAL PROTECTION THE COMMISSIONER**

### **Proposed Rule on Flood Hazard Area For Portion of Mullica River**

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-50 et seq., proposes to adopt the flood hazard area limits along the

Mullica River from State Highway #542 upstream to the outlet of Atsion Lake, just above U.S. Highway #206 within the Town of Hammonton and the Township of Mullica in Atlantic County and the Townships of Shamong and Washington, Burlington County, as delineated by the Water Policy and Supply Council pursuant to N.J.S.A. 58:16A-52.

Such rule, if adopted, will be cited as N.J.A.C. 7:13-1.13.

The Water Policy and Supply Council is proposing to adopt the aforesaid flood hazard area delineation and will hold a public hearing on this matter on Wednesday, September 27, 1978, 10:00 a.m., at the office of the Division of Water Resources, 1474 Prospect Street, Trenton.

All relevant information and documents are available for inspection during normal working hours at the offices of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 036-78-09.

Interested persons may submit arguments, statements or comments on this proposal relevant to the proposed action in writing on or before October 25, 1978 to John H. O'Dowd, Chief, Bureau of Flood Plain Management, at the above address.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt this delineation substantially as proposed without further notice.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

**(c)**

## **ENVIRONMENTAL PROTECTION THE COMMISSIONER**

### **Proposed Rules on Shore Protection Construction Restoration Projects**

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to authority of the "Beaches and Harbors Bond Act of 1977" P.L. 1977, c. 208, N.J.S.A. 12:6A-1 et seq., proposes to adopt regulations which have been prepared to establish procedures for governing the operation of shore protection construction projects and research design programs that are financed, in part or in whole, by funds from the Beaches and Harbors Fund.

The rules prescribe procedures for application, selection, award and administration of matching grants and design or construction contracts; provide guidance for determining site specific considerations for locating shore protection structures; establish policies and procedures for distribution of operational funds for the purpose of making State matching grants to local governmental agencies for the planning, design and construction of shore protection facilities, dune restoration and beachfill projects; establish procedures for contract agreements and payments for consulting engineers and construction contractors. Also, the rules provide guidance in developing a comprehensive shore protection plan.

Such rules, if adopted, will be cited at N.J.A.C. 7:7F-1.1 et seq. and are known within the Department of Environmental Protection as Docket 041 78-09.

The Department invites and encourages public comment on this proposal. Copies of the proposed rules may be obtained from:

Bernard J. Moore, Supervisor  
Department of Environmental Protection  
Division of Marine Services  
Office of Shore Protection  
P.O. Box 1889  
Trenton, N.J. 08625

Interested persons may present comments in writing relevant to the proposed rules on or before October 25, 1978, to the Department, at the above address. Oral statements may be presented at the public hearings to be held as indicated below:

Tuesday: October 10  
7:30 p.m.  
Ocean City Music Pier  
Morlyn Terrace  
Ocean City, N.J. 08226  
(609) 399-6111

Wednesday: October 11  
7:30 p.m.  
Board of Agriculture Building  
Highway 77, R.F.D. #5  
Bridgeton, N.J. 08540  
(609) 451-1500

Thursday, October 12  
7:30 p.m.  
Ocean County College  
Hooper Avenue  
Toms River, N.J. 08753  
(609) 255-4000

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Proposed Rules on State Aid To Local Environmental Agencies

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1H-1 et seq., 13:1D-1 et seq., and P.L. 1978 c. 60, proposes to adopt new rules concerning grants for the Urban Neighborhood Environmental Assistance Program.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 040-78-09.

Full text of the proposal follows:

#### CHAPTER 37. URBAN ENVIRONMENTAL AID

##### SUBCHAPTER 1. URBAN NEIGHBORHOOD ENVIRONMENTAL ASSISTANCE PROGRAM

###### 7:37-1.1 Short title

This program shall be referred to as the Urban Neighborhood Environmental Assistance Program.

###### 7:37-1.2 Administrative findings

In order to assist in meeting the acute need in New Jersey for revitalization and enhancement of the physical and social environment in urban areas, funds have been provided for aid to environmental agencies for urban environmental concerns. This program will provide municipalities with an opportunity to improve communities, thus making them better places to live.

###### 7:37-1.3 Definitions

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

"Department" means the New Jersey Department of Environmental Protection.

"Environmental commission" means a legally constituted municipal environmental commission pursuant to R.S. 40:56A-1 et seq. or a county environmental agency.

"Soil conservation district" means a district office of the 15 Soil Conservation Districts created pursuant to R.S. 4:24-7.

"Urban Neighborhood Environmental Assistance grant" means a state grant not exceeding \$2,500 per year, per applicant. These grants shall be 50% matching grants to the applicant's 50% share (pursuant to Environmental Aid Act, P.L. 1972 c. 49).

###### 7:37-1.4 Eligible recipients

Any municipal environmental commission, county environmental agency or Soil Conservation District representing a population density of 5,000 or more persons per square mile, or 25,000 or more total population, is eligible to make an application for an Urban Neighborhood Environmental Assistance grant under this program. No other person or legal entity is so eligible.

###### 7:37-1.5 Eligible projects

(a) Eligible Urban Neighborhood Environmental Assistance Program projects may include, but are not limited to:

1. Artworks in public places (e.g. murals, fountains, sculptures);
2. Street scaping (e.g. plant materials, street furniture);
3. Flower gardens;
4. Neighborhood playgrounds and sitting areas;
5. Multiple-use facilities whose programmed uses will be coordinated by the applicant (e.g. farmer's market, floral or art exhibit and sale). These areas shall be passive sitting areas when not programmed for use.

(b) All projects must include input in the planning phase from local residents in accordance with section 1.11 (Public Participation) of this subchapter.

(c) All development projects shall be designed for a minimum life expectancy of five years commencing within six months of any grant made pursuant to this subchapter unless written approval for a later time is issued by the Department.

(d) A development project must be located on lands or in structures owned by the municipality where the project will be developed or must be under lease from a private owner for a minimum of five years.

###### 7:37-1.6 Application procedures

(a) Applications can be submitted at any time, however, they will be reviewed biannually by the Department. The deadline for initiating such biannual review shall be February 1 and October 1 of each calendar year.

(b) In reviewing applications for approval and in establishing priorities, the Department shall consider all criteria it deems appropriate including, but not limited to, the following:

1. Benefits of any project to neighborhood or a community as a whole;
2. Demonstration of community support;
3. Community involvement in planning;
4. Impact on environmental quality;
5. Project innovation;
6. Potential for continuation of project;
7. Capability for maintenance and operation of project.

(c) Applications shall be made on forms provided by the Department, must include all information required, and must be submitted in the manner specified by the Department.

(d) The applicant must submit to the Department two copies of the following documents by such date:

1. A complete application form;
2. A detailed narrative description of the project for which funds are sought;
3. A statement of the project's purpose or objective;
4. An estimated budget showing all sources of funding and/or donations;
5. A copy of the resolution of the sponsoring commission;
6. A sketch plan of the proposed mural design or project development;
7. A graphic illustration of the project;
8. A municipal street map showing the location of the project site;
9. A statement of public participation;
10. The name of an individual municipal official or office who will be responsible for the long-term coordination of the Urban Neighborhood Environmental Assistance Program project, its maintenance and use control;
11. Any additional material or information the Department deems necessary.

#### 7:37-1.7 Funding

(a) An applicant may seek grants up to \$2,500 per fiscal year. The funding of the total project cost will be 50 per cent by the local community and 50 per cent by the State.

(b) Subsequent to project application approval, payment of grant funds will be made after audit of the complete project. No interim or advance payments will be made.

(c) Grant applications shall contain a narrative description of long-term maintenance plans for each completed Urban Neighborhood Environmental Assistance Program project over the expected life of the project.

(d) Should such maintenance plans not be adhered to by the responsible person, as set forth in the grant application, or should the project be otherwise neglected, poorly maintained or allowed to fall into a state of neglect or disrepair, then all monies previously granted by the Department shall immediately become due and owing and shall be repayed to the Department by the applicant or the governing body of the municipality in which the project is located.

#### 7:37-1.8 Project provisions

(a) Designs for projects must be solicited from members of the community. The final decision shall be made by the applicant.

(b) Use of the facility shall not be restricted in any way on the basis of race, creed, color, sex or nationality.

(c) No admittance fees shall be charged for any project funded by a Urban Neighborhood Environmental Assistance Program grant.

(d) A sign shall be posted indicating that the project was developed with a Urban Neighborhood Environmental Assistance Program grant.

(e) Periodic site inspections shall be made by the Department, additional conditions for continued approval may be imposed as a result of such inspections.

#### 7:37-1.9 Change of status

(a) No project shall be changed or its use diverted within the contracted (five-year) period without consultation with the Green Acres Administration and written approval of the Department.

(b) The applicant will be responsible for the maintenance and operation of the facility and will be liable for repayment of grant funds if not properly administered in accordance with section 1.7(d) of this subchapter.

#### 7:37-1.10 Liability

The applicant, its servants, licenses, agents or invitees shall accept all liability arising out of the use of the project property.

#### 7:37-1.11 Public participation

(a) In order to obtain approval for a grant under this subchapter, an applicant must show evidence of public participation including, but not limited to, the following:

1. Written notice to all residents and property owners within 200 feet of the project location.
2. Written notice in a newspaper of local circulation.
3. Written notice to the governing body of the municipality.
4. A public meeting within the municipality where the proposed project will be located.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 1, 1978, to:

Curt J. Hubert, Director  
Green Acres Program  
Department of Environmental Protection  
P.O. Box 1390  
Trenton, N.J. 08625

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments on Expanded Shellfish Relay Program

On August 25, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 24:14-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-15.1, concerning the expanded shellfish relay program, substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 275(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 024-78-06.

An order adopting these amendments was filed on August 28, 1978, as R.1978 d.298, to become effective September 5, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Emergency Rules on Shellfish Harvest Permits and the Relay Program

On August 25, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 24:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules which amended N.J.A.C. 7:12-2.7, concerning shellfish harvest permits and the relay program.

This adoption is known within the Department of Environmental Protection as Docket No. DEP 034-78-08.

Full text of the adoption follows:

7:12-2.7(b) The purpose of Permit No. 5a ("Harvest, Buy, Sell and Relay Hardclams Permit") is to allow hardclams to be harvested, purchased, sold and relayed for specified Special Restricted or Condemned Waters in conjunction with a State approved shellfish relay program.

(c) Permit No. 5a shall be valid only under the following specific requirements or conditions. Violation may subject the holder to prosecution under N.J.S.A. 24:14-3.

1. Species limited under said permit to hardclams (*Mercenaria mercenaria*).

2. Areas of harvest are limited to specified Special Restricted or Condemned Waters within the State of New Jersey and further described on an attached chart provided with each permit.

3. The inclusive dates of the permit shall be specified on the face of the special permit unless revoked or suspended by the Department prior to the dates indicated for cause.

4. The harvester must possess a valid NEW JERSEY SHELLFISH HARVESTING LICENSE issued by the Division of Fish, Game and Shellfisheries.

5. Harvesting from the specified Special Restricted or Condemned Waters shall be subject to all State laws and regulations applicable to the harvest of hardclams from Approved Waters.

6. Harvesting from the specified Special Restricted or Condemned Waters shall be permitted Monday through Friday of each week between the hours of sunrise (as listed at Trenton), and 1200 hours.

7. The harvester must have this permit in his possession while working in the specified Special Restricted or Condemned Waters.

8. This permit shall apply only to the waters noted above and further specified on a day to day basis by the applicable area station commander, New Jersey Marine Police.

9. All hardclams taken from the specified Special Restricted or Condemned Waters shall be relayed to the special relay leased plots in Great Bay or Barnegat Bay specified above.

10. Relayed hardclams are required to remain for a minimum of 30 days on the special relay leased plots. Reharvesting of the relayed shellfish will be regulated by the Department of Environmental Protection's Division of Water Resources, Shellfish Control Unit, according to the acceptability of samples. Reharvesting of shellfish from the special relay leased plots may commence only after receipt of written permission from this office.

11. The Department of Environmental Protection reserves the right to suspend or revoke this permit at any time that its continued use may imperil the public health.

12. One foot by one foot (1' x 1') signs having a white background with legible black lettering, giving the participants first initial and last name and special relay leased plot number, shall be placed and maintained (amidships) on both sides of the participants harvest boat while participating in any phase of the program.

13. Said boats shall remain in the designated area during the time harvesting operations are underway. Harvesting beyond the designated area is prohibited.

14. Upon completion of the day's harvesting, all shellfish shall be transferred to the State-designated truck. No clams are to remain in the marked clam boats or transferred to other vehicles or boats. The location(s) of all loading and unloading zones associated with the transfer of shellfish from one vehicle/vessel to another, shall be designated by the applicable area station commander, New Jersey Marine Police, and/or an authorized agent of the Division of Fish, Game and Shellfisheries. There shall be no variance from said designated area unless so authorized by same.

15. Dredging and similar illegal methods of harvesting are prohibited.

16. Shellfish taken from the specified Special Restricted or Condemned harvest areas shall be bagged by the participant and such bags shall be identified with a number bearing the lot number of the permitted lease holder on which the clams are to be planted. Said number shall be at least 10 inches tall and painted on the side of each bag. The bags shall then be placed by the participant upon a state designated truck to be approved by the applicable area Station Commander, New Jersey Marine Police, and sealed by the State for overland transportation, to a designated landing. Unnumbered bags will not be accepted for overland transportation, but will be seized and their contents returned to Condemned Waters by the New Jersey Marine Police. In the event said truck is inoperative, the relay manager will arrange for a replacement vehicle with the approval of the New Jersey Marine Police, as soon as possible.

17. The bagged shellfish delivered to the designated landing in the sealed truck, shall be relayed to the leased plots of the participants by a state designated vessel or vessels to be approved by the applicable area station commander, New Jersey Marine Police under the supervision of the New Jersey Marine Police and/or the Division of Fish, Game and Shellfisheries.

18. No shellfish taken from the condemned harvest areas shall be transported to the relay plots in Great Bay or Barnegat Bay by any means other than the state designated truck and vessel or state approved replacement. Unnumbered bags will not be accepted for transportation to the leased plots, but will be seized and their contents returned to condemned waters by the New Jersey Marine Police.

19. Only the lessee or lessee's permitted juvenile son, daughter or ward working with the lessee, or a substitute harvester shall remove clams from the leased plots. A substitute harvester must possess a Letter of Permission from the lessee giving the dates for which he is allowed harvest privileges, and the lessee's permit from the Division of Water Resources (Permit 5a).

20. Violations of these conditions may subject the violator to prosecution under R.S. 24:14-3 and will cause the violator's permit to be revoked for a period of 6 months.

21. This permit shows on its face specific conditions that are deemed necessary for the proper operation of

the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit are charts of the harvest sites showing specific sections within the estuaries that may be harvested on any particular day, as determined by the New Jersey Marine Police.

i. Penalty: Any participant violating the regulations or the terms of the special relay permit issued by the Division of Water Resources may be subject to prosecution under the provisions of N.J.S.A. 24:14-3, taking shellfish from Condemned areas in violation of the permit, and may incur the penalty prescribed by the second paragraph of N.J.S.A. 24:14-9, printed below.

ii. Any person who shall gather any oysters, clams or other shellfish from a place which has been condemned by the state department pursuant to section 24:14-2 of this title or who shall distribute, sell, offer or expose for sale or have in his possession any such shellfish so gathered unless he shall first have secured a permit in writing from the State department to distribute, sell, offer or expose for sale or have in his possession any such shellfish so taken, shall be liable to a penalty of one hundred dollars for the first offense and for each subsequent offense shall be committed to the common jail of the county wherein the conviction was had for a period of not less than 30 days.

22. Due to the necessity to closely monitor this program for the purpose of protecting public health, the Division of Water Resources shall immediately suspend the Special Relaying Permit of any participant who violates any condition of the permit or any of these regulations. Pursuant to the Administrative Procedure Act, such individual may apply to the Division of Water Resources for an administrative hearing regarding the decision to suspend such permit.

(d) The purpose of Permit No. 5b ("Harvest Hardclams For Sale Purposes Only Permit") is to allow hardclams to be harvested from specified Special Restricted or Condemned Waters for sale purposes only (thus eliminating the requirement for obtaining a special relay leased plot in approved waters) in conjunction with a State-approved shellfish relay program.

(e) Permit No. 5b shall be valid only under the following specific requirements or conditions. Violation may subject the holder to prosecution under N.J.S.A. 24:14-3.

1. Species limited under said permit to hardclams (*Mercenaria mercenaria*).

2. Areas of harvest are limited to specified Special Restricted or Condemned Waters within the State of New Jersey and further described on an attached chart provided with each permit.

3. The inclusive dates of the permit shall be specified on the face of the special permit unless revoked or suspended by the Department prior to the dates indicated for cause.

4. The harvester must possess a VALID SHELLFISH HARVESTING LICENSE issued by the Division of Fish, Game and Shellfisheries.

5. Harvesting from the specified Special Restricted or Condemned Waters shall be subject to all State laws and regulations applicable to the harvest of hardclams from Approved Waters.

6. Harvesting from the specified Special Restricted or Condemned Waters will be permitted Monday through Friday of each week between the hours of sunrise, as listed at Trenton, and 1200 hours.

7. The harvester must have this permit in his possession while working in the specified Special Restricted or Condemned Waters.

8. This permit shall apply only to the waters noted above and further specified on a day to day basis by the applicable area station commander, New Jersey Marine Police.

9. The Department of Environmental Protection reserves the right to suspend or revoke this permit at any time that its continued use may imperil the public health.

10. One foot by one foot (1' x 1') signs having a white background with legible black lettering, giving the participants first initial and last name, shall be placed and maintained (amidships) on both sides of the participants harvest boat while participating in any phase of the program.

11. Said boats shall remain in the designated area during the time harvesting operations are underway. Harvesting beyond the designated area is prohibited.

12. Upon completion of the day's harvesting, all shellfish shall be transferred to the State designated truck. No clams are to remain in the marked clam boats or transferred to other vehicles or boats. The location(s) of all loading and unloading zones associated with the transfer of shellfish from one vehicle/vessel to another, shall be designated by the applicable area station commander, New Jersey Marine Police and/or an authorized agent of the Division of Fish, Game and Shellfisheries. There shall be no variance from said designated area unless so authorized by same.

13. Dredging and similar illegal methods of harvesting are prohibited.

14. All shellfish harvested shall be sold on the same day to an authorized permitted buyer(s) holding a valid Permit 5a. It shall be the Permit 5b holder's responsibility to make prior arrangements with said authorized permitted buyer(s) to purchase the former's shellfish before harvesting same. The Department will not be held responsible for purchasing, or providing a buyer(s) for said clams by reason that an individual is in possession of this permit (Permit 5b).

15. Shellfish taken from the specified Special Restricted or Condemned harvest areas shall be bagged by the participant and such bags shall be identified with a number bearing the lot number of the permitted lease holder on which the clams are to be planted. Said number shall be at least 10 inches tall and painted on the side of each bag. The bags shall then be placed by the participant upon a state designated truck to be approved by the applicable area station commander, New Jersey Marine Police, and sealed by the State for overland transportation to a designated landing. Unnumbered bags will not be accepted for overland transportation, but will be seized and their contents returned to condemned waters by the New Jersey Marine Police. In the event said truck is inoperative, the industry participants will arrange for a replacement vehicle with the approval of the New Jersey Marine Police, as soon as possible.

16. Violations of these conditions may subject the violator to prosecution under R.S. 24:14-3 and will cause the violator's permit to be revoked for a period of six months.

17. This permit shows on its face specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit are charts of the harvest sites showing specific sections within the estuaries that may be harvested on any particular day, as determined by the New Jersey Marine Police.

i. Penalty: Any participant violating the regulations or the terms of the special relay permit issued by the Division of Water Resources, may be subject to prosecution

under the provisions of N.J.S.A. 24:14-3, taking shellfish from Condemned areas in violation of the permit, and may incur the penalty prescribed by the second paragraph of N.J.S.A. 24:14-9, printed below.

ii. Any person who shall gather any oysters, clams or other shellfish from a place which has been condemned by the state department pursuant to section 24:14-2 of this title or who shall distribute, sell, offer or expose for sale or have in his possession any such shellfish so gathered unless he shall first have secured a permit in writing from the state department to distribute, sell, offer or expose for sale or have in his possession any such shellfish so taken, shall be liable to a penalty of one hundred dollars for the first offense and for each subsequent offense shall be committed to the common jail of the county wherein the conviction was had for a period of not less than 30 days.

18. Due to the necessity to closely monitor this program for the purpose of protecting public health, the Division of Water Resources shall immediately suspend the Special Relaying Permit of any participant who violates any condition of the permit or any of these regulations. Pursuant to the Administrative Procedure Act, such individual may apply to the Division of Water Resources for an administrative hearing regarding the decision to suspend such permit.

(f) The purpose of Permit No. 5c ("Juvenile Harvest and Relay Permit") is to allow a juvenile (17 years or less) to harvest and relay hardclams in conjunction with a State approved shellfish relay program, in the presence of a parent or guardian who holds a valid Permit 5a.

(g) Permit No. 5c shall be valid only under the following specific requirements or conditions. Violation may subject the holder to prosecution under N.J.S.A. 24:14-3.

1. Species limited under said permit to hardclams (*Mercentaria mercenaria*).

2. Areas of harvest are limited to specified Special Restricted or Condemned Waters within the State of New Jersey and further described on an attached chart provided with each permit.

3. The inclusive dates of the permit shall be specified on the face of the special permit unless revoked or suspended by the Department prior to the dates indicated for cause.

4. The permittee shall be of age 17 years or less at the time of application.

5. The permittee shall be the son or daughter of the parent named above, or ward of the guardian named above, said parent or guardian holding a valid Special Permit 5a which authorizes same to harvest, buy, sell and relay shellfish in conjunction with a State-approved relay program.

6. The permittee shall be authorized to work in the relay program only in the presence of the parent or guardian named above. All harvesting and relaying operations shall be accomplished in the same boat as the parent or guardian.

7. The permittee must possess a valid NEW JERSEY SHELLFISH HARVESTING LICENSE issued by the Division of Fish, Game and Shellfisheries.

8. Harvesting from the specified Special Restricted or Condemned Waters shall be subject to all State laws and regulations applicable to the harvest of hardclams from Approved Waters.

9. Harvesting from the specified Special Restricted or Condemned Waters shall be permitted Monday through Friday of each week between the hours of sunrise (as listed at Trenton), and 1200 hours.

10. The permittee must have this permit in his possession while working in the specified Special Restricted

or Condemned Waters.

11. This permit shall apply only to the waters noted above and further specified on a day to day basis by the applicable area station commander, New Jersey Marine Police.

12. All hardclams taken from the specified Special Restricted or Condemned Waters shall be relayed to the above named parent's or guardian's special relay leased plot specified above, by methods designated by the Department of Environmental Protection.

13. Relayed hardclams are required to remain for a minimum of 30 days on the special relay leased plots. Reharvesting of the relayed shellfish will be regulated by the Department of Environmental Protection's Division of Water Resources, Shellfish Control Unit according to the acceptability of samples. Reharvesting of shellfish from the special relay leased lots may commence only after receipt of written permission from this office.

14. The Department of Environmental Protection reserves the right to suspend or revoke this permit at any time that its continued use may imperil the public health.

15. Said boats shall remain in the designated area during the time harvesting operations are underway. Harvesting beyond the designated area is prohibited.

16. Upon completion of the day's harvesting, all shellfish shall be transferred to the State designated truck. No clams are to remain in the marked clam boats or transferred to other vehicles or boats. The location(s) of all loading and unloading zones associated with the transfer of shellfish from one vehicle/vessel to another, shall be designated by the applicable area station commander, New Jersey Marine Police and/or an authorized agent of the Division of Fish, Game and Shellfisheries. There shall be no variance from said designated area unless so authorized by same.

17. Dredging and similar illegal methods of harvesting are prohibited.

18. Shellfish taken from the specified Special Restricted or Condemned harvest areas shall be bagged by the participant and such bags shall be identified with a number bearing the lot number of the permitted lease holder on which the clams are to be planted. Said number shall be at least 10 inches tall and painted on the side of each bag. The bags shall then be placed by the participant upon a state designated truck to be approved by the applicable area station commander, New Jersey Marine Police, and sealed by the State for overland transportation to a designated landing. Unnumbered bags will not be accepted for overland transportation, but will be seized and their contents returned to Condemned Waters by the New Jersey Marine Police. In the event said truck is inoperative, the relay manager will arrange for a replacement vehicle with the approval of the New Jersey Marine Police as soon as possible.

19. The bagged shellfish delivered to the designated landing in the sealed truck, shall be relayed to the leased plots of the participants by a state designated vessel or vessels to be approved by the applicable area station commander, New Jersey Marine Police under the supervision of the New Jersey Marine Police and/or the Division of Fish, Game and Shellfisheries.

20. No shellfish taken from the condemned harvest areas shall be transported to the relay plots in Great Bay or Barnegat Bay by any means other than the state-designated truck or vessel or state approved replacement. Unnumbered bags will not be accepted for transportation to the leased plots, but will be seized and their contents returned to Condemned Waters by the New Jersey Marine Police.

21. Only the lessee or lessee's permitted juvenile son, daughter or ward working with the lessee, or substitute harvester shall remove clams from the leased plots. A substitute harvester must possess a Letter of Permission from the lessee giving the dates for which he is allowed harvest privileges, and the lessee's permit from the Division of Water Resources (Permit 5a).

22. Violations of these conditions may subject the violator to prosecution under R.S. 24:14-3 and will cause the violator's permit to be revoked for a period of six months.

23. This permit shows on its face specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit are charts of the harvest sites showing specific sections within the estuaries that may be harvested on any particular day, as determined by the New Jersey Marine Police.

i. Penalty: Any participant violating the regulations or the terms of the special relay permit issued by the Division of Water Resources may be subject to prosecution under the provision of N.J.S.A. 24:14-3, taking shellfish from Condemned Areas in violation of the permit, and may incur the penalty prescribed by the second paragraph of N.J.S.A. 24:14-9, printed below.

ii. Any person who shall gather any oysters, clams or other shellfish from a place which has been condemned by the state department pursuant to section 24:14-2 of this title or who shall distribute, sell, offer or expose for sale or have in his possession any such shellfish so gathered unless he shall first have secured a permit in writing from the state department to distribute, sell, offer or expose for sale or have in his possession any such shellfish so taken, shall be liable to a penalty of one hundred dollars for the first offense and for each subsequent offense shall be committed to the common jail of the county wherein the conviction was had for a period of not less than 30 days.

24. Due to the necessity to closely monitor this program for the purpose of protecting public health, the Division of Water Resources shall immediately suspend the Special Relay Permit of any participant who violates any condition of the permit or any of these regulations. Pursuant to the Administrative Procedure Act, such individual may apply to the Division of Water Resources for an administrative hearing regarding the decision to suspend such permit.

Ed. Note: Several forms were adopted with these rules which are not reproduced herein.

An order adopting these rules was filed on August 28, 1978, as R.1978 d.299 (Exempt, Emergency Rule), to become effective September 5, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Emergency Amendments on Expanded Shellfish Relay Program

On September 15, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 24:14-3, 50:1-5, 50:1-31 and in accordance with applicable provisions of the Administrative Procedure

Act, adopted emergency amendments to N.J.A.C. 7:25-15.1, concerning the expanded shellfish relay program.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 039-78-09.

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

7:25-15.1(d) Any person applying for permit 5a must have acquired a special relay lease from the Department for three one-half acre plots of shellfish cleansing grounds on which the relayed shellfish are to be deposited by the means hereinafter set forth. The shellfish cleansing grounds shall be located in Great Bay [,] and at Thorofare Point in Little Egg Harbor Bay, [provided that sufficient interest and continued participation exists in Barnegat Bay between Swan Point and Sloop Point.] If the Commissioner determines that the level of participation or interest in the program [for Barnegat Bay between Swan Point and Sloop Point] is not sufficient to support its expense he shall terminate it [that] or any portion thereof. [the program.] Because of the great expense of the program, the Department has found it necessary to include the above provision to insure and protect the public health, safety and welfare. No person shall hold more than one lease to the above mentioned series of three one-half acre plots in the areas specified above.

(e) Applications for leases must be made in person at the Nacote Creek Shellfish Office of the Department. The lease shall be subject to the following additional conditions.

1. This special relay lease shall be issued for only one year and can be reapplied for annually, provided however, that no lease [in Barnegat Bay between Swan Point and Sloop Point] shall be reapplied for or renewed unless the Commissioner determines that sufficient participation and interest in the program exists. [Because of the expense of the program, the Department has found it necessary to include the above provision to insure and protect the public health.]

An order adopting these amendments was filed on September 15, 1978, as R.1978 d.326 (Exempt, Emergency Rule) to become effective in September 16, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Emergency Amendments on Condemnation Of Certain Shellfish Beds

On September 15, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 24:2-1, 24:14-2, 13:1D-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 7:12-1.3(a)39.iii., concerning the condemnation of certain shellfish beds in the Atlantic Ocean.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 038-78-09.

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

7::12-1.3(a)39.iii All of the ocean waters, inshore of a line beginning at the water tank at 44th Street and Bayshore Avenue, City of Brigantine, with coordinates of latitude 39 degrees 23.5 minutes N., longitude 74 degrees 23.8 minutes W., and bearing approximately 157 degrees T to buoy "1A" Fl G4sec Gong at the entrance to Absecon Inlet, then bearing approximately 272 degrees T to the outermost tip of the Steel Pier, Atlantic City, [then along that pier to the shore and terminating.] then bearing approximately 153 degrees T for approximately 2 nautical miles from the shore line to a point with coordinates of latitude 39 degrees 19.7 minutes N., longitude 74 degrees 24.0 minutes W., then along the shoreline in a southwesterly direction, 2 nautical miles offshore, for approximately 4.1 nautical miles to a point with coordinates of latitude 39 degrees 17.8 minutes N., longitude 74 degrees 28.7 minutes W., then bearing approximately 333 degrees T for approximately 2.5 nautical miles to the water tank located at the corner of Amherst Avenue and North Gladstone Avenue, City of Margate, with coordinates of latitude 39 degrees 20.0 minutes N., longitude 74 degrees 30.2 minutes W., and terminating. (This condemnation adjoins the closure defined in paragraph 26i above);

An order adopting these amendments was filed on September 15, 1978, as R.1978 d.327 (Exempt, Emergency Rule) to become effective on September 16, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Emergency Rule on Preservation Of Sea Clam Resources

On September 15, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:2-6.3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule, known within the Department of Environmental Protection as Docket No. DEP 037-78-09, concerning the preservation of sea clam resources and the closing of certain waters of the State, beginning on September 16, 1978, until further notice.

Full text of the adoption follows:

The area to be closed will be directly affected by the discharge from the Atlantic County Sewage Authority's Wastewater Treatment Plant and will be condemned to the harvest of shellfish in compliance with the Federal Food and Drug Administration directive dated March 1, 1972 requiring New Jersey to classify its ocean waters for shellfish harvesting according to the National Shellfish Sanitation Program's (NSSP) Manual of Operations, Part I, Section C, Paragraph 2, 1965 Revision. The area is described as follows:

FROM: the tip of the Steel Pier (Atlantic City)  
then bearing 153°T approximately 2 nautical miles  
from shoreline to a point with the coordinates

Latitude 39° 19.7'N  
Longitude 74° 24'W

then following the shoreline in a southwesterly direction 4.1 nautical miles to a point with the coordinates

Latitude 39° 17.8'N  
Longitude 74° 28.7'W

then following the shoreline in a Southwesterly mately 2.5 nautical miles to a watertank located at the corner of Amherst Avenue and North Gladstone Avenue, City of Margate, with coordinates

Latitude 39° 20'N  
Longitude 74° 30.2'W and terminating

Harvest of sea clams from the area described above is prohibited.

An order adopting this rule was filed on September 15, 1978, as R.1978 d.328 (Exempt, Emergency Rule) to become effective on September 16, 1978. Take notice that this rule is considered to be a temporary rule not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Reports to Relate Ancillary Service Charges with Hospital Case Mix

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:31-16.17, concerning reports to relate ancillary service charges with hospital case mix.

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

8:31-16.17(d) Patient Charge Records shall include a patient number, a hospital number, **patient's date of admission, and patient's date of discharge identical to that provided on that patient's medical abstract in order to facilitate computer linkage of the two data bases, as required by N.J.A.C. 8:31-20.2(h). In addition, Patient Charge Records shall include the Primary, Secondary, and Other source of payment expected at the time of the patient's discharge.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

David Sparrow  
Analyst, HES DRG Project  
Department of Health  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Control Of Two Precursors of Phencyclidine

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to adopt amendments to N.J.A.C. 8:65-10.2(b)4., concerning the control of two precursors of phencyclidine in order to conform to federal law.

Full text of the proposal follows:

The Commissioner of Health raises no objection to an Order placing

(a) 1 - phenylcyclohexylamine  
and

(b) 1 - piperidinocyclohexane - carbonitrile (PCC) in Schedule II - Depressants and subject to the provisions of the Controlled Dangerous Substance Act of 1970. Such an Order was published in the Federal Register, Volume 43, Page 21324, 21325, effective June 16, 1978.

Now, therefore, the Commissioner of Health orders that  
(a) 1 - phenylcyclohexylamine - C.D.S. #7460  
and

(b) 1 - piperidinocyclohexane - carbonitrile (PCC) (C.D.S. #8603)

be placed in Schedule II - Depressants of the New Jersey Controlled Dangerous Substance Act and be subject to the provisions of N.J.S.A. 24:21-1 et seq. Said Order to be effective 30 days from publication of the Order in the Federal Register.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Donald J. Foley  
Chief, Drug Device and Cosmetic  
Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 48648

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments to Continuing Education Rule for Nursing Home Administrator

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-27 and 28, proposes to amend N.J.A.C. 8:34-1.27(b), concerning continuing education for nursing home administrator.

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

8:34-1.27(b) Society of Nursing Home Administrators, and service on various committees would merit educational credit. An individual who has earned 25 hours of continuing

education may carry hours 26-35 [30] into following year on an hour-to-hour basis.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

John Haney  
Executive Secretary  
Licensing, Certification and Standards  
Department of Health  
John Fitch Plaza  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Refilling Prescriptions

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-13, proposes to adopt amendments to N.J.A.C. 8:65-7.14, concerning a computer retrieval system of keeping refill prescription data.

Full text of the proposal follows:

8:65-7.14(e) As an alternative to the procedures provided by subsection (a) through (d), an automated data processing system may be used for the storage and retrieval of refill information for prescription orders for controlled substances in Schedule III and IV, subject to the following conditions:

1. Any such proposed computerized system must provide on-line retrieval (via CRT display or hard-copy printout) of original prescription order information for those prescription orders which are currently authorized for refilling. This shall include, but is not limited to, data such as the original prescription number, date of issuance of the original prescription order by the practitioner, full name and address of the patient, name, address, and DEA registration number of the practitioner, and the name, strength, dosage form, quantity of the controlled substance prescribed (and quantity dispensed if different from the quantity prescribed), and the total number of refills authorized by the prescribing practitioner.

2. Any such proposed computerized system must also provide on-line retrieval (via CRT display or hard-copy printout) of the current refill history for Schedule III or IV controlled substance prescription orders (those authorized for refill during the past six months). This refill history shall include, but is not limited to, the name of the controlled substance, the date of refill, the quantity dispensed, the identification code, or name or initials of the dispensing pharmacist for each refill and the total number of refills dispensed to date for that prescription order.

3. Documentation of the fact that the refill information entered into the computer each time a pharmacist refills an original prescription order for a Schedule III or IV controlled substance is correct must be provided by the individual pharmacist who makes use of such a system.

If such a system provides a hard-copy printout of each day's controlled substance prescription order refill data, that printout shall be verified, dated, and signed by the individual pharmacist who refilled such a prescription order. The individual pharmacist must verify that the data indicated is correct and then sign this document in the same manner as he would sign a check or legal document (e.g., J. H. Smith, or John H. Smith). This document shall be maintained in a separate file at that pharmacy for a period of two years from the dispensing date. This printout of the day's controlled substance prescription order refill data must be provided to each pharmacy using such a computerized system within 72 hours of the date on which the refill was dispensed. It must be verified and signed by each pharmacist who is involved with such dispensing. In lieu of such a printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in such dispensing shall sign a statement (in the manner previously described) each day, attesting to the fact that the refill information entered into the computer that day has been reviewed by him and is correct as shown. Such a book or file must be maintained at the pharmacy employing such a system for a period of two years after the date of dispensing the appropriately authorized refill.

4. Any such computerized system shall have the capability of producing a printout of any refill data which the user pharmacy is responsible for maintaining under the Act and its implementing regulations. For example, this would include a refill-by-refill audit trail for any specified strength and dosage form of any controlled substance (by either brand or generic name or both). Such a printout must indicate name of the prescribing practitioner, name and address of the patient, quantity dispensed on each refill, date of dispensing for each refill, name or identification code of the dispensing pharmacist, and the number of the original prescription order. In any computerized system employed by a user pharmacy the central record-keeping location must be capable of sending the printout to the pharmacy within 48 hours, and if a Special Agent or Compliance Investigator requests a copy of such printout from the user pharmacy, it must, if requested to do so by the Agent or Investigator, verify the printout transmittal capability of its system by documentation (e.g., postmark).

5. In the event that a pharmacy which employs such a computerized system experiences system down-time, the pharmacy must have an auxiliary procedure which will be used for documentation of refills of Schedule III and IV controlled substance prescription orders. This auxiliary procedure must insure that refills are authorized by the original prescription order, that the maximum number of refills has not been exceeded, and that all of the appropriate data is retained for on-line data entry as soon as the computer system is available for use again.

(f) When filing refill information for original prescription orders for Schedule III or IV controlled substances, a pharmacy may use only one of the two systems described in this section.

(g) Any registrant who intends to use a system provided by paragraph (e) through (g) of this section must first apply for a Permit to Maintain Central Records as required by the Drug Enforcement Administration and the Department of Health.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Donald J. Foley  
Chief, Drugs, Devices and Cosmetics  
Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules on Process for Certification Of Need and Designation of Regional Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt new rules concerning the process and general criteria for the certification of need and designation of regional services.

Full text of the proposal follows:

#### SUBCHAPTER 28. PROCESS AND GENERAL CRITERIA FOR THE CERTIFICATION OF NEED AND DESIGNATION OF REGIONAL SERVICES

##### 8:31-28.1 Introduction

(a) In 1977 the Health Planning and Coordinating Council approved and recommended to the Commissioner that a number of regionalization standards be submitted to the Health Care Administration Board for public comment and final approval. In 1977, the Health Care Administration Board approved as final regulations regionalization standards for computerized axial tomography units, cardiac surgical centers, cardiac diagnostic facilities, hemophilia care centers, megavoltage radiation oncology units, perinatal centers and end-stage renal disease services.

(b) Each of these regulations and any future regulations for regionalized services require a planning process followed by a certification of need or designation process.

(c) The purpose of this regulation is to establish a means by which the State Health Planning and Coordinating Council can designate its priorities for regionalization; direct how the planning process is to take place and what minimum criteria are to be used; direct how State or regional plans will be submitted to the State Health Planning and Coordinating Council and adopted by that Council; provide for a designation process which is fair, equitable and meets the test of due process.

##### 8.31-28.2 Establishment of priorities for developing area-wide or State plans for specialized services

(a) Because there are a number of regionalization standards already approved, each Health Systems Agency is faced with the problem of deciding which specialized areas first should be addressed relative to the HSA's staff time and the interest of its members and constituents. This leads to the problem of various HSAs emphasizing different specialty areas. For example, one HSA may be developing its plan for cardiac surgery while another is concentrating its efforts on perinatal services. It would be in the best interests of the providers and the consumers if all of the State's HSAs were developing their regional plans for the same services at the same time. In this way, overlapping service areas and duplication could be addressed more

rationality. Therefore, the State Health Planning and Coordinating Council, upon the recommendation of its Plan Development Committee, shall establish a priority order for the HSAs to develop plans for regionalized services and shall establish a time period within which each plan shall be completed.

(b) Some regionalized services may well be planned within an HSA border, but others should be planned either on a statewide basis or located in a few appropriately selected settings. Plans for statewide services are better handled at the State level. It shall be the responsibility of the State Health Planning and Coordinating Council to designate which plans should be originated at the HSA level and then be merged and incorporated into the State Plan and which plans should originate at the State level and be reviewed by the HSAs and incorporated into a State Plan.

#### 8:31-28.3 Minimum elements of a specialized health plan

(a) The minimum elements of a specialized health plan, whether initiated by the State or HSAs, shall include the following:

1. An inventory of existing resources in the HSA region or statewide as related to the particular specialized health service. The inventory should address the data requirements established in the regulation and whenever possible annualized. For example: number of deliveries, obstetrical units, etc.

2. A data analysis indicating the need, including cost implications, for the particular specialized service. There should be justification including documentation by the HSA or State regarding the number of needed Regional Centers for the particular service.

3. Relationships with other Health Service Areas and out-of-State areas where appropriate. There must be documentation including patient origin studies, if necessary, indicating the flow of patients into and out of the region for the specialized service.

4. A statement of the procedure used by the local HSA in recommending the designation of regional centers. This should insure that all facilities were given due process. One cannot designate regional centers without giving all hospitals an opportunity to apply.

5. A listing of the recommended regional services (all levels) including a statement as to their conformity with the HSA's or State's specialized plan.

6. A statement as to how the HSA's or State's plan conforms with each of the requirements established by State and federal regulations and guidelines. Where exceptions are requested and allowed by the regulation, complete justification must be submitted.

7. An analysis of the needs of health professions education programs in relation to the particular specialized health service. When justified by the analysis, the plan must assure reasonable access of such health professions education programs to the specialized service. Priority in access to the service for teaching purposes shall be given to CMDNJ.

(b) These elements will promote consistency among HSA and State plans. At the same time, it will permit the HSAs and the State some degree of flexibility in developing their plans. This flexibility is needed because of the diversity of the State and the possible specialized needs of an area. Once the plans are completed, they will be reviewed and adjusted by the State Health Planning and Coordinating Council and shall become part of the State Plan.

#### 8:31-28.4 Process of designation or granting of certificates of need

(a) It is the position of the State Health Planning and Coordinating Council that health facilities be designated or granted certificates of need on the basis that all facilities

have equal opportunity to be considered as a regional service. Under no circumstances should a health facility be recommended for regional designation merely because it was the first to file an application or a request for designation. Therefore, no certificates of need or letters of designation will be honored by the State Health Planning and Coordinating Council unless an HSA or State Plan for regional services has been accepted by the State Health Planning and Coordinating Council and incorporated into the State Plan.

(b) Once the plans have been completed and incorporated into the State Plan, the HSA shall notify all health facilities that its plan or a modification thereof has been incorporated into the State Plan and that applications for regional designation or certification shall be submitted within a 90-day period from the time of notice. If necessary, the HSAs may initiate a request for applications in subsequent years if the needs of the community have not been met as determined by the plan. Those facilities which feel they meet or will meet the criteria and can submit supporting documentation shall submit an application to the State and the appropriate HSA for designation as a regional service.

(c) Applications for designation shall follow the same review process at the HSA and State level as do Certificates of Need. Applications for designation as regionalized service and applications for Certificates of Need to establish a regional service must demonstrate compliance with each of the requirements for that service established by State and federal regulations and guidelines and must offer the service in the least costly manner.

(d) On recommendation of the State Health Planning and Coordinating Council, the State Health Commissioner shall make designation or award certificates of need for regional services. Those who receive such designation or awards shall have the opportunity to submit budget justifications to the State Health Department which would support the cost of these special services. Conversely, those facilities not receiving designation or the granting of certificates of need shall have the cost disallowed if they continue to operate at a regional service level.

#### 8:31-28.5 Evaluation

Each facility designated or certified to provide a regionalized special service shall be valued by the State Health Department and local Health Systems Agency three years from designation or certification and every three years thereafter. Such evaluation shall be accomplished through a "redesignation" review process which will be performed in the same manner as the "designation" review process described above. The evaluation must consider, but not be limited to, the area's changing health care needs and the facility's conformance with the most recent State standards and criteria for the specialized service, the State Health Plan, and the Health System's Plan and Annual Implementation Plan of the HSA.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

John Calabria, Acting Coordinator  
Health Planning Dev. Services  
Department of Health  
Health-Agriculture Building  
Room 801  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

**(a)**

## **HEALTH**

### **PUBLIC HEALTH COUNCIL**

#### **Rules on Operating Clinical Laboratories**

On September 18, 1978, Jane B. Robinson, Chairwoman of the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 45:9-42.34 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:44-2.1 et seq., concerning the operation of clinical laboratories, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 147(c), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on September 18, 1978, as R.1978 d.336.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## **HEALTH**

### **THE COMMISSIONER**

#### **Amendments on Medications and Treatment Prescribed by Podiatrists**

On September 15, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43B-6.4(c), concerning medications and treatment prescribed by podiatrists in the manual of standards for hospital facilities, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 329(d).

An order adopting these amendments was filed and became effective on September 18, 1978, as R.1978 d.337.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

## **HEALTH**

### **THE COMMISSIONER**

#### **Amendments to Standards for Licensure Of Ambulatory Care Facilities**

On September 15, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43A-1.1 et seq., concerning the standards for licensure of ambulatory care facilities, substantially as

proposed in the Notice published August 10, 1978, at 10 N.J.R. 329(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on September 18, 1978, as R.1978 d.338.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(d)**

## **HEALTH**

### **THE COMMISSIONER**

#### **Amendments to Minimum Standards of Performance**

On September 18, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A2-1 et seq., with the approval of the Public Health Council and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:51-1.2 and 8:51-1.3, concerning minimum standards of performance, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 331(b).

An order adopting these amendments was filed on September 18, 1978 as R.1978 d.339 to become effective on October 1, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(e)**

## **HEALTH**

### **THE COMMISSIONER**

#### **Amendments to Manual of Standards For Licensure of Long-Term Care Facilities**

On September 15, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:39-1.1 et seq., regarding the Manual of Standards for Licensure of Long-Term Care Facilities, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 331(c).

An order adopting these amendments was filed and became effective on September 18, 1978, as R.1978 d.340.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(f)**

## **HEALTH**

### **DRUG UTILIZATION REVIEW COUNCIL**

#### **Rules on Drug Evaluation And Acceptance Criteria**

On September 18, 1978, Sanford Luger, Chairman of the Drug Utilization Review Council in the Department of

Health, pursuant to authority of N.J.S.A. 24:6E-5, 24:6E-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:70-1.1 et seq., concerning drug evaluation and acceptance criteria, substantially as proposed in the Notice published August 10, 1978, at 10 N.J.R. 333(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

The more pertinent, substantive changes involve the elimination of the word "Interim" in the title of these rules and the wording of N.J.A.C. 8:70-1.4(d) which now reads "Placement of an identification mark (such as NDC number or trademark) on drug labels and catalogs is required."

An order adopting these rules was filed and became effective on September 18, 1978, as R.1978 d.341.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HIGHER EDUCATION

### HIGHER EDUCATION ASSISTANCE AUTHORITY

#### Amendments on Eligibility for Graduate Insured Loan Program

On September 12, 1978, William C. Nester, Director of the Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:9-5.2, concerning eligibility for the graduate insured loan program, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 281(a).

An order adopting these amendments was filed and became effective on September 18, 1978, as R.1978 d.329.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HIGHER EDUCATION

### STATE BOARD OF HIGHER EDUCATION

#### Amendments on Petitions from Out-of-State Institutions Desiring to Offer Courses

On September 18, 1978, T. Edward Hollander, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-15, 18A:68-6, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments which deleted the current text of N.J.A.C. 9:1-1.12 in its entirety and adopted new rules, to be cited as N.J.A.C. 9:1-6.1 et seq., concerning petitions from out-of-State institutions desiring to offer courses in New Jersey, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 342(b).

An order adopting these amendments was filed and became effective on September 18, 1978, as R.1978 d.335.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF MENTAL RETARDATION

#### Proposed Rules on Administrative Appeals Procedure

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-1.1 et seq. and 30:4-1 et seq., proposes to adopt new rules concerning administrative appeals procedure.

Full text of the proposal follows:

#### CHAPTER 48. ADMINISTRATION

#### SUBCHAPTER 1. APPEAL PROCEDURE

##### 10:48-1.1 General provisions

(a) Purpose of this procedural rule is to delineate the steps to be taken when disagreements arise between citizens and the Division of Mental Retardation. Its aim is to encourage and permit the early resolution of disputes and, where that is not possible, to set guidelines for hearings at the appropriate levels of the Division and Department of Human Services.

(b) The rule pertains to all disputes and disagreements with service components of the Division of Mental Retardation involving members of the public: clients of the Division and their authorized representatives, grantees and prospective grantees, licensees and prospective licensees; (all herein referred to as complainants). It is expected that in most disputes between complainants and service components, the complainant will know the identity of the service component with whom there is disagreement. Where the precise service component is not known, such information may be obtained by calling the information office of D.M.R. at (609) 292-3740.

1. Disagreements between complainants and service components of the Division shall be reviewed informally between the complainant and service component where decision is being challenged. This may be done by the complainant's making an appointment with the head of the service unit for such informal meeting.

2. Should resolution not be possible at this informal level, (paragraph 1) above the complainant shall submit a WRITTEN REQUEST FOR A HEARING within 15 days of the time of failure of informal resolution.

i. The WRITTEN REQUEST FOR A HEARING shall be presented to the chief officer of the service component involved e.g. Superintendent of Institution; Chief, Bureau of Day Training; Chief, Bureau of Field Services; Chief, Bureau of Guardianship.

ii. The WRITTEN REQUEST FOR A HEARING shall contain the name, address and telephone number of the complainant, name and address of the developmentally-disabled client (if different from the complainant), the date of the complaint, a brief statement of the complaint, witnesses, if any, to be called, and reference to the law, rule, regulation or policy alleged to be violated, if any.

iii. The officer named above (or his designee) shall convene a formal hearing within 15 days of the receipt of the written request and will respond within 10 days of the hearing.

3. Should the response not be satisfactory to the complainant, a Formal Notice of Administrative Appeal may be made within 15 days of the date of the decision to the officer who made the response at step 2. That officer will forward it immediately to the Hearing Office of the Di-

vision. The Hearing Office will schedule a Departmental Hearing within 20 days of the date of the appeal. A decision will be rendered within 20 days of the Departmental Hearing.

4. The hearing at the administrative appeal level (paragraph 3 above) shall be considered the final hearing at the Department of Human Services level. Appeals regarding a client's educational program shall be by way of additional appeal to the State Department of Education. Further resolution of the dispute, if needed, shall be by appeal to the Appellate Division of the Superior Court.

5. Representation:

i. At the informal review level the complainant may be represented by an attorney or spokesperson and may produce such witnesses as have direct knowledge of the issues involved. The service component shall be represented by such personnel as it shall designate and may produce such witnesses as have direct knowledge of the issues involved.

ii. At the Formal Hearing level, the complainant may

be represented by attorney or spokesperson and may present such witnesses as have direct knowledge of the issues involved. The service component shall be represented by personnel designated by the Chief Officer and may produce such witnesses as have direct knowledge of the issues involved. The Rules of Evidence shall not be strictly enforced. No transcript or recording of the proceedings will be made. No observers or non-essential persons shall be admitted.

iii. At the Administrative Appeal level the representatives and witnesses for both sides shall be as in the Formal Hearing level.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Magdalen E. Walker  
Administrative Practice Officer  
Division of Mental Retardation  
P.O. Box 1267  
Trenton, N.J. 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 PUBLIC WELFARE**

**Proposed Amendments Concerning Victims of Domestic Violence**

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, concerning the provision of emergency assistance to victims of domestic violence.

Full text of the proposed new text follows:

10:82-5.10(d) Rules concerning victims of domestic violence are:

1. In situations where an applicant or recipient indicates that he/she and his/her children have left their customary residence because of domestic violence, pay-

ment of emergency assistance may be authorized under the following conditions:

i. The family is in a state of homelessness due to imminent or demonstrated violence from a member of the household which imperiled the health and safety of one or more members of the eligible unit.

ii. This state of homelessness occurred within the 14 calendar days immediately prior to the request for emergency assistance. Temporary arrangements during that period do not negate the validation of a state of homelessness; however, emergency assistance payments will not be retroactive.

2. Payments of emergency assistance as identified in this subsection may be authorized during the 30 day period immediately following the occurrence of the emergency and must comply with the conditions in this section.

3. Allowances:

i. Temporary Shelter — Cost of temporary shelter arrangements may be authorized in an amount not to exceed the most reasonable cost of similar arrangements in a motel/hotel and shall be for a period not to exceed the homelessness first becomes known.

calendar month following the month in which the state of  
ii. Food — An allowance for food may be provided in accordance with Section 530.3b.

iii. Clothing — When necessary, an allowance for clothing may be provided in accordance with Section 530.3c.

iv. Additional needs — Allowances may be authorized for security deposits for rent and/or utilities. When required to establish the family in a new permanent living arrangement, payment for home furnishings may be authorized in accordance with this section.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, N.J. 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 Amendments Concerning Resources and Repayments**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend portions of the Public Assistance Manual concerning resources and repayments.

The proposal concerns the deletion of the current text of N.J.A.C. 10:81-3.37 through 10:81-3.40, and the adoption of new text therein, plus changing the citations only of the current text of N.J.A.C. 10:81-3.41 through 10:81-3.44.

Full text of the proposed new rules follows:

10:81-3.37 Resources and repayment; resources defined  
(a) To the greatest extent possible, the resources of individuals and families will be used for their maintenance and support. The time and method of liquidation or dis-

posal of such resources frequently influence the amount of public assistance necessary and are, therefore, subject to regulation. Applicants/recipients are required to identify all resources in accordance with ASH Section 303.

(b) Resources are defined as:

1. Available resources are those which are in cash or in some other form which can be used to meet current needs of the eligible unit. They are treated as income. Treatment is covered in detail in ASH 400, Income.

2. Exempt resources are those which are not subject to any requirement for liquidation and are not considered in determining an assistance grant. Exempt resources are discussed in detail in ASH 310.

3. Potential resources are those resources which are neither exempt nor available to meet the current needs of the eligible unit. The liquidation or conversion of potential resources is a joint responsibility of the CWA and the members of the eligible unit.

#### 10:81-3.38 Liquidation of potential resources

(a) Responsibilities regarding liquidation are:

1. CWA responsibilities: The county welfare agency shall:

i. At time of application or when existence of a resource becomes known to CWA, inform the members of the eligible unit of their obligations relative to a potential resource and of the need for liquidation;

ii. Develop with the member(s) of the eligible unit a plan for liquidation and use of the proceeds. The plan will conform to paragraphs 2 or 3 below as applicable;

iii. Assist in carrying out the plan.

2. Responsibilities of the eligible unit: Members of the eligible unit shall:

i. Develop with the agency a plan for the liquidation of resources.

ii. Consent to and take action as necessary to carry out the plan.

(b) Penalties are:

1. When a resource (or a claim pursuant to section 40 of this subchapter) is applicable to a parent and the parent fails or refuses to cooperate in its liquidation (or to sign an Agreement to Repay), the entire family will be ineligible for assistance.

2. When a resource (or a claim pursuant to section 40 of this subchapter) is applicable to an otherwise eligible child and the parent(s) fails or refuses to cooperate in liquidation of the resource or to sign an Agreement to Repay when one is required, the child only will be found ineligible for assistance.

(c) Applicants for AFDC must not have made a voluntary assignment or transfer of property within one year prior to the time of initial application for the purpose of qualifying for assistance.

1. Whenever investigation indicates that a person applying for assistance has transferred or assigned any property, whether real or personal, within one year prior to the initial application, the motive and circumstances surrounding such transfer or assignment shall be evaluated, and a determination made as to whether such transfer or assignment was made for the purpose of qualifying for assistance.

2. If it is determined that there was no intent to defraud the CWA and that the transfer or assignment of the property was a normal transaction for adequate consideration, such transfer or assignment shall not make the applicant ineligible.

3. If the transfer or assignment is found to have been made without receipt of adequate consideration by the applicant but with no evidence of intent to qualify for assistance or to avoid repayment, it shall be recognized

that the applicant may have legal rights to secure the return of the property or the payment of adequate consideration. The CWA will assist the client in reclaiming or gaining adequate compensation for such property. In the event that such claim is successful, this shall be considered as an actual or potential resource, and the applicant shall be expected to comply with the requirements governing such resources (See Section 320 in Assistance Standards Handbook).

4. If it is determined that such transfer or assignment was made knowingly and willfully for the purpose of qualifying for assistance, a penalty of ineligibility will apply to the AFDC parent(s) who made the transfer unless and until appropriate legal or other action is initiated to retrieve the property itself or its equivalent value. Eligibility of children is not affected by such a transfer.

i. Action may result in circumstances requiring repayment to the CWA.

5. Case record: In any application where such question arises, the full facts shall be made a matter of record, including a clear statement of the basis for the final decision regarding eligibility or ineligibility.

#### 10:81 3.39 Liquidation of debts, claims, interests, settlements, and trust funds

(a) Members of the eligible unit shall be required to take all necessary and reasonable action to avail the eligible unit of funds for support from others who owe or may owe money to the eligible unit or who are holding funds for any member of the eligible unit. Likewise, the CWA will take all necessary and reasonable measures in effecting such collections.

1. The penalty for failure or refusal to take required action or to cooperate with the CWA in liquidation efforts shall be as stated in section 38 of this subchapter.

2. In situations customarily processed under contingent fee arrangements with private counsel, such as liability matters, the eligible unit shall be required to undertake action by that method or by an alternative method acceptable to the CWA.

3. When a trust fund exists for a member of the eligible unit, the CWA shall determine whether or not the funds are currently accessible. If accessible, the funds represent an available resource and must be considered in determining eligibility.

i. When a trust fund is not currently accessible and it exists at the time of application, the client must, as a condition of eligibility, make a bona fide presentation of a petition to the appropriate court for release of the funds for current and future support. The agency will assist the client if necessary.

ii. When a trust fund is not currently accessible and came into being during the term of the assistance case, the agency will present a petition to the appropriate court for release of funds, for current and future support. The client must, as a condition of continuing eligibility, provide whatever cooperation may be necessary in the presentation of the petition.

#### 10:81-3.40 Repayment

(a) The CWA shall, in all circumstances, take appropriate action to recover all public assistance improperly granted, including any benefits which may have been improperly granted as Medical Assistance. The action taken shall be in accordance with the appropriate sections of this manual and any other applicable authority.

1. Recoveries of funds applicable to more than one CWA shall be divided according to the mutual agreement of the directors of the CWAs involved.

(b) Properly granted assistance rules are:

1. Estate of deceased former child recipient: Assistance granted in the AFDC program and in the former AFWP program for a particular child may become a valid claim against the estate of such child if the child should die before reaching his/her twenty-first birthday. The CWA will take all necessary and proper action to enforce the claim. The CWA may, with State office approval, abandon the claim in whole or in part upon a demonstration that collection would present an undue hardship to the survivors.

2. Pending claims or interests: Repayment of assistance in the AFDC program (all segments) is required in certain cases in which assistance is granted while the recipient(s) awaits receipt of funds from some other source. See section 5 of this subchapter regarding repayment following liquidation.

(c) Rules on the agreement to repay (form PA-10D) required are:

1. The receipt by the CWA of a signed Agreement to Repay is required as a condition of eligibility whenever, and only whenever, there appears to be entitlement to a specifically identified payment other than public assistance to any persons for whom cash assistance in AFDC is being requested or granted, except as indicated in Section 3944.2. For this purpose, a parent's potential entitlement is considered to include potential entitlement by that parent's minor children who live in the same home even though the parent may not be included in the eligible unit. Applicable situations include but are not limited to:

- i. Pending legal action (accidents, punitive damages, etc.);
- ii. Unfulfilled contracts;
- iii. Debts;
- iv. Legacies or inheritances in probate;
- v. Sale of real property not used as shelter for the eligible unit;
- vi. Funds held in trust;
- vii. Pending sale of exempt property as soon as the intention to sell is reduced to writing elsewhere, i.e., agreement of sale, realtor sales contract;
- viii. Sale of non-exempt personal property;
- ix. Equitable distribution in pending suits for divorce.

2. The form must be signed by each person whose signature is required on the application for assistance even though that person may not be included in the eligible unit. It must identify the source and the reason for the pending payment and the date(s) of signing. An agency employee will witness each signature.

3. See N.J.A.C. 10:81-3.38(b) for penalties when an applicant/recipient fails or refuses to sign and deliver a completed Agreement to Repay as required.

(d) Rules on the agreement to repay not required are:

1. Assistance other than AFDC money payments:

i. Agreements to Repay are not to be used in the Medicaid Only and Medicaid Special programs.

ii. Parents or parent-persons who make application for AFDC in cases where the requirement is applicable but are not themselves eligible for AFDC money payments must sign and deliver the agreement on behalf of the AFDC recipient(s).

2. Benefits protected by law: The Agreement to Repay is not to be used when the pending payment arises from potential entitlement to:

i. RSDI, SSI, Railroad Retirement, Veteran's benefits, Workers' Compensation, Temporary Disability through

the N.J. Department of Labor and Industry, or term life insurance.

3. Assignment of support (PA-10G): The signing of an Agreement to Repay is not required when the pending payment arises from potential entitlement to payment of support from a relative and Assignment of Support (Form PA-10G) is applicable and has been signed and sent to the CSP unit of the agency.

(e) Each CWA will establish administrative procedures for appropriate follow-up of pending matters and preparation for collection. Follow-up will include prompt communication with any person or agency acting in the matter for or in behalf of any member of the eligible unit, advising such persons or agencies of the CWA claim and the need for CWA approval before payments are made.

10:81-3.41 Action by CWA upon liquidation

(a) Upon liquidation of a resource for which a valid Agreement to Repay exists, the CWA will evaluate the situation. Upon a showing that, by release of the funds and only by release of the funds, the household can reasonably be expected to remain off the assistance rolls indefinitely, the CWA may, at its discretion, release the funds to the household. In all other instances the CWA will, subject to the special provisions below, pursue recovery of the lesser of the following amounts:

1. The amount of cash assistance granted in the AFDC program to or for the person(s) for whom the pending matter was applicable from the date of the accident or occurrence which gave rise to the settlement to the date of payment; or

2. The amount of the net recovery after making allowance for costs and fees of collection, medical payments made as a result of the accident or occurrence giving rise to the client's recovery, identifiable future medical expenses properly due from the proceeds and, at the discretion of the CWA, up to \$200.00 for miscellaneous related expenses (see ASH 311.10).

(b) Rules on claims arising from sale of exempt resources (See ASH Section 310 for exempt resources) are:

1. In the liquidation of an exempt resource, the CWA's claim dates from the applicant's earliest written statement of intention to liquidate (i.e., agreement of sale, realty sales agreement).

2. The CWA will not require repayment from the proceeds of the sale of an exempt resource when the proceeds are promptly reinvested in another exempt resource of the same type. Funds designated by the client as being reserved for such reinvestment may be held for up to three months, provided the funds are in a form which makes them unavailable for daily living expenses. The three month period may be extended upon written approval of the State office.

(c) The amount due under an Agreement to Repay is not diminished by obligations of other persons, i.e., an absent parent, to repay the same assistance to the CWA. In such an instance, the CWA will pursue all claims until the obligations are met in full but will not collect more than once for any assistance granted.

(d) When any settlement or part of a settlement which would have been repayable is placed in trust, the CWA shall take the position that the Agreement to Repay represents a valid claim on such funds and will pursue that claim by petition to the appropriate court. See Section 3933 for regulation regarding funds remaining in trust after repayment and/or funds in trust which are not subject to an Agreement to Repay.

(Continued on Page 442)

# 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 Title updatings through September 18, 1978.

Since their last updates, the various State departments and agencies have adopted the following rules—which have been printed in the Register but are not yet included in current pages of the Code:

## RULES NOT YET IN PRINT IN CODE:

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>AGRICULTURE — TITLE 2</b>			
2:2-1.1	Amendments on contagious equine metritis reporting	R.1978 d.122	10 N.J.R. 182(d)
2:2-2.15(b)	Amendments on limits of indemnities for brucellosis reactors	R.1978 d.302	10 N.J.R. 415(a)
2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.108	10 N.J.R. 182(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.145	10 N.J.R. 218(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.317	10 N.J.R. 415(b)
2:53-1.2, 1.3	Amended schedules of milk prices	R.1978 d.318	10 N.J.R. 414(a)
2:54-3.7	Suspension to Federal Order No. 4	R.1978 d.149	10 N.J.R. 218(c)
2:69-1.11	Amended commercial values	R.1978 d.197	10 N.J.R. 270(a)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 135(a)
2:71-1.30	Amendments on certificates of grade	R.1978 d.115	10 N.J.R. 182(c)
2:71-2.26 to 2.31	Inspection and grading of fruits and vegetables	R.1978 d.114	10 N.J.R. 182(b)
2:73-2.5(d)	Amendments on seal of quality egg expiration date	R.1978 d.222	10 N.J.R. 314(b)

(Rules in the Code for Title 2 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 12.)

## BANKING — TITLE 3

3:1-1.1	Amended interest rates	R.1978 d.204	10 N.J.R. 315(a)
3:1-2.24	Minimum subscription for capital stock associations	R.1978 d.71	10 N.J.R. 137(a)
3:1-9.1 et seq.	Amendments to home mortgage disclosure rules	R.1978 d.304	10 N.J.R. 416(b)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
3:1-11.1	Amended definitions of affiliate and institution	R.1978 d.144	10 N.J.R. 219(a)
3:7-3.9(a)26.	Amend electronic data processing	R.1978 d.103	10 N.J.R. 136(b)
3:7-4.3	Amendments on maturity for long-term time deposits	R.1978 d.290	10 N.J.R. 370(b)
3:11-1.1(a)2.i	Amended list of obligations	R.1978 d.221	10 N.J.R. 316(a)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)
3:26-3.1	Reporting possible illegal activity by employees or customers of savings and loan associations	R.1978 d.163	10 N.J.R. 219(b)

(Rules in the Code for Title 3 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 11.)

## CIVIL SERVICE — TITLE 4

(Rules in the Code for Title 4 include all adoptions to date—Transmittal Sheet No. 11.)

## COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Amendments on construction and maintenance of hotels and multiple dwellings	R.1978 d.289	10 N.J.R. 378(b)
5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-2.6	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
3.3, 3.8, 4.3 and 4.8			
5:23-3.4(a)2i	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(a)
5:23-4.3(c)6.	Amendments on conflicts of interest	R.1977 d.434	9 N.J.R. 558(a)
5:23-4.9, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)
5:23-6.1 et seq.	Rules on tax exemption for solar facilities	R.1978 d.334	10 N.J.R. 418(a)
5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)
5:30-1.15	Urban aid reporting system	R.1978 d.241	10 N.J.R. 319(b)
5:30-3.3(c)	Dedication by rider to local unit budget	R.1978 d.240	10 N.J.R. 319(a)
5:30-4.1 et seq.	Capital budgets and capital improvement programs	R.1978 d.322	10 N.J.R. 416(d)
5:34-1.1 et seq.	Delete current text and reserve for future use	R.1978 d.322	10 N.J.R. 416(d)

5:30-15.2	Procedure and form of emergency ordinance under CAP law	R.1978 d.211	10 N.J.R. 317(b)
5:30-16.11, App. B	Amendments on tenant's property tax expiration date	R.1978 d.233	10 N.J.R. 318(a)
5:62-1.1 et seq.	Rules on Handicapped Person's Recreational Opportunities Act	R.1978 d.143	10 N.J.R. 224(a)

(Rules in the Code for Title 5 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

**EDUCATION — TITLE 6**

6:3-1.6	Delete summer payment plan rule for academic year personnel	R.1977 d.465	10 N.J.R. 6(b)
6:3-1.11	Amendments on superintendency	R.1978 d.7	10 N.J.R. 59(a)
6:3-1.21	Evaluation of tenured teaching staff members	R.1978 d.227	10 N.J.R. 319(d)
6:3-2.1	Amendments on pupil records		
through 6:3-2.8		R.1978 d.87	10 N.J.R. 142(c)
6:8-1.1, 6.2, 7.1	Amendments on thorough and efficient system	R.1978 d.85	10 N.J.R. 142(a)
6:20-2.3	Amendments on bookkeeping in local school districts	R.1977 d.483	10 N.J.R. 5(b)
6:21-5.1 et seq.	Amendments on school bus equipment specifications	R.1978 d.226	10 N.J.R. 319(c)
6.1 et seq.			
6:21-19.1(h)	Rule on school bus strobe warning lamps	R.1978 d.306	10 N.J.R. 418(c)
6:28-1.1 et seq.	Amendments on special education	R.1978 d.277	10 N.J.R. 383(a)
6:28-5.1 et seq.	Rules on auxiliary services for nonpublic school pupils	R.1977 d.464	10 N.J.R. 6(a)
6:28-6.1 et seq.	Rules on corrective speech services for nonpublic school pupils	R.1977 d.466	10 N.J.R. 6(c)
6:39-1.1 et seq.	Amendments on Statewide assessment	R.1978 d.146	10 N.J.R. 227(a)
6:44-3.1(a)5.	Amendments on standards for adult education reimbursement	R.1978 d.147	10 N.J.R. 227(b)
6:46-4.18	Recognition of accredited private vocational schools	R.1978 d.86	10 N.J.R. 142(b)
6:46-9.1 et seq.	Contracting for educational services with eligible private vocational schools	R.1978 d.148	10 N.J.R. 227(c)
6:68-1.8	Amendments on State library aid	R.1978 d.121	10 N.J.R. 183(b)

(Rules in the Code for Title 6 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 11.)

**ENVIRONMENTAL PROTECTION — TITLE 7**

7:1E-1.1 et seq.	Amendments on discharge of petroleum and other substances	R.1978 d.112	10 N.J.R. 187(a)
7:2-11.1 et seq.	Amendments on natural areas system	R.1978 d.232	10 N.J.R. 328(d)
7:7E-1.1 et seq.	Rules on coastal resource and development policies	R.1978 d.292	10 N.J.R. 384(a)
7:8-1.1 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(b)
7:10-3.10 et seq.			
7:9-2.1 et seq.,	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 146(d)
7:10-3.10 et seq.			
7:9-2.1,	Extend effective date on sewers to July 1, 1978	R.1978 d.182	10 N.J.R. 279(b)
7:10-3.10 et seq.			
7:9-2.4, 2.60,	Amendments on construction of sewerage facilities and waste supply systems	R.1978 d.161	10 N.J.R. 237(b)
2.67, 2.70			
7:10-3.10 et seq.			
7:9-2.5, 2.7,	Amendments to standards for sewerage facilities and water	R.1978 d.231	10 N.J.R. 328(c)
2.19, 2.5,			
2.60, 2.61, 2.98			
7:12-1.1, 1.3	Amendments on shellfish beds in Barnegat Bay	R.1978 d.69	10 N.J.R. 144(a)
7:12-1.1 et seq.	Amendments on condemnation of certain shellfish beds	R.1978 d.219	10 N.J.R. 328(a)
7:12-1.3(a)39.iii.	Amendment on condemnation of certain shellfish beds	R.1978 d.327	10 N.J.R. 425(b)
7:12-2.7	Amendments on shellfish harvest permits and relay program	R.1978 d.299	10 N.J.R. 422(a)
7:13-1.2, 1.4	Amendments on floodway delineations	R.1978 d.70	10 N.J.R. 145(a)
7:13-1.11(d)2	Amendments on delineated floodways in Raritan Basin	R.1978 d.237	10 N.J.R. 329(a)
7:13-1.11(d)21	Amendments on delineated floodways in Raritan Basin	R.1978 d.238	10 N.J.R. 329(b)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.298	10 N.J.R. 421(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.326	10 N.J.R. 425(a)
7:25-16.1 et seq.	Defining lines where fishing license is required	R.1978 d.295	10 N.J.R. 384(b)
7:26-1.4, 2.6, 2.11,	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 146(a)
2.13, 7.1 et seq.			
7:26-4.1 et seq.	Reinstate prior fee schedule of Solid Waste Administration	R.1978 d.205	10 N.J.R. 327(c)
7:27-9.1 et seq.	Amendments on sulfur in fuels	R.1978 d.276	10 N.J.R. 383(c)
7:27-10.1 et seq.	Amendments on sulfur in coal	R.1978 d.220	10 N.J.R. 328(b)
7:28-24.1 et seq.	Nuclear medicine technology	R.1978 d.101	10 N.J.R. 146(c)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(a)
Temporary rule	Closing of State waters to sea clam harvesting	R.1978 d.111	10 N.J.R. 186(c)
Temporary rule	Emergency amendments on opening sea clam waters	R.1978 d.119	10 N.J.R. 187(b)
Temporary rule	Amendments on 1978 oyster seed bed season	R.1978 d.123	10 N.J.R. 188(a)
Temporary rule	Change date of 1978 bay season; oyster seed beds	R.1978 d.128	10 N.J.R. 188(b)
Temporary rule	1978-79 game code	R.1978 d.199	10 N.J.R. 279(c)
Temporary Rule	Rule on preservation of sea clam resources; closing certain waters	R.1978 d.328	10 N.J.R. 426(a)

(Rules in the Code for Title 7 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 10.)

## HEALTH — TITLE 8

8:7-1.9(a)2.1	Amendments on qualifications of health officer	R.1978 d.24	10 N.J.R. 62(c)
8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15-1.1 et seq.	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:15-1.1 et seq.	Postpone effective date of public smoking rules	R.1978 d.168	10 N.J.R. 250(a)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-4.1 et seq.	New drugs and amygdalin	R.1978 d.93	10 N.J.R. 148(a)
8:21-4.31-4.34	Laetrile efficacy in study of cancer	R.1978 d.246	10 N.J.R. 341(a)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)
8:21-11.1 et seq.	Rules on dented cans, salvage foods and beverages	R.1978 d.100	10 N.J.R. 149(a)
8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:30-14.1 et seq.	Long-term-care facilities for indigents as condition for licensure	R.1978 d.25	10 N.J.R. 62(d)
8:31-8.1 et seq.	Amended standards and criteria; prenatal services	R.1978 d.49	10 N.J.R. 103(b)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
8:31A-10.6	Amendments on time-phased plans	R.1978 d.294	10 N.J.R. 385(c)
8:33-1.5(f)3.	Amendment or certificates of need and transfers of ownership	R.1978 d.62	10 N.J.R. 104(a)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
8:39-1.1 et seq.	Amended standards for licensing long-term care facilities	R.1978 d.65	10 N.J.R. 104(d)
8:39-1.1 et seq.	Change effective date on nursing homes to January 1, 1979	R.1978 d.203	10 N.J.R. 280(c)
8:39-1.1 et seq.	Amendments to manual of standards for licensure of long-term-care facilities	R.1978 d.340	10 N.J.R. 430(e)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
8:43A-1.1 et seq.	Amendments to standards for licensure of ambulatory care facilities	R.1978 d.338	10 N.J.R. 430(c)
8:43A-1.48(b)1.	Amendments on abortion; standards for licensure of ambulatory care facilities	R.1978 d.274	10 N.J.R. 385(a)
8:43B-6.4(c)	Amendments on medications and treatment prescribed by podiatrists	R.1978 d.337	10 N.J.R. 430(b)
8:43B-15.1 et seq.	Renal dialysis services	R.1978 d.63	10 N.J.R. 104(b)
8:43B-16.1 et seq.	Nurse-midwifery services	R.1978 d.64	10 N.J.R. 104(c)
8:44-2.1 et seq.	Rules on operation of clinical laboratories	R.1978 d.336	10 N.J.R. 430(a)
8:51-1.2, 1.3	Amendments to minimum standards of performance	R.1978 d.339	10 N.J.R. 430(d)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
8:57-1.19	Reporting bladder cancer	R.1977 d.467	10 N.J.R. 12(a)
8:57-1.20	Cancer registry	R.1978 d.293	10 N.J.R. 385(b)
8:57-4.8, 4.11, 4.14, 4.16	Amendments on immunization of pupils in schools	R.1978 d.244	10 N.J.R. 334(a)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.2(b)4.	Transfer of phencyclidine	R.1978 d.247	10 N.J.R. 341(b)
8:65-10.4	Addition of Lorazepam to controlled dangerous substances	R.1978 d.23	10 N.J.R. 62(b)
8:65-10.5	Add Loperamide as dangerous	R.1977 d.440	9 N.J.R. 567(a)
8:65-10.6	Excluded O.T.C. substances	R.1978 d.60	10 N.J.R. 103(d)
8:65-10.7	Excepted prescription drugs	R.1978 d.61	10 N.J.R. 103(e)
8:65-10.8	Exempt chemical preparations	R.1978 d.59	10 N.J.R. 103(c)
8:70-1.1 et seq.	Interim drug evaluation and acceptance criteria	R.1978 d.202	10 N.J.R. 280(b)
8:70-1.1 et seq.	Repeal interim drug evaluation and acceptance criteria	R.1978 d.248	10 N.J.R. 341(c)
8:70-1.1 et seq.	Rules on drug evaluation and acceptance criteria	R.1978 d.341	10 N.J.R. 430(f)

(Rules in the Code for Title 8 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 8.)

## HIGHER EDUCATION — TITLE 9

9:1-1.12, 6.1 et seq.	Amendments on out-of-state institutions desiring to enter New Jersey	R.1978 d.335	10 N.J.R. 431(b)
9:1-2.1 et seq.	Amendments on responsibilities of Licensure and Approval Advisory Board	R.1978 d.249	10 N.J.R. 386(a)
9:2-2.2	Definition of academic year	R.1978 d.52	10 N.J.R. 105(b)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(a)
9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(a)
9:4-3.1, 3.3, 3.44, 3.55	Amendments to general accounting and procedures manual of State-supported county colleges	R.1978 d.250	10 N.J.R. 386(b)
9:4-3.57(b)	Amendments on non-credit and credit courses auditing procedures	R.1977 d.483	10 N.J.R. 63(a)
9:4-7.2(d)	Amendment on multi-year contracts for non-teaching personnel	R.1978 d.53	10 N.J.R. 105(c)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)
9:9-1.1, 1.2	Noncitizen eligibility for student loans	R.1978 d.198	10 N.J.R. 281(b)
9:9-5.2	Amendments on eligibility for graduate insured loan program	R.1978 d.329	10 N.J.R. 431(a)
9:11-1.5(d)	Amendments on eligibility of independent students	R.1978 d.200	10 N.J.R. 281(c)

9:11-1.1 et seq.	Amend financial aid guidelines for students	R.1978 d.54	10 N.J.R. 105(d)
9:11-2.1 et seq., 9:12-1.1 et seq.	Amendments on academic year program support funds	R.1978 d.201	10 N.J.R. 281(d)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

(Rules in the Code for Title 9 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 10.)

### HUMAN SERVICES — TITLE 10

10:3-1.1 et seq.	Rules on debarment of contracting persons	R.1978 d.83	10 N.J.R. 154(a)
10:37-12.1 et seq.	Construction assistance for community mental health facilities	R.1977 d.482	10 N.J.R. 63(d)
10:43-1.1 et seq.	Amendments on determination of mental deficiency/need for guardianship	R.1978 d.332	10 N.J.R. 444(d)
10:44-13.1 et seq.	Rules on community residences for mentally retarded and develop mentally disabled	R.1978 d.333	10 N.J.R. 445(a)
10:44A-1.1 et seq.	Standards for licensed community residences for develop mentally disabled	R.1978 d.330	10 N.J.R. 444(b)
10:45-1.1 et seq.	Amendments on provision of guardianship services	R.1978 d.331	10 N.J.R. 444(c)
10:49-1.3(b)	Adoption by reference of Federal standards for mentally retarded	R.1977 d.490	10 N.J.R. 65(b)
10:49-2.1 et seq. 5.1 et seq., 6.1 et seq.	Rules on general provisions	R.1978 d.280	10 N.J.R. 399(a)
10:50-1.1, 1.2, 2.6, 2.9	Amendments on transportation services	R.1978 d.297	10 N.J.R. 443(b)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
10:54-3.5, 3.6	Amendments on pneumococcal polyvalent vaccine	R.1978 d.44	10 N.J.R. 116(b)
10:51-5.1 et seq.	Rules on pharmaceutical assistance to aged program	R.1977 d.491	10 N.J.R. 66(a)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 285(c)
10:56-1.1 et seq.	Amended dental services manual	R.1978 d.2	10 N.J.R. 66(e)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:69A-1.1 et seq.	Amendments on pharmaceutical assistance to aged	R.1977 d.492	10 N.J.R. 66(b)
10:81	Amendments to Public Assistance Manual to conform	R.1977 d.452	10 N.J.R. 16(b)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 286(a)
10:81-3.8(b), 8.22(a)	Amendments on medical assistance for unborn child	R.1978 d.140	10 N.J.R. 255(a)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81 Appendix D	Amendments on incentive payments to CWA's	R.1978 d.88	10 N.J.R. 154(c)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(b)
10:82-1.3, 1.4, 2.3, 2.4, 2.6, 2.10, 2.19, 3.2, 3.8	Amendments on budgeting public assistance cases	R.1978 d.157	10 N.J.R. 255(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 286(b)
10:82-2.9	Amendments on budgeting cases involving stepparents	R.1978 d.76	10 N.J.R. 153(c)
10:82-2.13	Amend per capita table of companion cases	R.1978 d.314	10 N.J.R. 444(a)
10:82-2.19	Amendments on overpayment and underpayments	R.1978 d.218	10 N.J.R. 345(c)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 285(b)
10:85-1.3, 2.1, 5.2, 6.2	Amendments on municipal funds subject to State matching	R.1978 d.217	10 N.J.R. 345(b)
10:85-3.1(a)2, 3.3(e)1., 3.4(b)1., 9.1(d)	Amendments on sponsors of aliens as potential resources	R.1977 d.444	10 N.J.R. 15(a)
10:85-3.1(e)1.i	Amendments on unmarried child's eligibility for assistance	R.1978 d.303	10 N.J.R. 443(d)
10:85-3.2(g)	Amendments on mandatory registration with Employment Service	R.1978 d.169	10 N.J.R. 256(a)
10:85-3.3, 4.1, 4.2	Amendments on general assistance payment levels	R.1977 d.488	10 N.J.R. 64(c)
10:85-3.3(e)4. and 9.5(c)	Amendments on financial eligibility and support	R.1977 d.44E	10 N.J.R. 15(b)
10:85-3.3(e)5.	Amendments on exemption of HUD vendor payments	R.1977 d.446	10 N.J.R. 15(c)
10:85-5.3(h)3.	Amendments on referral of clients to DVRS	R.1978 d.77	10 N.J.R. 153(d)
10:87-3.8	Amendments on illegal aliens in food stamp program	R.1978 d.117	10 N.J.R. 192(c)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-4.13(a)	Identification of exempt assets for food stamps	R.1978 d.74	10 N.J.R. 153(b)
10:87-5.8	Amendments on income deductions for food stamps	R.1978 d.84	10 N.J.R. 154(b)
10:87-6.5, 6.42, 6.43	Amendments on restoration of lost benefits to zero purchase households	R.1978 d.324	10 N.J.R. 443(e)

10:87-6.5	Amendments on certification pending verification for food stamps	R.1978 d.109	10 N.J.R. 192(b)
10:87-6.14, 6.41, 6.42 and 6.44	Amendments to Food Stamp Manual	R.1978 d.43	10 N.J.R. 116(a)
10:87-7.10, 7.12, 7.14, 7.19, 7.20, 7.22, 7.25, 7.26, 7.27, 7.28, 7.29	Amendments on fair hearing process, food stamp manual	R.1978 d.223	10 N.J.R. 346(a)
10:87-7.17(a)6	Amendment on appellant's right during fair hearing	R.1977 d.486	10 N.J.R. 64(a)
10:94	1979 fiscal year plan for vocational rehabilitation	R.1978 d.300	10 N.J.R. 443(c)
10:94-3.13(1)	Amendments on fees for medical examinations	R.1978 d.212	10 N.J.R. 344(c)
10:94-4.4	Amendments on exclusion of home Medicaid only	R.1978 d.73	10 N.J.R. 153(a)
10:94-4.35, 5.8	Amendments on living allowance deductions, Medicaid Only Manual	R.1978 d.296	10 N.J.R. 443(a)
10:100-1.23	SSI payment schedule	R.1978 d.261	10 N.J.R. 395(a)
10:109	Amend Ruling 11 on classification and compensation	R.1978 d.107	10 N.J.R. 192(a)
Appendix I			
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
Temporary rule	1978 State plan for vocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

(Rules in the Code for Title 10 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 9.)

### CORRECTIONS — TITLE 10A

10:70-1.1 et seq.	Amended rules of State Parole Board	R.1978 d.97	10 N.J.R. 154(d)
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(Rules in the Code for Title 10A include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 1.)

### INSURANCE — TITLE 11

11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 165(a)
11:4-15.1 et seq.	Alcoholism benefits	R.1978 d.165	10 N.J.R. 257(a)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.27	Amendments on educational requirements for salesmen and brokers license examinations	R.1978 d.135	10 N.J.R. 256(d)
11:5-1.27	Amendments on educational requirements for licensure	R.1978 d.271	10 N.J.R. 399(b)
11:11-1.1	Title insurance agents' service fees	R.1978 d.291	10 N.J.R. 399(c)

(Rules in the Code for Title 11 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 10.)

### LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1978 d.282	10 N.J.R. 400(b)
12:15-1.4	Amended taxable wage base; unemployment compensation law	R.1978 d.281	10 N.J.R. 400(a)
12:15-1.5	Contribution rate of governmental entities and instrumentalities	R.1978 d.305	10 N.J.R. 445(b)
12:20-5.4(b)	Amendments on appearances before appeal tribunals	R.1978 d.116	10 N.J.R. 202(a)
12:100-102, 110, 111, 115, 116, 120, 121, 130-134, 140-148, 160-162, 170, 173 and 180	Delete rules on worker health and safety, seasonal workers and construction safety	R.1978 d.288	10 N.J.R. 400(d)
12:195-1.1 et seq.	Amendments on carnival amusement rides	R.1978 d.239	10 N.J.R. 347(a)

(Rules in the Code for Title 12 include all adoptions prior to Jan. 23, 1978—Transmittal Sheet No. 8.)

### LAW AND PUBLIC SAFETY — TITLE 13

13:1-1.1 et seq.	Amended rules of Police Training Commission		
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.236	10 N.J.R. 352(a)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.33	10 N.J.R. 121(a)
13:4-8.2(a)1.	Deletion on discovery by parties other than Division	R.1978 d.75	10 N.J.R. 170(a)
13:4-12.9	Costs of hearings	R.1978 d.82	10 N.J.R. 171(a)
13:18-10.1 et seq.	Unsatisfied claim and judgment fund reimbursement of excess medical expenses	R.1978 d.46	10 N.J.R. 121(b)
		R.1978 d.207	10 N.J.R. 350(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(b)
13:23-2.2(d)	Amendments on documents; applications for driver school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:26-1.1 et seq.	Transportation of bulk commodities	R.1978 d.278	10 N.J.R. 404(c)

13:29-1.13	Fees for licensees of Board of Certified Public Accountants	R.1978 d.243	10 N.J.R. 352(c)
13:30-8.3	Amendments on use of general anesthesia	R.1978 d.120	10 N.J.R. 203(b)
13:30-8.6	Providing information to the public	R.1978 d.170	10 N.J.R. 261(c)
13:33-1.11	Amendments on temporary ophthalmic dispenser permit	R.1978 d.208	10 N.J.R. 350(c)
13:33-1.12	Amendments on temporary ophthalmic technician permit	R.1978 d.209	10 N.J.R. 350(d)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-6.11(a)	Amendments on prohibition of kickbacks for services not rendered	R.1978 d.210	10 N.J.R. 351(a)
13:35-6.12	Release of patient records	R.1978 d.134	10 N.J.R. 261(b)
13:35-6.13	Provision of information to the public	R.1978 d.126	10 N.J.R. 204(a)
13:35-7.2	Amendments on termination of pregnancy	R.1978 d.213	10 N.J.R. 351(b)
13:38-6.1	Availability of optometrist records	R.1978 d.242	10 N.J.R. 352(k)
13:39-5.11	Delete rule on applicants previously taking examinations	R.1978 d.206	10 N.J.R. 350(a)
13:40-6.1	Fees schedule, professional engineers and land surveyors	R.1978 d.193	10 N.J.R. 295(d)
13:42-1.2	Amendments on fees, psychological examiners	R.1978 d.192	10 N.J.R. 295(c)
13:44-2.13	Temporary permit fee	R.1978 d.323	10 N.J.R. 447(a)
13:47A-25.1 et seq.	Rules on corporation takeover bid disclosure law	R.1978 d.279	10 N.J.R. 405(a)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
13:47D-4.34(a)3.	Amendments on magnitude of permitted variations	R.1978 d.141	10 N.J.R. 259(b)
13:70-9.19, 25.5	Amendments on jockey payments for dead heats	R.1978 d.132	10 N.J.R. 295(b)
13:70-14.17, 13:71-23.2	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)
13:70-15.1, 15.2, 19.34, 19.38, 13:71-9.1, 9.3	Amendments on veterinarians classified as State veterinarians	R.1978 d.133	10 N.J.R. 261(a)
13:70-15.1, 15.2, 19.34, 19.35, 19.38 and 13:71-9.1	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:70-29.53(b)	Amendments on trifecta wagering	R.1978 d.235	10 N.J.R. 351(c)
13:70-29.53	Amendments on trifecta wagering in harness racing	R.1978 d.270	10 N.J.R. 404(a)

(Rules in the Code for Title 13 include all adoptions prior to Jan. 23, 1978—Transmittal Sheet No. 11.)

#### ENERGY — TITLE 14A (Including Board of Public Utilities, Title 14)

14:3-3.6, 7.1, 7.5, 7.12, 7.13, 7.14	Amendments on public utility deposits and discontinuances	R.1978 d.155	10 N.J.R. 261(e)
14:8-1.2	Railroad track safety	R.1978 d.110	10 N.J.R. 205(a)
14:10-1.1 et seq.	Amendments on telephone service	R.1978 d.89	10 N.J.R. 171(b)
14:17-18.1 et seq.	Amendments on cable television rates	R.1978 d.125	10 N.J.R. 207(a)
14:18-11.7(a), 11.10	Amendments on municipal hearings and procedures for cable television	R.1978 d.262	10 N.J.R. 405(b)
14A:3-1.1 et seq.	Rules on energy conservation	R.1978 d.273	10 N.J.R. 405(c)
14A:3-2.1 et seq.	Air conditioning energy efficiency ratios	R.1978 d.150	10 N.J.R. 261(d)
14A:3-2.2 et seq.	Amendments on energy conservation	R.1978 d.315	10 N.J.R. 447(b)

(Rules in the Code for Title 14A include all adoptions prior to January 23, 1978—Transmittal Sheet No. 1.)

(For Title 14—PUB, Transmittal Sheet is No. 9, as of January 23, 1978)

#### STATE — TITLE 15

(Rules in the Code for Title 15 include all adoptions to date—Transmittal Sheet No. 10.)

#### PUBLIC ADVOCATE — TITLE 15A

15A:1-1.1 et seq.	Rules of practice; Public Interest Advocacy	R.1977 d.362	9 N.J.R. 541(b)
	(No rules yet available in the Code.)		

#### TRANSPORTATION — TITLE 16

16:16-4.3, 16:17-4.3	Rescission of allocated but unexpended local State aid funds	R.1978 d.245	10 N.J.R. 359(b)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.138— 1.143	Speed limits on parts of Route 47	R.1978 d.313	10 N.J.R. 455(d)

16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-1.172	Speed limits on parts of Route U.S. 206	R.1978 d.137	10 N.J.R. 263(c)
16:28-1.173-1.176	Speed limits on Routes U.S. 9, 140, U.S. 30 and 44	R.1978 d.265	10 N.J.R. 406(b)
16:28-1.179	Speed limits on parts of Route I-280	R.1978 d.311	10 N.J.R. 455(b)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)
16:28-3.41, 3.162, 3.172, 3.173	Restricted parking on parts of Route 26, 44, 28 and U.S. 22	R.1978 d.307	10 N.J.R. 454(a)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.108, 3.169-3.171	Amendments on restricted parking on Routes 28, U.S. 40, 9 and 27	R.1978 d.267	10 N.J.R. 406(d)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-3.174— 3.177	Rules on restricted parking on parts of Routes U.S. 22, N.J. 28, 33 and 49	R.1978 d.312	10 N.J.R. 455(e)
16:28-3.178	Restricted parking on parts of Route 34	R.1978 d.310	10 N.J.R. 455(a)
16:28-4.6	One-way traffic on parts of Route 35	R.1978 d.309	10 N.J.R. 454(c)
16:28-8.2	Yield intersection in Bordentown Township	R.1978 d.308	10 N.J.R. 454(b)
16:28-12.37(a)15.	Amendments on no right turns on Route 49	R.1978 d.264	10 N.J.R. 406(a)
16:28-13.4	Amendments on limited access prohibition along interstate highways	R.1978 d.228	10 N.J.R. 359(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(a)
16:28-15.3-15.6	No passing zones on Routes 67, 63, 5 and 94	R.1978 d.268	10 N.J.R. 406(e)
16:28-15.7 15.10	No passing zones on Routes U.S. 206 and N.J. 12	R.1978 d.263	10 N.J.R. 405(d)
16:28-16.1	Traffic rules on DOT property at Metro Park	R.1978 d.266	10 N.J.R. 406(c)
16:65-3.2 through 3.5	Amendments on requisition, distribution and sale of construction plans	R.1978 d.164	10 N.J.R. 264(a)

(Rules in the Code for Title 16 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 11.)

#### TREASURY-GENERAL — TITLE 17

17:1-4.19	Amendments on biweekly salary for retirement	R.1978 d.96	10 N.J.R. 175(b)
17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:1-10.1, 10.3	Amend rules on prescription drug program	R.1978 d.98	10 N.J.R. 175(c)
17:1-11.1 et seq.	Rules on dental expense program	R.1978 d.99	10 N.J.R. 175(d)
17:2-3.2(i), 6.24(b), 6.25	Amendments on biweekly computation of retirement and death benefits	R.1978 d.138	10 N.J.R. 265(c)
17:2-3.3	Amended contributory insurance rate	R.1978 d.139	10 N.J.R. 265(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
17:6-2.1(a), 3.2, 3.9, 3.10	Amend rules of Consolidated Police and Firemen's Pension Fund	R.1977 d.461	10 N.J.R. 44(b)
17:9-2.3(a), 5.2, 5.11	Amendments on State health benefits program	R.1978 d.131	10 N.J.R. 265(b)
17:9-6.1(a)	Amended definition of retired employee	R.1978 d.130	10 N.J.R. 265(a)
17:10-3.1, 4.1, 5.10, 5.12	Amendments on judicial retirement system	R.1978 d.184	10 N.J.R. 305(b)
17:16-5.4, 5.5	Amendments on classification of funds	R.1978 d.180	10 N.J.R. 304(b)
17:16-5.5	Amendments on classification of funds	R.1978 d.94	10 N.J.R. 175(a)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.316	10 N.J.R. 456(b)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
17:18-1.79	Signing of formal judgments	R.1978 d.195	10 N.J.R. 305(c)
17:21-12.1 et seq.	Pick-Four lottery rules	R.1978 d.179	10 N.J.R. 304(a)
17:24-4.3, 7.4, 13.2	Amendments on affirmative action requirements	R.1978 d.185	10 N.J.R. 305(a)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)
Temporary rule	Jersey Casino Instant Lottery	R.1978 d.224	10 N.J.R. 363(a)

(Rules in the Code for Title 17 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

(Continued from Page 434)

(e) Rules on valid Agreement to Repay does not exist are:

1. Upon liquidation of a resource for which a valid Agreement to Repay does not exist solely by reason of the applicant/client's withholding of information about the matter, the CWA shall pursue collection activity as in Section 3951, indicating to those concerned, including the courts, that except for the client's withholding of information, a valid agreement would have existed or the assistance would not have been granted.

2. In any instance in which an Agreement to Repay would have been applicable but closure of the case precluded delivery of the Agreement, the CWA will determine the amount of assistance which would have been repayable under a properly executed Agreement to Repay. Based on the feasibility of collection action, it will then take such action as is appropriate.

3. Upon liquidation of a resource for which a valid agreement does not exist for any reason other than with-

holding of information by the client, the CWA shall not pursue any claim but will nonetheless reevaluate current eligibility.

Editor's Note: Upon adoption of these changes, it is proposed to change the citations of the current text of N.J.A.C. 10:81-3.41 through 10:81-3.44 to then become N.J.A.C. 10:81-3.42 through 10:81-3.45.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

## TREASURY-TAXATION — TITLE 18

18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
18:9-2.2, 2.3, 2.4, 3.5	Amendments on Personal Property Tax	R.1978 d.321	10 N.J.R. 457(c)
18:12-6.1 et seq.	Amendments on tax abatement on added assessments	R.1978 d.287	10 N.J.R. 407(c)
18:12-8.1 et seq.	Property tax exemption for solar energy systems	R.1978 d.225	10 N.J.R. 364(a)
18:12A-1.6	Amendments on petitions of appeal	R.1978 d.325	10 N.J.R. 457(d)
18:24-22.2, 22.3	Amendments on floor covering and Sales and Use Tax	R.1978 d.320	10 N.J.R. 457(b)
18:24-25.1 et seq.	Rules on sales tax and data processing	R.1978 d.142	10 N.J.R. 265(e)
18:24-26.1 et seq.	Sales and use tax exemption; solar energy devices and systems	R.1978 d.285	10 N.J.R. 407(a)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:26-8.22	Amendments on estates for life or years	R.1978 d.118	10 N.J.R. 210(a)
18:26-11.8, 11.23	Amendments on transfer inheritance tax	R.1978 d.286	10 N.J.R. 407(b)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)
18:35-1.9	Federal securities; taxable status; Gross Income Tax Act	R.1978 d.284	10 N.J.R. 406(f)
18:35-1.10	Withholding; Gross Income Tax	R.1978 d.319	10 N.J.R. 457(a)

(Rules in the Code for Title 18 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 10.)

## OTHER AGENCIES — TITLE 19

19:3B-1.1 et seq.	General plan guidelines for Meadowlands	R.1978 d.197	10 N.J.R. 307(a)
19:8-1.1, 2.9(b)	Amendments on loitering on the Parkway	R.1978 d.257	10 N.J.R. 408(b)
19:8-1.9(d)	Repeal part of rule on restrictions on Garden State Parkway	R.1978 d.215	10 N.J.R. 366(a)
19:9-4.2(b)	Amendments to fees for photographs of accident sites on Turnpike	R.1978 d.258	10 N.J.R. 408(c)
19:41-2.3	Declaratory rulings on casino applications	R.1978 d.158	10 N.J.R. 266(a)
19:41-7.14	Adopt personal history disclosure form No. 4	R.1978 d.175	10 N.J.R. 306(a)
19:41-11.1 et seq.	Applications for approval of agreements	R.1978 d.177	10 N.J.R. 306(c)
19:42-1.1 et seq.	Casino hearings rules	R.1978 d.159	10 N.J.R. 266(b)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
19:45-1.1 et seq.	Internal and accounting casino controls	R.1978 d.178	10 N.J.R. 306(d)
19:46-1.1 to 1.20	Casino gaming equipment	R.1978 d.187	10 N.J.R. 306(b)
19:46-1.22 through 1.31	Regulations for casino slot machines	R.1978 d.160	10 N.J.R. 266(c)
19:47-1.1 et seq.	Rules of casino games	R.1978 d.186	10 N.J.R. 306(e)
19:50-1.6(w)	Amendments on casino alcoholic beverage control	R.1978 d.173	10 N.J.R. 305(e)
19:53-1.4, 1.5	Amendments on casino equal employment opportunity	R.1978 d.172	10 N.J.R. 305(d)
19:54-1.1 et seq.	Casino gross revenues tax	R.1978 d.174	10 N.J.R. 305(f)

(Rules in the Code for Title 19 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 10.)

**(a)**

## **HUMAN SERVICES**

### **DIVISION OF PUBLIC WELFARE**

#### **Amendments on Income in Medicaid Only Program for Aged, Blind and Disabled**

On August 18, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:94-4.35 and 10:94-5.8 (Medicaid Only Manual, Sections 482 and 553), concerning living allowance deductions, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 106(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

The balance of the proposed amendments mentioned at 10 N.J.R. 106(a) are still pending before the Department of Human Services and may be adopted without further notice.

An order adopting these amendments was filed and became effective on August 23, 1978, as R.1978 d.296.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## **HUMAN SERVICES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Amendments on Transportation Services**

On August 23, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:50-1.1, 10:50-1.2, 10:50-2.6 and 10:50-2.9, concerning transportation services, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 282(a).

An order adopting these amendments was filed and became effective August 28, 1978, as R.1978 d.297.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

## **HUMAN SERVICES**

### **COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

#### **Fiscal Year 1979 State Plan For Vocational Rehabilitation**

On August 30, 1978, Norma F. Krajczar, Executive Director of the Commission for the Blind and Visually Impaired in the Department of Human Services, pursuant to authority of N.J.S.A. 30:6-12 and in accordance with

applicable provisions of the Administrative Procedure Act, adopted the Fiscal Year 1979 State Plan for Vocational Rehabilitation, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 343(b).

Take notice that, these rules are considered to be temporary rules and will not be published in Title 10 of the New Jersey Administrative Code. However, a reference regarding this adoption will be made in the authority note of Chapter 98 in Title 10 of the Code.

An order adopting this State Plan was filed August 31, 1978, as R.1978, d.300, to become effective October 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(d)**

## **HUMAN SERVICES**

### **DIVISION OF PUBLIC WELFARE**

#### **Amendments on Unmarried Child's Eligibility for Assistance**

On August 31, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.1(e)1.i., concerning the unmarried child's eligibility for assistance, substantially as proposed in the Notice published November 10, 1977, at 9 N.J.R. 523(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed on September 1, 1978, as R.1978 d.303, to become effective October 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(e)**

## **HUMAN SERVICES**

### **DIVISION OF PUBLIC WELFARE**

#### **Amendments on Certification and Restoration Of Lost Benefits to Zero Purchase Households**

On September 13, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-6.5, 10:87 6.42 and 10:87-6.43(a) 3.ii., concerning certification and restoration of lost benefits to zero purchase households, as proposed in the notice published August 10, 1978, at 10 N.J.R. 344(b).

An order adopting these amendments was filed on September 14, 1978, as R.1978 d.324 to become effective on November 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE Emergency Amendments to Per Capita Table for Companion Cases

On August 23, 1978, the Division of Public Welfare in the Department of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the per capita table for companion cases appearing in N.J.A.C. 10:82-2.13.

Full text of the new table follows:

Per Capita Table  
For Companion Cases

Total Eligible Unit	Number in -C or -F Segment								
	1	2	3	4	5	6	7	8	9
2	124								
3	109	217							
4	94	187	281						
5	85	170	256	341					
6	80	161	241	321	402				
7	76	152	228	303	379	455			
8	73	146	219	292	364	437	510		
9	70	140	209	279	349	419	488	558	
10	67	134	201	268	335	401	468	535	602

Total Eligible Unit	Number in -N Segment								
	1	2	3	4	5	6	7	8	9
2	83								
3	72	145							
4	62	125	187						
5	57	114	170	227					
6	54	107	161	214	268				
7	51	101	152	202	253	303			
8	49	97	146	195	243	292	340		
9	47	93	140	186	233	279	326	372	
10	45	89	134	178	223	268	312	357	401

An order adopting these amendments was filed and became effective on September 7, 1978, as R.1978 d.314 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF MENTAL RETARDATION

#### Manual of Standards for Licensed Community Residences for Developmentally Disabled

On September 14, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of Chapter 448, Laws

of 1977, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:44A-1.1 et seq., concerning the manual of standards for licensed community residences for developmentally disabled, substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 283(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these rules was filed and became effective on September 18, 1978, as R.1978 d.330.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF MENTAL RETARDATION BUREAU OF GUARDIANSHIP SERVICES

#### Amendments on Provision of Guardianship Services

On September 14, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4-165.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:45-1.1 et seq., concerning the provisions of guardianship services, substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 283(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on September 18, 1978, as R.1978 d.331.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HUMAN SERVICES

### DIVISION OF MENTAL RETARDATION BUREAU OF GUARDIANSHIP SERVICES

#### Amendments on Determination of Mental Deficiency/Need for Guardianship

On September 14, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4-165.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:43-1.1 et seq., concerning the determination of mental deficiency/need for guardianship, substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 284(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on September 18, 1978, as R.1978 d.332.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

## **HUMAN SERVICES**

### **DIVISION OF MENTAL RETARDATION**

#### **Rules on Community Residences for Mentally Retarded and Developmentally Disabled**

On September 14, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4-24 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:44-13.1 et seq., concerning community residences for the mentally retarded and developmentally disabled, substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 284(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these rules was filed and became effective on September 15, 1978, as R.1978 d.333.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## **LABOR AND INDUSTRY**

### **THE COMMISSIONER**

#### **Rule on Contribution Rate of Governmental Entities Electing to Pay Contributions for 1979**

On September 1, 1978, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-7.3(e) and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule concerning the contribution rate of all governmental entities and instrumentalities electing to pay contributions in 1979 regarding the unemployment compensation law.

Full text of the adoption follows:

#### **12:15-1.5 Contribution rate of governmental entities and instrumentalities**

(a) In accordance with the provisions of N.J.S.A. 43:21-7.3(e), the contribution rate for all governmental entities and instrumentalities electing to pay contributions under the Unemployment Compensation Law is hereby established as being one per cent, for the entire calendar year.

(b) This contribution rate shall be effective on taxable wages paid in the calendar year of 1979.

An order adopting this rule was filed on September 1, 1978, as R.1978 d.305 (Exempt, Procedure Rule), to become effective January 1, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

## **LAW AND PUBLIC SAFETY**

### **ATTORNEY GENERAL**

#### **Proposed Rule on Confidentiality of Records Regarding the Casino Control Act**

John J. Degnan, Attorney General of New Jersey, pursuant to authority of N.J.S.A. 52:17B-4 and Executive Order Number 9 issued September 30, 1963, proposes to adopt a new rule concerning the confidentiality of financial disclosure statements of relatives of members of the Casino Control Commission and the Director of the Division of Gaming Enforcement.

Full text of the proposal follows:

#### **CHAPTER 1C. CASINO CONTROL ACT**

##### **SUBCHAPTER 1. FINANCIAL DISCLOSURE STATEMENTS**

###### **Foreword**

The Casino Control Act, Laws of 1977, Chapter 110, provides that each member of the Casino Control Commission and the Director of the Division of Gaming Enforcement shall provide the Attorney General with a financial disclosure statement listing all assets and liabilities, property and business interests, and sources of income of the parents, brothers, sisters and children of said member or director.

It is hereby found that: 1. The financial affairs of such persons are often maintained independently of the financial affairs of such member or director; that: 2. The need for public disclosure of the intimate financial affairs of relatives of such members or director may inhibit the provision of complete and accurate information in the public interest; that: 3. The public disclosure of intimate financial information of relatives of such members or director may tend to deter qualified persons from seeking appointment; that: 4. The essential purpose of the statute is to aid in the investigation of the background of individual appointees and that purpose may be served without public disclosure; and that: 5. A financial disclosure statement including information of a highly personal and intimate nature concerning individuals who are not public officials in the Casino Control Commission or the Division of Gaming Enforcement poses a substantial danger of invasion of personal privacy.

###### **13:1C-1.1 Confidentiality of records**

A financial disclosure statement listing the assets and liabilities, property and business interests, and sources of income of the parents, brothers, sisters and children of a member of the Casino Control Commission or of the Director of the Division of Gaming Enforcement shall be kept confidential and shall not be deemed a public record subject to inspection and examination and available for copying under Laws of 1963, c. 73, as amended.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1978, to:

John J. Degnan  
Attorney General of New Jersey  
State House Annex  
Trenton, N.J. 08625

The Attorney General, upon his own motion, may thereafter adopt the above rule, with the approval of the Governor, substantially as proposed without further notice.

John J. Degnan  
Attorney General of New Jersey  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Proposed Rule on Prescribing, Administering Or Dispensing Amphetamines and Sympathomimetic Amines

Edwin H. Albano, President of the 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., proposes to adopt a new rule concerning the prescribing, administering or dispensing of amphetamines and sympathomimetic amines.

Full text of the proposal follows:

13:35-6.16 Uses of amphetamines and sympathomimetic amine drugs

(a) No physician shall prescribe, order, dispense, administer, sell or transfer any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II Controlled Dangerous Substance pursuant to the laws of New Jersey, to or for any person except:

1. For the treatment of:
  - i. Narcolepsy;
  - ii. Hyperkinesis;
  - iii. Drug induced brain dysfunction;
  - iv. Epilepsy;
  - v. Depression shown to be refractory to other therapeutic modalities; or

2. For the differential diagnostic psychiatric evaluation of depression; or

3. For the clinical investigation of the effects of such drugs or compounds in which case, in addition to other requirements of applicable laws, prior application therefor shall have been made to the Board of Medical Examiners and approval granted before any such investigation is begun.

(b) In addition to the prohibitions set forth in subsection (a) of this section, no physician shall prescribe, order, dispense, administer, sell or transfer any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II Controlled Dangerous Substance pursuant to the laws of New Jersey, for use in weight management, dieting or any other anorectic purpose, or for the treatment of fatigue.

(c) Violation of any of the foregoing may be deemed to constitute one or more of the following:

1. Distribution or dispensing of a controlled dangerous substance in an indiscriminate manner, not in good faith, or without good cause, pursuant to N.J.S.A. 45:1-13; or

2. Gross malpractice, gross neglect, or gross incompetence in the practice of medicine, pursuant to N.J.S.A. 45:1-21(d); or

3. Professional misconduct in the practice of medicine, pursuant to N.J.S.A. 45:1-21(e).

(d) The following list, although not exhaustive or exclusive, does include many of the generic and brand-name Schedule II drugs available as of September 1, 1978, which fall within the above regulation: amphetamine, Benzadrine, Biphetamine, Desoxyn, Dexamyl, Dexedrine, dextroamphetamine, Eskatrol, Fetamin, methamphetamine, methylphenidate, Obetrol, Obotan, phenmetrazine, Preludin and Ritalin.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1978, to:

Edwin H. Albano, M.D., President  
Board of Medical Examiners  
28 West State Street  
Trenton, N.J. 08608  
Telephone: (609) 292-4843

The Board of Medical Examiners, upon its own motion or at the request of any interested party, may thereafter adopt the above rules substantially as proposed without further notice.

Edwin H. Albano, President  
Board of Medical Examiners  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Proposed Rule on Standards for Testing and Diagnostic Centers

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1, et seq., proposes to adopt the following new regulation concerning Health Testing Centers and Diagnostic Centers or Clinics.

The performance of physical examinations accompanying diagnostic testing procedures on human beings are included within the practice of medicine. Such services are presently being offered to the public in both stationary and mobile facilities which are not in all circumstances regulated by the Department of Health. It is essential for a meaningful interpretation of test data that the underlying tests be administered competently and appropriately as determined and supervised by a licensed physician.

The purpose of this regulation is to define and establish minimum medical standards of operation for those centers, clinics or facilities which provide or purport to provide activities such as physical examinations and/or laboratory testing procedures, which are presently regulated by N.J.S.A. 45:9-1 et seq. and 45:9-42.1 et seq.

Full text of the proposal follows:

13:35-6.14 Standards concerning testing and diagnostic centers

(a) The provisions of this regulation shall be applicable to centers, clinics or facilities which provide or offer to provide physical examinations and/or testing procedures.

(b) Definitions include the following:

1. "Automated Health Testing Center" (AHTC) means a facility under the control, supervision, direction and phys-

ical presence of a licensed physician or a group of licensed physicians offering services to the medical profession or to the public, which screens patients by multiphasic methods, such screening resulting in a determination less complete than a physical examination performed by a licensed physician; and which does not purport to substitute for such complete physical examination. This definition is not intended to include a one-modality service, such as community chest X-ray examination, and community blood pressure examination.

2. "Diagnostic Center" or "Diagnostic Clinic" (hereafter "Center") means a facility under the control, supervision, direction and physical presence of a licensed physician, which is staffed by one or more licensed physicians and which contains the facilities necessary to render a medical service by establishing a diagnosis and which may recommend a course of treatment for the patient.

3. "Licensed physician" means a duly licensed physician of the State of New Jersey who possesses a current unrestricted license to practice medicine and surgery.

(c) The licensed physician in charge of and responsible for the supervision and direction of the AHTC or the Center shall, prior to operation of the facility, submit for approval of the Board of Medical Examiners a copy of the licensing application previously approved by the Department of Health, proof of current licensure of physician in charge, and, if applicable, facility license pursuant to N.J.S.A. 45:9-42.26.

(d) The licensed physician in charge and the AHTC or Center shall have the following responsibilities:

1. Procure from the patient a designated physician or, in the absence of a designated physician the addressee to whom all reports shall be directed.

2. Submit the full test report to the referring or designated physician and to the patient or designated addressee as instructed by the patient, not later than three business days from the date of receipt of such test report by the AHTC or Center.

3. Clearly identify all abnormalities for the attention of the physician.

4. Where abnormality is apparent, the notification to the patient shall be accompanied by an express recommendation that the patient contact the appropriate physician for clarification.

(e) Noncompliance with the above regulations may be considered gross malpractice or gross neglect by the licensee and may result in the institution of suspension or revocation proceedings.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 25, 1978, to:

Edwin H. Albano, M.D., President,  
Board of Medical Examiners  
28 West State Street  
Trenton, N.J. 08608  
Telephone: (609) 292-4843

The Board of Medical Examiners upon its own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as proposed without further notice.

Edwin H. Albano, President  
Board of Medical Examiners  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF VETERINARY MEDICAL EXAMINERS

##### Rule on Temporary Permit Fee

On August 18, 1978, Silvio Fittipaldi, President of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule concerning temporary permit fees, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 258(b).

Take notice that, the citation for this rule will be N.J.A.C. 13:44-2.13 rather than N.J.A.C. 13:44-2.11 as was indicated in the Notice of Proposal.

An order adopting this rule was filed and became effective on September 14, 1978, as R.1978 d.323.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENERGY

### THE COMMISSIONER

#### Amendments to Rules on Energy Conservation

On September 8, 1978, the Department of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to the rules concerning energy conservation.

The energy conservation rules adopted on August 3, 1978 (See R.1978 d.273 at 10 N.J.R. 204(c) and 10 N.J.R. 405(c)), contained typographical errors and inadvertently omitted some items. These amendments are adopted to clarify those items and in no way do they alter the substance of the previously adopted rules.

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

14A:3-1.2(b) These rules may be amended by the Commissioner in accordance with the provisions of N.J.S.A. [52:15B-1 et seq.] **52:14B-1 et seq.**

14A:3-2.2 Definitions

“BTU” or “British Thermal Unit” means the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit from the temperature **60** degrees Fahrenheit at standard pressure (14.7 psia) conditions.

“Optimum percent oxygen” means the lowest percent oxygen content in the flue gas which can be achieved without:

1. Exceeding 220 ppm carbon monoxide for gas fired boilers or the air pollution levels specified by N.J.A.C. 7:27-3.1 et seq. for coal and oil fired boilers; or

2. Causing delayed ignition, visible flame instability, flame carryover, flame impingement, pulsation noise [; and,].

[3. Jeopardizing the safety of the boiler.]

“Percent oxygen” means the ratio of the volume of oxygen contained in the sample of flue gas to the total volume of the sample. Percent oxygen may be determined directly from a device which measures O<sub>2</sub> content or equivalent percent O<sub>2</sub> content may be determined indirectly by conversion from devices which measure CO<sub>2</sub>.

...

#### 14A:3-3.1 Scope

The provisions of this subchapter shall apply to all oil-fired units on which maintenance is performed annually in residential premises, commercial premises and schools. Oil-fired units involving large boilers defined in and covered by N.J.A.C. 14A:3-2.1 et seq. shall not be covered by this subchapter.

#### 14A:3-3.2 Definitions

“Flue gas analyzer” means a device used to extract a sample of flue gas and measure the percentage of carbon dioxide (CO<sub>2</sub>) in the sample[,] or the percentage of oxygen (O<sub>2</sub>) in the sample if measuring device is so designed.

“Maintenance” means any [supplier - or heating contractor-provided] inspection, cleaning, lubrication, adjustment, testing or replacement of parts of a unit or its controls. Maintenance shall not include emergency services.

“Smoke scale” means a [device used to extract a sample of flue gas which passes through filter paper to produce a stain.] photometric scale to which the filter paper stained by the flue gas sample extracted by the smoke tester is compared to determine the smoke condition of the unit. A smoke scale shall be considered approved if it is constructed and operated in accordance with ANSI Z 11.182 or ASTM D 2156-65.

“Smoke tester” means a device used to extract a sample of flue gas. A smoke tester shall be considered approved if it is constructed and operated in accordance with ANSI Z 11.182 or ASTM D 2156-65.

...

14A:3-3.5(b)3. Percentage of carbon dioxide (%CO<sub>2</sub>) or percentage of oxygen (%O<sub>2</sub>) using a flue gas analyzer;

14A:3-3.5(b)4. Smoke number of the flue gas using [a] an approved smoke tester and an approved smoke scale; and,

14A:3-3.5(d)2. Using a stack loss chart and the values obtained in (b)3. and [(c)1.] (d)1., compute the stack loss percentage [% SL]; and,

14A:3-3.6(a) All oil-fired units subject to the provisions of this subchapter shall be maintained annually to meet the requirement specified in N.J.A.C. 14A:3-3.4.

14A:3-3.6(a)2. Where the oil-fired unit cannot be maintained to meet the minimum efficiency rating as set forth in N.J.A.C. 14A:3-3.4, the fuel supplier, heating contractor or person who is providing the maintenance service shall notify the owner of the premises that the unit cannot meet the efficiency rating recommended by the Department. A copy of the notice stating the efficiency rating achieved shall be filed with the Department on forms prescribed by the Department; and,

#### 14A:3-4.1 Scope

Effective one year after adoption of these regulations, all new and renovated buildings shall comply with the [performance] thermal efficiency standards as required by N.J.A.C. 14A:3-4.4.

14A:3-4.2(a) The requirements of this [subsection] subchapter shall apply to all newly constructed and renovated buildings [as such as defined in subchapter 7 of this chapter].

#### 14A:3-4.3 Definitions

[All terms not previously defined shall be as contained in the Energy Subcode of the Uniform Construction Code as defined by N.J.A.C. 5:23-3.3.] The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Newly constructed” means those buildings which receive a construction permit as required by the Uniform Construction Code Act after the effective date of this subchapter.

“Renovated” means those buildings which receive a construction permit pursuant to the Uniform Construction Code Act for changes made to their structure after the effective date of this subchapter.

14A:3-4.4(a) All [covered] buildings subject to the provisions of this subchapter [as defined by N.J.A.C. 14A:3-4.2] shall comply with the standards of the Energy Subcode of the Uniform Construction Code [Act] as such is adopted by the New Jersey Department of Community Affairs except where the energy efficiency standard for any particular appliance is established by the Department of Energy; and,

#### 14A:3-5.1 Scope

The standards set forth in this subchapter shall apply to all buildings in the following Use Groups as defined by the Building Subcode of the Uniform Construction Code [Act]: Use Groups A, B, F, M, R, S and T. Use Groups I, R-3 and R-4 and residential portions of R-1 and R-2 are specifically exempted from the standards provided for in this subchapter.

#### 14A:3-5.2 Applicability

The requirements of this subchapter shall become effective for all [covered] buildings subject to the provisions of this subchapter of more than 4,000 square feet one year after adoption.

#### 14A:3-5.3 Requirements

Each building subject to the requirements of this subchapter shall have installed a seven-day, day-night thermostat(s) or other similar type control equipment which permits the [operation thereof to set the] thermostatic setting to be set consistent with the standards of N.J.A.C. 14A:3-5.4. Said thermostat shall be equipped with an interlock device which prohibits the simultaneous operation of both the heating and cooling systems.

#### 14A:3-5.4 Standards

(a) Each building subject to the requirements of this subchapter shall [set] have its thermostat set according to the following standards:

1. During periods when the building is either occupied or otherwise open for public use; and

i. When heating equipment is in use, the maximum thermostatic setting [for commercial retail space shall be 65 degrees F, and for all other spaces 68 degrees F] shall be 68 degrees F, except for buildings in Use Group S and storage spaces in buildings in Use Groups A, B, F,

M, R and T where the maximum thermostatic setting shall be 65 degrees F; or

14A:3-5.6 Enforcement

The standards set forth in N.J.A.C. 14A:3-5.4 shall be the standards employed by the New Jersey Department of Community Affairs pursuant to its authority under the Uniform Construction Code [Act], N.J.A.C. [5:23 et seq.] 5:23-1.1 et seq. Said Department shall have primary authority to enforce said standards.

14A:3-6.2 Requirements

Each public utility which distributes natural gas [as described in N.J.A.C. 14A:3-9.1] shall develop a conservation program designed to replace continuously burning pilot lights with automatic electric ignition systems or an acceptable alternative for residential home heating systems as well as other appliances according to energy efficiency, conservation, engineering and economic benefits.

14A:3-7.2 Definitions

"Newly constructed" means those residences which receive a construction permit as required by the Uniform Construction Code Act after [July 1, 1978] the effective date of this subchapter.

"Renovated" means those residences which receive a construction permit pursuant to the Uniform Construction Code Act for changes made to their structure after [July 1, 1978] the effective date of this subchapter.

"Unit" means any residential space designed and constructed for occupancy by one family, business or corporate entity. Hotels, motels and [dormitories] dormitories, as such are defined by the Building Subcode of the Uniform Construction Code, [N.J.A.C. 5:23 et seq.] N.J.A.C. 5:23-1.1 et seq., are excluded from this definition.

14A:3-7.3(a) All newly constructed residential units shall have installed and [operated] operative an individual electric meter for each unit so constructed;

14A:3-7.4 Checkmetering

[(a)] Nothing provided for herein shall prohibit the rendering of electric service via the methodology referred to as "checkmetering" as such is defined by and provided for in the utility tariffs on file with the Board of Public Utilities.

14A:3-7.5 Enforcement

The standards set forth in N.J.A.C. 14A:3-7.3 shall be enforced by the New Jersey Department of Community Affairs pursuant to its authorities under the Uniform Construction Code [Act], N.J.A.C. [5:23 et seq.] 5:23-1.1 et seq. and said Department shall have primary authority to enforce said standards.

14A:3-8.3 Enforcement

The standards set forth in N.J.A.C. 14A:3-8.2 shall be enforced by the New Jersey Department of Community Affairs pursuant to its authorities under the "Uniform Construction [Construction] Code [Act]", [(N.J.A.C. 5:23 et seq.)] N.J.A.C. 5:23-1.1 et seq., and said Department shall have primary authority to enforce said standards.

14A:3-9.1 Scope

(a) The standards set forth in N.J.A.C. 14A:3-9.2 shall apply to all existing buildings in the following Use Groups as defined by the Building Subcode of the Uniform Construction Code [Act]: Use Groups A, B, F, H, I, M, P,

S and T. Use Groups R-3, [and] R-4 [,] and residential portions of R-1 and R-2 are specifically exempted from the standards provided for in this subchapter.

(b) In addition to the groups of buildings specifically exempted from N.J.A.C. 14A:3-9.2 in the above paragraph, N.J.A.C. 14A:3-9.1(a), all exceptions to criteria adopted by the Illuminating Engineering Society (I.E.S.) Recommended Procedure for Lighting Energy Management of Existing Buildings EMS-4 are exempted from the standards provided for in this subchapter.

14A:3-9.3 Enforcement

The standards set forth in N.J.A.C. 14A:3-9.3 shall be enforced by the New Jersey Department of Community Affairs pursuant to its authorities under the "Uniform Construction Code [Act]", [(N.J.A.C. 5:23 et seq.)] N.J.A.C. 5:23-1.1 et seq., and said Department shall have primary authority to enforce said standards.

SUBCHAPTER 10. AIR [CONDITIONING] CONDITIONER AND HEAT PUMP ENERGY EFFICIENCY RATIOS

14A:3-10.1(a) The standards set forth in this [subsection] subchapter shall apply to all air conditioners or heat pumps either directly or indirectly offered for sale, rent or distribution in this State. Any air conditioner or heat pump manufactured before the applicable effective dates specified in N.J.A.C. 14A:3-10.6 or any rebuilt, used or reconditioned air conditioner or heat pump originally manufactured before the applicable effective dates specified in N.J.A.C. 14A:3-10.1.6] 14A:3-10.6 shall be exempt from the standards set forth herein.

14A:3-10.3 Definitions

"Air conditioner" means and includes any electrical appliance which has a compressor, a condenser, an evaporator, and a fan to cool and dehumidify the surrounding air, and which has a cooling capacity rating up to 65,000 BTU/hr., including room air [conditioners] conditioners, unitary central air conditioners and packaged [thermal] terminal air conditioners.

"Heat pump" means a mechanical apparatus for heating or cooling a building or room therein by transferring heat between an external reservoir such [an] as air, water, or ground and the internal environment.

14A:3-10.7(a) Any person selling, offering for sale or displaying for sale in this State any air conditioner or heat pump, other than unitary central air conditioners manufactured after the effective date of this regulation, shall set forth by a conspicuous stamp, tab, label, or sign attached to the air conditioner or heat pump, the model number cooling capacity rating, wattage rating, and the energy efficiency ratio for such air conditioner or heat pump with an explanation as follows:

Model Number	.....
Cooling Capacity Rating	..... BTU's/hr.
Wattage Rating: Cooling	..... watts
Energy Efficiency Ratio	.... [BTU's/hr. watts] BTU's/ watt-hour

14A:3-10.7(c) [The labelling requirement shall be effective on January 1, 1979 for all heat pumps and air conditioners and packaged terminal air conditioners flush mounted with an outside wall.] The labelling requirement for packaged terminal air conditioners flush mounted with an outside wall and thru-the-wall air conditioners designed for flush mounting within a steel wall sleeve shall be effective January 1, 1980. The labelling requirement for all

other air conditioners and all heat pumps shall be effective January 1, 1979. The requirement shall remain in effect until such time as federal requirements on labelling become effective.

An order adopting these amendments was filed and became effective on September 8, 1978, as R.1978 d.315 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rule on Speed Limits On Route U.S. 46

Louis J. Giambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt a new rule concerning speed limits on parts of Route U.S. 46.

Full text of the proposal follows:

16:28-1.179 Route U.S. 46

In accordance with the provisions of N.J.S.A. 39:4-98, the speed limits established by Regulation LS-76-7, Zone 24, providing for a 50 m.p.h. limit is hereby revised to effect 40 m.p.h. within the corporate limits of Rockaway Borough and that part of Denville Township between Rockaway Township line (milepost 42.0) and Broad Street (milepost 42.12).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

Louis J. Giambaccini  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rule on No Right Turns On Red Signals on Route 57

Louis J. Giambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to adopt a new rule concerning no right turns on red signals on parts of Route 57.

Full text of the proposal follows:

16:28-12.77 Route 57 in Mansfield Township, Warren County

(a) In accordance with the provisions of Title 39:4-183.6 of the Revised Statutes, turning movements of traffic on

the certain parts of State Highway Route 57 described below are regulated as follows:

1. No right turns east on Route 57 to south onto Penwell Road (easterly intersection).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

Louis J. Giambaccini  
Commissioner  
Department of Transportation

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rule on Restricted Parking on Route 94

Louis J. Giambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt a new rule concerning restricted parking on parts of Route 94.

Full text of the proposal follows:

16:28-3.182 Route 94 in Vernon Township, Sussex County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 94 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along both sides of Route 94:

(1) From the Hardyston Township-Vernon Township corporate line to the Lehigh and Hudson River Railroad (McAfee Railroad tracks);

(2) From the intersection of County Road 517 (Rudetown Road) to the intersection of Mott Drive;

(3) From the westerly curb line of Route 94-County Road 515 (South intersection) to a point 130 feet westerly therefrom.

ii. Along the northbound side of Route 94 from County Road 515 (Stockholm Road) (South intersection) to a point 800 feet northerly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Giambaccini  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION THE COMMISSIONER

### Proposed Amendments on No-Passing Zones On Routes U.S. 206, N.J. 94, 23 and 31

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to amend N.J.A.C. 16:28-15.9 and adopt new rules, to be cited as N.J.A.C. 16:28-15.11 through 16:28-15.13, concerning no-passing zones on parts of Routes U.S. 206, N.J. 94, 23 and 31.

Full text of the proposal follows:

16:28-15.9 Along Route U.S. 206 from I-80—N.J. 183—U.S. 206 N.B. interchange to Delaware Road-Montague River Road-Old Mine Road, in Byram Township, Andover Borough, Andover Township, Newton, Town of, Hampton Township, Frankford Township, Branchville Borough, Sandyston Township, Montague Township, in Sussex County.

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route U.S. 206 described in drawing No. HNPZ-006 dated January 7, 1977, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.11 Route 94 from U.S. 46 - I-80 interchange to Warren County-Sussex County lines, in Knowlton Township, Blirstown Township, Frelinghuysen Township in Warren County.

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 94 described in drawing No. HNPZ-008 dated February 1, 1977, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.12 Route 23 in Hardyston Township, Franklin Borough, Hamburg Borough, Wantage Township, Sussex Borough and Montague Township in Sussex County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 23 described in drawing No. HNPZ-038 dated July 6, 1978, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.13 Route 31 in Washington Township, Washington Borough, Mansfield Township, Oxford Township, White Township in Warren County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 31 described in drawing No. HNPZ-016 dated August 15, 1977, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION THE COMMISSIONER

### Proposed Amendments on Restricted Parking On Parts of Routes 49, 72 and 28

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to delete the text of N.J.A.C. 16:28-3.103 and adopt new text therein as well as new rules, to be cited as N.J.A.C. 16:28-3.180 and 16:28-3.181, concerning restricted parking on parts of Routes 49, 72 and 28.

Full text of the proposal follows:

16:28-3.103 Route 49 in the Township of Pennsville, Salem County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 49 described herein below shall be, and hereby are, designated and established as "no parking" and "no stopping or standing" zones except as provided in N.J.S.A. 39:4-139.

1. Along the easterly (northbound) side of Route 49:

i. No stopping or standing:

(2) Between the intersections of Lakeview Avenue and Pittsfield Street.

(2) Between the intersections of William Penn Avenue and School Lane.

ii. No parking between the driveways of the post office in Pennsville (opposite Riverview Park entrance).

2. Along the westerly (southbound) side of Route 49:

i. No stopping or standing:

(1) Between the intersections of Fairview Street and Maple Avenue.

(2) Between the intersections of Laweview Avenue and West Pittsfield Street.

(3) Between the intersections of Ferry Avenue and Chestnut Street.

3. Along both sides of Route 49:

i. No stopping or standing:

(1) From Benson Avenue to a point 350 feet northerly therefrom.

(2) From Church Street to a point 350 feet southerly therefrom.

ii. No parking between the driveways of the Trinity Methodist Church.

(3) From a point 300 feet north of Lenape Drive and extending therefrom southerly for a distance of 1,000 feet.

16:28-3.180 Route 72 in Stafford Township, Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 72 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 72 from the easterly curbline of Jennings Road to a point 2,000 feet east of the easterly curbline of Jennings Road.

16:28-3.181 Route 28 in Elizabeth, Union County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 28 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along the northerly side of Route 28 beginning at a point 475 feet west of the westerly curb line of Cherry Street to a point 95 feet westerly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION THE COMMISSIONER

### Proposed Rules on Traffic Control And Parking on D.O.T. Property

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-208, proposes to adopt new rules concerning traffic control and parking on D.O.T. property at main headquarters and at the Metro Park Train Station parking areas.

Full text of the proposal follows:

16:28-16.2 N.J. D.O.T. property; headquarters

(a) The following rules and regulations are adopted pursuant to Title 39-4 208 of the Revised Statutes.

1. Except as hereinafter provided, the operator of a vehicle shall not park the vehicle in any parking area constructed, owned and maintained at the headquarters of the D.O.T. unless such vehicle is registered with a parking permit issued by the Bureau of Security.

2. Applications for registration and parking permits shall be denied unless the names of those submitted are D.O.T. employees or are connected with the D.O.T. in some capacity at the main headquarters.

3. Parking permits shall be serially numbered and shall indicate general parking. The permit will be designed for pasting and shall be pasted upon the inside of the rear window.

4. No person shall counterfeit a parking permit or make a substitute or temporary permit, or use such a permit with intent to evade or violate the requirements of these regulations.

5. To be valid, the parking permit must be on the car

at all times while parked in designated D.O.T. parking areas.

6. Records of all permits issued will be kept on file at the issuing agent's office.

7. Temporary parking permits may be issued by the issuing agent for emergency purposes or for any other purpose that may be necessary for official State business. These permits will be void except for the date mentioned thereon.

8. Reserved parking spaces may be established within the various parking areas, including areas for visitor parking, and will be properly marked by signs or markings and the operator of any vehicle using such areas will obey all reserved signs or markings.

9. On special or emergency occasions any D.O.T. parking area may be designated as a closed area to permit holders. On such occasions proper notice will be given to permit holders as soon as possible and such notice will designate, providing there is space, another area available to them during such time.

10. The operator of a vehicle shall not stop or stand the vehicle in the driveways or roadways marked with signs of any of the parking areas so as to interfere with the free and orderly movement of vehicles entering or leaving the areas.

11. The operator of a vehicle will park said vehicle in a proper manner in the spaces marked by white lines and they shall not park the vehicle in any other space not so marked.

12. The operator of a vehicle upon entering, remaining in or leaving the various parking areas will obey all traffic lights, signs and all Department-designated officers that may be on duty at the time.

13. The Department-designated officer on duty in any of the D.O.T. parking areas may regulate and control the traffic and parking and all drivers of vehicles shall obey his orders and directions, notwithstanding anything contained in these rules and regulations.

14. Parking permits may be revoked by the issuing agent at any time the holder of such permit is found to be violating any of the rules and regulations.

PENALTY: As prescribed by Title 39:4-209 of the Revised Statutes, "Any person who shall violate any of the said regulations shall be subject to a fine of not less than one dollar (\$1.00) nor more than ten dollars (\$10.00)".

16:28-16.3 Metro Park Station: Woodbridge Township; parking areas

(a) The following rules and regulations are adopted pursuant to N.J.S.A. 39:4-208 of the Revised Statutes for the control of traffic and parking on Department of Transportation Property (Metro Park Train Station) in the Township of Woodbridge, Middlesex County.

1. The operator of a vehicle shall not stop or stand the vehicle in the driveways or roadways marked with signs or any of the parking areas so as to interfere with the free and orderly movement of vehicles entering or leaving the areas.

2. The operator of a vehicle will not park any time along the curbing fronting the Railroad Station and exiting platform.

3. The operator of a vehicle will park said vehicle in a proper manner in the spaces marked by white lines and they shall not park the vehicle in any other space not so marked.

4. The two driveways in the Metro Park Train Station beginning at the Middlesex-Essex Turnpike are hereby designated as Through Streets and the existing stop signs shall remain as installed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

**(a)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Proposed Amendments on Issuance And Sale of DOT Public Records**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6, proposes to adopt amendments concerning the issuance and sale of DOT public records.

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

#### **SUBCHAPTER 2. ISSUANCE AND SALE OF NJDOT PUBLIC RECORDS**

##### **16:1-2.1 Definitions**

"NJDOT Public Record" means that as defined in N.J.S.A. 47:1A-2 [any record which is required by law to be made, maintained or kept on file by the NJDOT], except as excluded in N.J.A.C. 16:1-2.2(c).

##### **16:1-2.2 Requirements**

(a) All NJDOT Public Records shall be readily accessible for examination by the citizens of New Jersey during the regular business hours of the Bureau Chief, Regional Engineer or higher level having custody of the NJDOT Public Record. Every citizen of the state shall also have the right to copy such records by hand or to purchase copies thereof.

(b) All other records of the NJDOT and the Commissioner of Transportation shall be available for inspection and examination only to the extent and for such purposes as may be expressly authorized by the Commissioner of Transportation.

(c) The records listed below shall not be deemed NJDOT Public Records, but [and] may be made available for inspection, examination, and copying only by an individual who demonstrates to the satisfaction of the **Custodian of Records, Director, Division of Central Services, in conjunction with the Bureau Chief, Regional Engineer or higher level having custody of such records**, that the citizen has a legitimate beneficial interest in such record or the protection of his property rights or the protection of any interest the citizen may have in any matter affecting the citizen to which the said record is relevant. Availability may be limited to that part of the record which is particularly relevant to the citizen. Such records include all those which are made, maintained or kept on file by the NJDOT relating to:

1. Future construction projects in terms of specific amounts or locations.
  2. [Estimates, appraisals, and costs of acquiring right-of-way prior to the completion of a project.] [See item (j)] **(Reserved)**
  3. Qualifications and classifications of contractors, consultants, and appraisers.
  4. Research and tests required in the development of highway materials, design and construction.
  5. Consultants' draft and final reports, NJDOT draft and final preliminary planning and engineering studies, and assessment prior to disclosure at public hearings.
  6. [All records which are part of any case file maintained by a Deputy Attorney General acting for the NJDOT.] [See item (j)] **(Reserved)**
  7. Preliminary aircraft accident investigative reports.
  8. Reports of aeronautical surveillance or investigation.
  9. Personnel and pension records except that the following shall be public:
    - i. An individual's name, title, position, salary, payroll record, length of service in the instrumentality of government and in the government, date of separation from government service and the reason therefor; and the amount and type of pension he is receiving;
    - ii. Data contained in information which disclose conformity with specific experimental, educational or medical qualifications required for government employment or for receipt of a public pension, but in no event shall detailed medical or psychological information be released.
  10. Police and driver reports of accidents on file with the Bureau of Accident Records.
  11. All records which are part of any workpapers, memoranda, or reports which are made, maintained, or kept by the Office of Internal Auditing in the Department of Transportation.
  12. Bridge survey reports.
  13. Research documents pertaining to ongoing studies for the operational areas of the NJDOT prior to disclosure to the public.
  14. Audit reports performed by NJDOT personnel or outside agency personnel for the NJDOT.
  15. Inspection records of signalized equipment.
  16. New Jersey highway defense requirements bridge records.
- (d) The right of examination herein provided for may be denied where the records which are sought to be examined pertain to an investigation in progress by any body, agency, commission, board, authority or official, if the inspection, copying or publication of such records shall not be in the best interest of the public.
- (e) To safeguard the interest of the NJDOT as well as the general public in the release of records, the Bureau Chief, Regional Engineer, or higher level having custody of the records shall, where uncertainty exists, contact the authorized person from the appropriate bureau for approval prior to releasing the requested information.
- (f) If a citizen of this state wishes to copy more than 100 pages of NJDOT public records, the Bureau Chief, Regional Engineer, or higher level having custody of the records, may permit the citizen to use the citizen's own photographic process providing:
1. The photographic process is approved by the custodian.
  2. There is no risk of damage or mutilation of the records.
  3. The copy of such records by the citizen would not be incompatible with the economic and efficient operation of the office and the transaction of public business therein.

4. The citizen is willing to pay the fee which shall be established by the custodian after considering the equipment and time involved (such fee shall not be less than \$5.00 nor more than \$25.00 per day).

(g) N.J.S.A. 47:1A-2 of "The Present New Jersey Right to Know Law", requires that if a price for a public record has not been established by a N.J. statute, N.J. legislative resolution, N.J. Governor's executive order, rule of court, Federal law, regulation or order, or any N.J. regulation, the following fees are in effect;

- 1. First page to tenth page: \$ .50 per page;
- 2. Eleventh page to twentieth page: \$ .25 per page;
- 3. All pages over 20: \$ .10 per page.

(h) [A request from a citizen for information, which is not a NJDOT Public Record and requires a significant amount of research and investigation, shall be charged on a man-hour basis.]

When it is determined by the Official Custodian of the nonpublic records listed in subsection (c) of this section, or the Commissioner of Transportation in the case of all other nonpublic records, to make available records that involve a significant amount of research and investigation, the charges shall be on a man-hour basis.

(i) [According to law or the Commissioner's discretion, a particular NJDOT Public Record may be publicly distributed free of charge.]

[(j)] The records listed below shall not be deemed NJDOT Public Records and are subject to the provisions of N.J.S.A. 20:3-12c and 20:3-12d and rules of the N.J. Supreme Court R:4:73-11.

1. Estimates, appraisals and costs of acquiring right-of-way prior to the completion of a project.

2. For the preservation of the "Attorney-Client Privilege", all records which are part of any case file maintained by a Deputy Attorney General acting for the NJDOT.

16:1-2.3 Procedure for obtaining NJDOT Public Records

(a) A private citizen, in person or in writing, may obtain a NJDOT Public Record directly from a Bureau Chief, Regional Engineer, or higher level upon conferring with the Custodian of Records, Director, Division of Central Services.

(b) A private citizen, who does not know where a particular NJDOT Public Record may be obtained, should contact, in person or in writing:

Official Custodian of Records  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625  
Att: Chief, Bureau of Records and Services

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Amendments on Restricted Parking On Routes 26, 44, 28 and U.S. 22

On September 7, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-3.41, 16:28-3.162, 16:28-3.172 and 16:28-3.173, concerning restricted parking on portions of Routes 26, 44, 28 and U.S. 22, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 358(a).

An order adopting these amendments was filed and became effective September 7, 1978, as R.1978, d.307.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Rule on Yield Intersection in Bordentown Township

On September 6, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-8.2, concerning a yield intersection in Bordentown Township, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 355(b).

An order adopting this rule was filed and became effective September 7, 1978, as R.1978 d.308.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Rule on One-Way Traffic on Portions of Route 35

On September 6, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-4.6, concerning one-way traffic along portions of Route 35, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 356(a).

An order adopting this rule was filed and became effective September 7, 1978, as R.1978 d.309.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

**TRANSPORTATION  
THE COMMISSIONER**

**Rule on Restricted Parking on Parts of Route 34**

On September 6, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-3.178, concerning restricted parking on parts of Route 34, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 356(b).

An order adopting this rule was filed and became effective September 7, 1978, as R.1978 d.310.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

**TRANSPORTATION  
THE COMMISSIONER**

**Rule on Speed Limits on Portions of Route I-280**

On September 6, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, concerning speed limits on portions of Route I-280, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 356(c).

Take notice that, this rule will be cited as N.J.A.C. 16:28-1.179, rather than the citation of N.J.A.C. 16:28-1.177 that appeared in the Notice of Proposal.

An order adopting this rule was filed and became effective September 7, 1978, as R.1978 d.311.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

**TRANSPORTATION  
THE COMMISSIONER**

**Rules on Restricted Parking on Portions  
Of Routes U.S. 22, N.J. 28, 33 and 49**

On September 6, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.174 through 16:28-3.177, concerning restricted parking on portions of Routes U.S. 22, N.J. 28, 33 and 49, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 357(a).

An order adopting these rules was filed and became effective September 7, 1978, as R.1978 d.312.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

**TRANSPORTATION  
THE COMMISSIONER**

**Amendments on Speed Limits on Parts of Route 47**

On September 6, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-1.138 through 16:28-1.143, concerning speed limits on parts of Route 47, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 357(a).

An order adopting these amendments was filed and became effective September 7, 1978, as R.1978 d.313.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

**TREASURY  
LOTTERY COMMISSION**

**Proposed Rules on Suspension and  
Revocation of Lottery Agent's Licenses**

The Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7, proposes to adopt new rules concerning the suspension and revocation of lottery agent's licenses.

Full text of the proposal follows:

**17:20-7.3 Conviction of crime**

Any person who has been convicted of a crime or a disorderly persons offense relating adversely to the duties of a lottery agent may be denied a license to sell or distribute lottery tickets. Any such person shall have a right to a hearing before such denial becomes final.

**17:20-7.4 Hearings**

The Executive Director may summarily and without a prior hearing revoke the license of any agent convicted of a crime or a disorderly persons offense relating adversely to the duties of a lottery agent. Any such agent shall be entitled to an immediate post-revocation hearing.

**17:20-7.5 Suspension pending trial**

Any agent against whom an indictment, accusation or complaint has been filed charging commission of a crime or a disorderly persons offense relating adversely to the duties of a lottery agent may be summarily suspended as a lottery agent pending the outcome of his trial.

**17:20-7.6 Suspension or revocation**

The license of any agent who is arrested for a crime or a disorderly persons offense relating adversely to the duties of a lottery agent, may be suspended or revoked after a license revocation hearing.

**17:20-7.7 Reporting offenses**

Any agent may have his license revoked for not reporting in writing to the Lottery Commission his arrest, or the filing of an indictment, accusation, complaint, or his

conviction, of a crime or a disorderly persons offense relating adversely to the duties of a lottery agent within five days of such arrest, indictment, accusation, complaint or conviction.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

Mrs. Gloria A. Decker  
Executive Director  
Lottery Commission  
Taxation Building  
West State and Willow Streets  
Trenton, N.J. 08625

The Lottery Commission may thereafter adopt rules concerning this subject without further notice.

Gloria A. Decker  
Executive Director, Lottery Commission  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF PENSIONS

#### HEALTH BENEFITS COMMISSION

##### Proposed Amendments Concerning Health Benefits Program

William J. Joseph, Secretary, Health Benefits Commission, in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27, proposes to amend rules N.J.A.C. 17:9-2.3, 17:9-5.3, 17:9-5.8, 17:9-6.1 and 17:9-7.4, concerning the State Health Benefits Program.

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

17:9-2.3(a) Any employee who shall elect not to enroll for coverage for himself or for his dependents at the time such employee or dependent first becomes eligible for coverage shall subsequently be permitted to enroll himself and his dependents only during the annual enrollment period, which is the month of [April] February of each year with coverage effective for the first coverage period in [August] May in the case of State coverage and the month of January with coverage effective [April 1] May 1 in the case of local coverage.

##### 17:9-5.3 Advance premiums

For the purpose of local coverage, in the traditional program, the employer must remit to the Division of Pensions premiums covering a one-month period in advance of the coverage date whereas premiums for HMO coverage are remitted directly to the HMO in which the employee is enrolled.

17:9-5.8(e) All refunds will be made payable to the active or retired employee constituting the most timely premium payment for Part B coverage.

17:9-6.1(d) The definition of "retired employee" shall also include an employee who is eligible to receive a monthly annuity from the Teachers' Insurance and Annuity Association or long-term disability benefits based on his participation in [an] the New Jersey Alternate Benefit Program [in New Jersey], provided the employee who is

receiving a monthly annuity applied for and began receiving a TIAA annuity immediately following the termination of his employment in a position covered by [an] the Alternate Benefit Program [in New Jersey], and further provided, that TIAA agrees to deduct the appropriate premium from the retired employee's monthly TIAA annuity and remits it promptly to the State Health Benefits Program as a remitting agent.

17:9-6.1(f) The employer liability for premium payments on behalf of eligible retired employees which includes those employees who are eligible to receive long-term disability benefits is payable in accordance with the provisions of N.J.S.A. 52:14-17.32 and 17.38.

##### 17:9-7.4 Voluntary termination

An employee may elect voluntarily to terminate his coverage or coverage for his dependents at any time, but termination of the employee's own coverage shall automatically terminate the coverage of his dependents. Such voluntary termination shall be effected by written notice thereof to the Health Benefits Bureau by use of the enrollment and authorization form. Termination notices for employees enrolled in an HMO will be sent directly to the HMO by the employer.

Interested persons may present statements or arguments in writing relevant to the proposals on or before October 25, 1978, to:

William J. Joseph, Secretary  
Health Benefits Commission  
Division of Pensions  
20 West Front Street  
Trenton, N.J. 08625

The State Health Benefits Commission may thereafter adopt rules concerning this subject without further notice.

William J. Joseph, Secretary  
Health Benefits Commission  
Division of Pensions  
Department of the Treasury

(b)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments Concerning Classification of Funds

On September 8, 1978, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-5.5 and 17:16-5.6, concerning classification of funds.

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

##### 17:16-5.5 Temporary reserve group

(a) The temporary reserve group shall include:

1. Beaches and Harbors Fund;
- [1] 2. Clean Waters Fund;
- [2] 3. CMF/Administrative Expense Fund #097;
- [3] 4. CMF/Non-State Fund #098;
- [4] 5. CMF/Reserve Fund #099;
- [5] 6. College of Medicine and Dentistry of New Jersey—Self Insurance Reserve Fund #110;
- [6] 7. General Investment Fund;
- [7] 8. General Revenue Sharing Fund;
- [8] 9. General Trust Funds;

- [9] 10. Higher Education Buildings Construction Fund (Act of 1971);
- [10] 11. Housing Assistance Fund;
- [11] 12. Institutions Construction Fund;
- [12] 13. Medical Education Facilities Fund;
- [13] 14. Mortgage Assistance Fund;
- [14] 15. New Jersey Educational Facilities Authority;
- [15] 16. New Jersey Housing Finance Agency;
- [16] 17. New Jersey State Area Redevelopment Fund;
- [17] 18. Pension Adjustment Fund;
- [18] 19. Public Buildings Construction Fund;
- [19] 20. School Building Aid—Capital Reserve Fund;
- [20] 21. Special Railroad Deposits Trust Fund;
- [21] 22. State Facilities for Handicapped Fund;
- [22] 23. State Health Benefits Fund;
- [23] 24. State Lottery Fund—Investment;
- [24] 25. State of New Jersey—Alternate Benefit Program;
- [25] 26. State of New Jersey Cash Management Fund;
- [26] 27. State 1964 Institution Construction Fund;
- [27] 28. State Recreation and Conservation Land Acquisition Fund;

(b)

## TREASURY

### DIVISION OF TAXATION

#### Amendments on Floor Covering And Sales and Use Tax

On September 12, 1978, 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. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:24-22.2 and 18:24-22.3, concerning floor covering and the Sales and Use Tax Act, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 362(a).

An order adopting these amendments was filed and became effective September 13, 1978, as R.1978 d.320.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

- [28] 29. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
- [29] 30. State Recreation and Conservation Land Acquisition and Development Fund;
- [30] 31. State Transportation Fund;
- [31] 32. State Water Development Fund;
- [32] 33. Transportation Benefit Fund;
- [33] 34. Transportation Fund;
- [34] 35. Unemployment Benefits Liability Fund #844;
- [35] 36. Veterans' Loan Guaranty and Insurance Fund;
- [36] 37. Water Conservation Fund.

(c)

## TREASURY

### DIVISION OF TAXATION

#### Amendments on Business Personal Property Tax

On September 12, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:11A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:9-2.2, 18:9-2.3, 18:9-2.4 and 18:9-3.5, concerning the business personal property tax act, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 362(b).

An order adopting these amendments was filed and became effective September 13, 1978, as R.1978 d.321.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

#### 17:16-5.6 Trust group

(a) The trust group shall include:

- 1. College of Medicine and Dentistry of New Jersey Funds (1) Endowment Funds;
- 2. College of Medicine and Dentistry of New Jersey—Endowment Fund B;
- 3. Supplemental Annuity Collective Trust;
- 4. Tischler Memorial Fund.

An order adopting these amendments was filed and became effective on September 13, 1978, as R.1978 d.316 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Rule on Gross Income Tax Withholding

On September 12, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 18:35-1.10, concerning withholding and the Gross Income Tax Act, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 361(b).

An order adopting this rule was filed and became effective September 13, 1978, as R.1978 d.319.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### DIVISION OF TAXATION

#### Emergency Amendments on Petitions of Appeal

On September 15, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:13-14 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 18:12A-1.6, concerning petitions of appeal.

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

18:12A-1.6(d) A taxpayer who shall file an appeal from an assessment against him shall pay to the collector of the taxing district no less than the first three quarters of the taxes assessed against him for the current tax year in the manner prescribed in R.S. 54:4-66, even though his

petition to the county board of taxation might request a reduction in excess of one quarter of the taxes assessed for the full year. No county board of taxation shall hear the appeal unless the first three quarters of the current year taxes shall have been paid.

[(d)] (e) Petitioner who alleges discrimination and uses the assessments 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 and assessed valuation as shown in the current tax list.

[(e)] (f) A separate petition of appeal shall be received and filed with the Board on or before December 1 for each assessment under appeal on the added assessment list.

[(f)] (g) A separate petition of appeal shall be received and filed with the Board on or before December 1 for each assessment under appeal on an assessor's omitted assessment list pursuant to N.J.S.A. 54:4-63.39.

[(g)] (h) All other appeals from actions or determinations of tax assessors where no time is fixed by statute or by these rules shall be filed within 60 days from the date of the action or determination appealed from.

[(h)] (i) A petitioner must file a copy of each petition with the assessor. 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.

[(i)] (j) Proof of filing may be by receipt stamp of the taxing district or affidavit of service.

[(j)] (k) If the last day for filing a petition falls on a Saturday, Sunday or a legal holiday, the last day for filing shall be extended to the first succeeding business day.

An order adopting these amendments was filed and became effective on September 15, 1978, as R.1978 d.325 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## (Other Agencies)

### CASINO CONTROL COMMISSION

#### Proposed Amendments to Rules of Games Concerning Minimum and Maximum Wages

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt a new rule concerning the rules of the games regarding minimum and maximum wages.

Full text of the proposal follows:

19:47-5.7 Minimum and maximum wagers

(a) All wagers and payouts of winning wagers of table games shall be made according to rules promulgated by

the Commission, which shall establish such minimum wagers and other limitations as may be necessary to assure the vitality of casino operations and fair odds to and maximum participation by casino patrons; provided, however, that a casino licensee may establish a higher minimum wager with the prior approval of the Commission.

(b) With regard to each licensed casino operation, the Commission shall establish such minimum wagers and other limitations as may be necessary to assure the vitality of casino operations and fair odds to and maximum participation by casino patrons; after the Commission has considered the following factors:

1. Return on investment in the casino hotel complex, including:

i. The amount of the casino licensee's investment in the casino hotel complex;

ii. The profitability of the casino hotel complex;

iii. Competition with other licensed casino operations in this jurisdiction;

iv. Competition with casinos in other jurisdictions; and

v. Such other factors as the Commission may deem appropriate.

2. The flexibility necessary to enable the casino licensee to react to:

i. Market conditions;

ii. Seasonality;

iii. Peak periods of the day and week;

iv. Such other factors as the Commission may deem appropriate.

3. Maximum participation by casino patrons, including:

i. The patron demand for table games with various minimum wagers;

ii. The effect of minimum wagers and other limitations on the simulation and retention of the tourist and convention trade.

4. The spread between the minimum wager and the maximum wager at table games, which shall be as follows:

i. Blackjack: If the minimum wager at a table is two dollars (\$2) or five dollars (\$5), the maximum wager shall be at least five hundred dollars (\$500);

ii. Craps: If the minimum wager at a table is two dollars (\$2) or five dollars (\$5), the maximum wager shall be at least five hundred dollars (\$500); provided, however, that the maximum wager on the pass, don't pass, come, or don't come shall not preclude a casino patron from taking the odds or laying the odds in accordance with the Regulations of the Commission relating to craps;

iii. Roulette: If the minimum wager at a table is:

(1) Two dollars (\$2), the maximum wager shall be at least:

(A) One thousand dollars (\$1,000) on an even-money wager;

(B) Five hundred dollars (\$500) on a wager where the odds are two to one;

(C) Fifty dollars (\$50) on an inside wager, any way the patron can get to the number;

(2) Five dollars (\$5), the maximum wager shall be at least:

(A) Two thousand dollars (\$2,000) on an even money wager;

(B) Five hundred dollars (\$500) on a wager where the odds are two to one;

(C) One hundred dollars (\$100) on an inside wager, any way the patron can get to the number;

iv. Big six wheel: The minimum wager shall be one dollar (\$1) and the maximum wagers shall be at least:

(1) Four hundred dollars (\$400) on a wager where the odds are even money;

(2) Two hundred dollars (\$200) where the odds are two to one;

(3) Eighty dollars (\$80) where the odds are five to one;

(4) Fifty dollars (\$50) where the odds are ten to one;

(5) Fifty dollars (\$50) where the odds are twenty to one;

(6) Fifty dollars (\$50) where the odds are forty to one;

v. Baccarat: If the minimum wager at a table is twenty dollars (\$20) or fifty dollars (\$50), the maximum wager shall be at least two thousand dollars (\$2,000).

5. The adequacy of the notice to casino patrons of changes in the permissible minimum wagers, including the posting and announcing of such changes to casino patrons. In no event shall the casino licensee change the permissible minimum wagers at a table game unless the casino licensee has first given the patrons at least one hour advance notice of such change.

6. Notwithstanding the provisions of this regulation, the Commission shall not control the minimums of more than 70 per cent of the table games actually open for play at any licensed casino operation.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 25, 1978, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, N.J. 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

(a)

## HIGHWAY AUTHORITY

### GARDEN STATE PARKWAY

#### Proposed Amendments on Tolls And Exact Change Toll Lanes

The Highway Authority, pursuant to authority of N.J. S.A. 27:12B-1 et seq., proposes to amend N.J.A.C. 19:8-3.1 by adding new text therein concerning tolls and the use of exact change toll lanes on the Garden State Parkway.

Full text of the proposal follows:

19:8-3.1(d) It is hereby declared to be unlawful for any person to operate, or owner to permit to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway unless the person has the required change to pay the applicable toll in accordance with the above Schedule of Tolls of this section.

(e) Any person who operates, and any owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway and does not have the required change to pay the applicable toll in accordance with the above Schedule of Tolls must stop at the toll booth, remain in the vehicle, blow horn and wait until assisted by a toll, traffic or police officer before proceeding.

(f) Any person who operates, or owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway at an entrance or exit ramp when no toll collector is on duty and not having the required change

to pay the applicable toll in accordance with the above Schedule of Tolls shall pay said toll by mail addressed to New Jersey Highway Authority, Garden State Parkway, P.O. Box 53, Woodbridge, New Jersey 07095 or in person to a toll collector at any other location on the Parkway.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1978, to:

F. Joseph Carragher, Executive Director  
Highway Authority  
Garden State Parkway  
Woodbridge, N.J. 07095

The Highway Authority may thereafter adopt rules concerning this subject without further notice.

F. Joseph Carragher  
Executive Director  
Highway Authority

(b)

## HIGHWAY AUTHORITY

### GARDEN STATE PARKWAY

#### Propose Regulations Governing Towing Of Passenger Motor Vehicles by Campers

F. Joseph Carragher, Executive Director of the Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1, et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, proposes to amend N.J.A.C. 19:8-1.9(b)12., concerning towing of passenger motor vehicles by campers on the Garden State Parkway.

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

19:8-1.9(b)12. Motor vehicles in tow or motor vehicles pushing or being pushed along the travel portion of the road, except [the moving of disabled vehicles under State Police direction;] as follows:

i. Moving of disabled vehicles when directed by a traffic or police officer;

ii. Towing of vehicles in accordance with Parkway emergency service; or

iii. Towing of passenger motor vehicles by a camper, provided that not more than one vehicle is being towed, the camper and the vehicle being towed are connected by a bar and chain hitch and the brake lights, directional signals and emergency flashers on both vehicles are synchronized and under the control of the operator of the camper.

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 25, 1978, to:

F. Joseph Carragher, Executive Director  
Highway Authority  
Garden State Parkway  
Woodbridge, N.J. 07095

The Highway Authority, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

F. Joseph Carragher  
Executive Director  
Highway Authority

(a)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions to Charges on Boarding Gate Security Tariff at Newark and LaGuardia Airports

On July 26, 1978, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges concerning the boarding gate security tariff at Newark International and LaGuardia Airports.

Full text of the adoption follows:

Resolved, that the schedule of charges for the use of Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at LaGuardia Airport, adopted by the Committee, at its meeting on October 5, 1970 (appearing at pages 34 et seq. of the committee minutes of that date), as amended; and at Newark International Airport, adopted by the Committee, at its meeting on October 5, 1959 (appearing at pages 45 et seq. of the committee minutes of that date), as amended; be and the same are hereby amended effective July 26, 1978 by adding a new Section V to the Schedule of Charges at LaGuardia and a new Section VIII to the Schedule of Charges at Newark entitled "Special Terminal Charge" to read as follows:

For each eight-hour police tour for providing boarding gate police security requested by an airline or required by Federal regulation when the airline in question has no prior agreement with the Port Authority as to the provision of such service . . . . \$232  
and be it further

Resolved, that the executive director be and he hereby is authorized, at his discretion, to revise the \$232 per tour rate as conditions and costs require.

An order adopting these revisions was filed on August 31, 1978, as R.1978 d.301 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## SUBSCRIBING TO THE CODE

A goodly number of new subscriptions to the New Jersey Administrative Code, the 29 volumes of regularly updated rules of all State Government departments, have been received recently.

This may be due to the printing of an explanatory subscription form on the next-to-last page of the Sept. 7 Register.

Anyone interested in receiving the Code or certain rules therein, should refer to that issue.

Total volumes of the Code currently in use are now well over 30,000, mostly in full sets.

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### STATE'S INVESTMENT EARNINGS UP \$51 MILLION TO \$341 MILLION

State Treasurer Clifford Goldman recently reported that the State earned almost \$341 million during the last fiscal year on its investments in stocks and securities.

He stressed that only \$34 million of that total can be used for general State operations, the rest are held by the six State pension funds and other trust accounts and cannot be used for general purposes.

Because pension and other funds are held in trust or are dedicated for specific purposes by law, none of their investment earnings or capital can be used to replace taxes, or help close any future budget deficits, he said.

The investment earnings, described as "excellent" by Goldman, were \$51.4 million more than the State earned in fiscal 1977.

The "book value of all securities" held in the funds as of June 30, 1978 was more than \$5.9 billion, an increase of nearly \$527 million during the fiscal year, according to Goldman.

Of the total book value, the assets of the six pension funds totaled \$5 billion. The balance of \$974 million is in trust and other State funds.

The six pension funds administered by the State are the Public Employees Retirement System, Teachers Pension and Annuity Fund, Police and Firemen's Retirement System, State Police Retirement System, Consolidated Police and Firemen's Fund and Judicial Retirement System.

### FEDERAL GRANT BRINGS START ON TWO CITY INDUSTRIAL PARKS

The U.S. Economic Development Administration has approved grants totaling \$1,168,000 to the State Economic Development Authority to pay a portion of the cost of developing the Authority's first two urban industrial parks in Jersey City and Elizabeth.

The Federal funds will be matched with approximately \$3 million from the E.D.A. for acquisition and improvement of approximately 30 acres of urban renewal land in Elizabeth and another 29 acres of such land in Jersey City.

Both projects will be developed by the Authority as industrial parks to attract private investment and employment into the core-city areas of both municipalities.

Governor Brendan Byrne said, "I am happy to announce that the cooperation and innovation of the State and Federal governments have made these projects possible. These projects are two more clear examples of the commitment of the Carter and Byrne administrations to the people of the urban centers."

The Governor noted that the two projects combined are expected to lead to the construction of more than \$25 million of new industrial and business facilities in the two communities, as well as job opportunities for more than 1,000 people. Construction on the two site improvements is expected to begin later this year.

## **57 Years Young**

### **P.A. BEGINS \$1 BILLION INDUSTRIAL PARK PROJECT**

Following a joint signing by the Governors of the two states, the Port Authority of New York and New Jersey has embarked on a ten-year program to build \$1 billion of new industrial parks in at least three port cities.

In their joint statement, Gov. Brendan Byrne and Gov. Hugh W. Carey said: "It is clear from all we have experienced during the past decade that unless we can rebuild upon the economic strengths of our inner cities, we cannot expect our states or the northeast region to prosper."

The Port Authority plans to spend \$400 million of its own money on the new industrial parks in urban areas, plus an anticipated \$600 million more coming from private industry. It expects the work to generate 30,000 new jobs and, in addition, construction should mean some 4,000 building jobs and a \$10 million return in state and local taxes.

While definite sites have not yet been selected, P.A. officials said serious consideration is being given to the port area of Newark, the Greenville railroad yards in Jersey City and the railroad yards in the South Bronx.

Port Authority Chairman Alan Sagner announced the formation of a new industrial development unit within the P.A. to handle the project. It is headed by a veteran Port Authority executive, Neal R. Montanus, 52.

The new law authorizes the Port Authority to prepare a master plan for the project. But first, it must consult with the municipalities in which the projects will be located. Local officials will have veto power over projects they consider objectionable.

Byrne said the bill will rejuvenate the cities while at the same time giving them substantial control over the type of facilities built.

The new parks will combine a number of novel features in industrial design. Chief among these are plans to have the energy come from new power plants to be stoked by recycled waste.

Garbage would be used as a fuel to create sufficient power; recovered material, such as metals, glass and paper, could serve as a source of supply for certain primary industries such as a mini-steel mill, detinning plant, paper production or others.

Other planned innovations are day care and child care centers and medical clinics.

"These bills will enable the Port Authority to develop the most modern generation of industrial parks to which to attract new industry for the Port District," said Sagner. He went further:

"It marks the start of a new era of cooperation among the two states, the municipalities of the Port District, business, labor and all the forces we can muster to attain for this region an economic supremacy greater than any the world has known."

New York City and New Jersey port-area cities have been especially hard hit by industrial deterioration. Manufacturing jobs in the area declined by 500,000 from 1.8 million in 1954 to 1.3 million in 1976, it was said. During the same period the region lost about 15,000 manufacturing plants.

## **The 56 Intervening Years**

The signing ceremony Aug. 24 was held in the Great Hall of the New York Chamber of Commerce and Industry—in the same room where 57 years ago the original compact setting up the Port Authority was signed by two earlier governors of the two states, after the consent of Congress.

The 1921 beginning came at a time when only the first of the tunnels connecting the two states, the Holland, existed. The first two completed projects of the P.A. in 1928 were the Outerbridge Crossing and the Goethals Bridge.

Since then all the major tunnels and bridges, marine and truck terminals, airports and PATH serving the metropolitan area have been among their projects in the 1,500 square miles of the Port District.

The Port Authority today owns or operates 26 such major facilities, has assets of over 3 billion, 406 million dollars and employs about 7,000 people. Its gross capital expenditure budget for 1978 tops \$227 million, backed by a new \$100 million bond issue.

Current chairman Alan Sagner has served since June, 1977, after previously acting as a P.A. Commissioner while also Transportation Commissioner of New Jersey. The top executives, the 12 unpaid Commissioners, are appointed by the governors, six from each state. They select from their members the chairman and vice chairman, the latter currently being Robert F. Wagner of New York.

### **Traffic at Newark Airport Seen Doubling In 10 Years**

In a related Port Authority development, Gov. Brendan Byrne last month predicted that passenger traffic at Newark International Airport should double within ten years.

With 1975 showing just over six million passengers served, the Governor forecast that by 1985 Newark will handle nearly 12 million passengers. And with continued growth in low-cost air fares, this estimate "may well be a conservative one", he added.

Chairman Alan Sagner of the Port Authority, which supervises Newark along with the other metropolitan airports at Kennedy, LaGuardia and Teterboro, reported that Newark may top a record eight million passengers even this year, or a ten per cent increase over 1977. "Passenger traffic, flights and seating capacity are growing at a faster rate than at either Kennedy or LaGuardia", he noted.

Mayor Kenneth Gibson of Newark declared, "Newark Airport is an important resource not only for the communities of Newark and Elizabeth but for the rest of the State and the metropolitan region".

The forecasts came as the officials announced plans for a week of observances commemorating the 50th anniversary of the airport, which got under way last weekend.

## New Jersey Is First State To Ratify D.C. Voting Rights

New Jersey on September 11 became the first state in the nation to ratify an amendment to the U.S. Constitution which would give the District of Columbia public representation in the U.S. Congress equal to that of our 50 states.

The State Legislature, back for a special session, passed resolutions approving the proposed amendment. The vote in the Assembly was 59 to 12 and in the upper Senate 27 to 5.

If ratified by 37 more states, the amendment will give the District of Columbia two U.S. Senators and one or two Representatives, depending on how its population then compares to the other states.

Assemblyman Peter Shapiro, Democrat from Essex County, who sponsored the resolution, said that Washington, D.C. had only 14,000 residents when it came under Congressional control in 1800, but today has a 700,000 population, larger than seven other states.

He stated that District residents pay more in Federal taxes than residents of 15 states and that only six states pay a higher Federal income tax per capita.

Rep. Peter W. Rodino, Democrat from the 10th N.J. District, who as chairman of the House Judiciary Committee was instrumental in getting the amendment through Congress, came to Trenton for the debate and ratification.

He termed the vote "a proud moment in the history of our State"—a sentiment echoed by Gov. Brendan Byrne.

## WORK BENEFIT RATES SET SLIGHTLY HIGHER FOR NEXT YEAR'S PAYMENTS

Benefit rates for 1979 for workers' compensation, unemployment insurance and temporary disability insurance, plus a new unemployment insurance taxable wage base, were announced by John J. Horn, Commissioner of the Department of Labor and Industry.

The maximum weekly benefit amount for unemployment insurance and state plan temporary disability insurance has been set at \$117 for next year. A \$7 increase over this year's maximum, it will be effective for all new unemployment insurance benefit years and all periods of disability which begin on or after January 1, 1979, Horn stated.

He said the maximum weekly benefit for unemployment insurance and state plan temporary disability insurance is established by law at 50 per cent of the average weekly wage figure for 1977. The average for this year was \$233.55. Fifty per cent of this at \$116.77 rounds out to \$117.

The new maximum weekly benefit rate for workers' compensation temporary total disability, permanent total disability and dependency will be \$156 per week, effective January 1, 1979. This represents an additional \$10 over 1978.

The average weekly remuneration for individuals covered by workers' compensation is set by law at two-thirds of the average weekly wages during 1976.

The 1979 taxable wage base under the Unemployment Compensation Law calls for the wages of any individual with respect to any one employer for the purpose of contributions to include the first \$6,600 paid during calendar year 1979.

## PUBLIC ADVOCATE "SATISFIES" OVER HALF OF CITIZEN COMPLAINTS

A poll of citizens who took their problems with various State agencies to the Public Advocate's Office of Citizen Complaints shows that more than half, 53 per cent, had their complaints satisfactorily resolved.

The random survey of 300 citizens who used the Office of Citizen Complaints also showed 78 per cent who felt the office had been "very helpful." The survey was conducted recently by the Eagleton Institute of Rutgers University.

The Office of Citizen Complaints acts as the State's ombudsman in trying to resolve complaints from citizens enmeshed in governmental red tape, according to its director, John W. Gleeson.

Gleeson said the office has handled more than 30,000 requests for assistance since it was formed in mid-1974. He said the number of complaints has been growing steadily and reached 6,000 during the first half of this year.

The number of requests has increased sharply since the office installed a toll-free telephone (800-792-8600) open 24 hours a day, Gleeson said. Calls received at night or on weekends are recorded and the complaining person is called back the next working day.

Gleeson said that his office sometimes must explain that nothing can be done, but citizens appreciate knowing that "at least someone is responsive to their problems."

And he was particularly pleased that 87 per cent of those surveyed said they would use the office in the future, and would refer others. Complaints about the Department of Motor Vehicles accounted for nearly 1,600 of the 11,000 complaints received during the past year.

(The Department of the Public Advocate, newest administrative office in Trenton, is one of 20 Departmental Titles available in the New Jersey Administrative Code. Its initial rules of practice and procedure were recently distributed to Code subscribers.)

## HEALTH DEPARTMENT FILLS TOP POSTS

State Health Commissioner Dr. Joanne E. Finley announced the appointment of a physician certified in public health and preventive medicine as Deputy Commissioner of the Department and the promotion of another physician with seven years service to the post of Director, Office of Research and Evaluation.

The new Deputy Commissioner, Dr. Allen N. Koplin, replaces Dr. Watson E. Neiman, who retired on July 1. Dr. Koplin, 59, comes from the Illinois Department of Public Health, where he had served as Associate Director of the Office of Health Services and Local Health Administration since 1975.

The Division of Laboratories and Epidemiology, Community Health Services, Alcoholism, and Narcotic and Drug Abuse are directly under Dr. Koplin's supervision. He will be responsible for administering \$60 million in State and Federal funds, supervising 1,000 employees.

Dr. Leah Z. Ziskin, formerly Director of Parental and Child Health Services, who had been acting deputy commissioner, is the new Director of the Office of Research and Evaluation.

As Director of Research and Evaluation, Dr. Ziskin will be responsible for planning, developing, directing and evaluating public health research activities for various Departmental programs.

## BYRNE NAMES TWO WOMEN TO TOP ARTS AND AGRICULTURE POSTS

Gov. Brendan Byrne recently appointed Eileen Lawton as executive director of the State Council on the Arts. She had been assistant executive director since joining the Council in January last year and is the first woman to hold the top post.

As executive director, Lawton is responsible for funding, promoting and advancing cultural development in New Jersey. A member of many cultural and arts societies, she studied classical ballet for several years.

A resident of Hillsborough Township, she was born in New York City but has lived in the State for 20 years. She is a graduate of Rutgers University and has three children. Lawton was formerly an officer with Hillsborough National Bank.

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In another appointment, the Governor named Helen Smith of Allentown to the State Board of Agriculture, to fill the unexpired one-year term of her husband, Charles I. Smith, a former board member who died last May.

Mrs. Smith becomes one of two women on the eight-member board, which is the policy-making body for the State Department of Agriculture.

She is a life-time farmer, with her late husband, and operates Baker Hill Farm in Allentown, which features horse breeding and beef cattle raising. She served for many years as racing secretary for the Monmouth County Fair races.

## BYRNE REPORTS PROPERTY TAXES HELD STEADY FOR PAST TWO YEARS

Figures compiled by the State Division of Taxation show that property taxes in New Jersey have held virtually steady for the past two years, it was recently reported by Gov. Brendan Byrne.

The Governor said that total 1978 property taxes, not counting the homestead rebate checks issued in July, will be \$18 million lower in 1978 than they were in 1976. Such property taxes for county, municipal and school purposes will be \$3.33 billion in 1978—down from \$3.34 billion in 1976, and up from \$3.26 billion in 1977.

"While some communities have experienced small increases, most communities in the State have had little or no increase in the property tax since 1976", said Byrne.

"When the homestead rebate is taken into account, there continues to be a significant reduction in the property tax burden in New Jersey", Byrne added.

The Governor noted that in 1976, the year before the tax reform package financed with a State income tax took full effect, New Jersey taxpayers experienced a 10.7 per cent annual increase in property taxes.

"The property tax relief financed through the 1976 tax program, together with strict 'caps' on government spending, have effectively held down the property tax in New Jersey", said the Governor.

"This has been especially beneficial to senior citizens, young families just starting out in their first home, and working families who had been struggling to meet the spiraling property taxes of the past".

"The caps are working, and I have encouraged the legislature to extend them through 1982", added the Governor.

## Casinos Not Affecting Lottery Play As Ticket Sales Continue Upward

The eight-year-old New Jersey Lottery has not shown any drop in sales since the opening of casino gambling in Atlantic City this past summer.

On the other hand, reported Lottery Director Gloria Decker, there are no signs that operations of the first casino have spurred any added interest in the lottery.

She believes this is "because casino gamblers and lottery players are two different types of people." She declared that "people who buy lottery tickets don't even think of themselves as gamblers."

Lottery sales continue to increase, she reported last month, with the two most popular games running 50 per cent over a year ago. The daily three-digit Pick-it game had \$15.2 million in ticket sales in August, 45 per cent over 1977, while the weekly Pick 4 game jumped by 66 per cent to a \$2.2 million monthly total.

These two are the most popular games "because people like being able to select their own numbers," Decker surmised.

The original weekly game is holding steady with sales of about one million 50-cent tickets each week, she said.

Fifty per cent of ticket receipts are returned to the players in the form of prizes. As of the latest financial tally in June, the lottery had raised \$462 million for State use toward education and institutions since it began in 1970, she reported.

## STATE PROVIDES \$100 MILLION LONG-RANGE SCHOOL BUILDING AID

The State will make a total of \$100 million in school aid available during the next 10 years by assuming the cost of bonds to build new schools and refurbish old ones.

The aid was extended when Gov. Brendan Byrne last month signed into law legislation resuming a similar program that in the past ten years had already made available \$180 million to communities.

"This is technically not a bond issue," Byrne said as he signed the legislation.

"This bill will address itself to any problem of antiquated buildings. It permits the Legislature to back any debt service by local government. But it does not go on the ballot."

The initial program was started in 1968, and it was reintroduced in 1971 after the original \$90 million had been spent. The second \$90 million was used up about two years ago.

State Sen. Matthew Feldman (D-Bergen), who sponsored the legislation, said the latest renewal of the program is of special significance because it is the first to apply to vocational schools.

The Bergen senator said the new State support, which will be made available through budget appropriations, will pave the way for replacement of old buildings, for the building of new ones where there are double sessions and to provide vocational schools that, among other things, would make it possible for handicapped persons to receive job training.

State Education Commissioner Fred Burke said the State will budget each year for the assumption of the local debts.

State Sen. Wayne Dumont (R-Warren), a co-sponsor of the legislation, hailed the program. But he said he would have preferred to see more money made available.

## Local Liaison Aid Office Set Up on Transportation

A direct Trenton contact with the counties and municipalities is a new function in the State Transportation Department.

The liaison man is Gary Verhoorn, recently named by Commissioner Louis J. Gambaccini to the new Office of Policy Analysis "to develop improved State-County-local government transportation relations."

Verhoorn, 32, joined the Department last May after serving for three years as transportation director for the Essex County Improvement Authority and two years previously as chief transportation planner for Newark.

Married, with one daughter, Verhoorn received his bachelor and then masters degree in 1973 from the New Jersey Institute of Technology, Newark. The family lives in Hillsboro.

As one of his first activities, Verhoorn held a conference last month in Newark with transportation representatives of all counties at which he outlined the aid his office will be providing and asked for suggestions.

Those wishing to contact the office should write, DOT, Commuter Services, 1235 Parkway Ave., Trenton, N.J. 08625. Or phone (609) 984-5801.

### ETHNICS ADVISORY COUNCIL NAMED TO ADVISE STATE ON PROGRAM NEEDS

Gov. Brendan Byrne recently named a new 16-member Ethnic Advisory Council to advise his administration on the types of educational, cultural and historical programs it should have for the State's various ethnic groups.

After issuing an executive order establishing the panel and introducing the members, Byrne told those gathered at a special ceremony in his outer office:

"This is a great opportunity to get this input into New Jersey because New Jersey is particularly a State made up of various ethnic cultures. We are not really a melting pot where we all meld into one amorphous culture".

Byrne said one of New Jersey's uppermost needs is "to keep the best traditions of the diverse backgrounds alive".

### 15 MORE COMMISSIONS ABOLISHED

Governor Brendan Byrne recently signed two bills abolishing 15 more commissions which had either outlived their purpose or completed their assignments.

The action was a continuation of steps Byrne has taken since January to purge useless advisory and study groups, eliminating some by executive order while signing bills to abolish others.

By the latest action Byrne brought to an end the following commissions: Energy Crisis Study Commission, Commission on Income Maintenance, Election Law Revision Commission, 1974 Gubernatorial Inaugural Commission, Insurance Law Revision Commission, Juvenile Court Law Revision Commission, Mass Transportation System Study Commission, Commission on Open Space Policy, Public Employer-Employe Relations Study Commission and the Task Force on Urban Programs.

Also, the State Air Safety Commission, State Capital Development Commission, State Rules of Court Review Commission and the Commission on State Tax Policy.

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### TWO SUPERVISORS NAMED IN ATTORNEY GENERAL'S OFFICE

State Deputy Attorneys General Erminie L. Conley and Leroy D. Touchton were recently promoted to supervisory positions in the Division of Law.

Conley now is the division's assistant attorney general in charge of administrative agency hearings, while Touchton was promoted to chief of administrative services.

Conley will supervise the division's attorneys in all hearings before administrative agencies. In addition, he will continue to assist division director Stephen Skillman in the review of all work before the State and Federal appellate courts.

As chief of administrative services, Touchton will be responsible for budget, personnel, administrative and related legal matters associated with daily operations.