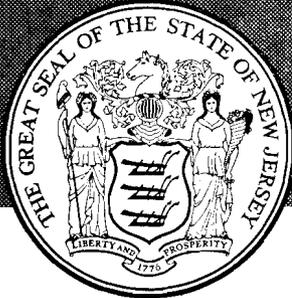


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure
Peter J. Gorman, Rules Analyst

VOLUME 10 • NUMBER 12
Dec. 7, 1978 • Indexed 10 N.J.R. 525-572
(Includes rules filed through Nov. 20, 1978)

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

THE SECRETARY

Notice of Results on 1978 Sweet Potato Referendum

Take notice that the Department of Agriculture has issued the following notice of the results of the 1978 sweet potato referendum.

Based on the 1978 referendum of 100 per cent of the affected sweet potato growers in this State, as required by N.J.S.A. 54:47E-17, provided for the continuation of the sweet potato promotion program.

The specific results of the referendum completed and calculated on October 23, 1978:

1978 SWEET POTATO REFERENDUM

	Votes - Per Cent		Acreage - Per Cent	
Yes	69	82.14	1,579	85.67
No	15	17.86	264	14.33
Total Affected	84	100.00	1,843	100.00

This Notice is published as a matter of public information.
G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amended Minimum Milk Prices

On November 13, 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 December 1, 1978, minimum milk prices under 69-1 will be \$.435 per quart, \$.82 per half gallon, and \$1.58 per gallon. This amendment shall be effective from and after December 1, 1978.

An order adopting these amendments was filed on November 15, 1978 as R.1978 d.395 (Exempt, Procedure Rule) to become effective on December 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amendments to Order Regulating Milk Handling

On November 13, 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-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which replaces the current text of N.J.A.C. 2:54-3.7 concerning the regulating of milk handling.

Full text of the adoption follows:

2:54-3.7 Handling of milk in various New Jersey milk marketing areas; concurrent suspension to Federal Order No. 4

(a) In conformance with a memorandum of agreement with the United States Department of Agriculture and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the director, Division of Dairy Industry, has considered a request for the suspension of certain provisions of the joint Federal-State milk marketing order, commonly designated as Federal Order No. 4. The suspension is based upon testimony received at a public hearing held in Philadelphia, Pennsylvania, October 3-4, 1978 at which all interested parties were given an opportunity to testify.

(b) The director, Division of Dairy Industry concurs with the findings and determinations of the United States Department of Agriculture as contained at pages 49285 and 49286 of Volume 43 of the Federal Register for October 23, 1978. Also, pursuant to the provisions of N.J.A.C. 15:15-

NEW JERSEY REGISTER

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

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The New Jersey Register is published the first Thursday after the first Monday of each month by the Division of Administrative Procedure of the Department of State, 10 North Stockton Street, Trenton, New Jersey 08608. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$12.00, monthly back issues, \$1.25. Make check or money order payable to: Div. of Administrative Procedure.

Controlled Circulation Postage paid at Trenton, New Jersey.

POSTMASTER: Send address changes to: New Jersey Register, 10 North Stockton Street, Trenton, New Jersey 08608.

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5.3, the director hereby adopts by reference the aforesaid findings and determinations insofar as such findings pertain to the marketing of milk in the State of New Jersey under 7 CFR 1004, the same being commonly referred to as Federal Order No. 4.

(c) Now therefore, it is hereby ordered that so much of the first sentence of section 1004, 7(a) as reads "50 percent in the months of September through February" and "in the months of March through August" be suspended for the months of November 1978 through February 1979; and that all of the remaining words of 1004-12(d) after "(other than a producer handler plant)" be suspended for the months of October 1978 through February 1979.

An order adopting these amendments was filed on November 16, 1978 as R.1978 d.396 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

BANKING

THE COMMISSIONER

Notices of License Revocations

Take notice that Angelo R. Bianchi, Commissioner of Banking, revoked the home repair contractor license of Cadillac Builders and Remodelers Company and the home repair salesman license of Daniel Chieli on October 15, 1978.

Take further notice that Angelo R. Bianchi, Commissioner of Banking, revoked the home repair contractor license of Prime-A-Tilt, Inc., on October 19, 1978.

These notices are published as a matter of public information, are not subject to codification and will not appear in Title 3 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Proposed Amendments on Approved Depositories For Investments Comprising Security Funds

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-31, proposes to amend N.J.A.C. 3:6-2.1 concerning approved depositories for investments comprising security funds.

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

3:6-2.1 Approved depositories

The following institutions are approved as depositories for investments comprising security funds created pursuant to Section 31 of the Banking Act of 1948, as amended: Banks, savings banks and national banking associations domiciled in New Jersey having total capital stock and surplus of at least [\$1,000,000] \$2,000,000 which are authorized to do a fiduciary business.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

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

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

Angelo R. Bianchi
Commissioner
Department of Banking

(c)

BANKING

DIVISION OF BANKING

CONSUMER CREDIT BUREAU

Proposed New Rules Concerning The Credit Union Law

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:13-27(k), proposes to adopt new rules to be cited as N.J.A.C. 3:21-1.1 et seq. concerning implementation of the Credit Union Law.

The objective of the regulations is to establish parity, regarding loan and investment powers, between State chartered credit unions and credit unions chartered under the Federal Credit Union Act.

Copies of the 19 pages of the full text of the proposal may be obtained or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 27, 1978 to Deputy Commissioner Wagner at the above address.

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

Angelo R. Bianchi
Commissioner
Department of Banking

(d)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments on Promotional Eligibility During Leave to Fill Elective Office

On October 31, 1978, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 4:1-12.2 concerning promotional eligibility during leave of absence to fill an elective office substantially as proposed

in the Notice published September 7, 1978, at 10 N.J.R. 370(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Civil Service.

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

4:1-12.2 Certification from eligible lists

(a) When a certification is to be made, the Department of Civil Service shall certify or after review and approval authorize a certification to the appointing authority of the name and address of the eligible or eligibles highest on the appropriate reemployment or employment list who have indicated interest[ed] in that employment.

(b) All eligibles certified to an appointing authority from a promotional list who have indicated interest in that employment shall be interviewed.

(c) Any person currently on a leave of absence to fill an elective office who, prior to the granting of the leave of absence, took a promotional examination, subsequently appeared on an eligible list resulting from same, and is appointed therefrom prior to the expiration of said list shall not be disqualified because of his/her leave of absence. The promotional appointment is subject to the satisfactory completion of a working test period which may commence upon the appointee's voluntary scheduled return from the leave of absence.

An order adopting these amendments was filed and became effective on November 6, 1978 as R.1978 d.392.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Changes to Rules on Contract Approval

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, proposes certain changes in the rules on contract approval.

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

SUBCHAPTER 1. CONTRACT APPROVAL

5:4-1.1 Scope

The rules contained in this subchapter shall govern the issuance of all [commitments and] contracts for grants, loans, and personal services using funds available from State aid appropriations or from Federal or private grants to the Department of Community Affairs, or to any [agency] unit thereof.

5:4-1.2 Authorized signature required

No contract [or other commitment of funds] is final until it has been approved in writing by an officer of this Department authorized by law or by regulation to take such action.

5:4-1.3 Officers authorized to commit funds

(a) The following officers are authorized to approve contracts or other commitments of funds:

1. The Commissioner of Community Affairs;
2. The [Deputy Commissioner] the officer or employee

designated in writing by the Commissioner pursuant to N.J.S.A. 52:27D-4 and N.J.S.A. 52:27D-5;

3. The director of the [agency] division responsible for the administration of the assistance program, provided that the proposed contract has been authorized by the Commissioner in accordance with the provisions of this subchapter;

4. The Director of the Division of Housing and Urban Renewal, for contracts and commitments of funds directly related to the State-Local Cooperative Housing Inspection program, using the State appropriation to the Department for "Code enforcement and housing inspection";

5. The Director of Administration, for contracts for personal services in amounts of less than \$500.00.

5:4-1.4 Exception

Nothing contained in this Subchapter shall be deemed to apply to the ["Urbanaid" program administered by the Division of Local Finance pursuant to c. 75, P.L. 1969.] "Urban Aid" program administered by the Division of Local Government Services pursuant to P.L. 1978, c. 14.

5:4-1.5 Contract authorization request

Prior to entering into a contract with any applicant, the director of the agency responsible for the administration of the assistance program shall submit a contract authorization request to the [Program Evaluation Section] Office of Program Analysis for transmission to the Commissioner. Such a request shall be on a form determined by the [Program Evaluation Section] Office of Program Analysis, and it shall be accompanied by a detailed work program and a line item budget.

5:4-1.6 Circulation of contract authorization request

The Program Evaluation Section shall send a copy of each contract authorization request to each agency director for his information.]

5:4-1.7 5:4-1.6 Contract review

(a) The [Program Evaluation Section] Office of Program Analysis shall review and transmit the contract authorization request to the Commissioner with its comments. The scope of such review [may] shall include the following considerations:

1. Consistency with the objectives of the assistance program;
2. Compliance with the terms of the State appropriation; and
3. Economical use of public funds.

5:4-1.8 5:4-1.7 Approval by the Commissioner

The Commissioner or his [deputy] designee shall signify his approval of the proposed contract by signing the contract authorization request. After the proposed contract has been approved, the [Program Evaluation Section] Office of Program Analysis shall return a copy of the approved contract authorization request to the originating [agency.] division.

5:4-1.9 5:4-1.8 File copies

The [Program Evaluation Section] Office of Program Analysis shall file a copy of each approved contract authorization request with the Division of Administration, the Office of Public Information, and the [Deputy Attorney General assigned to the Department.] Fiscal Office.

5:4-1.10 5:4-1.9 Effect of Commissioner's approval

(a) An approved contract authorization request shall authorize the director of the [agency] division to execute a contract with the applicant, subject to the following limitations:

1. The contract work program and line item budget shall be substantially the same as the authorized work program and line item budget.

[2. The total contract amount shall be not less than 75 per cent nor more than 105 per cent of the authorized amount.]

[3.] 2. The contract must be fully executed within 60 days of the date of authorization; however, the Director of Administration may waive this requirement in the event of unavoidable delays in the preparation of the contract.

(b) The Director of Administration shall be responsible for the enforcement of the provisions of this section.

(c) An authorization pursuant hereto shall not be deemed an agreement to execute a contract or as a substitute for execution of a contract or as in any way binding upon the Department.

[5:4-1.11] 5:4-1.10 Letter of approval

(a) At the option of the originating [agency,] division, a letter of approval from the Commissioner to the applicant may accompany the contract authorization request.

(b) The letter of approval shall be signed by the Commissioner or his [Deputy] designee upon approval of the contract authorization request.

[(c) A letter of approval shall signify a firm commitment by the Department to enter into a contract with the applicant.]

[(d)] (c) A letter of approval shall not authorize the applicant to expend funds or borrow money unless such authorization is clearly stated in the letter.

[5:4-1.12] 5:4-1.11 Amendments

(a) Amendments to contracts shall follow the procedure which governs the issuance of contracts; however, the director of an agency responsible for the administration of an assistance program may amend any contract regarding such program without the prior approval of the Commissioner, subject to the following limitations:

1. The contract as amended shall terminate not more than nine months after the original termination date.

[2. The contract amount as amended shall be not less than 75 per cent nor more than 105 per cent of the authorized amount.]

[3.] 2. The contract work program and line item budget as amended, shall be substantially the same as the authorized work program and line item budget.

(b) The agency shall file a copy of each amendment with the [Division of Administration and with the Deputy Attorney General assigned to the Department.] Office of Program Analysis and the Fiscal Office. The Director of Administration shall be responsible for the enforcement of the provisions of this section.

[5:4-1.13] Interpretation of contracts

Letters to applicants explaining the terms of contracts must be signed by the appropriate agency director. A copy of all such letters must be filed with the Division of Administration and with the Deputy Attorney General assigned to the Department.]

[5:4-1.14] 5:4-1.12 Approval by the Attorney General

(a) All contracts [for an amount in excess of \$500.00] must be reviewed and approved before execution thereof by the Deputy Attorney General assigned to the Department. He shall indicate his approval by signing the contract below a statement indicating that the contract has been reviewed and approved as to form, and indicating, by name, the Attorney General and the Deputy Attorney General under whose authority the approval has actually been given.

(b) Such approval by the Deputy Attorney General indicates that:

1. Both the subject matter and the form of the contract do not violate any provision of the State Constitution or any State law or regulation;

2. The terms of the document will constitute a valid and binding contract when executed by both parties; and

3. The text and form of the contract accurately express the intention of the Department.

5:4-1.13 Requirements for binding the Department

The Department shall not be bound in any way until approval pursuant to N.J.A.C. 5:4-1.12 and actual execution of the contract.

[5:4-1.15] 5:4-1.14 Suspension and termination of contracts

(a) The director of the originating [agency,] division, or the Deputy Attorney General at the request of the director, may suspend a contract for not more than 90 days upon the failure of the applicant to comply with any material provision of the contract. The applicant shall be notified of such suspension in writing, specifying the effective date of the suspension, the reasons therefor, and the conditions upon which the contract will be reinstated.

(b) Acting upon the advice of the Deputy Attorney General, the Commissioner may terminate any contract upon the failure of the applicant to comply with any material provision thereof. The applicant shall be notified of such termination in writing, specifying the effective date of the termination and the reasons therefor.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

James R. Jager
Office of the Commissioner
Department of Community Affairs
P.O. Box 2768
Trenton, N.J. 08625

The Department of Community Affairs may thereafter adopt these changes substantially as proposed without further notice.

Patricia Q. Sheehan
Commissioner of Community Affairs
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

LOCAL FINANCE BOARD

Proposed Deletion of Certain Rules

The Local Finance Board in the Department of Community Affairs, pursuant to the authority of N.J.S.A. 52:27BB-10, N.J.S.A. 52:27D-18 and Executive Order No. 66 (1978) proposes to delete the following rules of the New Jersey Administrative Code, Title 5, Subtitle C as unnecessary repetitions of statutory law as indicated in the table below:

RULES

N.J.S.A.

1. Certain sections of Chapter 30 Local Finance Board as indicated:

a. Within Subchapter 2. Local Bond Law:
(1) 5:30-2.5 Supplemental Debt Statement

40A:2-10
40A:2-42

(2) 5:30-2.6 Annual Debt Statement	40A:2-40	(2) 5:30-7.2 Blanket bond coverage of officers and employees	40A:5-34.1
(3) 5:30-2.7 Maturities of bonds	40A:2-26	(3) 5:30-7.3 Recording	40A:5-35
(4) 5:30-2.9 Issuance of refunding bonds	40A:2-51	(4) 5:30-7.4 Protection afforded by bond	40A:5-36
(5) 5:30-2.10 Authorization of refunding bonds	40A:2-52	(5) 5:30-7.5 Condition of bond broken	40A:5-37
(6) 5:30-2.11 Contents of refunding bond ordinance	40A:2-53	(6) 5:30-7.6 Rules and regulations	40A:5-38
(7) 5:30-2.12 Special refunding program	40A:2-54	(7) 5:30-7.7 Bond in excess of minimum amount	40A:5-39
(8) 5:30-2.13 Filing and effective date of re-funding bond ordinance	40A:2-55	(8) 5:30-7.8 Bond of magistrate or clerk; minimum amount	40A:5-40
(9) 5:30-2.14 Powers of Local Finance Board	40A:2-56	(9) 5:30-7.9 Classification system to determine amount of bond	40A:5-41
(10) 5:30-2.15 Standards for action by Local Finance Board	40A:2-57	(10) 5:30-7.13 Purchase and retirement of outstanding bonds	40A:5-42
(11) 5:30-2.16 Details of refunding bonds	40A:2-58		
(12) 5:30-2.17 Sale of refunding bonds	40A:2-59	f. Within Subchapter 8. Accounting:	
(13) 5:30-2.18 Disposition of sinking funds or reserve funds	40A:2-60	(1) 5:30-8.1 Uniform systems	52:27BB-27
(14) 5:30-2.19 Debt service reserve fund	40A:2-62	(2) 5:30-8.2 Rules and regulations	52:27BB-28
b. Within Subchapter 3. Annual Budget:		(3) 5:30-8.3 Books and forms	52:27BB-29
(1) 5:30-3.1 Annual budget required	40A:4-3	(4) 5:30-8.4 Installation of systems	52:27BB-30
(2) 5:30-3.4 Scope of examination	40A:4-77	(5) 5:30-8.5 Instruction and consultation	52:27BB-31
(3) 5:30-3.5 Approval by Director	40A:4-78	g. Within Subchapter 9. Financial Administration:	
(4) 5:30-3.6 Certification of Director	40A:4-79	(1) 5:30-9.1 Systems	52:27BB-32
	40A:4-80	(2) 5:30-9.2 Inspection of local administration	52:27BB-46
	40A:4-81	(3) 5:30-9.3 Investigation	52:27BB-47
(5) 5:30-3.7 Judicial review	40A:4-82	(4) 5:30-9.4 Issuance of orders	52:27BB-48
(6) 5:30-3.8 Promulgation of rules and regulations	40A:4-84	(5) 5:30-9.5 Hearings and power of inquiry	52:27BB-49
	40A:4-84	(6) 5:30-9.6 Compliance	52:27BB-50
		(7) 5:30-9.7 Duty of local officers	52:27BB-51
c. Within Subchapter 5. Emergency Appropriations:		(8) 5:30-9.8 Enforcement of orders; penalties	52:27BB-52
(1) 5:30-5.1 Purpose	40A:4-46	h. Subchapter 10. Municipalities in Unsound Financial Condition, 5:30-10.1 through 5:30-10.11, inclusive	52:27BB-54 through 52:27BB-64, inclusive
(2) 5:30-5.2 Emergency appropriations provided for in next budget	40A:4-47		
(3) 5:30-5.3 Emergency appropriations not exceeding three per cent	40A:4-48	i. Within Subchapter 11. School Bonds:	
(4) 5:30-5.4 Emergency appropriations exceeding three per cent	40A:4-49	(1) 5:30-11.1 Bonds in excess of statutory limitations	18A:24-23
(5) 5:30-5.5 Emergencies financed from Surplus	40A:4-50	(2) 5:30-11.2 Submission for consideration	18A:24-25
(6) 5:30-5.6 Emergency notes authorized	40A:4-51	(3) 5:30-11.3 Approval or disapproval by Commissioner	18A:24-26
(7) 5:30-5.7 Conclusiveness	40A:4-52	(4) 5:30-11.4 Approval or disapproval by Local Finance Board	18A:24-27
(8) 5:30-5.8 Special emergency appropriations	40A:4-53	(5) 5:30-11.5 Change of maturities; application to Local Finance Board	18A:24-7
(9) 5:30-5.9 Extraordinary expense	40A:4-54	(6) 5:30-11.6 Change of maturities; approval or disapproval by Local Finance Board	18A:24-8
(10) 5:30-5.10 Special emergency notes	40A:4-55	(7) 5:30-11.7 Issuance of bonds in accordance with maturities approved by Local Finance Board	18A:24-9
(11) 5:30-5.11 Adoption by ordinance	40A:4-55.1 40A:4-55.2 40A:4-55.3 40A:4-55.4 40A:4-55.5 40A:4-55.6		
(12) 5:30-5.13 Public exigency caused by civil disturbance	40A:4-55.13	2. Chapter 31 Municipal Finance Commission, in its entirety, (5:31-1.1 through 5:31-10.3, inclusive).	
d. Within Subchapter 6. Annual Audit:		N.J.S.A.: 52:27-1 through 52:27-45.1 inclusive; the headings of 52:27-45.2 through 52:27-45.11 inclusive; 52:27-46 through 52:27-49, inclusive; the headings of 52:27-50 through 52:27-63, inclusive; and 52:27-64 through 52:27-66, inclusive.	
(1) 5:30-6.1 Annual audit required	40A:5-4	Interested persons may present statements or arguments relevant to the proposed action in writing on or before December 27, 1978, to:	
(2) 5:30-6.2 Scope of audit	40A:5-5	Local Finance Board	
(3) 5:30-6.3 Report of audit	40A:5-6	Department of Community Affairs	
(4) 5:30-6.4 Publication of report and recommendations	40A:5-7	363 W. State Street, P.O. Box 2768	
(5) 5:30-6.8 Audit by Director	40A:5-8	Trenton, N.J. 08625	
(6) 5:30-6.9 Annual financial statement of local unit	40A:5-12	The Local Finance Board may thereafter delete the above-cited rules without further notice.	
(7) 5:30-6.10 Annual financial statements by boards, committees and commissions of local units	40A:5-13	Helen L. Mathews	
(8) 5:30-6.11 Petty cash fund of local unit	40A:5-21	Secretary, Local Finance Board	
e. Within Subchapter 7. Bonds:		Department of Community Affairs	
(1) 5:30-7.1 Bonds of officials and employees	40A:5-34		

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Deletion of Certain Rules of the Division

Take notice that, in the Notice of Adoption of Emergency Rules concerning the construction and maintenance of hotels and multiple dwellings (See: R.1974 d.14 at 6 N.J.R. 55(a) in the February 7, 1974, issue of the New Jersey Register), part of that adoption indicated that such rules would only remain in effect until May 1, 1974. Such rules have inadvertently remained in Title 5 of the New Jersey Administrative Code but will be deleted in the next updating of Title 5.

Full text of the deleted rules follows (deletions indicated in brackets [thus]):

5:10-19.4(c)3. The operation of normally required exterior lighting fixture will not be required unless failure to operate said fixtures poses a clear and present danger to the residents of the hotel or multiple dwelling in question or the public generally.

5:10-19.4(1)4.[iii]. The minimum temperature requirement of 68 degrees F. will be waived. The minimum allowable temperature which must be maintained will be 66 degrees F. between the hours of 6 A.M. and 11 P.M. when the outside temperature falls below 60 degrees F; and 60 degrees F. between the hours of 11 P.M. and 6 A.M. and during day light hours when the outside temperature rises above 60 degrees F.

Note: This rule change would not affect the authority of Local Boards of Health to enforce their own ordinances concerning minimum temperature requirements pursuant to N.J.S.A. 26:3-31.]

This Notice is published as a matter of public information.
G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Amendments on Intern Certificates

On November 8, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:11-4.5 concerning intern certificates as proposed in the Notice published October 5, 1978, at 10 N.J.R. 418(b).

An order adopting these amendments was filed and became effective on November 8, 1978, as R.1978 d.393.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DELAWARE AND RARITAN CANAL COMMISSION

Proposed Rules on Delineation of Review Zone in Delaware and Raritan Canal State Park

Benjamin Kirkland, Chairman of the Delaware and Raritan Canal Commission in the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:13A-14, proposes to adopt new rules delineating the review zone within the Delaware and Raritan Canal State Park. These rules will also govern the use of land within the review zone insofar as it affects and is necessary for the protection of the Canal State Park. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 050-78-11.

The extent of the review zone shall comprise all those lands within the watersheds of any stream that enters the Canal Park, plus the lands that contribute storm-water drainage to the park either through overland flow or through storm-sewer systems, plus most of the land within a half-mile of any point in the Canal Park. Specific boundary lines are available on maps in the Delaware and Raritan Canal Commission office at the address listed below. If adopted, such rules will be cited as N.J.A.C. 7:45-1.1 et seq.

Within the limits prescribed by the regulations, the Delaware and Raritan Canal Commission will review development proposed in the review zone. In this manner, the land-use rules and regulations for the review zone area will protect the Canal Park from harmful impact on the park arising from new development in the review zone, whether that impact comes from drainage into the park, aesthetic impact on the park, or noise impact on the park. The regulations define the scope of review and establish review procedures. They differentiate between major and minor commercial and residential projects. Also prescribed are procedures for applications, application fees, and standards for storm drainage detention, noise, and visual impact.

Interested persons may present statements or arguments relevant to the proposal in writing on or before December 27, 1978 to:

Delaware and Raritan Canal Commission
P.O. 1390
Trenton, New Jersey 08625

Copies of the proposed regulations and of the basis and background document are being deposited and will be available for inspection during normal office hours until the close of the hearing record at:

Delaware and Raritan Canal Commission
25 Calhoun Street
Trenton, New Jersey 08625

The proposed regulations will also be available at the offices of the following municipalities and county planning boards:

In Hunterdon County: Delaware, East Amwell, Franklin, Kingwood, Lambertville, Raritan, Stockton, West Amwell.

In Mercer County: East Windsor, Ewing, Hamilton, Hightstown, Hopewell Borough, Hopewell Township, Lawrence, Pennington, Princeton Borough, Princeton Township, Trenton, Washington, West Windsor.

In Middlesex County: Cranbury, Monroe, New Brunswick, North Brunswick, Plainsboro, South Brunswick.

In Monmouth County: Millstone.

In Somerset County: Franklin, Hillsborough, Manville, Millstone, Montgomery, Rocky Hill, South Bound Brook.

The Delaware and Raritan Canal Commission may thereafter adopt rules concerning this subject without further notice.

Benjamin B. Kirkland, Chairman
Delaware and Raritan Canal Commission
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments to the Rules of the Bureau of Parks

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(3), 13:1B-3e and 13:8-20, proposes to amend portions of N.J.A.C. 7:2 concerning the Bureau of Parks governing the use of lands and waters under the jurisdiction of the Division of Parks and Forestry. Such proposal is known within the Department of Environmental Protection as Docket No. 053-78-11.

The proposed amendments concern general provisions; general use; motorized vehicles; hunting, fishing and trapping; ocean parks; overnight facilities; boating; group use; bathing; equestrian use; and State marinas.

Copies of the 12 pages of the full text of the proposal may be obtained from or made available for review by contacting:

Alfred T. Guido, Acting Director
Division of Parks and Forestry
Department of Environmental Protection
Post Office Box 1420
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to the Department of Environmental Protection at the above address.

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

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Amendments Regarding Exotic Species and Nongame Species

Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:2A-1 et seq. and with the approval of the Commissioner of

Environmental Protection, proposes to delete the current text of N.J.A.C. 7:25-4.1 et seq. and adopt new text therein concerning the possession of exotic species and nongame species. This proposal is known within the Department of Environmental Protection as Docket No. 054-78-11.

The proposed new rules concern permits; exempted species; species requiring a permit; potentially dangerous species; additional species; endangered species prohibited; categories; general possession criteria; criteria for the possession of potentially dangerous species; miscellaneous provisions; and notice of a denial of permit; procedure review time limitations and hearings.

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

Russell A. Cookingham, Director
Division of Fish, Game and Shellfisheries
Department of Environmental Protection
Post Office Box 1809
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to the Department of Environmental Protection at the above address.

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

Russell A. Cookingham, Director
Division of Fish, Game and Shellfisheries
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments and New Rules Concerning Requirements Chemical and Hazardous Waste Facilities

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. 13:10-1 et seq., and applicable provisions of the New Jersey Administrative Procedure Act, proposes to adopt new rules to be cited as N.J.A.C. 7:26-8.1 et seq. and amend existing rules concerning the operation, registration and engineering plan requirements for special waste facilities which handle, recover, treat, process, store and dispose of special waste (hazardous and chemical waste). This proposal is known within the Department of Environmental Protection as Docket No. 052-78-11.

This proposal establishes specific and comprehensive standards for the daily operation of special waste facilities. This proposal sets forth the scope and content of all documents and information which an applicant for a special waste facility must submit to the Solid Waste Administration to obtain Registration and Engineering Plan Approval. These proposed regulations require that information be submitted by an applicant concerning the engineering design of special waste facilities, the emergency response procedures of special waste facilities, the environmental impact of special waste facilities and the environmental monitoring of special waste facilities. This proposal also includes minor amendments to the Special Waste Manifest Regulations, N.J.A.C. 7:26-7 et seq., specifying certain legal responsibilities of generators, collectors,

and facilities handling special wastes, presently implied by the existing regulations.

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

Beatrice S. Tylutki, Director
Solid Waste Administration
32 East Hanover Street
Trenton, New Jersey 08625

A public hearing will be held on Friday, January 12, 1979, at 10:00 a.m. at:

New Jersey State Museum Auditorium
205 West State Street
Trenton, New Jersey 08625

Persons wishing to testify shall contact Beatrice S. Tylutki at 609-292-9121. Interested persons may also present statements or arguments in writing relevant to the proposal on or before January 12, 1979 to:

Beatrice S. Tylutki, Director
Solid Waste Administration
32 East Hanover Street
Trenton, New Jersey 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

Proposed Rules on Assessment of Civil Administrative Penalties

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:10A-1 et seq., proposes to adopt regulations establishing schedules and procedures for the assessment and collection of civil administrative penalties as provided in Section 10(d) of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-10(d). If adopted, these rules will be cited as N.J.A.C. 7:14-8.1 et seq.

N.J.S.A. 58:10A-10(a) provides the Commissioner, or his authorized representative, with five options for enforcement actions to which he may resort whenever he finds that a person is in violation of the Water Pollution Control Act, or of any rule, regulation, water quality standard, effluent limitation or permit issued pursuant to the Act. The Commissioner may use any of the available remedies or a combination of them. One of the options is to levy a civil administrative penalty in accordance with N.J.S.A. 58:10A-10(d). Under that section, the Commissioner is authorized to assess a penalty of not more than \$5,000 for each violation, and additional penalties of not more than \$500 for each day during which a violation continues after receipt of an order from the Department.

N.J.S.A. 58:10A-10(d) further provides that "any amount assessed under this subsection shall fall within a range established by regulation by the Commissioner for violations of similar type, seriousness and duration." The proposed regulations, which would be known as N.J.A.C. 7:14-8.1 et seq., are intended to establish those ranges, as well as criteria and procedures for assessing civil administrative penalties.

The proposed regulations establish two general categories of violations: "Discharge violations," which are defined as violations which include or result in the discharge of pollutants (including the release of pollutants into municipal treatment works), and "Non-discharge violations," which are violations other than discharge violations. In general, non-discharge violations are infractions of regulations of the Department enacted pursuant to the Water Pollution Control Act which are intended to prevent the discharge of pollutants or which are necessary to the administration of a program designed to prevent, reduce, or minimize water pollution. Even though violations of these rules may not result in any actual discharge of pollutants taking place, the Department believes it must exercise its authority to penalize violators for the increased risk of pollution such violations pose, and in order to protect the integrity of the administration of the State's water pollution control program. This proposal is known within the Department of Environmental Protection as Docket 051-78-11.

Copies of the proposed regulations may be obtained from:

Donald A. Brown, Assistant Director
Office of Regulatory Affairs
Division of Water Resources
P.O. Box CN-029
Trenton, New Jersey 08625

The Department invites public comment on the proposed regulations. Written comments should be sent by January 15, 1979 to Mr. Brown's office at the above address. Oral comments may be presented at a public hearing which will be held on January 10, 1979, from 10:00 A.M. until 2:00 P.M. at the West Windsor campus of Mercer County Community College in Room AV-110 in West Windsor, N.J.

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

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Correction Concerning Dates of Hearings

Take notice that, in the November 9, 1978, issue of the New Jersey Register at 10 N.J.R. 477(b), it was incorrectly stated that there would only be one hearing held on December 15, 1978, from 9:00 A.M. to 5:00 P.M. at the State Museum, State Street, Trenton, New Jersey, concerning the proposed amendments concerning the control and prohibition of air pollution by volatile organic substances. In addition to that December 15, 1978, public hearing, another public hearing on this proposal will be held on December 14, 1978, from 1:00 P.M. to 8:00 P.M. at the same State Museum Auditorium described above.

* * * * *

Take further notice that, in the November 9, 1978, issue of the New Jersey Register at 10 N.J.R. 478(a), the last paragraph in that page referred to hearings to be held on December 18, 19, and 20 regarding the State Implementation Plan on National Ambient Air Quality Standards. Take notice that such hearings will only be held on

December 18 and 19 as indicated in that Notice of Proposal. There is not any hearing scheduled for December 20, 1978, regarding this proposal.

This Notice is published as a matter of public information.
G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments on Effective Dates of Portion of Standards for Long Term Care Facilities

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 delay the effective date from January 1, 1979, to July 1, 1979, of N.J.A.C. 8:39-1.14(f)15.i. and v., 8:39-1.16(c), (e) and (1) and 8:39-1.18(g).

The remaining amendments to the Manual of Standards for Licensure of Long Term Care Facilities described at 10 N.J.R. 331(c) and 10 N.J.R. 430(e) will retain the effective dates of September 1, 1978, through January 1, 1979.

The intent of the Health Care Administration Board regarding this proposal is stated as follows:

"It is the intent of the Department and the Health Care Administration Board that implementation of the delayed sections should occur only if the State budgets include additional funds for Medicaid for this specific purpose as expressed by legislative intent."

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

Dr. Solomon J. Goldberg
Director, Licensing, Certification and Standards
N.J. Department of Health
501 John Fitch Way
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

(b)

HEALTH

THE COMMISSIONER

Proposed Amendments on Control of Phenylcyclohexylamine and Pyrrolidine

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-5e, proposes to place N-Ethyl-1-phenylcyclohexylamine and 1-(1-phenylcyclohexyl) pyrrolidine in Schedule I in N.J.A.C. 8:65-10.1.

Full text of the proposal follows:

The Commissioner of Health raises no objection to the placing of

N-Ethyl-1-phenylcyclohexylamine
and

1-(1-phenylcyclohexyl) pyrrolidine into Schedule I of the Federal Controlled Substances Act of 1970.

Said Order was published in the Federal Register, Volume 43, No. 186 dated September 25, 1978.

Now, therefore, the Commissioner of Health orders that
N-Ethyl-1-phenylcyclohexylamine C.D.S. #7455
and

1-(1-phenylcyclohexyl) pyrrolidine C.D.S. #7458 be placed in Schedule I and be made subject to the provisions of N.J.S.A. 24:21 et seq. Said Order to be effective October 25, 1978, the date of the Order as published in the Federal Register.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

Donald J. Foley, Chief
Drug Control, Device and Cosmetic Program
N.J. 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

(c)

HEALTH

THE COMMISSIONER

Proposed Rule on Economic Factor

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and N.J.S.A. 17:2H-1 et seq., with the approval of the Health Care Administration Board proposes to adopt a more equitable economic factor to be applied to hospital budgets reviewed by the New Jersey State Department of Health beginning January 1, 1979. Such rule, if adopted, will be included in N.J.A.C. 8:31A.

This factor will be based on a projection of the various proxies for the following calendar year using the best available techniques. The value of the non-labor portion of the factor shall be recomputed as six months actual data become available. If the annualized value of the non-labor portion of the factor is within 1 percent of the projection, no rate adjustments shall be made at that point. Should the difference exceed one percent, the non-labor portion of the factor for the second half of the year will be reprojected and adjusted to compensate for the misprojection of the first half of the year. As annual actual data for both labor and non-labor portions of the factor become available, differences between the year's overall projected and actual values will be reconciled by adjusting the projection for the succeeding year to compensate for such differences.

Full copies of the seven pages of the proposed rule are available from:

James R. Hub
Director
Health Economics Services
John Fitch Plaza
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978, to the Department of Health at the above address.

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 Designation of Emergency Medical Services Regions and Hospitals

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 adopt new rules to be cited as N.J.A.C. 8:31-29.1 et seq., if adopted, concerning the establishment of a process for the designation of emergency medical services regions and hospitals to implement a Statewide emergency medical services system.

The proposed rules concern an introduction, mobile intensive care pilot projects, critical care categories and resources, standards and criteria and the designation process.

Copies of the 10 pages of the full text of this proposal may be obtained from or made available for review by contacting:

William J. Harris
Director, Emergency Medical Services
New Jersey Department of Health
129 East Hanover Street
Trenton, New Jersey 08608

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to the Department of Health at the above address.

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 Rules on Hospital Reporting Regarding Patient Case-Mix

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-12, with the approval of the Health Care Administration Board, proposes to adopt more definitive rules concerning hospital reporting regarding patient case-mix. These rules list the exact items to be reported to the Department of Health as the Medical Discharge Abstract Minimum Data Set.

Full text of the proposed rule follows:

8:31A-10.7 Hospital reporting; patient case-mix

(a) In accordance with N.J.S.A. 26:2H-1 et seq. the

Commissioner of Health may request that health care facilities furnish the Department of Health such reports and information as it may require to effectuate the provisions and purposes of this act, excluding confidential communications from patients.

(b) Each hospital included under the provisions of N.J.S.A. 26:2H-1 et seq. will continue to complete and provide to the Department of Health a medical discharge abstract for every inpatient discharged from that hospital.

(c) Any medical abstracting service or form may be used provided that the following Medical Discharge Abstract Minimum Data Set is supplied for every inpatient discharged:

1. Hospital code;
2. Medical record number;
3. Patient billing number;
4. Residence code (county-municipality code as per N.J.A.C. 8:31-16.16);
5. Zip code;
6. Date of birth;
7. Sex;
8. Race;
9. Admission class;
10. Referral source (including hospital identification code of source; codes to be provided by the Department of Health);
11. Admission hour;
12. Admission date;
13. Discharge date;
14. Discharge status;
15. Transfer destination (including hospital identification code of destination; codes to be provided by the Department of Health);
16. Post operative death;
17. Time of death;
18. Accommodation at discharge;
19. Primary payor;
20. Special units and days;
21. Principle diagnosis (ICD-9-CM or subsequent revision);
22. Major diagnosis (ICD-9-CM or subsequent revision);
23. Other diagnoses (ICD-9-CM or subsequent revision);
24. Principle procedure (ICD-9-CM or subsequent revision);
25. Major procedure (ICD-9-CM or subsequent revision);
26. Other procedures (ICD-9-CM or subsequent revision);
27. Principle procedure date;
28. Admitting service;
29. Attending service;
30. Consultations by service;
31. Attending physician code;
32. Principle surgeon code;
33. Other physician code.

(d) The Medical Discharge Abstract Minimum Data Set enumerated in subsection (c) of this section shall become effective for patients discharged on or after January 1, 1979 except as noted in subsection (k) of this section. Detailed explanations of the items will be provided to each hospital by the Department of Health prior to this date.

(e) No information identifying the patient by name or by any personal characteristics other than medical record number, billing number, age, sex and race will be included in the information given the Department of Health. The Department of Health is not permitted to enter the records of the hospital to identify a patient.

(f) The specific purpose of the patient billing number is to facilitate a computer linkage with Patient Charge Records submitted under N.J.A.C. 8:31-16.17. This number, as well as the patient's admission and discharge

dates, must be identical to those supplied on these Patient Charge Records.

(g) The medical abstract information for all patients discharged during any quarter will be provided to the Department of Health, in a computer processable format specified by the Department of Health and supplied prior to January 1, 1979, within sixty (60) days of the end of that quarter. As per N.J.A.C. 8:43B-7.1(c), medical records must be completed within fifteen (15) days following discharge of the patient from the hospital. The medical abstract should then be completed within thirty (30) days following discharge of the patient from the hospital.

(h) All data submitted to the Department of Health must contain at least the following information on an external label: Hospital name, type of data (e.g., Medical Abstract Data), time period covered by the data, and record count.

(i) Any hospital changing medical abstract service or format shall notify the Department of Health of such changes not later than thirty (30) days prior to a change. Such changes should be implemented at the beginning of a quarter rather than in the middle of a quarter.

(j) In order to insure the accuracy of the data provided on the medical abstract, the Department of Health shall periodically examine statistically selected records consistent with the provisions of confidentiality set forth in paragraph (d).

(k) Due to potential delays caused by the initiation of providing hospital code numbers for "Referral Source" and "Transfer Destination" under subsection (c) of this section, a hospital may delay recording such information until a date not later than January 1, 1980. By May 30, 1979 each hospital shall inform the Department of Health in writing as to the hospital's timetable for providing this data.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

James R. Hub
Director, Health Economics Services
N.J. 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

(a)

HEALTH

THE COMMISSIONER

SHARE Guidelines for 1979

On November 20, 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 amended 1979 SHARE guidelines substantially as proposed in the Notice published September 7, 1978, at 10 N.J.R. 384(c) as the initial proposal and at 10 N.J.R. 484(c) as a partial adoption with only inconsequential structural or language changes in the opinion of the Department of Health.

A portion of these 1979 SHARE guidelines are considered

to be temporary rules not subject to codification in Title 8 of the New Jersey Administrative Code. The remaining portion of these rules will be located in various subchapters in Chapter 31A in Title 8 of the New Jersey Administrative Code.

An order adopting these rules was filed and became effective on November 20, 1978 as R.1978 d.399.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Amendments on Control of Two Precursors of Phencyclidine

On October 27, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-10.2(b)4 concerning control of two precursors of phencyclidine as proposed in the Notice published October 5, 1978, at 10 N.J.R. 427(a).

An order adopting these amendments was filed and became effective on November 1, 1978 as R.1978 d.390.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Amendments on Refilling Prescriptions

On October 27, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-7.14 concerning the refilling of prescriptions as proposed in the Notice published October 5, 1978, at 10 N.J.R. 427(c).

An order adopting these amendments was filed and became effective on November 1, 1978 as R.1978 d.391.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Ratification of Emergency Amendments on Second Trimester Abortions and Standards for Ambulatory Care

On November 20, 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, ratified the emergency

amendments to N.J.A.C. 8:43A-1.48(b)1. concerning second trimester abortions and standards for ambulatory care that were filed and became effective on August 9, 1978 as R.1978 d.274 (See: 10 N.J.R. 385(a)).

An order ratifying these emergency amendments was filed on November 20, 1978 as R.1978 d.398.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Proposed Amendments on Maximum Income Eligibility for Program Participants

The New Jersey Educational Opportunity Fund Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33, proposes to adopt amendments to N.J.A.C. 9:11-1.5 and 9:11-1.9 concerning the increasing of the maximum income eligibility requirement for program participants.

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

9:11-1.5 Financial eligibility for undergraduate grants

(a) A dependent student is financially eligible for an E.O.F. grant if the gross income of his or her parent(s) or guardian(s) is below [~~\$10,000~~] **\$12,000** and said parent(s) or guardian(s) cannot contribute more than \$625 toward educational expenses as determined by the College Scholarship Service, Uniform Methodology. Where the dependent student's parent(s) or guardian(s) are receiving welfare as the primary means of family support, the student is presumed to be eligible without regard to the amount of primary welfare support. In instances of Aid to Working Parents (A.W.P.) or other partial welfare support, a need analysis and income verification are required.

(b) A dependent student who comes from a family with both parent(s) or guardian(s) working whose combined income exceeds [~~\$10,000~~] **\$12,000**, but whose Parents' Contribution does not exceed \$625 may be eligible for E.O.F., only if:

1. When 50 per cent of the income of the smaller wage earner is subtracted from the gross, combined income of the two wage earners, the total is no more than [~~\$10,000~~] **\$12,000**.

(c) In order for an independent student to be financially eligible for an E.O.F. grant, the gross income of his or her parent(s) or guardian(s) must not exceed [~~\$10,000~~] **\$12,000** and said parent(s) or guardian(s) must not be capable of contributing more than \$625 toward the student's educational expenses as determined by the College Scholarship Service, Uniform Methodology.

(d) An independent student is financially eligible for an E.O.F. grant providing his or her gross annual income (including spouse) for the calendar year prior to the academic year for which aid is requested and the calendar year during which aid is received does not exceed the following schedule:

1. \$4,200 for a single student (household size 1);
2. \$5,500 for a married student, no other dependents (household size 2);

3. \$6,600 for a student with one additional dependent, but no spouse (household size 2);

4. \$7,000 for a student with two additional dependents (household size 3);

5. Add \$1,000 for each additional dependent to a maximum of [~~\$10,000~~] **\$12,000**.

Note: An independent student who received welfare as the primary means of family support is presumed to be eligible without regard to the amount of primary welfare support. In instances of Aid to Working Parents (AWP) or other partial welfare support, a need analysis and income verification are required.

(e) [In the case of dependent students where strict adherence to the \$10,000 gross income criteria] Where strict adherence to the maximum income eligibility cut-offs will not serve the purpose of the E.O.F. program, the certifying officer designated by the president of the institution may authorize a grant under a waiver pursuant to the provisions of this section. Such a waiver can be issued when exceptional conditions exist which affect student eligibility and sufficient documentation is made available for verification. These conditions may include:

9:11-1.9(d) Students deemed eligible at the time of initial enrollment shall retain eligibility for program support services throughout the duration of the initial degree study and shall retain their eligibility for an E.O.F. grant provided the family income does not exceed [~~\$10,000~~] **\$12,000** and the parent contribution does not exceed \$625.] **\$2,000 over the maximum income eligibility cut-offs for both dependent and independent students.**

[1. In the event the family income exceeds \$10,000 the E.O.F. grant shall be reduced \$100 for each additional \$500 in income up to a maximum of \$12,000.

2. If student(s) is awarded an E.O.F. grant based on section 9:11-1.5(e), the E.O.F. grant shall be reduced \$100 for each additional \$500 over the original income to a maximum of \$12,000.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

Frederick Wilkes
Director, Educational Opportunity Fund
N.J. Department of Higher Education
1474 Prospect St.
P.O. Box 1417
Trenton, N.J. 08625

The Educational Opportunity Fund may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander
Chancellor of Higher Education
Secretary, State Board of Higher Education

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments to Food Stamp Manual

Ann Klein, Commissioner, Department of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend the Food Stamp Manual concerning the implementation of the Food Stamp Act of 1977 (7 CFR 270) which replaces the current Food Stamp Manual in its

entirety in Chapter 87 of Title 10 in the New Jersey Administrative Code.

This proposal implements the Food Stamp Act of 1977 which includes elimination of the purchase requirement, revision of eligibility criteria, certification and issuance procedures and the initiation of administrative fraud hearings.

Copies of the proposal may be obtained from or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 27, 1978 to the Division of Public Welfare at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Updating Schedules Used In the Evaluation of LRR's Capacity to Support

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 N.J.A.C. 10:82-3.10, 10:82-3.11 and 10:82-3.12 concerning the updating of schedules used in the evaluation of an LRR's capacity to support in the Assistance Standards Handbook.

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

10:82-3.10(d)2. Excessive medical expenses: Where the average monthly cost of medical, dental, etc. services exceeds the appropriate amount shown in the following schedule of medical expenses, the amount of the excess shall be subtracted from the LRR's gross monthly income:

LRR's Family Size	Monthly Medical Expenses
1	[\$30] \$45
2	[40] 60
3	[50] 75
4	[60] 90
5	[70] 100
6 or more	[75] 110

10:82-3.11(d)7. Schedule IV - Monthly Income Standards

Part A Parents of AFDC Children	Family Size	Part B All Other LRRs
[\$260] \$300	1	[\$550] \$ 750
[340] 400	2	[800] 1,050
[410] 500	3	[1,020] 1,350
[470] 550	4	[1,220] 1,650
[530] 600	5	[1,410] 1,900
[590] 650	6	[1,590] 2,100

[640] 700	7	[1,760] 2,300
[690] 750	8	[1,920] 2,500
+\$ 50	Each additional person	[160] +\$ 200

10:82-3.12(c)

Schedule VI Shelter and Household Needs

Number in Eligible Unit for Whom Shelter is Provided	Monthly Monetary Value
1	[\$90] \$100
2	[100] 110
3	[110] 120
4	[120] 130
5	[130] 140
6	[140] 150
7 or more	[150] 160

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 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 Updating Schedules Used In the Evaluation of LRR's Capacity to Support

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J. A.C. 10:85-9.3, 10:85-9.4 and 10:85-9.5 concerning the updating of schedules used in the evaluation of an LRR's capacity to support in the General Assistance Manual.

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

10:85-9.3(d)2. Excessive medical expenses: Where the LRR's average monthly cost for medical, dental, etc., services exceeds the applicable amount shown in the following schedule of medical expenses, the amount of the excess shall be subtracted from the LRR's gross monthly income:

LRR's Family Size	Monthly Medical Expenses
1	[\$30] \$45
2	[40] 60
3	[50] 75
4	[60] 90
5	[70] 100
6 or more	[75] 110

10:85-9.4(b)3.ii.(2) Schedule IV - Monthly Income Standards

Part A Spouse, or Parent of Child Under Age 18		Family Size	Part B All Other LRRs	
[\$260]	\$300	1	[\$550]	\$ 750
[340]	400	2	[800]	1,050
[410]	500	3	[1,020]	1,350
[470]	550	4	[1,220]	1,650
[530]	600	5	[1,410]	1,900
[590]	650	6	[1,590]	2,100
[640]	700	7	[1,760]	2,300
[690]	750	8	[1,920]	2,500
		Each Additional		
		person	+\$160	\$ 200
+\$ 50				

10:85-9.5(c)1.

Schedule VI
Shelter and Household Needs

Number in Eligible Unit for Whom LRR Is Responsible	Monthly Monetary Value
1	[\$ 90] \$100
2	[100] 110
3	[110] 120
4	[120] 130
5	[130] 140
6	[140] 150
7 or more	[150] 160

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 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

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed New Rules Concerning Fair Hearings

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12 and N.J.S.A. 30:4C-26a proposes to adopt new rules cited as N.J.A.C. 10:122-4.1 et seq. concerning family day care standards.

Adoption of these standards will improve the quality of family day care services by requiring covered family day care providers to meet certain requirements in the delivery of services.

Copies of the 14 pages of the full text of the proposal may be obtained or made available for review by contacting:

Nancy McNeil
Office of Program Support
Division of Youth and Family Services
1 South Montgomery Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 27, 1978, addressed to Nancy McNeil at the above address.

The Division of Youth and Family Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments to Vision Care Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise certain portions of N.J.A.C. 10:62-1.5, 1.6, 2.2, 2.3, 2.4, and 2.12 of the Vision Care Manual concerning prior authorization for eye examinations and appliances and basis of payment.

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

10:62-1.5(a) Note: [Exception: Screening examinations performed more frequently than once every two years for persons 19 years of age or over or more frequently than once a year for persons less than 19 years of age or 60 years of age or over require prior authorization.]

10:62-1.5(b) Note: [Exception: Comprehensive eye examinations performed more frequently than once every two years for persons 19 years of age or over or more frequently than once a year for persons less than 19 years of age or 60 years of age or over require prior authorization.]

10:62-2.2(a)2.i. (6) All other optical appliance items not listed or requiring additional charges or a prescription not identified by a listed code.

(7) Replacement of optical appliances.

[Note: If, for reasons of loss or breakage, replacement of an optical appliance(s) becomes necessary, the replacement appliance shall be identical to the appliance(s) that was replaced.]

Note 1: The New Jersey Medicaid Program will no longer pay for replacement of optical appliances which may have been lost, broken, damaged or stolen unless prior authorized.

Note 2: If prior authorization is approved due to extenuating circumstances as indicated above, the replacement appliance shall be identical to the appliance that was destroyed.

(8) Dual pairs of glasses.

Note: A statement indicating medical necessity must be submitted when requesting two pairs of glasses in lieu of multifocal lenses.

(9) Prior authorization is required when optical appli-

ances are requested more than once every two years for persons 19 years of age or over or more frequently than once a year for persons less than 19 years of age or 60 years of age or over. Additionally, to justify the request all subsequent prescriptions must have a change of at least .50 diopter in spherical or cylindrical power or a change in axis of 5 degrees or more.

10:62-2.3(e) [The total change in the correction must be at least 0.50 diopter in spherical or cylinder power, or a change of 5 degrees or more in cylinder axis.] New lenses are reimbursable only if a change exists that is at least 0.50 diopter in spherical or cylinder power, or a change of 5 degrees or more in cylinder axis.

10:62-2.3(k) For individuals with significant pathological conditions requiring tints other than A and B, prior authorization is required.

10:62-2.4(b) [3. Reimbursement will be based on actual invoice cost, however, not to exceed a maximum of \$5.00.]

3. Actual invoice cost is defined as the net amount paid by provider, reflecting all discounts or special purchase agreements.

4. Reimbursement will be based on actual invoice cost, however, it is not to exceed a maximum of \$5.00.

10:62-2.12(b) The reimbursement policy of the New Jersey Health Services Program provides for payment to the provider of the actual invoice cost of the optical appliance. Providers are requested to indicate the actual invoice cost of the material when submitting a claim. Actual invoice cost is defined as the net amount paid by provider, reflecting all discounts or special purchase agreements. The service (dispensing) fee, to which the provider is entitled, should be indicated as a separate item.

(c) The maximum allowable [cost] reimbursement for frames is \$5.00. However, providers may only bill the New Jersey Health Services Program for the actual invoice cost of the frame when submitting a claim for payment. Actual invoice cost is defined as the net amount paid by provider, reflecting all discounts or special purchase agreements. Frames are reimbursable only if they meet the criteria listed in this subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments on Pharmaceutical Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to

amend N.J.A.C. 10:51-1.9(a) concerning basis of payment for pharmaceutical services.

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

10:51-1.9(a)10. The maximum charge to the New Jersey Medicaid Program for a legend drug, including the charge for the cost of medication and the dispensing fee, may not exceed the lowest of the following:

- i. "Cost plus dispensing fee" as outlined herein; or
- ii. Usual and customary and/or posted or advertised charges; or
- iii. Other third-party prescription plan charges. [when contracts or agreements to participate have been entered into subsequent to the adoption of this regulation.]

Interested persons may present statements in writing relevant to the proposal on or before December 27, 1978 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments on Pharmacy Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules to be cited as 10:51-1.9(e) and 10:51-5.17(c) concerning an incentive program for pharmacies billing on magnetic tape.

Full text of the proposal follows:

10:51-1.9(e)

10:51-5.7(c) Tape-to-tape incentive program rules are:

1. An incentive payment will be available to approved pharmacies who submit Medicaid and/or PAA claims on magnetic tape. Incentive payments will begin when the total volume of paid magnetic tape Medicaid/PAA claims, submitted by pharmacy providers as a whole, equals or exceeds 20 per cent of the total volume of paid Medicaid/PAA claims.

2. The amount of the incentive payment will be determined according to the following schedule.

% of Total Medicaid/PAA Paid Claims	Amount of Incentive Payment
If tape claims comprise	the incentive payment is
20 - 29%	2¢/tape claim
30 - 39%	3¢/tape claim
40 - 55%	4¢/tape claim
over 55%	5¢/tape claim

3. The incentive payment program will begin on January 1, 1979, based upon the percentage of tape claims paid in December, 1978. If the volume of paid tape claims does

not reach 20% of the total for December, 1978, no incentive payments can be made in January, 1979. In that event, incentive payments will begin with the month following the month in which the volume of tape claims reaches 20% of the total paid claims volume.

4. The original incentive payment amount will apply through the end of the first calendar quarter of 1979. Thereafter, claim volume figures will be reviewed and averaged quarterly. The claim volume totals for the previous quarter will determine the amount of incentive for the subsequent quarter.

5. The incentive payment is an additional fee increment for tape claims only, over and above the dispensing fee allowed by the Program. At the end of each month, qualified providers will receive a separate incentive payment check for all tape claims paid during that month.

6. In order to be eligible to submit magnetic tape claims for the Medicaid or PAA Programs, a provider must complete form FD-103 and receive approval by the Division.

Interested persons may present statements in writing relevant to the proposal on or before December 27, 1978 to:
Administrative Practice Officer
Division of Medical Assistance and Health Services
P.O. Box 2486
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 MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments Concerning Independent Clinic Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:66-1.1 and 1.2 concerning provider enrollment requirements.

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

10:66-1.1 Clinic services

"Clinic services" means preventive, diagnostic, therapeutic, rehabilitative or maintenance items or services furnished under the direction of a licensed professional practitioner (physician, dentist, optometrist, podiatrist) in a [nonprofit] facility not administered by a hospital but organized and operated to provide health services on an outpatient basis.

10:66-1.2 Independent clinic (New Jersey based)

(a) Each independent clinic including all satellites must be individually approved by the New Jersey Division of Medical Assistance and Health Services as a provider before they will be reimbursed for services rendered to Medicaid patients. Before being considered by the Division of Medical Assistance and Health Services certain types of clinics must be approved by other State agencies. Applications for Approval (form FD-20) are to be submitted to:

[Chief Medical Care Administration]
Chief Provider Enrollment Unit
Division of Medical Assistance & Health Services
P.O. Box 2486
Trenton, New Jersey 08625

(b) In order to be approved as a Medicaid provider, all independent clinics, with the exception of ambulatory surgical centers, must:

1. Possess a certificate of need from the New Jersey Department of Health;
2. Be a voluntary, nonprofit organization;
3. Make a charge to all patients for services provided, except as provided by legislation. The charge made to Medicaid patients must not be more than that made to any other patient; and
4. Complete a provider application and sign the Agreement to Participate in the New Jersey [Health Services] Medicaid Program (form FD-62).

(c) In addition to subsection (b) of this section the following types of clinics must also be approved by the [State] agency indicated below before they can obtain Medicaid approval:

1. Mental health clinics: Be approved to provide psychiatric services by the New Jersey Department of [Institutions and Agencies] Human Services, Division of Mental Health & Hospitals;
2. Dental clinics: Be approved to provide dental services by the New Jersey State Board of Dentistry;
3. Ambulatory care facilities, [family planning clinics], neighborhood health centers, child evaluation centers, cerebral palsy clinics, Easter seal clinics, well child clinics, and so forth: Be licensed or approved by the New Jersey Department of Health to qualify as an "Independent Outpatient Health facility" in the specialty(ies) provided;
4. Ambulatory surgical centers: Be licensed to provide surgical services by the New Jersey Department of Health, and approved by the Accreditation Council For Ambulatory Care of the Joint Commission on Accreditation of Hospitals.
 - i. Exception: Ambulatory surgical centers may be non-profit or proprietary.
- [4] 5. Other types of clinics: . . .
- [5] 6. Satellite clinics: . . .

Interested persons may present statements in writing relevant to the proposal on or before December 27, 1978 to:
Administrative Practice Officer
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

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

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments and New Rules On Program Participation and Provider Reinstatement

Ann Klein, Commissioner of Human Services, pursuant

to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend portions of N.J.A.C. 10:49-1.17 concerning Medicaid program participation and also adopt new rules concerning provider reinstatement.

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

10:49-1.17(c)3. "Disqualification" means a debarment or a suspension which denies or revokes a qualification to bid or otherwise engage in State contracting which has been granted, [or] applied for or which may be applied for pursuant to statute, or rules and regulations.

10:49-1.17(d) Any of the following, among other things shall constitute a good cause for debarment, suspension or disqualification of a person engaged in State contracting or who may be eligible to engage in State contracting, as defined herein by the Division of Medical Assistance and Health Services.

10:49-1.17(d)25. The pendency of an investigation by any Federal, State, county or local law enforcement agencies, within or outside the State of New Jersey;

26. The pendency of an investigation by the Division's Office of Program Integrity;

27. The pendency of an administrative recovery proceeding for the collection of overpayments, interest, or civil penalties pursuant to N.J.S.A. 30:4D-17, or of any other civil proceedings within or outside of the State of New Jersey.

10:49-1.17(e)6. The existence of a cause set forth in N.J.A.C. 10:49-1.18(d)1 through 7, 11 through 22, and 24 through 27 shall be established by a preponderance of the believable evidence.

10:49-1.17(q) The rules herein shall be applicable to all persons, providers, contractors and their affiliates who engage in State contracting or who may be eligible to engage in State contracting with the Division as defined herein.

10:49-1.26 Provider reinstatement

(a) Definitions include the following.

1. "Director" means the Director of the Division of Medical Assistance and Health Services.

2. "Division" means the Division of Medical Assistance and Health Services.

3. "Person" means any natural person, company, firm, corporation, professional association, partnership, or other entity, whether or not a provider of services in the New Jersey Medicaid Program.

4. "Committee" means the Provider Reinstatement Committee.

(b) In order to be considered for reinstatement, any person who has been debarred, disqualified or suspended from participating in the New Jersey Medical Assistance and Health Services Program must petition the Director of the Division for reinstatement in writing.

(c) The written petition for reinstatement may not be submitted sooner than 90 days prior to expiration of the period of debarment.

(d) Rules concerning the petition by disqualified person are as follows:

1. Any person who has been disqualified from participating in the New Jersey Medical Assistance and Health Services Program for a definitely stated period of time, pursuant to N.J.A.C. 10:49-1.18 et seq., may petition the Director of the Division for reinstatement not sooner

than 90 days prior to the expiration of the period of disqualification.

2. Any person who has been disqualified from participating in the New Jersey Medical Assistance and Health Services Program for an indefinitely stated period of time, pursuant to N.J.A.C. 10:49-1.18 et seq., may petition the Director of the Division for reinstatement after a period of not less than eight (8) years from the effective date of the disqualification.

(e) Any person who has been suspended, debarred or disqualified from participating in the New Jersey Medical Assistance and Health Services Program, as the result of an indictment, conviction or license revocation may immediately petition the Director for reinstatement upon acquittal, reversal of the conviction upon appeal or restoration of the license, whichever is applicable.

(f) The Director may on his own motion order the reinstatement of the debarred or disqualified person or he may refer the matter to the Provider Reinstatement Committee.

(g) The Provider Reinstatement Committee is a non-standing committee that is convened when a request is referred to it by the Director of the Division.

1. The committee will be composed of three impartial officials of the Division appointed by the Director.

i. Under this requirement, the committee members must not have been directly involved in the debarment or disqualification of the person requesting reinstatement.

ii. The chairman of the committee will be an attorney from the Bureau of Research and Development.

iii. Whenever possible, the associate members of the committee will be composed of one member of the Division staff from the same discipline as the debarred or disqualified person, for example, a Division Medical Consultant when a physician is requesting reinstatement or a Division Dental Consultant when a dentist is requesting reinstatement, etc., and one member from the general administrative staff of the Division.

2. The purpose of the committee is to evaluate whether or not the person requesting reinstatement should be reinstated in good standing with the Division.

(h) Committee procedures are as follows.

1. The committee will meet at the Division offices in Trenton.

2. The person requesting reinstatement and/or his representative will be notified, in writing, as to the time, date and place of the meeting.

3. All correspondence concerning the meeting should be directed to the chairman of the committee.

4. The chairman of the committee will rule on all procedural questions and will rule on all objections that may be raised at the meeting.

5. The person requesting reinstatement will have the burden of proving his fitness for reinstatement in the New Jersey Medical Assistance and Health Services Program by a preponderance of the evidence.

6. A debarred, suspended or disqualified person may prove his fitness for reinstatement by means of evidence which includes the elimination of the causes for which the debarment or disqualification was imposed, the full satisfaction of any civil penalties imposed, the absence of any pending criminal proceedings or professional disciplinary proceedings, and references as to the good character of the person by upstanding citizens of the community.

7. The aforementioned grounds for reinstatement may be presented to the committee by the testimony of witnesses under oath or by documentary evidence.

8. Upon reviewing the testimony and documentation presented, the committee will prepare a written report which

discusses the testimony, contains findings of facts and a recommended disposition in the matter.

9. At least two members of the committee must concur in the recommended disposition.

10. Copies of the committee's report will be sent to all parties at the meeting. Upon receipt of the committee's report, the parties will have the opportunity to submit written objections or exceptions to said report within the time period specified by the committee.

11. Upon receipt of the exceptions or upon the expiration of the time period prescribed for the filing of the exceptions, whichever occurs first, the committee's report, exceptions or objections thereto, evidence and any transcripts will be forwarded to the Director of the Division.

12. The Director will have final decisional authority and may adopt, reverse or modify the committee's recommended determination. The Director may also, for cause, remand the matter back to the committee for further testimony.

(i) Representation rules are as follows.

1. The person requesting reinstatement may appear in his own behalf or be represented by counsel.

2. Any person appearing in a proceeding before the committee in a representative capacity, may be required by the committee to file evidence of his authority to act in such capacity.

(j) The committee will be governed by the New Jersey Administrative Procedure Act concerning admissibility of evidence at the meeting.

Interested persons may present statements or arguments relevant to the proposed action in writing on or before December 27, 1978, to:

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Rules on Release of Criminal History Record Information

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12, N.J.S.A. 30:4C-26(a), N.J.S.A. 9:3-47(b), and N.J.S.A. 9:3-48(a)(2), (b) proposes to adopt new rules concerning release of criminal history record information.

This proposal is in response to Federal regulations which restrict the access of criminal records to non-criminal justice agencies seeking to use them. The Federal regulations require State authorization in the form of a statute, executive order, court decision or court rule. Adoption of this proposal would satisfy the Federal requirements and allow the State Police to furnish the Division of Youth and Family Services with State and Federal criminal history record information concerning adoptive and foster parents and in cases of suspected child abuse and neglect.

Full text of the proposed rules follows:

SUBCHAPTER 4. RELEASE OF CRIMINAL HISTORY RECORD INFORMATION

10:121-4.1 Release of State and Federal criminal history record information in cases of prospective adoptive and prospective foster parents.

In all cases which the Division of Youth and Family Services has a responsibility for investigating the circumstances of any person for consideration as a prospective foster parent or adoptive parent, the Division of Youth and Family Services shall obtain from the New Jersey State Police the appropriate State and Federal criminal history record information pertaining to such individuals.

10:121-4.2 Release of State and Federal criminal history record information in cases of suspected child abuse and neglect.

The Division of Youth and Family Services, in its investigation of child abuse or neglect referrals, shall obtain from the New Jersey State Police the appropriate State and Federal criminal history record information pertaining to individuals who are the subjects of such investigations in order to assist the Division in providing the courts with sufficient information in determining these matters.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 27, 1978 to:

Jesse Moskowitz, Administrator
Office of Regulatory and Legislative Affairs
Division of Youth and Family Services
1 South Montgomery Street
Trenton, New Jersey 08625

The Division of Youth and Family Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Notice Concerning Agreement for Coordination of Collection Activity between Public Welfare And Medical Assistance and Health Services

Take notice that the Division of Public Welfare in the Department of Human Services has published the following "Agreement for Coordination of Collection Activity between the Division of Public Welfare and the Division of Medical Assistance and Health Services." This document is an internal agreement between the two agencies and does not involve any change in regulations.

Full text of the agreement follows:

AGREEMENT FOR COORDINATION OF COLLECTION ACTIVITY BETWEEN N.J. DIVISION OF PUBLIC WELFARE HEREIN REFERRED TO AS DPW AND N.J. DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES HEREIN REFERRED TO AS DMAHS

(for purposes of brevity the words County Welfare Agency, Division of Public Welfare and Division of Medical Assistance and Health Services are abbreviated herein as CWA, DPW and DMAHS respectively.)

Purpose

The purpose of this agreement is to define areas of responsibility and establish basic principles and procedures in those collection activities in which both of the respective Divisions may be involved. It is intended that maximum conservation of public funds be effected without duplication of effort. This agreement shall apply to any situation where a recovery may be effected.

It is recognized that certain situations will fall into more than one of the following categories. Any such matter will be processed in accordance with the provisions of the first occurring applicable category.

Provisions by Category

I. INCORRECTLY GRANTED ASSISTANCE

(Cash and/or Medical Assistance)

A. General Procedure

1. Incorrect Determinations of Eligibility

In instances involving an incorrect determination of eligibility for Medical Assistance by a CWA, whether or not in combination with cash assistance, the CWA will ascertain from DMAHS the amount of Medical Assistance incorrectly granted and will process the entire matter in accordance with the regulations applicable to instances of incorrectly granted cash assistance alone, invoking collection and/or judicial review as appropriate. (See applicable regulations in DPW's Public Assistance Manual.)

B. Distribution of Collection Proceeds

1. Medical assistance in combination with cash assistance

When collection occurs in a case involving both cash assistance and medical assistance, the CWA will, in the absence of court instruction to the contrary, apply the net proceeds, after deducting identifiable costs of collection, such as filing fees and advertising costs but not including such costs as CWA staff time, supplies, counsel fees or overhead, first to the repayment of cash assistance and will then remit any balance to DMAHS.

2. Medical Assistance Only

When any CWA recovers funds on account of Medical Assistance improperly granted, the CWA will, in the absence of court instruction to the contrary, reimburse itself for those cash expenses directly related to the recovery such as court filing fees and advertising costs but not including costs such as CWA staff time, supplies, counsel fees or overhead. In addition, the CWA will retain 10% of the gross amount of the recovery up to \$250.00. The CWA will remit the remaining proceeds to DMAHS. It is understood that the amount of the \$250.00 limitation shall be subject to separate renegotiation. Any change will be effective upon appropriate amendment to this agreement.

II. THIRD PARTY LIABILITY CLAIMS

A. Sharing of Information

Whenever either a CWA or DMAHS learns of a situation in any case in which the other may have a claim it will notify the other.

B. Collection of Claims

Unless individual case circumstances intervene, the first claim after settlement or judgment is for any payments by DMAHS arising from the occurrence. The next claim is that which the CWA may exert in accordance with an agreement to repay or similar document. The DMAHS and the CWA will, insofar as their controls allow, maintain priority of payment in the above order.

III. LIQUIDATION OF POTENTIAL RESOURCES

A. General Procedure

The CWA will participate in the liquidation of potential resources according to the program requirements under which eligibility has been established, regardless of whether or not cash assistance is being granted. Notification of the potential resource to be liquidated shall be forwarded to DMAHS enabling them to seek a voluntary contribution for funds expended. Sale of real property to which title is held by a CWA is subject to DPW approval in all instances regardless of the proposed distribution of the proceeds.

B. Distribution of Proceeds

1. CWA/DMAHS Jurisdiction

All funds arising from the liquidation of resources and which, by action of law, regulation, or agreement with the owner, fall under the jurisdiction of either a CWA or DMAHS for distribution will, insofar as possible, be allocated as follows:

a) Proceeds will be first applied to the cash costs of liquidation, such as advertising costs and filing fees but not including costs such as CWA staff time, supplies, counsel fees or overhead.

b) Proceeds will be next applied to any claims superior to that of the CWA (i.e., taxes).

c) Proceeds will be next applied to any funds owing to and collectible by the CWA.

d) Any residue remaining after the above payments are allocated would, in the absence of circumstances to the contrary, be the property of the client and thereby subject to the provision of B. 2. below.

2. Client Jurisdiction

All funds properly belonging to a client free of any agency claim are to be remitted to the client as promptly as possible or otherwise disbursed at the client's instruction. The CWA will promptly reevaluate eligibility following such distribution, taking into consideration any voluntary repayment to DMAHS.

IV. RECOVERY FROM ESTATES OF DECEASED CLIENTS

NOTE: Information for CWA

Recovery of that Medical Assistance which was correctly granted after an individual attains the age of 65 is authorized from the estate of the individual provided that the individual left no surviving spouse, surviving child who is under age 21, or surviving child who is blind or permanently and totally disabled.

A. Joint Recoveries

The CWA will normally undertake recovery activity as agent for DMAHS for any case in which the CWA is or will be undertaking activities on its own account. However, in those cases where the recovery of Medical Assistance is possible and where the entire CWA claim is for burial expenses only, DMAHS will initiate recovery activity inclusive of CWA burial costs. DMAHS may, in certain cases, assume direct jurisdiction in recovery of its claim concurrent with CWA activity. DMAHS will make sure that the CWA is aware of its activity in such cases. Compromise settlements of cash assistance are subject to DPW approval. Compromise settlements of Medical Assistance are subject to DMAHS approval.

(Continued on Page 552)

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 November 20, 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>
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AGRICULTURE — TITLE 2

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)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.367	10 N.J.R. 469(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.395	10 N.J.R. 526(b)
2:53-1.2, 1.3	Amended schedules of milk prices	R.1978 d.318	10 N.J.R. 414(a)
2:54-2.6	Amendments to Federal Milk Marketing Order 4	R.1978 d.344	10 N.J.R. 468(b)
2:54-3.7	Suspension to Federal Order No. 4	R.1978 d.149	10 N.J.R. 218(c)
2:54-3.7	Amendments on suspension of portions of Federal Order 4	R.1978 d.343	10 N.J.R. 468(a)
2:54-3.7	Amendments to milk handling order	R.1978 d.396	10 N.J.R. 526(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)
3:6-3.1	Repeal rule on notice of maturity on business suspensions	R.1978 d.370	10 N.J.R. 469(b)
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

4:1-5.16	Amendments on awarding counsel fees	R.1978 d.345	10 N.J.R. 469(c)
4:1-8.14	Amendments on action against prospective employees	R.1978 d.358	10 N.J.R. 469(d)
4:1-12.2	Amendments on promotional eligibility during leave to fill elective office	R.1978 d.392	10 N.J.R. 527(d)

(Rules in the Code for Title 4 include all adoptions prior to September 21, 1977—Transmittal Sheet No. 11.)

COMMUNITY AFFAIRS — TITLE 5

5:3-1.1 et seq., 5:14-1.1 et seq., 5:16-1.1 et seq., 5:20-1.1 et seq., 5:40-1.1 et seq.,	Delete certain rules of the Department	R.1978 d.360	10 N.J.R. 470(a)
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5:43-1.1 et seq., 5:44-1.1 et seq., 5:61-1.1 et seq., 5:70-1.1 et seq.			
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)
5:11-9.7	Amendments on tax abatements on added assessments	R.1978 d.369	10 N.J.R. 472(a)
5:22-1.1 et seq.	Amendments on continuation of rental assistance payments	R.1978 d.342	10 N.J.R. 469(e)
5:23-1.1 et seq.	Amendments to Uniform Construction Code	R.1978 d.350	10 N.J.R. 469(f)
5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-6.1 et seq.	Rules on tax exemption for solar facilities	R.1978 d.334	10 N.J.R. 418(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. 418(d)
5:34-1.1 et seq.	Delete current text and reserve for future use	R.1978 d.322	10 N.J.R. 418(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)
5:36-1.1 et seq.	Amended rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:62-1.1 et seq.	Delete rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
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 March 20, 1978—Transmittal Sheet No. 10.)

EDUCATION — TITLE 6

6:3-1.21	Evaluation of tenured teaching staff members	R.1978 d.227	10 N.J.R. 319(d)
6:3-3.1 et seq.	Amendments on withdrawal from limited purpose regional school districts	R.1978 d.355	10 N.J.R. 473(b)
6:11-4.5	Amendments on intern certificates	R.1978 d.393	10 N.J.R. 531(b)
6:21-5.1 et seq. 6.1 et seq.	Amendments on school bus equipment specifications	R.1978 d.226	10 N.J.R. 319(c)
6:21-19.1(h)	Rule on school bus strobe warning lamps	R.1978 d.306	10 N.J.R. 418(c)
6:22-9.1 et seq., 10.1 et seq., 11.1 et seq.	Amendments on energy conservation	R.1978 d.356	10 N.J.R. 473(c)
6:22-13.3	Amendments on fire alarms and automatic fire detection	R.1978 d.357	10 N.J.R. 474(a)
6:28-1.1 et seq.	Amendments on special education	R.1978 d.277	10 N.J.R. 383(a)

(Rules in the Code for Title 6 include all adoptions prior to May 22, 1978—Transmittal Sheet No. 12.)

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)
7:6-1.34(c), 1.42(d)	Amendments regarding boating, diving and swimming	R.1978 d.368	10 N.J.R. 480(a)
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., 7:10-3.10 et seq.	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 146(d)
7:9-2.1, 7:10-3.10 et seq.	Extend effective date on sewers to July 1, 1978	R.1978 d.182	10 N.J.R. 279(b)
7:9-2.4, 2.60, 2.67, 2.70 7:10-3.10 et seq.	Amendments on construction of sewerage facilities and waste supply systems	R.1978 d.161	10 N.J.R. 237(b)
7:9-2.5, 2.7, 2.19, 2.5, 2.60, 2.61, 2.98	Amendments to standards for sewerage facilities and water	R.1978 d.231	10 N.J.R. 328(c)
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, 2.13, 7.1 et seq.	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 146(a)
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)
7:27-9.1 et seq.	Amended effective date for amended rules on sulfur in fuels	R.1978 d.361	10 N.J.R. 479(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)
Temporary Rule	Adopt 1979 Fish Code	R.1978 d.351	10 N.J.R. 479(b)

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

HEALTH — TITLE 8

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)
8:21-4.31-4.34	Laetrile efficacy in study of cancer	R.1978 d.246	10 N.J.R. 341(a)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)
8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:31-17.1 et seq.	Adopt portion of 1979 SHARE guidelines	R.1978 d.374	10 N.J.R. 484(c)
8:31A	Amend SHARE Manual	R.1978 d.399	10 N.J.R. 536(a)
8:31A-10.6	Amendments on time-phased plans	R.1978 d.294	10 N.J.R. 385(c)
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)
8:42-2.1 et seq.	Amendments to standards for licensure of residential and in-patient drug treatment facilities	R.1978 d.373	10 N.J.R. 484(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-1.1 et seq.	Amendments on drug abuse treatment services	R.1978 d.375	10 N.J.R. 485(a)
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)
8:43A-1.48(b)1.	Ratification of emergency adoption	R.1978 d.398	10 N.J.R. 536(d)
8:43B-6.4(c)	Amendments on medications and treatment prescribed by podiatrists	R.1978 d.337	10 N.J.R. 430(b)
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)
8:57-1.20	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)
8:65-7.14	Amendments on refilling prescriptions	R.1978 d.391	10 N.J.R. 536(c)
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)
8:65-10.2(b)4.	Control precursors of phencyclidine	R.1978 d.390	10 N.J.R. 536(b)
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)
Temporary rule	1979 Hospital rate guidelines	R.1978 d.399	10 N.J.R. 536(a)

(Rules in the Code for Title 8 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 9.)

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)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(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)
9:7-1.1 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)
9:11-2.1 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)

(Rules in the Code for Title 9 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

HUMAN SERVICES — TITLE 10

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 developmentally disabled	R.1978 d.333	10 N.J.R. 445(a)
10:44A-1.1 et seq.	Standards for licensed community residences for developmentally 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)
10:49-2.1 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)
10:51-5.1 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)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:81-2.6, 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)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(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)
10:82-2.13	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(e)1.i	Amendments on unmarried child's eligibility for assistance	R.1978 d.303	10 N.J.R. 443(d)
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)
10:87-7.10, 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)
10:94	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)
10:94-4.35, 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	Amendments on salary increases for CWA employees	R.1978 d.394	10 N.J.R. 553(a)
10:120-3.1 et seq.	Fair hearing guidelines	R.1978 d.347	10 N.J.R. 490(a)

(Rules in the Code for Title 10 include all adoptions prior to May 22, 1978—Transmittal Sheet No. 10.)

CORRECTIONS — TITLE 10A

10A:70-3.6(a)1.iii.	Repeal part of rule on parole date set	R.1978 d.397	10 N.J.R. 553(b)
10A:70-6.3(d)	Delete part of rule on certificate of parole	R.1978 d.371	10 N.J.R. 490(b)

(Rules in the Code for Title 10A include all adoptions prior to May 22, 1978—Transmittal Sheet No. 2.)

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)
Temporary rule	Listing of prevailing wage rates for construction workers on public works projects	R.1978 d.377	10 N.J.R. 553(c)

(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	R.1978 d.236	10 N.J.R. 352(a)
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.33	10 N.J.R. 121(a)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.75	10 N.J.R. 170(a)
13:4-8.2(a)1.	Deletion on discovery by parties other than Division	R.1978 d.82	10 N.J.R. 171(a)
13:4-12.9	Costs of hearings	R.1978 d.46	10 N.J.R. 121(b)
13:18-10.1 et seq.	Unsatisfied claim and judgment fund reimbursement of excess medical expenses	R.1978 d.207	10 N.J.R. 350(b)
13:20-10.1	Repeal rules on steering and suspension systems	R.1978 d.381	10 N.J.R. 557(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)
13:30-8.7	Examination of candidates for licenses to practice dentistry	R.1978 d.366	10 N.J.R. 510(d)
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)
13:35-6.12	Amendments on release of patient records	R.1978 d.352	10 N.J.R. 510(a)
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)
13:44-2.11	Veterinarian advertising and solicitation	R.1978 d.382	10 N.J.R. 558(a)
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)
13:70-3.40, 13:71-5.18	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(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)
13:71-21.8, 21.9	Amendments on mandating deduction for drivers' fees	R.1978 d.354	10 N.J.R. 510(c)

(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)
14:17-18.1	Amended definition of classical system	R.1978 d.349	10 N.J.R. 514(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)
14A:4-1	Technical sufficiency for solar heating and cooling systems	R.1978 d.400	10 N.J.R. 563(a)
14A:5-1	Sales tax exemption standards for solar energy systems	R.1978 d.401	10 N.J.R. 563(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

(Rules in the Code for Title 15A include all adoptions prior to March 20, 1978—Transmittal Sheet No. 1.)

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)
16:28-1.177	Speed limits on parts of Route U.S. 46	R.1978 d.386	10 N.J.R. 565(d)
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)
16:28-3.103	Restricted parking on Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
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. 23, 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)
16:28-3.179 and 3.180	Restricted parking on parts of Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)

16:28-3.181	Restricted parking on parts of Route 94	R.1978 d.388	10 N.J.R. 566(b)
16:28-3.184	Route U.S. 206 in Hamilton Township, Mercer County	R.1978 d.380	10 N.J.R. 565(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)
16:28-12.77	No right turns on red signals on parts of Route 57	R.1978 d.384	10 N.J.R. 565(b)
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)
16:28-15.9, 15.11 to 13	Amendments on no passing zones on parts of Routes U.S. 206, N.J. 94, 23 and 31	R.1978 d.389	10 N.J.R. 566(c)
16:28-16.1	Traffic rules on DOT property at Metro Park	R.1978 d.266	10 N.J.R. 406(c)
16:28-16.2 and 16.3	Traffic control and parking on NJDOT property	R.1978 d.385	10 N.J.R. 565(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

17:2-3.2(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)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
17:7-1.4	Amendments on election of a prison officer to Pension Commission	R.1978 d.372	10 N.J.R. 520(a)
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, 5.6	Amendments on classification of funds	R.1978 d.316	10 N.J.R. 456(b)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.376	10 N.J.R. 520(c)
17:18-1.79	Signing of formal judgments	R.1978 d.195	10 N.J.R. 305(c)
17:20-7.3 to 7.7	Rules on suspension and revocation of lottery agent's licenses	R.1978 d.383	10 N.J.R. 566(d)
17:21-12.1 et seq.	Pick-Four lottery rules	R.1978 d.179	10 N.J.R. 304(a)
17:21-13.1	Amend Pick-It Lottery rules	R.1978 d.348	10 N.J.R. 519(a)
17:24-4.3, 7.4, 13.2	Amendments on affirmative action requirements	R.1978 d.185	10 N.J.R. 305(a)
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 March 20, 1978—Transmittal Sheet No. 10.)

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)
19:4-6.28	Amendments to official zoning map	R.1978 d.359	10 N.J.R. 522(e)
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(b)12.	Amendments on towing passenger vehicles by campers	R.1978 d.378	10 N.J.R. 568(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)
19:8-3.1	Amendments on tolls and exact change toll lanes	R.1978 d.379	10 N.J.R. 569(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)
19:41-4.3	Amendments on application procedures (durational residency provisions with regard to employers)	R.1978 d.363	10 N.J.R. 522(c)
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)
19:44-1.1, 4.1, 5.1	Amendments on gaming schools	R.1978 d.364	10 N.J.R. 522(d)
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)
19:47-1.2, 1.4, 1.5	Amendments to rules of game for craps	R.1978 d.346	10 N.J.R. 522(a)
19:48-1.1 et seq.	Rules on exclusion of persons from casinos	R.1978 d.362	10 N.J.R. 522(b)
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.)

(Continued from Page 544)

B. CWA Recoveries and Distribution

From the proceeds of liquidation, the CWA will first recover the amount necessary to satisfy its own claim (including costs of liquidation and the claims of other New Jersey CWA's). The CWA will recover funds from the clearing account in the order in which the funds were received in the clearing account. If any part of any remaining surplus had been received from the proceeds of assigned life insurance for which there was a named beneficiary other than the client's estate, that surplus or the policy benefit, whichever is less, is the property of the beneficiary and should be so directed.

All other surplus funds are a part of (or the entire) client's estate and are payable to the legally designated representative of the estate. If the representative of the estate is unknown or if no representative has been appointed and there are no known next of kin, the CWA will forward to the DMAHS an amount not to exceed the amount of the proper Medical Assistance claim as determined by communication with the Chief, Bureau of Utilization Control, DMAHS. Any remaining funds will escheat to the State of New Jersey.

When there are known next of kin, the CWA will request the next of kin to file to be appointed administrator if the amount to be disbursed is greater than the claim of DMAHS. If the claim of DMAHS will equal or exceed the estate, the CWA will request the next of kin to sign a consent to transfer his/her rights to DMAHS and, upon receipt of such signed consent, the CWA will forward the funds to DMAHS.

When next of kin will not sign a consent to transfer his/her right to DMAHS and will not file to become the administrator, the CWA may, at its option, arrange for someone to file to become administrator or the CWA may refer the information to DMAHS for action.

In any question or dispute among two or more claim-

ants on surplus funds, the CWA will withhold payment pending resolution by mutual consent of all claimants or by court order.

C. DMAHS Recoveries and Distribution

The DMAHS will undertake recovery activity in Medical Assistance payment cases in which no CWA will be submitting a claim. However, information from the CWA eligibility record is necessary to such DMAHS activity. Promptly, upon receipt of information by the CWA from any source, about the death of a "Medicaid Only" or SSI recipient who was age 65 or over at the time he/she received Medical Assistance, the CWA will communicate with DMAHS, supplying such material as may be required. The CWA will respond to inquiries from DMAHS for information which DMAHS may need in pursuit of recovery.

In cases in which DMAHS is acting for a CWA in collection of burial expenses, DMAHS will accord payment of the burial claim priority over its own recovery.

V. VOLUNTARY PAYMENTS

The CWA may, at any time accept an offer of voluntary repayment, either on its own behalf or on behalf of DMAHS, up to but not in excess of the amount of assistance granted. To any inquiry as to amount granted, the CWA will supply the appropriate information, identifying the respective amounts granted by the CWA and DMAHS. In the absence of instruction from the payer, the CWA will reimburse cash assistance first and then remit any balance to DMAHS.

Effective Date

This agreement shall become effective upon the promulgation of appropriate regulations.

This Notice is published as a matter of public information.
 G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Salary Increases For County Welfare Agencies' Employees

On November 14, 1978, Ann Klein, Commissioner 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 N.J.A.C. 10:109-1.1 et seq. concerning salary increases for county welfare agencies' employees substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 253(c) 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 November 14, 1978, as R.1978 d.394.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CORRECTIONS

STATE PAROLE BOARD

Deletion of Part of Rule On Board Action and Parole Date Set

On November 9, 1978, the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.6 and in accordance with applicable provisions of the Administrative Procedure Act, deleted the current text of N.J.A.C. 10A:70-3.6(a) 1. iii. concerning the Board's action regarding parole date set.

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

10A:70-3.6(a)1.[iii. Except in special circumstances such parole release date shall be set no more than six months from the date of the parole hearing.]

iii. [iv.] Parole release may be conditioned upon the satisfactory completion of certain specific conditions prescribed by the Board at the parole hearing.

An order deleting this text was filed on November 16, 1978 as R.1978 d.397 (Exempt, Exempt Agency).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

WAGE AND HOUR BUREAU

Listing of Prevailing Wage Rates for Construction Workers on Public Works Projects

On October 17, 1978, William J. Clark, Assistant Com-

missioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56.25 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, filed a listing of prevailing wage rates for construction workers on public works projects.

The listings include the classification, hourly prevailing wage rates, benefits and overtime data for construction workers on public works projects for the entire State as well as for each of the 21 counties within the State.

Copies of the 300 pages of the full text of this listing may be obtained from or made available for review by contacting:

Public Contracts Section
Wage and Hour Bureau
Department of Labor and Industry
John Fitch Plaza
Trenton, N.J. 08625

An order adopting this listing was filed on October 24, 1978 as R.1978 d.377 (Exempt, Procedure Rule). Take notice that this listing is not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amendments Concerning Transportation Of Bulk Commodities

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5E-1 et seq. proposes to amend N.J.A.C. 13:26-3.1 concerning Classification of Commodities; N.J.A.C. 13:26-3.11 concerning Vehicle Identification; and N.J.A.C. 13:26-3.14 concerning Lease of Equipment.

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

13:26-3.1(c) Certificates of Public Convenience and Necessity and/or Permits shall specify the commodity or commodities authorized to be transported pursuant to the commodity classifications set forth herein. In the event the operations of an individual carrier fall within more than one classification, they shall become subject to the rules and regulations of each classification in which they fall.

1. Carriers of liquid petroleum products shall comprise commodity group 1. This group shall include carriers of liquid petroleum products who transport such petroleum products as gasoline and other liquid motor fuel, road oil, crude oil, fuel oil, kerosene and like products in tank vehicles. Carriers of butane, propane and other derivatives of petroleum are included in this group when such products are transported in tank vehicles. This group also includes carriers of edible oils, coal-tar products, and chemicals, if transported in tank vehicles.

2. Carriers engaged in dump trucking shall comprise commodity group 2. This group includes carriers engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, coal, and other similar commodities.

3. Carriers of waste liquid and dry bulk waste shall comprise commodity group 3. This group includes carriers engaged in the transportation of liquid or dry bulk waste.

4. Carriers of explosives, dangerous articles or otherwise hazardous materials shall comprise commodity group 4. This group includes carriers engaged in the bulk transportation of explosives, dangerous articles or otherwise hazardous materials such as inflammable oxidizing materials, corrosive liquids, compressed gases, etc.

5. Carriers of commodities not specifically classified shall comprise commodity group 5. This group includes carriers engaged in the transportation of bulk commodities not specifically provided for under any classification.

13:26-3.11 Vehicle Identification and Authorization

(a) The Director shall issue proper and sufficient identification for each motor vehicle power unit operated under authority of the Director.

(b) Permanent vehicle identification and authorization rules are:

1. A metal identification plate issued by the Director shall be attached on a conspicuous location upon the front of the power unit and shall remain upon the vehicle for which issued until the vehicle is removed or sold.

i. Identification plates shall expire March 31 of each year;

ii. Loss or destruction of a plate shall be reported to the Director;

iii. Plates shall be renewed annually at the statutory fee of \$10.00.

2. An identification card shall be issued annually for each power unit. Said card shall be on the possession of the driver when the vehicle is being operated upon any highway in this State and shall be exhibited upon demand to any person authorized to enforce the provisions of N.J.S.A. 39:5E-1 et seq.

3. An identification decal shall be issued annually for each power unit as evidence of the renewal of the identification plate. Said decal shall be affixed on the outside of the driver's door.

4. Identification plates, decals and identification cards issued by the Director shall be returned to the Division of Motor Vehicles upon [the removal from service or sale of the motor vehicle or upon the] termination, suspension or revocation of operating authority.

5. Upon the removal from service or sale of a bulk hauler vehicle, the permanent plates, decals and identification cards shall be removed from the vehicle and the Division shall be notified of such discontinued use. The permanent plates may be transferred for the unexpired term upon the hauler's surrender of the vehicle identification card to the Division and application for transfer of the plate.

(c) Temporary vehicle identification and authorization rules are:

1. Temporary vehicle authorization and identification plates, decals and cards may be issued to bulk haulers holding operating authority to be used on vehicles employed:

i. As temporary replacement vehicles for inoperable equipment;

ii. As temporary supplemental vehicles used to meet the excessive demands of a carrier's authority;

iii. As temporary identification and authorization of permanently acquired supplemental vehicles (pending receipt of permanent identification and authorization).

2. Temporary identification plates shall be affixed in the same manner and shall be subject to the same provisions as apply to permanent plates set forth at N.J.A.C. 13:26-3.11(a)1.

3. Temporary identification cards shall be marked "temporary" and shall be in the possession of the driver when the vehicle is being operated upon any highway in this State and shall be exhibited upon demand to any person authorized to enforce the provisions of N.J.S.A. 39:5E-1 et seq.

4. Temporary identification decals shall be issued for each power unit as evidence of validity of the identification plate. Said decal shall be temporarily taped to the driver's door window and shall be visible from the exterior of the vehicle.

5. Temporary Authorization and Vehicle Identification plates, decals and cards shall not be used for a period exceeding (30) thirty days on any one vehicle employed pursuant to the provisions of section (b)1. of this section and shall be removed when the vehicle is removed from service. Carriers shall obtain permanent identification and authorization on vehicles to be used for a period exceeding (30) thirty days. No bulk hauler shall be issued more than (5) temporary identification plates, decals or cards.

6. Holders of temporary vehicle identification and authorization under this section shall maintain accurate records, at the principal New Jersey office of said carrier, concerning the use of all temporary vehicle identification and authorization. Said records shall indicate the identity of the vehicles using temporary identification and authorization; the date said vehicle was first placed in use; and the date said vehicle was withdrawn from use.

(d) Emergency-temporary identification and authorization rules are:

1. Where a bulk hauler holding operating authority requires immediate authorization of an additional vehicle added to his fleet, the Director may issue emergency authorization in letter or telegraphic form upon application of the carrier by telephone or otherwise and upon payment of the vehicle identification plate fee. Such authorization and identification shall be valid for a period not greater than (15) fifteen days and shall authorize said vehicle to transport bulk commodities under the bulk hauler authority held by the applicant. Written authorization of emergency authority issued by this Division shall be in the possession of the driver when the vehicle is being operated upon any highway in this State and shall be exhibited upon demand to any person authorized to enforce the provisions of N.J.S.A. 39:5E-1 et seq.

13:26-3.14 Lease of equipment

(a) The use by haulers of bulk commodities (under lease, contract or other arrangement) of motor vehicles or equipment not owned by them, in the transportation of bulk commodities, may be authorized subject to the following restrictions:

1. Agreements: Any lease, contract, or other arrangement shall be in writing and signed by the parties thereto, and shall specify the period during which it is in effect. Said lease, contract or other arrangement shall be kept in the principal New Jersey office of said carrier and subject to inspection by the Director or his duly authorized representative.

2. Responsibility for non-owned vehicles: Haulers of bulk commodities shall have full direction and control of non-owned vehicles used in the transportation of bulk commodities and will be fully responsible for the operation thereof in accordance with the applicable laws and regulations as if they were the owners of such vehicles, including but not limited to the requirements prescribed by or under the provisions of these regulations with respect to safety, inspection and insurance.

3. Identification of Equipment—Haulers of bulk commodities who acquire the use of equipment under this sec-

tion shall properly and correctly identify such equipment during the period of the lease, contract, or other arrangement in accordance with the requirements at N.J.S.A. 39:4-46 (Commercial vehicles to display name and place of lessee) and the Division's regulations in section 13:26-3.11 (Vehicle Identification and Authorization). If a removable device is used to identify the acquiring authorized carrier under N.J.S.A. 39:4-46 such device shall be legible and on durable material such as wood, plastic, or metal.

4. Identification Removal—The authorized carrier operating equipment under this section shall remove any legend showing it as the operating carrier displayed on such equipment and shall remove any identification device (plates, cards or decals issued under section 13:26-3.11 herein) showing it as the operating carrier, upon removing said equipment from bulk hauler service and/or relinquishing possession.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 27, 1978 to:

Henry S. Czauski, Referee
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

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

John A. Waddington, Director
Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

**BOARD OF VETERINARY
MEDICAL EXAMINERS**

**Proposed Repeal of Rules Concerning Licensure
of Citizens of Foreign Country, Announcements,
And Notices of Recurrent Services**

Ruth Weisman, Executive Secretary of the New Jersey State Board of Veterinary Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-9.9, proposes to repeal certain rules of the Board designated as N.J.A.C. 13:44-1.4, 13:44-2.4 and 13:44-2.5, which rules deal with licensure of citizens of foreign countries, announcements, and notices of recurrent services.

Full text of the rules proposed to be repealed follows (deletions indicated within brackets [thus]; additions indicated in boldface thus):

13:44-1.4 [Licensure of Citizens of Foreign Country]
(Reserved)

(a) An applicant who is a citizen of a foreign country may be licensed; provided that such applicant has declared his intention of becoming a citizen of the United States.

(b) Such applicant shall, upon passing the examination, be issued a license valid for six years from the date of such declaration of intention and upon failure of such licensee to furnish evidence of his having actually become a citizen, his license shall become invalid and automati-

cally become revoked, except that the Board may extend such time upon application and for good cause shown.]

13:44-2.4 [Announcements] **(Reserved)**

[Announcements of the establishments of an office or the opening of new facilities shall be limited to three insertions in a newspaper circulating in the community and shall contain only such information as name, address, telephone number, office hours and type of practice. A single mailing of an announcement containing similar information may be made.]

13:44-2.5 [Notices of Recurrent Services] **(Reserved)**

[Notices of vaccination or recurrent services are permissible if limited to patients previously serviced.]

Interested persons may present statements or arguments in writing relevant to the repeal on or before December 31, 1978 to:

Ruth Weisman, Executive Secretary
New Jersey State Board of
Veterinary Medical Examiners
1100 Raymond Boulevard, Room 503
Newark, New Jersey 07102

The Board of Veterinary Medical Examiners may thereafter repeal the rules concerning this subject without further notice.

Ruth Weisman, Executive Secretary
State Board of Veterinary Medical Examiners
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

**Proposed Amendments Concerning Point System
And Driving During Suspension**

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30 and 39:5-30.3, proposes to amend N.J.A.C. 13:19-10.2, 13:19-10.3, 13:19-10.4 and 13:19-10.6 concerning the point system.

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

13:19-10.2 Point accumulation

(a) On or after the effective date of this subchapter, the Director of the Division of Motor Vehicles is authorized to exercise discretionary authority to suspend or revoke the license or permit of any person to operate a motor vehicle when the individual accumulates a total of 12 or more points.

(b) If the Director determines to revoke or suspend an individual's driving privileges pursuant to [this subchapter] subsection (a) of this section, the individual shall, if he so requests [requested], be entitled to a hearing before the Director or a hearing officer or driver improvement analyst designated by the Director.

(c) In lieu of revocation or suspension, the Director may authorize an individual to participate in a driver improvement program of the Division of Motor Vehicles. In making a determination of the action to be taken, the Director shall take into consideration the nature and number of an individual's offenses and convictions, and prior suspensions or revocations appearing on the individual's driving record.

13:19-10.3 Driver improvement [school] program attendance

(a) An individual who is permitted to attend a driver improvement program of the Division of Motor Vehicles in lieu of suspension or revocation shall agree to attend each session of the assigned driver improvement program and to comply with all rules governing attendance, conduct, instruction and examinations. An individual who fails to comply with the foregoing requirements or who otherwise fails to successfully complete the assigned driver improvement program shall be subject to a driver license suspension. An individual who successfully completes the assigned driver improvement program shall be officially warned with respect to future driving.

(b) An individual who accumulates 12 or more points and whose driver license has been suspended, may be required to attend and successfully complete a driver improvement program of the Division of Motor Vehicles as a condition for restoration of the driver's license.

(c) The fee for attendance at a Division of Motor Vehicles driver improvement program shall be \$20.00

(d) The Director is authorized to exercise discretionary authority to require any person who is licensed on a probationary basis in accordance with N.J.S.A. 39:3-10b to attend a Probationary Driver Program whenever said individual accumulates two or more violations of the motor vehicle law which result in the assessment of four or more points under section 1 (Point assessment) of this subchapter.

(e) An individual who is required to attend a Probationary Driver Program shall agree to attend each session of the program and to comply with all rules governing attendance, conduct, instruction and examinations. An individual who fails to comply with the foregoing requirements or who otherwise fails to successfully complete the Probationary Driver Program shall be subject to a driver license suspension. An individual who successfully completes the Probationary Driver Program shall be officially warned with respect to future driving.

(f) The fee for attendance at a Division of Motor Vehicles probationary driver program shall be \$10.00.

13:19-10.4 Advisory notice

(a) Whenever an individual accumulates a point total between six and 11 points, the Division shall send an official notice advising the motorist of such status.

(b) Whenever an individual who is licensed on a probationary basis in accordance with N.J.S.A. 39:3-10b is first convicted of a motor vehicle violation requiring the assessment of points against the individual's driving record under section 1 (Point assessment) of this subchapter, the Division shall send an official notice advising the motorist of the status of the driving record.

13:19-10.6 Restoration, official warning, completion of Driver Improvement or Probationary Driver Program

(a) [Restoration after suspension, official warning, or a warning after successfully completing a Division Driver Improvement Program upon accumulation of 12 or more points, shall be.] Persons whose licenses are restored after a suspension imposed under section 2 (Point accumulation) of this subchapter, persons who are officially warned after a hearing before the Division and persons who successfully complete a Division Driver Improvement Program upon accumulation of 12 or more points may retain their licenses upon the express condition and understanding that any subsequent violation of the Motor Vehicles Laws of the State of New Jersey committed within a period of one year of the restoration, [or] official warning or warning following successful completion of a

Driver Improvement or Probationary Driver Program may result in [summary] suspension of driving privileges [, without hearing,] for the following periods:

1. When the subsequent violation occurs within six months of the date of the restoration [or], official warning or warning following completion of a Driver Improvement or Probationary Driver Program . . . three months;

2. When the subsequent violation occurs more than six months but less than nine months after the restoration [or], official warning or warning following completion of a Driver Improvement or Probationary Driver Program . . . two months;

3. When the subsequent violation occurs more than nine months but less than one year after the restoration [or], official warning or warning following completion of a Driver Improvement or Probationary Driver Program . . . one month.

(b) Persons, licensed on a probationary basis in accordance with N.J.S.A. 39:3-10b, who have been subject to a license suspension action under subsection (a) of this section may be required to successfully complete additional programs of driver rehabilitation within the discretion of the Director.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

John A. Waddington, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

John A. Waddington, Director
Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Proposed Amendments Concerning the National Bureau of Standards Handbook H-44

William J. Wolfe, Superintendent of Weights and Measures in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 51:1-54, 51:1-61, 51:4-31, 51:8-4, 51:9-10 and 51:10-11, proposes to amend a rule to adopt the National Bureau of Standards Handbook H-44, Fourth Edition.

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

13:47B-1.20 National Bureau of Standards Handbook 44

All specifications, tolerances, and regulations for weighing and measuring devices as contained in National Bureau of Standards Handbook H-44, Fourth Edition together with all amendments and supplements thereto adopted by the Sixty-third National Conference on Weights and Measures are hereby adopted and promulgated as the legal requirements for all weighing and measuring devices used for commercial purposes and law enforcement in the State of New Jersey; provided, however, that the Superintendent of the Office of Weights and Measures of the Department of Law and Public Safety may from time to time further amend or supplement said specifications, tolerances and regulations for the pur-

pose of conforming to the needs of any situation affecting the interests of the State and its people.

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

James R. Bird
Deputy Superintendent of
Weights and Measures
187 West Hanover Street
Trenton, N.J. 08625

Additionally, interested persons may obtain copies of the proposed changes from Deputy Superintendent Bird at the above address.

The Office of Weights and Measures may thereafter adopt these amendments substantially as proposed without further notice.

William J. Wolfe, Sr.
Superintendent, Weights and Measures
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Amendments on Chilled Beer, Items Furnishable to Retailers and Employment Of Police Officers

Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 33:1-39, proposes to amend division regulations dealing with the sale of chilled beer by certain licensees, items furnishable to retailers and the employment of police officers.

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

13:2-23.17 Possession of chilled malt alcoholic beverages
No limited retail distribution licensee or state beverage distributor's licensee shall possess or allow, permit or suffer any chilled malt alcoholic beverages [other than in kegs, barrels, or similar containers of at least one gallon capacity,] in or upon the licensed premises.

13:2-23.31 Law enforcement officers

(a) No license shall be held by any regular police officer, any peace officer or any other person whose powers or duties include the enforcement of the alcoholic beverage law or regulations, or by any profit corporation or association in which any such officer or person is interested, directly or indirectly, nor shall any licensee employ or have connected with him in any business capacity whatsoever any such officer or person, except that nothing herein shall prohibit a licensee from employing in a non-managerial capacity a special police officer who shall not sell, serve or deliver any alcoholic beverages.

(b) The Director may authorize, upon prior application, the employment of regular police officers, peace officers or other persons whose powers and duties include the enforcement of the alcoholic beverage laws and regulations, by licensees who operate racetracks, stadiums, auditoriums, theatres and other such establishments whose primary business does not consist of the sale or service of alcoholic beverages, where the use of trained

police officers may be required to provide crowd control, traffic control or security for large sums of money located at such establishments. Persons employed in such capacity may not distribute, possess or sell alcoholic beverages and may only accept such employment with the consent of their governmental employer.

13:2-24.1(a) 2. A New Jersey licensed manufacturer or wholesaler may furnish to retailers, for use on the retailer's licensed premises, tap markers, the cost of which shall be \$7.50 each, the size of which shall not exceed 30 square inches; advertising material and specialties including advertising trays, napkins, stirrers, coasters, scrapers, scraper holders, napkin holders, menu holders, menu sheets or covers, ash trays, change mats, place mats, table tents, calendars, and bottle pourers which bear the name, brand or trademark of the manufacturer or wholesaler; and other advertising specialties for which written approval has first been obtained from the Director of the Division of Alcoholic Beverage Control. The cost of any single item shall be nominal and the total cost of all such items supplied by any one manufacturer or wholesaler to any one retail establishment in any calendar year shall not exceed \$100.00. Manufacturers of malt alcoholic beverages and wholesalers (insofar as malt alcoholic beverages are concerned) are excluded from the stipulated maximum allowable expenditures hereinabove mentioned and are restricted to the amount set forth in paragraph 5 of this subsection.

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

Joseph H. Lerner, Director
Division of Alcoholic Beverage Control
Newark International Plaza
U.S. Route 1-9 (southbound)
P.O. Box 2039
Newark, N.J. 07114

The Division of Alcoholic Beverage Control, upon its own motion or at the request of any interested party, may thereafter adopt the above rules substantially as proposed without further notice.

Joseph H. Lerner, Director
Division of Alcoholic Beverage Control
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Repeal of Rules on Steering And Suspension Systems

On October 12, 1978, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-43 and in accordance with applicable provisions of the Administrative Procedure Act, repealed in its entirety the text of N.J.A.C. 13:20-10.1 concerning steering and suspension systems as proposed in the Notice published September 7, 1978, at 10 N.J.R. 403(b).

An order repealing these rules was filed and became effective on October 26, 1978, as R.1978 d.381.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY MEDICAL EXAMINERS

Rule on Veterinary Advertising and Solicitation

On August 18, 1978, Silvio Fittipaldi, President of the State 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 to be cited as N.J.A.C. 13:44-2.11 concerning veterinary advertising and solicitation as proposed in the Notice published May 4, 1978 at 10 N.J.R. 204(b).

An order adopting this rule was filed and became effective on October 26, 1978, as R.1978 d.382.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Rules Specifications For Van-Type Autobuses

The Board of Public Utilities in the Department of Energy pursuant to authority of N.J.S.A. 48:4-21A, proposes to adopt new rules concerning autobus specifications for van-type autobuses.

Full text of the proposal follows:

SUBCHAPTER 9. AUTOBUS SPECIFICATIONS FOR VAN-TYPE AUTOBUSES

FOREWORD

Note the following references:

FMCSR—Federal Motor Carriers Safety Regulations

FMVSS 217—Federal Motor Vehicle Safety Standard #217

GVW—Gross Vehicle Weight (Weight of Vehicle Unloaded)

GVWR—Gross Vehicle Weight Rating (Vehicle Weight Including Load)

VESC—Vehicle Equipment Safety Commission

14:11-9.1 Scope

(a) The Board hereby adopts the rules and regulations relating to the safety of equipment as promulgated by the United States Department of Transportation (formerly ICC Motor Carriers Safety Regulations), presently set forth in Part 393, except as otherwise stated herein entitled "Parts and Accessories Necessary for Safe Operation," as amended. A copy of these regulations entitled "Department of Transportation Federal Motor Carriers Safety Regulations" may be obtained from the Superintendent of Documents, Washington, D.C. 20423.

(b) Any van-type autobus now in operation or acquired prior to January 1, 1979 and for which this Board has issued a Certificate of Compliance may continue in service as presently designed, constructed and equipped.

(c) The following specifications apply to all van-type autobuses in interstate or intrastate common carriers service subject to the Board's jurisdiction and for which a Certificate of Compliance of this Board is required.

(d) Van, van type small bus, means those motor vehicles of any description which may originally have been constructed for other purpose, i.e., non-passenger truck use, in which seats have been installed for carrying passengers.

14:11-9.2 Dimensions

(a) The overall length of the vehicle, including bumpers, shall not exceed 225 inches.

(b) The overall width of the vehicle shall not exceed 84 inches, measured at the widest point of the body. Mirrors, fender moldings and other similar accessories shall not be included in determining body width.

(c) Ceiling height of not less than 74 inches, measured vertically along the center aisle, shall be provided on vehicle having a raised roof and/or center aisle.

14:11-9.3 Chassis and body construction

(a) The chassis and body construction shall be of sufficient size and strength to safely support the gross vehicle weight (GVW) and the allowable payload, as recommended by the chassis manufacturer. The minimum gross vehicle weight rating (GVWR) shall not be less than 7,700 pounds.

(b) The gross vehicle weight rating (GVWR) shall not exceed 10,000 pounds but in no event shall be less than the sum of the unloaded vehicle and the rated minimum cargo load of 50 pounds multiplied by the seating capacity and the passenger load rated at 150 pounds multiplied by the seating capacity.

(c) Axles, springs, tires and suspension assemblies shall be of sufficient capacity to support the manufacturer's maximum GVWR.

(d) The GVWR certified by the manufacturer, and the gross vehicle axle weight (GVAW) shall be indicated on a data plate affixed to the vehicle, readily visible. At no time shall the GVWR be exceeded.

(e) Altering of the wheel base or the standard chassis frame in any manner shall be prohibited.

(f) Body modifications, such as, raising of the roof and ceiling shall be performed by an established unit manufacturer or by others with certificate of approval by the original manufacturer. Accordingly, the GVWR shall be recertified to include vehicle modifications with the applicable data plate affixed to the vehicle.

(g) Roof modifications shall meet the requirements of the static test load code as set forth in regulation VESC-10 (Vehicle Equipment Safety Commission) relating to minimum requirements for type II school bus construction and equipment. A certificate stating that the requirements have been met must be presented at time of inspection.

(h) The body shall be mounted on an appropriate chassis and shall be free of sharp or jagged edges.

(i) Front and rear bumper shall be provided, attached to the main chassis frame, of sufficient size and strength to permit the vehicle to be pushed or pulled without permanent distortion to bumper or chassis.

14:11-9.4 Equipment unit

(a) The vehicle shall be of the single unit type, with the motive power and passenger compartment mounted as one unit.

(b) Trailers of any type are prohibited.

14:11-9.5 Interior

(a) Interior shall be free of all unnecessary projections. Body panels, seats, flooring and all other component parts

of the body shall be installed in a workmanlike manner and be free of any sharp or jagged edges, protruding nails, screws, or similar objects.

(b) Interior shall be equipped with inner linings on ceilings and side walls covering all body bows and body supports.

14:11-9.6 Doors

(a) Vehicle shall be equipped with a door to the right and to the left side of the driver. In addition a door(s) may be provided at the right center side of the vehicle to provide ready access to and from seats in the passenger compartment.

1. The door to the right side of the driver may be omitted on vehicle not having a passenger area immediately to the right of the driver, provided the vehicle is equipped with a right side center door(s) and meets all requirements of FMV Safety Standard #217 covering emergency egress.

(b) Doors shall be readily opened from within and without, and shall be so constructed and maintained.

(c) Right front entrance door on vehicles with raised roofs shall be a minimum of 24" in width and 74" in height, and such doors shall be under control of the driver while in the driver's seat.

(d) Doors located at the rear of the driver shall be equipped with an audible or visible signal, indicating to the driver when a door(s) is not completely closed. Any visible signal shall be red in color and of sufficient size to be clearly discernable to the driver.

14:11-9.7 Emergency exits

(a) Vehicle manufactured before September 1, 1973 shall meet the requirements of Part 393.61 (b-1) of the Federal motor carriers safety regulations.

(b) Vehicle manufactured on and after September 1, 1973 having a seating capacity of more than ten passengers, including the driver, shall have emergency exits conforming to FMVSS #217, 14:11-9.6(b) applicable to vehicle with a GVWR of 10,000 pounds or less. (Vehicles equipped with doors as stated in 14:11-9.6(b) of these specifications shall be deemed to meet the requirements of FMVSS #217, 14:11-9.6(b) re: vehicle manufactured on and after September 1, 1973.)

(c) On vehicle having a center aisle, in addition to the right side center door(s), shall be equipped with a rear door or doors, and the aisle leading to said doors shall not be less than 12 inches in width, nor shall the aisle be obstructed in any manner. (Exemptions to this shall be when the aisle does not extend completely to the rear due to said area being utilized as baggage compartment.)

(d) Side doors and accessible rear doors shall be conspicuously marked by the words "EMERGENCY DOOR" or "EMERGENCY EXIT" on the interior, on, above, or immediately adjacent to the door. The markings shall be in letters of not less than two inches in height, and in addition, the emergency exits shall be identified by a red light.

14:11-9.8 Aisles

(a) Vehicle equipped with a rear seat located to the rear of the rearmost opening of the right center side door shall have an aisle leading from the rearmost seat to the right center side door opening having a minimum width of 11 inches.

(b) Vehicle having a center aisle shall have a minimum center aisle width of 12 inches of unobstructed clearance.

14:11-9.9 Seating

(a) A transverse seat space of not less than 15 inches shall be provided for each passenger on seats having mul-

multiple seating positions. Single seats shall provide a seat space of not less than 19 inches.

(b) Seats shall be of substantial construction, and securely mounted to the floor and/or sides. Perimeter seating is permitted when two stanchions are provided evenly spaced on each side of the aisle.

(c) Seats shall have knee room of not less than 7 inches.

(d) A minimum of 36 inches of headroom measured from top of the seat cushion to the ceiling shall be provided.

(e) Portable seats, and seats not securely and permanently mounted to the floor are prohibited.

(f) The front seat shall not be occupied by more than one passenger, exclusive of the driver, provided that vehicle construction so allows.

(g) Total number of passengers shall not exceed the capacity of the vehicle as specified by the manufacturer, or the Board's rated seating capacity as designated on the Board's certificate of compliance.

(h) Seat areas shall be equipped with suitable end arm rests.

14:11-9.10 Glazing

All glazing shall be of an approved type in accordance with New Jersey Division of Motor Vehicle regulations.

14:11-9.11 Lights; reflectors

(a) Interior lighting shall be under control of the driver, and sufficient in number to give adequate illumination.

(b) Exterior lights shall meet all applicable New Jersey and Federal requirements.

(c) Vehicles shall be equipped with approved rear reflectors on each side. Reflectors shall be mounted not over 60 inches nor less than 24 inches measured from the reflector center level to the ground.

14:11-9.12 Mirrors

(a) Interior and exterior mirrors shall be provided to insure a clear view of the vehicle interior and of the exterior sides to the rear.

(b) Exterior left and right side mirrors shall be of the junior west coast type, low mount, firmly supported and easily adjustable.

14:11-9.13 Brakes

(a) Brakes shall conform with the manufacturer's specifications applicable to the GVWR.

(b) Hydraulic service brake systems shall be of the dual (split) type and meet FMVSS 105-75.

(c) Service brake shall be power actuated and shall operate on all wheels.

(d) Service brakes shall be constructed and maintained to stop the vehicle at a rate of deceleration equivalent to a stop of 25 feet from a speed of 20 miles per hour.

(e) Vehicle shall be equipped with two sets of brakes having two sets of controls and able to be actuated independently of each other.

(f) Emergency brakes shall be constructed and maintained to stop the vehicle at a rate of deceleration equivalent to a stop of 66 feet from a speed of 20 miles per hour.

(g) Brakes stopping distances shall be measured by means of an instrument of machine of the decelerometer type capable of being read in feet.

(h) Brakes drums and rotors shall be permanently and plainly marked and shall clearly indicate the maximum safe diameter of the drum of the minimum safe thickness of the rotor as determined by the manufacturer of the drum or rotor. A drum or rotor worn beyond the maximum safe diameter of minimum safe thickness as prescribed by industry standard shall be discarded.

14:11-9.14 Tires and wheels

(a) Vehicle shall be equipped with tires and wheels of sufficient size and construction, as recommended by the manufacturer to meet the GVWR.

(b) Wheels shall be of the eight hole disc type.

(c) Vehicles shall not be operated on any tire having exposed fabric on tread or sidewall.

(d) Front and rear tires shall have a minimum tread groove of 2/32 inches. Measurements to be made at any point, on a major tread groove except where tie bars, humps, or fillets are located.

(e) Vehicle shall not be operated with regrooved, re-capped, or retread tires on any wheel.

(f) Vehicle shall be equipped with tires that are matched in size designation, construction and profile. Radial tires are not to be mixed with other types.

14:11-9.15 Heaters and defrosters

(a) Vehicle shall be equipped with an adequate heating and defroster system.

(b) The use of exhaust gases for heating purposes within the passenger compartment shall not be permitted, nor shall any portion of the exhaust system be contained within the passenger compartment.

(c) Heaters permitting air contamination shall be prohibited.

(d) Heating devices utilizing gasoline or other fuel shall be of a type approved by a recognized Underwriter's Laboratory, meeting all applicable Federal requirements and shall be located entirely outside of the passenger compartment.

14:11-9.16 Fuel tanks and fuel systems

(a) Fuel tanks and systems shall meet all applicable Federal requirements as set forth in Part 301 of the Federal motor carriers safety regulations.

(b) Fuel tanks and filler pipes shall be located wholly outside of the body, to the rear of the line of the windshield, and/or front axle as physical conditions may indicate and be properly insulated to prevent danger of fire.

(c) Fuel tanks shall be so constructed and located in a manner that will permit filling and draining from the outside of the vehicle only.

(d) Filler pipe caps shall fit snugly to prevent fuel leakage.

(e) Fuel and any other combustible materials shall not be carried or stored in the passenger compartment.

14:11-9.17 Exhaust systems

(a) Exhaust systems shall be free of leaks and securely installed, and entirely outside of the vehicle body and equipped with an appropriate muffler. Flexible pipe or tubing shall be prohibited in exhaust systems.

(b) Exhaust systems shall vent to the rear of the rear wheels.

(c) The engine shall be maintained in good operating condition so as to prevent emission of unnecessary smoke or vapors. Vehicles shall meet the New Jersey Department of Environmental Protection motor vehicle emission inspection standard applicable to light duty gasoline fuel motor vehicles.

(d) No portion of the exhaust system shall be located in a manner which could result in the burning or otherwise damaging electric wiring, fuel system components, or any combustible part of the vehicle.

(e) Engine covers shall be properly sealed and shall not permit any engine compartment vapors to enter the passenger compartment.

14:11-9.18 Windshield wipers

(a) Vehicles shall be equipped with at least two windshield wipers and washers, sufficient in size and power and maintained so as to provide the driver with a clear forward vision. Windshield wipers shall be located on each side of the windshield center line.

(b) Windshield wipers shall be of variable speed and electrically operated.

14:11-9.19 Steps

(a) The first step at the right side center area shall not be less than 10 inches nor more than 16 inches from the ground, when the vehicle is unloaded.

(b) Surface of all steps shall be of non-skid material.

(c) Vehicle having a front entrance door of 74 inches in height shall have a step height at that location not to exceed 18 inches (unloaded) and shall also be equipped with an adequate entrance handle.

(d) Steps shall not extend beyond the body limits to a degree which could possibly result in body injury or property damage.

14:11-9.20 Sun visor

Vehicles shall be equipped with an adequate interior sun visor for driver use.

14:11-9.21 Baggage racks and compartments

(a) Exterior baggage racks shall be constructed so that all baggage will be held in a secure, safe manner, under all conditions of operation.

(b) Ladders or any other similar means of reaching the exterior baggage racks shall be prohibited unless protection is provided that will prevent the possibility of ride hitching.

(c) Interior baggage area shall be separated from the passenger compartment by a plexiglass partition of at least 3/8-inch thick or a metal grill of sufficient strength and construction to safely separate the areas, properly installed in a workmanlike manner. Interior baggage shall be carried in a manner so as not to interfere with any passenger seat, safety or comfort.

14:11-9.22 Identification

(a) No van shall be operated unless it displays on each side of its exterior in clearly visible letters at least 1½ inches in height the exact name of the owner.

(b) The name of lessees, if any, shall be displayed in like manner, preceded by the words, "operated by."

(c) Every van shall be assigned an identifying number by the utility. This number must be displayed on the interior front, and the front, rear and both sides of the exterior. Interior number shall be at least 1½ inches in height. All exterior numbers shall be at least 3½ inches and of a sharply contrasting color from the background.

(d) Each van shall have displayed on the righthand side thereof the number of the Board's certificate of compliance in letters and figures two inches high in the following style: NJPUC V 123.

14:11-9.23 Undercoating

Vehicles shall have applied to the underside of the body, front fender, floor members, and side panels below the floor level, undercoating of a fire resistant material for the purpose of sealing, insulating, reducing oxidation and noise level.

14:11-9.24 Certificate of inspection

No vehicle shall be operated unless it prominently displays on the lower right hand corner of the windshield, visible from the exterior an unexpired certificate of inspection issued by this Board.

14:11-9.25 Maintenance

(a) The body, chassis, engine and all equipment, shall be maintained in good repair and safe operating condition.

(b) A current record shall be kept showing the vehicle identification, driver, date of breakdowns, defects reported, corrective measures. The records shall also indicate the party making corrections and the date corrections were made.

(c) Vehicles inspected at other than the home garage shall have defect records available at inspection site.

(d) Each utility shall make a complete inspection of each motor vehicle at regular time and/or mileage intervals for mechanical or structural defects, and all necessary repairs shall be completed before the motor vehicle is returned to service. An itemized record of each inspection showing the date, vehicle identification, lubrication record, and any adjustments or repairs shall be maintained in office or garage.

(e) The records referred to in paragraphs 14:11-9.25(b) and 14:11-9.25(d) shall be retained by the utility for a period of at least six months after the date of the matter recorded and shall be made available during that period to the duly authorized representative of the Board upon request.

(f) The maintenance facilities of each utility shall be adequate to assure compliance with specifications herein and shall include either a suitable pit, or lift, or an arrangement for the use of such facilities.

(g) The entire vehicle shall be kept clean and sanitary.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 19, 1979 to:

Board of Public Utilities
Department of Energy
1100 Raymond Blvd.
Newark, N.J. 07102

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

George H. Barbour
President, Board of Public Utilities
Department of Energy

(a)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Amendments Concerning Cameras And Recording Devices in Board Hearings

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12, proposes to amend N.J.A.C. 14:1-1.9 by deleting the current text of that section and adopting new text therein concerning cameras and recording devices in board hearings.

Full text of the proposed new rules follows:

14:1-1.9 Cameras and recording devices

(a) Proceedings before the Board shall be conducted with fitting dignity and decorum.

(b) The use of electronic or other recording devices, including cameras, movie cameras, television cameras, tape recorders, stenotype in open meetings or hearings conducted by the Board, Administrative Law Judge, Staff Hearing Examiners or a Commissioner is permitted.

(c) Any accredited member of a news media desiring to use equipment shall first contact the Office of Public Information to arrange for the set-up and removal of equipment so as not to interfere with the orderly conduct of the proceedings.

(d) No equipment shall be placed on the counsel tables, witness stand or on the presiding officer's bench, without the approval of the presiding officer; due to limited space, equipment which would require the user to move about the room during the proceedings is prohibited.

(e) Except for portable equipment which is used at an individual's seat in the audience, equipment must be in place and ready to use prior to the start of the meeting or set up during a recess of the meeting. Such equipment may be removed only at the conclusion of the meeting or during a recess. A pre-arranged recess for the set-up or removal of equipment may be requested through the Office of Public Information.

(f) The Board, or presiding officer may suspend the operation of all or part of this rule with respect to a particular hearing or open meeting.

(g) The Board or the presiding officer may at any time prohibit the use of all recording or photographic equipment in hearings or open meetings where in the opinion of the Board or the presiding officer use of such devices may obstruct the conduct of the hearing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

Gerald A. Calabrese
Secretary
Board of Public Utilities
Department of Energy
1100 Raymond Boulevard
Newark, N.J. 07102

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

Gerald A. Calabrese
Secretary, Board of Public Utilities
Department of Energy

(b)

ENERGY

THE COMMISSIONER

Notice of Adoption of New Jersey Energy Master Plan

Take notice that the New Jersey Department of Energy has issued the following Notice concerning the adoption of a New Jersey Energy Master Plan:

On October 16, 1978, the New Jersey Department of Energy, pursuant to N.J.S.A. 52:27F-1 et seq. adopted the New Jersey Energy Master Plan concerning the production, distribution, consumption and conservation of energy in the State.

The Master Plan outlines proposed policy goals and strategies to shape energy-related decision making in New Jersey for the next ten years. The Plan is subject to revision every three years, and the New Jersey Department of Energy will issue periodic updates as the need for additional policy recommendations arises.

The Master Plan is available at a cost of \$3.00 per copy, check made payable to Treasurer-State of New Jersey. Request from New Jersey Department of Energy, Office of Information Services, 101 Commerce Street, Newark, New Jersey 07102.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 14A of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENERGY

THE COMMISSIONER

Proposed Rules Concerning Variances and Exemptions

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules concerning variances and exemptions from the energy conservation regulations. Such proposal is known within the Department of Energy as Docket No. 005-78-12.

Full text of the proposal follows:

14A:3-1.4 Variances and exemptions

(a) The Department will consider requests for variances or exemptions from any of the provisions of this chapter. Any person requesting a variance should complete an "Application for a Variance or an Exemption", which may be obtained from the:

Office of Regulatory Affairs
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

(b) The completed form should be submitted to the above office. Upon receipt of the application, the Department will review the request and notify the person of its determination. This determination will constitute final agency action on the application.

(c) The Department may grant a variance if the person demonstrates to the satisfaction of the Department that compliance with the provisions of this chapter would:

1. Create undue economic, environmental or technical hardship;
2. Increase the amount of energy consumed by a building; or
3. Be detrimental to the public health, safety or welfare.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 5, 1979 to:

Steven J. Picco
Assistant Commissioner
N.J. Department of Energy
101 Commerce St.
Newark, N.J. 07102

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

Joel R. Jacobson
Commissioner
Department of Energy

(b)

ENERGY

THE COMMISSIONER

Proposed Rules Concerning the Coastal Energy Impact Program Intrastate Allocation Process

Joel R. Jacobson, Commissioner of the Department of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules to be cited as N.J.A.C. 14A:9-1.1 et seq. concerning the New Jersey Coastal Energy Impact Program intrastate allocation process.

This proposal sets forth existing department procedure with respect to the intrastate allocation process for funds provided to the New Jersey Department of Energy through a grant from the National Oceanic and Atmospheric Administration for the New Jersey Coastal Energy Impact Program (CEIP). CEIP is a federal program designed to offer assistance to states, counties, and municipalities who will be impacted by the development of coastal energy activities. The proposal includes a brief description of the Coastal Energy Impact Program, the procedures for solicitation of applications, the criteria for review and selection of proposals, the method of appeals, and the procedures for grant administration.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 006-78-12.

Copies of the 13 pages of the full text of the proposal may be obtained or made available for review by contacting:

Cindy Brooks, Coordinator
Coastal Energy Impact Program
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposal on or before January 5, 1979 to:

Steven J. Picco
Assistant Commissioner
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

The Department of Energy may thereafter adopt rules substantially as proposed concerning this subject without further notice consistent with N.J.S.A. 52:27F-25.

Joel R. Jacobson
Commissioner
Department of Energy

(c)

ENERGY

OFFICE OF CABLE TELEVISION

Proposed Amendments on Cable Television Deposits on Auxiliary Equipment

John P. Cleary, Director of the Office of Cable Television in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-1 et seq., proposes to amend the regulations concerning deposits on auxiliary equipment in N.J.A.C. 14:18-7.2(b) by deleting the current text and adopting new text therein.

Full text of the proposal follows:

14:18-7.2(b) Simple interest, at the rate of at least six percent per annum, must be paid by the CATV company on all auxiliary equipment deposits held by it, provided the deposit has remained with the CATV company for at least six months. Such interest shall be credited to a subscriber's account after the deposit has remained with the CATV company for twelve months. Thereafter, the subscriber's account shall be so credited for every twelve month period in which the CATV company holds such deposit. Moneys collected as deposits, pursuant to this section, shall be held in a separate account and shall not be used for any purpose other than to defray the cost of and service to such units which may require replacement or repair due to subscriber abuse.

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before December 28, 1978 to:

Office of Cable Television
1100 Raymond Boulevard
Newark, New Jersey 07102

The Office of Cable Television may thereafter adopt regulations concerning this subject without further notice.

John P. Cleary
Director, Office of Cable Television
Department of Energy

(a)

ENERGY

DIVISION OF ENERGY PLANNING AND CONSERVATION

Rules on Technical Sufficiency Standards For Solar Heating and Cooling Systems

On November 17, 1978, Charles A. Richman, Director of the Division of Energy Planning and Conservation in the Department of Energy, pursuant to authority of P.L. 1977, c. 256, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 14A:4-1.1 et seq. concerning technical sufficiency standards for solar energy systems for purposes of qualifying for a property tax exemption substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 295(e) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Energy.

An order adopting these rules was filed and became effective on November 20, 1978, as R.1978 d.400.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENERGY

THE COMMISSIONER

Rules on Sales Tax Exemption Standards for Solar Energy Systems

On November 17, 1978, Charles A. Richman, Director of the Division of Energy Planning and Conservation in

the Department of Energy, pursuant to authority of P.L. 1977, c. 465, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 14A:5-1.1 et seq. concerning sales tax exemption standards for solar energy systems substantially as proposed in the Notice published August 10, 1978, but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Energy.

An order adopting these rules was filed and became effective on November 20, 1978, as R.1978 d.401.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on Speed Limits On Parts of Route 180

Louis J. Gambaccini, 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 180 in Stafford Township.

Full text of the proposal follows:

16:28-1.180 Route 180 in Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for the certain part of State Highway Route 180 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. Stafford Township: Mileposts

i. For one-way westbound direction:

(1) Zone 1: 35 mph between westernmost intersection of Route 72 and roadway to Manahawkin Lake Park.

ii. For both directions of traffic:

(1) 35 mph between roadway to Manahawkin Lake Park and Indian Road: to 0.51;

(2) Zone 2: 40 mph between Indian Road and 250 feet east of Oak Street: 0.51 to 1.65;

(3) Zone 3: 45 mph between 250 feet east of Oak Street and the easterly terminus: 1.65 to 3.12.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978, to:

Charles Meyer
Administrative Practice Officer
N.J. 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 Restricted Parking On Parts of Various State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt amendments to N.J.A.C. 16:28-3.59, Route 21 in Newark, 16:28-3.97, Route 10 in Livingston Township, 16:28-3.128, Route 82 in Union Township, and adopt new rules to be cited as N.J.A.C. 16:28-3.185, Route U.S. 1 in West Windsor Township, and 16:28-3.186, Route 49 in Bridgeton, concerning restricted parking on parts of the State highways mentioned above.

Full text of the proposed new text follows:

16:28-3.59 Route 21 in the City of Newark, County of Essex

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 21 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 21 from the northerly curb line of Poinier Street to the southerly curb line of Clark Street.

ii. Along the westerly side of Passaic Place (Old Rt. 21) from the northerly curb line of Center Street to its northerly terminus.

iii. Along the easterly side of Passaic Place (Old Rt. 21) from a point 240 feet north of the northerly curb line of Center Street to its northerly terminus.

2. No stopping or standing—4:00 P.M. - 6:00 P.M.

Monday through Friday:

i. Along the northbound side of Route 21 from the northerly curb line of Clark Street to a point 315 feet north of the northerly curb line of Third Avenue.

3. No stopping or standing—7:00 A.M. - 9:30 A.M.

Monday through Friday:

i. Along the southbound side of Route 21 from a point 315 feet north of the northerly curb line of Third Avenue to the northerly curb line of Clark Street.

16:28-3.97 Route 10 in the Township of Livingston, Essex County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 10 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 the eastbound side of Route 10

(1) From the Morris County-Essex County corporate line to the westerly curb line of South Ashby Avenue.

(2) From the easterly curb line of Mitchell Avenue to the westerly curb line of Sherbrooke Parkway.

(3) From the prolongation of the westerly curb line of Greenwood Court to the westerly curb line of Shrewsbury Drive.

ii. Along the westbound side of Route 10

(1) From the westerly curb line of Tiffany Drive to the Essex County-Morris County corporate line.

2. No stopping or standing between the hours of 7:00 A.M.-9:00 A.M. and 4:00 P.M.-6:00 P.M.:

i. Along the eastbound side of Route 10

(1) From the easterly curb line of South Ashby Avenue to the westerly curb line of Mitchell Avenue.

(2) From the easterly curb line of Sherbrooke Parkway to the prolongation of the westerly curb line of Greenwood Court.

16:28-3.128(a)1.iii.(3) From a point 105 feet east of the easterly curblines of Caldwell Avenue to a point 140 feet east of the easterly curb line of Stuyvesant Avenue.

16:28-3.128(a)4. Loading zone:

i. Along the eastbound side of Route 82 from a point 140 feet east of the easterly curb line of Stuyvesant Avenue to a point 190 feet east of the easterly curb line of Stuyvesant Avenue.

16:28-3.185 Route U.S. 1 in West Windsor Township, Mercer County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 1 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 U.S. 1, entire corporate limits of West Windsor Township including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

16:28-3.186 Route 49 in the City of Bridgeton, County of Cumberland

(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" 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 49 beginning 180 feet east of the easterly curb line of South Giles Street to a point 250 feet easterly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

Charles Meyers
Administrative Practice Officer
N.J. 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

(b)

TRANSPORTATION THE COMMISSIONER

Proposed Rules on No Left Turns on Parts of Routes 71 and 23

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.6, proposes to

adopt new rules concerning no left turns on portions of Routes 71 and 23.

Full text of the proposal follows:

16:28-6.17 Route 71 in the Borough of Manasquan,
Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State Highway Route 71 described below are regulated as follows:

1. No left turns south on Route 71 to east into northerly driveways of the Crown Gas Station in the vicinity of Blakey Avenue (Milepost 1.5).

16:28-6.18 Route 23 in the Borough of Franklin, Sussex
County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State Highway Route 23 described below are regulated as follows:

1. No left turn north on Route 23 to south on Rutherford Avenue.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 27, 1978 to:

Charles Meyers
Administrative Practice Officer
N.J. 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

Emergency Rule on No Parking Zones on Parts Of Route U.S. 206 in Hamilton Township

On October 25, 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 an emergency rule establishing no parking zones along portions of Route U.S. 206 in Hamilton Township.

Full text of the adoption follows:

16:28-3.184 Route U.S. 206 in Hamilton Township, Mercer
County

(a) Whereas, an emergency situation exists creating a need for "No Parking" zones along U.S. Route 206 in the Township of Hamilton, County of Mercer, due to construction; therefore, where, and as needed during periods of construction there shall be established pursuant to N.J.S.A. 39:4-138.1, a "No Parking" zone prohibiting stopping or standing along both sides of U.S. Route 206 from the White Horse Circle to Lalor Street in the Township of Hamilton, County of Mercer.

(b) This regulation shall temporarily supersede any other regulation until such time as construction has been completed.

An order adopting this rule was filed and became effective on October 26, 1978 as R.1978 d.380 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Rule on No Right Turns on Red On Parts of Route 57

On October 30, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 16:28-12.77 concerning no right turns on red signals on parts of Route 57 as proposed in the Notice published October 5, 1978, at 10 N.J.R. 450(b).

An order adopting this rule was filed and became effective on October 31, 1978 as R.1978 d.384.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Rules on Traffic Control And Parking on NJDOT Property

On October 30, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-208 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 16:28-16.2 and 16:28-16.3 concerning traffic control and parking on NJDOT property as proposed in the Notice published October 5, 1978, at 10 N.J.R. 452(a).

An order adopting these rules was filed and became effective on October 31, 1978 as R.1978 d.385.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Rule on Speed Limits on Parts of Route U.S. 46

On October 30, 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 U.S. 46 as proposed in the Notice published October 5, 1978, at 10 N.J.R. 450(a).

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

An order adopting this rule was filed and become effective on October 31, 1978 as R.1978 d.386.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION THE COMMISSIONER

Amendments on Restricted Parking on Parts of Routes 49, 78 and 28

On October 30, 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. 16:28-3.103, 16:28-3.179 and 16:28-3.180 concerning restricted parking on parts of Routes 49, 72 and 28 as proposed in the Notice published October 5, 1978, at 10 N.J.R. 451(b).

An order adopting these amendments was filed and became effective on October 31, 1978 as R.1978 d.387.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION THE COMMISSIONER

Rule on Restricted Parking On Parts of Route 94

On October 30, 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. 16:28-3.181 concerning restricted parking on parts of Route 94 as proposed in the Notice published October 5, 1978, at 10 N.J.R. 450(c).

An order adopting this rule was filed and became effective on October 31, 1978 as R.1978 d.388.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION THE COMMISSIONER

Amendments on No Passing Zones on Parts Of Routes U.S. 206, N.J. 94, 23 and 31

On October 30, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-15.9 and 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 as proposed in the Notice published October 5, 1978, at 10 N.J.R. 451(a).

An order adopting these amendments was filed and became effective on October 31, 1978 as R.1978 d.389.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TREASURY

STATE LOTTERY COMMISSION

Rules on Suspension and Revocation of Lottery Agent's Licenses

On October 25, 1978, Gloria A. Decker, Executive Director of the New Jersey State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 17:20-7.3 through 17:20-7.7 concerning the suspension and revocation of lottery agent's licenses as proposed in the Notice published October 5, 1978, at 10 N.J.R. 455(e).

An order adopting these rules was filed and became effective on October 30, 1978 as R.1978 d.383.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Other Agencies)

(e)

CASINO CONTROL COMMISSION

Proposed Rules on Minimum And Maximum Wagers

Joseph P. Lordi, Chairman of the New Jersey Casino Commission pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning minimum and maximum wagers.

Full text of the proposal follows:

19:47-5.7 Minimum and maximum wagers

FOREWORD

The Casino Control Act requires the Casino Control Commission to promulgate rules establishing such minimum wagers and other limitations as the Commission determines are necessary to assure the vitality of casino operations and to assure fair odds to and maximum participation by casino patrons. Based upon the evidence presented to the Commission at public hearings, upon studies conducted by Commission staff and upon public comment to its proposed rules on this subject, the Commission finds that, at present, the patron demand for low minimum wager table games exceeds the supply of such table games. The Commission further finds that, at least until such time as the supply of low minimum wager table games meets or exceeds this patron demand, a regulation concerning low minimum wager table games is necessary to assure maximum participation by casino patrons.

In enacting the Casino Control Act, the Legislature intended to revitalize the hospitality and convention industries by utilizing casino gaming as a unique tool of urban redevelopment. The Legislature recognized that to achieve this goal new investment capital would have to be attracted to the area. In light of these legislative policies, in light of the mandate of the Casino Control Act to prom-

ulgate rules establishing such minimum wagers and other limitations as are necessary to insure the vitality of casino operations, and in light of the evidence presented before it, the Commission finds that such rules must allow licensed casinos to be favorably competitive with casinos in other jurisdictions and must allow licensed casinos sufficient flexibility to react to market conditions and other variables of the industry. The Commission further finds that, under prevailing conditions, the best way to assure the vitality of casino operations while providing for maximum participation by casino patrons is by adopting a regulation which establishes guidelines, standards and factors to be applied by the Commission to each licensed casino on a case-by-case basis.

The Commission deems it advisable in light of the above considerations that this regulation shall be re-examined no later than one year from the date of its formal adoption.

(a) Each casino licensee or applicant shall submit to the Commission a proposal specifying the minimum wagers and any maximum wagers and other limitations at all authorized table games in its casino. Such submission shall be made at least 30 days before gaming operations are to commence or before changes in a previously submitted proposal are to become effective, unless otherwise permitted by the Commission. Each such submission shall contain, but not be limited to the following information:

1. A floor plan of the casino showing the location and configuration of all table games authorized by the Commission or proposed by the licensee or applicant for authorization;

2. The number of such table games, by game, authorized by the Commission or proposed by the licensee or applicant for such authorization in the licensee's or applicant's casino;

3. During non-peak periods, the minimum number, by game, of such authorized or proposed blackjack, craps and roulette tables which shall be open for play and at which the minimum permissible wager is two dollars and five dollars respectively;

4. During peak periods, the minimum number, by game, of such authorized or proposed blackjack, craps, and roulette tables which shall be open for play and at which the minimum permissible wager is two dollars and five dollars respectively;

5. For the purposes of this regulation:

i. "Table games authorized by the Commission" means the total number of table games which the casino licensee is permitted to operate under the terms of its operation certificate;

ii. "Table games proposed by the licensee or applicant for authorization" means the total number of table games which the casino licensee or casino license applicant requests permission to operate under the terms of an operating certificate;

iii. "Table game open for play" means a table game staffed by the required number of dealers and supervisory personnel and in all respects available for gaming;

iv. "Peak periods" means the hours during which a licensed casino is permitted to operate, commencing on Friday at 6:00 P.M. and ending on Monday at 4:00 A.M., and commencing at 6:00 P.M. on the day before State and Federal Holidays and ending at 4:00 A.M. on the day after State and Federal Holidays;

v. "Non-peak periods" means the hours during which a licensed casino is permitted to operate, commencing on Monday at 10:00 A.M. and ending on Friday at 6:00 P.M., exclusive of the hours associated with State and Federal Holidays as set forth in subparagraph iv. above.

(b) The Commission shall review each submission required by subsection (a) of this section, and shall determine whether it conforms to the requirements of the Act and to the Regulations of the Commission in the following manner:

1. If the submission required by subsection (a) provides that during non-peak periods, for each of the games of blackjack, craps and roulette respectively, at least 30 percent of the table games authorized by the Commission or of the table games proposed by the licensee or applicant for authorization by the Commission shall be open for play and shall permit a minimum wager of two dollars, and at least 30 percent of such authorized or proposed table games shall be open for play and shall permit a minimum wager of five dollars; and that, during peak periods, at least 20 percent of the table games authorized by the Commission or of the table games proposed by the licensee or applicant for authorization shall be open for play and shall permit a minimum wager of two dollars, and at least 30 percent of such authorized or proposed table games shall be open for play and shall permit a minimum wager of five dollars, then the Commission shall approve such submission;

2. If the submission required by subsection (a) of this section does not provide for at least the percentages set forth in paragraph 1 of this subsection, the burden shall be on the casino licensee or applicant for a casino license to establish that, in light of the following factors, the Commission should approve its submission:

i. Maximum participation by casino patrons, including:

(1) The patron demand for table games with various minimum wagers;

(2) The effect of minimum wagers and other limitations on the stimulation and retention of the tourist and convention trade.

ii. Return on investment in the casino hotel complex, including:

(1) The amount of the casino licensee's or applicant's investment in the casino hotel complex;

(2) The total amount of the casino licensee's or applicant's investment in Atlantic City;

(3) The profitability of the casino hotel complex;

(4) Competition with other licensed casino operations in this jurisdiction;

(5) Competition with casinos in other jurisdictions; and

(6) Such other factors as may be appropriate.

iii. The flexibility necessary to enable the casino licensee or applicant to react to:

(1) Market conditions;

(2) Seasonality;

(3) Peak periods of the day and week;

(4) Such other factors as may be appropriate.

3. If the submission required by subsection (a) does not provide for at least the percentages set forth in paragraph 1 of this subsection, the Commission shall review such submission and any material submitted by the casino licensee or applicant for a casino license in support thereof in light of the factors set forth in paragraph 2 of this subsection and shall determine the appropriate minimum wagers and other limitations at the authorized or proposed table games of the licensee's or applicant's casino.

(c) Notwithstanding any other provision of this Regulation, the Commission shall not regulate the permissible minimum wagers at more than 60 percent of the table games authorized by the Commission at any licensed casino.

(d) The spread between the minimum wager and the maximum wager at table games shall be as follows:

1. **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);

2. **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;

3. **Roulette:** If the minimum wager at a table is:

i. Two dollars (\$2), the maximum wager shall be at least:

(1) One thousand dollars (\$1,000) on an even-money wager;

(2) Five hundred dollars (\$500) on a wager where the odds are two to one;

(3) Fifty dollars (\$50) on an inside wager, any way the patron can get to the number;

ii. Five dollars (\$5), the maximum wager shall be at least:

(1) Two thousand dollars (\$2,000) on an even-money wager;

(2) Five hundred dollars (\$500) on a wager where the odds are two to one;

(3) One hundred dollars (\$100) on an inside wager, any way the patron can get to the number;

4. **Big six wheel:** The minimum wager shall be one dollar (\$1) and the maximum wagers shall be at least:

i. Four hundred dollars (\$400) on a wager where the odds are even money;

ii. Two hundred dollars (\$200) where the odds are two to one;

iii. Eighty dollars (\$80) where the odds are five to one;

iv. Fifty dollars (\$50) where the odds are ten to one;

v. Fifty dollars (\$50) where the odds are twenty to one;

vi. Fifty dollars (\$50) where the odds are forty to one.

5. **Baccarat:**

i. There shall be at least one baccarat table where the minimum wager is not more than twenty dollars (\$20);

ii. If the minimum wager at a table is fifty dollars (\$50) or less the maximum wager shall be at least two thousand dollars (\$2,000).

(e) A casino licensee shall give adequate notice of changes in the permissible minimum wagers at table games to patrons. Such adequate notice shall include the posting and announcing of such changes to casino patrons. In no event shall a casino licensee raise the permissible minimum wager at a table game unless the casino licensee has first given the casino patrons at that table game at least one hour advance notice of such change.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 27, 1978 to:

Joseph P. Lordi, Chairman
Casino Control Commission
379 West State Street
Trenton, New Jersey 08625

The New Jersey Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi
New Jersey Casino Control Commission
Chairman

(a)

CASINO CONTROL COMMISSION

CASINO CONTROL COMMISSION

Proposed Amendment to Rules Relating to Blackjack

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to the authority of the Casino Control Act, N.J.S.A. 5:12-1 et seq., proposes to adopt an amendment to N.J.A.C. 19:47-2.3 and N.J.A.C. 19:47-2.5 relating to the Rules of the Game on Blackjack.

Full text of this proposed amendment is as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

[19:47-2.3(a)i] **19:47-2.3(b)** Except as otherwise provided in [subsection (a)(3)], N.J.A.C. 19:47-2.3(a)3, a wager made in accordance with [this] subsection (a) shall be void when the score of the player is the same as the dealer **provided however that a player's wager shall be lost when the dealer has a blackjack and the player has a simple 21 which is not a blackjack.**

19:47-2.3 Renumber paragraphs (b) through (h) as paragraphs (c) through (i).

19:47-2.5(d) Once the cutting card has been inserted by the player, the dealer shall take all cards in front of the cutting card and place them to the back of the stack after which the dealer shall insert the cutting card in a position at least approximately one-quarter, **but no more than one-third**, of the way in from the back of the stack. The stack of cards shall then be inserted in the dealing shoe for commencement of play.

19:47-2.5(g) A reshuffle of the cards in the shoe shall only take place after the cutting card is reached in the shoe as provided for in N.J.A.C. 19:47-2.6(j) except that a new dealer at the table shall have the discretion to reshuffle the cards in the shoe prior to continuing play **provided however that a new dealer shall not be assigned to a table for the purpose of circumventing this rule by allowing a reshuffle to occur.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 27, 1978, to:

Mr. Joseph P. Lordi
Chairman
Casino Control Commission
379 West State Street
Trenton, New Jersey 08625

The New Jersey Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
New Jersey Casino Control Commission

(b)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Amendments on Towing of Passenger Motor Vehicles by Campers

On October 26, 1978, F. Joseph Carragher, Executive

Director of the New Jersey 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, adopted amendments to N.J.A.C. 19:8-1.9(b)12 concerning the towing of passenger motor vehicles by campers substantially as proposed in the Notice published October 5, 1978, at 10 N.J.R. 459(b) with only inconsequential structural or language changes in the opinion of the New Jersey Highway Authority.

An order adopting these amendments was filed on October 26, 1978 as R.1978 d.378 to become effective on November 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHWAY AUTHORITY GARDEN STATE PARKWAY

Amendments on Tolls and Exact Change Toll Lanes

On October 26, 1978, F. Joseph Carragher, Executive Director of the New Jersey 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, adopted amendments to N.J.A.C. 19:8-3.1 concerning tolls and exact change toll lanes as proposed in the Notice published October 5, 1978, at 10 N.J.R. 459(a).

An order adopting these amendments was filed and became effective on October 26, 1978 as R.1978 d.379.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

MEDICAL CONSULTANT IN CORRECTIONS

Commissioner William H. Fauver announced the appointment of Dr. Richard C. Reed of Clark as Medical Consultant for the Department of Corrections.

Dr. Reed, who holds a medical degree from the New York Medical College and a degree in pharmacy from the University of Maryland, has been in private practice for 20 years and is the State Surgeon for the New Jersey National Guard. He will be paid \$150 a day, two days weekly.

Dr. Reed will coordinate and administer the medical programs, set up standards and programs and recruit physicians at State correctional institutions. The institutions are served by 22 physicians, ten of them full time.

A member of the New Jersey Army National Guard since 1953, he previously served as surgeon with the National Guards of Kentucky and Maryland. Dr. Reed is a veteran of World War II.

Dr. Reed was Chief Surgical Resident, 1955-56, Southern Division, Albert Einstein Hospital, Philadelphia, became a Fellow of the Academy of Medicine of New Jersey in 1960, is a surgical consultant at Newark Beth Israel Hospital and Clara Maas Hospital in Belleville, and a member of the Essex County and New Jersey Medical Societies and the American Medical Assn.

PLAN FUTURE HIGHWAY "UNCLOGGER"

A \$17.4 million computerized traffic guidance system which will warn motorists of accidents and suggest alternate routes is in the future, according to Department of Transportation officials.

The project could be in operation by the end of 1981 in eight counties—Essex, Middlesex, Morris, Somerset, Union, Bergen, Passaic and Hudson. The Federal government is funding 70 per cent of the cost.

DOT officials said work is continuing on a similar system for the Newark International Airport Interchange, described as one of the most complex interchanges in the world. The airport system has been developed and construction of a \$600,000 building to house the needed electronic equipment has been authorized.

STATE AWARDS FIRST FELLOWSHIPS

State Higher Education Chancellor T. Edward Hollander recently announced the award of the first State-sponsored graduate fellowships to 25 New Jersey students.

The \$4,000-a-year grants are part of the new tuition aid program that went into effect this year and represent one of the few components of the new aid program based on merit rather than need.

"While this program aids individual students, it serves also to highlight quality programs among our many educational offerings," Hollander said.

The awards go to students attending Rutgers University, Kean and Trenton State Colleges, the College of Medicine and Dentistry, Institute of Technology, Princeton, Fairleigh Dickinson, Monmouth College, Seton Hall and Stevens Institute of Technology.

WATER POLICY MEMBER NAMED

Governor Brendan Byrne recently named Willard Hedden, of Dover, to the Water Policy and Supply Council. Hedden, president of the Hedden Company, is a former Mayor of Dover Township and founder and first president of the Oil Heat Council.

He has also served as president of the New Jersey Fuel Dealer's Association, is former president of the Dover Board of Education and Morris County Board of Education and served as president of the board of managers of Greystone Park Psychiatric Hospital.

Hedden is a past Lieutenant Governor of Kiwanis International and served as Commissioner of the Dover Housing Authority.

BYRNE HEADS 7-STATE COALITION OF NORTHEASTERN GOVERNORS

The Coalition of Northeast Governors, representing the seven states of Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, has elected Governor Brendan Byrne as chairman. He succeeded Governor Michael Dukakis of Massachusetts.

Byrne announced that the Coalition will move its offices from New York to Washington and name a new executive director from private industry. In addition, Robert E. Mulcahy, Byrne's chief of staff, will be chairman of its advisory board.

"As we move our offices and strengthen our staff," said Byrne, "we will increase our capacity to be a more potent force on behalf of the people of the northeast."

The election and announcements took place during the recent National Governors' Association meeting in Boston.

Byrne outlined the Coalition's progress and goals as follows:

"In the past two years CONEG has played an especially strong role in housing and transportation and in the development and implementation of the Federal urban policy," said Byrne. "We have also joined with the mayors to increase aid to the cities under that urban policy and have played a major role in welfare reform and human resource issues."

"In the coming year," said Byrne, "our goals include finding and obtaining support for capital construction, housing and transportation projects, working out energy pricing and supply problems and other agenda items such as agricultural issues."

RECORD HOUSING FINANCE BOND ISSUE BRINGS QUICK START ON LOW-COST HOUSING

Governor Brendan Byrne announced that the New Jersey Housing Finance Agency had sold a \$158,975,000 bond issue, the largest in its history, thereby enabling construction to begin immediately on 3,326 new units of low and moderate income housing.

Sale of the bonds at a net interest cost of 6.8087 per cent will result in the creation of an estimated 2,700 construction jobs, the Governor said, and provide the workers with \$51.5 million in wage earnings.

"Through its ability to create jobs and the demand for goods and services, the HFA continues to bolster the State's sound financial health and benefit the overall economy," he pointed out.

"In turn, the speedy action of this Administration and the cooperation of the State Legislature in approving legislation that makes HFA projects eligible for tax abatement regardless of whether the housing is located in a 'blighted' area will certainly help the HFA maintain its successful level of production," he added.

The Governor said he was particularly pleased because the bond issue includes financing for a 175-unit senior citizens development in Atlantic City. "I am personally committed to developing new and affordable housing opportunities in this resort community," he noted. "I view the proposed housing as a first tangible step in realizing this goal."

He noted that financing will be provided for the rehabilitation of 336 units. "This kind of resourcefulness, which returns existing structures to positive use, is a keystone to my urban development strategy. It offers incentive for other local and State-coordinated redevelopment strategies."

The bond issue will finance the development of 18 projects, four in Newark and others in Jersey City, Paterson, East Orange, Orange, City of Passaic, Asbury Park, Atlantic City, Teaneck, Audubon Township, Voorhees Township, Lawrence Township, Pompton Lakes, Pequannock and Union Township.

"With these projects, the State and the Housing Finance Agency are continuing to honor their urban commitment," Community Affairs Commissioner Patricia Q. Sheehan, HFA chairman, said, noting that 65 per cent of the new units are located in the State's urban aid cities.

According to the Commissioner, the Agency has secured more than \$20 million in annual Federal rent subsidies for the tenants who will reside in the new units. This means that a tenant will pay no more than 25 per cent of income for rent despite actual rental costs.

\$1 MILLION FEDERAL GRANT STARTS COMPUTERIZATION FOR CRIMINAL CASES

Governor Brendan Byrne announced last month that the Law Enforcement Assistance Administration has awarded New Jersey a \$1,000,125 Federal grant to assist in implementing a \$2 million computer-based management and information system for the State's prosecutors and judges.

Under the new system, known as PROMIS, mini-computers will be installed in each of the 21 counties to provide prosecutors with on-line information on all pending criminal cases and to automate clerical tasks and assist court administrators in preparing trial calendars and accurate statistics for criminal trials.

(PROMIS is shorthand for Prosecutor's Management Information System.)

Byrne, Attorney General John J. Degnan and Harry Bratt, assistant administrator of the National Criminal Justice Information Statistics Service of the LEAA, announced the grant at a press conference in the Governor's Office.

Bratt said the grant was the largest the LEAA had ever awarded to New Jersey and noted that it was one of the first given to an urbanized state to provide this type of comprehensive management-information program.

Byrne said the computerization "is expected to substantially increase the management capabilities of the State's county prosecutors and the courts and will lead to the more efficient processing of criminal cases."

"Because of past funding limitations, New Jersey's prosecutors have not been able to take advantage of many modern methods of office and information management. Information retrieval, case processing, paper flow and clerical support are now largely manual, and burgeoning caseloads have caused substantial delays in the processing of criminal cases," the Governor said.

"Our courts have also been forced to cope with increasing criminal caseloads using outdated manual procedures for calendaring and research. Despite the outstanding production by trial judges, delays continue to be a serious problem," he said.

Byrne said the computer system will enable prosecutors to develop career criminal programs to single out repeat offenders, develop impact crime programs to devote resources to the more important crime problems, increase uniformity in the handling of cases and standardize the data base for improved criminal justice research.

Degnan said that the top officials of the state's criminal justice system are committed to the success of the project. "Our prosecutors are enthusiastically prepared to devote whatever attention is required to make computerization work," he said.

The New Jersey Administrative Code

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Titles available in the New Jersey Administrative Code cover all Departments of the State, with Treasury split into two Titles for its general and taxation rules.

Eight Departmental Titles involve such a number of rules as to require two or more volumes, with price based on a per-volume, rather than Title, basis as indicated below:

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EIGHT MORE CODE TITLES UPDATED

Mailings were completed last month to subscribers of two updates of rules in the Administrative Code, covering 8 of the 21 Departmental Titles. It was the fifth updating so far this year.

Updated to March 20, 1978 were rules for five Titles: 5—Community Affairs, 8—Health, 9—Higher Education, 15A—Public Advocate and 17—Treasury's general rules.

Updated to May 22, 1978 were rules for three more major Titles: 6—Education, 10—Human Services and 10A—Corrections.

The interim Code index in the center pages of this issue has been adjusted to reflect these two latest mailings.

Any subscriber who has not received the March and May updates should contact the Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608, or phone (609) 292-6060.

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A continuing service by the State to provide subscribers with a copy of each new law within two weeks of enactment is available by subscription for the 1979 legislative year.

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