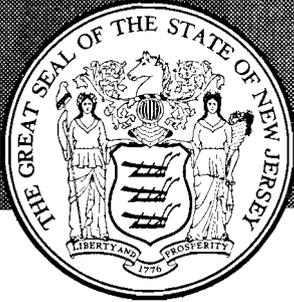


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

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NEW JERSEY ADMINISTRATIVE CODE

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(Continued on back cover)

NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

BANKING

DIVISION OF BANKING

Proposed Repeal of Rule on Notice Of Maturity on Business Suspensions

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311, proposes to repeal the current text of N.J.A.C. 3:6-3.1, concerning the notice of maturity on business suspensions.

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

SUBCHAPTER 3. [BUSINESS SUSPENSIONS] (RESERVED)

3:6-3.1 [Air raids or air raid drills] (Reserved)

[Every bank and savings bank organized under the laws of this State is hereby authorized to suspend its usual business during the period of an air raid or an air raid drill or test affecting the municipality in which such bank or savings bank conducts its business and for a reasonable time thereafter.]

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

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department 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

(b)

BANKING

DIVISION OF BANKING

Amendments on Notice of Maturity On Long-Term Time Deposits

On August 17, 1978, Angelo R. Bianchi, Commissioner of

Banking, pursuant to authority of N.J.S.A. 17:9A-311B and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:7-4.3 concerning the notice of maturity on long term time deposits, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 270(b).

An order adopting these amendments was filed and became effective on August 17, 1978, as R.1978 d.290.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendment on Promotional Eligibility During Leave of Absence to Fill an Elective Office

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1(a), proposes to amend N.J.A.C. 4:1-12.2, concerning promotional eligibility during leave of absence to fill an elective office.

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

(d) This rule shall expire five years from the date of its adoption.

NEW JERSEY REGISTER

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

Joseph Lavery
Director of Hearings and Regulations
Department of Civil Service
215 East State Street
Trenton, N.J. 08625

The Civil Service Commission may thereafter adopt these amendments substantially as proposed without further notice.

S. Howard Woodson, Jr.
President
Civil Service Commission

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendments Concerning Action Against Prospective Employees

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-8.14, concerning action against prospective employees.

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

4:1-8.14 Action against prospective employees

(a) The Chief Examiner and Secretary shall take the following actions for any cause listed in subsection (b) of this Section or for any other good cause:

1. Reject the application of a person for admission to an examination;
2. Refuse to test an applicant;
3. Refuse to place the name of a person on the employment list;
4. Refuse to certify the name of an eligible person; or
5. Remove from the employment list the name of an eligible person.

(b) Any of the following shall constitute good cause for such action by the Chief Examiner and Secretary against any prospective employee who:

1. Lacks the established qualification requirements for the positions or employment for which he applies;
2. By law, is ineligible for appointment or employment in the position;
3. Is physically or mentally unfit to perform effectively the duties of the position;
4. Is addicted to the excessive use of drugs, narcotics or intoxicating beverages;
5. Has been convicted of any crime or other unlawful offense or has committed any act involving moral turpitude or infamous or disgraceful conduct;
6. [Has been removed or has resigned not in good standing or has resigned in lieu of removal from the public service, or whose record of employment, public or private, has been unsatisfactory for any reasons which casts substantial doubt upon the person's capacity to perform satisfactorily the duties of the position for which the application has been filed or the test held;] **Has been dismissed from the public service for delinquency or misconduct after an opportunity for a hearing;**
7. Has made a false statement of any material fact or attempted any deception or fraud in any Civil Service

application, examination or in any information submitted to secure eligibility or appointment; or

8. Refuse to execute any oath prescribed by law.

(c) The Chief Examiner and Secretary may admit to an examination and subsequently, with the concurrence of the appointing authority, certify as eligible for employment any person who is ineligible under paragraphs 5, 6 and 7 of subsection (b) of this Section, but who has been rehabilitated to the extent that such employment would not be against the public interest. In accordance with N.J.S.A. 40A:14-122 and 40A:14-9 this exception shall not apply to police and fire positions, nor shall this exception extend to local government service situations when such exceptions is specifically precluded by law.

(d) No person suffering a physical defect due to injury incurred in the armed services shall be discriminated against because of such defect unless the Commission considers the defect incapacitating.

(e) The rejection of an application or other action against any person, under this rule, shall not be effective until the person is notified in writing of such action, together with the reasons therefor.

(f) This rule shall expire five years from the date of its adoption.

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

Joseph Lavery
Director of Hearings and Regulations
Department of Civil Service
215 East State Street
Trenton, N.J. 08625

The Civil Service Commission may thereafter adopt these amendments substantially as proposed without further notice.

S. Howard Woodson, Jr.
President
Civil Service Commission

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual on Awards Program

On July 21, 1978, the 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 Subpart 22-1.101 of the Civil Service Personnel Manual (State Service), concerning the awards programs established.

Full text of the adoption follows:

PART 22-1 AWARDS PROGRAMS

Subpart 22-1.101 Awards Programs Established

22-1.101a Purpose:

The purpose of the Awards Program is to promote efficiency and economy in State government by rewarding individual employees for meritorious performance and suggestions which improve State government operations. To accomplish this purpose the following awards are hereby established:

Awards for Suggestions
Awards for Heroism
Awards for Professional Accomplishment
Awards for Service

22-1.101b Authority for Program:

New Jersey Statutes Annotated, 11:2C-1 et seq.; New Jersey Administrative Code, 4:1-22.1, 4:1-22.2; and Civil Service Personnel Manual, Series 22.

22-1.101c Location and Scope of Program:

The Awards Program is established in the Department of Civil Service and applies to the employees and the improvement of the operations of the:

Office of the Governor
Department of Agriculture
Department of Banking
Department of Corrections
Department of Civil Service
Department of Community Affairs
Department of Defense
Department of Education
Department of Energy
Department of Environmental Protection
Department of Health
Department of Higher Education
Department of Human Services
Department of Insurance
Judiciary
Department of Labor and Industry
Department of Law and Public Safety
Office of Fiscal Affairs
Department of the Public Advocate
Public Broadcasting Authority
Department of State
Department of Transportation
Department of the Treasury

An order adopting these amendments was filed on July 27, 1978, as R.1978 d.251 (Exempt, Procedure Rule) to become effective on August 4, 1978. Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual On Administration and Organization of Awards

On July 21, 1978, the 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 Subpart 22-1.102 in the Civil Service Personnel Manual (State Service), concerning the administration and organization of the awards program.

Full text of the adoption follows:

Subpart 22-1.102 Administration and Organization of the Awards Program

22-1.102a Subject:

The Awards Program is administered by an employee committee known as the State Employees' Awards Com-

mittee (hereinafter "Committee"). Individual awards committees (hereinafter "departmental committees") are established in each department, office, commission, branch or authority listed previously. Divisional and institutional awards sub-committees may be established within departments to assist departmental committees in the administration of the Awards Program within the Department but the responsibility for the departments' activities will remain with the departmental committee.

22-1.102b State Employees' Awards Committee:

1. The Committee consists of five State officers or employees, no two of whom shall be employed by the same department or organization, appointed by the Governor upon nomination by the President of the Civil Service Commission (hereinafter "President") for a term of three years or until their successor shall have been appointed and qualified. If a vacancy on the Committee occurs by reason other than expiration of term, the vacancy shall be filled for the unexpired term.

2. Members of the Committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in performing their duties as members of the Committee.

3. The Committee shall meet and organize as soon as practicable after the annual appointment of new members and select a Chairperson from among its members. The Committee shall hold regular meetings at least once each month during the year and special meetings at the call of the Chairperson. All meetings will be open to the public and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

4. The Committee is responsible for the formulation of awards programs and for the supervision and direction of departmental level committees. It has the authority to adopt and promulgate rules and regulations for the conduct and operation of Awards Programs under the supervision and direction of the President. The Committee shall submit monthly reports to the President concerning operations of the Awards Program which shall include data on the number of suggestions approved and disapproved, processing timeframes and the amount of savings to the State resulting from these suggestions. This data will also be furnished to each department head. The Committee shall submit an annual report, through the President, to the Governor concerning the operations of the Awards Program and the results obtained from each department.

5. The administrative work of the Committee shall be performed by an Executive Secretary (hereinafter "Secretary") and other necessary staff assigned by the President. It shall be the duty of the Secretary to attend the regular and special meetings of the Committee, act as its Secretary, record its official actions and maintain minutes of its official proceedings. The minutes shall include a record of suggesters and their representatives present at the meeting and a transcript of their comments concerning any suggestions. The Secretary shall establish and maintain necessary records; implement the decisions of the Committee; establish and maintain an adequate employee and public relations program; investigate and make recommendations concerning the effect of the Awards Program and report the findings to the Chairperson; and shall perform such other related work as may be required.

6. The Committee shall be responsible for reviewing suggestions and the evaluations from departmental committees where the recommendation is for approval and determining whether or not a suggestion will be approved and the award which will be granted. For those suggestions involving an award of \$100 or less, the Executive Secretary of the Committee may authorize the award.

7. The Executive Secretary shall make the initial review of all suggestions where the recommendation from the departmental committee is for disapproval and shall, from the evidence presented, determine if the disapproval shall be upheld.

8. Appeals from determinations made by the Executive Secretary to uphold or reverse a departmental committee recommendation concerning a suggestion shall be reviewed by the Committee and a final determination will be made by them.

9. It shall be the responsibility of the Committee to make changes in these regulations as may be required. Departmental committees are encouraged to make recommendations for changes which will improve the Program.

10. The Committee is authorized to request, and shall receive, such assistance as it may require from any State department or agency.

22-1.102c Departmental Awards Committees:

1. Each department, office, commission, branch or authority operating under the Awards Program shall establish an awards committee, which shall include at least three members, and which shall be known as the "Awards Committee of the (department, office, commission, branch, or authority).

2. These committees shall be appointed by the chief executive officer of the organization for a term of one year, effective each May 18; and the committee will assume responsibility for the conduct and operation of the Awards Program within their organization.

3. These committees will meet at least monthly and operate under the supervision and direction of, and in accordance with the rules and regulations promulgated by the Committee. They shall establish rules and regulations for the processing of awards and suggestions within their departments with the approval of the Committee.

4. These committees will be responsible for objectively and impartially investigating and evaluating each suggestion furnished to them by the State Committee and returning a recommendation to the program staff of the Committee within the program timeframes. Documentation to support their conclusions should accompany their recommendation.

5. These committees shall be responsible for suitable ceremonies for the presentation of awards to their employees and shall use all available means, as the Committee may propose, to promote employee participation in the program.

6. The committees will report their activities to the Committee through the personnel officer of the respective organization. The personnel officer will ensure that a suitable committee is maintained and will act as liaison between the two committees to ensure that suggestions are evaluated expeditiously and implementation is effected.

7. Departmental committees may request that notable problems in connection with the activities of their organization be published in order to seek employee advice in the form of suggestions for solution of the problems. The Committee, if it is determined to be in the best interests of the State, will cause these "problems" to be circularized in suitable publications.

An order adopting these amendments was filed on July 27, 1978, as R.1978 d.252 (Exempt, Procedure Rule) to become effective on August 4, 1978. Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Department of State
G. Duncan Fletcher
Director of Administrative Procedure

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual Concerning Awards for Suggestions

On July 21, 1978, the 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 Subpart 22-1.103 in the Civil Service Personnel Manual (State Service), concerning awards for suggestions.

The amendments concern programs; definition of a suggestion; procedure for submitting suggestions; awards; processing of suggestions; eligibility; procedure for making awards; appeals procedure; and evaluation of intangible benefits of a suggestion.

Copies of the 11 pages of full text of this adoption may be obtained from or made available for review by contacting:

Joseph Lavery
Director of Hearings and Regulations
Civil Service Department
East State and Montgomery Streets
Trenton, N.J. 08625

An order adopting these amendments was filed on July 27, 1978, as R.1978 d.253 (Exempt, Procedure Rule) to become effective on August 4, 1978. Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual Concerning Awards for Heroism

On July 21, 1978, the 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 Subpart 22-1.104 in the Civil Service Personnel Manual (State Service) concerning awards for heroism.

Full text of the adoption follows:

Subpart 22-1.104 Awards for Heroism

22-1.104a Program:

Awards for heroism may be made to an employee who performs an act of bravery or heroism which is above and beyond the duties or responsibility of the awardee's position and which reflects credit upon the State service.

22-1.104b Eligibility:

Any State employee or group of State employees are eligible for this award whether or not the act was performed during or after working hours.

22-1.104c Procedure for Processing:

1. A nomination for an award of heroism may be initi-

ated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Committee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his/her information. The original nomination with recommendations and supporting documents shall then be forwarded to the Secretary for action by the Committee.

3. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award should be made and the type of award. When an award is not authorized, it shall be the responsibility of the Secretary to advise the nominator in writing, of the action of the Committee.

22-1.104d Awards:

1. Awards for heroism shall be letters of commendation, certificates, citations, plaques or such other awards as the Committee may from time to time determine.

2. The Committee shall determine the type of awards in each case and shall be responsible for the design and procurement of the awards.

3. Presentation ceremonies shall be arranged by the Executive Secretary.

An order adopting these amendments was filed on July 27, 1978, as R.1978 d.254 (Exempt, Procedure Rule) to become effective on August 4, 1978. Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual On Awards for Professional Accomplishment

On July 21, 1978, the 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 Subpart 22-1.105 of the Civil Service Personnel Manual (State Service) concerning awards for professional accomplishment.

Full text of the adoption follows:

Subpart 22-1.105 Awards for Professional Accomplishment

22-1.105a Program:

Awards for professional accomplishment may be made

to an employee in recognition of meritorious or distinguished accomplishments. The accomplishments need not fall entirely within the scope of normal duties, but shall be in the nature of a major contribution in a definite field, vocation, or profession, or personal outstanding act as conduct reflecting credit on the individual and the State service.

22-1.105b Eligibility:

Any State employee or group of State employees are eligible for this award if one or more of the following conditions are met:

1. Through fruitful study and investigation have initiated and successfully established new and outstanding methods, practices, plans or designs having fundamental values. (Such as—pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.)

2. Through unselfish devotion to duty, far and above normal requirements, have contributed significantly to the advancement of the State service on a professional or sub-professional level. (Such as—organization, employee relations, humanities, vocation, etc.)

3. Have achieved honors from professional societies, institutions of learning, or recognized groups for outstanding performance encompassed in the fields of work of State departments.

4. Have assisted and who have been intimately associated with the recipient of an award. Such award shall be a letter of commendation or a citation, presented at the time of the award for distinguished accomplishment.

22-1.105c Procedure for Processing:

1. A nomination for an award for professional accomplishment may be initiated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Committee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his/her information. Then the original nomination with recommendations and supporting documents shall be forwarded to the Secretary for action by the Committee.

3. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award should be made and the type of award. When an award is not authorized, it shall be the responsibility of the Secretary to advise the nominator in writing, of the action of the Committee.

22-1.105d Awards:

1. Awards for professional accomplishment shall be letters of commendation, certificates, citations, plaques or such other awards as the Committee may from time to time determine.

2. The Committee shall determine the type of awards in each case and shall be responsible for the design and procurement of the awards.

3. Presentation ceremonies shall be arranged by the Executive Secretary.

An order adopting these amendments was filed on July 27, 1978, as R.1978 d.255 (Exempt, Procedure Rule) to become effective on August 4, 1978. Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual on Awards for Service

On July 21, 1978, the 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 Subpart 22-1.106 in the Civil Service Personnel Manual (State Service), concerning awards for service.

Full text of the adoption follows:

Subpart 22-1.106 Awards for Service

22-1.106a Longevity of Service:

1. Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey.

2. Service shall include employment in the classified or unclassified service in either a regular or temporary capacity.

3. In determining years of employment the same basis will be used as is used for computing annual vacation leave (N.J.A.C. 4:1-17.10). Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

4. The awards shall be emblems and jewelry of uniform design which is approved by the Committee as follows:

Years of Service	Awards (plus certificate)
5-Year Award ...	Emblem only
10-Year Award ...	Jewelry with one ruby
15-Year Award ...	Jewelry with two rubies
20-year Award ...	Jewelry with three rubies
25-Year Award ...	Jewelry with one 3-point diamond, two rubies
30-Year Award ...	Jewelry with one 3-point diamond, two blue sapphires
35-Year Award ...	Jewelry with one 6-point diamond, two emeralds
40-Year Award ...	Jewelry with two 6-point diamonds, one emerald
45-Year Award ...	Jewelry with three 6-point diamonds
50-Year Award ...	Jewelry with one 12-point diamond, two 6-point diamonds

22-1.106b Retiring Employees:

1. Awards for retiring State employees shall be given at the time of retirement, exclusive of vested retirement, to all those who have retired with pension from the State.

2. Service shall include employment in the classified or

unclassified service in either a regular or temporary capacity. Any dispute or question regarding eligibility shall be referred to the Committee for resolution.

3. The awards shall consist of a "Certificate of Appreciation" for service to the State and a Retirement Recognition Award.

4. The "Certificate of Appreciation", signed by the Governor, will be supplied by the Awards Program staff upon request by the departmental Personnel Officer.

5. Only one Retirement Recognition Award will be presented to any employee.

6. The Retirement Recognition Awards will be mementos of uniform design which are approved by the Committee.

22-1.106c Awards Presentation:

1. It shall be the responsibility of each department to determine the employees who will be eligible for awards.

2. The presentation of awards to eligible employees at suitable ceremonies shall be the responsibility of departmental committees. The presentations will be made by the department head or his/her representative.

3. Departments will be responsible for any personalized markings desired on awards or certificates.

Procedure for Operating Agencies in Obtaining Awards:

1. For service awards—review personnel records prior to July 1 to determine employees who will be eligible in the coming fiscal year.

2. For service awards—distribute awards brochure (supplied by Secretary) to eligible employees for 10 to 50 year awards.

3. For service awards—by July 1, have eligible employees indicate choice of items to personnel office.

4. For service awards—summarize all departmental requests for awards and certificates, and report to the Secretary by July 15.

5. For retiring employees—distribute brochure illustrating mementos to prospective retiree, have him/her make selection and report to the Secretary as soon as possible.

6. Place order directly with the contract vendor at least 30 days prior to anticipated date of presentation. Set up funds on Form PB-77 followed by using agency Form PB-2 or confirming agency order invoice Form PB-82 direct to the contractor.

An order adopting these amendments was filed on July 27, 1978, as R.1978 d.256 (Exempt, Procedure Rule) to become effective on August 4, 1978. Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Rescission of Subpart 16-1.101 Of State Service Personnel Manual

On July 31, 1978, the 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, rescinded Subpart 16-1.101 of the Civil Service Personnel Manual (State Service).

An order rescinding this Subpart was filed on July 31, 1978, as R.1978 d.259 (Exempt, Procedure Rule), to become effective on August 11, 1978. Take notice that, this rescission is not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual Concerning Displaced Manpower Placement

On July 31, 1978, the 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 Subpart 16-5.102 of the Civil Service Personnel Manual (State Service), concerning displaced manpower placement.

Full text of the adoption follows:

Subpart 16-5.102 Displaced Manpower Placement

16-5.102a Purpose:

The purpose of this program is to afford permanent State employees who have been laid off and are still without State employment, an opportunity to return to State employment based on their qualifications.

This subpart will describe the procedure that will be followed by the Department of Civil Service in administering the Displaced Manpower (Job Bank). It will apply to all classified position vacancies whether budgeted, authorized or temporary and to all permanent employees and employees who have begun but not completed their working test period, who have been laid off from competitive, non-competitive and labor division positions and are without state employment. It differs from and is in addition to the Special Reemployment Lists in that the displaced manpower eligibles will not be referred to positions to which he/she has rights according to the titles on those lists; he/she will be referred to positions in other class titles for which he/she is qualified.

16-5.102b Procedure:

1. Prior to a commitment of employment, the prescribed personnel requisition form must be submitted by the appointing authority to the Certification Section, Division of Examinations, for all classified position vacancies whether budgeted, authorized or temporary. This requisition form will be used to clear all statutory Civil Service eligible lists that take precedence over the Displaced Manpower (Job Bank) lists.

2. Priority of eligible lists.

Should an employee be laid off, as a result of a Reduction in Force, the order of priorities is as follows:

A. To the same department within which a layoff occurred.

1. Special Reemployment List
2. Promotion List
3. Regular Reemployment List
4. Open-Competitive List
5. Approved Appropriate Open-Competitive List
6. Displaced Manpower (Job Bank) List
7. Affirmative Action Job Bank List

B. To another department.

1. Promotion List

2. Special Reemployment List
3. Regular Reemployment List
4. Open-Competitive List
5. Approved Appropriate Open-Competitive List
6. Displaced Manpower (Job Bank) List
7. Affirmative Action Job Bank List

3. It will be mandatory for appointing authorities to consider eligibles from the Displaced Manpower (Job Bank) List before hiring an individual with no status. An interview or an attempt to interview the Job Bank eligibles must be made.

4. Appointing authorities shall certify on CS-21 forms that they have requisitioned referrals and all interested, qualified employees who have been laid off have been considered for the position. The status of appointees selected from the Displaced Manpower List shall be designated on the CS-21 form as "PA pending qualifying examination." The Division of Examinations will then schedule and conduct the appropriate qualifying examination to enable the employee to obtain permanent status.

5. The Division of Classification and Compensation will establish a complete roster of permanent employees and employees who began but did not complete their working test period who were laid off and without State employment. The roster will be divided into two categories: permanent employees and employees who began but did not complete their working test period.

6. After a layoff has occurred, the roster of those permanent employees who have been laid off will be reviewed. Prior to the layoff interview a detailed description of the Displaced Manpower (Job Bank) program will be given to all affected employees. Accompanying that description will be the assertion that all affected employees will be required to declare their interest or disinterest in the program at the time of the layoff interview.

7. All interested employees will be given a resume form at the layoff interview for completion and return no later than two weeks subsequent to the layoff effective date. The resume will be completed to establish the employee's education and experience qualifications, occupational and geographic areas of interest or disinterest and minimum salary level that the laid-off employee will consider for future employment possibilities.

8. A resume file will then be established and will form the basis for subsequent referrals to vacant positions.

16-5.102c Conditions:

1. The Displaced Manpower eligibility list will be compiled on the basis of seniority and placements will be made according to seniority regardless of the number of names on the list. Seniority for purposes of the Displaced Manpower Programs is defined and determined in the same manner as it is for layoffs.

Note: Only employees who have expressed an interest in being included will have their names placed on the Displaced Manpower List.

2. Displaced Manpower rights will be limited to titles at the same or lower salary range level as the class title from which the employee was laid off.

3. All appointments will be made on a provisional basis pending qualifying examination.

4. Displaced Manpower Lists will be referred against all classified position vacancies, when requisitioned.

5. Should an appointing authority plan to appoint a CETA employee who has not attained permanent status, to a classified position (whether budgeted, authorized, or temporary), full clearance will be required.

6. The Displaced Manpower List is available for and its use is encouraged for Special Services and Seasonal

appointments especially within departments where layoffs occurred.

7. An employee laid off from a non-competitive position may be appointed from the Displaced Manpower List to a competitive position. The status of such an employee will be PA pending open-competitive examination.

8. The Displaced Manpower List will not be referred against a temporary position that exists for six months or less. Should the position not terminate within six months, it shall be considered as though it were a permanent position and the Department of Civil Service shall act to fill the position from the Displaced Manpower List.

9. A name will be removed from the Displaced Manpower List against a specific title whenever the eligible fails to respond to an official notification of availability of a vacant position.

10. Displaced Manpower Lists, as are Special Reemployment Lists, are processed on a State-wide basis and not restricted to a particular department.

11. All permanent employees and all employees who have begun but not completed their working test period who are laid off and without State employment and who express interest, will automatically be placed on all Displaced Manpower Lists for titles for which there are not requirements and for those titles that possess the same, equivalent to or lesser requirements than the title from which the eligible was laid off.

12. If clearance requests as described herein are not received from the appointing authority, the unauthorized employment will be disapproved when the CS-21 form is submitted.

13. If an employee receives an appointment, his/her name will automatically be removed from the Displaced Manpower (Job Bank).

An order adopting these amendments was filed on July 31, 1978, as R.1978 d.260 (Exempt, Procedure Rule) to become effective on August 11, 1978. Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Deletion of Certain Rules Of Department of Community Affairs

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to Executive Order No. 66 filed with the Secretary of State April 14, 1978, and effective May 14, 1978, proposes to delete the following rules as no longer necessary:

1. Contract Approval, N.J.A.C. 5:3-1.1 through N.J.A.C. 5:3-1.5, inclusive, adopted pursuant to the authority of N.J.S.A. 52:27D-3(f) (Superseded by N.J.A.C. 5:4-1.1 et seq.);

2. Demonstration Rent Supplement Program, N.J.A.C. 5:14-1.1 through N.J.A.C. 5:14-3.12, inclusive, adopted pursuant to the authority of N.J.S.A. 52:27D-3 and 52:27D-67 (Defunct program).

3. The Standard Building Code, Chapter 16 of the New Jersey Administrative Code, adopted pursuant to the authority of N.J.S.A. 13:1B-7, 52:27C-54 and 52:27D-21 (Superseded by N.J.A.C. 5:23-1.1 et seq.);

4. Safety Glazing Materials, N.J.A.C. 5:20-1.1 through N.J.A.C. 5:20-1.10, inclusive, adopted pursuant to the authority of N.J.S.A. 51:12-5 (Superseded by N.J.A.C. 5:23-1.1 et seq.);

5. Local Planning Assistance Program, N.J.A.C. 5:40-1.1 through N.J.A.C. 5:40-2.3, inclusive, adopted pursuant to the authority of N.J.S.A. 52:27D-3 (e) (Unnecessary in light of adequate applicable federal regulations);

6. Community Renewal Program, N.J.A.C. 5:43-1.1 through N.J.A.C. 5:43-2.3, inclusive, adopted pursuant to the authority of N.J.S.A. 52:27D-3 (e) (Defunct program);

7. Planned Unit Developments, N.J.A.C. 5:44-1.1 through N.J.A.C. 5:44-3.2, inclusive, adopted pursuant to the authority of N.J.S.A. 52:27D-3 and 40:55-58 (Inoperative in light of the repeal of the statutory provision implemented);

8. Recruitment and Training Program, N.J.A.C. 5:61-1.1 through N.J.A.C. 5:61-3.4, inclusive, adopted pursuant to the authority of N.J.S.A. 52:27D-3 (Defunct program); and

9. Senior Citizens Recreational Opportunities Assistance, N.J.A.C. 5:70-1.1 through N.J.A.C. 5:70-4.12, inclusive, adopted pursuant to the authority of N.J.S.A. 52:27D-29.1 et seq. (Defunct program).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 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 delete the above cited rules without further notice.

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Rules on New Home Warranty And Builders' Registration Act

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1977, c. 467, as amended, proposes to adopt new rules concerning the implementation of the New Home Warranty and Builders' Registration Act. Such rules, if adopted, will be cited as N.J.A.C. 5:25-1.1 et seq.

Copies of the 51 pages of full text of the proposal may be obtained from or made available for review by contacting:

Bureau of Construction Code Enforcement
Department of Community Affairs
P.O. Box 2768
Trenton, N.J. 08625

A public hearing respecting this proposal will be held on September 29, 1978, at the New Jersey State Museum Auditorium, 205 West State Street, Trenton, New Jersey, at 10:00 A.M. Persons interested in testifying at that hearing should call (609) 292-6364 to arrange for a time to speak. Written statements are to accompany oral testimony and are to be submitted at the time of testimony. A time limit may be imposed upon each speaker in order to accommodate each speaker.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 13, 1978, to: the Department of Community Affairs at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amendments to Uniform Construction Code

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, C. 217, as amended, proposes to adopt new editions of the Building, Plumbing, Electrical and Fire Protection subcodes of the State Uniform Construction Code in Chapter 23 of Title 5 of the New Jersey Administrative Code.

The Department intends to promulgate regulations by adopting by reference:

The building code of the Building Officials and Code Administrators International, Inc., known as the "BOCA Basic Building Code/1978";

The plumbing code of the National Association of Plumbing - Heating - Cooling Contractors, Inc., The American Society of Plumbing Engineers, known as the "National Standard Plumbing Code/1978";

The electrical code of the National Fire Protection Association, known as the "National Electrical Code/1978".

A copy of the 18 pages of the complete text of the proposed revisions is available upon application to: Construction Code Enforcement, Department of Community Affairs, P.O. Box 2768, Trenton, N.J. 08625.

A public hearing on the proposed action will be held Tuesday, September 19, 1978, at 10:00 A.M. at the State Museum Auditorium, 205 West State Street, Trenton, New Jersey.

Persons interested in testifying should call (609) 292-6364 to arrange for a time to speak. Written statements are to accompany oral testimony and are to be submitted at the time of testimony. A time limit may be imposed upon each speaker in order to accommodate each speaker.

Interested persons may also present statements in writing relevant to the proposed action on/or before September 27, 1978, to the Department at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Amendments to Rules for Construction and Maintenance of Hotels and Multiple Dwellings

On August 9, 1978, Edward M. Cornell, Assistant Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:10-1.1 et seq., concerning the construction and maintenance of hotels and multiple dwellings, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 222(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

An order adopting these amendments was filed and became effective on August 17, 1978, as R.1978 d.289.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposal to Revise Rules on Withdrawal from Limited Purpose Regional School Districts

The State Board of Education, pursuant to authority of N.J.S.A. 18A:13-51 to 13-65, as amended by Chapter 279, Laws of 1977, proposes to revise N.J.A.C. 6:3-3.1 et seq., concerning rules for withdrawal from limited purpose regional school districts.

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

6:3-3.1(a)1. A general description of the regional district and of the withdrawing constituent district, including, but not limited to, the type of educational system, number of schools and grade levels served, community population and geographical characteristics.

6:3-3.1(a)4. Two appraisals of each school site which is part of the regional district [and situated in the withdrawing district;] prepared by qualified appraisers. If two or more constituent districts request such a study, the selection of the appraisers and the cost of the required appraisals shall be made and shared jointly;

6:3-3.1(b) Within 21 days following adoption of such resolution, such body shall confer with the remaining constituent districts, the governing bodies of the constituent districts, the regional board of education and the county superintendent to review the procedure required for withdrawal from a limited purpose regional school district. Such conference may be called by the county superintendent at the request of a constituent district prior to its adoption of such resolution.

6:3-3.2(a) Upon receipt of the aforementioned resolution and accompanying data, the county superintendent shall make an investigation and shall within [30] 60 days after receipt of such request issue a report, in accordance with N.J.S.A. 18A:13-52, to the governing bodies of the municipalities constituting the regional district, the boards of education of the constituent districts and the board of education of the regional district. When the county superintendent has begun such investigation, no action shall be taken upon a subsequent request from another constituent district of the same regional district until the investigation, report and action thereon have been completed. This report shall include, but not be limited to, the following.

6:3-3.2(a)9. The replacement costs of schoolhouses and additions, grounds, furnishings and equipment of the regional district, and the replacement cost of any schoolhouse, and additions of the regional district, including grounds, furnishings, and equipment, situated in the withdrawing district. School building [s, furnishings and equipment] replacement costs will be calculated by the Bureau of Facility Planning Services [, Division of Field Services] as follows.

i. The current overall cost per square foot for school construction in New Jersey, updated annually in the fall of each year, will be multiplied by the gross area of the building;

ii. This figure will include construction costs, movable and built-in furniture and equipment and fees;

iii. Site costs will be excluded since they are already included under N.J.A.C. 6:3-3.1(a) 4;

6:3-3.2(a)10. The amount of indebtedness, if any, to be assumed by the withdrawing constituent district [, calculated in accordance with N.J.S.A. 18:8-7 and 8].

6:3-3.3(a) Upon completion of the procedures contained in N.J.S.A. 18A:13-54 to 56 [and within 30 days after the granting of approval of the application by the board of review], the county superintendent shall confer with the regional board and the boards of education of the constituent districts and fix a day and time for holding a special school election, in accordance with the provisions of N.J.S.A. 18A:13-57.

6:3-3.5 Effective date of withdrawal

If approved at said election, the withdrawal of the district shall become effective upon [July 1 of the next ensuing school year] a date to be determined by the commissioner of education, pursuant to the provisions of N.J.S.A. 18A:13-59.

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

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments on Energy Conservation

The State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-16, proposes to amend its rules concerning ventilation, heating and air conditioning in public schools in order to conserve energy.

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

SUBCHAPTER 9: [VENTILATION] ENERGY CONSERVATION

6:22-9.1 [Mechanical air supply]

Basic Energy Conservation Code

(a) Subject to the following modifications, all school buildings shall be designed in accordance with the model code of the Building Officials and Code Administrators International, Inc., known as "The BOCA Basic Energy Conservation Code/1978":

1. Eliminate all reference to lighting in the Preface, page iv.

2. Article 4 shall be amended by deleting the phrase "Warm Air" from the title.

3. Section E400.1 shall be amended by deleting the first paragraph and substituting the following: "This article applies to all heating, ventilating and air conditioning systems except those used for the removal of flammable vapors, residues, dust, stock or refuse by means of air currents."

4. Section E401.2 is to be deleted in its entirety. Substitute in lieu thereof Section 9.2(b) note 2 entitled "System Capacity and Cooling with Outdoor Air."

5. Section E404.2 shall be deleted and the following substituted in lieu thereof:

i. Heating thermostats shall be capable of being set between 45° - 80°F.

ii. Cooling thermostats shall be capable of being set between 70° - 85°F.

iii. Combined heating and cooling thermostats shall be capable of being set between 45° - 85°F.

6. Section E404.4 shall be amended by adding the following to the end of the last paragraph: "except that public schools shall be provided with automatic temperature controls to provide individual temperature control for each space and systems shall be zoned so that spaces such as gymnasium, auditorium, library and administrative offices may be heated, ventilated and/or air conditioned independently."

Editor's Note: Delete current text of N.J.A.C. 6:22-9.1(b) through (d) and N.J.A.C. 6:22-9.2 and replace latter with the following:

6:22-9.2 [6:22-9.1(a)] Mechanical air supply and exhaust ventilation system

(a) All school buildings shall be equipped with a mechanical air supply and exhaust ventilation system which will provide, during periods of occupancy, standard tempered outdoor air supply, mechanical exhaust and system capacities at the minimum rates set forth in the following table [air at the rate set forth in subsection (b) of this Section]:

MECHANICAL VENTILATION REQUIREMENTS

Room Name	Outdoor Air Supply *(CFM/Sq. Ft.) (See Note 1)	Mechanical Exhaust (CFM/Sq. Ft.)	System Capacity (CFM/Sq. Ft.) (See Note 2)
Pre-kindergarten	0.15	0.15	1.25
Home economics (without cooking) child care	0.15	0.15	1.25
Distributive education	0.15	0.15	1.25
Electric laboratory	0.15	0.15	1.25
Electronics laboratory	0.15	0.15	1.25
Home economics (with cooking) combination	0.15	0.20	1.25 (See Note 3)
Art	0.20	0.20	1.25
Arts and crafts classroom	0.20	0.20	1.25
Office machines	0.20	0.20	1.25
Educational data processing	0.20	0.20	1.25
Office practice	0.20	0.20	1.25
Drafting	0.20	0.20	1.25
Home economics (clothing and family living)	0.20	0.20	1.25
Special education classrooms	0.20	0.20	1.25
Science laboratories and preparation rooms	0.20	0.20	1.25 (See Note 3)
Cosmetology	0.20	0.20	1.25 (See Note 3)
Home economics (foods)	0.20	0.20	1.25 (See Note 3)
Open-space instructional area	0.25	0.25	1.25
Driver education	0.25	0.25	1.25
Kindergarten	0.25	0.25	1.25
Typing	0.25	0.25	1.25
Learning laboratory	0.25	0.25	1.25
Language laboratory	0.25	0.25	1.25
Academic classrooms	0.25	0.25	1.25
Bookkeeping	0.25	0.25	1.25
Shorthand	0.25	0.25	1.25
Auditorium and stage	0.65	0.65	2.50 (See Note 6)
Lecture hall	0.65	0.65	2.50 (See Note 6)
Large group instruction	0.65	0.65	2.50 (See Note 6)
All-purpose room (gym-auditorium)	0.65	0.65	2.50 (See Note 6)
Industrial arts (general, metal, wood)	360 CFM per rm.	400 CFM per rm.	1.75 (See Note 3)
Shops (comprehensive general, graphic arts, power-automotive, machine, metal and wood)	360 CFM per rm.	400 CFM per rm.	1.75 (See Note 3)
Vocational school shops	360 CFM per rm.	400 CFM per rm.	1.75 (See Note 3)
All-purpose room (gym-cafeteria)	1.0	1.0	2.75 (See Note 7)
Cafeteria	0.50	0.50	1.50
Seminar, conference	0.50	0.50	1.50
Small group instruction	0.50	0.50	1.50
Teachers	0.50	0.50	1.0 (See Notes 4, 11)
Windowless office space	0.20	0.20	(See Note 4)
Gymnasium	(See Note 8)	(See Note 11)	(See Note 11)
Auxiliary gymnasium, universal gymnasium, wrestling room and similar areas	(See Note 9)	(See Note 8)	(See Note 8)
Locker room, shower room, Janitor's closet, individual toilet room, private toilet room	(See Note 9)	(See Note 9)	(See Note 9)
Kitchen	1.50 (See Note 4)	1.65	100 CFM Minimum
Library	3.0 (See Note 4)	3.30	(See Note 3)
Instructional media center	0.15	0.15	1.15
Shops other than above	0.15	0.15	1.15
Music and practice rooms	0.35	0.35	1.25 (See Note 5)
Swimming pool	1.10	1.10	2.20 (See Note 10)
Toilets, general	1.50 (See Note 4)	1.65	12 air changes minimum
Chemical storage rooms	0.30 (See Note 4)	0.35	

*Cubic feet per minute

6:22-9.2(b) Notes on mechanical ventilation requirements:

1. Outdoor air supply:

i. The requirements for outdoor air supply listed in the above table are for 100 per cent outdoor air when the outdoor air meets the specifications for air quality as set forth under Section 3.0 "Acceptable Ventilation Air Quality" in the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 62-73 entitled "Standards for Natural and Mechanical Ventilation";

ii. Ventilating systems shall be in accordance with Section 4.0 "Ventilating Systems—General Requirements" in ASHRAE Standard 62-73;

iii. Outdoor air quantities may be reduced if the contaminant concentrations are lower than the maximum allowable levels or if filtering and purifying equipment is installed in accordance with Section 5.0-Recirculation in ASHRAE Standard 62-73. In no case shall the outdoor air quantity be less than 5 CFM per person based on the total occupancy listed in the "School Capacity" work sheets, except that occupancies for gymnasiums shall be determined by actual seating capacity or occupancy based on 15 square feet per person, whichever is higher.

2. System capacities and cooling with outdoor air

i. System capacities listed in the above table are applicable to air supply fan systems which are not provided with mechanical cooling facilities. System capacities listed are minimum and are based on utilization of the minimum glass areas contained in this Guide for Schoolhouse Planning and Construction. In cases where more than the minimum glass area is provided, system capacities shall be increased accordingly;

ii. System capacities for air supply fan systems which are provided with mechanical cooling facilities shall be based on design temperatures contained in this Guide.

iii. All areas shall be provided with facilities for relief of total system capacity supply air. Relief facilities shall consist of combinations of mechanical exhaust systems with minimum capacities listed in the above table, supplemented with either mechanical or gravity exhaust systems having capacities equal to the difference between system capacities and minimum mechanical exhaust system requirements. Relief from spaces such as home economics cooking classrooms, science laboratories and prep rooms, cosmetology classrooms and shops shall be discharged directly to the exterior of the building;

iv. Each air supply fan system serving student-occupied areas, conference rooms, seminar rooms, teachers' rooms and windowless offices shall be designed to use up to and including one hundred (100) per cent of the fan system capacity for cooling with outdoor air automatically. Cooling with outdoor air is not required under any one of the following conditions:

(1) Fan system capacity is less than 2,000 CFM or 60,000 BTU/hour total capacity for systems serving spaces other than student-occupied areas;

(2) The quality of the outdoor air is so poor as to require extensive treatment of the air;

(3) The need for humidification or dehumidification requires the use of more energy than is conserved by outdoor air cooling;

(4) The use of outdoor air cooling may affect the operation of other systems (such as return or exhaust fans) so as to increase the overall energy consumption of the building;

(5) Internal/external zone heat recovery or other energy recovery is used;

(6) When all space cooling is accomplished by a circulating liquid which transfers space heat directly or in-

directly to a heat rejection device such as a cooling tower without the use of a refrigeration system.

3. Special exhaust systems shall be provided for removal of dust, fumes, odors and excessive heat in all areas such as shops, kitchens, dishwashing rooms, home economics cooking rooms, paint finishing rooms, paint finishing booths, cosmetology classrooms, science laboratories and science prep rooms. Provisions shall be made for introducing tempered make-up air to satisfy exhaust system requirements. Make-up air may be drawn from corridor ceiling plenums. The systems shall be manually controlled and energized when required. Exhaust systems shall have capacities ten per cent in excess of air make-up systems. Rooms accommodating internal combustion engines shall be provided with adequate air intake and exhaust facilities to suit engine requirements and engine exhaust shall be piped to the exterior of the building.

4. Air may be drawn from adjacent areas such as corridors, corridor ceiling plenums, cafeterias or gymnasiums or spaces of similar function.

5. Music practice rooms shall be provided with air supply and exhaust systems and sound traps and/or acoustical treatment shall be included to minimize sound transmission.

6. System capacities for auditoriums, lecture halls, large group instruction areas and stage areas may be provided by means of a combination of air supply fan systems having minimum capacities of 1.50 CFM per square foot of floor area, supplemented with mechanical exhaust fans having capacities of 1.0 CFM per square foot of floor area. Air make-up for supplemental exhaust fans may be introduced into spaces through open exterior doors or windows, through roof ventilators with automatic dampers or through wall louvers with automatic dampers.

7. System capacities for cafeterias and all-purpose rooms may be provided by means of a combination of air supply fan systems having minimum capacities of 2.0 CFM per square foot of floor area, supplemented with mechanical exhaust fans having capacities of 0.75 CFM per square foot of floor area. Air make-up for supplemental exhaust fans may be introduced into spaces through open exterior doors or windows, through roof ventilators with automatic dampers or through wall louvers with automatic dampers.

8. Outdoor air supply, mechanical exhaust and system capacities for gymnasiums with adjacent locker rooms shall be in accordance with the following:

i. Outdoor air supply and mechanical exhaust air quantities for gymnasiums shall be based on the locker room exhaust requirements, but in no case less than 0.25 CFM per square foot of gymnasium floor area;

ii. Outdoor air supply and mechanical exhaust air quantities shall be increased during spectator occupancy periods to provide a minimum of 5 CFM per occupant, with occupancy based on actual seating capacity or 15 square foot per person, whichever is higher;

iii. System capacities shall be a minimum of 2.50 CFM per square foot of gymnasium floor areas. System capacities may be provided by means of a combination of air supply fan systems having minimum capacities of 1.50 CFM per square foot of gymnasium floor area, supplemented with mechanical exhaust fans having capacities of 1.00 CFM per square foot of gymnasium floor area. Air make-up for supplemental exhaust fans may be introduced into gymnasiums through open exterior doors or windows, through roof ventilators with automatic dampers or through wall louvers with automatic dampers.

9. Outdoor air supply, mechanical exhaust and system

capacities for auxiliary gymnasiums, universal gymnasiums, wrestling rooms and similar areas shall be in accordance with the following:

i. Outdoor air supply and mechanical exhaust capacities shall be a minimum of 0.25 CFM per square foot of floor area during periods when the areas are used for instructional purposes. In cases where these areas are used for high occupancy activities, such as dances, outdoor air supply and mechanical exhaust capacities shall be increased to provide a minimum of 5 CFM per occupant during such occupancy periods, with occupancy based on 15 square foot per person;

ii. Air supply fan system capacities shall be a minimum of 1.50 CFM per square foot of floor area during periods when the areas are used for instructional purposes. Total system capacities shall be increased to a minimum of 2.50 CFM per square foot of floor area during periods of high occupancy and the total system capacity for these conditions may be provided by means of air supply fan systems having minimum capacities of 1.50 CFM per square foot of floor area, supplemented with mechanical exhaust fans having capacities of 1.0 CFM per square foot of floor area. Air make-up for supplemental exhaust fans may be introduced into spaces through open exterior doors or windows, through roof ventilators with automatic dampers or through wall louvers with automatic dampers.

10. Swimming pool ventilation systems shall be in accordance with the following:

i. Air supply fan system capacities shall be a minimum of 2.20 CFM per square foot of floor area;

ii. Outdoor air supply and mechanical exhaust capacities shall be a minimum of 1.10 CFM per square foot of floor area during winter periods;

iii. Outdoor air supply and mechanical exhaust capacities shall be increased to a minimum of 2.20 CFM per square foot of floor area during summer periods;

iv. Mechanical dehumidification or cooling shall not be permitted except where its use will not increase the energy requirements of the structure.

11. Windowless office space: in lieu of supplying outdoor air directly to the space mechanical exhaust may be provided at the minimum rate of 1.0 CFM per square foot in accordance with Note 4 of this section.

12. In no case shall exhaust ventilation be discharged into a corridor, vestibule or stairtower.

13. All pupil clothing storage facilities shall be ventilated.

14. Recirculation of air, in excess of the minimum quantities listed in the Table, Section 9.2(a), is permitted for non-odor producing areas. Recirculation of air in odor producing areas such as shops, laboratories, kitchens, etc. is permitted only within the respective space.

15. Each shop, where dust generating equipment is installed, shall be provided with dust collecting equipment. Such equipment shall be either single or multi-use vacuum packs or a central dust collection system. Installed systems shall comply with National Fire Protection Association Standard No. 91, and New Jersey Department of Environmental Protection (N.J.A.C. 7:27-8).

16. Exhaust hoods and flues for ranges, forges or other heat generating equipment when installed shall be in compliance with National Fire Protection Association Standard No. 96, and of the 1978 BOCA Basic Mechanical Code, Section M-321.0.

17. Individual toilet rooms, when not connected to an exhaust system, shall have their individual exhaust fans manually operated and interconnected with the toilet room light switch.

18. All instructional rooms not provided with windows complying with N.J.A.C. 6:22-14.13 shall be provided with individual automatic temperature controls and heating, mechanical cooling and ventilating systems. Auditoriums, cafeterias and gymnasiums are not required to be provided with mechanical cooling facilities.

19. All air distribution systems shall be in accordance with National Fire Protection Association Standard No. 90A.

20. Uniform drying rooms shall be provided with separate air supply and exhaust systems to maintain proper humidity conditions.

Editor's Note: The current text of N.J.A.C. 6:22-9.3, 6:22-10.1 and 6:22-10.2 are proposed to be deleted entirely. The current text of N.J.A.C. 6:22-10.3 and 6:22-10.4 are proposed to be cited as N.J.A.C. 6:22-10.1 and 6:22-10.2 respectively. N.J.A.C. 6:22-10.3 and 10.4 will be marked "Reserved." Also, the current text of N.J.A.C. 6:22-11.1 is proposed to be deleted and replaced with the following new text:

6:22-11.1 Reference

All equipment and the method of installation must conform to the requirements of the BOCA Basic Mechanical Code/1978 Section 8 with relevant appendices.

Editor's Note: The current text of N.J.A.C. 6:22-11.2 through 6:22-11.10 is proposed to be deleted and all such sections marked "Reserved."

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

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposal to Revise Rules on Fire Alarms And Automatic Fire Detection

The State Board of Education, pursuant to authority of N.J.S.A. 18A:18-16, proposes to revise N.J.A.C. 6:22-13.3, concerning rules for fire alarms and automatic fire detection.

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

6:22-13.3(d) The automatic fire detection system shall [detect an abnormal rate of rise of air temperature by means of the pneumatic principle, thermopile principle or electric thermostat principle of the fixed-temperature or] utilize the following:

1. A combination fixed-temperature and rate-of-rise type device; or

2. [it may be designed to detect] Devices to detect abnormal visible smoke densities or gaseous products of combustion; or

3. [it may be the] An automatic [sprinkler type equipped with waterflow alarm devices] fire suppression system equipped with automatic fire alarm devices; or

4. A combination of the above three types of detecting devices except that a fixed-temperature detector shall be permitted in approved locations such as is a boiler room or incinerator room.

5. These rules are applicable to the construction of new buildings, new additions and alterations to existing fire detection systems.

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

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Amendments to Rules on Special Education

On August 2, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:46-1 et seq., 18A:46A-1 et seq., Public Law 94-142 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:28-1.1 et seq. concerning special education, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 225(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

An order adopting these amendments was filed and became effective on August 11, 1978, as R.1978 d.277.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Public Meetings on Proposed Public Participation Policy

Take notice that, the Department of Environmental Protection has issued the following notice, known within the Department of Environmental Protection as Docket No. DEP 033-78-08, concerning public meetings on proposed public participation policy:

Please take notice that, the Department of Environmental Protection has scheduled four informal public

meetings to explain a proposed Department-wide public participation policy and to solicit from all segments of the public suggestions which can enhance the design and operation of that policy. This notice is known within the Department of Environmental Protection as Docket No. 033-78-08.

When adopted, a public participation policy will establish a communications system, including public meetings, through which proposed Department actions, and the reasons for them, will be explained. Expressions of interest from all segments of the public will be sought throughout the process.

It is the belief of the Department that a public participation policy can facilitate the public's interest in Department activities. Such a policy also can bring to the Department outside expertise, attract the widest range of ideas, explain reasons for Department actions and avoid potential misunderstandings.

The meetings are:

October 3—8 p.m., Cherry Hill Public Library, Meeting Room, 1100 Kings Highway North, Cherry Hill.

October 5—10 a.m., Rutgers University, Labor Education Center (Herrmann Hall), Ryders Lane (off Route 1), New Brunswick.

October 10—8 p.m., Stockton State College, Building B, Room 116, Pomona.

October 12—8 p.m., Bloomfield College, Westminster Hall, Room 103, Corner of Franklin and Fremont Streets, Bloomfield.

A copy of the draft policy proposal may be obtained by writing to the Office of Public Participation, Department of Environmental Protection, Box 1390, Trenton, N.J. 08625.

Written comments on the proposed policy will be received by the Department at the above address until November 13, 1978.

This Notice is published as a matter of public information only.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Amendments Concerning Sulfur in Fuels

On August 9, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:27-9.1 et seq. concerning sulfur in fuels, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 234(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such changes are discussed in the Evaluation of Testimony section of the Report of the Public Hearing issued by the Department of Environmental Protection. Copies of these documents are available from Herbert Wortreich, Chief, Bureau of Air Pollution Control, Department of

Environmental Protection, Post Office Box 2807, Trenton, New Jersey 08625.

These amendments are known within the Department of Environmental Protection as Docket No. DEP 019-78-05.

An order adopting these amendments was filed on August 10, 1978, as R.1978 d.276, to become effective October 12, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules on Coastal Resource And Development Policies

On August 17, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-9 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:7E-1.1 et seq., concerning coastal resource and development policies, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 184(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such rules are known within the Department of Environmental Protection as Docket No. DEP 013-78-04.

Copies of the full text of this adoption are published as Part II, Chapter 4, of the New Jersey Coastal Management Program—Bay and Ocean Shore Segment and Final Environmental Impact Statement (August, 1978) and are available from:

David N. Kinsey, Chief
Office of Coastal Zone Management
Division of Marine Services
Department of Environmental Protection
P.O. Box 1889
Trenton, N.J. 08625

An order adopting these rules was filed on August 17, 1978, as R.1978 d.292 to become effective on September 28, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Rule Defining Lines where License Is Required to Fish

On August 2, 1978, 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. 23:1-2, 23:3-1, 23:9-1 and in accordance

with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:25-16.1 et seq., concerning the definitions of lines upstream of which a license is required to fish with handline, rod and line, or long bow and arrow, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 143(c).

Such rules are known within the Department of Environmental Protection as Docket No. DEP 006-78-03.

An order adopting these rules was filed and became effective on August 18, 1978, as R.1978 d.295.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Proposed 1979 SHARE Guidelines

The Department 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 rules which establish the method by which the 1979 hospital reimbursement rates will be set according to the SHARE methodology. Such rules, if adopted, will be cited as N.J.A.C. 8:31-17.1 et seq.

The proposed rules establish reimbursement rates for hospitals which reflect reasonable costs for the health care facilities involved. The two basic principles upon which the guidelines are formulated are that hospitals:

1. Shall establish that the costs currently incurred are reasonable for the level of services currently provided; and

2. Any increases in those costs are reasonable.

The methodology is formulated in accordance with these principles.

For the year 1979 for all hospitals in the State of New Jersey, it is the Department's objective to limit the average increase in hospital inpatient expenditures (both cost and volume) which are reimbursed by hospital service corporations, the State's medical assistance program and other covered governmental agencies, referred to hereafter as "payers," to a maximum of ten per cent.

Copies of the 110 pages of full text of this proposal may be obtained from or made available for review by contacting:

James R. Hub
Director, Health Economics Service
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

Emergency Amendment on Second Trimester Abortions and Standards for Ambulatory Care

On August 7, 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 an emergency amendment to the rules concerning the standards for licensure of ambulatory facilities regarding abortions in the second trimester.

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

8:43A-1.48(b)1. Abortion (below 12 weeks gestation). **Beyond the first trimester and within a period of gestation not exceeding 16 menstrual weeks and/or 14 gestational weeks' size as determined by a physician, termination of pregnancy using the dilation and evacuation procedure may be performed in a licensed ambulatory care facility;**

An order adopting this amendment was filed and became effective on August 9, 1978, as R.1978 d.274 (Exempt, Emergency Rule).

Take notice that, interested persons may present statements or arguments in writing relevant to this adoption on or before September 27, 1978, to:

Wanda J. Marra
Coordinator, Standards
Department of Health
501 John Fitch Way
Trenton, N.J. 08625

The Department of Health may thereafter ratify or amend the above adoption without further notice.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Rules on Cancer Registry

On August 17, 1978, Leah Ziskin, Acting Commissioner of Health, pursuant to authority of P.L. 1977, c. 266, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning cancer registry, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 246(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Full text of the adoption follows (changes indicated in boldface thus):

8:57-1.20 Cancer registry

(a) Cases of cancer and other tumorous and precancerous diseases, which shall be specified in a listing to be supplied by the Commissioner of Health and which are initially diagnosed after the effective date of these regulations, shall be reported to the State Department of Health.

(b) The administrative officer of every health care facility shall be responsible for reporting to the State Department of Health every case of cancer or other specified tumorous and precancerous disease when it is initially diagnosed or first admitted to that facility. A report shall also be given for each subsequent primary cancer diagnosed in an individual.

(c) Every physician and dentist shall report to the State Department of Health on initial diagnosis each case of cancer or other specified tumorous and precancerous disease not referred to or previously diagnosed in a health care facility in the State of New Jersey.

(d) The director of every independent clinical laboratory shall report to the State Department of Health results of examination of tissue specimens and/or hematology examinations indicating the existence of cancer or other specified tumorous and precancerous disease, not previously reported from that laboratory.

(e) The information to be reported shall be provided upon forms supplied by the State Department of Health. A hospital tumor registry abstract form may be used, provided that information required by the State Commissioner of Health is recorded therein according to standardized definitions utilized by the State Department of Health.

(f) A copy of the pathology tissue report and/or hematology report shall be required in cases confirmed by laboratory analysis.

(g) All case reports shall be sent within six months of the date of diagnosis or within three months of the date of discharge from the reporting facility, whichever is sooner.

(h) Every health care facility and independent clinical laboratory shall allow representatives of the State Department of Health to obtain information from all medical, pathological, and other pertinent records and logs related to cancer cases, as necessary for fulfilling the functions of the cancer registry program.

(i) Every health care facility and independent clinical laboratory shall allow access to or provide necessary information on specified cancer patients and other patients specified by characteristics for research studies related to cancer prevention and control conducted by the State Department of Health and which have been approved by the State Commissioner of Health after appropriate review for assuring protection of human subjects. This shall include patients who came under the care of the health care facility prior to the effective date of the regulations.

(j) These regulations do not in any way change the obligation to report bladder cancer in the manner required by N.J.A.C. 8:57-1.19 for the time period specified in that regulation.

An order adopting these rules was filed on August 18, 1978, as R.1978 d.293, to become effective on October 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Amendments on Time-Phased Plans

On August 17, 1978, Leah Ziskin, Acting Commissioner

of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31A-10.6 concerning time-phased plans, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 247(a), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on August 18, 1978, as R.1978 d.294.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Amendments on Membership and Responsibilities Of Licensure and Approval Advisory Board

On July 25, 1978, T. Edward Hollander, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:68-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:1-2.1 et seq. concerning membership and responsibilities of the Licensure and Approval Advisory Board, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 251(a).

An order adopting these amendments was filed and became effective on July 27, 1978, as R.1978 d.249.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Amendments on General Accounting and Procedures Manual for State-Supported County Colleges

On July 25, 1978, T. Edward Hollander, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18:64A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:4-3.1, 9:4-3.3, 9:4-3.44 and 9:4-3.55 concerning the General Accounting and Procedures Manual for State-Supported County Colleges, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 250(b).

An order adopting these amendments was filed and became effective on July 27, 1978, as R.1978 d.250.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DEVELOPMENT DISABILITIES COUNCIL

Proposed Rules on Distribution of Proceeds For Charity Racing Days for Disabled

Catherine Rowan, Executive Director of the Developmental Disabilities Council, pursuant to authority of Executive Order 20 of 1971 and subsequent amendments thereto and in accordance with applicable provisions of the Administrative Procedure Act, proposes to adopt rules concerning the annual determination of eligible organizations to receive moneys and the annual allocation each such organization will receive pursuant to P.L. 1977, c. 200.

This Act provides for the authorization of additional horse racing meeting days to be known as "Charity Racing Days for the Developmentally Disabled", and further provides that all monies received by the Racing Commission as its share of the total contributions to all parimutual pools conducted on such additional racing days shall be distributed annually to the organizations and in the amounts designated by the Developmental Disabilities Council according to the provisions of the Act.

Full text of the proposal follows:

SUBCHAPTER 1. CHARITY RACING DAYS; DEVELOPMENTALLY DISABLED

10:141-1.1 Eligibility

(a) An eligible organization shall be a nonprofit organization located in New Jersey which expends funds for direct services in full-time programs to New Jersey residents who are developmentally disabled, which organization shall be affiliated with a national organization of the same type and purpose.

1. A nonprofit organization shall mean a private, rather than public, body which must provide proof of both incorporation as a nonprofit organization with the New Jersey Secretary of State and classification as a tax exempt organization under Section 501(c)(3) of the United States Internal Revenue Code.

2. An organization which expends funds for direct services shall be an organization which meets other requirements stated herein which has as its main purpose either the provision of eligible services or the raising of funds on behalf of a single other organization whose sole purpose is the provision of eligible services, provided that all such funds excepting minimal costs for administration and fund raising shall be so contributed. At least 75 per cent of the recipients of eligible services provided by such an organization must be developmentally disabled as defined herein.

3. Direct services shall include evaluation services, diagnostic services, treatment, day care, training and education, sheltered employment, recreation, special living arrangements, counseling, and information and referral as listed and defined in the Developmental Disabilities Annual State Plan. Such services may be funded directly by an organization from contributions, by grants, or by purchase contracts with public agencies.

4. Developmentally disabled shall mean a disability of a person which:

i. Is attributable to:

(1) Mental retardation, cerebral palsy, epilepsy or autism;

(Continued on Page 393)

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 the date of the last

individual Title updatings through August 17, 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)
2:48-2.1	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)
2:54-3.7	Suspension to Federal Order No. 4	R.1978 d.149	10 N.J.R. 218(c)
2:69-1.11	Amended commercial values	R.1978 d.197	10 N.J.R. 270(a)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 135(a)
2:71-1.30	Amendments on certificates of grade	R.1978 d.115	10 N.J.R. 182(c)
2:71-2.26 to 2.31	Inspection and grading of fruits and vegetables	R.1978 d.114	10 N.J.R. 182(b)
2:73-2.5(d)	Amendments on seal of quality egg expiration date	R.1978 d.222	10 N.J.R. 314(b)

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

BANKING — TITLE 3

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

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

CIVIL SERVICE — TITLE 4

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

COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Amendments on construction and maintenance of hotels and multiple dwellings	R.1978 d.289	10 N.J.R. 378(b)
5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-2.6	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
3.3, 3.8, 4.3 and 4.8			
5:23-3.4(a)?!	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(a)
5:23-4.3(c)6.	Amendments on conflicts of interest	R.1977 d.434	9 N.J.R. 558(a)
5:23-4.9, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)
5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)
5:30-1.15	Urban aid reporting system	R.1978 d.241	10 N.J.R. 319(b)
5:30-3.3(c)	Dedication by rider to local unit budget	R.1978 d.240	10 N.J.R. 319(a)
5:30-15.2	Procedure and form of emergency ordinance under CAP law	R.1978 d.211	10 N.J.R. 317(b)
5:30-16.11,	Amendments on tenant's property tax expiration date	R.1978 d.233	10 N.J.R. 318(a)
App. 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 Sep. 21, 1977—Transmittal Sheet No. 9.)

EDUCATION — TITLE 6

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

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

ENVIRONMENTAL PROTECTION — TITLE 7

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

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

HEALTH — TITLE 8

8:7-1.9(a)2.1.	Amendments on qualifications of health officer	R.1978 d.24	10 N.J.R. 62(c)
8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15-1.1 et seq.	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:15-1.1 et seq.	Postpone effective date of public smoking rules	R.1978 d.168	10 N.J.R. 250(a)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-4.1 et seq.	New drugs and amygdalin	R.1978 d.93	10 N.J.R. 148(a)
8:21-4.31-4.34	Laetrile efficacy in study of cancer	R.1978 d.246	10 N.J.R. 341(a)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)

8:21-11.1 et seq.	Rules on dented cans, salvage foods and beverages	R.1978 d.100	10 N.J.R. 149(a)
8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:30-14.1 et seq.	Long-term-care facilities for indigents as condition for licensure	R.1978 d.25	10 N.J.R. 62(d)
8:31A-10.6	Amendments on time-phased plans	R.1978 d.294	10 N.J.R. 385(c)
8:31-8.1 et seq.	Amended standards and criteria; prenatal services	R.1978 d.49	10 N.J.R. 103(b)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
8:33-1.5(f)3.	Amendment or certificates of need and transfers of ownership	R.1978 d.62	10 N.J.R. 104(a)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
8:39-1.1 et seq.	Amended standards for licensing long-term care facilities	R.1978 d.65	10 N.J.R. 104(d)
8:39-1.1 et seq.	Change effective date on nursing homes to January 1, 1979	R.1978 d.203	10 N.J.R. 280(c)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
8:43A-1.48(b)1.	Amendments on abortion; standards for licensure of ambulatory care facilities	R.1978 d.274	10 N.J.R. 385(a)
8:43B-15.1 et seq.	Renal dialysis services	R.1978 d.63	10 N.J.R. 104(b)
8:43B-16.1 et seq.	Nurse-midwifery services	R.1978 d.64	10 N.J.R. 104(c)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
8:57-1.19	Reporting bladder cancer	R.1977 d.467	10 N.J.R. 12(a)
8:57-1.20	Cancer registry	R.1978 d.293	10 N.J.R. 385(b)
8:57-4.8, 4.11, 4.14, 4.16	Amendments on immunization of pupils in schools	R.1978 d.244	10 N.J.R. 334(a)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.2(b)4.	Transfer of phencyclidine	R.1978 d.247	10 N.J.R. 341(b)
8:65-10.4	Addition of Lorazepam to controlled dangerous substances	R.1978 d.23	10 N.J.R. 62(b)
8:65-10.5	Add Loperamide as dangerous	R.1977 d.440	9 N.J.R. 567(a)
8:65-10.6	Excluded O.T.C. substances	R.1978 d.60	10 N.J.R. 103(d)
8:65-10.7	Excepted prescription drugs	R.1978 d.61	10 N.J.R. 103(e)
8:65-10.8	Exempt chemical preparations	R.1978 d.59	10 N.J.R. 103(c)
8:70-1.1 et seq.	Interim drug evaluation and acceptance criteria	R.1978 d.202	10 N.J.R. 280(b)
8:70-1.1 et seq.	Repeal interim drug evaluation and acceptance criteria	R.1978 d.248	10 N.J.R. 341(c)

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

HIGHER EDUCATION — TITLE 9

9:1-2.1 et seq.	Amendments on responsibilities of Licensure and Approval Advisory Board	R.1978 d.249	10 N.J.R. 386(a)
9:2-2.2	Definition of academic year	R.1978 d.52	10 N.J.R. 105(b)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(a)
9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(a)
9:4-3.1, 3.3, 3.44, 3.55	Amendments to general accounting and procedures manual of State-supported county colleges	R.1978 d.250	10 N.J.R. 386(b)
9:4-3.57(b)	Amendments on non-credit and credit courses auditing procedures	R.1977 d.483	10 N.J.R. 63(a)
9:4-7.2(d)	Amendment on multi-year contracts for non-teaching personnel	R.1978 d.53	10 N.J.R. 105(c)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)
9:9-1.1, 1.2	Noncitizen eligibility for student loans	R.1978 d.198	10 N.J.R. 281(b)
9:11-1.5(d)	Amendments on eligibility of independent students	R.1978 d.200	10 N.J.R. 281(c)
9:11-1.1 et seq.	Amend financial aid guidelines for students	R.1978 d.54	10 N.J.R. 105(d)
9:11-2.1 et seq., 9:12-1.1 et seq.	Amendments on academic year program support funds	R.1978 d.201	10 N.J.R. 281(d)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

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

HUMAN SERVICES — TITLE 10

10:3-1.1 et seq.	Rules on debarment of contracting persons	R.1978 d.83	10 N.J.R. 154(a)
10:37-12.1 et seq.	Construction assistance for community mental health facilities	R.1977 d.482	10 N.J.R. 63(d)
10:49-1.3(b)	Adoption by reference of Federal standards for mentally retarded	R.1977 d.490	10 N.J.R. 65(b)
10:49-2.1 et seq., 5.1 et seq., 6.1 et seq.	Rules on general provisions	R.1978 d.280	10 N.J.R. 399(a)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
10:54-3.5, 3.6	Amendments on pneumococcal polyvalent vaccine	R.1978 d.44	10 N.J.R. 116(b)
10:51-5.1 et seq.	Rules on pharmaceutical assistance to aged program	R.1977 d.491	10 N.J.R. 66(a)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 285(c)

10:56-1.1 et seq.	Amended dental services manual	R.1978 d.2	10 N.J.R. 66(e)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:69A-1.1 et seq.	Amendments on pharmaceutical assistance to aged	R.1977 d.492	10 N.J.R. 66(b)
10:81	Amendments to Public Assistance Manual to conform	R.1977 d.452	10 N.J.R. 16(b)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 286(a)
10:81-3.8(b), 8.22(a)	Amendments on medical assistance for unborn child	R.1978 d.140	10 N.J.R. 255(a)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81 Appendix D	Amendments on incentive payments to CWA's	R.1978 d.88	10 N.J.R. 154(c)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(b)
10:82-1.3, 1.4, 2.3, 2.4, 2.6, 2.10, 2.19, 3.2, 3.8	Amendments on budgeting public assistance cases	R.1978 d.157	10 N.J.R. 255(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 286(b)
10:82-2.19	Amendments on overpayment and underpayments	R.1978 d.218	10 N.J.R. 345(c)
10:82-2.9	Amendments on budgeting cases involving stepparents	R.1978 d.76	10 N.J.R. 153(c)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 285(b)
10:85-1.3, 2.1, 5.2, 6.2	Amendments on municipal funds subject to State matching	R.1978 d.217	10 N.J.R. 345(b)
10:85-3.1(a)2, 3.3(e)1., 3.4(b)1., 9.1(d)	Amendments on sponsors of aliens as potential resources	R.1977 d.444	10 N.J.R. 15(a)
10:85-3.2(g)	Amendments on mandatory registration with Employment Service	R.1978 d.169	10 N.J.R. 256(a)
10:85-3.3, 4.1, 4.2	Amendments on general assistance payment levels	R.1977 d.488	10 N.J.R. 64(c)
10:85-3.3(e)4. and 9.5(c)	Amendments on financial eligibility and support	R.1977 d.44c	10 N.J.R. 15(b)
10:85-3.3(e)5.	Amendments on exemption of HUD vendor payments	R.1977 d.446	10 N.J.R. 15(c)
10:85-5.3(h)3.	Amendments on referral of clients to DVRS	R.1978 d.77	10 N.J.R. 153(d)
10:87-3.8	Amendments on illegal aliens in food stamp program	R.1978 d.117	10 N.J.R. 192(c)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-4.13(a)	Identification of exempt assets for food stamps	R.1978 d.74	10 N.J.R. 153(b)
10:87-5.8	Amendments on income deductions for food stamps	R.1978 d.84	10 N.J.R. 154(b)
10:87-6.5	Amendments on certification pending verification for food stamps	R.1978 d.109	10 N.J.R. 192(b)
10:87-6.14, 6.41, 6.42 and 6.44	Amendments to Food Stamp Manual	R.1978 d.43	10 N.J.R. 116(a)
10:87-7.10, 7.12, 7.14, 7.19, 7.20, 7.22, 7.25, 7.26, 7.27, 7.28, 7.29	Amendments on fair hearing process, food stamp manual	R.1978 d.223	10 N.J.R. 346(a)
10:87-7.17(a)6	Amendment on appellant's right during fair hearing	R.1977 d.486	10 N.J.R. 64(a)
10:94-3.13(l)	Amendments on fees for medical examinations	R.1978 d.212	10 N.J.R. 344(c)
10:94-4.4	Amendments on exclusion of home Medicaid only	R.1978 d.73	10 N.J.R. 153(a)
10:100-1.23	SSI payment schedule	R.1978 d.261	10 N.J.R. 395(a)
10:109	Amend Ruling 11 on classification and compensation	R.1978 d.107	10 N.J.R. 192(a)
Appendix I			
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
Temporary rule	1978 State plan for vocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

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

CORRECTIONS — TITLE 10A

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

INSURANCE — TITLE 11

11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 165(a)
11:4-15.1 et seq.	Alcoholism benefits	R.1978 d.165	10 N.J.R. 257(a)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.27	Amendments on educational requirements for licensure	R.1978 d.271	10 N.J.R. 399(b)
11:5-1.27	Amendments on educational requirements for salesmen and brokers license examinations	R.1978 d.135	10 N.J.R. 256(d)
11:11-1.1	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)
12:20-5.4(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, season workers and construction safety	R.1978 d.288	10 N.J.R. 400(d)
12:195-1.1 et seq.	Amendments on carnival amusement rides	R.1978 d.239	10 N.J.R. 347(a)

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

LAW AND PUBLIC SAFETY — TITLE 13

13:1-1.1 et seq.	Amended rules of Police Training Commission	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.	Delete 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)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(b)
13:23-2.2(d)	Amendments on documents; applications for driver school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:26-1.1 et seq.	Transportation of bulk commodities	R.1978 d.278	10 N.J.R. 404(c)
13:29-1.13	Fees for licensees of Board of Certified Public Accountants	R.1978 d.243	10 N.J.R. 352(c)
13:30-8.3	Amendments on use of general anesthesia	R.1978 d.120	10 N.J.R. 203(b)
13:30-8.6	Providing information to the public	R.1978 d.170	10 N.J.R. 261(c)
13:33-1.11	Amendments on temporary ophthalmic dispenser permit	R.1978 d.208	10 N.J.R. 350(c)
13:33-1.12	Amendments on temporary ophthalmic technician permit	R.1978 d.209	10 N.J.R. 350(d)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-6.11(a)	Amendments on prohibition of kickbacks for services not rendered	R.1978 d.210	10 N.J.R. 351(a)
13:35-6.12	Release of patient records	R.1978 d.134	10 N.J.R. 261(b)
13:35-6.13	Provision of information to the public	R.1978 d.126	10 N.J.R. 204(a)
13:35-7.2	Amendments on termination of pregnancy	R.1978 d.213	10 N.J.R. 351(b)
13:38-6.1	Availability of optometrist records	R.1978 d.242	10 N.J.R. 352(b)
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)
13:47A-25.1 et seq.	Rules on corporation takeover bid disclosure law	R.1978 d.279	10 N.J.R. 405(a)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
13:47D-4.34(a)3.	Amendments on magnitude of permitted variations	R.1978 d.141	10 N.J.R. 259(b)
13:70-9.19, 25.5	Amendments on jockey payments for dead heats	R.1978 d.132	10 N.J.R. 295(b)
13:70-14.17, 13:71-23.2	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)
13:70-15.1, 15.2, 19.34, 19.38, 13:71-9.1, 9.3	Amendments on veterinarians classified as State veterinarians	R.1978 d.133	10 N.J.R. 261(a)
13:70-15.1, 15.2, 19.34, 19.35, 19.38 and 13:71-9.1	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:70-29.53	Amendments on trifecta wagering in harness racing	R.1978 d.270	10 N.J.R. 404(a)
13:70-29.53(b)	Amendments on trifecta wagering	R.1978 d.235	10 N.J.R. 351(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 - 14)

14:3-3.6, 7.1, 7.5, 7.12, 7.13, 7.14	Amendments on public utility deposits and discontinuances	R.1978 d.155	10 N.J.R. 261(e)
14:8-1.2	Railroad track safety	R.1978 d.110	10 N.J.R. 205(a)
14:10-1.1 et seq.	Amendments on telephone service	R.1978 d.89	10 N.J.R. 171(b)
14:17-18.1 et seq.	Amendments on cable television rates	R.1978 d.125	10 N.J.R. 207(a)

14:18-11.7(a), 11.10	Amendments on municipal hearings and procedures for cable television	R.1978 d.262	10 N.J.R. 405(b)
14A:3-1.1 et seq.	Rules on energy conservation	R.1978 d.273	10 N.J.R. 405(c)
14A:3-2.1 et seq.	Air conditioning energy efficiency ratios	R.1978 d.150	10 N.J.R. 261(d)

(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.)

STATE — TITLE 15

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

PUBLIC ADVOCATE — TITLE 15A

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

TRANSPORTATION — TITLE 16

16:16-4.3, 16:17-4.3	Rescission of allocated but unexpended local State aid funds	R.1978 d.245	10 N.J.R. 359(b)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.171	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)
16:28-3.36, 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)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.108, 3.169-3.171	Amendments on restricted parking on Routes 28, U.S. 40, 9 and 27	R.1978 d.267	10 N.J.R. 406(d)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-12.37(a)15.	Amendments on no right turns on Route 49	R.1978 d.264	10 N.J.R. 406(a)
16:28-13.4	Amendments on limited access prohibition along interstate highways	R.1978 d.228	10 N.J.R. 359(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(a)
16:28-15.3-15.6	No passing zones on Routes 67, 63, 5 and 94	R.1978 d.268	10 N.J.R. 406(e)
16:28-15.7 15.10	No passing zones on Routes U.S. 206 and N.J. 12	R.1978 d.263	10 N.J.R. 405(d)
16:28-16.1	Traffic rules on DOT property at Metro Park	R.1978 d.266	10 N.J.R. 406(c)
16:65-3.2 through 3.5	Amendments on requisition, distribution and sale of construction plans	R.1978 d.164	10 N.J.R. 264(a)

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

TREASURY-GENERAL — TITLE 17

17:1-4.19	Amendments on biweekly salary for retirement	R.1978 d.96	10 N.J.R. 175(b)
17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:1-10.1, 10.3	Amend rules on prescription drug program	R.1978 d.98	10 N.J.R. 175(c)
17:1-11.1 et seq.	Rules on dental expense program	R.1978 d.99	10 N.J.R. 175(d)
17:2-3.2(i), 6.24(b), 6.25	Amendments on biweekly computation of retirement and death benefits	R.1978 d.138	10 N.J.R. 265(c)
17:2-3.3	Amended contributory insurance rate	R.1978 d.139	10 N.J.R. 265(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
17:6-2.1(a), 3.2, 3.9, 3.10	Amend rules of Consolidated Police and Firemen's Pension Fund	R.1977 d.461	10 N.J.R. 44(b)
17:9-2.3(a), 5.2, 5.11	Amendments on State health benefits program	R.1978 d.131	10 N.J.R. 265(b)
17:9-6.1(a)	Amended definition of retired employee	R.1978 d.130	10 N.J.R. 265(a)
17:10-3.1, 4.1, 5.10, 5.12	Amendments on judicial retirement system	R.1978 d.184	10 N.J.R. 305(b)
17:16-5.4, 5.5	Amendments on classification of funds	R.1978 d.180	10 N.J.R. 304(b)
17:16-5.5	Amendments on classification of funds	R.1978 d.94	10 N.J.R. 175(a)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)

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(2) Any other condition found to be closely related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to impairment resulting from mental retardation or which requires treatment and services similar to those required for mental retardation; or

(3) Dyslexia resulting from a disability described in subparagraphs (1) and (2);

ii. Originates before such person attains age 18;

iii. Has continued or can be expected to continue indefinitely; and

iv. Constitutes a substantial handicap to such person's ability to function normally in society.

5. Affiliation with a national organization of the same type and purpose shall require proof of formal written affiliation agreement between a local organization and a national organization or between a local organization and a State organization which, in turn, has a formal written affiliation agreement with a national organization, which such national organization shall:

i. Have a bona fide charter or by-laws with objectives relating to the developmentally disabled and including a statement of purpose essentially the same as or closely similar to the statement of purpose contained in the charter by-laws of the State or local organization.

ii. Have a Board of Directors and officers who meet at least once a year;

iii. Have chapters in at least 40 states;

iv. Publish an annual report summarizing expenditures for programs and activities;

v. Engage in annual fund raising as stated in its charter or by-laws and/or as recognized by the National Information Bureau;

vi. Require financial contributions and accounting from its chapters;

vii. Have an annual publication which is widely disseminated;

viii. Have a Federal tax exempt identification number.

10:141-1.2 Allocation of funds

(a) The amount of monies each eligible organization shall receive shall be allocated in the following manner.

17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
17:18-1.79	Signing of formal judgments	R.1978 d.195	10 N.J.R. 305(c)
17:21-12.1 et seq.	Pick-Four lottery rules	R.1978 d.179	10 N.J.R. 304(a)
17:24-4.3, 7.4, 13.2	Amendments on affirmative action requirements	R.1978 d.185	10 N.J.R. 305(a)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)
Temporary rule	Jersey Casino Instant Lottery	R.1978 d.224	10 N.J.R. 363(a)

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

TREASURY-TAXATION — TITLE 18

18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
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)
18:24-25.1 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)

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

OTHER AGENCIES — TITLE 19

19:3B-1.1 et seq.	General plan guidelines for Meadowlands	R.1978 d.197	10 N.J.R. 307(a)
19:8-1.1, 2.9(b)	Amendments on loitering on the Parkway	R.1978 d.257	10 N.J.R. 408(b)
19:8-1.9(d)	Repeal part of rule on restrictions on Garden State Parkway	R.1978 d.215	10 N.J.R. 366(a)
19:9-4.2(b)	Amendments to fees for photographs of accident sites on Turnpike	R.1978 d.258	10 N.J.R. 408(c)
19:41-2.3	Declaratory rulings on casino applications	R.1978 d.158	10 N.J.R. 266(a)
19:41-7.14	Adopt personal history disclosure form No. 4	R.1978 d.175	10 N.J.R. 306(a)
19:41-011.1 et seq.	Applications for approval	R.1978 d.177	10 N.J.R. 306(c)
19:42-1.1 et seq.	Casino hearings rules	R.1978 d.159	10 N.J.R. 266(b)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
19:45-1.1 et seq.	Internal and accounting casino controls	R.1978 d.178	10 N.J.R. 306(d)
19:46-1.1 to 1.20	Casino gaming equipment	R.1978 d.187	10 N.J.R. 306(b)
19:46-1.22 through 1.31	Regulations for casino slot machines	R.1978 d.160	10 N.J.R. 266(c)
19:47-1.1 et seq.	Rules of casino games	R.1978 d.186	10 N.J.R. 306(e)
19:50-1.6(w)	Amendments on casino alcoholic beverage control	R.1978 d.173	10 N.J.R. 305(e)
19:53-1.4, 1.5	Amendments on casino equal employment opportunity	R.1978 d.172	10 N.J.R. 305(d)
19:54-1.1 et seq.	Casino gross revenues tax	R.1978 d.174	10 N.J.R. 305(f)

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

1. One-half of the total amount available for distribution shall be allocated proportionately among the eligible organizations on the basis of the officially-accepted incident rate of each type of disability as set forth in the Developmental Disabilities Annual State Plan, in relation to the total number of developmentally disabled residents of this State, as compared to the numbers of individuals with such types of disabilities served by each organization in relation to the total number of individuals with such types of disabilities served by all such organizations.

2. One-half of the total amount available for distribution shall be allocated proportionately among eligible organizations on the basis of the number of developmentally disabled residents of this State who are served by each organization in relation to the total number of developmentally disabled residents of this State who are served by all such organizations.

3. Eligible organizations shall be required to participate in the individualized data base system of the Division of Mental Retardation by periodically reporting on the approved forms the primary diagnosis of each individual served and those eligible direct services he/she is receiving; such reports shall provide the base information for allocation of funds.

10:141-1.3 Procedures

(a) The following procedures shall be carried out on an annual basis.

1. The Developmental Disabilities Council shall provide public notice soliciting formal applications for eligibility determination, and organizations shall submit designated appropriate proof that eligibility requirements are met.

2. Such applications and supporting documentation shall be reviewed and determination of eligibility made by the Developmental Disabilities Council, and notification of such determination shall be provided to applicant organizations in a timely manner. Organizations determined to be ineligible shall have the right of appeal to the Council within 30 days of the date of notification to such effect.

3. Organizations determined to be eligible shall provide required information on the approved forms to the Individualized Data Base System of the Division of Mental Retardation.

4. Upon receipt of notice from the Racing Commission of the total monies available for distribution, the Developmental Disabilities Council, using the individualized data base system of the Division of Mental Retardation, shall allocate such monies as provided herein and shall notify organizations and the Racing Commission of the amounts of such allocations.

5. Organizations allotted such funds shall be required to submit an annual report to the Developmental Disabilities Council concerning the dispersal of such funds, as well as such other reports, materials and information as may be from time to time required by the Council.

Interested persons may present statements or arguments in writing relevant to these proposed rules on or before October 1, 1978, to:

Catherine Rowan, Executive Director
Developmental Disabilities Council
108-110 North Broad Street
P.O. Box 1237
Trenton, N.J. 08625

The Developmental Disabilities Council may thereafter adopt rules concerning this subject without further notice.

Catherine Rowan
Executive Director
Developmental Disabilities Council
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules on Contracting for Prepaid Health Care Services for Title XIX Eligibles

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning the contracting for prepaid health care services for Title XIX eligibles.

Full text of the proposed rules follows:

SUBCHAPTER 10. PREPAID HEALTH CARE SERVICES; TITLE XIX ELIGIBLES

10:49-10.1 Definitions

"Beneficiary" means any person or family household that has been certified as eligible for New Jersey Health Services Program (Medicaid) services as authorized by Federal and State law and amendments thereto.

"Benefits" mean medical, psychiatric, social and related health services which the contractor has agreed to provide, arrange for and be held fiscally responsible for under the negotiated contract.

"Capitation rate" means a stated sum due the contractor for a stated group of services for each enrollee, by stated categories.

"Commissioner" means the Commissioner of the Department of Human Services or a duly authorized representative.

"Contractor" means a health maintenance organization as defined herein which contracts with the Department for the provision of comprehensive health care services on a prepayment basis.

"Director" means the Director of the Division of Medical Assistance and Health Services or a duly authorized representative.

"Department" means the Department of Human Services.

"Disenrollment" means the process of removal of an enrollee.

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

"Emergency services" mean those services required to treat a sudden illness or injury of such immediate nature that any unusual delay in treatment would be dangerous to the health or well-being of the enrollee.

"Enrollee" means any beneficiary residing within the defined service area who elects or has had elected on his or her behalf by an authorized person, in writing, to participate in the Contractor's Plan.

"Enrollment" means the process by which beneficiaries voluntarily contract to utilize prepaid health care services in lieu of standard Medicaid benefits.

"HMO" means a Health Maintenance Organization qualified under PL 93-222 or operating under a New Jersey Certificate of Authority (PL 1973 c. 337, c.26:2J-1 et al.) and exempted by the Social Security Act, as amended, from the provisions of PL 93-222.

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(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Emergency Rule on Supplemental Security Income Payment Levels

On July 28, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concern-

ing an updated payment schedule which includes State supplementation for each living arrangement category.

The decision in the Federal case of *Hamilton v. Califano* requires a State supplement to those SSI recipients who are excluded from supplementation under the terms of its existing contract with the Social Security Administration. The following schedule complies with that order.

Full text of the adoption follows:

10:100-1.23 SSI payment schedule

(a) The following is the SSI payment schedule and related levels:

New Jersey Supplemental Security Income Payment Levels

Living Arrangement Categories	Payment Level 4/1/78 - 6/30/78	Payment Level 7/1/78
Eligible Couple		
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence	\$50/266.70	\$50/284.10
Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged and certain residential facilities	616.00	630.00
Living Alone, or in a business arrangement, or in a commercial establishment or living with others but not member of a "household", or a member of a household with ownership or rental responsibility and paying more than their pro rata share of household expenses	277.00	293.00
Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility)	270.00	286.00
Living in Household of Another, Receiving Support and Maintenance	251.00	257.00
Eligible Individual		
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less	\$25/177.80	\$25/189.40
Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged and certain residential facilities	308.00	315.00
Living Alone, or in a business arrangement, or in a commercial establishment, or living with others but not member of a "household" or a member of a household with ownership or rental responsibility and paying more than his pro rata share of household expenses	200.00	207.00
Living with Ineligible Spouse (No other individuals in household)	277.00	293.00
Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility)	180.00	191.00
Living in Household of Another, Receiving Support and Maintenance	143.00	147.00

An order adopting this rule was filed and became effective on July 31, 1978, as R.1978 d.261 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

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"Market area" means the defined geographic area within which all marketing and enrollment activities on behalf of the contractor's Plan must take place.

"Marketing" means any presentation by or on behalf of the Contractor's Plan by any person, firm or corporation for enrollment purposes.

"Out-of-area benefits" mean emergency services rendered to an enrollee beyond the service area and non-emergency services rendered outside the service area when arranged or approved by the contractor.

"Plan" means all services and responsibilities undertaken by the contractor pursuant to any contract entered into between the contractor and the Department.

"Primary care physician" means a physician who has the responsibility for general care and treatment and who also has responsibility for initiating referrals for specialist care and for maintaining continuity of patient care. In general, the primary care physician is a general or family practitioner, internist, pediatrician or obstetrician/gynecologist.

"Service area" means the defined geographic area within which potential enrollees must have their place of residence, and also within which enrollees must obtain all benefits except emergency services, when the emergency occurs outside of the service area boundaries, or other services upon contractor referral.

"Subcontract" means any written agreement between the contractor and a third party to perform a specified part of the contractor's obligations under the contract.

"Target population" means the population from which the initial number of enrollees, not to exceed any limit specified in the contract, will be drawn, that is, Title XIX beneficiaries residing within the stated service area and belonging to one of the categories of medical assistance to be covered under the contract.

10:49-10.2 Criteria for contracting with the Department

(a) The contractor must:

1. Comply with the requirements of the New Jersey certificate of authority (PL 1973 c. 337, c.26:2J-1 et al.), statutes and regulations.

2. Furnish the Commissioner with such information and reports that she/he finds necessary.

3. Enroll, provide services and employ without reference to race, sex, age, religion, creed, color, national origin, ancestry or preexisting medical conditions other than those specifically excluded from coverage by the contract.

4. Any contract resulting from a proposal must be approved by the appropriate State control agencies before it shall become effective.

5. Each contractor shall have the organizational and administrative capabilities to carry out its duties and responsibilities under the contract. These shall include at a minimum, the following:

i. A full-time administrator to manage day-to-day business activities of the contractor;

ii. Data reporting capabilities sufficient to provide necessary and timely reports to the Department;

iii. Financial records and books of accounts maintained in accordance with generally accepted accounting principles which are sufficient to disclose fully the disposition of all program funds received;

iv. An annual independent audit arranged for by the contractor and which is performed by a certified public accountant.

6. Each contractor shall advise the Department of its

administrative organization and changes thereto. This includes the functions and responsibilities of each principal, an organizational chart and a list of all personnel and providers used either directly by the contractor or through subcontractual arrangements. For each principal and each provider, not previously reported, include the following information:

- i. Full name;
- ii. Business address;
- iii. Date and place of birth;
- iv. Social Security number;
- v. IRS employer number;
- vi. Professional license number (when applicable);
- vii. Medical specialty (when applicable).

10:49-10.3 Benefits

(a) Rules on the scope of benefits are:

1. To the maximum extent possible each contractor shall provide or arrange for the provision of the full scope of benefits provided under Laws of 1968, Chapter 413, as amended. The Director shall have final authority and sole discretion to establish the scope and duration of services covered in any prepaid health contract.

2. Each contractor, as a minimum, shall:

i. Provide physician services, hospital outpatient services, laboratory and x-ray services, family planning services, home health services and hospital inpatient care.

ii. Provide for emergency services, as defined herein, whether received from the contractor's own facilities or from other providers which services shall be available on a 24-hour-a-day, 7-day-a-week basis.

(b) Availability of services rules are:

1. Each contractor shall demonstrate the availability and accessibility of adequate numbers of institutional facilities and professional, allied and supporting paramedical personnel to perform adequately the agreed-upon services.

2. Each contractor shall insure that no distinctions will be made with regard to quality of service or benefits between beneficiaries enrolled under these regulations and any other parties served by the contractor.

3. To the extent feasible and appropriate, each Medicaid enrollee shall be given the choice of a primary physician who will supervise and coordinate his or her care.

4. Generally, the contractor must have only one service area for all parties served, including those served under these regulations. Such service area shall be subject to approval by the Division.

10:49-10.4 Marketing and enrollment

(a) Marketing rules are:

1. The contractor shall obtain written approval from the Director prior to implementing the following:

i. A method of enrollment and enrollment forms to be used to enroll Medicaid beneficiaries.

ii. The form and content of informational and instructional materials to be distributed to Medicaid beneficiaries, outlining the scope and nature of benefits provided by the contractor.

iii. The form and content of informational and instructional materials to be distributed to inform enrollees of changes in program scope or administration.

iv. The form and content of all public information releases pertaining to the enrollment of Medicaid beneficiaries in the contractor's Plan.

2. The contractor shall insure:

i. That all marketing presentations accurately and clearly represent the benefits and limitations of the contractor's Plan.

ii. The marketing representatives have received sufficient instructions and training to be capable of performing such marketing activities.

iii. The marketing representatives shall only represent themselves as agents of the contractor involved in marketing.

iv. The marketing representatives are prohibited from offering or giving any form of compensation or reward as an inducement to an eligible person to enroll in the contractor's Plan.

(b) Rules on information to enrollees are:

1. At such time as a potential enrollee signs an enrollment application of an HMO, the contractor shall inform the potential enrollee that:

i. There is normally a minimum 15 to 45-day processing period between the date of application and the effective date of enrollment.

ii. During this interim period, the enrollee may continue to receive health care services under his or her current arrangement as long as he/she retains Medicaid eligibility.

iii. With the exception of an enrollee's first 30 days of membership in the contractor's Plan, and subject to the termination provisions in the contract between the contractor and the Department, enrollment is for a period of six months at a time.

2. Within ten days after the effective date of coverage, or as specified in the contract, the contractor shall provide in writing to a new enrollee:

i. Notification of his or her effective date of enrollment.

ii. An identification card clearly indicating that the bearer is an enrollee of the HMO.

iii. Specific details on benefits, limitations, exclusions, and availability and location of services and facilities.

iv. An explanation of the procedure for obtaining benefits including the address and telephone number of primary physicians, the hours and days facilities are open and accepted appointment procedures.

v. Information regarding continued enrollment in the contractor's Plan including patients rights and patients responsibilities, and the reasons a person may lose eligibility for the Plan and what should be done if this occurs.

vi. Procedures for resolving complaints.

vii. Information giving reasons and procedures for disenrollment.

viii. Any other information essential to the proper use of the plan as may be required by the Division.

3. Each contractor shall at least annually furnish in writing to each enrollee current information as required by paragraph 2 of this subsection.

4. Information as required by paragraph 2 of this subsection shall be supplied whenever there are significant changes in the services provided or the locations where they can be obtained, or other changes in program nature and administration. Such information shall be provided to enrollees at least ten days prior to such change.

(c) Enrollment rules are:

1. The contractor shall enroll beneficiaries in the order in which they apply, without restrictions, up to contract limits.

2. Enrollment shall be accomplished by the beneficiary's voluntary signing of an enrollment application agreeing to utilize only the health care services provided or arranged by the contractor, and verification of beneficiary's eligibility.

3. Enrollment shall be for the entire AFDC case (family household). The contractor may not enroll a partial case except at the Director's discretion.

4. Enrollment shall be for a minimum period of six months, with the exceptions indicated in subsection (d) of this section. This fact shall be clearly stated on the enrollment application.

5. Enrollment shall be for a period of six months at a time following the end of the enrollee's initial minimum enrollment period. At the end of such enrollment period, the enrollee may terminate his/her enrollment without cause, and with at least 15 days notice to contractor. The contractor may terminate enrollment for reasonable cause, as determined by the Division.

(d) Disenrollment rules are:

1. Disenrollment is mandatory when:

i. The contract between the Department and the HMO is terminated.

ii. The enrollee becomes ineligible as a Medicaid beneficiary, unless otherwise specified in the contract.

iii. The enrollee moves outside of the service area boundaries.

2. Provision shall also be made for an enrollee's voluntary disenrollment during the first 30 days of membership in the contractor's Plan.

10:49-10.5 Medical records and quality care

(a) Medical records rules are:

1. Each contractor shall maintain a medical record on each enrollee who has received medical services while enrolled in the HMO.

2. Each enrollee's medical reports shall be kept in detail consistent with good medical and professional practice based on the service provided. Furthermore, each contractor shall conform to the standards of confidentiality of information mandated for Federal and State officials.

3. Medical records shall be sufficiently complete to permit subsequent peer review or medical audit. All required records, either originals or reproductions thereof, shall be maintained in legible form and readily available to appropriate Divisional professional staff upon request.

(b) Peer review rules are:

1. Each contractor shall submit a description of its system of internal peer review to the Division for approval to assure that acceptable professional practice will be followed by the contractor and its subcontractors.

2. There shall also be an explanation of how such peer review procedures will relate to the applicable local PSRO should such exist.

3. Such peer review system shall be at least equivalent to existing Medicaid utilization review standards.

4. The number of cases reviewed and summaries of the actions taken by the peer review system shall be reported quarterly to the Division.

(c) Quality assurance rules are:

1. The contractor shall submit a detailed plan for quality assurance to the Division for approval to assure that acceptable professional practice will be followed by the organization and its subcontractors. This shall include a proposed system for continuing performance review and health care evaluation, that is, explanation of the methods which the contractor proposes to follow in guaranteeing that the services provided each enrollee will meet criteria required by appropriate Federal and State statutes and regulations.

2. The contractor must agree to medical audits relating to its standard of medical practice and the quality, appropriateness and timeliness of health care services provided all members, as may be required by appropriate agencies. The medical audit shall include, at a minimum, the review of:

- i. The physical facilities and equipment.
 - ii. The delivery system for patient care.
 - iii. A statistically representative sample of enrollee records.
 - iv. The peer review system and reports.
 - v. The grievances relating to medical care including their disposition.
3. The results of the medical audits may be disclosed to the public on a need-to-know basis by the State, consistent with State and Federal laws.
 4. The contractor must agree to release the medical records of enrollees upon termination of their coverage, as may be directed by authorized personnel of the Division, appropriate agencies of the State of New Jersey, or the United States Government.

10:49-10.6 Grievance procedure

(a) The contractor shall establish a grievance procedure for the receipt and adjudication of complaints from enrollees relating to quality, scope, nature and delivery of services. Such grievance procedure shall provide for expeditious resolution of grievances by HMO personnel at a decision-making level with authority to require corrective action. The contractor shall also review the complaint procedure at reasonable intervals for the purpose of amending same, with the prior written approval of the Director, in order to improve said system and procedure.

(b) The contractor shall insure that all enrollees receiving services funded under Title XIX of the Social Security Act shall be informed in a simple, brief statement of their rights to a fair hearing.

10:49-10.7 Financial arrangements

(a) The contractor shall submit for Division approval information in sufficient detail to describe:

1. The exact capitation rate requested for each category of medical assistance covered under the contract, adjusted for age. The capitation rate will be based upon a weighted average of the above data.
2. The major cost components that constitute each capitation rate, including at a minimum the projected costs of hospital services, physician services, pharmaceuticals, administration and other components as approved by the Division.
3. A detailed description of the underlying assumptions and procedures followed by the contractor in determining its rate.

(b) The annual capitation rate for any contractor may not exceed the expected per capita, fee-for-service cost for similar services provided to beneficiaries of the corresponding medical assistance categories who reside in the contractor's service area.

(c) Capitation rates shall be subject to negotiation before the contract renewal, but shall not be revised more often than annually.

(d) Any capitation rate paid to the contractor shall not include payment for recoupment of losses incurred by the HMO from prior years.

(e) The contractor is responsible for payment of covered emergency services and out-of-area care, as defined in the contract, rendered to an enrollee whether or not such services are provided at the contractor's facilities.

(f) The Division may share the financial risk for catastrophic occurrences attributable to prepaid Medicaid enrollees with the contractor by adopting varying risk-sharing methods as a negotiated element of the prepaid contract.

(g) The contractor may share in the profits or savings

resulting under the contract in a manner paralleling the risk-sharing methods adopted within the above catastrophic policy as a negotiated element of the contract.

(h) If third-party liability exists for an enrollee, either by subrogation or tort, the Division shall require the contractor to recover all appropriate payments from other third-party sources for services rendered to enrollees. Likewise, the Division shall require that the contractor use his best efforts to insure that its subcontractors utilize these same payment sources.

1. Recovery of monies in cases where public or private payment sources other than that received from New Jersey Medical Assistance is available shall remain the responsibility and property of the contractor.

2. The contractor shall include in its periodic reporting to the Division a complete disclosure of the amounts and nature of third-party payments recovered for Title XIX enrollees.

3. The Division will thereafter pursue a policy of deducting an amount actuarially determined to be representative of the availability of third-party coverage from the capitation rate.

10:49-10.8 Capitation payments to contractors

(a) The contractor shall submit to the Division, or to another organization if so specified in the contract, on or before the 18th day of each month, a list of individuals who have completed enrollment forms and already been certified as eligible for the New Jersey Medical Assistance Program. For these certified beneficiaries only, the Division will pay the capitation rate no later than the tenth day of the month in which the beneficiary will be eligible to receive services.

(b) The Division shall make monthly payments to the contractor based upon the total number of certified eligible enrollees and negotiated capitation rate(s).

10:49-10.9 General reporting requirements

(a) Each contractor shall furnish such timely information and reports as the Division may find necessary, and on such forms as the Division may prescribe. Such reports shall include information sufficient for Division management and evaluation purposes in at least the following areas:

1. Marketing and enrollment performance.
2. Enrollee identification data, such as age, sex and residence.
3. Utilization data for covered services provided under the contract.
4. Services and benefits information.
5. Fiscal information.

(b) The contractor shall allow the Division to gather and analyze at least annually additional information on non-Medicaid enrollees for purposes of comparative analyses of service use and cost patterns.

(c) Each contractor shall cause to be maintained for three years and made available to authorized personnel of the Division all records created pursuant to the contracts entered into under these regulations.

(d) All significant changes that may affect the contractor's performance under the contract shall be immediately reported to the Division.

10:49-10.10 Contract sanctions

(a) If the Division finds that a contractor fails to comply with all the appropriate laws, regulations or terms of the contract, or for other good cause, the Director may impose one or all of the following:

1. A letter of admonishment to the contractor indicating that continued violations may lead to the imposition of sanctions listed in paragraphs 2, 3 or 4 below.

- 2. A suspension of further enrollments and one or more marketing activities.
- 3. A withholding of all or part of the capitation payments.
- 4. Termination of the contract.

(b) The Director shall give reasonable written notice of his or her intention to impose sanctions to the contractor, and if necessary as determined by the Director, to enrollees and others who may be directly interested. Such written notice shall state the effective date of, and the reason for the sanctions.

(c) The contractor or Division shall have the right to terminate the contract with at least 90-day prior written notice to the other party, or as stated in the contract.

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

Adoption of General Provisions Rules

On August 9, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules which establish certain general rules in Chapter 49 in Title 10 of the Administrative Code which were inadvertently omitted by a technical deletion by R.1977 d.213.

The rules, concerning outstanding checks, multi-location providers, reimbursement, payment recovery, drug formulary and contracts, are cited at 10:49-6.1, 10:49-6.2, 10:49-6.3, 10:49-6.4, 10:49-6.5, 10:49-6.6, and 10:49-6.7.

Additionally, 10:49-2.1 et seq., on availability of program policy issuances; 10:49-5.1 et seq., on fair hearings; and 10:49-6.1 et seq., on administrative provisions above were adopted.

Establishment of these rules through this emergency adoption serves to reaffirm the Department of Human Services' policies which were in effect and full force without interruption during the period of the technical omission resulting from rules codification.

An order adopting these rules was filed and became effective on August 15, 1978, as R.1978 d.280 (Exempt, Emergency Rule).

G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(b)

INSURANCE

REAL ESTATE COMMISSION

Amendments on Educational Requirements for Salesmen and Brokers Applying for Licensure Examination

On July 24, 1978, Joan Haberle, Secretary-Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-10.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.27, concerning the educational requirements for salesmen and brokers making application for licensure examination, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 256(b).

An order adopting these amendments was filed and became effective on August 2, 1978 as R.1978 d.271.

G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(c)

INSURANCE

THE COMMISSIONER

Rules on Title Insurance Agents' Service Fees

On August 17, 1978, John Foley, Acting Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:46B-49(d), 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 11:11-1.1, concerning title insurance agents' service fees, substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 294(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

Full text of the adoption follows:

11:11-1.1 Service fees

(a) Title insurance agents may charge a service fee in any transaction in which the agent or his salaried employee actually performs full settlement services with disbursements.

(b) If charged, the fee must be uniformly charged by the agent to all insureds.

(c) The maximum service fee shall be \$30.00.

(d) Need for continuance of service fees may be re-determined at any time changes in rates are made.

(e) This rule does not apply to attorneys engaged in the practice of law.

(f) The effective date of this rule is the date when the Interim Rate Order of June 15, 1978, becomes effective.

An order adopting these rules was filed on August 17, 1978 as R.1978 d.291, to become effective on the date indicated in the text of the rule.

G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

Amended Rule Concerning Taxable Wage Base Under Unemployment Compensation Law

On August 14, 1978, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-7(b)(3) and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which amended N.J.A.C. 12:15-1.4, concerning the taxable wage base under the unemployment compensation law.

Full text of the amended rule follows:

12:15-1.4 Taxable wage base under unemployment compensation law

In accordance with the provisions of N.J.S.A. 43:21-7(b)(3), the "wages" of any individual with respect to any one employer for the purpose of contributions under the unemployment compensation law shall include the first \$6,600 paid during the calendar year 1979.

An order adopting these amendments was filed on August 15, 1978, as R.1978 d.281 (Exempt, Procedure Rule), to become effective January 1, 1979.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY

THE COMMISSIONER

Amendments on 1979 Maximum Weekly Unemployment Insurance and State Plan Temporary Disability Benefits

On August 14, 1978, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which amended the rule concerning the maximum weekly unemployment insurance and State plan temporary disability benefit amounts for 1979.

Full text of the amended rule follows:

12:15-1.3 Maximum weekly benefit rates

(a) In accordance with the provisions of the unemployment compensation law, the maximum weekly benefit rate for benefits under the unemployment compensation law and the maximum weekly benefit amount for State plan benefits under the temporary disability benefits law is hereby promulgated as being \$117.00 per week.

(b) These maximum benefits shall be effective for the calendar year 1979 on benefit years and periods of disability commencing on or after January 1, 1979.

An order adopting these amendments was filed on August 15, 1978, as R.1978 d.282 (Exempt, Procedure Rule), to become effective January 1, 1979.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

THE COMMISSIONER

DIVISION OF WORKERS' COMPENSATION

Amended Rule Concerning Workers' Compensation Benefit Rates for 1979

On August 14, 1978, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-12(a) and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning the workers' compensation benefit rates for 1979.

Full text of the amended rule follows:

In accordance with the provisions of N.J.S.A. 34:15-12(a), the maximum worker's compensation benefit rate for temporary total disability, permanent total disability, and dependency is hereby promulgated as being \$156.00 per week.

This maximum compensation shall be effective as to injuries occurring in calendar year 1979.

An order adopting these amendments was filed on August 15, 1978, as R.1978 d.283 (Exempt, Exempt Agency), to become effective on January 1, 1979. Take notice that, these amendments are not subject to codification and will not appear in Title 12 of the Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Deletion of Rules on Worker Health and Safety, Seasonal Workers and Construction Safety

On August 16, 1978, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-1 et seq., 34:9A-1 et seq., 34:5-166 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, deleted the text of Chapters 100-102, 110, 111, 115, 116, 120, 121, 130-134, 140-143, 160-162, 170, 173 and 180 in Title 12 of the New Jersey Administrative Code, concerning worker health and safety, seasonal workers and construction safety, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 258(a), with only inconsequential structural or language changes, in the opinion of the Department of Labor and Industry.

An order deleting these rules was filed and became effective on August 16, 1978, as R.1978 d.288.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Proposed Amendment Concerning Federation Licensing Examination Rule

Jordan D. Burke, Secretary of the Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to amend N.J.A.C. 13:35-3.1, concerning federation licensing examination.

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

13:35-3.1 Federation licensing examination

(a) The standard medical and surgical licensing examination in the State of New Jersey shall be the Federation Licensing Examination (FLEX).

(b) FLEX examination for medical licensure in New Jersey, when taken for the first time, must be taken as a complete unit, that is, a consecutive three day total examination.

[(c) All candidates who attain a FLEX weighted grade average of 75 or over shall be adjudged to have successfully completed the examination, and the Secretary of the Board shall be authorized to issue a certificate of Medical Licensure in New Jersey to each successful candidate who has met all other requirements of N.J.S.A. 45:9-1 et seq. for medical licensure in this State.

(d) All candidates failing to attain a FLEX weighted grade average of 75 or over shall be adjudged to have failed the examination.

(e) Any candidate may be reexamined only in the part or parts of the examination which he failed provided that the reexamination shall be taken at one session. If the candidate receives a passing grade in said part or parts that would give him an adjusted weighted grade average of 75 or over, the Secretary of the Board shall be authorized to issue a certificate of Medical Licensure in New Jersey to each successful candidate who has met all the requirements of N.J.S.A. 45:9-1 et seq. for medical licensure in this State.]

(c) Any candidate may retake the entire examination or may be reexamined in all of the days which the candidate failed, provided however that the reexamination shall be taken at one examination session.

(d) All candidates will be bound by the last scores attained on the entire examination or the scores attained on each and all days of the last examination taken.

(e) All candidates who attain a FLEX weighted grade average of 75 per cent or over shall be adjudged to have successfully completed the examination, and the Secretary of the Board shall be authorized to issue a certificate of Medical Licensure in New Jersey to each successful candidate who has met all other requirements of N.J.S.A. 45:9-1 et seq. for medical licensure in this State.

(f) All candidates failing to attain a FLEX weighted average of 75 per cent or over shall be adjudged to have failed the examination.

Interested persons may present statements or arguments

in writing, orally in person or by telephone relevant to the proposed action on or before September 30, 1978, to:

Jordan D. Burke, M.D.
Secretary, Board of Medical Examiners
28 West State Street
Trenton, N.J. 08608
Telephone: (609) 292-4843

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

Jordan D. Burke
Secretary, Board of Medical Examiners
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRISTS

Proposed Amendments on Advertising

Stanley J. Oleniacz, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:12-1 et seq., proposes to adopt amendments to the rules concerning advertising.

An earlier version of this rule appeared in the May 4, 1978, New Jersey Register at 10 N.J.R. 202(b). However, substantive changes have necessitated the publication of a revised proposal.

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

13:38-1.1 Scope of advertising permitted

(a) It shall be lawful for an optometrist to advertise in a dignified manner provided that such optometrist shall not use or participate in the use of any form of public communication containing a false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim; and, provided that the information process complies with the following guidelines:

1. Accepted advertising media shall include only the following forms: newspapers, directories, magazines, direct mail and other accepted printed media; on-premise signs, professional cards and appointment cards; radio and television.

2. The practitioner may advertise his/her usual and customary fee for services rendered provided that:

i. He/she renders that service for no more than the fee which is advertised;

ii. The advertisement lists all services which the price covers;

iii. The advertisement specify whether any additional charges may be incurred for related services.

3. Any advertisement for frames and lenses must specify:

i. Exactly the type of spectacle lenses being offered, such as single vision, bifocal, trifocal or any other category; tints and colorations; standard size or oversize; glass, plastic or other material.

ii. Exactly the type of frame, such as metal, zyl, rimless or any other category together with brand name; where precious metals such as silver or gold have been used in the manufacture of the frame, advertising must conform to FTC rules applicable to the jewelry industry;

and, if a manufacturer's discontinued frame, this characteristic must be stated.

4. An optometrist can only advertise a limitation of service if his/her practice is exclusively devoted to that service, such as, contact lens fitting, subnormal vision, pediatric optometry, visual training, geriatric optometry and the like. This shall in no way be construed as permitting a claim of professional superiority or use of the word "specialist" or "specialty" or "expert" or any connotation thereof.

5. For the purposes of this section, the advertisement shall not exceed one eighth ($\frac{1}{8}$) of a page and the print shall not be any smaller in size than one half ($\frac{1}{2}$) of the largest size of print in the advertisement and the print must be consistent in type and style throughout the advertisement.

6. N.J.S.A. 45:12-11(i) shall be construed to mean that:

i. No optometrist shall cause or permit any listing of any inactive, retired, removed or deceased optometrist or any other ocular practitioner, except that, for a period of not more than two years from the date of succession to the practice of another optometrist, an optometrist may use a telephone listing of such optometrist together with the words "succeeded by", "succeeding" or "successor to";

ii. An optometrist may be listed in the classified section of any directory under the classification entitled "optometrists", or "doctors of optometry", or any other designation that is not misleading, at the address or addresses for which he/she holds a valid, unrevoked, active certificate to practice optometry in this State.

7. For the purposes of this section, and pursuant to N.J.S.A. 45:12-11(j-r), it shall be unlawful for an optometrist to:

i. Advertise discounts; however, this does not preclude the listing of differential fees for categories of patients.

ii. Display his/her certificate or diploma in such manner that they may be seen from the outside of the office;

iii. Display the name and title of the registrant, or other information in lettering larger than four inches in height for street-level offices, or larger than six inches in height for offices above street-level, and in no event shall there be more than three such displays. The illumination of said name and title shall be permissible at any time but this section shall not be construed to permit the use of eyeglass cases or wipers imprinted with the doctor's name and address, colored or neon lights, eyeglasses or eye signs, whether painted, neon, decalomania or any other, either in the form of eyes or structures resembling eyes, eyeglass frames, eyeglasses or spectacles, whether lighted or not;

iv. Solicit in person or through an agent or agents for the purpose of selling ophthalmic materials or optometric services or employing what are known as "chasers", "streeters", or "solicitors", to obtain business.

13:38-1.1[2]. Professional cards and appointment cards

N.J.S.A. 45:12-11(h) shall be construed to limit the size and style of type and content of a professional card [advertisement] and appointment card to [that of a professional card customarily used by other members of the profession.] the name, title, profession, degrees, address, telephone number, office hours of the registered optometrist, the words "eyes examined", "eye examinations", "hours for the examination of eyes", "practice limited to the eye", or can specify that he is engaged in the practice of "general optometry", or can specify the type of services rendered by him/her as long as the statement is consistent with the provision of N.J.A.C. 13:38-1.1.

13:28-1.2[3]. Announcements of office opening of Association

[(a)] N.J.S.A. 45:12-11(h) shall be construed to prohibit any optometrist from announcing the opening of an office for the practice of optometry, his affiliation or association with an office for such practice, his change or removal of said office, by way of a professional announcement containing such announcement together with the information permitted on a professional card, or when opening a new office in a community in which he has not previously practiced, from sending to any person one copy of such announcement, during a period not exceeding 90 days from the date of opening such office, or from causing one copy of such announcement to be inserted daily in a newspaper, in space not exceeding [two newspaper columns in width and three inches in depth] one eighth ($\frac{1}{8}$) of a page, in which announcement the print shall not be any smaller in size than one half ($\frac{1}{2}$) of the largest size of print in the announcement and which print must be consistent in type and style throughout the announcement, during a period not exceeding 90 days, or from mailing to his/her patients, [in sealed envelopes,] any announcements, notices, reminders, letters or printed matter which must, however, not be violative of provisions of N.J.S.A. 45:12.

[(b) The mailing of an open postcard imprinted with any message or notice shall constitute a violation of provisions of N.J.S.A. 45:12-11(h).]

Note: Sections 3 through 8 of the current text in this subchapter are proposed to be cited as sections 4 through 9.

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

Jan Flanagan, Secretary
Board of Optometrists
Room 502
1100 Raymond Boulevard
Newark, N.J. 07102

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

Stanley J. Oleniacz
President, Board of Optometrists
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PHARMACY

Proposed Rule on Pharmacist Filling Prescription

Sidney Grodman, President of the Board of Pharmacy in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq. and N.J.S.A. 45:14-17, proposes to adopt a new rule relating to the regulation of the record of a pharmacist filling a prescription.

Full text of the proposed rule follows:

13:39-6.8 Record of pharmacist filling prescription

(a) A registered pharmacist who fills or compounds a prescription or who supervises the filling or compounding of a prescription by an intern shall place his signature on the face of the original prescription.

(b) A registered pharmacist who refills a prescription shall place his signature on the reverse side of the original prescription next to the date of the refill and the amount dispensed in refilling the prescription if different than the original amount prescribed.

(c) An intern who fills or compounds a prescription under the supervision of a registered pharmacist shall place his signature on the face of the original prescription.

(d) An intern who refills a prescription under the supervision of a registered pharmacist shall place his signature on the reverse side of the original prescription next to the date of the refill and the amount dispensed in refilling the prescription if different than the original amount prescribed.

(e) When a prescription is filled or refilled by an intern under the supervision of a registered pharmacist, the intern filling or refilling the prescription shall place his signature on the prescription as required in subsections (c) and (d) of this section prior to submitting the prescription to the registered pharmacist who shall place his signature on the prescription in accordance with subsections (a) and (b) directly below the signature of the intern who filled or refilled the prescription under his supervision. Readily identifiable initials will be accepted in lieu of signature. A record identifying such initials with the signature and the address of the pharmacist or intern shall be maintained for a period of five years after the termination of employment of said pharmacist or intern.

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

Roger Gale, Secretary
Board of Pharmacy
1100 Raymond Boulevard - Room 325
Newark, N.J. 07102

Telephone: (201) 648-2433

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

Sidney Grodman President
Board of Pharmacy
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY MEDICAL EXAMINERS

Proposed New Rule on Records Retention

Ruth Weisman, Executive Secretary of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13, proposes to adopt N.J.A.C. 13:44-2.12 concerning records retention.

Full text of the proposed new rule follows:

13:44-2.12 Records retention

All written records and radiographs on patients shall be retained for a period of five years from the date of the patient's last visit. Where the records reflect the decease of the patient, all written records and radiographs shall be retained for a period of three years, from date of last entry.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 30, 1978, to:

Ruth Weisman, Executive Secretary
Board of Veterinary Medical Examiners
1100 Raymond Boulevard - Room 503
Newark, N.J. 07102

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

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Repeal of Rules On Steering and Suspension Systems

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, 39:3-44 and 39:8-3, proposes to repeal N.J.A.C. 13:20-10.1, concerning steering and suspension systems.

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

SUBCHAPTER 10. [STEERING AND SUSPENSION SYSTEM] (RESERVED)

13:20-10.1 [Certificate of approval] (Reserved)

[No certificate of approval shall be issued by an Examiner or Inspection Station of the Division of Motor Vehicles for a motor vehicle which has the steering mechanism, frame or suspension system in a condition not equivalent to the vehicle manufacturer's specifications.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 30, 1978, to:

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

(c)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Amendments Creating Position Of Chief State Veterinarian

On July 26, 1978, John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to

N.J.A.C. 13:70-15.1, 13:70-15.2, 13:70-19.34, 13:70-19.35, 13:70-19.38 and 13:71-9.1, concerning the creation of the position of Chief State Veterinarian, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 259(a).

An order adopting these amendments was filed and became effective on August 1, 1978, as R.1978 d.269.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Amendments on Trifecta Wagering in Harness Racing

On July 24, 1978, John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-29.53, concerning trifecta wagering in harness racing, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 169(a).

An order adopting these amendments was filed and became effective on August 1, 1978, as R.1978 d.270.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Amendments on Medication to Control Bleeding For Thoroughbred and Harness Racing

On July 24, 1978, John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-14.17 and 13:71-23.2 concerning the administration of medication to control bleeding for thoroughbred and harness racing, as proposed in the Notice published April 6, 1978 at 10 N.J.R. 169(b).

An order adopting these amendments was filed and became effective on August 9, 1978, as R.1978 d.275.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules on Transportation of Bulk Commodities

On August 9, 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. 39:5E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:26-1.1 et seq., concerning the transportation of bulk commodities, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 203(a), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

A summary of those substantive changes follows:

1. N.J.A.C. 13:26-3.2(b) 10. has been made more specific. Now, the applicant need only list those violations relating to equipment safety, weight restriction and operating authority as opposed to simply "all violations." Additionally, violations of the regulations of the United States Department of Transportation now must be listed;

2. N.J.A.C. 13:26-3.2(b) 11. has been made more specific so as to identify the type of convictions now required to be listed (that is, misdemeanors or high misdemeanors or their equivalent in other states);

3. N.J.A.C. 13:26-3.2(e) has been qualified so as to identify the type of amendment of application which will be considered as a new filing (that is, only those amendments which ask for authority different than what was originally sought);

4. N.J.A.C. 13:26-3.6(a) and (b) as proposed have been renumbered as (c) and (d) and insubstantial changes have been made thereto. What now appear as provisions (a) and (b) are new and merely outline the Director's statutory authority to grant temporary operating authority under certain conditions pursuant to N.J.S.A. 39:5E-10, -16 and -21. Such authority was not expressed (although it was presumed) in the proposed regulations. Sections (a) and (b) respectfully differentiate between the power to grant temporary authority to applicants for permanent authority pending disposition of their application and the power to grant temporary authority in emergency situations where no application for permanent authority has been filed;

5. The language in N.J.A.C. 13:26-3.7 was redrafted to the same effect as before;

6. N.J.A.C. 13:26-3.13(c) was added so as to make explicit that financial statements are not required to be filed by applicants under N.J.S.A. 39:5E-8;

7. N.J.A.C. 13:26-3.14 was deleted;

8. N.J.A.C. 13:26-3.15(b) and (c) were replaced by a provision requiring only that reports of changes concerning operating authority, rather than an annual report, need be filed;

9. N.J.A.C. 13:26-3.16 was altered so as to adopt, for the time being, only the laws of this State and the safety regulations of the Division of Motor Vehicles or any other agency of this State.

An order adopting these rules was filed and became effective on August 14, 1978, as R.1978 d.278.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BUREAU OF SECURITIES**

**Rules Concerning Corporation
Takeover Bid Disclosure Law**

On May 31, 1978, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:5-11a and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:47A-25.1 et seq., concerning the corporation takeover bid disclosure law, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 119(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

A summary of those substantive changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:47A-25.1 Definitions

...
"Capital assets" shall mean fixed assets before depreciation as shown on the balance sheet of the target company or the balance sheet of the target company and its subsidiaries consolidated, whichever is larger, as required to be filed [in the form prescribed for registration under Section 12(g)(1)] pursuant to section 13 of the Securities Exchange Act of 1934 (15 U.S.C.A. 78[1(g)(1)]m).

"Substantial portion of total assets" shall mean capital assets in excess of \$5,000,000 provided such assets [; i.] constitute 25[%] per cent or more of the total assets. [, or
ii. generate 25 per cent or more of the total sales or operating revenues.]

...
13:47A-25.4(e)1. To the extent that the requesting party believes that it cannot fully comply with the requirement that tentative witness and evidence lists be disclosed [, there should be] **it may request that the Bureau Chief grant a postponement or waiver of such compliance by submitting a statement of the reason(s) why compliance is believed to be impossible. Upon a showing of good cause such request may be granted by the Bureau Chief.**

13:47A-25.6. Consent to service of process [Whenever the statute or regulations require filing of a] A consent to service of process [such consent], **required to be filed pursuant to N.J.S.A. 49:5-3.b and N.J.A.C. 13:47A-27.1(f)(2), shall be filed on Form T-2 and accompanied by Form T-3, "Form of Corporate Resolution", if applicable.**

In addition to the above certain changes were made (1) to promote "parallelism", for example, the words "is" or "are" were changed to "shall be" and (2) to cite the statute and regulations uniformly, for example the reference to "Regulation 13:47A-2.1" was changed to "N.J.A.C. 13:47A-2.1".

An order adopting these rules was filed and became effective on August 14, 1978, as R.1978 d.279.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

**ENERGY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION
Amendments Concerning Municipal
Hearings and Procedures**

On June 27, 1978, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-10, on behalf of the Office of Cable Television, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 14:18-11.7(a) and 14:18-11.10, concerning municipal hearings and procedures, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 441(d).

An order adopting these amendments was filed and became effective on August 1, 1978, as R.1978 d.262.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

**ENERGY
THE COMMISSIONER**

Rules on Energy Conservation

On August 2, 1978, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 14A:3-1.1 et seq., concerning energy conservation, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 204(c), with only inconsequential structural or language changes, in the opinion of the Department of Energy.

An order adopting these rules was filed and became effective on August 3, 1978 (or on other dates specifically indicated in the text of such rules), as R.1978 d.273.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

**TRANSPORTATION
THE COMMISSIONER**

**Rules on No-Passing Zones Along Parts
Of Routes U.S. 206 and N.J. 12**

On July 31, 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 new rules, to be cited as N.J.A.C. 16:28-15.7 through 16:28-15.10, concerning no passing zones on portions of Routes U.S. 206 and N.J. 12, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 298(b).

An order adopting these rules was filed and became effective on August 1, 1978, as R.1978 d.263.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Amendments on No-Right Turns Along Portions of Route 49

On July 31, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 16:28-12.37(a)15., concerning no-right turns along portions of Route 49, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 296(b).

An order adopting these amendments was filed and became effective on August 1, 1978, as R.1978 d.264.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on Speed Limits on Parts of Routes U.S. 9, 140, U.S. 30 and 44

On July 31, 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 new rules, to be cited as N.J.A.C. 16:28-1.173 through 16:28-1.176, concerning speed limits on portions of Routes U.S. 9, N.J. 140, U.S. 30 and N.J. 44, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 296(c).

An order adopting these rules was filed and became effective on August 1, 1978, as R.1978 d.265.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Rules on Traffic and Parking Regulations on NJDOT Property

On July 31, 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. 16:28-16.1, concerning traffic and parking regulations on NJDOT property at the Metro Park Train Station, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 296(a).

An order adopting these rules was filed and became effective on August 1, 1978, as R.1978 d.266.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Amendments on Restricted Parking on Parts Of Routes U.S. 40 and 9 and N.J. 27 and 28

On July 31, 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. 16:28-3.108 and new rules, to be cited as N.J.A.C. 16:28-3.169 through 16:28-3.171, concerning restricted parking on portions of Routes N.J. 28 and U.S. 40 and 9, and N.J. 27, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 298(a).

An order adopting these amendments was filed and became effective on August 1, 1978, as R.1978 d.267.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

TRANSPORTATION

THE COMMISSIONER

Rules on No-Passing Zones on Parts Of Routes 67, 63, 5 and 94

On July 31, 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 new rules, to be cited as N.J.A.C. 16:28-15.3 through 16:28-15.6, concerning no-passing zones on portions of Routes 67, 63, 5 and 94, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 297(a).

An order adopting these rules was filed and became effective on August 1, 1978, as R.1978 d.268.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(f)

TREASURY

DIVISION OF TAXATION

Rules on Taxable Status of Federal Securities Regarding Gross Income Tax Act

On August 15, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 18:35-1.9, concerning the taxable status of federal securities regarding the New Jersey Gross Income Tax Act, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 299(a).

An order adopting these rules was filed and became effective on August 15, 1978, as R.1978 d.284.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

**Rules on Exemption from Sales and Use Taxation
Of Solar Energy Devices or Systems**

On August 15, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 18:24-26.1 et seq., concerning the exemption from sales and use taxation of solar energy devices or systems designed to provide heating or cooling or electrical or mechanical power, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 300(a).

An order adopting these rules was filed and became effective on August 15, 1978, as R.1978 d.285.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Amendments on Transfer Inheritance Tax

On August 15, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:26-11.8 and 18:26-11.23 concerning the transfer inheritance tax, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 300(b).

An order adopting these amendments was filed and became effective on August 15, 1978, as R.1978 d.286.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Amend Tax Abatement on Added Assessments

On August 15, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:12-6.1 et seq. concerning tax abatements on added assessments, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 301(a).

An order adopting these amendments was filed and became effective on August 15, 1978, as R.1978 d.287.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

(Other Agencies)

CASINO CONTROL COMMISSION

Proposed Rules on Exclusion of Persons

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of 5:12-1 et seq., proposes to adopt new rules concerning the exclusion of persons. Such rules, if adopted, will be cited as N.J.A.C. 19:48-1.1 et seq.

The proposal concerns definitions, maintenance and distribution of list, criteria for exclusion, duties of the Division of Gaming Enforcement, procedure for entry of names, information contained on list, duty of casino licensee, duty of individual licensee and petition to remove name from exclusion list.

Copies of the 12 pages of full text of the proposed rules may be obtained from or made available for review by contacting the person indicated below.

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

Joseph P. Lordi, Chairman
Casino Control Commission
329 West State Street
Trenton, N.J. 08635

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(e)

CASINO CONTROL COMMISSION

**Proposed Amendments on Application Procedures
(Durational Residency Provisions with
Regard to Employees)**

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt amended rules to be cited as N.J.A.C. 19:41-4.3(a)6 and 7 relating to application procedures (durational residency provisions with regard to employees).

Full text of this proposal is as follows:

19:41-4.3(a)6. All casino key employee licensees and casino employee licensees shall be residents of this State for a period of six months immediately prior to the issuance of such license, but application for such licenses may be made prior to the required period of residency. The Commission shall, by resolution, waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause;

7. All casino hotel employee licensees shall be residents of this State for a period of three months immediately prior to the issuance of such license, but application for such licenses may be made prior to the required period

of residency. The Chairman shall waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause.

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

Joseph P. Lordi, Chairman
Casino Control Commission
329 West State Street
Trenton, N.J. 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(a)

CASINO CONTROL COMMISSION

Proposed Amendments on Gaming Schools

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of 5:12-1 et seq., proposes to amend certain rules concerning gaming schools.

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

19:44-1.1 Definitions

"Administrative employee" shall mean any person employed by a gaming school in a nonteaching capacity, including, but not limited to, the business manager, director of admissions and the director of placement. [and clerical personnel.]

19:44-4.1(a)[2. Each natural person employed by the said gaming school shall have first been established in accordance with the casino employee standards including New Jersey residency as set forth in sections 92b, 86 and 90 of the Act and the regulations of the Commission.]

19:44-5.1 Establishment of qualifications

No natural person shall be employed by a licensed gaming school unless he shall first have established his qualifications in accordance with the casino employee standards set forth in sections 92b, 86 and 90 of the Act and the regulations of the Commission and unless a gaming school employee license authorizing the person to hold the particular position of employment shall first have been issued to him; provided, however, that notwithstanding the provisions of this section, the licensure of clerical personnel shall not be required.

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

Joseph P. Lordi, Chairman
Casino Control Commission
329 West State Street
Trenton, N.J. 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(b)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Amendments on Regulations Governing Garden State Parkway

On July 27, 1978, F. Joseph Carragher, Executive Director of the Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:8-1.1 and 19:8-2.9(b) concerning loitering on the Garden State Parkway, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 307(b).

An order adopting these amendments was filed and became effective on July 28, 1978, as R.1978 d.257.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TURNPIKE AUTHORITY

Amendments to Fee Schedule for Photographs Of Accident Sites on Turnpike

On July 27, 1978, the Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:9-4.2(b) concerning the fee schedule for photographs of accident sites or structures on the New Jersey Turnpike, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 310(a).

An order adopting these amendments was filed and became effective on July 31, 1978, as R.1978 d.258.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Certain Dockage and Wharfage Rates

On June 28, 1978, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to FMC Schedule No. PA-9, concerning dockage and wharfage rates at Port Authority marine terminals.

Full text of the adoption follows:

Resolved, that the "FMC Schedule No. PA-9 Naming Rules and Regulations Applying at Port Authority Marine Terminals and Rates and Charges Applicable For the Use of Public Areas at Port Authority Marine Terminals" adopted by the Committee, at its meeting on February 3, 1966 (appearing at page 3 et seq. of the Committee minutes of that date) as amended, be and the same is hereby amended, effective August 1, 1978 by revising Items 470, 475, 585 and 590 thereof, as follows:

ITEM

- 470 Self-propelled vessels loading or discharging cargo:
 - 150 feet in length and under \$2 per day
 - Over 150 feet in length 5 cents per gross registered ton per day
- Non-self-propelled vessels loading or discharging cargo:
 - Other than intra-harbor craft 5 cents per gross registered ton per day
- 475 Ontra-Harbor Craft
 - 220 feet in length and under \$2 per vessel per day
 - Over 220 feet in length 2 cents per foot per day
 - Floating Cranes (unless engaged in loading or discharging cargo to and from vessels in which event no charge will be made) \$2 per day
- 585 Wharfage

The following charge is assessed when cargo passes over or through a mooring facility or passes over the side of a vessel for unloading to or loading from other vessels or to and from rafts or water.
- 590 All cargo, unless otherwise specifically provided for 50 cents per ton
 - Automobiles, unboxed 35 cents per ton
 - Steel and incidental metals discharged at a designated steel berth 35 cents per ton
 - Bulk cargo - No Free Time 50 cents per ton
 - Scrap Metals in bulk - No Free Time 100 cents per ton

An order adopting these revisions was filed on August 3, 1978, as R.1978 d.272 (Exempt, Exempt Agency).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

**STATE NEWS OF
PUBLIC INTEREST**

Based on press releases from offices involved

**NEW CRIMINAL CODE ADOPTED
AFTER TEN YEARS OF EFFORTS**

Governor Brendan Byrne last month signed into law Senate Bill 738, the new Criminal Code sponsored by Senator Martin L. Greenberg (D-Essex), which updates

and revises more than 200 years of criminal laws for the State of New Jersey.

It will not take effect until September 1, 1979.

"This is an historic event," said the Governor, "representing the fulfillment of nearly ten years of criminal justice reform efforts and marking the achievement of one of the major goals of my administration."

"This legislation will take us a significant step toward swift and sure punishment for crimes against persons and property."

In signing the measure at a public ceremony in the State House, Byrne noted that several actions will be taken for orderly implementation of the new Code in the criminal justice system.

At the Governor's direction, Attorney General John J. Degnan already has set up a coordinating committee to educate people working in the criminal justice system on the new penal code. The committee includes representatives of the administration, the courts, police, prosecutors, probation officers and the legal profession.

The Governor noted that the courts are expected to draft suggested language for judges to use in charging a jury as to the new criminal laws.

"In addition," Byrne said, "the administration is prepared to work with legislators to review proposed additions or amendments that may be necessary before the Criminal Code takes effect next year."

The Criminal Code has been actively considered by the Legislature for the past three years. It is based on the 1971 recommendations of the New Jersey Law Revision Commission, which in turn were patterned after a model penal code proposed by the American Law Institute in 1962.

It includes two major features:

• **Classification of crimes.** The Criminal Code classifies crimes as first, second, third and fourth degree, based on degrees of severity.

• **Sentencing.** The Code sets down determinate sentences based on the degree of the crime, rather than the present practice of sentencing to a minimum/maximum term.

For example, the second-degree crimes of aggravated assault or robbery carry a range of sentences from five to ten years imprisonment. In such cases, the judge is presumed to impose a mid-range sentence of seven and one-half years unless he sets down certain specific mitigating or aggravating circumstances.

"This Criminal Code is intended to make sentencing more definitive," said the Governor. "It is designed to reduce the possibility of one judge giving a stiff sentence and another a light sentence for similar crimes."

**TASK FORCE NAMED ON FEDERAL FUNDING
FOR \$600 MILLION TRANSIT ASSISTANCE**

Transportation Commissioner Louis J. Gambaccini recently named a task force to quickly develop Transpac, the \$600 million package of transit projects being readied for Federal approval.

The task force will prepare as quickly as possible the overall applications required by the Urban Mass Transportation Administration so the State can receive Federal funds for Transpac projects, Gambaccini said.

Included in Transpac are the purchase of 600 to 1,000 buses with \$120 million from the Port Authority of New York and New Jersey. These funds are to be used as the local matching share to obtain \$480 million in Federal funds for the first phase of upgrading the Raritan Valley

Line (formerly the Central Railroad) and other transit projects to be determined.

The work will be performed under the direction and close supervision of the new Assistant Commissioner for Public Transportation, Robert A. Keith, the Commissioner said.

The Commissioner also announced the formation of a new Departmental unit, the Bureau of Transit Planning, to improve the coordination of public transportation planning with transit operations. The bureau will be responsible for consolidating all short and intermediate-range planning for public transportation.

NEW ASSISTANT COMMISSIONER NAMED FOR PUBLIC TRANSPORTATION MATTERS

Transportation Commissioner Louis J. Gambaccini has named Robert A. Keith, 52, formerly vice president of Alan M. Voorhees and Associates, transportation engineering consultants, to be Assistant Commissioner for Public Transportation in the State Department of Transportation.

Keith, who has extensive technical and management experience in public transportation planning and operation, joined the Department in Trenton August 23.

He had been with Alan M. Voorhees for ten years, assisting on projects ranging from comprehensive, large-scale technical analyses to advisory services on policy and implementation. This principally involved analysis and management assistance for bus and rail transit but included commuter rail, airport access, parking projects and programs, traffic circulation systems and planning in the land use-transportation relationship.

He recently directed research on paratransit under contract to the U.S. Department of Transportation. Keith served as manager or advisor on large-scale projects in Los Angeles, San Francisco, Houston, Atlanta, Washington, D.C., Buffalo, San Juan, Canberra, and Newcastle-on-Tyne, England.

Keith is a registered professional engineer in New York, Massachusetts, Florida, Maryland and Georgia and has presented numerous papers at engineering meetings and in technical publications.

He received his B.S. degree in civil engineering from the University of New Hampshire in 1949 and a certificate from the Bureau of Highway Traffic of Yale University in 1952.

BYRNE ASKS FEDERAL PROGRAM IN PROTECTING PINELANDS AREA

Governor Brendan Byrne has urged Congress to designate the Pinelands as a critical area of national concern and to work cooperatively with New Jersey to further efforts the State has already taken to protect the region.

Byrne's testimony, delivered last month in Washington before the Senate Parks Subcommittee, outlined a Federal-State-local government partnership to identify and preserve areas of national environmental concern.

Byrne said that in order to be of assistance to New Jersey in the Pinelands protection efforts, Federal legislation should cover these areas:

- A joint Federal, State and local planning effort. He said state and local governments must be involved "in a direct and meaningful way and have a significant role in guaranteeing the eventual implementation of the plan."

- A joint Federal-State plan to acquire ecologically critical lands.

- A matching grants program of 75 per cent Federal and 25 per cent State funds for the planning and acquisition program.

- Utilization, to the greatest extent possible, of existing and available State and local police powers as well as existing and future Federal, State and local public investments in open space lands.

- The barring of Federal funding for projects in the most critical core regions, like the Pine Barrens, which are incompatible with the preservation of its unique resources.

- A Federal effort to complement the State's program of maintaining the purity of Pinelands waters, through the use of the National Resource Waters designation under P.L. 92:500, the "Water Pollution Control Act Amendments of 1972", or similar measures.

The Governor's testimony was delivered by Betty Wilson, Deputy Commissioner of the State Department of Environmental Protection.

STATE CREDIT BACKS LOCAL BORROWING FOR SCHOOL PURPOSES

Municipalities, school districts and counties will be able to cut their cost of borrowing for school purposes by replacing higher interest rate bonds with State-supported "qualified bonds" under legislation recently signed into law by Gov. Brendan Byrne.

The procedure, contained in a two-bill package, could result in savings of two per cent or more on interest costs, a statement attached to the legislation declared.

Under terms of the new law, the "qualified bonds" can be used to refinance the cost of building schools, county vocational schools and county colleges.

No State money is directly involved in the repayment of principal or interest on the "qualified bonds."

But the State, by permitting the use of State aid to repay the interest and principal, is putting its credit standing behind the notes.

Byrne signed the two bills, which he said were administration measures sponsored by State Sen. David Friedland (D-Hudson).

And the Governor noted that in the previous month he had signed into law two companion bills to allow municipalities the option of buying back their older bonds to replace them with the lower-rate State supported issues.

Explaining the value of such a program, the Assembly Education Committee, in a statement noted:

"Two years ago, Newark and Philadelphia had similar borrowing problems. Both had 'BAA' ratings; both were concerned that the investor was losing interest in purchasing their bonds.

"As a consequence of New Jersey enacting the 'School Qualified Bond Act,' Newark was able to sell their bonds at an average of 5.98 per cent. Several days later, without the benefit of such a device, Philadelphia sold at 7.38 per cent."

NAME SUPREME COURT CLERK, DEPUTY

Stephen W. Townsend has been appointed clerk of the New Jersey Supreme Court and David A. Lampen deputy clerk, Chief Justice Richard J. Hughes announced last month.

Townsend had been serving as acting clerk and Lampen as acting deputy clerk since last October. As clerk, Townsend has the responsibility of managing the day-to-day operations of the court.

The New Jersey Administrative Code

**OFFICIAL COMPILATION OF
ALL RULES AND REGULATIONS
OF THE STATE OF NEW JERSEY**

PUBLICATION of the first five volumes of the New Jersey Administrative Code was in 1972, to bring together for the first time all rules and regulations of the State of New Jersey.

BY mid-1973 the full Code had been issued—in 22 volumes. Since then it has grown to its present 29 volumes covering all State administrative rules.

THIS makes the Code second in size only to New York's, which was begun over 35 years ago.

The NEW JERSEY REGISTER, the State's monthly publication of all new rules and proposed rules, is available at \$12 ANNUALLY to supplement the Administrative Code prior to publication of current rules in the Code. Like the Code, it is published by the Division of Administrative Procedure.

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MANDATORY CONSERVATION RULES ADOPTED FOR USES OF ENERGY

The State Department of Energy last month adopted a set of conservation regulations, long in preparation, which are aimed at cutting energy use in the State by six per cent by the end of 1980.

The 19 pages of new rules were originally proposed by the Department last December and following a public hearing that month and other comments were substantially modified and resubmitted in May this year, at 10 N.J.R. 204(c).

The adoption notice appears in this issue of the Register, having gone into effect August 3.

Prepared under the Energy Policy and Conservation Act of 1977, the new rules will limit temperatures in public buildings, require changes in energy sources for many buildings and generally mandate increased efficiency in energy-using devices.

The regulations are part of a six-part State plan calculated to save the State more than 50,000 barrels of oil daily or \$278 million annually.

According to the plan, the varying energy-saving measures should cost the public and private sectors \$735 million in the next decade, but result in savings of \$3 billion.

Three regulations are expected to result in the bulk of the estimated savings, possibly as much as 80 per cent.

The conservation regulations were originally proposed under Federal guidelines offering funding in return for plans to cut energy use by five per cent. The New Jersey plan, however, exceeds the Federal standards by projecting a six per cent savings.

"Our actual plan calls for six per cent and we're right on target," said Ira Dorfman, administrator of the energy department's Office of Conservation.

Under the regulations, owners of commercial buildings will be required to install seven-day, day-night thermostats within one year. In an occupied building, a maximum setting of 65 degrees in retail spaces and 68 degrees elsewhere will be allowed during winter.

During summer months, the minimum temperature permitted in air conditioned buildings will be 78 when the structure is in use.

When a building is unoccupied, the winter maximum will be 55 degrees and the summer minimum will be 80 degrees if the air conditioner cannot be turned off.

NEW HOME MORTGAGE MONEY MADE AVAILABLE BY STATE AT 8.5 PER CENT

An additional \$65 million in home mortgage money—at a cost one per cent below prevailing interest rates—has been provided by the State to aid in the rejuvenation of New Jersey's cities.

The mortgage lending fund was announced last month by the State's Mortgage Finance Agency, with a loan rate of 8.5 per cent. It is available in 39 cities and towns.

Christopher Kelly, executive director of the agency, pointed out that the one per cent difference could save a homeowner as much as \$10,000 in payments on a 30-year, \$30,000 mortgage. He predicted that up to 1,300 homes will be bought through use of the fund.

The eligible municipalities, in alphabetical order are:

Asbury Park, Atlantic City, Bayonne, Bridgeton, Burlington, Camden, Carteret, Clifton, Dover, East Orange,

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Elizabeth, Englewood, Guttenberg, Hoboken, Jersey City, Lakewood, Linden, Long Branch, Millville, Montclair, Neptune Township, Newark, New Brunswick, North Bergen, Orange, Passaic, Paterson, Perth Amboy, Phillipsburg, Plainfield, Pleasantville, Red Bank, Sayreville, Somerville, Trenton, Union City, Vineland, Weehawken and West New York.

Persons interested should contact the Mortgage Finance Agency at 1180 Raymond Boulevard, Newark, N.J. 07102, or phone (201) 648-2774. The agency operates under the Department of Community Affairs.

The new program is part of Gov. Brendan Byrne's strategy to rebuild the urban communities of the State.

Kelly said since there are no income limits for the borrower, the program also provides an incentive to middle and upper income families to move into the cities and "take advantage of the excellent housing values to be found there."

The \$65 million being made available results from a bond sale by the agency in July. The agency will place that money with 73 leading institutions participating in the program, and each institution in turn will sell the mortgages.

As the individual mortgages are paid by the borrowers the money will return to the agency, which then will pay off the \$65 million in bonds.

Because the bonds are tax-exempt, the interest rate can be lowered to 8.5 per cent, according to Kelly. He noted that general mortgage money in the State is now in "short supply" at even the 9.5 per cent rate.