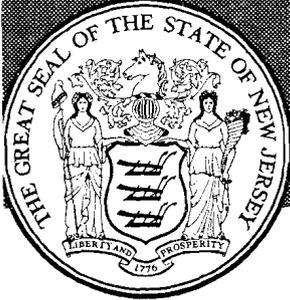


# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure

Peter J. Gorman, Rules Analyst

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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE

#### Proposed Amendments to Charges for Inspection Or Grading Certification Services and Written Agreements

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:10-6 and 4:10-38, proposes to amend N.J.A.C. 2:71-2.28 concerning charges for inspection or grading certification services and written agreements.

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

2:71-2.28 Charges for inspection or grading and certification services; written agreements

(a) Charges for inspection or grading and certification services of five or more consecutive days duration, performed pursuant to a written agreement between the New Jersey Department of Agriculture and the requestor of the services, shall be made according to the following schedule:

1. Basic schedule for all products:

i. A charge of [\$270.00] \$290.00 per five day week (Monday through Friday) of 40 hours or less for each inspector.

ii. An additional charge of [\$10.13] \$10.88 per hour, or portion thereof, for all hours worked over 40 in the five day week, or for all hours over eight hours per day.

iii. An additional charge of [\$10.13] \$10.88 per hour, or portion thereof, for each inspector working on Saturdays or Sundays. There will be a four hour minimum charge for each inspector required to work on Saturday and similarly a four hour minimum charge for each inspector required to work on Sunday.

iv. An additional charge of \$5.00 per hour, or portion thereof, for the actual hours worked by each inspector on legal State holidays occurring Monday through Friday.

v. Official mileage will be charged at the rate of [\$0.14] \$0.16 per mile, starting and ending where the inspector officially reports for duty.

2. Additional charges for inspection or grading and certification of fruit and vegetables other than potatoes for the fresh market:

i. An additional charge of \$0.02 will be made for all pack-

ages inspected or graded and certified in excess of [4,500] 4,835 packages during the seven day week (Saturday through Friday).

3. Additional charges for inspection or grading and certification of potatoes for the fresh market:

i. An additional charge of \$0.03 per hundredweight for all hundredweights inspected or graded and certified in excess of [3,900] 4,145 hundredweight during the seven day week (Saturday through Friday).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Kathryn A. Clark  
Chief, Hearings and Administrative Practices  
N.J. Department of Agriculture  
John Fitch Plaza  
Trenton, N.J. 08625

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

Phillip Alampi  
Secretary of Agriculture  
State Board of Agriculture

(b)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE

#### Amendments to Rules of the Department

On November 16, 1978, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-11 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the rules of the Department of Agriculture in Title 2 of the New Jersey Administrative Code as proposed in the Notice published October 5, 1978, at 10 N.J.R. 416(a).

An order adopting these amendments was filed and became effective on November 21, 1978 as R.1978 d.402.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## NEW JERSEY REGISTER

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

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**(a)**

**AGRICULTURE**

**DIVISION OF DAIRY INDUSTRY**

**Amended Minimum Milk Prices**

On December 7, 1978, Woodson W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning minimum milk prices which replace the current text of N.J.A.C. 2:53-1.1(b).

Full text of the adoption follows:

2:53-1.1(b) Effective December 1, 1978, minimum milk prices under 69-1 will be \$.44 per quart, \$.83 per half gallon, and \$1.58 per gallon. This amendment shall be effective from and after January 1, 1979.

An order adopting these amendments was filed on December 11, 1978, as R.1978 d.418 (Exempt, Procedure Rule) to become effective on January 1, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**AGRICULTURE**

**DIVISION OF ANIMAL HEALTH**

**Amendment on Biological Product Use**

On December 12, 1978, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-109 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:6-1.9 concerning biological product use as proposed in the Notice published November 9, 1978, at 10 N.J.R. 467(a).

An order adopting these amendments was filed and became effective on December 12, 1978, as R.1978 d.428.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

**BANKING**

**DIVISION OF CONSUMER COMPLAINTS**

**LEGAL AND ECONOMIC RESEARCH**

**Proposed Amendments Concerning  
Restrictions on Real Property Transactions**

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-3.1 and 17:9A-311B, proposes to amend N.J.A.C. 3:1-10.1 et seq., concerning restrictions on real property transactions.

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

**SUBCHAPTER 10. RESTRICTIONS ON REAL PROPERTY TRANSACTIONS [IN NEW CHARTER AND BRANCH APPLICATIONS]**

**3:1-10.1 Definitions**

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

“Affiliated person” means the following:

1. A director, manager or [senior] executive officer of an institution;
2. A spouse of a director, manager or [senior] executive officer of an institution;
3. A member of the immediate family of a director, manager or [senior] executive officer of an institution or an affiliate of an institution;
4. Any corporation or organization of which a director, manager or [senior] executive officer of such institution is an officer or partner or is, directly or indirectly either alone or with his spouse, the owner of 10 percent or more of any class of equity securities or the owner with other directors, managers and [senior] executive officers of such institution and their spouses of 25 percent or more of any class of equity securities;
5. Any trust or other estate in which a director, manager or [senior] executive officer of such institution or the spouse of such person has a substantial beneficial interest or as to which such person or his spouse serves as trustee or in a similar fiduciary capacity.

“Immediate family” of any natural person means the following (whether by the full or half blood or by adoption):

1. Such person’s spouse, father, mother, children, brothers, sisters and grandchildren;
2. The father, mother, brothers and sisters of such person’s spouse; and
3. The spouse of a child, brother or sister of such person.

“Institution” means a bank as defined in N.J.S.A. 17:9A-1(1), a savings bank as defined in N.J.S.A. 17:9A-1(13) and a State association as defined in N.J.S.A. 17:12B-5(1).

“[Senior] Executive officer” means the president, executive vice president, senior vice president, any vice-president, the secretary, the treasurer, the comptroller, and any other person who [participates] is substantially involved in major policy-making functions of the institution.

**[3:1-10.2 Prohibition**

(a) The Department of Banking will deny each new charter, branch, minibranch, limited facility branch, branch relocation or auxiliary application when the applying bank, savings bank or state association, or subsidiary thereof, has either directly or indirectly purchased or leased any interest in real property in the proposed site from an affiliated person of such institution, except as follows:

1. When the proposed site was sold or leased, or under contract or option to sell or lease, to the institution before September 8, 1977;
2. When the proposed site is leased, or under option to be leased, from an affiliated person when the site is to be leased in a shopping center or office complex and the institution will lease no more than 15% of the space leased; or
3. When the price paid by the institution for the purchase of the site does not exceed the price paid by the affiliated person, plus the actual expenses in the purchase and maintenance of the property.]

**3:1-10.2 Application required on real property transactions**  
When an institution files an application for a branch,

minibranch, limited facility branch, branch relocation, auxiliary or new charter and intends to purchase or lease, directly or indirectly, the premises applied for from an affiliated person, it shall simultaneously file a detailed real estate application concerning the proposed transaction with the Commissioner for his approval. In the event an institution desires to enter into such a transaction on an existing office it must file a detailed real estate application concerning the proposed transaction with the Commissioner for his approval.

**3:1-10.3 Approval or denial of real estate applications**

(a) The real estate application concerning a transaction with an affiliated person will be denied unless the applicant shall establish to the Commissioner's satisfaction that:

1. The terms and conditions of the proposed transaction are in the best interests of the institution; and
2. The terms and conditions of the proposed transaction are equal to or better than those which the institution would have obtained had the premises been purchased or leased in an arm's-length transaction with a non-affiliated third party;

**3:1-10.4 Objectors and hearings**

The Commissioner's deliberations on the acceptability of a real estate transaction shall be made pursuant to his examination powers and shall be confidential pursuant to N.J.S.A. 17:9A-264. However, this shall not preclude objectors from raising similar and/or parallel issues in written or oral objections which may relate to the applicable statutory criteria for the particular application involved.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Roger F. Wagner  
Deputy Commissioner  
Department of Banking  
P.O. Box CN 040  
Trenton, N.J. 08625

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

Angelo R. Bianchi  
Commissioner  
Department of Banking

**(a)**

**BANKING**

**DIVISION OF BANKING**

**Proposed Amentment on Non-Federal Reserve Reserves**

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48, proposes to amend N.J.A.C. 3:8-3.1 concerning reserves required to be maintained by banks not members of the federal reserve system.

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

3:8-3.1(b) Provided that no non-member bank shall maintain as its required reserve less than three per cent of its total time and savings deposits.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Roger F. Wagner  
Deputy Commissioner  
Department of Banking  
P.O. Box CN 040  
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**

**THE COMMISSIONER**

**Emergency Amendments on Secondary Mortgage Loan Interest Rate**

On November 24, 1978, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-44a and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 3:18-9.1 et seq. which raises the usury ceiling to 17% for secondary mortgage loan licenses.

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

**SUBCHAPTER 9. INTEREST RATE REGULATIONS**

**3:18-9.1 Maximum interest rate permissible**

The maximum rate of interest to be charged, contracted for or received on a secondary mortgage loan closed on or after [March 13, 1975] **November 24, 1978**, shall not exceed an annual percentage rate of [15] **17** per cent. Such interest shall be calculated in accordance with the provisions of N.J.S.A. 17:11A-44a (Chapter 205, P.L. 1970).

**3:18-9.2 (Reserved)**

**3:18-9.3 (Reserved)**

**3:18-9.4 Prospective operation**

This regulation shall have prospective effect only.

**3:18-9.5 Term of regulation**

The rate established by N.J.A.C. 3:18-9.1 shall be effective [March 13, 1975] **November 24, 1978**, and shall remain in force until such time as this regulation is rescinded or until said rate is increased or decreased by a subsequent regulation.

An order adopting these amendments was filed and became effective on November 24, 1978 as R.1978 d.404 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

# COMMUNITY AFFAIRS

## THE COMMISSIONER

### Proposed Rules Concerning Eviction and Relocation

Patricia Q. Sheehan, Commissioner of the Department of Community Affairs, pursuant to the authority of P.L. 1975, c. 311, P.L. 1971, c. 362 and P.L. 1967, c. 79, and in accordance with applicable provisions of the Administrative Procedure Act of 1968 proposes to adopt regulations concerning eviction and relocation.

Full text of the proposal follows:

#### 5:11-1.8 Eviction and relocation

(a) These regulations shall take effect when adopted and filed with the Division of Administrative Procedure. Any person defined as eligible for relocation assistance pursuant to P.L. 1975, c. 311 (N.J.S.A. 2A:81.1 et seq.) who has not received such assistance may apply to the Department of Community Affairs (hereinafter called DCA), 363 West State Street, Trenton, New Jersey. DCA will determine if the person is eligible and which relocation agency is responsible for providing assistance.

(b) Procedures regarding eviction are:

1. The Relocation Assistance Law of 1967, P.L. 1967, c. 79 (C. 52:31B-1 et seq.) and the Relocation Assistance Act, P.L. 1971, c. 362 (C. 20:4-1 et seq.) shall be complied with prior to the issuance of a warrant for possession pursuant to any of the grounds for eviction enumerated as g.(1), g.(2), g.(3) and g.(4) in section 2 of P.L. 1974, c. 49 (C. 2A:18-61.1) as amended by P.L. 1975, c. 311. At least three months before instituting a court action for eviction, the landlord shall have served a written demand and written notice for delivery of possession of the premises on each tenant. This notice shall specify in detail the cause of termination of the tenancy.

2. In g.(1), g.(2) and g.(3) cases, the following statement shall be included in the notice in capital letters:

**THIS NOTICE IS BEING GIVEN TO YOU BECAUSE OF MY INTENTION TO SEEK EVICTION UNDER THE PROCEDURES OF THE EVICTION LAW (N.J.S.A. 2A:18-61.1) AND THE REGULATIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS. THE CAUSE FOR WHICH I SEEK THIS EVICTION IS:**

**g.(1) THAT I SEEK TO PERMANENTLY BOARD UP OR DEMOLISH THE PREMISES BECAUSE IT HAS BEEN CITED FOR SUBSTANTIAL VIOLATIONS AND IT IS ECONOMICALLY UNFEASIBLE FOR ME TO ELIMINATE THE VIOLATIONS OR,**

**g.(2) THAT I SEEK TO COMPLY WITH LOCAL OR STATE HOUSING INSPECTORS WHO HAVE CITED ME FOR SUBSTANTIAL VIOLATIONS AND IT IS UNFEASIBLE TO SO COMPLY WITHOUT REMOVING THE TENANTS.**

**g.(3) THAT I HAVE BEEN CITED BY LOCAL OR STATE HOUSING INSPECTORS FOR ILLEGAL OCCUPANCY AND THE ONLY WAY TO CORRECT THIS VIOLATION IS TO REMOVE THE TENANT.**

**THE PROCEDURE WHICH IS FOLLOWED ONCE YOU RECEIVE THIS NOTICE FROM ME IS FOR THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) TO SUBSEQUENTLY MAKE AN INVESTIGATION OF THIS CAUSE AND PREPARE A DETERMINATION ON WHETHER THIS CAUSE FOR EVICTION IS JUSTIFIED**

**BY THE VIOLATIONS. THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WILL INFORM THE TENANTS, THE LOCAL INSPECTION AGENCY, IF APPLICABLE, SEEK THEIR WRITTEN COMMENTS, AND PREPARE A DETERMINATION WHICH WILL BE FORWARDED TO THE DISTRICT COURT, THE APPROPRIATE RELOCATION AGENCY, AND THE OWNER AND THE TENANTS. IF DCA DETERMINES THAT EVICTION IS JUSTIFIED, THE APPROPRIATE RELOCATION AGENCY WILL BEGIN PROVIDING FINANCIAL AND SOCIAL RELOCATION ASSISTANCE AS PROVIDED UNDER THE RELOCATION AND EVICTION LAWS. (N.J.S.A. 52:31B-1 et seq., N.J.S.A. 20:4-1 et seq., AND N.J.S.A. 2A:18-61.1 et seq.)**

**YOU MAY OBTAIN FURTHER INFORMATION ON YOUR ELIGIBILITY FOR RELOCATION BENEFITS FROM THE BUREAU OF HOUSING AND RENEWAL SERVICES, RELOCATION OFFICE AT 609-292-6107 OR BOX 2768, TRENTON, NEW JERSEY 08625.**

**IF DCA DETERMINES THAT EVICTION IS NOT JUSTIFIED, I MAY STILL BRING A LEGAL ACTION FOR EVICTION IN THE COURTS 90 DAYS AFTER THE DATE OF THIS NOTICE. IF YOU RECEIVE A SUMMONS TO APPEAR IN COURT AND FAIL TO APPEAR YOU ARE LIKELY TO LOSE YOUR CASE BY DEFAULT. BUT IN NO CASE CAN THE JUDGE ISSUE A WARRANT FOR POSSESSION UNLESS THE RELOCATION LAWS HAVE BEEN COMPLIED WITH.**

In g.(4) cases the following statement shall be included in the notice in capital letters:

**THE AGENCY INTENDS TO START AN EVICTION ACTION IN COURT AFTER THREE MONTHS. YOU MAY BE ELIGIBLE FOR BENEFITS UNDER THE RELOCATION ASSISTANCE ACT. YOU MAY CALL THE RELOCATION OFFICE AT ..... (GIVING THE ACCURATE ADDRESS AND TELEPHONE NUMBER OF THE PERSON RESPONSIBLE FOR RELOCATION IN THIS AREA.)**

Landlords shall obtain copies of this required statement from the Bureau of Housing, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625. Spanish speaking tenants shall be provided with this statement in Spanish also available at the same address.

(c) Actions required by the landlord and DCA include:

1. The landlord shall simultaneously with notice to the tenants provide in g.(1), g.(2) and g.(3) cases, to the Department of Community Affairs the following:

i. A copy of the notice given to the tenants;

ii. The names and addresses of all of the tenants to be evicted under g.(1), g.(2) and g.(3) specifying which;

iii. In the case of g.(2), a written statement describing the specific violations whose elimination necessitates removal of the tenant.

iv. In the case of g.(1);

(1) An income and expense statement on an accrual basis for each of three previous years including the annual gross rental income, vacancies, accounts receivable, annual operating expenses in line item form excluding depreciation and reserves for replacement, accounts payable, debt service for each mortgage, and taxes;

(2) The owner must provide a statement from the municipal tax collector showing the current status of real estate taxes ("tax search");

(3) Two independent estimates on the cost of repairs;

(4) A statement certifying that rents cannot be raised to make it economically feasible to pay for the cost of

repairing the dwelling unit to comply with the violation notices;

(5) A statement whether or not the premises are subject to local rent control; and

(6) A signed dated certification by the owner using this language:

I hereby certify that I have examined the foregoing financial and cost statements and repair estimates and to the best of my knowledge and belief the same are true statements as of .....(Date).....

(Signature) .....

(Typed Name) .....

v. In the case of g.(3):

(1) A copy of the lease, if any, between tenant and landlord;

(2) A copy of any written rules and regulations given to the tenant at the beginning of the lease term;

(3) A statement describing the specific violation and the reason that eviction is necessary under this cause to correct it.

vi. In g.(1), g.(2), and g.(3) cases the landlord shall provide whenever DCA is not the inspection agency a copy of the official inspection report which shows all cited violations and a copy of any applicable local ordinance.

2. The following actions shall be taken by DCA in each instance in which a landlord invokes g.(1), g.(2) or g.(3).

i. Upon receipt of the landlord's materials, either receipt of all required information listed above shall be acknowledged or the additional necessary information shall be requested.

ii. Upon receipt of the materials, each affected tenant shall be sent a copy of the landlord's statement on the need for eviction and a letter explaining the applicable law and procedures and requesting optional written comments from the tenant about the landlord's proposed action.

iii. The premises shall be inspected, the tenant's comments and the landlord's statement shall be assessed and, where applicable, DCA shall consult with the local inspection agency. On the basis of this information, a determination as to the need for eviction shall be made by DCA. Notice of this determination shall be given to the District Court, the appropriate relocation agency, the landlord, the affected tenants and the local inspection agency.

iv. If it is determined that there is no need for eviction, this notice shall also advise that no relocation assistance will be provided, that no warrant for possession can be issued by the court under the statute (C. 2A:18-61.1, paragraph g.) without relocation assistance and that the tenant must appear in court to contest the eviction action. (If the tenant fails to appear to defend the eviction action, the tenant could lose by default.)

v. The notice of determination shall include the name, address and telephone number of the appropriate relocation agency, if eviction is necessary.

vi. The name and address of the tenants, any tenant comments, and an explanatory letter shall be enclosed with the notice of determination to the District Court.

(d) Any governmental agency intending to evict under g.(4) shall provide a Workable Relocation Assistance Plan to the Bureau of Housing and Renewal Services.

(e) For purposes of these regulations: "Compliance with the Relocation Assistance Law of 1967, P.L. 1967, c. 79 (C. 52:31B-1 et seq.) and the Relocation Assistance Act, P.L. 1971, c. 362 (C. 20:4-1 et seq.)" means the provision by the agency of relocation assistance or the agency's

commitment to provide such assistance immediately. "Relocation Assistance" means:

1. Any necessary assistance in finding replacement housing;

2. The relocation assistance payment for moving expenses or the moving expense allowance and dislocation allowance; and

3. Any required rental assistance payments or down payment.

(f) Rules concerning the relocation agency are:

1. In the event that the relocation agency receives a notice of determination pursuant to these regulations that eviction is necessary, the relocation agency shall determine whether sufficient funds and an appropriate WRAP are available to provide timely relocation assistance.

2. Notice of insufficient funds must be immediately made to DCA in order that appropriate notice can be included in the notice of determination made to the court and all affected parties.

3. If adequate relocation resources are not found, then the relocation agency shall submit an amended Workable Relocation Assistance Plan, (WRAP) (as defined in the New Jersey Administrative Code 5.11) within 30 days.

4. The relocation agency shall proceed to obtain the necessary funds as quickly as possible.

5. The court must stay any warrant for possession until the relocation assistance can be provided.

6. Also the owner must maintain the building in at least the same state of habitability as existed when the first notice was issued.

Interested persons may present statements or arguments in writing relevant to the proposed action on/or before January 24, 1979 to:

Department of Community Affairs  
Division of Housing and Urban Renewal  
Bureau of Housing  
P.O. Box 2768  
Trenton, New Jersey 08625

The Department of Community Affairs upon its own motion may thereafter adopt these rules as proposed without further notice.

Robert C. Holmes  
Commissioner  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amendment to Relocation Assistance Rules

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1971, c. 362, proposes to amend N.J.A.C. 5:11-5.1 concerning the relocation assistance rules and, specifically, the general provisions of the grants-in-aid program.

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

#### 5:11-5.1 General provisions

(a) Any displacing agency may apply for and receive State grants-in-aid when available, to cover costs or a portion thereof, for relocation assistance payments. [, to relocate.] Application for said grants-in-aid shall be made

in accordance with applicable procedures adopted by the Department of Community Affairs. The grants-in-aid may be total funding grants or matching dollar for dollar grants as determined by the Department of Community Affairs based on the following:

1. A municipality meeting some or all of the following criteria may be funded on a total basis:

- i. Population less than 10,000;
- ii. Municipal budget less than \$1 million;
- iii. 20 percent or more of the housing stock in a deteriorated or dilapidated condition;
- iv. The net state equalized valuation per capita of less than \$10,000; and
- v. A lack of other state or federal funding.

2. The above criteria are general in nature and may be waived and/or expanded by the Department of Community Affairs in order to provide total funding when required.

3. All municipalities not meeting the above criteria may be funded on a matching dollar for dollar basis.

(b) Agencies that may enter into an agreement with the Department of Community Affairs in order to provide regionalized relocation services may receive the necessary and reasonable administrative costs thereof from the Department, provided funds are available.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

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

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

### LOCAL FINANCE BOARD

#### Proposed Forms of Certificate of Sale For Unpaid Municipal Liens

The Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and 52:27D-1 et seq., proposes to adopt forms of certificate of sale for unpaid municipal liens for use by the municipalities of the State of New Jersey. Such forms, if adopted, will be cited as N.J.A.C. 5:30-13.3.

The proposed form concerns data on taxes for specific years, sewer service charges, water service charges, assessments for improvements and costs of sale such as

notice of sale, making sale, certificate of sale, printing, postage, advertisement and acknowledgments.

A public hearing will be held by the Local Finance Board respecting the proposed action and interested persons may present statements or arguments in writing relevant to the proposed action on or before January 30, 1979 to the Local Finance Board, Department of Community Affairs, 363 West State Street, P.O. Box 2768, Trenton, New Jersey 08625 and copies of the forms may be obtained from or made available for review by contacting the Local Finance Board at the above address.

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

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

(b)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Proposed Forms of Certificate of Search for Municipal Liens

The Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and 52:27D-1 et seq., proposes to adopt forms of certificate of search for municipal liens for use by municipalities of the State of New Jersey. Such form, if adopted, will be cited as N.J.A.C. 5:30-13.4.

The proposed form concerns data on taxes, water and sewer rents, assessments, certificates of sale for taxes, assessments and (or) other municipal liens and other pertinent data.

A public hearing will be held by the Local Finance Board respecting the proposed action and interested persons may present statements or arguments in writing relevant to the proposed action on or before January 30, 1979 to the Local Finance Board, Department of Community Affairs, 363 West State Street, P.O. Box 2768, Trenton, New Jersey 08625 and copies of the forms may be obtained from or made available for review by contacting the Local Finance Board at the above address.

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

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

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

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

On November 21, 1978, Edward M. Cornell, Jr., Assistant Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 45:22A-21 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 5:26-1.1 et seq. concerning the Planned Real Estate Development Full Disclosure Act substantially as proposed in the Notice published October 5, 1978, at 10 N.J.R. 416(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Community Affairs.

An order adopting these rules was filed and became effective on November 22, 1978 as R.1978 d.403.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Amendments on Filing for Stays from Commissioner's Decisions

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-1 et seq., 18A:6-27, 18A:6-28, 18A:6-29 and 18A:7A-25, proposes to amend N.J.A.C. 6:2-1.11 concerning rules for filing for stays from Commissioner's decisions.

These changes are being proposed since questions have arisen as to whether or not application for stay should be heard first by the State Board of Education or by the Commissioner of Education. The revisions are along the lines of the procedures contained in the Rules Governing Appellate Practice.

(NOTE: In the November issue of the New Jersey Register, the text of proposed revisions to N.J.A.C. 6:2-1.2 through 6:2-1.6 was published, with the notation that the current text of N.J.A.C. 6:2-1.2 through 6:2-1.7 is now proposed as N.J.A.C. 6:2-1.7 through 6:2-1.12. Final action on the above proposal has been delayed, because of the proposal submitted herewith.)

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

[6:2-1.6] 6:2-1.11 Filing for stays from Commissioner's decisions

(a) After the filing of a notice of appeal to the Board from a determination of the Commissioner, [any application for a stay from such determination shall be by notice of motion with supporting affidavit, 15 copies of which shall be filed with the Secretary of the Board, and a copy served on each party to the action.] a motion for stay shall be made first to the Commissioner.

(b) A motion for stay to the Commissioner shall be done by notice of motion with supporting affidavit, two copies of which shall be filed with the Commissioner and a copy served on each party to the action.

[[b]] (c) The motion and affidavit shall set forth fully that portion of the Commissioner's decision with respect to which a stay is sought, the factual basis on which the application for stay is founded, and the reasons favoring the stay.

[[c]] (d) Any party opposing the application for stay shall file and serve within ten days of receipt of such application an answering affidavit in the same manner, setting forth the reasons why the application for stay should be denied.

[[d]] (e) Unless otherwise ordered by the Board there shall be no oral argument on an application for stay.

(f) If motion for stay is denied by the Commissioner, it may be made again to the State Board; if motion is granted before the Commissioner, the State Board may entertain a motion to dissolve the stay.

(g) A motion for stay to the State Board shall be done by notice of motion with supporting affidavit, 15 copies of which shall be filed with the Secretary of the State Board, and a copy served on each party to the action. A motion to dissolve a stay granted by the Commissioner shall be made in the same manner.

(h) Unless otherwise ordered by the Board there shall be no oral argument on an application for stay.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

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

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposes to Amend Rules on County Substitute Certificate

The State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to revise N.J.A.C. 6:11-4.7, concerning rules on the issuance of a county substitute certificate.

At the present time, various administrative procedures exist in County Offices of Education. These revisions will bring about uniform procedures for issuance, including a specific guideline for the issuance of a substitute certificate in the vocational-technical skills area.

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

6:11-4.7 County substitute certificate

(a) Persons who do not hold a teaching certificate issued by the State Board of Examiners and who are not eligible to receive one, but who can present a minimum of 60 semester-hour credits completed in an accredited college, may be granted a county substitute certificate for day-to-

day substitute teaching in the county which grants the certificate.

(b) Each local board of education shall submit to the county superintendent for review and approval, each applicant's official transcripts, oath of allegiance, and credentials, together with a statement that such a person would be employed on an emergency basis as the supply of regularly certificated teachers is inadequate to staff the school.

(c) The certificate will be issued for a three-year period, but the holder may serve for no more than 20 consecutive days in the same position in one school district during the school year. Such certificates, which are issued by the county superintendent of schools, are designed only for emergency purposes when the supply of properly certificated substitutes is inadequate to staff the school. They carry none of the accrued benefits, such as pension and tenure, to which a regularly employed teacher is entitled, and are intended only for persons temporarily performing the duties of a fully certificated and regularly employed teacher.

(d) For specific vocational-technical skills a vocational county substitute certificate may be issued to an applicant on the basis of appropriate work experience in lieu of 60 semester-hour college credits. Such work experience shall be substantiated by a notarized statement of previous employment.

(e) Applicants for the county substitute teaching certificate shall submit with transcripts and credentials, the appropriate fee in accordance with N.J.S.A. 18A:6-38.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State Street  
Trenton, New Jersey 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**

**Propose Revisions to  
School Facility Planning Services**

The State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-16, proposes to delete the current text of Chapters 22 and 22A in Title 6 of the New Jersey Administrative Code and to adopt new text in place of these chapters.

Revisions are necessary to place the Department of Education in compliance with requirements of N.J.S.A. 52:27D-119, et seq., the "State Uniform Construction Code Act." The proposed regulations adopt the model codes referred to in the State Uniform Construction Code, with modifications.

Subchapter 1 covers a description of the Bureau of Facility Planning Services charged with the administration

and enforcement of these regulations, its authority, procedures for interpretations, responsibilities, bureau records, modifications allowed, scope of the regulations, master plans, maintenance of school buildings, right of entry, preparation of plans, plans submissions, bids and contracts, change orders, inspections and fees, building acceptance, stop-work order, certificate of use and occupancy, posting structures and spaces, violations, unsafe facilities, and appeals.

Subchapter 2 covers construction standards to be met in new buildings, additions and alterations to existing public school buildings, and renovations to existing buildings.

Subchapter 3 describes design standards to be met to make newly-constructed or renovated school facilities accessible and usable by the physically handicapped. This subcode is in compliance with the legislative mandate in N.J.S.A. 18A:18A-17 and 17.1.

Subchapter 4 adopts, with modifications, the National Electrical Code for public school construction.

Subchapter 5 covers the modifications to a basic energy conservation code adopted for schools.

Subchapter 6 adopts, with modifications, the National Standard Plumbing Code and applicable standards of the National Fire Protection Association.

Copies of the 129 pages of the full text of the proposed regulations may be obtained from or made available for review by contacting:

Bureau of Facility Planning Services  
Division of Finance and Regulatory Services  
New Jersey Department of Education  
225 West State Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979, to the Bureau of Facility Planning Services at the above address.

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

**(b)**

**ENVIRONMENTAL PROTECTION**

**THE COMMISSIONER**

**Proposed Amendments Concerning  
Sewer Extension Bans**

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, hereby proposes to amend the New Jersey Administrative Code regulations concerning sewer connection bans (N.J.A.C. 7:9-13 et seq.) pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and the Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.). These proposed regulations substantially revise the existing sewer connection ban program by limiting the Department's authority to restrict connections to sewage treatment facilities, except for larger facilities, and by focusing the program upon careful control and regulation of extensions to sewage treatment systems.

In October of 1975 the Department adopted regulations governing the sewer connection ban program. This program authorized the Department to restrict all additional connections to sewage treatment systems when such sys-

tems were hydraulically overloaded or providing inadequate treatment of sewage wastes. The Department has been re-evaluating its program priorities and the efficacies of the existing program and has determined that the program should be restructured to provide greater controls over sewer extensions, which have a greater potential impact upon the overloaded sewage treatment facilities, and the elimination of controls over individual structures, which have only a minor impact on a treatment system. The program, therefore, as revised, will continue departmental review of proposed facilities which would have an adverse impact on the overloaded condition of sewage treatment facilities, while relieving the Department's administrative burden of reviewing applications which would have only minimal impacts on such treatment facilities.

Public hearings will be held on this proposal on February 6, 1979 at 10 A.M. at the Camden County Community College auditorium, and on February 7, 1979 at 10 A.M. at Madison Borough Hall, Planning Board Room, Kings Road, Madison. Interested individuals may present either oral or written comments regarding these proposed regulations at that time. Written comments will also be accepted by the Department until February 12, 1979. Such written comments should be submitted to the address below.

Copies of the proposed revisions may be obtained from:

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

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Proposed Amendments Concerning Endangered Species

Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries, pursuant to authority of N.J.S.A. 23:2A-4(b), proposes to amend N.J.A.C. 7:25-11.1 concerning the list of endangered species in New Jersey. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 055-78-11.

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

7:25-11.1(b)

1. Shortnose Sturgeon, *Acipenser brevirostrum*;
2. Blue-spotted Salamander, *Ambystoma laterale*;
3. Tremblay's Salamander, *Ambystoma tremblayi*;
4. Eastern Tiger Salamander, *Ambystoma tigrinum*;
5. Blue-spotted Salamander, *Ambystoma laterale*;
6. Bog Turtle, *Clemmys muhlenbergi*;

4. Eastern Tiger Salamander, *Ambystoma tigrinum tigrinum*;
5. Bald Eagle, *Haliaeetus leucocephalus*;
5. Pine Barrens Treefrog, *Hyla andersoni*;
6. Peregrine Falcon, *Falco peregrinus*;
6. Southern Gray Treefrog, *Hyla chrysocelis*;
7. Osprey, *Pandion haliaetus*;
7. Bog Turtle, *Clemmys muhlenbergi*;
8. Cooper's Hawk, *Accipter cooperii*;
8. Timber Rattlesnake, *Crotalus horridus horridus*;
9. Indiana Bat, *Myotis soladis*;
9. Bald Eagle, *Haliaeetus leucocephalus*;
10. Sperm Whale, *Physeter catodon*;
10. Peregrine Falcon, *Falco peregrinus*;
11. Blue Whale, *Balaenoptera musculus*;
11. Osprey, *Pandion haliaetus*;
12. Finback Whale, *Balaenoptera physalus*;
12. Cooper's Hawk, *Accipter cooperii*;
13. Sei Whale, *Balaenoptera borealis*;
13. Least Tern, *Sterna albifrons*;
14. Humpback Whale, *Megaptera novaeangliae*;
14. Black Skimmer, *Rynchops niger*;
15. Right Whale, *Eubalaena glacialis*;
15. Indiana Bat, *Myotis sodalis*;
16. Atlantic Hawksbill, *Eretmochelys imbricata*;
17. Atlantic Loggerhead, *Caretta caretta*;
18. Atlantic Ridley, *Lepidochelys kempfi*;
19. Atlantic Leatherback, *Dermochelys coriacea*;
20. Sperm Whale, *Physeter catodon*;
21. Blue Whale, *Balaenoptera musculus*;
22. Finback Whale, *Balaenoptera physalus*;
23. Sei Whale, *Balaenoptera borealis*;
24. Humpback Whale, *Megaptera novaeangliae*;
25. Right Whale, *Eubalaena glacialis*.

Interested persons may present statements or arguments in writing relevant to the proposal on or before January 24, 1979, to:

Russell A. Cookingham, Director  
Division of Fish, Game and Shellfisheries  
P.O. Box 1809  
Trenton, New Jersey 08625

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

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

(b)

## ENVIRONMENTAL PROTECTION

### CLEAN AIR COUNCIL

#### Notice of Annual Public Hearing

Take notice that the Clean Air Council in the Department of Environmental Protection has issued the following notice of their annual public hearing:

The Clean Air Council of the Department of Environmental Protection will hold its annual public hearing, pursuant to the authority of N.J.S.A. 26:2C-3.3(h), March 21, 1979, in the Labor Education Center auditorium, Rutgers University, New Brunswick. The hearing session will run from 9:00 a.m. until 9:00 p.m., or until the end of testimony. Hearing topic is "What Is the Role of Municipal, County and Regional Agencies in the New Jersey Air

Pollution Program?" Chairman of the hearing committee is William Schreiber.

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

(a)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Amendments Concerning Sea Clams

On December 5, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, 50:2-6.1 et seq., 13:1B-42, 13:1D-9 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-12.1 concerning sea clams substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 474(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

These amendments are known within the Department of Environmental Protection as Docket No. DEP 049-78-10.

The substantive changes in the adoption concern the addition of Loran A and Loran C bearings to the text, a change in the gallonage/bushel conversion figure for those persons who shuck their clams at sea, deletion of the requirements to report the catch buyer's name and the addition of the State's commitment to furnish sea clam license holders with statements of weekly harvest totals.

An order adopting these amendments was filed and became effective on December 7, 1978 as R.1978 d.416.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules or Standards For Ambulatory or Outpatient Tuberculosis Control

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:4-70, proposes to adopt new rules, to be cited as N.J.A.C. 8:58-1.1 et seq. if adopted, concerning standards for ambulatory or outpatient tuberculosis control.

Take notice that there was a prior proposal (See: 10 N.J.R. 332(a) in the August 10, 1978, New Jersey Register) on this subject matter but, due to additional changes therein, this proposal is being republished.

The proposal concerns availability of services, required services, treatment, reporting, records, control, evaluation, financial reimbursement and auditing requirements.

Copies of the 33 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Hugh D. Palmer  
Director, Tuberculosis Services  
N.J. Department of Health  
Box 1540  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 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

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments to Security of Controlled Dangerous Substances

Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-2.4(c) concerning security relating to controlled dangerous substances.

Full text of the proposal follows (amended text in bold-face thus):

8:65-2.4(c) The registrant shall notify the Regional Office of the Drug Enforcement Administration in his region and the New Jersey State Department of Health, Drug Control Program, of any theft or significant loss of any controlled substances upon discovery of such theft or loss. The supplier shall be responsible for reporting in-transit losses of controlled substances by the common or contract carrier selected pursuant to N.J.A.C. 8:65-2.4(e) upon discovery of such theft or loss. The registrant shall also complete DEA Form 106 regarding such theft or loss. Thefts must be reported whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Allen N. Koplin  
Deputy Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment on Distribution of Special Controlled Dangerous Substances

Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-2.4 concerning the distribution of special controlled dangerous substances.

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

8:65-2.4(g) Before the initial distribution of etorphine hydrochloride and/or diprenorphine to any person, the registrant must verify that the person is authorized to handle the substance(s) by contacting the Drug Enforcement Administration.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Allen N. Koplin  
Deputy Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Security for Special Controlled Dangerous Substances

Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-2.5 concerning security for special controlled dangerous substances.

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

8:65-2.5(e) Etorphine hydrochloride and diprenorphine shall be stored in a safe or steel cabinet equivalent to a U.S. Government Class V security container.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Allen N. Koplin  
Deputy Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Repeal of Quotas Concerning Controlled Dangerous Substances

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to repeal in its entirety the current text of Subchapter 4, Quotas, in Chapter 65 in Title 8 of the New Jersey Administrative Code. Such rules concern controlled dangerous substances.

A list of the sections and titles that are proposed to be deleted follows:

- 8:65-4.1 Scope
- 8:65-4.2 Definitions
- 8:65-4.3 Aggregate production quotas
- 8:65-4.4 Procurement quotas
- 8:65-4.5 Individual manufacturing quotas
- 8:65-4.6 Procedure for applying for individual manufacturing quotas
- 8:65-4.7 Procedures for fixing individual manufacturing quotas
- 8:65-4.8 Inventory allowance
- 8:65-4.9 Increase in individual manufacturing quotas
- 8:65-4.10 Reduction in individual manufacturing quotas
- 8:65-4.11 Abandonment of quota
- 8:65-4.12 Hearings generally
- 8:65-4.13 Purpose of hearing
- 8:65-4.14 Waiver or modification of rules
- 8:65-4.15 Request for hearing or appearance; waiver
- 8:65-4.16 Burden of proof
- 8:65-4.17 Time and place of hearing
- 8:65-4.18 Final order
- 8:65-4.19 Quota system for 1971
- 8:65-4.20 Quota system for 1972

Copies of the 11 pages of the full text of the rules to be deleted may be obtained from or made available for review by contacting:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Avenue  
Trenton, New Jersey 08648

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Forms For Controlled Dangerous Substances

Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-6.16 by deleting the current text of that section and adopting new text therein concerning triplicate order forms for controlled dangerous substances.

Full text of the proposed new text follows:

#### 8:65-6.16 Special procedure for filling certain order forms

(a) The purchaser of etorphine hydrochloride or diprenorphine shall submit copy 1 and 2 of the order form to the supplier and retain copy 3 in his own files.

(b) The supplier, if he determines that the purchaser is a veterinarian engaged in zoo and exotic animal practice, wildlife management programs and/or research and authorized by the Administration to handle these substances shall fill the order in accordance with the procedures set forth in Section 1305.09 except that Order Forms for etorphine hydrochloride and diprenorphine shall only contain these substances in reasonable quantities and the substances shall only be shipped to the purchaser at the location printed by the Administration upon such order forms under secure conditions using substantial packaging material with no markings on the outside which would indicate the content.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Allen N. Koplin  
Deputy Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning the Filling of Prescriptions

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend a portion of the rules concerning the filling of prescriptions.

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

8:65-7.6 [Persons entitled to fill prescriptions] **Dispensing of narcotic drugs for maintenance purpose**

Editor's Note: Delete the current text of N.J.A.C. 8:65-7.7 and replace with the following text therein.

8:65-7.7 Persons entitled to fill prescriptions

A prescription for controlled substances may only be filled by a pharmacist acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy or registered institutional practitioner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Dr. Joanne E. Foley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Prescriptions for Controlled Dangerous Substances

Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-7.4(c) concerning the purposes of issuances of prescriptions for controlled dangerous substances.

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

8:65-7.4(c) A prescription may not be used for the dispensing of narcotic drugs listed in any schedule [to a narcotic dependent person for the purpose of continuing his dependence upon such drugs, in the course of conducting an authorized clinical investigation in the development of a narcotic addict rehabilitation program] for "detoxification" or "maintenance treatment" as defined in N.J.A.C. 8:65-11.1(b) and (c).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Allen N. Koplin  
Deputy Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Labeling of Prescriptions

Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-7.11 concerning the labeling of prescriptions for Schedule II controlled dangerous substances.

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

#### 8:65-7.11 Labeling of substances, Schedule II

(a) The pharmacist filling a written or emergency oral prescription for a controlled substance listed in Schedule II shall affix to the package a label [showing date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.] conforming to the provisions set forth in N.J.S.A. 24:21-17.

(b) The requirements of paragraph (a) of this section do not apply where a controlled substance listed in Schedule II is prescribed for administration to an ultimate user who is institutionalized: Provided, that:

1. Not more than 7 day supply of the controlled substance listed in Schedule II is dispensed at one time;

2. The controlled substance listed in Schedule II is not in the possession of the ultimate user prior to the administration; and

3. The institution maintains appropriate safeguards and records regarding the proper administration, control, dispensing, and storage of the controlled substance listed in Schedule II; and

4. The system employed by the pharmacist in filling a prescription is adequate to identify the supplier, the product, and the patient, and to set forth the directions for use and cautionary statements, if any, contained in the prescription or required by law.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Allen N. Koplin  
Deputy Commissioner  
Department of Health

(b)

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

#### Proposed List of Interchangeable Drug Products

Sanford Luger, Chairman of the Drug Utilization Review

Council in the Department of Health, pursuant to the authority of N.J.S.A. 24:6E-6, proposes to adopt a list of drug products which will be used to implement N.J.S.A. 24:6E-1 et seq., the "Prescription Drug Price and Stabilization Act." Such list, if adopted, will be included in Chapter 70, Title 8 of the N.J.A.C.

The proposed list gives the generic names of medications that may be interchanged, and lists the names of those manufacturers and distributors whose products may be used as a substitute for brand-name drugs in accordance with N.J.S.A. 24:6E-1 et seq.

The full text of the proposed list of interchangeable drug products is available from:

Thomas T. Culkin  
Executive Director  
Drug Utilization Review Council  
Room 801-G  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, New Jersey 08625  
(609) 984-2157

A public hearing on the proposed list of interchangeable drug products will be held on January 26, 1979, 9:30 A.M. in the first floor auditorium, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979, to Thomas T. Culkin at the address cited above.

The Drug Utilization Review Council may thereafter adopt rules concerning this subject without further notice.

Sanford Luger  
Chairman, Drug Utilization Review Council  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Labeling of Controlled Dangerous Substances

Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-7.16 concerning labeling of Schedules III and IV Controlled dangerous substances.

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

#### 8:65-7.16 Labeling of substances; Schedules III and IV

(a) The pharmacist filling a prescription for a controlled substance listed in Schedule III or IV shall affix to the package a label [showing the pharmacy name and address, the serial number and date of initial filling, the name of the patient, the name of the practitioner issuing the prescription, and directions for use and cautionary statements, if any, contained in such prescriptions as required by law.] conforming to the provisions set forth in N.J.S.A. 24:21-17.

(b) The requirements of paragraph (a) of this section do not apply when a controlled substance listed in Schedule III or IV is prescribed for administration to an ultimate user who is institutionalized; provided that:

1. Not more than a 34-day supply or 100 dosage units,

whichever is less, of the controlled substance listed in Schedule III or IV is dispensed at one time;

2. The controlled substance listed in Schedule III or IV is not in the possession of the ultimate user prior to administration;

3. The institution maintains appropriate safeguards and records the proper administration, control, dispensing and storage of the controlled substance listed in Schedule III or IV; and

4. The system employed by the pharmacist in filling a prescription is adequate to identify the supplier, the product, and the patient, and to set forth the directions for use and cautionary statements, if any, contained in the prescription or required by law.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Donald J. Foley  
Chief, Drug Control  
Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Allen N. Koplin  
Deputy Commissioner  
Department of Health

(a)

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

#### Emergency Amendment to Drug Utilization And Acceptance Criteria

On December 12, 1978, Sanford Luger, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 8:70-1.4(a) concerning drug utilization and acceptance criteria.

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

8:70-1.4(a) The actual manufacturer of the drug product must be identified and the active ingredient(s) must be given. [All components of the drug product, both active and inactive, must be listed and the component's specific purpose (e.g. binder, lubricant, coloring agent, etc.) and source (whether foreign or domestic) must be given.] In addition, the manufacturer, labeler and distributor, if any, must certify that the active and inactive ingredients, sources and the final dosage form are approved by the Federal Food and Drug Administration [ , the Drug Utilization Review Council] or the New Jersey Department of Health. Products for which a manufacturer, labeler or distributor refuses to provide this information will not be approved. [Information regarding proprietary formulations will be held strictly confidential within the limits of applicable law.]

An order adopting these amendments was filed and be-

came effective on December 12, 1978 as R.1978 d.422 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

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

On December 12, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-27, 26:2H-28 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:34-1.27(b) concerning the continuing education rule for nursing home administrator as proposed in the Notice published October 5, 1978 at 10 N.J.R. 427(b).

An order adopting these amendments was filed and became effective on December 12, 1978 as R.1978 d.423.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Rules on Standards for Cardiac Diagnostic Facilities And Cardiac Surgical Centers

On December 12, 1978, David A. Wagner, Deputy 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 new rules, to be cited as N.J.A.C. 8:43B-17.1 et seq., concerning standards for cardiac diagnostic facilities and cardiac surgical centers substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 482(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these rules was filed on December 12, 1978, as R.1978 d.424 to become effective on January 1, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

#### Rules on Standards for Computerized Axial Tomography Services

On December 12, 1978, David A. Wagner, Deputy 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 new rules, to be cited as N.J.A.C. 8:43A-1.71, concerning standards for computerized axial tomography services substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 483(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these rules was filed on December 12, 1978, as R.1978 d.425 to become effective on January 1, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Amendments Concerning Difenoxin In Combination with Atropine Sulfate into Schedules IV and V

On December 12, 1978, Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-8 and 24:21-8.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-10.4 and 10.5 concerning difenoxin in combination with atropine sulfate into Schedule IV and V therein as proposed in the Notice published November 9, 1978 at 10 N.J.R. 482(b).

An order adopting these amendments was filed and became effective on December 12, 1978 as R.1978 d.426.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

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

On December 12, 1978, David A. Wagner, Deputy 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 new rules, to be cited as N.J.A.C. 8:31-28.1 et seq., concerning the process and general criteria for the certification of need and designation of regional services substantially as proposed in the Notice published October 5, 1978, at 10 N.J.R. 428(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on December 12, 1978 as R.1978 d.427.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Rules on Uniform Construction Code Plan Review Fees

On December 13, 1978, David A. Wagner, Deputy 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 new rules, to be cited as N.J.A.C. 8:43D-2.1, concerning uniform construction code plan review fees as proposed in the Notice published November 9, 1978 at 10 N.J.R. 482(c).

An order adopting these rules was filed and became effective on December 13, 1978 as R.1978 d.429.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

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

On December 12, 1978, David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31-16.17 concerning reports to relate ancillary service charges with hospital case mix substantially as proposed in the Notice published October 5, 1978, at 10 N.J.R. 426(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these amendments was filed on December 13, 1978, as R.1978 d.430 to become effective on January 5, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## HEALTH

### THE COMMISSIONER

#### Amendments on HMO Certificate of Need

On December 12, 1978, David A. Wagner, Deputy 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. 8:33-1.4, Definitions, and a new rule, N.J.A.C. 8:33-1.6, HMO certificate of need, as proposed in the Notice published November 9, 1978 at 10 N.J.R. 483(a).

An order adopting these amendments was filed and became effective on December 13, 1978 as R.1978 d.431.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### BUREAU OF PROFESSIONAL AND TECHNICAL SERVICES

##### Proposed Amendments and Rescissions of Rules Concerning the Physicians' Procedure Code Manual

Ann Klein, Commissioner of the Department of Human Services, pursuant to N.J.S.A. 30:4D-1 et seq., proposes to rescind certain non-surgical procedure codes, laboratory procedure codes and radiology procedure codes cited in N.J.A.C. Chapter 54, Subchapter 3, and to rescind the Physician Fee Schedule to be replaced by the Physicians Procedure Code Manual at N.J.A.C. 10:54-4.1.

Copies of 248 pages of the full text of the proposal may be made available for review at the offices of the Division of Medical Assistance and Health Services, 324 East State Street, Trenton, New Jersey 08625, between the hours of 8:30 a.m. and 5:00 p.m. from Monday to Friday. Copies will not be distributed by mail.

Interested persons may present statements in writing relevant to the proposal on or before January 30, 1979 to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Notice of Correction Concerning Proposed Rules on Family Day Care Standards

Take notice, that in the Notice of Proposal appearing in the December 7, 1978, issue of the New Jersey Register at 10 N.J.R. 539(a), the title of the proposal erroneously indicated that the subject matter of the proposal concerned fair hearings. The correct subject matter of that proposal was family day care standards.

The proposal requires covered family day care providers to meet certain requirements in the delivery of services. The authority of N.J.S.A. 30:1-12 and 30:4C-26a and the reference of N.J.A.C. 10:122-4.1 were correct as published.

Copies of the 14 pages of the full text of the proposal

may be obtained from or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979, to the Division of Youth and Family Services at the above address.

This Notice is published in order to clarify the prior Notice of Proposal regarding this subject matter.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Victims of Domestic Violence

On December 6, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 10:82-5.10(d), concerning victims of domestic violence substantially as proposed in the Notice published October 5, 1978 at 10 N.J.R. 432(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on December 6, 1978 as R.1978 d.415.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on SSI Recipients In Immediate Need of Assistance

On December 12, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-1.1 and 10:85-3.1 concerning SSI recipients in immediate need of assistance substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 284(c) with only inconsequential structural or language changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on December 12, 1978 as R.1978 d.420.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Notice of Hearings on Automobile Rates

The Commissioner of Insurance, pursuant to the powers vested in him by N.J.S.A. 17:29A-1 et seq. and N.J.S.A. 17:1C-6, will conduct a hearing on January 24, 1979 at 10:00 a.m., in the hearing room of the Department of Insurance, 201 East State Street, Trenton, New Jersey, and at such other times and places as the Commissioner may determine, concerning whether driver classifications and other rating factors and methodologies used by insurance companies and rating organizations in the computation of rates charged for private passenger automobile insurance provide for, result in, or produce rates which are unreasonable, excessive, inadequate, or unfairly discriminatory between risks involving essentially the same hazards and expense elements, requiring remedial action pursuant to N.J.S.A. 17:29A-7 and related statutes.

The hearing will examine all issues and information relevant to a determination of the accuracy and equity of current rating factors based on age, sex, marital status, place of residence, driver training, driving record, car usage and car value; the interactive effects of such rating factors; and distribution of company expenses and producer commissions among policyholders. The hearing will also explore alternatives to existing classifications and rating factors, such as driver experience and vehicle damageability and repairability.

With respect to both current and alternative driver classifications and rating factors, the Commissioner will examine:

(1) the empirical bases for such classifications and factors;

(2) whether differences in actual or expected loss experience between classification groupings are of sufficient magnitude to justify the establishment of different rating factors and rates;

(3) whether differences in actual or expected loss experience between individuals within classification groupings are unduly broad;

(4) whether criteria governing the assignment of individuals to classification groupings are objective, clearly defined, and readily subject to verification;

(5) whether classification groupings are based on distinctions which meet constitutional requirements, are permissible under federal and state antidiscrimination and privacy laws, and conform with socially accepted standards of fairness;

(6) whether or to what extent classification groupings are based on distinctions within an individual's ability to control;

(7) whether or to what extent classification groupings employ criteria which are causally related to actual or expected loss experience; and

(8) whether or to what extent the criteria governing assignment of individuals to classification groupings provide appropriate incentives for individuals to attempt to reduce or prevent losses.

With respect to rate distinctions based on driving record, the Commissioner will also examine the empirical basis for present surcharge levels and for the use of percentage as opposed to flat or fixed-dollar surcharges; and he will explore the possibility that interaction of surcharges and other rating factors results in double counting. With re-

spect to classification groupings based on characteristics of the insured automobile, the Commissioner will explore the desirability of rating factors which reflect the susceptibility to damage or the costliness of repair of particular makes, series and models of automobiles and whether particular safety or cost-containment features merit rate consideration.

With respect to the interactive effects of rating factors, the hearing will explore, among other issues, whether the multiplicative combination of rating factors, or the interaction of primary and secondary rating factors, produce rates which are unfairly disproportionate to the actual or expected loss experience of affected groups and individuals. In particular, it will be determined whether the interaction of factors penalizes persons who are average or below-average claim risks but are grouped in high-rated classes and territories.

With respect to the distribution of expenses and commissions, the hearing will explore whether or to what extent such costs should be allocated among policyholders on a per-premium (percentage) or per-policy (flat) basis. The analysis will seek to distinguish between those company and producer costs which are common to all policyholders and those which vary in relation to the risk characteristics of classification groupings. The analysis will include an examination of the allocation of premium taxes among policyholders.

Finally, the hearing will explore unique problems of senior citizens and other groups whose benefits under No-Fault are required by statute to be reduced by benefits under Medicare and other specified collateral sources.

The Commissioner will explore all issues raised by these matters with a view toward ruling on pending rate filings and establishing standards which shall govern the rating factors and methodologies employed in the computation of automobile insurance rates. Possible outcomes include, without limitation, prohibiting the use of specific factors or expense allocations; mandating the use of other factors or allocations; restricting or otherwise modifying the choice of territorial boundaries; and tempering or capping class and territory relatives. The Commissioner will also determine procedures for the future monitoring of classification systems; and he will identify the statistical reporting systems needed to support specific classification practices and pricing methodologies.

Particular attention will be given to the issues surrounding implementation of any required changes in rating factors and methodologies. Alternative approaches to implementation include, without limitation, the capping of annual rate changes, and credits and incentive schemes to stimulate voluntary underwriting and marketing.

By a separate Order to Present Evidence the above-named companies and rating organizations have been directed to present evidence at the hearing on the above-mentioned subjects and issues for the purpose of enabling the Commissioner to determine whether the classification and ratemaking methodologies used in their pending rate filings provide for, result in, or produce rates which are unreasonable or inadequate or unfairly discriminatory. These parties will be full parties to the hearing with the right to present evidence through written or oral submissions and to cross-examine witnesses, pursuant to such procedures as are set forth in the Order to Present Evidence. Any other party interested in the subject matter of the hearing may notify the Commissioner of a desire to intervene and may participate at the discretion of the Commissioner. All interested persons will be afforded reasonable opportunity to submit data, views, or arguments, orally or in writing, and all such oral and written

submissions will be fully considered. Any such person shall by January 15, 1979, notify the Commissioner of any desire to participate and of the nature of any contemplated participation, including the names and qualifications of witnesses, the nature of expected testimony, nature of written submissions, and any desire to cross-examine witnesses. Copies of all documents, exhibits and written testimony sought to be introduced at the hearing shall be submitted to the Commissioner at least two days prior to commencement of the hearing or, if additional time is required, at a reasonable time in advance of any testimony at the discretion of the Commissioner.

This notice supersedes the prior Notice of Inquiry Into Automobile Rating Classifications and Methodologies.

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

**(a)**

## **INSURANCE**

### **THE COMMISSIONER**

#### **Amendments Concerning Alcoholism Benefits in Health Insurance Contracts**

On December 11, 1978, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e), L. 1977, c. 116-118 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:4-15.2(a)3. concerning alcoholism benefits in health insurance contracts substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 498(a) with only inconsequential structural or language changes in the opinion of the Department of Insurance.

Full text of the adoption follows:

11:4-15.2(a)3. Outpatient treatment is defined as treatment on an outpatient basis at a hospital or residential treatment facility or as aftercare at a detoxification facility as provided by certified alcoholism counselors and other professionals employed by these health care facilities under a program approved by the Division of Alcoholism.

An order adopting these amendments was filed and became effective on December 12, 1978 as R.1978 d.419.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF MOTOR VEHICLES**

#### **Proposed Amendments Concerning Cardiovascular Disorders**

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30, proposes to amend N.J.A.C. 13:19-4.1 et seq. concerning cardiovascular disorders.

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

#### **13:19-4.1 [Medical Advisory Panel] Cardiovascular Committee**

The Director, in consultation with the Medical Society of New Jersey, shall appoint a [Medical Advisory Panel] Cardiovascular Committee of specialists in cardiovascular disorders for the purpose of guiding him in making determinations as to whether persons are physically qualified to operate motor vehicles with safety.

#### **13:19-4.2 Case history and physician's statement**

(a) Where it shall appear to the Director upon information or investigation that any applicant for a driver license or licensed driver suffers or has suffered from a cardiovascular condition, he may require from such person on forms furnished by the Director:

1. A statement by the applicant or licensed driver of his case history;
2. A statement by a physician including all pertinent information relative to the applicant's or licensed driver's case including diagnosis, treatment and prognosis.

#### **13:19-4.3 Review and recommendation**

(a) [All] When the Director deems it necessary to refer a specific case to the Committee, all available information including the applicant's or licensed driver's statement of his case history and the attending physician's report will be referred to the [Medical Advisory Panel] Cardiovascular Committee for review and recommendation.

(b) If in the opinion of the [Panel] Committee it is advisable, the applicant or licensed driver may be required to be examined by a [member of the Panel] specialist in internal medicine or cardiology including x-ray and/or electrocardiogram. [A reasonable fee will be established to be paid by the applicant.]

#### **13:19-4.4 Findings report**

The members of the [Medical Advisory Panel] Cardiovascular Committee will report their findings and recommendations to the Director and the Director will determine whether or not a person may be issued a driver license.

#### **13:19-4.5 Consideration of restoration**

When the Director has denied an applicant a driver license pursuant to this [Subchapter] subchapter, restoration of the driving privilege may be considered; provided, however, the period of time has expired which is determined by the [Panel] Committee to be applicable in the case.

#### **13:19-4.6 Case referral**

Upon application for restoration, [provided the period of time as determined by the Panel has expired since revocation or denial,] the case [will] may be referred to the [Advisory Medical Panel] Cardiovascular Committee as provided in [Section 4.3] section 3 (Review and recommendation) of this [Chapter] subchapter.

#### **13:19-4.7 Interval reports**

[When an applicant is permitted to secure a driver license or his driver license privilege is restored pursuant to this Regulation, as a condition of restoration or issuance of a license the applicant must submit to the Director at six month intervals a statement of his case history and a statement of a physician on forms furnished by the Director.]

(a) As a condition precedent to the issuance, retention or restoration of driving privileges pursuant to this subchapter, the individual must agree in writing to submit

to the Director periodic reports on forms approved by the Director. The reports shall contain a statement of the individual's case history and a statement by the treating physician.

(b) These reports shall be submitted every six months from the date that approval is given to hold a driver license.

(c) The Director may, in his discretion, waive or change the interval report requirement of subsection (b) of this section.

#### 13:19-4.8 Driver reexamination

As a condition precedent to the issuance, retention or restoration of driving privileges, the Director may require that a motorist be given a driving test and examination at a Division of Motor Vehicles Driver Qualification Center.

Interested persons may present statements or arguments in writing relevant to the proposal on or before January 26, 1979 to:

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

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Proposed Amendment Concerning Pronouncement of Death

Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1, et seq., proposes to amend the Board's rule requiring pronouncement of death.

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

#### 13:35-6.5 Pronouncement of death at a home or nonmedical facility

(a) In the event of a death at a home, medical, or a non-medical facility, an official pronouncement of the death shall be the primary responsibility of the attending physician or [his] designated substitute.

(b) Upon notification of a probable death at a home or nonmedical facility, the attending physician or [his] designated substitute shall proceed without inordinate delay to the location of the presumed decedent and make the proper determination and pronouncement of the death. In no case shall a physician direct a funeral director or [his] representative to remove the presumed decedent from the premises until an official pronouncement of the death has been made. In the case of any death, whether at a home, medical or nonmedical facility, the death certificate shall be completed and signed by the attending physician or designated substitute within a reasonable period of time

not to exceed 24 hours after the pronouncement of death.

(c) The County Medical Examiner, [In] in cases of death within [the] such jurisdiction, [he] shall without inordinate delay require the proper and established means for the pronouncement of the death, arrange for the removal of the body and completion of the death certificate.

(d) [A physician who fails to comply with this rule shall be subject to disciplinary sanction in accordance with the Medical Practice Act.] Any violation of the foregoing rule by a licensee or any person, association or corporation may be considered as the basis for disciplinary proceedings and sanctions pursuant to N.J.S.A. 45:1-14, 45:9-1, 45:9-22 and 45:9-26.

Interested persons may present statements in writing, relevant to the proposed amendment on or before January 31, 1979 to:

State Board of Medical Examiners  
28 West State Street  
Trenton, New Jersey 08608

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

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

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF VETERINARY MEDICAL EXAMINERS

##### Proposed Amendments on Pending Emergency Cases

George E. Boyle, President of the New Jersey State Board of Veterinary Medical Examiners in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:16-9.9 hereby propose an amendment to N.J.A.C. 13:44-2.10 concerning pending emergency cases.

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

#### 13:44-2.10 Pending emergency cases

(a) Every practicing veterinarian establishment and/or practice shall arrange to provide professional emergency service, whether from his/her/its own staff or by arrangement with other practicing veterinarians, and/or veterinary establishments and/or practices. Willful failure to provide emergency service may constitute gross neglect in the practice of veterinary medicine.

(b) Rendering of emergency treatment shall not be construed to include extensive, protracted, costly or time-consuming treatment. Following institution of emergency treatment, a full assessment of the situation shall be commenced to determine the type of further treatment, if any, to be rendered. Such evaluation may include but shall not be limited to: the financial capabilities of the owner or individual responsible for the care of the animal; the willingness of such individual to bear the financial burden; the well being of the animal; humane consideration of the

animal; the nature and extent of treatment anticipated; the possibility of euthanasia.

(c) Nothing contained within these rules shall be construed to exempt an animal owner from responsibility for payment of reasonable fee associated with emergency care rendered, regardless of whether such emergency care was expressly authorized at time of treatment.

(d) Nothing contained within these rules shall require a veterinarian to render treatment where the veterinarian does not possess the equipment, materials, or expertise necessary to effect the treatment required. However, such veterinarian shall refer such emergency to probable sources of assistance.]

**Veterinarians shall provide emergency care.**

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before January 26, 1979, to:

George E. Boyle, President  
New Jersey State Board of  
Veterinary Medical Examiners  
1100 Raymond Boulevard - Room 503  
Newark, New Jersey 07102  
Telephone: (201) 648-2841

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

George E. Boyle, President  
Board of Veterinary Medical  
Examiners of the State of New Jersey  
Department of Law and Public Safety

**(a)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF STATE POLICE**

**Proposed New Rule in Chemical  
Breath Testing Regulations**

John J. Degnan, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 39:4-50.3 proposes to adopt a new Rule to be cited as N.J.A.C. 13:51-35(d) concerning the Breathalyzer, Model 1000.

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

13:51-35(d) **The Breathalyzer, Model 1000, manufactured by the Smith & Wesson/General Ordinance Equipment Company. This model uses the same principle, chemicals and theory of operation as the previous Borkenstein Breathalyzer, but has the added features of computerized operational programming with digital electronic or printing of analysis results. A check off list, if used, shall contain at least the following information:**

1. Advance switch to "Reset" and allow "Wait" light to go out.
2. Gauge Reference Ampoule and insert into left-hand ampoule holder.
3. Gauge Test Ampoule, open, insert in right-hand holder, insert bubbler, connect to outlet and close cover.
4. Insert ticket, if applicable, and advance switch to "Run" position.
5. Take breath specimen when "Sample" and "Blow" illuminate. Record time.

6. Return switch to "Rest" position at conclusion of analysis.

Interested persons may present statements or arguments in writing relative to the proposed action on or before January 31, 1979 to:

Col. Clinton Pagano, Superintendent  
New Jersey Division of State Police  
P.O. Box 7068  
West Trenton, New Jersey 08625

The Attorney General of New Jersey may thereafter adopt the above amendment substantially as proposed without further notice.

John Degnan  
Attorney General  
State of New Jersey

**(b)**

**LAW AND PUBLIC SAFETY**

**NEW JERSEY RACING COMMISSION**

**Proposed Amendments on Licensing Requirements**

John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:70-4.1; 4.2; 4.6; 4.19 and 13:71-7.1; 7.5 concerning licensing requirements in thoroughbred and harness racing.

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

13:70-4.1 Persons required to have licenses

(a) The following persons shall be required to take out a license from the Racing Commission and the annual fee shall be as follows:

- |                                 |                   |
|---------------------------------|-------------------|
| 1. Assistant Starter:           | \$ 5.00;          |
| [1.] 2. Assistant Trainer:      | \$15.00;          |
| [2.] 3. Authorized Agent:       | \$15.00;          |
| 4. Clocker:                     | \$ 5.00;          |
| [3.] 5. Identification License: | \$ 5.00;          |
| [4.] 6. Jockey:                 | \$15.00;          |
| [5.] 7. Jockey Agent:           | \$15.00;          |
| [6.] 8. Jockey Apprentice:      | \$15.00;          |
| [7.] 9. Owner:                  | \$25.00;          |
| [8.] 10. Pari-Mutuel Employee:  | \$ 5.00;          |
| [9.] 11. Plater:                | \$10.00;          |
| [10.] 12. Stable Employee:      | [\$4.00] \$ 5.00; |
| 13. Starter:                    | \$ 5.00;          |
| [11.] 14. Trainer:              | \$15.00;          |
| [12.] 15. Valet:                | \$10.00;          |
| [13.] 16. Vendor:               | \$15.00.          |

13:70-4.2 Items requiring registration

(a) The following must be registered with the Racing Commission and the fee payable for such registration shall be as follows:

- |                                     |           |
|-------------------------------------|-----------|
| 1. Stable name-initial registration | \$50.00;  |
| 2. Stable name-annual registration  | 50.00[.]; |
| [3. Partnership-annual registration | 5.00;]    |

13:70-4.6 Examination of applicants

(a) A board of examiners composed of the State Steward and two association stewards shall examine each of the following applications for and on behalf of the New Jersey Racing Commission:

1. Assistant Trainer;
2. Authorized Agent;
3. Jockey;
4. Jockey Agent;
5. Jockey Apprentice;
6. Owner-Colors;
7. [Partnership;] Stable Employee;
8. Stable Name;
9. Trainer

13:70-4.19 Term of licenses

[(a)] Effective in [1973] 1979 licenses will be issued in all categories [except stable name, stable employee and partnership covering a four-year period] on an annual basis.

[(b)] Said license will be required to be validated after a renewal application is approved and the appropriate fee paid annually.

[(c)] No license will be honored that has not been validated.]

13:71-7.1 Persons required to have licenses

(a) The following persons shall be required to take out a license from the New Jersey Racing Commission and the annual fee therefor shall be as follows:

- |                                  |                    |
|----------------------------------|--------------------|
| 1. Driver/Trainer:               | \$10.00;           |
| 2. Owner:                        | \$10.00;           |
| 3. Pari-Mutuel Employee:         | \$ 5.00;           |
| 4. Stable Employee:              | [\$ 4.00] \$ 5.00; |
| 5. Stable Name:                  | \$25.00;           |
| 6. Starter:                      | \$ 5.00;           |
| [6.] 7. Plater:                  | \$10.00;           |
| 8. Timer:                        | \$ 5.00;           |
| [7.] 9. Vendor:                  | \$15.00;           |
| [8.] 10. Partnership:            | \$ 5.00;]          |
| [9.] 10. Identification License: | \$ 5.00;           |
| [10.] 11. Authorized Agent:      | \$10.00.           |

13:71-7.5 Items requiring registration

(a) The following must be registered with the Racing Commission and the fee payable for such registration shall be as follows:

1. Each stable name must be duly registered with the Racing Commission. The fee shall be [\$10.00;] \$25.00
- [2. Multiple ownership registration \$ 2.00].

Interested persons may present statements or arguments in writing relevant to the proposal on or before January 26, 1979, to:

John J. Reilly, Executive Director  
c/o New Jersey Racing Commission  
404 Abbington Drive  
E. Windsor, N.J. 08520

The New Jersey Racing Commission may thereafter adopt rules concerning the subject without further notice.

John J. Reilly, Executive Director  
New Jersey Racing Commission  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CIVIL RIGHTS

#### Notice of Public Hearings Concerning Credit Discrimination

Take notice that, Warren E. Smith, Acting Director of the Division on Civil Rights, pursuant to the authority of

N.J.S.A. 10:5-1 et seq., is considering the promulgation of rules prohibiting discrimination in credit transactions and will hold public hearings concerning credit discrimination prior to the proposal and adoption of any such rules.

The purpose of the public hearings is to afford interested parties the opportunity to comment on the need for and scope of credit discrimination rules. The Director contemplates that such rules would proscribe discrimination in credit transactions involving property, goods, and services by any bank, credit institution, mortgage company, retail merchant, landlord, utility, or person. The Director is considering prohibiting: the excluding or discounting of income because it is derived from public assistance, part-time employment, or alimony; the asking of an applicant for an individual account questions about the applicant's spouse or about plans for the bearing or rearing of children; the denial of credit to persons who apply for credit because they are unmarried; the requiring, except in certain instances, of a married applicant's spouse's signature on a credit application or contract; the denial of credit solely because an applicant has no credit history. The Director is contemplating requiring creditors: to permit a married person to have his or her name listed separately on any joint account or any account of the other spouse which he or she is entitled to use; to consider, without discounting, the income of both spouses, regardless of which earns the greater income, in any joint account application; to permit a married person to apply for and receive an individual separate credit account in his or her own name if the applicant seeks such account and is individually creditworthy; to consider any information an applicant may offer which may show that an account on which the applicant was or is liable does not accurately reflect the applicant's willingness or ability to repay; to consider any information an applicant may offer regarding accounts listed only in the applicant's spouse's name but which reflect upon the applicant's willingness or ability to repay; to notify a rejected applicant of the reason for the denial; to retain records regarding credit applications and contracts for a specified period of time.

Written and/or oral testimony concerning the possible proposal of credit rules by the Division on Civil Rights will be received at two public hearings to be held by the Division.

The first hearing will be Tuesday, February 13, 1979, from 10:00 A.M. to 4:30 P.M. at:

Room 400  
1100 Raymond Boulevard  
Newark, New Jersey

A second hearing will be held on Thursday, February 15, 1979 from 10:00 A.M. to 4:30 P.M. at:

Attorney General's Conference Room  
State House Annex  
West State Street  
Trenton, New Jersey

The Director will give due consideration to the views of all interested parties. Parties interested in submitting written and/or oral testimony at a hearing should notify the Division on Civil Rights, at least three days prior to the date of hearing, by writing to

Warren E. Smith  
Division on Civil Rights  
Room 400  
1100 Raymond Boulevard  
Newark, New Jersey 07102

So that witnesses can be properly examined on their views, the Director asks that the parties, in their letters to the Director, briefly outline what issues they will be

addressing in their written and/or oral testimony and what their position is on each such issue.

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

(a)

## LAW AND PUBLIC SAFETY

### ATTORNEY GENERAL

#### Rules on Confidentiality of Records Regarding the Casino Control Act

On November 22, 1978, John J. Degnan, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:17B-14, Executive Order No. 9 (1963) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:1C-1.1 concerning the confidentiality of records regarding the Casino Control Act as proposed in the Notice published October 5, 1978 at 10 N.J.R. 445(c).

An order adopting these rules was filed and became effective on December 4, 1978 as R.1978 d.408.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

#### Amendments Concerning Federation Licensing Examination

On December 5, 1978, Jordan D. Burke, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-3.1 concerning the Federation licensing examination as proposed in the Notice published September 7, 1978, at 10 N.J.R. 401(a).

An order adopting these amendments was filed and became effective on December 5, 1978 as R.1978 d.410.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amendments to Speed Limits

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to amend N.J.A.C. 16:28-1.7 and adopt a new rule, to be cited as N.J.A.C. 16:28-1.181, concerning speed limits on parts

of Route 161 and Rising Sun Square Road in Bordentown Township.

Full text of the proposal follows:

16:28-1.7 Route 161 in the City of Clifton, County of Passaic

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for the certain part of State Highway Route 161 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

1. 35 mph for its entire length between Allwood Road and Van Houten Avenue.

16:28-1.181 Rising Sun Square Road in Burlington County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for Rising Sun Square Road (under state jurisdiction) described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

1. Bordentown Township:
  - i. 40 mph between Old York Road and Route I-295.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Charles L. Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(d)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rule on Speed Limits

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt a new rule concerning speed limits on parts of Old Route 53 in Morris County.

Full text of the proposal follows:

16:28-1.182 Old Route 53 (Tabor Road or Route 10 and Route 53 Connection) in Parsippany-Troy Hills Township and Morris Plains Borough, Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 53 (Tabor Road or Route 10 and Route 53 Connection) shall be and is hereby established as the maximum rate of speed for both directions of traffic.

1. Morris Plains Borough:
  - i. Zone 1: 35 mph between Route 53 northbound and Route 10 eastbound.
2. Parsippany-Troy Hills Township:
  - ii. Zone 2: 40 mph between Route 10 westbound and Route 53 northbound.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before January 24, 1979, to:

Charles L. Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

**(a)**

**TRANSPORTATION  
THE COMMISSIONER**

**Proposed Rules on Restricted Parking  
On Parts of Routes 28 and 27**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking on parts of Routes 28 and 27.

Full text of the proposal follows:

16:28-3.108 Route 28 in the Borough of Roselle Park, Union County

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

1. No stopping or standing:

i. Along the westbound side of Route 28 from a point 145 feet east of the easterly curb line of Chiego Place (Coolidge Place) to a point 180 feet west of the westerly curb line of Chiego Place (Coolidge Place).

ii. Along the eastbound side of Route 28:

(1) From the Cranford Township-Roselle Park Borough Corporate line to a point 135 feet east of the prolongation of the easterly curb line of Jerome Street;

(2) From a point 120 feet east of the easterly curb line of Walnut Street to a point 192 feet east of the easterly curb line of Walnut Street;

(3) From the prolongation of the easterly curb line of Berwyn Street to a point 50 feet west of the prolongation of the easterly curb line of Berwyn Street.

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

i. Along the eastbound side of Route 28:

(1) From a point 50 feet west of the prolongation of the easterly curb line of Berwyn Street to a point 130 feet west of the prolongation of the easterly curb line of Berwyn Street.

16:28-3.109 Bus stops along Route 27 in the Borough of Highland Park, Middlesex County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 27 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along the northbound side of Route 27:

i. Far side bus stops:

- (1) South Adelaide Avenue: (110 feet);
- (2) South First Avenue: (110 feet);
- (3) South Second Avenue: (110 feet);
- (4) South Third Avenue: (110 feet);
- (5) South Fourth Avenue: (110 feet);
- (6) Woodbridge Avenue: (110 feet).

ii. Near side bus stops:

- (1) South Fifth Avenue: (110 feet);
- (2) South Ninth Avenue: (120 feet);
- (3) South Tenth Avenue: (120 feet);
- (4) South Eleventh Avenue: (120 feet);
- (5) Merilind Avenue: (120 feet);
- (6) Marlboro Road: (120 feet);
- (7) Amherst Street: (120 feet);
- (8) Rolfe Avenue: (110 feet);
- (9) Columbia Street: (120 feet).

2. Along the southbound side of Route 27:

i. Far side bus stop:

- (1) North Fifth Avenue: (120 feet);
- (2) North Third Avenue: (110 feet);
- (3) North Second Avenue: (110 feet).

ii. Near side bus stops:

- (1) Lexington Avenue: (120 feet);
- (2) Washington Avenue: (110 feet);
- (3) Highland Avenue: (120 feet);
- (4) North Eleventh Avenue: (120 feet);
- (5) North Tenth Avenue: (120 feet);
- (6) North Ninth Avenue: (120 feet);
- (7) North Seventh Avenue: (120 feet);
- (8) North Sixth Avenue: (120 feet);
- (9) North Fourth Avenue: (120 feet);
- (10) South First Avenue: (120 feet);
- (11) North Adelaide Avenue: (120 feet).

3. Length of each bus stop is noted at each street location (measured from the curb line of the prolongation of the curb line of the intersecting street).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Charles Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

**(b)**

**TRANSPORTATION  
THE COMMISSIONER**

**Proposed Rule on No Left Turns on  
Parts of Route 35**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-133.6, proposes to adopt a new rule concerning no left turns on parts of Route 35.

Full text of the proposal follows:

(Continued on Page 40)

# 1978 CUMULATIVE REGISTER INDEX

## For Vol. 10 — Cited 10 N.J.R. 1-572

(Index for Vol. 9 was in January, 1978 Register)

(These index pages, while numbered, may be removed  
without affecting contents of rules in this issue.)

## THE YEAR'S RULE-MAKING ACTIVITIES:

### CHIEF EXECUTIVE — Title 1

#### Notice of Official Adoption

Reorganization plans for Urban Loan Authority	10 N.J.R. 2(a)
Reorganization to shift public utilities	10 N.J.R. 466(a)

### AGRICULTURE — Title 2

#### Notice Of Official Adoption

Soil Conservation changes	10 N.J.R. 54(b)
Amended minimum milk prices	10 N.J.R. 54(c)
Adopt milk advertising amendment	10 N.J.R. 92(a)
Rules concerning slurries	10 N.J.R. 135(a)
Amend minimum milk prices	10 N.J.R. 182(a)
Rules on inspection of fruits, vegetables	10 N.J.R. 182(b)
Amendments on certificates of grade	10 N.J.R. 182(c)
Contagious equine metritis reporting changes	10 N.J.R. 182(d)
Amend minimum milk prices	10 N.J.R. 218(b)
Amend milk handling order	10 N.J.R. 218(c)
Amendments on commercial values	10 N.J.R. 270(a)
Amendments on egg expiration date	10 N.J.R. 314(b)
Amend schedule of milk prices	10 N.J.R. 414(a)
Amend brucellosis reactor indemnities	10 N.J.R. 415(a)
Amend minimum milk prices	10 N.J.R. 415(b)
Amendments to milk handling order	10 N.J.R. 468(a)
Amend Federal milk handling order #4	10 N.J.R. 468(b)
Amend minimum milk prices	10 N.J.R. 469(a)
Amend minimum milk prices	10 N.J.R. 526(b)
Amend milk handling	10 N.J.R. 526(c)

#### Proposals Not Yet Adopted

Propose changes to rules of Department	10 N.J.R. 416(a)
Propose biological product use changes	10 N.J.R. 467(a)

### BANKING — Title 3

#### Notice Of Official Adoption

Amend procedural rules	10 N.J.R. 2(b)
Emergency amendments of fees	10 N.J.R. 3(a)
Amend definition on home loans	10 N.J.R. 3(b)
New rules on loan restrictions	10 N.J.R. 3(c)
Adopt mortgage loan rule	10 N.J.R. 92(b)
Rules on property restrictions	10 N.J.R. 92(c)
Amend data processing rules	10 N.J.R. 136(b)
Adopt rule on stock subscriptions	10 N.J.R. 137(a)
Amend definition of affiliate and institution	10 N.J.R. 219(a)
Rule on savings and loan illegal activity	10 N.J.R. 219(b)
Emergency amendments on usuary	10 N.J.R. 315(a)
Amendments on loan approval	10 N.J.R. 316(a)
Amendment on long-term maturities	10 N.J.R. 370(b)

Adopt home mortgage disclosure rules	10 N.J.R. 416(b)
Repeal business suspensions rule notice	10 N.J.R. 469(b)

#### Proposals Not Yet Adopted

Propose rule on licensed places of business	10 N.J.R. 135(b)
Propose small loan law	10 N.J.R. 270(c)
Proposal on real property transactions	10 N.J.R. 271(a)
Propose amendment on depositories	10 N.J.R. 527(b)
Propose credit unions law rules	10 N.J.R. 527(c)

### CIVIL SERVICE — Title 4

#### Notice Of Official Adoption

Amend personnel manuals	10 N.J.R. 4(e)
Amendments to personnel manual	10 N.J.R. 93(a)
Further personnel manual changes	10 N.J.R. 94(a)
Amend State service personnel manual	10 N.J.R. 137(b)
Amendments on state tuition aid	10 N.J.R. 139(a)
Amendments on local discrimination	10 N.J.R. 140(a)
Amendments on removal from list	10 N.J.R. 219(c)
Amendments on names on eligible lists	10 N.J.R. 220(a)
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Amendments in local police officers manual	10 N.J.R. 316(c)
Amendments to State Service Manual	10 N.J.R. 371(b)
Amendments on awards program	10 N.J.R. 372(a)
Amendments on service awards	10 N.J.R. 373(a)
Amendments on heroism awards	10 N.J.R. 373(b)
Amendments for professional accomplishments	10 N.J.R. 374(a)
Amendments on service awards	10 N.J.R. 375(a)
Rescind portion of personnel manual	10 N.J.R. 375(b)
Amendments on displaced manpower	10 N.J.R. 376(a)
Amendments on awarding counsel fees	10 N.J.R. 469(c)
Amendments on action against employees	10 N.J.R. 469(d)
Amendments on promotional eligibility	10 N.J.R. 527(d)

#### Proposals Not Yet Adopted

Propose disability and sick leave	10 N.J.R. 316(b)
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### COMMUNITY AFFAIRS — Title 5

#### Notice Of Official Adoption

Emergency rule on revenue sharing	10 N.J.R. 55(a)
Rules on condominium conversions	10 N.J.R. 55(b)
Rules on fire protection subcode	10 N.J.R. 55(c)
Rule on recreation for handicapped	10 N.J.R. 224(a)
Amend uniform construction code	10 N.J.R. 225(a)
Adopt emergency ordinance under CAP law	10 N.J.R. 317(b)
Amend tenant property tax rebate	10 N.J.R. 318(a)
New rule on local unit budget	10 N.J.R. 319(a)

Rule on urban aid reporting	10 N.J.R. 319(b)
Adopt rules on hotel maintenance	10 N.J.R. 378(b)
Amendments on capital budget proposals	10 N.J.R. 416(d)
Adopt solar tax exemption rules	10 N.J.R. 418(a)
Amend added assessment tax abatement	10 N.J.R. 469(e)
Amend Uniform Construction Code	10 N.J.R. 469(f)
Delete certain rules of department	10 N.J.R. 470(a)
Amend handicapped recreational rules	10 N.J.R. 470(b)
Amendments to rental assistance payments	10 N.J.R. 472(a)

**Proposals Not Yet Adopted**

Propose eviction and relocation rules	10 N.J.R. 221(a)
Propose Builders' Registration Act	10 N.J.R. 377(b)
Propose planned full disclosure act	10 N.J.R. 416(c)
Propose recreational opportunities act	10 N.J.R. 470(b)
Propose contract approval	10 N.J.R. 528(a)
Propose repeal of local finance rules	10 N.J.R. 529(a)

**EDUCATION — Title 6**

**Notice Of Official Adoptions**

Amend local schools bookkeeping rules	10 N.J.R. 5(b)
Rules on auxiliary services	10 N.J.R. 6(a)
Delete rules on summer payment plan	10 N.J.R. 6(b)
Rules on corrective speech services	10 N.J.R. 6(c)
Adopt superintendency amendments	10 N.J.R. 59(a)
Amend rules on thorough and efficient	10 N.J.R. 142(a)
Rules on vocational school recognition	10 N.J.R. 142(b)
Amend rules on pupil records	10 N.J.R. 142(c)
Amendments to State Library aid rules	10 N.J.R. 183(b)
Amendments on Statewide assessment	10 N.J.R. 227(a)
Amend adult educational reimbursements	10 N.J.R. 227(b)
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Emergency changes in school bus specifications	10 N.J.R. 319(c)
Rule on tenured teachers' evaluations	10 N.J.R. 319(d)
Adopt special education amendments	10 N.J.R. 383(a)
Emergency rule on bus warning lamps	10 N.J.R. 418(c)
Amendments on school district withdrawals	10 N.J.R. 473(b)
Amendments on energy conservation	10 N.J.R. 473(c)
Amend rules on fire alarms, detection devices	10 N.J.R. 474(a)
Amendments on interim certificates	10 N.J.R. 531(b)

**Proposals Not Yet Adopted**

Propose amendments on special education	10 N.J.R. 57(a)
Propose amendments on physical education	10 N.J.R. 472(b)
Propose amendments on appeals	10 N.J.R. 472(c)

**ENVIRONMENTAL PROTECTION — Title 7**

**Notice Of Official Adoption**

Rules on 1977-78 sea clam season	10 N.J.R. 10(a)
Rules on ocean dumping alternatives	10 N.J.R. 10(b)
New rules on water resources division	10 N.J.R. 10(c)
Deletion in open burning rule	10 N.J.R. 59(b)
State sewerage assistance rules	10 N.J.R. 59(c)
Amend Pine Barrens for sewerage	10 N.J.R. 60(a)
Amend Pine Barrens water quality	10 N.J.R. 61(a)
Standards for realty sewerage	10 N.J.R. 61(b)
Adopt radiation laboratory rules	10 N.J.R. 101(a)
Rules on water resources practices	10 N.J.R. 101(b)
Adopt Barnegat Bay shellfish changes	10 N.J.R. 144(a)
Amend floodway delineation	10 N.J.R. 145(a)
Amend hazardous waste rules	10 N.J.R. 146(a)

Extend commercial shooting season	10 N.J.R. 146(b)
Rules on nuclear medicine technology	10 N.J.R. 146(c)
Extend sewerage facility date	10 N.J.R. 146(d)
Emergency order on sea clam closing	10 N.J.R. 186(c)
Amendments on petroleum discharges	10 N.J.R. 187(a)
Emergency rules on sea clam resources	10 N.J.R. 187(b)
Amendments on oyster sea beds	10 N.J.R. 188(a)
Amendments on oyster bed opening	10 N.J.R. 188(b)
Amendments to sewer improvements	10 N.J.R. 237(b)
Administrative order on bait clams	10 N.J.R. 279(a)
Emergency change on sewer standards	10 N.J.R. 279(b)
Adopt new game code	10 N.J.R. 279(c)
Close seed beds in Delaware Bay	10 N.J.R. 327(b)
Reinstate solid waste fees	10 N.J.R. 327(c)
Change in shellfish bed condemnations	10 N.J.R. 328(a)
Amendments on sulfur in coal	10 N.J.R. 328(b)
Amendments to sewerage facilities standards	10 N.J.R. 328(c)
Amend natural areas system	10 N.J.R. 328(d)
Amendments on Raritan Basin floodways	10 N.J.R. 329(a)
Amendments on Raritan Basin floodways	10 N.J.R. 329(b)
Amendments on sulfur in fuels	10 N.J.R. 383(c)
Adopt coastal resource rules	10 N.J.R. 384(a)
Rule defining license for fishing lines	10 N.J.R. 384(b)
Amend shellfish relay program	10 N.J.R. 421(a)
Emergency rules on shellfish harvest	10 N.J.R. 422(a)
Emergency changes on shellfish relay	10 N.J.R. 425(a)
Emergency changes on shellfish condemnation	10 N.J.R. 425(b)
Emergency rule on sea clam preservation	10 N.J.R. 426(a)
Adopt 1979 Fish Code	10 N.J.R. 479(b)
Amend sulfur in fuel date	10 N.J.R. 479(c)
Amendments on boating, swimming	10 N.J.R. 480(a)

**Proposals Not Yet Adopted**

Propose amendments on 90-day permits	10 N.J.R. 142(d)
Propose submission of confidential information	10 N.J.R. 143(b)
Propose amendments on crab pots	10 N.J.R. 228(b)
Propose Delaware and Raritan Canal rates	10 N.J.R. 229(a)
Propose Spruce Run/Round Valley rates	10 N.J.R. 231(a)
Propose amendments to Raritan River Basin	10 N.J.R. 232(a)
Propose rules on abandoned vessels	10 N.J.R. 276(a)
Propose changes to procedures for hearings	10 N.J.R. 320(a)
Propose rules on analytical X-ray	10 N.J.R. 321(a)
Propose amendments on wildlife	10 N.J.R. 324(b)
Propose flood hazard for Cedar Creek	10 N.J.R. 419(a)
Propose flood hazard for Mullica River	10 N.J.R. 419(b)
Propose shore protection projects rules	10 N.J.R. 419(c)
Propose State aid to local agencies	10 N.J.R. 420(a)
Propose amendments to CAFRA rules	10 N.J.R. 474(b)
Propose amendments concerning seal clams	10 N.J.R. 474(c)
Propose changes on water craft noise	10 N.J.R. 475(a)
Propose changes to Central Pine Barrens	10 N.J.R. 476(a)
Propose designation and developed rivers	10 N.J.R. 477(a)
Propose amendments on air pollution control	10 N.J.R. 477(b)
Propose rules on project review guide	10 N.J.R. 479(a)
Propose review zone in Delaware & Raritan Canal	10 N.J.R. 531(c)
Propose amendments to Bureau of Parks	10 N.J.R. 532(a)
Propose amendment concerning exotic species	10 N.J.R. 532(b)
Propose requirements for hazardous waste	10 N.J.R. 532(c)
Propose rules on civil penalties	10 N.J.R. 533(a)

## HEALTH — Title 8

### Notice Of Official Adoption

Rule on bladder cancer reporting	10 N.J.R. 12(a)
New date on frozen desserts rules	10 N.J.R. 12(b)
Add Lorazepam as dangerous drug	10 N.J.R. 62(b)
Amend officer qualifications	10 N.J.R. 62(c)
Rules on beds for indigents	10 N.J.R. 62(d)
Amend perinatal services standards	10 N.J.R. 103(b)
Rule on exempt chemicals	10 N.J.R. 103(c)
Rule on excluded OTC Substances	10 N.J.R. 103(d)
Rule on excepted prescription drugs	10 N.J.R. 103(e)
Amendments on certificates of need	10 N.J.R. 104(a)
Rules on renal dialysis services	10 N.J.R. 104(b)
Rules on midwifery standards	10 N.J.R. 104(c)
Amend long-term care licensing	10 N.J.R. 104(d)
Adopt new drugs emergency rules	10 N.J.R. 148(a)
Rules on dented cans, salvage foods	10 N.J.R. 149(a)
Rules on cleansing of soft shell clams	10 N.J.R. 188(d)
New rules on smoking in public places	10 N.J.R. 189(a)
Amendments on youth camp water safety	10 N.J.R. 249(a)
Amendments on food license requirements	10 N.J.R. 249(b)
Postpone public no smoking rules date	10 N.J.R. 250(a)
Adopt interim drug evaluation criteria	10 N.J.R. 280(b)
Postpone nursing home standards rules	10 N.J.R. 280(c)
Amendments on pupil immunization	10 N.J.R. 334(a)
Adopt rules on laetrile	10 N.J.R. 341(a)
Reschedule phencyclidine	10 N.J.R. 341(b)
Repeal interim drug criteria	10 N.J.R. 341(c)
Emergency amendment on abortions	10 N.J.R. 385(a)
Adopt rules on cancer registry	10 N.J.R. 385(b)
Amendments on time-phased plans	10 N.J.R. 385(c)
Adopt rules on clinical laboratories	10 N.J.R. 430(a)
Amendments on podiatrist treatment	10 N.J.R. 430(b)
Amend ambulatory care licensing	10 N.J.R. 430(c)
Amend performance standards minimums	10 N.J.R. 430(d)
Amend long-term care licensing	10 N.J.R. 430(e)
Rules on drug acceptance criteria	10 N.J.R. 430(f)
Correct date on performance standards	10 N.J.R. 484(a)
Amendments on drug treatment facilities	10 N.J.R. 484(b)
Adopt 1979 SHARE guidelines	10 N.J.R. 484(c)
Amend ambulatory care licensing standards	10 N.J.R. 485(a)
Control precursors of phencyclidine	10 N.J.R. 536(b)
Amendments concerning refilling prescriptions	10 N.J.R. 536(c)
Ratification of emergency amendments	10 N.J.R. 536(d)

### Proposals Not Yet Adopted

Propose rule on pathological and infectious waste	10 N.J.R. 61(c)
Propose amendment on codeine use	10 N.J.R. 280(a)
Propose amendment on codeine use	10 N.J.R. 330(a)
Propose architectural and mechanical fees	10 N.J.R. 330(b)
Propose amendments on Hill-Burton care	10 N.J.R. 331(a)
Propose rules of tuberculosis patients	10 N.J.R. 332(a)
Propose amendments on hospital case mix	10 N.J.R. 426(b)
Propose amendments to continuing education	10 N.J.R. 427(b)
Propose rules for certification of need	10 N.J.R. 428(a)
Propose amendments on smoking in public	10 N.J.R. 480(b)
Propose cardiac diagnostic facilities	10 N.J.R. 482(a)
Propose amendments on difenoxin in combination with atropine sulfate into Schedules IV & V	10 N.J.R. 482(b)
Proposed Uniform Construction Code Plan	10 N.J.R. 482(c)
Propose changes on HMO Certificate of Need	10 N.J.R. 483(a)

Propose standards for axial tomography	10 N.J.R. 483(b)
Propose amendment on long-term care	10 N.J.R. 534(a)
Propose control of phenylcyclohexylamine and pyrrolidine	10 N.J.R. 534(b)
Propose rule on economic factor	10 N.J.R. 534(c)
Propose rule on emergency service regions	10 N.J.R. 535(a)
Propose rule on hospital patient case-mix	10 N.J.R. 535(b)
Propose SHARE guidelines for 1979	10 N.J.R. 536(a)

## HIGHER EDUCATION — Title 9

### Notice Of Official Adoption

Amendments to auditing procedures	10 N.J.R. 63(a)
Amend academic year definition	10 N.J.R. 105(b)
Amendments for non-teaching personnel	10 N.J.R. 105(c)
Amendments for financial aid	10 N.J.R. 105(d)
Amendments on tuition aid grants	10 N.J.R. 190(a)
Amendments on appeals to chancellor	10 N.J.R. 253(a)
Amend noncitizen loan eligibility	10 N.J.R. 281(b)
Emergency changes for welfare students	10 N.J.R. 281(c)
Amendments on support fund year	10 N.J.R. 281(d)
Amendments for Licensure Advisory Board	10 N.J.R. 386(a)
Amendments on county college accounting	10 N.J.R. 386(b)
Amend graduate loan program eligibility	10 N.J.R. 431(a)
Amend out-of-state petitions on courses	10 N.J.R. 431(b)

### Proposals Not Yet Adopted

Propose amendments on logical extension of academic programs	10 N.J.R. 342(a)
Propose amendments on student assistance grants	10 N.J.R. 343(a)
Propose graduate medical education program	10 N.J.R. 485(b)
Propose income eligibility	10 N.J.R. 537(a)

## HUMAN SERVICES — Title 10

### Notice Of Official Adoption

Amendments on sponsors of aliens	10 N.J.R. 15(a)
Revise General Assistance Manual	10 N.J.R. 15(b)
Amendments on fair hearing requests	10 N.J.R. 16(a)
Amend Public Assistance Manual	10 N.J.R. 16(b)
Amend Ruling 11 on compensation	10 N.J.R. 16(c)
Rules on mental health construction	10 N.J.R. 63(d)
Amendments on fair hearing rights	10 N.J.R. 64(a)
Delete administrative reports rule	10 N.J.R. 64(b)
Amend general assistance payments	10 N.J.R. 64(c)
Amendments on long-term-care cost	10 N.J.R. 65(a)
Amend mental retardation care	10 N.J.R. 65(b)
Rules on drug aid to aged	10 N.J.R. 66(a)
Amendments on drug aid to aged	10 N.J.R. 66(b)
1978 vocational rehabilitation plan	10 N.J.R. 66(c)
Amendments on legend drug payments	10 N.J.R. 66(d)
Amend dental services manual	10 N.J.R. 66(e)
Amendments to food stamp manual	10 N.J.R. 116(a)
Amendments on pneumococcal polyvalent vaccine	10 N.J.R. 116(b)
Amendments to Medicaid only	10 N.J.R. 153(a)
Amend food stamp exempt assets	10 N.J.R. 153(b)
Amend stepparents budgeting	10 N.J.R. 153(c)
Amend vocational rehab referrals	10 N.J.R. 153(d)
Rules on contracting debarments	10 N.J.R. 154(a)
Amend food stamp manual	10 N.J.R. 154(b)
Amend C.W.A. incentive payments	10 N.J.R. 154(c)
Amendments to Ruling 11	10 N.J.R. 192(a)
Amendments on food stamp certificates	10 N.J.R. 192(b)

Amendments on aliens and food stamps	10 N.J.R. 192(c)
Changes in unborn child medical aid	10 N.J.R. 255(a)
Amend public assistance budgeting	10 N.J.R. 255(b)
Amend general assistance work rules	10 N.J.R. 256(a)
Amend general assistance settlements	10 N.J.R. 285(b)
Emergency changes in pharmacy aid	10 N.J.R. 285(c)
Changes on 18-21 year-olds in AFDC-N	10 N.J.R. 286(a)
Further AFDC-N amendments	10 N.J.R. 286(b)
Amendments in medical examination fees	10 N.J.R. 344(c)
Amend long-term care billings	10 N.J.R. 345(a)
Amend municipal funds matching	10 N.J.R. 345(b)
Amendments on overpayments	10 N.J.R. 345(c)
Amendments on food stamp hearings	10 N.J.R. 346(a)
Amend AFDC assistance standards	10 N.J.R. 346(b)
Emergency rule on income payment levels	10 N.J.R. 395(a)
Adopt general provisions rules	10 N.J.R. 399(a)
Amendments to Medicaid Only income	10 N.J.R. 443(a)
Amendments on transportation services	10 N.J.R. 443(b)
Adopt 1979 vocational rehabilitation plan	10 N.J.R. 443(c)
Amendments on unmarried child assistance	10 N.J.R. 443(d)
Amendments on zero purchase households	10 N.J.R. 443(e)
Amendments on companion cases per capita	10 N.J.R. 444(a)
Standards for disabled community residences	10 N.J.R. 444(b)
Amendments on providing guardianship	10 N.J.R. 444(c)
Amendments on guardianship mental needs	10 N.J.R. 444(d)
Rules on mentally retarded residences	10 N.J.R. 445(a)
Adopt rules on fair hearings	10 N.J.R. 490(a)
Amend salaries for CWA employees	10 N.J.R. 553(a)

**Proposals Not Yet Adopted**

Propose changes on employee contract income	10 N.J.R. 106(b)
Propose changes for long-term care payments	10 N.J.R. 115(a)
Propose changes on diagnosis certification	10 N.J.R. 149(b)
Proposal on nursing facility	10 N.J.R. 190(b)
Propose amendments on lost checks	10 N.J.R. 191(a)
Propose rules on probable cause hearings	10 N.J.R. 254(b)
Propose amendments on SSI recipients	10 N.J.R. 284(c)
Proposal for living arrangements	10 N.J.R. 344(a)
Propose proceeds for charity racing days	10 N.J.R. 386(c)
Propose contracting for Title XIX eligibles	10 N.J.R. 394(a)
Propose administrative appeals procedure	10 N.J.R. 431(c)
Propose changes on victims of violence	10 N.J.R. 432(a)
Propose changes on resources and repayments	10 N.J.R. 432(b)
Propose amendments on glossary	10 N.J.R. 486(a)
Propose amendments on benefits during rescheduling of fair hearing	10 N.J.R. 487(a)
Propose changes in WIN care of unwed mother	10 N.J.R. 487(b)
Propose changes on payments for funeral	10 N.J.R. 487(c)
Propose rules on reporting of crimes	10 N.J.R. 488(a)
Propose changes to food stamp manual	10 N.J.R. 537(b)
Propose changes to assistance standards handbook	10 N.J.R. 538(a)
Propose changes to general assistance manual	10 N.J.R. 538(b)
Propose DYFS fair hearing rules	10 N.J.R. 539(a)
Propose changes to vision care manual	10 N.J.R. 539(b)
Propose changes on pharmacy services	10 N.J.R. 540(a)
Propose amendments on pharmacy services	10 N.J.R. 540(b)

Propose amendments on independent clinic	10 N.J.R. 541(a)
Propose amendments on Medicaid reinstatement	10 N.J.R. 541(b)
Propose on release of criminal history	10 N.J.R. 543(a)

**CORRECTIONS — Title 10A**

**Notice Of Official Adoption**

Amend rules for parole board	10 N.J.R. 154(d)
Amendments on parole certificates	10 N.J.R. 490(b)
Amend parole date set rule	10 N.J.R. 553(b)

**INSURANCE — Title 11**

**Notice Of Official Adoption**

Rules on home health care	10 N.J.R. 16(d)
Amendments on home health insurance	10 N.J.R. 67(b)
Amendments on joint underwriter policies	10 N.J.R. 69(a)
Rules on disciplinary action	10 N.J.R. 69(b)
Rules on motor bike insurance	10 N.J.R. 69(c)
Rules on definitions	10 N.J.R. 70(a)
Adopt amendments to advertising rules	10 N.J.R. 116(c)
Amendments on FAIR surcharge	10 N.J.R. 165(a)
Correction on exportables list	10 N.J.R. 256(c)
Changes on salesmen and brokers exam	10 N.J.R. 256(d)
Rules on alcoholism benefits	10 N.J.R. 257(a)
Amendments on salesmen's education	10 N.J.R. 399(b)
Rules on title insurance agents' fees	10 N.J.R. 399(c)

**Proposals Not Yet Adopted**

Propose change on alcoholism benefits	10 N.J.R. 498(a)
Propose cancellation of automobile insurance	10 N.J.R. 498(b)
Propose change on educational requirements	10 N.J.R. 498(c)
Propose change on advertising, contracts	10 N.J.R. 499(a)

**LABOR AND INDUSTRY — Title 12**

**Notice Of Official Adoption**

Amendments on board appearances	10 N.J.R. 202(a)
Amend carnival amusement ride rules	10 N.J.R. 347(a)
Amend rule for unemployment compensation	10 N.J.R. 400(a)
Amendment on disability insurance	10 N.J.R. 400(b)
Amend worker's compensation rule	10 N.J.R. 400(c)
Delete workers' health rules	10 N.J.R. 400(d)
Rule on unemployment contributions	10 N.J.R. 445(b)
Adopt prevailing wage rates	10 N.J.R. 553(c)

**Proposals Not Yet Adopted**

Propose expenditures for training proposals rules	10 N.J.R. 193(a)
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**LAW AND PUBLIC SAFETY — Title 13**

**Notice Of Official Adoption**

Inspection of State-owned vehicles	10 N.J.R. 71(b)
Chiropractic education changes	10 N.J.R. 71(c)
Changes in civil rights procedures	10 N.J.R. 72(a)
Changes in ophthalmic recordkeeping	10 N.J.R. 72(b)
Amendments for ophthalmic advertising	10 N.J.R. 120(a)
Delete address in ABC rules	10 N.J.R. 121(a)
Rule concerning civil rights hearing	10 N.J.R. 121(b)
Amend weights and measure rules	10 N.J.R. 121(c)
Adopt rules on motorized bicycles	10 N.J.R. 121(d)

Delete all abandoned vehicles rules	10 N.J.R. 122(a)
Amendments on vehicle reinspections	10 N.J.R. 122(b)
Amendments for drivers' school licenses	10 N.J.R. 122(c)
Amend ABC sales rules	10 N.J.R. 170(a)
Delete portion of discovery rule	10 N.J.R. 171(a)
Amendments on use of general anesthesia	10 N.J.R. 203(b)
Rule on public medical information	10 N.J.R. 204(a)
Proposed rules on veterinary advertising	10 N.J.R. 204(b)
Amend food in package form rules	10 N.J.R. 259(b)
Amendments on track veterinarians	10 N.J.R. 261(a)
Rule on releasing patient records	10 N.J.R. 261(b)
Rule on dental information to public	10 N.J.R. 261(c)
Amendments on jockey payments in ties	10 N.J.R. 295(b)
Amendments on psychological examiners	10 N.J.R. 295(c)
Adopt new engineers, surveyors fees	10 N.J.R. 295(d)
Delete rule on pharmacy applicants	10 N.J.R. 350(a)
Rules on unsatisfied claim and judgment fund	10 N.J.R. 350(b)
Amendments on temporary ophthalmic permits	10 N.J.R. 350(c)
Amendments on temporary ophthalmic permits	10 N.J.R. 350(d)
Amendments on medical kickbacks	10 N.J.R. 351(a)
Amendments on terminating pregnancy	10 N.J.R. 351(b)
Amendments for trifecta wagering	10 N.J.R. 351(c)
Amend police training rules	10 N.J.R. 352(a)
Adopt rule on optometrists records	10 N.J.R. 352(b)
Adopt rule on CPA licensing	10 N.J.R. 352(c)
Create post of Chief Veterinarian	10 N.J.R. 403(c)
Amendments on trifecta betting	10 N.J.R. 404(a)
Amendments on horse bleeding rules	10 N.J.R. 404(b)
Rules on bulk commodities transportation	10 N.J.R. 404(c)
Rules on corporation takeover disclosures	10 N.J.R. 405(a)
Adopt temporary veterinary permit fee	10 N.J.R. 447(a)
Adopt rule on patient records	10 N.J.R. 510(a)
Change on admission of minors at races	10 N.J.R. 510(b)
Change for racing drivers' fees	10 N.J.R. 510(c)
Rules on dentist licensing	10 N.J.R. 510(d)
Repeal rules on steering and suspensions	10 N.J.R. 557(b)
Veterinary advertising and solicitation	10 N.J.R. 558(a)

**Proposals Not Yet Adopted**

Proposed rules on principal midwife	10 N.J.R. 166(c)
Propose changes on advertising guidelines	10 N.J.R. 202(b)
Proposal on termination of exemptions	10 N.J.R. 347(b)
Propose changes on workouts in racing	10 N.J.R. 348(a)
Propose change on uncoupling of entries	10 N.J.R. 348(c)
Propose change to starter and starting gate	10 N.J.R. 349(a)
Propose amendment on federation licensing	10 N.J.R. 401(a)
Propose amendments on advertising	10 N.J.R. 401(b)
Propose pharmacist prescription filling	10 N.J.R. 402(a)
Propose new rule on records retention	10 N.J.R. 403(a)
Propose confidentiality rule	10 N.J.R. 445(c)
Propose amphetamines and sympathomimetic amines	10 N.J.R. 446(a)
Propose testing and diagnostic centers	10 N.J.R. 446(b)
Propose Amygdalin (Laetrile) rules	10 N.J.R. 501(b)
Propose changes on examination applications	10 N.J.R. 503(a)
Propose identification tags	10 N.J.R. 503(b)
Propose record of filling prescriptions	10 N.J.R. 504(b)
Propose personal conduct rules	10 N.J.R. 505(a)
Propose motorized bicycles	10 N.J.R. 507(a)
Propose changes on denial of nominations or entries	10 N.J.R. 509(a)
Propose changes on bulk commodities	10 N.J.R. 553(d)
Propose changes to veterinary medical	10 N.J.R. 555(a)

Propose changes to points and suspension	10 N.J.R. 555(b)
Propose changes to weights and measures	10 N.J.R. 556(a)
Propose changes to ABC rules	10 N.J.R. 557(a)

**ENERGY — Title 14A**

**(Includes P.U.C. — Title 14)**

**Notice Of Official Adoption**

Amendments on telephone services	10 N.J.R. 171(b)
Emergency rule on railroad track safety	10 N.J.R. 205(a)
Rules on cable television rates	10 N.J.R. 207(a)
Rule on air conditioning efficiency	10 N.J.R. 261(d)
Amendments on public utilities deposits	10 N.J.R. 261(e)
Amendments on municipal TV hearings	10 N.J.R. 405(b)
Rules on energy conservation	10 N.J.R. 405(c)
Amend rules on energy conservation	10 N.J.R. 447(b)
Amendments to cable television systems	10 N.J.R. 514(a)
Solar heating and cooling standards	10 N.J.R. 563(a)
Sales tax exemption for solar energy	10 N.J.R. 563(b)

**Proposals Not Yet Adopted**

Propose discontinuance rules	10 N.J.R. 354(b)
Propose energy facility review board rules	10 N.J.R. 510(e)
Propose handling of confidential treatment	10 N.J.R. 511(a)
Propose disqualification of persons	10 N.J.R. 511(b)
Propose changes of filing of petitions	10 N.J.R. 513(a)
Propose specifications on van-type buses	10 N.J.R. 558(b)
Propose amendments on cameras and recorders	10 N.J.R. 561(a)
Propose rules on variances and exemptions	10 N.J.R. 562(a)
Propose rules on Coastal Energy Impact	10 N.J.R. 562(b)
Propose amendments to cable television	10 N.J.R. 562(c)

**PUBLIC ADVOCATE — Title 15A**

**Notices Of Official Adoptions**

No New Rules Adopted in 1978

**STATE — Title 15**

**Notice Of Official Adoption**

No New Rules Adopted in 1978

**TRANSPORTATION — Title 16**

**Notice of Official Adoption**

Rules on limited access highways	10 N.J.R. 36(a)
Right turn on red changes	10 N.J.R. 36(b)
Further right turn on red changes	10 N.J.R. 36(c)
Revise turns on Rts. 130, 154, 166, 168	10 N.J.R. 36(d)
Amend right turns on red	10 N.J.R. 36(e)
Restricted parking on U.S. 22 and 57	10 N.J.R. 80(a)
Parking rules on 79, 21A, U.S. 130	10 N.J.R. 126(a)
Amend parking on Routes 21, 44, 17, 31	10 N.J.R. 126(b)
Amend parking on Routes 70, 179, U.S. 130	10 N.J.R. 126(c)
Restricted parking on Route 36	10 N.J.R. 126(d)
Speed limits on 52, U.S. 202, I-76	10 N.J.R. 126(e)
Restrict parking on U.S. 206	10 N.J.R. 126(f)
Speed limits on Route 31	10 N.J.R. 127(a)
Adopt Rt. 109, 206 no parking rules	10 N.J.R. 172(a)

Rule on Rt. U.S. 206 speed	10 N.J.R. 263(c)
Amendments on construction plans	10 N.J.R. 264(a)
Amend interstate highway limited access	10 N.J.R. 359(a)
Rules on local state-aid funds	10 N.J.R. 359(b)
No parking rules on U.S. 206	10 N.J.R. 405(d)
No right turns on Route 49	10 N.J.R. 406(a)
Speed limits on U.S. 9, 140, 30, 44	10 N.J.R. 406(b)
Parking rules on DOT property	10 N.J.R. 406(c)
Restricted parking on U.S. 40 and 9	10 N.J.R. 406(d)
No passing zones on Routes 67, 63, 5, 94	10 N.J.R. 406(e)
Amend parking on various routes	10 N.J.R. 454(a)
Rule on Bordentown Township yield	10 N.J.R. 454(b)
One-way traffic on Route 35	10 N.J.R. 454(c)
Restricted parking on Route 34	10 N.J.R. 455(a)
Speed limits on I-280	10 N.J.R. 455(b)
Restricted parking on various routes	10 N.J.R. 455(c)
Amend Route 47 speed limits	10 N.J.R. 455(d)
Emergency no parking zones	10 N.J.R. 565(a)
No right turn on red	10 N.J.R. 565(b)
Traffic control on DOT property	10 N.J.R. 565(c)
Speed limits on U.S. 46	10 N.J.R. 565(d)
Restricted parking on Routes 49, 78 and 28	10 N.J.R. 566(a)
Restricted parking on Route 94	10 N.J.R. 566(b)
No passing zones	10 N.J.R. 566(c)

**Proposals Not Yet Adopted**

Propose changes on sale of public records	10 N.J.R. 453(a)
Propose restricted parking on Rts. 33 & 79	10 N.J.R. 514(b)
Propose amendments on safety lighting	10 N.J.R. 515(a)
Propose speed limits on Route 180	10 N.J.R. 563(c)
Propose parking rules	10 N.J.R. 564(a)
Propose no left turns	10 N.J.R. 564(b)

**TREASURY — Titles 17 (General), 18 (Taxation)**

**Notice Of Official Adoption**

Amendments on homestead tax filing	10 N.J.R. 44(a)
Amend pension fund rules	10 N.J.R. 44(b)
Revisions on distributors' licenses	10 N.J.R. 44(c)
Emergency rule on information returns	10 N.J.R. 44(d)
Rule on distributors' applicants	10 N.J.R. 45(b)
Revisions on Cash Management Fund	10 N.J.R. 45(c)
Exempt certain motor vehicles from taxes	10 N.J.R. 81(a)
Amendments on homestead rebate	10 N.J.R. 81(b)
Extend homestead tax filing date	10 N.J.R. 81(c)
Adopt rules on closing agreements	10 N.J.R. 127(d)
Amend transfer inheritance tax	10 N.J.R. 128(a)
Rules on new jobs credits	10 N.J.R. 128(b)
Amendments on funds classification	10 N.J.R. 175(a)
Amendments on retirements benefits	10 N.J.R. 175(b)
Amendments for prescription drugs	10 N.J.R. 175(c)
Dental expense program rules	10 N.J.R. 175(d)
Amendments on teacher retirements	10 N.J.R. 176(a)
Amendments to police, firemen's retirement	10 N.J.R. 176(b)
Amendments on State Police retirements	10 N.J.R. 209(b)
Amendments for transfer inheritance tax	10 N.J.R. 210(a)
Amend retired employee definition	10 N.J.R. 265(a)
Amendment on health benefits program	10 N.J.R. 265(b)
Amend retirement salary computation	10 N.J.R. 265(c)
Change in contributory insurance rate	10 N.J.R. 265(d)
Adopt new rules on sales tax	10 N.J.R. 265(e)
Adopt Pick-Four Lottery rules	10 N.J.R. 304(a)
Amend classification of funds	10 N.J.R. 304(b)
Amend judicial retirement rules	10 N.J.R. 305(a)
Amend public contract requirements	10 N.J.R. 305(b)

Rule on formal judgment procedure	10 N.J.R. 305(c)
Adopt casino instant lottery rules	10 N.J.R. 363(a)
Rules on solar energy tax exemption	10 N.J.R. 364(a)
Rules on federal securities taxation	10 N.J.R. 406(f)
Exemption for solar energy from sales tax	10 N.J.R. 407(a)
Amend transfer inheritance tax	10 N.J.R. 407(b)
Amend added assessment abatement	10 N.J.R. 407(c)
Amend classification of investment funds	10 N.J.R. 456(b)
Gross income tax withholding rule	10 N.J.R. 457(a)
Amend floor covering sales and use tax	10 N.J.R. 457(b)
Amend business personal property tax	10 N.J.R. 457(c)
Emergency changes on assessment appeals	10 N.J.R. 457(d)
Adopt Pick-It Lottery rules	10 N.J.R. 519(a)
Changes for Pension Fund Commission	10 N.J.R. 520(a)
Amendments for Investment Council funds	10 N.J.R. 520(c)
Suspension of Lottery licenses	10 N.J.R. 566(d)

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Propose rules on computation of benefits	10 N.J.R. 303(a)
Propose amendments on health benefits	10 N.J.R. 456(a)
Propose repeal of administrative fees	10 N.J.R. 516(a)
Propose amendment on travel expense	10 N.J.R. 517(a)
Propose amendment on State health benefits	10 N.J.R. 517(b)
Propose amendments on barrier free design	10 N.J.R. 520(b)
Propose holiday sweepstakes lottery	10 N.J.R. 521(a)
Propose amendments to county boards	10 N.J.R. 517(c)
Propose amendments on homestead tax rebate	10 N.J.R. 518(a)

**OTHER AGENCIES — Title 19**

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Adopt rules on beverage control	10 N.J.R. 81(d)
Adopt advertising rules	10 N.J.R. 82(a)
Adopt entertainment rules	10 N.J.R. 82(b)
Rules on equal employment	10 N.J.R. 83(a)
Adopt rules on casino service industries	10 N.J.R. 128(c)
Rule on casino declaratory ratings	10 N.J.R. 266(a)
Rules governing slot machines	10 N.J.R. 266(c)
Rules on casino hearings	10 N.J.R. 266(b)
Amend casino equal opportunity rules	10 N.J.R. 305(d)
Amend casino beverage controls	10 N.J.R. 305(e)
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Rules on personal history forms	10 N.J.R. 306(a)
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Adopt casino licensee rules	10 N.J.R. 306(c)
Rules on accounting controls	10 N.J.R. 306(d)
Rules on rules of games	10 N.J.R. 306(e)
Rules on gaming equipment	10 N.J.R. 306(f)
Amend rules on casino crap games	10 N.J.R. 522(a)
Rules on exclusion from casinos	10 N.J.R. 522(b)
Amend employee hiring rules	10 N.J.R. 522(c)
Amendments on gaming schools	10 N.J.R. 522(e)

**Proposals Not Yet Adopted**

Propose minimum and maximum wagers	10 N.J.R. 458(a)
Propose minimum and maximum wagers	10 N.J.R. 566(e)
Propose amendments to blackjack	10 N.J.R. 568(a)

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## HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

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 Amendments on loitering on Garden State Parkway ..... 10 N.J.R. 408(b)  
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## HIGHWAY AUTHORITY

Repeal rule on Garden State Parkway use ..... 10 N.J.R. 366(a)  
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## ECONOMIC DEVELOPMENT AUTHORITY

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 Propose rule on confidentiality of records ..... 10 N.J.R. 297(a)

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## WATERFRONT COMMISSION OF NEW YORK HARBOR

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# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

It includes ALL rules adopted from receipt of the last

individual Title updatings through November 20, 1978.

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

### RULES NOT YET IN PRINT IN CODE:

N.J.A.C. CITATION

DOCUMENT CITATION    ADOPTION NOTICE (N.J.R. CITATION)

### AGRICULTURE — TITLE 2

2:1-2.3	Amend functions of department units	R. 1978 d.402	11 N.J.R. 2(b)
2:2	Amend disease control program	R. 1978 d.402	11 N.J.R. 2(b)
2:2-1.1	Amendments on contagious equine metritis reporting	R. 1978 d.122	10 N.J.R. 182(d)
2:2-2.15(b)	Amendments on limits of indemnities for brucellosis reactors	R. 1978 d.302	10 N.J.R. 415(a)
2:3-1.1, 1.2	Amend interstate animal health certificates	R. 1978 d.402	11 N.J.R. 2(b)
2:6-1.4, 1.8	Amend biologics	R. 1978 d.402	11 N.J.R. 2(b)
2:6-1.9	Amend biologic product use	R. 1978 d.428	11 N.J.R. 3(b)
2:7-1.5, 1.6	Repeal fee structure, service to poultry men	R. 1978 d.402	11 N.J.R. 2(b)
2:8	Repeal administrative rules	R. 1978 d.402	11 N.J.R. 2(b)
2:18	Repeal movement of plants, plant material	R. 1978 d.402	11 N.J.R. 2(b)
2:20-2.1, 4.1	Repeal gooseberry planting prohibition; subcoccinella viginliqualourpunctata quarantine	R. 1978 d.402	11 N.J.R. 2(b)
2:31	Repeal milk and cream grading	R. 1978 d.402	11 N.J.R. 2(b)

2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.108	10 N.J.R. 182(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.145	10 N.J.R. 218(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.317	10 N.J.R. 415(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.367	10 N.J.R. 469(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.395	10 N.J.R. 526(b)
2:53-1.1(b)	Amend minimum milk prices	R.1978 d.402	11 N.J.R. 2(b)
2:53-1.2, 1.3	Amended schedules of milk prices	R.1978 d.318	10 N.J.R. 414(a)
2:54-2.6	Amendments to Federal Milk Marketing Order 4	R.1978 d.344	10 N.J.R. 468(b)
2:54-3.7	Suspension to Federal Order No. 4	R.1978 d.149	10 N.J.R. 218(c)
2:54-3.7	Amendments on suspension of portions of Federal Order 4	R.1978 d.343	10 N.J.R. 468(a)
2:54-3.7	Amendments to milk handling order	R.1978 d.396	10 N.J.R. 526(c)
2:69-1.11	Amended commercial values	R.1978 d.197	10 N.J.R. 270(a)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 135(a)
2:71-1	Amend quality standards, shell eggs	R.1978 d.402	11 N.J.R. 2(b)
2:71-1.30	Amendments on certificates of grade	R.1978 d.115	10 N.J.R. 182(c)
2:71-2	Amend fruits and vegetable standards	R.1978 d.402	11 N.J.R. 2(b)
2:71-2.26 to 2.31	Inspection and grading of fruits and vegetables	R.1978 d.114	10 N.J.R. 182(b)
2:71-4	Repeal poultry standards	R.1978 d.402	11 N.J.R. 2(b)
2:72	Amend license and bonding	R.1978 d.402	11 N.J.R. 2(b)
2:73-1	Repeal state seal: asparagus	R.1978 d.402	11 N.J.R. 2(b)
2:73-2.5(d)	Amendments on seal of quality egg expiration date	R.1978 d.222	10 N.J.R. 314(b)
2:73-4 thru 6	Repeal state seal: white potatoes, poultry, turkeys	R.1978 d.402	11 N.J.R. 2(b)
2:74-1.4, 1.8, 1.13	Amend controlled atmospheric storage	R.1978 d.402	11 N.J.R. 2(b)

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

### BANKING — TITLE 3

3:1-1.1	Amended interest rates	R.1978 d.204	10 N.J.R. 315(a)
3:1-2.24	Minimum subscription for capital stock associations	R.1978 d.71	10 N.J.R. 137(a)
3:1-9.1 et seq.	Amendments to home mortgage disclosure rules	R.1978 d.304	10 N.J.R. 416(b)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
3:1-11.1	Amended definitions of affiliate and institution	R.1978 d.144	10 N.J.R. 219(a)
3:6-3.1	Repeal rule on notice of maturity on business suspensions	R.1978 d.370	10 N.J.R. 469(b)
3:7-3.9(a)26.	Amend electronic data processing	R.1978 d.103	10 N.J.R. 136(b)
3:7-4.3	Amendments on maturity for long-term time deposits	R.1978 d.290	10 N.J.R. 370(b)
3:11-1.1(a)2.i	Amended list of obligations	R.1978 d.221	10 N.J.R. 316(a)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)
3:18-9	Amend secondary mortgage loan interest rate	R.1978 d.404	11 N.J.R. 4(b)
3:26-3.1	Reporting possible illegal activity by employees or customers of savings and loan associations	R.1978 d.163	10 N.J.R. 219(b)

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

### CIVIL SERVICE — TITLE 4

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

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

### COMMUNITY AFFAIRS — TITLE 5

5:3-1.1 et seq., 5:14-1.1 et seq., 5:16-1.1 et seq., 5:20-1.1 et seq., 5:40-1.1 et seq., 5:43-1.1 et seq., 5:44-1.1 et seq., 5:61-1.1 et seq., 5:70-1.1 et seq.	Delete certain rules of the Department	R.1978 d.360	10 N.J.R. 470(a)
5:10-1.1 et seq.	Amendments on construction and maintenance of hotels and multiple dwellings	R.1978 d.289	10 N.J.R. 378(b)

5:11-9.7	Amendments on tax abatements on added assessments	R.1978 d.369	10 N.J.R. 472(a)
5:22-1.1 et seq.	Amendments on continuation of rental assistance payments	R.1978 d.342	10 N.J.R. 469(e)
5:23-1.1 et seq.	Amendments to Uniform Construction Code	R.1978 d.350	10 N.J.R. 469(f)
5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-6.1 et seq.	Rules on tax exemption for solar facilities	R.1978 d.334	10 N.J.R. 418(a)
5:26	Planned real estate development full disclosure	R.1978 d.403	11 N.J.R. 8(a)
5:30-1.15	Urban aid reporting system	R.1978 d.241	10 N.J.R. 319(b)
5:30-3.3(c)	Dedication by rider to local unit budget	R.1978 d.240	10 N.J.R. 319(a)
5:30-4.1 et seq.	Capital budgets and capital improvement programs	R.1978 d.322	10 N.J.R. 416(d)
5:34-1.1 et seq.	Delete current text and reserve for future use	R.1978 d.322	10 N.J.R. 416(d)
5:30-15.2	Procedure and form of emergency ordinance under CAP law	R.1978 d.211	10 N.J.R. 317(b)
5:30-16.11, App. B	Amendments on tenant's property tax expiration date	R.1978 d.233	10 N.J.R. 318(a)
5:36-1.1 et seq.	Amended rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:62-1.1 et seq.	Delete rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:62-1.1 et seq.	Rules on Handicapped Person's Recreational Opportunities Act	R.1978 d.143	10 N.J.R. 224(a)

(Rules in the Code for Title 5 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

## EDUCATION — TITLE 6

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

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

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1E-1.1 et seq.	Amendments on discharge of petroleum and other substances	R.1978 d.112	10 N.J.R. 187(a)
7:2-11.1 et seq.	Amendments on natural areas system	R.1978 d.232	10 N.J.R. 328(d)
7:6-1.34(c), 1.42(d)	Amendments regarding boating, diving and swimming	R.1978 d.368	10 N.J.R. 480(a)
7:7E-1.1 et seq.	Rules on coastal resource and development policies	R.1978 d.292	10 N.J.R. 384(a)
7:8-1.1 et seq. 7:10-3.10 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(b)
7:9-2.1 et seq., 7:10-3.10 et seq.	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 146(d)
7:9-2.1, 7:10-3.10 et seq.	Extend effective date on sewers to July 1, 1978	R.1978 d.182	10 N.J.R. 279(b)
7:9-2.4, 2.60, 2.67, 2.70 7:10-3.10 et seq.	Amendments on construction of sewerage facilities and waste supply systems	R.1978 d.161	10 N.J.R. 237(b)
7:9-2.5, 2.7, 2.19, 3.5, 2.60, 2.61, 2.98	Amendments to standards for sewerage facilities and water	R.1978 d.231	10 N.J.R. 328(c)
7:12-1.1, 1.3	Amendments on shellfish beds in Barnegat Bay	R.1978 d.69	10 N.J.R. 144(a)
7:12-1.1 et seq.	Amendments on condemnation of certain shellfish beds	R.1978 d.219	10 N.J.R. 328(a)
7:12-1.3(a)39.iii.	Amendment on condemnation of certain shellfish beds	R.1978 d.327	10 N.J.R. 425(b)
7:12-2.7	Amendments on shellfish harvest permits and relay program	R.1978 d.299	10 N.J.R. 422(a)
7:13-1.2, 1.4	Amendments on floodway delineations	R.1978 d.70	10 N.J.R. 145(a)
7:13-1.11(d)2	Amendments on delineated floodways in Raritan Basin	R.1978 d.237	10 N.J.R. 329(a)
7:13-1.11(d)21	Amendments on delineated floodways in Raritan Basin	R.1978 d.238	10 N.J.R. 329(b)
7:25-12.1	Amendments on sea clams	R.1978 d.416	11 N.J.R. 11(a)

7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.298	10 N.J.R. 421(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.326	10 N.J.R. 425(a)
7:25-16.1 et seq.	Defining lines where fishing license is required	R.1978 d.295	10 N.J.R. 384(b)
7:26-1.4, 2.6, 2.11, 2.13, 7.1 et seq.	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 146(a)
7:26-4.1 et seq.	Reinstate prior fee schedule of Solid Waste Administration	R.1978 d.205	10 N.J.R. 327(c)
7:27-9.1 et seq.	Amendments on sulfur in fuels	R.1978 d.276	10 N.J.R. 383(c)
7:27-9.1 et seq.	Amended effective date for amended rules on sulfur in fuels	R.1978 d.361	10 N.J.R. 479(c)
7:27-10.1 et seq.	Amendments on sulfur in coal	R.1978 d.220	10 N.J.R. 328(b)
7:28-24.1 et seq.	Nuclear medicine technology	R.1978 d.101	10 N.J.R. 146(c)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(a)
Temporary rule	Closing of State waters to sea clam harvesting	R.1978 d.111	10 N.J.R. 186(c)
Temporary rule	Emergency amendments on opening sea clam waters	R.1978 d.119	10 N.J.R. 187(b)
Temporary rule	Amendments on 1978 oyster seed bed season	R.1978 d.123	10 N.J.R. 188(a)
Temporary rule	Change date of 1978 bay season; oyster seed beds	R.1978 d.128	10 N.J.R. 188(b)
Temporary rule	1978-79 game code	R.1978 d.199	10 N.J.R. 279(c)
Temporary Rule	Rule on preservation of sea clam resources; closing certain waters	R.1978 d.328	10 N.J.R. 426(a)
Temporary Rule	Adopt 1979 Fish Code	R.1978 d.351	10 N.J.R. 479(b)

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

## HEALTH — TITLE 8

8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15-1.1 et seq.	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:15-1.1 et seq.	Postpone effective date of public smoking rules	R.1978 d.168	10 N.J.R. 250(a)
8:21-4.31-4.34	Laetrile efficacy in study of cancer	R.1978 d.246	10 N.J.R. 341(a)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)
8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:31-16.17	Amendments on reports to relate ancillary service charges with hospital case mix	R.1978 d.430	11 N.J.R. 16(d)
8:31-17.1 et seq.	Adopt portion of 1979 SHARE guidelines	R.1978 d.374	10 N.J.R. 484(c)
8:31-28	Process and general criteria for certification of need and designation of regional services	R.1978 d.427	11 N.J.R. 16(b)
8:31A	Amend SHARE Manual	R.1978 d.399	10 N.J.R. 536(a)
8:31A-10.6	Amendments on time-phased plans	R.1978 d.294	10 N.J.R. 385(c)
8:33-1.4, 1.6	Amendments on HMO certificate of need	R.1978 d.431	11 N.J.R. 16(e)
8:34-1.27(b)	Amendments to continuing education for nursing home administrator	R.1978 d.423	11 N.J.R. 15(b)
8:39-1.1 et seq.	Change effective date on nursing homes to January 1, 1979	R.1978 d.203	10 N.J.R. 280(c)
8:39-1.1 et seq.	Amendments to manual of standards for licensure of long-term-care facilities	R.1978 d.340	10 N.J.R. 430(e)
8:42-2.1 et seq.	Amendments to standards for licensure of residential and in-patient drug treatment facilities	R.1978 d.373	10 N.J.R. 484(b)
8:43A-1.1 et seq.	Amendments to standards for licensure of ambulatory care facilities	R.1978 d.338	10 N.J.R. 430(c)
8:43A-1.1 et seq.	Amendments on drug abuse treatment services	R.1978 d.375	10 N.J.R. 485(a)
8:43A-1.48(b)1.	Amendments on abortion; standards for licensure of ambulatory care facilities	R.1978 d.274	10 N.J.R. 385(a)
8:43A-1.48(b)1.	Ratification of emergency adoption	R.1978 d.398	10 N.J.R. 536(d)
8:43A-1.71	Standards for computerized axial tomography	R.1978 d.425	11 N.J.R. 15(d)
8:43B-6.4(c)	Amendments on medications and treatment prescribed by podiatrists	R.1978 d.337	10 N.J.R. 430(b)
8:43B-17	Standards for cardiac diagnostic and surgical centers	R.1978 d.424	11 N.J.R. 15(c)
8:43D-2.1	Uniform construction code plan review fees	R.1978 d.429	11 N.J.R. 16(c)
8:44-2.1 et seq.	Rules on operation of clinical laboratories	R.1978 d.336	10 N.J.R. 430(a)
8:51-1.2, 1.3	Amendments to minimum standards of performance	R.1978 d.339	10 N.J.R. 430(d)
8:57-1.20	Cancer registry	R.1978 d.293	10 N.J.R. 385(b)
8:57-4.3, 4.11, 4.14, 4.16	Amendments on immunization of pupils in schools	R.1978 d.244	10 N.J.R. 334(a)
8:65-7.14	Amendments on refilling prescriptions	R.1978 d.391	10 N.J.R. 536(c)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.2(b)4.	Transfer of phencyclidine	R.1978 d.247	10 N.J.R. 341(b)
8:65-10.2(b)4.	Control precursors of phencyclidine	R.1978 d.390	10 N.J.R. 536(b)
8:65-10.4, 10.5	Difenoxin in combination with atropine sulfate in Schedules IV and V	R.1978 d.426	11 N.J.R. 16(a)
8:70-1.1 et seq.	Interim drug evaluation and acceptance criteria	R.1978 d.202	10 N.J.R. 280(b)
8:70-1.1 et seq.	Repeal interim drug evaluation and acceptance criteria	R.1978 d.248	10 N.J.R. 341(c)
8:70-1.1 et seq.	Rules on drug evaluation and acceptance criteria	R.1978 d.341	10 N.J.R. 430(f)
8:70-1.4(a)	Amendments on drug utilization and acceptance criteria	R.1978 d.422	11 N.J.R. 15(a)
Temporary rule	1979 Hospital rate guidelines	R.1978 d.399	10 N.J.R. 536(a)

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

## HIGHER EDUCATION — TITLE 9

9:1-1.12, 6.1 et seq.	Amendments on out-of-state institutions desiring to enter New Jersey	R.1978 d.335	10 N.J.R. 431(b)
9:1-2.1 et seq.	Amendments on responsibilities of Licensure and Approval Advisory Board	R.1978 d.249	10 N.J.R. 386(a)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(a)
9:4-3.1, 3.3, 3.44, 3.55	Amendments to general accounting and procedures manual of State-supported county colleges	R.1978 d.250	10 N.J.R. 386(b)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)
9:9-1.1, 1.2	Noncitizen eligibility for student loans	R.1978 d.198	10 N.J.R. 281(b)
9:9-5.2	Amendments on eligibility for graduate insured loan program	R.1978 d.329	10 N.J.R. 431(a)
9:11-1.5(d)	Amendments on eligibility of independent students	R.1978 d.200	10 N.J.R. 281(c)
9:11-2.1 et seq., 9:12-1.1 et seq.	Amendments on academic year program support funds	R.1978 d.201	10 N.J.R. 281(d)

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

## HUMAN SERVICES — TITLE 10

10:43-1.1 et seq.	Amendments on determination of mental deficiency/need for guardianship	R.1978 d.332	10 N.J.R. 444(d)
10:44-13.1 et seq.	Rules on community residences for mentally retarded and develop mentally disabled	R.1978 d.333	10 N.J.R. 445(a)
10:44A-1.1 et seq.	Standards for licensed community residences for developmentally disabled	R.1978 d.330	10 N.J.R. 444(b)
10:45-1.1 et seq.	Amendments on provision of guardianship services	R.1978 d.331	10 N.J.R. 444(c)
10:49-2.1 et seq. 5.1 et seq., 6.1 et seq.	Rules on general provisions	R.1978 d.280	10 N.J.R. 399(a)
10:50-1.1, 1.2, 2.6, 2.9	Amendments on transportation services	R.1978 d.297	10 N.J.R. 443(b)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 285(c)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 286(a)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 286(b)
10:82-2.13	Amend per capita table of companion cases	R.1978 d.314	10 N.J.R. 444(a)
10:82-2.19	Amendments on overpayment and underpayments	R.1978 d.218	10 N.J.R. 345(c)
10:82-5.10(d)	Amendments on victims of domestic violence	R.1978 d.415	11 N.J.R. 17(c)
10:85-1.1, 1.3	Amendments on SSI recipients in immediate need of assistance	R.1978 d.420	11 N.J.R. 17(d)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 285(b)
10:85-1.3, 2.1, 5.2, 6.2	Amendments on municipal funds subject to State matching	R.1978 d.217	10 N.J.R. 345(b)
10:85-3.1(e)1.i	Amendments on unmarried child's eligibility for assistance	R.1978 d.303	10 N.J.R. 443(d)
10:85-3.2(g)	Amend mandatory registration with employment service	R.1978 d.169	10 N.J.R. 256(a)
10:87-6.5, 6.42, 6.43	Amendments on restoration of lost benefits to zero purchase households	R.1978 d.324	10 N.J.R. 443(e)
10:87-7.10, 7.12, 7.14, 7.19, 7.20, 7.22, 7.25, 7.26, 7.27, 7.28, 7.29	Amendments on fair hearing process, food stamp manual	R.1978 d.223	10 N.J.R. 346(a)
10:94	1979 fiscal year plan for vocational rehabilitation	R.1978 d.300	10 N.J.R. 443(c)
10:94-3.13(1)	Amendments on fees for medical examinations	R.1978 d.212	10 N.J.R. 344(c)
10:94-4.35, 5.8	Amendments on living allowance deductions, Medicaid Only Manual	R.1978 d.296	10 N.J.R. 443(a)
10:100-1.23	SSI payment schedule	R.1978 d.261	10 N.J.R. 395(a)
10:109	Amendments on salary increases for CWA employees	R.1978 d.394	10 N.J.R. 553(a)
10:120-3.1 et seq.	Fair hearing guidelines	R.1978 d.347	10 N.J.R. 490(a)

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

## CORRECTIONS — TITLE 10A

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

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

## INSURANCE — TITLE 11

11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 165(a)
11:4-15.1 et seq.	Alcoholism benefits	R.1978 d.165	10 N.J.R. 257(a)
11:4-15.2(a)3	Amendments on alcoholism benefits in health insurance contracts	R.1978 d.419	11 N.J.R. 19(a)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.27	Amendments on educational requirements for salesmen and brokers license examinations	R.1978 d.135	10 N.J.R. 256(d)
11:5-1.27	Amendments on educational requirements for licensure	R.1978 d.271	10 N.J.R. 399(b)
11:11-1.1	Title insurance agents' service fees	R.1978 d.291	10 N.J.R. 399(c)

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

## LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1978 d.282	10 N.J.R. 400(b)
12:15-1.4	Amended taxable wage base; unemployment compensation law	R.1978 d.281	10 N.J.R. 400(a)
12:15-1.5	Contribution rate of governmental entities and instrumentalities	R.1978 d.305	10 N.J.R. 445(b)
12:20-5.4(b)	Amendments on appearances before appeal tribunals	R.1978 d.116	10 N.J.R. 202(a)
12:100-102, 110, 111, 115, 116, 120, 121, 130-134, 140-148, 160-162, 170, 173 and 180	Delete rules on worker health and safety, seasonal workers and construction safety	R.1978 d.288	10 N.J.R. 400(d)
12:195-1.1 et seq.	Amendments on carnival amusement rides	R.1978 d.239	10 N.J.R. 347(a)
Temporary rule	Listing of prevailing wage rates for construction workers on public works projects	R.1978 d.377	10 N.J.R. 553(c)

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

## LAW AND PUBLIC SAFETY — TITLE 13

13:1-1.1 et seq.	Amended rules of Police Training Commission	R.1978 d.236	10 N.J.R. 352(a)
13:1C-1.1	Confidentiality of records regarding Casino Control Act	R.1978 d.408	11 N.J.R. 23(a)
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.33	10 N.J.R. 121(a)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.75	10 N.J.R. 170(a)
13:4-8.2(a)1.	Deletion on discovery by parties other than Division	R.1978 d.82	10 N.J.R. 171(a)
13:4-12.9	Costs of hearings	R.1978 d.46	10 N.J.R. 121(b)
13:18-10.1 et seq.	Unsatisfied claim and judgment fund reimbursement of excess medical expenses	R.1978 d.207	10 N.J.R. 350(b)
13:20-10.1	Repeal rules on steering and suspension systems	R.1978 d.381	10 N.J.R. 557(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(b)
13:23-2.2(d)	Amendments on documents; applications for driver school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:26-1.1 et seq.	Transportation of bulk commodities	R.1978 d.278	10 N.J.R. 404(c)
13:29-1.13	Fees for licensees of Board of Certified Public Accountants	R.1978 d.243	10 N.J.R. 352(c)
13:30-8.3	Amendments on use of general anesthesia	R.1978 d.120	10 N.J.R. 203(b)
13:30-8.7	Examination of candidates for licenses to practice dentistry	R.1978 d.366	10 N.J.R. 510(d)
13:30-8.6	Providing information to the public	R.1978 d.170	10 N.J.R. 261(c)
13:33-1.11	Amendments on temporary ophthalmic dispenser permit	R.1978 d.208	10 N.J.R. 350(c)
13:33-1.12	Amendments on temporary ophthalmic technician permit	R.1978 d.209	10 N.J.R. 350(d)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-3.1	Amendments on Federation licensing examination	R.1978 d.410	11 N.J.R. 23(b)
13:35-6.11(a)	Amendments on prohibition of kickbacks for services not rendered	R.1978 d.210	10 N.J.R. 351(a)
13:35-6.12	Release of patient records	R.1978 d.134	10 N.J.R. 261(b)
13:35-6.12	Amendments on release of patient records	R.1978 d.352	10 N.J.R. 510(a)
13:35-6.13	Provision of information to the public	R.1978 d.126	10 N.J.R. 204(a)
13:35-7.2	Amendments on termination of pregnancy	R.1978 d.213	10 N.J.R. 351(b)
13:38-6.1	Availability of optometrist records	R.1978 d.242	10 N.J.R. 352(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)
13:44-2.11	Veterinarian advertising and solicitation	R.1978 d.382	10 N.J.R. 558(a)
13:44-2.13	Temporary permit fee	R.1978 d.323	10 N.J.R. 447(a)
13:47A-25.1 et seq.	Rules on corporation takeover bid disclosure law	R.1978 d.279	10 N.J.R. 405(a)

13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
13:47D-4.34(a)3.	Amendments on magnitude of permitted variations	R.1978 d.141	10 N.J.R. 259(b)
13:70-3.40, 13:71-5.18	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:70-9.19, 25.5	Amendments on jockey payments for dead heats	R.1978 d.132	10 N.J.R. 295(b)
13:70-14.17, 13:71-23.2	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)
13:70-15.1, 15.2, 19.34, 19.38, 13:71-9.1, 9.3	Amendments on veterinarians classified as State veterinarians	R.1978 d.133	10 N.J.R. 261(a)
13:70-15.1, 15.2, 19.34, 19.35, 19.38 and 13:71-9.1	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:70-29.53(b)	Amendments on trifecta wagering	R.1978 d.235	10 N.J.R. 351(c)
13:70-29.53	Amendments on trifecta wagering in harness racing	R.1978 d.270	10 N.J.R. 404(a)
13:71-21.8, 21.9	Amendments on mandating deduction for drivers' fees	R.1978 d.354	10 N.J.R. 510(c)

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

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

14:3-3.6, 7.1, 7.5, 7.12, 7.13, 7.14	Amendments on public utility deposits and discontinuances	R.1978 d.155	10 N.J.R. 261(e)
14:8-1.2	Railroad track safety	R.1978 d.110	10 N.J.R. 205(a)
14:10-1.1 et seq.	Amendments on telephone service	R.1978 d.89	10 N.J.R. 171(b)
14:17-18.1 et seq.	Amendments on cable television rates	R.1978 d.125	10 N.J.R. 207(a)
14:17-18.1	Amended definition of classical system	R.1978 d.349	10 N.J.R. 514(a)
14:18-11.7(a), 11.10	Amendments on municipal hearings and procedures for cable television	R.1978 d.262	10 N.J.R. 405(b)
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14A:3-1.1 et seq.	Rules on energy conservation	R.1978 d.273	10 N.J.R. 405(c)
14A:3-2.1 et seq.	Air conditioning energy efficiency ratios	R.1978 d.150	10 N.J.R. 261(d)
14A:3-2.2 et seq.	Amendments on energy conservation	R.1978 d.315	10 N.J.R. 447(b)
14A:4-1	Technical sufficiency for solar heating and cooling systems	R.1978 d.400	10 N.J.R. 563(a)
14A:5-1	Sales tax exemption standards for solar energy systems	R.1978 d.401	10 N.J.R. 563(b)

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

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

### STATE — TITLE 15

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

### PUBLIC ADVOCATE — TITLE 15A

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

### TRANSPORTATION — TITLE 16

16:16-4.3, 16:17-4.3	Rescission of allocated but unexpended local State aid funds	R.1978 d.245	10 N.J.R. 359(b)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.138— 1.143	Speed limits on parts of Route 47	R.1978 d.313	10 N.J.R. 455(d)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-1.172	Speed limits on parts of Route U.S. 206	R.1978 d.137	10 N.J.R. 263(c)
16:28-1.173-1.176	Speed limits on Routes U.S. 9, 140, U.S. 30 and 44	R.1978 d.265	10 N.J.R. 406(b)
16:28-1.177	Speed limits on parts of Route U.S. 46	R.1978 d.336	10 N.J.R. 565(d)
16:28-1.179	Speed limits on parts of Route I-280	R.1978 d.311	10 N.J.R. 455(b)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)

16:28-3.41, 3.162, 3.172, 3.173	Restricted parking on parts of Route 26, 44, 28 and U.S. 22	R.1978 d.307	10 N.J.R. 454(a)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.103	Restricted parking on Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.108, 3.169-3.171	Amendments on restricted parking on Routes 28, U.S. 40, 9 and 27	R.1978 d.267	10 N.J.R. 406(d)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-3.174— 3.177	Rules on restricted parking on parts of Routes U.S. 22, N.J. 28, 33 and 49	R.1978 d.312	10 N.J.R. 455(e)
16:28-3.178	Restricted parking on parts of Route 34	R.1978 d.310	10 N.J.R. 455(a)
16:28-3.179 and 3.180	Restricted parking on parts of Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.181	Restricted parking on parts of Route 94	R.1978 d.388	10 N.J.R. 566(b)
16:28-3.182, 3.183	Restricted parking on parts of Routes 33 and 79	R.1978 d.413	11 N.J.R. 40(a)
16:28-3.184	Route U.S. 206 in Hamilton Township, Mercer County	R.1978 d.380	10 N.J.R. 565(a)
16:28-4.6	One-way traffic on parts of Route 35	R.1978 d.309	10 N.J.R. 454(c)
16:28-8.2	Yield intersection in Bordentown Township	R.1978 d.308	10 N.J.R. 454(b)
16:28-12.37(a)15.	Amendments on no right turns on Route 49	R.1978 d.264	10 N.J.R. 406(a)
16:28-12.77	No right turns on red signals on parts of Route 57	R.1978 d.384	10 N.J.R. 565(b)
16:28-13.4	Amendments on limited access prohibition along interstate highways	R.1978 d.228	10 N.J.R. 359(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(a)
16:28-15.3-15.6	No passing zones on Routes 67, 63, 5 and 94	R.1978 d.268	10 N.J.R. 406(e)
16:28-15.7 15.10	No passing zones on Routes U.S. 206 and N.J. 12	R.1978 d.263	10 N.J.R. 405(d)
16:28-15.9, 15.11 to 13	Amendments on no passing zones on parts of Routes U.S. 206, N.J. 94, 23 and 31	R.1978 d.389	10 N.J.R. 566(c)
16:28-15.14 through 15.23	No passing zones on parts of various state highways	R.1978 d.414	11 N.J.R. 40(b)
16:28-16.1	Traffic rules on DOT property at Metro Park	R.1978 d.266	10 N.J.R. 406(c)
16:28-16.2 and 16.3	Traffic control and parking on NJDOT property	R.1978 d.385	10 N.J.R. 565(c)
16:65-3.2 through 3.5	Amendments on requisition, distribution and sale of construction plans	R.1978 d.164	10 N.J.R. 264(a)

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

## TREASURY-GENERAL — TITLE 17

17:1-7.3, 8.3	Delete rules on administrative fees	R.1978 d.421	11 N.J.R. 52(a)
17:2-3.2(i), 6.24(b), 6.25	Amendments on biweekly computation of retirement and death benefits	R.1978 d.138	10 N.J.R. 265(c)
17:2-3.3	Amended contributory insurance rate	R.1978 d.139	10 N.J.R. 265(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
17:7-1.4	Amendments on election of a prison officer to Pension Commission	R.1978 d.372	10 N.J.R. 520(a)
17:9-2.3(a), 5.2, 5.11	Amendments on State health benefits program	R.1978 d.131	10 N.J.R. 265(b)
17:9-6.1(a)	Amended definition of retired employee	R.1978 d.130	10 N.J.R. 265(a)
17:10-1.9, 3.1	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:10-3.1, 4.1, 5.12	Amend judicial retirement system	R.1978 d.184	10 N.J.R. 305(b)
17:10-5.12, 5.14	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:16-5.4, 5.5	Amendments on classification of funds	R.1978 d.180	10 N.J.R. 304(b)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.316	10 N.J.R. 456(b)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.376	10 N.J.R. 520(c)
17:18-1.9	Amend form of petition of appeal	R.1978 d.407	11 N.J.R. 51(c)
17:18-1.79	Signing of formal judgments	R.1978 d.195	10 N.J.R. 305(c)
17:20-7.3 to 7.7	Rules on suspension and revocation of lottery agent's licenses	R.1978 d.383	10 N.J.R. 566(d)
17:21-12.1 et seq.	Pick-Four lottery rules	R.1978 d.179	10 N.J.R. 304(a)
17:21-13.1	Amend Pick-It Lottery rules	R.1978 d.348	10 N.J.R. 519(a)
17:21-14	Holiday Sweepstakes Lottery	R.1978 d.417	11 N.J.R. 40(c)
17:24-4.3, 7.4, 13.2	Amendments on affirmative action requirements	R.1978 d.185	10 N.J.R. 305(a)
Temporary rule	Jersey Casino Instant Lottery	R.1978 d.224	10 N.J.R. 363(a)

(Rules in the Code for Title 17 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

## TREASURY-TAXATION — TITLE 18

18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
18:9-2.2, 2.3, 2.4, 3.5	Amendments on Personal Property Tax	R.1978 d.321	10 N.J.R. 457(c)
18:12-6.1 et seq.	Amendments on tax abatement on added assessments	R.1978 d.287	10 N.J.R. 407(c)
18:12-7	Amendments on the homestead tax rebate	R.1978 d.411	11 N.J.R. 51(d)
18:12-7.12(b)	Extend filing date for homestead rebate tax claim	R.1978 d.406	11 N.J.R. 51(b)
18:12-8.1 et seq.	Property tax exemption for solar energy systems	R.1978 d.225	10 N.J.R. 364(a)
18:12A-1.6	Amendments on petitions of appeal	R.1978 d.325	10 N.J.R. 457(d)
18:24-22.2, 22.3	Amendments on floor covering and Sales and Use Tax	R.1978 d.320	10 N.J.R. 457(b)
18:24-25.1 et seq.	Rules on sales tax and data processing	R.1978 d.142	10 N.J.R. 265(e)
18:24-26.1 et seq.	Sales and use tax exemption; solar energy devices and systems	R.1978 d.285	10 N.J.R. 407(a)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:26-8.22	Amendments on estates for life or years	R.1978 d.118	10 N.J.R. 210(a)
18:26-11.8, 11.23	Amendments on transfer inheritance tax	R.1978 d.286	10 N.J.R. 407(b)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)
18:35-1.9	Federal securities; taxable status; Gross Income Tax Act	R.1978 d.284	10 N.J.R. 406(f)
18:35-1.10	Withholding; Gross Income Tax	R.1978 d.319	10 N.J.R. 457(a)

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

## OTHER AGENCIES — TITLE 19

19:3B-1.1 et seq.	General plan guidelines for Meadowlands	R.1978 d.197	10 N.J.R. 307(a)
19:4-6.28	Amendments to official zoning map	R.1978 d.359	10 N.J.R. 522(e)
19:8-1.1, 2.9(b)	Amendments on loitering on the Parkway	R.1978 d.257	10 N.J.R. 408(b)
19:8-1.9(b)12.	Amendments on towing passenger vehicles by campers	R.1978 d.378	10 N.J.R. 568(b)
19:8-1.9(d)	Repeal part of rule on restrictions on Garden State Parkway	R.1978 d.215	10 N.J.R. 366(a)
19:8-3.1	Amendments on tolls and exact change toll lanes	R.1978 d.379	10 N.J.R. 569(a)
19:9-1.9(a)24	Amendments concerning double-saddlemount vehicles	R.1978 d.412	11 N.J.R. 53(b)
19:9-4.2(b)	Amendments to fees for photographs of accident sites on Turnpike	R.1978 d.258	10 N.J.R. 408(c)
19:41-2.3	Declaratory rulings on casino applications	R.1978 d.158	10 N.J.R. 266(a)
19:41-4.3	Amendments on application procedures (durational residency provisions with regard to employers)	R.1978 d.363	10 N.J.R. 522(c)
19:41-7.14	Adopt personal history disclosure form No. 4	R.1978 d.175	10 N.J.R. 306(a)
19:41-11.1 et seq.	Applications for approval of agreements	R.1978 d.177	10 N.J.R. 306(c)
19:42-1.1 et seq.	Casino hearings rules	R.1978 d.159	10 N.J.R. 266(b)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
19:44-1.1, 4.1, 5.1	Amendments on gaming schools	R.1978 d.364	10 N.J.R. 522(d)
19:45-1.1 et seq.	Internal and accounting casino controls	R.1978 d.178	10 N.J.R. 306(d)
19:46-1.1 to 1.20	Casino gaming equipment	R.1978 d.187	10 N.J.R. 306(b)
19:46-1.22 through 1.31	Regulations for casino slot machines	R.1978 d.160	10 N.J.R. 266(c)
19:47-1.1 et seq.	Rules of casino games	R.1978 d.186	10 N.J.R. 306(e)
19:47-1.2, 1.4, 1.5	Amendments to rules of game for craps	R.1978 d.346	10 N.J.R. 522(a)
19:48-1.1 et seq.	Rules on exclusion of persons from casinos	R.1978 d.362	10 N.J.R. 522(b)
19:50-1.6(w)	Amendments on casino alcoholic beverage control	R.1978 d.173	10 N.J.R. 305(e)
19:53-1.4, 1.5	Amendments on casino equal employment opportunity	R.1978 d.172	10 N.J.R. 305(d)
19:54-1.1 et seq.	Casino gross revenues tax	R.1978 d.174	10 N.J.R. 305(f)

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

(Continued from Page 24)

16:28-6.19 Route 35 in Middletown Township in Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State Highway Route 35 described below are regulated as follows:

1. No left turns north on Route 35 to west into driveway of the Hovanian office building.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Charles Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Rules on Restricted Parking On Parts of Routes 33 and 79

On December 1, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning restricted parking on parts of Routes 33 and 79 as proposed in the Notice published November 9, 1978 at 10 N.J.R. 514(b).

Take notice that these new rules will be cited as N.J.A.C. 16:28-3.182 and 16:28-3.183 rather than as N.J.A.C. 16:28-3.183 and 16:28-3.184 as appeared in the Notice of Proposal.

An order adopting these rules was filed and became effective on December 6, 1978 as R.1978 d.413.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Rules on No Passing Zones Along Various State Highways

On December 1, 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. 16:28-15.14 through 16:28-15.23, concerning no passing zones on parts of Routes 31, 33, 34, 46, 49, 66, 79, 152 and U.S. 206 as proposed in the Notice published November 9, 1978 at 10 N.J.R. 515(b).

An order adopting these rules was filed and became effective on December 6, 1978 as R.1978 d.414.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### LOTTERY COMMISSION

#### Rules on the Holiday Sweepstakes Lottery

On December 6, 1978, Gloria A. Decker, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 17:21-14.1 et seq., concerning the holiday sweepstakes lottery as proposed in the Notice published November 9, 1978, at 10 N.J.R. 521(a).

An order adopting these rules was filed and became effective on December 8, 1978 as R.1978 d.417.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning The Corporation Business Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:10A-1 et seq., proposes to amend various sections in Chapter 7 in Title 18 of the New Jersey Administrative Code concerning the Corporation Business Tax Act.

The proposal concerns changes resulting from reviewing these rules pursuant to Executive Order 66 (1978) and the deletion of N.J.A.C. 18:7-1.14, Election to report as a regulated investment company; 18:7-1.16, Election to report as investment company; 18:7-9.1 et seq., Assets allocation factor; 18:7-10.2 and 18:7-10.3 regarding Section 8 Adjustments; and 18:7-14.17 through 18:7-11.19 regarding dissolutions.

Copies of the 44 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08646

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979, to the Division of Taxation at the above address.

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

**TREASURY**

**DIVISION OF TAXATION**

**Proposed Amendments Concerning  
The Financial Business Tax Law**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:10B-22, proposes to adopt amendments to N.J.A.C. 18:8-1.1 et seq. concerning the financial business tax law.

The proposal concerns changes resulting from reviewing these rules pursuant to Executive Order 66 (1978) and include the deletion of N.J.A.C. 18:8-2.11, Subsidiary deductions from net worth; 18:8-3.5, Allocation; consolidation when permitted; 18:8-3.6, Consolidated return; rider required; 18:8-4.8, Consolidated returns; and 18:8-7.1 et seq., Forfeiture and reinstatement.

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

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08646

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979, to the Division of Taxation at the above address.

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(b)

**TREASURY**

**DIVISION OF TAXATION**

**Proposed Amendments Concerning  
Public Utility Corporations**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:30A-16 et seq., proposes to amend various sections of Chapter 22 in Title 18 of the New Jersey Administrative Code concerning public utility corporations.

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

**CHAPTER 22. PUBLIC UTILITY CORPORATIONS**

...

The Taxation of Certain Public Utilities Laws of 1940 is administered by the Division of Taxation through the

**[Public Utility Tax Bureau] Local Property And Public Utility Branch.**

Regulation reference numbers have been designated according to the regulations issued by the Director, Division of Administrative Procedure, pursuant to L. 1968, c. 410, for example, Reg. 18:22-1 refers to the section of the New Jersey Administrative Code and should be cited as N.J.A.C. 18:22-1.

**18:22-1.1 Imposition of excise tax under Act**

The Act imposes an excise tax upon persons, co-partnerships, [association] associations or corporations, other than [street railway traction,] sewerage, water, gas and electric light, heat and power corporations, municipal corporations and corporations taxable under P.L. 1941, c. 291, using or occupying public streets, highways, roads or other public places by virtue of a franchise or authority or permission from the State or any of its municipalities except for the operation of autobuses or autocabs commonly called taxicabs.

**18:22-1.3 Definitions**

...  
"Gross receipts" means all receipts from the taxpayer's business over, on, in, through or from the whole of its lines or mains, excluding the following:

1. Any sum or sums of money received by any taxpayer in payment for the portion of its products as may have been sold and furnished to another public utility which is also subject to the payment of a tax based upon gross receipts;

[2.] [Receipts from the operation of autobuses and vehicles known as trackless trolleys or trolley buses or motor vehicles which are operated in part by electricity furnished by an overhead trolley system and in part by other motive power;]

2. [3.] Receipts from the sale of waste heat produced as a by-product;

3. [4.] Receipts derived from interstate commerce[.];

4. In the case of a sewerage corporation an amount equal to any sum or sums of money payable by such sewerage corporation to any board, commission, department, branch, agency or authority of the State or of any county or municipality, for the treatment, purification or disposal of sewage or other wastes.

...

18:22-2.1(a)3. The whole length of the taxpayer's lines or mains, exclusive of service connections[.] in this State.

i. The information required by this subsection is to be submitted on the form supplied by the [Public Utility Tax Bureau] Local Property And Public Utility Branch.

18:22-2.1(b) Every taxpayer must file with the Director, on or before February 1 of the tax year, a statement on the form supplied by the [Public Utility Tax Bureau] Local Property And Public Utility Branch showing the taxpayer's gross receipts for the pre-tax year.

...

**18:22-3.2 Computation of tax**

The Director will annually, on or before April 1, of the tax year compute the excise taxes payable to the State as provided in section 1 of this subchapter and certify to each taxpayer, within five days after computation the amount of taxes payable to the State.

**Statutory Reference**

As to computation of tax, see N.J.S.A. 54:30A-18.1[.] and 54:30A-18.1a.

18:22-3.3(b) Checks are to be made payable to "The

State of New Jersey" and mailed to the [Public Utility Tax Bureau,] **Local Property And Public Utility Branch**, Trenton, New Jersey.

**Statutory Reference**

As to payment of tax, see N.J.S.A. 54:30A-18.1.

**SUBCHAPTER 7. [STREET RAILWAY, TRACTION,] SEWERAGE, WATER, GAS AND ELECTRIC LIGHT, HEAT AND POWER CORPORATIONS**

**18:22-7.1 Imposition of tax and exemption under Act**

The Act imposes a tax, measured by gross receipts, on [street, railway, traction,] sewerage, water, gas and electric light, heat and power corporations using or occupying the public streets, highways, roads or other public places; and, for the exemption from taxation of the franchises, stock, and certain property of such corporations; and, for the taxation of certain of the property of the corporations not so exempted from taxation.

**18:22-7.2 Purpose of Act**

(a) The purpose of the Act is to:

1. [(a)] Provide a complete scheme and method for the taxation of [street railway, traction,] sewerage, water, gas and electric light, heat and power corporations using or occupying the public streets, highways, roads or other public places;
2. [(b)] Exempt from taxation, other than the tax by the Act, the franchises, stock, and certain property of such corporations;
3. [(c)] Provide for the taxation of the property of such corporations not so exempt from taxation;
4. [(d)] Provide for the reimbursement to the State of certain costs and expenses incurred in the imposition and apportionment of the taxes;
5. [(e)] Apportion certain of the taxes among municipalities upon the fixed standards herein set forth;
6. [(f)] Supersede R.S. 54:31-1 to 31-7 (N.J.S.A. 54:31-1 to 7) and P.L. 1938, c. 8 (N.J.S.A. 54:31-29 to 44).

**18:22-7.3(a) [Street railway, traction,] [s] Sewerage, water, gas and electric light, heat and power corporations using or occupying public streets, highways, roads or other public places, and their property and franchises, are subject to taxation only as provided by the Act.**

**18:22-7.5 [Taxation of autobuses and other excepted vehicles operated by street railway or traction corporations] (Reserved)**

[Any street railway or traction corporation, subject to taxation under the Act, which operates autobuses or vehicles of the character described in N.J.S.A. 48:15-41 et seq. (the receipts from which operation are excluded from the term "gross receipts" of this corporation as provided in this chapter), required to pay the same taxes with respect to its operation of autobuses and vehicles as other owners or operators of autobuses.

**Statutory Reference**

As to taxation of autobuses and other vehicles operated by street railway or traction corporation, see N.J.S.A. 54:30A-53.]

...  
**18:22-7.6(b) Gross receipts taxable under N.J.S.A. 54:30A-54 of any electric supply or transmission operation conducted by a municipal corporation or agency thereof shall not include sums received from consumers located within the corporate limits of the operating municipality[.] only if it operates solely within its own boundaries.**

**SUBCHAPTER 8. RETURNS BY [STREET RAILWAY, TRACTION,] SEWERAGE, WATER, GAS AND ELECTRIC LIGHT, HEAT AND POWER CORPORATIONS**

**18:22-8.1(a)2. The length of the taxpayer's lines and mains along, in, on or over any public street, highway, road or other public place in this State, exclusive of service connections [, but not including in the case of a street railway or traction company the length of the lines operated by autobuses or vehicles of the character described in N.J. S.A. 48:15-41 et seq.];**

**18:22-8.1(a)3. The whole length of the taxpayer's lines and mains, exclusive of service connections in this State [but not including in the case of a street railway or traction company the length of the lines operated by autobuses or vehicles of the character described in N.J. S.A. 48:15-41 et seq.];**

**18:22-8.1(c) The information required in subsections (a) and (b) of this section must be submitted on the form supplied by the [Public Utility Tax Bureau] **Local Property And Public Utility Branch**.**

**SUBCHAPTER 9. TAX PAYABLE TO THE STATE BY [STREET RAILWAY TRACTION,] SEWERAGE, WATER, GAS AND ELECTRIC LIGHT, HEAT AND POWER CORPORATIONS**

**18:22-9.1 Corporations subject to tax**

Every [street, railway, traction,] sewerage, water, gas and electric light, heat and power corporation using or occupying the public streets, highways, roads, or other public places in this State must annually pay excise taxes for the privilege of exercising its franchises and using those public streets, highways, roads or other public places in this State.

**18:22-9.3 Computation of tax payable to the State**

On or before April 1 of each tax year the Director computes the excise taxes payable to the State as provided in section 2 (Excise tax payable to State; rates) of this subchapter and certifies, within five days thereof, to each taxpayer the amount of taxes payable to the State.

**Statutory Reference**

As to computation of tax, see N.J.S.A. 54:30A-54.1[.] and **54:30A-54.1a.**

**18:22-9.7 Payment due; to whom mailed**

Payments due are to be made payable to "The State of New Jersey" and mailed to the [Public Utility Tax Bureau] **Local Property And Public Utility Branch**, Trenton, New Jersey.

**SUBCHAPTER 10. TAXES PAYABLE TO MUNICIPALITIES BY [STREET RAILWAY, TRACTION,] SEWERAGE, WATER, GAS AND ELECTRIC LIGHT, HEAT AND POWER CORPORATIONS**

**SUBCHAPTER 11. APPORTIONMENT TO MUNICIPALITIES OF TAX REVENUES FROM [STREET RAILWAY, TRACTION,] SEWERAGE, WATER, GAS AND ELECTRIC LIGHT, HEAT AND POWER CORPORATIONS**

**SUBCHAPTER 12. PAYMENT AND COLLECTION OF TAXES PAYABLE TO MUNICIPALITIES BY [STREET RAILWAY, TRACTION,] SEWERAGE, WATER, GAS AND ELECTRIC LIGHT, HEAT AND POWER CORPORATIONS**

**APPENDIX I**

**UNIT VALUE TO BE APPLIED TO SCHEDULED PROPERTY**

**[STREET RAILWAY AND TRACTION SYSTEMS**

**Scheduled Property**

Tee Rail	\$2,557.00 per mile of single track in place
Girder Rail	\$9,019.00 per mile of single track in place
Overhead Construction	\$3,452.00 per single track mile
Rolling Stock	\$6,148.00 per mile of single track in service]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
Trenton, N.J. 08646

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

**(a)**

**TREASURY**

**DIVISION OF TAXATION**

**Proposed Amendments on The Railroad Property Tax**

Sidney Glaser, Director of the Division of Taxation of the Department of the Treasury, pursuant to authority of N.J.S.A. 52:29A-1 et seq., proposes to adopt amendments to N.J.A.C. 18:23-1.1 et seq. concerning the railroad property tax.

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

**18:23-1.1 Definitions**

...  
"Taxpayer" means any person, railroad or system subject to taxation under the [provision] provisions of the Act.  
...

**18:23-4.1(a)** The New Jersey Railroad Franchise Tax is assessed against each railroad or system operating in the State of New Jersey at the rate of 10 per cent of its net railway operating income adjusted and allocated on the basis of the percentage of all track miles operated within the State to the total track miles operated [everwhere] everywhere by such railroad or system.

**18:23-4.4(a)** For the purpose of this chapter railway tax accruals [means] mean the taxes due for the pre-tax year which have been assessed by the State of New Jersey and other states, including the taxes due to the United

States Federal Government, which have been recorded in the books and records of the taxpayer according to acceptable accounting methods.

**18:23-5.5(b)2.i.** In the case of a station building, the portion of the total value thereof allocated to Class III railroad property is to be calculated by multiplying the total value thereof by a factor equivalent to the ratio of the measured floor area used in [rending] rendering passenger service to the total measured floor area of the station building:

**18:23-7.2 Procedure on appeal**

(a) All procedures set forth in this section are subject to the rules and regulations promulgated by the Division of Tax Appeals, provided such rules and regulations do not conflict with the statutory provisions of the Railroad Tax Act of 1948, as amended.

1. [(a)] Copies of the complaint and application for hearing required by section 7.1 of this chapter must be served upon the Attorney General and a copy forwarded to the [Public Utility Tax Bureau] Local Property And Public Utility Branch not later than five days before the complaint is filed with the Division of Tax Appeals.

Statutory Reference  
N.J.S.A. 54:29A-32.

2. [(b)] On the third Monday of May, the Division of Tax Appeals meets to fix the time and place for the hearing of those New Jersey Railroad Property Tax appeals which have been filed on or before such date.

3. [(c)] On the first Tuesday of September the Division of Tax Appeals meets to fix the time and place for the hearing of New Jersey Railroad Franchise Tax appeals which have been filed on or before such date.

4. [(d)] At the hearing, if it appears that any assessment or tax is illegal, excessive, insufficient, or that there has been illegal discrimination in the assessment, the Division will correct, adjust and equalize such assessment or tax.

5. [(e)] All hearings in the Division of Tax Appeals are to be completed by November 1 following the filing of the complaint, and certified copy of the determination made forwarded to the Director between November 5 and November 10 of such year.

**18:23-8.1 Return of information**

(a) Every taxpayer must, on or before March 1, of the pre-tax year file with the [Public Utility Tax Bureau] Local Property And Public Utility Branch statements and/or schedules showing:

1. The character and value of real property owned or leased by the taxpayer on the first day of January of the pre-tax year;

2. The capitalization and the indebtedness of the taxpayer as of the same date.

(b) The [Public Utility Tax Bureau] Local Property And Public Utility Branch has developed and maintains a perpetual inventory of all property owned by each railroad or system in the State of New Jersey and only changes in the ownership, character or value of such property are required to be reported annually. Such annual returns of information must be submitted to the [Public Utility Tax Bureau] Local Property And Public Utility Branch on forms R.R. 51 through R.R. 452 which are available from said [Bureau] Branch.

(c) In addition to the statements and schedules above described, the taxpayer must submit a statement entitled, "Completion Reports and Plans." Such statement must include:

1. Progress reports on all projects involving real property undertaken during the pre-tax year; and

2. Completion reports on all projects completed during the pre-tax year.

(d) On or before April 1, of the tax year, each taxpayer must file with the Director, through the [Public Utility Tax Bureau] **Local Property And Public Utility Branch**, at its own expense, a sworn and complete copy of its Railroad Annual Report Form A or Form C for the pre-tax year, which has been filed with the Interstate Commerce Commission; or its State Commission Annual Report Form C for the pre-tax year, which has been filed with the Department of Public Utilities of the State of New Jersey.

(e) Furthermore, all taxpayers must complete and file, [Public Utility Tax Bureau] **Local Property And Public Utility Branch** Forms R.R. 551 through R.R. 556 with such [Bureau] **Branch**, together with such supplemental statements and schedules as may from time to time be required by the Director or the State [Supervisor] **Superintendent** of the [Public Utility Tax Bureau] **Local Property And Public Utility Branch**, acting in his behalf.

#### 18:23-8.2 Monthly statistics report

All taxpayers are to submit monthly reports of net railway operating income to the [Public Utility Tax Bureau] **Local Property And Public Utility Branch**, as soon as such information is available or projected. Such report is to include the monthly net railing operating income, and the cumulative net railway operating income for the year up to the month reported.

18:23-8.7(b) The tax and interest shall continue to be a lien on the franchise and property of the taxpayer for the benefit of such party in interest until paid by the taxpayer from the sale of his franchise and property. Upon the sale of the franchise or property, such party in interest shall be entitled to reimbursement for the amount of taxes paid plus interest at the rate of [12] 18 per cent per annum; interest must also pay an additional amount as provided by the Superior Court for the reasonable expenses and services incurred in the proceeding.

#### 18:23-9.3 Delinquent payment; interest

Any taxpayer who fails to pay either the Railroad Franchise Tax or the Railroad Property Tax when due is subject to interest at the rate of one and one-half per cent per month or fraction thereof, computed on the amount of the tax due, from and including the date payment was due up to the date payment is actually received by the Director of the Division of Budget and Accounting.

#### Statutory Reference

N.J.S.A. 54:29A-53.

#### 18:23-11.2 Taxpayer's right to informal conference

Where, under Section 5.6 (Conference; appeal) of this Chapter, a taxpayer requests an informal hearing, a conference will be held before the [Public Utility Tax Bureau] **Local Property And Public Utility Branch** to be conducted on an informal basis, with or without representation on behalf of the taxpayer or other party-in-interest.

18:23-11.3(a)2. After all parties have been given the opportunity of presenting all the evidence in support of the issues, the [Bureau] **Branch** shall take the matter under advisement and reach a determination on the record and facts disclosed;

3. Upon reaching a determination, the [Bureau] **Branch** shall notify the taxpayer or other party in interest or his representative by mail of the determination made;

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
Trenton, N.J. 08646

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning Tax Maps

Sidney Glaser, Director of the Division of Taxation of the Department of the Treasury, pursuant to authority of N.J.S.A. 54:1-15 et seq., proposes to amend various sections in Chapter 23A of Title 18 of the New Jersey Administrative Code concerning tax maps.

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

#### CHAPTER 23A

#### TAX MAPS

#### FOREWORD

... The Director, Division of Taxation, Department of Treasury,<sup>1</sup> is charged with "... full control over the preparation, maintenance and revision of all tax maps ..."<sup>2</sup> which he administers through the [Public Utility Tax Bureau.] **Local Property And Public Utility Branch**. The [Public Utility Tax Bureau] **Local Property And Public Utility Branch** inspects and approves all tax maps made in New Jersey which must be made by a New Jersey Licensed Land Surveyor in accordance with the specifications set forth in these regulations.

#### 18:23A-1.2 Approval of tax maps

(a) The law provides that the Director, Division of Taxation, "shall have full control over the preparation, maintenance, and revision of all tax maps however prepared". (See Chapter 175, Laws of 1913 and N.J.S.A. 54:1-15(6).)

(b) No new map or set of maps shall be used for purposes of taxation until approved by the Director, Division of Taxation. (Chapter 167, Laws of 1939; N.J.S.A. 54:1-15.3)

1. [(a)] After maps have been completed and thoroughly checked by the maker for compliance with these specifications they shall be submitted to the [Public Utility Tax Bureau] **Local Property And Public Utility Branch** for examination. Any revisions or corrections found to be necessary shall be made by the maker of the tax map.

The [Bureau] Branch reserves the right to reject any tax map for examination which, in its opinion, has not been adequately checked for compliance with these specifications.

2. [(b)] When the required revisions have been made, the tax map will be approved by the Director, Division of Taxation, and his official approval will be stamped on each tracing.

3. [(c)] The [Public Utility Tax Bureau] Local Property And Public Utility Branch will make a set of prints of each approved tax map to be retained in its file. The tracings will then be made available to the maker of the tax map.

#### 18:23A-1.4 Size of tax map sheets

(a) All completed tax map sheets shall be prepared on high-grade tracing cloth, film base material or polyester type plastic material, 36 inches long by 24 inches wide. Around each sheet shall be drawn a plain border line with square corners, allowing a margin of one inch (1") on the upper, lower and right-hand sides, and three inches (3") on the left-hand side for a binding margin. (See [Suggested Standards, Page 1] Tax Maps - May 1975, Page 37.)

(b) For the purpose of this [Bureau's] Branch's checking procedure, the individual tax map sheets should not be fastened together or bound in any manner.

18:23A-1.5(b) Generally, the same scale shall be used on all detail sheets throughout the taxing district, but where special conditions make it desirable to use more than one scale, this may be done by first obtaining permission from the [Public Utility Tax Bureau.] Local Property And Public Utility Branch.

#### 18:23A-1.6 Key map or sheet

(a) A Key Sheet shall be prepared for each map to a small scale which shall show the following data: (See [Suggested Standards, Page 2] Tax Maps - May 1975, Page 38)

1. The boundary lines of the entire municipality, including bearings and distances when available;
2. The names and limits of all adjacent municipalities;
3. All streets, roads, highways, main streams, lakes, local settlements, major public utilities rights-of-way, bodies of water and railroads with their proper names;
4. The limits of special taxing districts within the municipality;
5. The outline and number of each detail sheet;
6. The outline and number of each block;
7. The meridian;
8. Legend;
9. Title block;
10. Statement as follows "To show conditions as of (date)";
11. The certification and seal of the New Jersey Licensed Land Surveyor;
12. A block or space for this [Bureau's] Branch's approval stamp;
13. A statement similar to the following: "The areas, boundaries and dimensions shown on this tax map are derived from ground surveys, aerial surveys, and recorded plans, maps, deeds, and wills and are to be used for assessment purposes only."

(b) One or more Key Sheets may be used to properly show the required data.

(c) The Key Sheet shall be drawn to scale to show proper relationship of topographic features such as roads, railroads, streams, etc.

(d) When a new tax map supersedes an existing tax map, a note shall be placed on the Key Sheet or Key Sheets as follows: "This tax map supersedes the tax map approved (date)." This information is obtainable from the [Public Utility Tax Bureau.] Local Property And Public Utility Branch.

#### 18:23A-1.9 Block numbers

(a) Block numbers shall be assigned to every block in the municipality and shall generally be consecutive, running from one and up. Under special conditions some other method may be preferable, but it shall first be submitted to and approved by the [Public Utility Tax Bureau] Local Property And Public Utility Branch before being adopted.

(b) Care should be used in connection with the assignment of block numbers since "Electronic Data Processing" is being used on a county-wide basis to record assessment information for each individual municipality. The use of letter designations should particularly be avoided.

1. The division of an old block number may be shown by using [a dash opposite the old Block Number and the number 1 or] the decimal system [could be utilized] in this manner—1.01, 1.02, etc.;

#### Example 1:

Old Block Number 100 is split by a freeway into four blocks, yet the identity of old Block 100 must be retained. Then the new Block Numbers may be designated as Block Numbers 100.01, 100.02, 100.03, and 100.04 [or 100-1, 100-2, etc.].

....

18:23A-1.12(a)1. If traverses are run, they shall be closed and the computations may be requested by the [Public Utility Tax Bureau] Local Property And Public Utility Branch for inspection;

2. Reliable sources may be defined as recent tax maps of the adjoining municipalities, old maps and description of the municipality, known monuments and land marks in the boundary line itself, and agreement between local authorities as to the location of any disputed lines. (See R.S. 40:43-67, 70 and 71, Chapter 37, Laws of 1953.)

3. A description of the boundary lines of the municipality shall be furnished to this [Bureau] Branch when the tax map is submitted for inspection.

18:23A-1.14(e) Deed areas may be used where substantially correct. Where the deed area is incorrect, the actual area should be shown, but the deed area may also be shown for comparative purposes. Example: 1600.60 Ac. plus/minus (S), 1490.10 Ac. plus/minus (D). It is sometimes necessary to deduct road areas from the deed area to obtain actual areas. (See [Suggested Standards, Page 7.] Tax Maps - May 1975, Page 43.)

18:23A-1.17(b) The railroad property as assessed by the State may be shown in its two categories: namely Class [2] I (Main Stem) and Class II (Second Class).

18:23A-1.17(d) Prints of the railroad lands as assessed by the State of New Jersey may be obtained, upon application, at a nominal cost from the [Public Utility Tax Bureau.] Local Property And Public Utility Branch.

18:23A-1.18(b) Dashed lines shall generally be used to show rivers, streams and similar bodies of water. See ["Suggested Standards," Pages 13, 14 and 15.] Tax Maps - May 1975, Pages 49, 50 and 51, for method to be used to illustrate streams, creeks, rivers, brooks, and similar bodies of water.

18:23A-1.19 Marshes, timberlands, mines, and other features having material influence on land values

(a) If required by the municipality the tax map may show with a light dotted line the outlines of features that may have a material influence on land values, such as marshes, timberlands, active mines, quarries, clay pits and agricultural or farm lands.

1. [(a)] If the above features tend to distort the format of the tax map in any way, they should not be used.

2. [(b)] Such indications may be added to the tax map tracings in pencil after its approval by this [Bureau,] Branch, provided the local authorities so desire.

18:23A-1.25 Checking procedures employed by [Public Utility Tax Bureau] Local Property And Public Utility Branch

(a) This [Bureau] Branch will inspect and report corrections to be made by the tax map maker.

(b) Corrections to be made on the tax map will be listed on a sheet or sheets so provided, and will be shown on prints of the map, if prints are provided by the tax map maker.

(c) The [Bureau] Branch reserves the right to ask for corrections in compliance with the requirements of these specifications during any period or periods of the checking procedure involved in the preparation of any tax map.

(d) After the map has been corrected, the tracings will be stamped as an approved tax map.

18:23A-1.26(a) "Outline maps" have not been made for many years according to the records of this [Bureau] Branch. Their use was very limited and their accuracy has been questioned through the years.

18:23A-1.27(f) If any tracings of a tax map have been completely revised due to new roads, land developments or other improvements it is possible to have them rechecked and restamped by this [Bureau] Branch when the maintainer feels that such a procedure is warranted.

18:23A-1.28 Condominiums

Lot numbers shall be assigned to all lots having condominiums. Detailing separate condominium units shall be permissible if "Master Deed" and assessing practice require such delineation. (See Tax Maps - May 1975, pages 54 to 57.) Lot acreages shown on such lots will indicate area included or not included under condominium units.

18:23A-1.29 Flood hazard areas

If required by the municipality, the tax map will show with a dotted line the outlines of flood hazard areas. Additional acreage and/or dimensions should indicate the extent of flood hazard areas. (See Tax Maps - May 1975, Pages 52 and 53.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
Trenton, N.J. 08646

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning Transfer Inheritance Tax

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., proposes to adopt amendments to various sections in Chapter 26 in Title 18 of the New Jersey Administrative Code concerning the transfer inheritance tax.

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

18:26-1.1 Definitions

"Blanket waiver" means the general written consent of the Director issued by regulation permitting banks, trust companies, savings institutions, building and loan and savings and loan associations operating in this State, to transfer up to 50 per cent of any shares held for or of the total funds on deposit to the credit of a deceased resident of this State, either individually as a co-depositor, trustee, agent, cestui que trust, or in any other capacity, prior to the final payment of the tax and in the absence of a formal waiver. The Bank et seq. Waiver also authorizes the release of an amount in addition to the said 50 per cent, called for by a check or checks made payable to the [Treasurer, State of New Jersey,] New Jersey Inheritance Tax Bureau, in payment of Transfer Inheritance Taxes chargeable.

18:26-2.12 Renunciation of [legacy] devise

18:26-2.16 Ratio tax on transfer of nonresident's property

(a) In the case of a nonresident decedent's estate containing real or tangible personal property located in this State which passes to a transferee wherever situated, except by means of a specific [bequest or] devise, such transfer shall be computed as follows:

1. The tax shall bear the same ratio to the entire tax which the said estate would have been subject to under the laws of this State if such non-resident decedent had been a resident of this State, and all of his property real and personal (tangible or intangible) had been located within this State, as such real or tangible personal property passing to a transferee in this State bears to the entire estate wherever situated.

(b) The following are illustrations of the provisions of subsection (a) of this section:

Example (1):

Mr. "A" a California domiciliary, died intestate, on [January 3, 1969] July 3, 1978, leaving as his sole heir a brother, Mr. "B", domiciled in New Jersey. Mr. "A's" estate consisted of the following: real property of the value of \$10,000 in New Jersey; \$20,000 in cash located in a Illinois bank; and \$70,000 in real and personal property located in California.

The New Jersey property is subject to the ratio tax and the tax on such transfer is computed as follows:

18:26-2.16(b) Example (2):

Same facts as Example (1) except that Mr. "A" died

testate and bequeathed \$10,000 held in a New Jersey bank to his brother and the rest of his estate to his wife.

First, the tax computed as if Mr. "A" had been a New Jersey domiciliary, i.e., as to "B", \$10,000 x 11% = \$1,100; as to "A's" wife, \$90,000 taxes [\$5,000] \$15,000 exempt,

[Next 10,000 x 1% =	100.00]
Next 35,000 x 2% =	700.00
Next 40,000 x 3% =	1,200.00
Total:	[\$2,000.00] \$1,900.00
	plus \$1,100. = [\$3,100.00] \$3,000.00

Second, the total tax, i.e., [\$3,100] \$3,000 is multiplied by 1/10 the ratio of the property subject to tax to the entire estate, i.e., 1/10 x [\$3,100.] \$3,000 = [\$310.00] \$300.00, the amount of tax due on the transfer of property to Mr. "B".

18:26-3.4(c) The amount of the estate tax due New Jersey, if any, cannot be determined in any case until the Federal Government has definitely determined the amount of Federal estate tax chargeable on final assessment.

1. Notice to the estate of final assessment usually takes the form of a letter from the District Director, Internal Revenue Service, indicating the amount of Federal estate tax chargeable, and the amount of the allowable credit.

2. If any adjustments have been made, this letter is accompanied by a detailed statement of the changes made in each schedule of the Federal estate tax return. If an appeal from the Director's findings is taken, the final notice will be the order of the appellate court in this respect.

3. The New Jersey Inheritance Tax Bureau requires a photostatic copy of all determinations, final and intermediate, of the Internal Revenue Service, with all supporting statements. Photostatic copies of receipts for payment of succession or estate taxes to any state, other than New Jersey, territory, possession, or the District of Columbia are also required.

4. Form of return for New Jersey estate tax purposes may be obtained from the Transfer Inheritance Tax Bureau at Trenton, N.J. [08625.] 08646.

#### 18:26-5.5 [Bequests or devises] Devises in lieu of commissions

In any case where a decedent appoints or names one or more executors or trustees and makes a [bequest or] devise of property to such fiduciaries in his will in lieu of commissions or allowances or appoints him or them his residuary legatee or legatees, the transfer to such fiduciary or fiduciaries of that portion of the property in excess of the reasonable compensation fixed by the Superior or County Court having jurisdiction in the matter, is subject to the New Jersey Inheritance Tax.

18:26-5.19[(b) Annuity payments which begin on the death of a serviceman who elected to take a reduced annuity with payments to continue to a named surviving beneficiary under the Uniformed Services Contingency Option Act of 1953 are taxable for the New Jersey Inheritance Tax purposes.]

(b) [(c)] Annuity payable under certain trusts and plans which are exempt under Section 2039(c) of the Internal Revenue Code of 1954 are not exempt for New Jersey Inheritance Tax purposes. The treatment to be accorded payments made under such trusts and plans depends upon the facts and circumstances which exist in each case.

#### 18:26-6.14 Federal pensions

The proceeds of any pension, annuity, retirement allowance, return of contributions or benefit payable by the Government of the United States pursuant to the Civil

Service Retirement Act, Retired Serviceman's Family Protection Plan and The Survivor Benefit Plan to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent are exempt.

#### 18:26-9.3 Form of returns

Returns are required to be made on forms L-1, L-2, L-3, L-4, and F-1 approved by the Director which may be obtained by writing to the Transfer Inheritance Tax Bureau, Trenton, New Jersey [08625] 08646, or to the district supervisor of the county where the decedent died. (See Appendix A of this chapter for a list of the district supervisors.)

18:26-9.4(a)1. Form L-1: For use in estates where the decedent dies intestate, not seized of any real estate, and upon whose estate letters of general administration will not be required. Said form L-1 shall be filed directly with the Transfer Inheritance Tax Bureau, Trenton, New Jersey [08625] 08646.

#### 18:26-9.6 Amendment to original return

In the case of both resident and nonresident estates, any assets and liabilities not disclosed in the original return and all supplemental data requested by the Bureau is to be filed in affidavit form on legal size paper and attested to by the duly authorized statutory representative of the estate, next of kin, or beneficiary certifying in detail a description of the asset, real or personal and/or the liability and the reasons for failure to disclose same in the original return and filed directly with the Transfer Inheritance Tax Bureau, Trenton, New Jersey [08625] 08646.

18:26-9.10(a) All payments of the New Jersey Inheritance Tax and any interest due thereon whether in full settlement of the tax or a payment on account, is to be made by certified or cashier's check drawn to the order of the [Treasurer, State of] New Jersey Inheritance Tax Bureau and forwarded directly to the Transfer Inheritance Tax Bureau, Trenton, New Jersey [08625] 08646, together with a letter giving the name of the decedent, his date of death and legal domicile.

18:26-10.12(b) Such application is to be made by means of an affidavit on legal size paper, setting forth in detail all of the facts upon which the claim for refund is based, including a copy of a Court Order, if a court of competent jurisdiction has made a final determination upon which the refund is based, signed by the executor, administrator, trustee, heir-at-law, or surviving joint tenant and filed directly with the Transfer Inheritance Tax Bureau, Trenton, New Jersey [08625] 08646.

#### 18:26-11.9 From one fiduciary to another

Bonds and/or stock of a New Jersey Corporation or a national bank located in New Jersey, or any money deposited in any trust company, bank or other institution in the name of one court appointed fiduciary as executor, administrator or trustee or guardian, may, upon the death of such fiduciary, be transferred without a New Jersey Transfer Inheritance Tax waiver to, or on the order of, the legally appointed substitute for the deceased fiduciary.

18:26-11.16(c)2. Pay any checks in any amount for which there are sufficient funds held in deposit, drawn on any account owned by a decedent individually, jointly or otherwise, representing full or partial payment of any New Jersey Transfer Inheritance Taxes and made payable to the [Treasurer, State of] New Jersey Inheritance Tax Bureau;

18:26-11.31(a) The notice required by Section 30 of this subchapter is to be given by mailing Form 0-71 to the Di-

vision of Taxation, Transfer Inheritance Tax Bureau, Trenton, New Jersey [08625] 08646, as soon as practicable after the death of the decedent, but in any event not later than ten days after the whole or any part of the sum or sums required to be reported therein have been paid.

18:26-12.3(a) After a return has been filed all communications regarding the New Jersey Transfer Inheritance Tax or Estate Tax are to be addressed to the Transfer Inheritance Tax Bureau, P.O. Box 1919, Trenton, New Jersey [08625] 08646 and should state the full name of the decedent, the date of death and the name of the county where the decedent resided as of the date of death.

APPENDIX A.

**William R. Mulholland, Jr.**  
Superintendent  
Transfer Inheritance Tax  
Post Office Box 1919  
Trenton, N.J. 08646

1. DISTRICT SUPERVISORS - INHERITANCE TAX

- Atlantic—Patrick T. McGahn, Jr.  
1421 Atlantic Avenue, Atlantic City, N.J. 08401  
(609) 345-3261
- Bergen—Thomas F. Foley  
Administrative Bldg., Hackensack, N.J. 07601  
(201) 646-2060
- Burlington—James C. Ayer  
515 High Street, Burlington, N.J. 08016  
(609) 386-4720
- Camden—[Donald Palese]  
[614 Haddonfield Road, Cherry Hill, N.J. 08034  
(609) 662-4727]  
Thomas A. Cucinotta  
1500 Kings Highway North, Cherry Hill, N.J. 08002  
(609) 795-6116
- Cape May—Harry J. Gibbons  
217 East Pine Avenue, Wildwood, N.J. 08260 (no phone)
- Cumberland—[Harold Horwitz]  
[123 W. Broad Street, Bridgeton, N.J. 08302  
(609) 451-7884]  
Harry R. Adler  
80 W. Broad Street, Bridgeton, N.J. 08302  
(609) 451-1731
- Essex—[William Abruzzese]  
[605 Broad Street, Newark, N.J. 07102  
(201) 623-6249]  
Inheritance Tax Bureau  
1100 Raymond Blvd., Room 101M, Newark, N.J. 07102  
(201) 648-3486
- Gloucester—John S. Holston, Jr.  
62 North Broad Street, Woodbury, N.J.  
(609) 848-5858
- Hudson—Malcolm J. Robbins  
921 Bergen Avenue, Jersey City, N.J. 07306  
(201) 653-3633
- Hunterdon—Sanford N. Groendyke  
38 Main Street, High Bridge, N.J. 08829  
(201) 638-8233
- Mercer—Donald R. Bryant  
28 W. State Street, Room 707, Trenton, N.J. 08608  
(609) 882-1422

- Middlesex—Franklin F. Feld  
[County Administrative Bldg., New Brunswick, N.J. 08901  
(201) 246-6214]  
46 Bayard Street, New Brunswick, N.J. 08901  
(201) 249-7418
- Monmouth—[Norman Dorfman]  
[710 Mattison Avenue, Asbury Park, N.J. 07712  
(201) 774-3636]  
Peter L. Graham  
Old Mill Shopping Plaza, 2100 Highway 35,  
Sea Girt, N.J. 08750 (201) 449-0210
- Morris—R. Wayne Stickel  
229 Main Street, Chatham, N.J. 07928  
(201) 635-5200
- Ocean—Henry L. Gertner  
256 Second Street, Lakewood, N.J. 08701  
(201) 363-1122
- Passaic—[Harry C. Peterson]  
[404 Clifton Avenue, Clifton, N.J. 07011  
(201) 546-0515]  
Harold Leib  
35 Church Street, Room 203, Paterson, N.J.  
(201) 684-4602
- Salem—[Charles H. Smith]  
[49 S. Main Street, Woodstown, N.J. 08098  
(609) 769-0177]  
Philip W. Taylor  
34 North Main Street, Woodstown, N.J. 08098  
(609) 769-0276
- Sussex—[Gilbert L. Hand]  
[P.O. Box 42, Sparta, N.J. 07871  
(201) 729-6458]  
Peter J. Barry  
120 Route 183, Stanhope, N.J. 07874  
(201) 347-1630
- Somerset—A. Dix Skillman  
County Administrative Bldg., Somerville, N.J. 08876  
(201) 725-4700
- Union—Harold Simon  
272 N. Broad Street, Elizabeth, N.J. 07208  
(201) 355-1782
- Warren—Harold A. Searles  
301 Mill Street, Belvidere, N.J. 07823  
(201) 475-2701
2. INVESTIGATORS  
Peter Fless, Esq.  
[120 N. Montgomery Street, Trenton, N.J. 08608  
(609) 393-3703]  
3228 South Broad Street, Trenton, N.J. 08610  
(609) 585-7900
- Solomon Friss  
1421 Atlantic Avenue, Atlantic City, N.J. 08401  
(609) 345-3261
- Robert R. Ross, Esq.  
1440 Parkside Avenue, Trenton, N.J. 08638  
(609) 392-4200
- John P. Scozzari, Esq.  
156 West State Street, Trenton, N.J.  
(609) 396-5528

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
Trenton, N.J. 08646

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning Capital Gains and Other Unearned Income Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:8B-1 et seq., proposes to amend various sections in Chapter 30 in Title 18 of the New Jersey Administrative Code concerning capital gains and other unearned income tax.

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

#### CHAPTER 30. CAPITAL GAINS AND OTHER UNEARNED INCOME TAX

##### FOREWORD

The tax on capital gains and other unearned income referred to as the "Act" or the ["law"] "Law" was en-

acted into law on August 4, 1975 (P.L. 1975, c. 172), and amended on March 3, 1976 (P.L. 1975, c. 378), and rendered thereby six specific categories of income subject to tax. Those are interest[s], dividends, capital gains, royalties, income from an interest in an estate or trust, and certain compensation from a partnership or corporation.

The Act imposes the tax at graduated rates from 1½ per cent on the first \$1,000 of unearned income to eight per cent on amounts in excess of \$25,000. The tax is made retroactive to items of unearned income earned, received or constructively accrued or credited to the taxpayer on and after January 1, 1975.

A New Jersey resident is subject to tax upon all of his unearned income irrespective of where it is earned. A nonresident is subject to tax only upon his capital gains derived from sales or exchanges of real or tangible personal property located in New Jersey.

These regulations are designed to implement the [statute] Act. In particular, they are intended to carry out the legislative intent which appears on numerous occasions in the Act in such phrases as "by regulation of the Director, which shall be consistent with definitions prescribed for Federal income tax purposes." Section 19 of the Act provides for general regulatory powers.

These regulations will be amended from time to time as deemed necessary.

#### 18:30-1.3 Rate of tax

(a) The amount of tax on capital gains and other unearned income shall be determined in accordance with the following rate schedule:

Note: Interest and dividends are subject to tax at one half the rates set forth in the table below. (See subchapter 11 of this chapter for method of computing the tax where dividends and interest are involved.)

[As to tax rates, see N.J.S.A. 54:8B-3.]

#### If taxable unearned income is:

Not over \$1,000  
Over \$ 1,000 but not over \$ 3,000  
Over 3,000 but not over 5,000  
Over 5,000 but not over 7,000  
Over 7,000 but not over 9,000  
Over 9,000 but not over 11,000  
Over 11,000 but not over 13,000  
Over 13,000 but not over 15,000  
Over 15,000 but not over 17,000  
Over 17,000 but not over 19,000  
Over 19,000 but not over 21,000  
Over 21,000 but not over 23,000  
Over 23,000 but not over 25,000  
Over 25,000

#### The tax is:

1.5% of the taxable unearned income  
\$ 15 plus 2.0% of excess over \$ 1,000  
55 plus 2.5% of excess over 3,000  
105 plus 3.0% of excess over 5,000  
165 plus 3.5% of excess over 7,000  
235 plus 4.0% of excess over 9,000  
315 plus 4.5% of excess over 11,000  
405 plus 5.0% of excess over 13,000  
505 plus 5.5% of excess over 15,000  
615 plus 6.0% of excess over 17,000  
735 plus 6.5% of excess over 19,000  
865 plus 7.0% of excess over 21,000  
1,005 plus 7.5% of excess over 23,000  
1,155 plus 8.0% of excess over 25,000

As to tax rates, see N.J.S.A. 54:8B-3.

#### 18:30-4.1 Interest defined

"Interest" means that interest taxable for Federal income tax purposes, except that it shall not include interest which the State is prohibited from taxing under the Constitution or the statutes of the United States or on obligations of the State of New Jersey or its political subdivisions. Interest on obligations of other governments or

political subdivisions thereof [are] is subject to tax. A list of such exempt obligations, although not complete, follows:

I. Federal securities:  
Asian Development Bank T  
Bank for Cooperatives E  
Environmental Financing Authority T

- Export-Import Bank of the United States (Eximbank)
  - a) Series 1978 B debentures E
  - b) Participation certificates (reversal of  
counsel opinion dated 8/29/67) T
- Federal Housing Authority (F.H.A.) E
- Farmers Home Administration E
- Federal Financing Bank E
- Federal Home Loan Bank E
- Federal Home Loan Mortgage Corporation T
- Federal Intermediate Credit Banks E
- Federal Land Banks E
- Federal National Mortgage Association (Fannie Mae)
  - a) Interest on bonds and debentures T
  - b) Guaranteed Participation Certificates [E] T
- General Services Administration E
- Government National Mortgage Association  
(Ginnie Mae) [E] T
- Grace Lines, SS Santa Lucia Bonds T
- H.U.D./New Communities E
- H.U.D. Public Housing Notes and Bonds (tax-free  
in state of issuance. If issued in (In state of issuance)  
the District of Columbia, Puerto Rico, the Virgin  
Islands, they are exempt from all  
State tax) (If issued in other states) E
- Inter American Development Bank Bonds T
- [International Bank for Reconstruction and Development  
(International Bank Bonds; World Bank)] [T]
- International Monetary Fund and Bank for  
Reconstruction and Development (World Bank) T
- Jonathan Development Corp. (Obligations guaranteed  
under New Communities Act of 1968) T
- Merchant Marine E
- Panama Canal Zone Bonds specifically exempt from  
tax by 31 U.S.C. [S]744 & [S]745 E

18:30-4.2(a)1.i. Example: Interest received by a resident individual on bonds of the State of California is taxable although it is not taxable for Federal income tax purposes. Other examples of interest subject to New Jersey tax are interest from obligations of the following: Turnpike Authority of New York, New York State Power Authority, Chicago Transit Authority, City of Cincinnati, and the like.

18:30-4.1(a)1. Interest income on obligations of the United States and its possessions, to the extent [includable] includible in gross income for Federal income tax purposes:

18:30-6.4(a) Every husband and wife, and any person, described as a taxpayer under the law shall, in addition to the exemptions otherwise allowed under the law, be allowed an exemption and deduction from the amount of gains from the sale or exchange of capital assets for any taxable year, which are subject to the tax imposed in the amount of any gain for such taxable year included in net gains from the sale or exchange of capital assets for Federal income tax purposes, arising from the sale of a residence in such taxable year but not in excess of \$75,000 [and]. Such exemption shall be allowed only if either [of such] spouse[s] or both, or said other person, had attained the age of 65 years on the date of such sale, or is a widow or widower, or is a person entitled to disability benefits under the Federal Social Security Act and all amendments and supplements thereto on the date of such sale[.]. [and] In addition thereto such taxpayer must [had] have owned and used such residence as a principal residence for at least five years of the eight years immediately preceding the date of such sale and said gain is the first such gain for such taxpayer with respect to the sale of such a residence on or after January 1, 1975.

18:30-6.4(b) If the exemption provided for in subsection (a) of this section [hereof] is availed of by a taxpayer in or for any taxable year, no such exemption shall be allowed with respect to such taxpayer or a spouse [thereof] in any subsequent taxable year.

18:30-6.12 Stock options

Where an option is permitted to expire, the same shall be treated as a capital loss by the buyer. Where the option has been exercised, the price paid for it shall be added to the cost basis of the stock. When the option is sold, it shall be regarded as a capital gain or loss, as the case may be.

18:30-9.1(b)1. Where personal services are a material income producing factor, an individual who is a partner or a stockholder shall not be deemed to have derived excess compensation for personal services performed unless such person performs little or no service[.]. [provided] Provided, however, a retired partner shall not be deemed to have derived excess compensation even though he is performing no services, [provided that] and he has previously performed services for the partnership. In such case, any income received by such retired partner from the partnership shall be deemed to be compensation for services.

18:30-11.1(c)2.iv. Assume that the taxpayer and his spouse have unearned income as follows: capital gains \$2,500; dividend income before Federal dividend exclusion \$1,500; and interest income from savings account—\$1,000.

Capital gain	\$2,500
Dividend income	1,500
Interest income	1,000**
Total unearned income	5,000
Two exemptions (\$1,000 each)	2,000
Taxable income	3,000
Tentative tax	55.00*
Deduction for special provision applicable to interest and dividends	\$13.75***
Tax due	\$41.25

Long-term capital gain deductions are not permitted.  
\*\*Interest on United States obligations[.], New Jersey State, county and municipal bonds are exempt.

\*\*\*Interest and dividends are taxed at one-half the rates set forth in the tax table.

\*See tax table.

18:30-6.4(c) Payments should be made by check or money order, made payable to State of New Jersey TUI and mailed with the tax return to the Division of Taxation, P.O. Box 1478, Trenton, New Jersey [08625] 08646.

18:30-21.1(a) Any person failing to file his return when due shall be liable for a penalty of \$25.00, which penalty shall be payable to, and recoverable by, the Director in the same manner as the tax imposed by this Act. If any tax is not paid when the same becomes due, there shall be added to the amount of the tax a sum equivalent to ten per cent thereof, as a penalty, and in addition thereto, interest at the rate of one per cent per month or fraction thereof from the date the tax became due until the same is paid. The Director, if satisfied beyond a reasonable doubt that the failure to comply with any provision of this section was due to reasonable cause and was not intentional or due to neglect, may abate or remit the [the] whole or part of any penalty.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before January 24, 1979 to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
Trenton, N.J. 08646

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF PENSIONS

#### JUDICIAL RETIREMENT SYSTEM

#### STATE HOUSE COMMISSION

#### Amendments and Rescission of Rules Concerning Computation of Benefits

On November 20, 1978, William J. Joseph, Secretary of the Judicial Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:10-1.9 and 17:10-3.1 and rescinded N.J.A.C. 17:10-5.12 and 17:10-5.14 concerning the Judicial Retirement System as proposed in the Notice published July 6, 1978 at 10 N.J.R. 303(a).

An order adopting these amendments and rescissions was filed and became effective on November 24, 1978 as R.1978 d.405.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF TAXATION

#### Emergency Extension of Filing Time For Homestead Tax Rebate

On November 28, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976, c. 72, and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule extending the time for the filing of the application for a claim for the homestead tax rebate.

Full text of the adoption follows:

18:12-7.12(b) The time for property owners to file their applications for a homestead rebate payable in 1979 pursuant to P.L. 1976, c. 72, including applications by shareholders in cooperative associations and those residing in properties of certain mutual housing corporations, has been extended to March 1, 1979.

An order adopting this rule was filed and became effective

on November 28, 1978 as R.1978 d.406 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF TAX APPEALS

#### Amendments to Form of Petition of Appeal Regarding Local Property Tax Appeals

On November 2, 1978, D. Jean Hancikovsky, Acting Assistant Secretary of the Division of Tax Appeals in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:2-39 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which amended the form of Petition of Appeal concerning local property tax appeals. The present stock of forms may be used after making the adopted changes therein.

A summary of the adopted amendments follows (deletions indicated in brackets [thus]):

The last sentence on the face of the form shall read:

"Petitioner has paid at least that portion of the taxes due and payable [as to the property which is not in substantial controversy].

The paragraph in the Affidavit of Service contained on the backer of the Petition shall be:

". . . a copy of the above petition on [(Assessor, Attorney or] Clerk []] of . . . ."

A reference to this form and its changes shall appear at the end of the text of N.J.A.C. 17:18-1.9.

An order adopting these amendments was filed and became effective on November 30, 1978 as R.1978 d.407 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning Homestead Tax Rebate

On December 5, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-3.80 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:12-7.1, 18:12-7.2, 18:12-7.4, 18:12-7.10, 18:12-7.11, 18:12-7.13 and 18:12-7.14 concerning the homestead tax rebate substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 518(a) with only inconsequential structural or language changes in the opinion of the Department of the Treasury.

Take notice that the current text of N.J.A.C. 18:12-7.12,

Extension of filing date, remains unchanged and was not deleted in this adoption.

An order adopting these amendments was filed and became effective on December 5, 1978, as R.1978 d.411.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Repeal of Rules Concerning Administrative Fees

On December 5, 1978, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 70, P.L. 1955, and in accordance with applicable provisions of the Administrative Procedure Act, deleted the current text of N.J.A.C. 17:1-7.3 and 17:1-8.3 concerning administrative fees as proposed in the Notice published November 9, 1978 at 10 N.J.R. 516(a).

An order deleting these rules was filed and became effective on December 12, 1978 as R.1978 d.421.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

### (Other Agencies)

(b)

## TURNPIKE AUTHORITY

### Proposed Amendments on Prequalification of Bidders

The New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-1 et seq., proposes to amend N.J.A.C. 19:9-2.1 concerning prequalification of bidders.

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

19:9-2.1(b) 7. Affidavit that the bidder has not been disqualified from bidding pursuant to N.J.A.C. 19:19-2.1(f).

19:9-2.1(f) A bidder shall be disqualified from future bidding on any Turnpike project if such bidder claims, whether successfully or not, its right to withdraw its bid because of unilateral mistake. Such disqualification shall be effective for a period of one year from the date of opening the bid sought to be withdrawn.

[(f)] (g) Any prospective bidder rejected for prequalification or dissatisfied with his bid classification may request a hearing before the chief engineer, including bidders disqualified pursuant to N.J.A.C. 19:9-2.1(f); and at such hearing may present further evidence to justify prequalification or changing of his bid classification. The chief engineer shall make all arrangements for such hearing.

[(g)] (h) Bidders on all other contracts not requiring prequalification shall, however, comply with the provisions of paragraphs 3, 4, and 5 of subsection (b) of this section.

[(h)] (i) The lowest bidder whose bid has been rejected

for any reason by the authority may request, not later than 72 hours after receipt of notice of said rejection, a hearing before the Executive Director of the New Jersey Turnpike Authority. The Executive Director may deny such hearing or grant such hearing before himself or such representatives as he may designate. The Executive Director or his designee shall make all arrangements for such hearing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Marian B. Macaulay  
Assistant Secretary  
New Jersey Turnpike Authority  
New Brunswick, N.J. 08903

The New Jersey Turnpike Authority may thereafter adopt rules concerning this subject without further notice.

Marian B. Macaulay  
Assistant Secretary  
New Jersey Turnpike Authority

(c)

## CASINO CONTROL COMMISSION

### Proposed Amendments Concerning Aisle Space

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt amendments to N.J.A.C. 19:46-1.27 concerning aisles, grating, electrical outlets, denominations, density, floor space, arrangement and floor plan.

Full text of the proposal follows (new or amended text indicated in boldface thus):

19:46-1.27 Aisles; grating; electrical outlets; denominations; density; floor space; arrangement; floor plan

(a) Unless otherwise approved by the Commission, the aisle space between any two rows of slot machines facing each other in a casino shall be at least [five] six feet in width.

(b) Whenever one row of slot machines in a casino is lined up back to back with another row of machines, the two rows shall be separated by a metal or other grating that will prohibit a person from placing his hand between said rows of machines.

(c) No casino licensee shall permit any exposed electrical outlet to exist in the slot machine area of the casino.

(d) Each casino licensee having slot machines in its casino shall have at least five percent of said machines of a five cent variety and at least ten percent if said machines of a twenty-five cent variety.

(e) Unless otherwise approved by the Commission, no casino licensee shall be permitted to [have] use in the conduct of gaming any number of slot machines which creates a density of greater than one machine for every [nine] ten square feet of the floor space of its casino authorized by the Commission to be occupied by machines.

(f) Slot machines, including walkways between them, may not occupy more than thirty percent of the first 50,000 square feet of floor space of a casino or more than twenty-five percent of any additional floor space of a casino larger than 50,000 square feet.

(g) Slot machines used in the conduct of gaming shall be arranged in such a manner as to promote optimum

security for the casino operation and maximum comfort for the patrons and as to create and maintain a gracious playing environment in the casino and avoid deception or frequent distraction to players at gaming tables.

(h) In requesting Commission approval for its proposed arrangement of slot machines, each casino licensee and applicant for a casino license shall submit to the Commission a detailed floor plan depicting its proposed arrangement of slot machines and indicating thereon all relevant floor space square footage, density information, and aisle dimensions, including dimensions of aisles between rows of slot machines facing each other; of distances in front of slot machines not directly facing another slot machine and of walkways between banks of slot machines. It shall be the obligation of each casino licensee to maintain on file with the Commission a current such floor plan certified as to its accuracy.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 24, 1979 to:

Joseph P. Lordi  
Chairman  
Casino Control Commission  
379 West State St.  
Trenton, N.J. 08625

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

Joseph P. Lordi  
Chairman  
New Jersey Casino Control Commission

(a)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions to Schedule of Charges at Kennedy International Airport

On October 25, 1978, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges concerning Kennedy International Airport.

Full text of the adoption follows:

RESOLVED, that the Schedule of Charges for the use of Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Kennedy International Airport, adopted by the Committee, at its meeting on January 5, 1950 (appearing at page 21 of the Committee Minutes of that date), as amended, be and the same is hereby amended, effective January 1, 1979 by amending the first paragraph of Section 1 thereof to delete "\$.50" and substitute "\$.57" therefor.

An order adopting these revisions was filed on December 5, 1978 as R.1978 d.409 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TURNPIKE AUTHORITY

### Amendments Concerning Double-Saddlemount Vehicles

On September 1, 1978, the New Jersey 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 be cited as N.J.A.C. 19:9-1.9(a)24., concerning double-saddlemount vehicles as proposed in the Notice published October 6, 1977 at 9 N.J.R. 497(c).

An order adopting these amendments was filed and became effective on December 5, 1978 as R.1978 d.412.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### BYRNE ANNOUNCES REDUCTION IN MALPRACTICE HOSPITAL INSURANCE

Governor Brendan Byrne and State Insurance Commissioner James J. Sheeran today announced a major reduction in the cost of malpractice insurance for hospitals insured by the Health Care Insurance Exchange, the non-profit company sponsored by the New Jersey Hospital Association.

Byrne said that the overall reduction in rates approved by Sheeran will average 58 per cent. Moreover, Byrne added, the rate revision will be applied retroactively and the 72 hospitals insured by the Health Care Insurance Exchange will receive an immediate refund of about \$3.5 million of previously paid premiums. An additional refund at some time in the future may be made, depending upon further study.

Byrne said, "This marks a major breakthrough in what has been a difficult problem of soaring malpractice rates."

"Since the cost of insurance is a factor in the setting of hospital per diem rates," Sheeran said, "I am calling this decrease to the attention of the Department of Health so that it can take action to make sure it is reflected in the per diem."

The Exchange is one of two major insurers of hospitals in New Jersey. The other is the St. Paul Fire & Marine Insurance Company. Last January, Sheeran approved a revision of the St. Paul rates, which resulted in substantial reductions for the 28 hospitals it insures.

The new rates for the Health Care Insurance Exchange are set at nine per cent below those approved for St. Paul.

The new rates are retroactive to February 1, 1977. The rates in effect since that time had been approved provisionally and were subject to retroactive revision on the basis of the hospitals' actual experience with incidents of malpractice.

The rates are calculated on a five-year basis to reflect the fact that there is frequently a lag in the reporting of malpractice claims, and, as a result, the liability of the insurer increases every year.

Thus, the premium increases from the first through the fifth year of each hospital's policy term. After the fifth year, when it is believed most, if not all, claims dating back to the first year will have been reported, the rate level remains stable.

The provisional rate schedule approved in 1977 for Health Care Insurance Exchange was based on rates filed by the Insurance Services Office, a rating bureau for the industry.

The provisional rates projected a five-year per hospital bed insurance premium of \$1,885 for liability limits of \$100,000/\$300,000. Under the new schedule the five-year premium is reduced to \$791 per bed, a savings of \$1,094 or 58 per cent.

On a hospital bed basis, the new and the old rates for \$100,000/\$300,000 limits compare as follows:

	Old Rate	New Rate	Percentage of Decrease
First Year	\$ 240	\$ 86	64.2
Second Year	360	132	63.3
Third Year	407	184	54.8
Fourth Year	432	193	55.3
Mature (Fifth Year)	446	196	56.1
TOTAL	\$1,885	\$791	58.0

"Under this new schedule," Sheeran explained, "hospitals will not only receive a refund on their paid premiums but they will be spending much less for their insurance in the future than they had expected, which should have a salutary effect on hospital budgets."

The dramatic turnabout in the pricing of malpractice insurance resulted from a number of factors, beginning with the Hospital Association's formation in 1976 of the Health Care Insurance Exchange to provide coverage that had become difficult to obtain and expensive in the regular market.

Because of its limited capital, the Health Care Insurance Exchange could not by itself serve the market fully, and Sheeran responded by activating the New Jersey Medical Malpractice Reinsurance Association, which had been authorized in a law that took effect January 30, 1976.

The Reinsurance Association comprises all insurance companies licensed in New Jersey to write personal injury and property damage liability insurance. There are about 400 companies in the Association. Under its plan of operation, the Health Care Insurance Exchange writes insurance for hospitals and reinsures a major part of each risk with the Association, which pays its proportionate share of each claim.

Initially, the Health Care Insurance Exchange reinsured 90 per cent of each risk and retained 10 per cent. It has since increased its share to 40 per cent.

Sheeran said that the creation of the Health Care Insurance Exchange and the Reinsurance Association assured the availability of hospital malpractice insurance and brought stability to a marketplace that had been beset by demands for extravagant rate increases and threats by insurers to cancel coverage.

"Chaos vanished with the arrival of the Exchange and the Association," Sheeran said.

After the Exchange and the Association began functioning, Sheeran said, his approval of rates that were provisional made it possible to effect a retroactive readjustment on the basis of the Exchange's actual experience.

The Health Care Insurance Exchange originally filed a rate revision that called for a reduction of only 15.6 per cent over the five-year policy period. Sheeran refused to approve the filing and insisted upon the additional study that led to his approval of the 58 per cent reduction.

## IMMUNIZATION STATUS OF CHILDREN

The New Jersey State Department of Health today released the results of a study into the immunization status of two-year-old children which showed that more than two-thirds of those youngsters sampled were in compliance with the recommended levels of immunity for their age group.

The study was conducted by questionnaire and interview in May 1978 using a randomly selected sample of birth certificates for children born during May 1976. There were 300 children in the sample and immunization level information was determined on 235 youngsters.

The purpose of the study was to determine how many of these children had been immunized and to what extent against polio, diphtheria, tetanus, whooping cough (DPT), measles and German measles by the time they reached the age of 2.

According to a schedule recommended by the American Academy of Pediatrics, two-year-olds should have received three doses of polio vaccine, four doses of DPT vaccine and one dose each of measles and German measles vaccine.

The Academy also recommends that two-year-olds be immunized against mumps. The Department has only recently begun to make mumps vaccine available to public clinics. Beginning in September 1979 youngsters six years of age or less will be required to have been vaccinated against mumps as a condition for school admission.

In the New Jersey study, 67.7% of the youngsters surveyed had completed the full schedule of immunization as recommended by the American Academy, although levels of immunity against individual diseases were higher than 67.7%.

In the case of polio, 91.1% had received three or more doses; 89.8% had had four doses of DPT; 83.8% and 71.5% had been immunized against measles and German measles respectively.

In releasing the results of the study, State Health Commissioner Dr. Joanne E. Finley urged parents to assure that their children receive the needed immunizations at the appropriate age.

She pointed out that Department statistics indicate that over 95% of school-age youngsters have received all required immunizations.

There are over 300 child health conferences offered by local health departments in which youngsters can receive their immunizations.

In addition to determining the levels of immunity, the study conducted by the Health Department compared these levels as recalled by parents with the actual levels as recorded in the providers' records.

The immunization levels as determined by the parents' recall or response to the immunization questions were considerably lower than what was actually confirmed on the records. The parents underestimated the level of protection for every disease, with the greatest difference falling in the vaccine categories requiring multiple doses.

## ENVIRONMENTAL PROTECTION

### LIAISON OFFICE OPENS

Governor Brendan Byrne and Eckardt C. Beck, Administrator of Region II of the Federal Environmental Protection Agency announced the opening of a direct liaison office between Federal and State officials and county and local agencies to deal more effectively with environmental problems.

# The New Jersey Administrative Code

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The liaison man is former State Senator Herbert J. Buehler of Ocean Township (Monmouth County) at an annual salary of \$36,000. He began his duties October 16.

In announcing the appointment, Beck said he believes the position will provide for a "one-on-one" relationship between agencies at State and Federal level and local or county officials involved in environmental questions.

Byrne noted that Buehler's experience both as State Senator and former councilman in Ocean Township gives him unusual expertise to coordinate efforts between local and state and federal agencies. He said Buehler will work with New Jersey's Washington office and various municipal and county officials.

Born and raised in Bayonne, Buehler received a bachelor's degree in political science from Seton Hall University and a master's degree in education from Rutgers University. He served four years as a member of the Ocean Township governing body and one term as a State Senator. He has been a high school social science teacher for 25 years.

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