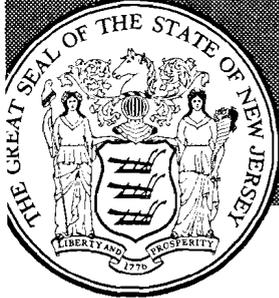


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual Subpart 8-15.101

On August 31, 1979, the Civil Service Commission in the Department of Civil Service, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 8-15.101 in the Civil Service Personnel Manual (State Service) concerning appeals regarding eligibility and examination matters.

Full text of the amended rules follows.

The Assistant Director, in charge of the appropriate unit will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Director, Division of Examinations.

8-15.101f Second Level of Appeal of Examination Appeals:

The second level of appeal is to the Director, Division of Examinations, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of the notice of the decision of the Assistant Director. The appellant must present all issues and related proofs or arguments pertaining to the appeal to the Director, Division of Examinations.

The Director, Division of Examinations will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Civil Service Commission.

8-15.101g Third Level of Appeal of Examination Appeals:

Appellants have a right to appeal to the Civil Service Commission from the Director, Division of Examinations' decision within 20 days of receipt of that decision (N.J.A.C. 4:1-8.15). Appeals should be addressed to the Director, Division of Administrative Practices and Labor Relations, P.O. Box 1918, Trenton, New Jersey 08625. On appeal to the Civil Service Commission, the Commission will only consider the issues and related proofs or argu-

ments presented to the Director of the Division of Examinations.

An appeal to the Civil Service Commission must include all information specified in 8-15.101d above. Upon receipt of an appeal the Director, Division of Administrative Practices and Labor Relations will compile all necessary information from the Department of Civil Service and/or the appointing authority.

When all the necessary information is compiled, the appeal will be presented to the Civil Service Commission for its final administrative determination.

8-15.101h Review of Written Record of Examination Appeals:

Appeals to the Civil Service Commission regarding examination matters will be treated as a review of the written record pursuant to N.J.A.C. 4:1-8.15. No hearing will be granted except in those limited instances where the Commission determines, following this review of the written record, that a significant dispute of material fact exists which can only be resolved through a hearing.

8-15.101i Service On Other Parties:

PART 8-15 RIGHT OF REVIEW

Subpart 8-15.101 Appeals concerning Eligibility and Examination Matters

8-15.101a Subject:

This subpart delineates the examination appeal system.

8-15.101b Definition:

The examination appeal system encompasses all complaints on the following matters:

- (1) rejection of an application;
 - (2) refusal to test an applicant;
 - (3) refusal to place the name of a person on the employment list;
 - (4) refusal to certify the name of an eligible;
 - (5) removal from the employment list of the name of an eligible person;
- and all other complaints that are integrally related to the examination process.

8-15.101c Burden of Proof:

The Burden of Proof in an examination appeal is on the appellant.

8-15.101d Required Information:

Appeals must include the examination title and symbol

NEW JERSEY REGISTER

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number. They must specify the adverse action being appealed and delineate specific objections. Appeals protesting examination questions must be specific regarding the questions being contested. (While candidates are not permitted to copy specific questions, they are permitted to copy down the question numbers).

8-15.101e First Level of Appeal of Examination Appeals:

The first level of appeal is to the Division of Examinations, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of notice of the action complained of.

If there is more than one party to an appeal each party must serve copies of all materials submitted on all other parties.

8-15.101j Appeals From Rejection for Psychological, Psychiatric or Medical Reasons:

Refer to Subpart 12-11.101 and Subpart 12-11.103 for appeals from rejection for psychological, psychiatric or medical reasons.

8-15.101k Appeals From Rejection For A Record of Criminal Conviction:

An appointing authority may refuse to appoint an examination candidate due to a record of criminal convictions provided the appointing authority conforms to the requirements of Chapter 160, Laws of 1974. Such refusals to appoint are subject to review by the Civil Service Commission on appeal.

8-15.101l Appeals From A Decision Of the Civil Service Commission:

A decision of the Civil Service Commission is a final administrative determination. As such, any further appeal should be directed to the Appellate Division of the Superior Court.

An order adopting these amendments was filed and became effective on September 5, 1979, as R.1979 d.353 (Exempt, Procedure Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Howard H. Kestin
Director
Office of Administrative Law

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to Local Service Personnel Manual Subpart 8-15.101 Concerning Appeals

On August 31, 1979, the Civil Service Commission in the Department of Civil Service, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 8-15.101 in the Civil Service Personnel Manual (Local Service) concerning appeals regarding eligibility and examination matters.

Full text of the amended rules follows:

PART 8-15 RIGHT OF REVIEW

Subpart 8-15.101 Appeals Concerning Eligibility and Examination Matters

8-15.101a Subject:

This subpart delineates the appropriate Division within

the Department of Civil Service which will consider appeals dealing with various topics and describes the appeal system within the department of Civil Service.

8-15.101b Definition:

The eligibility and examination appeal system encompasses all complaints on the following matters:

(A) The Division of Examinations will consider the following types of appeal:

1. Pre-Establishment of Eligible List:

a. Appeals concerning rejection of a person's application because he/she did not meet the announced qualification requirements (education and/or experience).

b. Appeals concerning the granting of veteran's preference.

c. Appeals concerning the validity of examinations in whole or specific questions.

d. Appeals concerning the administration of any examinations.

2. Post-Establishment of Eligible List:

a. Appeals concerning the grading of any examination including the actual calculation of seniority on promotions.

b. Appeals resulting from failure of any examinations.

(B) The Division of Local Government Services will consider the following types of appeals:

1. Pre-Establishment of Eligible List:

a. Appeals concerning the geographic (residency) scope of open competitive examinations.

b. Appeals concerning the validity of announced requirements for admittance to all local promotional examinations.

c. Appeals concerning the title and organizational unit scope which promotional examinations are opened to.

d. Appeals concerning time-in-grade requirements for promotional examinations.

e. Appeals concerning seniority entitlement for eligibility for promotion.

2. Post-Establishment of Eligible List:

a. All appeals concerning the removal of an eligible's name from a local open competitive or promotional list. [See C.S.P.M. (local) 12-11.101]

b. Requests to extend the duration of an existing list in the local service.

c. Requests for the limited revival of an expired list including those in accordance with N.J.S.A. 11:9-10.1.

and all other complaints that are integrally related to the examination process.

8-15.101c Burden of Proof:

The Burden of Proof in an examination appeal is on the appellant.

8-15.101d Required Information:

Appeals must include the examination title and symbol number. They must specify the adverse action being appealed and delineate specific objections. Appeals protesting examination questions must be specific regarding the questions being contested. (While candidates are not permitted to copy specific questions, they are permitted to copy down the question numbers).

8-15.101e First Level of Appeal to the Division of Examinations:

The first level of appeal is to the Division of Examinations, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of notice of the action complained of.

The Assistant Director in charge of the appropriate unit will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information re-

garding right of appeal to the Director, Division of Examinations.

8-15.101e(1) First Level of Appeal to the Division of Local Government Services:

The first level of appeal is to the Division of Local Government Services, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of notice of the action complained of.

The appropriate Office Manager will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Director, Division of Local Government Services.

8-15.101f Second Level of Appeal to the Division of Examinations:

The second level of appeal is to the Director, Division of Examinations, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of the notice of the decision of the Assistant Director. The appellant must present all issues and related proofs or arguments pertaining to the appeal to the Director, Division of Examinations.

The Division of Examinations will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Civil Service Commission.

8-15.101f(1) Second Level of Appeal to the Division of Local Government Services:

The second level of appeal is to the Director, Division of Local Government Services, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of the notice of the decision of the Office Manager. The appellant must present all issues and related proofs or arguments pertaining to the appeal to the Director, Division of Local Government Services.

The Director, Division of Local Government Services will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Civil Service Commission.

8-15.101g Third Level of Appeal to the Division of Examinations:

Appellants have a right to appeal to the Civil Service Commission from the Director, Division of Examinations' decision within 20 days of receipt of that decision (N.J.A.C. 4:1-8.15). Appeals should be addressed to the Director, Division of Administrative Practices and Labor Relations, P.O. Box 1918, Trenton, New Jersey 08625. On appeal to the Civil Service Commission, the Commission will only consider the issues and related proofs or arguments presented to the Director, Division of Examinations.

An appeal to the Civil Service Commission must include all information specified in 8-15.101d above. Upon receipt of an appeal the Director, Division of Administrative Practices and Labor Relations will compile all necessary information from the Department of Civil Service and/or the appointing authority.

When all the necessary information is compiled, the appeal will be presented to the Civil Service Commission for its final administrative determination.

8-15.101g(1) Third Level of Appeal to the Division of Local Government Services:

Appellants have a right to appeal to the Civil Service Commission from the Director, Division of Local Government Services' decision within 20 days of receipt of that decision (N.J.A.C. 4:1-8.15). Appeals should be addressed

to the Director, Division of Administrative Practices and Labor Relations, P.O. Box 1918, Trenton, New Jersey 08625. On appeal to the Civil Service Commission, the Commission will only consider the issues and related proofs or arguments presented to the Director, Division of Local Government Services.

An appeal to the Civil Service Commission must include all information specified in 8-15.101d above. Upon receipt of an appeal the Director, Division of Administrative Practices and Labor Relations will compile all necessary information from the Department of Civil Service and/or the appointing authority.

When all the necessary information is compiled, the appeal will be forwarded to the Civil Service Commission for its final administrative determination.

8-15.101h Review of the Written Record from a decision of the Director, Division of Examinations:

Appeals to the Civil Service Commission from a decision of the Director, Division of Examinations will be treated as a review of the written record pursuant to N.J.A.C. 4:1-8.15. No hearing will be granted except in those limited instances where the Commission determines, following this review of the written record, that a significant dispute of material fact exists which can only be resolved through a hearing.

8-15.101h(1) Review of the Written Record from a decision of the Director of Local Government Services:

Appeals to the Civil Service Commission from a decision of the Director, Division of Local Government Services will be treated as a review of the written record pursuant to N.J.A.C. 4:1-8.15. No hearing will be granted except in those limited instances where the Commission determines, following this review of the written record, that a significant dispute of material facts exists which can only be resolved through a hearing.

8-15.101i Service On Other Parties:

If there is more than one party to an appeal each party must serve copies of all materials submitted on all other parties.

8-15.101j Appeals From Rejection Or Psychological, Psychiatric or Medical Reasons:

Refer to Subpart 12-11.101 and Subpart 12-11.103 for appeals from rejection for psychological, psychiatric, or medical reasons.

8-15.101k Appeals From Rejection For A Record Of Criminal Conviction:

An appointing authority may refuse to appoint due to a record of criminal convictions provided the appointing authority conforms to the requirements of Chapter 160, Laws of 1974. Such refusals to appoint are subject to review by the Civil Service Commission on appeal.

8-15.101l Appeals From A Decision Of The Civil Service Commission:

A decision of the Civil Service Commission is a final administrative determination. As such, any further appeal should be directed to the Appellate Division of the Superior Court.

An order adopting these amendments was filed and became effective on September 5, 1979, as R.1979 d.354 (Exempt, Procedure Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Howard H. Kestin
Director
Office of Administrative Law

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Amendments Concerning Planned Real Estate Development Full Disclosure Act

Philip B. Caton, Director, Division of Housing and Urban Renewal, Department of Community Affairs, pursuant to the authority of N.J.S.A. 45:22A-35(a), proposes to amend the regulations pertaining to the Planned Real Estate Development Full Disclosure Act.

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

5:26-1.3 Definitions

“Planned real estate development” or “development” means any real property situated within this state, whether contiguous or not, which consists of or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units or interests, and which are offered or disposed of pursuant to a common promotional plan, and providing for common or shared elements or interests in real property. This definition shall include, but not be limited to “planned unit development” and “planned unit residential development” as defined in the Municipal Land Use Law (N.J.S.A. 40:55D-6).

...

5:26-2.2 (a) Unless the method of disposition is adopted for purposes of evasion, the provisions of [this Act] these regulations shall not apply to offers or dispositions:

...

5:26-2.2(a)5. Of real property located within the State[.]; [except in the case of a retirement community;]

5:26-2.17 P.U.D. and P.U.R.D.

(a) The developer of a planned unit development or planned unit residential development shall register the development pursuant to subchapter 3 of this chapter regardless of whether he intends to offer the lots, parcels, units or interests to the public or to a builder or builders or to another developer.

(b) In the event the developer offers or intends to offer a number of lots, parcels, units or interests in a P.U.D. or P.U.R.D. to a builder or builders who will construct dwelling units thereon with the intention of offering them to the public, the developer and the builder may submit a joint application for registration or the developer may submit an application for registration and file an amendment pursuant to subchapter 3 of this chapter when the lots, parcels, units or interests are conveyed to the builder.

(c) The items requested in N.J.A.C. 5:26-3.1(a), (c), (d), (q), (r), (t) and (w) shall be submitted for both the developer and the builder.

(d) The warranty provisions of subchapter 7 of this chapter shall be provided by the person who constructs the particular improvements so warranted.

5:26-3.1(a)6. Copies of the deed or other instrument establishing title in the developer and [a statement of an attorney at law or title company acceptable to the Agency of the condition of the title to the land, including all encumbrances as of 30 days prior to the filing date of the application for registration] a title search, title

report or title certificate or binder issued by a licensed title insurance company.

5:26-4.2(a)10. Copies of the instruments that will be delivered to the purchasers to evidence their interest in the development; [, together with copies of all contracts, riders and agreements that purchasers may be required to agree to or sign;]

5:26-4.2(a)24. A statement printed in 10-point bold face type or larger, conspicuously located and simply stated that the purchaser has the right to cancel any contract or agreement for the purchase of any lot, parcel, unit or interest in the development, without cause, by sending or delivering written notice of cancellation to the developer or his agent by midnight of the seventh calendar day following the day on which [the purchaser executed] such contract or agreement is executed and that all monies paid will be promptly refunded;

5:26-6.5(d)10. A clause or provision giving the developer, [or his agent,] the association, the governing board of the association or their agents the right of first refusal or other similar option or right. [, except in retirement communities where it shall be permitted provided it is at the full purchase price and is executed within 10 days of notice.]

5:26-8.4(g) From the time of conveyance of 75 per cent of the lots, parcels, units or interests until the last lot, parcel, unit or interest in the development is conveyed in the ordinary course of business the master deed, by-laws or declaration of covenants and restrictions shall not require the affirmative vote of more than 75 per cent of the votes to be cast in order to amend the by-laws or rules and regulations.

5:26-11.7(a)1. To any portion of a planned real estate development which does not have an effective date of the Act:

i. Its building permit or permits; or
ii. Final municipal approval of its site plan or subdivision plat [; provided that the land is not valued, assessed or taxed as an agricultural or horticultural use pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, C. 48 (N.J.S.A. 54:4-23.1 et seq.);].

(b) To any portion of a planned real estate development, regardless of the issuance of building permits or final municipal approval of its site plan or subdivision plat, that is assessed or taxed as an agricultural or horticultural use pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, C. 48 (N.J.S.A. 54:4-23.1 et seq.)

[(b)] (c) To any portion of a retirement community, regardless of the issuance of building permits or approval of site plans or subdivision plats, which has not been issued a notice of filing pursuant to the Retirement Community Full Disclosure Act, P.L. 1969, C. 215 (N.J.S.A. 45:22A-1 et seq.) or which has not been registered pursuant thereto. Those portions of retirement communities so filed or registered shall remain under the jurisdiction of the Retirement Community Full Disclosure Act.

(d) To any portion of a conversion, regardless of the issuance of building permits or approval of site plans or subdivision plats, that offers its first unit for sale after the effective date of the Act;

[(c)] (e) To any conversion in which a unit has been offered on or before the effective date of the Act that has 25 or more units remaining unsold.

[(d)] (f) To any developer, its successors and assigns specifically including, but not limited to, purchasers of the developer or the planned real estate development or retirement community and any person, institution or agency that may acquire title.

5:26-11.9(b) A temporary exemption may be granted by the agency within five business days of a request for an exemption which request shall be in writing and state that the developer will file the necessary application for registration within 45 days and that the developer shall give written notice to all persons purchasing after the effective date of the Act that the application for registration and public offering statement have been registered by the Agency, enclosing a copy of the public offering statement, and notify the [contract] purchasers that they have seven days within which to rescind the [contract.] transaction.

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

Division of Housing
Bureau of Housing Services
P. O. Box 2768
Trenton, New Jersey 08625

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

Philip B. Caton
Director, Division of Housing
and Urban Renewal
Department of Community Affairs.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Amendments to Uniform Construction Code

On August 31, 1979, Philip B. Caton, Director of the Division of Housing in the Department of Community Affairs, pursuant to authority of P.L. 1975, c. 217, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to a portion of the Uniform Construction Code.

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

5:23-3.3(h)3. Departmental plan review shall not be required for class 3 work. Departmental plan reviews prior to the issuance of a permit shall be required for class 2 work after [January 1, 1978] **October 1, 1980**, unless the construction official and each subcode official in the municipal enforcing agency is certified at, at least the class 2 level of certification. Departmental plan review prior to the issuance of a permit shall be required for class 1 work as of the effective date of the regulations and until the construction official and each subcode official in the municipal enforcing agency is certified at the class 1 level of certification. Alterations, replacements, repairs, damages and additions to class 1 buildings shall require a department plan review when:

5:23-4.9(a)2.ii.(3) For class 2, department plan review and release shall be required after [October 1, 1979] **October 1, 1980**, prior to the issuance of a construction permit unless the construction official and each appropriate subcode official in the municipal enforcing agency is certified by the Commissioner as a Class 1 or Class 2 construction official or subcode official;

An order adopting these amendments was filed on August 30, 1979, as R.1979 d.342 (Exempt, Emergency Rule) to become effective on August 31, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions on Debarment, Suspension And Disqualification of Person(s) Concerning Contract Administration

The State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-27 and Executive Order No. 34, 1976, proposes to revise N.J.A.C. 6:20-7.1 et seq. concerning the rules on debarment, suspension and disqualification of person(s) concerning contract administration.

Since school district purchasing procedures are subject to the Public School Contracts Law, these revisions are to update the Code to be consistent with that law, and the changes also deal with the transfer of the contractor classification process to the Division of Building and Construction in the Department of Treasury.

The current text of N.J.A.C. 6:20-7.2 through 6:20-7.14 is proposed to be repealed.

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

SUBCHAPTER 7: QUALIFICATION, DEBARMENT, SUSPENSION AND DISQUALIFICATION OF PERSON(S) CONCERNING CONTRACT ADMINISTRATION

6:20-7.1 Definitions

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

["Affiliates" means persons having a relationship such that any one of them directly or indirectly controls or has the power to control another.]

"Board of Education" means and includes the board of education of any local school district, consolidated school district, regional school district, county vocational school and any other board of education or other similar body other than the State Board of Education, established and operating under the provisions of Title 18A of the New Jersey Statutes and having authority to engage contractors for the performance of public works for the board.

"Board of education contracting" means any arrangement giving rise to an obligation to supply any thing to or perform any service for boards of education, other than by virtue of contracts of employment, or to supply any thing to or perform any service for a private person where the board of education provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.

"Debarment" means exclusion from contracting with boards of education for public work and Department of Education contracting on the basis of a lack of responsibility evidenced by an offense, failure, or inadequacy of performance, for a reasonable period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

["Department" means the Department of Education in the Executive Branch of Government in the State of New Jersey.]

"Department of Education contracting" means any arrangement giving rise to an obligation to supply anything to or perform any service for the Department of Education, other than by virtue of State employment, or to supply anything to or perform any service for a private person where the Department of Education provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.

"Disqualification" means a debarment or a suspension which denies or revokes or fails to renew a classification to bid or otherwise engage in contracting with boards of education or which denies or revokes a qualification to bid or otherwise engage in contracting with the Department of Education pursuant to statute or rules and regulations.

"Person" means any natural person, company, firm, association, corporation, or other entity.

"Qualification" is the procedure whereby all prospective bidders for public work with boards of education are classified [by the Department of Education, pursuant to N.J.S.A. 18A:18-8 et seq.,] as to the character and amount of public work on which they shall be qualified to submit bids.

"Suspension" means exclusion from contracting with boards of education for public work and from Department of Education contracting for a temporary period of time, pending the completion of an investigation or legal proceedings.

6:20-7.2 Qualification of bidders

Pursuant to N.J.S.A. 18A:18A-27, the authority to qualify bidders for board of education contracting or Department of Education contracting is delegated to the Department of Treasury. Such action is to be governed by regulations adopted by the Department of Treasury for this purpose.

6:20-7.3 Debarment, suspension and disqualification of person(s)

Debarment, suspension and disqualification of person(s) from board of education contracting or Department of Education contracting is delegated to the Department of Treasury. Such action shall be taken in accordance with regulations adopted by the Department of Treasury for such purpose.

In addition to being available in Title 6 of the New Jersey Administrative Code, copies of the full text of the rules proposed to be repealed are available for review or may be obtained from:

Assistant Director of School Finance
Division of Finance and Regulatory Services
N.J. Department of Education
225 West State St.
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 5, 1979 to the Assistant Director of School Finance at the above address.

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules on Public School Contracts

The State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-1 et seq., proposes to adopt new rules concerning public school contracts.

The new regulations are required since school district purchasing procedures are subject to the provisions of the Public School Contracts Law (N.J.S.A. 18A:18A-1 et seq.).

The proposed new rules, to be cited as N.J.A.C. 6:20-8.1 et seq., include the following table of contents:

SUBCHAPTER 8. PUBLIC SCHOOL CONTRACTS

- 6:20-8.1 Restricting the avoidance of competitive bidding for extraordinary, unspecifiable services
- 6:20-8.2 Certain leases of equipment and service agreements beyond the fiscal year
- 6:20-8.3 Change orders and open-end contracts
- 6:20-8.4 Bonds
- 6:20-8.5 Contract or agreement due to an emergency situation

Copies of the 16 pages of the full text of the proposed regulations may be obtained from or made available for review by contacting:

Assistant Director of School Finance
Division of Finance and Regulatory Services
New Jersey State 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 November 5, 1979, to the Assistant Director of School Finance at the above address.

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

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions Concerning Statewide Assessment

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:4-24 and 18A:7A-1 et seq., proposes to revise N.J.A.C. 6:39-1.1 et seq., pertaining to the rules on Statewide assessment.

The proposed revisions include some clarifications for the Minimum Basic Skills Testing Program, plus an added section which addresses the exclusion of pupils classified as handicapped or of limited English speaking ability. These revisions should make clear school district requirements for interpreting and making public the Minimum Basic Skills test results.

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

6:39-1.1 Authority of the commissioner

(a) The Commissioner of Education, with the approval of the State Board of Education, shall conduct an assessment of [student] pupil achievement in the public school system of the State and of any grades therein by such means, tests and examinations as to him/her seem proper, and he/she shall report to the State Board the results of such inquiries and such other information with regard thereto as the State Board may require or as he/she shall deem proper.

(b) All such means, tests, if determined to be appropriate by the commissioner, and examinations to be administered pursuant to this rule shall be conducted by and in all operating school districts in New Jersey.

(c) Said school districts shall conduct such means, tests and examinations in the manner and at the times prescribed by the commissioner.

6:39-1.2 Minimum levels of pupil proficiency

(a) The State Board of Education, after consultation with the commissioner shall establish uniform statewide [standards] minimum levels of pupil proficiency in basic communication and computational skills on the statewide assessment instruments pursuant to N.J.S.A. 18A:7A-6.

(b) In the event that certain grades are not administered the statewide assessment instruments, the Department of Education shall establish, for those grades, equivalent standards of pupil proficiency on tests which measure performance in basic communication and computational skills and meet State criteria.

(c) All pupils performing below the established minimum levels of pupil proficiency in basic communication and computational skills, as determined under N.J.A.C. 6:39-1.2 (a) and (b), shall be provided appropriate instructional services according to the district's basic skills improvement plan, pursuant to N.J.S.A. 18A:7A-6.

1. A local board may apply to the commissioner for a waiver of this requirement which may be granted if the program of needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a) clearly demonstrates such enrollment is unnecessary or enrollment of a pupil above minimum levels of pupil proficiency is necessary.

6:39-1.3 Dissemination of information

(a) Notwithstanding N.J.A.C. 6:3-2.1 et seq., individual pupil data shall be released to, and only to, a pupil, his/her parent or legal guardian, and school personnel and school officials deemed appropriate by the commissioner.

(b) The State Department of Education shall produce and distribute to chief school administrators as uninterpreted reports: minimum standards reports; objective-referenced summary reports for the [classroom] class(es), school(s), district, and county.

(c) The State Department of Education shall provide an interpreted State report to the State Board and the Commissioner of Education.

(d) Each of these reports shall consist of completed report forms and interpretive aids prescribed and approved by the commissioner.

(e) Objective-referenced summary reports shall be distributed to [local boards] chief school administrators, as indicated in (b), (c), and (d) of this section, in such a manner as to provide a 60-day period from receipt of all reports for analysis of data and for the development of additional essential interpretive material by the [local board] chief school administrator pursuant to N.J.A.C. 6:39-1.4. During this period such material shall not be available for public distribution.

(f) [Following a 60-day analysis period, reports indicated in subsections (b), (c), and (d) of this section, excepting minimum standards reports and individual pupil reports, shall be made available to the public; pro-

vided, however, that no reports shall be released unless they are accompanied by interpretive materials approved by the commissioner.] Upon completion of the analysis, as indicated in subsection (e), but in no case later than the 60-day interpretation period established by the commissioner, all schools and districts shall submit a copy of their objective-referenced summary reports to the county superintendent, who shall verify that the reports are consistent with the interpretation guidelines previously approved by the commissioner. Upon notification of approval by the county superintendent, and upon approval by the local board of education, but in no case later than 30 days following the notification of approval by the county superintendent, objective-referenced summary reports for class(es), school(s) and district shall be made available to the public.

(g) Individual pupil reports shall be returned to districts in duplicate for all pupils tested. One copy of the report shall be maintained with the pupil's permanent records, and one copy shall be made available to the pupil, his/her parent or legal guardian in a timely fashion.

[(g)] (h) Minimum standards reports shall be distributed to [local boards] chief school administrators as indicated in subsection (b) of this section in such a manner as to provide a 30-day interpretation [and public release] period prior to reporting to the local board of education and the public. Following this 30-day period, the commissioner shall make available to the public minimum standards reports on each district which shall list the number of pupils tested and per cent of pupils at or above the established minimum levels of pupil proficiency, by grade and by test.

(i) At the time the commissioner makes available to the public the information stated in subsection (h), all districts shall make available to the public the number of pupils tested and the per cent of pupils at or above the established minimum levels of pupil proficiency for each school and the district, by grade and by test.

[(h)] (j) The commissioner may make exceptions to the above regulations, such as those required by the minimum standards provisions of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.) as well as special reports requested by local school districts.

6:39-1.4 Interpretation of data

(a) Local [district boards of education] chief school administrators and county superintendents of schools shall interpret the results of all data within 60 days of receipt of all objective-referenced summary reports [by the district superintendent, chief school administrator or county superintendent].

(b) Local [district boards of education] school district interpretation shall involve the [district superintendent or] chief school [officer] administrator in the interpretation of the district reports; the school principal in the interpretation of the school reports; and the [classroom] teachers in the interpretation of the [classroom] class reports.

(c) The State Department of Education will provide technical assistance in the development of essential interpretive material by local districts.

(d) The State Department of Education may provide interpretations for local, county and State use.

6:39-1.5 Exclusion of pupils

(a) Any pupil who has been classified as handicapped pursuant to N.J.S.A. 18A:46-1 et seq. shall participate in the testing program unless specific exemption from participating in this program is provided within that pupil's Individualized Education Program (N.J.A.C. 6:28-1.8 et seq.).

(b) Pupils who have been identified as limited English

speaking ability, pursuant to N.J.A.C. 6:31-1.1 et seq., shall not be required to participate in the testing program. Such pupils shall be identified in accordance with N.J.A.C. 6:31-1.9.

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

Notice of Correction to Text of Adoption Regarding Thorough and Efficient System of Free Public Schools (School and Community Relations)

Take notice that an error appeared in the Notice of Adoption of amendments to the rules concerning a thorough and efficient system of free public schools (school and community relations) published September 6, 1979, at 1 N.J.R. 432(a) as R.1979 d.303. The error involved a cross reference in N.J.A.C. 6:8-4.6(a)6, which referred to N.J.A.C. 6:30-1.1 et seq. when it should have been N.J.A.C. 6:39-1.1 et seq. The remaining text in the Notice was correctly published.

Full text of the corrected paragraph follows:

N.J.A.C. 6:8-4.6(a)6. Nothing in these regulations shall be deemed to modify or repeal the provisions of N.J.A.C. 6:39-1.1 et seq., regarding Statewide assessment procedures.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

EDUCATION

STATE BOARD OF EDUCATION

Repeal of Rules on School Librarian And Teacher Librarian and Amendments On Policies Governing Issuance of Certificates in Educational Media

On September 6, 1979, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administra-

tive Procedure Act, adopted amendments to N.J.A.C. 6:11-12.23 concerning procedures governing the issuance of certificates in educational media and repealed N.J.A.C. 6:11-12.5, School librarian, and 6:11-12.6, Teacher-librarian, as proposed in the Notice published August 9, 1979 at 11 N.J.R. 366(c).

An order adopting these amendments and repeals was filed and became effective on September 7, 1979 as R.1979 d.355.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

Proposed Amendments to the Interim Rules for Review and Approval of Applications for Development or Construction

Terrence D. Moore, Executive Director of the Pinelands Commission in the Department of Environmental Protection, pursuant to authority of L. 1979, c. 111, Section 13(e), proposes to amend N.J.A.C. 7:1G-1.11 concerning the interim rules for review and approval of applications for development or construction.

The proposed amendments will delete the current text of N.J.A.C. 7:1G-1.11(a)2. and replace it with a standard relating to water quality criteria. N.J.A.C. 7:1G-1.11(a)4. is amended to clarify that it includes both developments which will require off-tract improvements and off-tract improvements designed to primarily service new development. N.J.A.C. 7:1G-1.11(a)9. is amended to include a definition of streams and rivers. A new N.J.A.C. 7:1G-1.11(a)12. is proposed to cover ambient air quality standards.

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

William Harrison
Pinelands Commission
329 West State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1979 to the Pinelands Commission at the above address.

The Pinelands Commission may thereafter adopt rules concerning this subject without further notice.

Terrence D. Moore
Executive Director, Pinelands Commission
Department of Environmental Protection

(d)

ENVIRONMENTAL PROTECTION

DELAWARE AND RARITAN CANAL COMMISSION

Proposed Rules Delineating the Review Zone Within the Delaware and Raritan Canal State Park

Benjamin Kirkland, Chairman of the Delaware and

Raritan Canal Commission in the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:13A-14, proposes to adopt new rules delineating the review zone within the Delaware and Raritan Canal State Park. These rules will also govern the use of land within the review zone insofar as it affects and is necessary for the protection of the Canal State Park. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 050-79-09.

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

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

Interested persons may present statements or arguments relevant to the proposal in writing on or before November 1, 1979, to:

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

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

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

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

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

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

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

In Monmouth County: Millstone.

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

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

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Notice of Correction Concerning The Adopting Authority for the 1979-80 Game Code

Take notice that, in the Notice of Adoption of the 1978-80 Game Code published September 6, 1979, at 11 N.J.R. 434(b), it was incorrectly stated that Betty Wilson, Acting Commissioner of Environmental Protection, was the authority who adopted the 1979-80 Game Code. The correct adopting authority for such rules should have been Harry McGarrigel, Chairman of the Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection. The remaining portion of the Notice of Adoption remains unchanged.

This Notice is published as a matter of public information.

Howard H. Kestlin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

Rules Concerning Procedures For Processing Applications For Development

On August 20, 1979, Franklin Parker, Chairman of the Pinelands Commission in the Department of Environmental Protection, pursuant to authority of L. 1979, c. 111, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning procedures for processing applications for development.

Full text of the adoption follows:

SUBCHAPTER 2. PROCEDURES

7:1G-2.1 Procedures for processing applications for development

All applications for approvals by the Pinelands Commission pursuant to §13(a)-(c) of the Pinelands Protection Act shall be processed in accordance with this subchapter.

7:1G-2.2 Pre-application conference

In order to expedite the review of applications, potential applicants are encouraged to request an optional pre-application conference with the Commission staff. At the voluntary pre-application conference, a potential applicant may present a conceptual description of the proposed project, discuss the proposed project informally with the staff, and obtain guidance on the application process. The conference is not, however, a forum for preliminary approval or rejection of the proposed project.

7:1G-2.3 Application forms

Application forms shall be provided by the Executive Director. An application shall consist of a completed form plus any additional information necessary for the applicant to make the showing required by §13(a)-(c) of the Pinelands Protection Act and its implementing regulations.

7:1G-2.4 Publications and reports

(a) The Commission shall publish a report of the receipt of each new application and each final action on applications currently before it each week in the "DEP Weekly Bulletin." This publication is distributed free of charge to all municipalities, counties and other interested persons. Publication in the "DEP Weekly Bulletin" constitutes notice to all interested persons of pending applications and Commission actions thereon.

(b) The application status report shall include, but is not limited to:

1. The applicant's name;
2. The Commission application number;
3. The nature of the project;
4. The location of the project, including the name of the municipality and whether it is within the protection area or the preservation area.

(c) Simultaneously with the filing of an application with the Commission the applicant shall:

1. File a copy of the application with the planning board in each municipality in which the proposed project is located; and
2. Publish notice of the filing of such application in each newspaper designated for the publication of legal notices in the municipality.

7:1G-2.5 Receipt of application

Upon receipt, the Executive Director, with the assistance of the staff, shall file the application, assign an application number, publish notice of filing in the "DEP Weekly Bulletin," and proceed to review the application in accordance with §13(a)-(c) of the Pinelands Protection Act and applicable implementing regulations.

7:1G-2.6 Public comments

The Executive Director shall consider all comments upon the application submitted by public agencies and other interested persons so long as such comments are received by him within 15 days of publication of the notice of filing of the application in the "DEP Weekly Bulletin."

7:1G-2.7 Additional material

Whenever he deems additional material reasonably necessary to assist him in his review, the executive director shall request the applicant to supplement his application by submitting appropriate additional information.

7:1G-2.8 Recommendation of Executive Director

(a) After completing his review of the application in accordance with §13(a)-(c) of the Pinelands Protection Act and its implementing regulations, the Executive Director shall issue one of the following recommendations as appropriate:

1. Recommend approval of the application;
2. Recommend approval of the application with modifications or conditions;
3. Recommend disapproval of the application.

(b) Notice of such recommendation and a statement of reasons therefor shall be given in writing to the applicant. Notice of such recommendation shall promptly be published in the "DEP Weekly Bulletin," for each application.

7:1-G-2.9 Hearing request

Before an application and recommendation are trans-

mitted to the Commission for final action, a hearing may be held on any application for which the Executive Director has recommended disapproval, or has recommended approval with conditions or modifications. No such hearing shall be held unless the applicant requests a hearing in writing and the request is received by the Executive Director within 15 days of the applicant's receipt of notice of the recommendation. In instances where the Executive Director has recommended approval with conditions or modifications, the scope of the hearing shall be limited to those conditions or modifications which the applicant objects to in the written request for a hearing.

7:1G-2.10 Commission actions

(a) In all cases in which an applicant fails to timely request a hearing, or in which the Executive Director recommends approval of the application, the Executive Director shall transmit the application and supporting documentation, together with his recommendation and all public comments received, to the Commission for action.

(b) After consideration of the application and accompanying material, if the Commission makes the findings required by §13(a)-(c) of the Act, it shall grant the application. If the Commission determines that insufficient information exists upon which to make the findings required by §13(a)-(c) of the Act, it shall direct the Executive Director to obtain further information or that a hearing be held on the application. If the Commission determines that the findings required by §13(a)-(c) cannot be made, it shall deny the application. In no event, however, shall the Commission deny any application upon which the Executive Director has issued a recommendation of approval or approval with modifications or conditions unless the applicant is first provided an opportunity for a hearing.

(c) Notice of all final actions taken by the Commission on applications, including the date and description of the action, shall be published in the "DEP Weekly Bulletin."

7:1G-2.11 Hearing procedures

(a) Hearings on applications pursuant to this subchapter shall be conducted by an administrative law judge under the rules, regulations and procedures of the Office of Administrative Law.

(b) The applicant shall have the burden of demonstrating that his application meets the requirements of §13(a)-(c) of the Act and the rules and regulations promulgated thereunder, as appropriate, and shall present his direct evidence first.

(c) Upon review of the entire record, including comments and exceptions filed by the parties to the report of the administrative law judge, the Commission shall adopt, reject or modify the recommended report and decision of the administrative law judge. The Commission's final decision may incorporate by reference any or all of the recommendations of the administrative law judge.

(d) The applicant and the parties which participated at the hearing shall be provided with a copy of the Commission's final decision forthwith.

(e) Notice of the Commission's final decision shall be published in the "DEP Weekly Bulletin."

An order adopting these rules was filed and became effective on August 20, 1979 as R.1979 d.332 (Exempt, Procedure Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

Rules on Review and Approval Of Applications for Development or Construction

On August 20, 1979, Franklin E. Parker, Chairman of the Pinelands Commission in the Department of Environmental Protection, pursuant to authority of L. 1979, c. 111, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:1G-1.1 et seq., concerning interim rules and regulations for review and approval of applications for development or construction substantially as proposed in the Notice published July 5, 1979, at 11 N.J.R. 320(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Pinelands Commission.

An order adopting these rules was filed and became effective on August 20, 1979, as R.1979 d.333.

Howard H. Kestin
Director
Office of Administrative Law

repeal in their entirety the current text of N.J.A.C. 8:21-3.15, Definitions; 8:21-3.16, License; 8:21-3.17, Classification of narcotic drugs; and 8:21-3.18, Security and safeguard standards, concerning the Uniform Narcotic Act.

The above-mentioned rules applied to N.J.S.A. 24:18-1 et seq. which was repealed by the passage of Chapter 226, 3, P.L. 1970, The Controlled Dangerous Substance Act. Rules concerning these subject matters are now located in N.J.A.C. 8:65-1.1 et seq.

The full text of the rules proposed to be repealed may be found in the New Jersey Administrative Code.

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

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Repeal of Rules on Good Drug Manufacturing Practices

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 et seq., proposes to repeal in its entirety the current text of N.J.A.C. 8:21-3.14 concerning good drug manufacturing practice regulations. Rules on this subject matter are now included in N.J.A.C. 8:64-2.1 et seq.

The full text of the rules proposed to be repealed may be found in the New Jersey Administrative Code.

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

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Repeal of Rules Concerning Uniform Narcotic Act

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:18-1 et seq., proposes to

(d)

HEALTH

THE COMMISSIONER

Proposed Amendments Concerning Good Drug Manufacturing Rules

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-1 et seq., proposes to amend the good drug manufacturing rules by deleting the current text of subchapter 2 in chapter 65 in Title 8 of the New Jersey Administrative Code and adopting new rules, to be cited as N.J.A.C. 8:21A-1.1 et seq., if adopted, concerning good drug manufacturing.

The proposed new rules concern current good manufacturing practices in manufacturing, processing, packing or holding of drugs; current good manufacturing practices for finished pharmaceuticals; general provisions; organization and personnel; buildings and facilities; equipment; control of components and drug product containers and closures; production and process controls; packaging and labeling controls; holding and distribution; laboratory controls; records and reports; and returned and salvaged drug products.

Copies of the 30 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Drug Control Program
N.J. Department of Health
1911 Princeton Avenue
Trenton, N.J. 08648

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

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Proposed Amendments to List of Interchangeable Drug Products

Sanford Luger, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(b), proposes to adopt additions to the New Jersey List of Interchangeable Drug Products appearing in N.J.A.C. 8:71-1.1 et seq.

Copies of the full text of these proposed additions may be obtained from or made available for review by contacting:

Thomas T. Culkin
Executive Director
Drug Utilization Review Council
Box 1540 - Room 801-D
Trenton, N.J. 08618

A public hearing respecting this proposal will be held on October 25, 1979, at 10:00 A.M. in the First Floor Conference Room in the Health-Agriculture Building, John Fitch Plaza, Trenton, N.J.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1979 to the Drug Utilization Review Council at the above address.

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

(b)

HEALTH

THE COMMISSIONER

Amendments Concerning Exempt Chemical Preparations

On September 13, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-10.8(b) concerning exempt chemical preparations as proposed in the Notice published August 9, 1979 at 11 N.J.R. 375(b).

An order adopting these amendments was filed and became effective on September 13, 1979 as R.1979 d.361.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF MENTAL RETARDATION

Proposed Standards on Regulating Adult Foster Homes, Skill Development Homes And Supervised Apartments

Ann Klein, Commissioner of Human Services, pursuant to the authority of Chapter 448, Laws of 1977, proposes to promulgate a Manual of Standards for the licensing and regulation of Adult Foster Homes, Skill Development Homes, and Supervised Apartments for the Developmentally Disabled. Such rules, if adopted, will be cited as N.J.A.C. 10:44B-1.1 et seq.

This Manual of Standards shall be distinct from the Manual of Standards for Community Residences for the Developmentally Disabled, adopted in September, 1977. That Manual of Standards was primarily designed for group homes, and is currently being revised to reflect that emphasis. The Manual of Standards for Adult Foster Homes, Skill Development Homes, and Supervised Apartments shall reflect comparable but distinct standards applicable to these smaller living arrangements. This manual reflects an attempt to provide several alternatives in community living for the developmentally disabled.

The standards reflect current consensus on desirable and beneficial services to the developmentally disabled. The Manual of Standards is divided into two major areas: Method of Application for License and Standards of Operation.

Copies of the 34 pages of the full text of this manual may be obtained from or made available by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1979 to:

Magdalen E. Walker
Administrative Procedures Officer
Division of Mental Retardation
Capital Place One—222 So. Warren Street
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Human Services

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Disregard Of RSDI Benefits Received by Full-Time Students and Redetermination Time Interval

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:81-3.5 and 10:81-5.2 concerning the disregard of RSDI benefits received by full-time students between 18 and 21 years of age and clarification of redetermination time interval.

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

10:81-3.5(b) 3. **RSDI benefits received by an eligible child between 18 and 21 years of age, who is a full-time student, shall be totally disregarded as income or resource in determining either initial or continuing eligibility.** (See Section 125.2(b), Assistance Standards Handbook.)

Ed. Note: N.J.A.C. 10:81-3.5(b)3. and 4. will now be cited as N.J.A.C. 10:81-3.5(b)4. and 5.

10:81-5.2(c) It is the responsibility of the CWA to maintain a control file to assure that redeterminations are undertaken and acted upon at intervals as prescribed by regulation. The redetermination time interval shall be contingent upon the month in which an initial or regular grant of assistance is issued, rather than on such factors as the date of application or final validation of eligibility. For example, an AFDC-C case receiving an initial grant in July shall have a redetermination completed prior to the January payment so that the effective date of the redetermination will be January 1.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Abandonment of State Residency And Exemption to Timely Notice Of Adverse Action

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:81-3.22, 10:81-3.24 and 10:81-7.1 concerning the abandonment of State residency and exception to timely notice of adverse action.

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

10:81-3.22(c) If a recipient family has left the State without notifying the agency of the nature, purpose and expected duration of such absence, the CWA will make every effort to inform the family in writing of the information required to prevent suspension of assistance. This notice shall include a sentence in [s]Spanish cautioning the client that inaction may jeopardize [their] continued public assistance and that if they do not understand it they should get help. Upon receipt of such information from the recipient family or [from an out-of-state agency,] a collateral source, [if deemed necessary by the CWA,] assistance may be continued if deemed necessary by the CWA, and any suspended payments [may be released] forwarded to the recipient family. Payments shall

not be made, however, until the CWA has determined that the recipient has not abandoned State residency, in accordance with Section 3516.

10:81-3.24 Abandonment of State residence

Assistance payment shall not be made to recipients who abandon State residence by both terminating any actual place of abode in New Jersey and establishing an actual place of abode in another state with apparent intent to remain permanently absent from New Jersey. Abandonment shall also encompass situations of prolonged absence from New Jersey for an indefinite period for purposes other than temporary visit, and shall be reason for termination of eligibility. Under circumstances delineated above, timely notice need not be provided to the recipient, in accordance with N.J.A.C. 10:81-7.1(k)6.iv.(1).

10:81-7.1(k)6.iv. The claimant's whereabouts are unknown and agency mail directed to him/her has been returned by the post office indicating no known forwarding address. The claimant's check must, however, be made available to him/her if his/her whereabouts become known during the payment period covered by a returned check[.], unless item (1) below applies.

(1) The claimant moves out-of-state, with apparent intent to remain permanently absent from New Jersey.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Forms and References to Forms In General Assistance Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend subchapters 2, 3, 5, 6 and 8 as well as Appendix A in Chapter 85 of Title 10 in the New Jersey Administrative Code concerning forms designed for use in the General Assistance Program and revisions to the references to these forms throughout those subchapters.

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

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on General Assistance Procedures for Persons Released From State Psychiatric Institutions

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J. A.C. 10:85-3.1 and 10:85-3.2 concerning general assistance procedures for persons released from State psychiatric institutions.

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

10:85-3.1 (f) This section applies to persons released from State mental hospitals, State schools for the mentally retarded, the New Jersey Neuropsychiatric Institute, and Veterans Administration (V.A.) hospitals. For procedures to be followed for individuals released from a State psychiatric institution, refer to section 3 of this subchapter.

10:85-3.2(h) 2. Methods of referral: Referrals for general assistance of persons released or about to be released from State institutions or V.A. hospitals may be made to the MWD by the [BLO/ISS of the Division of Public Welfare.] Bureau of Field Services, Division of Mental Retardation, by the Bureau of Transitional Services of the Division of Mental Health and Hospitals, or by the institution or hospital itself.

10:85-3.2(i) Procedure for individuals released from a State psychiatric institution is as follows:

1. If the individual is under care in the institution or in a family care setting and plans are to be made to locate a placement for him/her, prior to discharge to the community, the Bureau of Transitional Services (BTS) in the Division of Mental Health and Hospitals (DMHH) will have the responsibility to contact the municipality where the person was living at the time he/she entered the institution.

i. In the event the person indicates that he/she wishes to locate in a specific municipality, BTS will make referral to that municipality.

ii. In any event, placement in the community will be the responsibility of the BTS worker.

2. The BTS worker will fully complete Form GA-1 (Application and Affidavit), prior to discharge, for the person needing assistance.

i. If the individual is a pending SSI recipient, referral shall not be made for GA. Interim assistance shall be provided by the DMHH/BTS.

3. The BTS worker will arrange for completion of a Social Service Plan and a physician's report or medical abstract and will forward both together with the PA-7 (Report of Findings by Psychiatric Diagnostic Group), PA-12 (Referral by State Mental Institution to Public Assistance Agency) and GA-18 (Certification of Need for Patient Care in Facility Other than Public or Private General Hospital), if applicable, to the MWD.

4. The municipal welfare director or an authorized case worker will receive the material, review it for completeness and determine eligibility for assistance as soon as possible, but shall, in any event, make a decision within 30 days of receipt of such material, pursuant to GAM 703.

5. If placement must be made before a final decision as to eligibility can be rendered by the MWD, or the BTS worker is not in a position to have the appropriate material prepared and submitted before discharge to the community, both agencies will retain their respective responsibilities as defined above and shall keep the other agency fully informed of any action taken on behalf of the discharged persons. However, in accordance with GAM 331, no person shall be denied assistance if in immediate need, if he/she is otherwise apparently eligible, because necessary material identified above as coming from the BTS has not been completed and submitted.

6. The provision of social services incident to discharge of individuals from the State institution shall be the responsibility of the BTS social worker, at least until such time as a decision with respect to SSI eligibility is made or eligibility for GA is determined. Thereafter, either the CWA or MWD will provide social services independently or in conjunction with BTS staff.

7. All disputes shall be referred to the Division of Public Welfare, Bureau of Local Operations (DPW/BLO) field representative assigned to the specific area wherein the dispute occurs for appropriate resolution. The field representative shall render a decision and notify BTS and MWD within five working days after the dispute has been referred.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Fair Hearings and Medical Payments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend several sections in the General Assistance Manual concerning fair hearings and medical payments.

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

10:85-3.2(g)6.iii.(2) Any person who fails or refuses without good cause, as determined by the NJES, to perform satisfactorily in assigned project activity (Section 327.4) shall be ineligible for cash assistance. If the notice of adverse action required in Section 327.4(c)(1) was sent at least 10 days prior to the MWD's receipt of information from NJES, assistance shall be discontinued immediately. If not, assistance shall be discontinued at the termination of the 10 day notice period. In either event,

the MWD will notify the recipient of the date of termination citing this section and advising of fair hearing rights in accordance with subchapter 7 of this chapter. The requirement for 10 day advance notice need be met only once per termination. Note that in event of a fair hearing request based on this section, the provision for continued assistance does not apply. Payments for medical care will not be discontinued [for this reason.] under this section.

10:85-5.3(b)1. [Reimbursable Services] Place of service: Payment shall be authorized when services are rendered in the patient's home (or in the home of a person other than the patient), in the provider's office, in a skilled nursing home, an intermediate care facility, a center for treatment of drug or alcohol abuse, or in a licensed boarding home for sheltered care.

10:85-5.3(b)2. [Maximum Fee—The DPW/BMA will determine an appropriate fee for services rendered when the provider submits itemized charges to the MWD on official Medicaid voucher forms, properly completed as for a Medicaid eligible client. The MWD will forward such claims to the DPW/BMA for determination that the charge does not exceed the appropriate Medicaid rate. (See Section 531).]

[a) Medicare—Benefits provided through Medicare are not reimbursable. However, for clients who are Medicare beneficiaries, the annual Medicare deductible may be paid by the MWD. Part B (medical) co-insurance is not to be reimbursed.]

Amount of payment: The amount of the payment which the MWD shall authorize for any medical product or service shall be the lowest amount for which the service or product or a comparable service or product can be reasonably supplied to the recipient but in no event more than the rate indicated as a maximum by DPW/BMA. (See Sections 528 and 531.) If comparable services or products are accessible and readily available free, no payment shall be authorized.

10:85-5.3(c)4. Outpatient Drug and Alcohol Abuse Treatment Centers—The Director of Welfare shall authorize payment for services and products provided by duly licensed persons to outpatient participants in programs of rehabilitation operated by centers for treatment of drug or alcohol abuse. Licensure of the center itself is not a requirement for payment.

i. Maximum fee: Payment for such services and products shall not exceed the minimum fee for which such services and products are provided by the center to non-public assistance recipients, the lowest fee for which comparable products or services are available to the recipient, or the fee specified by DPW/BMA, whichever is least.

10:85-5.3 (j) When the Director of Welfare authorizes payment for room and board, and personal incidentals in amounts as specified in subchapter 3 of this chapter, the payment shall be considered as inclusive of all goods and services which are supplied without added cost to non-public assistance recipients.

10:85-7.1(e)2. Delay in scheduling: When a local hearing has not been convened within the 15 days specified in this subchapter, the applicant may request and be granted a State fair hearing. In such event, the request for a local hearing is considered cancelled but local efforts at reconciliation may and should continue to the maximum extent possible.

10:85-7.2(c)2. Right to appeal: The notice shall include an explanation of the client's right to request, within 10

days, a local hearing and his/her further right to a State fair hearing [if dissatisfied with the local hearing decision.] if a local fair hearing is not convened within 15 days of the date of the hearing request.

10:85-7.3(a) An applicant/recipient may request a local hearing regarding any action on the part of the municipal welfare department concerning a denial, reduction or termination of assistance; designation of a temporary payee; the amount of assistance granted; or timeliness of action on an application. A person/household may also request a local hearing when not afforded the right to apply for assistance or not provided with a formal response to an application for assistance.

10:85-7.3(b)1. Time limitations on request for hearing: A local hearing shall be held when the request for such hearing is made within 10 days of the mailing date of the notice of adverse action. Requests based on denial of the right to apply are timely if made within 10 days of the contact with the MWD. Requests based on lack of a formal response to an application are timely if made within 10 days subsequent to the end of the 30 day processing period.

2. Continuation of assistance: When a local hearing is requested within ten days of the mailing date of a notice of adverse action, assistance shall be continued unreduced until the hearing is held and the decision rendered by the hearing officer.

i. When a request for a State fair hearing has been made in accordance with this subchapter, on account of delay in local scheduling assistance shall be continued unreduced until the written decision of the State hearing is rendered unless the recipient agrees in writing to reduction or termination.

ii. Exception: The continuation of assistance does not apply in hearing situations based on NJES determinations of failure or refusal without good cause to perform.

3. Selection of hearing officer: The hearing officer shall be the Municipal Director of Welfare unless he/she has participated in the [adverse] action [decision] or inaction in question. If the Director of Welfare has been so involved, then the hearing officer shall be either a staff member of the municipal welfare department or any member of the Local Assistance Board as designated by the Board, so long as such person had no participation in the [determination of denial, reduction or termination of assistance or designation of a temporary payee.] action or inaction which gave rise to the request for a hearing.

4. Scheduling of local hearing: The hearing shall be held with reasonable promptness, but in no event later than 15 days after the request is received, at a date and time convenient to the applicant/recipient (appellant) and the municipal welfare department. The MWD will, upon request, provide the appellant with transportation to the hearing and return.

10:85-7.6 Emergency fair hearing

(a) An emergency fair hearing is one conducted within accelerated time frames. It is in all other respects conducted in accordance with the provisions applicable to other fair hearings. It will be convened when and only when either or both of the following exist:

1. The hearing request results from the lack of insufficiency of a grant under the provisions of Section 450 of this manual and the appellant claims to be without funds or resources.

2. The DPW/BARA determines that there exists a threat to physical health and safety sufficiently compelling and imminent to require accelerated procedures.

(b) The hearing shall be scheduled within two work-

(Continued on Page 515)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

It includes all rules adopted from receipt of the last individual transmittals as indicated through September 13, 1979.

RULES NOT YET IN PRINT IN CODE (May be found in N.J. Register beginning with February 9, 1979):
(Full text (in proposal form), if published, may be found in N.J. Register beginning with June 8, 1978.)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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AGRICULTURE — TITLE 2

2:2-9.3—9.6	Fee schedule for animal health laboratory test	R.1979 d.227	11 N.J.R. 315(a)
2:3-2.5	Amend equine infectious anemia tests	R.1979 d.135	11 N.J.R. 222(c)
2:3-2.12	Amend exemption from pseudorabies test requirements	R.1979 d.304	11 N.J.R. 426(a)
2:5-2.3—2.6	Importation, movement and transfer of horses	R.1979 d.136	11 N.J.R. 233(a)
2:6-1.9	Amend reports of biological product use	R.1979 d.215	11 N.J.R. 314(b)
2:6-1.9	Amend reports of biological product use	R.1979 d.225	11 N.J.R. 314(c)
2:53-1.1(b)	Amend announcement of milk prices	R.1979 d.34	11 N.J.R. 58(a)
2:54-1.6	Amend Federal Order No. 2 (March 1, 1979)	R.1979 d.79	11 N.J.R. 162(a)
2:54-3.11	Amend Federal Order No. 4; milk handling	R.1979 d.185	11 N.J.R. 270(a)
2:69-1.11	Amend commercial values of primary plant nutrients	R.1979 d.228	11 N.J.R. 315(b)
2:71-1.39	Amend use of New Jersey map symbol on egg packages and advertising	R.1979 d.229	11 N.J.R. 315(c)
2:71-2.28	and written agreements	R.1979 d.58	11 N.J.R. 117(a)
	Amend charges for inspection or grading certification services		

(Title 2, Transmittal 14 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

BANKING — TITLE 3

3:1-1.1	Amend interest rates	R.1979 d.190	11 N.J.R. 270(c)
3:1-1.2	Interest rates on other loans	R.1979 d.290	11 N.J.R. 429(b)
3:1-10	Amend restrictions on real property transactions	R.1979 d.55	11 N.J.R. 117(d)
3:6-3.1	Definition of bank officers	R.1979 d.182	11 N.J.R. 270(b)
3:6-7.1	Maximum interest rate; class II installment loan	R.1979 d.214	11 N.J.R. 316(a)
3:8-3.1	Amend non-federal reserve members' reserves	R.1979 d.44	11 N.J.R. 117(b)
3:11-1.1	Amend approval to exceed ten per cent limitation	R.1979 d.298	11 N.J.R. 429(c)
3:21	Credit unions	R.1979 d.54	11 N.J.R. 117(c)

(Title 3, Transmittal 13 dated January 18, 1979 includes all rules through February 8, 1979 N.J. Register.)

CIVIL SERVICE — TITLE 4

(Title 4, Transmittal 13 dated June 1, 1979 includes all rules to date.)

COMMUNITY AFFAIRS — TITLE 5

5:10	Amend maintenance of hotels and multiple dwellings	R.1979 d.259	11 N.J.R. 366(b)
5:11-1.8	Eviction and relocation	R.1979 d.103	11 N.J.R. 167(a)
5:23-2.5(b)	Amend construction permits	R.1979 d.292	11 N.J.R. 431(b)
5:23-3.3, 4.9	Amend Uniform Construction Code	R.1979 d.342	11 N.J.R. 498(a)
5:25	New Home Warranty and Builder's Registration Act rules	R.1979 d.147	11 N.J.R. 223(c)
5:30-6.1	Uniform accounting system for various statutory offices in county governments	R.1979 d.294	11 N.J.R. 431(c)
5:100	Ombudsman practices and procedures; public notice requirements	R.1979 d.166	11 N.J.R. 274(a)

(Title 5, Transmittal 12 dated March 15, 1979 includes all rules through March 8, 1979 N.J. Register.)

EDUCATION — TITLE 6

6:8-4.6	Amend school and community relations; T and E	R.1979 d.303	11 N.J.R. 432(a)
6:11-12.5, 12.6, 12.23	Repeal teacher-librarian and school librarian; amend issuance of certificates in educational media	R.1979 d.355	11 N.J.R. 501(b)
6:21-5.32, 6.49	Implementation of school bus chassis, bus body and equipment specifications	R.1979 d.269	11 N.J.R. 367(a)
6:80	Rule on educational improvement centers	R.1979 d.272	11 N.J.R. 368(a)

(Title 6, Transmittal 14 dated May 17, 1979 includes all rules through July 5, 1979 N.J. Register.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1G-1	Interim rules for review and approval of applications for development or construction	R.1979 d.333	11 N.J.R. 502(b)
7:1G-2	Procedures for processing applications for development	R.1979 d.332	11 N.J.R. 504(a)
7:4	Rules on the New Jersey Register of Historic Places	R.1979 d.328	11 N.J.R. 434(a)
7:6-7	Rules on abandoned vessels	R.1979 d.145	11 N.J.R. 230(d)
7:7D-2	Amend CAFRA rules	R.1979 d.99	11 N.J.R. 173(a)
7:9-10	Amend Central Pine Barrens water quality standards and designation as a critical area	R.1979 d.282	11 N.J.R. 374(c)
7:9-13	Amend sewer extension bans	R.1979 d.129	11 N.J.R. 230(a)
7:10	Amend implementing Safe Drinking Water Act	R.1979 d.271	11 N.J.R. 374(b)
7:11-2	Amend rate for Delaware and Raritan Canal water	R.1979 d.32	11 N.J.R. 64(c)
7:11-4.4—4.12	Amend rate for Spruce Run-Round Valley Reservoirs	R.1979 d.31	11 N.J.R. 64(b)
7:11-4.11—4.32, 5.1—5.23	Amend Raritan Basin System water sales	R.1979 d.30	11 N.J.R. 64(a)
7:12-1.3, 2.8, 2.9, 2.12	Amend condemnation of certain shellfish beds	R.1979 d.184	11 N.J.R. 276(a)
7:13-1.11(d)	Amend floodway delineations; Passaic River	R.1979 d.194	11 N.J.R. 276(c)
7:13-1.11(d)	Amend floodway delineations; Mountain Brook and its Branch No. 2 in the Raritan River Basin	R.1979 d.195	11 N.J.R. 276(d)
7:14-8	Assessment of civil administrative penalties	R.1979 d.111	11 N.J.R. 173(c)
7:21-4	Amend procedures for hearings before the Water Policy and Supply Council	R.1979 d.142	11 N.J.R. 230(c)
7:23	Grants under Emergency Flood Control Bond Act	R.1979 d.202	11 N.J.R. 277(a)
7:25-2.14	Amend field trial activities	R.1979 d.189	11 N.J.R. 276(b)
7:25-5	Amend 1979-80 Game Code	R.1979 d.329	11 N.J.R. 434(b)
7:25-7.2	Amend oyster seed beds; 1979 season	R.1979 d.102	11 N.J.R. 173(b)
7:25-11.1(b)	Amend endangered species	R.1979 d.128	11 N.J.R. 229(a)
7:25-12.1(g)	Amend preservation of the sea clam resource	R.1979 d.201	11 N.J.R. 276(e)
7:25-15.1	Amend relay of hard clams program	R.1979 d.156	11 N.J.R. 230(e)
7:27-18	Control and prohibition of air pollution in non-attainment areas	R.1979 d.237	11 N.J.R. 327(a)
7:28-21	Rules on analytical X-Ray installations	R.1979 d.64	11 N.J.R. 123(a)
7:37	State aid to local environmental agencies	R.1979 d.134	11 N.J.R. 230(b)
7:37	Amend State aid to local environmental agencies	R.1979 d.263	11 N.J.R. 374(a)
7:50	Project review guide; Pinelands Environmental Council	R.1979 d.78	11 N.J.R. 123(b)

(Title 7, Transmittal 12 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

HEALTH — TITLE 8

8:8	Amend collecting, processing, storing and distributing blood	R.1979 d.248	11 N.J.R. 376(a)
8:15	Rules on smoking in certain public places	R.1979 d.153	11 N.J.R. 237(c)
8:21-4.31—4.34	Amend control of laetrile	R.1979 d.299	11 N.J.R. 440(c)
8:21-7	Amend frozen desserts	R.1979 d.322	11 N.J.R. 441(d)
8:21-10.12	Expiration dates for fluid milk products	R.1979 d.143	11 N.J.R. 236(a)
8:25-2.2, 2.5, 3.1, 4.4, 4.5, 6.1, 6.7	Amend Youth Camp Safety Act standards	R.1979 d.199	11 N.J.R. 279(c)
8:31-9	Amend standards and general criteria for the planning of certification of need of CAT units	R.1979 d.316	11 N.J.R. 441(a)
8:31A-7	1980 hospital rate review guidelines	R.1979 d.317	11 N.J.R. 441(b)
8:31A-9.1, 9.2, 10.5	Amend economic factor in SHARE Manual	R.1979 d.284	11 N.J.R. 439(b)
8:31B-1	Quantifiable economic benefits	R.1979 d.285	11 N.J.R. 439(c)
8:31-26.2	Self locking doors in health facilities	R.1979 d.241	11 N.J.R. 331(d)
8:33	Amend guidelines and criteria for submission of applications for certificate of need	R.1979 d.283	11 N.J.R. 439(a)
8:34-1.15(c)	Amend internships and nursing home administrators	R.1979 d.200	11 N.J.R. 279(d)
8:39-1.14, 1.16, 1.18	Amend effective dates on parts of Standards for Long-Term Care	R.1979 d.243	11 N.J.R. 332(a)
8:39-1.22	Amend dental services in long-term care facilities	R.1979 d.238	11 N.J.R. 331(a)
8:41-1	Amend planning and application for designation of cardiac diagnostic facilities	R.1979 d.286	11 N.J.R. 439(d)
8:41-2	Amend planning and certification of need of regional cardiac surgical centers	R.1979 d.287	11 N.J.R. 440(a)
8:42-3	Rules on residential and in-patient alcohol abuse treatment facilities	R.1979 d.240	11 N.J.R. 331(c)
8:43A-1.16(e)	Amend standards for licensure of ambulatory care facilities	R.1979 d.116	11 N.J.R. 180(b)
8:43A-1.72	Free-standing ambulatory care facilities - drug abuse treatment services	R.1979 d.239	11 N.J.R. 331(b)

8:43B-7.2(c)10ii	Amend verbal orders accepted by physical therapist	R.1979 d.113	11 N.J.R. 179(b)
8:43B-7.2(d)	Amend authentication and countersigning of physician's order	R.1979 d.115	11 N.J.R. 180(a)
8:43B-7.4(c)	Amend availability of records	R.1979 d.114	11 N.J.R. 179(c)
8:48	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:49	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:53	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:58	Rules on standards for ambulatory or outpatient tuberculosis control	R.1979 d.149	11 N.J.R. 236(b)
8:65-7.6	Amend person entitled to fill prescriptions	R.1979 d.152	11 N.J.R. 237(b)
8:65-7.7	Administering or dispensing of narcotic drugs	R.1979 d.151	11 N.J.R. 237(a)
8:65-10.3, 10.4	Amend calculation of narcotic content in any controlled dangerous substances preparations	R.1979 d.301	11 N.J.R. 440(e)
8:65-10.4	Add pentazocine to Schedule IV of Controlled Dangerous Substances	R.1979 d.150	11 N.J.R. 236(c)
8:65-10.5	Amend narcotic content in any controlled dangerous substances preparations	R.1979 d.301	11 N.J.R. 440(e)
8:65-10.8(b)	Amend chemical preparations exempt from the controlled Dangerous Substances Act	R.1979 d.244	11 N.J.R. 332(b)
8:65-10.8(b)	Amend exempt chemical preparations	R.1979 d.361	11 N.J.R. 505(b)
8:71	List of interchangeable drug products	R.1979 d.104	11 N.J.R. 179(a)
8:71	Amend list of interchangeable drug products	R.1979 d.318	11 N.J.R. 441(c)
8:71	Deletions of non-prescription medicines from list of interchangeable drug products	R.1979 d.288	11 N.J.R. 440(b)
8:71 Preface	Deletion of distributors from list of interchangeable drug products	R.1979 d.242	11 N.J.R. 331(e)
(Title 8, Transmittal 11 dated March 15, 1979 includes all rules through March 8, 1979 N.J. Register.)			

HIGHER EDUCATION — TITLE 9

9:7-2.4	Amend determination of eligibility for and value of student assistance	R.1979 d.313	11 N.J.R. 443(a)
9:7-2.5, 2.6	Amend student eligibility and award tables	R.1979 d.236	11 N.J.R. 343(b)
9:7-2.10	Amend verification of enrollment and academic performance and eligibility requirements	R.1979 d.314	11 N.J.R. 443(b)
9:7-3.1, 3.2	Amend student eligibility and award tables	R.1979 d.236	11 N.J.R. 343(b)
9:7-4.1	Amend verification of enrollment and academic performance and eligibility requirements	R.1979 d.314	11 N.J.R. 443(b)
9:11-1.4, 1.5, 1.8, 1.9	Amend financial guidelines and award tables	R.1979 d.230	11 N.J.R. 342(c)
9:12-2	Rules on summer programs	R.1979 d.235	11 N.J.R. 343(a)
(Title 9, Transmittal 12 dated March 15, 1979 includes all rules through June 7, 1979 N.J. Register.)			

HUMAN SERVICES — TITLE 10

10:49-10	Contracting for prepaid health care services for Title XIX eligibles	R.1979 d.231	11 N.J.R. 346(b)
10:52-1.16	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:53-1.14	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-1.23	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-3, 54-4	Amend the Physician's Procedure Code Manual	R.1979 d.218	11 N.J.R. 346(a)
10:57-1.1	Amend definition of podiatry specialist	R.1979 d.293	11 N.J.R. 448(b)
10:59	Amend Medical Supplies and Equipment Manual	R.1979 d.324	11 N.J.R. 448(d)
10:63-4, -5	Delete text	R.1979 d.325	11 N.J.R. 448(e)
10:65	Amend medical day care	R.1979 d.325	11 N.J.R. 448(e)
10:66-1.18	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:69A	Amend pharmaceutical assistance to the aged	R.1979 d.209	11 N.J.R. 345(b)
10:81-1.1, 1.4, 1.7, 1.8, 2.2	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2.2, 2.3	Amend updating of forms and signing of income tax waiver	R.1979 d.277	11 N.J.R. 383(a)
10:81-3.9(a)5	Amend Medicaid special and unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-7.36, 7.38, 7.41	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-8.22—8.24	Amend Medicaid special and provisions relative to unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:82-1.2	Amend AFDC allowance standards	R.1979 d.256	11 N.J.R. 382(a)
10:82-1.7, 1.8	Amend disregard of work-study income, treatment of stipends and child care payments	R.1979 d.232	11 N.J.R. 346(c)
10:82-2.1, 2.2, 2.4, 2.9, 5.9	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:85-2.4	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-3.2(c)	Amend Social Security numbers in the General Assistance Program	R.1979 d.280	11 N.J.R. 383(c)
10:85-3.1	Amend medical payments	R.1979 d.365	11 N.J.R. 519(f)

10:85-3.2	Amend General Assistance Manual	R.1979 d.326	11 N.J.R. 449(a)
10:85-3.3(e)	Amend VISTA payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.3(f)	Amend drug and alcohol treatment centers	R.1979 d.366	11 N.J.R. 520(a)
10:85-4.3	Amend assistance orders	R.1979 d.365	11 N.J.R. 519(f)
10:85-4.6	Amend victims of domestic violence	R.1979 d.323	11 N.J.R. 448(c)
10:85-5.7	Amend payments: SSI application pending	R.1979 d.365	11 N.J.R. 519(f)
10:85-6.3	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-6.7	Amend exemptions from work requirements, resources, savings and destruction of records	R.1979 d.326	11 N.J.R. 449(a)
10:87-3.20(b)	Voluntary quit; Food Stamp Manual	R.1979 d.247	11 N.J.R. 380(c)
10:87 Appendix A	Amend Food Stamp Manual	R.1979 d.234	11 N.J.R. 346(e)
10:94-3.11, 3.13	Amend medical eligibility for Medicaid Only Program	R.1979 d.364	11 N.J.R. 519(e)
10:94-4.33	Amend income eligibility levels	R.1979 d.257	11 N.J.R. 382(b)
10:98	Fiscal Years 1980-1982 State Plan for Vocational Rehabilitation	R.1979 d.340	11 N.J.R. 518(c)
10:100-1.23	Amend SSI payment schedule	R.1979 d.258	11 N.J.R. 382(c)
10:109	Amend to Ruling 11, Parts I and II	R.1979 d.362	11 N.J.R. 519(c)
10:122-2.3, 2.7	Amend child care licensing rules	R.1979 d.249	11 N.J.R. 381(a)
10:122-4	Family day care standards	R.1979 d.359	11 N.J.R. 519(b)
10:123-2.1	Social services for boarding home residents	R.1979 d.350	11 N.J.R. 519(a)

(Title 10, Transmittal 12 dated May 17, 1979 includes all rules through June 7, 1979 N.J. Register.)

CORRECTIONS — TITLE 10A

10A:70-2.6	Amend notification	R.1979 d.341	11 N.J.R. 520(b)
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(Title 10, Transmittal 12 dated May 17, 1979 includes all rules through June 7, 1979 N.J. Register.)

INSURANCE — TITLE 11

11:1-5.5(b), 5.6	Amend cancellation and nonrenewal of fire and casualty coverage	R.1979 d.219	11 N.J.R. 348(b)
11:1-5.8	Taxes paid to Firemen's Relief Associations	R.1979 d.356	11 N.J.R. 520(c)
11:3-7.8	Rules on cancellation of automobile insurance coverage	R.1979 d.155	11 N.J.R. 250(a)
11:5-1.27	Amend education requirements for licensure examination	R.1979 d.52	11 N.J.R. 142(b)

(Title 11, Transmittal 12 dated January 18, 1979 includes all rules through May 10, 1979 N.J. Register.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Amend maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1979 d.321	11 N.J.R. 449(d)
12:15-1.4	Amend taxable wage base under unemployment compensation law	R.1979 d.320	11 N.J.R. 449(c)
12:15-1.5	Amend contribution rate of governmental entities and instrumentalities	R.1979 d.327	11 N.J.R. 450(a)
12:175	Amendments ski lifts	R.1979 d.360	11 N.J.R. 521(a)
12:195	Amend carnival-amusement rides	R.1979 d.168	11 N.J.R. 285(a)
12:235-1.5	Amend worker's compensation rate	R.1979 d.319	11 N.J.R. 449(b)

(Title 12, Transmittal 10 dated January 18, 1979 includes all rules through May 10, 1979 N.J. Register.)

LAW AND PUBLIC SAFETY — TITLE 13

13.2	Amend alcoholic beverage	R.1979 d.138	11 N.J.R. 257(c)
13:2-23.31	Amend employment of police officers	R.1979 d.67	11 N.J.R. 146(a)
13:10-2.4	Amend filing of reports	R.1979 d.112	11 N.J.R. 203(a)
13:19-5	Amend convulsive seizures	R.1979 d.220	11 N.J.R. 356(a)
13:19-10.2, 10.3, 10.4, 10.6	Amend point system and driving during suspension	R.1979 d.84	11 N.J.R. 202(c)
13:20-33.26, 33.63	Amend miscellaneous lights	R.1979 d.193	11 N.J.R. 298(c)
13:21-5.10	Surrender of registration plates	R.1979 d.315	11 N.J.R. 466(b)
13:33-1.24	Amend applications for examination	R.1979 d.66	11 N.J.R. 145(b)
13:33-1.42	Rule on identification tags	R.1979 d.69	11 N.J.R. 146(c)
13:35-6.5	Amend pronouncement of death	R.1979 d.81	11 N.J.R. 202(a)
13:35-6.16	Uses of amphetamines and sympathomimetic amine drugs	R.1979 d.120	11 N.J.R. 257(b)
13:35-6.17	Prescribing, administering or dispensing amygdalin (laetrile)	R.1979 d.83	11 N.J.R. 202(b)
13:38-2.12	Preceptorship program	R.1979 d.276	11 N.J.R. 402(a)
13:38-5.1	Amend fee schedules	R.1979 d.158	11 N.J.R. 298(a)

13:39-4.4	Amend practical experience requirements for licensure	R.1979 d.254	11 N.J.R. 400(c)
13:39-6.8	Record of pharmacist filling prescriptions	R.1979 d.68	11 N.J.R. 146(b)
13:44-1.4, 2.4, 2.5	Repeal certain rules	R.1979 d.98	11 N.J.R. 202(d)
13:44-2.10	Amend pending emergency cases	R.1979 d.275	11 N.J.R. 401(c)
13:44A	Administrative practices and procedures; professional boards	R.1979 d.203	11 N.J.R. 353(b)
13:47B-1.9	Amend portable, self-contained vehicle scales	R.1979 d.192	11 N.J.R. 298(b)
13:47B-1.20	Amend sale and distribution of gasoline at retail	R.1979 d.268	11 N.J.R. 401(a)
13:47B-1.23	Amend half-price sales of gasoline	R.1979 d.335	11 N.J.R. 522(a)
13:47C-1.1, 3.4, 3.5	Rules concerning the advertising of lumber and building materials	R.1979 d.251	11 N.J.R. 400(b)
13:48	Rules concerning Charitable Fund Raising Act of 1971	R.1979 d.311	11 N.J.R. 466(a)
13:70-4.1, 4.2, 4.6, 4.19	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:70-6.11	Amend denial of nominations or entries	R.1979 d.250	11 N.J.R. 400(a)
13:70-29.8, 29.24, 29.25, 29.27, 29.47, 29.54, 29.55	Amend pari-mutuel wagering	R.1979 d.274	11 N.J.R. 401(b)
13:71-7.1, 7.5	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:71-8.28, 17.1	Amend starter and starting gate rules in harness racing	R.1979 d.157	11 N.J.R. 297(a)
13:71-17.3	Amend vacancy in a tier	R.1979 d.349	11 N.J.R. 522(b)
13:71-17.7	Amend starter and starting gate rules	R.1979 d.157	11 N.J.R. 297(a)

(Title 13, Transmittal 13 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

PUBLIC UTILITIES—TITLE 14

ENERGY—TITLE 14A

14:1-1.4	Amend Board's address	R.1979 d.118	11 N.J.R. 260(b)
14:1-1.9	Amend cameras and recording devices in Board hearings	R.1979 d.211	11 N.J.R. 356(c)
14:1-6.2, 6.12, 6.21	Amend filing of petitions with the Department of Energy	R.1979 d.210	11 N.J.R. 356(b)
14:3-7.5(c)	Amend utility deposit returns	R.1979 d.117	11 N.J.R. 260(a)
14:3-7.5(c)	Amend interest paid by utility on customer accounts	R.1979 d.289	11 N.J.R. 467(a)
14:3-7.15	Notification to municipalities; discontinuance of service to residential customers	R.1979 d.352	11 N.J.R. 522(c)
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14A:2-3	Amend regulation and control of the sale of motor gasoline during an energy emergency	R.1979 d.176	11 N.J.R. 298(d)
14A:2-3	Amend regulation and control of sale of motor gasoline during an energy emergency	R.1979 d.252	11 N.J.R. 403(a)
14A:2-3	Amend sale of motor fuels	R.1979 d.260	11 N.J.R. 406(b)
14A:2-3.5, 3.6	Amend control and sale of gasoline during an energy emergency	R.1979 d.270	11 N.J.R. 407(a)
14A:2-3.14	Sale of motor gasoline in containers	R.1979 d.253	11 N.J.R. 406(a)
14A:3-1.4	Variances and exemptions	R.1979 d.28	11 N.J.R. 91(b)
14A:3-3.6	Amend maintenance requirements for oil-fired heating units	R.1979 d.177	11 N.J.R. 299(a)
14A:3-10	Repeal air conditioner and heat pump energy efficiency	R.1979 d.178	11 N.J.R. 299(b)
14A:9	Coastal Energy Impact Program Intrastate allocation process	R.1979 d.80	11 N.J.R. 203(b)
14A:11	Periodic reporting of energy information by suppliers of motor gasoline	R.1979 d.154	11 N.J.R. 260(c)

(Title 14, Transmittal 11 dated January 18, 1979 includes all rules through April 5, 1979 N.J. Register.)

(Title 14A, Transmittal 3 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

STATE — TITLE 15

(Title 15, Transmittal 11 dated May 17, 1979 includes all rules to date.)

PUBLIC ADVOCATE — TITLE 15A

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

TRANSPORTATION — TITLE 16

16:16-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:17-43	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:28-1.18	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-3.48	Amend restricted parking on parts of Routes 44, 52, 152 and 35	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.97	Amend restricted parking	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.107, 3.112	Amend restricted parking: Routes 94 and 3	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.121	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.194	Restricted parking on Route 7	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.198, 3.199	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-7.6	Lane usage on parts of Route 35	R.1979 d.296	11 N.J.R. 471(a)
16:29-1.8	Amend no passing zones on parts of Route U.S. 46	R.1979 d.346	11 N.J.R. 524(b)
16:29-1.20	No-passing zones on parts of Route U.S. 40	R.1979 d.264	11 N.J.R. 410(b)
16:30-3.5, 3.6	High occupancy vehicle lanes on parts of Routes I-95 and 444	R.1979 d.312	11 N.J.R. 471(c)
16:30-1.7	One-way traffic on parts of Eisenhower Avenue in Dover Township	R.1979 d.347	11 N.J.R. 524(c)
16:31-1.13	Amend no left turns on parts of Route 71	R.1979 d.348	11 N.J.R. 524(d)
16:41-16	Permits allowing use or occupancy of State-owned railroad property	R.1979 d.331	11 N.J.R. 523(a)
16:53A	Rules on financial and accounting conditions and criteria for bus operating assistance program	R.1979 d.302	11 N.J.R. 471(b)
16:53B	Delegation of authority by Computer Operating Agency	R.1979 d.334	11 N.J.R. 523(b)

(Title 16, Transmittal 13 dated June 14, 1979 includes all rules through June 7, 1979 N.J. Register.)

TREASURY-GENERAL — TITLE 17

17:1-1.15, 1.21, 4.23	Amend certain rules of the Division of Pensions	R.1979 d.169	11 N.J.R. 304(d)
17:3-1.8, 2.1, 3.1, 4.11	Amend Teachers' Pension and Annuity Fund	R.1979 d.205	11 N.J.R. 359(a)
17:7-1.8(a)2.	Amend suspension of pension checks	R.1979 d.308	11 N.J.R. 476(a)
17:9-1.4, 2.11	Amend State Health Benefits Program	R.1979 d.159	11 N.J.R. 304(c)
17:9-7.2	Amend State Health Benefits Program	R.1979 d.261	11 N.J.R. 415(a)
17:12	Amend Purchase Bureau's rules	R.1979 d.132	11 N.J.R. 264(a)
17:16-5.6	Amend classification of funds, temporary reserve group	R.1979 d.204	11 N.J.R. 358(b)
17:16-5.6	Amend trust group; classification of funds	R.1979 d.305	11 N.J.R. 475(b)
17:16-42	Rules on covered call options	R.1979 d.306	11 N.J.R. 475(c)
17:16-43	Rules on mortgage backed pass-through certificates	R.1979 d.307	11 N.J.R. 475(d)
17:21-11	Lottery Derby Instant Lottery Game	R.1979 d.196	11 N.J.R. 305(d)
17:21-12.1, 12.2, 13.1	Amend Pick-It and Pick-4 lotteries	R.1979 d.343	11 N.J.R. 529(a)
17:27-7.4	Amend affirmative action requirements for public contracts	R.1979 d.191	11 N.J.R. 305(c)

(Title 17, Transmittal 12 dated March 29, 1979 includes all rules through April 5, 1979 N.J. Register.)

TREASURY-TAXATION — TITLE 18

18:3	Amend alcoholic beverage tax	R.1979 d.180	11 N.J.R. 305(b)
18:4	Amend alcoholic beverage tax	R.1979 d.180	11 N.J.R. 305(b)
18:5	Amend Cigarette Tax Act	R.1979 d.92	11 N.J.R. 211(b)
18:6	Amend unfair cigarette sales	R.1979 d.86	11 N.J.R. 210(a)
18:7	Amend Corporation Business Tax Act	R.1979 d.45	11 N.J.R. 150(b)
18:8	Amend Financial Business Tax Law	R.1979 d.46	11 N.J.R. 151(a)
18:12	Amend local property tax	R.1979 d.91	11 N.J.R. 211(a)
18:12A-1.14	Amend county boards of taxation	R.1979 d.217	11 N.J.R. 359(b)
18:15	Amend farmland assessment	R.1979 d.87	11 N.J.R. 210(b)
18:15-4.5	Amend structures and the Farmland Assessment Act	R.1979 d.262	11 N.J.R. 415(b)
18:16	Amend realty transfer fee	R.1979 d.93	11 N.J.R. 211(c)
18:17	Amend assessor qualification	R.1979 d.88	11 N.J.R. 210(c)
18:18	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:19	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:20	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:22	Amend public utility corporations	R.1979 d.47	11 N.J.R. 151(b)
18:23	Amend railroad property tax	R.1979 d.48	11 N.J.R. 151(c)
18:23A	Amend tax maps	R.1979 d.49	11 N.J.R. 151(d)
18:24-4.4	Amend sales and use tax	R.1979 d.89	11 N.J.R. 210(d)
18:24-7.8, 7.10	Amend sales and use tax	R.1979 d.90	11 N.J.R. 210(e)
18:24-7.15	Amend Sales and Use Tax Act	R.1979 d.179	11 N.J.R. 305(a)

(Continued from Page 508)

ing days of the date of the initial request, oral or written. Notice of time, date, and place will be transmitted by telephone or in person. Upon a delay by the MWD beyond the two-day period or a delay in decision (753 below), the appellant may request a State emergency hearing which will be convened within three working days of the appellant's request for a State emergency hearing.

(c) The decision of the hearing officer may be announced at the close of the hearing or later but must be made known to the MWD and the appellant before 12 noon of the next working day. The hearing officer will file a written report and decision with DPW/BARA within two working days of the hearing, sending copies to the MWD and to the appellant.

(d) An appellant who wishes to appeal the decision in an emergency local fair hearing may do so within two working days of the date on which the appellant receives initial notice of the decision of the local hearing. A State hearing will be convened on the appealed decision within three working days. All parties will be notified by telephone or mailgram of time, date, and place. An interim decision will be rendered and conveyed to the MWD by telephone by 12 noon of the next working day following the date of the hearing, specifying the type and amount of assistance to be provided immediately to forestall the effects of the emergency.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Exclusion of Relocation Payments as Income or Resources

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J.A.C. 10:85-3.3 and 10:85-3.4 concerning the exclusion of relocation payments as income or resources regarding general assistance.

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

10:85-3.3(e) 5. Relocation payments: Payments made under the authority of the New Jersey Relocation Assistance Act (Chapter 362, Laws of 1971, N.J.S.A. 20:4-1 et seq.).

18:26	Amend transfer inheritance tax	R.1979 d.50	11 N.J.R. 151(e)
18:26-8.7	Amend pre-audit payment of inheritance tax	R.1979 d.295	11 N.J.R. 475(a)
18:30	Amend capital gains and other unearned income tax	R.1979 d.51	11 N.J.R. 151(f)
18:35-1.11	Time for filing information returns	R.1979 d.56	11 N.J.R. 152(a)

(Title 18, Transmittal 12 dated January 18, 1979 includes all rules through February 8, 1979 N.J. Register.)

OTHER AGENCIES — TITLE 19

19:1-4.1(a)	Repeal portions of rule on commitment applications	R.1979 d.226	11 N.J.R. 359(c)
19:8-1.2	Amend speed limits on the Garden State Parkway	R.1979 d.339	11 N.J.R. 530(a)
19:8-1.14	Energy crisis motor fuel limitations	R.1979 d.246	11 N.J.R. 415(d)
19:8-2.12	Amend Emergency services on the Garden State Parkway	R.1979 d.167	11 N.J.R. 309(b)
19:9-2.1	Amend prequalification of bidders	R.1979 d.160	11 N.J.R. 308(b)
19:9-5.1	Pre-employment screening	R.1979 d.181	11 N.J.R. 309(a)
19:25-12.1(b)	Amend reporting of "street money"	R.1979 d.121	11 N.J.R. 266(a)
19:30-3	Payment of prevailing wages	R.1979 d.337	11 N.J.R. 530(b)
19:30-4	Targeting authority assistance	R.1979 d.338	11 N.J.R. 530(c)
19:41-2	Application procedures for casino hotel facilities	R.1979 d.173	11 N.J.R. 309(c)
19:41-7.16	Amend applications and additional copies	R.1979 d.357	11 N.J.R. 530(e)
19:41-13	Applications (casino license conservatorship)	R.1979 d.207	11 N.J.R. 360(b)
19:43-1.2	Amend license requirements	R.1979 d.174	11 N.J.R. 309(d)
19:45	Amend internal and accounting controls	R.1979 d.336	11 N.J.R. 530(d)
19:46-1.1	Amend chip specifications	R.1979 d.358	11 N.J.R. 531(a)
19:46-1.27	Amend aisle space	R.1979 d.82	11 N.J.R. 214(a)
19:46-1.32	Limitations on utilization of slot machines of any one manufacturer	R.1979 d.255	11 N.J.R. 420(b)
19:46-1.33	Metal tokens for use in \$1.00 slot machines	R.1979 d.175	11 N.J.R. 309(e)
19:47-1.2, 1.4, 1.5	Correct adoption relating to craps	R.1919 d.273	11 N.J.R. 421(a)
19:47-5.7	Minimum and maximum wagers	R.1979 d.206	11 N.J.R. 360(a)

(Title 19, Transmittal 12 dated January 18, 1979 includes all rules through March 8, 1979 N.J. Register.)

10:85-3.4(c) 7. Relocation payments: Payments made under the authority of the New Jersey Relocation Assistance Act (Chapter 362, Laws of 1971, N.J.S.A. 20:4-1 et seq.).

i. Funds which have been commingled to the extent that they can no longer be identified as having been from this source are not exempt under this provision.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Exclusion of Certain Income

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to adopt amendments to N.J.A.C. 10:85-3.3 concerning the General Assistance Manual and the exclusion of student loans, grants, scholarships and income from work-study programs in computing eligibility or grant amount.

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

10:85-3.3(e)5. vii. Personal Loans: Personal loans are exempt when such loans are evidenced by a document, signed by the client and the lender, which states the amount of the loan and terms of repayment. (See also subparagraph viii. below for student loans.)

viii. Student income: Loans, grants, scholarships, and income from work-study programs which may be received by full time undergraduate students are to be disregarded in computing eligibility or the amount of general assistance to be granted. Stipends provided for living expenses, however, are not to be disregarded. (See also Section 326.3 on eligibility of college students.)

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

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Licensed Boarding Homes for Sheltered Care

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J.A.C. 10:85-3.3 concerning licensed boarding homes for sheltered care.

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

10:85-3.3(f)4.i. Licensed boarding home: When an individual who is in need of extensive personal services on a regular and continuous basis is purchasing a room and board living arrangement in a Licensed Boarding Home for Sheltered Care licensed by the N.J. Department of Health for purposes other than the care or treatment of drug or alcohol abuse), the monthly assistance payment, including a personal allowance of up to \$30 per month, shall not exceed [315] \$339, less any countable income. However, the cost of purchasing such living arrangement shall not exceed the minimum amount which the establishment customarily charges to or for other guests not dependent on public assistance, for the same accommodations and/or services.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Medical Payments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend a portion of the General Assistance Manual concerning medical payments.

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

10:85-5.3(b) The Director of Welfare [may] shall authorize payment for services provided by licensed physicians (M.D. or D.O.), dentists and other health care providers including podiatrists, optometrists, pharmacists, opticians, prosthetists and orthotists who have not been deleted for cause from the current list of approved Medicaid providers, unless such services are specifically prohibited under paragraph 3 of this subsection. The DPW/BMA will advise all MWDs of deletions from the approved list and of any reinstatements.

...

10:85-5.3(b)5. Consultation by a specialist: Payment [may] shall be authorized for services provided by a medical specialist whose advice and recommendations are requested by another physician or by the municipal welfare department with respect to the non-hospital evaluation and/or treatment of a patient. (See paragraph 2 of this subsection regarding maximum fee.)

i. Prior authorization: Payment for consultation services shall be approved only when performed by a qualified specialist who has received prior authorization, in writing, from the municipal director of welfare to perform such services.

10:85-5.3(c)1. Hospital emergency room: The Director of Welfare [may] shall authorize payment of an all-inclusive rate not to exceed the authorized Medicaid allowance for emergency room use or \$35.00, whichever is less. The rate covers all supplies and services including physician's services but does not include X-ray, diagnostic studies and laboratory fees, payment for which may be authorized in accordance with this section.

2. Hospital and independent clinics: The Director of Welfare [may] shall authorize payment of an all-inclusive charge (except for X-ray and laboratory fees) not to exceed \$12.00.

i. X-ray and laboratory fees: A fixed fee, which shall be the maximum payment allowed by Medicaid when such service is provided by a private radiologist or independent laboratory, may be authorized. The MWD may contact the DPW/BMA for such information.

3. Outpatient mental health facilities: The municipal director of welfare [may] shall authorize payment for outpatient services rendered by the following mental health facilities:

i. New Jersey State mental hospitals: Payment [may] shall be authorized for treatment in the outpatient department of any New Jersey State mental hospital.

(1) Maximum fee: Payment for such treatment shall not exceed the minimum fee for which treatment is supplied to non-public assistance recipients.

ii. Community mental health clinics: Payment [may] shall be authorized for diagnosis and/or treatment in any community mental health facility, provided that such treatment is not available to the client without cost.

(1) Maximum fee: Payment for such treatment shall not exceed the minimum fee for which treatment is supplied to non-public assistance recipients, or the applicable Medicaid rate (if any), whichever is less.

iii. Private psychologist or psychiatrist: If no local clinic offers such services, the Director of Welfare [may] shall authorize payment to a private psychologist or psychiatrist, to the extent that such payment does not exceed the applicable Medicaid rate.

10:85-5.3 (d) The municipal director of welfare [may] shall authorize payment for services rendered by a Visiting Nurses Association or home health agency provided that the client is not entitled to such services without cost.

10:85-5.3 (e) The director of welfare [may] shall authorize payment for maternity home care for expectant mothers at the applicable rate established by the Division of Youth and Family Services. Municipal welfare departments may call the DPW/BLO to obtain the applicable rate.

10:85-5.3 (g) The director of welfare [may] shall authorize payment for physical, occupational, or speech

therapy for a maximum of three months, provided that such therapy is not otherwise available without cost to the client.

1. Conditions for authorization: Payment for such services [may] shall be authorized only when the therapy has been recommended in writing by a physician as part of a planned physical restoration or rehabilitation program. The therapy must be performed by an appropriately qualified therapist working under the direction and supervision of a physician.

2. Authorization for therapy: The municipal director of welfare shall authorize payment for therapy by means of Form GA-18A, prior to the rendering of such services. (See Appendix A for sample form[s].)

(h) The director of welfare [may] shall authorize payment for drugs, blood, blood plasma, infusions, hearing aids, prosthetics, oxygen, dental services or dentures, eyeglasses and other visual prosthetics, braces and appliances, if recommended in writing by an appropriately licensed practitioner and if not otherwise available without cost to the patient.

10:85-5.5 (a) The director of welfare [may] shall authorize payment for travel costs necessary for the receipt of health services, provided that such transportation is not otherwise available without cost.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Application Process, Work Registration, Income and Resource Exclusions, Clients Discharged from Drug Centers, Notice of Adverse Actions, and Increases in Benefits and Fiscal Procedures

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend N.J.A.C. 10:87-2.1, 10:87-3.18, 10:87-4.7, 10:87-5.8, 10:87-6.16, 10:87-7.18, 10:87-9.1 and 10:87-10.1 concerning the Food Stamp Manual and the application process, work registration, income and resource exclusions, clients discharged from drug centers, notice of adverse actions and increases in benefits and fiscal procedures.

Copies of the 18 pages of the full text of this proposal may be obtained from or made available for review by contacting

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Maximum Allowances For Consultant Evaluation Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87, proposes to amend N.J. A.C. 10:94-3.13 concerning the maximum allowances for consultant evaluation services.

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

10:94-3.13(m)3. The following schedule of fees is exclusive of laboratory, x-ray and other special diagnostic studies which may be required.

1. Diagnostic Consultation and Report (ophthalmologic includes refraction; otological includes audiometric screening) other than psychiatric or neurologic. [\$35.00.] \$45.00.

2. Diagnostic Consultation requiring complete psychiatric or complete neurological examination or complete neuropsychiatric examination, with detailed report [\$40.00.] \$50.00.

3. Electrocardiogram with interpretation and report \$25.00

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

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Rule Concerning Pre-Adoption Home-Studies in Cases of Foreign Born Children

Ann Klein, Commissioner of Human Services, pursuant to the authority of N.J.S.A. 9:3-37 et seq. and 30:4C-4, pro-

poses to adopt a new rule concerning the availability to the public of agencies certified to place children for adoption in New Jersey which will be willing to perform pre-adoption home-studies in the cases of foreign born children.

Full text of the proposal follows:

10:104-1.19 Pre-adoption home studies; foreign born children

(a) Federal legislation, P.L. 95-417, approved on October 5, 1978, amended the Immigration and Nationality Act to require that a petition filed to classify an alien orphan child as an immediate relative for issuance of an immigration visa be accompanied by a valid home-study from an appropriate agency favorably recommending the adoption of the child.

(b) The performance of home-studies in cases of adoptions of children from foreign countries will be carried out entirely by private adoption agencies approved by the Division of Youth and Family Services to place children for adoption in New Jersey. The Division shall maintain a list of the approved private adoption agencies which perform home-studies for adoptions of children from foreign countries at its Bureau of Licensing in Trenton, and will make such a list available to interested persons, upon request.

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

Richard Crane
Bureau of Licensing
Division of Youth & Family Services
1 South Montgomery Street
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

COMMISSION FOR THE BLIND

AND VISUALLY IMPAIRED Fiscal Years 1980-1982 State Plan for Vocational Rehabilitation

On August 29, 1979, Norma F. Krajczar, Executive Director of the New Jersey State Commission for the Blind and Visually Impaired in the Department of Human Services, pursuant to authority of N.J.S.A. 30:6-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:98-1.1 et seq. concerning the Fiscal Years 1980-1982 State Plan for Vocational Rehabilitation as proposed in the Notice published August 9, 1979 at 11 N.J.R. 380(a).

An order adopting this Plan was filed on August 30, 1979 as R.1979 d.340 to become effective on October 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Rules on Social Services for Boarding Home Residents

On August 27, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-85 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:123-2.1, concerning social services for boarding home residents substantially as proposed in the Notice published March 8, 1979, at 11 N.J.R. 132(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these rules was filed and became effective on August 31, 1979 as R.1979 d.350.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Rules on Family Day Care Standards

On September 11, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12, 30:4C-26a and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:122-4.1 et seq., concerning family day care standards substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 539(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these rules was filed and became effective on September 11, 1979 as R.1979 d.359.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments to Ruling 11, Parts I and II

On September 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:109-1.1 et seq. concerning Ruling 11, Parts I and II, regarding salary increases for CWA's employees and legal holidays substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 380(b) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on September 13, 1979 at R.1979 d.362.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Computer Input Forms and Child Care Deductions

On September 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-2.1, 10:82-2.2, 10:82-2.4, 10:82-2.9 and 10:82-5.9 concerning computer input forms and child care deductions substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 377(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed September 13, 1979 as R.1979 d.363 to become effective on November 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Medical Eligibility for The Medicaid Only Program

On September 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:94-3.11 and 10:94-3.13 concerning the determination of medical eligibility for the Medicaid Only Program substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 379(b) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed on September 13, 1979 as R.1979 d.364 to become effective on November 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(f)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning VISTA Payments, Payments of Medical Bills and Assistance Orders

On September 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.1, 10:85-3.3, 10:85-4.3 and 10:85-5.7 concerning VISTA payments, payments of medical bills and assistance orders substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 378(a) with only incon-

sequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed on September 13, 1979 as R.1979 d.365 to become effective on October 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Drug And Alcohol Treatment Centers

On September 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3(f)4.iv. concerning drug and alcohol treatment centers as proposed in the Notice published August 9, 1979 at 11 N.J.R. 378(b).

An order adopting these amendments was filed and became effective on September 13, 1979 as R.1979 d.366.

Howard H. Kestin
Director
Office of Administrative Law

(b)

CORRECTIONS

STATE PAROLE BOARD

Amendments Concerning Notification

On August 28, 1979, Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10A:70-2.6 concerning notification.

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

10A:70-2.6 (a) Each inmate shall receive written notification of his or her actual eligibility date, the classification of his or her offender status, and the procedure to appeal such determinations within 90 days of his or her reception into a state penal institution or county correctional facility. It shall be the responsibility of the chief executive officer of the institution of incarceration in the case of offender status notifications, and of the executive director of the Board in the case of parole eligibility notifications, to prepare and distribute such notices with a copy to the Board.

An order adopting these amendments was filed on August 30, 1979 as R.1979 d.341 (Exempt, Exempt Agency) to become effective on September 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(c)

INSURANCE

THE COMMISSIONER

Rules Concerning Taxes Paid to Firemen's Relief Associations

On August 20, 1979, James J. Sheeran, Commissioner of Insurance pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6 et seq., 17:22-6.59, N.J.S.A. 54:18-1 et seq. and in accordance with applicable provisions of the Administrative Procedures Act, adopted new rules, to be cited as N.J.A.C. 11:1-5.8, concerning distribution of taxes paid to Firemen's Relief Associations substantially as proposed in the Notice published July 5, 1979, at 11 N.J.R. 347(b) but with subsequent changes not detrimental to the public in the opinion of the Department of Insurance.

Full text of the adoption follows:

11:1-5.8 Distribution of fire insurance premium tax

(a) Fire insurance premium taxes paid by insurers not domiciled in the State of New Jersey are required to be distributed to the respective Firemen's Relief Associations in which the property is situated.

(b) A three digit Firemen's Relief Association Code, published in the ISO New Jersey Public Fire Protection Classifications Manual, has been promulgated by the Insurance Services Office (ISO) for the purpose of coding the policies to properly allocate the premium taxes.

(c) The following steps shall be taken to assure correct tax distribution:

1. All agents, surplus lines agents and brokers producing fire insurance on any risks located in New Jersey are required to properly describe the risk and its location on the Policy Declaration Sheet.

2. The description of the property shall contain the complete address at which the property is located including the legal name of the municipality and the Firemen's Relief Association Code as promulgated by the Insurance Services Office.

3. All insurance companies writing fire insurance on property located in New Jersey shall require their agents to designate the Firemen's Relief Association by code on each policy declaration sheet and disclose the complete address at which the property is located including the legal name of the municipality.

4. Each insurance company shall use the Firemen's Relief Association code as promulgated by the Insurance Services Office in making its annual report pursuant to N.J.S.A. 54:18-1 to the respective treasurers of the duly incorporated Firemen's Relief Association in which any property on which the company has taken a fire insurance risk is located.

An order adopting these rules was filed and became effective on September 10, 1979 as R.1979 d.356.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

DIVISION OF WORKPLACE STANDARDS

Amendments Concerning Ski Lifts

On September 12, 1979, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:4A-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:175-1.1 et seq. concerning ski lifts substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 384(b) with only inconsequential structural or language changes in the opinion of the Department of Labor and Industry.

An order adopting these amendments was filed on September 12, 1979, as R.1979 d.360 to become effective on October 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Proposed Amendments on Release of Patient Records

Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to amend N.J.A.C. 13:35-6.12 concerning the release of patient records.

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

13:35-6.12(d) Where a licensee's practice is terminated by suspension, retirement, death, sale or other cause including insolvency, the one responsible for supervising the disposition of the practice shall make efforts to notify patients of the right to retrieve the record and the location thereof for a 6 months' period following notice, as follows:

1. Notification in writing to the State Board of Medical Examiners;
2. Notification in writing to the professional licensee society, such as the medical society of the county, region or state in which the licensee formerly practiced; and
3. Publication once weekly for two successive weeks in a newspaper whose circulation encompasses the major area of the licensee's former practice of a notice advising patients of the right to retrieve the record and the location thereof for a six months' period following publication.

[(d)] (e) This rule applies to all licensed physicians. A failure to comply may subject the licensee to appropriate disciplinary action pursuant to N.J.S.A. 45:1-21.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1979 to:

State Board of Medical Examiners
28 West State St.
Trenton, N.J. 08608

The State Board of Medical Examiners may thereafter adopt rules concerning this subject without further notice.
Edwin H. Albano
President, State Board of Medical Examiners
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Proposed Amendments on Uses of Amphetamines and Sympathomimetic Amines

Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq., proposes to amend N.J.A.C. 13:35-6.16 concerning the uses of amphetamines and sympathomimetic amines.

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

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

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

1. for the treatment of:
 - i. Narcolepsy;
 - ii. Hyperkinesia;
 - iii. Drug induced brain dysfunction;
 - iv. Epilepsy;
 - v. Depression shown to be refractory to other therapeutic modalities;
 - vi. Senile apathetic behavior; or
2. Immediate use in a hospital for acute conditions such as depression associated with illness, medical or surgical; or

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

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

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

Edwin H. Albano
President, State Board of Medical Examiners
28 West State St.
Trenton, N.J. 08608

The State Board of Medical Examiners may thereafter adopt rules concerning this subject without further notice.
Edwin H. Albano
President, State Board of Medical Examiners
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS OFFICE OF WEIGHTS AND MEASURES

Emergency Amendments Concerning Half Price Sales of Gasoline

On August 20, 1979, William J. Wolfe, State Superintendent of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:1-61 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 13:47B-1.23 concerning the half price sales of gasoline.

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

13:47B-1.23 Half-[gallon] price sales of gasoline

...

(c) 3. A certificate by the retail dealer that new or substitute metering devices to meet the needs of the retail dealer have been ordered for purchase, or will, within a period of two years following the date of issuance of initial exemption, have in use metering devices that will permit full value computation.

An order adopting these amendments was filed and became effective on August 22, 1979 as R.1979 d.335 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Amendments Concerning Vacancy in a Tier

On August 29, 1979, 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. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:71-17.3 concerning vacancy in a tier as proposed in the Notice published July 5, 1979 at 11 N.J.R. 352(a).

An order adopting these amendments was filed and became effective on August 31, 1979 as R.1979 d.349.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENERGY

THE COMMISSIONER

Notice of Public Hearings on Energy Extension Service

Take notice that, on Tuesday, October 23, 1979, at 9:30 A.M. until 4:30 P.M. at City Hall in Atlantic City, New Jersey, and on Wednesday, October 24, 1979, at 9:30 A.M. until 4:30 P.M. at the Labor Education Center, Ryders Lane, New Brunswick, New Jersey, the New Jersey Department of Energy will hold public hearings concerning the Energy Extension Service of New Jersey.

The fundamental purpose of the Energy Extension Service is to provide direct, personalized information and assistance to small energy users and those groups that influence the energy consumption of those small energy users.

Interested persons may present testimony at such hearings. Further information may be obtained from:

Muriel Blake
N.J. Department of Energy
101 Commerce Street
Newark, N.J. 07102
(201) 648-3900

This Notice is published as a matter of public information.

Howard H. Kestin
Office of Administrative Law
Director

(d)

ENERGY

BOARD OF PUBLIC UTILITIES

Emergency Rules Concerning Discontinuance of Service To Residential Customers and Notification to Municipalities

On August 10, 1979, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the discontinuance of gas and electric service to residential customers and notification to municipalities.

Full text of the adoption follows:

14:3-7.15 Notification to municipalities of discontinuance of gas and electric service to residential customers

(a) All electric and gas public utilities shall annually notify all municipalities located within their service areas that, upon request, they will be sent a daily list of the residential customer of record and premises located within the municipality at which gas or electric service was discontinued involuntarily on the preceding day.

(b) The list referred to in subsection (a) of this section shall contain the following information:

1. The name and address of every residential customer of record whose service was discontinued on the previous day for reasons other than at the customer's request and whose service remains discontinued as of 8:00 a.m.

on the day the list is sent. The list shall also set forth the address of the premises where service was discontinued. Included on the list shall be those customers whose service has been discontinued for reasons such as non-payment of bills, the absence of a customer of record, the existence of an unsafe condition, and theft of service. These examples shall not be construed as being exclusive.

2. If there is no customer of record, this fact shall be shown by indicating "unknown" next to the address of the premises.

3. If the reason for the discontinuance of service is the existence of an unsafe condition, this fact shall be indicated next to the address of the premises. All other reasons for the discontinuance of service shall not be included on the list.

4. Those customers whose service has been discontinued on a Friday, Saturday or Sunday and whose service remains discontinued as of 8:00 A.M. on the following Monday shall be included on the list sent on that Monday. If a Monday falls on a holiday on which the utility company's commercial offices are closed, the list shall be sent on the next regular workday. Pursuant to N.J.A.C. 14:3-3.6(c), public utilities may not discontinue residential service on Saturday, Sunday or a holiday on which the utility company's commercial offices are closed or after 1:00 p.m. of the business day prior to a weekend or such holiday for nonpayment.

5. When none of the customers within the municipality has service discontinued as of 8:00 A.M. on the day the list is to be sent, the utility shall not be required to send a list or otherwise notify the municipality that there were no discontinuances. The next list subsequently sent shall state the date on which the last list was sent.

6. The date of discontinuance of service for each customer on the list.

7. Specification of whether gas and/or electric service was discontinued for each customer on the list.

(c) The list referred to in subsection (a) of this section may be sent by ordinary mail.

(d) Beginning on February 15, 1980, and on every February 15 thereafter, all electric and gas utilities shall file with the Board a report containing the following information:

1. A breakdown of the expenses incurred in complying with this regulation in the preceding calendar year;

2. Any additional information which the Board in its discretion may require in writing or the public utility may wish to submit.

(e) Beginning on February 15, 1980, and on every August 15 and February 15 thereafter, all electric and gas utilities shall file with the Board a report containing the following information:

1. Those municipalities which requested the list referred to in subsection (a) of this section and those which have not requested the list as of the date of the report.

2. Any additional information which the Board in its discretion may require in writing or the public utility may wish to submit.

An order adopting these rules was filed on September 5, 1979 as R.1979 d.352 (Exempt, Emergency Rule) to become effective on October 10, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION THE COMMISSIONER

Rules on Permits Allowing Use or Occupancy of State-Owned Railway Property

On August 17, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:41-16.1 et seq., concerning permits allowing use or occupancy of State-owned railroad property substantially as proposed in the Notice published March 8, 1979, at 11 N.J.R. 156(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Transportation.

An order adopting these rules was filed and became effective on August 20, 1979 as R.1979 d.331.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TRANSPORTATION THE COMMISSIONER

Rules Concerning the Delegation of Authority by The Commuter Operating Agency

On August 20, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-1(d) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:53B-1.1 et seq., concerning the delegation of authority by the Commuter Operating Agency as proposed in the Notice published June 7, 1979 at 11 N.J.R. 301(c).

An order adopting these rules was filed and became effective on August 21, 1979 as R.1979 d.334.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TRANSPORTATION THE COMMISSIONER

Amendments on Restricted Parking on Parts of Routes 44, 52, 152 and 35

On August 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-3.48 and 16:28-3.121 and new rules, to be cited as N.J.A.C. 16:28-3.198 and 16:28-3.199, concerning restricted parking on parts of Routes 44, 52, 152 and 35 as proposed in the Notice published August 9, 1979 at 11 N.J.R. 408(a).

An order adopting these amendments and new rules

was filed and became effective on August 31, 1979 as R.1979 d.344.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION

THE COMMISSIONER

Amendments on Restricted Parking on Parts of Routes 94 and 3

On August 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-3.107 and 16:28-3.112 concerning restricted parking on parts of Routes 94 and 3 as proposed in the Notice published August 9, 1979 at 11 N.J.R. 407(b).

An order adopting these amendments was filed and became effective on August 31, 1979 as R.1979 d.345.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TRANSPORTATION

THE COMMISSIONER

Amendments Concerning No Passing Zones On Parts of Route U.S. 46

On August 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:29-1.8 concerning no passing zones on parts of Route U.S. 46 as proposed in the Notice published August 9, 1979 at 11 N.J.R. 408(b).

An order adopting these amendments was filed and became effective on August 31, 1979 as R. 1979 d.346.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TRANSPORTATION

THE COMMISSIONER

Rules Concerning One-Way Traffic on Parts of Eisenhower Avenue in Dover Township

On August 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:30-1.7, concerning one-way traffic on parts of Eisenhower Avenue in Dover Township as proposed in the Notice published August 9, 1979 at 11 N.J.R. 409(a).

An order adopting these rules was filed and became

effective on August 31, 1979 as R.1979 d.347.

Howard H. Kestin
Director
Office of Administrative Law

(d)

TRANSPORTATION

THE COMMISSIONER

Amendments on No Left Turns On Parts of Route 71

On August 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:31-1.13 concerning no left turns on parts of Route 71 as proposed in the Notice published August 9, 1979 at 11 N.J.R. 409(b).

An order adopting these amendments was filed and became effective on August 31, 1979 as R.1979 d.348.

Howard H. Kestin
Director
Office of Administrative Law

(e)

TREASURY

DIVISION OF PENSIONS

CONSOLIDATED POLICE AND FIREMEN'S PENSION FUND

Proposed Amendment Concerning the Suspension of Pension Checks

Elmer G. Baggaley, Secretary of the Consolidated Police and Firemen's Pension Fund Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16-7, proposes to amend N.J.A.C. 17:6-1.8 concerning the suspension of pension checks.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]): 17:6-1.8(a)2. [If a widow fails to timely file the annual statement with the fund affirming that she has not remarried;] **If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility which is normally mailed to such beneficiaries on an annual basis:**

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

Elmer G. Baggaley, Secretary
Consolidated Police and Firemen's
Pension Fund Commission
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Consolidated Police and Firemen's Pension Fund Commission may thereafter adopt the rule concerning this subject without further notice.

Elmer G. Baggaley, Secretary
Consolidated Police and Firemen's
Pension Fund Commission
Division of Pensions
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendments to Rules Concerning Homestead Tax Rebate

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 et seq., proposes to amend N.J.A.C. 18:12-7.1(d)12. concerning the homestead tax rebate.

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

18:12-7.1(d) 12. Proof of permanent and total disability: In all cases where an additional rebate is claimed because of permanent and total disability, applicant must include a physician's certificate, Social Security Award Certificate Form SSA-30 or Social Security Award Certificate Form SSA-2458 verifying that the claimant is permanently and totally disabled, according to the provisions of the Federal Social Security Act, and is, therefore, unable to engage in any substantial, gainful activity. In the claim by a person who is blind, he may additionally submit a certificate from the New Jersey Commission for the Blind certifying to blindness as defined by law.

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

J. Henry Ditmars
Superintendent, Local Property and
Public Utility Tax
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 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

(b)

TREASURY

DIVISION OF TAXATION

Proposed Rules on Computation Of Tax Credit Under Gross Income Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq., proposes to adopt new rules concerning the computation of tax credit under the Gross Income Tax Act.

Take notice that this Notice supersedes the previous Notice of Proposal on similar subject matter that was published August 9, 1979, at 11 N.J.R. 412(b).

Full text of the proposal follows:

18:35-1.12 Computation of tax credit

(a) The following provisions shall govern the computation of the tax credit by reason of any income or wage tax paid to another state or political subdivision of such state under the New Jersey Gross Income Tax Act.

1. N.J.S.A. 54A:4-1 provides for a credit against the New Jersey gross income tax as follows:

“Resident credit for tax of another state.

(a) A resident taxpayer shall be allowed a credit against the tax otherwise due under this act for the amount of any income tax or wage tax imposed for the taxable year by another state of the United States or political subdivision of such state, or by the District of Columbia, with respect to income which is also subject to tax under this act.

(b) The credit provided under this section shall not exceed the proportion of the tax otherwise due under this act that the amount of the taxpayer's income subject to tax by the other jurisdiction bears to his entire New Jersey income.”

2. The credit against the New Jersey tax applies with respect to the income tax or wage tax paid in the other state or political subdivision thereof on income which is also subject to tax under the New Jersey Act. Therefore, there shall be excluded from the income in the other state any income which is not subject to tax under the New Jersey law.

3. N.J.S.A. 54A:4-1(b) provides for a limitation on the credit for tax paid to another state or political subdivision thereof. The amount of the resident taxpayer credit for tax paid to another state or political subdivision thereof shall not exceed the percentage derived by dividing income subject to tax in the other jurisdiction by the taxpayer's entire New Jersey income times the tax otherwise due under the New Jersey Gross Income Tax Act.

4. For purposes of determining the percentage, as provided in paragraph 3 above, for limitation of the tax credit:

i. Income subject to tax by the other jurisdiction means those categories of income which are taxed by another jurisdiction before the allowance for personal exemptions and standard and/or other itemized deductions and which are also subject to tax under the New Jersey Gross Income Tax Act.

ii. Entire New Jersey income means the categories of New Jersey gross income subject to tax before allowances for personal exemptions and deductions.

iii. Adjustment must be made:

(1) In the numerator, for taxpayers who claim credit for income in the numerator which has been only partially taxed by the other jurisdiction; and

(2) In the denominator, for taxpayers who claim credit for income in the numerator as income subject to tax in the other state or political subdivision thereof which has already been excluded from New Jersey income.

(3) For example, a taxpayer who includes in the numerator (see line 64, N.J. 1040) pension and/or other retirement income which is subject to tax by the other jurisdiction but which is excluded from the denominator (line 17c of Form N.J. 1040) shall make an adjustment in the denominator to add back such pension and/or other retirement income to reflect the entire New Jersey income.

5. The following examples will illustrate how the maximum allowable resident credit for tax paid to another jurisdiction shall be determined:

i. Example 1: Taxpayer income is as follows:

Line 62 New York Income	\$50,000
Less: Amount Not Subject to tax in New Jersey	<u>40,000</u>
Income Subject to Tax in New York which is also Subject to Tax in New Jersey	
Line 63 Entire New Jersey Income	\$10,000
Line 64 \$10,000 ÷ \$20,000 = 50% of \$360 = \$180	<u>\$20,000</u>
Maximum Allowable Credit	

iv. Example 4: Taxpayer income is as follows:

NEW YORK		NEW JERSEY	
Wages	\$15,000	Wages	\$15,000
Less Sick Pay	<u>5,000</u>	Dividends	3,000
Total New York Income	\$10,000	Capital Gains	<u>2,000</u>
			\$20,000
		Less: Exemptions	<u>2,000</u>
			\$18,000
		Tax	<u>\$ 360</u>
Line 62 New York Income Subject to Tax (not \$15,000)	\$10,000		
Line 63 Entire New Jersey Income	\$20,000		
Line 64 \$10,000 ÷ \$20,000 = 50% of \$360 = \$180			
Maximum Allowable Credit			

6. The following is the worksheet for credit for taxes paid to another jurisdiction:

WORKSHEET FOR CREDIT TO OTHER JURISDICTIONS:

(Use this worksheet to determine "entire New Jersey income" at line 63 of the return if a credit to other jurisdictions is being claimed.)

List the following:

- a. Gross Income (Line 17c)
- b. Pension Exclusion (Line 40b)
- (see instruction below)
- c. Retirement Income/Special Exclusion (Line 17b) (see instruction below)
- d. Entire New Jersey Income (income subject to tax by another jurisdiction which is also subject to tax under the N.J. Gross Income Tax Act). (Add lines a, b and c) (to be entered here and at line 63.)

INSTRUCTIONS:

The amount of pension exclusion claimed at line 40b and the amount of retirement income exclusion claimed at line 17b are includible in determining "entire New Jersey income" and are, therefore, to be included in the amount reported by you at line 62.

EXAMPLE:

A resident New Jersey taxpayer has two businesses and the net profits (or losses) from such are both reportable at line 34 of the return. The net income of business "A" is \$50,000 and is entirely attributable to New York. The net loss of business "B" is \$40,000 and is entirely attributable to New Jersey.

The taxpayer has paid a tax on \$50,000 to New York but only on \$10,000 to New Jersey (\$40,000 net loss netted from \$50,000 net income at line 34).

The taxpayer may include as income subject to tax by the other jurisdiction on line 62 (Form N.J. 1040) only business income subject to tax in New Jersey and therefore must deduct from the \$50,000 New York business income the \$40,000 not subject to tax as business income in New Jersey.

In no event may a taxpayer claim a credit for income or wage taxes paid to other jurisdiction(s) unless the income so claimed is also included in entire New Jersey income at line 63 of the return.

Taxpayer should retain this worksheet for substantiation of the credit claimed.

7. Instruction for line 62: Do not include on this line any income which has been excluded or deducted from the taxable gross income of other jurisdiction(s) or which has been taxed by other jurisdiction(s). Example: If a portion of long-term capital gains are excluded from such taxable income, such excluded portion may not be included in line 62.

8. A New Jersey resident taxpayer in determining the resident credit allowed against the tax due under this Act for the amount of any income tax or wage tax imposed for the taxable year by another state or political subdivision of such state or by the District of Columbia, shall not combine in the numerator (line 64, N.J. 1040) the same income subject to tax by the jurisdiction and/or political subdivision. The amount of income or wage tax during the tax year shown on line 65, N.J. 1040 for the taxpayer paying both a tax to another state and political subdivision of such state would be the total amount of state income tax and income tax or wage tax paid to the other state and political subdivision of such state.

i. When claiming a credit for the taxes paid to another jurisdiction and/or political subdivision, the taxpayer shall file with the New Jersey tax return, a signed copy of the tax return filed with the other jurisdiction and/or political subdivision showing the amount of the tax paid. A W-2 form or its equivalent which indicates the withholding of income tax in another jurisdiction and/or political subdivision is considered prima facie evidence of such amount of tax paid where the taxing jurisdiction and/or political subdivision imposing an income tax or wage tax does not require the filing of a return by the taxpayer claiming a credit.

ii. Where a taxpayer claims credit for taxes paid to more than one state on income earned in that state, a separate computation for the maximum allowable credit shall be made for each such state.

iii. Example 1: Taxpayer Income is as follows:

Husband and Wife File Jointly — 2 Exemptions

NEW YORK		NEW JERSEY	
Wages	\$20,000	Wages	\$20,000
Standard Deduction	2,400	Interest	1,000
	<u> </u>	Dividends	2,000
	\$17,600	Other Income	7,000
Exemption			<u> </u>
2 x 66.6% (\$700)	933		\$30,000
	<u> </u>	Exemptions	2,000
	\$16,667		<u> </u>
New York State Tax	\$ 1,027		\$28,000
New York City Tax	81	New Jersey Tax	<u> </u>
	<u> </u>		\$ 600
Total Tax	<u>\$ 1,108</u>		

Tax Credit

Line 62 Income Subject to Tax by Other Jurisdiction	\$20,000	
Line 63 Income Subject to Tax by New Jersey	\$30,000	
Line 64 Maximum Allowable Credit		
\$20,000 ÷ \$30,000 x \$600 (N.J. Tax)	= \$ 400	
Line 65 Income or Wage Tax Paid to Other Jurisdictions	\$ 1,108	
Line 66 New Jersey Tax Credit Allowed	\$ 400	

iv. Example 2: Taxpayer Income is as follows:

Husband and Wife File Jointly — 2 Exemptions

OTHER STATE		NEW JERSEY	
Wages	\$20,000	Wages	\$20,000
Assume		Interest	1,000
State Tax	250	Dividends	2,000
Local Wage Tax	75	Other Income	7,000
	<u> </u>		<u> </u>
Total Tax	\$ 325	Exemptions	\$30,000
	<u> </u>		2,000
			<u> </u>
			\$28,000
		New Jersey Tax	<u> </u>
			\$ 600

Tax Credit

Line 62 Income Subject to Tax by Other Jurisdiction	\$20,000	
Line 63 Income Subject to Tax by New Jersey	\$30,000	
Line 64 Maximum Allowable Credit		
\$20,000 ÷ \$30,000 x \$600 (N.J. Tax)	= \$ 400	
Line 65 Income or Wage Tax Paid to Other Jurisdictions	\$ 325	
Line 66 New Jersey Tax Credit Allowed	\$ 325	

v. Example 3: Taxpayer Income is as follows:

Husband and Wife File Jointly — 2 Exemptions

OTHER JURISDICTION		NEW JERSEY	
Wages	\$20,000	Wages	\$20,000
Local Wage Tax	\$ 800	Interest	2,000
	<u> </u>	Dividends	2,000
			<u> </u>
		Exemptions	\$24,000
			2,000
			<u> </u>
			\$22,000
		Tax	<u> </u>
			\$ 450

Tax Credit	
Line 62 Income Subject to Tax by Other Jurisdiction	\$20,000
Line 63 Income Subject to Tax by New Jersey	\$24,000
Line 64 Maximum Allowable Credit	
$\$20,000 \div \$24,000 \times \$450$ (N.J. Tax)	= \$ 375
Line 65 Wage Tax Paid to Other Jurisdiction	\$ 800
Line 66 New Jersey Credit Allowed	\$ 375

vi. Example 4: Taxpayer Income is as follows:

Husband and Wife File Jointly — 2 Exemptions

OTHER JURISDICTIONS		NEW JERSEY	
State A—Wages	\$10,000	Wages	\$25,000
State B—Wages	\$15,000	Interest	1,000
Assume		Dividends	2,000
State A—Tax	\$ 150		<hr/>
State B—Tax	\$ 600		\$28,000
		Exemptions	2,000
			<hr/>
			\$26,000
			<hr/>
		New Jersey Tax	<u>\$ 550</u>

Tax Credit	
State A	
Line 62—Income Subject to Tax by Other Jurisdiction	\$10,000
Line 63—Income Subject to Tax by New Jersey	\$28,000
Line 64—Maximum Allowable Credit	
$\$10,000 \div \$28,000 \times \$550$ (N.J. Tax)	= \$ 294.65
Line 65—Income or Wage Tax Paid to Other Jurisdiction	\$ 150.00
Line 66—New Jersey Tax Credit Allowed	\$ 150.00

State B	
Line 62—Income Subject to Tax by Other Jurisdiction	\$15,000
Line 63—Income Subject to Tax by New Jersey	\$28,000
Line 64—Maximum Allowable Credit	
$\$15,000 \div \$28,000 \times \$550$ (N.J. Tax)	= \$ 294.65
Line 65—Income or Wage Tax Paid to Other Jurisdiction	\$ 600.00
Line 66—New Jersey Tax Credit Allowed	\$ 294.65
Total New Jersey Tax Credit Allowed	
State A—\$150.00	
State B— 294.65	\$ 444.65

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

Amendments Concerning
Pick-It and Pick-4 Lotteries

On August 29, 1979, Gloria A. Decker, Executive Director of the New Jersey 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 emergency amendments concerning the Pick-It and Pick-4 lotteries.

Full text of the adoption follows (additions indicated in boldface thus; deletions indicated in brackets [thus]): 17:21-12.1(a) 7. The selection of the winning four-digit number for the "Pick-Four" Lottery will be held on

Tuesday and Friday immediately following the drawing of the present Pick-It Lottery which is scheduled for approximately 7:57 p.m. Such drawings will be held every Tuesday and Friday except on Good Friday or when Christmas Day falls on either a Tuesday or Friday, at which time the drawing would take place one day earlier, Monday or Thursday. The drawing will take place at a location prescribed by the Executive Director of the New Jersey Lottery and all drawings will be open to the public.

Repeal 17:21-12.2

17:21-13.1(a) 7. The selection of the winning three-digit number for the Pick-It Lottery will be held at 7:57 each evening Monday through Saturday. Such a drawing will be held every day except Sundays, Good Friday [, Thanksgiving Day,] and Christmas Day. The drawings will take place at a location prescribed by the Executive Director of the New Jersey Lottery and all drawings will be open to the public.

An order adopting these amendments was filed and became effective on August 31, 1979 as R.1979 d.343.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Amendments Governing Speed Limits on the Garden State Parkway

On August 30, 1979, F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:8-1.2 concerning speed limits on the Garden State Parkway as proposed in the Notice published August 9, 1979 at 11 N.J.R. 415(c).

An order adopting these amendments was filed and became effective on August 30, 1979 as R.1979 d.339.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ECONOMIC DEVELOPMENT AUTHORITY

Rules on Payment of Prevailing Wages in Authority Projects

On August 17, 1979, Robert S. Powell, Jr., Executive Director of the Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the payment of prevailing wages in Authority projects substantially as proposed in the Notice published March 8, 1979, at 11 N.J.R. 152(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Economic Development Authority.

Take notice that these rules will be now cited as N.J. A.C. 19:30-3.1 et seq. rather than as N.J.A.C. 12:241-1.1 et seq. as was indicated in the Notice of Proposal.

An order adopting these rules was filed and became effective on August 24, 1979 as R.1979 d.337.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ECONOMIC DEVELOPMENT AUTHORITY

Rules on Targeting of Authority Assistance

On August 17, 1979, Robert S. Powell, Jr., Executive Director of the Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:30-4.1 et seq., concerning the targeting of Authority assistance substantially as proposed in the Notice published May 10, 1979, at 11 N.J.R. 264(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Economic Development Authority.

An order adopting these rules was filed and became effective on August 24, 1979 as R.1979 d.338.

Howard H. Kestin
Director
Office of Administrative Law

(d)

CASINO CONTROL COMMISSION

Amendments Concerning Internal And Accounting Controls

On August 22, 1979, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:45-1.1 et seq. concerning internal and accounting controls as proposed in the Notice published June 7, 1979 at 11 N.J.R. 307(a).

An order adopting these amendments was filed and became effective on August 23, 1979 as R.1979 d.336.

Howard H. Kestin
Director
Office of Administrative Law

(e)

CASINO CONTROL COMMISSION

Amendments Concerning Applications And Additional Copies

On September 10, 1979, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:41-7.16 concerning applications and additional copies as proposed in the Notice published August 9, 1979 at 11 N.J.R. 418(c).

An order adopting these amendments was filed and became effective on September 11, 1979 as R.1979 d.357.

Howard H. Kestin
Director
Office of Administrative Law

(a)

CASINO CONTROL COMMISSION

Amendments Concerning Chip Specifications

On September 10, 1979, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:46-1.1 concerning chip specifications substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 419(a) with only inconsequential structural or language changes in the opinion of the Casino Control Commission.

An order adopting these amendments was filed and became effective on September 11, 1979 as R.1979 d.358.

Howard H. Kestin
Director
Office of Administrative Law

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedule of Charges For Air Terminals at Kennedy International, LaGuardia and Newark International Airports

On June 27, 1979, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges for air terminals at Kennedy International, LaGuardia and Newark International Airports.

Full text of the adoption follows:

RESOLVED, that the resolution establishing fees for parking vehicles on Public Vehicular Parking Areas at Port Authority Air Terminals, adopted by the Board, at its meeting on March 11, 1948, as subsequently amended, be and the same is hereby amended, effective August 15, 1979, as follows:

1. By revising the rates relative to LaGuardia Airport as follows:

Parking Garage:

- \$1.00 for 1st hr. or part
- \$1.00 per 2 hrs. or part thereafter
- \$8.00 max. to 24 hrs.
- \$1.00 per 3 hrs. or part thereafter
- \$8.00 max. each 24 hrs.

All Other Lots except Premium Metered Area in Garage:

- \$1.00 for 1st hr. or part
- \$1.00 per 2 hrs. or part thereafter
- \$6.00 max. to 24 hrs.
- \$1.00 per 4 hrs. or part thereafter
- \$6.00 max. each 24 hrs.

Premium Metered Area in Garage:

- \$.25 per ¼ hr. (interim rate)
- \$1.00 per hr. or part (permanent rate)

2. By revising the rates relative to Kennedy International Airport as follows:

Premium Pan Am Rooftop: (Lot 6)

- \$1.00 per hr. or part
- \$24.00 max. for 24 hrs.

Intermediate Central Terminal Area: (Except Lot 6)

- \$1.00 for 1st hr. or part
- \$1.00 per 2 hrs. or part thereafter
- \$7.00 max. to 24 hrs.
- \$1.00 per 3 hrs. or part thereafter
- \$7.00 max. each 24 hrs.

Remote Reduced Rate Long Term: (Lots 8 & 9)

- \$3.00 for 1st 24 hrs. or part
- \$1.50 per 12 hrs. or part thereafter

3. By revising the rates relative to Newark International Airport as follows:

Premium "Hourly" Lots:

- \$1.00 per hr. or part
- \$16.00 max. each 24 hours

Intermediate "Daily" Lots:

- \$1.00 for 1st hr. or part
- \$1.00 per 2 hrs. or part thereafter
- \$7.00 max. to 24 hrs.
- \$1.00 per 3 hrs. or part thereafter
- \$7.00 max. each 24 hrs.

Remote Reduced Rate Long Term: (Lots D, 1 & 3)

- \$1.00 for 1st hr. or part
- \$1.00 per 2 hrs. or part thereafter
- \$3.00 max. to 24 hrs.
- \$1.00 per 8 hrs. or part thereafter
- \$3.00 max. each 24 hrs.

"Handicapped persons (with mobility restrictions) will be charged a 24-hour rate equivalent to the lowest rate at each airport."

All rates include tax on parking.

An order adopting these revisions was filed on August 20, 1979 as R.1979 d.330 (Exempt, Exempt Agency).

Howard H. Kestin
Director
Office of Administrative Law

(c)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedule of Charges For Flight Fees and FMC Schedule Number PA-9 Concerning Shed Usage

On July 25, 1979, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges concerning flight fees at Kennedy International Airport as well as amendments to mini-maxi leases and revisions to FMC Schedule Number PA-9 regarding shed usage at Port Authority marine terminals.

Full text of the adoptions follows:

Kennedy International Airport — Revision to Schedule of Charges — Flight Fee

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, as amended, be and the same is hereby amended, effective September 1, 1979 by amending the first paragraph of Section 1 thereof to delete "\$.57" and substituting "\$.60" thereof; and be it further

RESOLVED, that the Executive Director be and he

hereby is authorized to revise the fee, from time to time, as he deems appropriate and as conditions warrant.

Port Authority Marine Terminals — Amendment to Mini-Maxi Leases and Revision to FMC Schedule No. PA-9 — Shed Usage

RESOLVED, that the Executive Director be and he hereby is authorized on behalf of the Port Authority to enter into agreements amending leases for breakbulk terminals under the "Mini-Maxi" Program increasing the unit charge by \$.50 per revenue ton, in \$.25 increments, effective respectively no earlier than October 1, 1979 and October 1, 1980; the form of the agreements to be subject to the approval of General Counsel or his designated representative; and be it further

RESOLVED, that the "FMC Schedule No. PA-9 naming Rules and Regulations applying at Port Authority Marine Terminals and Rates and Charges Applicable For the Use of Public Areas at Port Authority Marine Terminals" adopted by the Committee, at its meeting on February 3, 1966, as amended, be and the same is hereby amended by revising Item 600 thereof as follows: Effective October 1, 1979, the shed-usage charge shall be increased to \$1.25 per ton; effective October 1, 1980, the charge shall be further increased to \$1.50 per ton.

An order adopting these revisions was filed on September 4, 1979 as R.1979 d.351 (Exempt, Exempt Agency).

Howard H. Kestin
Director
Office of Administrative Law

FIVE CODE TITLES UPDATED

Mailing was completed last month for the updates of May 17, 1979, June 1, 1979 and June 14, 1979 of the New Jersey Administrative Code.

Titles included were: 4 - Civil Service, 6 - Education, 10 - Human Services, 15 - State and 16 - Transportation.

If subscribers have not received this update within two weeks, they should contact the Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey 08608 or phone: (609) 292-6060.

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