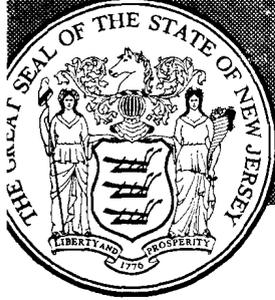


# NEW JERSEY REGISTER



**THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION**

**BRENDAN F. BYRNE, Governor**

**Howard H. Kestin, Director, Office of Administrative Law**

**G. Duncan Fletcher, Director of Administrative Procedure**

**Peter J. Gorman, Rules Analyst**

**VOLUME 11 • NUMBER 4**

**April 5, 1979 • Indexed 11 N.J.R. 161-216**

**(Includes rules filed through March 15, 1979)**

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ADMINISTRATIVE  
PRACTICES OFFICER  
DEPT OF TRANSPORTATION  
1035 PARKWAY AVE  
TRENTON N J 08625

## NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

### AGRICULTURE

#### DIVISION OF ANIMAL HEALTH

##### Proposed Amendments Concerning Reports of Biological Product Use

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-109, proposes to amend N.J.A.C. 2:6-1.9 concerning reports of biological product use.

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

##### 2:6-1.9 Reports of biological product use

(a) All sales, donations, distributions, [infections] injections or tests employing biological products listed in Section 4 (Biologics requiring license; term) of this subchapter, except for tuberculin, shall be reported in writing to the Director of the Division of Animal Health at his office, Room 201, Health and Agriculture Building, John Fitch Plaza, South Warren Street, P.O. Box 1888, Trenton, New Jersey 08625, within thirty days thereafter. Such report shall be signed by the person making the same and shall give the name and address of the purchaser or receiver of said biological product, the amount and the date of sale, donation or distribution.

(b) All sales, donations, distributions, [infections] injections or tests employing tuberculin shall be reported in writing to the Director of the Division of Animal Health at his office, Room 201, Health and Agriculture Building, John Fitch Plaza, South Warren Street, P.O. Box 1888, Trenton, New Jersey 08625, within seven days [thereafter] thereafter. Such report shall be signed by the person making the same and shall give the name and address of the purchaser or receiver of said biological product, the amount and the date of sale, donation or distribution.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

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

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(b)

### AGRICULTURE

#### DIVISION OF DAIRY INDUSTRY

##### Amendments to Federal Order Two Concerning Milk Handling in the New York-New Jersey Milk Marketing Areas

On February 6, 1979, Woodson W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Federal Order Number 2 concerning the handling of milk in the New York-New Jersey Milk Marketing Areas.

Full text of the adoption follows:

##### 2:54-1.9 Amendments to Federal Order Number 2 (March 1, 1979)

(a) In conformance with the Memorandum of Agreement with the United States Department of Agriculture, pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the director, Division of Dairy Industry, New Jersey Department of Agriculture, participated in a joint hearing held in New York City on February 17-20, 1976, and in Syracuse, New York on February 23-26, 1976. The hearing was held pursuant to notice thereof which was published in the time and manner required by the applicable Federal and State laws.

(b) Under date of October 25, 1977, the under-signed director, Division of Dairy Industry entered an order adopting certain (partial) amendments to the joint and concurrent order effected by the aforesaid notice (9 N.J.R. 502). This order is a final decision upon the hearing record made at the hearing.

(c) Pursuant to the provisions of N.J.A.C. 15:15-5.3, and after considering the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture

## NEW JERSEY REGISTER

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as contained in the "Decision on Proposed Amendments to the Marketing Agreement and to Order", signed in Washington, D.C., on December 5, 1978, by P. R. "Bobby" Smith, Assistant Secretary for Marketing Services, United States Department of Agriculture; the director, Division of Dairy Industry hereby finds and determines that the findings and conclusions (43 F.R. 57914 ff.) should be adopted by reference insofar as such findings and conclusions pertain to the marketing of milk in the State of New Jersey under 7 CFR 1002, the same being commonly referred to as Federal Order No. 2.

(d) The director further finds that the terms of the "Order Amending Order" (44 F.R. 5865 ff.) signed in

(d) The director further finds that the terms of the Washington, D.C. on January 25, 1979, by P. R. "Bobby" Smith, Assistant Secretary, United States Department of Agriculture, to be effective March 1, 1977, should be adopted by reference insofar as such order applies to the marketing of milk in the State of New Jersey under terms of the aforesaid joint and concurrent Order No. 2. He further finds that the adoption of said order will tend to effectuate the declared policy of the statute as contained in N.J.S.A. 4:12A-1, et seq.

(e) It is therefore ordered that on and after the effective date hereof there is hereby adopted as an amendment to N.J.S.A. 2:54, by reference, the aforesaid amendments to the order regulating the handling of milk in the New York-New Jersey milk marketing area as the said order applies to the marketing of milk in the State of New Jersey.

(f) This order shall be effective from and after 12:01 A.M. on March 1, 1979.

An order adopting these amendments was filed on February 16, 1979, as R.1979 d.79 (Exempt, Procedure Rule) to become effective on March 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## BANKING

### DIVISION OF BANKING

#### Proposed Rule on Definition of Officers of Bank

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-71(3), proposes to adopt a new rule concerning the definition of officers to be participating in the operating management of a bank for the purposes of Article 15 of N.J.S.A. 17:9A.

Full text of the proposal follows:

#### SUBCHAPTER 3. OPERATING MANAGEMENT OF A BANK

##### 3:6-3.1 Definition

The following word, when used in Article 15 of N.J.S.A. 17:9A, shall have the following meaning unless the context clearly indicates otherwise and a person so designated shall be deemed to be participating in the operating management of a bank for the purposes of that Article.

"Officer" means an officer of the bank who participates or has authority to participate, otherwise than in the capacity of a director, in major policy-making functions of the bank, regardless of whether he has an official title or whether his title contains a designation of assistant

and regardless of whether he is serving without salary or other compensation. The Chairman of the Board, the President, Executive Vice President, Senior Vice President, any Vice President, Cashier, Secretary, Treasurer and Comptroller are assumed to be officers, unless by resolution of the Board of Directors or by the bank's by-laws any such officer is excluded from participation in major policy-making functions, otherwise than in the capacity of a director of the bank, and he does not actually participate therein.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

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

Angelo R. Bianchi  
Commissioner  
Department of Banking

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Repeal of Rules and Supplements And the Adoption of Appendix II Concerning The Administration of Payments to State Employees for Unused Sick Leave

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to rescind N.J.A.C. 4:1-17.24(h), (i), (j), (k), Supplement #1 and Supplement II and adopt Appendix II in place thereof concerning the administration of payments to State employees for unused sick leave.

Full text of the proposed Appendix II follows:

4:1-17.24

#### APPENDIX II

JOINT REGULATIONS (JULY 12, 1973) OF THE PRESIDENT OF THE CIVIL SERVICE COMMISSION, THE STATE TREASURER, AND THE DIRECTOR OF THE DIVISION OF BUDGET AND ACCOUNTING IN THE DEPARTMENT OF THE TREASURY CONCERNING THE ADMINISTRATION OF PAYMENTS TO STATE EMPLOYEES FOR UNUSED SICK LEAVE.

April 7, 1976

At the meeting of April 6, 1976, under authority of Chapter 130, P.L. 1973, Supplements #1 through #5 of the Joint Regulations for the administration of payments to non-classified employees for unused sick leave were rescinded and the following Appendix to the Joint Regulations was approved pursuant to N.J.S.A. 11:14-9 et seq. effective January 1, 1976. This rescission does not affect the applicability of the Committee's prior approval of Rutgers University procedures. In addition to the Joint Regulations and Appendix I of the Joint Regulations issued July 12, 1973, the following supplement will govern eligibility for lump sum sick leave compensation for earned and unused sick leave for State classified and non-classified employees.

I. Faculty members of the State Colleges, Rutgers University, Newark College of Engineering, and the College of Medicine and Dentistry of New Jersey are not eligible for sick leave reimbursement upon retirement since they are not granted leave in a manner similar to those in the classified service.

II. All ten-month teachers in State service will be eligible for sick leave reimbursement upon retirement if a reduction factor is applied or has been applied to the amount of accrued sick leave for which payment is requested. This reduction factor shall equal the number of sick days earned by these employees in excess of the amount of sick leave that would have been earned had the time been pro-rated on a ten-month basis.

III. State employees who retire as a result of an accidental or ordinary disability retirement, and who meet all other applicable regulations will be considered eligible for lump sum sick leave reimbursement upon retirement for unused sick leave. If such employees receive lump sum payment and subsequently reenter State employment, they will not be eligible to have their unused sick leave reinstated to their records. Employees reentering State service subsequent to an accidental or ordinary disability retirement will begin earning sick leave in a manner similar to a newly hired employee. Any employee who has or shall retire on age and service and who subsequently reenters State employment will be considered to have incurred a break in service. For those rehired on and after July 1, 1973, sick leave credit shall be computed only from the date of return to employment following the break in service.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

The New Jersey Civil Service Commission may thereafter adopt rules concerning this subject without further notice.

Joseph Lavery  
Director of Hearings and Regulations  
Department of Civil Service

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amendments Concerning the Maintenance of Hotels and Multiple Dwellings

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-7, proposes to adopt certain regulations amending the regulations for the Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10-1.1 et seq.) and providing that the said regulations, as amended, shall expire on July 1, 1984.

These amendments, if adopted, will delete provisions that are no longer necessary, clarify provisions that have been found to be confusing or ambiguous and add provisions that will better implement the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.).

The amendments deal with the following subjects and issues: repromulgation and new expiration date, extent

of Bureau of Housing Inspection's discretion, Bureau inspections, certificates of inspection and registration, definitions, allocation of responsibility for abating violations in condominiums and in properties under a horizontal property regime, weather tightness, handrails, screens, natural light, building security, occupancy standards, guest registries, fire protection and vacant buildings.

A copy of the full text of the 12 pages of proposed amendments may be obtained free of charge by any person upon written request to the Bureau of Housing Inspection, 363 West State Street, Trenton, N.J. 08625.

A public hearing on the proposed amendments will be held at 363 West State Street, Trenton, N.J. on April 25, 1979 at 2:00 P.M. At such time, interested persons may present oral or written statements or arguments relevant to the said proposed amendments. In addition, at any time prior to the hearing, written statements may be submitted to the Bureau at the address set forth above.

The Commissioner may, with or without further amendments, adopt the proposed amended regulations.

Joseph A. LeFante  
Commissioner  
Department of Community Affairs

(b)

## COMMUNITY AFFAIRS

### OFFICE OF THE OMBUDSMAN FOR THE INSTITUTIONALIZED ELDERLY

#### Proposed Rules on Ombudsman Practice and Procedure and Public Notice Requirements

John J. Fay, Jr., State Ombudsman in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27-1 et seq., proposes to adopt new rules concerning the Ombudsman practice and procedure and public notice requirements.

Full text of the proposal follows:

#### SUBTITLE J. OMBUDSMAN FOR THE INSTITUTIONALIZED ELDERLY

#### CHAPTER 100. OMBUDSMAN PRACTICE AND PROCEDURE AND PUBLIC NOTICE REQUIREMENTS

#### SUBCHAPTER 1. OMBUDSMAN PRACTICE AND PROCEDURE

##### 5:100-1.1 Scope of rules

(a) The following provisions shall govern the practice and procedure of the State Office of the Ombudsman for the Institutionalized Elderly established in the Executive Branch of the State Government pursuant to N.J.S.A. 52:27G-1 et seq., Chapter 329 P.L. 1977.

(b) For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Ombudsman is allocated to the Department of Community Affairs, but, notwithstanding said allocation, the said office shall be independent of any supervision or control by the department or by any board or officer thereof.

##### 5:100-1.2 Liberal construction of provisions

The provisions shall be liberally construed to permit the Ombudsman to discharge its statutory functions.

#### 5:100-1.3 Practice where rules do not govern

(a) The Ombudsman may rescind, amend or expand these rules from time to time as necessary to comply with N.J.S.A. 52:27G-1 et seq.; and such new rules shall be filed with the Secretary of State.

(b) In any matter not governed by these rules, the Ombudsman shall exercise his sole discretion.

#### 5:100-1.4 Jurisdiction

The Office of the Ombudsman is established as an agency of State Government pursuant to N.J.S.A. 52:27G-1 et seq. to receive, investigate and resolve complaints concerning facilities serving the elderly, and to initiate actions to secure, preserve and promote the health, safety and welfare, and the civil and human rights, of the institutionalized elderly. The activities of the office may include, but are not limited to, investigations, negotiations, conducting hearings with subpoena authority, oversight and monitoring of government agencies, proposing legislation and regulations, and bringing suit for injunctive relief, civil damages and to enforce any of the powers enumerated in the Ombudsman Enabling Legislation, N.J.S.A. 52:27G-1 et seq.

#### 5:100-1.5 "Institutionalized elderly" defined

"Institutionalized elderly" or "elderly" means any adult person 60 years of age or older who is a patient, resident or client of any facility, or who is awaiting such placement.

#### 5:100-1.6 "Facility" defined

"Facility" means any facility or institution, whether public or private offering health or health related services for the institutionalized elderly, and which is subject to regulation, visitation, inspection, or supervision by any government agency. Facilities include, but are not limited to, nursing homes, skilled nursing homes, intermediate care facilities, extended care facilities, convalescent homes, rehabilitation centers, homes for the aged, special hospitals, veterans hospitals, chronic disease hospitals, psychiatric hospitals, mental hospitals, mental retardation centers or facilities, day care facilities for the elderly, medical day care centers, residential health care facilities, boarding homes, other homes for the sheltered care, and residential hotel or congregate living arrangements rented on a non-limited tenure basis.

#### 5:100-1.7 "Government agency" defined

(a) "Government agency" means any department, division, office, bureau, board commission, authority, or any other agency or instrumentality created by the State, or to which the State is a party, or by any county or municipality, which is responsible for the regulation, visitation, inspection or supervision of facilities, or which provides services to patients, residents or clients of facilities.

1. Additionally, included in this definition are all government agencies with authority to institute civil or criminal proceedings to whom the Ombudsman shall refer complaints and monitor the response thereto; such government agencies include, but are not limited to, the Attorney General, County Prosecutor, Professional Licensing Boards, and any other law enforcement officials having jurisdiction to prosecute.

#### 5:100-1.8 "Ombudsman" defined

"Ombudsman" means the Administrative and Chief Executive Officer of the Office of the Ombudsman for the Institutionalized Elderly, or his designee. The Ombudsman is appointed by the Governor with the advice and consent of the Senate.

#### 5:100-1.9 General counsel and other attorneys

The Ombudsman shall appoint and employ, notwithstanding the provisions of P.L. 1944, c.20 (C.52:17A-1 et seq.), a general counsel and such other attorneys or counsel as he may require, for the purpose, among other things, of providing legal advice on such matters as the Ombudsman may from time to time require, or attending to and dealing with all litigation, controversies and legal matters in which the office may be a party or in which its rights and interests may be involved, and of representing the office in all proceedings or actions of any kind which may be brought for or against it in any court of this State. With respect to all the foregoing, such counsel and attorneys shall be independent of any supervision or control by the Attorney General or by the Department of Law and Public Safety, or by any division or officers thereof.

5:100-10 Complaints, actions initiated at the Ombudsman's discretion, referrals to government agencies, and requests to facilities.

(a) When the Ombudsman receives a complaint from patients, residents or clients of facilities, the relative or guardians of such persons, or from interested citizens, public officials, or government agencies having an interest in the matter, or when the Ombudsman, at his discretion and on his own initiative without the need for the receipt of a specific complaint determines that a situation warrants investigation and/or corrective action, the Ombudsman shall directly handle the matter or refer the matter as detailed below either for required action or for advisement that the Ombudsman is presently handling the same.

1. When the situation pertains to compliance with State or Federal laws or regulations or rules administered by any government agency, the referral shall be made directly to the appropriate government agency.

2. When the situation warrants the institution of civil proceedings by a government agency against any person or government agency, the referral shall be made to the government agency with authority to institute such proceedings.

3. When the situation relates to the misconduct or breach of duty of any officer or employee of a facility or a government agency, the referral shall be made to the appropriate authorities with authority to take such action as may be necessary.

4. When the situation indicates the commission of criminal offenses or violations of standards of professional conduct, the referral shall be made to the Attorney General, county prosecutor, or any other law enforcement official that has jurisdiction to prosecute the crime, or to the professional licensing board concerned.

(b) When a referral is made to a government agency for required action or when a request for advisement is made to a facility, the government agency or the facility receiving the referral or request shall report to the Ombudsman in specified detail with respect to all such referrals or requests within 30 days after receipt thereof, and in the case of a referral of a government agency the report shall be every 30 days thereafter until final action on each such referral. Reporting shall be on a more timely basis as the situation warrants at the Ombudsman's discretion. The Ombudsman shall monitor the responses to all such referrals and requests, and the Ombudsman shall maintain a record thereof.

(c) The Ombudsman need not investigate any complaint or other situation where he determines that:

1. The complaint is trivial, frivolous, vexatious or not made in good faith.
2. The complaint has been too long delayed to justify present investigation.
3. The resources available, considering the established priorities, are insufficient for an adequate investigation; or
4. The matter complained of is not within the investigatory authority of the office.

**5:100-1.11 Confidentiality, privilege and discriminatory, disciplinary or retaliatory action**

(a) The Ombudsman office shall maintain confidentiality with respect to all matters in relation to any complaint or investigation together with identities of the complainants, witnesses or patients, residents or clients involved, unless such persons authorize, in writing, the release of such information, except for such disclosures as may be necessary to enable the office to perform its duties and to support any opinion or recommendations that may result from a complaint or investigation. The investigatory files of the office, including all complaints and response of the office to complaints, shall be maintained as confidential information. Release of pertinent records shall be at the discretion of the Ombudsman. Nothing herein contained shall preclude the use by the office of material in its files, otherwise confidential, for the preparation and disclosure of statistical case study and other pertinent data, provided that in any such use there shall be no disclosure of the identity or the means for discovering the identity of particular persons.

(b) Any correspondence or written communication from any patient, resident or client of a facility to the office shall, if delivered to or received by the facility, be promptly forwarded, unopened by the facility to the office. Any correspondence or written communication from the office to any patient, resident or client of a facility shall, if delivered to or received by the facility, be promptly forwarded, unopened, by the facility to such patient, resident, or client.

(c) Any statement or communication made by the office relevant to a complaint received by, proceedings before, or investigative activities of, the office, and any complaint or information made or provided in good faith by any person, shall be absolutely privileged and such privilege shall be a complete defense in any action which shall allege libel or slander.

(d) The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of the Ombudsman Enabling Legislation.

(e) No discriminatory, disciplinary or retaliatory action shall be taken against any officer or employee of a facility or government agency by such facility or government agency or against any patient, resident, or client of a facility or guardian or family member thereof, or volunteer, for any communication by him with the office or for any information given or disclosed by him in good faith to aid the office in carrying out its duties and responsibilities. Any person who knowingly or willfully violates this provision of the law is guilty of a misdemeanor.

(f) Ombudsman investigators shall receive privacy upon request when conducting interviews of patients, residents, clients, or staff at a facility.

**5:100-1.12 Investigations**

(a) Acting on complaint or on its own initiative, the Ombudsman may, notwithstanding any referral pursuant to Section 10 of these rules, investigate any act, practice, policy or procedure of any facility or government agency

that does or may adversely affect the health, safety, welfare or civil or human rights of any patient, resident or client of a facility.

(b) In an investigation the office may:

1. Enter without notice, and, after notifying the person in charge of its presence, inspect the premises of a facility or government agency and inspect there any books, files, medical records or other records that pertain to patients, residents or clients and are required by law to be maintained by the facility or government agency. Such access authority may be exercised at any date and time;

2. Compel at a specific time and place, by subpoena, the appearance and sworn testimony of any person who the office reasonably believes may be able to give information relating to a matter under investigation;

3. Compel any person to produce at a specific time and place, by subpoena, any documents, books, records, papers, objects, or other evidence which the office reasonably believes may relate to a matter under investigation;

4. Hold private hearings or public hearings; and

5. Make the necessary inquiries and obtain such information as it deems necessary.

**5:100-1.13 Remedies**

(a) In the event that a complaint cannot be resolved satisfactorily through negotiation with the facility, or that an act, policy or procedure of a facility or government agency does or may adversely affect the health and safety, welfare or civil rights of a patient, resident or client or class of patients, residents or clients of a facility or facilities, the Ombudsman may:

1. Request the party affected by the Ombudsman's findings or recommendations to notify the Ombudsman within a specific time of any action taken by such party on its recommendations;

2. Recommend to the relevant government agency changes in the rules and regulations adopted or proposed by such government agency, which do or may adversely affect the health, safety, welfare or civil rights of any patient, resident or client in a facility;

3. Propose legislation and/or regulations and petition any government agency to adopt such regulations, or regulations similar in content, that affect the health, safety, welfare or civil or human rights of any patient, resident or client in a facility;

4. Recommend to the relevant government agency that a facility shall no longer be permitted to receive patients or residents or payments under the New Jersey Medical Assistance and Health Services Act, P.L. 1966, c.413 (C. 30:4D-1 et seq.);

5. Recommend to the relevant government agency that it initiate procedures for assessment or penalties, revocation, suspension, the placing of probationary or provisional license or denial of a license against a facility or a proposed facility as appropriate;

6. Recommend to the appropriate authorities civil and criminal litigation as the Ombudsman deems appropriate;

7. Make public to the Governor, the Legislature and the general public the act, practice, policy or procedure of a facility or government agency that does or may adversely affect the health, safety, welfare or civil or human rights of a patient, resident or client; the Ombudsman's findings or recommendations; the response of the facility or government agency to such findings or recommendations; or any further findings or recommendations of the Ombudsman;

8. Institute actions for injunctive relief or civil damages; and

9. Bring suit in any court of competent jurisdiction to enforce any of the powers enumerated in the Ombudsman Enabling Legislation, N.J.S.A. 52:27G-1 et seq. Any person who willfully refuses to comply with its lawful demands, including the demand of immediate entry into and inspection of a facility or government agency or the demand of immediate access to a patient resident or client thereof, or who offers any compensation, gratuity, or promise thereof to the office in an effort to affect the outcome of any matter which is being investigated, or is likely to be investigated shall be subject to a penalty of not more than \$1,000.00. Such penalty shall be recoverable by the State in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.).

#### 5:100-1.14 Public information

(a) The Ombudsman office may publicize its existence, function and activities through public relations with government and private organizations and groups and the public at large in general and with patients, residents and clients in facilities in particular.

(b) The Ombudsman office shall report to the Governor and the Legislature on or before September 30 of each year, which report shall summarize its activities for the proceeding fiscal year, document the significant problems in the systems of care and services for the elderly, indicate and analyze the trends in such systems of care and services, and set forth any opinions or recommendations which will further the State's capacity in resolving complaints, encouraging quality care and ensuring the health, safety, welfare or civil and human rights of elderly patients, residents and clients of facilities, including suggestions or recommendations for legislative consideration and for changes in the policy or rules and regulations of government agencies. The annual report shall be available to the public.

(c) The Ombudsman office shall inform patients, residents or clients, their guardian or their families, of their rights and entitlements under State and Federal laws and rules and regulations by means of the distribution of educational materials and group meetings.

(d) The Ombudsman office shall facilitate the filing of complaints with the office concerning matters within the authority of the office. The measures taken in conjunction therewith shall include, but need not be limited to, the maintenance of a telephone hot line for the filing of complaints, and the establishment of formal written agreements re complaint referral and advisement and general coordination and cooperation with all appropriate State and local government agencies, in accord with the Ombudsman Enabling Legislation, N.J.S.A. 52:27G-12.

(e) Where a complaint or inquiry identifies the person or persons making the same, the Ombudsman office shall acknowledge the receipt thereof and advise the person or persons as to the Ombudsman's opinions, findings, recommendations and other action regarding the complaint or inquiry.

#### SUBCHAPTER 2. PUBLIC NOTICE REQUIREMENT

##### 5:100-2.1 Public notice requirement

(a) The Ombudsman Office shall prepare and distribute to each facility written notices setting forth public information regarding the Ombudsman office. Such notice shall include the address and telephone numbers of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and any other information at the discretion of the Ombudsman. The distribution of such written notices shall be sufficient

to enable facilities to comply with the posting requirement set forth below.

(b) The owner, operator and/or administrator of each facility shall ensure that such written notice is given to every patient, resident or client or his guardian upon admission to the facility and to every person already in residence or his guardian. In addition, the substance of such notice shall be explained to every patient, resident or client or his guardian in simple, understandable language, reasonably calculated to assure that the person comprehends the substance to the best of the person's ability.

(c) The owner, operator and/or administrator of each facility shall also prominently post such written notices conspicuously throughout the facility on each floor and in each wing at a minimal ratio of at least one posted written notice for every 60 patients, residents or clients of each facility.

(d) The public notice requirements hereby adopted by the Ombudsman are in accord with specific provisions of the Ombudsman Enabling Legislation, N.J.S.A. 52:27G-1 et seq.

(e) Any person who willfully hinders the lawful actions of the office or willfully refuses to comply with its lawful demands shall be subject to a penalty of not more than \$1,000.00. Such penalty shall be recoverable by the State in a civil action by a summary proceeding under "The Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.). The county district court of the county in which the offense is alleged to have occurred shall have jurisdiction to enforce said penalty enforcement law upon complaint of the office or any other person. Each violation of the Ombudsman Enabling Legislation, N.J.S.A. 52:27G-1 et seq., shall constitute a separate offense.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979, to:

Office of the Ombudsman  
13 North Warren Street  
Trenton, N.J. 08608

The State Office of the Ombudsman for the Institutionalized Elderly, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

John J. Fay, Jr.  
Ombudsman  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Rules Concerning Eviction and Relocation

On March 14, 1979, Joseph A. Le Fante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:31B-1, 2A:18, 20:4-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:11-1.8, concerning eviction and relocation substantially as proposed in the Notice published January 4, 1979, at 11 N.J.R. 5(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Community Affairs.

An order adopting these rules was filed and became effective on March 15, 1979 as R.1979 d.103.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposes to Amend Rules Pertaining to Chief School Administrators

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:7A-1.1 et seq., 18A:16-1, 18A:17-15, 18A:17-17, 18A:17-20, and Commissioner's decision in *Chester M. Stephens v. Board of Education of the Township of Mount Olive, Morris County*, 963 S.L.D. 215, proposes to adopt amendments to rules governing chief school administrators.

A new rule, to be cited as N.J.A.C. 6:3-1.3, is intended to clarify existing regulations, since the term "chief school administrator" does not appear in Title 18A, Education, nor is it defined in any section of the rules and regulations of the State Board of Education.

Revisions to N.J.A.C. 6:3-1.11 would eliminate the requirement that a school district have at least 25 full-time teaching staff members, in order to create the position of superintendent of schools. This revision would also require each individual presently employed as an administrative principal to be the holder of a school administrator's certificate in full force and effect not later than July 1, 1982. Also, subsequent to the adoption of this rule, each individual employed as an administrative principal by a local board of education shall be the holder of a school administrator's certificate.

The proposed amendment to N.J.A.C. 6:3-1.12 clarifies the duties of each individual who is an administrative principal. Paragraphs (d) and (e) of the above-mentioned section are omitted from the duties of the administrative principal, since the statutes specifically require that those duties be performed by a superintendent of schools.

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

#### 6:3-1.3 Chief school administrator

Whenever the phrase "chief school administrator" is used throughout Title 6, it shall mean the superintendent of schools, or, if there is no superintendent, the administrative principal. The term "administrative principal" means the principal who works directly with the board of education in a district which has no position of superintendent of schools.

#### 6:3-1.11 Superintendency; chief school administrator

(a) Any superintendency hereafter approved shall meet the following conditions:

[1. The district or districts shall have a staff of at least 25 full-time teachers;]

[2.] 1. The superintendent shall hold an appropriate certificate prescribed by the State Board of Education;

[3.] 2. The county superintendent shall certify the necessity for the position [and] which shall require the approval of the Commissioner of Education and State Board [may approve it]. This certification to the Commissioner of Education and State Board by the county superintendent of

schools shall be accompanied by an application for such approval from the employing board or boards of education.

(b) Any application from a board of education for the abolishment of the position of superintendent of schools shall be recommended by the county superintendent of schools, and approved by the Commissioner of Education and the State Board of Education. Such requests shall be accompanied by a resolution of the board of education citing reasons for the request.

(c) Beginning July 1, 1982, each chief school administrator who is an administrative principal shall be the holder of a school administrator's certificate. Any person appointed administrative principal subsequent to the adoption of this regulation shall be the holder of a school administrator's certificate.

#### 6:3-1.12 Duties of [the] local superintendent[s] of schools; chief school administrator

(a) In the performance of his/her duties, the superintendent shall visit the schools under his/her jurisdiction and shall examine into their condition and progress.

(b) He/she shall be responsible for the supervision of instruction and for advising the principals and teachers in procedures, methods, and materials of instruction and he/she shall be responsible for the discipline and conduct of the schools.

(c) He/she shall exercise such educational and administrative leadership, supervision, and guidance as may be necessary for producing best possible educational conditions and outcome.

(d) He/she shall appoint such clerks as may be authorized by the board or boards of education.

(e) He/she shall nominate to the board or boards of education such assistant superintendents as shall be authorized by the board or boards of education.

(f) It shall also be his/her duty to recommend and prepare for the board or boards of education lists of textbooks and reference and library books, materials of instruction, instructional equipment, and school supplies, for the approval by the board or boards of education, but it is not the duty of the superintendent to purchase or distribute them.

(g) He/she shall ascertain if teachers are properly certificated and shall report to the board or boards of education teachers who are not properly certificated.

(h) He/she shall make reports on the schools under his/her supervision to his/her board or boards of education, and, when so required, to the county superintendent, to the Commissioner of Education, and the State Board of Education.

(i) Each chief school administrator who is an administrative principal shall perform all of the duties enumerated in subsections (a), (b), (c), (f), (g) and (h) of this section.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 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 amendments substantially as proposed without further notice.

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

(a)

# EDUCATION

## STATE BOARD OF EDUCATION

### Proposes to Amend Rules on Physical Education Procedures

N.J.S.A. 18A:4-15, 18A:35-5, 18A:35-6 and 18A:35-7 and 18A:35-8, proposes to revise N.J.A.C. 6:29-6.2, concerning rules on Physical Education Procedures. (Note: The State Board of Education did not adopt the proposed revisions published in the November 9, 1978, issue of the New Jersey Register.)

These revisions would permit a local board of education the discretionary authority to adopt a policy to permit the board to accept interscholastic activity or other alternate programs for graduation credit in physical education. This would then be accomplished by pupil and parental request to the principal for the exception. The principal would decide on the pupil's ability to meet the local goals and objectives of the physical education program in the way the alternate approach suggests. The pupil would pursue the alternate program and receive grades for the work through the physical education department's reporting system. If excuse from the physical education program leaves unscheduled time during the school day, the pupil shall use the time for scholastic purposes.

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

#### 6:29-6.2 Physical education procedures

(a) The foundation program in physical education for the public schools of this State shall be the program as provided in this chapter. Boards of education may, at their discretion, accept the successful completion of basic training in the military or naval service of the United States or United States Merchant Marine in full satisfaction of the physical training requirements of N.J.S.A. 18A:35-7.

(b) A board of education may give approval for members of an interscholastic athletic team of a school to be excused from physical activity in their physical education class on the days that a regular interscholastic game is scheduled. This approval applies only to those members listed for participation in the game.

(c) Boards of education shall provide by regular appropriations suitable and adequate equipment for carrying out the program for physical education activities.

(d) A board of education may adopt a policy to permit pupils to receive graduation credit in physical education through interscholastic team activity or alternative programs of athletics that meet the requirements of N.J.A.C. 6:27-1.4 and are consistent with local district's physical education program goals and instructional objectives. Health and safety requirements must be satisfied, pursuant to the provisions of N.J.S.A. 18A:35-5.

1. The principal shall, upon application by the pupil and parents, or guardian, determine the appropriateness of the interscholastic activity or alternative athletic program. This determination shall be made in consultation with an appropriately certified staff member.

2. To be eligible the pupil must:

- i. Be enrolled in a four-year or senior high school;
- ii. Demonstrate that the interscholastic activity or alternative program will provide activity and development equivalent to that provided by the physical education program.

3. Credit and grading for the alternative program shall

be given through the administrative procedures of the local physical education program.

4. The permanent school records shall indicate the credits granted for physical education through the alternative program.

5. If the excuse from the physical education program leaves unscheduled time during the school day, the pupil shall use the time for scholastic purposes.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 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 amendments substantially as proposed without further notice.

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

(b)

# EDUCATION

## STATE BOARD OF EDUCATION

### Final Notice Concerning Proposed New Rules on Educational Improvement Centers

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:6-95 to 102, proposes to adopt new rules concerning Educational Improvement Centers.

Four regional-intermediate school districts known as educational improvement centers are established by the enactment of N.J.S.A. 18A:6-95 to 102, effective June 29, 1978. These educational improvement centers on request shall provide support and assistance to local school districts and to members of the teaching and administrative staffs through the delivery of materials, techniques and expertise necessary to improve school programs and services. The specific kinds of support and assistance to be provided by educational improvement centers are set forth in detail in the aforementioned authorizing statutes.

The proposed new rules, to be cited as N.J.A.C. 6:57-1.1 et seq., include the following table of contents:

#### SUBCHAPTER 1. ORGANIZATION AND RESPONSIBILITIES

6:57-1.1	Meetings
6:57-1.2	Membership
6:57-1.3	Appointment of staff
6:57-1.4	Executive director; duties
6:57-1.5	Responsibilities
6:57-1.6	Funding
6:57-1.7	Annual planning
6:57-1.8	Supervision and coordination
6:57-1.9	Charge for services; products
6:57-1.10	Receipt and disposition of funds
6:57-1.11	Inventory
6:57-1.12	Board policies

Copies of the 13 pages of the full text of the proposed

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

Office of County and Regional Services  
New Jersey Department of Education  
225 West State Street  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979, to the Office of County and Regional Services 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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules Implementing the Safe Drinking Water Act

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and N.J.S.A. 58:12A-1 et seq. proposes to adopt regulations implementing the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq. These rules are to be cited as N.J.A.C. 7:10-1 et seq. Pursuant to the same authority, I propose to repeal the existing subchapters 1, 2 and 4 of chapter 10 of Title 7 of the New Jersey Administrative Code. In addition, at the time the new rules are adopted, I shall request the Director of the Division of Administrative Procedure to change the numbering of existing N.J.A.C. 7:10-3.1 et seq. to N.J.A.C. 7:10-12.1 et seq. and existing N.J.A.C. 7:10-5.1 et seq. to N.J.A.C. 7:10-13.1 et seq. This proposal is known within the Department of Environmental Protection as Docket No. DEP 015-79-03.

The Federal Safe Drinking Water Act, P.L. 93-523 establishes a comprehensive regulatory scheme for providing potable water in the United States. This scheme allows each state that meets the criteria of the Federal Act to assume primary enforcement responsibility for the Federal potable water program in the State. These proposed rules meet the Federal standards and will make it possible for New Jersey to take primary enforcement responsibility for this potable water program in New Jersey.

The subchapters have been arranged so that related subchapters are in close proximity.

The proposed rules contain the following subchapters:

- Subchapter 1: General Provisions
- Subchapter 2: General Requirements
- Subchapter 3: Enforcement and Penalties
- Subchapter 4: Disinfection Rules
- Subchapter 5: State Primary Drinking Water Regulations
- Subchapter 6: Variances and Exemptions
- Subchapter 7: Secondary Drinking Water Regulations
- Subchapter 8: Laboratory Certification
- Subchapter 9: Operation of Public Community Water Systems (Reserved)

- Subchapter 10: Physical Connections
- Subchapter 11: Standards for the Construction of Public Community Water Systems

A Background and Basis document has been prepared explaining the proposed rules and regulations. Copies of the proposed rules and regulations, and the Background and Basis document may be obtained from:

John Wilford, Assistant Director  
Water Supply and Flood Plain Management Element  
Division of Water Resources  
P.O. Box CN-029  
Trenton, New Jersey 08625

The Department invites public comment on the proposed regulations. Written comments should be sent by May 2, 1979 to Mr. Wilford at the above address. Oral comments may be presented at any one of three public hearings. These hearings will begin at 10:00 a.m. and will be held on April 24, 1979 at Workmen's Compensation, Court Room 204 "C," 1100 Raymond Boulevard, Newark, New Jersey; on April 26, 1979 at State House Annex, Appellate Court, Court Room 438, Trenton, New Jersey; and May 2, 1979 at Camden County Complex, Administration Building, Conference Room, Egg Harbor Road, Lindenwold, New Jersey.

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Revisions Concerning Condemnation

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., N.J.S.A. 24:2-1 et seq., and N.J.S.A. 24:14-1 et seq., proposes revisions to rules concerning the condemnation of certain shellfish beds in N.J.A.C. 7:12-1 et seq. Such proposal is known within the Department of Environmental Protection as Docket DEP 014-79-02.

The proposed revisions to the growing water classifications result from surveys conducted by the Shellfish Control Unit in the Division of Water Resources.

The investigatory work consists of the collection and analysis of water samples, the inventory of actual and potential sources of pollution and hydrographic studies of flow patterns which distribute pollution. These surveys are conducted in accordance with applicable State and Federal Food and Drug Administration (FDA) guidelines and regulations. The FDA further requires that each state appraise, every two years, the quality of those waters approved for the harvesting of shellfish. New Jersey conducts investigatory work and research and pursuant to N.J.S.A. 24:14-1 et seq., revises the regulations annually.

These proposed revisions will result in the reclassification of approximately 14,504 acres. The names of the waterways and the number of acres reclassified are listed below in general terms:

Area	Action Proposed	Acres
Barnegat Bay	Approved to Seasonal	3855
Great Egg Harbor River	Seasonal to Condemned	217
Delaware Bay		
Dennis Creek	Condemned to Approved	306
East Pt.	Approved to Seasonal	622
Cohansey Cove	Approved to Condemned	357
Atlantic Ocean		
Seaside Park	Approved to Condemned	718
	Condemned to Approved	867
Ship Bottom to Beach Haven Inlet	Condemned to Approved	7112

The overall result of these proposed revisions will be a net gain of 2515 acres of approved shellfish growing waters. Approximately 5769 acres will be downgraded and 8285 acres will be upgraded. In addition to the proposed reclassification of shellfish waters, there are proposed revisions to the Special Permits Section (N.J.A.C. 7:12-2.1 et seq.).

Most changes do not affect the present policies of the Department regarding the Special Permits and are being proposed for standardization, formalization and clarification.

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

William J. Eisele, Jr.  
 Supervisor, Shellfish Control Unit  
 Division of Water Resources  
 P.O. Box CN-029  
 Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to the Department of Environmental Protection at the above address.

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

Daniel J. O'Hern  
 Commissioner  
 Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments Concerning Flood Plain Delineation of Portions of the Hackensack River Basin in Bergen County

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard areas of the Hackensack River from the Oradell Reservoir Dam upstream to the New York-New Jersey boundary, and its following tributaries: Houmsmans Ditch, within Emerson Borough, a Hackensack River Tributary, Kipps Brook and Tenakill Brook Tributary within Haworth Borough,

Dwars Kill, Dorotockeys River, Dorotockeys Run Tributary and a Hackensack River Tributary within Harrington Park Borough, Holdrum Brook from its confluence with the Hackensack River upstream to the Montvale Municipal Boundary, Hillsdale Brook from its confluence with Holdrum Brook upstream to the Montvale Municipal Boundary, Cherry Brook from its confluence with the Hackensack River upstream to the New York-New Jersey boundary and two small Hackensack River Tributaries within Rivervale Township; Pascack Brook from its confluence with the Hackensack River upstream to the New York-New Jersey boundary, Musquapsink Brook from its confluence with Pascack Brook upstream to the Storm Pond Dam, a Musquapsink Brook Tributary within Washington Township; Bear Brook from its confluence with Pascack Brook upstream to Summit Avenue; Mill Brook from its confluence with Pascack Brook upstream to Summit Avenue; Muddy Creek from its confluence with Pascack Brook upstream to the New York-New Jersey boundary; two tributaries of Mill Brook and seven small tributaries of Pascack Brook within the Boroughs of Emerson, Harrington Park, Haworth, Hillsdale, Park Ridge, Westwood and Woodcliff Lake and the Townships of Montvale, River Vale and Washington, all within the County of Bergen, based upon studies undertaken by the Bureau of Flood Plain Management under contracts with the Federal Insurance Administration.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 017-79-03.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold a public hearing on this matter on April 30, 1979, at 8:00 P.M. in the Community Center, 51 Jefferson Avenue, Westwood, New Jersey.

The proposed delineation affects the above-noted municipalities within the County of Bergen.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed portion of the Hackensack River, Pascack Brook, Musquapsink Brook and tributaries of these streams, in the County of Bergen, all within the Hackensack River Basin, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

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

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before May 5, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

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

Daniel J. O'Hern  
 Commissioner  
 Department of Environmental Protection

(a)

# ENVIRONMENTAL PROTECTION

## DIVISION OF FISH, GAME AND SHELLFISHERIES

### Proposed Amendments Concerning Field Trial Activities

Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9, proposed to delete the current text of N.J.A.C. 7:25-2.14 and adopt new text therein concerning field trial activities.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 018-79-03.

Full text of the proposed new rules follows:

#### 7:25-2.14 Field trial activities

(a) Permits for the use of state fish and wildlife management areas for conducting Field Trials or Retrieving Field Trials as defined herein may be granted by the Division of Fish, Game and Shellfisheries in accordance with the provisions of this regulation. General authority for this regulation is found in N.J.S.A. 23:4-26.

(b) No person shall conduct a Field Trial or Retrieving Field Trial on any fish and wildlife management area without a permit from the Division.

(c) Definitions include the following:

1. "Field Trial" means a Field Trial is defined as an organized training or competitive event in which dogs are used to locate and/or pursue game animals while their performance is evaluated in a manner as prescribed by the standards set forth by the sponsoring organization. Retrieving and firearms are not employed.

2. "Retrieving Field Trial" means a Retrieving Field Trial is defined as a training or competitive event in which dogs are used to locate and/or pursue game animals culminated by the retrieving of said animals. The performance of each dog is evaluated as prescribed by the standards set forth by the sponsoring organization. Firearms may be employed in this type of event.

3. "Division" means the Division of Fish, Game and Shellfisheries or its successor in the Department of Environmental Protection.

(d) Application procedure is:

1. A permit for a Field Trial or Retrieving Field Trial may be issued to an organization that is organized as a "field trial club". The Division shall describe the form of the permit and the form of the application.

2. An application for the holding of a spring Field Trial or Retrieving Field Trial shall be made no later than January 1. An application for the holding of a fall Field Trial or Retrieving Field Trial shall be filed no later than August 1.

3. A fee of \$20.00 per day shall be charged for all Field Trials or Retrieving Field Trials on wildlife management areas. For Field Trials only, permittees may purchase game birds from the Division at the following prices:

i. Spring trials — Quail.....	\$3.00
Pheasant.....	\$7.00
ii. Fall trials — Quail.....	\$2.50
Pheasant.....	\$6.00

(e) Field trials and retrieving field trials may be authorized during the period of February 15 to April 30 and September 1 to October 31 except, however, Field Trials

and Retrieving Field Trials may be authorized for the Assumpink Wildlife Management Area from February 15 through October 31 inclusive. A permit will specify the location within the Wildlife Management Area in which the permitted event shall be conducted.

(f) General provisions include:

1. The maximum number of birds allotted for a field trial by the Division shall be 25 birds per day.

2. No bird liberations are to be made for stakes or events in which puppies participate.

3. Only birds in excellent physical condition shall be liberated for any event. Birds with clipped wings or otherwise mutilated shall not be liberated. Birds are not to be mishandled, handled cruelly, or injured at the time of liberation. The club is responsible for the liberation of the birds.

4. At Retrieving Field Trials, where the organization supplies the birds, only pen reared game birds and domestic mallards may be used. Only birds specified in the permit may be liberated. Any bird carcass must be tagged before it is removed from the event location. Tags shall be secured from the Division at a fee of 20 cents each.

5. All individuals using firearms shall possess and display a firearms hunting license valid for the current calendar year.

(g) These regulations are not intended to prohibit the running of coonhound trials utilizing a laid trail and live raccoon placed in a tree at the end of the chase, if the raccoon owner is properly licensed by the Division of Fish, Game and Shellfisheries for the possession of a live raccoon.

(h) Liability rules include:

1. The prospective permittee shall maintain public liability and property damage insurance for the requested period of use, with an insurance company recognized to do business in the State of New Jersey, in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage. Certificate for such coverage shall be submitted with the application for Field Trial permits and/or the application for Retrieving Field Trial permits.

2. All persons shall use every precaution to prevent damage, destruction, or fire. The permittee shall be completely responsible for any damage occurring in the location and at the time the Field Trial or Retrieving Field Trial is being conducted. No permit shall be issued to any organization or persons who have damaged or destroyed state lands or property and who have failed to reimburse the state.

(i) The organization or persons sponsoring the event shall be responsible for the removal of all litter, trash, the cleaning of barns, the cleaning of dog kennels, clubhouse facilities including kitchen facilities and sanitary facilities. The permittee shall be billed by the state for any expenses necessary to clean the facilities used by the permittee. No permit shall be issued to any organization or person who has failed to reimburse the state.

Interested persons may present statements or arguments relevant to the subject on or before April 30, 1979, to Russell A. Cookingham, Director, Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, New Jersey 08625.

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

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments to CAFRA Rules

On March 2, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:10-9, 13:19-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:70-2.1 et seq. concerning the CAFRA rules as proposed in the Notice published November 9, 1978 at 10 N.J.R. 474(b).

An order adopting these amendments was filed on March 12, 1979 as R.1979 d.99 to become effective on April 5, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments Concerning Oyster Seed Beds

On March 13, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 50:1-5, with the advice of the Maurice River Cove Shellfisheries Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, known within the Department of Environmental Protection as Docket No. DEP 016-79-03, which establish an opening date for the taking of seed oysters from the State's natural seed beds for the 1979 bay season.

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

#### 7:25-7.2 Oyster seed beds

(a) The season for the taking of seed oysters from the natural seed beds above the Southwest Line in Delaware Bay for [1978] 1979 shall be scheduled for a period of time beginning 7:00 a.m., May [15, 1978] 28, 1979 and shall close as determined by subsection (b) of this section.

(b) Physical tests of all areas opened by this regulation shall be made near the end of each week by an advisory committee appointed by the Director of the Division of Fish, Game and Shellfisheries. These tests will be the determining factor to close any or all beds opened by the regulation.

(c) The committee shall be composed of two members of the Maurice River Cove Shellfisheries Council, two members of the Oyster Research Laboratory at Rutgers University, and the Director of the Division of Fish, Game and Shellfisheries or his designate.

(d) Nothing in this regulation shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(e) Based upon the data and test referred to in subsection (b) of this section and the recommendation of the advisory committee referred to in section 3 of this subchapter, the Council, pursuant to N.J.S.A. 50:1-5, may

immediately close those beds as may be necessary for the preservation and improvement of the shellfish industry.

An order adopting these amendments was filed and became effective on March 13, 1979 as R.1979 d.102 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Rules on Assessment of Civil Administrative Penalties

On March 15, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:10A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:14-8.1 et seq., concerning the assessment of civil administrative penalties substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 533(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

These rules are known within the Department of Environmental Protection as Docket No. DEP 051-78-11.

An order adopting these rules was filed and became effective on March 15, 1979 as R.1979 d.111.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments to Youth Camp Safety Act Standards

The Department of Health, pursuant to authority of N.J.S.A. 26:12-1 et seq., proposes to adopt amendments to certain Youth Camp Safety Act standards.

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

8:25-2.2(e) A room, tent, or building to serve as a health center shall be maintained on the campsite for the temporary isolation and treatment of sick or injured members of the camp community. This facility shall be protected from flies and insects; be located to insure privacy and quiet; and not located in or directly off the kitchen. It shall include first aid equipment and medical equipment supplies deemed necessary by the directing physician for the health and welfare of the camp. Hot water shall be available at this location. [This standard does not apply if campsite is operated as a day camp.]

#### 8:25-2.5 Records and report

Records of personal data for each child shall be kept at camp when in session and shall be carried on camp trips by the responsible adult leader. These records shall

include as a minimum: the child's name, age and address; the parent's or guardian's name, address, telephone number and where they or their designees may be reached in case of emergency; and the dates of admission and release.

8:25-3.1(b) The health staff of a youth camp shall have on duty in residence a licensed physician; or a registered nurse or licensed practical nurse complying with the rules of the State Board of Nursing; or a camp health director certified by the American Camping Association or certified by the American Red Cross in Advanced First Aid and Emergency Care.]

(b) Rules concerning health staff include:

1. A resident camp shall have on duty in residence a health director who is a licensed physician; or a registered nurse or licensed practical nurse complying with the rules of the State Board of Nursing; or a camp health director certified by the American Camping Association; or Paramedic or Emergency Medical Technician accredited by the State Department of Health; or an individual certified by the American Red Cross in Advanced First Aid and Emergency Care or an equivalent certification approved by the Department.

2. A day camp, as a minimum, shall have on duty at all times, a health director certified by the American Red Cross in Standard First Aid, or equivalent certification approved by the Department.

3. All camp health directors, in both day and resident camps, shall be certified in cardiopulmonary resuscitation (CPR).

4. All staff members during the pre-camp training period shall be instructed in the basic principles of emergency first aid.

8:25-4.4(d) All permanent structures used as sleeping quarters shall be equipped with a smoke detecting device. This standard shall take effect January 1, 1981.

8:25-4.5 Vehicles and drivers

[(a) A vehicle in good running condition shall be available at all times for use in emergency situations.

(b) A vehicle used for the transportation of children shall be capable of passing a New Jersey Division of Motor Vehicle Inspection.

(c) Operators of motor vehicles shall be licensed.

(d) At least one (1) adult or counselor, in addition to the driver, shall ride with the children being transported when more than 20 children are transported in any one vehicle.]

(a) All vehicles used for the transportation of children shall be registered in accordance with the applicable regulations of the New Jersey Division of Motor Vehicles and shall be capable of passing the appropriate motor vehicle inspection. Operators of motor vehicles shall be properly licensed for the type of vehicle being operated. In addition, the following standards shall be met:

1. A vehicle in good running condition and a licensed driver shall be available at all times to provide emergency transportation.

2. At least one adult or counselor, in addition to the driver, shall ride with the children being transported when more than 20 children are transported in any one vehicle.

8:25-6.1(e) Mattresses used in sleeping quarters for campers shall be covered with an impervious material which can be washed, rinsed and sanitized. All mattress covers shall be sanitized prior to the start of camp and as often as necessary during the season. This standard shall take effect January 1, 1982.

8:25-6.1(f) Where bed pillows are also supplied by the camp, they shall meet all of the requirements of N.J.A.C. 8:25-6.1(e). This standard shall take effect January 1, 1982.

8:25-6.7 Food service, milk supply and water supply

[(a) All food service, milk, and water supply shall comply with Chapter XII of the New Jersey State Sanitary Code, (N.J.A.C. 8:21-2 and N.J.S.A. 26:1A-9).]

(a) Rules concerning food service, milk and water supply include:

1. All food service and milk supply shall comply with Chapter XII of the State Sanitary Code, (N.J.A.C. 8:21-2) and N.J.S.A. 26:1A-9).

2 The water supply shall comply with the provisions of the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) Copies can be obtained by writing to the Department of Environmental Protection, Bureau of Potable Water, 1474 Prospect Street, Trenton, NJ 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

Annette M. Hirsch  
Chief, Biological Services  
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

### THE COMMISSIONER

#### Proposed Amendments to Guidelines and Criteria for Submission of Applications For Certificate of Need

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2J-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:33-1.1 et seq. concerning the guidelines and criteria for submission of applications for certificate of need.

The purpose of these proposed amendments is to further explain the intent of and procedures, rules and regulations to carry out N.J.S.A. 26:2H-1 et seq. in conformance with the requirements of P.L. 93-641 (The National Health Planning and Resources Development Act of 1974).

Copies of the 64 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Leonard D. Dileo  
Director, Health Resources  
Development Services  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979, to the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

**(a)**

**HEALTH**

**THE COMMISSIONER**

**Proposed Amendments Concerning Internships  
And Nursing Home Administrators**

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-27 and 26:2H-28, proposes to amend N.J.A.C. 8:34-1.15(c) concerning internships and nursing home administrators.

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

8:34-1.15(c) The requirement for internship as administrator-in-training herein provided for shall not apply to any person who has completed a course of study for a Master's Degree in health care administration or in a related health administration field and who has been awarded such degree from an accredited institution of higher learning which has an approved internship program.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

John Haney  
Executive Secretary  
Licenses, Certificates and Standards  
N.J. Department of Health  
American Bridge Building  
501 John Fitch Way  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

**(b)**

**HEALTH**

**THE COMMISSIONER**

**Notice of Republication of Controlled  
Dangerous Substances Schedules**

Take notice that, the following is a republication of schedules I through V listing the controlled dangerous substances in effect November 22, 1977, pursuant to N.J. S.A. 24:21-3d.

Full text of the listings follows:

**SUBCHAPTER 10. CONTROLLED DANGEROUS  
SUBSTANCES SCHEDULES**

8:65-10.1 Controlled dangerous substances; schedule I

(a) The following are criteria for inclusion in schedule I of controlled dangerous substances.

1. The drug or other substance has high potential for abuse.
2. The drug or other substance has no currently accepted medical use in treatment in the United States.
3. There is lack of accepted safety for use of the drug or other substance under medical supervision.

(b) The following is schedule I listing of the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code number.

1. Opiates: Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

Acetylmethadol	9601
Allylprodine	9602
Alphacetylmethadol	9603
Alphameprodine	9604
Alphamethadol	9605
Benzethidine	9606
Betacetylmethadol	9607
Betameprodine	9608
Betamethadol	9609
Betaprodine	9611
Clonitazene	9612
Dextromeramide	9613
Dextrorphan	9614
Diampromide	9615
Diethylthiambutene	9616
Difenoxin	9168
Dimenoxadol	9617
Dimepheptanol	9618
Dimethylthiambutene	9619
Dioxaphetylbutyrate	9621
Dipipanone	9622
Ethylmethylthiambutene	9623
Etonitazene	9624
Etoxidine	9625
Furethidine	9626
Hydroxypethidine	9627
Ketobemidone	9628
Levomoramide	9629
Levophenacymorphan	9631
Morpheridine	9632
Noracymethadol	9633
Norlevorphanol	9634
Normethadone	9635
Norpipanone	9636
Phenadoxone	9637
Phenampromide	9638
Phenoperidine	9641
Piritramide	9642
Proheptazine	9643
Propiridine	9644
Propiram	9649
Racemoramide	9645
Trimeperidine	9646
Phenomorphan	9647

2. Opium derivatives: Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

Acetorphine	9319	any extract from any part of such plant, and every	
Acetyldihydrocodeine (Acetylcodeine)	9051	compound, manufacture, salts, derivative, mixture,	
Benzylmorphine	9052	or preparation of such plant, its seeds or extracts.)	7415
Codeine methylbromide	9070	xvi. N-ethyl-3-piperidyl benzilate	7482
Codeine-N-Oxide	9053	xvii. N-methyl-3-piperidyl benzilate	7484
Cyprenorphine	9054	xviii. Psilocybin	7437
Desomorphine	9055	xix. Psilocyn	7438
Dihydromorphine	9145	xx. Tetrahydrocannabinols (Synthetic equivalents of	
Drotebanol	9335	the substances contained in the plant, or in the resin-	
Etorphine (Except Hydrochloride Salt)	9056	ous extractives cannabis, sp. and/or synthetic sub-	
Heroin	9200	stances, derivatives, and their isomers with similar	
Hydromorphinol	9301	chemical structure and pharmacological activity such	
Methyldesorphine	9302	as the following:	
Methyldihydromorphine	9404	1 cis or trans tetrahydrocannabinol, and their	
Morphine Methylbromide	9305	optical isomers. 6 cis or trans tetrahydrocannabinol,	
Morphine Methylsulfonate	9306	and their optical isomers. 3,4 cis or trans tetrahydro-	
Morphine-N-Oxide	9307	cannabinol, and its optical isomers. (Since nomenclature	
Myrephine	9308	of these substances is not internationally	
Nicocodeine	9309	standardized, compounds of these structures, regard-	
Nicomorphine	9312	less of numerical designation of atomic positions	
Normorphine	9313	are covered.)	7370
Pholcodine	9314	xxi. Thipene Analog of Phencyclidine (Some trade	
Thebacon	9315	or other names: 1-1-(2-thienyl) cyclohexyl piperidine;	
		2-Thienyl Analog of Phencyclidine; TPCP.)	7470
		3. Hallucinogenic substances: Unless specifically ex-	
		cepted or unless listed in another schedule, any material	
		compound, mixture, or preparation which contains any	
		quantity of the following hallucinogenic substances or	
		which contains any of its salts, isomers, and salts of	
		isomers whenever the existence of such salts, isomers, and	
		salts of isomers is possible within the specific chemical	
		designation (for purposes of this paragraph only, the term	
		"isomer" includes the optical, positions, and geometric	
		isomers) (listed by generic/established or chemical name	
		with CDS code):	
		i. 4-bromo-2,5-dimethoxy-amphetamine (Some trade	
		or other names: 4-bromo- 2,5-dimethoxy-alpha-methyl-	
		phenethylamine; 4-bromo-2,5-DMA.)	7391
		ii. 2,5-dimethoxyamphetamine (Some trade or other	
		names: 2,5-dimethoxy-alpha-methylphenethylamine;	
		2,5-DMA.)	7396
		iii. 4-methoxyamphetamine (Some trade or other	
		names: 4-methoxy-alpha-methylphenethylamine; para-	
		methoxyamphetamine, PMA.)	7411
		iv. 5-methoxy-3,4-methylenedioxy-amphetamine	7401
		v. 4-methyl-2,5-dimethoxy-amphetamine (Some trade	
		or other names: 4-methyl-2,5- dimethoxy-alpha-methyl-	
		phenethylamine; "DOM"; and "STP".)	7395
		vi. 3,4-methylenedioxy amphetamine	7400
		vii. 3,4,5-trimethoxy amphetamine	7390
		viii. Bufoteine (Some trade or other names: 3-(beta-	
		Dimethylaminoethyl-5-hydroxyindole; 3-(2-dimethyla-	
		minoethyl-5-indolol; N, N- dimethylserotonin; 5-hy-	
		droxy-N,N-dimethyltryptamine; mappine.)	7395
		ix. Diethyltryptamine (Some trade and other names:	
		N,N-Diethyltryptamine DET.)	7395
		x. Dimethyltryptamine (Some trade or other names:	
		DMT.)	7435
		xi. Ibogaine (Some trade and other names: 7-	
		Ethyl-6,6,7,8,9,10,12,13-octahydro-2-methoxy-6,9-meth-	
		ano-5H-pyrido (1', 2':1,2 axepino 5,6-b) Indole; taber-	
		nanthe iboga.)	7260
		xii. Lysergic acid diethylamide	7315
		xiii. Marihuana	7360
		xiv. Mescaline	7381
		xv. Peyote (Meaning all parts of the plant presently	
		classified botanically as Lophophora Williamsii Le-	
		maire, whether growing or not, the seeds thereof,	
		Raw opium	9600
		Opium extracts	9610
		Opium fluid extracts	9620
		Powdered opium	9639

Granulated opium	9640
Tincture of opium	9630
Apomorphine	9030
Codeine	9050
Ethylmorphine	9190
Etorphine HCL	9059
Hydrocodone	9133
Hydromorphone	9194
Metopon	9620
Morphine	9300
Oxycodone	9143
Oxymorphone	9652
Thebaine	9333

ii. Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (i) of this paragraph except that these substances shall not include the isoquinoline alkaloids of opium.

iii. Opium poppy and poppy straw (CDS code 9650).

iv. Coca leaves (CDS code 9040) and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (CDS code 9041) or ecgonine (CDS code 9180).

v. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy) (CDS code 9670).

2. Opiates: Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

Alphaprodine	9010
Anileridine	9020
Bezitramide	9800
Dihydrocodeine	9120
Diphenoxylate	9170
Fentanyl	9801
Isomethadone	9226
Levomethorphan	9210
Levorphanol	9220
Metazocine	9240
Methadone	9250
Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane	9254
Moramide-Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid	9802
Pethidine	9230
Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	9232
Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	9233
Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-Carboxylic acid	9234
Phenazocine	9715
Piminodine	9730
Racemethorphan	9732
Racemorphan	9733

3. Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

Amphetamine, its salts, optical isomers and salts of its optical isomers	1100
Methamphetamine, its salts, isomers and salts of its isomers	1105
Phenmetrazine and its salts	1630
Methylphenidate	1726

4. Depressants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

Methaqualone	2565
Amobarbital	2125
Secobarbital	2315
Pentobarbital	2270
Phencyclidine	7471
Phenylcyclohexylamine	7460
Piperidinocyclohexane-carbonitrile (PCC)	8603

8:65-10.3 Controlled dangerous substances; schedule III

(a) The following are criteria for inclusion in schedule III of controlled dangerous substances.

1. The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.

2. The drug or other substance has a currently accepted medical use in the United States.

3. Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

(b) The following is schedule III listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code numbers.

1. Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

i. Those compounds, mixtures, or preparation in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under 21 CFR 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances (1405).

ii. The following CDS code (listed by generic/established or chemical name with CDS code):

Benzphetamine	1228
Chlorphentermine	1645
Clortermine	1647
Mazindol	1605
Phendimetrazine	1615

2. Depressants: Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

i. Any compound, mixture or preparation containing (listed by generic/established or chemical name with CDS code):

Amobarbital	2125
Secobarbital	2315
Pentobarbital	2270

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

ii. Any suppository dosage form containing (listed by generic/established or chemical name with CDS code):

Amobarbital	2125
Secobarbital	2315
Pentobarbital	2270

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

iii. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof (CDS 2100).

iv. The following (listed by generic/established or chemical name with CDS code):

Chlorhexadol	2510
Glutethimide	2550
Lysergic acid	7300
Lysergic acid amide	7310
Methyprylon	2575
Sulfondiethylmethane	2600
Sulfonethylmethane	2605
Sulfonmethane	2610
Nalorphine	9400

3. Narcotic drugs: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:

i. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium (CDS code 9803).

ii. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts (CDS code 9804).

iii. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium (CDS code 9805).

iv. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts (CDS code 9806).

v. Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts (CDS code 9807) or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts (CDS code 9808).

vi. Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts (CDS code 9809).

vii. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts (CDS code 9810).

8:65-10.4 Controlled dangerous substances; schedule IV

(a) The following are criteria for inclusion in schedule IV of controlled dangerous substances.

1. The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.

2. The drug or other substance has a currently accepted medical use in treatment in the United States.

3. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(b) The following is schedule IV listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code numbers.

1. Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

Diethylpropion	1608
Fenfluramine	1670
Phentermine	1640
Pemoline (including organometallic complexes and chelates thereof)	1530

2. Depressants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

Barbital	2145
Chloral betaine	2460
Chloral hydrate	2465
Chlordiazepoxide (except Librax and Menrium)	2744
Clonazepam	2737
Clorazepate	2768
Diazepam	2765
Ethchlorvynol	2540
Ethinamate	2545
Flurazepam	2767
Lorazepam	2885
Mebutamate	2800
Meprobamate	2820
Methohexital	2264
Methylphenobarbital (mephobarbital)	2250
Oxazepam	2835
Paraldehyde	2585
Petrichloral	2591
Phenobarbital	2285
Prazepam	2764

3. Other substances: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts (listed by generic/established or chemical name with CDS code):

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) 8121

4. Narcotic drugs: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

i. Not more than 1 milligram of difenoxin (Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

8:65-10.5 Controlled dangerous substances; schedule V

(a) The following are criteria for inclusion in schedule V of controlled dangerous substances.

1. The substance has a low potential for abuse relative to the substances listed in schedule IV.

2. The substance has currently accepted medical use in treatment in the United States.

3. The substance has limited physical dependence or psychological dependence liability relative to the substances listed in schedule IV.

(b) The following is schedule V listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code numbers.

1. Any compound, mixture or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

i. Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.

ii. Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.

iii. Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.

iv. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

v. Not more than 100 milligrams of opium or any of its salts per 100 milliliters or per 100 grams.

vi. Difenoxin, 0.5 mg. in combination with 0.025 mg. atropine sulfate.

2. The following drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section (listed by generic/established or chemical name with CDS code):

Loperamide 8125

This Notice is published as a matter of public information.  
Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

#### List of Interchangeable Drug Products

On March 6, 1979, 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 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a list of interchangeable drug products substantially as proposed in the Notice published January 4, 1979 at 11 N.J.R. 14(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

Take notice that certain portions of the proposal were deleted in this adoption while other portions are under continuing consideration.

Such list will be codified as Chapter 71, in Title 8 of the New Jersey Administrative Code.

An order adopting this list was filed and became effective on March 15, 1979 as R.1979 d.104.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HEALTH

### THE COMMISSIONER

#### Amendments on Verbal Orders Accepted by Physical Therapist

On March 15, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43B-7.2(c)10.ii. concerning verbal orders accepted by physical therapists as proposed in the Notice published February 8, 1979 at 11 N.J.R. 65(b).

An order adopting these amendments was filed on March 15, 1979 as R.1979 d.113 to become effective on May 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HEALTH

### THE COMMISSIONER

#### Amendments on Availability of Records

On March 15, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43B-7.4(c) concerning the availability of records as proposed in the Notice published February 8, 1979 at 11 N.J.R. 66(a).

An order adopting these amendments was filed on March 15, 1979 as R.1979 d.114 to become effective on May 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

**HEALTH**

**THE COMMISSIONER**

**Amendments on Authentication and Countersigning of Physician's Order**

On March 15, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43B-7.2(d) concerning the authentication and countersigning of physician's orders substantially as proposed in the Notice published February 8, 1979, at 11 N.J.R. 65(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these amendments was filed on March 15, 1979 as R.1979 d.115 to become effective on May 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

**HEALTH**

**THE COMMISSIONER**

**Amendments to Standards for Licensure of Ambulatory Care Facilities Concerning Prenatal, Postpartum and Gynecological Services**

On March 15, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43A-1.16(e) concerning the standards for licensure of ambulatory care facilities regarding prenatal, postpartum and gynecological services as proposed in the Notice published February 8, 1979 at 11 N.J.R. 65(a).

An order adopting these amendments was filed on March 15, 1979 as R.1979 d.116 to become effective on May 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

**(c)**

**HIGHER EDUCATION**

**STUDENT ASSISTANCE BOARD**

**Amendments Concerning the Garden State Scholarship Program**

On March 9, 1979, Lynn Goldthwaite, Chairperson of Student Assistance Board in the Department of Higher

Education, pursuant to authority of N.J.S.A. 18A:71-26.8 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to portions of the rules governing the Garden State Scholarship Program.

Such amendments delete the current text of N.J.A.C. 9:7-4.3 and replaces the current text of N.J.A.C. 9:7-4.5(b) and 9:7-4.6 with new text therein.

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

9:7-4.3 [Certificates of Merit] (Reserved)

[Certificates of Merit may be issued to applicants who meet the academic qualifications for an undergraduate scholarship but fail to meet the State's guidelines for the demonstration of financial need.]

9:7-4.5(b) Allocations for the 1979-80 award year are based on the average annual amount of State Scholarship expenditures by an institution over the three-year period AY 75-76 to AY 77-78. In addition, they will receive 90% of the original 1978 allocation plus the 1978 reallocation amount. The 1979 allotment will be made available to institutions as an amount without distinction between initial and renewal amounts.

9:7-4.6 Academic eligibility for undergraduate grants

(a) Academic index computation rules are:

1. Formula: Academic qualification for a Garden State Scholarship is gauged by an Academic Index (AI). The AI is derived by combining two factors, the Scholastic Aptitude Test scores from the College Entrance Examination Board and a converted high school rank in class. The formula for combining the two factors is:

$$AI = \frac{\text{Verbal} + \text{Math SAT scores} + 2 \text{ Converted Rank}}{10}$$

10

2. Scholastic Aptitude Test scores: Verbal and Math scores are to be weighted equally. Where SAT scores are not available, the appropriate equivalent from the American College Test may be used. An equivalency table will be made available by the Department of Higher Education for this conversion. The highest Verbal score from any administration may be combined with the highest Math score from any administration.

3. Rank in class:

i. In order to weight high school rank equally with SAT scores, the converted rank is multiplied by two. The rank from whichever semester the institution chooses to use is acceptable.

ii. Conversion of the high school rank to a standardized score is necessary in order to combine it equally with the SAT scores which also have been standardized. The following table gives the converted rank multiplied by two which is the figure to be combined with the test score sum in the AI formula given in paragraph 1. above.

**HIGH SCHOOL RANK CONVERSION TABLE**

Percent Converted Standing	Percent Converted Rank	Percent Converted Standing	Percent Converted Rank	Percent Converted Standing	Percent Converted Rank
	x 2		x 2		x 2
00-01	= 150	13-14	= 122	44-47	= 102
02	= 142	15-16	= 120	48-52	= 100
03	= 138	17-18	= 118	53-56	= 98
04	= 136	19-21	= 116	57-60	= 96
05	= 134	22-24	= 114	61-64	= 94
06	= 132	25-27	= 112	65-68	= 92
07	= 130	28-31	= 110	69-72	= 90

08 = 128	32-35 = 108	73-75 = 88
09-10 = 126	36-39 = 106	
11-12 = 124	40-43 = 104	

(b) To qualify for a Garden State Scholarship, an applicant must attain a minimum AI of 200 except for those applicants who rank in the top 10% of their graduating classes. Students ranking in the top 10% shall be eligible regardless of test scores. Applicants with a rank in class in the lowest quartile shall be ineligible for a Garden State Scholarship regardless of AI.

An order adopting these amendments was filed and became effective on March 13, 1979 as R.1979 d.101 (Exempt, Emergency Rule).

Howard H. Kestin  
 Director  
 Office of Administrative Law

**(a)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Proposed Amendments Concerning Pharmaceutical Assistance to the Aged in the Pharmaceutical Services Manual**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend certain portions of the Pharmaceutical Services Manual concerning the Pharmaceutical Assistance to the Aged program in conformity with PAA legislation, Ch. 171, Laws of 1978.

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

**10:51-5.3 Eligible pharmacies in New Jersey for the purposes of this subchapter**

All pharmacies located in New Jersey and operating under a valid Retail Permit from the Board of Pharmacy of the State of New Jersey, having filed an application and agreement to participate [in the New Jersey Medicaid Program] with the New Jersey Department of Human Services, Division of Medical Assistance and Health Services, shall be eligible to participate in the New Jersey PAA Program upon acceptance of said agreement by the Department of Human Services.

Note: Upon sale or other change of ownership of an approved pharmacy, the agreement is automatically terminated. The new owner(s) must apply to the Department of Human Services, Division of Medical Assistance and Health Services and execute a new agreement in order to participate in the New Jersey PAA Program.

**10:51-5.6 Eligible [patients] persons**

(a) An eligible [patient] person is a legal resident of the State of New Jersey, 65 years of age or older with an annual income less than \$9,000 for a single person and less than \$12,000 in combined income for a married couple, who possesses a current, valid eligibility/identification card (see Section 22 of this subchapter).

(b) Benefits are not payable for patients in Long Term Care Facilities (SNF, ICF), Hospitals or Special Hospitals

by the PAA Program during any period patients are covered for drug benefits by Medicaid, Medicare, Blue Cross or other insurance benefits or if such benefits are covered in the daily rate of the facility.

(c) The law states that in order to be eligible for PAA, a person must be "legally domiciled within the State for a period of 30 days immediately preceding the date of application for inclusion in the program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile."

(d) Except as provided below, a person may be eligible for PAA only if physically present in New Jersey at the time of utilization.

1. In reaching a decision as to continuing New Jersey residence of an absentee, the issue is whether the individual intends to return to New Jersey or remain indefinitely in the other jurisdiction.

2. If a beneficiary leaves New Jersey with the intent to establish a place of abode elsewhere, or for a consecutive 90 day period, he/she becomes ineligible under the PAA Program and must notify the Bureau of Pharmaceutical Assistance to the Aged of the address and return the PAA eligibility card. Therefore, mailing of prescriptions to beneficiaries who are absent from the state is prohibited (see N.J.A.C. 10:51-5.15(a)9).

**10:51-5.9 and 10:51-6.9 Drug policies**

(a) The choice of prescription drugs, insulin, insulin syringes and/or needles, remains at the discretion of the prescriber; but, payment will not be made for certain drugs under specific conditions. (See Section 15 of this subchapter "Pharmaceutical services not eligible for payment".)

(b) In order for a prescription to be valid for reimbursement under the PAA Program, the prescriber must indicate on the prescription the full name and address or PAA number of the patient for whom the medication was prescribed.

[b] (c) When a trade-name, multi-source drug product for which a designated chemically equivalent name in corresponding dosage form and strength is available, the pharmacy provider shall dispense such drug product in accordance with the provisions of the "Prescription Drug Price and Quality Stabilization Act".

1. Whenever any interchangeable drug product contained in the latest list approved by the Drug Utilization Review Council is available for the prescription written, the PAA Program shall reimburse the pharmacy only for the Maximum Allowable Cost (MAC) of the interchangeable product, less the \$2.00 co-payment, unless the prescriber specifies that substitution is not permitted.

2. If the prescriber does not specify to the contrary, the PAA beneficiary has two options:

i. To purchase an interchangeable drug product which is equal to or less than the maximum allowable cost, at the \$2.00 co-payment; or

ii. To purchase the prescribed drug product which is higher in cost than the maximum allowable cost and pay the difference between the two in addition to the \$2.00 co-payment.

3. In either situation described above, the PAA Program will reimburse based upon the MAC of the interchangeable product.

(d) If the prescriber specifies on the prescription that substitution is not permitted, the PAA Program will reimburse the pharmacy for the reasonable cost of the prescribed product, less the \$2.00 co-payment. In this instance, the beneficiary may purchase the prescribed product at the \$2.00 co-payment.

1. The prescriber must specify that substitution is not permitted in accordance with "Prescription Drug Price and Quality Stabilization Act" regulations.

2. For telephone ordered prescriptions see N.J.A.C. 10:51-5.12.

10:51-5.10 Quantity of medication

(a) The quantity of medication dispensed may not exceed a 60 day supply.

1. The pharmacy must dispense the quantity of medication prescribed, up to a 60 day supply. The amounts of medication prescribed may not be "split" or reduced in quantity unless it exceeds a 60 day supply or is subject to the limits of the Controlled Dangerous Substances Act.

2. The pharmacist is to use sound professional judgment if the quantity prescribed, dosage, or the accompanying directions for use pose a health hazard to the patient.

3. The pharmacist shall contact the prescriber and discuss the rationale for the quantity prescribed, dosage and/or directions for use of the medication before changing the prescription, if necessary. The pharmacist must note the time, date and reason for any changes on the face of the prescription and inform the patient of such changes before dispensing.

4. Exception:

[1] i. Legend vitamins and legend vitamin/mineral combinations may be dispensed in quantities up to a 100 day supply.

[2] ii. Insulin syringes and/or insulin needles may be dispensed in quantities up to a 100 day supply.

[3] iii. Insulin may be dispensed in quantities of up to four 10cc vials.

(b) In Long Term Care Facilities (SNF, ICF), Hospitals or Special Hospitals, if the quantity of medication is not indicated by the prescriber for sustaining medication or maintenance drugs, a minimum quantity of 100 tablets or capsules, a pint, or a 30 day supply, whichever is less, must be dispensed.

Sustaining medications or maintenance drugs are any drugs used continuously for 14 or more days by the individual patient.

(c) If the full quantity of the medication prescribed (up to a 60 day supply), is not available at the time of dispensing of the prescription, the pharmacist must inform the beneficiary. The pharmacist may fill the prescription with the quantity available, only if the beneficiary agrees.

1. The pharmacy must hold the claim until the balance of medication is dispensed to the beneficiary.

2. After the entire quantity has been dispensed, the pharmacy may bill the program for the total quantity dispensed, plus one dispensing fee.

10:51-5.12 and 10:51-6.12 Telephone ordered prescriptions

(a) Telephone orders from the prescriber for prescriptions will be permitted in accordance with all applicable Federal and State laws and regulations.

1. However, when a prescriber chooses not to allow substitution for products listed under the "Prescription Drug Price and Quality Stabilization Act" (see N.J.A.C. 10:51-5.9(d)), the prescriber must submit a properly marked, written, signed and dated prescription (according to the provisions of the Act), to the pharmacist within 7 days of the telephone order.

10:51-5.15 and 10:51-6.15

(a) The following classes of prescription drugs will not be honored for payment.

\* \* \* \* \*

8. Prescriptions which do not contain the full name and address or PAA number of the beneficiary for whom the item was prescribed.

9. Prescriptions which have been mailed to beneficiaries who are absent from the state.

10:51-5.18 and 10:51-6.18 Legend drugs

(a) Payment of "legend" drugs (those drugs bearing the legend "Federal Law Prohibits Dispensing Without Prescription"), will be based upon "Maximum Allowable Cost" as herein defined, minus a co-payment of \$2.00 for each prescription (new or refill), which must be paid by or on behalf of the recipient.

(b) "Maximum allowable cost" is defined as:

1. The MAC price as determined by the Department, for products included in the latest list of interchangeable drug products published by the Drug Utilization Review Council; or

Renumber paragraphs 1 through 8 as 2 through 9.

10:51-5.18 and 10:51-6.18 (d) The maximum payment by the New Jersey PAA Program for a legend drug, including the charge for the cost of medication and the dispensing fee will not exceed the lowest of the following, minus a co-payment of [\$1.00] \$2.00 for each prescription (see Section 18 of this subchapter).

1. "Cost plus dispensing fee" as outlined herein; or

2. Usual and customary charges to the general public and/or posted or advertised charges; or

3. Other third party prescription plan charges, when contracts or agreements to participate have been entered into subsequent to the adoption of this regulation, as may be determined by the Division.

(e) Collection of the co-payment is mandatory.

1. Public Law 1978 Chapter 171 states:

"... said co-payment shall be paid in full by each eligible person to the pharmacist at the time of each purchase of prescription drugs, and shall not be waived, discounted or rebated in whole or in part."

2. Collection of the \$2.00 co-payment may not be circumvented through any means, under penalty of law. Offering cash rebates or discounts, or coupons or merchandise in exchange for the co-payment is prohibited.

3. Failure to collect the co-payment will result in retroactive reduction of payment by an amount equivalent to the co-payment or portion thereof, whichever is applicable.

4. The provider may also be suspended or debarred from participation in the New Jersey Health Services Program for violation of this or any other provision of the regulations, at the discretion of the Director, Division of Medical Assistance and Health Services.

10:51-5.20 and 10:51-6.20 Non-legend drugs

(a) The only non-legend products which may be billed to the New Jersey PAA Program are:

1. Insulin (maximum 4 vials per claim).

2. Insulin syringes and/or insulin needles as listed in Appendix C of Chapter II of this Manual.

(b) The maximum payment by the New Jersey PAA Program for these products will not exceed the lower of the following, minus a [\$1.00] \$2.00 co-payment per prescription.

10:51-5.25(c) and 10:51-6.25(c)17. Item 18 - [Check if prior authorized service, authorization number] Prior authorization; Medical certification

Prior authorization is not required for the PAA Program. When prescribing a trade name multi-source drug product for which a MAC limitation has been established, the prescriber may certify "brand necessary" or "dis-

pense as written" in his own handwriting on the prescription, and thereby override the MAC limitation. The pharmacist should check "Medical certification", if the prescriber has indicated so on the prescription.

10:51-5.25(c)20 and 10:51-6.25(c)20 Item 21 - CHARGE - Enter Usual and Customary Charge as four digits.

EXAMPLE: 5.25 should be entered as 0525.

Note: The [\$1.00] \$2.00 co-payment will automatically be deducted from each prescription claim in the reimbursement processing procedure.

10:51-6.6(c) The law states that in order to be eligible for PAA, a person must be "legally domiciled within the State for a period of 30 days immediately preceding the date of application for inclusion in the program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile."

(d) Except as provided below, a person may be eligible for PAA only if physically present in New Jersey at the time of utilization.

1. In reaching a decision as to continuing New Jersey residence of an absentee, the issue is whether the individual intends to return to New Jersey or remain indefinitely in the other jurisdiction.

2. If a beneficiary leaves New Jersey with the intent to establish a place of abode elsewhere, or for a consecutive 90 day period, he/she becomes ineligible under the PAA Program and must notify the Bureau of Pharmaceutical Assistance to the Aged of the address and return the PAA eligibility card. Therefore, mailing of prescriptions to beneficiaries who are absent from the state is prohibited. (See N.J.A.C. 10:51-6.15(a)9.)

10:51-6.10 Quantity of medication

(a) In cases where the quantity for sustaining medication or maintenance drugs is not indicated by the prescriber, a minimum of 100 tablets or capsules, a pint, or a 30 day supply, whichever is less, must be dispensed.

Sustaining medications or maintenance drugs are any drugs used continuously for 14 or more days by the individual patient.

(b) The quantity of medication may not exceed a 60 day supply.

1. The pharmacy must dispense the quantity of medication prescribed, up to a 60 day supply. The amount of medication prescribed may not be "split" or reduced in quantity unless it exceeds a 60 day supply or is subject to the limits of the Controlled Dangerous Substances Act.

2. The pharmacist is to use sound professional judgment if the quantity prescribed, dosage, or the accompanying directions for use pose a health hazard to the patient.

3. The pharmacist shall contact the prescriber and discuss the rationale for the quantity prescribed, dosage and/or directions for use of the medication before changing the prescription, if necessary. The pharmacist must note the time, date and reason for any changes on the face of the prescription and inform the patient of such changes before dispensing.

(c) Exceptions are:

1. Legend vitamins and legend vitamin/mineral combinations may be dispensed in quantities up to a 100 days supply.

2. Insulin syringes and/or insulin needles may be dispensed in quantities up to a 100 days supply.

3. Insulin may be dispensed in quantities of up to four 10cc vials.

(d) If the full quantity of the medication prescribed (up to a 60 day supply), is not available at the time of dis-

ensing of the prescription, the pharmacist must inform the beneficiary. The pharmacist may fill the prescription with the quantity available, only if the beneficiary agrees.

1. The pharmacy must hold the claim until the balance of medication is dispensed to the beneficiary.

2. After the entire quantity has been dispensed, the pharmacy may bill the program for the total quantity dispensed, plus one dispensing fee.

Interested persons may present statements or arguments in writing relevant to the proposed amendments on or before April 25, 1979, to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendments on Pharmaceutical Assistance to the Aged

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to repeal 10:69A-1.1 et seq., the Pharmaceutical Assistance to the Aged Eligibility Manual and to adopt an amended manual cited as 10:69A-1.1 et seq.

Copies of the full text of 21 pages may be obtained from the Administrative Practice Officer at the address listed below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 25, 1979 to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Disregard Of Work-Study Income, Treatment of Stipends and Child Care Payments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend portions of the Assistance Standards Handbook concerning the disregard of work-study income, treat-

ment of stipends and under what circumstances the (WA may participate in child care payments when scholarships make no specific provisions for child care.

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

10:82-1.7(b) Any scholarship, grant or student loan received by such child, whether from federal, State or other public or private source, shall be disregarded in computing the grant so long as the child continues to attend school as stated in subsection (a) of this section and meets the conditions under which such monies are granted.

1. This disregard includes funds received through college work-study programs. Stipends provided for living expenses are not disregarded.

10:82-1.8 Parent regularly attending school (all segments)

(a) When a parent of an eligible child is a student regularly attending school as defined in Section 130, the provisions of N.J.A.C. 10:82-1.7(b) and (c) shall apply.

1. Payment for child care shall be provided where necessary to enable a parent to attend school so long as the parent can demonstrate that his/her scholarship(s) or grant(s) does not provide monies which can be utilized for such care, and child care is not provided through any other source. When the scholarship(s) makes no specific provision for child care, all school related expenses shall be deducted from the scholarship and any balance remaining shall be considered in the determination of child care payments. (See ASH 510.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 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 to General Assistance Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend portions of the General Assistance Manual concerning an increase in the monthly assistance allowance and personal needs for clients residing in licensed boarding homes for sheltered care; recoupment of overpayments; payment rates for hospitalization and issuance of form GA-51 to clients.

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

10:85-3.2(c)1.iv. At the time of application the MWD shall advise the applicant(s) of his/her obligation to

promptly report changes in income, resources or other circumstances. The applicant shall be required to sign two copies of Form GA-51 (Important Reminder of Your Obligation to Report Changes). The applicant shall retain one copy and the original shall be filed in the case record.

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 [\$25] \$30 per month, shall not exceed [\$298] \$315, 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.

10:85-3.5(b)1. [Application and Affidavit] Redetermination for General Assistance, Form GA-1R: At the time of the redetermination, a [new application,] Form GA-1R (Redetermination for General Assistance) shall be completed and signed by the applicant. This form shall contain an affidavit attesting to the truth of all information provided therein.

i. The MWD worker shall assist the client in completing the application, providing explanation as necessary. If the client cannot read, the contents of the form shall be read to him/her. Upon request, the client shall be given a copy of the executed application and affidavit.

ii. At the time of redetermination the applicant will be required to sign two copies of Form GA-51 (Important Reminder of Your Obligation to Report Changes). The MWD worker shall explain the contents of the form, if necessary, and provide the applicant with a copy.

10:85-3.5(d)2. Recipient's responsibility - The client has a responsibility to inform the municipal welfare department as promptly as possible whenever any change in income or circumstances occurs. Such notification may be by telephone, mail or in person. In acknowledgement of this responsibility, each applicant/recipient shall, as a condition of eligibility at the time of application, at each redetermination, and at such other times as the MWD may require, execute Form GA-51 in duplicate. The applicant/recipient keeps one copy; the MWD retains the other (with original signature(s) in the case folder.

10:85-3.6 Recoupment of overpayments

(a) The MWD may, at its discretion, recoup overpayments of assistance upon a determination that the overpayment occurred after the client signed Form GA-51 and resulted from the willful withholding of information which would, if revealed, have resulted in a smaller grant or in denial or termination of eligibility.

1. Recoupment shall be made from future assistance grants by reducing the payments in amounts of up to ten percent (10%) of the monthly assistance allowance until the amount of the overpayment is thereby repaid. When earned income disregards are applicable, the MWD may deduct up to an additional ten percent (10%) of the monthly assistance allowance but not more than the amount of the disregard (\$60 plus 1/3).

2. Deductions for overpayments which resulted from agency error or for any reason other than willful withholding of information are not authorized.

(Continued on Page 192)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

It includes ALL rules adopted from receipt of the last

individual Title updates through March 15, 1979.

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

## RULES NOT YET IN PRINT IN CODE:

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>AGRICULTURE — TITLE 2</b>			
2:1-2.3	Amend functions of department units	R.1978 d.402	11 N.J.R. 2(b)
2:2	Amend disease control program	R.1978 d.402	11 N.J.R. 2(b)
2:2-2.15(b)	Amendments on limits of indemnities for brucellosis reactors	R.1978 d.302	10 N.J.R. 415(a)
2:3-1.1, 1.2	Amend interstate animal health certificates	R.1978 d.402	11 N.J.R. 2(b)
2:6-1.4, 1.8	Amend biologics	R.1978 d.402	11 N.J.R. 2(b)
2:6-1.9	Amend biologic product use	R.1978 d.428	11 N.J.R. 3(b)
2:7-1.5, 1.6	Repeal fee structure, service to poultry men	R.1978 d.402	11 N.J.R. 2(b)
2:8	Repeal administrative rules	R.1978 d.402	11 N.J.R. 2(b)
2:18	Repeal movement of plants, plant material	R.1978 d.402	11 N.J.R. 2(b)
2:20-2.1, 4.1	Repeal gooseberry planting prohibition; subcoccinella viginliquaourpunctata quarantine	R.1978 d.402	11 N.J.R. 2(b)
2:31	Repeal milk and cream grading	R.1978 d.402	11 N.J.R. 2(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.317	10 N.J.R. 415(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.367	10 N.J.R. 469(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.395	10 N.J.R. 526(b)
2:53-1.1(b)	Amend minimum milk prices	R.1978 d.418	11 N.J.R. 3(a)
2:53-1.1(b)	Amend announcement of milk prices	R.1979 d.34	11 N.J.R. 58(a)
2:53-1.2, 1.3	Amended schedules of milk prices	R.1978 d.318	10 N.J.R. 414(a)
2:54-1.9	Amend Federal Order No. 2 (March 1, 1979)	R.1979 d.79	11 N.J.R. 162(a)
2:54-2.6	Amendments to Federal Milk Marketing Order 4	R.1978 d.344	10 N.J.R. 468(b)
2:54-3.7	Amendments on suspension of portions of Federal Order 4	R.1978 d.343	10 N.J.R. 468(a)
2:54-3.7	Amendments to milk handling order	R.1978 d.396	10 N.J.R. 526(c)
2:71-1	Amend quality standards, shell eggs	R.1978 d.402	11 N.J.R. 2(b)
2:71-2.28	Amend charges for inspection or grading certification services and written agreements	R.1979 d.58	11 N.J.R. 117(a)
2:71-2	Amend fruits and vegetable standards	R.1978 d.402	11 N.J.R. 2(b)
2:71-4	Repeal poultry standards	R.1978 d.402	11 N.J.R. 2(b)
2:72	Amend license and bonding	R.1978 d.402	11 N.J.R. 2(b)
2:73-1	Repeal state seal: asparagus	R.1978 d.402	11 N.J.R. 2(b)
2:73-4 thru 6	Repeal state seal: white potatoes, poultry, turkeys	R.1978 d.402	11 N.J.R. 2(b)
2:74-1.4, 1.8, 1.13	Amend controlled atmospheric storage	R.1978 d.402	11 N.J.R. 2(b)
(Rules in the Code for Title 2 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 13.)			
<b>BANKING — TITLE 3</b>			
3:1-9	Amendments to home mortgage disclosure rules	R.1978 d.304	10 N.J.R. 416(b)
3:1-10	Amend restrictions on real property transactions	R.1979 d.55	11 N.J.R. 117(d)
3:6-2.1	Amend approved depositories for investments	R.1979 d.23	11 N.J.R. 58(b)
3:6-3.1	Repeal rule on notice of maturity on business suspensions	R.1978 d.370	10 N.J.R. 469(b)
3:7-4.3	Amendments on maturity for long-term time deposits	R.1978 d.290	10 N.J.R. 370(b)
3:8-3.1	Amend non-federal reserve members' reserves	R.1979 d.44	11 N.J.R. 117(b)
3:18-9	Amend secondary mortgage loan interest rate	R.1978 d.404	11 N.J.R. 4(b)
3:21	Rules on the credit union law	R.1979 d.54	11 N.J.R. 117(c)
(Rules in the Code for Title 3 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 12.)			
<b>CIVIL SERVICE — TITLE 4</b>			
4:1-5.16	Amendments on awarding counsel fees	R.1978 d.345	10 N.J.R. 469(c)
4:1-8.14	Amendments on action against prospective employees	R.1978 d.358	10 N.J.R. 469(d)
4:1-12.2	Amendments on promotional eligibility during leave to fill elective office	R.1978 d.392	10 N.J.R. 527(d)
(Rules in the Code for Title 4 include all adoptions prior to September 21, 1977—Transmittal Sheet No. 11.)			

## COMMUNITY AFFAIRS — TITLE 5

5:3	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:11-1.8	Eviction and relocation	R.1979 d.103	11 N.J.R. 167(a)
5:11-9.7	Amendments on tax abatements on added assessments	R.1978 d.369	10 N.J.R. 472(a)
5:14, 5:16, 5:20	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:26	Planned real estate development full disclosure	R.1978 d.403	11 N.J.R. 8(a)
5:30-2.5—2.7	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
2.9—2.19, 3.1			
5:30-3.4—3.8	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5:30-5.1—5.11,	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5.13, 6.1—6.4,			
6.8—6.11, 7.1—7.9,			
7.13, 8.1—8.5,			
9.1—9.8,			
10.1—10.11,			
11.1—11.7			
5:30-13.4	Forms of certificate of sale for unpaid municipal liens	R.1979 d.40	11 N.J.R. 117(e)
5:30-13.5	Forms of certificate of search for municipal liens	R.1979 d.41	11 N.J.R. 117(f)
5:36	Amended rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.355	10 N.J.R. 470(b)
5:40, 5:43, 5:44,	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:61			
5:62	Delete rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:70	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)

(Rules in the Code for Title 5 include all adoptions prior to October 1, 1978—Transmittal Sheet No. 11.)

## EDUCATION — TITLE 6

6:3-1.21	Evaluation of tenured teaching staff members	R.1978 d.227	10 N.J.R. 319(d)
6:3-3.1 et seq.	Amendments on withdrawal from limited purpose regional school districts	R.1978 d.355	10 N.J.R. 473(b)
6:11-4.5	Amendments on intern certificates	R.1978 d.393	10 N.J.R. 531(b)
6:11-4.7	Amend county substitute certificate	R.1979 d.65	11 N.J.R. 120(b)
6:21-5.1 et seq.	Amendments on school bus equipment specifications	R.1978 d.226	10 N.J.R. 319(c)
6.1 et seq.			
6:21-19.1(h)	Rule on school bus strobe warning lamps	R.1978 d.306	10 N.J.R. 418(c)
6:22-9.1 et seq.,	Amendments on energy conservation	R.1978 d.356	10 N.J.R. 473(c)
10.1 et seq.,			
11.1 et seq.			
6:22-13.3	Amendments on fire alarms and automatic fire detection	R.1978 d.357	10 N.J.R. 474(a)
6:28-1.1 et seq.	Amendments on special education	R.1978 d.277	10 N.J.R. 383(a)

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

## ENVIRONMENTAL PROTECTION — TITLE 7

7:2	Amend rules of the Bureau of Parks	R.1979 d.18	11 N.J.R. 63(a)
7:6-1.34(c),	Amendments regarding boating, diving and swimming	R.1978 d.368	10 N.J.R. 480(a)
1.42(d)			
7:6.6	Rules on watercraft noise control	R.1979 d.12	11 N.J.R. 63(d)
7:7D-2	Amend CAFRA rules	R.1979 d.99	11 N.J.R. 173(a)
7:7E	Rules on coastal resource and development policies	R.1978 d.292	10 N.J.R. 384(a)
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,	Amend Raritan Basin System water sales	R.1979 d.30	11 N.J.R. 64(a)
5.1—5.23			
7:12-1.3(a)39.iii.	Amendment on condemnation of certain shellfish beds	R.1978 d.327	10 N.J.R. 425(b)
7:12-2.7	Amendments on shellfish harvest permits and relay program	R.1978 d.299	10 N.J.R. 422(a)
7:14-8	Assessment of civil administrative penalties	R.1979 d.111	11 N.J.R. 173(c)
7:25-4	Amend non-game and exotic wildlife	R.1979 d.9	11 N.J.R. 63(b)
7:25-7.2	Amend oyster seed beds; 1979 season	R.1979 d.102	11 N.J.R. 173(b)
7:25-12.1	Amendments on sea clams	R.1978 d.416	11 N.J.R. 11(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.298	10 N.J.R. 421(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.326	10 N.J.R. 425(a)
7:25-16	Defining lines where fishing license is required	R.1978 d.295	10 N.J.R. 384(b)
7:27-9	Amendments on sulfur in fuels	R.1978 d.276	10 N.J.R. 383(c)
7:27-9	Amended effective date for amended rules on sulfur in fuels	R.1978 d.361	10 N.J.R. 479(c)

7:27-9	Amend effective date of sulfur in fuels	R.1979 d.10	11 N.J.R. 63(c)
7:28-21	Rules on analytical X-Ray installations	R.1979 d.64	11 N.J.R. 123(a)
7:29-2	Amend and recodify watercraft noise control	R.1979 d.12	11 N.J.R. 63(d)
7:50	Project review guide; Pinelands Environmental Council	R.1979 d.78	11 N.J.R. 123(b)
Temporary Rule	Rule on preservation of sea clam resources; closing certain waters	R.1978 d.328	10 N.J.R. 426(a)
Temporary Rule	Adopt 1979 Fish Code	R.1978 d.351	10 N.J.R. 479(b)

(Rules in the Code for Title 7 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

## HEALTH — TITLE 8

8:15	Repeal no smoking in certain public places	R.1979 d.13	11 N.J.R. 66(c)
8:31-16.17	Amendments on reports to relate ancillary service charges with hospital case mix	R.1978 d.430	11 N.J.R. 16(d)
8:31-17	Adopt portion of 1979 SHARE guidelines	R.1978 d.374	10 N.J.R. 484(c)
8:31-28	Process and general criteria for certification of need and designation of regional services	R.1978 d.427	11 N.J.R. 16(b)
8:31-30	Uniform Construction Plan Review fees	R.1978 d.429	11 N.J.R. 66(b)
8:31A	Amend SHARE Manual	R.1978 d.399	10 N.J.R. 536(a)
8:31A-9.2	Rule on economic factor	R.1979 d.25	11 N.J.R. 67(a)
8:31A-10.7	Hospital reporting regarding patient case-mix	R.1979 d.26	11 N.J.R. 67(c)
8:33-1.4, 1.6	Amendments on HMO certificate of need	R.1978 d.431	11 N.J.R. 16(e)
8:34-1.27(b)	Amendments to continuing education for nursing home administrator	R.1978 d.423	11 N.J.R. 15(b)
8:39	Amendments to manual of standards for licensure of long-term-care facilities	R.1978 d.340	10 N.J.R. 430(e)
8:42-2	Amendments to standards for licensure of residential and in-patient drug treatment facilities	R.1978 d.373	10 N.J.R. 484(b)
8:43A	Amendments to standards for licensure of ambulatory care facilities	R.1978 d.338	10 N.J.R. 430(c)
8:43A	Amendments on drug abuse treatment services	R.1978 d.375	10 N.J.R. 485(a)
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-1.48(b)1.	Ratification of emergency adoption	R.1978 d.398	10 N.J.R. 536(d)
8:43A-1.71	Standards for computerized axial tomography	R.1978 d.425	11 N.J.R. 15(d)
8:43B-3.6	Rules on pathological and infectious waste	R.1979 d.61	11 N.J.R. 130(a)
8:43B-6.4(c)	Amendments on medications and treatment prescribed by podiatrists	R.1978 d.337	10 N.J.R. 430(b)
8:43B-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)
8:43B-17	Standards for cardiac diagnostic and surgical centers	R.1978 d.424	11 N.J.R. 15(c)
8:43D-2.1	Uniform construction code plan review fees	R.1978 d.429	11 N.J.R. 16(c)
8:44-2	Rules on operation of clinical laboratories	R.1978 d.336	10 N.J.R. 430(a)
8:51-1.2, 1.3	Amendments to minimum standards of performance	R.1978 d.339	10 N.J.R. 430(d)
8:65-2.4(c)	Amend security of controlled dangerous substances	R.1979 d.72	11 N.J.R. 130(d)
8:65-2.4(g)	Amend distribution of special controlled dangerous substances	R.1979 d.70	11 N.J.R. 130(b)
8:65-2.5(e)	Amend security for special controlled dangerous substances	R.1979 d.73	11 N.J.R. 130(e)
8:65-4	Repeal quotas of controlled dangerous substances	R.1979 d.74	11 N.J.R. 130(f)
8:65-6.16	Amend triplicate order forms for controlled dangerous substances	R.1979 d.75	11 N.J.R. 131(a)
8:65-7.4(c)	Amend prescriptions for controlled dangerous substances	R.1979 d.71	11 N.J.R. 130(c)
8:65-7.11	Amend labeling of prescriptions	R.1979 d.76	11 N.J.R. 131(b)
8:65-7.14	Amendments on refilling prescriptions	R.1978 d.391	10 N.J.R. 536(c)
8:65-7.16	Amend labeling of controlled dangerous substances	R.1979 d.77	11 N.J.R. 131(c)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.2(b)4.	Control precursors of phencyclidine	R.1978 d.390	10 N.J.R. 536(b)
8:65-10.4, 10.5	Difenoxin in combination with atropine sulfate in Schedules IV and V	R.1978 d.426	11 N.J.R. 16(a)
8:70-1.1 et seq.	Rules on drug evaluation and acceptance criteria	R.1978 d.341	10 N.J.R. 430(f)
8:70-1.4(a)	Amendments on drug utilization and acceptance criteria	R.1978 d.422	11 N.J.R. 15(a)
Temporary rule	1979 Hospital rate guidelines	R.1978 d.399	10 N.J.R. 536(a)
8:71	List of interchangeable drug products	R.1979 d.104	11 N.J.R. 179(a)

(Rules in the Code for Title 8 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 10.)

## HIGHER EDUCATION — TITLE 9

9:1-1.12, 9.1-6	Amendments on out-of-state institutions desiring to enter New Jersey	R.1978 d.335	10 N.J.R. 431(b)
9:7-2.9	Amend restrictions on student assistance grant amounts	R.1979 d.17	11 N.J.R. 68(b)
9:7-4.3, 4.5(b), 4.6	Amend Garden State Scholarship Program	R.1979 d.101	11 N.J.R. 180(c)
9:9-5.2	Amendments on eligibility for graduate insured loan program	R.1978 d.329	10 N.J.R. 431(a)
9:11-1.5, 1.9	Amend maximum income eligibility for program participants	R.1979 d.59	11 N.J.R. 131(d)
9:15	Graduate medical education program	R.1979 d.1	11 N.J.R. 68(a)

(Rules in the Code for Title 9 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 11.)

## HUMAN SERVICES — TITLE 10

10:43-1.1 et seq.	Amendments on determination of mental deficiency/need for guardianship	R.1978 d.332	10 N.J.R. 444(d)
10:44-13.1 et seq.	Rules on community residences for mentally retarded and developmentally disabled	R.1978 d.333	10 N.J.R. 445(a)
10:44A-1.1 et seq.	Standards for licensed community residences for developmentally disabled	R.1978 d.330	10 N.J.R. 444(b)
10:45-1.1 et seq.	Amendments on provision of guardianship services	R.1978 d.331	10 N.J.R. 444(c)
10:48-1.1	Administrative appeals procedure	R.1979 d.62	11 N.J.R. 133(a)
10:49-2.1 et seq.	Rules on general provisions	R.1978 d.280	10 N.J.R. 399(a)
5.1 et seq., 6.1 et seq.			
10:50-1.1, 1.2, 2.6, 2.9	Amendments on transportation services	R.1978 d.297	10 N.J.R. 443(b)
10:51-1.9(e), 5.33(c)	Amend pharmacy services	R.1979 d.35	11 N.J.R. 132(b)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 285(c)
10:52-1.2, 1.7	Amend sterilization	R.1979 d.63	11 N.J.R. 133(b)
10:54-1.20	Amend sterilization	R.1979 d.63	11 N.J.R. 133(b)
10:62-1.5, 2.2—2.4, 2.12	Vision Care Manual	R.1979 d.60	11 N.J.R. 132(c)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:66-1.16	Amend sterilization	R.1979 d.63	11 N.J.R. 133(c)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 286(a)
10:81-9.1	Amend glossary of terms and acronyms	R.1979 d.110	11 N.J.R. 196(e)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 286(b)
10:82-2.13	Amend per capita table of companion cases	R.1978 d.314	10 N.J.R. 444(a)
10:82-2.19	Amendments on overpayment and underpayments	R.1978 d.218	10 N.J.R. 345(c)
10:82-3.2(b)	Amend work training expenses in WIN	R.1978 d.438	11 N.J.R. 75(a)
10:82-3.10, 3.12	Amend schedules used in evaluation of LRR's capacity to support	R.1979 d.108	11 N.J.R. 196(c)
10:82-5.10(d)	Amendments on victims of domestic violence	R.1978 d.415	11 N.J.R. 17(c)
10:82-5.3(h)	Amend care of unwed mother in AFDC-N	R.1978 d.438	10 N.J.R. 75(a)
10:83-3.37, 3.40	Amend resources and repayments	R.1979 d.107	11 N.J.R. 196(b)
10:85-1.1, 1.3	Amendments on SSI recipients in immediate need of assistance	R.1978 d.420	11 N.J.R. 17(d)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 285(b)
10:85-1.3, 2.1, 5.2, 6.2	Amendments on municipal funds subject to State matching	R.1978 d.217	10 N.J.R. 345(b)
10:85-3.1(e)1.i	Amendments on unmarried child's eligibility for assistance	R.1978 d.303	10 N.J.R. 443(d)
10:85-3.2(g)	Amend mandatory registration with employment service	R.1978 d.169	10 N.J.R. 256(a)
10:85-9.3-9.5	Amend schedules used in evaluation of LRR's capacity to support	R.1979 d.109	11 N.J.R. 196(d)
10:87	Amend Food Stamp Manual	R.1979 d.29	11 N.J.R. 76(a)
10:87-6.5, 6.42, 6.43	Amendments on restoration of lost benefits to zero purchase households	R.1978 d.324	10 N.J.R. 443(e)
10:87-7.10, 7.12, 7.14, 7.19, 7.20, 7.22, 7.25, 7.26, 7.27, 7.28, 7.29	Amendments on fair hearing process, food stamp manual	R.1978 d.223	10 N.J.R. 346(a)
10:87-7.12(a)3	Amend continuation of benefit during hearing	R.1978 d.439	11 N.J.R. 75(b)
10:87 Appendix D	Amend Food Stamp Manual	R.1978 d.440	11 N.J.R. 75(c)
10:92	Repeal entire chapter	R.1979 d.106	11 N.J.R. 196(a)
10:94	1979 fiscal year plan for vocational rehabilitation	R.1978 d.300	10 N.J.R. 443(c)
10:94-3.13(1)	Amendments on fees for medical examinations	R.1978 d.212	10 N.J.R. 344(c)
10:94-4.35, 5.8	Amendments on living allowance deductions, Medicaid Only Manual	R.1978 d.296	10 N.J.R. 443(a)
10:100-1.23	SSI payment schedule	R.1978 d.261	10 N.J.R. 395(a)
10:109	Amendments on salary increases for CWA employees	R.1978 d.394	10 N.J.R. 553(a)
10:120-3.1 et seq.	Fair hearing guidelines	R.1978 d.347	10 N.J.R. 490(a)

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

## CORRECTIONS — TITLE 10A

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

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

## INSURANCE — TITLE 11

11:4-15.2(a)3	Amendments on alcoholism benefits in health insurance contracts	R.1978 d.419	11 N.J.R. 19(a)
11:5-1.27	Amendments on educational requirements for licensure	R.1978 d.271	10 N.J.R. 399(b)
11:5-1.27	Amend education requirements for licensure examination	R.1979 d.52	11 N.J.R. 142(b)
11:11-1.1	Title insurance agents' service fees	R.1978 d.291	10 N.J.R. 399(c)

(Rules in the Code for Title 11 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

## LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1978 d.282	10 N.J.R. 400(b)
12:15-1.4	Amended taxable wage base; unemployment compensation law	R.1978 d.281	10 N.J.R. 400(a)
12:15-1.5	Contribution rate of governmental entities and instrumentalities	R.1978 d.305	10 N.J.R. 445(b)
12:00 thru 12:73; 12:180	Delete rules on worker health and safety, seasonal workers and construction safety	R.1978 d.288	10 N.J.R. 400(d)
Temporary rule	Listing of prevailing wage rates for construction workers on public works projects	R.1978 d.377	10 N.J.R. 553(c)

(Rules in the Code for Title 12 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 9.)

## LAW AND PUBLIC SAFETY — TITLE 13

13:1C-1.1	Confidentiality of records regarding Casino Control Act	R.1978 d.408	11 N.J.R. 23(a)
13:2-23.31	Amend employment of police officers	R.1979 d.67	11 N.J.R. 146(a)
13:4-12.7, 12.9	Amend time, place and costs of hearing	R.1978 d.436	11 N.J.R. 77(b)
13:10-2.4	Amend filing of reports	R.1979 d.112	11 N.J.R. 203(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)
13:20-10.1	Repeal rules on steering and suspension systems	R.1978 d.381	10 N.J.R. 557(b)
13:20-31	Amend alcohol countermeasures	R.1979 d.4	11 N.J.R. 78(b)
13:25-8	Amend motorized bicycles	R.1979 d.3	11 N.J.R. 78(a)
13:26	Transportation of bulk commodities	R.1978 d.278	10 N.J.R. 404(c)
13:30-8.7	Examination of candidates for licenses to practice dentistry	R.1978 d.366	10 N.J.R. 510(d)
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)
13:35-3.1	Amendments on Federation licensing examination	R.1978 d.410	11 N.J.R. 23(b)
13:35-3.9	Termination of exemptions of physicians from licensure	R.1978 d.443	11 N.J.R. 77(c)
13:35-6.5	Amend pronouncement of death	R.1979 d.81	11 N.J.R. 202(a)
13:35-6.12	Amendments on release of patient records	R.1978 d.352	10 N.J.R. 510(a)
13:35-6.14	Standards for testing and diagnostic centers	R.1978 d.434	11 N.J.R. 76(b)
13:35-6.17	Prescribing, administering or dispensing amygdalin (laetrile)	R.1979 d.83	11 N.J.R. 202(b)
13:39-6.8	Record of pharmacist filling prescriptions	R.1979 d.68	11 N.J.R. 146(b)
13:42-1.3, 13:42-2, 3, 4, 5	Rules on personal conduct of licensees	R.1979 d.24	11 N.J.R. 78(d)
13:44-1.4, 2.4, 2.5	Repeal certain rules	R.1979 d.98	11 N.J.R. 202(d)
13:44-2.11	Veterinarian advertising and solicitation	R.1978 d.382	10 N.J.R. 558(a)
13:44-2.12	Records retention	R.1978 d.435	11 N.J.R. 77(a)
13:44-2.13	Temporary permit fee	R.1978 d.323	10 N.J.R. 447(a)
13:47A-25	Rules on corporation takeover bid disclosure law	R.1978 d.279	10 N.J.R. 405(a)
13:47B-1.20	Amend the National Bureau of Standards handbook H-44	R.1979 d.11	11 N.J.R. 78(c)
13:70-3.40	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:70-14.17	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)
13:70-15.1, 15.2, 19.34, 19.35, 19.38	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:70-29.53	Amendments on trifecta wagering in harness racing	R.1978 d.270	10 N.J.R. 404(a)
13:71-5.18	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:71-9.1	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:71-21.8, 21.9	Amendments on mandating deduction for drivers' fees	R.1978 d.354	10 N.J.R. 510(c)
13:71-23.2	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)

(Rules in the Code for Title 13 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 12.)

**PUBLIC UTILITIES—TITLE 14  
ENERGY—TITLE 14A**

14:17-18.1	Amended definition of classical system	R.1978 d.349	10 N.J.R. 514(a)
14:18-11.7(a), 11.10	Amendments on municipal hearings and procedures for cable television	R.1978 d.262	10 N.J.R. 405(b)
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14A:3-1	Rules on energy conservation	R.1978 d.273	10 N.J.R. 405(c)
14A:3-1.4	Variances and exemptions	R.1979 d.28	11 N.J.R. 91(b)
14A:3-2	Amendments on energy conservation	R.1978 d.315	10 N.J.R. 447(b)
14A:4-1	Technical sufficiency for solar heating and cooling systems	R.1978 d.400	10 N.J.R. 563(a)
14A:5-1	Sales tax exemption standards for solar energy systems	R.1978 d.401	10 N.J.R. 563(b)
14A:9	Coastal Energy Impact Program Intrastate allocation process	R.1979 d.80	11 N.J.R. 203(b)

(Rules in the Code for Title 14 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 10.)  
(Rules in the Code for Title 14A include all adoptions prior to July 24, 1978—Transmittal Sheet No. 2.)

**STATE — TITLE 15**

15:10-4.2	Completion requirements for civilian absentee ballot applications; authorized messengers	R.1979 d.105	11 N.J.R. 203(c)
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(Rules in the Code for Title 15 include all adoptions to date—Transmittal Sheet No. 10.)

**PUBLIC ADVOCATE — TITLE 15A**

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

**TRANSPORTATION — TITLE 16**

16:1-2	Amend issuance and sale of DOT public records	R.1978 d.433	11 N.J.R. 93(a)
16:25-12.1(a)2.	Amend utility relocations and adjustments; reimbursement	R.1979 d.43	11 N.J.R. 148(e)
16:26-1.1(c), 3.4(d), 3.8(b)	Amend traffic signal information and reimbursement highway lighting	R.1979 d.15	11 N.J.R. 94(c)
16:28-1.2(b)	Amendments on speed zones on parts of Route I-80	R.1979 d.53	11 N.J.R. 149(a)
16:28-1.7	Amend speed limits	R.1979 d.36	11 N.J.R. 148(a)
16:28-1.69, 1.71, 1.87	Amend speed limits on parts of Routes 130, I-295, 30 and U.S. 206	R.1979 d.100	11 N.J.R. 207(a)
16:28-1.177	Speed limits on parts of Route U.S. 46	R.1978 d.386	10 N.J.R. 565(d)
16:28-1.180	Speed limits on parts of Route 180	R.1979 d.8	11 N.J.R. 94(b)
16:28-1.181	Amend speed limits	R.1979 d.36	11 N.J.R. 148(a)
16:28-1.182	Speed limits on parts of Route 53	R.1979 d.37	11 N.J.R. 148(b)
16:28-3.59, 3.97,	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.103	Restricted parking on Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.108, 3.109	Restricted parking on parts of Routes 28 and 27	R.1979 d.38	11 N.J.R. 148(c)
16:28-3.128	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.179 and 3.180	Restricted parking on parts of Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.181	Restricted parking on parts of Route 94	R.1978 d.388	10 N.J.R. 566(b)
16:28-3.182, 3.183	Restricted parking on parts of Routes 33 and 79	R.1978 d.413	11 N.J.R. 40(a)
16:28-3.184	Route U.S. 206 in Hamilton Township, Mercer County	R.1978 d.380	10 N.J.R. 565(a)
16:28-3.185, 3.186	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-6.17, 6.18	No left turns on parts of Routes 71 and 23	R.1979 d.7	11 N.J.R. 94(a)
16:28-6.19	No left turns on parts of Route 35	R.1979 d.39	11 N.J.R. 148(d)
16:28-12.77	No right turns on red signals on parts of Route 57	R.1978 d.384	10 N.J.R. 565(b)
16:28-15.9, 15.11 to 13	Amendments on no passing zones on parts of Routes U.S. 206, N.J. 94, 23 and 31	R.1978 d.389	10 N.J.R. 566(c)
16:28-15.14 through 15.23	No passing zones on parts of various state highways	R.1978 d.414	11 N.J.R. 40(b)
16:28-16.2 and 16.3	Traffic control and parking on NJDOT property	R.1978 d.385	10 N.J.R. 565(c)
16:51-1.3	Amend exclusions; reduced fare transportation program	R.1979 d.57	11 N.J.R. 149(b)

(Rules in the Code for Title 16 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 12.)

## TREASURY-GENERAL — TITLE 17

17:1-7.3, 8.3	Delete rules on administrative fees	R.1978 d.421	11 N.J.R. 52(a)
17:3-1.4(w)	Amend travel expense under election of a member-trustee	R.1978 d.444	11 N.J.R. 105(c)
17:7-1.4	Amendments on election of a prison officer to Pension Commission	R.1978 d.372	10 N.J.R. 520(a)
17:9-4.3(a)4.	Amend State Health Benefits Program	R.1978 d.441	11 N.J.R. 105(a)
17:9-2.3, 5.3, 5.8, 6.1, 7.4	Amend State Health Benefits Program	R.1978 d.442	11 N.J.R. 105(b)
17:10-1.9, 3.1	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:10-5.12, 5.14	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:16-5.5	Amendments on classification of funds	R.1978 d.376	10 N.J.R. 520(c)
17:16-5.5	Amend rules of classification of funds concerning temporary reserve group	R.1979 d.19	11 N.J.R. 105(e)
17:16-5.5	Amend temporary reserve group; classification of funds	R.1979 d.94	11 N.J.R. 211(d)
17:16-5.5	Amend classification of funds	R.1979 d.19	11 N.J.R. 105(e)
17:16-31.1	Amend definitions: state cash management fund	R.1979 d.96	11 N.J.R. 212(b)
17:16-32.6, 32.7	Amend Common Pension Fund A Rules: date and method of valuation	R.1979 d.20	11 N.J.R. 106(a)
17:16-32.9	Amend admission date; common Pension Fund A	R.1979 d.97	11 N.J.R. 212(c)
17:16-35.6	Amend Common Trust Fund regarding date of valuation	R.1979 d.21	11 N.J.R. 106(b)
17:16-37.1	Amend repurchase agreements; permissible investments	R.1979 d.95	11 N.J.R. 212(a)
17:16-38.6	Amend date of valuation	R.1979 d.22	11 N.J.R. 107(a)
17:18-1.9	Amend form of petition of appeal	R.1978 d.407	11 N.J.R. 51(c)
17:19A	Amend barrier free design, public building	R.1979 d.33	11 N.J.R. 107(b)
17:20-7.3 to 7.7	Rules on suspension and revocation of lottery agent's licenses	R.1978 d.383	10 N.J.R. 566(d)
17:21-13.1	Amend Pick-It Lottery rules	R.1978 d.348	10 N.J.R. 519(a)
17:21-14	Holiday Sweepstakes Lottery	R.1978 d.417	11 N.J.R. 40(c)

(Rules in the Code for Title 17 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 11.)

## TREASURY-TAXATION — TITLE 18

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)
18:9-2.2, 2.3, 2.4, 3.5	Amendments on Personal Property Tax	R.1978 d.321	10 N.J.R. 457(c)
18:12	Amend local property tax	R.1979 d.91	11 N.J.R. 211(a)
18:12-6	Amendments on tax abatement on added assessments	R.1978 d.287	10 N.J.R. 407(c)
18:12-7	Amendments on the homestead tax rebate	R.1978 d.411	11 N.J.R. 51(d)
18:12-7.12(b)	Extend filing date for homestead rebate tax claim	R.1978 d.406	11 N.J.R. 51(b)
18:12A-1.6	Amendments on petitions of appeal	R.1978 d.325	10 N.J.R. 457(d)
18:12A-1.6(e), 1.9(h)	Amend county boards of taxation	R.1979 d.14	11 N.J.R. 105(d)
18:15	Amend farmland assessment	R.1979 d.87	11 N.J.R. 210(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)
18:22	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)
18:24-22.2, 22.3	Amendments on floor covering and Sales and Use Tax	R.1978 d.320	10 N.J.R. 457(b)
18:24-26	Sales and use tax exemption; solar energy devices and systems	R.1978 d.285	10 N.J.R. 407(a)
18:26	Amend transfer inheritance tax	R.1979 d.50	11 N.J.R. 151(e)
18:26-11.8, 11.23	Amendments on transfer inheritance tax	R.1978 d.286	10 N.J.R. 407(b)
18:30	Amend capital gains and other unearned income tax	R.1979 d.51	11 N.J.R. 151(f)
18:35-1.9	Federal securities; taxable status; Gross Income Tax Act	R.1978 d.284	10 N.J.R. 406(f)
18:35-1.10	Withholding; Gross Income Tax	R.1978 d.319	10 N.J.R. 457(a)
18:35-1.11	Time for filing information returns	R.1979 d.56	11 N.J.R. 152(a)

(Rules in the Code for Title 18 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

(Continued from Page 184)

3. Eligibility for medical payments shall not be influenced by grant reductions made on account of previous overpayments.

10:85-5.2(g)2. Amount of payment: Payment for hospital services by the municipal department of welfare shall not exceed the current Blue Cross all-inclusive per diem hospital rate; the Medicaid rate; or a rate, not to exceed the actual charges, negotiated between the hospital and the municipal department of welfare, whichever is less. The MWD may contact the DPW/EMA by phone or letter for the appropriate rates. Payment rates based on Blue Cross or Medicaid rates are based on those rates in effect at the time of the hospitalization, later retroactive changes in Blue Cross or Medicaid rates notwithstanding.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 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 to Food Stamp Manual and Fair Hearings

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend portions of the Food Stamp Manual concerning the fair hearing process and the respective responsibilities of the Office of Administrative Law and the Division of Public Welfare for the conduct of such hearings.

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

10:87-8.2 CWA Responsibility Prior to Hearing Request  
Any household to which the CWA sends a notice of adverse action shall be informed of its right to a fair hearing by means of Form [PA] FSP-196, entitled "Information About Food Stamp Complaints and Fair Hearings". This form shall also be available to any interested party.

10:87-8.6(a)4. Responsibilities of the State Agency/ies—To the maximum extent possible, a hearing shall be scheduled no later than seven working days after receipt of notifications by the CWA of the household's request and held no later than 21 days after the date of the household's request.

5. [Office of Administrative Law—Hearings will be scheduled by the Office of Administrative Law (OAL). State level fair hearings will be conducted by an administrative law judge assigned by the Director of the Office of Administrative Law.] Contested Cases—The Office of Administrative Law (OAL) has the responsibility for conduct of fair hearings involving contested issues. The term "contested" applies to those situations involving disputes of facts where the issues are not solely ones of correct application of State or federal regulations but a factual dispute and/or a question of correct determination of eligibility or benefit entitlement.

i. Determination—The DPW will determine if a fair hearing request involves contested issues.

ii. Hearing Official—Hearings on contested issues will be conducted by an administrative law judge assigned by the Director of the OAL.

6. Uncontested Cases—The DPW has the responsibility for the conduct of those fair hearings which are determined not to involve contested issues.

[6.] 7. [Shared] Administrative Responsibilities—The Division of Public Welfare (DPW) and OAL will share responsibilities as follows:

i. Register Requests: The DPW shall register each request for a fair hearing on the date which the request is received and forward all requests involving contested issues to OAL within one work day of date received. The OAL shall refer all requests for hearings made directly to [OAL] that office to the DPW for registering.

ii. Transmit Requests: When received by the DPW, requests shall be transmitted by telephone to the CWA.

iii. Notify Household Regarding Continuation of Benefits: Together with notice of the hearing date, the household will be promptly notified [by OAL] whether or not

### OTHER AGENCIES — TITLE 19

19:4-6.28	Amendments to official zoning map	R.1978 d.359	10 N.J.R. 522(e)
19:8-1.1, 2.9(b)	Amendments on loitering on the Parkway	R.1978 d.257	10 N.J.R. 408(b)
19:8-1.9(b)12.	Amendments on towing passenger vehicles by campers	R.1978 d.378	10 N.J.R. 568(b)
19:8-3.1	Amendments on tolls and exact change toll lanes	R.1978 d.379	10 N.J.R. 569(a)
19:9-1.9(a)24	Amendments concerning double-saddlemount vehicles	R.1978 d.412	11 N.J.R. 53(b)
19:9-4.2(b)	Amendments to fees for photographs of accident sites on Turnpike	R.1978 d.258	10 N.J.R. 408(c)
19:41-4.3	Amendments on application procedures (durational residency provisions with regard to employers)	R.1978 d.363	10 N.J.R. 522(c)
19:44-1.1, 4.1, 5.1	Amendments on gaming schools	R.1978 d.364	10 N.J.R. 522(d)
19:46-1.27	Amend aisle space	R.1979 d.82	11 N.J.R. 214(a)
19:47-1.2, 1.4, 1.5	Amendments to rules of game for craps	R.1978 d.346	10 N.J.R. 522(a)
19:47-2.3, 2.5	Amend rules of game relating to blackjack	R.1979 d.2	11 N.J.R. 108(c)
19:48	Rules on exclusion of persons from casinos	R.1978 d.362	10 N.J.R. 522(b)

(Rules in the Code for Title 19 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

the household is to continue to receive benefits at an unreduced level pending the outcome of the fair hearing. [A copy of this communication will be sent to the DPW and to the CWA.]

Paragraphs 7 and 8 are renumbered 8 and 9.

10:87-8.13(a)7. Household Request for Postponement: The household may request and is entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed 30 days.

i. Extension of Limit on Final Action — The time limit on implementation of the hearing decision (see section [18]25 of this subchapter) shall be extended for as many days as the postponement.

10:87-8.14 Hearing Official

The hearing offic[er]ial shall be an administrative law judge assigned by the Office of Administrative Law or an employee of the DPW designated by the Director. The hearing official shall not be a person who has been connected in any way with the county welfare agency action or inaction which is currently under appeal.

10:87-8.18 [The Fair Hearing] Report and Decision on Contested Cases

The recommended hearing decision shall be based on content of the report on the hearing, taking into consideration all documents and records presented during the hearing. [The decision shall be binding upon the CWA.]

10:87-8.19(c) Filing of Recommended Decision: The findings of fact and conclusions of law and recommended decision by the administrative law judge shall be filed with the State Division of Public Welfare[,] and [on the same date] subsequently mailed to the household, [and] its representative and the county welfare agency. The [report] recommended decision shall be part of the record in the case.

(d) Exceptions to the [Report] recommended decision: If the parties in interest wish to take exception to the [hearing report] recommended decision, such exception must be submitted in written form to the [administrative law judge] Director of the DPW with copies to the [Division of Public Welfare and to all concerned parties and] CWA and the OAL. [t]To be considered, such written exception must be received in the [Office of Administrative Law] DPW no later than 7 working days after the mailing date of the [hearing officer's report] recommended decision.

(e) Final Decision: Following the expiration of the 7 day comment period, [T]he Director of the Division of Public Welfare, upon review of the record submitted by the administrative law judge, shall adopt, reject or modify the report and recommended decision. Unless the Director modifies or rejects the report within [7] 30 days after the due date of written exception, the decision of the administrative law judge shall be deemed adopted as the final decision. A decision different from that recommended by the administrative law judge shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The household and the county welfare agency shall be notified by mail of any decision or order. The decision shall be final and binding upon all parties concerned.

10:87-8.19A Report and Decision on Uncontested Cases

(a) The hearing decision in uncontested cases shall be

rendered by the hearing official and shall be binding upon the CWA.

1. The Hearing Official's Report and Decision—The hearing official shall prepare a report summarizing who appeared, and what transpired at the hearing. The report shall include the point(s) at issue, findings of fact, supporting regulations, and his/her conclusions of law, based exclusively on the evidence and on matters officially noticed.

2. Basis Upon Which the Decision is Made—The decision shall be based exclusively on the facts which have been elicited through an examination of the issues involved in the appeal, as recorded in the fair hearing record. No decision shall contradict State or federal law, regulation or policy.

10:87-8.20 Decision on Fair Hearing

[(a) A decision based on the evidence at the hearing will be rendered in writing with reasonable promptness and may incorporate by reference any or all the recommendations of the administrative law judge. The decision shall be final and binding upon all parties concerned.]

Subsection (b) is renumbered (a).

10:87-8.27 Right to Review by Director

Both the household and the CWA may request a review of an uncontested fair hearing decision (see Item 860) by the Director of the DPW who may amend any decision that is contrary to official regulations governing the Food Stamp Program. However, any corrective action required by the hearing official's decision may not be delayed pending outcome of a review by the Director.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 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 Deductions From an Institutionalized Individual's Income For the Maintenance of Dependents

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87, proposes to amend a portion of the Medicaid Only Manual concerning the updating of the dollar amounts that may be deducted from an institutionalized individual's income for the maintenance of his/her dependents.

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

10:94-5.8(a)2.ii.(2) For dependent children and spouse, if any, who resided with the institutionalized individual immediately prior to placement, a monthly amount shall be deducted, not to exceed the maximums in the schedule below:

Number of Dependents	Maximum Deduction
1	[\$118] \$124
2	[235] 247
3	[310] 326
4	[356] 374
5	[406] 426
6	[459] 482
7 and over	[506] 531

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 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 YOUTH AND FAMILY SERVICES**

**Proposed Amendments to Child Care Licensing Rules**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 18A:70-1 et seq. and 30:1-25, proposes to amend N.J.A.C. 10:122-2.3(e) and (f) and 10:122-2.7 by deleting the current text of those rules and adopt new rules therein concerning child care licensing regulations.

Full text of the proposed new rules follows:

10:122-2.3(e) Any child care center in existence and operation as such before or on January 1, 1977 (the date the State Uniform Construction Code, hereinafter referred to as the SUCC, went into effect), shall submit to the Department, upon the first application for renewal of its Certificate of Approval (license) after January 1, 1977, a copy of the building's certificate of continued occupancy issued by the municipality in which it is located, stating the center is approved to operate as a child care center, in accordance with local government code requirements in effect prior to implementation of the SUCC on January 1, 1977. In addition, the center must also submit a copy of the municipal health inspection approval for the building, based on an inspection conducted within the preceding six (6) months. The local health official shall certify that the center meets all local health codes and the State Sanitary Code and poses no health hazard to the children served. In lieu of the certificate of continued occupancy, a copy of municipal fire and building inspection approvals (based upon inspections conducted within the preceding six (6) months) shall be submitted.

1. Upon every subsequent application for renewal of licensure, any center that had previously submitted the building's certificate of continued occupancy to the Department shall be required to submit to the Department only a copy of the current local health inspection approval as specified in this section. However, if the

municipality in which the center is located has enacted an ordinance governing the maintenance of buildings, including child care centers, the center shall also submit to the Department a statement from the municipal enforcing agency certifying that the center is in compliance with such ordinance.

Ed. Note: Paragraphs 2 and 3 remain unchanged.

(f) Any child care center that seeks to begin operation as such after January 1, 1977, shall submit to the Department, upon application for its Certificate of Approval (license), a copy of the building's certificate of occupancy issued by the municipal enforcing agency in the municipality in which it is located, stating that the center is approved to operate as a child care center, in accordance with provisions of the SUCC. In addition, such center shall submit to the Department a copy of the municipal health inspection approval for the building as specified in section e. above.

1. Upon application for renewal and for every subsequent application for renewal of licensure, the center shall be required to submit to the Department only a copy of the current local health inspection approval, as specified in section e. above. However, if the municipality in which the center is located has enacted an ordinance governing the maintenance of buildings, including child care centers, the center shall also submit to the Department a statement from the municipal enforcing agency certifying that the center is in compliance with such ordinance.

10:122-2.7 Transportation requirements; general

(a) Any child care center providing or arranging for the provision of transportation for children to or from their homes and a center and/or in connection with any activity conducted by or through the auspices of a center shall meet the transportation requirements of this Section, as listed below.

1. If transportation is provided by or through the auspices of a person other than the sponsor and which person has no contractual or other agreement with the sponsor to do so, that person shall be responsible for complying with the transportation requirements of this Section, subject to the penalties for non-compliance prescribed by State Motor Vehicle law(s) or regulations and/or by a Court of competent jurisdiction. In cases where transportation is provided under such arrangements, the center sponsor shall provide to the Bureau of Licensing the name(s) and address(e) of the transportation providers.

(b) Driver requirements include:

1. The driver of a vehicle used for the purposes noted in (a) above shall comply with the school bus driver's license requirements of the State motor vehicle law(s) and/or regulations.

2. The driver shall not transport more persons, including children and adults, than the capacity of the vehicle.

(c) The following vehicle requirements shall apply to any center where transportation services are provided for the children in vehicles with a capacity of more than six (6) persons, whether provided directly or indirectly by or through the auspices of a center or its sponsor or otherwise with knowledge and/or concurrence of a center or its sponsor. Vehicles with a capacity of six (6) or fewer persons shall not be governed by the vehicle requirements noted below.

(d) Vehicle definitions are:

1. "Type I vehicles" mean vehicles with a capacity of 17 or more persons.

2. "Type II vehicles" mean vehicles with a capacity of more than six (6) but fewer than 17 persons, except as noted below:

Station wagons and any other small vehicles with a capacity of nine (9) persons and whose seats are not all facing forward, or which require the folding of any seat ahead in order to exit, shall be utilized to transport no more than six (6) persons, including children and adults, at one time. As a result, such vehicles shall be considered as having a capacity of six (6) or fewer persons for purposes of these regulations and, thus, shall not be governed by the vehicle requirements noted below.

(e) Vehicle specifications include:

1. Inspection requirements: Any vehicle used for the purposes noted in (a) above and having a capacity of more than six (6) persons shall be registered with the Office of the County Superintendent of Schools and shall be inspected semi-annually by the New Jersey Division of Motor Vehicles. In addition, the center shall conduct a daily check of the vehicle, which shall include all safety equipment, in order to insure that the vehicle is in sound operating condition.

2. Compliance requirements:

i. Vehicles manufactured after April 1, 1977:

(1) Type I vehicles: All Type I vehicles shall comply with the specifications for Type I vehicles prescribed by the New Jersey Department of Education and with the requirements of the federal Motor Vehicle and School Bus Safety Amendments of 1974.

(2) Type II vehicles: All Type II vehicles shall comply with the specifications for Type II vehicles prescribed below in these regulations. Type II vehicles with a capacity of more than 10 persons also shall comply with the requirements of the federal Motor Vehicle and School Bus Safety Amendments of 1974.

ii. Vehicles manufactured before April 1, 1977:

(1) Type I vehicles: All Type I vehicles shall comply with the specifications for Type I vehicles prescribed by the New Jersey Department of Education and in existence at the time the vehicle was manufactured.

(2) Type II vehicles: All Type II vehicles shall comply with the specifications for Type II vehicles contained in the Standards for Approval of Child Care Centers in force at the time the vehicle was manufactured.

iii. Type II vehicles used for purposes noted in (a) above may be utilized so long as they remain in safe, sanitary and proper operating condition. The Department of Human Services shall determine, on the basis of individual vehicle inspections and the advice of the New Jersey Division of Motor Vehicles, whether and when such vehicles shall be retired, with the decision being based on the condition of the vehicle.

iv. Requirements for Type II vehicles manufactured after April 1, 1977:

All vehicles with a capacity of more than six but fewer than 17 persons shall comply with the following requirements:

(1) The minimum seat width allowance shall be 12 inches per child.

(2) Seats and back rests shall be securely fastened. No "jump-type" or folding seat shall be approved. Exit from any seat in the vehicle must be clear of all obstruction. Seating that requires the folding of any seat ahead in order to exit may not be utilized for the children. Seats shall face forward and shall be upholstered with spring or foam rubber. Any metal bars that appear in the vehicle shall be padded to prevent child impact.

(3) There shall be an operable heater capable of maintaining a temperature of 50° fahrenheit.

(4) There shall be emergency equipment, including a spare tire, jack and at least three triangular portable red reflector warning devices.

(5) There shall be a fire extinguisher, fully charged, with minimum underwriters' rating of B-2, C-2 (or ½

B.C.), located at the front and to the right of the driver and placed so that it does not constitute an obstruction or hazard to the persons in the vehicle.

(6) There shall be a clearly marked first-aid kit containing the following items as a minimum:

(A) 6—single units sterile pads 3x3 inches

(B) 2—1 inch x 10 yds. bandages

(C) 12—triangular bandage

(D) 1—1 inch x 2½ yds. adhesive

(E) 2—paper cups

(F) 1—scissors

(G) 1—First Aid guide booklet

(7) There shall be safety locking devices on doors.

(8) The following instructions shall appear on the front and rear of the vehicles, in letters at least three inches high and two inches wide and in a color that contrasts with the color of the vehicle: "CAUTION: YOUNG CHILDREN".

(9) Two forward facing mirrors on opposite sides of the front portion of the vehicle shall be provided so that the driver can observe children passing in front of the vehicle.

(10) Snow tires or chains shall be used as required by the State Division of Motor Vehicles.

(11) All stanchions and guardrails in van-type vehicles and buses shall be padded to minimize injury producing impact forces.

(f) Safety practices include:

1. Children shall never be left unattended in a vehicle.

2. Children shall be loaded and unloaded from the curbside of the vehicle.

3. The interior of each vehicle shall be maintained in a clean, safe condition, with clear passage to operable doors.

4. All persons on the vehicle shall be secured in seats with safety belts anchored to the floor in all vehicles required by law to be equipped with safety belts and in all other vehicles so equipped with safety belts.

5. When transporting more than six (6) children, there shall be one (1) adult in addition to the driver in the vehicle at all times.

6. The driver or second adult shall insure that each child is received by a responsible person.

7. There shall be no standees on any vehicle transporting children.

(g) Transportation records rules are:

1. Each center shall keep in a file a list of children transported, the name of each driver, a photostatic copy of his/her current bus driver's license and the year, make and model of each vehicle used.

2. These records shall be available upon request to any authorized representative of the Department.

(h) Each center or person providing transportation services shall maintain liability insurance for bodily injury or death in minimum amounts of \$300,000 per person and \$500,000 per accident. In the event that the transportation services are provided by a private individual or firm under contract or other arrangement with the center or parents, the center must maintain a file copy of that individual's or firm's insurance coverage in the amounts specified above and make a copy of such coverage available to the Department upon request.

(i) The following additional regulations shall be required for centers serving specially handicapped, non-ambulatory children:

1. A ramp device to permit entry and exit of a child from the vehicle. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.

2. Wheel chairs shall be securely fastened to the floor.

3. The arrangement of the wheelchairs shall not impede access to the exit door.

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

Richard Crane  
Bureau of Licensing  
Division of Youth and Family Services  
1 South Montgomery St.  
Trenton, N.J. 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

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Repeal of Manual of Administration For Assistance to Families of the Working Poor

On March 14, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-1, 44:10-1 and in accordance with applicable provisions of the Administrative Procedure Act, repealed the entire text of Chapter 92 in Title 10 of the New Jersey Administrative Code concerning the Manual of Administration for Assistance to Families of the Working Poor. This program was eliminated in July 1, 1977, when Senate Bill 1612 became effective.

An order repealing these rules was filed on March 15, 1979 as R.1979 d.106 (Exempt, Mandatory Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Resources And Repayments

On March 14, 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. 10:81-3.37 through 10:81-3.40 concerning resources and repayments substantially as proposed in the Notice published October 5, 1978, at 10 N.J.R. 432(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 March 15, 1979 as R.1979 d.107.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Updating Schedules Used in the Evaluation of LRR's Capacity to Support

On March 14, 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. 10:82-3.10 through 10:82-3.12 concerning the updating schedules used in the evaluation of LRR's capacity to support as proposed in the Notice published December 7, 1978 at 10 N.J.R. 538(a).

An order adopting these amendments was filed and became effective on March 15, 1979 as R.1979 d.108.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Updating Schedules Used in the Evaluation of LRR's Capacity to Support

On March 14, 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. 10:85-9.3 through 10:85-9.5 concerning the updating of schedules used in the evaluation of an LRR's capacity to support as proposed in the Notice published December 7, 1978 at 10 N.J.R. 538(b).

An order adopting these amendments was filed and became effective on March 15, 1979 as R.1979 d.109.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Glossary Of Terms and Acronyms

On March 14, 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. 10:81-9.1 concerning the glossary of terms and acronyms substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 486(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 15, 1979 as R.1979 d.110.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## INSURANCE

### THE COMMISSIONER

#### Notice of Exportables List

Take notice that James J. Sheeran, Commissioner of Insurance, pursuant to authority delegated to him at N.J. S.A. 17:22-6.43 after notice and a hearing on December 4, 1978, finds no reasonable or adequate market among authorized insurers for the following 39 classes of insurance coverage or risk and rules them eligible for export effective April 1, 1979.

1. Amusement Devices for Adults and Kiddies
2. Amusement Parks and Carnivals Liability
3. Animal Mortality, Horses Only
4. Armored Cars
5. Automobile—race tracks liability
6. Auto Races
7. Aviation, Crop dusters
8. Bowling Alleys
9. Burglary and Robbery, check cashing, money exchange, and installment sales houses only
10. Business Interruption—Valued per diem form only
11. Cleaners' and dyers' bailee coverage in municipalities over 100,000 population
12. Differences in Condition (parasol)
13. Excess loss and Excess aggregate for Self-Insurers' Public Liability and Workmen's Compensation
14. False arrest and other personal injury liability classes
15. Fine Arts Dealers
16. Fire and Allied Lines on Buildings occupied as Auction Markets, Farmers Markets and Contents of such buildings
17. Fireworks Display
18. Golf Driving Range
19. Hole-In-One
20. House Movers and Building Demolition
21. International Movers Insurance Plan
22. Kidnapping insurance, foreign exposure only
23. Liquor Law Liability
24. Manufacturers and Contractors Liability for Floor Waxers, Building Maintenance People, Window Washers and Exterminators
25. Personal Articles Floaters only
26. Picnics/Excursions
27. Pony Rides/Riding Academies
28. Products Liability Only
29. Professional Liability (Malpractice) policies for Chiropractors, Clinical laboratories, Psychologists, Veterinarians, Massage and Reducing Salons
30. Rain Insurance
31. Retrospective Penalty Indemnity
32. Short-term (not over 30 days) Drive-away Auto Insurance with \$15,000/\$30,000 Bodily Injury and \$15,000 Property Damage Limits on Vehicles owned and operated by Military Personnel except for vehicles registered in New Jersey
33. Short term Entertainment Events, Rock Festivals, Short Term Association meetings and conventions
34. Skating—Rinks, Roller and Ice; Skateboard Parks
35. Sporting Events (Casual)
36. Swim Clubs/Swim Pools
37. Warehouseman's Legal Liability
38. Truck physical damage coverages for non-fleet (one to five) trucks over 7,800 pounds

#### 39. Vacant Buildings—Fire, extended coverage and vandalism

This Notice is published as a matter of public information.  
Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## LABOR AND INDUSTRY

### THE COMMISSIONER

#### DIVISION OF WORKPLACE STANDARDS

##### Proposed Amendments Concerning Rules on Carnival-Amusement Rides

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 5:3-36, proposes to amend a portion of the rules concerning carnival-amusement rides.

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

12:195-1.3(b) This chapter shall not apply to:

1. [a] Any single-passenger manually, mechanically or electrically operated, coin-operated ride, which is customarily placed, singly or in groups, in a public location and which does not normally require the supervision or services of an operator[.]; and

2. Locomotives weighing more than seven tons, operating on track the length of which is  $\frac{1}{2}$  mile or greater, the gauge of which is three feet or greater, and the weight of which is at least 60 pounds per yard.

12:195-1.8(f) The commissioner in accordance with subsection (e) of this section, shall maintain a list containing approved height restrictions for major rides.

12:195-1.8(g) The commissioner shall classify all amusement rides as "major ride" or "kiddie ride".

12:195-1.8(h) The owner of a major ride shall not permit a passenger under 60 inches in height on the ride except when:

1. The approved height restriction specifically listed for the ride is less than 60 inches and the passenger meets it; or

2. The passenger, being a child not meeting the approved height restriction, is accompanied, elbow to elbow or front to back, on the ride by a guardian; or

3. The passenger, other than a child, not meeting the approved height restriction is accompanied, elbow to elbow or front to back, on the ride by a guardian.

12:195-1.10 Filing of notice of intent to operate

The owner of a new amusement ride or the owner of an amusement ride who makes any additions or alterations [to the structure, mechanism, classification or its capacity or changes the physical spacing between rides] that affect the safety of the ride shall file with the Division a notice of his intentions.

12:195-1.12 Reporting

(a) All accidents [and] resulting in injuries or fatalities incurred during the operation of any amusement ride shall be [immediately] reported to the Division by the owner

within 48 hours of occurrence on a form provided by the Division.

(b) Any major breakdown or malfunction of a ride shall be reported to the Division by [phone] telephone or in writing.

(c) All accidents resulting in serious injury or death shall be reported to the Division immediately by telephone or other means.

12:195-1.13 Serious injury or death to a member of the public

[No ride that directly or indirectly resulted in a serious injury or death to a member of the public shall be permitted to resume operation until the ride has passed a full mechanical and safety inspection made by the Division.] (a) When any accident occurs at an amusement ride which results directly or indirectly in a serious injury or death to a member of the public, the amusement ride shall be:

1. Shut down;
2. Not operated or test run until the Division arrives at the scene of the accident to conduct an investigation; and
3. Secured to prevent operation with passengers until the Division has conducted a full investigation and permits operation with passengers.

12:195-2.1 Definitions

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

"Act" means the Carnival-Amusement Rides Safety Act, [P.L. 1975, c. 105.] N.J.S.A. 5:3-31 et seq.

["Adult ride" means a ride designed for use by adults and children over 12 years of age.]

"Amusement ride" means any mechanical device or devices which carry or convey passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement[.], and does not include locomotives weighing more than 7 tons, operating on track the length of which is ½ mile or greater, the gauge of which is 3 feet or greater, and the weight of which is at least 60 pounds per yard.

"Child" means a person 12 years of age and under.

"Guardian" means a person 16 years of age and over.

"Guardian restriction" means a condition placed on a major ride where [children 12 years of age and under] a passenger must be accompanied on the ride by [an] a [adult,] guardian[.], [or chaperone.]

"Height restriction" means a [condition placed on a ride where the rider must meet a height, determined by the ride operator, that is approved.] stature requirement for passengers to be permitted on a specific major ride which is contained on the list of height restrictions maintained by the commissioner in accordance with subsection 1.8(f) of this chapter.

"Major ride" means an amusement ride that is not classified as a kiddie ride.

12:195-3.1(f) The path of travel of an amusement ride shall have a clearance adequate to insure that a passenger on the ride cannot be injured by contacting any structural member or other fixed object when the passenger is in the riding position.

12:195-4.6(b) Elevating and conveying equipment: The equipment and operation of all devices and mechanisms for transporting passengers shall comply with Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A17.1-1971.] 1978.

12:195-5.10(c) The owner shall [have the right to] refuse a passenger seeking admission to [an adult] a major ride if the passenger cannot meet a guardian or height restriction if the ride is subject to such a restriction. Legible signs to this effect shall be posted in full view of the public seeking admission to [adult] major rides.

12:195-5.11(a) Where [an adult] a major ride exposes a passenger to high speed, substantial centrifugal force or a high degree of excitement, the owner shall post a conspicuous warning sign at the entrance to the ride advising the public of the risk to passengers.

Interested persons may submit data, views or arguments in writing relevant to the proposal on or before April 25, 1979, to:

William J. Clark  
Assistant Commissioner  
Labor Relations and Workplace Standards  
Department of Labor and Industry  
Box 2191  
Trenton, New Jersey 08625

The Department of Labor and Industry may thereafter adopt rules concerning this subject without further notice.

John J. Horn  
Commissioner  
Department of Labor and Industry

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Amendments Concerning Convulsive Seizures

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30 proposes to amend N.J.A.C. 13:19-5.1 et seq. concerning convulsive seizures.

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

13:19-5.1 Satisfaction of physical qualifications

Any person 16 years of age or older who suffers or who has suffered from [epilepsy, convulsive disorders, convulsive seizures or blackouts] recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, shall as a prerequisite to the issuance of a learner's permit or driver's license [or a], renewal of a driver's license or retention of a driver's license establish to the satisfaction of the Director that he has been [seizure free] free from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination for a period of two years with or without medication and that he is physically qualified to operate a motor vehicle.

13:19-5.2 Physically unqualified pending hearing

When it shall appear to the Director that a licensed driver or an applicant for a learner's permit or driver's license suffers or has suffered from [epilepsy, convulsive disorders, convulsive seizures or blackouts] recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination, the Director may, upon appropriate notice and

opportunity for hearing, suspend the driving privileges of, or refuse to issue a learner's permit or a driver's license to such person as physically unqualified to operate a motor vehicle with safety; provided, however, the Director may, in the exercise of his discretion, suspend such driver's license or refuse to issue such learner's permit or driver's license pending hearing, if it shall appear to the Director to be in the interest of public safety that immediate action be taken.

#### 13:19-5.3 History of seizures and physician's report

[(a)] When it shall appear to the Director, upon information received or an investigation conducted, that a licensed driver or applicant for a learner's permit or driver's license suffers or has suffered from [epilepsy, convulsive disorders, convulsive seizures, or blackouts] **recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination**, he may require from such person on forms approved by the Director:

1. A statement by the applicant or licensee of his case history;
2. A statement by the treating physician, including diagnosis, treatment and prognosis;
3. Any other information which the Director may deem necessary to evaluate the motorist's qualification to operate a motor vehicle.

#### 13:19-5.4 [Medical Advisory Panel] Neurological Disorder Committee

(a) The Director shall appoint a [Medical Advisory Panel] **Neurological Disorder Committee** of three members to advise him as to issuing licenses to persons suffering from [epilepsy, convulsive disorders and similar disabilities] **recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination**.

(b) The Director shall appoint the [Panel] **Committee** upon consultation with and advice of the Medical Society of the State of New Jersey [and the New Jersey Consultation Service for Convulsive Disorders].

#### 13:19-5.5 [Panel] Committee review of case

[All] When the Director deems it necessary to refer to a specific case to the Committee, all available information concerning the licensed driver or applicant, including the licensee's or applicant's statement of the case history and the treating physician's statement as to diagnosis, treatment and prognosis will be referred to the [Panel] **Committee** for review, advice and recommendation.

#### 13:19-5.6 Report of findings

Each member of the [Panel] **Committee** shall separately report his findings and recommendations to the Director of Motor Vehicles.

#### 13:19-5.7 [Panel] Committee recommendations

Notwithstanding the provisions of [Section 5.1] section 1 (Satisfaction of physical qualifications) of this [Chapter] subchapter, if the members of the [Panel] **Committee** so recommend, the Director may grant a learner's permit or initial driver's license or permit a motorist to retain his driver's license although such person may have suffered from a seizure, period of impaired consciousness, or from **impairment or loss of motor coordination** within a two-year period from the date of the Director's determination.

#### 13:19-5.8 Restoration qualifications

[(a)] When the Director has denied an applicant a driver's license or has suspended the license of a licensed operator pursuant to this [Subchapter] subchapter, issu-

ance or restoration may be considered providing the individual submits:

1. A current statement of his case history;
2. A current statement by the treating physician including diagnosis, treatment and prognosis;
3. A current report covering the results of an electroencephalographic examination, if required;
4. Satisfactory evidence that [Section 5.1 (Satisfaction) and 5.7] section 1 (Satisfaction of physical qualifications) or section 5 (Panel review of case) of this [chapter] subchapter have been complied with where applicable.

[(b)] The Director may, in addition, require that a motorist be given a driving test and examination at the Division's Driver Improvement Clinic.]

#### 13:19-5.9 Interval report of seizures

(a) As a condition precedent to the issuance, **retention**, or restoration of driving privileges pursuant to this [Subchapter] subchapter, the individual [shall submit to the Director, on forms approved by the Director, a statement of his case history and a statement by a treating physician] **must agree in writing to submit to the Director periodic reports on forms approved by the Director. The reports shall contain a statement of the individual's case history and a statement by the treating physician.**

(b) These [statements] reports shall be submitted every six months for a period of two years from the date [of restoration] **that approval is given to hold a driver license.**

(c) Subsequent [statements] reports shall be submitted on a yearly basis.

(d) The Director may, in his discretion, **waive or change the interval report requirements of subsections (b) and (c) of this section.**

#### 13:19-5.10 Driver reexamination

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

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 25, 1979 to:

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

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Amendments Concerning Miscellaneous Lights

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-23 proposes to amend N.J.A.C. 13:20-33.26 and 13:20-33.63 concerning miscellaneous lights.

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

13:20-33.26 Miscellaneous lights; Classes I and II licensees

(a) All lights used on motor vehicles must be of a type approved as meeting the Standards of the Society of Automotive Engineers. The letters "SAE" along with the manufacturer's name or trademark are often on the lens of such lights. In addition, the letters listed below also often appear on the following lights:

1. Fog lights = F;
2. Spot lights = O;
3. Emergency warning lights = W or W1 or W3;
4. Supplemental driving or passing lights = Y or Z.

(b) Any motor vehicle may be equipped with not [more than] to exceed two auxiliary [lights such as two fog lights, or two supplemental driving or passing lights. These lights shall be] lamps mounted on the front of the vehicle at a height [of] not less than 12 inches nor more than 42 inches above the [road surface] level surface upon which the vehicle stands. Auxiliary lamps include but are not limited to fog lamps, passing lamps and supplementary driving lamps. Auxiliary lamps shall be aimed in conformance with the SAE Standards applicable to the particular type of auxiliary lamp. Auxiliary lamps shall be of a type approved by the Director.

1. Fog lamps are lamps which may be used with or in lieu of the lower beam headlights to provide illumination under conditions of rain, snow, dust or fog. The color of the light from a fog lamp shall be white or yellow (amber). Approved lamps shall meet the requirements of SAE J-583d. It is recommended that fog lamps be used in conjunction with the low beam headlights.

2. Passing lamps are also known as auxiliary low beam lamps and are designed to supplement the lower beam of a standard headlamp system. Approved lamps shall meet the requirements of SAE J-582a. Passing lamps shall be wired so that they may be controlled by a switch separate from the headlamp switch. They must also be operated only in conjunction with the lower beam of the headlamp system.

3. Supplementary driving lamps are an auxiliary lamp which may be used to supplement the upper beam of a standard headlamp system. Approved lamps shall conform to the requirements of SAE J-581. Supplementary driving lamps shall be wired so that they may be controlled by a switch separate from the headlamp switch. They must also be operated only in conjunction with the upper beam of the headlamp system.

[(c) Auxiliary lights, such as fog lights or supplemental driving or passing lights shall be wired in conjunction with the low beam headlights. If desired, the front parking lights may also be illuminated at the same time.]

[(d) Auxiliary driving lights shall be aimed so that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.]

[(e)] (c) A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. Spot lights shall be of a type approved by the Director. Approved spot lights shall meet the requirements of SAE J-591b.

[(f)] (d) Any motor vehicle may be equipped with not more than two side cowl or fender lights which shall emit a white or yellow light without glare.

[(g)] (e) Any motor vehicle may be equipped with not more than one running board courtesy light on each side thereof which shall emit a white or yellow light without glare.

[(h)] (f) Any motor vehicle may be equipped with one or more backup lights either separately or in combination with other lights. No backup light shall be continuously lighted when the motor vehicle is in forward motion.

[(i)] (g) On vehicles used for plowing snow, there may be auxiliary lights connected to either the parking light system or the low beam headlight system. If sealed beam headlight units are used for the auxiliary lights, they must be wired so that the taillights will be illuminated when the auxiliary lights are turned on but the regular headlights will not be illuminated. Auxiliary turn signal lights are also permitted on these vehicles.

[(j)] (h) Flashing lights are prohibited on motor vehicles except as a means for indicating a right or left turn or for hazard warning signals or for authorized emergency vehicles (vehicles of a fire department, police vehicles and other vehicles having special permits for flashing emergency warning lights). It is legal to provide means to flash headlights and/or side-marker lights for signaling purposes.

[(k)] (i) A vehicle owned by an active member in good standing of a recognized volunteer fire company may be equipped with one flashing (or non-flashing) special blue light not more than 7½ inches in diameter or more than 21 candle power. The special light shall be installed on the front of the vehicle so that the top of the special light is no higher than the top of the vehicle headlights and shall be controlled by a switch installed inside the vehicle.

[(l)] (j) A vehicle owned by an active member in good standing of a first aid squad affiliated with the New Jersey First Aid Council may have a special non-flashing white light not exceeding 21 candle power with a lens not more than four inches in diameter and having an illuminated gold cross on a white background. The light must be mounted on the exterior of the vehicle so that it will not be greater in height from the ground than the headlights.

[(m)] (k) All miscellaneous lights must be clean and as far as practical they shall be securely mounted in such a manner as to reduce the likelihood of their being obscured by mud and dirt thrown up by the wheels.

[(n)] (l) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight;
2. A clearance light with a taillight or identification light.

[(o)] (m) There are other motor vehicle lights which are not covered in this manual. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights along with the identification letters shown below:

1. E: Side turn signal lamps (mounted on vehicle sides);
2. K: Cornering lamps;
3. M: Motorcycle and motor driven cycle headlamps—motorcycle type;
4. N: Motorcycle and motor driven cycle headlamps—motor driven cycle type;
5. R: Back-up lamps;
6. U: Supplemental high mounted stop and turn signal lamps;
7. V: Liquid burning emergency flares;
8. W4: Emergency reflex reflectors;
9. X: Emergency lanterns.

13:20-33.63 Miscellaneous lights; Class III licensees

(a) The following lights are not required by New Jersey law but will be permitted providing that they comply with the following regulations:

1. Fog lights and supplemental driving lights:

i. Any motorcycle may be equipped with not more than two auxiliary lights, such as two fog lights, or two supplemental driving or passing lights. These lights shall be mounted on the front of the vehicle at a height of not less than 12 inches nor more than 42 inches above the road surface.

ii. Shall be approved type. All lights used on motorcycles must be of a type approved as meeting the Standards of the Society of Automotive Engineers. The letters "SAE" along with the manufacturer's name or trademark are often on the lens of such lights. In addition, the letter "F" appears on fog lights and the letter "Y" or "Z" often appears on supplemental driving or passing lights.

iii. Shall be aimed as provided under headlights.

iv. Shall be securely mounted.

[v. Must be wired in conjunction with the low beam headlights.]

2. Turn signal lights (required on three wheel motorcycles):

i. Two lights visible from the front and two lights visible from the rear.

ii. Entire turn signal system must be of an approved type. All turn signal lights, flashers and operating units must be of a type approved as meeting the Standards of the Society of Automotive Engineers. The letters "SAE" along with the manufacturer's name or trademark are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens.

iii. Lights showing to the front must be amber or white in color.

iv. Lights showing to the rear must be amber or red in color.

v. Lights should be in proper operating condition. Certification of a motorcycle shall not be refused because a turn signal has a cracked lens but rather the motorcyclist advised to have the defect corrected.

3. Spot lights: A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O" along with the manufacturer's name or trademark are often on the lens of approved type spot lights. Spot lights shall be of a type approved by the Director. Approved spot lights shall meet the requirements of SAE J-591b.

4. Flashing emergency lights are prohibited on motor vehicles except as a means for indicating a right or left turn or for hazard warning signals or for authorized emergency vehicles (vehicles of a fire department, police vehicles and other vehicles having special permits for flashing emergency warning lights).

5. Special lights:

i. A vehicle owned by an active member in good standing of a recognized volunteer fire company may be equipped with one flashing (or non-flashing) special blue light not more than 7½ inches in diameter or more than 21 candle power. The special light shall be installed on the front of the vehicle so that the top of the special light is no higher than the top of the vehicle headlights and shall be controlled by a switch installed inside the vehicle.

ii. A vehicle owned by an active member in good standing of a first aid squad affiliated with the New Jersey First Aid Council may have a special non-flashing white light not exceeding 21 candle power with a lens not more than four inches in diameter and having an illuminated gold cross on a white background. The light must be mounted on the exterior of the vehicle so that it will not be at a greater height from the ground than the headlights.

iii. Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

(1) A turn signal with a headlight;

(2) A clearance light with a taillight or identification light.

iv. There are other motor vehicle lights which are not covered in detail in this manual. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights along with the identification letters shown below:

(1) E: Side turn signal lamps (Mounted on vehicle sides);

(2) K: Cornering lamps;

(3) M: Motorcycle and motor driven cycle headlamps—motorcycle type;

(4) N: Motorcycle and motor driven cycle headlamps—motor driven cycle type;

(5) R: Back-up lamps;

(6) U: Supplemental high-mounted stop and turn signal lamps;

(7) V: Liquid burning emergency flares;

(8) W4: Emergency reflex reflectors;

(9) X: Electric emergency lanterns.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 25, 1979 to:

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

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### OFFICE OF WEIGHTS AND MEASURES

##### Proposed Amendments Concerning Portable Self-Contained Vehicle Scales

William J. Wolfe, Superintendent of Weights and Measures in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 51:1-54, 51:1-61, 51:4-31, 51:8-4, 51:9-10 and 51:10-11, proposes to amend N.J.S.A. 13:4B-1.9 concerning portable self-contained vehicle scales.

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

13:47B-1.9 [Pitless scales] **Portable self-contained vehicle scales**

[On and after May 20, 1926, the use of heavy-duty type pitless scales is hereby prohibited in the State of New Jersey for commercial purposes, and no such scale shall thereafter be employed in the weighing of any commodity sold to the purchasing public.]

(a) A "portable self-contained vehicle scale is defined as a portable self-contained scale enclosed and supported

by its on frame, marketed as a complete weighing unit adapted to weighing highway and off-highway vehicles. The indicating element may be packaged separately which element is attached and connected at the installation site.

(b) Except as hereinafter provided the use of a portable self-contained vehicle scale is hereby prohibited for determinations of weight for all commercial purposes.

(c) The use of portable self-contained vehicle scales may be permitted on construction projects where a contract requires on-site weighings; and, where the weighings are performed by a New Jersey weighmaster appointed pursuant to N.J.S.A. 51:1-74; and, subject to the following limitations:

1. No scale may be placed into operation until approved by the State superintendent in accordance with N.J.S.A. 51:1-93 and N.J.S.A. 51:1-83; and,

2. The use of the scale is limited to a maximum of six (6) months at any one location without the approval of the State superintendent; and,

3. The scale is securely bolted to a concrete foundation, and,

4. The installation of a twelve (12) foot paved approach, level and in the same plane as the scale platform at each end of the scale, and,

5. The indicating element must be protected from all environmental effects, and,

6. The scale is to be checked and inspected by a mechanic licensed pursuant to N.J.S.A. 51:1-114 when installed at each site, and,

7. The scale shall be inspected on a minimum of once daily to insure that it is operating properly.

(c) A penalty incurred in violation of this regulation may be enforced pursuant to N.J.S.A. 51:1-83, or 51:1-89, or 51:1-93, or any or all of these sections.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1979 to:

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

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Amendments Concerning Pronouncement of Death

On February 14, 1979, 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 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-6.5, concerning pronouncement of death as proposed in the Notice published January 4, 1979 at 11 N.J.R. 20(a).

An order adopting these amendments was filed and

became effective on February 27, 1979 as R.1979 d.81.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Rules on Prescribing, Administering Or Dispensing Amygdalin (Laetrile)

On January 5, 1979, 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 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:35-6.17, concerning the prescribing, administering or dispensing of amygdalin (laetrile) as proposed in the Notice published November 9, 1978 at 10 N.J.R. 501(b).

An order adopting these rules was filed and became effective on March 5, 1979 as R.1979 d.83.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments Concerning Point System And Driving During Suspension

On January 26, 1979, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30, 39:5-30.3, 39:3-10b and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:19-10.2, 13:19-10.3, 13:19-10.4 and 13:19-10.6 concerning the point system and driving during suspension as proposed in the Notice published December 7, 1978 at 10 N.J.R. 555(b).

An order adopting these amendments was filed and became effective on March 5, 1979 as R.1979 d.84.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF VETERINARY MEDICAL EXAMINERS

##### Repeal of Rules Concerning Licensure of Citizens of Foreign Country, Announcements And Notice of Recurrent Services

On February 28, 1979, George E. Boyle, President of

the State Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed the text of N.J.A.C. 13:44-1.4, 13:44-2.4 and 13:44-2.5 concerning the licensure of citizens of foreign country, announcements and notice of recurrent services as proposed in the Notice published December 7, 1978 at 10 N.J.R. 555(a).

An order repealing these rules was filed and became effective on March 9, 1979 as R.1979 d.98.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## LAW AND PUBLIC SAFETY

### DIVISION ON CIVIL RIGHTS

#### Amendments Concerning Filing of Reports

On March 12, 1979, Warren E. Smith, Acting Director of the Division on Civil Rights in the Department of Law and Public Safety pursuant to authority of N.J.S.A. 10:5-8 (g) and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning the filing of reports.

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

#### 13:10-2.4 Filing of reports

(a) One copy of the report shall be filed with the Division on Civil Rights on a yearly basis. [according to the county wherein the multiple apartment development is located in accordance with the following schedule:

Date	County
January 10	Passaic, Gloucester
February 10	Essex
March 10	Hudson
April 10	Camden
May 10	Atlantic, Cape May
June 10	Sussex, Warren, Hunterdon
July 10	Burlington, Mercer
August 10	Monmouth, Ocean
September 10	Bergen
October 10	Middlesex, Salem
November 10	Union, Somerset
December 10	Morris, Cumberland]

(b) The report shall include information for a period of one year to the month of the filing and shall be due on October 15. [, except that in the year following promulgation of this rule, the owner shall submit a report only if the period between promulgation and the month of filing is six months or more.

(c) The Director of the Division on Civil Rights may in his discretion delay, for a period of up to forty-five (45) days, the date on which any report required under this Rule shall be filed.]

An order adopting these amendments was filed and became effective on March 15, 1979 as R.1979 d.112 (Exempt, Procedure Rule).

Howard H. Kesten  
Director  
Office of Administrative Law

(b)

## ENERGY

### THE COMMISSIONER

#### Rules Concerning the Coastal Energy Impact Program Intrastate Allocation Process

On February 23, 1979, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 14A:9-1.1 et seq., concerning the New Jersey Coastal Energy Impact Program Intrastate Allocation Process substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 562(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Energy.

A summary of those substantive changes follows:

1. N.J.A.C. 14A:9-1.1 was revised to indicate the scope of the rules and unnecessary descriptive material was eliminated.
2. The availability of Coastal Energy Impact Program funds and the solicitation of projects will be announced in the New Jersey Register, in a press release distributed to newspapers of Statewide circulation and by letter to a mailing list of potential applicants.
3. The Project Review Criteria has been incorporated in the rules and will be cited as N.J.A.C. 14A:9-1.10. Additional criteria for construction projects were also added.

An order adopting these rules was filed on February 26, 1979 as R.1979 d.80 to become effective on April 27, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## STATE

### OFFICE OF THE SECRETARY

#### Rules on Civilian Absentee Ballot Application And Authorized Messengers

On March 15, 1979, Donald Lan, Secretary of State, pursuant to authority of N.J.S.A. 19:57-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the completion requirements for civilian absentee ballot applications and authorized messengers.

Full text of the adoption follows:

#### 15:10-4.2 Completion requirements; civilian absentee ballot application; generally; authorized messenger

(a) The completed civilian absentee ballot application must be received by the appropriate county clerk not later than seven days prior to the election unless the applicant applies in person or is sick or confined.

(b) If the applicant is sick or confined, an authorized messenger may deliver the application to the appropriate county clerk's office before 3:00 P.M. on the day prior to the election. Both the applicant and the authorized messenger must complete the application if the applicant is sick or confined.

(c) The text of the civilian absentee ballot application is hereby made a part of these rules. Copies of such text may be obtained from the Office of the Secretary of State.

An order adopting these rules was filed and became effective on March 15, 1979 as R.1979 d.105 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

**TRANSPORTATION**  
**THE COMMISSIONER**

**Proposed Amendments Concerning  
Speed Limits on Parts of Route U.S. 22**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to delete the current text of N.J.A.C. 16:28-1.63 and adopt new text therein concerning speed limits on parts of Route U.S. 22.

Full text of the proposed new rules follows:

16:28-1.63 Route U.S. 22 including part of Route I-78 Warren, Hunterdon, Somerset, Union and Essex Counties

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route U.S. 22 including part of Route I-78 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

- |   |             |
|---|-------------|
| 1. Town of Phillipsburg:  | Milepost    |
| i. For eastbound traffic:   |             |
| (1) Zone 1: 35 mph from milepost 0.41 (vicinity of North Main St.) to Bates Street except:  | 0.41 to 1.1 |
| (A) 25 mph in the Phillipsburg High School Zone during recess or while children are going to or leaving school, during opening or closing hours.  |             |
| (2) Zone 2: 40 mph from Bates Street to the Lopatcong Township line.  | 1.1 to 1.5  |
| ii. For westbound traffic:  |             |
| (1) Zone 3: 40 mph from the Lopatcong Township line to milepost 0.41 (vicinity of North Main Street) except:                                      | 1.5 to 0.41 |
| (A) 25 mph in the Phillipsburg High School Zone, during recess or while children are going to or leaving school, during opening or closing hours. |             |
| iii. For both directions of traffic:  |             |
| (1) Lopatcong Township and Greenwich Township:  |             |
| (A) Zone 4: 45 mph from the Town of Phillipsburg line to Route 57:  | 1.5 to 2.0  |
| (B) Zone 5: 50 mph from Route 57 to Route 173:  | 2.0 to 4.8  |
| (C) Zone 6: 55 mph from Route 173 to the Franklin Township line.  | 4.8 to 7.6  |
| (2) Franklin Township: 55 mph within corporate limits.  | 7.6 to 7.75 |
| 2. Bloomsbury Borough, Bethlehem Township, Union Township, Town of Clinton, Clin-   |             |

ton Township, Lebanon Borough and Readington Township:

- |  |                |
|--|----------------|
| i. 55 mph within all corporate limits:   | 7.75 to 28.8   |
| 3. Branchburg Township, Bridgewater Township and Bound Brook Borough:              |                |
| i. 55 mph within all corporate limits:   | 28.8 to 39.9   |
| 4. Greenbrook Township:  |                |
| i. 55 mph from the Bridgewater Township line to Washington Avenue:                 | 39.9 to 42.3   |
| ii. Zone 7: 50 mph from Washington Avenue to the North Plainfield Borough line:    | 42.3 to 43.1   |
| 5. North Plainfield Borough:   |                |
| i. 50 mph within corporate limits:   | 43.1 to 46.5   |
| 6. Watchung Borough and Scotch Plains Township:                                    |                |
| i. 50 mph within all corporate limits:   | 46.5 to 49.2   |
| 7. Mountainside Borough and Westfield, Town of:                                    |                |
| i. 50 mph from the Scotch Plains Township line to New Providence Road:             | 49.2 to 50.35  |
| ii. Zone 8: 45 mph from New Providence Road to the Springfield Township line:      | 50.35 to 51.85 |
| 8. Springfield Township, Union Township, Kenilworth Borough and Hillside Township: |                |
| i. 45 mph within all corporate limits:   | 51.85 to 58.6  |
| 9. City of Newark:   |                |
| i. 45 mph within corporate limits:   | 58.6 to 60.59  |

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

**(b)**

**TRANSPORTATION**  
**THE COMMISSIONER**

**Proposed Amendments Concerning  
Restricted Parking on Parts of  
Routes 35, 147, U.S. 206 and U.S. 1 and 9**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28-3.136 and adopt new rules, to be cited as N.J.A.C. 16:28-3.188 through 16:28-3.190 if adopted, concerning restricted parking on parts of Routes 35, 147, U.S. 206 and U.S. 1 and 9. It is proposed that the current text of N.J.A.C. 16:28-3.136 be replaced with proposed new text therein.

Full text of the proposed new rules follows:

16:28-3.136 Route 35 in the Borough of Point Pleasant Beach, Ocean County

In accordance with the provisions of s. 78, c. 23, L. 1951 N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 35 described herein below shall be, and hereby are, designated and established as "No Parking" zones where

stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along both sides of Route 35 southbound, (Richmond Avenue):

(1) From the northerly curb line of County Road #71 (Trenton Avenue), to a point 100 feet north therefrom;

(2) From the northerly curb line of County Road #6 (Forman Avenue), to a point 100 feet north therefrom;

(3) From the northerly curb line of County Road #69 (Atlantic Avenue), to a point 100 feet north therefrom;

(4) From the northerly curb line of County Road #8 (New Jersey Avenue), to a point 100 feet north therefrom;

(5) From the northerly curb line of New York Avenue to a point 100 feet north therefrom.

ii. Along the east side of Route 35 southbound, (Richmond Avenue):

(1) From the northerly curb line of Philadelphia Avenue to a point 100 feet north therefrom;

(2) From the northerly curb line of Washington Avenue to a point 100 feet north therefrom.

16:28-3.188 Route 147 in Middle Township, Cape May County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 147 described herein below shall be, and hereby are, designated and established as "No Parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along the south side of Route 147 from the westerly end of the Bridge over Grassy Sound Channel to a point 135 feet westerly therefrom.

16:28-3.189 Route U.S. 206 in the Township of Lawrence, Mercer County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 206 described herein below shall be, and hereby are, designated and established as "No Parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along the north side of Route U.S. 206 (Brunswick Avenue) beginning at a point 134 feet north of the northerly curb line of Lanning Avenue and extending 50 feet north therefrom.

16:28-3.190 Route U.S. 1 and 9 in the Borough of Palisades Park, Bergen County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 1 and 9 described herein below shall be, and hereby are, designated and established as "No Parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established Taxi Stand.

1. Along the westerly (southbound) side of Route U.S. 1 and 9 beginning at a point 62 feet south of the southerly curb line of Columbia Avenue Ramp extending to a point 46 feet southerly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules Concerning Restricted Parking on Parts of Routes U.S. 9, 31 and U.S. 206

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking on parts of Routes U.S. 9, 31 and U.S. 206.

Full text of the proposal follows:

16:28-3.187 Route U.S. 206 in the Town of Newton, County of Sussex

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 206 described herein below shall be, and hereby are, designated and established as "No Parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along the easterly side of Route U.S. 206 (Main Street) beginning at a point 188 feet south of the southerly curb line of Spring Street to a point 50 feet southerly therefrom.

16:28-3.191 Route U.S. 9 in the Township of Dover, Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 9 from a point 160 feet south of the southerly curb line of Church Road (Co. Rd. 620) to a point 100 feet north of the northerly curb line of Church Road (Co. Rd. 620).

16:28-3.192 Route 31 in Lebanon Township, Hunterdon County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 31 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 31 for the entire length within the Township of Lebanon.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

**(a)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Proposed Rules on No Passing Zones on Parts of Routes 23, 154, U.S. 46, U.S. 206 and 33**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt new rules concerning no passing zones on parts of Routes 23, 154, U.S. 46, U.S. 206 and 33.

Full text of the proposal follows:

16:28-15.24 Route 23 in Verona Borough, Cedar Grove Township in Essex County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 23 described in drawing No. HNPZ-032, dated May 9, 1978, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.25 Route 154 in Cherry Hill Township, Camden County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 154 described in drawing No. HNPZ-024, dated January 24, 1978, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.26 Route U.S. 46 in Knowlton Township, White Township, Liberty Township, Independence Township and Town of Hackettstown in Warren County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route U.S. 46 described in drawing No. HNPZ-029, dated April 25, 1978, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.27 Route U.S. 206 in Lawrence Township, Princeton Township and Princeton Borough, Mercer County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route U.S. 206 described in drawing No. HNPZ-003, dated October 26, 1976, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.28 Route 33 in Manalapan Township, Freehold Township, Freehold Borough, Howell Township, Wall Township, Tinton Falls Borough and Neptune Township in Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 33 described in drawing No. HNPZ-025, dated February 28, 1978, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

**(b)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Proposed Rules on No Passing Zones on Parts of Routes 31, 36, 47 and 46**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt new rules concerning no passing zones on parts of Routes 31, 36, 47, and 46.

Full text of the proposal follows:

16:28-15.29 Route 31 in East Amwell Township, West Amwell Township, Flemington Borough, Raritan Township, Readington Township, Clinton Township, Town of Clinton, Lebanon Township, Glen Gardner Borough and Hampton Borough in Hunterdon County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 31 described in drawing #HNPZ-015 dated August 15, 1977, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.30 Route 36 - Ocean Avenue (Municipal jurisdiction from Ocean Avenue to Riverdale Avenue) in Sea Bright Borough, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 36 described in drawing #HNPZ-019, dated December 5, 1977, as retained on file in the Bureau of Traffic Engineering in

the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.31 Route 47 in Franklin Township, Clayton Township, Glassboro Borough, Washington Township, Deptford Township, Westville Borough, in Gloucester County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 47 described in drawing #HNPZ-030, dated April 27, 1978, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.32 Route 47 in Wildwood City, Lower Township, Middle Township, Dennis Township in Cape May County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 47 described in drawing #HNPZ-028, dated April 18, 1978, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.33 Route 46 in Washington Township, Netcong Borough, Roxbury Borough, Mine Hill Township, Rockaway Township, Rockaway Borough, in Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 46 described in drawing #HNPZ-031, dated May 8, 1978, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

16:28-15.34 Route 47 in Maurice River Township, City of Millville, City of Vineland in the County of Cumberland

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route U.S. 206 described in drawing #HNPZ-042, dated January 29, 1979, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Amendments Concerning Speed Limits on Parts of Routes 130, I-295, 30 and U.S. 206

On March 12, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 16:28-1.69, 16:28-1.71 and 16:28-1.87 concerning speed limits on parts of Routes 130, I-295, 30 and U.S. 206 as proposed in the Notice published February 8, 1979 at 11 N.J.R. 92(b).

An order adopting these amendments was filed on March 12, 1979 as R.1979 d.100 to become effective on March 13, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Amendments to Certain Rules of the Division of Pensions

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 70, Public Law 1955, proposes to amend N.J. A.C. 17:1-1.15, 17:1-1.21 and 17:1-4.23 concerning the Division of Pensions.

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

17:1-1.15(d) A person holding a power of attorney will be permitted to endorse a check [to the order of] payable to such person as attorney for the retirant or beneficiary. However, a power of attorney form prescribed by the division must be duly executed before the attorney's signature will be accepted as a proper endorsement on a check issued to the retirant or beneficiary.

17:1-1.21(a) In the event a retirant, beneficiary or their designated representative fails to furnish within a five-month period the information requested by the division [to pay an allowance,] to continue paying monthly benefits, a final request will be sent by certified mail advising him that if the information is not received within one month the monthly benefit and all deductions from such benefit will be suspended until the requested information is received.

17:1-4.23 Survivor certifications

Widows, widowers, [and] parents and guardians of minor children receiving pension checks[, contingent on no change in marital status,] may be contacted [by letter] annually by letter [for verification that they did not remarry.] or certificate of eligibility to determine eligibility for the continuation of monthly benefits.

Interested persons may present statements or arguments

in writing relevant to the proposals on or before April 25, 1979 to:

William J. Joseph, Director  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

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

William J. Joseph Director  
Division of Pensions  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF PENSIONS

#### TEACHERS' PENSION AND ANNUITY FUND BOARD OF TRUSTEES

##### Proposed Amendments Concerning the Teachers' Pension and Annuity Fund

A. Steven LaBrutte, Secretary of the Teachers' Pension and Annuity Fund Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 proposes to amend N.J.A.C. 17:3-1.8, 17:3-2.1, 17:3-3.1 and 17:3-4.11, concerning the Teachers' Pension and Annuity Fund.

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

17:3-1.8(a)3. [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:

17:3-2.1(b) [3. The Manpower Training Skills Centers of Newark, Trenton, Camden, Bridgeton, Jersey City and Atlantic County.]

17:3-3.1(d) When proof of insurability is required, the member's opportunity to prove such insurability shall expire one year (12 months) from the date the initial written notice is sent advising him that he must prove insurability by taking a medical examination.

17:3-4.11(b)5. The member has a claim pending for Workers' Compensation benefits.

Interested persons may present statements or arguments in writing relevant to the proposals on or before April 25, 1979 to:

A. Steven LaBrutte, Secretary  
Teachers' Pension and Annuity Fund  
Board of Trustees  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

The Teachers' Pension and Annuity Fund Board of Trustees may thereafter adopt rules concerning this subject without further notice.

A. Steven LaBrutte, Secretary  
Teachers' Pension and Annuity Fund  
Board of Trustees  
Division of Pensions  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF PENSIONS

#### STATE HEALTH BENEFITS COMMISSION

##### Proposed Amendments Concerning the State Health Benefits Program

William J. Joseph, Secretary, State Health Benefits Commission, in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 proposes to amend N.J.A.C. 17:9-7.2 "Termination conversion rights; effective dates," concerning the State Health Benefits Program.

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

17:9-7.2(c) 1. Leave of absence without pay: The coverage of an eligible employee and of an employee's dependents during any period of authorized leave of absence without pay shall terminate on the last day of the second coverage period following the last payroll period or month for which the employee received a salary payment; except that coverage of such employee and such employee's dependents may be continued by such employee, provided that the employee shall pay in advance the total premium required for the employee's coverage and coverage of the employee's dependents during such period of authorized leave of absence without pay; provided that no period of continued coverage, as provided above, shall exceed a total of [six] 20 bi-weekly payroll periods, or [three] nine months, during which the employee receives no pay.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 25, 1979 to:

William J. Joseph, Secretary  
State Health Benefits Commission  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

The State Health Benefits Commission may thereafter adopt rules concerning this subject without further notice.

William J. Joseph, Secretary  
State Health Benefits Commission  
Division of Pensions  
Department of the Treasury

(c)

## TREASURY

### STATE TREASURER

##### Proposed Amendments Concerning Affirmative Action Requirements for Public Contracts

Clifford A. Goldman, State Treasurer, pursuant to authority of P.L. 1975, c.127, as amended, proposes to amend N.J.A.C. 17:27-7.4(a)2. concerning affirmative action requirements for public contracts.

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

17:27-7.4(a)2. The contractor agrees to complete monthly Project Manning Reports on forms provided by the Affirm-

ative Action Office or in the form prescribed by the Affirmative Action Office and submit an initial copy of said form no later than three days after signing a construction contract; provided however, that the Public Agency may extend in a particular case the allowable time for submitting the initial form to no more than 14 days; and to submit a copy of said form once a month thereafter for the duration of this contract to the Affirmative Action Office and to the Public Agency Compliance Officer, provided however, that for construction projects with a total cost of less than \$50,000, the initial and monthly Project Manning Reports shall not be submitted except when requested by the Affirmative Action Office. The contractor agrees to cooperate with the Public Agency in the payment of budgeted funds, as is necessary, for on-the-job and off-the-job programs for outreach and training of minority trainees employed on the construction projects.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

Clifford A. Goldman  
State Treasurer  
State House  
Trenton, N.J. 08625

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

Clifford A. Goldman  
State Treasurer  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning The Alcoholic Beverage Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:41-1 et seq., proposes to amend Chapters 3 and 4 in Title 18 of the New Jersey Administrative Code concerning the alcoholic beverage tax.

The proposal concerns the deletion of the entire, current text of Chapter 4 in Title 18 of the New Jersey Administrative Code and marking such Chapter as Reserved. The proposed changes to Chapter 3 involves the foreward; definitions; due date of taxes; method of tax payment; purchaser payment for certain transactions; sales and delivery; beverages lost by fire; sales to military organizations; tax credit memoranda; failure to file report, failure to pay tax; recording and reporting returns; when due; report forms; losses by theft; breakage, etc.; Out-of-State sales and returns; number of schedules required; Schedule E exemptions; inventories; and other related matters.

Copies of the 19 pages of the full text of the proposed amendments to Chapter 3 may be obtained from or made available for review by contacting the Division of Taxation at the address listed below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979 to:

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

The Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser  
Director  
Division of Taxation  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning Sales and Use Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to amend N.J.A.C. 18:24-7.15 concerning renting and leasing motor vehicles regarding the Sales and Use Tax Act.

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

18:24-7.15 Renting and leasing motor vehicles

(a) The total charge for the rental or lease of a motor vehicle to the customer is subject to the five per cent New Jersey Sales and Use Tax pursuant to N.J.S.A. 54:32-3(a) [with adjustment] except as set forth in subsection (b) of this section.

(b) The charge to the customer which is subject to the sales tax is the total charge to the customer [reduced by the following percentages:] except where nontaxable charges such as registration fees, license fees, insurance and gasoline are separately stated then such charges are not subject to the tax.

1. The total charge may be reduced by 15 per cent in the case of rented or leased automobiles;

2. The total charge may be reduced by 33½ per cent in the case of rented or leased trucks.

(c) The tax must be calculated at the rate of five per cent on either 85 per cent or 66½ per cent depending on whether the vehicle leased or rented is an automobile or a truck. The invoice must show the total charge prior to the reduction, the percentage reduction and the net total charge subject to tax. It must also contain a calculation showing multiplication by .05 times the net charge to effectuate the imposition of the five per cent tax due.

(d) It is improper for a renting or leasing agency to indicate that the effective rate of tax in the case of automobiles is 4.25 per cent and in the case of trucks is 3.33 per cent.

(e) The procedure set forth in this section presupposes the inclusion in the original total charge of all those items considered nontaxable and upon which the percentage reduction has been allowed, and is not applicable to those invoices which separately state the nontaxable items.]

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before April 25, 1979 to:

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

The Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser  
Director  
Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning the Unfair Cigarette Sales Act

On March 7, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 56:7-18 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapter 6 of Title 18 of the New Jersey Administrative Code concerning the Unfair Cigarette Sales Act as proposed in the Notice published February 8, 1979 at 11 N.J.R. 98(b).

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.86.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning the Farmland Assessment Act

On March 7, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-23.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapter 15 of Title 18 in the New Jersey Administrative Code concerning the Farmland Assessment Act as proposed in the Notice published February 8, 1979 at 11 N.J.R. 100(b).

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.87.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning the Assessor Qualification Law

On March 7, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:1-35.25 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapter 17 in Title 18 of the New Jersey Administrative Code concerning the Assessor Qualification Law as proposed in the Notice published February 8, 1979 at 11 N.J.R. 102(a).

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.88.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning the Sales and Use Tax

On March 7, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:24-4.4 concerning the sales and use tax as proposed in the Notice published February 8, 1979 at 11 N.J.R. 103(a).

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.89.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning the Sales and Use Tax Act

On March 7, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:24-7.8 and 18:24-7.10 concerning the Sales and Use Tax Act as proposed in the Notice published February 8, 1979 at 11 N.J.R. 104(a).

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.90.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning the Local Property Tax

On March 7, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapter 12 in Title 18 of the New Jersey Administrative Code as proposed in the Notice published February 8, 1979 at 11 N.J.R. 100(a).

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.91.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning the Cigarette Tax Act

On March 7, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:40A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapter 5 in Title 18 of the New Jersey Administrative Code concerning the Cigarette Tax Act as proposed in the Notice published February 8, 1979 at 11 N.J.R. 98(a).

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.92.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning the Realty Transfer Fee

On March 7, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 46:15-5 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections within Chapter 16 of Title 18 in the New Jersey Administrative Code concerning the realty transfer fee as proposed in the Notice published February 8, 1979 at 11 N.J.R. 101(a).

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.93.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments to Temporary Reserve Group and Classification of Funds

On March 2, 1979, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-5.5 concerning the temporary reserve group and classification of funds.

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

- 17:16-5.5 Temporary reserve group
- (a) The temporary reserve group shall include:
  1. Beaches and Harbors Fund;
  2. Clean Waters Fund;
  3. CMF/Administrative Expense Fund #097;
  4. CMF/Non-State Fund #098;
  5. CMF/Pension Division Funds;
  - [5] 6. CMF/Reserve Fund #099;
  - [6] 7. College of Medicine and Dentistry of New Jersey - Self Insurance Reserve Fund #110;
  - [7] 8. Emergency Flood Control Fund;
  - [8] 9. General Investment Fund;
  - [9] 10. General Revenue Sharing Fund;
  - [10] 11. General Trust Funds;
  - [11] 12. Higher Education Buildings Construction Fund (Act of 1971);
  - [12] 13. Housing Assistance Fund;
  - [13] 14. Institutions Construction Fund;
  - [14] 15. Medical Education Facilities Fund;
  - [15] 16. Mortgage Assistance Fund;
  - [16] 17. New Home Warranty Security Fund;
  - [17] 18. New Jersey Educational Facilities Authority;
  - [18] 19. New Jersey Housing Finance Agency;
  - [19] 20. New Jersey State Area Redevelopment Fund;
  - [20] 21. Pension Adjustment Fund;
  - [21] 22. Public Buildings Construction Fund;
  - [22] 23. School Building Aid - Capital Reserve Fund;
  - [23] 24. Special Railroad Deposits Trust Fund;
  - [24] 25. State Facilities for Handicapped Fund;
  - [25] 26. State Health Benefits Fund;
  - [26] 27. State Land Acquisition and Development Fund;
  - [27] 28. State Lottery Fund - Investment;
  - [28] 29. State of New Jersey - Alternate Benefit Program;
  - [29] 30. State of New Jersey Cash Management Fund;
  - [30] 31. State 1964 Institution Construction Fund;
  - [31] 32. State Recreation and Conservation Land Acquisition Fund;
  - [32] 33. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
  - [33] 34. State Recreation and Conservation Land Acquisition Development Fund;
  - [34] 35. State Transportation Fund;
  - [35] 36. State Water Development Fund;
  - [36] 37. Transportation Benefit Fund;

- [37] 38. Transportation Fund;
- [38] 39. Unemployment Benefits Liability Fund #844;
- [39] 40. Veterans' Loan Guaranty and Insurance Fund;
- [40] 41. Water Conservation Fund.

An order adopting these amendments was filed and became effective on March 8, 1979, as R.1979 d.94 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments Concerning Repurchase Agreements

On March 2, 1979, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-37.1 concerning permissible investments and repurchase agreements.

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

#### 17:16-37.1 Permissible investments

(a) Subject to the limitations contained in this subchapter, the Director may invest and reinvest moneys of any pension and annuity, static, demand, temporary reserve or trust group fund in repurchase agreements involving United States Treasury obligations and United States Government Agency obligations. In this connection the approved list of United States Government Agencies is as follows:

1. Federal Intermediate Credit Banks;
2. Federal Home Loan Banks;
3. Federal National Mortgage Association;
4. Federal Land Banks;
5. Banks for Cooperatives;
6. Federal Financing Bank;
7. Federal Farm Credit Banks Consolidated Systemwide Bonds.

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.95 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments to Definition Concerning State of New Jersey Cash Management Fund

On March 2, 1979, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act,

adopted amendments to N.J.A.C. 17:16-31.1 concerning definitions regarding the State of New Jersey Cash Management Fund.

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

#### 17:16-31.1 Definition

Pursuant to Chapter 270, P.L. 1970, as amended and supplemented by Chapter 281, P.L. 1977, there is hereby created in the Division of Investment, Department of the Treasury, a common trust fund, to be known as the State of New Jersey Cash Management Fund, in which may be deposited the surplus moneys of the State (including funds administered by the Division of Pensions and the Division of Budget and Accounting), its counties, municipalities and school districts and the agencies or authorities created by any of these entities.

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.96 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments Concerning Admission Date and Common Pension Fund A

On March 2, 1979, Clifford A. Goldman, State Treasurer, pursuant to authority of P.L. 1970, c. 270, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-32.9 concerning the admission date regarding Common Pension Fund A.

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

#### 17:16-32.9 Admission date

(a) No admission to or withdrawal from the common fund shall be permitted except on the basis of the principal unit value determined as described in section 8 of this subchapter and no participation shall be admitted to or withdrawn from the common fund except on a valuation date or within [ten] 15 days thereafter; however, in the event that an admission or withdrawal occurs within the 15 [ten]-day period aforementioned, it shall be based upon the principal value as of the last valuation date preceding said admission or withdrawal.

(b) All admissions or withdrawals shall be made by cash payments or in kind.

(c) The price for purchasing units, except for original units issued by the common fund, shall be the principal valuation per unit as determined on each valuation date pursuant to section 8 of this subchapter.

An order adopting these amendments was filed and became effective on March 8, 1979 as R.1979 d.97 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

## (Other Agencies)

(a)

### HIGHWAY AUTHORITY

#### GARDEN STATE PARKWAY

##### Amendment of Regulations Governing Emergency Services

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 of 1968, proposes to amend N.J.A.C. 19:8-2.12. concerning emergency services on the Garden State Parkway.

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

##### 19:8-2.12 Emergency service

(a) Repair and towing of vehicles on the Parkway shall be by off-Parkway garages licensed by the Authority only.

(b) Rules on road service for all vehicles are:<sup>1</sup>

1. Service charge, 24 hours per day: \$[7.00] **8.00**;
2. The above service charge shall be in addition to the charge for gasoline, oil, labor, parts and other material needed for repair but shall not be in addition to the "towing charge", if any;
3. The charge for parts and labor shall be in accordance with the current edition of Chilton's Labor Guide and Parts Manual.

(c) Rules on towing [passenger] cars and [motorcycles] campers are:<sup>1</sup>

1. 7:00 A.M. to 7:00 P.M.: Towing Charge \$[15.00] **20.00** plus \$1.00 per mile or fraction thereof; maximum towing charge \$[25.00] **35.00**.
2. 7:01 P.M. or 6:59 A.M.: Towing Charge \$20.00 plus \$1.00 per mile or fraction thereof; maximum towing charge \$[30.00] **40.00**.

(d) Rules on towing trucks and buses (two-axle[, straight]) are:<sup>1</sup>

1. Towing charge: \$[25.00] **30.00** plus \$[1.00] **1.50** per mile or fraction thereof;
2. Maximum towing charge: \$[35.00] **45.00**.

(e) Rules on towing [tractor trailers] trucks, with or without trailers, and buses (three-axle or more) are:<sup>1</sup>

1. Towing charge: \$[40.00] **50.00** plus \$2.00 per mile or fraction thereof;
2. Maximum towing charge: \$[50.00] **75.00**.

<sup>1</sup>These towing charges shall not apply when the operator of the vehicle elects to be towed to a destination other than the nearest exit or the nearest garage licensed by the Authority. In such cases, services and towing charges shall be as mutually agreed upon between the operator of the vehicle and the garage.

Where the use of special equipment such as a dolly, tilt-bed truck or other special hook-up is required, the above towing charges may be increased by \$5.00.

Winching and wrecking charges are not included in any of the above towing charges and shall be based on the hourly rate determined from the current edition of Chilton's Labor Guide and Parts Manual.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 25, 1979 to:

F. Joseph Carragher, Executive Director  
New Jersey Highway Authority  
Garden State Parkway  
Woodbridge, N.J. 07095

The New Jersey Highway Authority may thereafter adopt rules concerning this subject without further notice.

F. Joseph Carragher  
Executive Director  
New Jersey Highway Authority

(b)

### CASINO CONTROL COMMISSION

#### Proposed Amended Rules Adding Regulations Relating to Applications (Casino License Conservatorship)

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to the authority of the N.J.S.A. 5:12-1 et seq., proposes to adopt amended rules to be cited as N.J.A.C. 19:41-13.1 et seq.

The topics covered in this proposal are as follows:

#### CHAPTER 41. APPLICATIONS

#### SUBCHAPTER 13. CASINO LICENSE CONSERVATORSHIP

- Section 1 - Definitions
- Section 2 - Institution of Casino License Conservatorship and Appointment of Conservators
- Section 3 - Qualification of Conservator
- Section 4 - Bonding of Conservators
- Section 5 - Powers of Multiple Conservators
- Section 6 - Powers and Jurisdiction of the Commission
- Section 7 - Effect of Conservatorship on Licensed Casino Operation
- Section 8 - Powers, Authorities and Duties of Conservators
- Section 9 - Compensation of Conservators and Others
- Section 10 - Required Reports of the Conservator
- Section 11 - Review of Actions of Conservator
- Section 12 - Payment of Net Earnings During the Period of Conservatorship
- Section 13 - Payments Following a Bulk Sale
- Section 14 - Discontinuation of Conservatorship

Copies of the 18 pages of the full text of these proposed rules may be obtained or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 25, 1979, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

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

Joseph P. Lordi  
Chairman  
Casino Control Commission

**(a)**

**CASINO CONTROL COMMISSION**

**Amendments Concerning Aisle Space**

On February 23, 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. 19:46-1.27 concerning aisle space substantially as proposed in the Notice published January 4, 1979 at 11 N.J.R. 52(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the New Jersey Casino Control Commission.

An order adopting these amendments was filed and became effective on March 2, 1979 as R.1979 d.82.

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

**PORT AUTHORITY OF NEW YORK AND NEW JERSEY**

**Amendments to Rates Concerning New York City Passenger Ship Terminal and Public Aircraft Parking and Storage Areas**

On January 31, 1979, the Committee on Operations of the Port Authority of New York and New Jersey adopted amendments to FMC Schedule No. PA-9 concerning rates and charges applicable to the New York City Passenger Ship Terminal as well as the schedule of charges regarding public aircraft parking and storage area charges at John F. Kennedy International, Newark International and LaGuardia Airports.

Full text of the adoption follows:

Port Authority Marine Terminals — FMC Schedule No. PA-9 — Revision to Rates and Charges Applicable to the New York City Passenger Ship Terminal.

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" be amended, effective March 1, 1979, by revising Section G to increase the dockage rate in Item 865 to \$2,000 per day.

John F. Kennedy International, Newark International and LaGuardia Airports—Revision to Schedule of Charges, Public Aircraft Parking and Storage Area Charges

The Schedule of Charges for the use of Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area, Public Aircraft Parking and Storage Areas, and Related Services at John F. Kennedy International Airport is amended effective April 1, 1979, by amending Section IV thereof to read as follows:

**Public Aircraft Parking and Storage Area Charges**

For aircraft parked or stored in the public aircraft parking and storage areas:

**1. Free Time**

For time not exceeding one hour - no charge

**2. Additional Time**

	For first eight (8) hours or fraction thereof	For each additional eight (8) hours or fraction thereof
(a) For each aircraft not exceeding 5,000 pounds maximum gross weight for take-off	\$ 4.00	\$ 2.00
(b) For each aircraft exceeding 5,000 pounds but not exceeding 10,000 pounds maximum gross weight for take-off	5.00	3.00
(c) For each aircraft exceeding 10,000 pounds but not exceeding 15,000 pounds maximum gross weight for take-off	6.00	4.00
(d) For each aircraft exceeding 15,000 pounds but not exceeding 25,000 pounds maximum gross weight for take-off	7.00	5.00
(e) For each aircraft exceeding 25,000 pounds but not exceeding 50,000 pounds maximum gross weight for take-off	8.00	6.00
(f) For each aircraft exceeding 50,000 pounds but not exceeding 75,000 pounds maximum gross weight for take-off	9.00	7.00
(g) For each aircraft exceeding 75,000 pounds but not exceeding 100,000 pounds maximum gross weight for take-off	10.00	8.00
(h) For each aircraft exceeding 100,000 pounds but not exceeding 125,000 pounds maximum gross weight for take-off	12.00	10.00
(i) For each aircraft exceeding 125,000 pounds but not exceeding 150,000 pounds maximum gross weight for take-off	14.00	12.00
(j) For each aircraft exceeding 150,000 pounds but not exceeding 175,000 pounds maximum gross weight for take-off	16.00	14.00
(k) For each aircraft exceeding 175,000 pounds but not exceeding 200,000 pounds maximum gross weight for take-off	18.00	16.00
(l) For each aircraft exceeding 200,000 pounds but not exceeding 225,000 pounds maximum gross weight for take-off	22.00	20.00
(m) For each aircraft exceeding 225,000 pounds but not exceeding 250,000 pounds maximum gross weight for take-off	26.00	24.00
(n) For each additional 25,000 pounds or fraction thereof in excess of 250,000 pounds maximum gross weight, an additional charge shall be made of	4.00	4.00

This schedule of charges shall in no way restrict the Port Authority from establishing a maximum allowable weight for use of the air terminal.

3. Maximum gross weight for take-off shall have the meaning set forth in the Public Landing Area Charges of this Schedule of Charges.

4. All Operators operating scheduled flights or using the Air Terminal as an operating base shall certify to the Port Authority on or before the tenth day of each month the number of occasions and the duration of each during the preceding calendar month on which their aircraft have been parked or stored in the public aircraft parking and storage areas after the expiration of one hour immediately following a landing.

The Schedule of Charges for the Use of the Public Landing Area, Public Ramp and Apron Area, Public Aircraft Parking and Storage Areas and Related Services at LaGuardia Airport is amended, effective April 1, 1979, by amending Section III thereof to read as follows:  
Public Aircraft Parking and Storage Area Charges

For aircraft parked or stored in the public aircraft parking and storage areas:

1. Free Time

For time not exceeding one hour - no charge

2. Additional Time

	For first eight (8) hours or fraction thereof	For each additional eight (8) hours or fraction thereof
(a) For each aircraft not exceeding 5,000 pounds maximum gross weight for take-off	\$ 4.00	\$ 2.00
(b) For each aircraft exceeding 5,000 pounds but not exceeding 10,000 pounds maximum gross weight for take-off	5.00	3.00
(c) For each aircraft exceeding 10,000 pounds but not exceeding 15,000 pounds maximum gross weight for take-off	6.00	4.00
(d) For each aircraft exceeding 15,000 pounds but not exceeding 25,000 pounds maximum gross weight for take-off	7.00	5.00
(e) For each aircraft exceeding 25,000 pounds but not exceeding 50,000 pounds maximum gross weight for take-off	8.00	6.00
(f) For each aircraft exceeding 50,000 pounds but not exceeding 75,000 pounds maximum gross weight for take-off	9.00	7.00
(g) For each aircraft exceeding 75,000 pounds but not exceeding 100,000 pounds maximum gross weight for take-off	10.00	8.00
(h) For each aircraft exceeding 100,000 pounds maximum gross weight for take-off	14.00	12.00

3. Maximum gross weight for take-off shall have the meaning set forth in the Public Landing Area Charges of this Schedule of Charges.

4. Operators of aircraft who have entered into agreements with the Port Authority of New York and New

Jersey for the exclusive use of a portion of the public aircraft parking and storage areas sufficient to accommodate their aircraft, shall not be subject to payment of the charges set forth in this section.

The Schedule of Charges for the use of the Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Newark International Airport, is amended, effective April 1, 1979, by amending Section IV thereof to read as follows:

Public Aircraft Parking and Storage Area Charges

For aircraft parked or stored in the public aircraft parking and storage areas:

1. Free Time

For time not exceeding one hour - no charge

2. Additional Time

	For first eight (8) hours or fraction thereof	For each additional eight (8) hours or fraction thereof
(a) For each aircraft not exceeding 5,000 pounds maximum gross weight for take-off	\$ 4.00	\$ 2.00
(b) For each aircraft exceeding 5,000 pounds but not exceeding 10,000 pounds maximum gross weight for take-off	5.00	3.00
(c) For each aircraft exceeding 10,000 pounds but not exceeding 15,000 pounds maximum gross weight for take-off	6.00	4.00
(d) For each aircraft exceeding 15,000 pounds but not exceeding 25,000 pounds maximum gross weight for take-off	7.00	5.00
(e) For each additional 25,000 pounds or fraction thereof in excess of 200,000 pounds maximum gross weight, an additional charge shall be made of	4.00	4.00

This schedule of charges shall in no way restrict the Port Authority from establishing a maximum allowable weight for use of the air terminal.

3. Maximum gross weight for take-off shall have the meaning set forth in the Public Landing Area Charges of this Schedule of Charges.

4. All operators operating scheduled flights or using the Air Terminal as an operating base shall certify to the Port Authority on or before the tenth day of each month the number of occasions and the duration of each during the preceding calendar month on which their aircraft have been parked or stored in the public aircraft parking and storage areas after the expiration of one hour immediately following a landing.

An order adopting these amendments was filed on March 6, 1979 as R.1979 d.85 (Exempt, Exempt Agency).

Howard H. Kestin  
Director  
Office of Administrative Law

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## GREEN ACRES GRANTS ANNOUNCED

Governor Brendan Byrne announced the award of three Green Acres grants totaling \$4 million to three major New Jersey cities—Camden, Trenton and Bayonne.

Byrne said the Camden and Trenton projects have been approved for 90 percent funding under a Department of Environmental Protection (DEP) urban emphasis program. Fifty percent of the funds will be provided under the 1974 Green Acres Program, 40 percent under the Federal Land and Water Conservation Fund and 10 percent by the cities.

In Camden, a \$2 million Green Acres grant was awarded to the Camden County Park Commission for the first phase of a comprehensive waterfront development which will eventually include an outdoor museum, fishing pier and marina. The site, to be known as Waterfront Park, is located along the Delaware River between Arch Street and Mickle Boulevard. The total cost of the first phase is \$4 million which will be used for an amphitheatre, shore restoration, plaza, promenade, sitting areas and landscaping. The Federal Land and Water Conservation will provide \$1.6 million (40 percent) and the park commission will pay \$400,000 (10 percent).

A \$1 million Green Acres grant was awarded to the City of Trenton for development of a park located between Willow and Warren streets known as the Delaware and Raritan Canal Park. Located adjacent to a new housing project and health center, the park development is part of an inter-departmental rehabilitation of the area.

The total cost of the project is \$2 million. The Federal Land and Water Conservation Fund will provide \$800,000 (40 percent) and the city will provide \$200,000 (10 percent).

Development of the site will include a pedestrian bridge, skating area, water feature fountain, tot lot, landscaping, canal edge repair, parking and roadwork. In addition to being located adjacent to the Delaware and Raritan Canal, the park is the beginning point of a bicycle path to Washington Crossing Park being constructed by DEP. The park facilities have been designed to provide an array of activities for residents of the entire region, as well as immediate neighborhoods.

The City of Bayonne will receive a \$1 million Green Acres grant for development of Kill Van ull Park II, located along First Street between Humphreys and Lexington avenues. The city will match the grant to cover the total \$2 million cost of the project. Development of the park will include courts for tennis, boccie and basketball, a baseball field, playgrounds, bridges, small ponds, ice skating area, fishing area, spray pool, landscaping, shelters, comfort station and parking. Originally purchased with funds from a previous Green Acres bond issue, the park will be completed to complement existing facilities which were developed with Land and Water Conservation Fund grants.

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