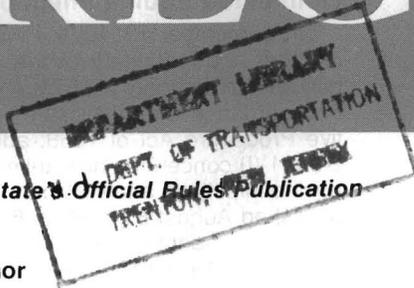


NEW JERSEY REGISTER



The State's Official Rules Publication



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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Rules of Agricultural Fairs

On September 19, 1974, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on agricultural fairs, substantially as proposed in the Notice published August 8, 1974, at 6 N.J.R. 294 (b), with only inconsequential language or structural changes, in the opinion of the Department of Agriculture.

The change involved the deletion of the word "certified" in the last line of N.J.A.C. 2:33-1.1(b) concerning the requirement of a submission of a copy of an annual audit.

Such rules may be cited as N.J.A.C. 2:33-1.1.

An order adopting these rules was filed and effective September 19, 1974, as R. 1974 d. 254.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Revisions on Quarantining and Branding Of Infected Equine Infectious Anemia Horses

On September 19, 1974, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-6, 4:22-21, 4:22-22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:5-2.1 (f) concerning quarantining and branding of infected equine infectious anemia horses, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 295 (b).

An order adopting these revisions was filed and effective September 19, 1974, as R. 1974 d.256.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Rule on Horses Consigned from Out of State to Horse Auction Markets

On September 19, 1974, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-6, 4:22-21, 4:22-22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning horses consigned from out of state to horse auction markets, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 295 (a).

Such rule may be cited as N.J.A.C. 2:5-2.2.

An order adopting this rule was filed and effective September 19, 1974, as R.1974 d.255.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Notice of Hearing

Take notice that W.W. Moffett Jr., Director of the Division of Dairy Industry in the New Jersey Department of Agriculture, has issued the following notice of a hearing concerning proposed amendments to the tentative milk marketing agreements.

Full text of the Notice follows:

Notice is hereby given that pursuant to P.L. 1941, Chapter 274, as amended, N.J.S.A. 4:12A-1 et seq., and particularly Section 25, the Division of Dairy Industry will conduct a public hearing jointly and concurrently with the United States Department of Agriculture to be held at the Camelot Inn, 6565 North Mannheim Road, Rosemont, Illinois, beginning at 9 A.M., local time, on October 8, 1974, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the New York-New Jersey Milk Marketing Area and the Middle Atlantic Milk Marketing Area, said orders being joint orders of the

NEW JERSEY REGISTER

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United States Department of Agriculture and the Division of Dairy Industry, New Jersey Department of Agriculture as said orders apply to the State of New Jersey.

The purpose of this hearing is to consider evidence on proposals which would amend each of the orders to provide immediately for a minimum basic formula price of up to \$7.50 and for each of the months through March 1975.

Notice of the hearing is being published by the United States Department of Agriculture in the Federal Register. Copies of this Notice and of the notice of the United States Department of Agriculture with respect to the proposals may be reviewed at the office of the Division of Dairy Industry, New Jersey Department of Agriculture, John Fitch Plaza, Trenton, New Jersey or will be supplied upon request.

This Notice is printed as a matter of public information.
Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

BANKING

DIVISION OF BANKING

Proposed Rules on Notice of Maturity On Long-Term Savings Deposits

Clifford F. Blaze, Acting Deputy Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311B(1)a, proposes to adopt new rules concerning the notice of maturity on long-term savings deposits.

Full text of the proposed new rules follows:

SUBCHAPTER 5. NOTICE OF MATURITY ON LONG-TERM SAVINGS DEPOSITS

3:7-5.1 Time of notice

Every bank and savings bank shall give written notice of the date on which a time deposit, payable one year or more after the date of deposit or one year or more after the date of the instrument evidencing the deposit, will mature to each depositor not less than 30 and not more than 60 days prior to the expiration of the term of the time deposit. The notice shall be directed to the last known address of the depositor.

3:7-5.2 Content of notice

Such notice shall clearly inform the depositor of the deposit options available to him at that institution as of the maturity date, including the various types of accounts and the rates and terms applicable thereto.

3:7-5.3 Variable maturity accounts

(a) In the case of any single-time deposit account which contains deposits which were deposited at varying times and therefore mature and are payable on varying maturity dates, the notice required by this Section must be given only with respect to:

1. The maturity date of the first deposit in such account; and
2. Any succeeding maturity date which occurs one year or more after the initial maturity date.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking

Department of Banking
36 West State Street
Trenton, New Jersey 08625

The Department of Banking, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Clifford F. Blaze
Acting Deputy Commissioner
Department of Banking

(b)

BANKING

THE COMMISSIONER

Revisions Concerning Interest Rates

On September 6, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 31:1-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions concerning interest rates.

Full text of the revised text follows:

3:1-1.1 Interest rate

(a) The maximum rate of interest to be charged, taken or received upon a loan of any money, wares, merchandise, goods and chattels made on or after September 6, 1974 shall be 8 per cent per year, except as hereinafter provided. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended by C. 328, P.L. 1973.

(b) The maximum rate of interest to be charged on loans secured by real estate on which there is erected or to be erected a one-, two- or three-family dwelling occupied or to be occupied by the borrower, shall be 9½ per cent per annum. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended by C. 328, P.L. 1973. Any provision in a mortgage commitment contracted prior to the effective date of this regulation providing for an increase in interest rates to be charged based on the highest lawful interest rate shall be null and void.

(c) Contracts for the following classes or types of loans may lawfully provide for any rate of interest which the parties agree upon, and interest at any such rate may lawfully be taken:

1. Loans in the amount of \$50,000 or more, except loans where the security given is a mortgage on real property consisting of a lot of land upon which there is constructed or in the course of construction a dwelling house of three family units or less. The rate of interest stated in such contract upon the origination of such loans may be taken notwithstanding to less than \$50,000.

2. Loans or advances of credit made by savings and loan associations, banking institutions or any Department of Housing and Urban Affairs or Federal Housing Administration approved mortgagees for which an offer or commitment to purchase has been received and which are subsequently purchased, in whole or in part, by the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation and any successor thereof or by any state or Federal governmental or quasi-governmental organizations.

(d) The rates established herein shall be effective immediately and shall remain in force until such time as this

regulation is rescinded or until said rate or rates are revised by a subsequent regulation.

An order adopting these revisions was filed and effective September 6, 1974, as R.1974 d.247 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Joint Regulations on Administration Of Payments to State Employees For Unused Sick Leave

On September 17, 1974, the New Jersey Civil Service Commission, on behalf of the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting and pursuant to authority of N.J.S.A. 11:14-17 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted joint regulations on the administration of payments to State employees for unused sick leave, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 298(b).

Such regulations may be cited as N.J.A.C. 4:1-17.24.

An order adopting these regulations was filed September 19, 1974, as R. 1974 d.257.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rescission of Portion Of Rules on Evaluation

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:4-24 and the holding in the case of Chappell v. Commissioner, decided by the Commissioner on November 2, 1973 and affirmed by the State Board of Education on April 3, 1974, proposes to rescind in its entirety N.J.A.C. 6:39-1.3(e).

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

6:39-1.3 [(e) No individual member, officer or employee of any board of education shall be subject to disciplinary action solely upon the basis of information produced by State-wide assessment.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Ms. Anne Sorrentino
Division of Controversies and Disputes
State Department of Education
225 West State Street
Trenton, N.J. 08625

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt this rescission substantially as proposed without further notice.

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

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions Concerning Type II Van-Type Small Vehicles

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to adopt revisions to the rules concerning type II van-type small vehicles.

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

6:21-18.12(d) Service door shall be located on right side of vehicle generally opposite driver and within his direct view [.] and to have **an unobstructed opening of at least 20 inches.**

6:21-18.12(b) Words "Emergency Door" shall be located both inside and outside in "**red**" letters at least two inches high.

6:21-18.12(c) Emergency doors shall be designed to be opened from inside and outside of vehicle and shall be equipped with fastening device which may be quickly released but is designed to offer protection against accidental release. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of [nondetachable device, so designed as] **a permanent handle, guarded on top surface,** to prevent hitching to [.] **and recessed on lower side to facilitate opening from the outside of the vehicle.**

6:21-18.12(e) Emergency doors shall be equipped with suitable electric plunger-type switch connected with buzzer located in driver's compartment. Switch shall be enclosed in metal case, and wires leading from switch shall be concealed in bus body. Switch shall be so installed that [plunger contacts farthest edge of slide bar in such manner that] any movement of [slide bar] **the door** will immediately close circuit on switch and activate buzzer.

6:21-18.12 (f) **If emergency door lock is desired, installation must conform to New Jersey Type I School Bus Specification N.J.A.C. 6:21-6.13.**

6:21-18.22 Rub rails

[There shall be a one-piece rub rail located on left side of vehicle, rail may be sectionalized at driver's door, to extreme rear of vehicle where possible. On the driver's door shall be a rub rail of similar material. The right side of vehicle shall have rub rails sectionalized as needed.]

There shall be rub rails located on both sides of the vehicle at approximately seat-cushion level, beginning at the leading edge of the front doors and extending to within 24 inches of the extreme rear of the body.

6:21-18.23 Seats

(a) All seats shall be forward-facing and shall be securely fastened to that part or parts of vehicle which support them.

1. **Forwardmost pupil seat on the right side of the vehicle shall be located not less than 24 inches measured at cushion height from the vertical stanchion bar to front of seat back.**

2. **Seat spacing shall be minimum 27 inches center to center.**

3. **The right rear passenger seat shall be a minimum of 13 inches from rear of the seat back at cushion height to the inner lining of the emergency door.**

6:21-18.26(a) First step at service door shall be no less than [12] 10 inches and not more than 16 inches from ground, based on standard chassis specifications.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974 to:

Ms. Anne Sorrentino
Division of Controversies and Disputes
State Department of Education
225 West State Street
Trenton, N.J. 08625

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Rules For Purchase And Loan of Textbooks

On August 29, 1974, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of Chapter 79, Laws of 1974, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new, emergency rules concerning the purchase and loan of textbooks.

Full text of the new rules follows:

SUBCHAPTER 6. PURCHASE AND LOAN OF TEXTBOOKS

6:20-6.1 Eligibility

(a) Chapter 79, Laws of 1974, requires all local boards of education, to purchase and to loan, without charge, upon individual request, textbooks to pupils resident of their respective school district or sent to another school district of the State.

(b) Children who are enrolled as full-time pupils in grades K-12, or any combination of them, in any New Jersey public or nonpublic school are eligible.

(c) A nonpublic school is any elementary or secondary school other than a public school offering an educational program wherein any pupil may legally fulfill compulsory school attendance requirements.

6:20-6.2 Responsibility of the board

(a) Local boards of education in accordance with N.J.A.C.

6:20-6.1 are required to purchase textbooks in the amount resulting from the total number of resident pupils in grades K-12 as of the last school day of September of the preceding school year multiplied by \$15.00.

(b) Existing book stocks and newly purchased textbooks purchased pursuant to this statute must be distributed among all pupils on an equitable basis.

(c) A local board of education shall not discriminate against pupils in either public or nonpublic schools.

6:20-6.3 Individual requests

(a) Individual written requests for the loan of textbooks must be addressed to the local board of education on forms prescribed by the Commissioner of Education.

(b) Individual requests may be submitted directly to the local board of education of the district of residence or to the nonpublic school attended. In the latter case, the nonpublic school official shall forward such requests collectively to the local board of education.

(c) For the school year 1974-75, individual requests shall be submitted on or before September 30, 1974. For each subsequent school year, the individual requests shall be submitted on or before March 1 of the preceding year.

(d) Textbooks purchased shall be ordered in accordance with local board policy and purchasing practices

(e) Pupils attending the public schools of the district of residence are not required to submit such requests because school officials know what textbooks are to be used.

6:20-6.4 Ownership and storage of textbooks

(a) All textbooks purchased under the provisions of this Act shall remain the property of the local board of education. Such ownership shall be indicated in each book by a label.

(b) The local board of education shall be responsible for the collection and inventory of such textbooks.

(c) The local board of education may require that these textbooks be returned to the local board of education at the end of the school year, or may if it wishes, enter into an agreement with the nonpublic school to store such books. In these cases, the local board of education shall not pay storage charges of any kind to the nonpublic school for this service.

6:20-6.5 Accounting entries

(a) Expenditures for the purchase of textbooks may include the cost of freight or postage for transporting such books from the vendor to the school district.

(b) Purchase of textbooks for pupils enrolled in the public schools shall be entered in Account 220.

(c) The Federal Chart of Accounts authorized the 1160 account for nonpublic school pupils.

(d) Purchase of textbooks for nonpublic school pupils shall be recorded in 1161 — Textbooks for Nonpublic School Pupils.

(e) State aid received by the local school district pursuant to this Act shall be recorded as regular current expense State aid.

6:20-6.6 Textbook selection

(a) Textbook, as defined in the statute, means books, workbooks or manuals, whether bound or in looseleaf form, intended as a principal source of study material for a given class or group of students, a copy of which is available for the individual use of each pupil in such class or group.

(b) Any textbooks which are used in any public elementary or secondary school of the State, or are approved by any

local board of education are allowed pursuant to the provisions of this Act.

6:20-6.7 Charge for textbook loss or damage

(a) Since the law provides that textbooks be "loaned free" to the pupils, no fees may be assessed in connection therewith.

(b) Local boards of education shall make reasonable rules and regulations governing the loan of textbooks which may contain requirements for reimbursement by the pupil to the school district for damage, loss or destruction of the loaned textbooks.

(c) Such rules and regulations shall be made applicable to both public and nonpublic school pupils.

6:20-6.8 State aid

(a) State aid shall be an amount equal to, but not to exceed, the authorized ceiling. The ceiling amount is \$15.00 per pupil for the school years 1974-75, 1975-76, and 1976-77, and \$10.00 per pupil in subsequent years.

(b) The calculation of aid will be as follows:

1. The number of resident pupils on the last school day of September of the previous year, enrolled as full-time pupils in grades K-12 in a nonpublic school multiplied by the ceiling.

2. State aid shall be apportioned to the school district where the pupil resides.

3. The Commissioner shall, upon request of the local board of education, distribute State aid on a quarterly basis October 1, December 1, February 1, and May 1.

4. State aid provided pursuant to the State School Incentive Equalization Aid Law (N.J.S.A. 18A:58-1 et seq.) in the school years 1974-75, 1975-76, and 1976-77 may be expended for the purchase and loan of textbooks for public school pupils on an average of \$15.00 per pupil in resident enrollment, and in any subsequent school year such State aid may be expended on an average of \$10.00 per pupil in resident enrollment.

(c) Nothing contained herein shall prohibit a board of education in any district from purchasing textbooks in excess of the amount provided pursuant to this Act.

An order adopting these rules was filed and effective August 29, 1974, as R.1974 d.240 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions in Determination of Tuition Formula

On August 28, 1974, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:46-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rules concerning the determination of the tuition formula.

Full text of the revised rules follows (additions indicated in boldface **thus**):

6:20-4.1 Rules for determination of tuition formula

(a) Categories of programs as defined in this tuition formula are those given in N.J.S.A. 18A:46-1.

(b) "Similar" is defined to refer to any given category of handicap.

(c) **Class size, as used in this tuition formula, for the 1974-75 school year shall be calculated as follows:**

1. Obtain difference between the State average daily class enrollment and the maximum class size;

2. Divide difference by two; and

3. Add result to the State average daily class enrollment.

(d) "Incremental difference" refers to the expected percentage of annual increase or decrease in class operating costs in the public schools of New Jersey (cf. Annual Financial Report of the Commissioner of Education).

(e) In no case shall the tuition rate exceed the maximum day class cost of education per pupil of children in similar special education classes in New Jersey public schools.

6:20-4.2 Formula for calculation of tuition rate

(a) The operating cost of that class which has the highest operating cost in each program category shall be obtained from the figures reported to the Division of Business and Finance for the previous year.

(b) For the 1974-75 school year, the highest audited class cost in each category shall be divided by the class size as obtained in N.J.A.C. 6:20-4.1(c).

(c) The amount obtained under subsection (b) of this Section shall be adjusted by an incremental difference to be determined by the Commissioner of Education for each year to which this formula is applied which is beyond the year of actual costs used in calculation.

(d) The maximum tuition rate for each category of handicap shall be the amount which applies under subsection (c) of this Section.

An order adopting these revisions was filed and effective August 29, 1974, as R.1974 d.241 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Repeal of Rules Concerning Nonpublic School Secular Education

On September 4, 1974, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:58-59 and the holding of the case of Public Fund for Public Schools of New Jersey v. Marburger, 358 F. Supp. 29 (1973) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed in its entirety Chapter 8, Nonpublic School Secular Education, of Title 6 of the New Jersey Administrative Code.

Chapter 8 in Title 6 of the New Jersey Administrative Code is now to be marked "Reserved".

An order repealing these rules was filed and effective September 6, 1974, as R.1974 d.246 (Exempt, Mandatory Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Land Use In State's Flood Hazard Areas

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq., proposes to adopt new rules concerning land use regulations applicable to delineated flood hazard areas, consisting of State-enforced rules and minimal standards for municipal ordinances. The proposed rules are referred to within the Department as Docket DEPO03-74-9.

Such rules, if adopted, will be cited as N.J.A.C. 7:13-1.1 et seq.

The following is a summary of the proposed rules:

1. Purpose

Floods can be matters of life and death and the cause of injuries and property damage. Purpose of the proposed regulations as to protect "the safety, health and general welfare of the people of the State" by regulating land uses in the floodways and flood fringe areas of New Jersey's rivers and streams.

Flood plains are important to public health, safety and welfare in many ways, including the storage of flood waters so as to reduce inundation of adjacent lands; absorption and dissipation of the energy of flood waters so as to reduce downstream destruction; provision of sediment traps to remove sediment loads from streams and provide rich soil for agriculture; and the furnishing of diverse habitats that support fish and game.

Floods of great magnitude could occur at any time. In the past, major flood damage has occurred in the Passaic, Raritan, Delaware and Rahway watersheds. Other watersheds are also vulnerable to substantial losses of life and property from flooding.

The proposed regulations will control proposed new land uses in flood areas, and will not apply to existing lawful uses (except for expansion or modification) or to structures lawfully under construction before the regulations become effective.

Major specific purposes of the proposed regulations are to:

- (a) Protect human life and reduce damages to private property;
- (b) Reduce disruptions to transportation and vital public utilities;
- (c) Protect the public from the dangers associated with materials being swept onto downstream lands;
- (d) Preserve property values and the tax base adjacent to the flood plains; and
- (e) Decrease significantly the public cost for flood control structures, rescue and flood relief.

The philosophy of the proposed regulations is to control only those land uses which may have a significant potential of increasing flood damage and which may have a significant adverse impact on the environment. Land uses which cause only a trivial impact on flooding and the environment are not controlled by the proposed regulations.

2. Delineation Process

To further these purposes the Department has been and will continue to study the nature and extent of flood hazard areas of the State. After public hearing upon notice, the Water Policy and Supply Council in the Division of Water Re-

sources of the Department has the responsibility to delineate as flood hazard areas those portions of the flood plains which, if improperly developed and used, could "constitute a threat to the safety, health and general welfare". The Department may apply the proposed regulations only to those portions of streams which have been so delineated.

As of the end of June 1974 the Council had delineated 622 lineal miles of stream — about ten per cent of the State total. The completed delineation includes most of the Raritan River basin, including major portions of the main stem and all 29 major tributaries in 73 municipalities and seven counties; major portions of the main stem and eight major tributaries of the Passaic River basin in 62 municipalities and six counties; and major portions of 15 streams in the southern part of the State, including Crosswicks Creek basin, Big Timber Creek basin, Pennsauken Creek basin, Toms River basin, and Mantua Creek basin. The process of delineation of additional streams is continuing through various studies. Information about these studies may be obtained from Dirk C. Hofman, Division of Water Resources, Department of Environmental Protection, P.O. Box 2809, Trenton, New Jersey 08625.

After delineation by the Council, the Division disseminates the relevant maps to county and municipal clerks.

3. Two-level regulatory process

There are two proposed regulations to be adopted:

Land use regulations, to be administered by the State, applicable to all delineated **floodway** portions of the State's flood hazard areas; and

Minimum standards and procedures for local regulation of **flood fringe** portions.

The first regulation will spell out criteria and procedures for State regulation of delineated floodways. The other sets forth proposed **minimum** standards and procedures for municipal regulation of the flood fringe, or that portion of the flood hazard area not designated as the floodway and not subject to State regulations. If the municipality fails to enact the required legislation and regulations within 12 months of the effective date of the regulations, then the Division shall or may (subject to further discussion) regulate land uses in flood fringe areas. Also, at its option and with the approval of the Commissioner of Environmental Protection, a municipality may cede its responsibility to the Division of Water Resources. No local ordinance or regulation adopted pursuant to these regulations will be effective without the Division's prior approval.

4. Proposed standards and procedures

Within flood hazard areas, certain types of land uses are proposed to be prohibited, others require a permit from the Division or locality, and a third group is not subject to regulation. Generally, the proposed State and minimum local standards and procedures are similar, but the State regulations, since they apply to the most dangerous part of the hazard area—the floodway itself—are in most cases more strict.

There are three categories of land uses, as follow: prohibited, nonregulated and regulated, that is, subject to a permit.

Prohibited land uses in both floodways and flood fringes include:

- (a) Placing, depositing or dumping any solid waste (lawful preexisting landfills would be prohibited from expanding horizontally and would require a permit for vertical expansion);
- (b) Dumping, disposal or discharge (except as authorized under other provisions of law) domestic or industrial wastes, pesticides, radioactive materials, petroleum products or other hazardous materials.

The erection of structures for occupancy by human or live

stock and the erection of kennels for the boarding of domestic pets would be prohibited only in floodways, and be subject to regulation in flood fringe areas.

Nonregulated uses include proposed activities which have an inherent low flood damage potential, do not require channel modification or relocation, do not obstruct flows in the floodway and are proposed to be undertaken with full onsite flood damage risks accepted by the owner or his signs.

Regulated uses, which require a permit from the Division or municipality, include structures, fill, channel modification or relocation and excavation. Examples of proposed regulated uses are public and private recreation facilities, improved parking areas, utilities and transportation facilities, retaining walls, dams and bulkheads. For these uses the Division or locality may issue a permit with conditions necessary to minimize flood losses and damages to life and property. To issue a permit the Division or locality must make several specific findings, including that the proposed land use would have a low flood damage potential, that it would not obstruct flood flow or unduly increase flood heights or velocities, that it would not degrade significantly the water-carrying capacity of any delineated floodway or channel and that it would not unduly stress the environment of the flood plain.

As to the floodway, there would be two types of permits: "A" and "B". Type A would be for relatively minor uses such as fences, tennis courts and swimming pools and would involve simplified application and processing procedures. Type B, covering more extensive activities, would entail more detailed processing and review requirements.

As to relief in case of delays, under normal circumstances the Division would expect to decide on Type A applications within 60 days of the date the application is declared complete; within 90 days for a Type B. In the event of inaction by the Division within these limits the proposed regulations provide that an applicant may appeal directly to the Commissioner for a plenary hearing.

In the case of municipal permits for the flood fringe area inaction within 60 days of the date the application is declared complete would be the basis for a direct appeal to the Commissioner for a plenary hearing.

5. Procedures

To obtain a permit to engage in development in a flood hazard area a person would make application on forms furnished by the Division or municipality. The applicant will be furnished with a docket number to identify his application. The proposed State application form would be appended to and incorporated in the proposed regulations. The municipality shall designate the official or agency responsible for all applications and shall provide standard procedures for processing all applications.

The proposed regulations provide that the Division or local agency may require additional information before formally declaring the application complete, so notifying the applicant and interested persons. Requests for additional information may not be unreasonable or arbitrary.

Requirements for public notice, public participation and notification of appropriate officials and agencies are spelled out in the proposed regulations and vary depending on whether the application is for a Floodway Type A or Type B permit or for a municipal permit. Generally, they provide in most cases either for newspaper notice or notification of adjacent property owners, review by the environmental commission and local and county planning boards and the local governing body. It will be the responsibility of the appli-

cant to make the required submissions and notifications and to prove that he has done so—by signature of receipt or copy of notice. Those notified will have a specified time limit in which to comment; failure to comment one way or the other will not delay action on the application.

Notice will be given as to where an application is on file. Interested persons may examine a copy, and may submit written comments. If a public hearing is held, all interested parties will have an opportunity to present, orally or in writing, their continuing or revised positions concerning the application and any existing or new data they may have developed in reference to the effects of the proposed use. The reviewing agency will consider written comments received within 45 days from the date a Type A or municipal application is declared complete, and within 60 days from the date a Type B application is declared complete.

The Division or locality will notify the applicant in writing as to the granting, conditioning or denying of a permit and give reasons for the action. The applicant or any aggrieved party to the decision may object to the action within 30 days thereof and request a plenary hearing before a State hearing officer, which will be granted if the Commissioner finds the request to be substantive. The costs of any such hearing will be borne by the applicant. If the Commissioner decides to grant a hearing to a person other than the applicant, the applicant may elect to withdraw his application rather than incur costs of the hearing.

6. Relationship of stream encroachment permit

Once the rules are in effect they will supersede all stream encroachment permit requirements for those streams delineated under the new flood plains management law. Accordingly, the stream encroachment procedures will cease to apply.

7. Fees

To help offset the cost of supervision, the regulations would establish fee schedules for applications to the Division. Proposed nonrefundable fees are \$10.00 for a docket number, \$10.00 for processing a Type A application and \$1,000 for processing a Type B application. The \$1,000 represents the current present average cost to the taxpayer for processing a stream encroachment application. The goal is to administer the new regulations for less per application, but to charge whatever the cost may be to the applicant. A sliding scale for Type B application fees may be adopted instead of a flat fee.

The Commissioner invites comments on all aspects of the regulations and will make a final decision only after public hearing and full consideration of written and oral comments.

Take further notice that the public is particularly invited to comment on how best to administer these regulations and standards at the State and municipal levels, and how best to coordinate this administration with Federal water pollution control enforcement (NPDES), with flood insurance programs, with activities entrusted to interstate compact commissions and with municipal zoning responsibilities.

Copies of the two proposed rules and the accompanying background statement have been prepared and a summary forwarded to news media throughout the State. Copies have also been sent to all mayors and municipal engineers, environmental commissions, local and county planning boards, the New Jersey Society of Professional Engineers, the New Jersey Builders Association, other agencies of State government, soil conservation districts, county park commissions, various environmental and natural resource or-

ganizations and other involved groups and individuals.

Copies of the full text of the two proposed regulations, the background statement and the authorizing statute may be obtained from:

Dirk C. Hofman, Chief
Bureau of Water Control
Department of Environmental Protection
P.O. Box 2809
Trenton, New Jersey 08625

A public hearing relative to the proposed rules will be held in the main auditorium of the War Memorial Building, Lafayette Boulevard, Trenton, New Jersey, on November 6, 1974 at 10 A.M.

Written comments to the above address regarding the proposed rules may be submitted prior to the public hearing, and submissions within 20 days thereafter will also be considered.

After full consideration of all submissions, the Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt the rules substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Extension of Wetlands Order To Portions of Cumberland County

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1.1 et seq., proposes to adopt a new rule extending the coverage of the Wetlands Order to certain portions of Cumberland County. The Department of Environmental Protection refers to this proposal as Docket DEP 005-74-9.

A **summary** of the portions of Cumberland County included in the proposed extension follows:

7:7A-1.1 (a) 15. Cumberland County (The following wetlands maps are filed in the office of the County Recording Officer in Bridgeton):

119-1926, 126-1860, 126-1866, 126-1896, 126-1902, 126-1908, 126-1914, 126-1920, 126-1926, 133-1854, 133-1860, 133-1866, 133-1872, 133-1878, 133-1884, 133-1890, 133-1896, 133-1902, 133-1908, 133-1914, 133-1920, 133-1926, 140-1854, 140-1860, 140-1866, 140-1872, 140-1878, 140-1884, 140-1890, 140-1896, 140-1902, 140-1908, 140-1920, 140-1926, 147-1848, 147-1854, 147-1860, 147-1866, 147-1872, 147-1878, 147-1884, 147-1890, 147-1896, 147-1902, 147-1908, 154-1836, 154-1842, 154-1848, 154-1854, 154-1860, 154-1866, 154-1872, 154-1878, 154-1884, 154-1896, 154-1902, 154-1908, 161-1818, 161-1824, 161-1830, 161-1836, 161-1842, 161-1848, 161-1854, 161-1860, 161-1866, 161-1872, 161-1878, 161-1884, 161-1896, 161-1902, 161-1908, 161-1914, 168-1812, 168-1818, 168-1824, 168-1830, 168-1836, 168-1842, 168-1848, 168-1854, 168-1902, 168-1908, 168-1914, 175-1812, 175-1818, 175-1824, 175-1830, 175-1836, 175-1842, 175-1848, 175-1896, 175-1902, 175-1908, 175-1914, 182-1800, 182-1806, 182-1812, 182-1818, 182-1824, 182-1830, 182-1836, 182-1842, 182-1896, 182-1902, 182-1908, 182-1914, 189-1794, 189-1800, 189-1806, 189-1812, 189-1818, 189-1824, 189-1830, 189-1890,

189-1896, 189-1902, 196-1782, 196-1788, 196-1794, 196-1800, 196-1806, 196-1812, 196-1818, 196-1824, 196-1830, 196-1836, 196-1842, 196-1890, 196-1896, 203-1782, 203-1788, 203-1794, 203-1800, 203-1806, 203-1812, 203-1818, 203-1824, 203-1836, 203-1842, 203-1890, 210-1782, 210-1788, 210-1794, 210-1800, 210-1836, 217-1782, 217-1788, 217-1794, 217-1836, 224-1788, 224-1794, 224-1800.

Full Text of the 28 pages of this proposed rule may be obtained from:

Department of Environmental Protection
P.O.Box 1390
Trenton, N.J. 08625

A public hearing respecting the proposed action will be held November 15, 1974, at 11:00 A.M. and continuing into the evening, if necessary, at the Cumberland County Board of Freeholders meeting room, Broad and Fayette Streets, Bridgeton, N.J. 08302. This hearing will be held in accordance with the provisions of the Wetlands Act of 1970, c. 272, P.L. 1970. All testimony offered to the Department orally or in writing at this hearing will be considered.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 16, 1974 to the Department of Environmental Protection 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 rule substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF PARKS AND FORESTRY

Proposed Amendment Concerning Charges

Thomas V. Seessel, Acting Director of the Division of Parks and Forestry in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:8-20, proposes to adopt an amendment to the rule concerning charges.

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

7:2-2.13 Charges

The right is reserved to make charges to the general public for entry, parking, use of facilities and for other services, products and/or uses, **except as otherwise provided by law**. Such charges shall be subject to change.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 1, 1974, to:

Frank Rigg
Chief, Bureau of Parks
Department of Environmental Protection
Post Office Box 1390
Trenton, New Jersey 08625

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.

Thomas V. Seessel
Acting Director
Division of Parks and Forestry
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

1975 Fish Code

On September 12, 1974, 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. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the Fish Code for the 1975 fishing seasons, substantially as proposed in the Notice published August 8, 1974, at 6 N.J.R. 305 (a), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

Such rules may be cited as N.J.A.C. 7:25-6.1 et seq. Such rules have been designated by the Department of Environmental Protection as Docket DEPOO 4-74-9.

An order adopting these rules was filed September 18, 1974, as R. 1974 d.253 to become effective January 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Guidelines for Certification Under New Jersey Industrial Pollution Control Financing Law

On September 25, 1974, Rocco D. Ricci, Assistant Commissioner of the Divisions of Water Resources and Environmental Quality in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3, 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules concerning the guidelines for Department of Environmental Protection certification under the New Jersey Industrial Pollution Control Financing Law. Such rules are referred to as Docket DEP007-74-9 within the Department.

Full text of the adopted rules follows:

CHAPTER 15. INDUSTRIAL POLLUTION CONTROL FINANCING LAW

SUBCHAPTER 1. GENERAL PROVISIONS; GUIDELINES

7:15-1.1 Scope and responsibilities

(a) On January 9, 1974, Governor William T. Cahill signed the New Jersey Industrial Pollution Control Financing Law, Chapter 376 of P.L. 1973 (N.J.S.A. 40:37C-1 to 40:37C-18). This Act enables counties to establish by resolution county industrial pollution control financing authorities. These authorities possess the power to finance pollution control facilities for private industries through the issuance of tax-free bonds and to otherwise finance these facilities. The authority and the county bear no liability for payment of these bonds, the particular industry being directly and solely responsible to the bondholders.

(b) The responsibilities of the Department of Environmental Protection under the law are several. DEP must:

1. Certify "that the proposed undertaking of the authority is the proper method of solving the problem under consideration" [Sec. 4(a)];

2. Approve the location and manner of construction of pollution control facilities to be financed under this Act if and when an authority wishes to exercise its power to determine such location and manner of construction [Sec. 5(g)];

3. Certify "that the facilities to be financed are, or when constructed, will be pollution control facilities as defined in this Act" before any authority adopts a resolution authorizing the issuance of bonds and as a condition precedent to any such authority issuing such bonds (Sec. 11); and

4. Certify that "any such facility does not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority." (Sec. 3)

1"Pollution control facilities means any structures, facilities, systems, fixtures, lands and rights in lands, improvements, appurtenances, machinery, equipment or any combination thereof designed and utilized for the purpose of reducing, abating or preventing pollution, deriving from the operation of public utility, industrial manufacturing, warehousing, commercial, office or research facilities and provided that the State Department of Environmental Protection and the board of freeholders certify that any such facility does not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority.

7:15-1.2 Statements of policy

(a) The following are statements of policy:

1. Certification that the undertaking is "the proper method of solving the problem under consideration.": It is the policy of the Department that the term "the proper method of solving the problem" be interpreted to mean the application of that technology which will enable the subject facility to meet, at a minimum, all standards, guidelines and criteria of this Department and of the United States Environmental protection Agency applicable to the reduction, abatement or prevention of the pollution for which the facility is to be constructed. The problem is deemed to be determining the method which will enable a facility to comply with the regulations which govern its activities. For example, the problem is not water pollution as a general proposition for which arguably the proper method of solving the problem is universally a zero discharge system. Rather, the problem is complying with the applicable effluent and water quality standards for which the proper method of solving the problem may or may not be a zero discharge system.

2. Certification that the facility is a pollution control facility as defined in the Act: This certification involves a statement by the DEP that the facility is "designed and utilized for the purpose of reducing, abating or preventing pollution" and that the facility does not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority.

i. The Department does not anticipate much difficulty in determining whether a particular project is "designed and utilized for the purpose of reducing, abating or preventing pollution". In view of the extensive Federal involvement in determining what can and cannot be financed through municipal bonds, the Department will not be immediately concerned with the effect of the pollution control facility on increases in productivity, profit and the like. The analysis will be made solely on the basis of whether or not it is "designed and utilized for the control of pollution".

ii. The DEP certification that the project will not conflict with, overlap or duplicate facilities undertaken or planned by another public agency or authority will be of primary importance in water pollution abatement projects. This analysis will be made in light of existing and planned municipal, State and regional sewage collection and treatment systems and how those systems relate to the effluent from the industrial point source and to the proposed wastewater treatment plant.

iii. The Department anticipates that the majority of projects will involve air and water pollution abatement, although the statute does not limit the kinds of pollution for which control facilities may be financed. A small percentage of projects may involve noise or solid waste pollution control facilities.

7:15-1.3 Procedure for applying for certification

(a) The applicant must submit to DEP an application by letter containing the following information:

1. Indication that the pertinent county pollution control financing authority has determined to proceed with the facility in issue;
2. A detailed statement of the facts involved;
3. Indication of awareness of Federal, State and local permit requirements and any other Departmental requirements necessary to proceed with the project;
4. Sufficient information and data as to satisfy the Department that the proposed facility is a pollution control facility as defined in the Act;
5. Sufficient information and data as to satisfy the Department that the proposed facility does not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority;
6. Request for certification.

(b) After receipt, review and approval of the above, the Commissioner will issue a certification based upon the facts submitted to him and for the purposes of the New Jersey Pollution Control Financing Law only. Certification in no way is to be interpreted as any form of Departmental guarantee as to the capabilities or capacities of the certified facilities. The Department at all times has the right and the duty to enforce any and all laws and regulations applicable to such facilities.

(c) Applications should be submitted to Steven Corwin, Division of Water Resources, P. O. Box 2809, Trenton, New Jersey.

An order adopting these rules and guidelines was filed and effective September 25, 1974, as R.1974 d.268 (Ex-empt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
Notice of Hearing

Take notice that the Division of Water Resources in the Department of Environmental Protection has issued the following Notice of hearing, also known within the Department as Docket DEP006-74-9:

A quasi-legislative hearing will be held before the Water Policy and Supply Council on Monday, November 11, 1974, at 10:00 A.M. in the Division hearing room, second floor, 1474 Prospect Street, Trenton, New Jersey to solicit infor-

mation for the preparation of rules and regulations for adoption of a design drought for planning and regulatory purposes.

All interested parties are invited to participate in the hearing.

Interested persons may also present statements or arguments in writing relevant to the proposed action on all matters desired to be brought to the attention of the Department, on or before November 4, 1974 to:

Virginia T. Dombrowski, Secretary
Water Policy and Supply Council
Department of Environmental Protection
P.O. Box 2809
Trenton, New Jersey 08625

This notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH
THE COMMISSIONER

**Proposed Revisions for Adjustment
Of State Plan for Hospitals
And Related Health Care Services**

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt revisions to N.J.A.C. 8:32-3.1 concerning the adjustment of the State Plan for Hospitals and Related Health Care Services.

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

8:32-3.1 Adjustment of the State Plan for hospitals and related health care services

(a) The State Plan for hospitals and related health care services is a document that is to be used as a guide in decision making, relative to the need for hospitals and related health care services throughout the State of New Jersey. As a planning instrument it will be necessary to make adjustments in this document when specific situations or circumstances occur in a particular area of the State. Therefore, the following is a procedure by which this plan may be adjusted to reflect these instances:

1. Requests for adjustment to the State Plan shall be forwarded directly to the appropriate areawide health planning ("B") agency. Copies of the request shall be forwarded simultaneously to the Director of the Comprehensive Health Planning Agency and also to the Assistant Commissioner for Health Facilities (Attention: Chief, Health Facility Services), New Jersey State Department of Health, P.O. Box 1540, Trenton, N.J. 08625.

2. Recommendations from the appropriate areawide planning agencies shall be forwarded to the State Comprehensive Health Planning Agency within [45 days] **60 days** for presentation to the State Health Planning Council for review, comment and recommendation.

3. The recommendation of the State Health Planning Council will then be forwarded within [45 days] **30 days** to

the Assistant Commissioner for Health Facilities for submission to the Health Care Administration Board for consideration as an adjustment to the State Plan. **Submission of certificate of need and/or 1122 Federal applications, which embody a request for adjustment, should be processed at one and the same time, as per the above time schedule.**

4. In the event of concurrence by the Health Care Administration Board of the State Health Planning Council's recommendation, the adjustment will be published in the New Jersey Register and is subject to all provisions of the Administrative Procedure Act.

5. Before the Health Care Administration Board will approve an adjustment contrary to the recommendation of the State Health Planning Council, the Health Care Administration Board will afford the State Health Planning Council an opportunity to appear and discuss their recommendation prior to final determination by the Health Care Administration Board.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Arthur E. Brown
Assistant Commissioner for Health Facilities
State Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

The Department of Health, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Rules on Standards for Licensure Of Free-Standing Ambulatory Care Centers

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new standards for the licensure of free-standing ambulatory care centers. Such rules, if adopted, may be cited as N.J.A.C. 8:43A-1.1 et seq.

The proposed rules concern definitions, general requirements, governing authority, administration, general administrative policies, personnel policies, records and reports, nursing services, social services, nutrition services, health education, laboratories, radiology, surgical procedures, central supply services, rehabilitation services, pharmacy, medical records, inhalation services, medical staff, dental services, podiatry services, modifications to qualifications of medical staff and physical plant requirements.

Copies of the full text of the 40 pages of proposed rules may be obtained from:

Mrs. Wanda Schorn, Coordinator
Standards and Special Studies
Division of Health Facilities
Post Office Box 1540
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held November 20, 1974, at 10:00 A.M. in the auditorium, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 20, 1974 to the Department of Health, at the above address.

The Department of Health, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Revisions in Policy on Skilled Nursing and Intermediate Care Beds

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to revise N.J.A.C. 8:33-1.11 concerning the policy on skilled nursing and intermediate care beds.

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

8:33-1.11 Policy on skilled nursing and intermediate care beds

Effective immediately and until [September 30, 1974] **January 31, 1975**, certificates of need shall not be issued to health care facilities requesting additional skilled nursing or intermediate care beds, or proposing to construct new facilities to accommodate skilled nursing or intermediate care beds.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Arthur E. Brown
Assistant Commissioner for Health Facilities
State Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

The Department of Health, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Rules Covering Boarding Homes for Sheltered Care

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of

the Health Care Administration Board, proposes to adopt new rules concerning boarding homes for sheltered care for the purpose of clarification and reporting of existing regulations relating to the rules regarding Boarding Homes for Sheltered Care adopted October 27, 1965, by the Board of Control, Department of Institutions and Agencies, and since transferred by legislation to the State Department of Health.

Such rules, if adopted, may be cited as N.J.A.C. 8:43-1.1 et seq.

The proposed rules concern an introduction, building requirements, fire protection, administration, personal care services and food and food service.

Copies of the full text of 45 pages of the proposed rules may be obtained by writing to:

Arthur E. Brown
Assistant Commissioner for Health Facilities
State Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to the Department of Health at the above address.

The Department of Health, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Continuation of Mixing Skilled Nursing Facility And Intermediate Care Beds Levels A and B

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to extend the program of multiple levels of care in skilled nursing facilities and intermediate care facilities through March 31, 1975.

Such continuation, if adopted, will be covered in Subtitle D of Title 8 of the New Jersey Administrative Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Arthur E. Brown
Assistant Commissioner of Health Facilities
State Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

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

Joanne E. Finley, M.D.
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Procedures for Adjustment Of the State Plan for Hospitals and Related Health Care Services

On September 12, 1974, 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 of 1968, adopted rules concerning procedures for adjustment of the State Plan for Hospitals and Related Health Care Services, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 308(a).

Such rules may be cited as N.J.A.C. 8:32-3.1. Take notice that, in the Notice of Proposal published August 8, 1974, these proposed rules were incorrectly cited as N.J.A.C. 8:32-5.1.

An order adopting these rules was filed and effective September 20, 1974, as R. 1974 d.260.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Revisions Concerning Other Security Controls for Nonpractitioners

On September 12, 1974, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rule concerning other security controls for nonpractitioners, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 309(b).

Such revisions will be included in N.J.A.C. 8:65-2.4(c). An order adopting these revisions was filed and effective September 20, 1974, as R.1974 d.261.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Rule on Scheduling and Completing of Hearings For Certificate of Need Applicants

On September 25, 1974, 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 of 1968, adopted a rule on scheduling and completing of hearings for certificate of need applicants, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 306(b).

Such rule may be cited as N.J.A.C. 8:33-1.13.
An order adopting this rule was filed September 25, 1974,
as R.1974 d.269 to become effective October 1, 1974.
Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Proposed Rule on Increase in Adjunct Teaching Rates of State Colleges

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq., proposes to adopt a new rule which increases the rate for adjunct teaching from \$205.00 per semester credit hour to \$250.00 per semester credit hour, effective September, 1975.

This rule, if adopted, will be cited as N.J.A.C. 9:2-2.13.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

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

Ralph A. Dungan
Chancellor of Higher Education
Secretary, State Board of Higher Education

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions For Institutional Pharmacies

Robert E. Mulcahy III, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:40-1 et seq., proposes to adopt revisions to the rules concerning institutional pharmacies.

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

10:51-1.11 (a) 3. The "dispensing fee" for legend drugs provided under the New Jersey Health Services Program as outlined in this manual will be **\$1.50 commencing on November 15, 1974** [\$1.00 commencing on March 1, 1974], and continuing until such time as written notice of change is forwarded by the New Jersey Division of Medical Assistance and Health Services to all providers of pharmaceutical services.

Interested persons may present statements or arguments in writing relevant to the proposed revisions on or before October 30, 1974, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Robert E. Mulcahy III
Acting Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Physician's Manual Concerning Specialists

Robert E. Mulcahy, III, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise N.J.A.C. 10:54-1.19, Specialists recognition, to include Diplomates of the American Osteopathic Board of General Practice.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Administrative Analyst
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, N.J. 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Robert E. Mulcahy, III
Acting Commissioner
Department of Institutions and Agencies

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions for Pharmacy Providers

Robert E. Mulcahy III, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposed to revise portions of N.J.A.C. 10:51-1.10 concerning pharmacy providers.

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

10:51-1.10(a) Payment for "legend" drugs (those drugs bearing the legend "Federal law prohibits dispensing without prescription"), contraceptive diaphragms and nonspecified allergy vaccines will be based upon "maximum cost" as herein defined, plus a "dispensing fee" as herein defined.

(b) "Maximum cost" is defined as the listed average wholesale price (AWP) as so designated for the most frequently purchased package size in the current Drug Topics Red Book (published by Medical Economics Co., Oradell, N.J. 07649) and supplements and price changes listed by the same publisher in Drug Topics Magazine. In the case of

unlisted or undesignated AWP "cost" or typographical errors, the known correct price will be used as maximum cost.

1. Maximum cost for each eligible prescription claim shall be subject to the following fiscal conditions based upon three categories determined from the previous year's total Medicaid dollar payments for legend [and nonlegend drugs] in each participating pharmacy. The categories shall be adjusted annually. Those pharmacy providers who have participated in the program for less than one year will have their payments projected over the entire calendar year to determine the appropriate category for the next year.

I. Category I -

(1) Pharmacies whose total dollar volume for legend drugs in the previous calendar year was not more than \$24,999.99;

(2) Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP) as defined above.

II. Category II -

(1) Pharmacies whose total dollar volume for [pharmaceutical services in New Jersey Health Services Program] legend drugs in the previous calendar year was in excess of \$24,000 but did not exceed \$49,999.99;

(2) Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP) as defined above less three per cent of such cost as listed on the claim form (MC-6). The calculated amount will be automatically deducted from each prescription claim in the reimbursement processing procedure.

III. Category III -

(1) Pharmacies whose total dollar volume for [pharmaceutical services in New Jersey Health Services Program] legend drugs in the previous calendar year was \$50,000 or more;

(2) Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP) as defined above less six per cent of such cost as listed on the claim form (MC-6). The calculated amount will be automatically deducted from each prescription claim in the reimbursement processing procedure.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Division of Medical Assistance
and Health Services
Administrative Analyst
324 East State Street
Trenton, N.J. 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Robert E. Mulcahy, III
Acting Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions for Educational Leave Stipends

On August 29, 1974, Ann Klein, Commissioner of Institu-

tions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:109-1.6(a)1. and 2. concerning educational leave stipends, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 311(b).

An order adopting these revisions was filed and effective September 10, 1974, as R.1974 d.248.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions for Procedure Code Numbers In Manual for Psychological Services

On August 23, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the procedure code numbers in the Manual for Psychological Services in Chapter 67 of Title 10 of the New Jersey Administrative Code.

Such revisions involve psychologic testing, psychotherapy and family conference procedure code numbers.

Full text of the adopted revisions may be obtained by writing to:

Administrative Analyst
Division of Medical Assistance and Health Services
Post Office Box 2486
Trenton, New Jersey 08625

An order adopting these revisions was filed and effective September 4, 1974, as R.1974 d.245 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Rules on Charitable Annuities

On September 12, 1974, Herman W. Hanssler, Acting Deputy Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning charitable annuities, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 315(a).

Such rules may be cited as N.J.A.C. 11:4-8.1 et seq.

An order adopting these rules was filed and effective September 20, 1974, as R.1974 d.258.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, and will be adjusted the month

following the mailing to Code subscribers of update pages.

Since the most recent update, covering rules adopted up to August 15, 1973, these Departments have adopted the following additional rules—printed in the Register but not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Adoption Notice N.J.R. Citation</u>
CHIEF EXECUTIVE — TITLE 1			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R. 1974 d.33	6 N.J.R. 94(a)
1:6-1.1 et seq.	Revised rules on motor gasoline	R. 1974 d.86	6 N.J.R. 162(b)
1:6-3.1	Revised alternate day gas purchase program	R. 1974 d.75	6 N.J.R. 162(a)
AGRICULTURE — TITLE 2			
2:2-2.10	Times established for Brucellosis tests	R. 1973 d.273	5 N.J.R. 327(c)
2:2-3.3	Times established for tuberculin tests	R. 1973 d.274	5 N.J.R. 327(d)
2:2-4.34(a)	Method of appraisal for indemnity purposes	R. 1973 d.305	5 N.J.R. 363(b)
2:3-2.5	Requirements on equidae entering New Jersey	R. 1974 d.55	6 N.J.R. 130(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R. 1973 d.233	5 N.J.R. 327(a)
2:5-2.1(f)	Revisions for quarantining and branding of infectious anemia horses	R. 1974 d.256	6 N.J.R. 386(c)
2:5-2.2	Horses consigned from out-of-State to horse auction markets	R. 1974 d.255	6 N.J.R. 386(b)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R. 1974 d.41	6 N.J.R. 96(a)
2:20-4.1	Subcoccinella viginliqualuorpunctata quarantine	R. 1974 d.153	6 N.J.R. 254(b)
2:22-1.1	Control of ceriferus (or Japanese) wax scale	R. 1974 d.130	6 N.J.R. 254(a)
2:33-1.1	Agricultural fairs	R. 1974 d.254	6 N.J.R. 386(a)
2:48-6.1 et seq.	Sale of milk in new container size	R. 1974 d.72	6 N.J.R. 166(b)
2:54-3.2	Suspension of portions of Milk Marketing Order	R. 1973 d.257	5 N.J.R. 327(b)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R. 1974 d.91	6 N.J.R. 166(c)
2:67-1.1	Prompt settlement	R. 1973 d.355	5 N.J.R. 363(a)
2:67-1.1	Prompt settlement	R. 1974 d.42	6 N.J.R. 96(b)
2:71-1.38	Labeling of eggs	R. 1973 d.275	5 N.J.R. 328(a)
2:71-1.39	Labeling of eggs	R. 1973 d.356	6 N.J.R. 2(a)
BANKING — TITLE 3			
3:1-1.1	Interest rates revised	R. 1973 d.366	6 N.J.R. 50(b)
3:1-1.1	Revisions concerning interest rates	R. 1974 d.132	6 N.J.R. 255(b)
		R. 1974 d.140	6 N.J.R. 255(b)
3:1-1.1	Revised interest rate	R. 1974 d.247	6 N.J.R. 387(b)
3:1-2.1(b)	Amend population estimate rules	R. 1973 d.229	5 N.J.R. 328(b)
3:1-2.13(a)	Delete current text	R. 1973 d.342	6 N.J.R. 3(a)
3:1-2.13(b)	Financial reports	R. 1973 d.281	5 N.J.R. 364(d)
3:1-4.1 et seq.	Revisions in governmental unit deposit protection	R. 1974 d.119	6 N.J.R. 218(b)
3:1-6.1 et seq.	Rules on fees	R. 1974 d.221	6 N.J.R. 342(a)
3:6-5.1 et seq.	Revisions concerning Federal funds transactions	R. 1974 d.27	6 N.J.R. 97(b)
3:6-7.1	Banking offices protection	R. 1973 d.344	6 N.J.R. 3(c)
3:6-8.1	Registrar and transfer agents filings	R. 1974 d.177	6 N.J.R. 297(a)
3:8-3.1	Required reserve	R. 1973 d.252	5 N.J.R. 328(e)
3:8-5.1	Required reserve; savings banks	R. 1973 d.251	5 N.J.R. 328(d)
3:10-4.1 et seq.	Revisions in ratio of mortgage loan to appraised value	R. 1974 d.78	6 N.J.R. 168(a)
3:11-1.1	Revised listing of obligations	R. 1974 d.93	6 N.J.R. 168(b)
3:11-6.3	Approval of investment in Student Loan Marketing Association	R. 1973 d.250	5 N.J.R. 328(c)
3:11-8.1	Investment securities; savings banks	R. 1974 d.145	6 N.J.R. 256(a)
3:16-2.1	Revisions concerning pawnbroking service charges	R. 1974 d.7	6 N.J.R. 51(a)
3:18-5.4	Prior notice to borrower; final disclosure of specific dollar amounts	R. 1973 d.343	6 N.J.R. 3(b)
3:18-6.1 et seq.	Solicitation of business	R. 1973 d.280	5 N.J.R. 364(c)

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3:18-7.3	Delete rule on legal fees	R. 1973 d.343	6 N.J.R. 3(b)
3:18-7.6	Verbal advertisement	R. 1973 d.282	5 N.J.R. 365(a)
3:18-8.1	Banking institution	R. 1974 d.135	6 N.J.R. 255(a)
3:18-9.1 et seq.	Interest rate regulation Number 1	R. 1974 d.199	6 N.J.R. 298(a)

CIVIL SERVICE — TITLE 4

4:1-17.24	Joint regulations on payments to State employees for unused sick leave	R. 1974 d.257	6 N.J.R. 388(a)
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COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Revisions concerning construction, maintenance of hotels	R. 1973 d.357	6 N.J.R. 5(b)
5:10-1.1 et seq.	Revisions for construction and maintenance of hotels	R. 1974 d.206	6 N.J.R. 301(a)
5:10-2.2	Revised definitions of building and multiple dwelling	R. 1973 d.310	5 N.J.R. 369(a)
5:10-19.4(c)	Revised exterior lighting requirements	R. 1974 d.14	6 N.J.R. 55(a)
5:10-19.4(1)	Revised heating requirements	R. 1974 d.14	6 N.J.R. 55(a)
5:80-13.2	Form of resolution; State and Local Fiscal Assistance Act of 1972	R. 1973 d.352	6 N.J.R. 5(a)
5:13-1.1	Revise definitions of gross shelter rent and condominium	R. 1974 d.166	6 N.J.R. 256(b)

EDUCATION — TITLE 6

6:1-2.2	Revisions concerning regular meetings	R. 1974 d.38	6 N.J.R. 100(b)
6:2-1.3 et seq.	Revised appeal procedures	R. 1973 d.329	6 N.J.R. 6(a)
6:8-1.1 et seq.	Repeal rules on nonpublic school secular education	R. 1974 d.246	6 N.J.R. 390(b)
6:11-12.3	Retirement of school buses	R. 1974 d.176	6 N.J.R. 302(c)
6:20-4.1 et seq.	Revisions to rules concerning determination of tuition formula	R. 1974 d.241	6 N.J.R. 390(a)
6:20-6.1 et seq.	Purchase and loan of textbooks	R. 1974 d.240	6 N.J.R. 389(a)
6:21-1.4	Vocational-technical coordinator; co-op industrial education	R. 1973 d.269	5 N.J.R. 333(c)
6:21-6.26	Revisions concerning bus mirror specifications	R. 1974 d.142	6 N.J.R. 258(b)
6:21-6.31(e)	Stanchions and guard rails	R. 1973 d.267	5 N.J.R. 333(a)
6:21-7.1	Limit of apportionment of State aid	R. 1973 d.267	5 N.J.R. 333(a)
6:21-11.3(d)	Revisions concerning bus driver procedures	R. 1974 d.141	6 N.J.R. 258(a)
6:21-8.2 et seq.	Revised rules concerning pupil transportation	R. 1974 d.90	6 N.J.R. 172(c)
6:21-18.25	Stanchions and guard rails	R. 1973 d.267	5 N.J.R. 333(a)
6:22-8.4 et seq.	Revised guide for schoolhouse planning and construction	R. 1973 d.316	5 N.J.R. 403(b)
6:24-1.16	Additional revisions concerning written decisions	R. 1973 d.266	5 N.J.R. 332(b)
6:24-1.16	Written decisions	R. 1973 d.232	5 N.J.R. 332(a)
6:27-1.4	Graduation	R. 1973 d.268	5 N.J.R. 333(b)
6:27-1.13	Definitions	R. 1973 d.268	5 N.J.R. 333(b)
6:29-4.2	Revisions concerning testing for tuberculosis	R. 1974 d.154	6 N.J.R. 258(c)
		R. 1974 d.155	6 N.J.R. 258(c)
6:37-1.1 et seq.	Educational centers of research and demonstration	R. 1974 d.173	6 N.J.R. 301(e)
6:43-2.6(d)	Vocational program services	R. 1974 d.168	6 N.J.R. 261(a)
6:44-6.1 et seq.	High school equivalency	R. 1973 d.317	5 N.J.R. 330(a)
6:44-7.1 et seq.	Adult high schools (accredited evening high schools)	R. 1973 d.318	5 N.J.R. 331(a)
6:47-1.2(h)	Vocational-management services	R. 1974 d.174	6 N.J.R. 301(c)
6:68-4.1 et seq.	State library assistance programs	R. 1974 d.175	6 N.J.R. 302(a)
6:78-1.1 et seq.	Revisions concerning Marie H. Katzenbach School for the Deaf	R. 1974 d.167	6 N.J.R. 259(a)
6:78-1.3	Transportation revisions	R. 1974 d.70	6 N.J.R. 132(a)
6:79-1.8	Guidelines for free and reduced-price lunches	R. 1974 d.198	6 N.J.R. 302(e)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-3.1 et seq.	Emergency rules on sulfur in fuels	R. 1973 d.326	5 N.J.R. 404(a)
7:1-3.5	Extension of emergency sulfur rules, Order 39	R. 1974 d.64	6 N.J.R. 134(a)
7:1-4.1 et seq.	Importation of solid and liquid waste from outside New Jersey	R. 1974 d.10	6 N.J.R. 58(a)
7:2-2.8 et seq.	Revisions concerning lands under Bureau of Parks	R. 1974 d.13	6 N.J.R. 60(a)
7:6-1.8	Reporting boat accidents	R. 1973 d.367	6 N.J.R. 60(b)
7:6-1.38	Lifesaving devices	R. 1973 d.271	5 N.J.R. 337(b)
7:6-5.2	Repeal rule on registration for livery vessels	R. 1974 d.102	6 N.J.R. 178(a)
7:7A-1.1(a)12.	Extend wetlands order to parts of Cape May County	R. 1973 d.324	5 N.J.R. 408(b)
7:7A-1.1(a)14.	Extend wetland order to portions of Salem County	R. 1974 d.188	6 N.J.R. 306(a)
7:7A-1.1(a)13.	Extension of wetlands order to Atlantic County	R. 1973 d.364	6 N.J.R. 6(c)
7:7C-1.1 et seq.	Revised procedural rules concerning hearings	R. 1974 d.32	6 N.J.R. 101(c)

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7:7C-1.1 et seq.	Rules on hearings under Coastal Area Facilities Review Act	R. 1974 d.26	6 N.J.R. 101(b)
7:7C-1.1 et seq.	Repeal of rules on hearings under Coastal Area Review Act	R. 1974 d.162	6 N.J.R. 263(c)
7:9-9.1 et seq.	Sealing abandoned wells	R. 1973 d.299	5 N.J.R. 370(b)
7:9-11.1 et seq.	Allocation of waste loads to point source discharges	R. 1974 d.151	6 N.J.R. 263(b)
7:12-1.1 et seq.	Shellfish growing water classifications	R. 1974 d.99	6 N.J.R. 175(b)
7:15-1.1 et seq.	Guidelines under N.J. Industrial Pollution Control Financing Law	R. 1974 d.268	6 N.J.R. 394(b)
7:25-2.15	Rules for controlled hunting in certain areas	R. 1973 d.293	5 N.J.R. 370(a)
7:25-2.15	Revisions concerning controlled hunting	R. 1974 d.150	6 N.J.R. 263(a)
7:25-5.1 et seq.	1974-75 Game Code adopted	R. 1974 d.149	6 N.J.R. 262(c)
7:25-5.27	Waterfowl hunting	R. 1973 d.263	5 N.J.R. 336(b)
7:25-5.28	Use of conibear traps	R. 1973 d.263	5 N.J.R. 336(b)
7:25-6.1 et seq.	1974 Fish Code	R. 1973 d.265	5 N.J.R. 337(a)
7:25-6.1 et seq.	1975 Fish Code	R. 1974 d.253	6 N.J.R. 394(a)
7:25-6.14	Amend 1973 Fish Code	R. 1973 d.264	5 N.J.R. 336(c)
7:25-6.15	Natural trout fishing areas	R. 1973 d.347	6 N.J.R. 6(b)
7:25-7.1 et seq.	Revisions in shellfish-growing water classification	R. 1974 d.44	6 N.J.R. 103(a)
7:25-7.1 et seq.	Delete current text and mark Subchapter as "Reserved"	R. 1974 d.99	6 N.J.R. 175(b)
7:25-7.6	Conservation order; reef bed	R. 1973 d.301	5 N.J.R. 370(d)
7:25-7.7	Open shellfish beds; Fitney Bit bed	R. 1974 d.107	6 N.J.R. 228(a)
7:25-7.8	Conservation order opening certain oyster beds	R. 1974 d.124	6 N.J.R. 228(b)
7:25-7.9	Conservation order closing certain seal clam beds	R. 1974 d.139	6 N.J.R. 262(a)
7:25-9.1(h)	Rescind portions of prior resolution	R. 1973 d.303	5 N.J.R. 371(b)
7:25-9.2	Revised Resolution No. 111; clams	R. 1974 d.148	6 N.J.R. 262(b)
7:25-10.1	Resolution dated September 19, 1973	R. 1973 d.302	5 N.J.R. 371(a)
7:26-1.1 et seq.	Revisions to rules of Bureau of Solid Waste Management	R. 1974 d.172	6 N.J.R. 305(c)
7:26-1.5	Waste collected out-of-State	R. 1973 d.245	5 N.J.R. 336(a)
7:26-2.5 et seq.	Revisions on rules of Bureau of Solid Waste Management	R. 1974 d.234	6 N.J.R. 343(c)
7:26-5.1 et seq.	Rules of practice of Bureau of Solid Waste Management	R. 1973 d.300	5 N.J.R. 370(c)
7:27-12.6	Delete rule on powers of Director of Div. of Environmental Quality	R. 1974 d.125	6 N.J.R. 228(c)
7:27-15.1 et seq.	Revisions in emission inspection standards light-duty motor vehicles	R. 1974 d.169	6 N.J.R. 305(b)
7:29-1.1 et seq.	Noise control regulations	R. 1974 d.12	6 N.J.R. 59(b)
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17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R. 1974 d.231	6 N.J.R. 361(b)
17:9-2.3	Revisions on annual enrollment period	R. 1974 d.228	6 N.J.R. 360(c)
17:9-3.3 et seq.	Revisions in administration of Health Benefits Program	R. 1973 d.285	5 N.J.R. 393(a)
17:9-5.4	Revisions on local employer payment of dependent charges	R. 1974 d.229	6 N.J.R. 360(d)
17:9-5.6	Health maintenance organization premiums	R. 1974 d.228	6 N.J.R. 360(c)
17:16-5.5(a)	Add State facilities for handicapped fund to temporary reserve	R. 1974 d.126	6 N.J.R. 252(a)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R. 1974 d.192	6 N.J.R. 328(c)
17:16-7.3	Delete from revolving housing development grant fund	R. 1974 d.191	6 N.J.R. 328(b)
17:16-13.5	Revisions on legal papers; commercial paper	R. 1974 d.218	6 N.J.R. 361(c)
17:16-27.3	Limitations regarding certificates of deposit	R. 1974 d.63	6 N.J.R. 158(c)
17:16-27.3	Amendment concerning other limitations	R. 1974 d.94	6 N.J.R. 205(a)
17:16-27.4	Legal Papers; certificates of deposit	R. 1974 d.63	6 N.J.R. 158(c)
17:16-32.8(b)	Revisions concerning valuation of units	R. 1974 d.35	6 N.J.R. 124(d)
17:16-32.9(b)	Revisions concerning admission date	R. 1974 d.35	6 N.J.R. 124(d)
17:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R. 1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R. 1974 d.264	6 N.J.R. 416(a)
17:16-37.1 et seq.	Repurchase agreements	R. 1974 d.36	6 N.J.R. 125(a)
17:16-38.1 et seq.	Common Pension Fund C	R. 1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R. 1974 d.263	6 N.J.R. 415(b)
17:20-5.10	Agent's compensation	R. 1973 d.353	6 N.J.R. 36(a)
17:20-5.10	Revisions concerning lottery agent's compensation	R. 1974 d.146	6 N.J.R. 277(d)
17:21-1.4(b)	Revisions on special lotteries	R. 1974 d.224	6 N.J.R. 360(b)
17:21-23 et seq.	Revised rules on lottery prize structure	R. 1973 d.353	6 N.J.R. 36(a)
17:21-5.6(a)6.	Revisions concerning conducting drawings	R. 1974 d.31	6 N.J.R. 124(b)
17:21-6.3 et seq.	Revisions concerning daily lottery	R. 1974 d.134	6 N.J.R. 277(c)

TREASURY - TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R. 1974 d.182	6 N.J.R. 328(a)
18:3-1.1 et seq.	Revisions concerning Alcoholic Beverage Tax Law	R. 1973 d.297	5 N.J.R. 393(d)
18:4-1.1 et seq.	Revisions concerning retail licenses and Alcoholic Beverage Tax Act	R. 1973 d.296	5 N.J.R. 393(c)
18:6-1.1	Revised definition of cost of doing business	R. 1974 d.243	6 N.J.R. 414(d)
18:12A-1.1 et seq.	Rules for county boards of taxation	R. 1974 d.95	6 N.J.R. 205(b)
18:12A-1.16	Electronic data processing and tax assessment lists	R. 1974 d.242	6 N.J.R. 414(c)
18:15-6.1 et seq.	Revise definitions on agricultural use	R. 1973 d.295	5 N.J.R. 393(b)
18:24-5.3	Purchase of materials and supplies by contractors	R. 1973 d.336	6 N.J.R. 38(a)
18:24-10.4	Acceptance in good faith	R. 1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R. 1974 d.244	6 N.J.R. 414(e)
18:24-22.1 et seq.	Sales by floor covering dealers	R. 1974 d.123	6 N.J.R. 251(a)

(Continued on next page)

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(a)

INSURANCE

THE COMMISSIONER

Rule Concerning New Jersey Special Joint Underwriting Association

On September 20, 1974, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning the establishment of a New Jersey Special Joint Underwriting Association.

Full text of the adopted rule follows:

11:1-5.2 New Jersey Special Joint Underwriting Association

(a) Pursuant to Section 4 of Chapter 106, Laws of 1974, I hereby establish a New Jersey Special Joint Underwriting Association to assume the unexpired motor vehicle policy obligations of the insolvent Gateway Insurance Company of Philadelphia, Pennsylvania.

(b) I hereby adopt on an emergency basis a regulation establishing the date of assumption for such unexpired policies as the inception of September 21, 1974. The public health, safety and welfare requires the adoption of this regulation on an emergency basis in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(c) The membership of the association shall consist of all insurers authorized to write motor vehicle insurance within the State on a direct basis. Every such insurer shall be a member of the association and shall remain a member so

(Continued from previous page)

18:24-23.1 et seq.	Rules on bad debts	R. 1974 d.96	6 N.J.R. 208(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R. 1974 d.252	6 N.J.R. 415(a)
18:26-8.10	Amendments concerning valuations	R. 1974 d.34	6 N.J.R. 124(c)
18:26 Appendix A	Revised list of inheritance tax supervisors	R. 1973 d.298	5 N.J.R. 393(e)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making of loans to mortgage lenders	R. 1974 d.233	6 N.J.R. 370(b)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R. 1974 d.251	6 N.J.R. 418(b)
19:2-7.1 et seq.	Purchasing regulations of Expressway Authority	R. 1973 d.284	5 N.J.R. 396(a)
19:3-1.1 et seq.	Revised fee schedules, Hackensack Meadowlands	R. 1973 d.334	6 N.J.R. 39(a)
19:3-1.7	Solid waste collection fee schedule, Hackensack Meadowlands	R. 1973 d.333	6 N.J.R. 40(a)
19:3A-1	Indemnification for Meadowlands District	R. 1974 d.83	6 N.J.R. 209(b)
19:3A-1.2	Hackensack Meadowlands annual meeting	R. 1974 d.133	6 N.J.R. 281(a)
19:3A-2.1	Required land use and control measures; flood insurance	R. 1974 d.213	6 N.J.R. 369(b)
19:3A-2.2	Securing coverage under National Flood Insurance Program	R. 1974 d.212	6 N.J.R. 361(d)
19:4-4.4 et seq.	Revised Hackensack Meadowlands zoning regulations	R. 1974 d.1	6 N.J.R. 87(b)
19:4-6.19	Appointment and operation of environmental design committee	R. 1974 d.82	6 N.J.R. 209(a)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R. 1974 d.214	6 N.J.R. 369(a)
19:7-1.1(g)	Revised Meadowland sanitary landfill rules	R. 1974 d.49	6 N.J.R. 158(d)
19:7-1.1(h)	Revisions concerning Meadowlands sanitary landfill	R. 1974 d.129	6 N.J.R. 280(c)
19:7-1.1(i)	Hackensack Meadowlands sanitary landfill operations	R. 1974 d.81	6 N.J.R. 208(c)
19:8-1.1 et seq.	Revisions in use of Garden State Parkway	R. 1974 d.158	6 N.J.R. 281(b)
19:8-1.2(a)	Revised Garden State Parkway speed limits	R. 1974 d.6	6 N.J.R. 88(b)
19:8-31.1(b)	Revised Garden State Parkway tolls	R. 1974 d.8	6 N.J.R. 88(a)
19:9-1.1	Revised definitions	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.9	Revised limitations on use of Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.18	Noise limits	R. 1974 d.227	6 N.J.R. 370(c)
19:10-1.1	PERC amends employee definitions	R. 1974 d.56	6 N.J.R. 159(a)
19:11-1.1 et seq.	Revisions on investigation and disposition of PERC petitions	R. 1974 d.127	6 N.J.R. 285(b)
19:13-1.1 et seq.	Delete entire Chapter of PERC rules	R. 1973 d.248	5 N.J.R. 358(c)
19:15-4.1	Motions for PERC reconsideration	R. 1974 d.56	6 N.J.R. 159(a)
19:25-1.1 et seq.	Initial rules of Election Law Enforcement Commission	R. 1974 d.267	6 N.J.R. 418(a)

(PURPOSELY LEFT BLANK)

long as the association is in existence as a condition of its authority to continue to transact such kinds of insurance in this State.

(d) The following individuals are appointed as temporary members of the Board of Directors in accordance with Section 6 of the aforementioned statute:

1. William M. Humpal - General Accident Fire and Life Assurance Corporation;
2. Norman DeNeef - Selected Risks, Insurance Co.;
3. David Green - Motor Club of America;
4. John A. Fino - Allstate Insurance Co.;
5. J. P. Jensen - Liberty Mutual Insurance Co.;
6. Archie Hague - New Jersey Manufacturers Ins. Co.;
7. David McIvain - Royal Insurance Company;
8. J.M. Tindall - State Farm Insurance Co.

An order adopting this rule was filed and effective September 20, 1974, as R.1974 d.259 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Rules for Mass Marketing of Property and Liability Insurance

On September 25, 1974, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for mass marketing of property and liability insurance, substantially as proposed in the Notice published August 8, 1974, at 6 N.J.R. 313(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

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

11:2-12.5 [(b) Premiums shall not be deemed to be unfairly discriminatory if they are averaged broadly among persons insured under a mass marketing plan.]

(b) [(c)] Prior to the sale or use of any mass marketing plan in New Jersey, the individual or master policy forms and certificates of insurance of such plan shall first be filed with and approved by the Commissioner.

11:2-12.10 Disclosure required

Every insurer, agent or broker selling insurance pursuant to a mass marketing plan shall, prior to sale, make full and fair disclosure to prospective **employee and member** insureds of all features of such plan, whether favorable or unfavorable including but not limited to premium rates, **contributions**, benefits, exclusions, duration of coverage, policyholder services, conversion privileges available, and the financial interests in the plan, if any, of the sponsoring employer, association, organization or the group. **Said disclosure shall be provided in writing and a copy filed with the Department to be reviewed by the Division of Consumer Services.**

11:2-12.11 Underwriting standards

(a) No insurer shall use underwriting standards for individual risk selection in a mass marketing plan which are, on the whole, either less restrictive, unless written with an appropriate charge as contemplated by the insurer's filed rates, or more restrictive than the standards used by such insurer for individual risk selection in the sale of the same kind of insurance in this State other than pursuant to mass marketing plans. [In the event an insurer does not sell such kind of insurance in this State other than pursuant to mass marketing plans, its underwriting standards for individual risk selection in such plans shall, on the whole, be no more restrictive than the standards used by its principal affiliate, if any, for individual risk selection in the sale of such kind of insurance in this State other than pursuant to mass marketing plans.]

(b) Underwriting standards used for any mass marketing plan shall be filed with the Commissioner together with individual or master policy forms and certificates used in conjunction with such plan.

11:2-12.12 Cancellation and nonrenewal

(a) The failure of an employer, association, organization or other group to remit premiums when due for any reason (including but not limited to interruption or termination or employment or membership) shall not be regarded as non-payment of premium by any **employee or member** insured under any such plan providing for remittance of premium by such employer, association, organization or other group, unless such insured shall have been given written notice of such failure to remit and shall not himself have paid such premium by the later of ten days after such notice or the due date of such premium remittance under the mass marketing plan.

[(b) If the premium due has been collected by an employer, association or other group and has not been remitted to the insurer the funds so collected shall be considered to have been paid to the insurer.]

(b) Any insurer which delivers in this State to any employer, association or organization a contract of insurance pursuant to the application or request of such employer, association or organization, acting for an insured other than itself, shall be deemed to have authorized such employer, association or organization to receive on its behalf payment of any premium which is due on such contract at the time of its issuance or delivery. Monies collected for premiums for a mass marketing plan shall be kept in a separate account for the benefit of insured employees or members.

(c) Unless otherwise covered by statute, regulation or policy, all mass marketing plans shall provide [that] **those insured under such plan with an opportunity to purchase individual equivalent coverage in the same insurer** or upon the discontinuance of the mass marketing plan [.,] [t] The insured employee or member may maintain his policy in force [for 60 days in the same amount,] upon payment of the premium applicable to the class risk to which he belongs on an individual basis. The option to maintain the insurance in force shall be exercised within 30 days following the date of termination.

(d) Any notice of cancellation or nonrenewal of any policy of an employee or member insured under a mass marketing plan shall be accompanied by a notice to the employee or member that, at his request, the insurer will afford **the employee or member and** employer, association, organization or other group a reasonable opportunity to consult with

the insurer and to present facts in opposition to cancellation or nonrenewal.

11:2-12.14 [(a) Any employer, association, or organization domiciled or principally located in New Jersey with one hundred or more employees or members shall be eligible for a mass market insurance plan.]

(a) [(b)] Any employer, association or organization domiciled or principally located in New Jersey [with less than one hundred employees or members] may be eligible for a mass marketed insurance plan if twenty-five or more employees or members are enrolled to participate upon inception of the plan.

(b) [(c)] Size of group and number of participant requirements are not applicable where the employer, association or organization having some employees or members in New Jersey is domiciled or principally located outside of New Jersey provided such employer, association or organization has its mass marketing plan approved by such other state.

Such rules may be cited as N.J.A.C. 11:2-12.1 et seq.

An order adopting these rules was filed and effective September 25, 1974, as R.1974 d.271.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Rules on Group Coverage

Discontinuance and Replacement

On September 25, 1974, Herman W. Hanssler, Acting Deputy Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning group coverage discontinuance and replacement, substantially as proposed in the Notice published October 4, 1973, at 5 N.J.R. 342(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

Full Text of the Sections with substantive changes follows (changed text in boldface **thus**):

11:2-13.5(d) In the case of hospital or medical expense coverages, a reasonable extension of benefits or accrued liability provision is required. Such a provision will be considered "reasonable" if it provides an extension of at least 12 months under "major medical" and "comprehensive medical" type coverages, and under other types of hospital or medical expense coverages **other than for maternity** provides either an extension of at least 90 days or an accrued liability for expenses incurred during a period of disability or during a period of at least 90 days starting with a specific event which occurred while coverage was in force (such as an accident). **For hospital or medical expense coverages related to maternity, any extension of benefits or accrued liability shall be considered reasonable if benefits are provided for expenses incurred in connection with maternity resulting from conception prior to the date of discontinuance of the group policy.**

11:2-13.6(c)4. The succeeding carrier, in applying any deductibles or waiting periods in its plan, shall give credit for the satisfaction or partial satisfaction of the same or similar

provisions under a prior plan providing similar benefits. The definition of waiting period includes, but is not limited to, the period of time required to be satisfied before maternity benefits become available. The aggregate period of time to be applied may be the greater of that required by either the prior plan or the succeeding plan. But in any event, the aggregate period of time **will** be satisfied by taking into consideration the full portion of the waiting period satisfied under the prior plan. In the case of deductible provisions, the credit shall apply for the same or overlapping benefit periods and shall be given for expenses actually incurred and applied against the deductible provisions of the prior carrier's plan during the 90 days preceeding the effective date of the succeeding carrier's plan and are subject to a similar deductible provision.

11:2-13.7 Provisions as favorable

No policy of group insurance, and no certificate thereunder shall be delivered or issued for delivery in this State if such policy or certificate contains any provision inconsistent with any of the provisions of this rule, except that such policy may contain any provision which in the opinion of the Commissioner is as the provision herein required.

11:2-13.8 Separability of provisions

If any provision of this rule or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the provisions or applications of this rule which can be given effect without the invalid provision or application, and for this purpose, the provisions of this rule are separable.

11:2-13.9 Effective date

This rule shall become effective February 1, 1975.

An order adopting these rules was filed September 26, 1974, as R.1974 d.274 to become effective February 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Consent Order Concerning Fire

Insurance Rating System of

Insurance Services Office

Take notice that James J. Sheeran, Commissioner of Insurance, has issued the following Consent Order concerning fire insurance rating system of insurance services office.

Full text of the Consent Order follows:

This matter having been opened to the Commissioner of Insurance, State of New Jersey, by an order for presentation of evidence issued on April 1, 1974, requiring Insurance Services Office to present evidence for the purpose of enabling the Commissioner of Insurance to determine whether fire insurance rates of Insurance Services Office as heretofore filed and approved and/or as proposed in a filing submitted on January 21, 1974, pursuant to N.J.S.A. 17:29A-1 et seq., provide for, result in or produce rates which are unreasonable, or inadequate, or which discriminate unfairly between risks in this State including essentially the same hazards and

expense elements; it appearing that without recourse to further proceedings under N.J.S.A. 17:29A-1 et seq., said Insurance Service Office has consented to the following, which the Commissioner of Insurance finds will not provide for, result in or produce rates which are unreasonable, or inadequate, or which discriminate unfairly between risks in this State including essentially the same hazards and expense elements:

1. Rates for fire insurance on commercial buildings and contents shall be revised on a formula basis, to produce an average weighted Statewide reduction of 10.2 per cent.
2. Rates for extended coverage on the same classifications shall be reduced an average of 10.8 per cent.
3. The following faults of management charges are to be removed from all existing rate cards.:

Category of Charge	Additional Charge for \$100.00 of Coverage
Unsatisfactory maintenance of electric equipment	\$.25
Overcrowded dwelling occupancy	\$.25
Supervision of buildings with habitational occupancy	1. Good - No Charge 2. Fair - \$.15 3. Poor - \$.25

The effect of the elimination of these charges on an annual basis is estimated to average four per cent of total fire insurance premium on buildings and contents for the classification group to which this revision applies.

The combined Statewide effect of the revisions for fire and extended coverage rate is a reduction of 10.3 per cent. The combined effect of the rate reduction of fire insurance on buildings and contents and the elimination of the faults of management charges is to be a reduction of 14.2 per cent.

This revision of manual rates is to be effective October 15, 1974 with respect to new business and December 1, 1974 on renewal business. The elimination of the faults of management charges shall be effective on all new and outstanding policies as of September 15, 1974. Insurance Services Office shall expedite the revision of rate cards to reflect this revision and shall take all appropriate steps to get the revised cards in the hands of companies and producers as promptly as possible. Risks to which the faults of management charges apply which are to be eliminated shall be entitled to an appropriate adjustment of their premiums to reflect the elimination of these charges as of September 15, 1974, provided such adjustment is requested prior to September 15, 1975, or within the term of the policy, whichever date is later.

Appropriate tests will be made at the direction of the Commissioner to determine the actual effect of the premium adjustments due to the removal of the fault of management charges. If the effect so determined varies by more than plus or minus one percentage point from the estimated effect of four per cent, an immediate adjustment in rates will be ordered.

It is this thirtieth day of August, 1974, adjudged and ordered that Insurance Services Office establish rates as heretofore set out;

And it further is ordered that this Consent Order shall be published in the New Jersey Register, amending the Consent Order that appeared in the August 8, 1974, edition of that publication.

This Consent Order is not subject to codification and will not appear in Title 2 of the New Jersey Administrative

Code. It is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Notice of Certification to the Legislature Of Continued Need for Orderly Continuation Or Replacement of Necessary Fire And Casualty Insurance Coverage

Take notice that on June 26, 1974, James J. Sheeran, Commissioner of Insurance, issued the following certification to the Legislature of the continued need for the orderly continuation or replacement of necessary fire and casualty insurance coverage:

Pursuant to Chapter 131 of the Laws of 1968 (N.J.S.A. 17:29C-1 et seq.), I do hereby certify that the need for orderly continuation or replacement of necessary fire and casualty insurance coverage, excluding accident and health coverage, continues to exist. To facilitate such orderly continuation or replacement, I do further certify the continuing need for the Directive of the Commissioner of Banking and Insurance dated July 3, 1968, ordering that all fire and casualty policies of insurance, except accident and health policies, shall provide for the issuing company to give:

1. Thirty days' written notice to the assured of the cancellation of any policy.
2. Thirty days' written notice of cancellation of any policy to any mortgage mentioned in said policy; and
3. Thirty days' written notice to the assured of said company's intent not to renew any policy.

Notices of cancellation and nonrenewal providing less than thirty days' notice issued by any company doing business in New Jersey to be effective on or after July 3, 1974, will be null and void and the provisions of the directive shall apply, except for the notice requirements contained in Chapter 158, P.L. 1968 (N.J.S.A. 17:29C-6 et seq.), Chapter 70, P.L. 1972 and Chapter 203, P.L. 1972 (N.J.S.A. 39:6A-1 et seq.).

This Notice is printed as a matter of public information and is not subject to codification in Title 11 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Amendments to Division Rules

On August 20, 1974, Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-23.1, 33:1-23.39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968,

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(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Rule Concerning Minimum Standards and Tolerances

On September 12, 1974, Robert H. Hart, Secretary of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning minimum standards and tolerances, substantially as proposed in the Notice published November 8, 1973, at 5 N.J.R. 388(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

Full text of the adopted rule follows:

13:33-1.38 Minimum standards and tolerances

(a) Every prepared pair of lenses, spectacles, eyeglasses or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists duly licensed to practice their profession, or duplication, replacements, reproductions or repetitions, must conform to the following minimum standards and tolerances:

PHYSICAL QUALITY AND APPEARANCE

1. Surface imperfections
2. Glass defects
3. Localized power errors
4. Refractive powers
5. Refractive power addition
6. Cylinder Axis
7. Prism power and location of specified optical center
8. Segment size
9. Segment location
10. Lens size:
 - i. Rimless
 - ii. Bevel, for plastic frames
 - iii. Bevel, for metal frames
11. Heat-treated and chemically-treated industrial safety eyewear
12. Heat-treated and chemically-treated dress eyewear

TOLERANCE

No pits, scratches (other than hairline), grayness or watermarks shall be acceptable.
No bubbles, striae and inclusions shall be acceptable.
Waves found by visual inspection shall be passable if no deterioration in image quality is found when the localized area is examined with a standard lens measuring instrument.
0.0 to 6.00 + or - 0.12.
6.25 to 12.00 2 per cent of power.
Above 12.00 + or - 0.25.
Maximum cylinder power variation
+ or - 0.12.
+ or - 0.12D.
0.12 to 0.37 + or - 3 degrees.
0.50 to 1.00 + or - 2 degrees.
1.12 on up + or - 1 degree.
Vertical + or - 0.25 prism for each lens or a total of 0.50 prism imbalance.
Horizontal + or - 0.25 prism for each lens or a total of 0.50 prism imbalance.
+ or - 0.5 mm. Pair must be symmetrical upon visual inspection.
As specified within + or - 0.5 mm.
+ or - 0.5 mm.
+ or - 0.5 mm.
To fit standard specified frame.
Lens shape must match. Edges must be smooth and straight and sharp edge must be removed.
Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80.1-1972 and subsequent revisions.
Tolerance for power, size, and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80.1-1972 and subsequent revisions.

An order adopting this rule was filed and effective September 23, 1974, as R.1974 d.262.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(Continued from page 26)

adopted amendments to the Division's rules concerning definitions, late payment fees and interest on wholesale sales, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 420(c).

Such amendments will be included in N.J.A.C. 13:2-34.2(b), 13:2-34.2(j) and 13:2-37.1.

An order adopting these amendments was filed and effective August 28, 1974, as R. 1974 d.239.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Notice of Electrical Inspector's Examinations

Take notice that the Board of Public Utility Commissioners has issued the following Notice of electrical inspector's examinations:

Pursuant to N.J.S.A. 48:7-14, 7-15 and N.J.A.C. 14:5-4.1 et seq., notice is hereby given that the Board of Public Utility Commissioners will hold the examinations for persons seeking electrical inspector licenses on October 24, 1974, November 27, 1974 and December 18, 1974, at Room 104, 80 Mulberry Street, Newark, New Jersey at 10:00 A.M.

Application forms may be procured from the board's offices at Room 210, 101 Commerce Street, Newark, New Jersey, and National State Building, Room 407, 28 West State Street, Trenton, New Jersey.

Completed application forms together with fees in the amount of \$25.00 for initial examination or \$15.00 for reexamination must be filed at the board's office at 101 Commerce Street, Newark, New Jersey 07102, ten working days prior to the listed examination dates. All checks should be made payable to Treasurer, State of New Jersey, and such fees are not refundable.

Anthony J. Grossi
President
Board of Public Utility Commissioners
Department of Public Utilities

(b)

STATE

OFFICE OF THE SECRETARY OF STATE

Rules for Voter Registration by Mail

On September 25, 1974, F. Joseph Carragher, Assistant Secretary of State, pursuant to authority of N.J.S.A. 19:31-6.9 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning voter registration by mail, substantially as proposed in the Notice published September 25, 1974, at 6 N.J.R. 356(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of State.

The substantive changes were the addition of subsection (c) to N.J.A.C. 15:10-1.5; the full text of that new subsection follows:

15:10-1.5(c) A newly registered voter may request an absentee ballot without first signing the reverse side of the permanent registration form. In such instances, a signature comparison can be made between the registration form and the applicant's request for the absentee ballot.

Such rules may be cited as N.J.A.C. 15:10-1.1 et seq.

An order adopting these rules was filed and effective September 25, 1974, as R.1974 d.270.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions in Rates of Speed On State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt revisions to a portion of the rules establishing legal speed zones along certain State highways. The proposed revisions concern the deletion of the current text of N.J.A.C. 16:28-1.63 and 16:28-1.96 and the adoption of new text therein concerning Route numbers U.S. 22 and N.J. 45 respectively.

Full text of the proposed new rules follows:

16:28-1.63 Route U.S. 22 in the Town of Phillipsburg; Lopatcong, Pohatcong and Greenwich Townships in Warren County; Town of Clinton, Lebanon and Bloomsbury Boroughs, Bethlehem, Union, Clinton and Readington Townships in Hunterdon County; Bound Brook, North Plainfield and Watchung Boroughs, Branchburg, Bridgewater and Green Brook Townships in Somerset County; Mountainside and Kenilworth Boroughs, Scotch Plains, Springfield, Union and Hillside Townships and Town of Westfield in Union County; and City of Newark in Essex County.

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain parts of State Highway Route U.S. 22 described below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For westbound traffic:
 - i. Zone 1: 40 mph in the Town of Phillipsburg from Roseberry Street to Fairview Avenue; thence
 - ii. Zone 2: 35 mph to the Delaware River Bridge.
2. For eastbound traffic:
 - i. Zone 3: 35 mph from the Delaware River Bridge to Bates Street; thence
 - ii. Zone 4: 40 mph to Roseberry Street.
3. For both directions of traffic:
 - i. Zone 5: 45 mph in the Town of Phillipsburg from Roseberry Street (milepost 1.5) extending into Lopatcong Township to the Route U.S. 22 and Route 57 interchange (milepost 2.0); thence
 - ii. Zone 6: 50 mph in Lopatcong Township extending into Greenwich Township to Route I-78 & Route 173 interchange*
 - iii. Zone 7: 55 mph in Clinton Township from the Route I-78 and Route U.S. 22 interchange (milepost 19.9) extending through Lebanon Borough, Readington Township, Branchburg Township, Bridgewater Township, Bound Brook Borough and into Greenbrook Township to Washington Avenue (milepost 42.3); thence

iv. Zone 8: 50 mph in Greenbrook Township extending through North Plainfield Borough, Watchung Borough, Scotch Plains Township and into Mountainside Borough to 350 feet west of New Providence Road (milepost 50.4); thence

v. Zone 9: 45 mph in Mountainside Borough extending into Springfield Township to 500 feet east of the Mountainside Borough-Springfield Township line (milepost 51.9); thence

vi. Zone 10: 50 mph in Springfield Township extending into Union Township to 500 feet west of Springfield Road (milepost 53.8); thence

vii. Zone 11: 45 mph in Union Township extending through Kenilworth Borough, Union Township and into Hillside Township to 500 feet east of the Lehigh Valley Railroad underpass (milepost 58.6); thence

viii. Zone 12: 50 mph in Hillside Township and into the City of Newark to 400 feet west of Meeker Avenue; thence

ix. Zone 13: 40 mph in the City of Newark to the Route U.S. 1 and 9 interchange (milepost 60.5).

x. School Zone: 25 mph in the Phillipsburg High School zone, in Zone 1, and Zone 3, during recess or while children are going to or leaving school during opening or closing hours.

* For the portion of Route U.S. 22 from the Route 173 interchange to Route I-78 interchange (milepost 19.9) coincident with Route I-78, see Route I-78.

16:28-1.96 Route 45 in the City of Salem, Mannington, Pilesgrove Townships, Borough of Woodstown, Salem County; South Harrison, Harrison, Mantua, West Deptford, Deptford Townships, Woodbury Heights Borough, City of Woodbury, Westville Borough in Gloucester County.

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain part of State Highway Route 45 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. Zone 1: 30 mph beginning in the City of Salem at Route 49 (milepost 0.0) extending into Mannington Township to the northernmost end of the Fenwick Creek Bridge (milepost 0.4); thence

ii. Zone 2: 40 mph in Mannington Township to 250 feet north of First Avenue (milepost 0.85); thence

iii. Zone 3: 45 mph in Mannington Township to Whitney Avenue (milepost 2.3); thence

iv. Zone 4: 50 mph in Mannington Township extending into Pilesgrove Township to Route U.S. 40 (milepost 8.8); thence

v. Zone 5: 45 mph in Pilesgrove Township extending into Woodstown Borough to 100 feet south of Green Street (milepost 9.2); thence

vi. Zone 6: 30 mph in Woodstown Borough to East Grant Street (milepost 9.7); thence

vii. Zone 7: 35 mph in Woodstown Borough to 600 feet north of the Penn-Reading Seashore Lines railroad overpass (milepost 10.2); thence

viii. Zone 8: 50 mph in Woodstown Borough extending through Pilesgrove Township, South Harrison Township and into Harrison Township to 800 feet south of Route 77 (milepost 17.2); thence

ix. Zone 9: 35 mph in Harrison Township to 400 feet north of Earlington Avenue (milepost 18.2); thence

x. Zone 10: 50 mph in Harrison Township extending into Mantua Township to 100 feet south of Valley View Drive (milepost 20.85); thence

xi. Zone 11: 45 mph in Mantua Township to 200 feet north

of Harrison Avenue-Mount Royal Road (milepost 21.65); thence

xii. Zone 12: 50 mph in Mantua Township to Chestnut Street (milepost 22.4); thence

xiii. Zone 13: 35 mph in Mantua Township to Main Street (milepost 22.6); thence

xiv. Zone 14: 50 mph in Mantua Township extending through West Deptford Township, Deptford Township and into Woodbury Heights Borough to Elm Avenue (milepost 24.3); thence

xv. Zone 15: 45 mph in West Deptford Township extending into Woodbury Heights Borough to South Evergreen Avenue (milepost 24.8); thence

xvi. Zone 16: 40 mph in Woodbury Heights Borough extending into the City of Woodbury to Carpenter Street (milepost 25.4); thence

xvii. Zone 17: 25 mph in the City of Woodbury to Hunter Street (milepost 25.95); thence

xviii. Zone 18: 30 mph in the City of Woodbury extending into West Deptford Township to Hessian Avenue (milepost 26.95); thence

xix. Zone 19: 45 mph in West Deptford Township extending into Westville Borough to Route U.S. 130 (milepost 28.5).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1974, to:

Robert R. Reed Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on No Left Turns on State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6, proposes to adopt new rules regulating the turning movements of traffic along Route U.S. 206 in Bedminster Township in Somerset County.

Full text of the proposed rule follows:

SUBCHAPTER 6. TURNS.

16:28-6.1 No left turns along Route U.S. 206 in Bedminster Township, Somerset County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State highway Route U.S. 206 described herein below are regulated as follows:

1. No left turns:

- i. North on Route U.S. 206 to west on Hillside Avenue;
- ii. South on Route U.S. 206 to east on Hillside Avenue.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before October 30, 1974, to:

Robert R. Reed Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION THE COMMISSIONER

Revisions to Rates of Speed on Certain State Highways

On September 6, 1974, Alan Sagner, 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 of 1968, adopted revisions to N.J.A.C. 16:28-1.111 and adopted a new rule cited as N.J.A.C. 16:28-1.158 concerning rates of speed on certain State highways, as proposed in the Notice published July 11, 1974, at 6 N.J.R. 276 (b).

Take notice that, in the Notice of proposal in the July 11, 1974, issue of the New Jersey Register, the proposed rule concerning speed limits on parts of Route 179 in Hunterdon County was incorrectly cited as N.J.A.C. 16:28-1.146 instead of the correct citation of N.J.A.C. 16:28-1.158.

An order adopting these revised rules was filed and effective September 13, 1974 as R.1974 d.249.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION THE COMMISSIONER

Designation of Stop Intersections On State Highways

On September 6, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the designation of stop intersections on certain State highways, as proposed in the Notice published July 11, 1974, at 6 N.J.R. 276 (a).

Such rule may be cited as N.J.A.C. 16:28-5.1.

An order adopting this rule was filed and effective September 13, 1974, as R. 1974 d. 250.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Revisions on Electronic Data Processing and Tax Assessment Lists

On August 30, 1974, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 18:12A-1.16 concerning electronic data processing and tax assessment lists, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 327(a).

An order adopting these revisions was filed and effective August 20, 1974, as R.1974 d.242.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF TAXATION

Revision of Definition Of Cost of Doing Business

On August 30, 1974, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 56:7-31 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision to N.J.A.C. 18:6-1.1 concerning the definition of the cost of doing business, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 327(b).

An order adopting this revision was filed and effective August 20, 1974, as R.1974 d.243.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(e)

TREASURY

DIVISION OF TAXATION

Revisions of Good Faith Under New Jersey Sales and Use Tax

On August 20, 1974, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 18:24-10.4 and 18:24-10.5 concerning good faith under the Sales and Use Tax, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 326(a).

An order adopting these revisions was filed and effective August 30, 1974, as R.1974 d.244.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

TREASURY

(a)

DIVISION OF TAXATION

Rules for Sales and Installation Of Gasoline Service Station Equipment

On September 17, 1974, 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 of 1968, adopted emergency rules concerning the sales and installation of gasoline service station equipment.

Full text of the adopted rules follows:

SUBCHAPTER 24. SALE AND INSTALLATION OF GASOLINE SERVICE STATION EQUIPMENT

18:24-24.1 Work performed on leased real estate

There is no distinction for tax purposes between work performed on leased real estate or fee real estate.

18:24-24.2 Items subject to sales tax

(a) The following items are deemed to be personal property for the purpose of the Sales Tax Act:

1. Gasoline dispensers;
2. Underground tanks;
3. Lifts;
4. Air compressors;
5. Air standards or towers;
6. Product tanks;
7. Tire warehouses or other movable buildings;
8. Submerged turbine pumps;
9. Car wash facilities;
10. Lights and poles;
11. Island lights and shelters;
12. Station signs;
13. Bases for signs;
14. Islands on which dispensers are located.

(b) The following charges are also deemed to be connected with the installation of tangible personal property, and taxable as such:

1. Concrete poured for the purpose of preventing underground tanks from floating;
2. All underground conduits and costs related to installation of the items set forth above; and
3. Installation in connection with lifts.

18:24-24.3 Perimeter lights

Perimeter lights used for public safety purposes by gasoline stations are deemed to be real property, as well as fencing and planters.

The Division of Taxation will accept written comments concerning these emergency rules, and after considering such comments will revise the rules, if warranted. Interested persons may present statements or arguments in writing relevant to the rules on or before October 30, 1974, to:

Jack Silverstein
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625

An order adopting these rules was filed and effective September 17, 1974, as R.1974 d.252 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

TREASURY

(b)

STATE INVESTMENT COUNCIL

Rules on Bankers Acceptances

On September 23, 1974, Clifford A. Goldman, Deputy State Treasurer, on behalf of the State Investment Council and pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning bankers acceptances.

Full text of the adopted rules follows:

SUBCHAPTER 39. BANKERS ACCEPTANCES

17:16-39.1 Permissible investments

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 bankers acceptances of commercial banks provided that such obligations are legal investments for savings banks in this State.

17:16-39.2 Limitations imposed by the Banking Act of 1948 as amended and supplemented

Bankers acceptances are limited to those issued by a banking institution which at the date of its last published statement had a combined total of capital stock, surplus, reserve for contingencies and undivided profits equal to at least \$40,000,000 and also equal to at least five per cent of its aggregate deposit liability.

17:16-39.3 Other limitations

(a) Bankers acceptances in the name of any one bank combined with certificates of deposit in the name of that bank shall not exceed 25 per cent of the banks net worth designated as capital surplus and undivided profits. In making this calculation certificates of deposit purchased for the following State agencies will be taken into account:

1. New Jersey Housing Finance Agency;
2. New Jersey Educational Facilities Authority;
3. New Jersey Sports and Exposition Authority;
4. New Jersey Health Care Facilities Financing Authority.

17:16-39.4 Pension and annuity group; static group; demand group; temporary reserve group; trust group.

The Director shall submit a list of banks to be used for repurchase agreements to the Council for its approval. Such list may be amended from time to time subject to the Council's approval and shall be designated the "Approved List of Banks for Bankers Acceptances".

17:16-39.5 Approved list of banks for bankers acceptances

(a) The following is the approved list of banks for bankers acceptances:

1. Selected from 25 largest banks:
 - i. First National City Bank, New York;
 - ii. Morgan Guaranty Trust Co., New York;
 - iii. Continental Illinois National Bank & Trust Co., New York;
 - iv. First National Bank, Chicago;
 - v. Security Pacific National Bank, Los Angeles;
 - vi. Mellon Bank NA, Pittsburgh;
 - vii. First National Bank, Boston;
 - viii. National Bank of Detroit;
 - ix. First Pennsylvania Banking & Trust Co., Philadelphia;
 - x. First National Bank, Dallas;
 - xi. Harris Trust & Savings Bank, Chicago;
 - xii. Republic National Bank, Dallas.
2. Selected from second 25 largest banks:

- i. Seattle-First National Bank;
- ii. Cleveland Trust Co.;
- iii. Philadelphia National Bank;
- iv. Northern Trust Co., Chicago;
- v. Girard Trust Bank, Philadelphia;
- vi. Wachovia Bank & Trust Co. NA, Winston-Salem, N.C.;
- vii. National Bank of North America, New York;
- viii. Valley National Bank, Phoenix, Arizona;
- ix. Manufacturers National Bank, Detroit;
- x. Detroit Bank & Trust Co.;
- xi. First National Bank of Oregon, Portland;
- xii. Fidelity Bank, Philadelphia;
- xiii. Pittsburgh National Bank;
- xiv. United States National Bank of Oregon, Portland;
- xv. First City National Bank, Houston, Texas;
- xvi. The Bank of New York;
- xvii. Marine Midland Bank-Western, Buffalo, New York;
- xviii. Texas Commerce Bank NA, Houston;
- xix. National City Bank, Cleveland;
- xx. Hartford National Bank & Trust Company, Conn.

An order adopting these rules was filed and effective September 24, 1974, as R.1974 d.263 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

STATE INVESTMENT COUNCIL

Amendment on Repurchase Agreements

On September 23, 1974, Clifford A. Goldman, Deputy State Treasurer, on behalf of the State Investment Council and pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the rule concerning permissible investments involving repurchase agreements.

The adopted revision adds the Federal Financing Bank to the approved list of United States Government agencies recognized as permissible investments regarding repurchase agreements. The new item may be cited as N.J.A.C. 17:16-37.1(a)6.

An order adopting this amendment was filed and effective September 24, 1974, as R.1974 d.264 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Revisions Concerning Common Pension Fund B

On September 23, 1974, Clifford A. Goldman, Deputy State Treasurer, on behalf of the State Investment Council and pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules con-

cerning Common Pension Fund B.

Full text of the revised portion of the rules follows:

17:16-36.7(b) An investment purchased and awaiting payment against delivery shall be included for valuation purposes as a security, and the cost thereof recorded as an accounts payable.

17:16-36.8(b) The income value per unit shall be determined by the following method:

1. Income shall include all interest accrued and accrual of discount.

2. From such income on hand and accrued there shall be deducted amortization of premium and the expenses and liabilities due and accrued, which are chargeable to income.

3. The amount of net income thus determined shall be divided by the number of existing units in order to ascertain the income value per unit.

4. Such income value per unit shall be disbursed, monthly or quarterly and in cash, to each participating fund according to ownership of units.

5. Adjustments to income in the amount of \$10,000 or more in any one month shall be adjusted according to the participants' holdings as of the month in which the error occurred.

6. Adjustments under \$10,000 shall be included in the current month's income.

17:16-36.11 Distribution of realized appreciation

(a) In January and July of each year the State Investment Council shall consider the realized appreciation in the common fund per month and per unit during the preceding six months.

(b) The Council may, in its sole discretion, choose any or all of the following options:

1. Declare as income to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal declared to be income shall be deducted from the total principal in the common fund and added to income in the common fund prior to the next regular monthly valuation. Following such declaration, the amount declared as income shall be treated and distributed as income to the participating funds as is normally effected each valuation date;

2. Declare as capital gains to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal declared shall be deducted from the total principal in the common fund and distributed prior to the next regular monthly valuation;

An order adopting these revisions was filed and effective September 24, 1974, as R.1974 d.265 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE INVESTMENT COUNCIL

Rules Regarding Common Pension Fund C

On September 23, 1974, Clifford A. Goldman, Deputy

State Treasurer, on behalf of the State Investment Council and pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules regarding Common Pension Fund C.

Full text of the adopted rules follows:

SUBCHAPTER 38. COMMON PENSION FUND C

17:16-38.1 Definitions

(a) Pursuant to P. L. 1970, Chapter 270, there is hereby created in the Division of Investment, Department of the Treasury, a common trust fund, to be known as Common Pension Fund C. The following participating funds may invest in said Common Pension Fund C:

1. Consolidated Police and Firemen's Pension Fund;
2. Police and Firemen's Retirement System;
3. Public Employees' Retirement System;
4. State Police Retirement System;
5. Teachers' Pension and Annuity Fund;
6. Judicial Retirement System of New Jersey.

17:16-38.2 Permissible investments

(a) The Common Pension Fund C shall be a fund created for the purpose of investing in fixed income and debt securities which are legal investments for savings banks or life insurance companies organized under the laws of this State, and which will mature within seven years.

(b) Said common fund shall be composed of units of ownership of unlimited quantity.

(c) All units of ownership shall be represented by a certificate prepared by and issued by the Director of the Division of Investment. Each such certificate may represent one or more units of ownership. All units of ownership shall be purchased by cash payments or in kind. All units of ownership shall be purchased by the participating fund for the net asset valuation price determined by these regulations.

(d) At the outset of said common fund, all initial purchases shall be made for a principal valuation price of \$1,000 per unit.

17:16-38.3 Certificates of ownership

(a) All certificates of ownership of units shall contain the following information:

1. Number of units purchased;
2. Purchaser;
3. Aggregate net asset valuation price for the number of units purchased;
4. Date of purchase;
5. Serial number of the certificate;
6. Net asset valuation price per unit purchased.

17:16-38.4 Units of participation

Each unit of participation shall represent an equal beneficial interest in the fund and no unit shall have priority preference over any other.

17:16-38.5 Valuation

Upon each valuation date, as defined below, there shall be a valuation for every investment in the common fund in the method provided for in these regulations. The valuation shall be for the net asset value as determined in Section 8 of this Subchapter.

17:16-38.6 Date of valuation

The valuation shall be at the opening of business of the first business day of each month.

17:16-38.7 Method of valuation

(a) The Director of the Division of Investment shall use a recognized pricing service approved prior to use by the State Investment Council.

(b) Those securities priced on a yield basis shall be converted to a dollar price. Commercial paper purchased at par (interest bearing notes) will be valued at par, while commercial paper purchased at a discount will be valued at amortized cost. Other investments will be valued at fair value as determined in good faith by the Division of Investment.

(c) An investment purchased and awaiting payment against delivery shall be included for valuation purposes as a security and the cost thereof recorded as an accounts payable.

(d) An investment sold but not delivered pending receipt of proceeds shall be valued at the net sales price.

(e) For the purposes of valuation of an investment, with the exception of investments sold but not delivered, it shall not be necessary to deduct from the value ascertained by this regulation, brokers' commission or other expenses which would be incurred on a sale thereof.

(f) The net unrealized appreciation or depreciation of investments will be computed as the difference between amortized cost and current market or appraised value.

17:16-38.8 Valuation of units

(a) The following method shall be used in determining the net asset value per unit:

1. The fund's net asset value per unit is determined at the opening of business of the first business day of each month. It is computed by dividing the value of the net assets of the fund, that is, the value of the assets less liabilities, exclusive of participants' contributions, and unrealized appreciation or depreciation on investments) by the total number of units outstanding. All expenses due or accrued will be taken into account for the purpose of determining the net asset value.

17:16-38.9 Distribution of income

(a) The net income for dividend purposes will be calculated immediately prior to the calculation of net asset value and will include accrued interest plus accrual of discount (or minus amortization of premium) since the last evaluation, plus or minus any gains or losses on the sales of portfolio securities during the period, less expenses which are chargeable to income.

(b) All income dividends will be reinvested automatically in additional units at net asset value and additional whole units will be issued to the participants. No fractional units will be issued nor cash dividends transmitted. Participating funds may obtain cash by redemption of units in accordance with Section 10 of this Subchapter.

(c) Adjustments to the net income of any one month shall be adjusted according to the participants' holdings as of the month in which the error or omission occurred if the sum is greater than the lesser of \$10,000 or one per centum of the total monthly net income. The adjustment of lesser amounts shall be included in the current month's income.

17:16-38.10 Admission date

(a) No admission to or withdrawal from the common fund shall be permitted except on the basis of the net asset unit value determined as described in Section 8 of this Subchapter hereof and no participation shall be admitted to or withdrawn from the common fund except on a valuation date or within 15 days thereafter; however, in the event that an admission or withdrawal occurs within the 15-day period afore-

mentioned, it shall be based on the principal value as of the last valuation date preceding said admission or withdrawal.

(b) All admissions or withdrawals shall be made in cash or in kind. The price for purchasing units, except for original units issued by the common fund, shall be the net asset valuation per unit as determined on each valuation date pursuant to Section 8 of this Subchapter.

17:16-38.11 Amendments

These regulations may be amended from time to time by regulation of the State Investment Council. Any amendment adopted by such Council shall be binding upon all participating trusts and beneficiaries thereof. An amendment shall become effective, unless otherwise provided for therein, on the date it becomes effective under the "Administrative Procedures Act."

17:16-38.12 Limitations

(a) The Common Pension Fund C shall be permitted to invest in such securities and subject to the limitations and conditions contained in regulations of the State Investment Council except for the condition as to classification of funds contained in Subchapter 5 of this Chapter.

(b) In the event that any regulation contains a limitation of the assets of any pension and annuity group fund which may be invested either in one issue or a class of issues, that limitation shall be construed to apply to the combined assets of all of the pension funds and shall not restrict the total common pension fund investment in such asset or assets to those limitations for any individual pension fund.

17:16-38.13 Liquidation

The Director, Division of Investment, subject to the approval of the State Investment Council and the State Treasurer, may, upon two months' notice liquidate the aforementioned common fund. In the event of such liquidation, the owners of the units shall share proportionately, according to units owned, in each investment held by the common fund. When such proportionate distribution is impracticable in the judgement of the Director, he may instead distribute on liquidation, cash or temporary investments held by the common fund. Distribution upon liquidation shall occur within five days after a valuation date and shall be based upon the net asset value per unit determined upon such valuation date. No liquidation will be effectuated without the approval by the State Investment Council of a plan of distribution of the assets of the common fund.

An order adopting these rules was filed and effective September 24, 1974, as R.1974 d.266 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Rules of the Commission

On September 25, 1974, David F. Norcross, Executive Director of the New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6(b) and in accordance with applicable provisions of the Adminis-

trative Procedure Act of 1968, adopted administrative rules and regulations of the Commission, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 371(a).

Such rules may be cited as N.J.A.C. 19:25-1.1 et seq.

An order adopting these rules was filed and effective September 25, 1974, as R.1974 d.267.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

MORTGAGE FINANCE AGENCY

Revisions to Definition of Collateral

On September 17, 1974, Christopher G. Kelly, executive director of the New Jersey Mortgage Finance Agency, pursuant to authority of N.J.S.A. 17:1B-4 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rule concerning the general definition of collateral.

Full text of the revised rule follows:

19:1-1.3 Definitions

"Collateral" shall mean and include:

6. Mortgages insured by the Federal Housing Administration or guaranteed by the Veterans Administration, or such other mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payment of principal and interest and approved by the trustee as acceptable for purchase by mortgage dealers or investors;

7. Such other mortgages as shall be approved by the trustee as acceptable for purchase by mortgage dealers or investors and as shall be secured by real estate located within the State and upon which is located a one-to four-family dwelling, the collateral value of which shall be sufficient in the event that either:

i. The amount of the mortgage shall not exceed 80 per cent of the market value of the property securing such mortgage; or

ii. Such mortgage shall be insured by a mortgage guaranty insurance company licensed to do business in the State in the manner and amount and on such terms and conditions as the agency shall require;

An order adopting these revisions was filed and effective September 17, 1974, as R.1974 d. 251 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedule of Charges Concerning Port Authority Heliports

On July 31, 1974, the committee on operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges concerning Port Authority heliports.

Full text of the adopted resolution follows:

Resolved, that the schedule of charges for the use of the

Port Authority West 30th Street heliport, adopted by the committee on operations at its meeting on April 4, 1954 (appearing at page 3 et seq. of the committee minutes of that date), as amended, and the schedule of charges for the use of the Port Authority downtown heliport, adopted by the committee on operations at its meeting on December 8, 1960 (appearing on page 27 of the committee minutes of that date), as amended, be and the same are hereby amended, effective September 1, 1974, as follows:

1. By adding the following paragraph before Section 1 thereof:

The operators of any aircraft using the West 30th Street or downtown heliports, except pursuant to the terms of a lease or other agreement with The Port Authority of New York and New Jersey, shall pay for such use at the rate set forth herein.

2. By amending subparagraph 1 of the Section entitled "I—Landing Charges" to read as follows:

1. A. For each take-off of a helicopter having a maximum gross weight up to 4,000 pounds . . . \$8.00.

B. For each take-off of a helicopter exceeding 4,000 pounds but not exceeding 8,000 pounds maximum gross weight . . . \$13.00.

C. For each take-off of a helicopter exceeding 8,000 pounds but not exceeding 12,000 pounds maximum gross weight . . . \$16.00.

D. For each take-off of a helicopter exceeding 12,000 pounds but not exceeding 16,000 pounds maximum gross weight . . . \$20.00.

E. For each take-off of a helicopter exceeding 16,000 pounds maximum gross weight . . . \$25.00.

An order adopting these revisions was filed August 28, 1974, as R.1974 d.238 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

GOVERNOR ASKS FOR \$300 MILLION IN TWO TRANSPORTATION BOND ISSUES

Gov. Brendan T. Byrne recently announced that he will ask the Legislature to place two transportation bond issues on the November ballot — one to provide \$200 million for highway safety improvements and the other to create a \$100 million contingency fund to preserve railroad service.

"This is a critical time for transportation in New Jersey," the Governor declared. "We know what must be done. We are ready to do it. But we need the money to translate our plans into action."

The Governor added that he has directed the State Department of Transportation to prepare a bond issue for mass transit projects for submission to the Legislature next year, assuming the two bond referendums receive voter approval in November.

In the proposed \$200 million highway bond issue, the great bulk of the projects would be for the removal of con-

gestion and safety obstacles. The criteria to be used in selecting these projects are:

- Construction to start at once or within two years at most.
- Priority to projects to remedy immediate safety needs.
- Priority also to projects which will reduce congestion and not adversely affect the environment.
- Projects which are either not eligible for Federal aid or which, if Federal aid was sought, would unconscionably delay implementation.

In addition to these projects, \$10 million is allowed for bikeways, \$10 million for advance acquisition of road rights of way, \$12.8 million for improvements at traffic circles and intersections and \$24 million for essential repairs to bridge structures.

If approved by the voters, the \$100 million railroad contingency fund would be used only if Federal programs to preserve railroad passenger and freight operations fail to materialize, he said.

The Governor noted that highways designed for the 1930's, outmoded traffic circles and narrow roadways are among the potential safety hazards facing motorists throughout the State.

"Not only do these hazards threaten the lives of our citizens," he declared, "but they also cause traffic slowdowns and congestion. As a result, we waste gas and we create air pollution when we should be reducing it."

The Governor pointed out that the proposed bond issues provide that before any of the bond funds can be spent the Legislature must first appropriate the bond funds for specific purposes.

He said he hopes that advocates of mass transit will recognize that the proposed Highway Safety and Improvement Bond Act of 1974 will in reality be a boon to mass transit.

WORK BEGINS ON SETTING UP STATE-WIDE HOSPITAL REPORTING

Dr. Joanne E. Finley, State Commissioner of Health, has announced award of a \$526,000 contract to Haskins and Sells, Philadelphia, to design and implement a State-wide, uniform financial reporting system for hospitals on the basis of which health facility budgets can be fairly reviewed and rates reasonably set.

"The major purpose of this project is the development and implementation of standard systems for the reporting, budgeting and analysis of hospital data, which will permit the Departments of Health and Insurance to internally exercise their respective legislative mandates, including performance evaluations, rate setting and the providing of information to support hearings held relative to health-care questions," the Commissioner declared.

Dr. Finley noted that Haskins and Sells has been assisting the State of Maryland Health Cost Review Commission in a similar effort and that no other state has progressed nearly so far as Maryland in the integrated development of uniform accounting, reporting, budgeting, data processing and rate review systems.

"Especially attractive is the firm's use of ad hoc and industry advisory committees to develop policy answers to broad social and economic issues and to provide the necessary conceptual framework of the reporting and rate setting methodology," she added.

EMERGENCY INTERIM ABORTION RULES ARE ADOPTED BY HEALTH DEPARTMENT

The State Department of Health last month filed with the

Secretary of State its emergency interim regulations for all abortion facilities receiving temporary licensure.

The basis for the regulations was an opinion of the Attorney General dated July 29, 1974 and "the regulations are the minimum regulations essential to operate any facility", it was stated in the ruling. The Department continued:

"These rules and regulations do not concern themselves with considerations of professional judgment, which remain the sole prerogative of the individual physician."

"In accordance with the United States Supreme Court ruling, no physician is compelled to use a licensed facility for performance of an abortion during the first trimester. However, if the physician wishes to use a licensed health care facility in which to perform an abortion during the first trimester, the new rules and regulations apply."

The rules provide that the facility shall comply with all applicable Federal, State and local regulations pertaining to building, zoning, fire, safety, health and civil rights. It must also comply with all applicable provisions of Chapters 136 and 138, Laws of New Jersey 1971.

Staff of the facility must be currently licensed or registered. The facility must report all abortions within ten days following an abortion, on forms supplied by the Department of Health. The anonymity of the patient will be preserved. All abortions performed 20 or more weeks after gestation has elapsed before the delivery will require a certificate of stillbirth and a burial or removal permit as provided in N.J.S.A. 26:6-11.

Copies of the 32 pages of regulations are available from:

Watson E. Nieman, Deputy Commissioner
Health-Agriculture Building
John Fitch Paza
Trenton, N.J. 08625

14 SCHOOL DISTRICTS NAMED TO RECEIVE PLANNING GRANTS

Fourteen awards totalling \$98,127 and designed to promote improved planning and evaluation in local school districts have been announced by Dr. Fred G. Burke, State commissioner of Education.

The awards, Federal grants under the Title V Elementary and Secondary Education Act, concentrate on the areas of needs assessment, goal setting, program analysis and problem solving, program implementation and program evaluation.

School districts receiving grants and the amount of their awards are:

Cinnaminson, \$6,038; East Windsor, \$8,000; Green Township, \$4,560; Mainland Regional, \$3,000; Manalapan-Englishtown, \$7,000; Marlboro Township, \$4,000; Montgomery, \$10,000; Montville, \$10,000; Newton, \$7,696; Parsippany-Troy Hills, \$5,000; Salem City, \$8,000; Somerset County Vocational-Technical, \$10,000; South Brunswick, \$10,000; and Woodbridge, \$4,560.

One of the criteria for the selection of districts, as specified by the U.S. Office of Education, was that all of the districts already had started a planning-evaluation process and were willing to let the Bureau of Planning use the 1974-75 phase of their process as a pilot project.

Frederick C. Ryan Jr., State coordinator of the grant project, said "We hope that what we learn from these 14 participating districts can help districts throughout the State to create district wide planning and evaluation systems."

SURVEY OF PARENTS TO PRECEDE SCHOOL LUNCH PROGRAM EXPANSION

Parents of public school pupils throughout the State will be surveyed this fall in preparation for next year's dramatic expansion of the school lunch program.

A new State law requires school districts to provide a lunch program, including free and reduced price lunches to needy students, by July 1, 1975, but all schools may not be affected. Just which districts will be covered by the new law will be determined by this year's survey.

The legislation exempts schools where fewer than five per cent of the students are eligible for the free or reduced price lunches. Eligibility is determined by family income and number of persons in the family. If the income-family member ratio is below certain levels, the student is entitled to a totally-free or a reduced-price lunch.

Each school district will conduct its own survey, sending home State-approved application forms for parents to complete.

According to Walter Colender, the Department's director of food program administration, there are now some 400 school districts which have school lunch programs operating in one or more of their schools.

"We expect a substantial increase in participating schools next year, but until the survey is complete it is impossible to predict the increase with any degree of accuracy," Colender said.

SCHOOL CONSTRUCTION AT RECORD

State Education Commissioner Fred G. Burke announced that total dollar volume for public school construction in New Jersey set a record last year, exceeding \$200 million, specifically 495 building projects costing \$209,834,616.

The previous high mark was the year before, at \$187,957,000.

Dr. Irving M. Peterson, acting director of the Department of Education's Bureau of Facility Planning Services, said that 35 new schools were approved, including 14 new elementary schools, eight middle schools, eight high schools and five vocational schools. There were also 70 additions to existing schools and 390 school renovations.

CENTER TO AID EDUCATION OF HANDICAPPED CHILDREN

The State Department of Education has been awarded a grant of \$487,000 from the U.S. Office of Education to operate a seven-state regional center to assist in improving education for handicapped children.

The center — the Northeast Regional Resource Center — will serve Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and New Jersey.

Dr. Nicholas J. Maldari of the Department of Education's Branch of Special Education and Pupil Personnel Services is director of the center's program. He said the purpose is to assist the states in improving the identification, diagnosis and educational programming of handicapped children.

"The children who have been targeted for special consideration in this project are low incidence or unique, severely handicapped children," Maldari said.

He said that secondary goals of the center will be to assist parents and teachers of handicapped children by providing information, and to conduct training programs for professionals who diagnose and develop programs for handicapped children.