

# NEW JERSEY REGISTER



The State's Official Rules Publication

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**J. Edward Crabel, Secretary of State**  
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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Rule on Fees for Inspection On State Holidays

On October 24, 1974, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 24:16B-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule setting forth fees for inspections on State holidays.

Full text of the adopted rule follows:

#### CHAPTER 7. ADMINISTRATIVE RULES

#### SUBCHAPTER 1. FEES

#### 2:7-1.1 Fees for inspection on State holidays

(a) The establishments inspected on any of the following holidays shall bear the cost of inspection:

1. New Year's Day;
2. Lincoln's Birthday;
3. Washington's Birthday;
4. Good Friday;
5. Memorial Day;
6. Independence Day;
7. Labor Day;
8. Columbus Day (2nd Monday in October);
9. Election Day;
10. Veteran's Day (4th Monday in October);
11. Thanksgiving Day;
12. Christmas Day;
13. Any other holiday established by law in the State of New Jersey.

An order adopting this rule was filed and effective October 31, 1974, as R.1974 d.300 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Notice of Hearing

Take notice that W. W. Moffett Jr., Director of the Division of Dairy Industry in the State Department of Agriculture, has issued the following Notice:

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 Sheraton Yankee Drummer Motor Inn, 624 Southbridge Street, Auburn, Massachusetts, beginning at 1:00 P.M. on November 11, 1974, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area, said order being a joint order of the United States Department of Agriculture and the Division of Dairy Industry, New Jersey Department of Agriculture as said order applies to the State of New Jersey.

The purpose of this hearing is to consider evidence on a proposal which would make conforming amendments to the order in the event that the proposal to combine Federal Orders 1 and 15 is adopted by the USDA.

Notice of the hearing was published by the United States Department of Agriculture in Vol. 39 of the Federal Register at page 37502. Copies of this notice and the notice of the United States Department of Agriculture with respect to the proposal 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 published as a matter of public information only.

Thomas F. Kistner  
Director of Administration Procedure  
Department of State

## NEW JERSEY REGISTER

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

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(a)

# BANKING

## DIVISION OF BANKING

### Proposed Revisions on Reserve Required by Savings Banks

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311, proposes to revise the rule concerning the reserve required by savings banks against demand deposits.

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

#### 3:8-5.1 Reserve required

Savings banks which maintain demand checking accounts are required to maintain reserve balances in available funds equal to eight per cent of all immediate liabilities if its aggregate immediate liabilities are \$2 million or less; \$160,000.00 plus 10½ per cent of its immediate liabilities in excess of \$2 million if its aggregate immediate liabilities are in excess of \$2 million but less than \$10 million; \$1,000,000.00 plus 12½ per cent of its immediate liabilities in excess of \$10 million if its aggregate immediate liabilities are in excess of \$10 million but less than \$100 million; \$12,250,000.00 plus 13½ per cent of its immediate liabilities in excess of \$100 million if its aggregate immediate liabilities are in excess of \$100 million but less than \$400 million; or \$52,750,000.00 plus [18] 17½ per cent of its immediate liabilities in excess of \$400 million.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 25, 1974, to:

Roger F. Wagner  
Deputy Commissioner  
Department of Banking  
Trenton, New Jersey 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

(b)

# BANKING

## DIVISION OF BANKING

### Proposed Revisions on Reserves Maintained By Banks Not Members of Federal Reserve System

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48, proposes to revise the rule concerning required reserves to be maintained by banks not members of the Federal Reserve System.

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

#### 3:8-3.1 Required reserve

(a) Each bank of this State not a member of the Federal Reserve System shall maintain as its required reserve:

1. Three per cent of its savings deposits and its time deposits, open accounts [s], **that constitute deposits of individuals, such as Christmas club accounts and vacation club [s;] accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months;** [and up to \$5,000,000.00 of other time deposits, open accounts or time certificates of deposit;] plus

2. [Five per cent of its other time deposits, open accounts or time certificates of deposit in excess of \$5,000,000.00;] **Three per cent of the first \$5,000,000.00 of all other time deposits with an initial maturity of less than four months and six per cent on all such accounts in excess of \$5,000,000.00; plus**

3. **Three per cent of all other time deposits with an initial maturity of four months or longer; plus**

4. Eight per cent of its immediate liabilities if its aggregate immediate liabilities are \$2 million or less; \$160,000 plus 10½ per cent of its immediate liabilities in excess of \$2 million if its aggregate immediate liabilities are in excess of \$2 million but less than \$10 million; \$1,000,000 plus 12½ per cent of its immediate liabilities in excess of \$10 million if its aggregate immediate liabilities are in excess of \$10 million but less than \$100 million; \$12,250,000 plus 13½ per cent of its immediate liabilities in excess of \$100 million if its aggregate immediate liabilities are in excess of \$100 million but less than \$400 million; or \$52,750,000 plus [18] 17½ per cent of its immediate liabilities in excess of \$400 million.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 25, 1974, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
Department of Banking  
Trenton, New Jersey 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

(c)

# BANKING

## DIVISION OF ADMINISTRATION

### Rule Concerning Fees

On October 29, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new procedural rule, concerning fees regarding the conversion from mutual to capital stock association.

Full text of the adopted rule follows:

3:1-2.26 Fees; conversion from mutual to capital stock association

A filing fee of \$1,500 shall accompany every application for the conversion of a mutual association to a capital stock association.

An order adopting this rule was filed and effective October 29, 1974, as R.1974 d.298 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## BANKING

### DIVISION OF BANKING

#### Revisions on Registrars and Transfer Agents

On November 19, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-213 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning registrars and transfer agents, substantially as proposed in the Notice published August 8, 1974, at 6 N.J.R. 295(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

The substantive changes involve the addition of a new paragraph in N.J.A.C. 3:12-5.6, Escheat, to indicate that undeliverable items shall be subject to existing State escheat laws.

This adoption involves the deletion in its entirety the current text of N.J.A.C. 3:6-8.1, Filing with the Department, which constitutes the entire Subchapter 8 of Chapter 6 in Title 3 of the New Jersey Administrative Code and marking the same as Reserved.

The new rules on registrars and transfer agents may be cited as N.J.A.C. 3:12-1.1 et seq.

An order adopting these revisions was filed November 19, 1974, as R.1974 d.314 to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to Personnel Manuals on Administration of Comprehensive Employment and Training Act Program

On November 8, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 20-5.107 of the Civil Service Personnel Manual (State Service) and Subpart 20-5.104 of the Civil Service Personnel

Manual (Local Jurisdictions) concerning the administration of the Comprehensive Employment and Training Act Program (CETA II).

Full text of the revised text follows:

Subpart 20-5.107 Administration Of Comprehensive Employment And Training Act Program (CETA II)

20-5.107a Subject

This subpart will describe the interim policy and procedures of the Department of Civil Service with regard to the administration of the Comprehensive Employment and Training Act Programs.

20-5.107b Policy and Procedures

The Department of Civil Service is presently engaged in discussions with both the United States and New Jersey Departments of Labor for the purpose of establishing a policy with regard to the status of employees hired under the Comprehensive Employment and Training Act (CETA). Pending the promulgation of this policy, the following interim procedures have been established:

1. Appointing authorities operating under the provisions of Title II, the Civil Service Statute, may continue to make appointments under the CETA II Program.

2. Each jurisdiction shall submit Personnel Action Forms (CS-21) for all appointments to CETA II funded positions to the Department of Civil Service. For purposes of identification, the abbreviation CETA II shall be included following the desired title in box 37 of the CS-21 form.

Subpart 20-5.104 Administration Of Comprehensive Employment And Training Act Program (CETA II)

20-5.104a Subject

This subpart will describe the interim policy and procedures of the Department of Civil Service with regard to the administration of the Comprehensive Employment and Training Act Programs in local government jurisdictions operating under the provisions of Title II of the Revised Statutes (Civil Service Act).

20-5.104b Policy and Procedures

The Department of Civil Service is presently engaged in discussions with both the United States and New Jersey Departments of Labor for the purpose of establishing a policy with regard to the status of employees hired under the Comprehensive Employment and Training Act (CETA) in local government jurisdictions. Pending the promulgation of this policy, the following interim procedures have been established:

1. Local Government jurisdictions operating under the provisions of Title II, the Civil Service Statute, may continue to make appointments under the CETA-II Program.

2. Each jurisdiction shall submit Personnel Action Forms (CS-6) for all appointments to CETA-II funded positions to the appropriate Branch Office of the Division of Local Government Services. For purposes of identification, the abbreviation CETA-II shall be included following the desired title in box 9 of the CS-6 form.

An order adopting these revisions was filed and effective November 13, 1974, as R.1974 d.306 (Exempt, Procedure Rule). Take notice that these revisions are not subject to

codification and therefor will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions in Pupil Records

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:36-19, proposes to adopt revisions to the rules concerning pupil records. These revised rules are not intended to be adopted by the State Board of Education until March, 1975.

The proposed revisions concern the deletion, in its entirety, of the current text of N.J.A.C. 6:3-1.3, Inspection of school records, and the adoption of new rules on the topic of pupil records to be cited as the new Subchapter 2 in Chapter 3 of Title 6 of the New Jersey Administrative Code. N.J.A.C. 6:3-1.3 will then be cited as Reserved.

Full text of the proposed new rules follows:

#### SUBCHAPTER 2. PUPIL RECORDS

##### 6:3-2.1 Introduction

(a) Society needs to have data about its members as a group to provide for the general welfare of all citizens and to achieve the goals it sets for itself which have been determined democratically. In the field of education, three considerations are paramount to this need:

1. The pupil's interest must be protected and advanced. The pupil needs to be supplied with information about himself which he needs to make those judgments and decisions pertinent to his well-being and to help him reach his goals in life.

2. The parents and guardians of the pupil need information about their child in order to make decisions which affect the education and life of the pupil as they see their responsibilities.

3. The State's public school system as an institution of society needs to have the data necessary to provide a thorough and efficient education for all pupils.

##### 6:3-2.2 Definitions

"Adult pupil" means a person who is or was a pupil and who is at least 18 years of age or is an emancipated minor.

"Parent" means the natural parent or the legal guardian of a pupil. Where natural parents are separated or divorced, "parent" means the natural parent who has legal custody of the child.

"Pupil record" means information related to an individual pupil gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. This information includes that which is manually recorded, electronically recorded, mechanically recorded or filmed.

"Authenticated" means information which can be proven worthy of acceptance or belief by the individual who originated the data.

##### 6:3-2.3 General considerations

(a) Each local school district shall have primary responsibility to compile and maintain pupil records: to regulate access to and provide security of such records in accordance with these rules and regulations promulgated by the State Board of Education.

(b) The local school district shall provide a copy of these rules and regulations together with those promulgated by the local school district:

1. To each parent upon the entry of a pupil into the elementary, middle, junior and senior high school;

2. To all students in the senior year;

3. To each adult pupil.

(c) Parents' rights and powers under these rules and regulations with respect to the records of their child terminate when the child becomes an adult pupil.

(d) Until a child becomes an adult, he has rights and powers under these rules only through his parents provided, however, that nothing in these rules shall be construed to prohibit school authorities, in their discretion, from disclosing pupil records to nonadult pupils.

(e) Each local school district shall establish procedures which:

1. Guarantee access to certain categories of record to authorized persons;

2. Assure security of pupil records;

3. Describe categories of "mandated" records;

4. Describe categories of "permitted" records.

(f) All information collected on a pupil, whether part of the "mandated" or "permitted" pupil record, shall be authenticated, dated and signed by the individual who originated the data.

(g) All pupil records shall be reviewed annually by the chief school administrator, or designee in order to evaluate the educational relevance of the material contained therein. The reviewer shall cause to be deleted from the records data detrimental to the pupil and no longer descriptive or indicative of the pupil. Such information shall not be recorded elsewhere nor shall a record of such deletion be made.

##### 6:3-2.4 Pupil records

(a) Pupil records are divided into three categories: mandated, permitted and prohibited.

(b) Mandated pupil records are those pupil records which the schools have been directed to compile by New Jersey statute or by agencies of government such as the State Board of Education, the New Jersey Department of Health, and so forth, which are legally authorized to issue such directives. The mandated pupil records shall include the following:

1. Personal data which identify each pupil enrolled in the district. This data shall include the name, address, date of birth, name of parents and /or guardians, ethnic origin, sibling order, citizenship, race and sex;

2. Record of daily attendance;

3. Descriptions of pupil progress, according to the system of pupil evaluation used in the district. Grade level or other program assignments shall also be recorded;

4. Health history and status records compiled from available sources, including results of any physical examinations given by qualified district employees;

5. Other records which are mandated by the State Board of Education under the New Jersey Administrative Code including N.J.A.C. 6:28-1.1 et seq. governing the education of handicapped pupils.

(c) Permitted pupil records are those authorized for collection by resolution of a local school board of education at a regular public meeting which promote the educational welfare of the student. Permitted records may include but need not be limited to the following:

1. Authenticated data concerning pupils collected by the professional staff who has assigned responsibility for the pupil; for example, teacher observations, samples of student work, and so forth;

2. Information obtained from acceptable standard instruments of measurement such as: interest inventories, aptitude tests, vocational preference inventories, achievement tests, and so forth, which are recognized as acceptable by professional educators.

3. Authenticated information provided by the parent or adult pupil concerning achievements and other school activities which the pupil wants to make a part of the record.

(d) Prohibited pupil records are those records which the local board of education may not collect. Prohibited records include:

1. Data which indicate illegitimate parentage;

2. Information gained through hearsay;

3. Religious or political affiliation;

4. Any other information prohibited by State or Federal statute, rule or regulation including regulations promulgated by the State Board of Education.

#### 6:3-2.5 Maintenance and security of pupil records

(a) The chief school administrator or designee shall be responsible for the physical security of pupil records maintained in the local school district and shall devise procedures for assuring that access to such records is limited to authorized persons.

(b) All records for each individual pupil shall be maintained together, provided that records for an individual pupil may be maintained in different locations if there is a notation in the pupil's central file as to where such other records may be found.

#### 6:3-2.6 Access to pupil records

(a) Only authorized organizations, agencies or persons shall have access to pupil records. Authorized persons include the following:

1. The parents or legal guardians of a pupil under the age of 18, and the pupil who has the written permission of such parents or guardians;

2. The pupil, if over the age of 18, and the pupil's parents or guardians who have the written permission of such pupil;

3. School personnel who have assigned responsibility for the pupil;

4. The Commissioner of Education, and members of the New Jersey Department of Education staff who have assigned responsibility which necessitates the review of such records;

5. Officials of other public school districts in which the student intends to enroll. Parents must be notified of such release;

6. The pupil, if under the age of 18, when in the judgment of the chief school administrator, it would promote the pupil's educational welfare;

7. Pupils at least 16 years of age who are terminating their education in the district because they will graduate secondary school at the end of the term or no longer plan to continue their education;

8. Organizations, agencies and persons from outside the school if they have the written consent of the parents or adult pupils;

9. Organizations, agencies and individuals outside the school upon the presentation of a court order of which the parents have notice;

10. Bona fide researchers who explain in writing the nature of the research project and the relevance of the records sought, and who satisfy the chief school administrator that the records will be used under strict conditions of anonymity and confidentiality. Such assurance must be received in writing by the chief school administrator prior to the release of information to the researcher.

#### 6:3-2.7 Procedures for viewing pupil records

(a) All authorized organizations, agencies and persons as defined in N.J.A.C. 6:3-2.6 shall have access to the records of a pupil, subject to the following conditions:

1. Authorized organizations, agencies and persons from outside the school must submit their request to view the records, together with any required authorization, to the chief school administrator, or designee.

2. The chief school administrator or his /her designee shall be present during the period of inspection in order to be available for the interpretation of the records and to prevent the alteration, damage or loss of the record itself. In every instance of inspection of student records, separate record shall be kept of the names of persons granted access, the reason access was granted, the time and circumstances of inspection, and the records studied.

3. Upon request the chief school administrator shall provide for the interpretation of the pupil record in the dominant language of the authorized inspector.

4. Prior to the disclosure of any pupil records to organizations, agencies or persons outside the school pursuant to a court order, or, to officials of other public school districts the parent or adult pupil shall be given at least three days notice of the name of the requesting agency and the specific records requested. Such notification shall be provided in writing if practicable. Only those records requisite to the specific purpose shall be disclosed.

5. A record may be withheld from a parent or guardian of a pupil under 18, or from a pupil over 18, only when the person who originated the record demonstrates with clear and convincing proof to the chief school administrator that the disclosure would create a substantial risk of harm to the pupil or the person about whom the record deals. When the chief school administrator is convinced that the risk is of such high degree he shall notify the parent or adult pupil within five days that access to the record has been denied, and that he has the right to request of the State Department of Education a professional of the same discipline as the originator of the record to review the records withheld. This review shall take place in no less than 10 days from receipt of the request by the State Department of Education. Any decision made by the State Department of Education may be appealed to the State Board of Education.

6. A copy of the pupil's mandated records shall be forwarded to the administrative official of a school to which the child has been transferred within 30 days after the transfer of the child. Permitted records shall only be forwarded with the approval of the parents or of the pupil who has reached the age of 18.

### 6:3-2.8 Rights of appeal for parents and adult students

(a) Pupil records are subject to challenge by parents and adult pupils in terms of accuracy, relevancy, disclosure or denial of access to organizations, agencies and persons. The parent or adult pupil has the following rights:

1. To seek expungement of inaccurate, irrelevant or otherwise improper information contained in the pupil record;
2. To insert reasonable comments as to the meaning and/or accuracy of the records;
3. To request an immediate stay of disclosure pending final determination of the challenge procedure as described in subsection (b) of this Section.

(b) To appeal, a parent or adult pupil must notify the chief school administrator in writing of the specific issues relating to the pupil record. Within ten days of notification the chief school administrator shall meet with parent or adult student to review the issues set forth in the appeal. If the matter is not satisfactorily resolved the parent or adult student may appeal this decision to the local board of education or Commissioner of Education within ten days. The decision of the local school board may be appended to the Commissioner pursuant to N.J.S.A. 18A:6-9 and rules adopted in accordance with such statute. A record of the appeal proceedings and outcome shall be made a part of the student record with copies made available to the parent or adult student.

### 6:3-2.9 Retention and destruction of pupil records

(a) Upon the graduation or permanent departure of a pupil from the school system, the parent or adult pupil shall be provided a copy of all records concerning the pupil. No other records concerning the pupil shall be preserved thereafter unless they are first provided to the parent or adult pupil. Permitted records may be destroyed at the discretion of the local board of education.

(b) All pupil records which may be preserved, shall be preserved in perpetuity by the school last attended by the pupil in New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 15, 1975, to:

Dr. William A. Shine  
State Department of Education  
225 West State Street  
Trenton, New Jersey 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

#### Proposed Revision in Requirements For Private School Transportation

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-1 et seq., proposes to revise the rules concerning requirements for private school transportation.

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

#### 6:21-2.2 Registration

[(a) It shall be the obligation of the parent, guardian or other person having legal custody of the child attending a remote nonprofit private school, to register said child with the office of the secretary of the local board of education prior to May 1 of each school year.

(b) Parents, guardians or other persons who, for any reason, are unable to file an application for transportation prior to May 1 for the ensuing year, may submit an application at any time thereafter, but shall include therewith a statement of the reasons for the late application. Boards of education shall provide transportation for such late registrants within a reasonable time after receipt of such late application.]

**(a) It shall be the obligation of the parent or guardian of private school pupils to secure pupil transportation application forms (B6T), from the administrative office of the private school in which the pupil is "enrolled".**

**(b) Upon completion by the parent or guardian, the form shall be returned to the private school on or before May 1 preceding the school year in which transportation is being requested.**

**(c) The private school shall forward the application forms to the public school for registration and implementation prior to May 15.**

**(d) The public school shall notify the parent or guardian and private school as to the determination of each application by August 1.**

**(e) Late registration rules are:**

**1. A late application shall be any application received by a private school after May 1.**

**2. Parents or guardian of private school pupils shall secure pupil transportation application forms (B6T), from the administrative office of the private school in which the pupil is "enrolled".**

**3. Parent or guardian shall return application to the private school with statement of reason for late application. Application shall be noted by the private school and then forwarded together with the reason for lateness to the public school for registration and implementation.**

**4. Public school shall note information on the summary form (B8T).**

**5. The public school shall notify the parent or guardian and the private school as to the determination of the application within 15 days of receipt from the private school or August 1, whichever is later.**

#### 6:21-2.6 [Certification of transportation and attendance] Registration procedure

[When a local board of education is not required to provide

transportation for a pupil under the provisions of N.J.S.A. 18A:39-1, due to the fact that such bid was in excess of \$150.00 it shall be the obligation of the parent, guardian or other person having legal custody of a child attending a remote nonprofit private school, to file with the office of the secretary of the local board of education, two certificates of the child's transportation and attendance to said school. The certificates shall be presented within 15 days after the close of the first and the second semesters of the private school.]

(a) The private school shall secure the necessary application form (B6T) from the public schools.

(b) Private schools shall annually collect from the parent or guardian, alphabetize and submit the application form (B6T) by May 15 to the district from which transportation is being requested.

(c) Prior to August 1, the public school shall prepare and forward the white and pink copy of the summary form (B8T) to the private school with columns a, b, c, d, e, f and g completed. In column "g", use this CODE: U.M. under mileage; O.M. - over mileage; N.T. - no transportation; and P.S. - profit school.

(d) Simultaneously with (c) above, the public school shall notify parents as to the decision regarding transportation.

#### 6:21-2.7 [Time of payment] Early withdrawal

[Transportation aid shall be paid by the local board of education to the parent, guardian or other person having legal custody of the child attending a remote nonprofit private school upon the receipt of properly executed certificates of transportation and attendance.]

When a transported or transportation aid pupil withdraws from the private school, immediate written notification by the administrative agent of the private school shall be made to the public school and date noted on the summary form (B8T).

#### 6:21-2.8 Certification

(a) January procedure rules are:

1. Between January 1 and January 10 of each year, the private school shall certify by an "x" mark in column (h) on both copies of the summary forms (B8T) that the named pupils were enrolled for the first half of the academic year (September to January).

2. Transported pupils or pupils whose parents or guardian received transportation aid, in lieu of transportation, must be noted as to enrollment for the semester. In case of late registration or early withdrawal, the exact number of days of enrollment must be noted in column (h). Payment shall be authorized according to N.J.S.A.

3. Upon completing certification, the white form shall be signed by the administrative office of the private school and returned to the public school prior to January 15.

4. The public school shall evaluate the report and, if approved shall pay transportation aid to the parent or guardian of the eligible pupils.

5. The public school shall retain the white summary form (B8T) with noted certification and forward the yellow summary form (B8T) to the private school.

(b) May procedure rules are:

1. Between May 1 and May 10, the private school shall certify in column (i) on the yellow summary form (B8T) by an "x" mark that the pupils were enrolled for the second half of the academic year, January to June.

2. Transported pupils or pupils whose parents or guardian receive transportation aid, in lieu of transportation, must be noted as to enrollment for the semester. In case of late registration or early withdrawal, the exact number of days of enrollment must be noted in column (i). Payment shall be authorized according to statute law.

3. After certification, the yellow summary form (B8T), shall be signed by the administrative officer of the private school and returned to the public school prior to May 10.

4. The public school shall evaluate the yellow summary form (B8T), and if approved, shall pay transportation aid to the parent or guardian of the eligible pupils.

#### [6:21-2.8] 6:21-2.9 No bid procedure

If no bids are received after advertisement according to law, and the local board of education is convinced that the cost would exceed the statutory limitation of [\$150.00] \$200.00, the local board of education may provide the parent with transportation aid pursuant to N.J.S.A. 18A:39-1.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 25, 1974, to:

Ms. Ann E. Sorrentino  
Controversies and Disputes  
State Department of Education  
225 West State Street  
Trenton, New Jersey 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

#### Proposed Revisions on School Planning Services

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, 18A:18-2 and 18A:33-1, proposes to revise a portion of the rules concerning school planning services and specifically land acquisition and mechanical air supply rules.

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

6:22-5.1(d) In order for the Department of Education to consider the approval of land acquisition by a board of education, it is necessary that the Director of Facility Planning Services be provided with the following:

1. A written request from the board of education for such approval to include a statement indicating the immediate and ultimate proposed uses of the land in terms of grade organization and potential, maximum enrollment;

2. A statement from the State Department of Environmental Protection that the land can be adequately provided with the necessary water and an acceptable sewage disposal system for the proposed, ultimate maximum enrollment, and that the project has no potential for a substantially adverse environmental impact;

3. A statement from an architect or engineer indicating that the land to be acquired is suitable for the proposed use;

4. A complete plot plan of the land to be acquired showing topographical contour lines, adjacent properties (on all sides) and access roads. The acreage and dimensions of the tract proposed for acquisition shall be included;

5. A map of the school district showing the location of the land and the location of existing schools in the district;

6. Recommendations of the County Superintendent of Schools;

7. A pupil distribution-map, if available, showing places of residency;

8. If existing buildings are located on the land to be acquired, the intended use and/or disposition of these buildings should be indicated. Any building to be acquired and used must comply with all procedures and regulations of the State Board of Education which apply to the construction of a new building. (See N.J.A.C. 6:22-7.2(b)).

9. Data regarding the impact of such a facility upon racial balance within the District's public schools;

10. Recommendations of local planning boards (in municipality where the site is located and in adjacent municipality, if proposed school site is along the municipality's boundary line).

6:22-9.1 Mechanical air supply

(a) All school buildings shall be equipped with a mechanical air supply and exhaust ventilation system which will provide, during periods of occupancy, standard air at the rate set forth in subsection (b) of this Section.

(b) Outdoor air supply and exhaust requirements based upon CFM/square foot of floor area are as follows:

(Ed. Note: The current chart is deleted and the following chart substituted therefor)

ROOM NAME	SUPPLY	GENERAL EXHAUST	SYSTEM CAPACITY (SEE NOTE THREE)
Art room, classrooms, drafting/ electrical lab, electronic lab, kindergarten, pre-kindergarten, physics lab, sewing room	.25	.25	1.50
Auditorium and lecture halls	.75	.75	2.25
Automotive shop, biology science, chemistry, cooking, cosmetology, metal shop with forge and/or welding booth, prep rooms, print shop and wood shop (See Notes 1 and 2)	.25	.30	1.50

Cafeteria	1.00	1.10	3.00
Conference, seminar rooms, teachers' rooms, windowless office space (See Note 4)	1.00	1.00	2.00
Gymnasium and all-purpose rooms	.50	.50	1.50
Locker and shower rooms, janitors' closets, private and individual toilet rooms (See Note 4)	1.50	1.65	100 CFM Minimum
Kitchen (See Notes 3 and 4)	3.00	3.30	3.30
Library and media center, shops other than above	.15	.15	1.00
Music rooms (See Note 5)	1.00	1.00	2.00
Swimming pool (See Notes 3 and 4)	1.50	1.50	3.00
Toilets, general (See Note 4)	1.50	1.65	12 Air Change Minimum

Note 1. It is recommended that the exhaust system not be constantly maintained at a negative pressure, but that minimum instructional classroom quantities be supplied and exhausted during lectures and that supplementary manually controlled exhaust be energized during lab periods.

Note 2. Shops with special exhaust systems for paint spray booths, forges, welding booths and woodworking shops with dust collecting equipment shall have provisions for make-up air to satisfy the requirements. The systems shall be manually controlled and energized when required.

Note 3. System capacity shown is minimum. Additional capacity shall be provided as required.

Note 4. Air may be drawn from adjacent corridor, cafeteria or gymnasium.

Note 5. It is recommended that practice rooms be provided with air supply and exhaust systems and that sound traps and/or acoustical treatment be included to minimize sound transmission.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 25, 1974, to:

Ms. Catherine M. Havrilesky  
State Department of Education  
225 West State Street  
Trenton, New Jersey 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

### Proposed New Rules On Stanchions, Handrails and Guardrails

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-1 et seq., proposes to adopt two new rules concerning stanchions, handrails and guardrails.

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

6:21-6.31(f) On vehicles designed to transport wheelchairs in a position forward of a conventional type pupil seat, there shall be a padded partition between each wheelchair position and any conventional type pupil seat. There shall be a space of at least 24 inches between the partition and the front face of the seat-back of the conventional type seat measured at cushion height. The vertical stanchions and the horizontal rails in such partitions shall be padded and the knee-panels in the partitions shall also be padded on the side facing the conventional type pupil seat.

6:21-18.25(e) On vehicles designed to transport wheelchairs in a position forward of a conventional type pupil seat, there shall be a padded partition between each wheelchair position and any conventional type pupil seat. There shall be a space of at least 24 inches between the partition and the front face of the seat-back of the conventional type seat measured at cushion height. The vertical stanchions and the horizontal rails in such partitions shall be padded and the knee-panels in the partitions shall also be padded on the side facing the conventional type pupil seat.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 25, 1974, to:

Ms. Anne Sorrentino  
Controversies and Disputes  
State Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

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

(b)

# EDUCATION

## STATE BOARD OF EDUCATION

### Rescission of Portion of Rule on Evaluation

On November 8, 1974, 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, 18A:4-24 and in

accordance with applicable provisions of the Administrative Procedure Act of 1968, rescinded N.J.A.C. 6:39-1.3(e), concerning evaluation and the interpretation of data, as proposed in the Notice published October 10, 1974, at 6 N.J.R. 388(b).

An order rescinding this portion of the rule was filed and effective November 12, 1974, as R.1974 d.304.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

# ENVIRONMENTAL PROTECTION

## THE COMMISSIONER

### Rules Establishing Surface Water Quality Standards

On November 18, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules which establish surface water quality standards, substantially as proposed in the Notice published August 8, 1974, at 6 N.J.R. 302(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

These new rules may be cited as N.J.A.C. 7:9-4.1 et seq. and replace the current text of Subchapters 4 through 7 in Chapter 9, Title 7 of the New Jersey Administrative Code, except that the current text of N.J.A.C. 7:9-7.29 through 7:9-7.34 is to be transferred to Subchapter 8 of Chapter 9 and will be cited as N.J.A.C. 7:9-8.38 through 7:9-8.43. Subchapters 5 through 7 in Chapter 9, Title 7, are to be marked as "Reserved".

The new rules establish surface water quality standards consistent with the purpose and intent of the Federal Act and Federal guidelines and regulations. The standards or rules may also be utilized to assist in determining the influence of man's activities beyond those involving direct waste discharges from communities or industries. The standards do not necessarily describe existing conditions of New Jersey's waterways; they do represent objectives of cleanliness to be achieved through the administrative and enforcement mechanisms available to the Department.

The substantive changes made in the adopted rules concern 14 subsections for total dissolved solids, phosphorus and heat dissipation areas in the main stem of the Delaware River and the inclusion of shellfish harvesting in ocean waters.

An order adopting these rules was filed November 18, 1974, as R. 1974 d. 310, to become effective December 2, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# HEALTH

## THE COMMISSIONER

### Proposed Definition of Rehabilitation 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 adopt a new rule defining rehabilitation beds to be included in the 1974-1975 New Jersey State Plan for Hospitals and Related Health Care Services.

Full text of the proposed rule follows:

#### 8:32-1.18 Definition of rehabilitation beds

(a) A rehabilitation bed is an identified bed located in a Class A or Class B rehabilitation facility as defined by the Division of Vocational Rehabilitation Services.

(b) Class A facility means:

1. A Class A rehabilitation facility is an organizational and physical entity in which a soundly based program of integrated and coordinated services is provided. The services are directed toward the physical, emotional, mental, social and vocational restoration and adjustment of handicapped disabled children and adults. The services consist of evaluation, treatment, education, training and placement and are provided by competent personnel especially qualified in the various phases of the rehabilitation process.

2. While the primary purpose of a rehabilitation facility or center is to assist its patients to achieve the optimum level of functioning for which they are capable, to accomplish this purpose, the facility may operate one or more programs as follows:

i. Primary emphasis of the program is **physical restoration**, supported by social and/or vocational adjustment services.

ii. Primary emphasis of the program is **social adjustment**, supported by appropriate medical and vocational adjustment services.

iii. Primary emphasis of the program is **vocational adjustment**, supported by appropriate medical and social adjustment services.

iv. The primary emphasis of the program is the provision of **sheltered remunerative employment** within the facility.

v. Primary emphasis of the facility is **speech pathology** supported by appropriate audiological, medical, social and/or vocational adjustment services.

vi. Primary emphasis of the facility is **audiology** supported by appropriate speech pathology, medical, social and/or vocational adjustment services.

3. Within this context, a rehabilitation center/facility shall have final responsibility for a patient's program at the center. This shall include, but not be limited to, decisions as to the professional soundness of the admitting diagnosis, prescription and course of treatment. Acceptance or professional review of the diagnosis and prescription provided by the referring source is the responsibility of the center and acceptance of any patients for service within the center must be consistent with the goals of the center. Final determination of the patient's diagnosis, prescription, and course of treatment, or acceptance of the diagnosis and prescription of referring sources, must be made by competent professional personnel subject to the authority of the center. In the case of medical aspects, such personnel shall be duly recognized and licensed to practice medicine.

4. A "Class A facility" will be required to have "immediately available general hospital services".

5. Rehabilitation services shall include, but not be limited to the following:

i. Required direct services:

- (1) Rehabilitation medicine — full time;
- (2) Restorative nursing;
- (3) Physical therapy;
- (4) Occupational therapy;
- (5) Social services;
- (6) Prevocational evaluation;
- (7) Designated in-patient rehabilitation beds.

ii. Required consultative services:

- (1) Testing, fitting or training in the use of prosthetic and orthotic devices;
- (2) Psychological services;
- (3) Speech and hearing services.

iii. Desirable services:

- (1) Recreational therapy;
- (2) Work adjustment;
- (3) Vocational training.

(c) Class B facility\* means:

1. A Class B rehabilitation facility is an organizational and physical entity in which a soundly based program of integrated and coordinated services is provided. The services are directed toward the physical, emotional, mental, social and vocational restoration and adjustment of handicapped disabled children and adults. The services are provided by competent personnel, especially qualified in the various phases of the rehabilitation process.

2. A "Class B facility" will be required to have "available general hospital services".

3. Rehabilitation services shall include, but not be limited to the following:

i. Required direct services:

- (1) Restorative nursing;
- (2) Physical therapy;
- (3) Occupational therapy;
- (4) Social services.

ii. Required consultative services:

- (1) Rehabilitation medicine;
- (2) Speech and hearing;
- (3) Psychological services;
- (4) Testing, fitting or training in the use of prosthetic and orthotic devices.

iii. Desirable services:

- (1) Prevocational evaluation;
- (2) Recreational therapy;
- (3) Work adjustment;
- (4) Vocational training;
- (5) Available in-patient rehabilitation beds.

\*Definitions have been developed from the definition of a rehabilitation center as described in "Standards Manual for Rehabilitation Facilities", Commission on Accreditation of Rehabilitation Facilities, September 1970.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1974, to:

Joseph C. Kale  
Director, Comprehensive Health Planning  
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 definition substantially as proposed without further notice.

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

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

On November 15, 1974, 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 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 8:33-1.11, concerning the continuation of mixing skilled nursing facility and intermediate care beds, levels A and B, as proposed in the Notice published October 10, 1974, at 6 N.J.R. 397 (a).

An order adopting this continuation was filed and effective November 19, 1974, as R. 1974 d. 315.

Thomas F. Kistner  
Division of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Rule on Reporting Abortions Performed in Hospitals

On November 15, 1974, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, concerning the reporting of abortions performed in hospitals, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 345 (b):

Such rule may be cited as N.J.A.C. 8:40-5.1.

An order adopting this rule was filed and effective November 19, 1974, as R. 1974 d. 316.

Thomas F. Kistner  
Division of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Revisions in Policy on Skilled Nursing and Intermediate Care Beds

On November 15, 1974, 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 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision to N.J.A.C. 8:33-1.11, concerning the policy on skilled nursing and intermediate care beds, as proposed in the Notice published October 10, 1974, at 6 N.J.R. 396(b).

An order adopting these revisions was filed and effective November 19, 1974, as R.1974 d. 317.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

#### Revisions for Adjustment of State Plan for Hospitals and Related Health Care Services

On November 15, 1974, 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 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 8:32-3.1, concerning the adjustment of the State Plan for Hospitals and Related Health Care Services, substantially as proposed in the Notice published October 10, 1974, at 6 N.J.R. 395(b), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these revisions was filed and effective November 19, 1974, as R.1974 d. 318.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(e)

## HEALTH

### THE COMMISSIONER

#### Rules Covering Boarding Homes for Sheltered Care

On November 15, 1974, 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 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules covering boarding homes for sheltered care, substantially as proposed in the Notice published October 10, 1974, at 6 N.J.R. 396 (c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

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

An order adopting these rules was filed and effective November 19, 1974, as R.1974 d.319.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# HEALTH

## THE COMMISSIONER

### Rules on Health

#### Maintenance Organizations

On November 15, 1974, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2J-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, concerning health maintenance organizations, substantially as proposed in the Notice published January 10, 1974, at 6 N.J.R. 8(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Full text of the adopted rules follows:

#### CHAPTER 38. HEALTH MAINTENANCE ORGANIZATIONS

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 8:38-1.1 Health care services

(a) Health care services include basic health care services and any additional health care related services deemed necessary by the Commissioner for the obtaining and maintenance of optimal health.

(b) In addition to basic health services, a health maintenance organization may provide any supplemental health services which are in conformity with applicable laws and regulations.

###### 8:38-1.2 Basic health care services

(a) Basic health care services includes the following minimal services to be provided or arranged by the HMO (either "group practice HMO" or "individual practice association").

1. Health professional services:
  - i. Periodic examinations and office visits by a physician in order to facilitate patient management plans;
  - ii. Periodic screening examinations and disease detection studies;
  - iii. Obstetrical care (pre- and post-natal care of mother);
  - iv. Regular pediatric care, including newborn care and immunizations as medically necessary;
  - v. Services of a surgeon;
  - vi. Anesthesia;
  - vii. Inpatient medical care in hospital and/or skilled nursing facility;
  - viii. Diagnostic and therapeutic radiology;
  - ix. Consultations and specialist's services as requested by the attending physician;
  - x. Twenty-four-hour a day emergency services, seven days a week;
  - xi. Short-term physical medicine (including physical therapy);
  - xii. House calls when medically indicated;
  - xiii. Out-of-area health services when indicated for accidental injury or emergency illness;
  - xiv. Diagnostic laboratory services;
  - xv. Short-term (not to exceed twenty visits) outpatient evaluative and crisis intervention mental health services.
2. Institutional services:

- i. Inpatient hospital care, including semi-private room accommodation and other inpatient hospital services, medications as appropriately ordered by the physician(s) responsible and supplies that are usually provided by the hospital;
- ii. Skilled nursing facility services;
- iii. Home-health services; and
- iv. Emergency and out-of-area hospital services when indicated for injury or emergency illness.

3. Supportive services:
  - i. Ambulance services when ordered by a member of the staff for emergency services;
  - ii. Health education services, including nutrition services;
  - iii. Medical social services;
  - iv. Preventive health services (including voluntary family planning services, infertility services, preventive dental care for children and children's eye examinations conducted to determine the need for vision correction).

(b) Supplemental health services: Additional health services that are not considered under basic health services. These may include, but are not limited to:

- i. Vision care not included as a basic health service;
- ii. Dental services not included as a basic health service;
- iii. Mental health services not included as a basic health service;
- iv. The provision of long-term physical medicine and rehabilitative services (including physical therapy);
- v. Podiatry services;
- vi. Provision of prescription drugs, corrective lenses or prostheses;
- vii. Services of facilities for intermediate and long-term care.

###### 8:38-1.3 Regulations for the establishment and operation of an HMO

(a) To establish and operate a health maintenance organization the following regulations must be met:

1. Certificate of need (N.J.S.A. 26:2H-7): Any HMO constructing a new health care facility, expanding or changing an existing health care facility, or instituting new health services, must comply with the provisions of N.J.S.A. 26:2H-7.
2. All requirements specified in Chapter 337, Laws of New Jersey, 1973 must be met.
3. A certificate of authority must be issued before commencement of operation of an HMO.
4. Evidence of compliance with the following requirements must be furnished to the Commissioner on request:
  - i. There must be sufficient licensed primary care physicians and medical specialists associated with or available to the HMO to provide basic health care services. The number of physicians is contingent upon enrollment size and prevailing standards.
  - ii. The professional staff must include sufficient licensed nurses, and other professionals such as nutritionists, health educators and others to provide basic health care services.
  - iii. The HMO must have sufficient clinical space, equipment and furnishings to meet health care needs. The group practice HMO must be readily accessible geographically and transportation-wise to enrollees;
  - iv. The applicant must provide evidence of the availability of institutional services, including hospital and skilled nursing facility, to the enrollees to meet basic health care services.
  - v. Plans for an appropriate evaluative mechanism must be provided. This will refer to quality and quantity of ambulatory health care services, and utilization of hospital and extended care facility beds and other services.

vi. The health maintenance organization must provide a mechanism for communication between the plan and enrollees. This may be done by a panel, which has consumer representation, or by some other appropriate mechanism.

## SUBCHAPTER 2. ESTABLISHMENT OF HEALTH MAINTENANCE ORGANIZATIONS

### 8:38-2.1 Scope

The following rules jointly developed by the Commissioner of Health and the Commissioner of Insurance govern the establishment of Health Maintenance Organizations in New Jersey pursuant to the authority set forth in P.L. 1973 c.337, 83.

### 8:38-2.2 Application

An application, on forms provided by the Health Department, accompanied by a filing fee of \$100.00 payable to New Jersey Department of Health shall be completed by the responsible officers of each entity desiring to obtain a certificate of authority as an HMO. Such fee shall not be returnable.

### 8:38-2.3 Certificate of need

When the establishment or operation of a health care facility or any change in or expansion of a health care facility involves the institution of new health care services as defined in Section 7 of the Health Care Facilities Planning Act (P.L. 1971, c.136), said HMO shall comply with all pertinent provisions of P.L. 1971, c.136).

### 8:38-2.4 Supporting documents

(a) The application for a certificate of authority shall be accompanied by the following:

1. A copy of the basic organizational document of the applicant such as the articles of incorporation, articles of association, partnership agreement, trust agreement or other applicable documents and all amendments thereto;
2. A copy of the bylaws, rules and regulations or similar document regulating the conduct of the internal affairs of the applicant;
3. A list of names, addresses and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant;
4. A copy of any contract made or to be made between any providers or persons listed in paragraph 3 of this subsection and the applicant;
5. A copy of any contract made or to be made with an insurer or a hospital or medical service corporation;
6. A copy of the form of evidence of coverage to be issued to the enrollee;
7. A copy of the form of the group contract, if any, which is to be issued to employers, unions, trustees or other organizations;
8. Recent financial statements showing the applicant's assets, liabilities and sources of financial support;
9. A general description of the proposed method of marketing and financing and a statement as to the sources of funding;
10. A power of attorney duly executed by such applicant, if not domiciled in this State, appointing the Commissioner and his successors in office, and duly authorized deputies, as the true and lawful attorney of such applicant in and for this State upon whom all lawful process in any legal action of proceeding against the health maintenance organization on a cause of action arising in this State may be served;

11. A statement reasonably describing the geographic area or areas to be served;

12. A general description of the complaint procedures to be utilized as required under Section 12, of P.L. 1973, c.337;

13. A general description of the procedures and programs to be implemented to meet the quality of health care requirements in Section 4.2 of P.L. 1973, c.337;

14. A general description of the mechanism by which enrollees will be afforded an opportunity to participate in matters of policy and operation;

15. Such other information as the Commissioner may require to make the determinations required by Section 4 of P.L. 1973, c.337.

### 8:38-2.5 Licensure

The HMO shall comply with the licensure provisions of P.L. 1971, c.136.

## SUBCHAPTER 3. ISSUANCE OF CERTIFICATE OF AUTHORITY

### 8:38-3.1 Scope

(a) Prior to issuance of a certificate of authority, the Commissioner and, if applicable, the Commissioner of Insurance, must be satisfied that several conditions have been met. Among these are:

1. That the Health Maintenance Organization is financially sound and may reasonably be expected to meet its obligations to enrollees and prospective enrollees; and

2. That the organization's arrangements for health care services and the schedule of charges to enrollees used in connection therewith are financially sound.

(b) The following three Sections will serve as minimum standards for determining such financial soundness.

### 8:38-3.2 Definitions

(a) Standards will vary depending on whether or not the health maintenance organization is "doing an insurance business".

(b) A Health Maintenance Organization will be considered to be doing an insurance business if more than twenty percent of its payments to providers, based on reasonable actuarial assumptions, may be expected to be made directly from funds of the organization on a "fee for service" basis.

(c) Payments will not be considered as having been made from funds of the organization if:

1. Reimbursement for such payment is made by an insurance company or hospital or medical service corporation licensed to operate in New Jersey pursuant to a contract filed by the Commissioner of Insurance and in force at time of application, or

2. The organization's liability for payment to providers is limited to a reasonable proportion of its capitation revenues by means of an insurance arrangement with such insurance company or hospital or medical service corporation.

(d) "Capital and surplus" of a health maintenance organization means the excess of its assets over its liabilities, as calculated according to generally accepted accounting practices applicable to regulated insurance companies.

### 8:38-3.3 Protection against insolvency

(a) Enrollees of a Health Maintenance Organization will be deemed protected against financial loss resulting from insolvency provided that the Health Maintenance Organization has deposited with the Commissioner, as of the beginning of each calendar year, cash or a form of guaranty or security in an amount equal to twenty-five percent of anticipated payments to providers of health services during the calendar

year then beginning. Only those payments to providers which vary directly with the volume of services provided (i.e., "fee-for-service" payments) need be considered; salaries to physicians, or "capitation" to providers where those providers have agreed to provide whatever services are required for enrollees, need not be considered. At time of initial authorization by the Commissioner, the deposit must be based on anticipated payments in the next full calendar or fiscal year. These deposits may be treated as assets of the organization, to the extent that they would be assets if actually held by the organization, and any investment return on the assets will be credited to the organization. However, in the event of insolvency of the organization, these deposits will be applied by the Commissioner, at his discretion, to pay for otherwise unreimbursed costs of services provided or due to enrollees, and only after all such costs have been satisfied may the balance, if any, of the deposit be applied to meet obligations to other creditors of the organization.

(b) The deposit described in the preceding paragraph will be waived by the Commissioner at such time as he is satisfied that the assets of the organization or its contracts with insurers, hospital or medical service corporations, governments or other organizations are sufficient to reasonably assure the performance of its obligations. For a Health Maintenance Organization which is "doing an insurance business", as defined above, satisfaction of this requirement will be demonstrated by maintenance of capital and surplus of at least \$100,000 or ten percent of anticipated yearly capitation revenues, if greater. For a Health Maintenance Organization which is not "doing an insurance business", as defined above, satisfaction of this requirement will be demonstrated by maintenance of capital and surplus of at least \$25,000 or five percent of anticipated yearly capitation revenues, if greater.

#### 8:38-3.4 Charges to enrollees

Charges to enrollees will be considered financially sound provided they are accompanied by certification of a qualified actuary that they make adequate provision for claim costs, operating expenses, and maintenance of at least the minimum capital and surplus. Details as to assumptions and methods of calculation must accompany certification.

### SUBCHAPTER 4. QUALIFICATIONS AND REGULATIONS

#### 8:38-4.1 Qualified actuary

An actuary will be deemed "qualified" if he has satisfied the Commissioner of Insurance as to his integrity and competence in applying actuarial theory by reason of experience and professional training. It is anticipated that the Commissioner of Insurance will maintain a roster of persons and firms who have so qualified and that this roster will include most nationally recognized actuarial and accounting firms, together with members of the nationally recognized professional actuarial organizations.

#### 8:38-4.2 Regulation of agents

(a) An agent means a person directly or indirectly associated with a Health Maintenance Organization who engages in the solicitation or enrollment of subscribers for compensation in a manner other than as a salaried employee of the Health Maintenance Organization. All such agents must satisfy the requirements of Chapter 22 of Title 17B of the New Jersey Statutes applicable to agents writing health insurance.

For purposes of this regulation, an authorized health maintenance organization will be considered to be "a qualified insurer", and no additional fee beyond that required by Chapter 22 will be imposed.

(b) All salaried employees, either full or part-time, of a Health Maintenance Organization who are primarily engaged in the solicitation or enrollment of subscribers will be considered as sales representatives for whose acts the Health Maintenance Organization will be responsible when soliciting or enrolling subscribers.

An order adopting these rules was filed and effective November 20, 1974, as R.1974 d.320.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions on Partial Hospitalization for Independent Clinics

Ann Klein, 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. 10:66-1.13, concerning mental health services and partial hospitalization for independent clinics. The proposal concerns the deletion in its entirety of the current text of N.J.A.C. 10:66-1.13 and adoption of new text therein.

Full text of the proposed new text follows:

10:66-1.13 Mental health services

(a) **Mental health services includes individual, group and family psychotherapy by and/or under the direct, personal supervision of a psychiatrist and family conferences. This latter is defined as: interpretation or explanation of results of psychologic examinations and procedures, or other accumulated data to family or other responsible persons, or advising them how to assist patient.**

**When these "family conferences" are required for patients who will be treated pursuant to prior authorization, they must be requested on the same form (FD-07) as the principal treatment. Use the space in Box No. 11 marked "Other Types of Therapy".**

(b) **The procedures for obtaining prior authorization for psychiatric services exceeding a limit of \$300.00 are:**

**1. Payment for psychiatric services exceeding a limit of \$300.00 per eligible recipient in any 12-month period commencing from the date of the patient's initial visit requires submission of a request for prior authorization. When prior authorization is required for psychiatric services, the request is to be submitted in quadruplicate on a request for authorization of psychiatric services form (FD-07), (Exhibit III) to the Chief of Mental Health Services, Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, New Jersey 08625. The patient's name, home address, present address if different than home address, H.S.P. case number, patient per-**

son number, age, sex, beginning date of requested authorization and the clinic's name, address and so forth, are to be inserted on the FD-07 form. Additionally, the request must include the diagnosis as set forth in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association (latest edition), treatment plan and progress report in detail and prognosis. No post facto authorization will be granted.

2. When a request for prior authorization is approved, the Chief of Mental Health Services shall provide the clinic with written confirmation for continued care by signing form FD-07 (Request for Authorization of Psychiatric Services) and returning two copies to the clinic. The original copy of the authorization (FD-07) must be attached to the Clinic Services Claim (MC-14) when submitting the claim for payment. The other copy should be retained for your records. When a request for prior authorization is denied, the clinic shall be notified in writing by the Chief of Mental Health Services of the reason.

3. An exception is the \$300.00 limitation as outlined in this subsection does not apply in the case of partial hospitalization: See Subsection (c) of this Section.

(c) Partial hospitalization means a psychiatric service whose primary purpose is to provide a planned program of milieu therapy and other treatment modalities. The service is designed for nonresidential patients who spend three hours or more in the clinic. Partial hospitalization does not require prior authorization from the New Jersey Division of Medical Assistance and Health Services for the first 30 calendar days. Prior authorization is required for partial hospitalization for each subsequent 30 day period after the first 30 days.

1. The procedure for obtaining prior authorization for partial hospitalization is:

i. If it is medically determined that the patient will require further partial hospitalization beyond the first 30 calendar days, prior authorization must be obtained from the Chief, Mental Health Services, Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, New Jersey 08625. It is recommended that the clinic request this authorization on about the 20th day to allow ten days for processing the authorization by the State and return of same to the clinic.

ii. To request prior authorization, the clinic must submit form FD-07 (Request for authorization of psychiatric services) in quadruplicate to Chief, Mental Health Services, at the above address. All questions must be answered. If authorized, the clinic will receive two copies of the FD-07 from the State with the terms of the authorization. The original FD-07 must be attached to the contractor copy of the independent out-patient health family claim (MC-14 C1) when billing. Authorization will be granted for a maximum of 30 days, therefore, the process must be completed again if further treatment is planned beyond the 60th calendar day.

iii. If the Chief, Mental Health Services does not authorize the treatment, written explanation will be provided to the clinic.

Note: FD-07 forms are available from the program contractor.

iv. When billing for partial hospitalization beyond the first 30 calendar days, prior authorization form FD-07 must be attached to the outpatient claim form.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before December 26, 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.

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions on Noncontributory Persons in a Household

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt revisions to the rules concerning non-contributory persons in the household, as contained in Section 3290 of the proposed new Public Assistance Manual, which was proposed in the Notice published June 6, 1974, at 6 N.J.R. 244(a).

Such rules, if adopted, will constitute a separate Subchapter in the new Chapter 80 of Title 10 of the New Jersey Administrative Code entitled Public Assistance Manual. Such Manual has not yet been formally adopted.

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

#### NONCONTRIBUTING PERSON(S) IN THE HOUSEHOLD

##### Statement of Policy

In most cases, all those noneligible persons who are part of a household, as defined in Section 111. of the Financial Assistance Manual, will be counted in the number in the household when determining the basic allowance set forth in Section 115. or 116. (**Schedule I or II**) of the Financial Assistance Manual. When an applicant or recipient contends that a noneligible person (other than a stepparent) who is living in the household should not be counted in the household for the purpose of determining the basic allowance, the recipient bears the burden of coming forward with evidence and proving to the county welfare board that the noneligible person does not [and cannot] contribute his/her share of the household expenses. **In addition, the recipient shall execute a sworn affidavit stating that the noneligible person does not contribute his/her share.**

##### Interpretation

For the purpose of this regulation, the noneligible person's share of household expenses shall be that dollar amount which is the difference between the eligible unit's allowance standard (FAM Schedule I or II, as appropriate) when the noneligible person is counted in the household size and when he/she is excluded from household size.

[For the purpose of this Section, the noneligible recipient's share of the household expenses means all or a substantial

part of the per capita amount set forth in Section 115. of the Financial Assistance Manual for each eligible person in the household when the noneligible person(s) is counted in the household.]

When an applicant or recipient has brought forth evidence and established that the noneligible household member is not contributing [and cannot contribute] his/her share of the household expenses, the noneligible household member shall not be counted in the "number in the household" for the purpose of arriving at the basic allowance set forth in **Schedule I or II** [Section 115.] of the Financial Assistance Manual.

An applicant or recipient may establish that a noneligible household member [cannot] **does not** contribute his/her share of the household expenses by showing that:

a. The person is not employed and has no income; [and] **or**

[b. The person is not eligible for any other public assistance program, e.g. — SSI or General Assistance.]

**b. The person cannot contribute his/her share of household expenses. Some ways that this may be established include but are not limited to:**

1) Evidence clearly establishing that expenditures of the eligible unit do not exceed the income and resources known to be available to the recipient family; and

2) Evidence clearly establishing that the noneligible individual's reasonable expenses equal or exceed his/her income and other resources.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1974, to:

Division of Public Welfare  
129 East Hanover 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.

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Proposed Rules on Child Abuse and Neglect Cases

James G. Kagen, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of Section 52 of P.L.1974 c. 119, proposes to adopt new rules concerning procedures involved in child abuse and neglect cases.

Such rules, if adopted, will constitute the new Chapter 125 in Title 10 of the New Jersey Administrative Code.

The proposed rules concern the procedures to be followed by the Division of Youth and Family Services in the receipt of reports, investigation and disposition of child abuse and neglect cases, as well as the provision of services at various stages in such cases. These rules also provide for removal of the children from home in emergency situations as provided in P.L.1974 c.119.

**Full text** of these proposed rules may be obtained from:  
Standards and Procedures Unit  
163 West Hanover Street  
Trenton, New Jersey 08625  
Telephone: (609) 292-1740

Interested persons may present statements or arguments relevant to the proposed action on or before December 25, 1974, to the Division of Youth and Family Services at the above address.

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

James G. Kagen  
Director, Division of Youth and Family Services  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Rule on Out-of-State Clinics

On October 18, 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 a new rule concerning out-of-State clinics, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 347(b).

Such rule may be cited as N.J.A.C. 10:66-1.3.

An order adopting this rule was filed October 25, 1974, as R.1974 d.295 to become effective November 15, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Amendment on Definition of Eligible Pharmacies in New Jersey

On October 16, 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 an amendment to N.J.A.C. 10:51-1.2, concerning the definition of eligible pharmacies in New Jersey, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 347(a).

An order adopting this amendment was filed October 25, 1974, as R.1974 d.297 to become effective November 30, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Revisions on Hospital Services

On October 18, 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 N.J.A.C. 10:52-1.2(a)18., concerning hospital services, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 346(b).

An order adopting these revisions was filed October 25, 1974, as R.1974 d.296 to become effective December 15, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Revisions to Physician's Manual on Specialists

On November 4, 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 N.J.A.C. 10:54-1.19, concerning specialists, as proposed in the Notice published October 10, 1974, at 6 N.J.R. 398(c).

An order adopting these revisions was filed and effective November 19, 1974, as R.1974 d.311.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Revisions for Pharmacy Providers

On November 4, 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 N.J.A.C. 10:51-1.10, concerning pharmacy providers, substantially as proposed in the Notice published October 10, 1974, at 6 N.J.R. 398 (d), with only inconsequential structural or language changes, in the opinion of the Department of Institutions and Agencies.

An order adopting these revisions was filed November 19, 1974, as R.1974 d.312 to become effective November 30, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Notice of Typographical Error On Medicaid Only Program Manual

Take notice that, in the Notice published November 7, 1974, at 6 N.J.R. 432(a) concerning a Notice of Proposal of the Division of Public Welfare, a typographical error was present therein. The Notice stated that the Division of Public Welfare was proposing to adopt a new Manual of Administration for the Medicaid Program Only. The name of that proposed Manual was cited incorrectly. The correct name of the proposed Manual should have been stated as the Manual of Administration for the **Medicaid Only Program**, applicable to certain aged, blind and disabled individuals.

The remaining text of the Notice of Proposal was correct as published.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(e)

## INSURANCE

### NEW JERSEY REAL ESTATE COMMISSION

#### Amendments to Rules of Commission

On November 8, 1974, William P. Comerford, Assistant Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to various rules of the New Jersey Real Estate Commission, concerning the applications of salesmen and broker, substantially as proposed in the Notice published June 6, 1974, at 6 N.J.R. 246(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Real Estate Commission.

The substantive changes concern the word corrections in N.J.A.C. 11:5-1.2(c) and 11:5-1.3(g). In N.J.A.C. 11:5-1.2(c) in the first sentence, the word "salesman" should be changed to "salesmen" and the word "photo-copy" in the last sentence therein should be dehyphenated to read "photocopy". In the first sentence of N.J.A.C. 11:5-1.3(g), the initial words should read "On and after September 1, 1967, each and every applicant shall present his application . . ."

An order adopting these amendments was filed and effective November 13, 1974, as R.1974 d.307.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Notice of Typographical Error

Take notice that, in the Notice of Adoption of the Department of Insurance's rules on group coverage discontinuance and replacement which appeared in the October 10, 1974 issue of the New Jersey Register at 6 N.J.R. 409(a), several typographical errors appeared therein. The errors concern N.J.A.C. 11:2-13.6(c)4. and the document citation in the last paragraph of the Notice.

In the third sentence of N.J.A.C. 11:2-13.6(c)4. the word "may" should have been printed in boldface to indicate that it was new text whereas the word "will" which appeared in boldface in the next sentence should not have been in boldface since no change was made therein.

The document citation was incorrectly stated to be R.1974 d.274 whereas it should have been R.1974 d.272.

The **correct text** of N.J.A.C. 11:2-13.6(c)4. follows:

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 preceding the effective date of the succeeding carrier's plan and are subject to a similar deductible provision.

Remaining portions of that Notice of Adoption were correct as published.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### OFFICE OF THE ATTORNEY GENERAL

#### Listing of Legislative Agents

On May 20, 1974, William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-22(h) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, released the Quarterly Report of Legislative Agents, for the first quarter of 1974.

All notices of the agents' representation and reports are on file with the Attorney General and are available for public inspection during regular business hours (9:00 A.M. to 5:00 P.M.) in Room 219, State House Annex, Trenton, New Jersey.

Listings of the first 68 registered legislative agents were in the Notice published December 8, 1971, at 3 N.J.R. 267(b); second listing of an additional 48 agents in the Notice published April 6, 1972, at 4 N.J.R. 72(c); third listing of 29 agents in the Notice published August 10, 1972, at 4 N.J.R. 190(b); and fourth listing of 24 agents in the Notice published April 4, 1974, at 6 N.J.R. 152(b).

Following are 18 legislative agents who have registered subsequently, with registration number, name and New Jersey address, whom they are representing, and designation or title, if any:

No. 171. William Hobokan, 311 Church Street, Hackettstown, N.J. 07840; Ashland Oil, Inc.; legislative agent.

No. 172. Leon J. Zimmerman, 142 West State Street, Trenton, N.J. 08608; N.J. Standardbred Inc.; Independent Mutual Insurance Association of N.J.

No. 173. William J. Stafford, War Memorial Building, Trenton, N.J. 08608; Veterans of Foreign Wars of the U.S., Department of N.J.; legislative agent.

No. 174. Kathryn Stilwell, 180 West State Street, Trenton, N.J. 08608; N.J. Education Association; educator.

No. 175. John E. Dwyer, 407 West State Street, Trenton, N.J.; N.J. Association of School Administrators; executive director.

No. 176. Peter Allen, 926 West State Street, Trenton, N.J. 08601; N.J. Retail Merchants Association; executive vice president.

No. 177. Paul L. Armstrong, 20 Just Road, Fairfield, N.J. 07006; TRW Credit Data; associate director of legislative affairs.

No. 178. Charles E. Walton, 790 River Road, Trenton, N.J. 08628; N.J. Automobile Dealers Association; legislative agent.

No. 179. Henry Randolph Brokaw, 2090 Greenwood Avenue, Trenton, N.J. 08609; International Association of Assessing Officers; legislative agent.

No. 180. Richard Charles McDonough, 20 West Lafayette Street, Trenton, N.J. 08608; Automotive Service Councils of N.J., Inc.; W.S. Borden and Company; N.J. Food Council; All State Cablevision, Inc.; The Retail Credit Company; attorney.

No. 181. Donald Bagger, Suite 1502, 744 Broad Street, Newark, N.J. 07102; Newark Economic Development Corp.; executive director.

No. 182. Mark B. Rosen, 9 Ridgeway Court, West Orange, N.J. 07052; American Motorcycle Association; legislative agent.

No. 183. Alice I. Cohan, 686 Parkway Avenue, Trenton, N.J. 08618; National Organization for Women—N.J.; legislative agent.

No. 184. Daniel J. Henry, 393 Seventh Avenue, New York, N.Y. 10001; Montgomery Ward and Company, Inc.; attorney.

No. 185\*. Dennis F. Bradley, North Park Drive, Pennsauken, N.J. 08109; South Jersey Chamber of Commerce; general manager.

No. 186\*. Charles E. Quinn, P.O. Box 653, Atlantic City, N.J. 08404; John S. Rich, 127 Myrtle Avenue, Long Branch, N.J.; State Conference of Bricklayers Unions.

No. 187. Ralph N. DeDio, Gateway 1, Newark, N.J. 07102; Hoffman-La Roche, Inc.; attorney.

No. 188. Vincent J. Dotoli, Interstate 287 and McKinley Street, South Plainfield, N.J.; South Jersey Landfill Operators Association; attorney.

\*Legislative Agents numbered 91, 184 and 186 registered on or after March 31, 1974.

(Continued on Page 26)

# 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.

The index is current, covering all rules adopted through last month. It is adjusted the month **following** the mailing of

Code update pages.

Since the most recent update, the various State Departments have adopted the following rules — which have been printed in the Register but are not yet included in current pages of the Code:

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Adoption Notice N.J.R. Citation</u>
<b>CHIEF EXECUTIVE — TITLE 1</b>			
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)
<b>AGRICULTURE — TITLE 2</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(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)
2:7-1.1	Fees for inspections on State holidays	R. 1974 d.300	6 N.J.R. 462(a)
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)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R. 1974 d.91	6 N.J.R. 166(c)
2:54-3.4	Amendment on handling of milk in New Jersey marketing areas	R. 1974 d.283	6 N.J.R. 422(a)
2:67-1.1	Prompt settlement	R. 1974 d.42	6 N.J.R. 96(b)
<b>BANKING — TITLE 3</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)
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12:18-3.1(f) and (g)	Revisions of fees under State Plan for temporary disability benefits	R. 1974 d.284	6 N.J.R. 437(b)
12:122-1.1 et seq.	Repeal rules on local exhaust systems	R. 1974 d.136	6 N.J.R. 267(a)
12:146-1.1 et seq.	Repeal rules on machinery with rolls	R. 1974 d.138	6 N.J.R. 267(c)
12:171-1.1 et seq.	Repeal rules on short-rise material handling lifts	R. 1974 d.137	6 N.J.R. 267(b)

## LAW AND PUBLIC SAFETY — TITLE 13

13:2-1.1 et seq.	Revised rules of the Division	R. 1973 d.234	5 N.J.R. 356(a)
13:2-6.3(c)	Repeal portion of ABC liquor transfer rule	R. 1974 d.4	6 N.J.R. 82(a)
13:2-13.1 et seq.	Employment of convicted persons; crimes of moral turpitude	R. 1974 d.40	6 N.J.R. 119(c)
13:2-34.2	Revisions concerning schedule filing dates and contents	R. 1974 d.239	6 N.J.R. 410(b)
13:2-34.2(j)	Cash discounts to retailers	R. 1973 d.312	5 N.J.R. 426(a)
13:2-37.1	Revised definitions	R. 1974 d.239	6 N.J.R. 410(b)
13:12-1.1	Admission procedures of volunteer fire departments	R. 1974 d.163	6 N.J.R. 269(b)
13:13-10.1	Repeal rule on notification of interstate securities offerings	R. 1973 d.230	5 N.J.R. 356(b)
13:18-1.5(c)	Revised fees for overdimensional or overweight vehicles	R. 1973 d.261	5 N.J.R. 357(a)
13:18-2.1	Uninsured's current financial status	R. 1973 d.278	5 N.J.R. 390(b)
13:18-3.1 et seq.	Rules on overwidth vehicles	R. 1974 d.30	6 N.J.R. 120(a)
13:18-4.15	Exceptions for motor fuels use tax	R. 1973 d.291	5 N.J.R. 390(c)
13:20-7.1	Adjustments, corrections or repairs of motor vehicles	R. 1974 d.28	6 N.J.R. 119(b)
13:21-14.8 et seq.	Bus driver licensing regulations	R. 1973 d.328	6 N.J.R. 21(b)
13:30-1.12(g)	Revisions in licensure of dental candidates	R. 1974 d.110	6 N.J.R. 246(d)
13:30-2.9(h)	Revisions in licensure of candidates in dental hygiene	R. 1974 d.111	6 N.J.R. 247(a)
13:33-1.13 et seq.	Revised rules for ophthalmic dispensers and technicians	R. 1974 d.66	6 N.J.R. 153(a)
13:33-1.38	Minimum standards and tolerances	R. 1974 d.262	6 N.J.R. 411(a)
13:33-1.41	Fee schedules	R. 1974 d.309	6 N.J.R. 487(a)
13:35-6.11	Prohibiting kickbacks or rebates for services not rendered	R. 1974 d.280	6 N.J.R. 451(a)
13:36-1.6	Revised fees and charges	R. 1974 d.281	6 N.J.R. 451(b)
13:37-2.7	Examinations	R. 1974 d.92	6 N.J.R. 201(a)
13:37-3.7	Delete rule on Puerto Rican nurses	R. 1974 d.92	6 N.J.R. 201(a)
13:37-9.5	Examinations	R. 1974 d.92	6 N.J.R. 201(a)
13:37-12.1	Fee schedule; Board of Nursing	R. 1974 d.189	6 N.J.R. 324(b)
13:39-6.7	Copies of prescriptions	R. 1973 d.255	5 N.J.R. 356(e)
13:39-7.19	Requirements for permit for pharmacy in facilities not hospitals	R. 1973 d.254	5 N.J.R. 356(d)
13:39-7.20	Guidelines for use of drug-dispensing devices	R. 1973 d.255	5 N.J.R. 356(e)
13:39-8.4	Change of ownership	R. 1973 d.253	5 N.J.R. 356(c)
13:39-8.14	Pharmacist-in-charge	R. 1973 d.253	5 N.J.R. 356(c)
13:39-9.16	Fee schedules	R. 1974 d.305	6 N.J.R. 486(a)
13:45A-5.1 et seq.	Deceptive practices in delivery of household furniture, furnishings	R. 1973 d.262	5 N.J.R. 357(b)
13:45A-7.1 et seq.	Automobile repair work and advertising practices	R. 1973 d.307	5 N.J.R. 390(d)
13:45A-8.1 et seq.	Deceptive practices by tire distributors or dealers	R. 1973 d.309	5 N.J.R. 390(e)
13:45A-9.1 et seq.	Rules for advertising and marketing practices	R. 1974 d.15	6 N.J.R. 82(b)
13:45A-10.1 et seq.	Servicing and repairing of home appliances	R. 1974 d.16	6 N.J.R. 82(c)
13:47A-6.1	Revisions on qualification of issue	R. 1974 d.278	6 N.J.R. 450(c)
13:47A-9.1	Repeal rule on requirements for qualification	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-10.2	Repeal rule on claims for exemption	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-15.1	Revisions concerning prospectuses	R. 1974 d.279	6 N.J.R. 450(d)
13:51-3.5	Revise chemical breath testing rules	R. 1973 d.354	6 N.J.R. 21(c)

## PUBLIC UTILITIES — TITLE 14

14:1-6.16(a)5.	Revisions concerning tariff filings	R. 1974 d.98	6 N.J.R. 202(a)
14:1-6.16(b)2.	Service on the Public Advocate	R. 1974 d.157	6 N.J.R. 269(c)
14:1-10.11	Rule on hearing procedures	R. 1974 d.313	6 N.J.R. 487(b)
14:6-1.4 et seq.	Rules on gas safety	R. 1974 d.87	6 N.J.R. 201(d)

**STATE — TITLE 15**

15:10-1.1 et seq. Voter registration by mail R. 1974 d 270 6 N.J.R. 412(b)

**TRANSPORTATION — TITLE 16**

16:27-1.3 Revisions in reduction of rates of speed R. 1974 d.48 6 N.J.R. 155(a)  
 16:27-1.7 Control of traffic and parking on N.J.D.O.T. property R. 1974 d.122 6 N.J.R. 250(b)  
 16:28-1.1 Rates of speed on State highways R. 1974 d.115 6 N.J.R. 250(a)  
 16:28-1.25 et seq. Revise rules on rates of speed along certain State highways R. 1974 d.197 6 N.J.R. 325(a)  
 16:28-1.111 Speed limits on Route 179 in Hunterdon County R. 1974 d.249 6 N.J.R. 414(a)  
 16:28-1.122 Revisions to rates of speeds on U.S. 46, U.S. 1, 9 and 46 R. 1974 d.291 6 N.J.R. 493(a)  
 16:28-1.157 Rates of speeds on Route 173 R. 1974 d.291 6 N.J.R. 493(a)  
 16:28-1.158 Speed limits on Route 87 in Atlantic City R. 1974 d.249 6 N.J.R. 414(a)  
 16:28-3.1 et seq. Restricted parking on various State highways R. 1974 d.77 6 N.J.R. 203(b)  
 16:28-3.12 et seq. Restricted parking along parts of Routes 47, 77 and 7 R. 1974 d.105 6 N.J.R. 249(b)  
 16:28-3.15 to 16:28-3.19 Rules on restricted parking on Routes 7, 28, US 46, 47 and 77 R. 1974 d.159 6 N.J.R. 276(c)  
 16:28-3.20 et seq. Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130 R. 1974 d.216 6 N.J.R. 359(b)  
 16:28-3.24 Route number U.S. 40 R. 1974 d.226 6 N.J.R. 359(d)  
 16:28-3.25 Route number 47 R. 1974 d.226 6 N.J.R. 359(d)  
 16:28-3.26 No parking; Route 35 R. 1974 d.292 6 N.J.R. 493(b)  
 16:28-3.27 No parking; Route 27 R. 1974 d.292 6 N.J.R. 493(b)  
 16:28-4.1 et seq. One-way street regulations R. 1974 d.225 6 N.J.R. 359(c)  
 16:28-4.3 One-way traffic along Route 79 R. 1974 d.293 6 N.J.R. 493(c)  
 16:28-5.1 Designation of stop intersections R. 1974 d.250 6 N.J.R. 414(b)  
 16:39-3.1 et seq. Spilled cargo on State highways R. 1974 d.101 6 N.J.R. 203(c)  
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17:1-1.7 et seq. Revised administration rules R. 1974 d.62 6 N.J.R. 158(b)  
 17:1-1.15(e) Compliance with endorsement requirements R. 1974 d.219 6 N.J.R. 360(a)  
 17:2-1.13 et seq. Revisions on Public Employees' Retirement System R. 1974 d.230 6 N.J.R. 361(a)  
 17:3-1.1 et seq. Revisions concerning Teachers' Pension and Annuity Fund R. 1974 d.24 6 N.J.R. 124(a)  
 17:4-1.5 et seq. Revisions for Police and Firemen's Retirement System R. 1974 d.61 6 N.J.R. 158(a)  
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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)  
 17:9-5.4 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)  
 17:16-6.1(a)8. Add Federal Financing Bank to approved list R. 1974 d.323 6 N.J.R. 496(a)  
 17:16-7.3 Delete from revolving housing development grant fund R. 1974 d.191 6 N.J.R. 328(b)  
 17:16-8.1(a)6. Amend permissible investment rules concerning corporate securities — industrial obligations R. 1974 d.321 6 N.J.R. 495(b)  
 17:16-9.1(a)5. Revision concerning finance companies — senior debt R. 1974 d.322 6 N.J.R. 495(c)  
 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 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)  
 17:21-5.6(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)

(Continued from Page 19)

These reports were filed November 12, 1974, as R.1974 d.303. Take notice that these listings are not subject to codification and therefore will not appear in Title 13 of the New Jersey Administrative Code.

Thomas F. Kistner  
 Director of Administrative Procedure  
 Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS STATE BOARD OF PHARMACY

#### Rule on Fee Schedules

On July 31, 1974, the State Board of Pharmacy in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-3, P.L.1974 c.46 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule concerning fee schedules.

Full text of the adopted rule follows:

#### 13:39-9.16 Fee schedules

(a) The following fees shall be charged by the Board:

1. Examination . . . . . \$ 50.00;
2. Reciprocal registration . . . . . \$100.00;
3. Reinstatement of licensure . . . . \$50.00 plus \$25.00  
 for each lapsed year;
4. Pharmacy permits:
  - i. New . . . . . \$150.00;
  - ii. Change of ownership . . . . . \$150.00;
  - iii. Change of location . . . . . \$150.00;
  - iv. Renewal . . . . . \$ 35.00.

An order adopting this rule was filed November 12, 1974, as R.1974 d.305 (Exempt, Procedure Rule) to become effective January 1, 1975.

Thomas F. Kistner  
 Director of Administrative Procedure  
 Department of State

## TREASURY — TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R. 1974 d.182	6 N.J.R. 328(a)
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)
18:24-10.4	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)
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)

## 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)
19:3A-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 meadows; 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)
19:8-3.1(b)	Revised toll schedule for new Union County interchange	R. 1974 d.290	6 N.J.R. 496(c)
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 Turnpike 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 on Turnpike	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)
19:15-4.1	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)

(a)

# LAW AND PUBLIC SAFETY

## DIVISION OF CONSUMER AFFAIRS

### STATE BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

#### Adopt New Fee Schedules

On October 30, 1974, Robert J. Hart, Secretary of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs of 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 fee schedules.

Full text of the adopted rule follows:

13:33-1.41 Fee schedules

(a) The following fees shall be charged by the Board, effective January 1, 1975:

1. Examination:
  - i. Ophthalmic dispenser ..... \$40.00;
  - ii. Ophthalmic technician ..... 25.00;
2. Reexamination:
  - i. Ophthalmic dispenser ..... 25.00;
  - ii. Ophthalmic technician ..... 15.00;
3. License:
  - i. Ophthalmic dispenser ..... 25.00;
  - ii. Ophthalmic technician ..... 15.00;
  - iii. Branch office ophthalmic dispenser ..... 25.00;
  - iv. Branch office ophthalmic technician ..... 15.00;
4. Biennial renewal:
  - i. Ophthalmic dispenser ..... 50.00;
  - ii. Ophthalmic technician ..... 30.00;
  - iii. Branch office ophthalmic dispenser ..... 50.00;
  - iv. Branch office ophthalmic technician ..... 30.00;
5. Permits:
  - i. Temporary ..... 25.00;
  - ii. Apprentice dispenser ..... 10.00;
  - iii. Apprentice technician ..... 10.00;
6. Biennial renewal:
  - i. Apprentice dispenser ..... 10.00;
  - ii. Apprentice technician ..... 10.00;
7. Late renewal of license or permit ..... 10.00;
8. Late application for license ..... 10.00;
9. Replacement certificate of registration:
  - i. License ..... 10.00;
  - ii. Branch office license ..... 10.00;
  - iii. Permit ..... 5.00.

An order adopting these fee schedules was filed November 14, 1974, as R.1974 d.309 (Exempt, Procedure Rule) to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

# PUBLIC UTILITIES

## BOARD OF PUBLIC UTILITY COMMISSIONERS

### Rule on Hearing Procedures

On November 18, 1974, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning hearing procedures, substantially as proposed in the Notice published September 5, 1974, at 6 N.J.R. 355(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Public Utilities.

The substantive changes only occurred in N.J.A.C. 14:1-10.11(c).

The full text of the revised text of that subsection follows:

14:1-10.11(c) If an attorney or party is repeatedly delinquent in appearances before the Board, such conduct will be deemed unacceptable and the Board shall take appropriate disciplinary action consistent with its rules and regulations, but with respect to attorneys, the Rules Governing the Courts of the State of New Jersey 1:20 et seq. shall be exclusively applicable.

An order adopting this rule was filed and effective November 19, 1974, as R.1974 d.313.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

# TRANSPORTATION

## THE COMMISSIONER

### Proposed Revisions in Fees For Highway Access Permits

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-44.1, proposes to revise the rules governing the control of access driveways along State highways and specifically initiate the charging of fees for highway access permits. Such proposed revisions, if adopted, are intended to become effective January 1, 1975.

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

#### SUBCHAPTER 1. GENERAL REQUIREMENTS

##### 16:41-1.1 Requirements

(a) A permit from the appropriate district superintendent must be obtained prior to:

1. Initiating work over, under or within any portion of State highway right-of-way;
2. Initiating any activity which may interfere with the free and safe movement of normal highway traffic on the State highway system.

(b) Request for permits shall be referred to the district superintendent of the region in which the activity is to take place:

1. Central office:

New Jersey Department of Transportation  
Bureau of Maintenance, **Construction and Maintenance Unit**

1035 Parkway Avenue  
Trenton, New Jersey 08625  
Telephone: (609) 292-3446

2. Regional offices:

i. Region #1-Netcong

New Jersey Department of Transportation  
Box #81  
Netcong, New Jersey 07857  
Telephone: (201) 347-4415;

ii. Region #2-Newark

New Jersey Department of Transportation  
Routes 1, 21 & 22  
Newark Junction  
Newark, New Jersey 07114  
Telephone: (201) 648-2814;

iii. Region #3-Freehold

New Jersey Department of Transportation  
Route 9  
**Box #272B RD #4**  
[Freehold, New Jersey 07731] **Howell, New Jersey 07731**

Telephone: (201) 428-6550;

iv. Region #4-Cherry Hill

New Jersey Department of Transportation  
Route 70 at New Jersey Turnpike  
Cherry Hill, New Jersey 08034  
Telephone: (609) 428-6550.

3. **Regional boundaries: Boundaries of each region are shown on the map.**

(c) All workmanship and material shall conform to standard Department specifications unless otherwise specified in printed rules, related procedures or special conditions.

(d) Violation of these requirements shall be reported immediately to the district superintendent.

16:41-1.2 Application for permit

(a) Application for opening, erection of poles, access, roadside advertising, movement of buildings, attachments to or through bridges or structures, and attachments to storm drains must be submitted on forms supplied by the Department.

(b) All other applications should be submitted to the appropriate regional office by a letter which should state the nature of the request and give a full description of it with sufficient information to accurately locate the area involved. The letter should also verify that the approval of local authorities has been obtained, if necessary.

16:41-1.3 Restoration guarantee

(a) If deemed necessary by the district superintendent or regional engineer, a certified check or money order must be submitted by the permittee in an amount sufficient to guarantee or insure the proper maintenance or restoration of the area disturbed. The permit will not be issued until this condition is satisfied.

(b) If it becomes necessary for Department of Transportation forces to make repairs because of the failure of the permittee to do so, the cost of the work will be deducted from the

amount of the certified check or money order tendered by the permittee. If the amount of the guarantee is less than the cost of the work performed by the Department of Transportation forces, the permittee shall be billed for the balance due. The [engineer of permits] **district superintendent** shall notify the Division of Fiscal Management of any funds to be returned or additional billings to be made.

16:41-1.4 Movement or relocation of highway facilities

(a) When applications require movement or relocation of highway facilities by the Department of Transportation, the appropriate bureau shall prepare an estimate of cost. As a condition in granting the permit, the district superintendent shall request a written agreement by the permittee stating that he will assume all expenses involved in the movement or relocation of the highway facilities as indicated in the estimate submitted by the appropriate bureau.

(b) When Department of Transportation forces have completed the work, the bureau which prepared the original estimate shall notify the Accounts Receivable Section, Bureau of Accounting, of actual expenses involved. The permittee will then be billed for the total expenses by the Accounts Receivable Section.

16:41-1.5 Bonds and agreements

Applicants who own facilities within the right-of-way requiring numerous permits over an extended period of time may post continuing bonds and agreements. The [engineer of permits] **district superintendent** shall process and execute all such bonds and agreements posted.

16:41-1.6 Issuance of permits

(a) District superintendents shall issue written permission authorizing work of the State highway system; if the following conditions are met:

1. Requirements of this Chapter have been fulfilled;
2. Investigation reports are favorable;
3. All special conditions are acceptable;
4. Guarantees and changes are agreeable;
5. The State's interest is fully protected.

(b) The district superintendent may under unusual or emergency conditions issue verbal approvals. Notice of such action shall be transmitted at once by telephone or radio to the inspector or foreman in the [district] **region** in which the emergency exists. Protection of life, limb or property is the criteria on which emergency action shall be considered necessary. If verbal permission is granted, the permittee shall, at the earliest possible time, submit formal application as outlined in this Chapter.

16:41-1.7 Traffic control devices

All signs, markings or other traffic control devices used by the applicant must conform to the specifications and usage as outlined in Part V—Traffic Control for **Streets and Highway Construction and Maintenance Operations**, of the **current** "Manual [of] on Uniform Traffic Control Devices for Streets and Highways", which is available upon written request from the U.S. Department of Transportation, Federal Highway Administration, Donohoe Building, 6th and D Streets, S.W., Washington, D.C. 20591.

16:41-1.8 Maintenance and protection of traffic during permit operations

(a) All work performed within the control and jurisdiction of the New Jersey State Department of Transportation shall be

adequately maintained and ample provision must be made for the protection of the public.

(b) The following rules shall be in effect and the contractor hereafter referred to shall mean the working contractor or person actively engaged in performing the work and not necessarily the permittee:

1. The contractor shall be responsible for having the required approved traffic devices on hand prior to the actual start of work.

2. The contractor shall be responsible for the placing and maintenance of all such devices during the work period and for their removal upon completion of the work.

3. The contractor shall maintain the uninterrupted flow of traffic at all times and no operation which will interfere with traffic or restrict the available pavement width shall be performed on Saturdays, Sundays or legal holidays unless approved by the local municipal authorities, and the district superintendent, construction and maintenance unit having jurisdiction over that [district] **region** in which the activity is proposed.

4. The contractor will not be permitted to store material or park equipment within the graded width of the right-of-way except as necessary during actual working operations and then only by permission of the district superintendent, construction and maintenance unit, or his authorized representative.

5. The contractor shall be responsible for maintaining approved construction warning signs in each direction of travel. All signs and other protective devices provided by the contractor, unless otherwise directed, shall comply with the requirements of the current manual on "Uniform Traffic Control Devices for Streets and Highways" (purchasable from the United States Department of Transportation, Federal Highway Administration, Washington, D.C. 20591).

6. Competent traffic directors shall be employed at every location where the contractor's equipment is working immediately adjacent to, or is entering, leaving or crossing active traffic lanes. The traffic directors shall be employed continuously for the full time such conditions exist.

7. When steel drums are utilized to define a traffic hazard or pavement edge on the project site, they shall be painted a bright yellow and must be kept clean and shall be repainted as required to provide maximum delineation.

8. In the event a detour has been approved by the Department, the detour shall be established in accordance with Department policy and applicable standard and specifications. See Subchapter 14 (Detours) of this Chapter.

9. Reflectorized tape shall be provided and installed by the contractor to effect temporary changes in pavement markings. Permanent markings which are inappropriate or misleading shall be obliterated. Upon completion of the job, all pavement markings shall be restored by the contractor to their original configuration.

10. Should it become necessary to leave a project unfinished, it shall be protected during the hours of darkness by torch bombs and/or flasher lights to be maintained by the contractor at each location where it is necessary to warn oncoming traffic of an existing danger area. Torches or lights shall also be used to define the edge of usable pavement throughout the construction area. In addition, standard barricades or drums shall be utilized as required. When battery operated flashing warning lights are implemented, they shall conform to the specifications on file at and available upon request from the Bureau of Operations Safety, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey

08625. Inspection and cleaning must be conducted daily to provide for optimum efficiency.

11. When work is in progress during hours of darkness, special traffic protection precautions shall be in effect as deemed necessary by the Department. In substance, the contractor shall provide special signs approved by the Department with a legend warning motorists that night work is in progress, and such signs shall be displayed in conjunction with high intensity flasher lights. Special signs applying only to night time work shall be covered during the daylight hours.

12. All work will be subject to inspection by the district superintendent, construction and maintenance unit or his authorized representative, and the Department's Bureau of Operation's safety personnel to insure that adequate traffic protection devices are being used and are properly placed and maintained.

13. It is found that insufficient traffic protection is provided, the district superintendent, construction and maintenance unit will advise the contractor of the deficiency. If recommended requirements are not immediately corrected, the district superintendent, construction and maintenance unit, will advise the contractor that he is prohibited from further work within the [district's] **region's** jurisdiction until such time as approval and adequate traffic protection is provided.

## SUBCHAPTER 2. PERMITS FOR DRIVEWAYS (ACCESS)

### 16:41-2.1 Introduction

(a) By virtue of the powers and duties set forth in N.J.S.A. Title 27 (Highways) and in the interests of highway safety, on March 17, 1933, the New Jersey State Highway Commission adopted certain regulations outlining the procedure, limitations and methods of construction under which abutting owners may be permitted to construct vehicular access to State highways. The State Highway Commissioner, under date of February 6, 1948, approved a revision of these rules and regulations.

(b) The efficiency and safety of a highway depends to a large extent upon the amount and character of roadside interference with the movement of traffic. Most of the interference originates in vehicular movements to and from business, residences, or other developments along the highways. Accordingly, regulation and overall control of driveway connections are necessary to provide efficient and safe operation, and to utilize the full potential of the highway investment. Abutting landowners have certain rights of access consistent with their needs. Road users have certain rights to freedom of movement, safety and efficient expenditures of their highway funds.

(c) In planning roadside enterprises, the appearance and safety of the roadside could be greatly enhanced if the developer would consult with the [Bureau of Maintenance] **district superintendent, construction and maintenance unit** while the enterprise is in the planning state.

(d) The developer should give consideration to the following:

1. Proper design of entrances and exits;
2. Adequate setback of buildings and other structures;
3. Ample parking on premises;
4. Display of advertising;
5. In situations where large traffic generators, such as a shopping center complex is proposed, preliminary discussion should be held with the construction and maintenance unit prior to determining location of structures, parking facilities and access roadways.

16:41-2.2 Authority

(a) N.J.S.A. Title 27 (Highways) prescribes certain powers and duties of the Commissioner of Transportation. Among these duties he is authorized to determine and adopt rules, regulations and specifications and enter into contracts covering all matters and things incidental to the acquisition, improvement, betterment, construction, maintenance and repair of State highways.

(b) In this connection, attention is directed to N.J.S.A. 27:7-44.1 which provides as follows:

1. Nor shall any person enter upon or construct any works in or upon any State highway except under such conditions and regulations as the Commissioner may prescribe. Whenever any encroachment may exist without warrant of law in any road when taken over as a State highway, the Commissioner shall notify the Attorney General, who shall proceed to cause the same to be removed as by law provided.

2. Any person guilty of any violation of this Section shall be liable to a fine not exceeding \$100.00 for each such day's violation and the costs of prosecution, to be recovered by a civil action in the name of the State before any court of competent jurisdiction, by the Commissioner. Said fines shall be paid into the State Treasury to the credit of the funds available for construction, maintenance and repair of roads. Any such violation may be removed from any State highway as a trespass by a civil action brought by the Commissioner in the Superior Court. The court may proceed in the action in a summary manner or otherwise.

(c) This Section forbids any person from constructing any work within the State highway system except under the conditions and regulations prescribed by the Commissioner of Transportation.

16:41-2.3 Permit provisions

(a) Any person, before constructing one or more driveways entering on any State highway in New Jersey; or **intending to reconstruct, change or modify any existing driveway**; or proposing to construct sidewalk curbing or any related work within the limits of highway right-of-way must apply to and obtain a permit from the Department of Transportation.

(b) **Types of permits:**

1. **Private driveway;**
2. **Combined residence and business;**
3. **Automobile service station;**
4. **Commercial minor;**
5. **Commercial major.**

(c) Applications for access permit may be obtained from the construction and maintenance unit regional offices or from the Department principal office. (See N.J.A.C. 16:41-1.1(b) (Requirements). Completed applications **along with the required fee** are to be forwarded to the regional office having jurisdiction over the area in which the driveway is to be constructed. **The application can only be signed by the property owner. Application fees must be in the form of a check or money order made payable to the New Jersey Department of Transportation. Cash will not be accepted.**

(d) **Plans to support application are:**

1. Application for private access driveway permit must be supported by six copies of a detailed sketch or plan showing location and type of proposed drives in relation to the gutter and/or curbline.

2. Application for access [permit] **driveway(s) involving automobile service stations or commercial establishments** must be supported by six copies of a [legible plot plan or sketch of the property] **detailed plan to a scale no greater than 50 feet to 1 inch, preferably 30 feet to 1 inch using an engineer's scale**, setting forth the following information:

- i. **Site location;**
- ii. Property lines;
- iii. Setback and location of structures;
- iv. Curb;
- v. Sidewalk;
- vi. Drainage;
- vii. **Existing and proposed contours;**
- viii. Highway electrical installations;
- ix. Tree within right-of-way;
- x. Advisory, directional and regulatory signs;
- xi. **Signs;**
- xii. Poles;
- xiii. Location of driveways;
- xiv. Driveway width;
- xv. Driveway [Angle] **alignment;**
- xvi. Curblin opening;
- xvii. Edge clearance;
- xviii. Type of construction;
- xix. Where applicable:
  - (1) Driveway [Alignment and] contour;
  - (2) Corner clearance;
  - (3) Radius of curvature;
  - (4) Parking facilities;
  - (5) **Estimate traffic count for access;**
  - (6) **Speed-changes lanes (acceleration, deceleration or left turn slots).**

[No fees are charged for permits to construct access driveways]

(e) **Fee schedule**

1. Application fees are:

- i. **Private driveways** ..... \$ 5.00;
- ii. **Combined residence and business** ..... \$10.00;
- iii. **Automobile service station** ..... \$20.00;
- iv. **Commercial minor** ..... \$20.00;
- v. **Commercial major** ..... \$50.00.

2. **Permit fees are:**

- i. **Private driveways: each curblin opening** . \$10.00;
- ii. **Combined residence and business** ..... \$20.00;
- iii. **Each curblin opening:**

- (1) **Automobile service station** ..... \$40.00;
- (2) **Commercial minor** ..... \$40.00;
- (3) **Commercial major: without auxiliary lanes, acceleration, deceleration and the like** ..... \$100.00;
- (4) **Commercial major: with auxiliary lanes, acceleration, deceleration and the like** ..... \$200.00.

3. **Extension fee:** ..... \$15.00.

(f) **No refund will be made after an application has been filed.**

(g) All construction work under the terms of the permits must be completed within one year from the date permit was issued, unless otherwise stated or the permit is automatically lapsed.

[Conditions of the permit are as follows:

Note: The current text of N.J.A.C. 16:14-2.3(g) 1. through 9. inclusive is deleted in its entirety.]

(h) [At the discretion of the Department, a permit may be renewed under the same terms and conditions. If there are any proposed changes, a new application and plans must be submitted with a written request for revision approval.] **When the work under the terms of the permit is started within**

one year from the date of issuance and cannot be completed in the indicated time limit unless otherwise stated, the permittee must request an extension of time under the same terms and conditions. A request by letter must be submitted to the appropriate regional office for an extension of the time along with the required fee in the form of a check or money order. Cash will not be accepted.

(i) When the work under the terms of the permit does not get started within one year from the date the permit was issued, the permittee may reapply by application under the same terms and conditions of the original permit. The new application and plans must reflect any developments which would necessitate a change in the installation.

#### 16:41-2.4 Definitions

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

**"Commercial major"** means an entrance or driveway serving shopping centers, business establishments, manufacturing plants, parking and/or sales lots, truck terminals, churches, recreational areas, subdivisions, housing projects and similar establishments where the expected traffic volume is 500 cars per day or more with or without speed-change lanes involved as shown by the applicant's analysis of anticipated activity.

**"Commercial minor"** means an entrance or driveway serving shopping centers, business establishments, manufacturing plants, parking and/or sales lots, truck terminals, churches, recreational areas, subdivisions, housing projects and similar establishments where the expected traffic volume is less than 500 cars per day as shown by the applicant's analysis of the anticipated activity.

**"Common drive"** means a driveway with portions constructed on two adjoining properties.

**"Private driveway"** means an entrance to residence, field and woods, roads and similar noncommercial and lightly-used driveways.

**"Speed-changes lanes"** means an auxiliary lane, deceleration lane, acceleration lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes. This lane should be of sufficient width and length of added pavement joining the traveled way to enable a driver to maneuver his vehicle onto it properly, and once on it to make the necessary change between the speed of operation on the highway and the lower speed on the turning roadway. These lanes also function as storage lanes for turning traffic.

**"Traffic volume count"** means an estimated count of the highest amount of traffic volume entering a property in a 24-hour period.

#### 16:41-2.8 General restrictions

(f) Work shall be so conducted so that there shall be no interference with any Departmental structure or facility, on, over or under the highway, unless with permission of the Department. **(Interference with drainage installations must be avoided. The existing cross section and drainage of highways shall not be disturbed. The longitudinal flow of water along the gutter line must not be interrupted, and it shall be the responsibility of the owner to**

**make adequate provision for all transverse, lateral and longitudinal drainage affecting his construction.)**

#### 16:41-2.11 Control dimensions

(i) Setback (G):

1. The Department of Transportation has no jurisdiction over areas outside right-of-way lines. However, it is recommended that the following setbacks be considered.

2. Gasoline pump islands should be kept 15 feet or more outside the right-of-way line.

3. Gasoline service stations and small business, 40 feet minimum.

4. Large restaurants and businesses, 50 feet minimum.

5. **The Department urges an adequate setback from the property lines for restaurants, roadstands and other structures to provide off-street parking.**

(l) **Drives must be separated by a safety zone of a length satisfactory to the Department and extend from the curb or shoulder line to the property line. The area must be raised six inches above the surface of the adjacent drives and seeded, sodded or otherwise improved in accordance with regulations.**

#### 16:41-2.18 Conditions for high traffic volume generators

(b) Six copies of plans shall be submitted for approval, showing the following:

1. Width, arrangement, and grade of the traffic lanes of the driveway as related to the width and arrangement of traffic lanes on the State highway;

2. Location, length and other details of **speed-change lanes** (acceleration, [and] deceleration, or **left turn slots**) if such facilities are proposed;

3. Plans should be submitted to a scale no greater than 50 feet to one inch, **preferably 30 feet to one inch**, using an engineer's scale.

4. Internal traffic pattern and parking facilities;

5. Changes in location of driveway facilities if such exists;

6. Type of pavement proposed to be constructed;

7. Plan must be fully dimensioned as to curb radii, right-of-way and lateral property lines, width of traffic lanes, dimension of center and channelizing islands and all other data necessary for complete working plans.

#### **Cross Reference**

**See Section 3 (Permit provisions) of this Subchapter.**

#### 16:41-2.21 Conclusion

(a) These Sections will be applied uniformly throughout the State. In cases where the applicant and [district personnel] **regional engineer** disagree on the application of these Sections, an appeal may be submitted to the [engineer of permits for his interpretation and decision] **Bureau of Maintenance, Permits Section, for interpretation to the Chief, Bureau of Maintenance. The Chief, Bureau of Maintenance shall arbitrate these disagreements as an administrative assistant to the chief engineer, construction and maintenance.**

(b) Should any part of these Sections be in violation of the laws made and provided, only that part which is invalid will be removed and the remaining Sections will continue in full force and effect.

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

ember 26, 1974, to Robert R. Reed Jr., Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules on Restricted Parking Along Certain Portions of State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposes to adopt new rules establishing no parking zones for no stopping or standing along certain portions of various State highways. Such rules, if adopted, will be cited as N.J.A.C. 16:28-3.42 through 16:28-3.50.

Below is a listing of each highway affected by the proposed rules, together with the Departmental Code Number and N.J.A.C. citation for each proposed regulation:

Route No.	Department Code	N.J.A.C. Citation
N.J. 33	RP-74-42	16:28-3.42
U.S. 46	RP-74-43	16:28-3.43
N.J. 49	RP-74-44	16:28-3.44
N.J. 34	RP-74-46	16:28-3.45
U.S. 9	RP-74-48	16:28-3.46
U.S. 9	RP-74-45	16:28-3.47
N.J. 35	RP-74-47	16:28-3.48
N.J. 72	RP-74-49	16:28-3.49
N.J. 189	RP-74-50	16:28-3.50

Copies of the full text of nine pages or any parts thereof may be obtained from:

Robert J. Nolan  
Chief, Bureau of Traffic Engineering  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1974 to Robert R. Reed, Jr., Administrative Practice Officer, Department of Transportation, at the above address.

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

Alan Sagner  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions in Rates of Speed On Portions of Route Number 33

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt a new rule and revise a current rule concerning rates of speed on certain portions of Route 33.

The proposed revisions concern the deletion of the current text of N.J.A.C. 16:28-1.14 and the adoption of new text therein as well as the adoption of a new rule to be cited as N.J.A.C. 16:28-1.159.

Full text of the proposed new rules follows:

16:28-1.14 Route 33 in Hamilton Township, Washington Township, East Windsor Township, Hightstown Borough in Mercer County; Monroe Township in Middlesex County; Millstone Township, Manalapan Township, Freehold Township, Freehold Borough, Howell Township, Wall Township, Neptune Township, New Shrewsbury Borough, Neptune City Borough in Monmouth 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 33 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 at the City of Trenton-Hamilton Township corporate line (milepost 1.45) extending into Hamilton Township to Nottingham Way (vicinity of Ward Avenue, milepost 2.3); thence
  - ii. Zone 2: 40 mph in Hamilton Township to Yardville-Hamilton Square Road (milepost 5.5); thence
  - iii. Zone 3: 45 mph in Hamilton Township extending into Washington Township to the southernmost intersection of Route U.S. 130 (milepost 7.8) \* ;
  - iv. Zone 4: 45 mph in East Windsor Township from the northernmost intersection of Route U.S. 130 (milepost 12.4) extending into the Borough of Hightstown to Summit Street (milepost 13.6); thence
  - v. Zone 5: 35 mph in the Borough of Hightstown to Academy Street (milepost 14.0); thence
  - vi. Zone 6: 25 mph in the Borough of Hightstown to Broad Street (milepost 14.3); thence
  - vii. Zone 7: 35 mph in the Borough of Hightstown extending into East Windsor Township to Davison Road (milepost 14.7); thence
  - viii. Zone 8: 50 mph in East Windsor Township to Woodside Avenue (milepost 15.2); thence
  - ix. Zone 9: 55 mph in East Windsor Township extending through Monroe Township, Millstone Township and into Manalapan Township to Millhurst Road (Route 527, milepost 24.1); thence
  - x. Zone 10: 50 mph in Manalapan Township extending into Freehold Township to the Route 33 and Route U.S. 9 traffic circle (milepost 26.8); thence
  - xi. Zone 11: 40 mph in Freehold Township extending through Freehold Borough to 1000 feet east of the Pennsylvania Railroad overpass in Freehold Township (milepost 28.9); thence

xii. Zone 12: 50 mph in Freehold Township extending into Howell Township to the westernmost intersection of Route 34 (milepost 35.3) \*\*;

xiii. Zone 13: 50 mph in Wall Township extending through New Shrewsbury Borough into Neptune Township to Locust Street (milepost 39.7); thence

xiv. Zone 14: 45 mph in Neptune Township and Neptune City Borough to Brighton Avenue (milepost 40.5); thence

xv. Zone 15: 40 mph in Neptune Township and Neptune City Borough to Route 35 (milepost 41.8); thence

xvi. Zone 16: 30 mph in Neptune Township to Route 71 (milepost 42.44);

xviii. School Zone: 25 mph in the Greenwood School Zone, in Zone 1, and the Freehold Intermediate School Zone, in Zone 11, during recess or while children are going to or leaving school, during opening or closing hours.

\* For the portion of Route 33 coincident with Route U.S. 130, see Route U.S. 130 regulation.

\*\* For the portion of Route 33 coincident with Route 34 see Route 34 regulation.

16:28-1.159 Old Route 33 (vicinity of Millstone Road, milepost 19.8) in Millstone Township, Monmouth 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 Old Route 33 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: 35 mph for its entire length which extends from 1200 feet west of, to 900 feet east of Millstone Road.

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

#### Rules on Rates of Speeds on State Highways

On October 21, 1974, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department 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 new rules establishing speed limits along portions of Route numbers U.S. 46, 1 and 9 and N.J. 173, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 357(a).

The citation in the Notice of Proposal concerning Route numbers U.S. 46 — U.S. 1, 9 and 46 was incorrectly cited as N.J.A.C. 16:28-1.156. In effect, the proposed new text was intended to replace the current text in N.J.A.C. 16:28-1.122. Thus, the current text of N.J.A.C. 16:28-1.122 is deleted and the new text replacing it is that which was cited as N.J.A.C. 16:28-1.156 in the Notice of Proposal cited above. The rule concerning Route number 173 was correctly cited as N.J.A.C. 16:28-1.157. N.J.A.C. 16:28-1.156 is now reserved for future use.

An order adopting these rules was filed and effective October 24, 1974, as R. 1974 d.291.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Rules on Restricted Parking

On October 21, 1974, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, concerning no parking zones along certain portions of Route numbers 35 and 27, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 358(a).

Such rules may be cited as N.J.A.C. 16:28-3.26 and 16:28-3.27.

An order adopting these rules was filed and effective October 24, 1974, as R.1974 d.292.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Rule on One-Way Traffic on Route 79

On October 21, 1974, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning one-way traffic along portions of Route number 79 in Matawan Borough, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 359(a).

Such rule may be cited as N.J.A.C. 16:28-4.3.

An order adopting this rule was filed and effective September 24, 1974, as R.1974 d. 293.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Emergency Rules on Take-Off Or Landing of Balloons

On November 14, 1974, Manuel Carballo, Deputy Commissioner of Transportation, pursuant to authority of N.J.S.A. 6:1-29, 6:1-44 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning the take-off or landing of balloons.

Full text of the adopted rule follows:

#### SUBCHAPTER 6. TAKE-OFF OR LANDING OF BALLOONS

##### 16:54-6.1 Definition

For the purpose of this rule, "balloon" means any lighter than air aircraft, not engine-driven, intended to be operated in a manned, free-flight condition.

##### 16:54-6.2 Landing requirements

Except in case of emergency, no balloon shall land in or upon any area in this State except an airport, landing field or landing strip duly licensed pursuant to the provisions of Title 6 of the New Jersey Statutes Annotated or as otherwise provided for by the New Jersey Department of Transportation, Division of Aeronautics.

##### 16:54-6.3 Take-off requirements

No balloon shall take-off from any area in this State except an airport, landing field or landing strip duly licensed pursuant to the provisions of Title 6 of the New Jersey Statutes Annotated or as otherwise provided for by the New Jersey Department of Transportation, Division of Aeronautics.

##### 16:54-6.4 License application

Application for use of an area for the landing or take-off of balloons other than a duly licensed airport, landing field or landing strip may be made to the New Jersey Department of Transportation, Division of Aeronautics, upon such forms as may be prescribed by the Division.

##### 16:54-6.5 License issuance fee

The fee for the license of an area (to be considered a landing strip) to be used for the landing or take-off of a balloon(s) shall be \$15.00.

An order adopting these rules was filed and effective November 14, 1974, as R.1974 d.308 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rule on the Filing of Monthly Remittance and Quarterly Returns

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-17(b) and 54:32B-24, proposes to adopt a new rule concerning the filing of monthly remittance and quarterly returns for the New Jersey Sales and Use Tax.

Full text of the proposed rule follows:

##### 18:24-11.2 Filing of monthly remittance and quarterly returns

(a) All vendors required to collect and remit sales and use tax are required to file a quarterly return (Form ST-50) with the Division of Taxation on or before the 28th day of the month following the quarter covered by the return. In calculating the amount of tax to be remitted to the Division of Taxation for the quarterly period, the vendor shall be entitled to a credit in the amount of tax remitted as monthly remittances for the months of the quarter covered by the quarterly return.

(b) Effective April 1, 1975, with respect to sales and use tax liabilities incurred on and after April 1, 1975, every vendor whose liability exceeds \$100.00 for the first, second or third month of a quarterly filing period shall, on or before the 7th day of the month following each such month, file with the Director a monthly remittance statement (Form ST-51) and pay over an amount equal to his liability for the month:

1. Example: Taxpayer's sales tax liability for April, May and June, 1975, exceeds \$100.00 for each of said months. Thus, taxpayer files a monthly remittance on May 7, 1975, for April, 1975, and pays the tax at said time. He does the same on June 7 and July 7, 1975. On July 28, 1975, he files his quarterly return and takes credit for payments made on May 7, June 7 and July 7.

(c) Any vendor who shall fail to timely file a quarterly return or a monthly remittance statement or to pay over any amount due, or who shall otherwise make a monthly remittance of less than 80 per cent of the amount due or whose monthly remittances for the quarter are less than 80 per cent of the amount due for that quarter, shall be subject to a penalty of five per cent of the amount of the underpayment of tax due plus interest at the rate provided by applicable provisions of law.

Note: The foregoing rule revises previous rule appearing in instructions - Form ST-50A.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action, on or before December 26, 1974, to:

Division of Taxation  
Taxation Building  
West State and Willow Streets  
Trenton, New Jersey 08625  
Attn: John R. Baldwin  
Telephone: 609-292-7128

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

Sidney Glaser  
Director  
Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### STATE HEALTH BENEFITS COMMISSION

#### Proposed Revisions on Local Employer Resolution

Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:14-17.27 and on behalf of the State Health Benefits Commission, proposes to adopt revisions to the specific statute citation in the rule concerning local employer resolution.

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

17:9-5.5 Local employer resolution; [Chapter 111, P.L. 1973] **Chapter 88, P.L. 1974**

(a) A local employer will satisfy the requirements of [Chapter 111, P.L. 1973] **Chapter 88, P.L. 1974** by adopting a resolution designed to:

1. Apply to all eligible present and future pensioners of the employer and their dependents;
2. Continue as long as the State is paying the cost of its eligible pensioners and their dependents in accordance with the provisions of Chapter 75, P.L. 1972;
3. Provide for local employer reimbursement of Federal Medicare premiums for eligible pensioners and/or their spouses, as well as the payment of health insurance premiums required by the program, on a basis comparable to the reimbursement made by the State to its eligible pensioners and their spouses in accordance with the provisions of Chapter 75, P.L. 1972. (See N.J.A.C. 17:-9-5.8);
4. Require the local employer to pay the full cost of such premiums and Medicare charges;
5. Provide for an effective date not earlier than the first day of the month at least 90 days following the receipt of the local employer's resolution on forms approved by the Division.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 25, 1974, to:

State Health Benefits Commission  
Department of the Treasury  
20 West Front Street  
Trenton, New Jersey 08625

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

Clifford A. Goldman  
Deputy State Treasurer  
Department of the Treasury

(b)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendment Concerning Permissible Investments

On November 15, 1974, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, and acting on behalf of the State Investment Council, adopted an amendment to the rule concerning permissible investments regarding corporate securities and industrial obligations.

**Full text** of the amended rule follows (additions indicated in boldface **thus**):

17:16-8.1(a)6. Not more than two per cent of the assets of any one fund **at the time of purchase** shall be invested in the obligations of any one company, including convertible debentures, excepting that this restriction shall not apply to the College of Medicine and Dentistry of New Jersey - Endowment Funds; and

An order adopting this amendment was filed and effective November 20, 1974, as R.1974 d.321 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revisions Concerning Permissible Investments Regarding Finance Companies and Senior Debt

On November 15, 1974, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, and acting on behalf of the State Investment Council, adopted revisions to N.J.A.C. 17:16-9.1, Permissible investments for pension and annuity group, concerning finance companies - senior debt.

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

17:16-9.1(a)5. Not more than two per cent of the assets **at the time of purchase** of any one fund shall be invested in senior debt **of any one company** maturing more than 12 months from the date of purchase [of any one company].

An order adopting these revisions was filed and effective November 20, 1974, as R.1974 d.322 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendment on Purchases Subject to Regulations Regarding United States Treasury Obligations

On November 15, 1974, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, and acting on behalf of the State Investment Council, adopted an amendment to N.J.A.C. 17:16-6.1, Purchases subject to regulations; United States Treasury obligations, which added a new item to the approved list of United States Government agencies listed in that Section.

Full text of the amended portion of that rule follows (additions indicated in boldface **thus**):

- 17:16-6.1(a) 1. Federal Intermediate Credit Banks;
- 2. Federal Home Loan Banks;
- 3. Federal National Mortgage Association;
- 4. Federal Land Banks;
- 5. Banks for Cooperatives;
- 6. United States Postal Service;
- 7. Government National Mortgage Association;
- 8. **Federal Financing Bank.**

An order adopting this amendment was filed and effective November 20, 1974, as R.1974 d.323 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## OTHER AGENCIES

(c)

## ECONOMIC DEVELOPMENT AUTHORITY

### Notice of Filing of Bylaws

Take notice that the New Jersey Economic Development Authority, at its meeting held on September 30, 1974, adopted bylaws. Copies of the six pages of bylaws are on file in the Office of the Secretary of State and the Division of Administrative Procedure.

The bylaws concern general provisions, officers, staff, meetings and fiscal year.

The bylaws were filed with the Division of Administrative Procedure on October 23, 1974, as a document not subject to codification, and therefore will not appear in Title 19 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## HIGHWAY AUTHORITY

### Revisions Concerning Tolls

On October 24, 1974, Joseph P. Gallagher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the toll schedule concerning the Garden State Parkway.

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

Note: Insert text below between Union B and Raritan North/South B in schedule of tolls in N.J.A.C. 19:8-3.1(b).

Union\*\*\* R **\$.25 \$.35 \$.50 \$1.00**

\*Vehicles traveling through length of Parkway pay only at across-parkway toll areas. Total fare for passenger vehicles for full 173-mile trip is \$2.75. Toll areas on ramps affect only vehicles either entering or leaving Parkway at those specified interchanges. There are eleven (11) across parkway (B) toll areas and [Eighteen (18)] **Nineteen (19)** ramp (R) toll areas.

\*\*Trucks are prohibited north of interchange 98.

\*\*\*Note: To open late 1974 or early 1975

An order adopting these revisions was filed and effective October 24, 1974, as R.1974 d.290 (Exempt, Procedure Rule). Note that the actual imposition of the adopted tolls will be effective when the toll facilities become operational.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## PALISADES INTERSTATE PARK COMMISSION

### Rule on Penalties for Violation of Rules and Regulations

On November 4, 1974, the Palisades Interstate Park Commission, pursuant to authority of N.J.S.A. 32:14-20, adopted a new rule, concerning penalties for violation of rules and regulations, to be cited as Section 414.1 of Part 414 of the Commission's rules.

Full text of the new rule follows:

#### PART 414 PENALTIES FOR VIOLATION OF RULES AND REGULATIONS

Section 414.1 Penalties for violation of rules and regulations. Every person who shall violate any of the provisions of such rules and regulations shall be liable to a penalty for each offense to a fine of not more than \$200.00 or imprisonment in the county jail for a term of not more than 30 days, or both.

An order adopting this rule was filed November 8, 1974, as R.1974 d.302 (Exempt, Exempt Agency). This rule is not subject to codification and will not appear in the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions to FMC Schedule No. PA-9

On September 25, 1974, the Committee on Operations of the Port Authority of New York and New Jersey adopted the following revisions to the FMC Schedule No. PA-9:

Full text of the adopted revisions follows:

Resolved, that the "FMC Schedule No. PA-9 naming rules and regulations applying at port authority marine terminals and rates and charges applicable for the use of public areas at port authority marine terminals" adopted by the committee on operations at its meeting on February 3, 1966 (appearing at pages 3 et. seq. of the committee minutes of that date) be and the same is hereby amended, effective October 25, 1974, by adding to Item No. 635 thereof the following:

Christmas Eve (December 24)

A day as authorized by the individual locals of the International Longshoremen's Association.

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An order adopting these revisions was filed October 31, 1974, as R.1974 d.299 (Exempt, Exempt Agency).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## WATERFRONT COMMISSION OF NEW YORK HARBOR

### Amendments to Rules on Hearings

On October 31, 1974, the Waterfront Commission of New York Harbor adopted amendments to various sections of Part 6 of its regulations concerning hearings.

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

6.5 Hearing officers; assignment of hearings. Where the commissioners themselves do not conduct a hearing, it shall be conducted by a hearing officer **to be known as an administrative judge** appointed by and directly responsible to the commissioners who shall be an attorney at law in either the State of New York or New Jersey. Hearings shall be assigned to a particular [hearing officer] **administrative judge** by the commission or by a designee of the commission.

6.7 Application for adjournment. Any application for an adjournment made on or after the date fixed for hearing shall be made to the [hearing officer] **administrative judge** and shall

set forth in detail the grounds therefor.

6.8 Amendment of notice of hearing. The notice of hearing may be amended upon application by commission staff counsel to the [hearing officer] **administrative judge** at any time prior to the conclusion of the hearing. If such application is granted, the [hearing officer] **administrative judge** may, in his discretion, grant additional time to the party for further preparation.

6.9 Conduct of hearing; powers of [hearing officer] **administrative judge**. The [hearing officer] **administrative judge** shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of the hearings. He shall have authority to administer oaths, issue subpoenas, rule upon offers of evidence and otherwise so regulate the course of the hearing as to preserve fundamental concepts of fairness and to effectuate the purposes and provisions of the Act.

6.10 Opportunity to testify and cross-examine; issuance of subpoenas. A party shall be afforded reasonable opportunity to present testimony under oath or other evidence relevant and material to the subject matter of the hearing and to cross-examine any witnesses who testify at such hearing. At the request of a party, the [hearing officer] **administrative judge** shall issue subpoenas to compel the attendance of witnesses and the giving of testimony or production of other evidence upon behalf of such party, provided such party shall effect his own service.

6.11 Affidavits, sworn statements and interrogatories

(a) If at the time of hearing a witness is outside the States of New York or New Jersey or is deceased, commission counsel or a party may offer as evidence at the hearing an affidavit or sworn statement of such witness. Such affidavit or sworn statement shall be admissible into evidence as an exhibit, if the statements therein are otherwise competent, relevant and material. The [hearing officer] **administrative judge** shall give the exhibit such weight as the [hearing officer] **administrative judge**, in his discretion, determines that it warrants in the light of all the evidence.

(b) Where it has been determined that a witness who is outside the States of New York or New Jersey will voluntarily answer interrogatories, commission staff counsel or a party may propound interrogatories to be answered by such witness and the other side shall have the opportunity to propound cross-interrogatories as prescribed herein.

(c) The interrogatories and cross-interrogatories shall be settled and forwarded by the [hearing officer] **administrative judge** to be answered in writing and subscribed to under oath by such witness. Upon application to the commission, the commission may make an order providing for the taking of such witness' oral testimony pursuant to the settled interrogatories by a person designated by the commission. The expenses of taking such testimony shall be borne by the applicant therefor unless the commission provides otherwise.

6.12 Oral argument; briefs. Oral argument shall be made only before the [hearing officer] **administrative judge** and shall be included in the record of the hearing. Such oral argument may, in the discretion of the [hearing officer] **administrative judge**, be curtailed, provided that a party shall be given an opportunity to submit his argument in writing. Briefs as to facts or law shall be received and may be required to be submitted. The [hearing officer] **administrative judge** may fix the time within which briefs shall be filed. Briefs received subsequent to such time need not be considered.

6.13 [Hearing officer's] **Administrative judge's** report; exceptions to report. Upon the conclusion of a hearing the [hearing officer] **administrative judge** shall, by written memorandum to the commission, set forth his findings and recommendations for action by the commission thereon. A copy of such findings and recommendations shall be served on the parties in interest and furnished to commission counsel, and each may submit written exceptions thereto and written argument thereon within ten days after service of such findings and recommendations. A copy of the exceptions and arguments shall be served upon each of the other parties in interest or commission counsel, as the case may be. Replies to exceptions and argument may be served in like manner within five days after service of such exceptions and arguments. Unless the commission grants an extension of time, exceptions, argument or replies submitted after the prescribed time need not be considered by the commission.

6.14 Final determination made by commission. The record of the hearing, together with the memorandum of the [hearing officer] **administrative judge** and any exceptions or argument duly submitted, shall be transmitted to the commission for final determination and order.

6.15 Petition to reopen hearing. After the conclusion of a hearing but prior to the making of an order by the commission, a hearing may, upon petition and in the discretion of the [hearing officer] **administrative judge**, be reopened for the presentation of new evidence. Such petition to reopen the hearing shall state in detail the nature of the new evidence, together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The commission may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence.

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An order adopting these amendments was filed November 6, 1974, as R.1974 d.301 (Exempt, Exempt Agency). These amended rules are not subject to codification and will not appear in the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### ACCEPTANCE DATES REPORTED FOR STATE PROJECTS BY BUILDING DIVISION

As a service to subcontractors or suppliers to prime contractors on State projects, the Division of Building and Construction in the Department of the Treasury has instituted this new monthly listing in the Register of the dates on which such projects were finally completed, and accepted by the State.

S. Leonard Di Donato, Division Director, noted that by statute a subcontractor or material supplier must file a claim with the contractor's surety at any time during the contract but no later than 80 days after the date of "final completion" and acceptance of the project by the State, or be forever barred as against the surety. The creditor's rights against the contractor directly are not affected, however, by this statute.

The first listing of such acceptance dates covers the period Oct. 15 to Nov. 15 and includes the following four completed projects:

DBC 6959-1, heating and ventilating for new cottages at Woodbine State School, C. Simkin and Sons as prime contractor, accepted Nov. 11.

DBC 7900-7, emergency electrical service at Martland Hospital, Newark, Sentry Security Corp. prime contractor, accepted Nov. 6.

DBC 8821, electrical lighting of gymnasium at Trenton State College, Wright Electric Co., accepted Nov. 8.

DBC 8262-1, fire safety apparatus at State Residential School at Long Branch, electrical work by Santaniello, Inc., accepted Nov. 12.

### WARNS ON COMMERCIAL USE OF NEW JERSEY STATE SEAL

"The Great Seal of the State of New Jersey cannot be used for commercial purposes," according to Assistant Secretary of State F. Joseph Carragher.

With increased emphasis on State symbols because of bicentennial celebration activities, the Office of the Secretary of State has cautioned the general public that the use of the Great Seal is regulated by New Jersey law.

The statutes permit only the three branches of the government, executive, legislative and judicial, to use and display the Seal. All other requests must be made by application and general use is limited to historical, civic or educational purposes.

Applications must be submitted to the Secretary of State and any person who violates the provisions of the statutes or falsifies information on their application is liable to a penalty, Carragher said.

### JERSEY'S VOTER MAIL REGISTRATION PROGRAM RECEIVES SUPPORT OF GOVERNORS

The 39 officials at the Democratic Governors Conference last month unanimously adopted a policy resolution in support of Federal and State legislation that would permit the registration of voters by mail, as proposed by Gov. Brendan Byrne of New Jersey.

The resolution urged that the National Governors Conference which will meet in February, 1975 invite the chief election officers of each state to draft a model voter law for registration by mail. Only three other states now have such a law.

"The fullest possible citizen participation in the electoral process is essential to the restoration of public confidence in government," the resolution said. "The democratic process is best served by a system which assures and encourages voter expression."

Byrne told the governors that New Jersey's new registration by mail law had this year resulted in a substantial increase in the number of registered voters. In the six weeks the postcard law was in effect prior to the November election, he said, 135,935 persons registered to vote, including more than 75,000 by mail. He noted that this was a three-fold increase over the number of registrations in all of 1970, the last comparable off-year election.

Byrne also pointed out that the traditional decline in the number of registered voters following a gubernatorial election in New Jersey was the lowest in history this year.

"These figures demonstrate that at a time when public confidence in government is at a low ebb and voter apathy is widespread, steps can be taken to reverse this trend," said the Governor.

## **ADVOCATE OFFICE SEEKS PUBLIC ACCESS TO STATE'S WATER AND BEACHFRONT AREAS**

The new State Department of the Public Advocate moved recently to assure that the developer of a proposed 220-unit condominium in Toms River guarantees the public access to the waterfront at his project site.

Public Advocate Stanley C. Van Ness said the Department's Division of Public Interest Advocacy had filed to intervene in a Coastal Area Review Board hearing on the matter scheduled for late November.

Arthur B. Penn, Director of the Division of Public Interest Advocacy, said the intervention was only the first step in efforts to insure that citizens have complete access to waterfront and beachfront areas throughout the State.

The Lehigh Construction Company wants to construct the ten-story building on a site which includes some 400 feet fronting on the Toms River and Van Ness seeks a ruling to make public access to the waterfront an integral part of any approval.

A permit to construct the project was denied in July by the State Department of Environmental Protection, partly on the basis that the developer did not include in the application an offer to open some or all of the water frontage to the public. The developer then appealed the Department's decision to the review board.

## **APPROVE RATE INCREASES FOR MOST AUTO INSURANCE FIRMS IN STATE**

State Insurance Commissioner James J. Sheeran announced Nov. 7 that he had approved increases in insurance rates on private passenger cars for most companies doing business in New Jersey.

About 40 per cent of New Jersey motorists — those who are insured with companies belonging to the Insurance Services Office, a rating organization — will pay an average 3.3 percent more for their insurance under the decision. About 230 companies are represented by ISO.

Five other major carriers, which file rates independently of ISO and insure about 31 percent of New Jersey's motorists, received varying increases. The remainder of the State's drivers are insured with companies whose rate filings are still pending or with companies that have not filed for a rate revision.

Sheeran pointed out that the approved increases represent the first industry-wide upward revision in rates in more than three and a half years despite the inflation that has afflicted the nation during much of that period. The last increase was authorized on April 21, 1971 and the only significant change since was actually a decrease of 15 percent in bodily injury premiums when the State's No-Fault Insurance Law went into effect on January 1, 1973, he said.

Sheeran went on to explain:

"Like everything else, the insurance companies' costs are going up and a rate adjustment at this time is necessary if I am to fulfill my statutory obligation of approving rates that are adequate to maintain a healthy insurance market.

"In the matter of insurance rates, the law is quite clear as to what my obligation is. I am under a duty to approve rates that, in the language of the statute, are 'not inadequate for the safeness and soundness of the insurer.' By approving rates that are adequate for the financial integrity of the insurers, I make sure that there is a market in the State for the sale of insurance."

The independent filers and the approved increases are: Aetna Casualty & Surety Co., 10.3 percent; All-State Insurance Co., 9 percent; Chubb Group, 9 percent; Insurance Company of North America, 16.1 percent, and Government Employees Insurance Co. (GEICO), 13.8 percent.

The increases are expected to result in an additional \$30 million in premiums. The differences in the amount of increases among the companies, Sheeran said, reflect the fact that rates differ widely, and the effect of the revision will be to narrow these differences.

## **GRANTS FOR ARTISTS AGAIN MADE AVAILABLE BY STATE ARTS COUNCIL**

Applications for grants from the New Jersey State Council on the Arts are now available for the next fiscal year, according to Brann J. Wry, Council executive director.

The program includes matching 1-to-1 grants of up to \$15,000 "for nonprofit community groups and art organizations for projects which provide valuable arts programs or services within the State," Wry said.

Additionally, individual artist fellowships on an outright basis of up to \$3,000 each are included. Both grants are in the fields of music, dance, visual arts, theatre, film, crafts, environment and design, writing and expansion arts.

Application deadline for individual fellowships is Jan. 31, 1975, and for matching grants, March 1, 1975, Wry noted.

For fiscal year July 1, 1974-June 30, 1975 the Council on the Arts awarded nearly \$250,000 in State and Federal funds under the ongoing program. Funds currently available have not been firmed up pending budget decisions.

The executive director said that while many application forms have been sent to art groups, others may also apply.

Inquiries should be addressed to: Brann J. Wry, executive director, State Council on the Arts, 27 West State Street, Trenton, N.J. 08625; (609) 292-6130 or 6198.

## **FILM ON INTERMUNICIPAL SERVICES AVAILABLE FOR LOCAL COOPERATION**

The State Department of Community Affairs has available a film to promote the development of intermunicipal contracts, Commissioner Patricia Q. Sheehan announced.

The film: "Interlocal Services: Solving Problems Together," deals with the Interlocal Services Act, which was enacted last year to permit local governments to contract with each other for joint services in order to provide better facilities for their residents more efficiently and at lower costs, the Commissioner said.

"This film really gets into the practicalities of local cooperation. We are trying to show that intergovernmental cooperation already is proving to be successful," Commissioner Sheehan explained.

The film illustrates how local governments throughout the State have been successfully cooperating in joint endeavors. A number of local officials discuss some of the joint activities their towns share.

Among the services now being offered jointly by municipalities in New Jersey are municipal courts, tax assessment, health officials, libraries, combined police and fire dispatching, recreational programs and animal control.

The film is part of a major effort by the Department of Community Affairs to encourage intermunicipal cooperation. Commissioner Sheehan noted that there is virtually no limit as to the functions that can be performed jointly.

"Municipalities, counties, school districts and local authorities can all participate," she said.

The Department also has assembled a special staff of municipal experts to conduct feasibility studies for municipalities at no charge. The staff will promote and assist in implementation of interlocal services agreements.

The Department also has assembled a special staff of municipal experts to conduct feasibility studies for municipalities at no charge. The staff will promote and assist in implementation of interlocal services agreements.

The film was produced by the New Jersey Public Broadcasting Authority under a grant of Federal funds obtained by the Department of Community Affairs. The official premiere of the film was at the New Jersey League of Municipalities Conference in Atlantic City Nov. 13. It is now available for presentation to local governments and interested groups throughout the State at no cost.

Additional information and printed material may be obtained from the Department's Division of Local Government Services, 363 West State St., Trenton, N.J. 08625 (609) 292-6110.

### **NAME COORDINATOR FOR HCD GRANTS**

State Community Affairs Commissioner Patricia Q. Sheehan has designated Assistant Commissioner Sidney L. Willis as coordinator of the Department's efforts in administering the Housing and Community Development (HCD) of 1974.

"This new Federal legislation provides extraordinary challenges for the State, through the Department of Community Affairs, to work with and assist its municipalities in receiving all the funds to which each is entitled," the Commissioner said.

"Federal guidelines for the Community Development block grants require detailed applications, which must include three-year community development and housing plans and an annual program. In submitting its annual application, a municipality must also indicate what its overall program in community development is," said the Commissioner in stressing the need for intra-Departmental efforts.

"Special teams with experts from each of our Divisions will be on call to assist municipalities in preparing their application."

The Housing and Community Development Act is directed at the elimination of urban blight and assisting in housing low- and moderate-income citizens. It consolidates all previous Federal code enforcement, model cities, urban renewal, open space, sewer and water and other categorical programs into one annual block grant, thereby giving broad discretionary authority to municipalities for planning and implementing their Federal-aid programs.

### **EXPERIMENTAL DIAL-A-RIDE BUS SERVICE TO END IN FEBRUARY FOR LACK OF FUNDS**

The Haddonfield area Dial-A-Ride bus demonstration project is being extended with Federal funds until Feb. 22, but will end on that date unless additional funds are provided, State Transportation Commissioner Alan Sagner reported last month.

He said that the Federal Urban Transportation Administration has indicated it will approve a \$200,000 grant to continue the bus service beyond its Dec. 1 termination date to February 22, 1975.

"Our Department of Transportation does not have within its budget the money to continue the operation," Commissioner

Sagner said, "and unless another source of funds is found, Dial-A-Ride will end on that date."

Through a reallocation of funds within the Department, the previous termination date of Oct. 1 was extended to Dec. 1, he pointed out, and with the assistance of U.S. Senator Clifford Case, the additional Federal money was obtained to extend the service further to Feb. 22.

Starting in December, changes in the service included an increase in the 30-cent fare to 80 cents, with the half fare rate for Senior Citizens going from 15 to 40 cents, and a modification of zoned bus service.

The impact on ridership of the higher fare and the extended hours for inter-zonal transfers will be studied as part of the demonstration program, Sagner said.

The 11-square-mile service area covers all of Haddonfield, Barrington and Lawnside and portions of Cherry Hill Township.

Launched as a three-year Federal experiment in public transportation, under the supervision of the Department of Transportation, Dial-A-Ride has been funded with over \$5 million in Federal funds and \$420,000 in State funds.

### **\$150,000 ADDED FUNDS WILL AID TRAINING PROGRAMS FOR AGED**

A \$90,500 grant to encourage education and training programs for and about the aging has been approved by the Department of Community Affairs.

Community Affairs Commissioner Patricia Q. Sheehan said the grant was awarded to the Adult Continuing Education Center of Montclair State College to develop, stimulate and coordinate community education programs and services for the elderly, and training for persons in the field of aging.

The grant, which represents the fourth year of Federal funding, is provided under Title III of the Federal Older Americans Act and will be supplemented by \$60,205 contributed by the college.

The center will disburse funds to demonstration senior citizen education programs in Camden, Gloucester City, Hunterdon County, Monmouth County and Parsippany-Troy Hills.

Commissioner Sheehan said, "We must expand educational opportunities for older people."

She emphasized the value of instructional programs as a vehicle for meeting the varied needs of older people. "As an example, such programs can help senior citizens reenter the job market; adjust to economic, physiological and interpersonal changes they are experiencing and develop hobbies that make increased leisure hours more rewarding."

### **\$1.3 MILLION FOR SENIOR CITIZENS AID**

Commissioner Patricia Q. Sheehan of the State Department of Community Affairs recently announced that \$1.3 million in grants had been awarded to finance 74 senior citizens' projects.

The Commissioner said these grants, administered by the Division of Human Resources' Office on Aging, represented the largest amount ever approved by the Department at one time. New programs will be established under 69 of the grants, while five are for continuing programs.

The Department has made a \$2.5 million total in aging grants during 1974 for 150 projects, 74 more than last year and 120 over 1972.

Receiving the grants were county and municipal groups, including local governments, hospitals and other groups who work with senior citizens.