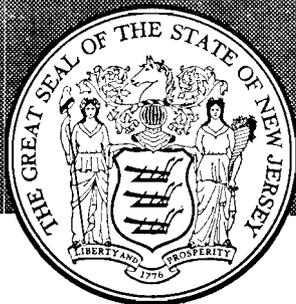


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# NEW JERSEY REGISTER



*The State's Official Monthly Rules Publication*

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure

John K. Barnes, Editor

Peter J. Gorman, Rules Analyst

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(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Proposed Revisions to Schedule 69-1N For North Jersey

The Department of Agriculture, Division of Dairy Industry, pursuant to authority of N.J.S.A. 4:12A-1 et seq., proposes to revise N.J.A.C. 2:53-1.2(a) concerning Schedule 69-1N, North Jersey.

Full text of the proposed revisions follows:

2:53-1.2 Schedule 69-1N; North Jersey

(a) Schedule 69-1N is as follows:

Minimum prices for fluid whole milk sold out-of-stores and vending machines for off-premises consumption and on home-delivery routes

(Cents per unit)

	1	2	3	4		
M. A. Order Class I Price No. 2	\$5.73 to 5.91	\$5.92 to 6.10	\$6.11 to 6.29	\$6.30 to 6.48		
Quart	26	26.5	27	27.5		
Half-gallon	47	48	49	50		
Gallon	88	90	92	94		
	5	6	7	8	9	10
	\$ 6.49 to 6.67	\$ 6.68 to 6.86	\$ 6.87 to 7.05	\$ 7.06 to 7.24	\$ 7.25 to 7.43	\$ 7.44 to 7.62
	28	28.5	29	29.5	30	30.5
	51	52	53	54	55	56
	96	98	100	102	104	106
	11	12	13	14	15	16
	\$ 7.63 to 7.81	\$ 7.82 to 8.00	\$ 8.01 to 8.19	\$ 8.20 to 8.38	\$ 8.39 to 8.57	\$ 8.58 to 8.76
	31	31.5	32	32.5	33	33.5
	57	58	59	60	61	62
	108	110	112	114	116	118
	17	18	19	20	21	22

\$ 8.77 to 8.95	\$ 8.96 to 9.14	\$ 9.15 to 9.33	\$ 9.34 to 9.52	\$ 9.53 to 9.71	\$ 9.72 to 9.90
34	34.5	35	35.5	36	36.5
63	64	65	66	67	68
120	122	124	126	128	130
23	24	25	26	27	28
\$ 9.91 to 10.09	\$10.10 to 10.28	\$10.29 to 10.47	\$10.48 to 10.66	\$10.67 to 10.85	\$10.86 to 11.04
37	37.5	38	38.5	39	39.5
69	70	71	72	73	74
132	134	136	138	140	142
29	30	31	32	33	34
\$11.05 to 11.23	\$11.24 to 11.42	\$11.43 to 11.61	\$11.62 to 11.80	\$11.81 to 11.99	\$12.00 to 12.18
40	40.5	41	41.5	42	42.5
75	76	77	78	79	80
144	146	148	150	152	154

Larger-than-gallon: The quart equivalent of the minimum price for gallon containers minus \$0.01 per quart multiplied by the number of quarts in the unit.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 26, 1977, to:

Woodson W. Moffett Jr., Director  
Division of Dairy Industry  
Department of Agriculture  
P.O. Box 1999  
Trenton, New Jersey 08625  
Telephone: (609) 292-5646

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

Woodson W. Moffett Jr., Director  
Division of Dairy Industry  
Department of Agriculture

## NEW JERSEY REGISTER

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(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Notice of Correction of Error in Rules On Application of Minimum Price Regulations

Take notice that, in the Notice of Adoption of rules concerning the application of minimum price regulations to the sale of milk to consumers by producer-dealers published September 8, 1977, at 9 N.J.R. 403(c), it was erroneously stated therein that such rules were adopted as proposed in the Notice published June 9, 1977, at 9 N.J.R. 250(b). However, such rules were adopted with substantive changes not detrimental to the public, in the opinion of the Department of Agriculture.

The substantive changes concern the adoption of a new rule, cited as N.J.A.C. 2:52-7.5, regarding limited exceptions to the minimum price regulations.

Full text of the new rule follows:

#### 2:52-7.5 Limited exception to minimum price regulation

Notwithstanding the provisions of N.J.A.C. 2:52-7.3 and 2:52-7.4, producer-dealers selling milk on December 17, 1976, through stores located on property owned by the producer-dealer, but at locations away from the premises of the farms, shall be authorized to continue selling milk from these store locations at prices which are one-cent per quart less than the minimum prices established under N.J.A.C. 2:53-1.1 through 1.4 (the minimum price regulations). This exception to the minimum price regulation shall not extend to any new locations constructed or acquired by the producer-dealer and does not attach for any store which may be moved from its location on December 17, 1976, and, excepting transfers to immediate family members, will terminate if the operation is sold or transferred by the producer-dealer.

Such new rule was included in the text of the adopted rules (referred to as R.1977 d.303) but the Notice of Adoption did not make reference to such substantive change. The text of N.J.A.C. 2:52-7.1 through 2:52-7.4, as well as the effective date of August 25, 1977, concerning all of these rules remains as published.

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

(b)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Revisions in Certificates of Grade for Eggs

On September 7, 1977, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 2:71-1.30 concerning certificates of grade for eggs, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 354(b).

An order adopting these revisions was filed and became effective on September 7, 1977, as R.1977 d.339.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## BANKING

### DIVISION OF ADMINISTRATION

#### Proposed Revisions to Certain Procedural Rules

The Department of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1B-2 et seq., proposes to revise portions of N.J.A.C. 3:1-2.2 and 3:1-2.3 concerning notice and publication and objection and request for hearing.

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

3:1-2.2(b) Notice prescribed by subsection (a) of this Section shall be published in the weekly applications bulletins of the New Jersey Bankers Association, Savings Banks Association of New Jersey, and New Jersey Savings League in the week following acceptance thereof. The publication of notice shall also include the following statement:

"You are hereby advised that an individual, bank, savings bank or savings and loan association may object to any of the aforesaid applications and request that a formal hearing be conducted if in writing and if filed in the Department of Banking either in person or by letter postmarked and delivered, within ten days of the date of this bulletin. Individuals or financial institutions interested in perfecting an objection or hearing request should immediately consult the Department's procedural rules for guidance".

3:1-2.3(a) An objection to an application by a bank, savings bank or savings and loan association must be [received] filed in the Department of Banking either in person or by letter postmarked and delivered, within ten days of the date of publication in the trade association bulletins, as required by N.J.A.C. 3:1-2.2. If an objector desires a hearing to be held on a full branch application, a Section 25 or Section 27 branch office application or a relocation application, or desires to make an appearance at a charter hearing, the objection shall also contain a specific request for a formal hearing or, in the case of charter applications, a request for permission to appear at the formal hearing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Clifford F. Blaze  
Deputy Commissioner, Administration  
Department of Banking  
Trenton, N.J. 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.

Clifford F. Blaze  
Deputy Commissioner  
Department of Banking

(a)

## BANKING

### DIVISION OF BANKING

#### Proposed Deletion of Portion Of Rule on Verification of Payment of Real Estate Taxes

The Department of Banking, pursuant to authority of N.J.S.A. 17:19A-311, proposes to delete a portion of N.J.A.C. 3:7-2.3 concerning the verification of payment of real estate taxes.

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

#### 3:7-2.3 Verification of payment of real estate taxes

All banks and savings banks shall verify the payment of taxes by mortgage borrowers at least annually on or before January 15 of each year, either by requiring the presentation of receipted tax bills or by examining or having examinations made of the tax records. [ , and shall indicate the date of payment and the amount of the latest assessed value on the mortgage record of each borrower.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Clifford F. Blaze  
Deputy Commissioner  
Department of Banking  
Trenton, N.J. 08625

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

Clifford F. Blaze  
Deputy Commissioner  
Department of Banking

(b)

## BANKING

### DIVISION OF BANKING

#### Proposed Revisions Concerning Private Mortgage Insurance Or Guaranty and Parity Provisions

The Department of Banking, pursuant to authority of N.J.S.A. 17:9A-65, proposes to revise a portion of its rules concerning private mortgage insurance or guaranty and parity provisions.

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

#### 3:10-3.2 Private mortgage insurance or guaranty

Banks are authorized to make mortgage loans in excess of the ratio between the appraised value and the amount of the loan as limited by Section 65B(1) of the Banking Act of 1948, as amended, provided that in making such loans substantial reliance is placed upon private company mortgage insurance or guaranty. Appropriate evidence to demonstrate justification for such reliance should be maintained in the bank's files.

#### 3:10-3.[2] 3 Parity provisions

This Subchapter is directed toward the creation and maintenance of a substantial parity between banks and national banks in accordance with Section 65C of the Act.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Clifford F. Blaze  
Deputy Commissioner  
Department of Banking  
Trenton, N. J. 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.

Clifford F. Blaze  
Deputy Commissioner  
Department of Banking

(c)

## BANKING

### CONSUMER CREDIT BUREAU

#### Repeal of Rule on Husband and Wife Considered as One Borrower

On August 26, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-23 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which repealed in its entirety the current text of N.J.A.C. 3:17-6.4 concerning husbands and wives considered as one borrower.

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

#### 3:17-6.4 [Husband and wife as one borrower] (Reserved)

[A man and wife shall be considered as one borrower, and the aggregate of their principal indebtedness may not exceed \$2,500 and their combined payments shall be no greater than if the total amount of both loans had been loaned to one borrower. Where a husband and wife have been living separate and apart for a period of at least five months prior to the making of a loan, this Section shall not apply.]

An order repealing this rule was filed and became effective on August 26, 1977, as R.1977 d.330 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Amendments Concerning Application of Rules

On August 23, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Pro-

cedure Act, adopted an emergency rule which amended N.J.A.C. 4:1-1.6 concerning the application of rules.

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

4:1-1.6 Application of rules

(a) Except as otherwise specified in any particular rules, these rules shall apply to positions and employment in the classified service.

(b) Whenever any particular rule, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing.

An order adopting these amendments was filed and became effective on August 23, 1977, as R.1977 d.314 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Rule on Awarding Counsel Fees

On August 23, 1977, the 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, adopted an emergency rule concerning the awarding of counsel fees.

Full text of the adopted rule follows:

4:1-5.16 Awarding counsel fees

(a) The Civil Service Commission may award counsel fees only when an employee has been exonerated from a charge and is awarded back pay with mitigation. However, in cases where a municipal police officer has been exonerated from a charge, counsel fees will be awarded pursuant to the provisions of N.J.S.A. 40A:14-155 (Defense for members or officers . . .).

(b) When the Civil Service Commission awards counsel fees, settlement on the amount to be paid is to be determined by agreement between the attorney for the appointing authority and the attorney for the exonerated employee.

(c) If a settlement cannot be agreed upon, the employee or his representing attorney may request, in writing, a Commission hearing for settlement. Along with such hearing request the petitioner must:

1. Submit affidavits of services; and
2. Place on the record sufficient evidence to permit the Commission to make a determination as to what fees were necessarily incurred.

(d) The Commission will notify the opposing party of the request for hearing. The opposing party, within 20 days of receipt of such notice, may forward to the Commission objections to the amount of award.

(e) The Commission will determine whether it will grant a hearing or issue appropriate orders or directives to effectuate its determination without a hearing based on documents submitted and mail true copies thereof to the petitioner and other affected parties.

An order adopting this rule was filed and became effective on August 23, 1977, as R.1977 d.315 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions Concerning Correction of Errors

On August 23, 1977, the 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, adopted emergency revisions to the rule concerning correction of errors.

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

4:1-9.10 Correction of [clerical] errors

[Clerical e] Errors may be corrected by the Chief Examiner and Secretary upon discovery at any time during the life of an employment list. The Commission shall determine whether such correction shall affect any prior appointment or certification.

An order adopting these revisions was filed and became effective on August 23, 1977, as R.1977 d.316 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revised Definitions of Demotion Or Reduction and Jurisdiction

On August 23, 1977, the 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, adopted emergency revisions to the definitions of demotion or reduction and jurisdiction in N.J.A.C. 4:1-2.1.

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

4:1-2.1 Words and phrases defined

"Demotion or reduction" means a lowering in rank [ , rate or range ] or scale of compensation.

"Jurisdiction" means any county, municipality, school district or other autonomous political subdivision.

An order adopting these revisions was filed and became effective on August 23, 1977, as R.1977 d.317 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to Personnel Manuals on Right of Review and Notice of Removal

On August 19, 1977, the 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, adopted procedure rules which revised Subparts 8-15.101 and 12-12.101 in both the Civil Service Personnel Manuals (State Service and Local Jurisdictions).

Full text of the revised subparts as they appear in the Civil Service Personnel Manual (State Service) follows: (Note: The text of the same Subparts in the Local Jurisdictions Manual is essentially the same as the following.):

#### PART 8-15 RIGHT OF REVIEW

##### Subpart 8-15.101 Appeals from examination matters

###### 8-15.101a Subject:

This subpart delineates the exam appeal system.

###### 8-15.101b Definition:

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

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

###### 8-15.101c Time limit for filing appeals:

An appeal must be made within 20 calendar days of the adverse action, e.g., within 20 days of an applicant being informed his or her application has been rejected. In determining the timeliness of an appeal the Department of Civil Service will assume notice to be received on the third day following mailing and will start the 20 day period from the start of the fourth day following mailing. For example, if notice is sent on January 6, 1976 to an applicant that his or her application has been rejected, an appeal must be postmarked no later than January 29, 1976 to be considered timely.

In accordance with N.J.A.C. 4:1-9.2 protests against any part of a written exam must be filed no later than the seventh calendar day following the date on which the exam is held.

###### 8-15.101d Burden of proof:

Actions of the Department of Civil Service are considered valid by law absent any convincing proof to the contrary. The burden of proving such actions to be improper is on the appellant.

###### 8-15.101e Required information:

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

###### 8-15.101f First level of appeal:

The first level of appeal is to the Director, Division of Examinations, Department of Civil Service, 215 East State Street, Trenton, New Jersey 08625.

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

###### 8-15.101g Second level of appeal:

Appellants have a right to appeal to the Civil Service Commission from the Director, Division of Examination's decision within 20 days of receipt of that decision. Appeals should be addressed to the Director of Hearings and Regulations, 215 East State Street, Trenton, New Jersey 08625. The timeliness of an appeal will be determined as specified in 8-15.101c above.

An appeal to the Civil Service Commission must include all information specified in 8-15.101e above. Upon receipt of an appeal the Director of Hearings and Regulations will compile all necessary information from the Department of Civil Service and/or the appointing authority. When such information has been compiled, the appellant will be notified that he or she may review the file and submit any additional documentation and/or written argument related to their appeal within 20 days of receipt of such notice. Upon a reasonable request the Director of Hearings and Regulations will grant an extension of ten days beyond the 20 day period for review and supplementation of the file. Only in exceptional circumstances will an additional extension be granted. Requests for additional extensions must be made in writing and fully documented.

Upon the expiration of the time period for review and supplementation of the file, the appeal will be forwarded to the Chief Examiner and Secretary. The Chief Examiner and Secretary will present the appeal to the Civil Service Commission for their final administrative determination.

###### 8-15.101h Review of written record:

Appeals to the Civil Service Commission regarding examination matters will be treated as a review of the written record. No hearing will be granted except in those very limited instances where a clear dispute of material facts exists. Requests for a hearing must be supported by written argument and/or documentation. The Commission will consider such requests during their review of the written record. If the Commission denies such request, at that same meeting they will consider the written record. No additional opportunity will be given the appellant for review and supplementation of the file.

###### 8-15.101i Service on other parties:

If there is more than one party to an appeal each party must serve copies of all materials submitted during the 20 day time period for review and supplementation of the file (or during the time period encompassed by any extensions) on all other parties.

###### 8-15.101j Notice to appointing authorities:

When an individual appeals an examination matter to the Civil Service Commission, the Hearings and Regulations Division will put the appointing authority on notice of the appeal, if the title being appealed is used exclusively by one appointing authority. Where a title is used by more than one appointing authority such notice shall not be required.

**8-15.101k Appeals from rejection or psychological or psychiatric reasons:**

Refer to Subpart 12-11.101 for appeals from rejection for psychological or psychiatric reasons.

**8-15.101l Appeals from rejection for a record of criminal conviction:**

An examination applicant may not be rejected for a record of criminal convictions. However, an appointing authority may refuse to appoint due to a record of criminal convictions providing the appointing authority conforms to the requirements of Chapter 160, Laws of 1974. Such refusals to appoint are subject to review by the Department of Civil Service and are subject to appeal by the eligible so rejected.

**8-15.101m Appeals from a decision of the Civil Service Commission:**

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

**PART 12-12 NOTICE OF REMOVAL**

**Subpart 12-12.101 Appeals from removal from an eligible list**

See Subpart 8-15.101 which delineates the exam appeal system.

An order adopting these revisions to the State Service Manual was filed on August 24, 1977, as R.1977 d.319 (Exempt, Procedure Rule). An order adopting these revisions to the Local Jurisdictions Manual was filed on August 24, 1977, as R.1977 d.318 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Amendments on Suspension, Fine And Demotion for Disciplinary Purposes**

On August 23, 1977, the 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, adopted amendments to N.J.A.C. 4:1-16.7(a)1. concerning suspensions, fines and demotions for disciplinary purposes as proposed in the Notice published January 6, 1977, at 9 N.J.R. 4(c).

An order adopting these amendments was filed and became effective on August 25, 1977, as R.1977 d.321.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Amendment on Certification from Eligible Lists**

On August 23, 1977, the 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, adopted an amendment to N.J.A.C. 4:1-12.2 concerning certification from eligible lists as proposed in the Notice published October 7, 1976, as 8 N.J.R. 453(b).

An order adopting this amendment was filed and became effective on August 25, 1977, as R.1977 d.322.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Amendment on Appointment of Eligible Certified**

On August 23, 1977, the 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, adopted an amendment to N.J.A.C. 4:1-12.15 concerning the appointment of eligible certified as proposed in the Notice published October 7, 1976, at 8 N.J.R. 453(c).

An order adopting this amendment was filed and became effective on August 25, 1977, as R.1977 d.323.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(d)**

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Amendment on Request for Reemployment**

On August 23, 1977, the 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, adopted an amendment to N.J.A.C. 4:1-16.13 concerning requests for reemployment as proposed in the Notice published January 6, 1977, at 9 N.J.R. 5(a).

An order adopting this amendment was filed and became effective on August 25, 1977, as R.1977 d.324.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions on Verification of Sick Leave

On September 8, 1977, the 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, adopted revisions to N.J.A.C. 4:1-17.18 concerning the verification of sick leave, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 305(a).

An order adopting these revisions was filed and became effective on September 8, 1977, as R.1977 d.343.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions on Order of Layoff or Demotion

On September 8, 1977, the 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, adopted revisions to N.J.A.C. 4:1-16.3 concerning the order of layoff or demotion, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 304(c).

An order adopting these revisions was filed and became effective on September 8, 1977, as R.1977 d.344.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Proposed Revisions Concerning Effective Dates

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, as amended, proposes to revise N.J.A.C. 5:23-4.9(a)2.ii. and 5:23-5.3(a)4. regarding certain effective dates therein.

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

5:23-4.9(a)2.ii. Special or hazardous uses and types of construction:

(1) Subchapter 3 of this Chapter divides all construction into three classes according to its complexity and potential hazard to the public health and safety. Subchapter 5 of this Chapter provides for three levels of subcode official certification which correspond to the three classes in Subchapter 3 of this Chapter;

(2) For Class 1, Department plan review and release shall be required on the effective date of the regulations prior to the issuance of a construction permit unless the

construction official and each appropriate subcode official in the municipal enforcing agency is certified by the Commissioner as a Class 1 construction official or subcode official;

(3) For Class 2, Department plan review and release shall be required after [January] October 1, 1978, prior to the issuance of a construction permit unless the construction official and each appropriate subcode official in the municipal enforcing agency is certified by the Commissioner as a Class 1 or Class 2 construction official or subcode official;

(4) For Class 3, Departmental plan review shall not be required except when the Department acts as the enforcing agency.

5:23-5.3(a)4. If all of the appropriate officials of a local enforcing agency have not been licensed in one of the specialties provided in this Subchapter, the local enforcing agency shall be classified as an enforcing agency, I.C.S. until [January] October 1, 1978 and as an enforcing agency, R.C.S. thereafter until January 1, 1981 after which time no official may hold office who is not licensed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Department of Community Affairs  
Construction Code Enforcement Office  
P.O. Box 2768  
Trenton, N.J. 08625

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

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(d)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Emergency Rule on Supplemental Detail in Support of Current Budget Appropriation

On September 7, 1977, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning supplemental details in support of current budget appropriation.

Full text of the adopted rule follows:

5:30-1.12 Supplemental detail in support of current budget appropriation

(a) The need for detailed information pertaining to the current budget appropriations is recognized and the regulations of the Local Finance Board are stated below:

1. Resolved that the Local Finance Board, having considered the matter of budget preparation, is hereby recorded to the effect that the published budget must contain a minimum breakdown for "Salaries and wages" and "Other expenses"; and

2. Be it further resolved that if in any instance any person petitions the Board to the effect that he is unable to secure appropriate detail covering the make-up of any

appropriation under the foregoing classification, the Board will forthwith require the local unit to submit to it forms specifically breaking down "Salaries and wages" and "Other expenses"; together with a budget information sheet covering such further detail in the form hereinabove recommended and added detail which may be deemed necessary.

3. The Board in considering budget procedure can only conclude the preparation of the budget is a matter for the sound discretion of the governing body. The members of the governing body are the elected representatives of the people and it is their duty to introduce and approve the budget. This responsibility cannot be delegated, however, the governing body can hold pre-budget conferences if they so elect. This procedure has been helpful and productive, plus it has generated excellent public relations where it has been tried.

4. Insofar as the preparation of the supporting detail for the current budget is concerned, the Board is of the opinion that this material should be available at any time after the introduction of the budget and, in any event, at least one week before the time set for the public hearing. This is necessary in order that interested persons may have an opportunity to study the material in conjunction with the printed budget and presentation at the public hearing.

5. The Board directs that any petition must be filed not less than seven days prior to the time set for the public hearing on the budget. The Board further directs that in case satisfactory information is made available by the local unit, the petitioner must notify the Board at least three days before the time set for the public hearing on the budget that the request of the petitioner has been met. This regulation is made with the idea that some orderly procedure is necessary to avoid confusion and eliminate unnecessary hearings.

(b) The Board recommends the use of standardized work sheets or budget request forms covering the following in reasonable detail:

1. Salaries and wages;
2. Other expenses;
3. Budget recapitulation sheet;
4. Budget information sheet.

An order adopting this rule was filed on September 14, 1977, as R.1977 d.346 (Exempt, Emergency Rule) to become effective on October 6, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Emergency Rule on Federal Antirecession Fiscal Assistance Program

On September 7, 1977, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning the Federal antirecession fiscal assistance program.

Full text of the adopted rule follows:

#### 5:30-1.13 Federal antirecession fiscal assistance program

(a) Whereas, the Federal antirecession fiscal assistance program limits use of said funds to the payment of salaries and wages and only other expense items that have no more than a one-year life, and whereas, the Local Finance Board, in keeping with its statutory responsibility, wishes to assure that municipal and county governments do not violate this requirement and face the possibility of repaying any funds misspent, now, therefore, be it resolved that the Local Finance Board does hereby promulgate that all Chapter 159 budget amendments and Title 40A:4-85 "Change of title and text" requests submitted to the Division of Local Government Services for review that are funded from the antirecession fiscal assistance program must contain a breakdown of "other expense" items along with a statement from the chief financial officer of the municipality or county that said "other expense" items funded by the Federal antirecession fiscal assistance program have a useful life of less than one year.

(b) Be it further resolved, that all antirecession fiscal assistance program appropriations in the 1978 and succeeding years budgets be accompanied by such specificity of appropriation and certification of compliance with the one-year life span for "other expense" items in order that the Division of Local Government Services may assure compliance with the appropriate Federal statute.

An order adopting this rule was filed on September 14, 1977, as R.1977 d.347 (Exempt, Emergency Rule) to become effective on October 6, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions on Special Regulations

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:6-38, proposes to delete in its entirety the current text of N.J.A.C. 6:11-10.5 concerning special regulations and to reserve that Section.

Purpose of the proposed deletion is to eliminate duplication in the New Jersey Administrative Code.

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

#### 6:11-10.5 [Special regulations] (Reserved)

[(a) School districts are urged to assign to administrative or supervisory personnel titles that are recognized in these regulations. If the use of unrecognized titles is necessary, a job description should be formulated and submitted to the county superintendent of schools in advance of the appointment, on the basis of which a determination will be made of the appropriate certificate for the position.

(b) If because of illness or death or some other good and sufficient reason, the board of education must fill the post of superintendent of schools, assistant superintendent of schools, high school principal, or elementary school principal with a person who is designated as the acting administrator in a respective situation and who is not properly certified to hold the position, it shall be the duty of the board of education to make written application to

the Commissioner of Education for permission to employ such person in an acting capacity, stating the reasons why such action is necessary.

(c) If such approval is given by the Commissioner of Education, it shall be of three months' duration, and may be renewed by him upon application for a period of three months at a time. If the acting status of said individual is to extend beyond a year, no such permission can be given except upon recommendation of the Commissioner of Education to the State Board of Education that the application of the local board of education be granted.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State St.  
Trenton, N.J. 08625

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions on Assignment of Titles

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:6-38, proposes to revise N.J.A.C. 6:11-3.6, concerning the assignment of titles.

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

#### 6:11-3.6 Assignment of titles

[(a) School districts are urged to assign to personnel, titles which are recognized in these regulations.

(b) If use of unrecognized titles is necessary, a job description should be formulated and submitted to the county superintendent of schools in advance of the appointment, on the basis of which determination may be made of the appropriate certificate for the position.]

(a) School districts shall assign position titles to teaching staff members which are recognized in these regulations.

(b) If a local board of education determines that the use of an unrecognized position title is desirable, or if a previously-established unrecognized title exists, such board shall submit a written request for permission to use the proposed title to the county superintendent of schools, prior to making such appointment. Such request shall include a detailed job description. The county superintendent shall exercise his/her discretion regarding approval of such request, and make a determination of the appropriate certification and title for the position. The county superintendent of schools shall review annually all previously approved unrecognized position titles, and determine whether such titles shall be continued for the next school year.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State St.  
Trenton, N.J. 08625

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

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

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions on Acting Administrators

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, proposes to revise N.J.A.C. 6:3-1.1 and adopt a new N.J.A.C. 6:5-2.1, concerning acting administrators. Intent of the proposed revisions is not to change the substance of the rules but rather to list the functions therein under the proper Subtitle in the New Jersey Administrative Code.

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

#### 6:3-1.1 Acting administrators; extension of approval

[(a) If because of illness or death or some other good and sufficient reason, the board of education must fill the post of superintendent of schools, assistant superintendent of schools, school business administrator, high school principal, or elementary school principal with a person who is designated as the acting administrator in a respective situation and who is not properly certified to hold the position, it shall be the duty of the board of education to make written application to the Commissioner of Education for permission to employ such person in an acting capacity, stating the reasons why such action is necessary.

(b) If such approval is given by the Commissioner of Education, it shall be of three months' duration, and may be renewed by him upon application for a period of three months at a time. If the acting status of said individual is to extend beyond a year, no such permission can be given except upon recommendation of the Commissioner of Education to the State Board of Education that the application of the local board of education be granted.]

In accordance with the provisions of N.J.A.C. 6:5-2.1, the Commissioner of Education may recommend to the State Board of Education that permission be granted to extend the acting capacity of an individual beyond a year, upon receipt of written application from the local board of education.

#### SUBCHAPTER 2. ACTING ADMINISTRATORS

#### 6:5-2.1 Acting administrators

(a) If because of illness or death or some other good and sufficient reason, the board of education must fill the post of superintendent of schools, assistant superintendent of schools, school business administrator, high school

principal, or elementary school principal with a person who is designated as the acting administrator in a respective situation and who is not properly certified to hold the position, it shall be the duty of the board of education to make written application to the Commissioner of Education for permission to employ such person in an acting capacity, stating the reasons why such action is necessary.

(b) If such approval is given by the Commissioner of Education, it shall be of three months' duration, and may be renewed by him upon application for a period of three months at a time. If the acting status of said individual is to extend beyond a year, no such permission can be given except upon recommendation of the Commissioner of Education to the State Board of Education that the application of the local board of education be granted, in accordance with N.J.A.C. 6:3-1.1.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State St.  
Trenton, N.J. 08625

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions Concerning Archives And History and Records Management

On September 7, 1977, Fred G. Burke, Commissioner of Education and Secretary to the State Board of Education, pursuant to authority of N.J.S.A. 47:3-15 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:66-1.12 and 6:66-1.19 concerning archives and history and records management, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 358(c).

An order adopting these revisions was filed and became effective on September 7, 1977, as R.1977 d.340.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions Concerning Assistant Superintendent for Business

On September 7, 1977, Fred G. Burke, Commissioner of Education and Secretary to the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accord-

ance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:11-10.11 concerning the assistant superintendent for business, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 358(b).

Take notice that, these adopted revisions will be effective on July 1, 1978, and the current text of this rule will remain in effect through June 30, 1978.

An order adopting these revisions was filed on September 7, 1977, as R.1977 d.341 to become effective on July 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Identification of Regional Solid Waste Planning Areas

Rocco D. Ricci, Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and c. 326, Laws of 1975, proposes to identify each of the State's 22 solid waste management districts as appropriate units for planning regional solid waste management services. Under the Act, each of the State's 21 counties and the Hackensack Meadowlands District have been designated solid waste management districts.

The proposed regional identification is being made to fulfill the requirements of the Federal Resource Conservation and Recovery Act (P.L. 94-580). Such rules are known within the Department of Environmental Protection as Docket No. DEP 050-77-09.

Interested persons may present statements or arguments in writing relevant to the proposed identification on or before October 26, 1977, to:

Beatrice S. Tylutki, Director  
Solid Waste Administration  
Department of Environmental Protection  
P.O. Box 2807  
Trenton, New Jersey 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter make the regional identification known to the Federal Environmental Protection Agency substantially as proposed without further notice.

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(d)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Revisions on a Manifest System For the Generation, Transportation, Treatment and Disposal of Hazardous Wastes

Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 13:1E-1 et seq., proposes to adopt revisions concerning a manifest system for the generation, transportation, treatment and disposal of hazardous wastes. Such rules, if adopted, will be included in N.J.A.C. 7:26-1.1 et seq. They

are known within the Department of Environmental Protection as Docket No. DEP 051-77-09.

The proposed rules place certain requirements on persons who generate, transport, treat or dispose of hazardous wastes in New Jersey, with regard to labeling, reporting and recordkeeping. A waste manifest would accompany each shipment of hazardous wastes from generation to disposal facility.

The proposed system would enable the Department of Environmental Protection to gain detailed information on the amounts and types of hazardous wastes handled in New Jersey and provide an enforcement mechanism to help stop illegal disposal of hazardous wastes.

A public hearing will be held on the proposal on Friday, November 18, 1977 in the State Museum Auditorium, Trenton, New Jersey commencing at 10:00 A.M. Persons may present oral or written comments at that hearing or may submit written comments until December 1, 1977, to:

Beatrice Tylutki, Director  
Solid Waste Administration  
32 East Hanover Street  
Trenton, New Jersey 08625  
(609) 292-9120

Copies of the 21 pages of full text of the proposal may be obtained at the above address.

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules on State Financial Assistance For Public Sanitary Sewage Collection Systems

Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2E-1 et seq., proposes to adopt new rules governing the procedure for application to the State for reimbursement of annual interest and debt service charges to local government units for sanitary sewage collection systems which are inoperable because the interceptor system to transmit wastes to the sewerage authority treatment facilities is not yet available.

The proposed rules, if adopted, will be cited as N.J.A.C. 7:16-1.1 et seq. and are known within the Department of Environmental Protection as Docket No. DEP 054-77-09.

The proposed rules concern the scope, construction, definitions, eligibility for State reimbursement for annual interest and debt service costs, application for State reimbursement, review of State reimbursement applications, decisions by the Department, hearings, State reimbursement procedures, completion of the sewerage authority interceptor system and related forms.

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

Donald A. Brown  
Assistant Director  
Office of Regulatory Affairs  
Division of Water Resources  
Post Office Box 2809  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to the Department of Environmental Protection at the above address.

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules on Ocean Dumping Alternatives Development

Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:10A-1 et seq., proposes to adopt new rules concerning ocean dumping alternatives development.

Full text of the proposed rules follows:

#### SUBCHAPTER 7. OCEAN DUMPING ALTERNATIVES DEVELOPMENT

##### 7:14-7.1 Purpose

Purpose of these regulations is to insure that land-based alternatives to ocean dumping of sludge will be available on or before December 31, 1981, so that the operation of waste treatment facilities and other facilities presently relying on ocean dumping of sludge may continue in the future without threat to the environment, health, safety or welfare of the State.

##### 7:14-7.2 Scope

Any waste treatment facility or other sludge producing facility which from time to time causes to be discharged or discharges sludge into the waters of the ocean shall comply with the conditions of this Subchapter.

##### 7:14-7.3 Definitions

For the purposes of interpreting these regulations, the definitions of N.J.A.C. 7:14-1.4 are hereby incorporated, with the addition of the following:

"Sludge" means the solid residue and/or the liquid associated with the residue resulting from a physical, chemical or biological industrial process or from the physical, chemical or biological treatment of municipal or industrial wastewaters.

##### 7:14-7.4 Sludge management plan

On or before December 31, 1977, the waste treatment facility or other sludge producing body shall submit for review an approvable draft sludge management plan to the Program Director of the Office of Sludge Management and Industrial Pretreatment (OSMIP), Division of Water Resources of the Department. To expedite the review, completed segments of the plan may be submitted independently before the due date. The plan shall be in conformance with the Department's interim guidelines for

the preparation of sludge management plans to the extent practicable.

#### 7:14-7.5 Task schedule

On or before 90 days after the Department's approval of the sludge management plan, the waste treatment facility or other sludge producing body shall submit for review and approval a completed task schedule to the program director of OSMIP. The task schedule shall include a schedule for the development of plans and specifications and a preliminary schedule for construction of the alternatives chosen under the sludge management plan. If deemed appropriate, the program director of OSMIP may require, after approval of the task schedule, regular progress reports upon the items contained therein.

#### 7:14-7.6 Final schedule for construction

On or before 60 days after the approval of final plans and specifications for the alternative(s) chosen under the sludge management plan, the waste treatment facility or other sludge producing facility shall submit to the program director of OSMIP for review and approval a final schedule for construction of the alternative(s) chosen under the sludge management plan.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 6, 1977, to:

Donald A. Brown  
Assistant Director  
Office of Regulatory Affairs  
Division of Water Resources  
P.O. Box 2809  
Trenton, N.J. 08625

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Revisions to Various Rules Of the Division of Water Resources

Rocco D. Ricci, Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 58:11A-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., proposes to adopt revisions to various Sections of the rules of the Division of Water Resources, contained in Subtitle D (Water Resources) of Chapter 9 of the New Jersey Administrative Code, N.J.A.C. 7:1.1 et seq. Such revisions are known within the Department of Environmental Protection as Docket No. DEP 048-77-09.

The proposed revisions reflect changes in statutory authority resulting from the passage of the Water Pollution Control Act, P.L. 1977, c. 74 (N.J.S.A. 58:10A-1 et seq.) and the Water Quality Planning Act, P.L. 1977, c. 75 (N.J.S.A. 58:11A-1 et seq.), which repealed a number of earlier statutes. Also reflected are the adoption of new regulations pursuant to the Water Pollution Control Act, adopted as N.J.A.C. 7:14-1.1 et seq. (R.1977 d.268, 9 N.J.R. 418(c)).

Certain other proposed revisions reflect changes in the organization of the Division of Water Resources, such as changes of agency names, or delete Sections of the Administrative Code that have been superceded in whole or in part by subsequent regulations.

Section 13 of the Water Pollution Control Act, N.J.S.A. 58:10A-13, provides that rules and regulations promulgated prior to the effective date of the act shall continue in full force and effect until amended or repealed by law. However, it is the intention of the Department to readopt, under the authority of that act, its existing regulations which were promulgated under superceded statutory authority, so that these regulations will accurately reflect the present law. In themselves the proposed revisions effect no substantive changes in the rules of the Department. They merely continue existing programs of the Division of Water Resources, but in a manner consistent with, and under the authority of, the new statutory authorities and the regulations hitherto adopted thereunder.

The portions of the Administrative Code to be amended by these proposed revisions, and the effects of the changes, are as follows:

With the exception of Subchapter 9, N.J.A.C. 7:9-9.1 et seq., the regulations of Chapter 9 of Title 7 of the Administrative Code will be readopted pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. This will not affect the substance of those regulations.

Existing N.J.A.C. 7:9-1.1 through 7:9-1.3 will be amended to delete references to the Bureau of Water Pollution Control, abolished in the last major reorganization of the Division of Water Resources in 1975. A new Section 7:9-1.4 will be added to cross-reference Subchapter 2 of the Water Pollution Control Act Regulations, N.J.A.C. 7:14-2.1 et seq., which contains the procedures for applications for approval of sewerage facilities. Sections 7:9-1.5 through 7:9-1.9 have been superseded by the Water Pollution Control Act Regulations, and will be deleted.

N.J.A.C. 7:9-2.1 and 7:9-2.2 will be amended to delete references to the Bureau of Water Pollution Control.

Paragraphs 1, 2 and 3 of subsection (a) of N.J.A.C. 7:9-4.4 (Statement of Policy in the regulations establishing Surface Water Quality Standards) will be amended to delete references to N.J.S.A. 58:12-3 (repealed) and to add references and appropriate policy statements reflecting the Water Pollution Control Act.

N.J.A.C. 7:9-8.1 and 7:9-8.2 will be amended to delete references to the Bureau of Water Pollution Control.

N.J.A.C. 7:9-9.1, pertaining to Sealing of Abandoned Wells, will be amended to substitute appropriate references to the Bureau of Water Supply Planning and Management in lieu of references to the Bureau of Water Control, abolished in the last major reorganization of the Division of Water Resources in 1975.

Subchapters 10 and 11 of Chapter 9, (Installation of Sewerage Facilities in Critical Areas and Allocation of Waste Loads to Point-Source Dischargers) will be readopted pursuant to the concurrent authority of N.J.S.A. 58:11-44 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq. subsection (b) of N.J.A.C. 7:9-10.7 will be amended to delete a reference to N.J.S.A. 58:12-3 (repealed) and to substitute a reference to N.J.S.A. 58:11A-10, Section 10 of the Water Quality Planning Act.

Subsection (b) of N.J.A.C. 7:9-11.3 will be amended to delete a cross-reference to a previously repealed regulation.

Paragraph 1 of subsection (a) of N.J.A.C. 7:9-3.13, a portion of the Sewerage Connection Ban regulations, will be amended to delete a reference to N.J.S.A. 58:12-3 (repealed) and to substitute a reference to N.J.S.A. 58:10A-10.

N.J.A.C. 7:10-1.1 will be amended to delete a reference to the Bureau of Water Pollution Control and substitute a reference to the Bureau of Potable Water.

N.J.A.C. 7:10-5.1 and 7:10-5.2 will be amended to delete references to the Bureau of Water Pollution Control.

N.J.A.C. 7:20-3.1 through 7:20-3.4 (Sealing Abandoned Wells) will be deleted. These rules were previously superseded by N.J.A.C. 7:9-9.1 et seq. but through an oversight were not removed from the Administrative Code.

Copies of the 28 pages of the proposed rules may be obtained from or made available for review by contacting:

Donald A. Brown, Assistant Director  
Office of Regulatory Affairs  
Division of Water Resources  
Post Office Box 2809  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 14, 1977, to the Department of Environmental Protection at the above address.

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

**(a)**

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Second Public Hearing on Proposed Revisions to Project Priority List

Take notice that, the Department of Environmental Protection hereby supplements the Notice in the June 9, 1977, issue of the New Jersey Register, Docket No. DEP 030-77-05, by the addition of a second public hearing to be held pertaining to proposed revision of the fiscal year 1978 (FY 78) project priority list.

Two new criteria have been used to determine the priority list position of wastewater grant applicants. The discharge criteria have been revised to reflect the importance of land based sludge treatment facilities as alternatives to ocean dumping and to consider seasonal population in determining population density. Due to these criteria, significant changes have been made in the position of certain projects on the priority list. This Notice is known within the Department of Environmental Protection as Docket No. DEP 052-77-09.

The second public hearing will be Wednesday, October 26, 1977, at 10:00 A.M. in training room B, Health and Agricultural Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may make oral presentations at the hearing and may also present statements or arguments in writing relevant to the proposed action on or before November 2, 1977, to:

Jeff Zelikson, Acting Director  
Division of Water Resources  
P.O. Box 2809  
Trenton, New Jersey 08625

Copies of the revised FY 78 project priority list may be obtained from the above address.

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

**(b)**

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Public Meetings on Coastal Management Strategy

Take notice that the Department of Environmental Protection will hold a series of eight public meetings at the times, dates and places listed below to discuss and receive comments on the coastal management strategy for New Jersey, prepared in accordance with the requirements of the Coastal Area Facility Review Act (N.J.S.A. 13:9-1 et seq.) and the Federal Coastal Zone Management Act (P.L. 92-583, 16 USC 1451 et seq. as amended by P.L. 94-370). This Notice is known within the Department of Environmental Protection as Docket No. DEP 053-77-09.

- |                                 |  |
|---------------------------------|--|
| November 21, 1977<br>10:30 A.M. | State Health Building<br>Trenton   |
| November 22, 1977<br>2:00 P.M.  | Rector Hall<br>Ocean County College<br>Route 549, Toms River                         |
| November 22, 1977<br>7:30 P.M.  | Asbury Pavillion<br>on the Boardwalk<br>Asbury Park                                  |
| November 28, 1977<br>2:00 P.M.  | Rutgers Law School<br>331 North 5th Street<br>Camden                                 |
| November 28, 1977<br>7:30 P.M.  | Old Court House<br>92 Market Street<br>Salem   |
| November 29, 1977<br>10:30 A.M. | Old White Court House<br>Main Street<br>Cape May                                     |
| November 29, 1977<br>7:30 P.M.  | City Hall, Commission Chambers<br>Tennessee and Bacharach Boulevard<br>Atlantic City |
| November 30, 1977<br>7:30 P.M.  | St. Peters College<br>2641 Kennedy Boulevard<br>Jersey City                          |

The Office of Coastal Zone Management in the Department of Environmental Protection encourages public involvement in all phases of its program development activities. Copies of the coastal management strategy are available upon request from:

John Weingart  
Office of Coastal Zone Management  
Department of Environmental Protection  
P.O. Box 1889, Trenton, New Jersey 08625  
(609) 292-9762

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice Concerning Solid Waste District Planning Guidelines

Take notice that, Rocco D. Ricci, Commissioner of Environmental Protection, has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 035-77-06, concerning the Solid Waste District Planning Guidelines:

I, Rocco D. Ricci, Commissioner of Environmental Protection, in the July 7, 1977, issue of the New Jersey Register at 9 N.J.R. 318(a) proposed guidelines for assisting the 22 solid waste management districts in developing their district solid waste management plans. Pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and P.L. 1975, c. 326, I hereby adopt guidelines substantially as proposed.

A public hearing was held concerning proposed guidelines on July 19, 1977. Five persons testified and two agencies have since submitted written testimony. In response to public comment, the following more significant changes have been made: 1. Clarification that districts should consider immediate implementation of low-technology resource recovery and recycling programs, and 2. Clarification that the guidelines will be administered with flexibility as to not inhibit innovative planning.

Copies of the adopted guidelines will be distributed to all municipalities and solid waste management districts within New Jersey. Additional copies are available upon request from the Solid Waste Administration, P.O. Box 2807, Trenton, New Jersey 08625.

This Notice is published as a matter of public information. These guidelines are not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### GOVERNOR'S PINELAND REVIEW COMMITTEE

#### Notice of Public Hearing on Establishment Of Pinelands Area Boundary

Take notice that, the Governor's Pinelands Review Committee has issued the following notice of public hearing on the establishment of the Pinelands area boundaries:

The Pinelands Review Committee established by the Governor under Executive Order No. 56 hereby proposes the establishment of an area for investigative purposes to be known as the Pinelands Area, within which certain areas or groups of areas may be set aside for special treatment, strategies and land management activities.

The area boundary is identified as an area including the stream headwaters of watersheds flowing into and thereby affecting the Pinelands ecosystems. The soils, vegetation and hydrology, those fundamental resources interacting to

make up the unique character of the Pinelands are also part of the determination of this boundary.

For purposes of clarity and in a concerted attempt to simplify the process of public comment on the effect and intent of this area, the Pinelands Area boundary has been altered to include all of those municipalities within which: (a) portions of watersheds flowing into the Pinelands are present; (b) coastal areas near the Pinelands might affect or influence activities there; and (c) portions of the Pinelands groundwater system reach the surface.

The Pinelands Review Committee's proposed boundary, as described above, contains those municipalities in each of the counties listed:

**ATLANTIC COUNTY** — Including Absecon City, Atlantic City, Brigantine City, Buena Borough, Buena Vista Township, Corbin City, Egg Harbor City, Egg Harbor Township, Estelle Manor City, Folsom Borough, Galloway Township, Hamilton Township, Hammonton Town, Linwood City, Longport Borough, Margate City, Mullica Township, Northfield City, Pleasantville City, Port Republic City, Somers Point City, Ventnor City, Weymouth Township.

**BURLINGTON COUNTY** — Including Bass River Township, Evesham Township, Medford Township, Medford Lakes Borough, New Hanover Township, North Hanover Township, Pemberton Borough, Pemberton Township, Shamong Township, Southampton Township, Tabernacle Township, Washington Township, Woodland Township, Wrightstown Borough.

**CAMDEN COUNTY** — Including Berlin Borough, Berlin Township, Chesilhurst Borough, Clementon Borough, Gibbsboro Borough, Gloucester Township, Lindenwold Borough, Pine Hill Borough, Pine Valley Borough, Voorhees Township, Waterford Township, Winslow Township.

**CAPE MAY COUNTY** — Including Avalon Borough, Cape May City, Cape May Court House Town, Cape May Point Borough, Dennis Township, Lower Township, Middle Township, North Wildwood City, Ocean City, Upper Township, Sea Isle City, Stone Harbor Borough, West Cape May Borough, West Wildwood Borough, Wildwood City, Wildwood Crest Borough, Woodbine Borough.

**CUMBERLAND COUNTY** — Including Bridgeton City, Commercial Township, Deerfield Township, Downe Township, Fairfield, Lawrence Township, Maurice River Township, Millville City, Upper Deerfield Township, Vineland City.

**GLOUCESTER COUNTY** — Including Clayton Borough, Elk Township, Franklin Township, Glassboro Borough, Monroe Township, Newfield Borough, Washington Township.

**MONMOUTH COUNTY** — Including Freehold Township, Howell Township, Millstone Township, Wall Township.

**OCEAN COUNTY** — Including Barnegat Light Borough, Bay Head Borough, Beach Haven Borough, Beachwood Borough, Berkeley Township, Brick Township, Dover Township, Eagleswood Township, Harvey Cedars Borough, Island Heights Borough, Jackson Township, Lacey Township, Lakehurst Borough, Lakewood Township, Lavellette Borough, Little Egg Harbor Township, Long Beach Township, Manchester Township, Mantoloking Borough, Ocean Gate Borough, Ocean Township, Pine Beach Borough, Point Pleasant Beach Borough, Point Pleasant Borough, Plumstead Township, Seaside Heights Borough, Seaside Park Borough, South Toms River Borough, Ship Bottom Borough, Stafford Township, Surf City Borough, Toms River Town, Tuckerton Borough.

**SALEM COUNTY** — Including Elmer Borough, Pittsgrove Township, Upper Pittsgrove Township.

Take notice that the Governor's Pinelands Review Committee hereby establishes the date for a public hearing on this proposed boundary as October 24, 1977 at the Chatsworth Elementary School auditorium, Chatsworth, New Jersey, beginning at 7:00 P.M.

Interested persons may present statements at the hearing. Purpose of the hearing will be to provide public comment on the proposed boundary.

Interested persons may present statements or arguments in writing relevant to the proposed Pinelands Area boundary on or before November 4, 1977, to:

Craig W. Yates, Chairman  
Governor's Pinelands Review Committee  
329 West State Street  
Post Office Box 2768  
Trenton, New Jersey 08625

The Pinelands Review Committee shall thereafter recommend to the Governor for his approval their determination of that boundary.

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Emergency Revisions Concerning Sea Clam Harvest Area Openings

On September 1, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:2-63 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to the rule concerning sea clam harvest area openings.

Full text of the adopted revisions follows:

The opening of certain ocean waters described in the emergency rule sea clam harvest opening, Docket No. DEP 043-77-07, adopted August 5, 1977, (See: 9 N.J.R. 418(e)) which was to be limited to the time from August 8 to August 31, 1977, is hereby extended until further notice, in recognition of the fact that the discharge from the Ocean County Sewage Authority's southern regional wastewater treatment plant has not yet approached the volume which will necessitate the condemnation of the area in question for the harvest of shellfish, to permit the harvest of as many clams as possible, subject to all other provisions of the rule for the preservation of the sea clam resource as adopted December 27, 1976 and amended May 20, 1977.

An order adopting these revisions was filed and became effective on September 2, 1977, as R.1977 d.337 (Exempt, Emergency Rule). Take notice that these revisions are not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Rules on Relaying of Hard Clams From the Manasquan River

On September 6, 1977, the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, with the advice of the Shellfish Control Section of the Division of Water Resources, the Bureau of Marine Law Enforcement and the Atlantic Coast Shellfisheries Council, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules, known with in the Department of Environmental Protection as Docket No. DEP 047-77-09, concerning the relaying of hard clams (*Mercenaria mercenaria*) from portions of the Manasquan River.

Full text of the adopted rule follows:

#### 7:25-9.6 Relaying of hard clams; Manasquan River

(a) The intent of these rules is to open the waters of the Manasquan River for the relay of hard clams.

(b) Any person who wishes to participate in this program must first:

1. Possess a current, valid shellfish license issued by the Division of Fish, Game and Shellfisheries (See N.J.S.A. 50:2-1 et seq.).

2. Hold a lease from the Department of Environmental Protection to a one-half acre plot in Barnegat Bay between Sloop Point and Swan Point or to a one and one-half acre relay plot in Great Bay or to a specially designated half-acre plot adjacent to the regular relay lots in Great Bay to be planted and harvested at the same time as Section "C" of the regular relay lots.

3. Such lease to plots in Barnegat Bay and to such special plots in Great Bay shall be subject to the following conditions:

i. This lease shall expire on January 31, 1978, and is not subject to renewal.

ii. This lease shall become void immediately if the lessee is subject to a suspension of his shellfish license or permit as mentioned in paragraphs 1 and 4 of this subsection.

iii. The fee for this lease, to be paid at time of application shall be \$42.00 which shall include the survey fee.

iv. Once the corners of the plots have been located by the division, the lessee shall be solely responsible for marking his lot in such a manner as to make his grounds readily identifiable.

v. Each lessee may hold only one lease to the above mentioned one-half acre plots.

4. Obtain from the Division of Water Resources a special relay permit to relay hard clams for this program which the participant must have in his possession at all times while he is working in the program.

5. Applicants for the lease and special relay permit must appear in person at the Leeds Point Office of the division to receive the lease and permit, between 9:00 A.M. and 4:00 P.M. on September 8 and 9.

(c) Hard clams taken from the special condemned areas will be bagged and placed by the participant upon the truck to be furnished by the clambers for transportation to the leased plots. No clams taken from the con-

demned harvest areas shall be transported to the leased plots by any other means.

(d) The harvested clams will be moved from the truck to the leased plots in boats furnished by the participants under the supervision of the Marine Police.

(e) Hard clams relayed in this manner to the leased plots will remain upon said leased plots until approval for harvest has been granted by the Department.

(f) Only the lessee shall remove the clams from the leased plots except that an alternate may harvest if he possesses the lessee's dated letter of permission to work and the lessee's permit from the Division of Water Resources.

(g) The condemned areas designated daily by the station commander of the Point Pleasant Marine Police Station will be open to the participants in this program for the harvest of hard clams from sunrise until 1:00 P.M., Monday through Friday, September 12 through September 23, 1977.

(h) Any participant violating these regulations or the terms of the special relay permit issued by the Division of Water Resources may be subject to prosecution under the provisions of N.J.S.A. 24:14-3, taking shellfish from condemned areas in violation of permit, and may incur the penalty prescribed by the first paragraph of N.J.S.A. 24:14-9. Conviction will result in the participant's removal from this special relay program.

An order adopting these rules was filed and became effective on September 6, 1977, as R.1977 d.338 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

##### Amendment to Game Code

On September 13, 1977, Harry McGarrigel, chairman of the New Jersey Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to the 1977-78 Game Code concerning the limiting use of shotgun shells containing lead pellets, substantially as proposed in the Notice published August 4, 1977, at 9 N.J.R. 360(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Take notice that, this amendment is considered to be a temporary rule, not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

An order adopting this amendment was filed on September 21, 1977, as R.1977 d.355 to become effective on October 3, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### Adopt Rules on Award of Grants for Planning, Design and Construction Of Wastewater Treatment Facilities

On September 21, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of P.L. 1976, c. 92 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the award of grants for the planning, design and construction of wastewater treatment facilities, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 262(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such rules will be cited as N.J.A.C. 7:22-1.1 et seq. and are known within the Department of Environmental Protection as Docket No. DEP 025-77-05.

An order adopting these rules was filed and became effective on September 21, 1977, as R.1977 d.356.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment Concerning Loperamide As a Controlled Dangerous Substance

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-10.1(a)5. by adding Loperamide to Schedule IV of the Controlled Dangerous Substances list.

Full text of the proposed amendment follows:

8:65-10.1(a)5. Note 1.

The Commissioner of Health raises no objection to the placing of Loperamide in Schedule V of the Federal Controlled Substance Act of 1970. Said order was published in the Federal Register, Volume 42, No. 96 dated May 18, 1977.

Now, therefore, the Commissioner of Health orders that Loperamide be placed in Schedule V and be made subject to the provisions of N.J.S.A. 24:21 et seq.

Said order to be effective June 17, 1977, the date of the order as published in the Federal Register.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 27, 1977, to:

Donald J. Foley, Chief  
Drugs, Devices and Cosmetics  
State Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

# HEALTH

## THE COMMISSIONER

### Proposed Amendment Concerning Thiophene Analog of Phencyclidine As a Controlled Dangerous Substance

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend N.J.A.C. 8:65-10.1(a)1. by adding the thioprene analog of phencyclidine, CDS 7470, to Schedule I of the Controlled Dangerous Substance list.

Full text of the proposed amendment follows:

8:65-10.1(a)1. Note 5. The Commissioner of Health raises no objection to the placing of Thiophene Analog of Phencyclidine in Schedule I of the Federal Controlled Substances Act of 1970. Said order was published in the Federal Register, Volume 40, No. 131 dated July 8, 1975.

Now, therefore, the Commissioner of Health orders that Thiophene Analog of Phencyclidine, CDS 7470, also some trade or other names:

1—[1-(2-thienyl) cyclohexyl] piperidine;

2—Thienyl Analog of Phencyclidine

TPCP be placed in Schedule I, Section F, Hallucinogenics, and be made subject to the provisions of N.J.S.A. 24:21 et seq.

Said order to be effective 30 days from July 8, 1975, the date of the order as published in the Federal Register.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Donald J. Foley, Chief  
Drugs, Devices and Cosmetics  
State Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

# HEALTH

## PUBLIC HEALTH COUNCIL

### Proposed Rules on Smoking In Certain Public Places

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to adopt new rules regulating smoking in certain public places.

Full text of the proposed rules follows:

## CHAPTER 15. SMOKING IN CERTAIN PUBLIC PLACES

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 8:15-1.1 Smoking prohibited in specified areas

It shall be unlawful for any person to smoke or carry a lighted cigar, lighted cigarette, or lighted pipe (or other lighted smoking material) in any elevator, supermarket, restaurant or in any class room or lecture hall or public meeting places except in those facilities where an area or areas are designated for smoking.

#### 8:15-1.2 Designated smoking areas

(a) The owner or person in charge of any building, structure or place specified in subsections (c), (d), (e) and (f) of this Section may designate a special isolated area set apart wherein smoking is permitted unless otherwise prohibited by the fire department or by law.

(b) Signs prohibiting or permitting smoking, as the case may be, shall be posted conspicuously by the owner or person in charge of each building, structure or place specified in subsections (c), (d), (e) and (f) of this Section.

(c) In a restaurant or eating place at least 25 per cent of the total seats of the restaurant or eating place shall be designated as a nonsmoking area and shall be a special isolated area set apart from the area wherein smoking is permitted. This shall not apply to any restaurant or eating place in which social functions such as weddings, parties, testimonial dinners and similar functions are held and in which the seating arrangements are under the control of the sponsors of the function and not of the owner or person in charge of the restaurant or eating place.

(d) It shall be unlawful for any person to smoke or carry a lighted cigar, lighted cigarette or lighted pipe in any museum or library.

(e) It shall be unlawful for any person to smoke or carry a lighted cigar, lighted cigarette or lighted pipe in any theater, motion picture theater, concert hall, hospital, sanatorium, nursing home, convalescent home or home for the aged or chronically ill patients.

(f) It shall be unlawful to smoke or carry a lighted cigar, lighted cigarette or lighted pipe in any enclosed public meeting place in which persons are gathered for religious, recreational, political, educational, social or any other public purpose. This includes but shall not be limited to meetings of public bodies, clubs, organizations, and so forth to which members of the public are invited or allowed to attend.

A public hearing respecting this proposed action will be held on October 20, 1977, at 10:00 A.M. in the Veterans Room, War Memorial Building, Willow Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Jule M. Erdie  
Executive Assistant  
Office of the Commissioner  
Room 805, Health-Agriculture Building  
John Fitch Plaza  
Trenton, N.J. 08625

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

Watson E. Neiman  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Revisions Concerning Cosmetic Labels

On September 21, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 8:21-1.19 concerning cosmetic labels, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 362(a).

An order adopting these revisions was filed and became effective on September 21, 1977, as R.1977 d.357.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Revisions to Standard Hospital Accounting and Rate Evaluation System

On September 22, 1977, David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions, to be cited as N.J.A.C. 8:31-17.1 et seq., to the Standard Hospital Accounting and Rate Evaluation System, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 322(b), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these revised rules was filed and became effective on September 22, 1977, as R.1977 d.360.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Rule Concerning Reports to Relate Ancillary Service Charges with Hospital Case-Mix

On September 22, 1977, David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:31-16.17, concerning reports to relate ancillary service charges with hospital case-mix, substantially as proposed in the Notice published August 4, 1977, at 9 N.J.R. 363(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting this rule was filed and became effective on September 22, 1977, as R.1977 d.361.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Proposed Revisions to SPUR Rules

The Board of Higher Education, pursuant to authority of N.J.S.A. 18A:72B-12, proposes to revise certain rules concerning the State Program to Utilize Resources (S.P.U.R.) under the Independent Colleges and Universities Act.

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

#### 9:14-3.1 Contractual arrangements

The Board of Higher Education, under certain conditions, may contract with eligible institutions to provide educational services to New Jersey students. Contracts will [normally be for a term of five years, and will require that participating institutions achieve and/or maintain an optimum level of full-time undergraduate enrollments during the term of the contract. This program shall be known as the State Program to Utilize Resources (SPUR).] require that participating institutions increase the number of New Jersey residents accepted for enrollment to the extent feasible in light of economics, physical plant constraints, and the character or purpose of the institution as determined by its governing board, or that participating institutions maintain optimum enrollment during the term of the contract.

#### 9:14-3.2 [Conditions for entering contracts] (Reserved)

[The Board of Higher Education may enter into contract with eligible institutions only after receipt from an institution and approval by the Board of a five year enrollment projection committing the institution to achieve and/or maintain an optimum level of full-time undergraduate enrollments. The projection of enrollment will be submitted on Form 1C:SPUR 1, and will contain annual projections of New Jersey enrollments and total enrollments. This form shall be made a part of the contract.]

#### 9:14-3.3 Optimum enrollment

[(a) An eligible institution will be considered to have achieved optimum enrollment if at any time during the term of the contract its net assignable square feet of Instructional Space (NASF) per full-time student (graduate and undergraduate) is equal to or less than the following:

1. For institutions without a graduate program (less than or equal to 150 full-time students in graduate programs) 24 NASF/full-time student;
2. For institutions with a graduate program (more than 150 full-time students in graduate programs) 29 NASF/FTS;
3. For schools of engineering 62 NASF/FTS;
4. For national universities with at least four doctoral programs (Ph.D. or Ed.D.) 39 NASF/FTS.

(b) Facilities space measurements shall be taken from the 1970 Heller Inventory Report (excluding space used primarily for the preparation or training of ministers, etc. until changed by appropriate additions, alterations, and removal of buildings or usable space, which changes shall be reported to the Department by the annual HEGIS facilities report.)]

Optimum enrollment shall mean that the institution has accepted for enrollment all those New Jersey residents who have applied for admission and have met the institution's standards for acceptance.

9:14-3.4 [Alternate methods for establishing optimum enrollment] (Reserved)

[An eligible institution may request that its optimum enrollment be considered by the Board of Higher Education at a level different than that set in 9:14-3.3 in light of economics, physical plant constraints, and the character or purpose of the institution. Such a request should be accompanied by a full explanation and a complete analysis of space utilization at the institution using the Educational Facilities Information System (EFIS), a facilities inventory data processing system.]

9:14-3.5 Reporting of enrollments

Institutions shall report [their enrollments in the fall and the spring, to be averaged as per the instructions in Form 1C:SPUR 2.] the number of New Jersey residents accepted for enrollment. Institutions shall also report the actual enrollments of New Jersey and non-New Jersey residents in the fall and spring to be averaged as per the instructions in form 1C:SPUR 2.

9:14-3.8 Contract performance

[An institution whose enrollment of full-time undergraduate students at any time falls below (a) its optimum enrollment or (b) its projected contractual enrollment (whichever is lower) will have its contract reviewed by the Board of Higher Education. If the figure falls 15% below the contracted figures or if the effective cost of education to a significant proportion of New Jersey students has not been lowered relative to the academic year prior to the signing of the contracts (adjusted for inflation), the contract will terminate. The Board may, at its option, choose to renegotiate such a contract.] Any institution which does not perform according to the terms and conditions of this Act, regulations promulgated by the Board of Higher Education pursuant to this Act, or any contract entered into under this Act may be required by the Board of Higher Education to refund all or a portion of the monies paid to it under the contract and/or may be declared ineligible for continued participation under this section of the Act for a specified period of time.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Eric M. Perkins  
Special Assistant to the Chancellor  
Department of Higher Education  
225 West State Street  
P.O. Box 1293  
Trenton, N.J. 08625

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

T. Edward Hollander  
Chancellor of Higher Education  
Secretary, Board of Higher Education

(a)

## HIGHER EDUCATION

### ASSISTANCE AUTHORITY

#### Emergency Revisions Governing Guaranteed Student Loan Program, Direct Public Loan Program And Graduate Insured Loan Program

On September 16, 1977, William C. Nester, Director of

the Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J. S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to portions of the rules governing the guaranteed student loan program, direct public loan program and graduate insured loan program.

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

9:9-1.1 Definitions

"Eligible lender" means any financial or credit institution (including an insurance company) which is subject to examination and supervision of the Department of Banking or the Department of [and] Insurance of this State or by any agency of the United States, any Federal credit union or national bank organized under the Acts of the Congress of the United States and doing business in this State or any Federal savings and loan association having its principal office in New Jersey [.] , or an eligible educational institution located in New Jersey and having its principal office in New Jersey, and approved as a lender by the Authority.

9:9-1.2 (a) An applicant for a student loan must meet the following requirements:

1. Be either a resident of New Jersey for at least six months prior to filing an application and be enrolled or accepted for enrollment at an eligible school or be a non-resident of New Jersey in attendance or enrolled at an eligible school located within New Jersey;

[2. Be enrolled or accepted for enrollment at an eligible school;]

Editor's Note: Current paragraphs 3. through 6. in this subsection will now be cited as paragraphs 2. through 5.

9:9-1.3(b) The maximum amount a graduate student may borrow for one academic year shall not exceed \$5,000[.] , unless the student is enrolled full time in an eligible school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry or public health located in the United States and Puerto Rico in which case the maximum per academic year shall not exceed \$10,000. Pharmacy students attending an eligible school who have satisfactorily completed three years of training may borrow up to \$7,500 per academic year.

9:9-4.2(a)2. Enrolled or accepted for enrollment [as at least a half-time student in a post-secondary educational institution qualified to participate in the guaranteed student loan program] as a full-time student in an educational institution designated by the Authority;

3. First-time applicant must exhaust the possibility of using [commercial] eligible lenders first by providing documented evidence of loan denial by three eligible lending institutions;

4. Applicant who has previously borrower under the guaranteed student loan program must provide documented evidence that previous lender, and two other eligible lenders, will not grant an additional loan;

9:9-4.3 Loan amount

(a) Students unable to obtain the amount of loan needed to defray educational costs may apply for the difference between the amount granted by [a commercial] an eligible lender and [the current maximums permitted] \$6,500 per academic year.

(b) The entire loan amount, [not to exceed current maximums] not to exceed \$6,500, may be obtained from NJHEAA or its agent when circumstances warrant.

9:9-5.1 Objectives

(a) The objectives are:

1. To assist eligible students to obtain a loan in excess of the Federally insured maximum (currently [\$2,500] \$10,000 per year or [\$10,000] \$15,000 cumulative).

9:9-5.3 Loan amount

(a) The maximum loan amount shall not exceed [\$3,750] \$5,000 annually [from both sources (guaranteed student loan and graduate insured loan) for full-time students].

(b) The total cumulative amount of loans for undergraduate, graduate or professional work shall not exceed [\$15,000] \$20,000.

An order adopting these revisions was filed and became effective on September 20, 1977, as R.1977 d.353 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HIGHER EDUCATION

### ASSISTANCE AUTHORITY

#### Rules on Policy Governing Educational Institutions

On September 14, 1977, William C. Nester, Director of the Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10(2) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 9:9-7.1 et seq., concerning the policy governing educational institutions, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 323(a).

An order adopting these rules was filed and became effective on September 20, 1977, as R.1977 d.354.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### THE COMMISSIONER

#### Proposed Rules on Debarment, Suspension And Disqualification of Contracting Person(s)

Ann Klein, Commissioner of Human Services, pursuant to authority of Executive Order No. 34, proposes to adopt new rules concerning the debarment, suspension and disqualification of a person(s) contracting with the Department of Human Services or Divisions within the Department or its Divisions to refrain from contracting within the discretion allowed by law.

Full text of the proposed rules follows:

#### CHAPTER 3. ADMINISTRATIVE RULES

##### SUBCHAPTER 1. DEBARMENT, SUSPENSION AND DISQUALIFICATION OF PERSON(S)

###### 10:3-1.1 Definitions

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

"Debarment" means an exclusion from Department of Human Services (DHS) contracting on the basis of a lack of responsibility evidenced by an offense, failure, or inadequacy of performance for a reasonable period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

"Suspension" means an exclusion from DHS contracting for a temporary period of time pending the completion of an investigation or legal proceedings.

"Disqualification" means a debarment or suspension which denies or revokes a qualification to bid or otherwise engage in DHS contracting which has been granted or applied for pursuant to statute or rules and regulations.

"Commissioner" means the Commissioner of the Department of Human Services or his designated representative.

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

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

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

###### 10:3-1.2 Causes for debarment of a person

(a) Subject to the conditions hereinafter described; the Commissioner may debar a person for any of the following causes:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.

3. Violation of the Federal or State Antitrust Statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276 b, c).

4. Violations of any of the laws governing the conduct of elections of the Federal government, State of New Jersey or of its political subdivisions.

5. Violation of the "Law Against Discrimination" (P.L. 1945, c. 169, N.J.S.A. 10:5-1 et seq, as supplemented by P.L. 1975, c. 127), or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.), or of the Act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (N.J.S.A. 114, L.1942, N.J.S.A. 10:1-10 et seq.).

6. Violations of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages or child labor.

7. Violations of any laws governing the conduct of occupations or professions or regulated industries.

8. Willful failure to perform in accordance with contract specifications or within contractual time limits.

9. A record of failure to perform or of unsatisfactory performance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred.

10. Violation of contractual or statutory provisions regulating contingent fees.

11. Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be determined by the DHS or the divisions within DHS to warrant debarment, including such conduct as may be prohibited by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts. Divisions within the DHS may promulgate rules and regulations specifically setting forth other causes of such serious and compelling nature as to warrant debarment.

12. Debarment by another department or agency in the executive branch.

#### 10:3-1.3 Conditions affecting debarment of a person(s)

(a) Debarment shall be made only upon approval of the Commissioner except as otherwise provided by law.

(b) The existence of any of the causes set forth in N.J.A.C. 10:3-1.2 shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Commissioner unless otherwise required by law, and shall be rendered in the best interests of the State.

(c) All mitigating factors shall be considered in determining the seriousness of the offense, failure or inadequacy of performance and in deciding whether debarment is warranted.

(d) The rendering of a final judgment or conviction based upon any of the grounds set forth in N.J.A.C. 10:3-1.2(a)1. through 7. by either a court of competent jurisdiction or by an administrative agency empowered to render such judgment shall establish cause for debarment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.

(e) The existence of a cause set forth in N.J.A.C. 10:3-1.2(a)8. through 11. shall be established by evidence which the DHS determines to be clear and convincing in nature.

(f) Debarment for the cause set forth in N.J.A.C. 10:3-1.2(a)12. shall be proper provided that one of the causes set forth in N.J.A.C. 10:3-1.2(a)1. through 11. was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

#### 10:3-1.4 Procedures, period of debarment and scope of debarment

(a) The procedures, the period of debarment and scope of debarment are as follows:

1. The Department of Human Services in seeking to debar a person or his affiliates shall furnish such party with a written notice stating that debarment is being considered, setting forth the reasons for the proposed debarment and indicating that such party will be accorded an opportunity for a hearing if he so requests within a stated period of time. All such hearings shall be conducted in accordance with provisions of the Administrative Procedure Act. However, where one department or agency has imposed debarment upon a party, the DHS may also impose a similar debarment without according an opportunity for a hearing, provided that the DHS furnishes notice of the proposed debarment to that party and accords that party an opportunity to present information in his behalf to explain why the proposed debarment should not be imposed in whole or in part.

2. Debarment shall be for a reasonable and definite period of time which as a general rule shall not exceed five years. Debarment for an additional period shall

be permitted provided that notice thereof is furnished and the party is accorded an opportunity to present information in his behalf to explain why the additional period of debarment should not be imposed.

3. Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the DHS upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control or the elimination of the causes for which the debarment was imposed.

4. A debarment may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated where such conduct was accomplished within the course of his official duty or was effected by him with the knowledge or approval of such person.

#### 10:3-1.5 Causes for suspension of a person(s)

The Commissioner may suspend a person for any cause specified in this Subchapter or upon adequate evidence that such cause exists.

#### 10:3-1.6 Conditions for suspension of a person(s)

(a) Suspension shall be imposed only upon approval of the Commissioner and upon approval of the Attorney General except as otherwise provided by law.

(b) The existence of any cause for suspension shall not require that a suspension be imposed, and a decision to suspend shall be made at the discretion of the Commissioner and of the Attorney General, and shall be rendered in the best interests of the State.

(c) Suspension shall not be based upon unsupported accusation but upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists.

(d) In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts.

(e) Reasonable suspicion of the existence of a cause described in N.J.A.C. 10:3-1.2(a)1. through 7. may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur.

(f) A suspension invoked by another agency for any of the causes described in this Subchapter may be the basis for the imposition of a concurrent suspension by DHS which may impose such suspension without the approval of the Attorney General or his designee.

#### 10:3-1.7 Procedures, period of suspension and scope of suspension

(a) The procedures, period of suspension and scope of suspension are as follows:

1. The DHS may suspend a person or his affiliates, provided that within ten days after the effective date of the suspension, the agency provides such party with a written notice stating that a suspension has been imposed and its effective date, setting forth the reasons for the suspension

to the extent that the Attorney General determines that such reasons may be properly disclosed, stating that the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue, and indicating that, if such legal proceedings are not commenced or the suspension removed within 60 days of the date of such notice, the party will be given either a statement of the reasons for the suspension and an opportunity for a hearing if he so requests, or a statement declining to give such reasons and setting forth the agency's position regarding the continuation of the suspension. Where a suspension by one agency has been the basis for suspension by the DHS, the DHS shall note that fact as a reason for its suspension.

2. A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such person.

10:3-1.8 Extent of debarment, suspension or disqualification

The exclusion from DHS contracting by virtue of debarment, suspension or disqualification shall extend to all State contracting and subcontracting within the control or jurisdiction of the DHS. However, when it is determined essential to the public interest by the Commissioner, and upon filing of a finding thereof with the Attorney General, an exception from total exclusion may be made with respect to a particular State contract.

10:3-1.9 Prior notice

Insofar as practicable, prior notice of any proposed debarment or suspension shall be given to the Attorney General, or his designee, and to the Treasurer.

10:3-1.10 List of debarred, suspended or disqualified person(s)

The DHS shall supply to the State Treasurer a monthly list of all persons having been debarred, suspended, or disqualified in accordance with the procedures prescribed herein. Such lists shall at all times be available for public inspection.

10:3-1.11 Authority to contract

Nothing required by this order shall be construed to limit the authority of the DHS or its divisions to refrain from contracting within the discretion allowed by law.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Ann Klein  
Commissioner  
Department of Human Services  
135 West Hanover St.  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Food Stamp Manual On Claim Determinations, Fraud, Restoration Of Lost Benefits and Cash Refunds

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to adopt revisions to the food stamp manual concerning claim determinations, defining fraud, restoration of lost benefits and cash refunds.

The Sections affected by these proposed revisions include N.J.A.C. 10:87-6.14(a)4., 10:87-6.41, 10:87-6.42 and new Sections of 10:87-6.44 (Overpayment of purchase requirement and underissuance of coupons) and 10:87-6.45 (Unpaid fraud or nonfraud claims) as well as a sample demand letter and a recoupment schedule form.

Copies of the 15 pages of full text of the proposed revisions may be obtained from or made available for review by contacting:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to: the Division of Public Welfare at the above address.

The Department of Human Services, 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 Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendment Concerning HUD Vendor Payments as an Income Exclusion

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend the General Assistance Manual concerning HUD vendor payments as a disregard in determining income eligibility.

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

10:85-3.3(e)5.vi HUD payments: Any HUD (Housing and Urban Development) vendor payments made on behalf of recipients.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

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

(Continued on Page 30)

# 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 Sept. 21. It is adjusted in the month following a mailing of update pages.

An update mailing last month affects the contents of the index below (see story on back page).

Since these most recent updates, the various State Departments have adopted the following rules—which have been printed in the Register but are not yet included in 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>AGRICULTURE — TITLE 2</b>			
2:2-9.2	Bovine leukemia glycoprotein immunodiffusion test (BL-G1D); fee	R.1977 d.109	9 N.J.R. 206(b)
2:3-2.12	Imported breeding swine; not infected with pseudorabies	R.1977 d.108	9 N.J.R. 206(a)
2:17-6.1(d)5.	Revisions on tomato transplants	R.1977 d.87	9 N.J.R. 158(a)
2:17-7.1	Pepper transplants	R.1977 d.88	9 N.J.R. 158(b)
2:48 through 2:53	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.31	9 N.J.R. 110(b)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.161	9 N.J.R. 251(a)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.123	9 N.J.R. 206(c)
2:52-1.6(a)	Revisions on required reports	R.1977 d.310	9 N.J.R. 404(a)
2:52-7.1 et seq.	Rules on application of minimum price regulations in sale of milk	R.1977 d.303	9 N.J.R. 403(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.204	9 N.J.R. 302(b)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.242	9 N.J.R. 354(a)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.294	9 N.J.R. 403(b)
2:54-3.7	Revisions on milk handling in various marketing areas	R.1977 d.209	9 N.J.R. 302(c)
2:71-1.30	Revisions on certificates on grade for eggs	R.1977 d.339	9 N.J.R. 451(b)
2:54-3.9	Rule on handling of milk in N.Y.-N.J. marketing area	R.1977 d.97	9 N.J.R. 159(a)
2:69-1.11	Revisions on commercial values	R.1977 d.266	9 N.J.R. 403(a)
2:85-1.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
2:85-1.1 et seq.	Ratify prior adoption of rules on farmland preservation	R.1977 d.33	9 N.J.R. 110(c)
2:85-1.5	Amendment (jointly) on farm land preservation demonstration	R.1977 d.218	9 N.J.R. 302(a)
(Rules in the Administrative Code for Title 2 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 10.)			
<b>BANKING — TITLE 3</b>			
3:1-9.1 et seq.	Rules on home mortgage disclosures	R.1977 d.308	9 N.J.R. 405(c)
3:8-3.1(c)1.	Revisions on required reserves	R.1977 d.111	9 N.J.R. 207(b)
3:8-5.1	Revisions on required reserves	R.1977 d.111	9 N.J.R. 207(b)
3:10-2.2	Delete rule on savings bank authorization and mark Reserved	R.1977 d.157	9 N.J.R. 252(c)
3:10-4.3	Delete rule on appraisal ratio for savings banks and mark Section Reserved	R.1977 d.156	9 N.J.R. 252(b)
3:10-7.1 et seq.	Rules on secondary mortgage loans	R.1977 d.232	9 N.J.R. 355(a)
3:11-3.1 et seq.	Revisions on small business investment companies	R.1977 d.23	9 N.J.R. 112(c)
3:11-8.2	Approved foreign obligations	R.1977 d.238	9 N.J.R. 355(b)
3:17-6.4	Repeal rule on husband and wife as one borrower	R.1977 d.330	9 N.J.R. 452(c)
3:18-6.1 through 3:18-6.3	Repeal rules on solicitation of business	R.1977 d.221	9 N.J.R. 304(b)
3:19-1.2(b)	Amendments on licensing of home repair salesmen	R.1977 d.174	9 N.J.R. 253(a)
3:19-1.6	Amendments on license numbers	R.1977 d.175	9 N.J.R. 253(b)
3:27-2.7(a)	Revisions on filed statements	R.1977 d.248	9 N.J.R. 355(c)
3:27-5.1, 5.3	Revisions on limitations and excludable loans	R.1977 d.220	9 N.J.R. 304(a)
3:28-1.7	Revisions on specific reserve	R.1977 d.248	9 N.J.R. 355(c)
(Rules in the Administrative Code for Title 3 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)			
<b>CIVIL SERVICE — TITLE 4</b>			
4:1-1.6	Amendments on application of rules	R.1977 d.314	9 N.J.R. 452(d)
4:1-2.1	Revised definitions of demotion	R.1977 d.317	9 N.J.R. 453(c)
4:1-5.16	Awarding counsel fees	R.1977 d.315	9 N.J.R. 453(a)
4:1-9.10	Revisions on correction of errors	R.1977-d.316	9 N.J.R. 453(b)
4:1-12.2	Amendment on certification from eligible lists	R.1977 d.322	9 N.J.R. 455(b)
4:1-12.15	Amendment on appointment of eligible certified	R.1977 d.323	9 N.J.R. 455(c)

4:1-16.3	Revisions on order of layoff or demotion	R.1977 d.344	9 N.J.R. 456(b)
4:1-16.7(a)1.	Amendments on suspensions, fines and demotions	R.1977 d.321	9 N.J.R. 455(a)
4:1-16.13(d)	Amendment on requests for reemployment	R.1977 d.324	9 N.J.R. 455(d)
4:1-17.18	Revisions on verification of sick leave	R.1977 d.343	9 N.J.R. 456(a)
(Rules in the Administrative Code for Title 4 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 10.)			

### COMMUNITY AFFAIRS — TITLE 5

5:10-2.1 et seq.	Revisions on construction and maintenance of hotels and multiple dwellings	R.1977 d.305	9 N.J.R. 414(a)
5:23-1.1 et seq.	Revisions to Uniform Construction Code	R.1977 d.256	9 N.J.R. 358(a)
5:23-4-9(a)	Amendments on plan reviews	R.1977 d.306	9 N.J.R. 414(b)
5:23-5.1 et seq.	Licensing of code enforcement officials	R.1977 d.304	9 N.J.R. 413(b)
5:30-1.12	Detail in support of current budget appropriation	R.1977 d.346	9 N.J.R. 456(d)
5:30-1.13	Federal antirecession fiscal assistance program	R.1977 d.347	9 N.J.R. 457(a)
5:30-14.1 to 14.3	Rules on local public contracts	R.1977 d.128	9 N.J.R. 212(a)
5:30-14.5	Certification of funds and accounting for contracts	R.1977 d.127	9 N.J.R. 211(a)
5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	9 N.J.R. 10(a)
5:30-16.1 et seq.	Tenants' property tax rebate program	R.1977 d.241	9 N.J.R. 357(b)
5:90-1.1 et seq.	Urban Loan Authority's procedure manual	R.1977 d.244	9 N.J.R. 357(c)
(Rules in the Administrative Code for Title 5 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 8.)			

### EDUCATION — TITLE 6

6:4-1.5	Revisions on school and classroom practices	R.1977 d.274	9 N.J.R. 416(a)
6:8-1.1, 3.4, 3.8	Revisions on thorough and efficient system of public schools	R.1977 d.199	9 N.J.R. 310(a)
6:11-10.11	Revisions on assistant superintendent for business	R.1977 d.341	9 N.J.R. 459(b)
6:21-7.1	Revisions on limit of apportionment of State aid	R.1977 d.277	9 N.J.R. 416(d)
6:22-2.5(e), 7.6 3.27, 3.28	Revisions on final plans approvals	R.1977 d.275	9 N.J.R. 416(b)
6:22-2.9	Revisions on master plans	R.1977 d.236	9 N.J.R. 359(b)
6:29-4.2	Revisions on testing for tuberculosis	R.1977 d.276	9 N.J.R. 416(c)
6:39-1.4	Minimum levels of pupil proficiency	R.1977 d.198	9 N.J.R. 309(a)
6:43-1.2(e)	Revisions on program requirements	R.1977 d.278	9 N.J.R. 417(a)
6:53-1.1 et seq.	Vocational education safety standards	R.1977 d.279	9 N.J.R. 417(b)
6:66-1.12, 1.19	Revisions on archives and history and records management	R.1977 d.340	9 N.J.R. 459(a)
(Rules in the Administrative Code for Title 6 include all adoptions prior to May 25, 1977—Transmittal Sheet No. 10.)			

### ENVIRONMENTAL PROTECTION — TITLE 7

7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	R.1977 d.20	9 N.J.R. 62(b)
7:1C-1.2	Note: Amend definition of construction permit; 90- day construction permit rules	R.1977 d.200	9 N.J.R. 321(a)
7:1D-1.5	Amendment (jointly) on farmland preservation demonstration project	R.1977 d.218	9 N.J.R. 302(a)
7:1E-1.1 et seq.	Discharge of petroleum and other hazardous substances	R.1977 d.115	9 N.J.R. 217(c)
7:2-7.5 et seq.	Revisions on lands, waters and facilities under jurisdiction of Bureau of Parks	R.1977 d.145	9 N.J.R. 218(e)
7:2-16.2(e) et seq.	Revisions on special permits at Island Beach State Park	R.1977 d.146	9 N.J.R. 219(a)
7:7A-1.13(a)	Extend Wetlands Order for parts of Salem, Cape May and Ocean Counties	R.1977 d.267	9 N.J.R. 418(b)
7:7D-2.1 et seq.	CAFRA rules	R.1977 d.121	9 N.J.R. 218(a)
7:12-1.1 et seq.	Revisions on condemnation of certain shellfish beds	R.1977 d.74	9 N.J.R. 169(b)
7:12-1.3(a) 14.	Revisions on condemnation of certain shellfish beds	R.1977 d.300	9 N.J.R. 420(b)
7:12-1.3(a)39.	Revisions on condemnation of certain shellfish beds	R.1977 d.73	9 N.J.R. 169(a)
7:12-1.3(a)39.i.	Revisions on condemnation of certain shellfish beds	R.1977 d.301	9 N.J.R. 420(c)
7:12-1.3(a)39i.(1)	Amendments on condemnation of certain shellfish harvesting waters	R.1977 d.283	9 N.J.R. 419(a)
7:13-1.11	Amendment; delineated floodways in the Rahway River	R.1977 d.144	9 N.J.R. 218(d)
7:13-2.1	Determining stream encroachment lines	R.1977 d.142	9 N.J.R. 218(b)
7:14-1.1 et seq.	Rules on the Water Pollution Control Act	R.1977 d.268	9 N.J.R. 418(c)
7:21-7.1 et seq.	Stream encroachment applications in the Central Passaic Basin	R.1977 d.107	9 N.J.R. 217(b)
7:22-1.1 et seq.	Award of grants for the planning, design and construction of wastewater treatment facilities	R.1977 d.356	9 N.J.R. 465(b)
7:25-1.6	Shellfish license revocation schedule	R.1977 d.147	9 N.J.R. 219(b)
7:25-7.9	Revised rule continuing closure of certain sea clam beds	R.1977 d.197	9 N.J.R. 320(a)
7:25-7.10	Oyster seed beds; 1977 season	R.1977 d.166	9 N.J.R. 264(a)
7:25-9.5	Rules on crab dredging	R.1977 d.269	9 N.J.R. 418(d)
7:25-9.6	Relaying hard clams; Manasquan River	R.1977 d.338	9 N.J.R. 464(b)
7:25-11.2 through 7:25-11.4	Criteria for possession of endangered wildlife	R.1977 d.39	9 N.J.R. 118(c)

7:25-12 1(k)	Revisions on preservation of sea clam resources	R.1977 d.176	9 N.J.R. 265(a)
7:25-13.1	Marking of leased tidal grounds in the Delaware River and Bay	R.1977 d.16	9 N.J.R. 78(a)
7:25-14.1 et seq.	Crab pots in Delaware Bay waters	R.1977 d.196	9 N.J.R. 319(b)
7:25-15.1	Relay of hard clams	R.1977 d.167	9 N.J.R. 264(b)
7:26-1.10	Planning designation of solid waste districts	R.1977 d.257	9 N.J.R. 361(b)
7:26-1.10(c)	Revisions to effective dates of categories of solid waste districts	R.1977 d.311	9 N.J.R. 421(a)
7:27-3.1 et seq.	Revisions on control and prohibition of smoke from combustion of fuel	R.1977 d.284	9 N.J.R. 420(a)
7:27-4.1 et seq.	Revisions on control and prohibition of particles from combustion	R.1977 d.284	9 N.J.R. 420(a)
7:27-5.1 et seq.	Revisions on prohibition of air pollution	R.1977 d.284	9 N.J.R. 420(a)
7:27-6.1 et seq.	Revisions on air pollution control	R.1977 d.95	9 N.J.R. 170(c)
7:27-17.1 et seq.	Control and prohibition of spray on asbestos surface coatings	R.1977 d.207	9 N.J.R. 321(b)
7:29-2.1 et seq.	Rules on noise control of vessels and watercraft	R.1977 d.177	9 N.J.R. 266(a)
Temporary	Amend 1976-1977 Game Code concerning muskrat trapping	R.1977 d.85	9 N.J.R. 170(a)
Temporary	Extension of commercial shooting preserve season	R.1977 d.86	9 N.J.R. 170(b)
Temporary rule	1977-78 Game Code	R.1977 d.219	9 N.J.R. 322(a)
Temporary rule	Revisions on sea clam harvest area openings	R.1977 d.337	9 N.J.R. 464(a)
Temporary rule	Special rule on limiting use of shotgun shells	R.1977 d.355	9 N.J.R. 465(a)

(Rules in the Administrative Code for Title 7 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

### HEALTH — TITLE 8

8:21-1.19	Revisions on cosmetic labels	R.1977 d.357	9 N.J.R. 467(a)
8:21-1.27	Cosmetic package principal display panel	R.1977 d.192	9 N.J.R. 269(b)
8:21-1.28	Cosmetic product identity labeling	R.1977 d.193	9 N.J.R. 269(c)
8:31-8.1 et seq.	Standards for planning and certification of perinatal services	R.1977 d.182	9 N.J.R. 269(a)
8:31-13.1 et seq.	Revisions on standard hospital accounting and rate evaluation system	R.1977 d.360	9 N.J.R. 467(b)
8:31-16.17	Rule on reports to relate ancillary services with hospital case-mix	R.1977 d.361	9 N.J.R. 467(c)
8:31-26.1	Amendment on licensure standards for health care facilities	R.1977 d.181	9 N.J.R. 268(e)
8:31A-10.6	Time-phased plan	R.1977 d.312	9 N.J.R. 429(a)
8:33-1.5, 2.5	Revised guidelines and criteria for submissions of applications for certificates of need	R.1977 d.223	9 N.J.R. 322(d)
8:33-4.1	Standards and criteria; regional hemophilia care centers	R.1977 d.139	9 N.J.R. 221(c)
8:34-1.1 et seq.	Revisions on licensing of nursing home administrators	R.1977 d.172	9 N.J.R. 268(b)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	9 N.J.R. 18(a)
8:39-1.1 et seq.	Manual of standards for licensure of nursing homes	R.1977 d.222	9 N.J.R. 322(c)
8:41-1.1 et seq.	Rules on planning and application for designation of cardiac diagnostic facilities	R.1977 d.179	9 N.J.R. 268(c)
8:41-2.1 et seq.	Rules on planning and certification of need of regional cardiac centers	R.1977 d.180	9 N.J.R. 268(d)
8:43A-1.15, 1.35, 1.43	Revisions for licensure of ambulatory care facilities	R.1977 d.253	9 N.J.R. 366(c)
8:43A-1.66(g)	Revisions concerning ambulatory care facilities	R.1976 d.357	8 N.J.R. 551(a)
8:43A-1.68	Standards for licensure of ambulatory care facilities and health maintenance organizations	R.1977 d.140	9 N.J.R. 222(a)
8:43B-3.2(i)	Rules on emergency and disaster procedures	R.1976 d.357	8 N.J.R. 551(a)
8:43B-3.2(i)	Amendments on fire detection system in hospitals	R.1976 d.419	9 N.J.R. 18(c)
8:43E-1.1 et seq.	Policy manual for planning and certificate of need reviews of health care facilities	R.1977 d.138	9 N.J.R. 221(b)
8:53-1.1	Revisions in implementation of Local Health Services Act	R.1977 d.141	9 N.J.R. 222(b)
8:53-1.3(b)	Revisions on implementing local Health Services Act	R.1977 d.239	9 N.J.R. 366(b)
8:65-9.1 et seq.	Delete and mark subchapter Reserved	R.1976 d.376	9 N.J.R. 17(b)
8:65-10.1(a)4	Control of dextropropoxyphene	R.1977 d.151	9 N.J.R. 268(a)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.418	9 N.J.R. 18(b)

(Rules in the Administrative Code for Title 8 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 7.)

### HIGHER EDUCATION — TITLE 9

9:1-1.18(c)	Standards for courses offered in secondary schools	R.1976 d.389	9 N.J.R. 19(a)
9:9-1.1, 1.2, 1.3, 4.2, 4.3, 5.1, 5.3	Revisions on guaranteed student loan program	R.1977 d.353	9 N.J.R. 468(a)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	9 N.J.R. 18(e)
9:9-1.3(b)	Revisions on loan amounts	R.1977 d.249	9 N.J.R. 366(d)
9:9-1.10	Amendments on change of lenders	R.1977 d.216	9 N.J.R. 331(a)
9:9-1.21 et seq.	Revisions to policies and procedures concerning student loans	R.1977 d.104	9 N.J.R. 173(c)
9:9-7.1 et seq.	Policy governing educational institutions	R.1977 d.354	9 N.J.R. 469(a)
9:9-8.1 et seq.	Policy governing institution of higher education loan act	R.1977 d.217	9 N.J.R. 331(b)
9:14-1.3	Revised definition of institution or eligible institution	R.1977 d.255	9 N.J.R. 367(a)

(Rules in the Administrative Code for Title 9 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 8.)

**HUMAN SERVICES — TITLE 10  
CORRECTIONS**

10:49-1.1 through 10:49-6.1 et seq.	Revisions on administration and general information; Health Services Program	R.1977 d.213	9 N.J.R. 342(c)
10:49-1.25	Medicaid reimbursement for abortions	R.1977 d.243	9 N.J.R. 370(e)
10:51-1.1 et seq.	Revisions concerning pharmaceutical services	R.1977 d.215	9 N.J.R. 343(b)
10:51-2.1 et seq.	Revised pharmacy billing procedures	R.1977 d.313	9 N.J.R. 435(c)
10:51-4.1 et seq.	Consultant pharmacist services	R.1977 d.214	9 N.J.R. 343(a)
10:56-1.48, 10:57-1.4, 1.22	Revisions on injectables policy for podiatrists and dentists	R.1977 d.302	9 N.J.R. 435(a)
10:81-2.8, 3.18, 5.9	Revisions on WIN registration program	R.1977 d.226	9 N.J.R. 370(a)
10:81-3.12, 7.46	Revisions on suspected child abuse or neglect	R.1977 d.332	9 N.J.R. 479(a)
10:81-3.15	Delete rule on noncontributing person(s) in household	R.1977 d.212	9 N.J.R. 342(b)
10:81-4.14	Revisions on recipient's right to a fair hearing	R.1977 d.290	9 N.J.R. 434(b)
10:81-6.5	Revisions on clients' right during pendency of fair hearing	R.1977 d.289	9 N.J.R. 434(a)
10:81-6.13(d)	Revisions on fair hearing decisions	R.1977 d.227	9 N.J.R. 370(b)
10:81-7.44	Revisions on cases involving fraudulent receipt of assistance	R.1977 d.230	9 N.J.R. 370(d)
10:81 Appendix D	Revisions on child support and paternity program	R.1977 d.307	9 N.J.R. 435(b)
10:82-1.1 et seq.	Revised Assistance Standards Handbook	R.1977 d.211	9 N.J.R. 342(a)
10:82-3.2(b) 10.	Revisions on personal loan exemptions	R.1977 d.229	9 N.J.R. 370(c)
10:82-5.12(a)	Amendments on emergency assistance	R.1977 d.299	9 N.J.R. 434(e)
10:85-3.1(a), 10:85-3.3(e)5.v.	Amendments on personal loans as exempt income	R.1977 d.291	9 N.J.R. 434(c)
10:87-5.8(c)	Amendments on medical expenses deductible for food stamp income purposes	R.1977 d.335	9 N.J.R. 479(d)
10:94-3.13(b)	Revisions on optometrists as qualified to examine visually impaired	R.1977 d.334	9 N.J.R. 479(c)
10:94-4.4(d)	Amendments on ownership of resources; Medicaid Only Manual	R.1977 d.336	9 N.J.R. 479(e)
10:94-4.42	Maximum resources for institutionalized individuals	R.1977 d.333	9 N.J.R. 479(b)
10:87-8.1 et seq.	Fiscal procedures in food stamp program	R.1977 d.288	9 N.J.R. 433(c)
10:109-1.1 et seq.	Revisions to Ruling 11	R.1977 d.293	9 N.J.R. 434(d)
10:122-2.4, 2.5, 2.6	Revisions on child care licensing	R.1977 d.225	9 N.J.R. 369(a)
10:128-1.1 et seq.	Manual of Standards for Group Homes	R.1977 d.287	9 N.J.R. 433(b)

(Rules in the Administrative Code for Title 10 include all adoptions prior to May 25, 1977—Transmittal Sheet No. 8.)

**INSURANCE — TITLE 11**

11:1-5.3	Withdrawal of rule on surcharge	R.1977 d.17	9 N.J.R. 93(a)
11:1-5.4	FAIR Plan surcharge	R.1977 d.231	9 N.J.R. 371(b)
11:1-7.1 et seq.	Revise rules on service and placement fees	R.1977 d.186	9 N.J.R. 279(a)
11:2-17.1	Rules requiring 30 days' notice of fire and casualty coverage cancellation	R.1977 d.185	9 N.J.R. 282(b)
11:3-1.25	Revisions on New Jersey Automobile Insurance Plan Manuals	R.1977 d.114	9 N.J.R. 239(a)
11:3-6.2(b)	Revisions on reduction of size and weight of insurance identification cards	R.1977 d.184	9 N.J.R. 282(a)
11:3-8.1(e)11.	Revision on consent to nonrenewal of private passenger auto coverage	R.1977 d.100	9 N.J.R. 178(b)
11:4-10.2	Required notice concerning expenses exhibits	R.1977 d.358	9 N.J.R. 481(b)
11:4-11.8	Revised effective date; life insurance solicitation rules	R.1977 d.187	9 N.J.R. 283(a)
11:4-12.1	Solicitation of student life insurance	R.1977 d.254	9 N.J.R. 372(a)
11:4-13.1 et seq.	Group student health insurance	R.1977 d.309	9 N.J.R. 438(d)
11:5-1.15(a)	Amendment on advertising rules	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.16(b)	Amendment on prohibited advertising practice	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.25(h)	Amendments on sales of interstate properties	R.1977 d.35	9 N.J.R. 127(b)
11:5-1.25(h)	Revisions on sale of interstate properties	R.1977 d.292	9 N.J.R. 438(c)
11:5-1.32	Revisions on rental location operations	R.1977 d.83	9 N.J.R. 177(d)
Temporary	Rule on final hospital payment rates; cost review	R.1977 d.18	9 N.J.R. 93(b)

(Rules in the Administrative Code for Title 11 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

**LABOR AND INDUSTRY — TITLE 12**

13:2-1.1 et seq.	Revised rules of Division of Alcoholic Beverage Control	R.1977 d.342	9 N.J.R. 487(b)
13:2-3.11	Atlantic City; alcoholic beverage licenses	R.1977 d.348	9 N.J.R. 487(c)
13:19-10.1 et seq.	Revisions on point system and driving during suspension	R.1977 d.352	9 N.J.R. 488(b)
12:15-1.3	Revised 1978 maximum weekly benefit rates	R.1977 d.297	9 N.J.R. 439(b)
12:15-1.4	Revised 1978 taxable wage base under unemployment compensation	R.1977 d.298	9 N.J.R. 439(c)
Temporary	Revised 1978 workers' compensation benefit rates	R.1977 d.296	9 N.J.R. 439(a)

(Rules in the Administrative Code for Title 12 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

**LAW AND PUBLIC SAFETY — TITLE 13**

13:2-1.1 et seq.	Revised rules of Division of Alcoholic Beverage Control	R.1977 d.342	9 N.J.R. 487(b)
13:2-3.11	Alcoholic Beverage Licenses in Atlantic City	R.1977 d.348	9 N.J.R. 487(c)
13:19-10.1 et seq.	Revisions on point system and driving during suspension	R.1977 d.352	9 N.J.R. 488(b)
13:27-3.13(a)	Revised fees, Board of Architects	R.1977 d.164	9 N.J.R. 290(b)
13:28-1.3 et seq.	Revisions to rules of Board of Beauty Culture	R.1977 d.34	9 N.J.R. 129(a)
13:30-8.3	Revisions on use of general anesthesia	R.1977 d.206	9 N.J.R. 346(a)
13:33-1.13(c)	Rule on candidates' review of examination	R.1977 d.99	9 N.J.R. 186(b)
13:33-1.25	Revisions on temporary addresses	R.1977 d.42	9 N.J.R. 129(b)
13:35-7.2	Termination of pregnancy	R.1977 d.351	9 N.J.R. 488(a)
13:37-6.2	Amendments on intravenous therapy	R.1977 d.66	9 N.J.R. 179(b)
13:37-3.8	Revisions on language comprehension examinations	R.1977 d.251	9 N.J.R. 373(a)
13:37-8.1 et seq.	Revisions on schools of practical nursing	R.1977 d.273	9 N.J.R. 440(b)
13:40-5.1	Preparation of land surveys	R.1977 d.160	9 N.J.R. 290(a)
13:42-1.2	Fees; Board of Psychological Examiners	R.1977 d.165	9 N.J.R. 290(c)
13:43-1.1 et seq.	Delete and reserve chapter	R.1977 d.98	9 N.J.R. 186(a)
13:43-1.1 et seq.	Revisions concerning shorthand reporters	R.1977 d.98	9 N.J.R. 186(a)
13:43A-1.1 et seq.	Rules on shorthand reporting	R.1977 d.98	9 N.J.R. 186(a)
13:44-1.1, 1.2	Revisions on applications for examinations and examination grades	R.1977 d.183	9 N.J.R. 290(d)
13:44-1.1 et seq.	Revisions to rules on veterinarians	R.1977 d.252	9 N.J.R. 373(b)
13:44-2.9	Temporary permits	R.1977 d.285	9 N.J.R. 441(a)
13:45-1.1 et seq.	Revisions on procedures on administrative complaints	R.1977 d.93	9 N.J.R. 184(a)
13:70-1.17, 1.27, 14:29, 16.34	Amend harness and thoroughbred racing rules	R.1977 d.331	9 N.J.R. 487(a)
13:71-5.1, 5.20, 8.38, 23.22			

(Rules in the Administrative Code for Title 13 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)

**ENERGY — TITLE 14 (Including Public Utilities Commission)**

14:1-1.7, 4.3, 6.5, 8.4, 8.5, 9.4, 10.1	Revisions on communications	R.1977 d.263	9 N.J.R. 442(a)
14:5-7.1 et seq.	Delete entire text of Subchapter	R.1977 d.37	9 N.J.R. 139(a)
14:5-7.1 et seq.	Delete rules on electrical inspection authorities	R.1977 d.37	9 N.J.R. 139(a)
14:6A-1.1 et seq.	Oil distribution utilities	R.1977 d.210	9 N.J.R. 346(b)
14:11-2.22(e)	Amendments on identification	R.1977 d.240	9 N.J.R. 373(c)
14:18-11.19, 11.21	Revisions on required information	R.1977 d.295	9 N.J.R. 443(a)
14:20-1.1 et seq.	Adopt P.U.C. rules of practice by reference	R.1977 d.264	9 N.J.R. 442(b)

(Rules in the Administrative Code for Title 14 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

**STATE — TITLE 15**

15:10-1.4(b), 1.11	Amend mail voter registration rules	R.1977 d.271	9 N.J.R. 443(b)
15:10-3.1 et seq.	Rules on all election district maps	R.1976 d.375	9 N.J.R. 42(b)
15:10-4.1	Printing absentee ballot applications	R.1977 d.205	9 N.J.R. 346(c)

(Rules in the Administrative Code for Title 15 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 9.)

**TRANSPORTATION — TITLE 16**

16:1-2.1 et seq.	Revisions on issuance and sale of DOT public records	R.1977 d.345	9 N.J.R. 493(d)
16:28-1.126	Revised speed zones on parts of Route 47	R.1977 d.120	9 N.J.R. 241(b)
16:28-1.166 and 1.167	Revised speed zones on parts of Route U.S. 9 and N.J. 181	R.1977 d.120	9 N.J.R. 241(b)
16:28-2.2	Route 179; weight limits	R.1977 d.246	9 N.J.R. 385(b)
16:28-3.70	Revisions on restricted parking on parts of Route 23	R.1977 d.194	9 N.J.R. 294(b)
16:28-3.102	Revisions on restricted parking on parts of Route U.S. 9	R.1977 d.119	9 N.J.R. 241(a)
16:28-3.103	Revisions on restricted parking on parts of Route 49	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.137	Restricted parking on Route 166	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.138	Restricted parking on Route 28	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.139	Restricted parking along Routes 173, 24, U.S. 202 and U.S. 71	R.1977 d.80	9 N.J.R. 190(e)
through 16:28-3.142			
16:28-3.143 through 16:28-3.145	Restricted parking on parts of Routes U.S. 9 and N.J. 29 and 23	R.1977 d.118	9 N.J.R. 240(b)

16:28-3.146 through 16:28-3.148	Restricted parking on parts of Routes 57, 47 and 27	R.1977 d.119	9 N.J.R. 241(a)
16:28-3.149, 3.150	<b>Restricted parking on parts of Routes 154 and U.S. 22</b>	R.1977 d.234	9 N.J.R. 384(b)
16:28-3.151, 152	Restricted parking on parts of Routes 31 and 28	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.153, 3.154	Restricted parking on parts of Routes 88 and 28	R.1977 d.329	9 N.J.R. 493(c)
16:28-3.155	Restricted parking on parts of Route 57	R.1977 d.328	9 N.J.R. 493(b)
16:28-4.3	Repeal rule on one-way traffic on parts of Route 79	R.1977 d.76	9 N.J.R. 190(a)
16:28-5.3	Stop intersection on part of Route 208	R.1977 d.326	9 N.J.R. 492(c)
16:28-6.15	Revisions on no left turns on parts of Route 171	R.1977 d.195	9 N.J.R. 294(c)
16:28-6.16	No left turn on parts of Route 23	R.1977 d.325	9 N.J.R. 492(b)
16:28-7.3	<b>Center, left-turn only; portions of Route 33</b>	R.1977 d.247	9 N.J.R. 385(c)
16:28-12.1 et seq.	Revisions on no-right turns on parts of Routes U.S. 1, U.S. 1 and 9, N.J. 5, 22 and 28	R.1977 d.153	9 N.J.R. 293(c)
16:28-12.10 et seq.	<b>Revise no right turns on red on Routes 13, 24, 34, 168, I-280 and 173</b>	R.1977 d.235	9 N.J.R. 385(a)
16:28-12.13 et seq.	<b>Amendments on no right turns on red on Routes 18, 23, U.S. 30, 70, 71 and U.S. 1 and 9</b>	R.1977 d.233	9 N.J.R. 384(a)
16:28-12.16(a) et seq.	Revisions on no-right turns on red on parts of Routes 23, 24, 35 and 57	R.1977 d.152	9 N.J.R. 293(b)
16:28-12.16(a)5.	Amendment on no-right turns on red on parts of Route 23	R.1977 d.79	9 N.J.R. 190(d)
16:28-13.1	Limited access prohibition on parts of Route 208	R.1977 d.78	9 N.J.R. 190(c)
16:28-13.2	Limited access to parts of Routes 444 and U.S. 9	R.1977 d.154	9 N.J.R. 293(d)
16:28-13.3	Interstate Route 78; limited access prohibition	R.1977 d.171	9 N.J.R. 294(a)
16:28-14.1	Speed limits on State highways under construction or repair	R.1977 d.60	9 N.J.R. 142(a)
16:51-1.1 et seq.	Revisions on Reduced-Fare Transportation Program	R.1977 d.224	9 N.J.R. 349(a)
16:55-1.1 et seq.	<b>Revised rules on aeronautical activities</b>	R.1977 d.52	9 N.J.R. 141(a)

(Rules in the Administrative Code for Title 16 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

#### TREASURY-GENERAL — TITLE 17

17:1-1.21	Rules for pensioners' group health insurance plan	R.1976 d.336	8 N.J.R. 586(b)
17:1-10.1 et seq.	Rules on the State prescription drug program	R.1977 d.117	9 N.J.R. 243(a)
17:2-1.1(a), 17:2-6.15, 17:2-6.26	Revisions on board meetings, compulsory retirement and medical examinations	R.1977 d.148	9 N.J.R. 295(a)
17:5-3.1, 5.1 5.2, 5.3, 5.15	Revisions to State Police Retirement System rules	R.1977 d.359	9 N.J.R. 496(a)
17:7-2.1, 3.3, 3.10	<b>Revisions to Prison Officers' Pension Fund rules</b>	R.1977 d.250	9 N.J.R. 392(b)
17:10-5.2	Revisions on effective dates; Judicial Retirement System	R.1977 d.228	9 N.J.R. 392(a)
17:12-2.4 through 17:12-2.7	Rules on term contract bidding procedures	R.1977 d.170	9 N.J.R. 295(e)
17:12-6.1	Revised definition for bid security	R.1977 d.169	9 N.J.R. 295(d)
17:12-6.1 et seq.	Rules on bid and performance bonds	R.1976 d.377	9 N.J.R. 47(a)
17:13-1.1 through 17:13-7.1	Repeal current text in its entirety	R.1977 d.122	9 N.J.R. 244(a)
17:16-5.4	Revised demand group; classification of funds	R.1977 d.124	9 N.J.R. 244(b)
17:16-7.4	Revised rule on legal papers	R.1976 d.401	9 N.J.R. 46(a)
17:16-8.2	Revised rule on legal papers	R.1973 d.402	9 N.J.R. 46(b)
17:16-31.1 et seq.	Revised rules on State Cash Management Fund	R.1977 d.173	9 N.J.R. 296(a)
17:16-32.8(b)5.	Revisions on valuation of units; Common Pension Fund A	R.1977 d.125	9 N.J.R. 244(c)
17:16-36.8(b)	Revisions on valuation of units; Common Pension Fund B	R.1977 d.126	9 N.J.R. 244(d)
17:19-3.1 et seq.	Recodified rules on debarment, suspension and disqualification of person(s)	R.1976 d.239	9 N.J.R. 294(e)
17:19A-1.1 et seq.	Revised rules on barrier free designs; facilities for the physically handicapped in public buildings	R.1977 d.286	9 N.J.R. 447(a)
17:21-2.3 et seq.	Revised rules on weekly lottery game	R.1977 d.320	9 N.J.R. 494(b)
17:26-1.1 et seq.	Interim rules for processing damage claims under the Spill Compensation and Control Act	R.1977 d.116	9 N.J.R. 241(d)

(Rules in the Administrative Code for Title 17 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 8.)

(Continued from Page 23)

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions on Fair Hearing Requests

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise a portion of the Public Assistance Manual concerning fair hearing requests.

Ann Klein  
Commissioner  
Department of Human Services

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

10:81-6.15(d) Written determination on entitlement to receive assistance at an unreduced level (Form PA-850A) shall be sent to the client [with a copy to] and the county welfare [board] agency [within two working days following the date the fair hearing request is received] at the time notice is given of the date of the fair hearing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

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

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

## TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq.	Revisions on assessors, collectors and county tax board secretaries	R.1977 d.130	9 N.J.R. 245(a)
18:12-7.11	Revisions on extension of filing date; homestead rebates	R.1977 d.90	9 N.J.R. 199(b)
18:12A-1.16(h), (i)	Amendments on tax assessment lists and duplicates (EDP)	R.1977 d.131	9 N.J.R. 245(b)
18:14-1.1 et seq., 18:14 2.1 et seq. and 18:14-3.1 et seq.	Revisions on senior citizen property tax deductions	R.1977 d.150	9 N.J.R. 295(c)
18:24-9.12 et seq.	Revisions to rules on Sales and Use Tax Act	R.1977 d.29	9 N.J.R. 147(b)
18:35-1.5	Information furnished at source payers other than interest	R.1977 d.19	9 N.J.R. 101(a)
18:35-1.6	Treatment of capital gains and losses pursuant to P.L. 1976, c.47	R.1977 d.94	9 N.J.R. 199(c)
18:35-1.7	Accelerated returns and payment of certain employees' withheld taxes	R.1977 d.149	9 N.J.R. 295(b)

(Rules in the Administrative Code for Title 18 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

## OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1977 d.53	9 N.J.R. 152(a)
19:4-2.2, 4.28 and 6.28	Revisions to Hackensack Meadowlands zoning regulations	R.1977 d.237	9 N.J.R. 394(a)
19:4-6.28	Revisions to Hackensack Meadowlands zoning map	R.1977 d.155	9 N.J.R. 297(b)
19:6-1.2 et seq.	Revisions concerning Meadowlands District building code	R.1977 d.25	9 N.J.R. 150(a)
19:8-1.1	Revised definitions concerning motorcycles	R.1977 d.113	9 N.J.R. 246(a)
19:8-1.8	Revisions on Garden State Parkway commuter parking	R.1977 d.270	9 N.J.R. 448(b)
19:8-1.9(b)3.	Revised definitions concerning motorcycles on Parkway	R.1977 d.113	9 N.J.R. 246(a)
19:9-1.1 et seq.	Revisions on control of traffic on the Turnpike	R.1977 d.63	9 N.J.R. 203(a)
19:9-4.1 et seq.	Rules on inspection and obtaining of Turnpike Authority records	R.1977 d.265	9 N.J.R. 448(d)
19:10-1.1 et seq.	Revised rules on PERC	R.1977 d.272	9 N.J.R. 448(a)
19:16-1.1 et seq.	Rules on negotiations, public fire and police departments	R.1977 d.349	9 N.J.R. 497(a)
19:25-15.1 et seq.	Rules on public financing of general elections for Governor	R.1977 d.72	9 N.J.R. 201(a)
19:25-15.35 through 19:25-15.37	Public financing of elections for office of Governor	R.1977 d.208	9 N.J.R. 349(b)
19:25-15.38-15.41	Rules on election travel, political action committees and valuation of goods and services	R.1977 d.350	9 N.J.R. 496(b)

(Rules in the Administrative Code for Title 19 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions Concerning Suspected Child Abuse or Neglect

On August 26, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-3.12(e), 10:81-3.12(f) and 10:81-7.46(c)2. concerning suspected child abuse or neglect, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 340(c), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

Take notice that, in the Notice of Proposal the last revision was erroneously noted to be to N.J.A.C. 10:81-7.46 (a)7. rather than the correct N.J.A.C. 10:81-7.46(a)2.

An order adopting these revisions was filed on August 30, 1977, as R.1977 d.332 to become effective on October 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Rule on Maximum Resources For Institutionalized Individuals

On August 26, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 10:94-4.42, concerning maximum resources for institutionalized individuals, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 339(c).

An order adopting this rule was filed on August 30, 1977, as R.1977 d.333 to become effective on October 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions Concerning the Medicaid Only Manual and Optometrists

On August 26, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:94-3.13(b)5. concerning the Medicaid Only Manual and optometrists as qualified to examine the visually impaired, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 340(a), with only inconsequential

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

An order adopting these revisions was filed on August 30, 1977, as R.1977 d.334 to become effective on October 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on Deduction of Medical Expenses In Determining Food Stamp Income

On August 26, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-5.8(c)1. concerning the medical expenses deductible for food stamp income purposes, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 340(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed on August 30, 1977, as R.1977 d.335 to become effective on October 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Ownership Of Resources in the Medicaid Only Manual

On August 26, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-86 and in accordance with applicable provisions of the Administrative Procedure Manual, adopted amendments to N.J.A.C. 10:94-4.4(d) in the Medicaid Only Manual concerning ownership of resources, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 341(a).

An order adopting these amendments was filed on August 30, 1977, as R.1977 d.336 to become effective on October 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(f)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rules on Home Health Care Insurance Coverage

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and Chapters 98 and 99, Laws of 1977, proposes to adopt new rules concerning the coverage for home health care services.

Full text of the proposed rules follows:

## SUBCHAPTER 14. HOME HEALTH CARE SERVICES COVERAGE

### 11:4-14.1 Scope

These rules apply to coverage for home health care services under all policies of individual and group health insurance hereafter delivered or issued for delivery in this State when such policies provide for inpatient hospital care or skilled nursing facility care benefits.

### 11:4-14.2 Definitions

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

"Home health care" means those nursing and other home health care services rendered to a person in his place of residence, under the following conditions:

1. On a part-time and intermittent basis, except when full-time or 24-hour services are needed on a short-term (no more than three-day) basis; and
2. If continuing hospitalization would otherwise have been required if home health care were not provided; and
3. Pursuant to a physician's order and under a plan of care established by a responsible physician in collaboration with a home health care provider, which plan shall be reviewed and approved by said physician monthly.

"Home health care services" means any of the following services necessary for achievement of the care plan set forth for the patient:

1. Nursing care (as defined in standards for licensure of home health agencies);
2. Physical therapy (as defined in standards for licensure of home health agencies);
3. Occupational therapy (as defined in standards for licensure of home health agencies);
4. Medical social work (as defined in standards for licensure of home health agencies);
5. Nutrition services (as defined in standards for licensure of home health agencies);
6. Speech therapy (as defined in standards for licensure of home health agencies);
7. Home health aide services (as defined in standards for licensure of home health agencies with exceptions as specified in this Subchapter);
8. Medical appliances and equipment, drugs and medications, laboratory services and special meals, to the extent such items and services would have been covered under the policy if the covered person had been in a hospital;
9. Any diagnostic and therapeutic service, including surgical services, performed in a hospital outpatient department, a doctor's office or any other licensed health care facility, provided such service would have been covered under the policy if performed as inpatient hospital services.

"Home health care provider" means a home health care agency which is certified to participate as a home health agency under Title XVIII of the Social Security Act or a proprietary agency licensed by the Commissioner of Health. As defined in the standards for licensure of home health agencies, a home health agency is "a public or private agency, organization or a subdivision of such agency or organization, which is primarily engaged in providing professional nursing service directly, and in providing homemaker-home health aide services and physical therapy services either directly or through contract agreement. These services shall be provided in the patient's home. In addition, other therapeutic and related services may be provided, including but not limited to

speech therapy, occupational therapy, nutritional and medical social services".

"Health insurance" shall not include hospital indemnity policies, that is, ones which pay the insured a fixed amount per day as an income supplement while he or she is hospitalized.

### 11:4-14.3 Requirements for coverage

(a) The policy may not require more than three continuous days of hospitalization or skilled nursing facility care prior to provision of home health care benefits.

(b) Home health care services must be provided for a time period at least as long as the policy benefit period of hospitalization or confinement in a skilled nursing facility.

(c) Subject to the application of other Sections of this rule, home health care services must be provided so long as the insured would otherwise be required to be hospitalized or confined in a skilled nursing facility.

(d) The policy must provide for direct reimbursement to the home health care provider if the insured authorizes said payment in writing. The insured shall have the right to terminate such authorization by written notice to the insurer.

(e) Subject to the applications of other Sections of this rule, the policy must provide for at least 60 home health care visits in any calendar year or continuous period of 12 months, but the number of days home health care services are provided shall not be required to exceed the total covered hospital days of benefits. For example, if a policy provides for coverage for no more than 120 days of hospitalization in any one year of which 20 days were used, then the insured has 100 days remaining during which he is eligible for home health care benefits, regardless of whether or not fewer than 60 home health care visits are sustained during the remaining 100 eligible days.

### 11:4-14.4 Certain policy terms permitted

(a) Nothing in this rule requires a policy to provide home health care services when the insured is no longer confined to his or her home. An insured shall be considered confined to his or her home if able to leave his or her place of residence only to procure medical treatment or physical therapy services.

(b) No policy shall be required to provide payment for home health care services which exceeds for any one day the average daily charges of New Jersey skilled nursing home facilities as most recently determined by the New Jersey Health Department.

(c) Nothing in this rule shall be construed to preclude the insurer from disputing payment on grounds that the beneficiary or the service is not eligible under the terms of a policy conforming with these rules.

(d) The insurer may require, from a physician not related to the provider by ownership or contract, a physician's examination and certification of continuing need for treatment after 30 continuous days of home health care services.

(e) This Subchapter in no way imposes on insurance carriers an obligation to pay physician fees in connection with home health care services.

(f) Home health care services including those of home health aides need not be reimbursable to the extent they have been provided for persons in the household other than the patient.

(g) Insurers may include the following provisions in policies:

1. Four hours or less of service by a home health aide is equal to one visit.

2. Payment will be made only for services of one home health care agency rendered during the same time period and reimbursement is limited to charges of that agency.

3. Coverage for home health care is afforded only to New Jersey residents and only from an agency licensed by New Jersey.

4. Coverage for such services will terminate when the covered person becomes eligible for Medicare except to the extent that the policy would provide benefits for that portion of hospital inpatient services not covered by Medicare.

5. Benefits may be denied when the home health care provider does not customarily charge for its services.

Interested persons may appear at the hearing at 10:00 A.M. on October 27, 1977, at the address below or present statements or arguments in writing relevant to the proposed action on or before October 27, 1977, to:

Naomi LaBastille  
Special Assistant to Commissioner  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 08625

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

John G. Foley  
Deputy Commissioner  
Department of Insurance

(a)

## INSURANCE

### THE COMMISSIONER

#### Notice of Substantive Changes in Group Student Health Insurance

Take notice that, in the Notice of Adoption of new rules concerning group student health insurance appearing in the September 8, 1977, issue of the New Jersey Register at 9 N.J.R. 438(d) as R.1977 d.309, it was indicated therein that substantive changes were made in the adopted rules compared to the proposed rules. In order to prevent confusion concerning these substantive changes, the full text of the adopted rules follows:

#### SUBCHAPTER 13. GROUP STUDENT HEALTH INSURANCE

##### 11:4-13.1 Scope

(a) This rule prohibits certain provisions of group student health insurance policies and certificates which are unjust, unfair, inequitable, misleading, contrary to law or contrary to public policy of this State.

(b) This rule shall apply to all group student health insurance policies or subscriber contracts delivered or issued for delivery after January 1, 1978.

(c) The group student health insurance continues to be subject to Subchapter 13, the group coverage discontinuance and replacement rules.

##### 11:4-13.2 Definitions

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

“Group student health insurance” is any general coverage accident and/or sickness insurance provided on a group basis to the students of a school.

“Mandatory” refers to a requirement that all students, or all students who are not already insured for the same or similar benefits under other coverages, must purchase the insurance or are billed for the coverage and must return a waiver form to obtain exemption from payment.

“Optional” means that the students may elect to purchase or to reject the insurance and are not requested to return a waiver form in order to be exempt from payment.

##### 11:4-13.3 Prohibited provisions

(a) Rules concerning preexisting conditions are:

1. Mandatory coverage: If the group student health insurance is mandatory, preexisting conditions shall not be excluded from coverage.

2. Optional coverage: When the group student health insurance is optional, the carrier may exclude conditions which existed prior to the effective date of coverage and for which the student received medical advice or treatment within a period of up to six months prior to the date the loss is incurred. Such a preexisting condition exclusion can only be applicable during the initial period of the student's coverage under the school's program.

3. Both mandatory and optional coverage:

i. Losses which commence before the effective date of the first year of coverage may be excluded.

ii. Treatment for accidental bodily injury which occurred before the effective date of the first year of coverage may be excluded unless the injury is indivisible from an accidental injury occurring during coverage.

This Notice is published as a matter of public information only.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## INSURANCE

### THE COMMISSIONER

#### Rule on Required Notice Concerning Expense Exhibits

On September 21, 1977, John G. Foley, Deputy Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29A-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 11:4-10.2, concerning the required notice regarding expense exhibits, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 371(a).

An order adopting this rule was filed and became effective on September 21, 1977, as R.1977 d.358.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF ALCOHOLIC BEVERAGE CONTROL

#### Proposed Revisions to Rules of the Division

Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority contained in N.J.S.A. 33:1-39 and N.J.S.A. 52:17B-15 et seq., proposes to adopt revisions to the current rules of the Division, now cited as Chapter 2 of Title 13 of the New Jersey Administrative Code. These revisions are in addition to the revision of the current rules as proposed in the Notice published February 10, 1977, at 9 N.J.R. 94(a) and filed and effective on September 8, 1977.

The proposed revisions concern procedural and substantive changes in Division sales and licensing regulations.

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

13:2-18.7 Application for transit insignia; fee

(a) Applications for transit insignia shall be filed upon a prescribed form with the Director accompanied by the full fee of [\$10.00] **\$25.00** for each insignia in cash, money order or certified check to the order of the Division of Alcoholic Beverage Control.

(b) Applications for special transportation permits which may be carried in the vehicle shall be filed upon a prescribed form with the Director accompanied by the full fee of [\$20.00] **\$25.00** for each permit, in cash, money order or certified check to the order of the Division of Alcoholic Beverage Control.

13:2-31.3 Publication of retail price lists; payment of costs

(a) Minimum consumer resale price lists shall be published each calendar quarter by the Director, to become successively effective on and after the 1st day of January, April, July and October of each year, and shall list by type and brand name the minimum consumer resale prices of alcoholic beverages listed with the Director by the manufacturers and wholesalers in accordance with Rule 1 hereof; provided, however, that nothing contained herein shall require the printing and publication of schedules of minimum consumer resale prices for any brand of alcoholic beverages offered for sale or sold by its manufacturer or wholesales exclusively to one New Jersey retailer.

(b) The minimum consumer resale price lists shall be printed in pamphlet form and mailed to all New Jersey retailers not later than three business days before the effective date of such price lists.

(c) The printer of such pamphlet may be selected by the price filers and the costs of printing and mailing such pamphlet may be negotiated by such filers directly with the printer so selected, but should the price filers not do so, the Director shall select the printer and negotiate such costs in accordance with any applicable State bidding laws.

(d) In either event, all manufacturers and wholesalers whose minimum consumer resale price listings are included in the pamphlet shall be chargeable with a proportionate cost of the preparation by the Division and the printing and mailing of the pamphlet so published and mailed, which shall be paid by such manufacturer or wholesaler to the Director or the printer, or both, as

determined by the Director, within sixty days after the effective date of the prices listed in the pamphlet.

(e) Failure by any manufacturer or wholesales to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from such manufacturer or wholesales while such proportionate cost remains unpaid.

13:2-31.6(b) No licensee shall advertise, directly or indirectly, in any billboard, periodical, publication, circular, handbill or direct mailing piece the retail price of any malt alcoholic beverage whether or not listed in such minimum consumer resale price list.

13:2-34.2(c) No manufacturer or wholesaler of [distilled] alcoholic beverages [(including all distilled or rectified spirits, alcohol, brandy, whiskey, rum, gin and all similar distilled alcoholic beverages, and all dilutions and mixtures of one or more of the foregoing, such as liqueurs, cordials and similar compounds)] other than malt alcoholic beverages shall file any such price or discount listing higher than the lowest price or lower than the highest discount at which any such alcoholic beverage will be sold by said manufacturer or wholesaler or by any New Jersey or other manufacturer or wholesaler to any wholesaler anywhere in any other state of the United States or in the District of Columbia, or to any state (or state agency) which owns and operates retail liquor stores, at any time during the period for which such listing shall be in effect.

(d) Manufacturers and wholesalers of [distilled] alcoholic beverages filing such price and discount listings shall, not later than the fifth day of any month subsequent to the month of filing, file with the Director an amended reduced price and higher discount listing to become effective on the first day of the following month, to conform to the lowest price and highest discount at which any such alcoholic beverage shall be sold by such manufacturer or wholesaler or by any New Jersey or other manufacturer or wholesaler to any wholesaler anywhere in any other state of the United States or in the District of Columbia, or to any state (or state agency) which owns and operates retail liquor stores, at any time during such following month.

(e) Any such manufacturer or wholesaler may, upon prior written authorization granted by the Director for good cause shown, file an amended higher price and lower discount listing not later than the fifth day of any month subsequent to the month of filing, to become effective on the first day of the following month.

(f) Manufacturers and wholesalers filing such amended price or discount listings shall serve upon each wholesaler to whom they intend to sell such alcoholic beverages a copy of such listings on or before the fifth day of the month of filing, or shall mail to each such wholesaler such a copy on or before the second day of the month of filing, and shall file with the Director certification thereof on or before the last day for filing such listings.

(g) No such manufacturer or wholesaler shall sell to any wholesaler and no wholesaler shall knowingly purchase from any such manufacturer or wholesaler any such [distilled] alcoholic beverage at a price higher than, or a discount lower than, the lowest price or highest discount at which such alcoholic beverage is sold by said manufacturer or wholesaler or by any New Jersey or other manufacturer or wholesaler to any wholesaler anywhere in any other state of the United States or in the District of Columbia, or to any state (or state agency) which owns and operates retail liquor stores, at any time during the month in which such sale takes place.

(h) Nothing in this rule shall be deemed to prohibit licensed wholesalers who purchase [distilled] such alcoholic beverages from nonaffiliated manufacturers or wholesalers from filing with the Director price and discount listings which include a separately stated reasonable handling charge applicable to the resale of such alcoholic beverages to other licensed wholesalers, and from selling such alcoholic beverages at the prices, discounts and added handling charge set forth in such listings.

13:2-34.6 Distribution of wholesale price lists; payment of costs

(a) Calendar quarter wholesale price lists published by the Director shall be printed in pamphlet form and mailed to all retailers not later than three business days before the effective date of such price lists. The printer of such pamphlet may be selected by the price filers and the costs of printing and mailing such pamphlet may be negotiated by such filers directly with the printer so selected, but should the price filers not do so, the Director shall select the printer and negotiate such costs in accordance with any applicable State bidding laws.

(b) In either event, all manufacturers and wholesalers whose minimum consumer resale price listings are included in the pamphlet shall be chargeable with a proportionate cost of the preparation by the Division and the printing and mailing of the pamphlet so published and mailed, which shall be paid by such manufacturer or wholesaler to the Director or the printer, or both, as determined by the Director, within 60 days after the effective date of the prices listed in the pamphlet.

(c) Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from such manufacturer or wholesaler while such proportionate cost remains unpaid.

Interested persons may present written statements or arguments relevant to the proposed action on or before October 31, 1977, to:

Joseph H. Lerner, Director  
Division of Alcoholic Beverage Control  
25 Commerce Drive  
Cranford, N.J. 07016

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

Joseph H. Lerner, Director  
Division of Alcoholic Beverage Control  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF DENTISTRY

##### Proposed Revisions on Use of General Anesthesia

Kenneth Butler, President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to revise the rule on the use of general anesthesia.

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

##### 13:30-8.3 Use of general anesthesia

(a) The use or employment of general anesthesia in the private office of a dentist without first having met the minimum standards of training and procedure as stated herein may constitute [gross and willful malpractice or neglect in the practice of dentistry] a deviation from the normal standards of practice required of a licensee. The Board of Dentistry shall determine whether the extent of the deviation shall be such as to require disciplinary action pursuant to the Dental Practice Act, N.J.S.A. 45:6-1 et seq.

(b) General anesthesia consists of the deliberate use of any drug, combination of drugs, element or other material with the specified intent to induce a loss of sensation and consciousness.

(c) General provisions concerning use of general anesthesia are:

1. No dentist shall employ or use general anesthesia on an out-patient basis for dental patients after November 1, 1977, unless such dentist possesses a permit or authorization issued by the State Board of Dentistry. Applications must be received at the Board office by August 1, 1977, to assure processing of application by November 1, 1977. The dentist holding such permit shall be subject to review, and such permit shall be renewed biennially.

2. In order to receive such a permit the dentist shall apply on an official application form and submit certified proof that he or she:

i. Has completed a minimum of three years post-doctoral training in oral surgery, or a minimum one-year training course in anesthesiology; or

ii. Is a diplomate in oral surgery or is board eligible in oral surgery; or

iii. Is a fellow of the American Dental Society of Anesthesiology, or is a member of the American Society of Oral Surgeons and/or is a member of the New Jersey Society of Oral Surgeons; or

iv. Has administered general anesthesia on a regular routine basis in his every day practice during the three-year period next preceeding the effective date of this original rule (effective November 19, 1976) and thereafter successfully completes not less than 300 credit points of refresher courses in general anesthesia as prescribed by the Board and presented by an accepted program in a suitable institution prior to November 1, 1979; and

v. Employs sufficient personnel (as deemed by the Board) to assist in monitoring the patient under general anesthesia who are certified by the permit holder as being trained in and capable of monitoring vital signs, and of assisting in emergency procedures; and

vi. Possesses basic equipment and supplies to deal with emergency situations, which equipment and supplies shall be readily accessible and in good order. This shall consist of no less than the list that shall be supplied by the Board.

(d) The certificate shall be renewed biennially upon satisfactory proof being submitted to the Board that the holder has completed at least 100 credit points every two years of continuing education courses devoted to general anesthesia and approved by the Board.

(e) Prior to the administration of an anesthetic agent for the purpose of controlling pain, a [physician] physical evaluation shall be made by the permit holder and a complete medical history, which shall include previous medications, allergies and sensitivities shall be obtained. Said history shall be maintained in the files of each dentist for a period of not less than three years succeeding the taking of same. Specific records on use of general

anesthesia shall be kept and shall include type of agent, dosage and duration.

(f) Noncompliance with these rules or administering general anesthesia without first registering with the Board may subject[s] the licensee to appropriate disciplinary action, which may include suspension or revocation of his or her license to practice dentistry.

(g) A dentist who works in connection with a permit holder or a trained M.D. or D.O. who is a member of the anesthesiology staff of an accredited hospital, provided that such anesthesiologist shall remain on the premises of the dental facility until any patient given general anesthesia regains consciousness, shall not be deemed to be practicing general anesthesia.

(h) Credit points shall be specified by the Board for the following areas:

1. PSRO;
2. Teaching;
3. Lectures;
4. Seminars;
5. Clinical experience;
6. Or other methods approved by the Board.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1977, to:

Board of Dentistry  
150 East State Street  
Trenton, New Jersey 08608

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

Kenneth Butler  
President, Board of Dentistry  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Proposed Revisions Concerning Merchandise Advertising

William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to repeal in its entirety the current text of N.J.A.C. 13:45A-9.1 et seq. concerning advertising and marketing practices and adopt new rules therein concerning merchandise advertising.

Full text of the proposed new rules follows:

#### SUBCHAPTER 9. MERCHANDISE ADVERTISING

##### 13:45A-9.1 Definitions

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

"Advertisement" means any attempt by an advertiser to directly or indirectly induce the purchase or rental of merchandise at retail where such advertisement appears in any newspaper, magazine, periodical, circular, sign or other written matter placed before the consuming public, or in any radio or television broadcast. An advertisement for the sale of a motor vehicle shall be subject to the Division's regulations governing motor vehicle adver-

tising, N.J.A.C. 13:45A-2.1, et seq. and not the within regulation.

"Advertiser" means any person as defined by N.J.S.A. 56:8-1(d) who in the ordinary course of business is engaged in the sale of merchandise and who places before the public an advertisement. An advertising agency acting in behalf of an advertiser shall be deemed an advertiser within the meaning of this regulation where such agency prepares or places an advertisement for publication. An advertising agency shall not be liable for a violation of this regulation where the agency reasonably relies upon data, information or material supplied by an advertiser for whom the advertisement is prepared or placed or for any violation caused by an act, error or omission beyond the agency's control.

"Director" means Director of the Division of Consumer Affairs.

"Division" means Division of Consumer Affairs.

"Merchandise" means any objects, wares, goods, commodities, services or anything offered directly or indirectly to the public for sale at retail.

"Price advertisement" means any advertisement in which a specific dollar price is stated with regard to advertised merchandise.

"Price reduction advertisement" means an advertisement which in any way states or suggests directly or indirectly that merchandise is being offered or made available for sale at a price less than that at which it has been usually sold in the past or at which it will be sold in the future.

"Rain check" shall mean a written statement issued by an advertiser promising the availability of merchandise in the future at an advertised sales price not later than 60 days from the date of issuance of the rain check.

"Reference price" shall mean a price set forth in a price reduction advertisement for the purpose of establishing an advertised selling price as a reduction from the usual selling price of the advertised merchandise.

"Trade area" means that geographical area in which an advertiser's competitors maintain retail sales outlets and shall presumptively be encompassed within a radius of 25 miles from the place of business referred to in an advertisement.

##### 13:45A-9.2 Advertising; general provisions

(a) Without limiting the application of N.J.S.A. 56:8-1, et seq. the following advertising practices shall be unlawful.

1. The failure of an advertiser to maintain and offer advertised merchandise in a quantity sufficient to meet reasonably anticipated consumer demand therefor. In the event that an advertisement states a specific period of time during which merchandise shall be available, such merchandise shall be made available for purchase or a rain check therefor shall be issued to any person attempting to purchase the advertised merchandise during the period. In the event that a specific time period is not stated in an advertisement, the advertised merchandise shall be made available until not earlier than the close of the third business day following the publication of the advertisement or a rain check shall be issued to any person attempting to purchase the advertised merchandise during the period. The issuance of a rain check shall not be required where an advertisement specifically states the number of merchandise items to be made available.

i. An advertiser shall conspicuously post on his business premises at or near the location where monies or payments are accepted for the purchase of merchandise a sign measuring not less than 24 inches by 36 inches containing the following language:

### Notice of Consumer Rights

The sale of advertised merchandise is subject to a regulation adopted by the New Jersey Division of Consumer Affairs. If you have attempted to purchase advertised merchandise and

1) the advertiser does not have the merchandise, and

2) your attempt to purchase the merchandise was made within the advertised period or within three business days following the date of publication of the advertised merchandise, and

3) the advertisement does not state a specific number of the advertised items to be made available, then **YOU ARE ENTITLED TO A RAIN CHECK** allowing you to purchase the advertised item at the advertised price not later than 60 days after issuance of the rain check. Complaints with regard to these rights may be forwarded to:

New Jersey Division of Consumer Affairs  
Attn: Office of Consumer Protection  
Room 405, 1100 Raymond Boulevard  
Newark, New Jersey 07102

ii. An advertiser's failure to issue and honor the terms of a rain check and to give written notice to the holder of a rain check when the merchandise becomes available shall be deemed a violation of this paragraph.

2. The failure of an advertiser to specifically designate within an advertisement which merchandise items possess special or limiting factors relating to price, quality, condition or availability. By way of illustration and not by limitation, the following shall be deemed violative of this paragraph:

i. The failure to specifically designate which merchandise items are below cost where a general statement of below cost is set forth in an advertisement.

ii. The failure to specifically designate which merchandise items are damaged or in any way less than first quality condition.

iii. The failure to specifically designate merchandise as floor models or one of a kind.

iv. The failure to specifically designate retail outlets at which advertised merchandise will or will not be available.

3. The failure to conspicuously post notice of advertised prices on the business premises to which the advertisement applies in proximity to the advertised merchandise.

4. The failure of an advertiser to disclose in an advertisement that advertised merchandise is not the manufacturer's current model.

5. The failure of an advertiser in any price advertisement to disclose the following information relating to the advertised merchandise: the manufacturer's name, model or series number and such other information as may be necessary to clearly delineate the advertised item from other similar merchandise produced by the same manufacturer.

6. The failure of an advertiser to disclose in an advertisement any special charge, condition or limitation applicable to the advertised merchandise or the retail price charged therefor.

7. The use of the terms "cost", "wholesale" or other similar terms to describe an advertised price where such price is not equal to or less than the per unit price paid

by the advertiser to the manufacturer or distributor of the merchandise. In the computation of unit price of the advertised merchandise, freight, handling and all overhead or operating expenses shall be excluded.

8. The use of any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact.

9. The failure of an advertiser to substantiate through documents, records or other written proof any claim made regarding the safety, performance, availability, efficiency, quality or price of the advertised merchandise. Such records shall be maintained at the advertiser's regular place of business for a period of 120 days following the date of publication of the advertisement and shall be made available for inspection by the Division.

#### 13:45A-9.3 Price reduction advertisements

(a) The following words and terms or their substantial equivalent when used in any advertisement shall be deemed to indicate a price reduction advertisement: sale, discount, special savings, price cut, bargain, reduced, prices slashed, clearance, regular, usually, cut rate, originally, formerly, clearance, warehouse, warehouse or factory clearance, buy now, buy one get one free, "one cent" sale, at cost, wholesale.

(b) In any price reduction advertisement, the following acts or practices shall be unlawful:

1. The failure to set forth a retail selling price for advertised merchandise.

2. The failure to conspicuously set forth a reference price based upon either:

i. The advertiser's usual selling price for the identical merchandise or for comparable merchandise of like grade or quality; or

ii. The usual selling price charged by competitors in the advertiser's trade area for the identical merchandise or for comparable merchandise of like grade or quality; or

iii. The manufacturer's suggested retail price for the identical merchandise or for comparable merchandise of like grade or quality.

3. A reference price shall be set forth in close proximity to the retail selling price and the advertised item and shall be established on the basis of the four month period immediately preceding the date of publication of the advertisement or the price to be charged not later than four months thereafter.

4. With regard to the price comparison required by this subsection, the advertisement shall clearly and conspicuously disclose in close proximity to the reference price the basis for such reference as set forth in paragraph 2. of this subsection. In this regard, terms such as "comparable value", "competitor's price", "manufacturer's list price", "our regular price" or words of similar import shall be used to designate the basis for the reference price.

(c) The use or statement of any false, deceptive or misleading reference price or price comparison. A reference price or price comparison shall be deemed false, misleading and deceptive where it is not based upon a substantial number of sales at that price within the four-month period established by this Section.

(d) The advertising of a selling price which constitutes a nominal or insignificant price reduction. There shall be a rebuttable presumption that a price reduction of less than five per cent is nominal and insignificant.

(e) The failure to state with specificity the period of time during which the advertisement shall be applicable.

(f) The failure of an advertiser to maintain such documents, records or written proof to substantiate any claim or statement appearing in a price reduction advertisement. Such records shall be maintained at the advertiser's regular place of business for a period of 120 days following the date of publication of the advertisement and shall be made available for inspection by the Division.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 2, 1977, to:

Adam Levin, Director  
Division of Consumer Affairs  
Room 504  
1100 Raymond Boulevard  
Newark, N.J. 07102

The Attorney General of the State of New Jersey, upon his own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

William F. Hyland  
Attorney General  
State of New Jersey

(a)

**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**BUREAU OF SECURITIES**

**Proposed Rule on New Jersey Corporation  
Takeover Bid Disclosure Law**

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 49:5-11.a of the New Jersey corporation takeover bid disclosure law proposes to adopt new rules and forms concerning the law.

The objective of the adoption of these rules and forms is to set fees, define terms, set forth the procedures to be followed in complying with the filing provisions of N.J.S.A. 49:5-1 et seq., which was enacted on April 27, 1977, and to aid the persons required to make filings. Such rules, if adopted, will be cited as N.J.A.C. 13:47A-21.1 et seq.

Copies of the 17 pages of the full text of the proposed new rules, as well as the forms to be used in filing, may be obtained from:

James McLelland Smith  
Chief, Bureau of Securities  
Room 308, 80 Mulberry Street  
Newark, New Jersey 07102  
Telephone (201) 648-2040

Interested persons may present statements or arguments in writing relevant to the proposed new rules or forms on or before October 31, 1977, to James McLelland Smith of the Bureau of Securities at the above address.

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

James McLelland Smith  
Chief, Bureau of Securities  
Department of Law and Public Safety

(b)

**LAW AND PUBLIC SAFETY**  
**DIVISION OF MOTOR VEHICLES**

**Proposed Rules Concerning Inspection  
Of State-Owned Vehicles by Central Motor Pool**

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 39:8-2 proposes to adopt new regulations concerning the designation and appointment of the central motor pool in the Department of the Treasury to examine motor vehicles which are owned by the State of New Jersey and are required to be inspected in accordance with the provisions of N.J.S.A. 39:8-1 et seq.

Full text of the proposed regulations follows:

**SUBCHAPTER 35. INSPECTION OF STATE-OWNED VEHICLES BY THE CENTRAL MOTOR POOL**

**13:20-35.1 Application of Subchapter**

This Subchapter shall apply to motor vehicles owned by the State of New Jersey which are subject to the control of the central motor pool in the Department of the Treasury for service, maintenance and release to government employees for use in the performance of governmental functions.

**13:30-35.2 Inspection by the central motor pool**

Motor vehicles within the purview of this Subchapter shall be examined and inspected in accordance with the provisions of Chapter 8 of the motor vehicle laws by the central motor pool in the Department of the Treasury.

**13:20-35.3 Inspection standards and frequency**

Motor vehicles or motor vehicle equipment inspected in accordance with this Subchapter shall comply with any laws and regulations providing vehicle equipment standards and/or specifying frequency of inspections.

**13:20-35.4 Inspection decal**

Whenever a motor vehicle inspected in accordance with this Subchapter is determined to comply satisfactorily with vehicle equipment standards provided by law and regulation, the central motor pool shall affix upon the windshield of such vehicle the decal prescribed by the Director of Motor Vehicles as indicative of compliance with the inspection laws.

**13:20-35.5 Facilities**

Facilities used by the central motor pool in performing inspections of motor vehicles hereunder shall be equipped with the machinery necessary for inspecting all vehicle equipment standards provided by law and regulation.

**13:20-35.6 Instruction of mechanics**

The central motor pool shall instruct mechanics who are to perform inspections under this Subchapter of vehicle equipment standards provided by law and regulation.

**13:20-35.7 Certification**

A mechanic performing an inspection under this Subchapter shall certify to the Director that he has inspected the motor vehicle in accordance with the vehicle equipment standards established by law and regulation.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before October 31, 1977, to:

John A. Waddington  
Director, Division of Motor Vehicles  
Department of Law and Public Safety  
25 South Montgomery Street  
Trenton, New Jersey 08625

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

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

**(a)**

**LAW AND PUBLIC SAFETY**

**RACING COMMISSION**

**Amendments Concerning Harness  
And Thoroughbred Racing  
And State Police Responsibilities**

On August 25, 1977, John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-1.17, 13:70-1.27, 13:70-14.29, 13:70-16.34, 13:71-5.1, 13:71-5.20, 13:71-8.38 and 13:71-23.22 (Note: The Notice of Proposal erroneously cited the last item as N.J.A.C. 13:71-23.21) concerning the responsibilities of the New Jersey State Police as proposed in the Notice published July 7, 1977, at 9 N.J.R. 345(b).

An order adopting these amendments was filed and became effective on August 29, 1977, as R.1977 d.331.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF ALCOHOLIC  
BEVERAGE CONTROL**

**Revisions to Division's Rules**

On June 21, 1977, Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Chapter 2 of Title 13 in the New Jersey Administrative Code concerning the rules of the Division of Alcoholic Beverage Control, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 94(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

A summary of the pertinent substantive changes follows:  
13:2-5.1(c) The phrase "or his designee" is inserted after the words "Chief of Police" to make it clear that the Chief does not personally have to endorse a social affair permit.

13:2-5.1(e) Adds requirement that a social affair permittee indicate the source of alcoholic beverage purchases on inventory filed with the Division.

13:2-8.6 Specifies that an application for removal of disqualification of club licensee may be made by verified petition.

13:2-8.14 Wording change to clarify that club licensee is liable for acts of its agents, members, and the like.

13:2-16.4 Removes sanction for respondent failing to file answer to petition of appeal on appeals to Director.

13:2-16.6 Wording change in discovery rule on municipal appeals.

13:2-17.5 Wording change on discovery rule on petition proceedings.

13:2-23.5 Changes permissible size of certain signs from 3" x 5" to 1½" x 1½".

13:2-32.6(a) Exempts malt alcoholic beverages from certain advertising restrictions.

13:2-32.6(b) and 32.6(c) Change in designation, second paragraph of 6(b) becomes first paragraph of 6(c).

13:2-40.1 Deletes provision which would have allowed Sunday sales by State beverage distributor licensees, leaving old rule in force. Provision is deleted on basis of opinion by the Attorney General's office that change should be effected by legislation.

An order adopting these revisions was filed and became effective on September 8, 1977, as R.1977 d.342.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF ALCOHOLIC  
BEVERAGE CONTROL**

**Emergency Rules on Alcoholic  
Beverage Licenses in Atlantic City**

On September 15, 1977, Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and N.J.S.A. 52:17B-15 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning the issuance, renewal and transfer of alcoholic beverage licenses in the City of Atlantic City.

Full text of the adopted rule follows:

13:2-3.11 Atlantic City; alcoholic beverage licenses

(a) The Board of Commissioners of Atlantic City shall forward to the Division of Alcoholic Beverage Control a copy of all applications for issuance, renewal or transfer of any alcoholic beverage license.

(b) No action shall be taken by the Board with respect to any application until conduct of an appropriate investigation by the Division of Alcoholic Beverage Control.

(c) Upon completion of the investigation, the Division of Alcoholic Beverage Control shall certify whether granting of the application is in the public interest.

(d) Upon a finding by the Division that granting of the application will not be contrary to the public interest, the Board of Commissioners may act upon the application in any way consistent with its legal authority.

(e) Upon a finding by the Division that the granting of the application would be contrary to the public interest, the Board of Commissioners shall deny the application.

(f) The applicant shall retain the right conferred by N.J.S.A. 33:1-22 to appeal to the Director from the denial of an application by the Board of Commissioners and shall be afforded a plenary hearing.

Interested persons may present written statements or arguments relevant to adoption of this emergency rule on or before October 31, 1977, to:

Joseph H. Lerner, Director  
Division of Alcoholic Beverage Control  
25 Commerce Drive  
Cranford, N.J. 07016

An order adopting these rules was filed and became effective on September 16, 1977, as R.1977 d.348 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Rule Concerning Termination of Pregnancy

On September 14, 1977, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, cited as N.J.A.C. 13:35-7.2, concerning the termination of pregnancy, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 372(c).

An order adopting this rule was filed and became effective on September 20, 1977, as R.1977 d.351.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Revisions in Point System and Driving During Suspension

On August 25, 1977, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:50-30, 39:5-30.2 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:19-10.1 et seq. concerning the point system and driving during suspension, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R.

288(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

The substantive changes concern N.J.A.C. 13:19-10.3(c) and provides that the fee for attendance at a Division of Motor Vehicles Driver Improvement Program shall be \$20.00.

An order adopting these revisions was filed and became effective on September 20, 1977, as R.1977 d.352.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## ENERGY

### THE COMMISSIONER

#### Notice of Changes in Citations Of Department of Energy Rules

Take notice that, any current and future rules adopted by the new Department of Energy will be contained in a new Title 14 A of the New Jersey Administrative Code. It is intended that Chapter 1 of Title 14 A will contain the Department's rules of practice and procedure and Chapter 2 will contain rules on energy emergency allocations (see proposed rules below).

Rules of the Public Utility Commission will remain in the present Title 14 of the New Jersey Administrative Code.

The former rules of the State Energy Office concerning the sale of motor gasoline, adopted in 1974 as R.1974 d.33 (See: 6 N.J.R. 94(a)) and R.1974 d.86 (See: 6 N.J.R. 162(b)), have lapsed, since their statutory authority, P.L. 1974, c. 2, expired by law on June 30, 1975. Therefore these rules, which have been previously cited as N.J.A.C. 1:6-1.1 et seq. and 14:25-1.1 et seq., will no longer appear in the New Jersey Administrative Code following the next revision.

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## ENERGY

### THE COMMISSIONER

#### Proposed Rules on Energy Emergency Allocation

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of P.L. 1977, c. 146, proposes to adopt new rules concerning energy emergency allocation. Such rules, if adopted, will be cited as N.J.A.C. 14A:2-1.1 et seq.

The Commissioner of Energy is directed by law to prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy which poses grave threats to the public health, safety or welfare.

The proposed rules specifically concern general provisions, natural gas, regulation and control of the sale of motor gasoline, a State set-aside program and electricity. The intended effective date of these rules is December 1, 1977.

Copies of the 29 pages of full text of the proposed rules may be obtained from or made available for review by contacting:

Mary Patricia Keefe  
Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102

A public hearing respecting this proposed action will be held in Room 208 at 101 Commerce Street, Newark, New Jersey, on October 20, 1977, at 10:00 A.M.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to: the Department of Energy at the above address.

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

Joel R. Jacobson  
Commissioner  
Department of Energy

(a)

## ENERGY

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Rules on Van Type Autobuses Specifications

The Board of Public Utility Commissioners in the Department of Energy, pursuant to authority of N.J.S.A. 48:4-21A, proposes to adopt new rules concerning autobuses specifications for van-type buses.

Full text of the proposed rules follows.

#### SUBCHAPTER 9. AUTOBUS SPECIFICATIONS FOR VAN-TYPES AUTOBUSES

##### FOREWORD

Note the following references:

- FMCSR = Federal motor carrier safety regulations.
- FMVSS 217 = Federal motor vehicle safety standard #217.
- GVW = Gross vehicle weight (weight of vehicle unloaded).
- GVWR = Gross vehicle weight rating (vehicle weight including load).
- VESC = Vehicle equipment safety commission.

##### 14:11-9.1 Scope

(a) The Board hereby adopts the rules and regulations relating to the safety of equipment as promulgated by the United States Department of Transportation (formerly ICC Motor Carriers Safety Regulations), presently set forth in Part 393, except as otherwise stated herein entitled "Parts and accessories necessary for safe operation", as amended. A copy of these regulations entitled "Department of Transportation Motor Carrier Safety Regulations" may be obtained from the Superintendent of Documents, Washington, D.C. 20423.

(b) Any van-type autobus now in operation or acquired prior to January 1, 1978, and for which this Board has issued a certificate of compliance may continue in service as presently designed, constructed and equipped.

(c) The following specifications apply to all van-type autobuses in interstate or intrastate common carrier service subject to the Board's jurisdiction and for which a certificate of compliance of this Board is required.

(d) Van-type autobus means a motor vehicle having a capacity of 12 passengers or less, including the driver, having seats mounted in a transverse manner (across body).

##### 14:11-9.2 Dimensions

(a) The overall length of the vehicle, including bumpers, shall not exceed 225 inches.

(b) The overall width of the vehicle shall not exceed 84 inches, measured at the widest point of the body. Mirrors, fender moldings and other similar accessories shall not be included in determining body width.

(c) Ceiling height of not less than 74 inches, measured vertically along the center aisle, shall be provided on vehicles having a raised roof and/or center aisle.

##### 14:11-9.3 Chassis and body construction

(a) The chassis and body construction shall be of sufficient size and strength to safely support the gross vehicle weight (GVW) and the allowable payload, as recommended by the chassis manufacturer. The minimum gross vehicle weight rating (GVWR) shall not be less than 7,700 pounds.

(b) The gross vehicle weight rating (GVWR) shall not exceed 10,000 pounds but in no event shall be less than the sum of the unloaded vehicle and the rated minimum cargo load of 50 pounds multiplied by the seating capacity, and the passenger load rated at 150 pounds multiplied by the seating capacity.

(c) Axles, springs, tires and suspension assemblies shall be of sufficient capacity to support the manufacturer's maximum GVWR.

(d) The GVWR certified by the manufacturer, and the gross vehicle axle weight (GVAW) shall be indicated on a data plate affixed to the vehicle, readily visible. At no time shall the GVWR be exceeded.

(e) Altering of the wheel base or the standard chassis frame in any manner shall be prohibited.

(f) Body modifications, such as, raising of the roof and ceiling shall be performed by an established unit manufacturer or by others with certificate of approval by the original manufacturer. Accordingly, the GVWR shall be recertified to include vehicle modifications with the applicable data plate affixed to the vehicle.

(g) Roof modifications shall meet the requirements of the static test load code as set forth in regulation VESC-10 (Vehicle Equipment Safety Commission) relating to minimum requirements for type II school bus construction and equipment. A certificate stating that the requirements have been met must be presented at time of inspection.

(h) The body shall be mounted on an appropriate chassis and shall be free of sharp or jagged edges.

(i) Front and rear bumper shall be provided, attached to the main chassis frame, of sufficient size and strength to permit the vehicle to be pushed or pulled without permanent distortion to bumper or chassis.

##### 14:11-9.4 Equipment unit

(a) The vehicle shall be of the single unit type, with the motive power and passenger compartment mounted as one unit.

(b) Trailers of any type are prohibited.

##### 14:11-9.5 Interior

(a) Interior shall be free of all unnecessary projections. Body panels, seats, flooring and all other component parts of the body shall be permanently installed in a workman-

like manner and be free of any sharp or jagged edges, protruding nails, screws, or similar objects.

(b) Interior shall be equipped with inner linings on ceilings and side walls covering all body bows and body supports.

#### 14:11-9.6 Doors

(a) Vehicles shall be equipped with a door to the right and to the left side of the driver. In addition a door(s) may be provided at the right center side of the vehicle to provide ready access to and from seats in the passenger compartment.

1. The door to the right side of the driver may be omitted on vehicles not having a passenger area immediately to the right of the driver, provided the vehicle is equipped with a right side center door(s) and meets all requirements of FMV Safety Standard #217 covering emergency egress.

(b) Doors shall be readily opened from within and without, and shall be so constructed and maintained.

(c) Right front entrance door on vehicles with raised roofs shall be a minimum of 24 inches in width and 74 inches in height, and such doors shall be under control of the driver while in the driver's seat.

(d) Doors located at the rear of the driver shall be equipped with an audible or visible signal, indicating to the driver when a door(s) is not completely closed. Any visible signal shall be red in color and of sufficient size to be clearly discernable to the driver.

#### 14:11-9.7 Emergency exits

(a) Vehicles manufactured before September 1, 1973 shall meet the requirements of Part 393.61 (b-1) of the Federal motor carrier safety regulations.

(b) Vehicles manufactured on and after September 1, 1973 having a seating capacity of more than ten passengers, including the driver, shall have emergency exits conforming to FMVSS #217, 14:11-2B.6(b) applicable to vehicles with a GVWR of 10,000 pounds or less. (Vehicles equipped with doors as stated in 14:11-2B.6(b) of these specifications shall be deemed to meet the requirements of FMVSS #217, 14:11-2B.6(b) re: vehicles manufactured on and after September 1, 1973).

(c) On vehicles having a center aisle, in addition to the right side center door(s), shall be equipped with a rear door or doors, and the aisle leading to said doors shall not be less than 12 inches in width, nor shall the aisle be obstructed in any manner. (Exemptions to this shall be when the aisle does not extend completely to the rear due to said area being utilized as a baggage compartment).

(d) Side doors and accessible rear doors shall be conspicuously marked by the words "EMERGENCY DOOR" or "EMERGENCY EXIT" on the interior, on, above, or immediately adjacent to the door. The markings shall be in letters of not less than two inches in height, and in addition, the emergency exits shall be identified by a red light.

#### 14:11-9.8 Aisles

(a) Vehicles equipped with a rear seat located to the rear of the rearmost opening of the right center side door shall have an aisle leading from the rearmost seat to the right center side door opening having a minimum width of 11 inches.

(b) Vehicles having a center aisle shall have a minimum center aisle width of 12 inches of unobstructed clearance.

#### 14:11-9.9 Seating

(a) A transverse seat space of not less than 18 inches

shall be provided for each passenger on seats having multiple seating positions. Single seats shall provide a seat space of not less than 19 inches.

(b) Seats shall be forward facing, be of substantial construction, and shall be securely and permanently mounted to the floor and/or sides.

(c) Seat cushion and knee room combined shall not be less than 26 inches. The knee room shall not be less than nine inches.

(d) A minimum of 36 inches of headroom measured from top of the seat cushion to the ceiling shall be provided.

(e) Portable seats, and seats not securely and permanently mounted to the floor are prohibited.

(f) The front seat shall not be occupied by more than one passenger, exclusive of the driver, provided that vehicle construction so allows.

(g) Total number of passengers shall not exceed the capacity of the vehicle as specified by the manufacturer, or the Board's rated seating capacity as designated on the Board's certificate of compliance.

(h) Seat areas shall be equipped with suitable end arm rests.

#### 14:11-9.10 Glazing

All glazing shall be of an approved type in accordance with New Jersey Division of Motor Vehicles regulations.

#### 14:11-9.11 Lights; reflectors

(a) Interior lighting shall be under control of the driver, and sufficient in number to give adequate illumination.

(b) Exterior lights shall meet all applicable New Jersey and Federal requirements.

(c) Vehicles shall be equipped with approved rear reflectors on each side. Reflectors shall be mounted not over 60 inches nor less than 24 inches measured from the reflector center level to the ground.

(d) Stop lights shall be separate and independent from all other rear lights.

#### 14:11-9.12 Mirrors

(a) Interior and exterior mirrors shall be provided to insure a clear view of the vehicle interior and of the exterior sides to the rear.

(b) Exterior left and right side mirrors shall be of the junior west coast type, low mount, firmly supported and easily adjustable.

#### 14:11-9.13 Brakes

(a) Brakes shall conform with the manufacturer's specifications applicable to the GVWR.

(b) Hydraulic service brake systems shall be of the dual (split) type, and meet FMVSS105-75.

(c) Service brake shall be power actuated and shall operate on all wheels.

(d) Service brakes shall be constructed and maintained to stop the vehicle at a rate of deceleration equivalent to a stop of 22.5 feet from a speed of 20 miles per hour.

(e) Vehicles shall be equipped with two sets of brakes having two sets of controls and able to be actuated independently of each other.

(f) Emergency brakes shall be constructed and maintained to stop the vehicle at a rate of deceleration equivalent to a stop of 50 feet from a speed of 20 miles per hour.

(g) Brake stopping distances shall be measured by means of an instrument or machine of the decelerometer type capable of being read in feet.

(h) Brake drums and rotors shall be permanently and plainly marked and shall clearly indicate the maximum safe diameter of the drum or the minimum safe thickness of the rotor as determined by the manufacturer of

the drum or rotor. A drum or rotor worn beyond the maximum safe diameter or minimum safe thickness as prescribed by industry standards shall be discarded.

#### 14:11-9.14 Tires and wheels

(a) Vehicles shall be equipped with tires and wheels of sufficient size and construction, as recommended by the manufacturer to meet the GVWR.

(b) Wheels shall be of the eight hole disc type.

(c) Vehicles shall not be operated on any tire having exposed fabric on tread or sidewall.

(d) Front and rear tires shall have a minimum tread groove of 2/32 inches. Measurements to be made at any point, on a major tread groove except where tie bars, humps, or fillets are located.

(e) Vehicles shall not be operated with regrooved, re-capped, or retread tires on any wheel.

(f) Vehicles shall be equipped with tires that are matched in size designation, construction and profile. Radial tires are not to be mixed with other types.

#### 14:11-9.15 Heaters and defrosters

(a) Vehicles shall be equipped with an adequate heating and defroster system.

(b) The use of exhaust gases for heating purposes within the passenger compartment shall not be permitted, nor shall any portion of the exhaust system be contained within the passenger compartment.

(c) Heaters permitting air contamination shall be prohibited.

(d) Heating devices utilizing gasoline or other fuel shall be of a type approved by a recognized Underwriter's Laboratory, meeting all applicable Federal requirements, and shall be located entirely outside of the passenger compartment.

#### 14:11-9.16 Fuel tanks and fuel systems

(a) Fuel tanks and systems shall meet all applicable Federal requirements as set forth in Part 301 of the Federal motor carrier safety regulations.

(b) Fuel tanks and filler piper shall be located wholly outside of the body, to the rear of the line of the windshield, and/or front axle as physical conditions may indicate and be properly insulated to prevent danger of fire.

(c) Fuel tanks shall be so constructed and located in a manner that will permit filling and draining from the outside of the vehicle only.

(d) Filler pipe caps shall fit snugly to prevent fuel leakage.

(e) Fuel and any other combustible materials shall not be carried or stored in the passenger compartment.

#### 14:11-9.17 Exhaust systems

(a) Exhaust systems shall be free of leaks and securely installed, and entirely outside of the vehicle body and equipped with an appropriate muffler. Flexible pipe or tubing shall be prohibited in exhaust systems.

(b) Exhaust systems shall vent to the rear of the rear wheels.

(c) The engine shall be maintained in good operating condition so as to prevent emission of unnecessary smoke or vapors. Vehicles shall meet the New Jersey Department of Environmental Protection motor vehicle emission inspection standards applicable to light duty gasoline fuel motor vehicles.

(d) No portion of the exhaust system shall be located in a manner which could result in the burning or otherwise damaging electric wiring, fuel system components, or any combustible part of the vehicle.

(e) Engine covers shall be properly sealed and shall not permit any engine compartment vapors to enter the passenger compartment.

#### 14:11-9.18 Windshield wipers

(a) Vehicles shall be equipped with at least two windshield wipers and washers, sufficient in size and power and maintained so as to provide the driver with a clear forward vision. Windshield wipers shall be located on each side of the windshield center line.

(b) Windshield wipers shall be of variable speed and electrically operated.

#### 14:11-9.19 Steps

(a) The first step at the right side center area shall be not less than 14 inches nor more than 16 inches from the ground, when the vehicle is unloaded.

(b) Surface of all steps shall be of non-skid material.

(c) Vehicles having a front entrance door of 74 inches in height shall have a step height at that location not to exceed 18 inches (unloaded) and shall also be equipped with an adequate entrance handle.

(d) Steps shall not extend beyond the body limits to a degree which could possibly result in body injury or property damage.

#### 14:11-9.20 Sun visor

Vehicles shall be equipped with an adequate interior sun visor for driver use.

#### 14:11-9.21 Baggage racks and compartments

(a) Exterior baggage racks shall be constructed so that all baggage will be held in a secure, safe manner, under all conditions of operation.

(b) Ladders or any other similar means of reaching the exterior baggage racks shall be prohibited unless protection is provided that will prevent the possibility of ride hitching.

(c) Interior baggage area shall be separated from the passenger compartment by a plexiglass partition of at least 3/8-inch thick or a metal grill of sufficient strength and construction to safely separate the areas, properly installed in a workmanlike manner. Interior baggage shall be carried in a manner so as not to interfere with any passenger seat, safety or comfort.

#### 14:11-9.22 Identification

(a) No autobus shall be operated unless it displays on each side of its exterior in clearly visible letters at least 1 5/8 inches in height the exact name of the owner.

(b) The name of lessees, if any, shall be displayed in like manner, preceded by the words, "operated by".

(c) Every autobus shall be assigned an identifying number by the utility. This number must be displayed on the interior front, and the front, rear and both sides of the exterior. Interior number shall be at least 1 3/8 inches in height. All exterior numbers shall be at least 3 5/8 inches and of a sharply contrasting color from the background.

(d) Each autobus shall have displayed on the right-hand side thereof the number of the Board's certificate of compliance in letters and figures two inches high in the following style: NJPUC 12345.

(e) Subsections (a), (b), (c) and (d) of this Section do not include limousine or van-type buses limited to 11 passengers as they will be identified by a PUC-LIM license plate furnished by the Division of Motor Vehicles.

(f) The above provision applies to owner/operator vehicles only.

#### 14:11-9.23 Undercoating

Vehicles shall have applied to the underside of the body, front fenders, floor members, and side panels below the floor level, undercoating of a fire resistant material for the purpose of sealing, insulating, and reducing oxidation and the noise level.

14:11-9.24 Certificate of inspection

No vehicle shall be operated unless it prominently displays on the lower right hand corner of the windshield, visible from the exterior an unexpired certificate of inspection issued by this Board.

14:11-9.25 Maintenance

(a) The body, chassis, engine and all equipment, shall be maintained in good repair and safe operating condition.

(b) A current record shall be kept showing the vehicle identification, driver, date of breakdowns, defects reported, corrective measures. The records shall also indicate the party making corrections and the date corrections were made.

(c) Vehicles inspected at other than the home garage shall have defect records available at inspection site.

(d) Each utility shall make a complete inspection of each motor vehicle at regular time and/or mileage intervals for mechanical or structural defects, and all necessary repairs shall be completed before the motor vehicle is returned to service. An itemized record of each inspection showing the date, vehicle identification, lubrication record, and any adjustments or repairs shall be maintained in office or garage.

(e) The records referred to in subsections (b) and (d) of this Section shall be retained by the utility for a period of at least three months after the date of the matter recorded and shall be made available during that period to the duly authorized representative of the Board upon request.

(f) The maintenance facilities of each utility shall be adequate to assure compliance with specifications herein and shall include either a suitable pit, ramp, or hoist, or an arrangement for the use of such facilities.

(g) The entire vehicle shall be kept clean and sanitary.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 11, 1977, to:

Board of Public Utility Commissioners  
101 Commerce Street  
Newark, N.J. 07102

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

George H. Barbour  
President, Board of Public Utility  
Commissioners  
Department of Energy

(a)

**TRANSPORTATION**

**THE COMMISSIONER**

**Proposed Rule on Limited  
Access on Interstate Highways**

Russell Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1, proposes to adopt a new rule establishing limited access prohibitions along all interstate highways in New Jersey.

Full text of the proposed rule follows:

16:28-13.4 Interstate highways

(a) It has been found and determined that the health, safety and welfare of the public require that the use of all interstate highways in the State of New Jersey be limited to certain classes of traffic.

(b) Therefore, in accordance with the provisions of N.J. S.A. 39:4-94.1, the use of the aforesaid highways by the following classes of traffic is prohibited:

1. Pedestrians;
2. Animals led, ridden or driven;
3. Bicycles;
4. Non-motorized vehicles;
5. Motorized bicycles;
6. Tractors, rollers and agricultural or construction machinery, self-propelled or towed, unless a permit therefore has been obtained in advance from the State Commissioner of Transportation.

Interested persons may present relevant statements or arguments, in writing, to the proposed action on or before October 26, 1977, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parway Avenue  
Trenton, N.J. 08625

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

Russell Mullen  
Acting Commissioner  
Department of Transportation

(b)

**TRANSPORTATION**

**THE COMMISSIONER**

**Rule on No Left Turns on Parts of Route 23**

On August 25, 1977, Russell Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-6.16, concerning no left turns on parts of Route 23 in the Township of Cedar Grove, Essex County, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 348(a).

An order adopting this rule was filed and became effective on August 26, 1977, as R.1977 d.325.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

**TRANSPORTATION**

**THE COMMISSIONER**

**Rule on Stop Intersections on Part of Route 208**

On August 25, 1977, Russell Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-5.3, concerning the designation of stop intersections on portions of Route 208 in Oakland Borough, Bergen County, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 348(b).

An order adopting this rule was filed and became effective on August 26, 1977, as R.1977 d.326.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

**TRANSPORTATION**  
**THE COMMISSIONER**

**Revisions on Restricted Parking**  
**On Portions of Routes 49, 31 and 28**

On August 25, 1977, Russell Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-3.103 and adopted new rules to be cited as N.J.A.C. 16:28-3.151 and 3.152 concerning restricted parking on portions of Routes 49, 31, and 28, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 348(c).

An order adopting these revisions was filed and became effective on August 26, 1977, as R.1977 d.327.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

**TRANSPORTATION**  
**THE COMMISSIONER**

**Rule on Restricted Parking**  
**On Portions of Route 57**

On August 25, 1977, Russell Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-3.155, concerning restricted parking on portions of Route 57 in the Township of Greenwich, Warren County, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 373(d).

An order adopting this rule was filed and became effective on August 26, 1977, as R.1977 d.328.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

**TRANSPORTATION**  
**THE COMMISSIONER**

**Rules on Restricted Parking on**  
**Portions of Routes 88 and 28**

On August 25, 1977, Russell Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.153 and 16:28-3.154, concerning restricted parking on portions of Routes 88 and 28, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 380(a).

An order adopting these rules was filed and became effective on August 26, 1977, as R.1977 d.329.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

**TRANSPORTATION**  
**THE COMMISSIONER**

**Revisions on Issuance and Sale**  
**Of N.J.D.O.T. Public Records**

On September 9, 1977, Russell Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:1-2.1 et seq. concerning the issuance and sale of N.J.D.O.T. public records, substantially as proposed in the Notice published August 4, 1977, at 9 N.J.R. 383(a), with only inconsequential structural or language changes, in the opinion of the Department of Transportation.

An order adopting these revisions was filed and became effective on September 9, 1977, as R.1977 d.345.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

**TREASURY**

**DIVISION OF PENSIONS**

**Proposed Rule on Optional**  
**Settlements for Group Life Insurance**

The Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to adopt a new rule concerning optional settlements regarding group life insurance.

Full text of the proposed rule follows:

**17:1-4.30 Optional settlements; group life insurance**

As the statutes provide that death benefits under the group life insurance contracts may be paid under any optional settlement made available by the insurance company, the beneficiary will be informed of such opportunity in the correspondence when such optional settlements are possible. If the beneficiary requests advice concerning such settlements, the claim shall be forwarded to the carrier for contact with the beneficiary. The Division will be advised of the final settlement for the recording of the data with the retirement system.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 27, 1977, to:

Division of Pensions  
Department of the Treasury  
20 West Front St.  
Trenton, N.J. 08625

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.

Clifford A. Goldman  
Department of the Treasury  
State Treasurer

(a)

# TREASURY

## DIVISION OF TAXATION

### Proposed Revisions in Exemption of Personal Property Acquired on or after January 1, 1977

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:11A-1 et seq., proposes to adopt revisions to the rules concerning the exemption of personal property acquired on or after January 1, 1977, regarding the business personal property tax.

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

#### SUBCHAPTER 2. PERSONS AND PROPERTY SUBJECT TO THE TAX; EXCEPT WHEN ACQUIRED ON OR AFTER JANUARY 1, 1977

##### 18:9-2.2 Personal property subject to the tax

All tangible goods and chattels used or held for use in any business, transaction, activity or occupation conducted for profit within the State of New Jersey and not expressly exempt from taxation by the New Jersey State Constitution, the laws made pursuant to, or the express terms of the Act are subject to the tax. For tangible goods and chattels acquired on or after January 1, 1977, see Section 3 of this Subchapter; where leased on or after January 1, 1977, see N.J.A.C. 18:9-3.5.

##### 18:9-2.3 [Reserved] Business personal property not subject to tax on or after January 1, 1977

(a) All business personal property acquired on or after January 1, 1977, shall not be subject to assessment and taxation. For the purposes of this Chapter, acquired means first time used or held for use in business in New Jersey. The time of the acquisition is governed by the time the personal property is used or held for use in business in New Jersey. It is "used or held for use in business" when placed in operation or becomes capable of operating.

###### 1. Example 1:

A machine purchased prior to January 1, 1977, but not installed until after January 1, is not subject to tax.

###### 2. Example 2:

A machine purchased, installed and capable of operating prior to January 1, 1977 is subject to tax.

###### 3. Example 3:

A machine purchased on or after January 1, 1977, irrespective of its use or nonuse, is not subject to tax.

###### 4. Example 4:

A machine which is brought into New Jersey on or after January 1, 1977, by a company which brought the property prior to January 1, 1977, out-of-state and used such property exclusively out-of-state is not subject to tax.

##### 18:9-2.4 Personal property leased prior to January 1, 1977

Tangible personal property leased under a contract of lease made prior to January 1, 1977, is subject to assessment and taxation when in the possession of the lessee on October 1 of the pretax year. For example, a taxpayer (lessor) leases equipment on November 1, 1976. The lease term is for a period of five years. Since the equipment is in the possession of the lessee on October 1, 1977, the taxpayer is subject to tax in 1978 and each year thereafter

until the lease terminates. See N.J.A.C. 18:9-3.5 for leases entered into for the first time on or after January 1, 1977.

##### 18:9-3.5 Personal property held for leasing exempt until leased; first time leased on or after January 1, 1977 exempt

(a) Tangible personal property of a taxpayer held for leasing or which is to be furnished as part of a service contract is not subject to the tax until such property is in the actual possession of a lessee under a contract of lease. See N.J.A.C. 18:9-2.4 where leased prior to January 1, 1977.

(b) Tangible personal property of a taxpayer (lessor) which has not been leased for use in New Jersey prior to January 1, 1977, is exempt from tax when leased in New Jersey for the first time on or after January 1, 1977. For example:

1. A manufacturer of machinery completes its manufacturing process with respect to a particular machine on August 30, 1976. The completed machine remains in the manufacturer's warehouse until April 1, 1977, at which time the manufacturer in the normal course of business leases the machine to a New Jersey lessee which commences using the machine as part of its normal business. The machine is not subject to tax since the machine was inventory until April 1, 1977, and its first use in New Jersey occurred after January 1, 1977.

2. A manufacturer completed the manufacturing process with respect to a particular machine on August 30, 1976, at which time in the normal course of business the machine was leased to a lessee located within the State of New York. The lease continued until February 28, 1977, at which time the lessee returned the machine to the manufacturer/lessor. On April 1, 1977, the same machine was then leased to a New Jersey lessee for use within the State of New Jersey. The machine is not subject to tax since its first use in New Jersey occurred after January 1, 1977.

3. A lessor of tangible personal property leases such property to a New Jersey lessee for use in New Jersey on August 30, 1976. The lease remains in effect until February 28, 1977, at which time the lease is terminated and the personal property is returned to the lessor. On April 1, 1977, such property is leased again to the same or another New Jersey lessee. The personal property is subject to tax since its first use in New Jersey by the taxpayer (lessor) was prior to January 1, 1977.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(b)

# TREASURY

## STATE LOTTERY COMMISSION

### Revised Rules on Weekly Lottery Game

On August 25, 1977, Gloria A. Decker, Executive Director

of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to the rules concerning the weekly lottery game.

The adopted revisions repealed the current text of N.J.A.C. 17:21-2.3 and revised various Sections in Subchapters 3, 4 and 5 in Chapter 21 of Title 17 of the New Jersey Administrative Code.

Full text of the revised rules in these Subchapters follows:

17:21-3.1 Manner of conducting weekly drawing

(a) Each weekly drawing shall be conducted and the winners determined as hereinafter provided:

1. A four-digit number shall be randomly selected by the spinning of four cylinders numbered 0-9.

i. The above four-digit selected number will compile the third, fourth, fifth, and sixth digits, reading from left to right, of the eventual six-digit winning number.

2. Next, a plexiglas sphere containing the 100 possible first two-digit combinations is rotated to mix the balls. The cup on the sphere is then unlocked and the sphere is rotated to allow the selection of ten balls, one at a time.

3. As each ball is removed from the sphere, it is assigned a post position, and placed on the post position board. The first ball chosen is placed in position number one, the second, in number two, and so forth through number ten. These ten two-digit combinations, plus the last-four-digit combination, make up the ten complete numbers which participate in the final drawing process.

4. Before the start of the drawing process, ten envelopes, each containing the post position of a winning horse in a race certified by the New Jersey State Racing Commission, are placed in a clear plexiglas barrel. There is a certified winner for each post position—one through ten. After the barrel has been rotated for mixing, one envelope is removed. The envelope opened and the contents read aloud, announcing the post position of the horse who won that particular race.

5. The post position of the winner of the horse race randomly selected is associated with the six-digit lottery number appearing on the post position board in the similar position. The computer shall research the "sold ticket file" to determine if the selected six-digit number is sold. In the event the first selected six-digit number is not sold, steps taken in paragraph 4 will be repeated until a sold number has been established. All prizes in all pools for that drawing date will be determined by the one winning number.

17:21-3.2 Number and amount of prizes

Lottery Number	Number of Prizes Per Pool	Prize Tier	Total Cost Per Pool
123456	1	\$50,000	\$50,000
X23456	9	4,000	36,000
XX3456	90	400	36,000
XXX456	900	40	36,000
XXXX56	9,000	5	45,000

(a) For each lottery pool of one million tickets, the following prizes shall be offered:

(b) In addition to the prize structure set forth herein, incentive prize award bonuses shall be awarded to the Lottery agents as per the following:

1. Bonus to agent selling the winning \$50,000 weekly prize ticket ..... \$500.00.

(c) The difference between the total amount of money available for awarding as cash prizes and 49 per cent of the total revenues generated from the sale of lottery

tickets in each lottery pool may be allocated to a fund for appropriation to the prize pool of past or future weekly lotteries, the next ensuing millionaire lottery, or as otherwise directed by the Lottery Commission.

17:21-3.3 Determination of prize winners

(a) For each weekly lottery pool of one million tickets, there shall be offered 10,000 cash prizes, and ten prizes entitling the winners thereof to participate in the 50-cent millionaire lottery, as fully described in N.J.A.C. 17:21-5.1.

(b) The post position number of the winning horse, as described hereinbefore, shall be used to determine a winner of a first prize in the following manner:

1. The six-digit numbers shall be selected and each shall be assigned a number from one to ten in the order selected.

2. The certified results of a horse race shall then be drawn and the post position of the winning horse of said race shall be used to determine which of the ten six-digit numbers shall be the winner and shall be entitled to first prize.

i. For example: If the post position of the winning horse of the race drawn is number "4", this signifies that the fourth six-digit number already selected constitutes the winning number and is entitled to the first prize.

(c) The six-digit number entitled to first prize in the manner indicated in subsection (b) above shall be used to determine nine second winners. The digit at the extreme left of the six-digit winning number referred to in subsection (b) above shall be eliminated and all holders of tickets bearing the remaining five digits in the order in which they appear in the winning number, referred to in subsection (b) above, shall constitute and be the winners of the second prizes.

(d) The six-digit number entitled to first prize in the manner indicated in subsection (b) hereof shall be used to determine 90 third prize winners. The first and second digits at the extreme left of the six-digit winning number referred to in subsection (b) above shall be eliminated and all holders of tickets bearing the remaining four digits in the order in which they appear in the winning number, referred to in subsection (b) above, shall constitute and be the winners of the third prizes.

(e) The six-digit number entitled to first prize in the manner indicated in subsection (b) hereof shall be used to determine 900 fourth prize winners. The first, second, and third digits at the extreme left of the six-digit winning number referred to in subsection (b) above shall be eliminated and all holders of tickets bearing the remaining three digits in the order in which they appear in the winning number, referred to in subsection (b) above, shall constitute and be the winners of the fourth prizes.

(f) The six-digit number entitled to first prize in the manner indicated in subsection (b) hereof shall be used to determine 9,000 fifth prize winners. The first, second, third, and fourth digits at the extreme left of the six-digit winning number referred to in subsection (b) above shall be eliminated and all holders of tickets bearing the remaining two digits in the order in which they appear in the winning number, referred to in subsection (b) above, shall constitute and be the winners of the fifth prize.

(g) The winner of a prize shall be entitled only to the award of the largest prize for which he is eligible, as evidenced by his winning number. He shall be eliminated from lesser awards in the same drawing.

(h) The New Jersey State Lottery guarantees that there will be at least one sold ticket for the prize of \$50,000 each time a drawing for the weekly takes place. Should a six-digit number be selected that does not appear on any

sold ticket, the New Jersey State Lottery will draw another envelope with a new post position and thereby determine the new winning six-digit number. (See N.J.A.C. 17:21-3.1(a)3. and 4.)

1. This new six-digit number is applicable to the \$50,000 prize only and will not be used to determine winners of any other prize amount.

**SUBCHAPTER 4. PROCEDURE FOR CLAIMING PRIZES FOR THE WEEKLY LOTTERY GAME**

**17:21-4.1 Places of claiming**

(a) The lottery prize structure provides cash prizes for first through fifth prize winners.

(b) The claim centers are duly authorized to accept claims on all prize tiers, and are also authorized to pay all claims of \$5.00, \$40.00, and \$400.00.

(c) All duly authorized Lottery agents (non claim centers) are authorized to pay claims of \$5.00 only.

(d) The Director shall designate claim centers for the lottery program and advertise their locations.

**17:21-4.2 Claim form**

(a) The claimant is required to fill out the claim form which is obtained from the claim center and present the completed form together with the "winning" ticket to any claim center provided, however, that the Director may, in his discretion, authorize the cash redemption of certain prizes upon presentation and proper validation of a winning ticket at certain designated locations.

(b) The Director may in his discretion, require a verification on the claim form that the person claiming a prize is not an officer or employee of the Division of the State Lottery or a person prohibited from claiming a prize.

**17:21-4.3 Winning number list**

The State Lottery will provide the claim centers and lottery agents with a list for all winning numbers for the 52 previous weeks.

**17:21-4.4 Claim center verification**

(a) Except in those situations where the Director has authorized cash redemption, the claim center will verify the claim, herein described, and if acceptable, deliver one copy of the claim form to the claimant.

(b) The claim center will forward the winning ticket and a copy of the claim form to the State Lottery for validation.

(c) Upon validation by the State Lottery, a check will be awarded to the claimant in payment of the amount due.

(d) In the event that the claim is not valid, the claim shall be denied and the claimant shall be promptly notified.

Note: 17:21-5.7 is hereby repealed and replaced with the following new section.

**17:21-5.7 Agent bonuses**

(a) In addition to the prize structure set forth herein, incentive prize award bonuses shall be awarded to the Lottery agents as per the following schedule:

- 1. Bonus to agent selling the winning "Millionaire Lottery" Ticket ..... \$10,000;
- 2. Bonus to agent selling the second place "Millionaire Lottery" Ticket ..... \$ 5,000;
- 3. Bonus to agent selling the third place "Millionaire Lottery" Ticket ..... \$ 1,000;
- 4. Bonus to agent selling fourth through tenth "Millionaire Lottery" Ticket ..... \$ 200.

(b) All determinations of winners shall be made by the Director, whose judgment of said determination shall be final.

**17:21-5.9 Final jackpot drawing**

(a) The final jackpot drawing will be held on September 15, 1978, or prior thereto if all possible winners have filed their claims.

(b) All winners will be given one year to file claims for the final jackpot drawing.

(c) The prize structure and the agent's bonus for the final jackpot drawing will be increased by six per cent per annum.

An order adopting these revisions was filed and became effective on August 25, 1977, as R.1977 d.320 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**TREASURY**

**DIVISION OF PENSIONS**

**STATE POLICE RETIREMENT SYSTEM**

**Revisions to Portion of System's Rules**

On September 12, 1977, Elmer G. Baggaley, Secretary to the State Police Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 53:5A-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:5-3.1(c), 17:5-5.1(a), 17:5-5.2, 17:5-5.3 and 17:5-5.15 concerning longevity payments, application forms for retirement, effective date changes, death prior to effective date and medical examinations, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 386(a).

An order adopting these revisions was filed and became effective on September 21, 1977, as R.1977 d.359.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(Other Agencies)**

**(b)**

**ELECTION LAW**

**ENFORCEMENT COMMISSION**

**Rules on Travel Expenses, Political Action Committees and Valuation of Goods and Services**

On September 12, 1977, the Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6(b), 19:44A-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:25-15.38 through 19:25-15.41, concerning travel expenses, political action committees and valuation of goods and services, substantially as proposed in the Notice published August 4, 1977, at 9 N.J.R. 395(a), with only inconsequential structural or language changes, in the opinion of the Election Law Enforcement Commission.

An order adopting these rules was filed and became effective on September 19, 1977, as R.1977 d.350.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

### Rules on Negotiations, Impasse Procedures And Compulsory Interest Arbitration of Labor Disputes in Public Fire and Police Departments

On September 16, 1977, the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules on negotiations, impasse procedures and compulsory interest arbitration of labor disputes in public fire and police departments, to be cited as N.J.A.C. 19:16-1.1 et seq., substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 350(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Public Employment Relations Commission.

The most pertinent, adopted changes include changes in gender references, corrections of typographical errors and the adoption of a new Subchapter 7, Failure to submit a notice or other document. The one Section in this new Subchapter reads "The failure to submit any notification, petition, statement or other document as set forth in these rules shall not provide the basis for any delay in these proceedings nor shall it otherwise prevent or preclude the resolution of a dispute through compulsory interest arbitration pursuant to this Chapter".

An order adopting these rules was filed and became effective on September 16, 1977, as R.1977 d.349.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HIGHWAY AUTHORITY

### GARDEN STATE PARKWAY

#### Proposed Revisions in Use of Parkway By Certain Trucks and Vans

The Highway Authority, pursuant to the authority of N.J. S.A. 27:12B-1 et seq., proposes to revise its rules concerning trucks and vans to permit trucks and vans not exceeding a gross weight of 6,999 pounds to use the Parkway for its entire length, in compliance with L. 1977, C. 196, effective November 27, 1977.

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

#### 19:8-1.1 Definitions

"Car" means a passenger motor vehicle, including station wagons [and passenger vans], hearses, funeral flower and funeral service vehicles for which issuance of passenger car plates is authorized, taxicabs [and], motorcycles[,] and panel vans, trucks, pickup trucks and similar vehicles having a gross weight not exceeding 6,999 pounds.

["Passenger van" means a van-type, four-wheeled motor vehicle used and designed to transport passengers, with windows all around, rear seat(s) and not used for commercial purposes, similar to a station wagon.]

["Truck van" means any van-type motor vehicle other than a passenger van or camper.]

19:8-3.1(b) Car (two axles) [Motorcycles]

[\*\*Light truck less than two ton]

\*\*Truck [2.5] 3.5 ton two axles, four wheels

Interested persons may present statements or arguments in writing relative to the proposed action on or before October 26, 1977, to:

F. Joseph Carragher  
Executive Director  
Highway Authority  
Garden State Parkway  
Woodbridge, New Jersey 07095

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

F. Joseph Carragher  
Executive Director  
Highway Authority

(c)

## TURNPIKE AUTHORITY

### Proposed Amendment Concerning Double-Saddlemount Vehicles

The Turnpike Authority, pursuant to authority of N.J. S.A. 27:23-29, proposes to amend N.J.A.C. 19:9-1.9 concerning the addition of double-saddlemount vehicles to the limitations of use on the Turnpike.

Full text of the proposed amendment follows:

19:9-1.9(a)24. Three-vehicle combination, commonly known as "double-saddlemount", wherein a tractor is hauling two additional tractors.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1977, to:

Marian B. Macaulay  
Assistant Secretary  
Turnpike Authority  
New Brunswick, N.J. 08903

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

Marian B. Macaulay  
Assistant Secretary  
Turnpike Authority

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## STATE LOTTERY REPORTS RECORD

### YEAR IN PLAY, INCOME EARNED

The New Jersey State Lottery announced that last year was the most successful in its seven-year history.

The Lottery collected \$194 million in the fiscal year which ended last June 30, \$36 million more than the 1976 fiscal year.

In a report to Gov. Brendan Byrne and the State Lottery Commission, Gloria Decker, executive director, said the Lottery gave \$78.1 million to the State for education and institutions, which was almost \$10 million more than last year.

This represented 40.2 per cent of the Lottery's revenues, well above the 30 per cent required by law to go to education and institutions.

The Lottery handed out \$95.8 million in prize money, an increase of \$20 million over 1976.

Decker said the remaining revenues were used to pay commission fees to agents and banks, advertising costs and administrative expenses.

## TO PROVIDE FUNDING AID FOR MORE

### PRIVATE NURSING HOME BUILDING

Governor Brendan Byrne last month directed the New Jersey Economic Development Authority to move forward with a program of EDA financing for the construction of private nursing homes.

"There is a serious and clear need for additional nursing home beds in New Jersey", the Governor said. "Currently there is a backlog of 1,500 Medicaid patients awaiting placement".

The Governor noted that while the Department of Health has granted certificates of need for approximately 1,550 nursing home beds, these homes are not yet under construction because of their inability to secure adequate financing terms.

"The commercial interest rate is 13 per cent while the EDA can provide financing at seven per cent", Byrne said.

According to the State Division of Medicaid the difference in the debt service cost between the interest rates would be \$341.00 per bed per year.

Th Governor stated that it has been estimated that by having the EDA finance 1,000 of the needed nursing home beds, there would be a savings of \$341,000 per year.

In order to receive financing assistance the nursing home applicant will have to meet several EDA requirements.

First, an independent feasibility study will be performed on the project to insure its financial soundness. This study will be examined by EDA financial analysts as well as by representatives of the State Health Department and the Health Care Facilities Financing Authority.

Second, all required permits and approvals must be obtained from the Health Department and the Division of Medicaid.

Third, the EDA will conduct background investigations of the principal investors involved in each project.

## REGISTRATION DRIVE GOING ON IN VARIOUS WAYS

Secretary of State Donald Lan recently reminded New Jerseyans that October 11 is the deadline for registering to vote in the Nov. 8 general election.

"Our voter registration drive SUPER '77 (Sign Up Please! Easy Registration) has been extremely successful so far", Lan said.

Voter registration forms have been placed in post offices throughout the State and mobile units are visiting counties and registering residents. There is also a registration drive being conducted on college and university campuses in the State, he revealed.

"As part of this bi-partisan drive, State workers also have received mail-in voter registration forms in their paycheck envelopes", Lan said.

"We are trying to ensure that every eligible voter in the State is registered".

Lan urged any with questions about the registration process to contact the Election Section of the Department of State in Trenton or their own County Board of Elections.

Trenton phone number for the Elections Section of the Department of State is (609) 292-3760.

## TIGHTER OFFICIAL CORRUPTIONS

### MEASURE IS SIGNED INTO LAW

Governor Brendan Byrne signed into law Sept. 13 a bill which increases the penalties for certain crimes committed by public officials.

The bill, S-816, sponsored by Senators John M. Skevin, (D-Bergen) Alene Ammond, (D-Camden) and Alexander J. Menza, (D-Union), is known as the Official Corruptions Act.

It raises from misdemeanors to high misdemeanors various corrupt acts by officials and provides for a fine of \$100,000 for corporations convicted of high misdemeanors for which no specific penalty is named.

The law increases the penalty for individuals convicted of corruption from \$2,000 to \$100,000 and provides a statute of limitations of seven years, increased from five years.

Included is a provision barring anyone convicted under this act from submitting bids on contracting or conducting business with any State agency for five years from the date of conviction.

The new law also provides that persons convicted of certain crimes may not hold public office. These crimes are bribery in connection with government work and the compounding of crimes. Also added are two statutes prohibiting kickbacks and extortion.

## NEW LEGAL AID FOR ELDERLY DUE

Governor Brendan Byrne announced that a new program of legal assistance for New Jersey's elderly, to be conducted by the State Division on Aging in the Department of Community Affairs, will soon be available.

The new Legal Services Development Program will seek to expand and coordinate legal services presently available to the elderly, and to develop facilities for legal assistance where the need for such facilities exists, Byrne said.

The program, to be funded under a Federal grant, is in addition to existing programs for the elderly administered by the Division on Aging. These include employment for elderly workers, a nutrition program, technical assistance to programs on aging, special assistance to county offices and the nursing home ombudsman program.

## FOUR NEW LAWS AIM TO CLARIFY COUNTY, MUNICIPAL OPERATIONS

Governor Brendan Byrne recently signed four bills sponsored by Senator Alfred N. Beadleston, R-Monmouth, affecting counties and municipalities.

S-866 requires county recording officers to notify municipal tax assessors of the filing of an approved subdivision plat. The Municipal Land Use Law requires county recording officers to notify the planning boards of the filing of any plat within seven days of the filing. This bill requires notification to the tax assessors at the same time.

S-3046 concerns the qualifications, duties and registration of municipal accountants. The bill transfers the sections of Title 40, Municipal and County Government, which concern municipal accountants, to Title 45, Professions and Occupations, where they are more appropriately classified.

S-3049 establishes procedures whereby school districts may reinvest bond issue proceeds in securities. The substance of this bill currently exists as Title 40:5-7.1 et seq. Purpose of this legislation is to transfer the sections of the statute concerning school districts from Title 40, Municipalities and Counties, to Title 18A, Education, where they properly belong.

S-3043 repeals certain statutes concerning the acquisition of land, leasing of buildings and contracting for vehicles by county and municipal fire and police departments. The bill repeals N.J.S. 40:4-119 which authorizes municipalities to provide for the acquisition of lands and buildings needed by a police department. This authority is duplicated under provisions of the Local Lands and Buildings Law, P.L. 1971, c.199.

This bill also repeals N.J.S. 40A:14-120 which allows municipalities to take out and renew a five-year lease on any building to be used as a police department. This section is duplicated in the Local Lands and Buildings Law, P.L. 1971, c.199.

N.J.S. 40A:14-121, which allows municipalities to contract for vehicles for the police department, was repealed, as this section is duplicated under the Local Public Contracts Law, P.L. 1971, c.198.

## GAMBLING ENFORCEMENT HEAD NAMED

Governor Brendan Byrne presided recently at the swearing-in of Robert P. Martinez as Director of the Division of Gaming Enforcement at a \$38,280 salary.

(When initial administrative rules of the new Division are issued they will appear in the Administrative Code as part of Title 19—Other Agencies.)

The Governor noted that this is the first time New Jersey has had a Division of Gaming Enforcement. "The challenge is a new challenge. It's a big challenge. But it is one that I am convinced Bob Martinez is professionally qualified to meet", the Governor said. "He comes into this new job as equipped as anybody in New Jersey to work in the field of gambling enforcement", he declared.

Martinez was appointed in March, 1974 as special assistant to State Attorney General William F. Hyland. In this position, he participated in revising the state's Wiretapping and Electronic Surveillance Act, the Penal Code and procedures for handling civil rights cases. He recently completed service as chairman of the Governor's staff policy group on casino gambling.

Martinez is a graduate of Boston College and the New York University School of Law, followed by graduate work at the University of Munich. He and his wife Elaine live in Trenton.

## ATTORNEY NAMED TO HEAD LEGAL SERVICES FOR ELDERLY

Community Affairs Commissioner Patricia Q. Sheehan announced that Sandy Alan Schussel, an attorney from Bergen County now living in Plainsboro, will direct the new Legal Services for the Elderly Program in the Department's Division of Aging.

"This program is funded through a \$26,000 Federal grant under Title III of the Older American Act", Sheehan said. "Its purpose will be to expand and coordinate legal services presently available to the elderly, and to develop facilities for legal assistance where the need for such facilities exist".

"Many of New Jersey's elderly do not qualify for free legal services, and yet they cannot afford attorneys", Schussel added.

Indicating that he will be working closely with the private bar, existing legal services offices and all County Offices on Aging, Schussel said coordination of existing resources will be a major area of his concern.

"Many senior citizens are afraid to deal with the various administrations that provide services for them. They also need to learn how to deal with the law, how to effect legislation, and what is happening with the law", the attorney noted.

## WORKERS' COMPENSATION RATES TO GO HIGHER STARTING JAN. 1

Increases in benefit rates to be paid next year for workers' compensation, unemployment insurance, temporary disability insurance and the new unemployment insurance taxable wage base were recently announced by John J. Horn, Commissioner of the State Department of Labor and Industry.

The maximum weekly benefit amount for unemployment insurance and State Plan temporary disability insurance has been set at \$110. for 1978. The new rate, up \$6 over this year's maximum, will be effective for all new unemployment insurance benefit years and all periods of disability which begin on or after January 1, 1978, Commissioner Horn stated.

The new maximum weekly benefit rate for workers' compensation temporary total disability, permanent total disability and dependency will be \$146 per week effective January 1, 1978, \$8 over 1977.

Horn explained that the maximum weekly benefit for unemployment insurance and State Plan temporary disability insurance is established by law at 50 per cent of the average weekly wage figure for 1976. The average for this year was \$218.07 and 50 per cent of this at \$109.33 rounds out to \$110.

Average weekly remuneration for workers' compensation is set at two-thirds the average 1976 weekly wages. Thus, two-thirds of \$218.67 rounds to \$146.

Horn commented that "benefits from our income security programs have elasticity according to the average weekly wage. It is evident that if salaries go up, benefits go up. And if earnings come down the benefits will come down".

"Changes under our new unemployment insurance laws have allowed for more elasticity in contributions by the employer to the Unemployment Insurance Trust Fund. Our benefits programs clearly show a closer link to economic reality and these changes permit us to reflect inflationary trends now in both contributions and in benefits".

## TWO MORE CODE TITLES UPDATED LAST MONTH

A mailing was completed last month of updated administrative rules covering two Titles in the New Jersey Administrative Code, Title 6, Education and Title 10, Human Services.

The update covered rules for those two Departments adopted up to May 25 of this year.

If Code subscribers have not received this mailing please contact the Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608, or phone (609) 292-6060.

The Administrative Code, like the Register, is published by the Division of Administrative Procedure on a subscription basis. All rules proposed or adopted since those now in print in the Code are reported each month in this Register.

A cumulative index of rules not yet distributed in the Code appears as a regular feature in the center pages. The index has been adjusted this issue to reflect the latest mailing.

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### CASINO CONTROL COMMISSION

#### NOW AT FULL MEMBERSHIP

The nominations of the final two members of the policy-making Casino Control Commission were confirmed last month by the State Senate.

By a 32-0 vote with no debate, the lawmakers approved Gov. Brendan Byrne's choices of Prospero DeBona and Alice Corsey to serve on the five-member panel which will license and regulate casinos.

DeBona, a Monmouth County lawyer, was approved for a one-year term in the part-time, \$18,000-a-year post. Mrs. Corsey, a member of the New Jersey School Boards Association from Westville, was cleared for a two-year term.

The first three appointees, Commission Chairman Joseph Lordi and Commissioners Albert Merck and Kenneth MacDonald were sworn in earlier last month. As chairman, Lordi will receive \$60,000 annually.

Officials feel it is unlikely the Commission will grant its first casino license this year.

By the same 32-0 vote, the Senate also confirmed a host of nominations for judgeships and boards.

They were: Harvey Halberstadter, Union County Juvenile Court judge; Warren Brody, Union County Court judge; Thomas Franklin, Superior Court judge; Harold White, Ocean County Court judge and L. Anthony Gibson, Atlantic County Court judge.

Also: Neil Deighan Jr., Camden County Court judge; Edward Menneti, Camden County District Court judge; Sidney Goodelman, judge of the inter-city Municipal Court of Weymouth, Estell Manor and Corbon City and Peter Corruzzi, Superior Court judge.

Additionally: Rudolph Rossetti and Barry Weinberg, Camden County Court judges; Robert Torricelli, member of the Board of Governors of Rutgers University, and Adrian Foley Jr., member of the New Jersey Sports and Exposition Authority.

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### VETERANS 30 PER CENT OF APPRENTICES

Veterans account for nearly 30 per cent of the applicants to the apprenticeship programs of the Division of Employment Services and minorities represent nearly 24 per cent, according to John J. Horn, Commissioner of the Department of Labor and Industry.

Winifred Brady, assistant director of the Division, said that of a total of 1,098 applicants, 365 were accepted in programs and of those 108 were veterans and 86 from minority groups.

Mrs. Brady said the majority of apprenticeship programs were in construction, with 371 applicants accepted in the electrician trade, 18 as carpenters, 21 in plumbing, 194 as stationary engineers, 29 as operating engineers, 27 as air conditioning and refrigeration mechanics and 13 as machinists.