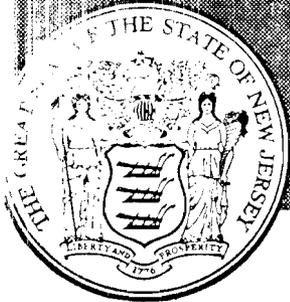


# NEW JERSEY REGISTER



*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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(Includes all rules filed through Oct. 26)

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(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Rule on Confidentiality of Certain Reports

On September 29, 1977, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:12A-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. 2:48-4.1, concerning the confidentiality of certain reports, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 402(b).

An order adopting this rule was filed and became effective on September 30, 1977, as R.1977 d.366.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Rule on Swine Pseudorabies Vaccination

On September 29, 1977, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-17, 4:5-106 through 4:5-106.20 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 2:2-4.40, concerning swine pseudorabies vaccination, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 402(a).

An order adopting this rule was filed and became effective on September 30, 1977, as R.1977 d.367.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Rule Amending Federal Order No. 2 On Milk Handling in New York-New Jersey

On October 25, 1977, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted by reference the amendments to Federal Order No. 2 regarding the handling of milk in the New York - New Jersey milk marketing area.

2:54-3.10 Amendment to Federal order no. 2;

2:54-3.10 Amendment to Federal order number 2;  
effective November 1, 1977

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

(b) Pursuant to the provisions of N.J.A.C. 15:15-5.3, and after considering the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture contained in the "Decision (Partial) on Proposed Amendments to the Marketing Agreement and to Order," signed in Washington, D.C. on August 12, 1977, by Robert H. Meyer, Assistant Secretary for Marketing Services, United States Department of Agriculture, the Director, Division of Dairy Industry hereby finds and determines that the findings and conclusions (42 F.R. 41582 ff.) should be adopted by reference insofar as such findings and conclusions pertain to the marketing of milk in the State of New Jersey under 7 CFR 1002, the same being commonly referred to as Federal Order No. 2.

(c) The director further finds that the terms of the "Order Amending Order" (42 F.R. 52379 ff.) signed in Washington, D.C. on September 27, 1977, by Jerry C. Hill, Deputy Assistant Secretary, United States Depart-

## NEW JERSEY REGISTER

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ment of Agriculture, to be effective November 1, 1977, should be adopted by reference insofar as such order applies to the marketing of milk in the State of New Jersey under terms of the aforesaid joint and concurrent Order No. 2. He further finds that the adoption of said order will tend to effectuate the declared policy of the statute as contained in N.J.S.A. 4:12A-1, et seq.

(d) It is therefore ordered that on and after the effective date hereof there is hereby adopted as N.J.A.C. 2:54-1.6, by reference, the aforesaid amendments to the order regulating the handling of milk in the New York-New Jersey milk marketing area as the said order applies to the marketing of milk in the State of New Jersey.

(e) This order shall be effective from and after 12:01 A.M. on November 1, 1977.

An order adopting this rule was filed on October 26, 1977, as R.1977 d.407 (Exempt, Procedure Rule) to become effective on November 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

**BANKING**

**THE COMMISSIONER**

**Proposed Amendment to Definition  
Of Home Improvement Loan**

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:16F-11 and 17:1-8.1, proposes to amend a portion of the definition of home improvement loan currently appearing in N.J.A.C. 3:1-9.2.

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

**3:1-9.2 Definitions**

"Home improvement loan" means a loan, unsecured or secured by collateral other than a first lien on a residential real property.

1. The proceeds of which, all or in part, are to be used for the purposes of repairing, rehabilitating, or remodeling an existing residential dwelling located in a state as stated by the borrower to the lender at the time of the loan transaction; and

2. That is recorded on the books of the depository institution as a home improvement loan; and

3. Includes all secondary mortgage loans and consumer loans [of any type] **repayable in equal periodic installments**, the proceeds of which, all or in part, are to be used for the purpose of repairing, rehabilitating, or remodeling an existing residential dwelling.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Clifford F. Blaze  
Deputy Commissioner  
Department of Banking  
36 West State Street  
Trenton, N.J. 08625

The Department of Banking may thereafter adopt this amendment substantially as proposed without further notice.

Virginia Long  
Commissioner  
Department of Banking

(b)

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Amendments to Personnel Manuals on Allocation  
And Reallocation of Class Titles**

On September 22, 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 subpart 6-7.101 in both the Civil Service Personnel Manuals (State Service and Local Jurisdictions) concerning the allocation and reallocation of class titles.

Full text of the amended rules in the Civil Service Personnel Manual (State service) follows (take note that the amended rules in the Civil Service Manual, Local Jurisdictions, are basically the same as the text below):

**Part 6-7 ALLOCATION AND REALLOCATION OF  
CLASS TITLES**

Subpart 6-7.101 Reallocation of title between divisions of the classified service

**6-7.101a Subject:**

This subpart shall set forth the procedure to be used for reallocation of a title from one division of the classified service to another division of the classified service.

**6-7.101b Application:**

1. When a title is reallocated from the competitive division of the classified service to either the noncompetitive division, the labor division or the exempt division of the classified service, employees in the reallocated title with permanent status in that title shall be placed on a special reemployment list of competitive titles previously held by the employee.

2. When a title is reallocated from the noncompetitive division, the labor division or the exempt division of the classified service to the competitive division of the classified service, the employees serving in those titles with permanent status shall retain permanent status in the titles previously held, but shall not have promotion rights in the competitive division. Such employees may obtain promotion rights by passing an open competitive examination and receiving an appointment from an open competitive list for that title in the normal manner. Employees who receive such open competitive appointment will not be subject to another working test period.

3. The appointing authority shall be apprised of the contemplated reallocation before it goes into effect and be given 20 days in which to state objections.

An order adopting these amendments in the State Service Manual was filed on September 30, 1977, as R.1977 d.368 (Exempt, Procedure Rule). An order adopting these amendments in the Local Jurisdictions Manual was filed on September 30, 1977, as R.1977 d.369 (Exempt, Procedure Rule). Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Amendments to Regulations and Guidelines Of the Salary Adjustment Committee

On September 27, 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 Subpart 7-3.116 in the Civil Service Personnel Manual (State service) concerning the regulations and guidelines of the Salary Adjustment Committee.

Full text of the adopted amendments follows:

#### Subpart 7-3.116 Information subpart

##### 7-3.116a Subject:

This subpart contains the regulations and guidelines approved by the Salary Adjustment Committee effective April 15, 1976.

##### 7-3.116b Regulations and guidelines:

1. An appointing authority is authorized to:
  - a. Appoint a new employee at a salary step up to and including the fourth step of the salary range to which his/her class title is assigned.
  - b. Grant a salary increase to an employee who has a substantiated, bona fide offer of employment from an employer other than the State of New Jersey at a salary which exceeds the present salary of the employee, and whose loss to his/her department will be detrimental. Such increase in salary may not exceed three steps in the salary range to which the employee's class title is assigned.
  - c. Appoint an employee at the appropriate step of the salary range, thereby precluding any reduction in salary as a result of an interdepartmental transfer or appointment.
  - d. Take those steps necessary to correct administrative errors which result in situations wherein employees are improperly compensated.
2. The salary adjustment committee has authorized the Director, Division of Budget and Accounting to:

Approve informally the request of an appointing authority to appoint a new employee at a salary above the fourth step of the salary range to which his/her class title is assigned, subject to final formal approval by the salary adjustment committee.
3. The salary adjustment committee will continue to reserve for its formal approval the following:
  - a. A new hire above the fourth step of the salary range;
  - b. A salary increase in excess of three steps in the salary range in order to retain an employee;
  - c. A salary increase for an employee in a No Range (N98) position;
  - d. An authorized hiring rate above the minimum of the salary range for a specific class title;
  - (e) A salary increase request based upon meritorious service, provided it is sufficiently justified;
  - f. A general policy decision addressing a State-wide and/or agency salary problem; and
  - g. Other requests for salary adjustment not specifically included above, nor within the jurisdiction of the Director of the Division of Budget and Accounting.

4. The following conditions shall be met by an appointing authority requesting action provided in section I:

- a. Any CS21 to accomplish an action under section I shall include in item 36 the statement "This SAC action is made in accordance with Salary Administration Memorandum No. 33-76".
  - b. No action shall be taken under section I with an effective date prior to April 15, 1976.
  - c. Any action taken under section I shall be on a current basis. In no case, shall such action be retroactive for a period longer than four weeks prior to the stamped date of receipt of the CS21 in the Department of Civil Service.
  - d. The authority granted to departments in section I of this SAM is optional with the appointing authority.
  - e. Any action taken under this authorization shall not in any way constitute a discriminatory practice.
  - f. For any request under section I or II, the agency shall certify that funds are available within its salary account and shall not require the agency to make a supplemental budget request or request a transfer of funds between major accounts to achieve the hiring or salary adjustment of any employee.
  - g. In applying the provisions of this memorandum all resulting appointments shall not in any way be construed to imply circumvention of merit system certification procedures.
  - h. No later than January 21, 1977, each department shall submit to the salary adjustment committee, on a form to be provided, a report of all SAC actions taken by an agency under section I for the period April 15, 1976, through December 31, 1976. Such report shall be submitted thereafter at the end of each fiscal year and no later than July 15. The report shall include the following:
    - (1) The total number of new appointments during the reporting period;
    - (2) A listing of the number of new appointments above the minimum or authorized hiring rate, by name of incumbent, title, range, salary and step in range, and the salary the incumbent earned immediately prior to employment by the agency;
    - (3) The total added cost of all new hires beyond the minimum of the range for positions filled under this program;
    - (4) A listing of the number of salary increases granted to retain employees, by name of employee, title and cost of adjustment above authorized salary;
    - (5) A listing of the number of interdepartmental appointments requiring application of this provision by name of incumbent, title and cost of adjustment above authorized salary; and
    - (6) A listing of administrative errors corrected.
- When the Director, Division of Budget and Accounting has determined that an agency is misusing or abusing the authority contained therein, the authority may be revoked or suspended in whole or in part.

An order adopting these amendments was filed on September 30, 1977, as R.1977 d.371 (Exempt, Procedure Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Amendments to Personnel Manuals On Examination for Disabled Candidates

On September 26, 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 subpart 8-19.101 in both the Civil Service Personnel Manuals (State Service and Local Jurisdictions) concerning the administration of examinations to disabled candidates.

Full text of the amended rules in the State Service Manual follows (take note that the amended rules in the Local Jurisdictions Manual is basically the same as the text below):

#### PART 8-19 CONDUCT OF EXAMINATIONS

##### Subpart 8-19.101 Examination Administration for Disabled Candidates

###### 8-19.101a Subject:

This subpart will describe Civil Service policy for scheduling and administering examinations for disabled candidates.

###### 8-19.101b Policy:

1. Upon notification that a candidate is either blind, has a serious visual impairment, or has another serious physical defect which makes him or her unable to take a Civil Service examination in the same manner as other candidates, the Department of Civil Service will make special arrangements as deemed appropriate.

2. Candidates who do have a disability must indicate this on their applications, in order for Civil Service to be alerted to the fact that special arrangements are needed.

3. In the case of a blind candidate or one with a severe visual impairment, Civil Service will provide a reader and allow the candidate 50 per cent more time to complete a written examination. A separate, private testing room will be scheduled.

4. In the case of a candidate who is unable to mark his or her own answer sheet, a marker will be provided. Inasmuch as the particular candidate is able to read the examination booklet, no additional time will be allotted for completion of the examination. A separate, private testing room will be scheduled.

5. In the case of a candidate who has a physical handicap which limits or precludes his/her ability to climb stairs or walk long distances, a ground floor testing room will be scheduled. If necessary a special testing center will be scheduled. This is applicable for oral and written examinations.

6. Upon making appropriate arrangements for the disabled candidates, Civil Service will notify the candidates of the arrangements via a notice attached to the Notification of Examination Cards which are sent to all candidates.

An order adopting the amendments to the State Service Personnel Manual was filed on September 30, 1977, as R.1977 d.370 (Exempt, Procedure Rule). An order adopting the amendments to the Local Jurisdiction Manual was filed on September 30, 1977, as R.1977 d.372

(Exempt, Procedure Rule). Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### CONSTRUCTION CODE ENFORCEMENT OFFICE

##### Notice of Interpretations of Code

Take notice that, the Department of Community Affairs has issued the following two interpretations regarding the Uniform Construction Code:

###### Interpretation

Section 5:23-2.5 of the New Jersey Administrative Code sets the standards for plans required to be submitted to the construction official in order to obtain a construction permit.

The Commissioner has determined that the plan requirements for a one family residence shall be as follows:

The application for a permit for a single-family residence shall be accompanied by at least two copies of plans drawn to scale, with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. Plans submitted shall not be required to show more detail or include more information than shall be reasonably necessary to assure compliance with the requirements of the Code and these regulations.

Plans containing the following information shall be considered to meet the above requirements:

1. Site Diagram: A site plan showing size and location of all new and existing construction on the site, with distances from lot lines. Indicate new building services, location and size.

2. Construction Plans: A scale drawing showing foundation, floor plans and elevations, including structural framing notes for all floors, ceilings and roofs. Only girders and columns need be identified and located on the plan. Included shall be a loading schedule indicating the live loads for which the structure is designed.

###### 3. Details:

A. Section: A cross-section through one typical wall showing construction details from footing to and including roof framing. This shall indicate all construction materials used, including roofing, vapor barriers, sheathing type and thickness, insulation type and thickness, windows, glazing type if other than standard window glazing is used, interior finish material, floor type and thickness, structure, foundation and footings. Decorative material shall not be required to be shown except when they contribute to the structural integrity of the section.

B. Electrical Details: Indicating lighting, receptacles, motors and equipment, smoke detectors, service entrance locations, size and type (overhead or underground), panel size, location, number of proposed circuits. A symbol legend shall be included.

C. Plumbing Details: Indicating the locations of fixtures and a note or table listing water and drainage pipe sizes; plus a note stating if sewage disposal is to public sewer or individual septic system.

D. Mechanical Details: Indicating type of heating system, location, size and type of heating unit, distribution method and design rates, location of fire dampers and safeguards, and location, type and size of flue.

4. Architects or Engineer Seal: The drawings shall bear the seal and signature of the architect or engineer who prepared the plans and is registered in the State of New Jersey. The seal and signature shall appear on each sheet of each copy of plans submitted. The construction official shall waive the requirements for sealed plans in the case of a single-family homeowner who prepared his own plans for the construction, alteration or repair of a structure used or intended to be used exclusively as his private residence and is to be constructed by himself, providing that the owner submit an affidavit attesting to the fact that he has prepared the plans, and provided further that said plans are in the opinion of the construction official and appropriate subcode officials legible and complete for purposes of ensuring compliance with the regulations.

5. Construction plans, and electrical plumbing and mechanical details may be shown on more than one drawing.

6. Where a prototype plan has been approved pursuant to existing regulations, only a site diagram and reference to the approved prototype plan is required.

7. The construction official, upon the advice of the appropriate subcode official, may waive any or all of the above requirements for plans when the work is of a minor nature.

Pursuant to authority of N.J.S.A. 52:27D-119 et seq., as amended, the above interpretations are to be considered as binding upon all code officials.

William M. Connolly  
Acting Director  
Division of Housing and Urban Renewal

**Interpretation**

Section 300-22(c) of the electrical subcode refers to materials permitted in plenums.

The commissioner has determined that a plenum as referred to herein is an air compartment or chamber to which one or more ducts are connected, and which forms part of an air distribution system. This includes the space above a suspended ceiling when supply or return air passes through such space. Therefore, all wires and cables including communication cables used in these spaces must be of a type listed in Section 300-22(c).

Section 300-22(c), Exception No. 2 refers to areas where the prime purpose is not air handling.

The Commissioner has determined that the intention of Exception No. 2 is to exclude from the requirements of 300-22(c) those areas occupied by people. When any space above a suspended ceiling is used in the distribution of air, that use becomes the primary purpose of the space within the context of the Exception No. 2.

Section 300-3(d) Exception refers to conductors having inherent fire-resistant and low-smoke producing characteristics.

The Commissioner has determined that communication cable, including telephone cable, which is approved by a recognized testing laboratory as a low smoke producing cable may be used in plenums in lieu of the methods listed in Section 300-22(c).

Special Exception: The commissioner has determined that since it is our understanding that the Public Utility Commission has exempted New Jersey Bell Telephone Company from compliance with the National Electrical

Code, telephone cables need not be in compliance with the National Electrical Code in new construction where the building permit was issued prior to January 1, 1977. Telephone cables used in any construction for which the permit was issued after January 1, 1977 must comply with the National Electrical Code.

Pursuant to authority of N.J.S.A. 52:27D-119 et seq., as amended, the above interpretations are to be considered as binding upon all code officials.

William M. Connolly  
Acting Director  
Division of Housing and Urban Renewal

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 5 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

**COMMUNITY AFFAIRS**

**THE COMMISSIONER**

**Revisions to Building Subcode**

On October 5, 1977, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, as amended, and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the Building Subcode in the Uniform Construction Code, to be cited as N.J.A.C. 5:23-3.4(c)21., as proposed in the Notice published September 8, 1977, at 9 N.J.R. 409(a).

These revisions include the adoption of the Building Officials and Code Administrators International, Inc. BOCA Basic Building Code 1976 Supplement, with modifications. Copies of the full text of the modifications may be obtained by writing to:

Department of Community Affairs  
Post Office Box 2768  
Trenton, New Jersey 08625  
Attn: Construction Code Enforcement  
Telephone: (609) 292-6364

An order adopting these revisions was filed on October 7, 1977, as R.1977 d.380 to become effective on December 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

**COMMUNITY AFFAIRS**

**THE COMMISSIONER**

**Revisions to Energy Subcode**

On October 6, 1977, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the Energy Subcode in the Uniform Construction Code, substantially as proposed in the Notice published September 8, 1977, at 9 N.J.R. 410(b), with only inconsequential

structural or language changes, in the opinion of the Department of Community Affairs.

Take notice that, this adoption also includes proposed revisions published April 7, 1977, at 9 N.J.R. 164(b), May 5, 1977, at 9 N.J.R. 210(b) and August 4, 1977, at 9 N.J.R. 356(b) on the same general subject matter of the Energy Subcode.

This adoption concerns revisions to N.J.A.C. 5:23-2.6(a) 2.i.(5) through (7), 5:23-3.3(b)5., 5:23-3.3(i)1.vi. through ix, 5:23-3.8, 5:23-4.3(c)4.i.(18) and 5:23-4.8(d)3.viii.

An order adopting these revisions was filed on October 7, 1977, as R.1977 d.381 to become effective on January 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rules on Auxiliary Services For Nonpublic School Pupils

The State Board of Education, pursuant to authority of N.J.S.A. 18A:46A-1 et seq., proposes to adopt new rules concerning auxiliary services for nonpublic school pupils.

Full text of the proposed new rules follows:

#### SUBCHAPTER 5. AUXILIARY SERVICES FOR NON-PUBLIC SCHOOL PUPILS

##### 6:28-5.1 Scope

Chapter 192, Laws of 1977 (N.J.S.A. 18A:46A-1 et seq.), provides auxiliary services for pupils enrolled in nonpublic schools. The auxiliary services consist of compensatory education, supplementary instruction, home instruction, and support services for children with limited English-speaking ability.

##### 6:28-5.2 Definitions

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

"District board of education" means the board of education of the district in which the nonpublic school pupil is domiciled.

"Pupil" means any child between ages five and 20 who is a resident of the State, enrolled full time in a nonpublic school. A child who boards at a nonpublic school in a district in which his parents or guardians are not domiciled shall not be considered a resident of that district but shall be considered a resident of the district in which the parents or guardians are domiciled.

"Auxiliary services" means compensatory education services; supportive services for acquiring communication proficiency in the English language for children of limited English-speaking ability; supplementary instruction services; and, home instruction services.

1. "Compensatory education" means preventive and remedial programs in basic communication and computer skills as set forth in N.J.A.C. 6:8-1.1.

2. "Supportive services for acquiring communication proficiency in the English language for children of limited English-speaking ability" means programs in English as a second language and/or bilingual education programs.

3. "Supplementary instruction" means instruction provided for a pupil classified pursuant to 18A:46-8 as handicapped which is given in addition to the regular instructional program of such pupil as set forth in N.J.A.C. 6:28-3.19.

4. "Home instruction" means individual instruction given in lieu of regular classroom instruction to a pupil who is unable to attend school because of illness or injury as set forth in N.J.A.C. 6:28-3.11 and 3.12.

##### 6:28-5.3 Responsibilities of district board of education

(a) Each district board of education shall determine eligibility and provide auxiliary services to pupils between the ages of five and 20 domiciled in the district and enrolled in the nonpublic schools of the State.

(b) Subject to approval by the Commissioner of Education, the district board of education may contract with public or private agencies, other than a church or sectarian school, for the provision of the auxiliary services.

(c) The district board of education shall furnish the auxiliary services on an equal basis to pupils enrolled in both public and nonpublic schools provided that in any year no district shall be required to make expenditures for the purposes of N.J.S.A. 18A:46A-1 et seq. in excess of the amount of State aid received pursuant to N.J.S.A. 18A:46A-1 et seq. for that year.

(d) If the provision of services pursuant to the 18A:46A-1 et seq. requires transportation, the district board of education shall provide for such transportation and the cost shall be paid from State aid received by the district pursuant to N.J.S.A. 18A:46A-1 et seq.

##### 6:28-5.4 Provision of services

(a) The bases for determining the eligibility of a nonpublic school pupil for auxiliary services shall be criteria equivalent to those used by the district for determining the eligibility of public school pupils for the same service in accordance with N.J.A.C. 6:8-3.4(a).

(b) Personnel providing any auxiliary service under N.J.S.A. 18A:46A-1 et seq. must meet the qualifications required of personnel providing the same service in the public schools of the State, including appropriate certification, but shall not be a member of the staff of any nonpublic school.

(c) In ascertaining the needs of eligible nonpublic school pupils, the district board shall include consultation with persons who supervise the pupil in the normal learning environment.

(d) Auxiliary services shall be provided only upon the written consent of the parent or guardian in a manner and on forms prescribed by the commissioner.

(e) Auxiliary services shall only be provided in a location determined by the district board of education and approved by the commissioner, except that no such services shall be provided in a church or sectarian school.

1. All buildings, relocatable units, and mobile units in which auxiliary services are conducted shall comply with N.J.A.C. 6:22-1.1 et seq. and 6:22A-1.1 et seq.

2. Classrooms used on an emergency basis shall comply with N.J.A.C. 6:3-1.17.

3. All classrooms not in public schools and to be used on a permanent basis shall be approved by the commissioner and, where necessary, by the local building official. In making a determination the commissioner shall take into account the factors set forth in N.J.A.C. 6:3-1.17(b).

4. The determination as to where auxiliary services will be offered will depend upon, but not be limited to, such factors as the distance between the public and nonpublic school, safety elements involved in travel, and

the adequacy of accommodations in public schools and public centers. The commissioner shall approve all such locations, using the aforementioned criteria as a basis for determining where such pupils can best be served.

5. Public and nonpublic school pupils may be intermingled when such an arrangement provides the service in a more effective and/or efficient manner.

6. The boards of education of two or more districts must apply to the commissioner for approval of a joint project to provide one or more of the auxiliary services defined in N.J.S.A. 18A:46A-1 et seq.

(f) District boards of education shall comply with all timetables and/or schedules established by the commissioner for the orderly implementation of N.J.S.A. 18A:46A-1 et seq.

#### 6:28-5.5 State aid

(a) Each district's total apportionment of State aid for auxiliary services defined in N.J.S.A. 18A:46A-1 et seq. for the succeeding school year shall be determined as follows:

1. The Statewide average cost of providing auxiliary services to public school pupils shall be calculated;

2. The number of nonpublic school pupils residing in the district who are expected to receive each auxiliary service shall be determined;

3. The Statewide average cost for auxiliary services shall be multiplied by the number of nonpublic school pupils expected to receive each auxiliary service.

#### 6:28-5.6 Fiscal management

(a) All district boards of education shall maintain their nonpublic auxiliary services project accounting on an encumbrance basis. Separate general account control "Nonpublic auxiliary services" shall be maintained on the nonpublic auxiliary services activities. The coding of line account expenditures shall be under "Special projects" No. 1170 group account, "Nonpublic auxiliary services". The district board of education must maintain separate distribution costs on each nonpublic auxiliary service activity in the following accounts: Compensatory education No. 1171, English as second language No. 1172, Supplementary instruction services No. 1173 and Home instruction services No. 1174.

1. State aid received by the district board of education shall be recorded as regular current expense "Special project" State aid.

(b) Nonpublic auxiliary services expenditure records will be audited locally. Such audits will be done as part of the district board's regular audit procedures prescribed by law and regulation. The local audit report must include separate financial schedules or statements identifying receipts and expenditures applicable to each nonpublic auxiliary service fund. All records relating to expenditures and receipts shall be accessible and intact in accordance with the "Records retention schedule for New Jersey school districts".

#### 6:28-5.7 Procedures relating to noncompliance

(a) If the commissioner determines that a district board of education is in noncompliance with the provisions of N.J.S.A. 18A:46A-1 et seq. or its regulations, he shall order the district board of education to show cause why corrective action should not be taken.

(b) The commissioner shall take appropriate remedial action if, after a plenary hearing, it is determined that such action is necessary.

#### 6:28-5.8 Reports required

(a) At the close of the school year, the district board

of education shall report to the State Department of Education on the total costs of each nonpublic auxiliary services activity. In the event that the expenditures incurred by the district board of education were less than the amount of State aid received, the district's State aid in the second subsequent year will be reduced by the amount of the unexpended funds.

(b) At the close of the school year, the district board of education shall submit to the commissioner a report describing the auxiliary services provided by the district board of education pursuant to 18A:46A-1 et seq. The report shall be completed in a manner prescribed by the commissioner and shall include, but not be limited to, such information as the type of auxiliary service provided, numbers of nonpublic school pupils served, frequency and/or amount of the services, and facilities utilized.

#### 6:28-5.9 Responsibility of the county superintendent

It shall be the responsibility of the county superintendent to supervise implementation of N.J.S.A. 18A:46A-1 et seq. to ensure that the auxiliary services are provided in accordance with law and regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

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

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Deletion of Rule on Summer Payment Plan for School Personnel Employed For an Academic Year

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:29-3, proposes to delete in its entirety the current text of N.J.A.C. 6:3-1.6 concerning the summer payment plan for school personnel employed for an academic year. The purpose of the proposed deletion is to eliminate duplication in the Administrative Code.

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

6:3-1.6 [Summer payment plan for school personnel employed for an academic year] (Reserved)

[Funds withheld from employees' salaries for the Summer Payment Plan prescribed by N.J.S.A. 18:5-50.19, shall be deposited in a separate account in a depository designated by the local board of education, said account to be known as Board of Education of \_\_\_\_\_ Summer Payment Plan Account. Withdrawals from this account shall be made by individual checks payable to the order of em-

ployees for the amount withheld from their salaries during the school year. A payment list shall be certified by the president and secretary of the board of education and delivered to the custodian of school moneys of the district.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 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 this proposal substantially as proposed without further notice.

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rules on Examination, Classification and Corrective Speech Services for Nonpublic School Pupils

The State Board of Education, pursuant to authority of N.J.S.A. 18A:46-6, 18A:46-8 and 18A:46-19.1 et seq., proposes to adopt new rules concerning the examination, classification and corrective speech services for nonpublic school pupils.

Full text of the proposed new rules follows:

#### SUBCHAPTER 6. EXAMINATION, CLASSIFICATION AND CORRECTIVE SPEECH SERVICES FOR NONPUBLIC SCHOOL PUPILS

##### 6:28-6.1 Scope

Chapter 193, Laws of 1977 (N.J.S.A. 18A:46-6, 8, 19.1 et seq.), provides for the identification, examination and classification of potentially handicapped pupils attending nonpublic schools within the State. The act further provides the services of a certified speech correctionist for each nonpublic school pupil classified as having an articulation disorder requiring such services.

##### 6:28-6.2 Definitions

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

"District board of education" means the board of education of the district in which the nonpublic school pupil is domiciled.

"Pupil" means any child between ages five and 20 who is a resident of the State, enrolled full-time in a nonpublic school. A child who boards at a nonpublic school in a district in which his parents or guardians are not domiciled shall not be considered a resident of that district but shall be considered a resident of the district in which the parents or guardians are domiciled.

"Corrective services" as used in 18A:46-6, 8, 19.1 et seq. means the services provided by the certified speech correctionist to each nonpublic school pupil classified as having an articulation disorder requiring those services. The identification, examination and classification processes are not to be considered as corrective services.

##### 6:28-6.3 Responsibilities of the district board of education

(a) The district board of education shall provide for the identification, examination, classification and the speech correction services on an equal basis to pupils enrolled in both public and nonpublic schools provided that no district shall be required to make expenditures in excess of the amount of State aid which is received pursuant to N.J.S.A. 18A:46-6, 8, 19.1 et seq.

(b) Subject to approval by the Commissioner of Education, the district board of education may contract with public or private agencies, other than a church or sectarian school, for the provision of the identification, examination and classification of potentially handicapped children and the speech correction services required as a result.

(c) If the provisions of services pursuant to N.J.S.A. 18A:46-6, 8, 19.1 et seq. requires transportation, the district board of education shall provide for such transportation and the cost shall be paid from State aid received by the district pursuant to N.J.S.A. 28A:46-6, 8, 19.1 et seq.

##### 6:28-6.4 Provision of services

(a) N.J.S.A. 18A:46-6, 8, 19.1 et seq. provides the following for nonpublic school pupils:

1. Identification of potentially handicapped children;
2. Examination and classification of such children;
3. Speech correction services for children classified as communication handicapped.

(b) The bases for determining the eligibility of a nonpublic school pupil for any of the provisions of N.J.S.A. 18A:46-6, 8, 19.1 et seq. shall be criteria equivalent to those used for determining the eligibility of public school pupils for the same services in accordance with N.J.S.A. 18A:46-1 et seq. and N.J.A.C. 6:28-1 et seq.

(c) Personnel providing any service under N.J.S.A. 18A:46-6, 8, 19.1 et seq. must meet the qualifications of personnel providing the same service in the public schools of the State, including appropriate certification, but shall not be a member of the staff of any nonpublic school.

(d) Examination, classification and speech correction services shall be provided only upon the written consent of the parent or guardian in a manner and on forms prescribed by the commissioner.

(e) The examination and classification of nonpublic school pupils should be provided in the nonpublic school, except where it is determined by the district board of education and approved by the commissioner that such facilities are limited for the purposes of certain categories pursuant to N.J.S.A. 18A:46-8.

(f) All buildings, relocatable units, and mobile units in which speech correction services are conducted shall comply with N.J.A.C. 6:22-1.1 et seq. and 6:22A-1.1 et seq.

(g) Classrooms used on an emergency basis shall comply with N.J.A.C. 6:3-1.17.

(h) All classrooms not in public schools and to be used on a permanent basis shall be approved by the commissioner and, where necessary, by the local building official. In making a determination the commissioner shall take into account the factors set forth in N.J.A.C. 6:3-1.17(b).

(i) The determination as to where speech correction services will be offered will depend upon, but not be limited to, such factors as the distance between the public and nonpublic schools, safety elements involved in travel, and the adequacy of accommodations in public schools and public centers. The commissioner shall approve all such locations, using the aforementioned criteria as a basis for determining where such pupils can best be served, except that no speech correction services shall be provided in a church or sectarian school.

(j) Public and nonpublic school pupils may be intermingled when such an arrangement provides the service in a more effective and/or efficient manner.

(k) The boards of education of two or more districts must apply to the commissioner for approval of a joint project to provide the services defined in N.J.S.A. 18A:46-6, 8, 19.1 et seq.

(l) District boards of education shall comply with N.J.A.C. 6:3-2.1 et seq. in the maintenance of the records of nonpublic school pupils receiving services pursuant to N.J.S.A. 18A:46-6, 8, 19.1 et seq.

(m) District boards of education shall comply with N.J.A.C. 6:28-1.10 concerning parents' and pupils' rights with respect to basic child study team evaluations conducted pursuant to N.J.S.A. 18A:46-6, 8, 19.1 et seq.

(n) District boards of education shall comply with all timetables and/or schedules established by the commissioner for the orderly implementation of N.J.S.A. 18A:46-6, 8, 19.1 et seq.

#### 6:28-6.5 State aid

(a) Each district's total apportionment of State aid for the classification and speech correction services defined in N.J.S.A. 18A:46-6, 8, 19.1 et seq. for the succeeding school year shall be determined as follows:

1. The Statewide average cost of providing classification and speech correction services to public school pupils shall be calculated;

2. The number of nonpublic school pupils residing in the district who are expected to receive each service shall be determined;

3. The Statewide average cost for classification and speech correction services shall be multiplied by the number of nonpublic school pupils expected to receive each service.

#### 6:28-6.6 Fiscal management

(a) All district boards of education shall maintain their nonpublic classification and corrective services project accounting on an encumbrance basis. Separate general account control "nonpublic classification and corrective services" shall be maintained on the nonpublic corrective services activities. The coding of line account expenditures shall be under "Special projects" No. 1180 group account, "nonpublic classification and corrective services". The district board of education must maintain separate distribution costs on each nonpublic service activity in the following accounts: Examination and classification No. 1181 and speech correction services No. 1182.

1. State aid received by the district board of education shall be recorded as regular current expense "Special project" State aid.

(b) Nonpublic classifications and corrective services expenditure records will be audited locally. Such audits will be done as part of the district board's regular audit procedures prescribed by law and regulation. The local audit report must include separate financial schedules or statements identifying receipts and expenditures applicable to each nonpublic classification and corrective service fund. All records relating to expenditures and receipts shall be accessible and intact in accordance with the "Records retention schedule for New Jersey school districts".

#### 6:28-6.7 Procedures relating to noncompliance

(a) If the commissioner determines that a district board of education is in noncompliance with the provisions of N.J.S.A. 18A:46-6, 8, 19.1 et seq. or its regulations, he shall order the district board of education to show cause why corrective action should not be taken.

(b) The commissioner shall take appropriate remedial action if, after a plenary hearing, it is determined that such action is necessary.

#### 6:28-6.8 Reports required

(a) At the close of the school year, the district board of education shall report to the State Department of Education on the total costs of each nonpublic classification and corrective services activity. In the event that the expenditures incurred by the district board of education were less than the amount of State aid received, the district's State aid in the second subsequent year will be reduced by the amount of the unexpended funds.

(b) At the close of the school year, the district board of education shall submit to the commissioner a report describing the classification and corrective services provided by the district board of education pursuant to N.J.S.A. 18A:46-6, 8, 19.1 et seq. The report shall be completed in a manner prescribed by the commissioner and shall include, but not be limited to, such information as the classification and corrective service provided, numbers of nonpublic school pupils served, frequency and/or amount of the services, and facilities utilized.

#### 6:28-6.9 Responsibility of the county superintendent

It shall be the responsibility of the county superintendent to supervise implementation of N.J.S.A. 18A:46-6, 8, 19.1 et seq. to ensure that the classification and corrective services are provided in accordance with law and regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

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

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

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

(a)

## EDUCATION

### THE COMMISSIONER

#### Notice of Transfer of Rules on Child Care Centers to Division of Youth and Family Services

Take notice that, the current rules of subchapter 1 in chapter 26 in Title 6 of the New Jersey Administrative Code concerning the approval of child care centers are to be deleted from the code. Subchapter 1 in chapter 26 in Title 6 of the Code will now be marked as Reserved.

Reason for this deletion is that the provisions of N.J.S.A. 30:1-25 transferred the jurisdiction of this subject matter to the Department of Human Services, effective July 27, 1972. On April 19, 1974, the Division of Youth and Family Services in the Department of Human Services adopted rules on standards for the approval of child care centers (See: R.1974 d.97 at 6 N.J.R. 196(a)), which in effect amended the rules previously under the jurisdiction of the Department of Education. These current rules of the Division of Youth and Family Services are cited as N.J. A.C. 10:122-2.1 et seq.

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

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions Concerning Approval of Private Secondary Schools, Independent and Parochial

On October 12, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:4-23 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:27-2.1 concerning approval of private secondary schools, independent and parochial, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 414(c).

An order adopting these revisions was filed and became effective on October 12, 1977, as R.1977 d.385.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rule on Approval of Secondary Schools Operated By Other State, County or Local Agencies

On October 12, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:4-23 and

in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 6:27-7.1, concerning the approval of secondary schools operated by other state, county or local agencies, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 415(b).

An order adopting this rule was filed and became effective on October 12, 1977, as R.1977 d.386.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Availability of Guidelines For Grant Applications for District Solid Waste Planning

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 055-77-10, concerning the availability of guidelines for grant applications for district solid waste planning.

Full text of the Notice follows:

I, Rocco D. Ricci, Commissioner of the Department of Environmental Protection, pursuant to the authority of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., have issued guidelines for grant applications for district solid waste planning.

Copies of said guidelines may be obtained from:

Beatrice S. Tylutki, Director  
Solid Waste Administration  
Department of Environmental Protection  
32 East Hanover Street  
Trenton, New Jersey 08625

These guidelines will not become part of the administrative rules of this department and this notice is being published solely as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## 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—CAFRA Area, prepared in accordance with the requirements of the Coastal Area Facility Review Act (N.J.S.A. 13:9-1 et seq.).

This document will be revised after the public meetings and submitted for Federal approval as a segment of New Jersey's coastal zone under the Federal Coastal

Zone Management Act (P.L. 92-583, 16 USC 1451 et seq. as amended by P.L. 94-370).

Meeting schedule:

Trenton: Monday, November 21, 10:30 A.M.—Auditorium, State Health Building, John Fitch Plaza.

Toms River: Tuesday, November 22, 2:00 P.M.—Ocean County College, Rector Hall, Route 549.

Asbury Park: Tuesday, November 22, 7:30 P.M.—Asbury Pavilion on Boardwalk.

Camden: Monday, November 28, 2:00 P.M.—Rutgers Law School, Room 106, 331 North 5th Street.

Salem: Monday, November 28, 7:30 P.M.—Old Court House, 92 Market Street.

Cape May: Tuesday, November 29, 10:30 A.M.—Old White Court House, Main Street.

Atlantic City: Tuesday, November 29, 7:30 P.M.—City Hall Commission chambers, Tennessee and Bacharach Blvd.

Jersey City: Wednesday, November 30, 7:30 P.M.—St. Peters College, Pope Lecture Hall, Glenwood Avenue.

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

This Notice, known in the Department of Environmental Protection as Docket No. DEP 053-77-09, is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules on 1977-1978 Sea Clam Season

Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of P.L. 1975, c. 398, N.J.S.A. 50:1-5, 50:2-6.1 et seq., 13:1B-42 and 13:1D-9, proposes to adopt rules for the 1977-78 sea clam season. It is intended that such rules, if adopted, become effective on December 1, 1977.

Such proposed rules are known within the Department of Environmental Protection as Docket No. DEP 056-77-10. The proposed rules are considered to be temporary rules, not subject to codification in Title 7 of the New Jersey Administrative Code.

The regulations are proposed with consideration of the need to retain and protect an adequate density of sea clams in New Jersey waters to foster the resource, and to preserve the industry dependent on the harvest of these clams.

The proposal represents a change in existing policy in that the waters open for the inshore fishery comprise three areas between Harvey Cedars and Island Beach, off Atlantic City and between Townsends Inlet and Corsons Inlet, all from the beach to three nautical miles seaward.

Copies of the five pages of full text of the proposed regulations may be obtained from:

Division of Fish, Game and Shellfisheries  
Department of Environmental Protection  
P.O. Box 1809  
Trenton, New Jersey 08625

A public hearing on the proposal will be held on November 21, 1977, at 8:00 P.M. in the lecture hall of Stockton State College, Pomona, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Director Russell A. Cookingham  
Division of Fish, Game and Shellfisheries  
Department of Environmental Protection  
P.O. Box 1809  
Trenton, N.J. 08625

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Emergency Revisions on Relaying of Hard Clams in the Manasquan River

On September 22, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 24:14-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 7:25-9.6 concerning the relaying of hard clams from designated condemned areas within the Manasquan River to specially designated leased shellfish grounds.

These revisions, known within the Department of Environmental Protection as Docket No. DEP 047-77-09, extend the period for such relaying and revise the text of the rule concerning penalties.

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

7:25-9.6(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] 26 through September [23] 30, 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 penalty prescribed by the [first] second paragraph of N.J.S.A. 23:14-9. Conviction will result in the participant's removal from this special relay program.

An order adopting these revisions was filed and became effective on September 27, 1977, as R.1977 d.363 (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

##### 1978 Fish Code Adopted

On September 13, 1977, Harry McGarrigel, acting chairman of the 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 the 1978 Fish Code, substantially as proposed in the Notice published August 4, 1977, as 9 N.J.R. 361(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The code concerns general provisions, trout season and angling in trout-stocked waters, fly-fishing waters, natural trout fishing areas, Round Valley Reservoir, baitfish, snagging prohibitions, warmwater fish, ice fishing, bow and arrow fishing, fish ladders, emergency closure notice, Greenwood Lake, Delaware River between New Jersey and Pennsylvania, tributaries of the Delaware River between Trenton Falls and Bich Creek where tide ebbs and flows, and definitions.

Copies of the 20 pages of full text of the 1978 Fish Code may be obtained from or made available for review by contacting:

Division of Fish, Game and Shellfisheries  
P.O. Box 1809  
Trenton, New Jersey 08625

An order adopting this code was filed on October 12, 1977, as R.1977 d.384, to become effective on January 1, 1978. The code is known within the Department of Environmental Protection as Docket No. DEP 039-77-07.

Take notice that, this 1978 Fish Code is a temporary rule, 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

#### Rule on Crab Dredge Season For the Atlantic Coast Section

On October 14, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 50:1-5, on behalf of the Division of Fish, Game and Shellfisheries with the advice of the Shell Fisheries Council, Atlantic Coast Section, and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule, known within the Department

of Environmental Protection as Docket No. DEP 056-77-10, concerning the crab dredging season.

Full text of the adoption follows:

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, with the advice of the Shell Fisheries Council, Atlantic Coast Section, and pursuant to the authority of N.J.S.A. 50:1-5 and as indicated in DEP 024-77-05 dated July 26, 1977, hereby opens the crab dredging season on October 15, 1977, for the Raritan Bay and Sandy Hook Bay, and on December 1, 1977, for the rest of the Atlantic Coast, through March 31, 1978.

An order adopting this rule was filed on October 14, 1977, as R.1977 d.387 to become effective on October 15, 1977. Take notice that this is a temporary rule, 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

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Revisions to Rules on 90-Day Construction Permits

On October 17, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-29 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 7:1C-1.1 et seq. concerning 90-day construction permits, substantially as proposed in the Notice published November 4, 1976, at 8 N.J.R. 505(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such revisions are known in the Department of Environmental Protection as Docket No. DEP 024-76-10.

A summary of the more pertinent, substantive changes follows:

The stream encroachment fee provision has been changed to allow fee exemptions for those minor projects in a drainage area of less than 320 acres and those major projects in a drainage area of less than 150 acres which have been approved by the appropriate county or municipal engineer.

The definition of minor project has been clarified to include specifically bridge resurfacing projects and mosquito control activities.

A limit of \$5,000 has been placed on the CAFRA, waterfront development and wetlands permit fees with a provision that the limit may be waived for highly complex or unusually large projects after consultation with the applicant.

An order adopting these revisions was filed and became effective on October 18, 1977, as R.1977 d.390.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Rules on Green Acres Local Grant Program

On October 25, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:8A-1, 13:8A-20, 13:8A-35 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:36-1.1 et seq., concerning the Green Acres Land Grant Program, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 312(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Such rules are known in the Department of Environmental Protection as Docket No. DEP 033-77-06.

An order adopting these rules was filed and became effective on October 25, 1977, as R.1977 d.395.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment to Manual of Standards For Licensure of Long-Term Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend the Standards for Licensure of Long-Term-Care Facilities.

The proposed amendments will delete all previous standards for nursing homes, intermediate care facilities levels A and B and Standards for an Intermediate Care Facility and Multiple Occupancy in a Nursing and/or Residential Care Facility. Such rules are currently in Subtitle D of Title 8 in the New Jersey Administrative Code.

The proposed amendments concern definitions, licensing procedures, general requirements, governing authority, administration, patient care policies, medical services, nursing services, pharmaceutical services, dietary services, rehabilitation services, social work services, patient activities services, dental services, laboratory radiological and diagnostic services, patient rights, medical records, patient care statistics, financial data, discharge planning, evaluation, infection control, housekeeping services, emergency procedures, construction, additional requirements and effective date of the regulations.

Copies of the 99 pages of full text of this proposal may be obtained from or made available for review by contacting:

Wanda Schorn  
Coordinator, Standards  
Department of Health  
501 John Fitch Way  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules on Standards For Nurse-Midwifery Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new standards for nurse-midwifery services to be added to the Hospital Manual of Standards for Licensure. Such rules, if adopted, will be cited as N.J.A.C. 8:43B-16.1 et seq.

The proposed new rules concern general provisions, governing authority, continuity of patient care, coordination of patient care, medical records, glossary of terms and certain definitions.

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

Wanda Schorn  
Coordinator, Standards  
Department of Health  
501 John Fitch Way  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to: the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(d)

## HEALTH

### THE COMMISSIONER

#### Proposed New Rules on Renal Dialysis Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new rules concerning standards for renal dialysis services to be added to the Hospital Manual of Standards for Licensure. Such rules, if adopted, will be cited as N.J.A.C. 8:43B-15.1 et seq.

The proposed rules concern dialysis services in general, governing authority, emergency medical services, medical records, staffing patterns, acute dialysis services, chronic dialysis services, home care dialysis training, peritoneal dialysis services, pediatric dialysis services, glossary of terms, construction and additional requirements.

Copies of the 32 pages of full text of this proposal may be obtained from or made available for review by contacting:

Wanda Schorn  
Coordinator, Standards  
New Jersey Department of Health  
501 John Fitch Way  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to: the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Extension of Effective Date On Rules Concerning Frozen Desserts

Dr. Joanne E. Finley, Commisisoner of Health, pursuant to authority of N.J.S.A. 24:10-73.1, proposes to extend the effective date, from December 31, 1977, to July 1, 1979, concerning the current rules cited as N.J.A.C. 8:21-7.1 et seq. regarding frozen desserts. Such rules were previously proposed and adopted in the New Jersey Register (See: 7 N.J.R. 500(b), 8 N.J.R. 382(c)).

The proposed extension is necessary to coincide with the Federal compliance date for similar regulations for the continued free movement of frozen desserts in interstate commerce.

The proposal in the Authority section of Subchapter 7, Chapter 21, Title 8 of the New Jersey Administrative Code follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

An order adopting these revisions was filed on July 21, 1976, as R.1976 d.231 and became effective at that time for voluntary compliance with mandatory compliance becoming effective on [December 31, 1977.] July 1, 1979.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Calvin Scott Tabler  
Project Coordinator  
Food and Milk  
Department of Health  
1911 Princeton Avenue  
Trenton, N.J. 08625

The Department of Health may thereafter adopt this extension substantially as proposed without further notice.

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning Qualifications of Health Officer

Dr. Joanne E. Finley, Commisisoner of Health, pursuant to authority of N.J.S.A. 26:1A-38 through 26:1A-44 proposes to amend the rule regarding the qualifications of health officer candidates for licensure.

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

8:7-1.9(a)2. i. Unless otherwise exempted by statute, satisfactory completion of two years full-time employment in a position providing [administrative experience in at least one core activity as specified in "Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey."]  
**administrative experience in at least three of the existing recognized core public health activities as specified in Title 8, Chapter 51 of the New Jersey Administrative Code.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

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

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments On Certificates of Need

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt amendments to a portion of the rule concerning certificate of need applications and transfer of ownership.

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

8:33-1.5(f)(3). Proprietorship  
i. There is a purchase of the physical assets of a health care facility.

ii. In no case may a health care facility dissolve or eliminate services in preparation of dissolution prior to the obtaining of a certificate of need (as prescribed by the guidelines and criteria for submission of certificate of need applications).

iii. The department must receive a minimum six-month notice of the proposed dissolution before the facility can begin to dissolve, a certificate of need notwithstanding.

iv. In the case of dissolution, the department retains the right to grant the certificate of need application with terms and conditions which will minimize the effect of the dissolution on the community and the patients and/or residents.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

David A. Wagner  
Deputy Commissioner of Health  
Deputy Commissioner of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules on Long-Term Care Facilities To Provide Beds for Indigents

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt new rules concerning the requirement that long-term care facilities provide beds for indigents as a condition of licensure.

Full text of the proposal follows:

#### SUBCHAPTER 14. BEDS FOR INDIGENT PERSONS

##### 8:30-14.1 Purpose

The purpose of these rules is to protect and promote the health and welfare of those indigent persons whose health is now or will be in danger because of the acute long-term care bed shortage for the indigent in the State by requiring all long-term care facilities as a condition for renewal of or for issuance of an operating license to accept and care for indigent persons.

##### 8:30-14.2 Scope

All long-term care facilities under the jurisdiction of the Department of Health are subject to these regulations.

##### 8:30-14.3 Definitions

"Department" means the Department of Health.

"Indigent person" means a person participating in the State Medicaid program and certified as needing nursing care or a person who could meet the eligibility requirements for receiving nursing care under the State Medicaid program.

"Long-term care facility" means an institution or a distinct part of an institution which is licensed by the

State Department of Health to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood or adoption. A long-term care facility may be either a skilled nursing facility, where patients receive 2.75 hours of nursing care daily, or intermediate care facility, where patients receive fewer than 2.75 hours of nursing care daily.

##### 8:30-14.4 Procedures; renewal of license; initial application for a license

(a) An applicant seeking or renewing a license as a long-term care facility may be required by the department to make available a percentage of its beds to indigent persons. Such requirement shall constitute a condition of licensure. The department shall notify the facility of the requirement to make available a percentage of its beds to indigent persons 90 days prior to the renewal of a license or upon application for a license for a new facility.

(b) In determining whether to require a long-term care facility to provide a reasonable number of its beds for indigent care the department shall consider but not be limited to the following information:

1. Whether there currently exists a long-term care bed shortage for indigent persons and if so, the extent and location of the shortage.

2. Geographic origin of the indigent person.

3. The length of time indigent persons must await for placement of long-term care facility.

4. The costs of providing care to indigent persons in need of nursing care to other health care providers.

5. Whether the nursing home would be able to make a just and reasonable rate on equity if required to accept and care for indigent persons.

i. Any nursing home which feels it cannot make a just and reasonable rate on equity if required to accept indigent persons may request an administrative review of that decision at least 60 days prior to the date for renewal of its license at which time the facility shall submit to the department a detailed cost analysis substantiating its claim.

ii. If, after an administrative review of the decision, the department finds against the long-term care facility, it shall notify the facility within 30 days of the date for renewal of its decision to revoke the license of the long-term care facility.

iii. Consistent with the Administrative Procedure Act and Chapter 136 (Health Care Facilities Planning Act of 1971) the long-term care facility may ask for an administrative hearing within 30 days of the revocation notice from the department.

iv. Applicants for licensure of a new facility shall have the same opportunity for an administrative review and for a hearing on the non-issuance of a license.

##### 8:30-14.5 Obligations and rights of the long-term facility

(a) If the department imposes a requirement on the application for or renewal of a license, the long-term care facility in question shall make each succeeding vacant bed available to indigent persons until it reaches the maximum number of indigent persons required by the department.

(b) A nursing home shall have the right to refuse to accept indigent patients if:

1. The home does not provide the type of services appropriate for the patient's needs; or

2. The patient may present a danger to himself or others if placed in the home. This right of refusal shall

not relieve the nursing home of its obligation to fill the vacancy with an indigent person.

(c) The long-term care facility shall be entitled to a reasonable rate for Medicaid patients consistent with Cost and Rate Evaluation (CARE) System administered by the department on behalf of the Medicaid program.

#### 8:30-14.6 Placement

(a) The department shall not be responsible for placing indigent persons in long-term care facilities.

(b) If the department imposes a requirement on the application for or renewal of a long-term care facility license it shall forward its determination to the State Medicaid office and shall make its determination available upon request to any governmental agency, provider, provider association, planning agency, citizen or citizen's group.

#### 8:30-14.7 Remedies

(a) The department shall receive complaints regarding violations of these regulations from any source which may attempt unsuccessfully to place an indigent person.

(b) The department may revoke, suspend or take any other appropriate action against the license of a long-term care facility for intentional and willful violation of these regulations.

(c) The department may refuse to issue a temporary permit or license to any applicant for long-term care facility for intentional and willful violation of these regulations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

David A. Wagner  
Deputy Commissioner  
Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Notice on Full Text of Rule Concerning Reports to Relate Ancillary Service Charges with Hospital Case-Mix

Take notice that, the Notice of Adoption concerning reports to relate ancillary service charges with hospital case-mix (See: 9 N.J.R. 467(c), R.1977 d.361) indicated that the rule adopted had substantive changes made in comparison to the proposed rule which was printed August 4, 1977, at 9 N.J.R. 363(a).

Full text of the adopted rule follows:

#### 8:31-16.17 Reports to relate ancillary service charges with hospital case-mix

(a) By November 1, 1977, each hospital included under the provisions of N.J.S.A. 26:2H-1 et seq. shall submit to the Department of Health a list of the individual items and procedures charged for within an individual ancillary

service for each ancillary service cost center as defined by the Standard Hospital Accounting and Rate Evaluation (SHARE) Manual. Thereafter, information which may affect this list for a given ancillary cost center, including newly-billed services and changes in billing practices, shall be furnished to the department in a timely manner prior to implementation. No information with respect to the price or price change concerning any item need be furnished.

(b) Each hospital shall submit to the Department of Health for each patient discharged a record of the total charges incurred by the patient within an individual ancillary service for each ancillary service cost center defined by SHARE. In addition, the hospital shall submit a summary of total routine charges, a summary of total miscellaneous charges and a summary of total charges for each patient. Such information shall be submitted pursuant to the timetable set forth in subsection (c) of this section.

(c) On November 1, 1977, the commissioner shall designate three classes of institutions:

1. Class I institutions shall consist of all hospitals which either possess or utilize electronically-assisted data processing systems for patient billing. Such institutions shall submit the required data beginning with patients discharged on December 1, 1977.

2. Class II institutions shall consist of all institutions otherwise considered Class I which, because of unique circumstances, will not be able to submit in an effective and efficient manner the required data beginning December 1, 1977. An application to be considered Class II shall be submitted by such institutions no later than October 20, 1977 and must set forth: i. A description of the unique circumstances; and ii. A detailed plan to achieve effective and efficient compliance beginning with patients discharged on March 1, 1978, but in no event later than June 1, 1978.

3. Class III institutions shall consist of all hospitals which neither possess nor utilize electronically-assisted data processing systems for patient billing. On or before October 20, 1977, all such institutions shall submit a report setting forth their current data processing status. On or before June 1, 1978 the department and each Class III hospital shall jointly develop a plan for effective and efficient compliance no later than September 1, 1978. Any Class III institution may apply to the commissioner for permission to begin submitting data as soon as they are able to provide such data efficiently and effectively. Such data may be submitted beginning with discharges on December 1, 1977.

4. The department may waive this requirement with respect to any institution unable to provide data in an effective and efficient manner.

5. Unless otherwise specified by the department, hospitals shall submit the data required above in a computer processable input medium and format on a quarterly basis within 60 days of the end of the quarter. Hence, Class I hospitals shall submit such data by February 28, 1978, for patients discharged on or before December 31, 1977; the next report due by May 30, 1978, for patients discharged on or before March 31, 1978, and so forth. Class II and III institutions shall submit the required data in a similar manner beginning 60 days after the quarter during which compliance is achieved.

(d) Patient charge records shall include a patient number, a hospital number and patient's date of discharge identical to that provided on that patient's medical abstract in order to facilitate computer linkage of the two data bases, as required by N.J.A.C. 8:31-20.2(h).

(e) Reporting and statistical options rules are:

1. Reporting options: Hospitals shall have the option of expanding their medical abstract reporting format to incorporate the required billing information. By November 20, 1977, each hospital electing this option shall so inform the department.

2. Statistical options: Hospitals shall have the option of reporting statistical units which measure relative resource consumption by ancillary service subject to department approval of a written application to exercise this option setting forth the choice of appropriate statistical units and adequate auditing safeguards.

(f) Each hospital shall identify in its SHARE budget submission, and the Department shall recognize, the reasonable costs incurred as a direct result of compliance with this regulation.

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

(a)

## HEALTH

### THE COMMISSIONER

#### Rule on Implementation of New Economic Factor in SHARE Manual

On October 25, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:31A-10.5, concerning the implementation of new economic factors in the SHARE manual, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 266(c).

An order adopting this rule was filed and became effective on October 25, 1977, as R.1977 d.396.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Standards and General Criteria for Planning And Certification of Need of Megavoltage Radiation Oncology Units in Health Care Facilities

On October 24, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the standards and general criteria for the planning and certification of need of megavoltage radiation oncology units in health care facilities, substantially

as proposed in the Notice published August 4, 1977, at 9 N.J.R. 362(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Such rules may be cited as N.J.A.C. 7:31-27.1 et seq.

An order adopting these rules was filed and became effective on October 25, 1977, as R.1977 d.397.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Standards and General Criteria for Planning And Certification of Need for Regional End-Stage Renal Disease Services

On October 24, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:36A-1.1 et seq., concerning the standards and general criteria for the planning and certification of need for regional end-stage renal disease services, substantially as proposed in the Notice published August 4, 1977, at 9 N.J.R. 362(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on October 25, 1977, as R.1977 d.398.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

#### Amendments on Guidelines for Submission Of Applications for Certificates of Need

On October 24, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 8:33-1.5(i) and 8:33-3.11, concerning the guidelines for submission of applications for certificates of need, substantially as proposed in the Notice published August 4, 1977, at 9 N.J.R. 363(b), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on October 25, 1977, as R.1977 d.399.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Amendments to Standards for Licensure Of Home Health Agencies

On October 24, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:42-1.18(f) concerning the standards for licensure of home health agencies, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 364(a).

An order adopting these amendments was filed and became effective on October 25, 1977, as R.1977 d.400.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Amendments Concerning Records for New Boarding Homes for Sheltered Care

On October 24, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43-4.7(c) concerning records for new boarding homes for sheltered care, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 421(c).

An order adopting these amendments was filed and became effective on October 25, 1977, as R.1977 d.401.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Rules on Childhood Lead Poisoning

On October 24, 1977, Jane B. Robinson, Chairman of the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:51-7.1 et seq., concerning childhood lead poisoning, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 364(b).

An order adopting these rules was filed and became effective on October 25, 1977, as R.1977 d.402.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

#### Amendment to List of Therapeutic Agents To be Carried on Mobile Intensive Care Units

On October 24, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2K-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31-25.1(a) concerning the list of therapeutic agents to be carried on mobile intensive care units, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 421(b).

An order adopting these amendments was filed and became effective on October 25, 1977, as R.1977 d.403.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## HEALTH

### THE COUNCIL

#### Amendments on Sterilization of Cooking And Drinking Utensils and Receptacles

On October 25, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:21-2.31 concerning the sterilization of cooking and drinking utensils and receptacles, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 428(a).

This adoption deletes the current text of N.J.A.C. 8:21-2.31 and replaces it with the current text of N.J.A.C. 8:24-5.4 and 8:24-5.5.

An order adopting these amendments was filed and became effective on October 25, 1977, as R.1977 d.404.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(f)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Proposed Amendments to Non-Credit and Credit Course Auditing Procedures and Definitions

The Board of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-7, proposes to amend its rules concerning the definition of noncredit courses, auditing procedures for noncredit courses and auditing procedures for credit courses. Such proposed rules would supersede the previous rule changes proposed at 9 N.J.R. 121(c) and 9 N.J.R. 174(a).

Full text of the proposed rules follows:

9:4-3.57(b)1.iv. Noncredit students, for purposes of State funding, mean students enrolled only in noncredit remedial, developmental, general education development and adult basic education courses.

(1) Remedial courses are courses in reading, writing and arithmetic skills designed to raise student competence in these skills to the college level.

(2) Developmental courses are courses designed to develop occupational skills geared toward securing initial employment or in upgrading occupational skills. In planning for the offering of developmental courses, colleges must assess formally the needs of their service area and the offerings of other public institutions.

(3) General education development courses are courses designed to prepare students for New Jersey high school equivalency diplomas.

(4) Adult basic education courses are courses designed to teach reading, writing and arithmetic skills to adults whose inability to speak, read or write the English language constitutes a substantial impairment to obtaining or retaining employment commensurate with their abilities.

(5) For noncredit courses under this definition, instruction is to be given by a county college in an appropriate educational environment, students must be formally registered, attendance must be taken, degree credit may not be given upon completion and the session or sessions to be funded must be entirely instructional in nature.

(6) The county college shall maintain permanent documentation for audit purposes, including, but not limited to, student registration, student attendance and course descriptions for noncredit courses eligible for State funding.

(7) Student registration records for noncredit courses eligible for State funding shall be by course and shall include, at a minimum, the student's name, address and Social Security number.

(8) The FTE calculation for a noncredit course shall be based upon only those students who are formally registered and in attendance at the institutional session to be selected by the college for the FTE count.

(9) Course descriptions for noncredit courses eligible for State funding shall be made available to auditors who shall submit sample course descriptions to the Department of Higher Education with the year-end audit. The Department of Higher Education may review all the noncredit course descriptions on file at any college. The county college shall have the burden of establishing that a noncredit course is a course eligible for State funding under this definition. The decision to approve or reject a noncredit courses as one which qualifies for State funding rests with the Department of Higher Education.

9:4-3.57(b)5. In preparing the audited schedule for full-time equivalent enrollments for credit students the audit firm must adhere to the following:

i. The auditor shall review the rules concerning enrollment data in N.J.A.C. 9:4-3.57(b).

ii. The college shall establish a clearly defined audit trail to enable the auditor to certify the full-time equivalent student count reported by the colleges. The auditor shall examine the data used to calculate the reported number of full-time equivalent students. The auditor shall certify that the documentation underlying the enrollment and full-time equivalent student calculation is valid and adequate for certification of the FTE schedule.

iii. Full-time equivalent student credit and contact hours shall be reconciled to tuition income, including cash received, accounts receivable and waivers.

iv. The auditor shall send a confirmation letter to a statistically valid sample of students who are listed as having attended courses during the year under audit. The methodology and results of this sample shall be forwarded to the Department of Higher Education with the year-end audit report.

v. The auditor shall follow the format outlined in N.J.A.C. 9:4-3.57(b)7. If the auditor plans to deviate from any of the above procedures, he shall obtain prior written approval from the Department of Higher Education. Such approval, if granted, will be valid only for the audit in process.

vi. The auditor shall certify in the letter of submission to the Department of Higher Education that he or she has reviewed the Administrative Code and has completed the enrollment audit in accordance with the procedures for auditing full-time equivalent student enrollment.

Note: The current text of N.J.A.C. 9:4-3.57(b)5. will be renumbered and will become N.J.A.C. 9:4-3.57(b)7.

9:4-3.57(b)6. In preparing the audited schedule of full-time equivalent enrollments for noncredit students as required by N.J.A.C. 9:4-3.57(b)7, the audit firm must adhere to the following:

i. The auditor shall review the rules concerning enrollment data in N.J.A.C. 9:4-3.57(b).

ii. The college shall establish a clearly defined audit trail to enable the auditor to certify the full-time equivalent student count reported by the college. The auditor shall examine the permanent data retained by the college, including registration records, attendance records, and course descriptions. The auditor shall certify that the review of the documentation underlying the enrollment and full-time equivalent student calculation is valid and adequate for certification of the FTE schedule. The auditor shall forward to the Department of Higher Education the methodology and results of a statistically valid sampling of registration and student attendance records with the year-end audit report.

iii. Full-time equivalent noncredit student credit and contact hours shall be reconciled to tuition income, including cash received, accounts receivable and waivers.

iv. The auditor shall ascertain that the college has on file at the college a course description for each noncredit course eligible for State funding and shall submit a statistically valid sample of these course descriptions with the year-end audit report.

v. The auditor shall obtain from the college and submit with the year end audit report a certificate which states that in planning for the offering of developmental courses, the college has formally assessed the needs of its service area and the offerings of other public institutions.

vi. The auditor must follow the format outlined in N.J.A.C. 9:4-3.57(b)7. If the auditor plans to deviate from any of the above procedures, he shall obtain prior written approval from the Department of Higher Education. Such approval, if granted, will be valid only for the audit in progress.

vii. The auditor shall certify in the letter of submission to the Department of Higher Education that he or she has reviewed the Administrative Code and has completed the enrollment audit in accordance with the procedures for auditing full-time equivalent student enrollment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Eric Perkins  
Office of the Chancellor  
Department of Higher Education  
225 West State Street  
Trenton, N.J. 08625

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

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

(a)

## HIGHER EDUCATION

### CHANCELLOR

#### Emergency Rules on Veterans Tuition Credit Program

On October 3, 1977, T. Edward Hollander, Chancellor of Higher Education, pursuant to authority of N.J.S.A. 18A:71-71 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the veterans tuition credit program.

Full text of the adopted rules follows:

#### SUBCHAPTER 11. VETERANS TUITION CREDIT PROGRAM

##### 9:2-11.1 Residency

(a) For purposes of this program, an eligible veteran will be considered a resident of the State of New Jersey if he:

1. Had been domiciled in New Jersey at the time of his induction into the armed forces; or
2. Was domiciled in New Jersey at the time of his separation from active duty; or
3. Has been domiciled in New Jersey for at least two consecutive years prior to date of application, exclusive of any time spent on active duty.

(b) Domicile has been defined as the place where a person has his true, fixed, permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning.

##### 9:2-11.2 Approved educational institution

(a) For purposes of this program, an approved educational institution is defined as follows:

1. Any academic, professional or vocational school operating within this State; or
2. Any graduate level school operating within the United States; or
3. Any academic, professional or vocational school operating outside of this State; provided, however, that any such institution shall have made a prior written agreement to accept the tuition credit and reimbursement provided for in N.J.S.A. 18A:71-69 and 18A:71-70; provided further, that no more than 20 per cent of the total of eligible veterans under N.J.A.C. 9:2-11.1(a) 1. and 3. shall attend approved educational institutions operating outside of this State.

(b) To qualify as an "approved educational institution" any such institution must have been approved for veteran's educational assistance pursuant to Federal law.

##### 9:2-11.3 Approved course of study

The eligible veteran must be enrolled in any curriculum or any combination of unit courses or subjects at an edu-

ational institution which is accepted for veterans educational assistance pursuant to Federal law.

##### 9:2-11.4 Full-time course requirements

(a) For the purposes of this program:

1. An institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 30 hours per week of attendance is required with no more than 2½ hours of rest periods per week allowed;

2. An institution course offered on a clock-wise basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required;

3. An academic high school course requiring 16 units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than 120 60-minute hours or their equivalent of study in a subject in one academic year; and

4. An institutional undergraduate or graduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of 14 semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Chancellor, that full-time tuition is charged to all undergraduate or graduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof, or all undergraduate or graduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate or graduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than 12 semester hours or the equivalent thereof, then 12 semester hours or the equivalent thereof shall be considered a full-time course.

##### 9:2-11.5 Half-time course requirements

Any course of study which is less than the full-time requirements outlined in section 4 of this subchapter must not be less than one-half of the full-time requirements to be eligible. Payment for half-time veterans is described in section 7 of this subchapter.

##### 9:2-11.6 Calculation of tuition credit

(a) Each eligible veteran shall be entitled to tuition in accordance with the following schedule:

1. For a period of one semester (or the equivalent thereof in part-time tuition credit), in the case of educational institutions regularly operated on the semester system, for each three months or fraction thereof of the veteran's service on active duty after December 31, 1960, and before the date of termination as proclaimed by the Governor. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit for a period of eight semesters (or the equivalent thereof in part-time tuition credit): The maximum credit hereunder shall be for a period of eight semesters; or

2. For a period of one-quarter (or the equivalent thereof in part-time tuition credit) in the case of educational institutions regularly operated on the quarter system, for each two months or fraction thereof of the veteran's service on active duty after December 31, 1960, and before the date of termination as proclaimed by the Governor. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit for a period of 12 quarters: The maximum credit hereunder shall be for a period of 12 quarters; or

3. For a period of 1½ months of any tuition period (or the equivalent thereof in part-time tuition credit) in the case of educational institutions not operated on the quarter or semester system, for each month or fraction thereof of the veteran's service on active duty after December 31, 1960, and before the date of termination as proclaimed by the Governor. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit for 36 months of tuition credit (or the equivalent thereof in part-time tuition credit): The maximum credit hereunder shall be for a period of 36 months.

(b) If an eligible veteran shall change his program of study from an educational institution regularly operated on the quarter or semester system or otherwise, to an educational institution regularly operated on a different system, he shall submit a written request to the Chancellor for a reevaluation of the remaining tuition credits.

#### 9:2-11.7 Benefits limited

(a) Benefits hereunder shall be in the form of tuition credits limited by the lesser of full tuition or:

1. For educational institutions regularly operated on the semester system, \$100.00 per semester.
2. For educational institutions regularly operated on the quarter system, \$50.00 per quarter.
3. Other system: \$25.00 per month or a maximum of \$200.00 per year for veterans attending on a full-time basis.

(b) The award amounts shown above will be granted to all eligible veterans who are enrolled as full-time students as determined by the institution provided this determination meets the minimum requirements as described in section 4 of this subchapter. For half-time students, the award amounts will be one-half the amount shown.

(c) In the event the available appropriation is insufficient to pay all eligible veterans the above amount, the Chancellor shall prorate the available funds.

#### 9:2-11.8 Application procedure

(a) Upon completion of written agreement with the institution and the Chancellor, application forms will be mailed to the eligible institution.

1. The eligible veteran should obtain an application for veterans tuition credit from the official in charge of veteran affairs at the institution attended in New Jersey. For those attending out-of-state institutions, contact the Department of Higher Education for an application.

2. The eligible veteran should complete all areas of the application, sign it, attach a copy of DD form 214 (Report of separation or discharge) and submit both documents to the school official for review and approval.

3. The authorized school official will:

- i. Review the application for completeness.
- ii. Verify that the course of study indicated is approved for veteran's educational assistance pursuant to Federal law.
- iii. Indicate enrollment status and tuition charges for each application.
- iv. Affix his signature on each application.

4. Applications shall be mailed to:  
Department of Higher Education  
Veterans Tuition Credit Program  
P.O. Box 1417  
Trenton, New Jersey 08625

#### 9:2-11.9 Payment procedure

(a) Upon receipt of the application from each institution, the following steps will be taken:

1. Prepare a listing by institution showing the following information for each eligible veteran:

- i. Social security number;
- ii. Name and complete address;
- iii. Maximum number of tuition credits;
- iv. Amount of payment;
- v. Total payments.

2. Request the State Treasurer to prepare a single check payable to the institution for the total payment shown on the listing.

3. The check and listing will be mailed by the Department of Higher Education to the institution for each term during the academic year.

#### 9:2-11.10 Institutional responsibilities

(a) Institutional responsibilities are:

1. Maintain a separate account for all funds received from the State of New Jersey for the veterans tuition credit program;

2. Deposit all checks promptly;

3. Disburse funds received either directly to the veteran or as a credit toward any outstanding balance that may exist;

4. At the request of the Department of Higher Education, prepare an annual report of the funds paid by the State for this program;

5. Provide access to the Chancellor, upon request, to any audit report or books and records of the institution pertaining to this program.

An order adopting these rules was filed and became effective on October 4, 1977, as R.1977 d.376 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendment Concerning Appellant's Right During Fair Hearing

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend N.J.A.C. 10:87-7.17(a) by adding new text therein concerning the appellant's right to question evidence during a fair hearing concerning the food stamp manual.

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

10:87-7.17(a)6. **Refutation of evidence or testimony: The appellant shall have the right to question or refute testimony or evidence and may confront or cross-examine adverse witnesses.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

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

The Department of Human Services 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 Deletion of Rule on County Welfare Agency Administrative Reports

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to delete in its entirety the current text of N.J.A.C. 10:87-3.24 in the Food Stamp Manual concerning the county welfare agency administrative report (form FNS-285).

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

10:87-3.24 [County welfare board administrative reports (form FNS-285)] (Reserved)

[(a) The county welfare board shall report activities regarding the administration of the work registration requirement by means of form FNS-285. This form is available upon request, and without charge, from the State office.

1. Submittal of form FNS-285: The county welfare board shall maintain records necessary for the accurate and timely submission of form FNS-285. Contrary to the printed instructions on the form, the county welfare board shall execute five copies of FNS-285, one of which will be retained in the county office. The original and three copies shall be mailed by the county welfare board in order to be received by the BLO food stamp unit no later than the 15th of the month following the month for which activity is being reported.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 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 delete this text substantially as proposed without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments on Unmarried Child's Eligibility for Assistance

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend a portion of the General Assistance Manual concerning unmarried, unattached children's eligibility to receive assistance until some other means of support is available.

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

10:85-3.1(e)1.i. An unmarried, unattached child under the age of 18 [who represents him/herself as being completely disassociated from his/her family is not eligible for general assistance except on an emergency basis (see section 454). He/she shall be referred to the nearest district office of the Division of Youth and Family Services in order that appropriate arrangements can be made for his/her care.], although not legally an adult, may in fact be emancipated. That he/she is under age 18 is not, of itself, a bar to eligibility for assistance; it is, however, reason for additional action relating to eligibility. The MWD will provide assistance to any such person who applies and is eligible, based on the following action:

(1) The MWD will make all reasonable efforts to bring about the return of the child to his/her own family and/or support by his/her own parents.

(2) If such efforts are not successful within one week of the first grant of assistance or if no such efforts are possible, the MWD will immediately refer the case to the appropriate district office of the Division of Youth and Family Services (DYFS).

(A) For cases between ages 16 and 18, the DYFS office will accept those for which it can provide services and/or income maintenance. The MWD will continue assistance for each case so long as the case remains eligible or until the date on which DYFS assumes responsibility for support.

(B) For all cases under age 16, it is expected that DYFS will act promptly to accept responsibility for services and support. The MWD will continue assistance until the date on which DYFS assumes responsibility. The MWD will notify DPW/BLO of any case under age 16 which is still active on the GA rolls 30 days after referral to DYFS.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 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 amendments substantially as proposed without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(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 Oct. 26. It is adjusted in the month following a mailing of update pages.

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>			
2:2-4.40	Rule on pseudorabies vaccination	R.1977 d.367	9 N.J.R. 502(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)
2:48-4.1	Confidentiality of certain reports	R.1977 d.366	9 N.J.R. 502(a)
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)	<b>Revised minimum milk prices</b>	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)
2:54-3.9	Rule on handling of milk in N.Y.-N.J. marketing area	R.1977 d.97	9 N.J.R. 159(a)
2:54-3.10	Amend Federal milk handling order	R.1977 d.407	9 N.J.R. 502(c)
2:69-1.11	Revisions on commercial values	R.1977 d.266	9 N.J.R. 403(a)
2:71-1.30	Revisions on certificates on grade for eggs	R.1977 d.339	9 N.J.R. 451(b)
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)
5:23-2.6	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
3.3, 3.8, 4.3 and 4.8			
5:23-3.4(a)21	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(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)
6:27-2.1	Revisions on approval of private secondary schools, independent and parochial	R.1977 d.385	9 N.J.R. 511(b)
6:27-7.1	Approval of secondary schools operated by other state, county or local agencies	R.1977 d.386	9 N.J.R. 511(c)
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-1.1 et seq.	Revisions on 90-day construction permits	R.1977 d.390	9 N.J.R. 513(c)
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)
7:25-9.6(g), (h)	Revision on relaying hard clams in Manasquan River	R.1977 d.363	9 N.J.R. 512(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)
7:36-1.1 et seq.	Rules on Green Acres land grant program	R.1977 d.395	9 N.J.R. 514(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)
Temporary rule	1978 Fish Code	R.1977 d.384	9 N.J.R. 513(a)
Temporary rule	Crab dredging season for Atlantic Coast	R.1977 d.387	9 N.J.R. 513(b)

(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. 268(b)
8:21-1.28	Cosmetic product identity labeling	R.1977 d.193	9 N.J.R. 269(c)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
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)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-26.1	Amendment on licensure standards for health care facilities	R.1977 d.181	9 N.J.R. 268(e)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
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)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(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)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
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)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
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)	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)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
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)
9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(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)	<b>Revisions on loan amounts</b>	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	<b>Revised definition of institution or eligible institution</b>	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)
10:49-1.5(a)12.	Amendments on general exclusions	R.1977 d.408	9 N.J.R. 534(b)
10:49-1.25	<b>Medicaid reimbursement for abortions</b>	R.1977 d.243	9 N.J.R. 370(e)
10:49-11.1	Medicaid management information system	R.1977 d.409	9 N.J.R. 534(c)
10:50-1.1 et seq.	Revised transportation services manual	R.1977 d.374	9 N.J.R. 533(b)
10:50-2.1 et seq.	Revised transportation billing	R.1977 d.375	9 N.J.R. 534(a)
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), 10:85-3.1(b)2.	Amendments on eligibility for general assistance	R.1977 d.410	9 N.J.R. 535(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	R.1977 d.335	9 N.J.R. 479(d)
10:87-6.9, 6.10, 7.24	Revise food stamp manual on notification	R.1977 d.373	9 N.J.R. 533(a)
10:87-8.1 et seq.	Fiscal procedures in food stamp program	R.1977 d.288	9 N.J.R. 433(c)
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)
10:109-1.1 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**

11:1-5.2(f)	Assumption of insolvent N.Y. insurers' obligations	R.1977 d.389	9 N.J.R. 535(d)
11:1-5.3	Withdrawal of rule on surcharge	R.1977 d.17	9 N.J.R. 93(a)
11:1-5.4	<b>FAIR Plan surcharge</b>	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)
11:1-10.1 et seq.	Amendments on licensing of financial institutions	R.1977 d.405	9 N.J.R. 536(c)
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)
11:5-1.1	Revisions on disciplinary action	R.1977 d.392	9 N.J.R. 536(b)
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)
11:5-1.16(d)	Amendments on prohibited advertising	R.1977 d.391	9 N.J.R. 536(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.85	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

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)
12:235-4.8	Amendments on certificates of readiness	R.1977 d.406	9 N.J.R. 537(b)
Temporary	Revised 1978 workers' compensation benefit rates	R.1977 d.296	9 N.J.R. 439(a)
Temporary rule	Listing of wage rates for construction workers	R.1977 d.383	9 N.J.R. 537(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 Commissioners)

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)
14A: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.)

### PUBLIC ADVOCATE — TITLE 15A

15A:1-1.1 et seq.	Rules of practice; Public Interest Advocacy (Rules not yet available in the Code.)	R.1977 d.362	9 N.J.R. 541(b)
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## 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	Restricted parking on parts of Routes 154 and U.S. 22	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	Center, left-turn only; portions of Route 33	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.	Revise no right turns on red on Routes 13, 24, 34, 168, I-280 and 173	R.1977 d.235	9 N.J.R. 385(a)
16:28-12.13 et seq.	Amendments on no right turns on red on Routes 18, 28, U.S. 30, 70, 71 and U.S. 1 and 9	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.	Revised rules on aeronautical activities	R.1977 d.52	9 N.J.R. 141(a)
16:65-1.1, 1.2, 4.2, 5.1, 5.5, 6.2	Revisions on classification of contractors	R.1977 d.388	9 N.J.R. 543(b)

(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.338	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)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
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	Revisions to Prison Officers' Pension Fund rules	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.1977 d.402	9 N.J.R. 46(b)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
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)

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendment to Ruling 11 Concerning Classification and Compensation Plan

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:109-2.2(e) concerning the classification and compensation plan under Ruling 11 regarding the granting of a one-time cash payment of up to \$250.00 to employees with at least one year of service.

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

10:109-2.2(e) The salary ranges authorized above may not be exceeded by the county welfare boards. Such welfare boards may, however, consider the granting of salary differentials up to five per cent based exclusively on the minimum step of the applicable salary ranges as set forth in appendix II and that they are based on clearly identifiable special factors pertaining to the particular county. Before any commitments are made for a salary differential, the welfare boards must obtain prior written approval from the Division of Public Welfare. Welfare boards may grant longevity payments which are equal to and which affect all other county employees similarly affected. If such salary differentials and/or longevity payments are approved by the Division of Public Welfare, they shall not be construed as altering or otherwise affecting authorized salary ranges as set forth in appendix II but shall be construed as a supplement to normal salary payments only for that period approved by the Division of Public Welfare which shall, under no

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)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)

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

### 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), (l)	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)
18:24-4.1, 4.4, 4.7	Revisions on exemptions from sales and use tax	R.1977 d.365	9 N.J.R. 544(a)
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)
19:25-12.1(b)	Revisions on reporting of expenditures	R.1977 d.379	9 N.J.R. 548(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)
19:40-1.1 et seq.	Practices and procedures; Casino Control Commission	R.1977 d.394	9 N.J.R. 546(a)

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

circumstances, extend beyond such period unless an extension is formally requested by both negotiating parties prior to the expiration of such period and such extension is approved by the Division of Public Welfare.

1. The county welfare board may also consider granting, in combination with or in lieu of any of the above elements, a one-time cash payment not to exceed \$250.00 during a contract year provided that the following conditions are met:

i. Only employees being paid on the basis of range 12 or below are eligible; and

ii. Such employees must have at least one year of continuous service as of the beginning of the contract year.

2. This authorization should not be construed as a blanket approval by the division of any one-time cash payment plans which meet the above basic criteria, nor is any welfare board compelled to utilize the concept of one-time cash payments.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

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

The Department of Human Services may thereafter adopt these amendments substantially as proposed without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MENTAL HEALTH AND HOSPITALS

#### Proposed Rules on Construction Assistance For Community Mental Health Facilities

Ann Klein, Commissioner of Human Services, pursuant to authority of Chapter 93, P.L. 1976 and Chapter 42, P.L. 1977, proposes to adopt new rules and regulations concerning construction assistance for community mental health facilities.

Full text of the proposed new rules follows:

#### SUBCHAPTER 12. CONDITIONS GOVERNING STATE GRANTS FOR CONSTRUCTIONS ASSISTANCE FOR COMMUNITY MENTAL HEALTH FACILITIES

##### 10:37-12.1 Scope and purpose

(a) These rules and regulations apply to State grants for construction assistance for community mental health facilities. The program for disbursement of these funds shall be designated as the "Community Service Capital Improvement Program".

(b) The purpose of the program is to assist mental health regions to develop unified services systems consisting of programs that incorporate the principles of normalization by providing support for the construction of community-based facilities. Therefore, support will be provided to those community-based facilities which house

mental health and social support services designed to meet the needs of the following established high priority target groups:

1. Persons whose psychiatric condition does not warrant continued institutionalization;

2. Persons in the community who are at risk of being hospitalized because of the absence of any alternative care and treatment;

3. Other high risk populations for whom services are not currently available.

##### 10:37-12.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

"Community-based" refers to those programs and/or facilities which are not located on the grounds of, or operated by, a State or county institution.

"Community psychiatric inpatient service" means community-based psychiatric inpatient services whether free standing or hospital based, satisfying the requirements of subsections (a), (d) and (g) in N.J.A.C. 10:37-7.5.

"Construction of facilities" means the planning, erection, acquisition, improvement, rehabilitation, reconstruction, development and extension of facilities, including all equipment necessary to the operation thereof and includes the acquisition of the land necessary for said purposes.

"Department" means the Department of Human Services.

"Division" means the Division of Mental Health and Hospitals.

"Outpatient and other services" mean those community-based services described in N.J.A.C. 10:37-7.4, 10:37-7.6 and 10:37-7.8.

"Screening services" mean those essential service elements or components necessary to complete a county screening network of a unified county service system. The services may include 24-hour emergency services, client advocacy programs, 72-hour holding programs for client evaluations and services to correctional institutions to evaluate clients with suspected psychiatric problems.

"Transitional services" mean those services described in N.J.A.C. 10:37-6.3 entitled "Transitional Services".

##### 10:37-12.3 Program priorities

(a) Priority will be given to facilities which provide the following services: 1. Screening services; 2. Transitional services; 3. Community psychiatric inpatient services; and 4. Outpatient and other services that meet critical needs identified in county and regional mental health plans as these plans are developed.

##### 10:37-12.4 Fiscal priorities and local matching requirements

(a) Preference will be given to grant requests of between \$10,000 and \$50,000, which concern primarily improvement, rehabilitation, reconstruction, development and extension of existing facilities. The matching requirements for facilities providing programs in the priority areas are as follows:

1. Screening services:  
100 per cent State;
2. Transitional services:  
90 per cent State, 10 per cent local;
3. Community psychiatric inpatient, outpatient and other services:  
60 per cent State, 40 per cent local.

(b) Facilities for community psychiatric inpatient, outpatient and other services in poverty areas will be eligible for grants up to a 90 per cent State, 10 per cent local matching basis.

10:37-12.5 Eligible agencies

Any community-based public or nonprofit New Jersey agency incorporated to provide community mental health and/or social support services is eligible to receive construction assistance.

10:37-12.6 Allowable costs

(a) Construction assistance for acquisition will be available only in those cases in which the acquired facility expands the current service capability of the sponsoring agency.

(b) Construction assistance for equipment will be available only for fixtures.

10:37-12.7 Application procedure

(a) Applications for the community service capital improvement program must be filed on official forms.

(b) Sponsoring agencies shall submit applications for these grants to the division and the appropriate county mental health board.

(c) The county mental health boards will review and comment on all grant applications.

10:37-12.8 Conditions

(a) Conditions are:

1. Compliance with certificate of need procedures;
2. A formal commitment of local match resources;
3. A formal commitment to provide services for a time period to be negotiated between the division and the sponsoring agency. The time period will depend on:  
i. The size of the grant; ii. Depreciation considerations;  
iii. The type of service offered; and iv. Consideration of regional needs;

4. Consistency with the recommendations and principles of the "Feasibility Plan for Developing Community-Based Residential and Human Services Facilities in New Jersey". Appropriate sections of this document will be made available to county mental health boards and applicant agencies upon request;

5. Submission of fiscal assurances as requested by the Division.

10:37-12.9 State approval

(a) After review by the division and the department's capital facilities construction unit, the commissioner shall approve State financial participation to those sponsoring agencies whose proposals comply with the regulations of the department.

(b) The commissioner shall notify sponsoring agencies of action and certify the amount of State participation allowed.

10:37-12.10 Interim inspections

The department will conduct interim inspections at various stages of construction to insure that the approved project is constructed in accordance with the conditions and phase-in schedule of the contract and with all applicable State and Federal laws.

10:37-12.11 Payment schedules

The division and the sponsoring agency will negotiate a reasonable payment schedule.

10:37-12.12 Records and reports

Each project shall establish and maintain appropriate methods for conducting fiscal affairs. Adequate records shall be accessible, and reports shall be submitted, to the Division as requested.

10:37-12.13 Contract property

The department shall maintain an equitable interest in all property erected, acquired, improved, rehabilitated,

reconstructed, developed or extended, as specified in the construction contract.

A public hearing respecting this proposal will be held on November 23, 1977, at 10:00 A.M. in the department's first-floor conference room at 167 West Hanover Street in Trenton, N.J.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Richard J. Mergen  
Program Development Coordinator  
Division of Mental Health and Hospitals  
Department of Human Services  
135 West Hanover Street  
Trenton, N.J. 08625

The Department of Human Services may thereafter adopt these rules substantially as proposed without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MENTAL HEALTH AND HOSPITALS

#### Notice of Availability of Community Services Improvement Program Capital Fact Sheet

Take notice that, the Division of Mental Health and Hospitals in the Department of Human Services has issued the following fact sheet—for the purpose of soliciting preliminary applications for its community services capital improvement program and to spell out priorities, review criteria and other related requirements.

Full text of the fact sheet follows:

#### Introduction

In order to augment the number and to upgrade the quality of community-based residential and service facilities, the Division's Office of Community Services will administer a Community Services Capital Improvement Program.

Funding for this program is from the Human Services capital bond issue referendum of 1976 which allocated \$5 million to community-based mental health facilities. The actual State appropriation for this program for the current fiscal year is \$2.5 million (P.L. 1977, Ch. 42). The balance will be from future legislative action.

#### Purpose

Purpose of the program is to provide support for the renovation, construction and/or acquisition of those community-based residential mental health and social support service facilities which house service programs designed to meet the needs of the following established high priority target groups:

1. Persons whose psychiatric condition does not warrant continued institutionalization.

2. Persons in the communities who are at risk of being hospitalized because of the absence of any alternative care and treatment.

3. Other high-risk populations for whom services are not currently available.

**Focus**

The program will provide support only to those above-mentioned facilities which agree to become part of a mental health regional service system, and which provide services in the least restrictive setting according to the principles of normalization. Focus of the program will be on renovation that will improve the service capability of existing facilities in a relatively short time and at minimum expense. Acquisition and/or new construction, however, may also be supported.

Priority will be given to facilities providing the following services:

Screening services—limited to those facilities which will house essential service elements to complete a county screening component of a unified services system.

Transitional services — including residential, specialized extended and day care.

Congregate living facilities formally affiliated with mental health services.

Community psychiatric inpatient services.

Outpatient and other services that meet critical needs identified in county mental health plans.

**Fiscal Priorities and Local Match**

For efficient use of State financial support, preference will be given to grant requests of \$50,000 or less. Matching requirements for facilities providing programs in the above areas are as follows:

Screening services

100 per cent State moneys

Transitional services

90 per cent State, 10 per cent local

Community inpatient, P.H. and outpatient services

60 per cent State, 40 per cent local

**Review Criteria**

Funding decisions will be made in accordance with the above outline and fiscal priorities, the ability of the program to meet the following criteria:

Priority of need established by the CMHB county plan.

Priority of need established by regional consideration.

Extent to which the program can meet priority program needs with minimum amount of capital expenditures.

Exploring and exhausting other mainstream sources of funding.

Identifying local matching resources.

Identifying fiscal support for the service program.

**Eligibility**

Any community-based public or non-profit New Jersey agency incorporated to provide community mental health and/or social support services may apply.

**Additional Information**

Additional information on further guidelines and describing prototypical facilities based on the categories mentioned previously will be made available upon receipt and approval of a (preliminary application form).

**Application Procedure**

Applications for a capital improvement grant must consist of:

1. Preliminary application,
2. Compliance with certificate of need procedures,
3. Completion of the appropriate capital construction application form, and
4. Formal commitment to provisions of services for the specified time period.

Capital construction application forms will be available on or after November 1, 1977 only upon approval of a preliminary application.

Departmental policy prescribes specific procedures which must be followed, according to the amount of moneys requested. Therefore, the actual time period involved in the review-approval procedure will vary from a rather simple process for projects under \$10,000 to a more lengthy and complex process for projects in excess of \$25,000.

Programmatic review of the construction grant/service programs will be conducted by the division's staff in conjunction with county mental health boards. Facilities review will involve the department's capital planning office and capital facilities approval unit.

For additional information contact:

Richard J. Mergen  
Division of Mental Health and Hospitals  
135 West Hanover Street  
Trenton, New Jersey 08625  
(609) 292-1762

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 10 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Revisions to Food Stamp Manual**

On September 29, 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 revisions to N.J.A.C. 10:87-6.9, 10:87-6.10 and 10:87-7.24 concerning notification requirements and public access to hearing decisions, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 368(c).

An order adopting these revisions was filed on October 3, 1977, as R.1977 d.373 to become effective on November 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Revisions to Transportation Services Manual**

On September 29, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:50-1.1 et seq., concerning the Transportation Services Manual, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 83(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these revisions was filed and became effective on October 3, 1977, as R.1977 d.374.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Revisions to Transportation Billing Procedures

On September 29, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:50-2.1 et seq. concerning the billing procedures in the Transportation Services Manual, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 333(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these revisions was filed and became effective on October 3, 1977, as R.1977 d.375.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Amendments Concerning General Exclusions

On October 24, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 10:49-1.5(a)12., concerning general exclusions in the Medicaid providers manual, substantially as proposed in the Notice published September 8, 1977, at 9 N.J.R. 431(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

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

10:49-1.5(a)12. Services billed for which the corresponding health care records do not adequately document all required elements of the procedure described of procedure code utilized by the billing provider, as specified in the Provider Manual. Final payment will be made [only] for the procedure code fee which most closely corresponds to the procedure code which is actually documented in the provider's health care record. Therefore, [the] any difference [in payment] between the [procedure billed] amount paid to the provider and the procedure code documented in the provider's record [will] may be recouped [from the provider] by the Division of Medical Assistance and Health Services.

An order adopting these amendments was filed and became effective on October 26, 1977, as R.1977 d.408.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Emergency Rules on Medicaid Management Information System

On October 21, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning new data to be supplied by providers in compliance with requirements of the Medicaid Management Information System. More detailed and specific revisions to N.J.A.C. Subchapter 2 of all Chapters 50-68, except 63 and 65, will be proposed for adoption at a later date.

Full text of the adopted rule follows:

#### SUBCHAPTER 11. MEDICAID MANAGEMENT INFORMATION SYSTEM

##### 10:49-11.1 General provisions

(a) The New Jersey Medicaid Program is upgrading its claims processing, utilization and management information system for better program management and to qualify for increased Federal funds for program administration, available to states with a Federally certified Medicaid Management Information System, known as MMIS.

(b) Effective November 1, 1977, the inpatient hospital, outpatient hospital, home health, pharmacy, physician and practitioner, optical appliance, dental, medical supplies and equipment, transportation, independent outpatient health facility, independent laboratory and prosthetic and orthotic appliance claim forms will require some or all of the information described below in order to be reimbursable under the New Jersey Medicaid Program.

1. Attending practitioner's name and individual Medicaid practitioner (IMP) number for hospitals, special hospitals, home health and independent clinics;
2. Referring or prescribing practitioner's name and individual Medicaid practitioner (IMP) number;
3. Operating practitioner's name and individual Medicaid practitioner (IMP) number for hospitals, special hospitals and independent clinics;
4. Prior authorization number for those services which currently are prior authorized on a request form which is separate from the claim. This applies to hospitals, special hospitals, home health, practitioners, and independent clinics;
5. Indication of whether the service being performed was related to early and periodic screening diagnosis and treatment;
6. Indication of whether the service being performed was related to family planning;
7. Diagnosis;
8. The signature of the practitioner or optician actually performing the service(s) for which the claim is being submitted;

9. The individual Medicaid practitioner (IMP) number of the practitioner actually performing the service(s) for which the claim is being submitted.

(c) Each Medicaid participating practitioner including physicians, dentists, podiatrists, psychologists, optometrists and chiropractors, will be assigned an individual Medicaid practitioner (IMP) number by the program. Practitioners shall provide their individual Medicaid practitioner numbers when:

1. Referring a Medicaid patient to other practitioners;
2. Prescribing medications;
3. Ordering any other health related service or supply for a Medicaid patient.

An order adopting these rules was filed and became effective on October 26, 1977, as R.1977 d.409 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Persons Eligible for General Assistance

On October 25, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.1(b)2. concerning persons eligible for general assistance, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 367(b).

An order adopting these amendments was filed on October 27, 1977, as R.1977 d.410 to become effective on November 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## INSURANCE

### THE COMMISSIONER

#### Notice of Exportable List Hearing

Take notice that, the Department of Insurance has issued the following notice of exportable list hearing:

James J. Sheeran, Commissioner of the Department of Insurance, announced that he will hold the department's annual hearing to determine classes of insurance for which no reasonable or adequate market exists among authorized insurers on November 30, 1977, at 11:00 A.M. at 201 East State Street, Trenton, New Jersey.

In addition to consideration of the 38 classes of coverage declared eligible to export on May 23, 1977, interested parties are invited to submit other proposed classes of coverage for listing. Written suggestions should be mailed to the hearing officer in advance so that they may be considered at the hearing.

This notice is published as a matter of public information, is not subject to codification and will not appear in Title 11 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

## INSURANCE

### REAL ESTATE COMMISSION

#### Proposed Amendments to Advertising Rules

The Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 et seq., proposes to amend its rule on advertising.

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

11:5-1.15(d) Advertisements shall not list home telephone numbers of brokers or licensed employees, unless there is contained in such advertisements a legend limiting the utilization of such home telephone numbers to nonoffice hours, such as "evenings", "Sundays" or "holidays". [Where] **When** the name and telephone number of a [salesman] **salesperson** is contained in [an advertisement] **any advertising, except on standard business cards, [it] they shall be in type smaller and less conspicuous than [those] that of the employing broker, which shall also appear.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Real Estate Commission  
Department of Insurance  
201 East State St.  
Trenton, N.J. 08625

The Real Estate Commission may thereafter adopt these amendments substantially as proposed without further notice.

Joan Haberle  
Secretary-Director  
Real Estate Commission  
Department of Insurance

**(d)**

## INSURANCE

### THE COMMISSIONER

#### Emergency Rule Concerning Special Joint Underwriting Association

On October 17, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:30B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule directing the New Jersey Special Joint Underwriting Association to assume the unexpired motor vehicle obligations of the insolvent New York insurers, Empire Mutual Insurance Company and Allcity Insurance Company.

Full text of the adopted rule follows:

(b)

11:1-5.2(f) The association established pursuant to the foregoing provisions of this rule shall assume the unexpired motor vehicle policy obligations of the New York carriers, Empire Mutual Insurance Company and Allcity Insurance Company.

1. Assumption of obligations for unexpired policies shall run from 12:01 A.M., October 31, 1977.

2. Policyholders shall prove coverage by establishing ownership of a fully paid motor vehicle policy with an expiration date beyond 12:01 A.M., October 31, 1977, and an affidavit in prescribed form that the policy was not replaced by any other like policy.

3. The association shall keep separate accountings as to each insurer and allocate expenses of administration on the basis of time spent and payments made.

A public hearing for the purpose of normalizing the rule already adopted on an emergency basis will be held on November 30, 1977, at 10:00 A.M. in the Department of Insurance hearing room, 201 East State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

John G. Foley, Deputy Commissioner  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 08625

The Department of Insurance, may thereafter readopt this rule as a normal rule substantially as proposed without further notice.

An order adopting this emergency rule was filed and became effective on October 18, 1977, as R.1977 d.389 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### REAL ESTATE COMMISSION

#### Amendments on Prohibited Advertising Practices

On October 17, 1977, the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to be cited as N.J.A.C. 11:5-1.16(d), to the rules concerning prohibited advertising practices, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 344(a).

An order adopting these amendments was filed and became effective on October 19, 1977, as R.1977 d.391.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## INSURANCE

### REAL ESTATE COMMISSION

#### Revisions on Disciplinary Action and Restitution

On October 17, 1977, the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 11:5-1.1 concerning disciplinary action and restitution, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 438(a).

An order adopting these revisions was filed and became effective on October 19, 1977, as R.1977 d.392.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## INSURANCE

### THE COMMISSIONER

#### Amendments on Insurance Licensing Of Financial Institutions and Their Affiliates

On October 26, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6.6a, 17B-22-9 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:1-10.1 et seq. concerning insurance licensing of financial institutions and their affiliates, substantially as proposed in the Notice published September 8, 1977, at 9 N.J.R. 437(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

The substantive changes involve additional text inserted with the definition of "financial institution" in N.J.A.C. 11:1-10.1.

Full text of that adopted change follows (additions indicated in boldface thus):

#### 11:1-10.1 Definitions

"Financial institution" means . . . As used in this definition, the term "finance company" includes premium finance companies while they have 200 or more contracts in effect and continue to issue new contracts after the effective date of this rule.

An order adopting these amendments was filed and became effective on October 26, 1977, as R.1977 d.405.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

**LABOR AND INDUSTRY**  
**DIVISION OF WORKPLACE STANDARDS**  
**WAGE AND HOUR BUREAU**

**Listing of Prevailing Wage Rates for  
Construction Workers on Public Works Projects**

On October 11, 1977, William J. Clark, Assistant Commissioner, Labor Relations and Workplace Standards, in the Department of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56.25 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, filed a listing of the prevailing wage rates for construction workers on public works projects.

The listings include the classifications, hourly prevailing wage rates, benefits and overtime data for construction workers on public works projects for the entire State as well as for each of the 21 counties within the State.

Copies of the full text of 298 pages in this listing may be obtained from or made available for review by contacting:

Public Contracts Section  
Wage and Hour Bureau  
Department of Labor and Industry  
John Fitch Plaza  
Trenton, New Jersey 08625

An order adopting this listing was filed on October 11, 1977, as R.1977 d.383 (Exempt, Procedure Rule). Take notice that this listing is not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

**LABOR AND INDUSTRY**  
**DIVISION OF WORKERS' COMPENSATION**

**Amendments on Certificate of Readiness**

On October 26, 1977, John J. Horn, Acting Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-64 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:235-4.8 concerning certificates of readiness. Such amendments deleted the current text of N.J.A.C. 12:235-4.8 and adopted new text therein.

Full text of the adopted rules follows:

**12:235-4.8 Certificate of readiness**

(a) Within six months from the date of the filing of a formal claim petition for compensation, the petitioner shall file a certificate of readiness upon a form prescribed by the division and serve a copy upon each respondent. The matter shall be listed for hearing as soon thereafter as is practicable, at which time the parties shall exchange copies of the medical reports evaluating the disability, and shall proceed as an accelerated award proceeding in accordance with subchap-

ter 5 of this chapter unless there are issues other than the nature and the extent of the disability in which event the matter will proceed as a pre-trial conference in accordance with subchapter 5 of this chapter.

(b) The rules shall not be construed in any way to limit the petitioner's right to request a hearing by motion pursuant to subchapter 5 of this chapter on the question of temporary total disability and medical treatment.

An order adopting these rules was filed on October 26, 1977, as R.1977 d.406 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**BOARD OF OPTOMETRISTS**

**Proposed Fee Amendments**

Richard P. Rosenberg, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-1 et seq., proposes to adopt an amendment concerning the fee for a new registrant.

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

13:38-5.1(a)12. Wall [license] certificate—new [licentiates] registrants fee—[\$20.00] **\$40.00**;

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 5, 1977, to:

Jan Flanagan  
Secretary Treasurer  
Board of Optometrists  
1100 Raymond Boulevard, Room 501  
Newark, New Jersey 07102

The Board of Optometrists may thereafter adopt these amendments substantially as proposed without further notice.

Richard P. Rosenberg  
President  
Board of Optometrists  
Department of Law and Public Safety

(d)

**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**BOARD OF PHARMACY**

**Proposed Deletion of Rule on Applicants  
Previously Taking Examinations**

Sidney Grodman, President of the Board of Pharmacy in the Division of Consumer Affairs in the Department of

Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq., proposes to delete the text of N.J.A.C. 13:39-5.11 concerning applicants who have previously taken the examination.

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

13:39-5.11 [Applicants previously taking examinations]  
(Reserved)

[No person shall be eligible for reciprocal registration who has previously taken any of the registered pharmacist examinations of the Board and failed to pass or who is eligible to be reexamined under the existing law and regulations.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 5, 1977, to:

Roger Gale  
Secretary, Board of Pharmacy  
1100 Raymond Boulevard, Room 325  
Newark, New Jersey 07102

The Board of Pharmacy may thereafter delete these rules substantially as proposed without further notice.

Sidney Grodman  
President  
Board of Pharmacy  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

### BOARD OF PHARMACY

#### Proposed Amendments Concerning States Reciprocating

Sidney Grodman, President of the Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:14-1 et seq., proposes to adopt revisions to the rules concerning States reciprocating for New Jersey licensure.

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

13:39-5.7 States reciprocating

Pharmacists registered in every state of the United States with the exception of those registered in the states of California[,] and Florida [and New York], the Boards of Pharmacy of which do not reciprocate with other states, and pharmacists registered in the District of Columbia and in the territories of the United States shall be eligible to apply for reciprocal registration.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 5, 1977, to:

Roger Gale  
Secretary, Board of Pharmacy  
1100 Raymond Boulevard, Room 325  
Newark, New Jersey 07102

The Board of Pharmacy may thereafter adopt these

amendments substantially as proposed without further notice.

Sidney Grodman  
President  
Board of Pharmacy  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

### BOARD OF OPTOMETRISTS

#### Proposed Rules on Availability of Records

Richard P. Rosenberg, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:12-1 et seq., proposes to adopt new rules concerning the availability of records, prescriptions and specifications to patients.

Full text of the proposal follows:

13:38-6.1 Availability of records

(a) A patient record prepared by an optometrist shall be maintained for seven years from the date of the last entry.

(b) The patient record, or a copy thereof, shall be released to another practitioner upon a written request of the patient.

(c) A patient is entitled to a copy of his/her prescription for glasses. A patient is also entitled to a copy of his/her specifications for contact lenses; however, the examining practitioner may inform the patient in writing that he assumes no responsibility when the specification is filled beyond the control of the examining practitioner.

(d) Failure to comply with the above rules may subject an optometrist to the appropriate disciplinary action by the Board of Optometrists.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 5, 1977, to:

Jan Flanagan  
Secretary Treasurer  
Board of Optometrists  
1100 Raymond Boulevard, Room 501  
Newark, New Jersey 07102

The Board of Optometrists may thereafter adopt these rules substantially as proposed without further notice.

Richard P. Rosenberg  
President  
Board of Optometrists  
Department of Law and Public Safety

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

### BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

#### Proposed Amendment to Rule Requiring Licensee to Keep Patient Records

Robert Troast, President of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians, in the Di-

vision of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13, proposes to amend the Board's rule requiring a licensee to keep patient prescriptions, to include as well a record of the person(s) performing the ophthalmic services and those additional records necessary to accurately identify the fabrication and dispensing of the ultimate product.

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

13:33-1.29 Record of prescriptions filled

(a) [Each] **Effective immediately, each and every person** licensed as an ophthalmic dispenser in the State of New Jersey [is] **will be required to:**

(a) 1. Keep all prescriptions which [he has filled] the licensee fills for a period of at least six years;

(b) 2. **Maintain for a period of at least six years those records for all eyeglasses, frames and lenses fabricated and dispensed, which denote all the data required to prepare and dispense eyeglasses, frames and lenses, such as sphere, cylinder, axis, prism, base, add, patient pupillary distance (P.D.), eyeglass pupillary distance (P.D.), and height of segment (Seg) if multi-focal.**

(c) 3. **Identify on those records the individuals involved in the interpretation and measurements, the verification and the fitting and adjusting of all eyeglasses, frames and lenses fabricated and dispensed.**

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before December 5, 1977, to:

Robert Troast, President  
Board of Ophthalmic Dispensers  
and Ophthalmic Technicians  
1100 Raymond Boulevard, Room 503  
Newark, New Jersey 07102  
Telephone (201) 648-2840

The Board of Ophthalmic Dispensers and Ophthalmic Technicians, may thereafter adopt these amendments substantially as proposed without further notice.

Robert Troast  
President  
Board of Ophthalmic Dispensers  
and Ophthalmic Technicians  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### RACING COMMISSION

#### Proposed Amendments to Rules On Administration of Medication

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., proposes to amend rules on the administration of medication to control epistaxis (bleeding) for thoroughbred and harness racing.

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

13:70-14.17 Administering medication

(a) No person shall administer any medication excepting only external rubs and innocuous compounds, none of

which shall contain any stimulant, depressant, local anesthetic, analgesic, tranquilizer, anti-inflammatory, or chemical of any kind or description on the day of the race; with the exception that the Stewards may permit the administration of medication to control epistaxis (bleeding) to animals: [certified by licensed veterinarians practicing in New Jersey to be in need of such medication.]

1. That at any time have been charted to have bled in the "Daily Racing Form"; or

2. That at any time have received a comprehensive cardio-pulmonary examination at an approved equine hospital or school of veterinary medicine and that as a result thereof are certified as bleeders and therefore are in need of medication in order to race; or

3. That, after the effective date of this amended rule, are observed in New Jersey to bleed during the running or driving of a race or in the detention barn following such race by the State or track veterinarian.

(b) Upon the effective date of this amended rule, the State steward and State veterinarian shall establish a new bleeders list pursuant to the criteria set forth in subsection (a) above, and any bleeders list in existence on the effective date of this amended rule shall be null and void and of no effect.

(c) All horses placed on the new bleeders list established pursuant to and after the effective date of this amended rule shall be required to be brought to the detention barn no later than five hours prior to race time and remain in said detention barn until race time. Any medication that is intended to control epistaxis (bleeding) shall be administered by a licensed practicing veterinarian in said detention barn under the direct supervision of the State veterinarian within said five hour period prior to race time. Pursuant to N.J.A.C. 13:70-19.41, said practicing veterinarian shall make a report to the State veterinarian and to the Stewards of said treatment.

(d) Both pre-race and post-race urine and blood samples shall be taken by or under the supervision of the State veterinarian from all horses treated with medication to control epistaxis (bleeding) pursuant to the requirements set forth above. It is further provided that post-race medication of horses is not prohibited by this rule except under provisions of Section 18 of this subchapter.

13:71-23.2 Administering medication

(a) No person shall administer any medication excepting only external rubs and innocuous compounds, none of which shall contain any stimulants, depressants, hypnotic or narcotic drug of any kind or description on the day of the race; with the exception that the [Stewards] judges may permit the administration of medication to control epistaxis to animals: [certified by licensed veterinarians practicing in New Jersey to be in need of such medication.]

1. That at any time have received a comprehensive cardio-pulmonary examination at an approved equine hospital or school of veterinary medicine and that as a result thereof are certified as bleeders and therefore are in need of medication in order to race; or

2. That, after the effective date of this amended rule, are observed in New Jersey to bleed during the running or driving of a race or in the detention barn following such race by the State or track veterinarian.

(b) Upon the effective date of this amended rule, the State steward and State veterinarian shall establish a new bleeders list pursuant to the criteria set forth in subsection (a) above, and any bleeders list in existence on the effective date of this amended rule shall be null and void and of no effect.

(c) All horses placed on the new bleeders list established pursuant to and after the effective date of this amended rule shall be required to be brought to the detention barn no later than five hours prior to race time and remain in said detention barn until race time. Any medication that is intended to control epistaxis (bleeding) shall be administered by a licensed practicing veterinarian in said detention barn under the direct supervision of the State veterinarian within said five hour period prior to race time. Pursuant to N.J.A.C. 13:71-9.2, said practicing veterinarian shall make a report to the State veterinarian and to the State steward of said treatment.

(d) Both pre-race and post-race urine and blood samples shall be taken by or under the supervision of the State veterinarian from all horses treated with medication to control epistaxis (bleeding) pursuant to the requirements set forth above.

(e) It is further provided, that post-race medication of horses is not prohibited by this rule except under provision of Section 6 of this subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Racing Commission  
404 Abbington Drive  
Twin Rivers Town Center  
East Windsor, N.J. 08520

The Racing Commission may thereafter adopt these amendments substantially as proposed without further notice.

John J. Reilly, Executive Director  
Racing Commission  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### RACING COMMISSION

#### Proposed Amendments on Jockey Payments For Dead Heats in Thoroughbred Racing

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., proposes to adopt amendments to certain rules concerning jockey fees in dead heats in thoroughbred racing.

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

#### 13:70-9.19 Dead heats

In a dead heat for first place, the jockeys involved shall each receive 10 per cent of the purse money awarded to the owner by whom he is engaged. In [a] all other dead [heat] heats, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other.

#### 13:70-25.5 Jockey fees

In a dead heat for first place, the jockeys involved shall each receive 10 per cent of the purse money awarded to the owner by whom he is engaged. In [a] all other dead [heat] heats, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other. Likewise, the owners of the

horses involved shall pay their equal share of the jockey fees.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Racing Commission  
404 Abbington Drive  
Twin Rivers Town Center  
East Windsor, N.J. 08520

The Commission may thereafter adopt these amendments substantially as proposed without further notice.

John J. Reilly, Executive Director  
Racing Commission  
Department of Law and Public Safety

(b)

## ENERGY

### THE COMMISSIONER

#### Proposed Rules on Solar Energy Systems And Property Tax Exemption Qualifications

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of P.L. 1977, c. 256, proposes to adopt the intermediate minimum property standards for solar heating and domestic hot water systems (24 CFR 200.929) and the interim performance criteria for solar heating and combined heating/cooling systems as interim guidelines for minimum residential solar energy system performance standards for the purpose of obtaining a property tax exemption.

Full text of the proposed rules follows:

#### CHAPTER 4. SOLAR ENERGY SYSTEMS

##### SUBCHAPTER 1. TECHNICAL SUFFICIENCY STANDARDS OF SOLAR ENERGY SYSTEMS; PROPERTY TAX EXEMPTION QUALIFICATION

###### 14A:4-1.1 Scope

The technical sufficiency standards for solar energy systems are designed to establish minimum performance standards for the purpose of obtaining a property tax exemption pursuant to P.L. 1977, c. 256 §7.

###### 14A:4-1.2 Definitions

"Solar heating and/or cooling system" means that equipment assembled as subsystems and components of a system necessary to convert solar energy into thermal or electric energy. A solar heating and/or cooling system includes equipment used for storing thermal or electric energy generated from direct solar energy, but does not include storage devices or delivery systems which are also utilized for other means of heating and/or cooling including back-up systems.

"Solar domestic hot water system" means that equipment assembled as subsystems and components of a system necessary to convert solar energy into thermal or electric energy for use in providing domestic hot water. The system may either be integrated directly into the solar heating and/or cooling system or be completely separate therefrom. A solar domestic hot water system includes equipment used for storing thermal or electric energy generated from direct solar energy or storing water heated by solar energy, but does not include storage devices or delivery systems which are also utilized for other means of heating water including back-up systems.

**14A:4-1.3 Residential solar system standards**

(a) A solar energy system constructed or purchased for domestic hot water heating shall meet the performance standards set forth in the intermediate minimum property standards for solar heating and domestic hot water systems (S/MPS) 42 Fed. Reg. 33890 (1977), [to be cited 24 CFR 200.929].

(b) A solar energy system constructed or purchased for heating and/or cooling shall meet the performance standards set forth in the interim performance criteria for solar heating and combined heating/cooling systems.

**14A:4-1.4 Certification**

(a) The manufacturer of the solar energy system shall certify that the system meets the appropriate standards set forth in N.J.A.C. 14A:4-1.3.

(b) Those individuals who have constructed solar energy systems shall for certification submit a detailed line drawing or blueprint of the system, along with a description of the system and how it is designed to function, to the Director of the Office of Alternate Technology in the Department of Energy.

**14A:4-1.5 Commercial solar system standards (Reserved)**

**14A:4-1.6 Industrial solar system standards (Reserved)**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Mary Patricia Keefe  
Administrative Practice Officer  
Department of Energy  
101 Commerce Street  
Newark, N.J. 07102

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

Joel R. Jacobson  
Commissioner  
Department of Energy

**(a)**

**PUBLIC ADVOCATE**

**OFFICE OF THE PUBLIC DEFENDER**

**Proposed Rules on Handling Child Abuse Matters**

Stanley C. Van Ness, Public Advocate of the State of New Jersey, pursuant to authority of N.J.S.A. 9:6-8.21 (d)(e), proposes to adopt new rules concerning the handling of child abuse matters by the Department of the Public Advocate.

Full text of the proposed rules follows:

**SUBTITLE B. OFFICE OF THE PUBLIC DEFENDER**

**CHAPTER 10. GENERAL PROVISIONS**

**SUBCHAPTER 1. CHILD ABUSE MATTERS**

**15A:10-1.1 Scope of rules**

The following provisions shall govern the procedure of child abuse and neglect representation in the Department of the Public Advocate.

**15A:10-1.2 Liberal construction of provisions**

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

**15A:10-1.3 Jurisdiction**

(a) The department shall represent minors who are the subject of alleged cases of child abuse or neglect pursuant to N.J.S.A. 9:6-8.21(d).

(b) The department shall represent indigent parents or guardians in non-criminal child abuse or neglect matters, pursuant to N.J.S.A. 9:6-8.21(e).

**15A:10-1.4 Office of the Public Defender designated to provide representation in all child abuse and neglect matters**

(a) The Office of the Public Defender shall provide all representation in child abuse matters assigned to the Department of the Public Advocate as follows:

1. The minors in child abuse matters shall be represented by a law guardian who is an attorney admitted to the practice of law in this State, regularly employed by the Office of the Public Defender and designated to represent the children in cases alleging child abuse and neglect.

2. Indigent parents or guardians shall be represented by a private attorney retained on a case-by-case basis by the Office of the Public Defender in order to avoid conflicts of interests of the child and parent or guardian in regard to representation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Thomas S. Smith Jr.  
Deputy Public Defender  
P.O. Box 141  
Trenton, N.J. 08625

The Department of the Public Advocate may thereafter adopt these rules substantially as proposed without further notice.

Stanley C. Van Ness  
Public Advocate  
Department of the Public Advocate

**(b)**

**PUBLIC ADVOCATE**

**DIVISION OF PUBLIC INTEREST ADVOCACY**

**Rules on Practice and Procedure**

On September 23, 1977, Stanley C. Van Ness, Public Advocate of New Jersey, pursuant to authority of N.J.S.A. 52:27E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 15A:1-1.1 et seq., concerning rules on practice and procedure of the Division of Public Interest Advocacy, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 347(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Advocate.

The adopted changes concern a slight wording change in N.J.A.C. 15A:1-1.6(a)1.iii., plus a new N.J.A.C. 15A:1-1.7(c).

Full text of this new additional subsection follows:

15A:1-1.7(c) Any person who is aggrieved by a decision of the Public Advocate made pursuant to subsections (a) or (b) of this section, and who wishes to seek modification or reversal of such decision, shall request reconsideration.

tion by writing to departmental headquarters in Trenton specifying the basis upon which reconsideration is sought. There shall be a prompt written reply to the request for reconsideration which shall be responsive to the grounds asserted in the request and which shall set forth in detail the basis of the decision on reconsideration. The decision on reconsideration shall constitute the final agency determination.

An order adopting these rules was filed and became effective on September 23, 1977, as R.1977 d.362.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**TRANSPORTATION**

**THE COMMISSIONER**

**Proposed Amendments on No Right Turns  
On Red on Certain State Highways**

Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to amend the rules on no right turns on red on portions of Routes 49, 70, 124 and U.S. 130.

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

16:28-12.37(a)3. [Front Street - Park Drive (Salem City): On all approaches to and from Front Street - Park Drive.] (Reserved)

16:28-12.38(a)13. High Street (Millville): From west on Route 49 to north on High Street.

16:28-12.44(a)14. Orchard Street (Lakehurst Borough): From all approaches 7:00 A.M. to 5:00 P.M., Monday through Friday.

15. Schorrock Street (Lakewood Township): From west on Route 70 to south on Schorrock Street.

16. River Road (Brick Township): From east on Route 70 to south on River Road.

16:28-12.55(a)6.ii. From east [west] on Route 124 to [north] south on Caldwell Place, 2:30 P.M. to 4:00 P.M. Monday through Friday.

16:28-12.56(a)23. Route 48 - Main Street (Penns Grove Township): [From east on Main Street to south on Route U.S. 130]

i. From east on Main Street to south on Route U.S. 130.

ii. From west on Route 48 to north on Route U.S. 130.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

Russell H. Mullen  
Acting Commissioner  
Department of Transportation

**(b)**

**TRANSPORTATION**

**THE COMMISSIONER**

**Proposed Amendments on No Right Turns  
On Red on Certain Highways**

Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to amend the rules concerning no right turns on red on portions of Routes 27, 28, 29, 36, U.S. 46 and 47.

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

16:28-12.18(a)48.i. [From south on Route 27 to west on Witherspoon Avenue.]

[ii.] From east on Witherspoon Avenue to south on Route 27[;].

16:28-12.19(a)18. [Warrenville Road (Middlesex Borough): From south on Warrenville to west on Route 28]. (Revised).

16:28-12.207. Route 29 Ramp (Calhoun Street, and West State Street: From east on West State Street to south on Route 29 Ramp (Calhoun Street).

16:28-12.26(a)17. Rumson Road (Sea Bright Borough): From east on Rumson Road to south on Route 36 — 7:00 A.M. - 10:00 P.M., June 1 to October 1.

16:28-12.35(a)2. Grand Street (Little Ferry Borough): [From both approaches of Route U.S. 46 to Grand Street;]  
i. From both approaches of Route U.S. 46 to Grand Street.

ii. From both approaches of Grand Street to Route U.S. 46 — 8:00 A.M. - 8:00 P.M., Monday through Friday.

16:28-12.36(a)16. Entrance to Kerr Glass (Millville): From south on Route 47 to the Kerr Glass entrance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

Russell H. Mullen  
Acting Commissioner  
Department of Transportation

**(c)**

**TRANSPORTATION**

**THE COMMISSIONER**

**Proposed Amendments on No Right Turns on Red  
On Parts of Routes 130, 154, 166 and 168**

Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes

to amend portions of the rules concerning no right turns on red along parts of Routes 130, 154, 166 and 168.

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

16:28-12.56(a)24. Delaware Avenue - Florence Station - Columbus Road (Florence Township): From both approaches of Route 130.

16:28-12.57(a)1. Kresson Road (Cherry Hill Township): From south on Route 154 to west on Kresson Road. [From both approaches of Route 154 to Kresson Road].

16:28-12.58(a)2. Water Street (Dover Township) [On all approaches to and from Water Street;]

- i. From south on Route 166 to west on Water Street.
- ii. From both approaches of Water Street.

16:28-12.59(a)12. Browning Road (Bellmawr Borough): From all approaches 7:00 A.M. to 7:00 P.M.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Russell H. Mullen  
Acting Commissioner  
Department of Transportation

(a)

## TRANSPORTATION THE COMMISSIONER

### Proposed Amendments on No Right Turns On Red Along Certain Highways

Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to amend a portion of the rules on no right turns on red on parts of Routes U.S. 1, 5, 10, U.S. 22, 23 and 24.

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

16:28-12.1(a)3. Prince Street (Edison Township):

- i. From south on Route U.S. 1 to west on Prince Street.
- ii. From east on Prince Street to south on Route U.S. 1.

4. Plainfield Avenue (Edison Township):

i. From south on Route U.S. 1 to west on Plainfield Avenue.

ii. From east on Plainfield Avenue to south on Route U.S. 1.

16:28-12.5(a)3. Route 67 (Fort Lee Borough): From south on Route 67 to west on Route 5.

16:28-12.9(a)9. Mt. Pleasant Avenue - Driveway (Hanover Township): From north on Driveway to east on Route 10.

16:28-12.15(a)8. Round Valley access road (Clinton Township): From north on the access road to east on Route U.S. 22.

16:28-12.16(a)4. [Kiel Avenue - Kinnelon Avenue (Butler Borough): From east on Kinnelon Avenue to south on Route 23] Bradford Avenue (Cedar Grove Township): From all approaches 7:30 A.M. to 4:00 P.M., Monday through Friday.

16:28-12.16(a)iii. From north on Route 23 to east on Boyden Road 7:30 A.M. to 4:00 P.M. Monday through Friday.

16:28-12.17(a)6. Hillside Avenue (Chatham Borough): From all approaches. [From south on Hillside Avenue to west on Route 24;]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1977, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

Russell H. Mullen  
Acting Commissioner  
Department of Transportation

(b)

## TRANSPORTATION THE COMMISSIONER

### Revisions in Classification Of Contractors and Contracts

On October 14, 1977, Russell H. Mullen Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:65-1.1, 16:65-1.2(e)8, 16:65-4.2(a), 16:65-5.1(h), 16:65-5.1(i)4, 16:65-5.5(d) and 16:65-6.2(b), concerning classifications of contractors and contracts, as proposed in the Notice published September 8, 1977, at N.J.R. 444(a).

An order adopting these revisions was filed and became effective on October 17, 1977, as R.1977 d.388.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY STATE TREASURER

### Rules on Affirmative Action Requirements For Public Works Contracts

On September 28, 1977, Clifford A. Goldman, Treasurer of the State of New Jersey, pursuant to authority of N.J.S.A. 10:5-31 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 17:27-1.1 et seq., concerning affirmative action requirements for public works contracts, substantially as proposed in the Notice published

April 7, 1977, at 9 N.J.R. 191(a), with only inconsequential structural or language changes not detrimental to the public, in the opinion of the Department of the Treasury.

An order adopting these rules was filed on September 28, 1977, as R.1977 d.364 to become effective on November 27, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Revisions on Exemption from Sales and Use Tax

On September 29, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 18:24-4.1, 18:24-4.4 and 18:24-4.7 concerning exemptions from the sales and use tax, substantially as proposed in the Notice published September 8, 1977, at 9 N.J.R. 445(a), with only inconsequential structural or language changes, in the opinion of the Department of the Treasury.

An order adopting these revisions was filed and became effective on September 30, 1977, as R.1977 d.365.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF PENSIONS

#### POLICE AND FIREMEN'S RETIREMENT SYSTEM

#### Revisions on Definitions and Enrollment Dates

On September 28, 1977, Elmer G. Baggaley, Secretary of the Police and Firemen's Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16A-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:4-2.1 and 17:4-2.6 concerning definitions and enrollment dates, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 537(d).

An order adopting these revisions was filed and became effective on October 4, 1977, as R.1977 d.377.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF PENSIONS

#### POLICE AND FIREMEN'S RETIREMENT SYSTEM

#### Revisions on Administration of Police and Firemen's Retirement System

On September 28, 1977, Elmer G. Baggaley, Secretary of the Police and Firemen's Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16A-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:4-4.1(c), 17:4-6.1(a)4., 17:4-6.2, 17:4-6.3 and 17:4-6.13 concerning the administration of the Police and Firemen's Retirement System, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 191(c).

An order adopting these revisions was filed and became effective on October 4, 1977, as R.1977 d.378.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments on Rules Concerning Finance Companies Senior Debt

On October 17, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-9.1 concerning permissible investments for pension and annuity group regarding finance companies' senior debt.

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

17:16-9.1(a)2.ii. The obligor or its predecessors [have paid a dividend on common stock for the last five years;] shall have had an average pre-tax interest coverage of 1.25 times for the last five reported fiscal years.

An order adopting these amendments was filed and became effective on October 20, 1977, as R.1977 d.393 (Ex-empt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## (Other Agencies)

### (a)

## CASINO CONTROL COMMISSION

### Proposed New Rules Relating to Gaming Schools

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.A.C. 5:12-1 et seq., proposes to adopt a new rule to be cited as N.J.A.C. 19:44-1.1 et seq. relating to gaming schools.

Topics covered in this proposal are as follows:

#### CHAPTER 44. GAMING SCHOOLS

##### SUBCHAPTER 1. GENERAL PROVISIONS

- 19:44-1.1 Definitions
- 19:44-1.2 The gaming school license requirement
- 19:44-1.3 Gaming school license standards
- 19:44-1.4 Persons required to be qualified prior to the issuance of a gaming school license
- 19:44-1.5 The gaming school employee license
- 19:44-1.6 Duration of licenses of gaming school and school personnel
- 19:44-1.7 Name of gaming school
- 19:44-1.8 Courses and programs of instruction; commission approval
- 19:44-1.9 School facilities, supplies and equipment
- 19:44-1.10 Financial stability; insurance; annual budget and audit
- 19:44-1.11 Surety bond
- 19:44-1.12 Tuition, fees and other charges
- 19:44-1.13 Refund policy
- 19:44-1.14 Scholarships and financial assistance
- 19:44-1.15 School bulletin
- 19:44-1.16 Enrollment agreement
- 19:44-1.17 Publicity, advertising and representations to the public
- 19:44-1.18 School records

Copies of the 30 pages of full text of the proposed rules related to gaming schools may be obtained or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 30, 1977, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
240 W. State Street, Room 1005  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt these rules without further notice.

Joseph P. Lordi, Chairman  
Casino Control Commission

### (b)

## CASINO CONTROL COMMISSION

### Proposed New Rules Concerning Applications, Procedures and Applications Forms

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., commission. Topics covered in the proposal are as follows:

19:41-1.1 et seq. concerning the procedures and forms relating to applications for licenses, registration and qualification under the Casino Control Act.

This proposal includes the requirements for licensure under the Casino Control Act, and specifies the application procedures, the information requested, the persons who must be qualified, the standards for qualification, the procedures for obtaining statements of compliance, the license fees and standards of professional practice before the Commission. Topics covered in the proposal are as follows:

#### CHAPTER 44. APPLICATIONS

##### SUBCHAPTER 1. THE LICENSE AND REGISTRATION REQUIREMENT

- 19:41-1.1 Casino licenses
- 19:41-1.2 Casino service industry licenses
- 19:41-1.3 Employee licenses
- 19:41-1.4 Labor organization registrations
- 19:41-1.5 Casino hotel alcoholic beverage licenses
- 19:41-1.6 Slot machine licenses

##### SUBCHAPTER 2. THE CASINO HOTEL FACILITIES

- 19:41-2.1 The impact of the facilities
- 19:41-2.2 The hotel

##### SUBCHAPTER 3. THE PERSONS REQUIRED TO BE QUALIFIED

- 19:41-3.1 Casino licenses
- 19:41-3.2 Casino service industry licenses
- 19:41-3.3 Employee licenses
- 19:41-3.4 Labor organization registrations
- 19:41-3.5 Casino hotel alcoholic beverage licenses

##### SUBCHAPTER 4. THE STANDARDS FOR QUALIFICATION

- 19:41-4.1 Casino license standards
- 19:41-4.2 Employee standards
- 19:41-4.3 Section 86 standards
- 19:41-4.4 Casino hotel alcoholic beverage license
- 19:41-4.5 Standards

##### SUBCHAPTER 5. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION PROGRAMS

- 19:41-5.1 Licensees
- 19:41-5.2 Applicants for licenses
- 19:41-5.3 Applicants for casino licenses

##### SUBCHAPTER 6. STATEMENTS OF COMPLIANCE

- 19:41-6.1 In general
- 19:41-6.2 Contents
- 19:41-6.3 Issuance of licenses
- 19:41-6.4 Commitments that casino licenses shall be reserved
- 19:41-6.5 Reservations of other licenses

##### SUBCHAPTER 7. THE INFORMATION

- 19:41-7.1 Affirmative responsibility to establish qualifications
- 19:41-7.2 Duty to disclose and cooperate
- 19:41-7.3 Duty to promptly furnish information
- 19:41-7.4 Consent to inspections, searches and seizures
- 19:41-7.5 Waiver of liability for disclosure of
- 19:41-7.6 Information
- 19:41-7.7 Consent to examination of accounts
- 19:41-7.7 Consent to examination of accounts and records
- 19:41-7.8 Fingerprinting
- 19:41-7.9 Photographing
- 19:41-7.10 Handwriting exemplars
- 19:41-7.11 Oath of affirmation and attorney certification
- 10:41-7.12 Untrue information

- 19:41-7.13 Signatures
- 19:41-7.14 Form of signature
- 19:41-7.15 Form of application
- 19:41-7.16 Format of papers
- 19:41-7.17 Number of copies

(a)

## CASINO CONTROL COMMISSION

### Adopt Rules on Practices and Procedures

On October 19, 1977, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the commission's practices and procedures.

Full text of the adoption follows:

#### SUBTITLE K. CASINO CONTROL COMMISSION

#### CHAPTER 40. GENERAL PROVISIONS

#### SUBCHAPTER 1. PRACTICES AND PROCEDURES

##### 19:40-1.1 Authority

These rules and regulations are issued under and pursuant to the authority of the Casino Control Act, constituting chapter 110, Laws of New Jersey 1977, as amended.

##### 19:40-1.2 Definitions

Editor's Note: The words and terms defined in sections 3 through 48 of the Casino Control Act, N.J.S.A. 5:12-1 et seq., are also adopted as administrative rules within this section but are not reproduced herein. In addition to those definitions, the following two definitions are included in this section.

"Act" means the New Jersey Casino Control Act (P.L. 1977, c.110, as amended).

"Regulation" or "rule" means the regulation adopted by the commission pursuant to the act.

##### 19:40-1.3 Construction and amendment

(a) These rules shall be construed in accordance with generally accepted principles of statutory construction, including those set forth in N.J.S.A. 1:1-1 et seq.

(b) These rules shall be liberally construed to permit the commission and the division to effectively carry out their respective statutory functions and to secure a just and expeditious determination of issues properly presented to the commission.

(c) Nothing contained in these rules shall be so construed as to conflict with any provision of the New Jersey Casino Control Act or any other applicable statute.

(d) In special cases and for good cause shown, the commission may relax or permit deviations from these rules.

(e) These rules may be amended by the commission from time to time in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

##### 19:40-1.4 Word and terms; tense, number and gender

(a) Regular meetings of the commission shall be held regulations, except when otherwise plainly declared or clearly apparent from the context:

1. Words in the present tense shall include the future tense.

2. Words in the masculine shall include the feminine and neuter genders.

3. Words in the singular shall include the plural and the plural shall include the singular.

#### SUBCHAPTER 8. THE APPLICATION

- 19:41-8.1 Receipt
- 19:41-8.2 Filing
- 19:41-8.3 Processing
- 19:41-8.4 Public inspection of information
- 19:41-8.5 Amendments
- 19:41-8.6 Withdrawal
- 19:41-8.7 Mootness

#### SUBCHAPTER 9. FEES

- 19:41-9.1 Payment of fees
- 19:41-9.2 Casino license fee
- 19:41-9.3 Gaming school license fee
- 19:41-9.4 Bonds
- 19:41-9.5 Additional fees
- 19:41-9.6 Renewal

#### SUBCHAPTER 10. PROFESSIONAL PRACTICE

- 19:41-10.1 In general
- 19:41-10.2 The practice of law
- 19:41-10.3 Notice of appearance by attorney
- 19:41-10.4 Other professions and occupations

This proposal also includes the following five application forms:

The "Casino/Hotel Facilities Statement" is designed to be prepared by all applicants for a casino license.

The "Business Entity Disclosure Form—Corporate" is designed to be prepared by all corporations either applying for a casino license or a casino service industry license or requiring qualification as an associate of or intermediary or holding company of an applicant.

The "Business Entity Disclosure Form—Partnership" is designed to serve the same function as the "Business Entity Disclosure Form—Corporate", except that it is designed to be filled out by partnerships either applying for licensure or required to be qualified.

The "Statement of Gaming School Proposal" is designed to be prepared by any person or entity applying for a gaming school license regardless of whether it is a corporation, partnership, sole proprietorship or other form of business organization. An applicant for a gaming school license would also be required to complete one of the "Business Entity Disclosure Forms".

The "Personal History Disclosure Form" is designed to be prepared by any natural person applying for a license or registration or who must be qualified.

Copies of the 41 pages of full text of the proposed applications procedures and of the 116 pages of the full text of the proposed applications forms and instructions may be obtained from or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 30, 1977, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
240 W. State Street, Room 1005  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt these rules without further notice.

Joseph P. Lordi, Chairman  
Casino Control Commission

#### 19:40-1.5 Meetings; order of business

(a) Regular meetings of the Commission shall be held at least once per month or such dates and at such times and places as the chairman or the commission shall establish.

(b) Special meetings of the commission will be held from time to time on such dates and at such times and places as the chairman or the commission may deem convenient. Special meetings of the commission may be called at the discretion of the Chairman; but the chairman shall call a special meeting at the request of any three members of the commission.

(c) The annual reorganizational meeting of the commission shall be the first meeting of the commission in January of each year.

(d) All meetings of the commission shall be in compliance with the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).

(e) Except when otherwise directed by the chairman or the commission, the order of business at any public meeting of the commission shall be:

1. Presiding officer's statement of compliance with the Open Public Meetings Act;
2. Roll call;
3. Approval of minutes of the preceding meeting;
4. Announcements and communications;
5. Unfinished business;
6. Operating report;
7. Other reports;
8. Motions and resolutions;
9. Other new business;
10. Questions and comments from the public;
11. Adjournment.

#### 19:40-1.6 Quorum; votes

(a) A majority of the full commission shall constitute a quorum at any meeting of the commission.

(b) The vote on any matter before the commission shall be taken by yeas and nays, and the names of the members voting for or against or abstaining shall be entered in the minutes of the meeting.

#### 19:40-1.7 Resolutions

(a) Every resolution of the commission shall begin in the following style: "NOW THEREFORE, BE IT RESOLVED BY THE NEW JERSEY CASINO CONTROL COMMISSION."

(b) All resolutions of the commission adopted in any one calendar year shall be numbered from one consecutively upwards in the order of their adoption.

(c) The records of the commission shall include a minute book and a resolution book. Any resolution of the commission may be set forth in full in the minutes or, after recordation in the minutes of the number, substance, vote and the fact of adoption of a resolution, the resolution may be recorded in the resolution book only.

#### 19:40-1.8 Officers

(a) The officers of the commission shall include a chairman and a vice-chairman who shall be members of the commission, and an executive secretary who shall not be a member of the commission.

(b) The chairman, as chief executive officer of the commission, shall schedule and preside at all meetings of the commission; shall appoint the members of the commission to such committees as the commission may, from time to time, establish; shall have the authority to accept for filing all applications; shall have the authority to incur on behalf of the commission such expenses as the commission shall have approved in its

operating budget; shall have the authority to issue casino hotel employee licenses pursuant to section 91 of the act and the rules and regulations of the commission; shall have general supervision, direction and control of the affairs of the commission; and shall perform such other duties as are incidental to his office and as may be assigned, from time to time, by the commission.

(c) The vice-chairman shall be elected annually at the organizational meeting of the commission by a majority of the full commission. He shall be a member of the commission other than the chairman. He shall possess such powers and shall perform such duties as may be assigned, from time to time, by the commission. In the absence or inability of the chairman to serve or in the event of a vacancy in the office of chairman, the vice-chairman shall be empowered to carry out all of the responsibilities of the chairman.

(d) The executive secretary shall be appointed by the commission and shall serve at the pleasure of the commission. Under the supervision of the chairman, the executive secretary shall be responsible for the conduct of the administrative affairs of the commission and shall have custody of the commission's seal and its official records. The executive secretary shall attend all meetings of the commission and shall act as recording secretary thereof and shall record all votes and shall keep a record of the proceedings at all meetings of the commission in a minute book and a resolution book or both, to be kept for the purpose, which shall be open at all reasonable times to inspection by any member of the commission. He shall cause a verbatim transcript to be made of the public meetings of the commission, according to law. He shall affix the seal of the commission to all papers authorized to be executed by the commission requiring such seal to be affixed. He shall cause copies to be made of the verbatim transcript of the public meetings, and of all minutes, resolutions and other records and shall cause such copies to be filed with the appropriate authorities according to law. He shall give certificates under the seal of the commission to the effect that such copies are true copies and all persons dealing with the commission may rely on such certificates. He shall perform such other duties as are incident to his office or as may be assigned, from time to time, by the commission or by the chairman.

#### 19:40-1.9 Offices; hours

(a) The main offices of the commission are located at:  
The Inn of Trenton  
240 West State Street  
Room 1005  
Trenton, New Jersey 08625

(b) The offices of the commission are open for the filing of papers and for other business (except for public inspection of documents) from 9:00 A.M. to 5:00 P.M., Monday through Friday, unless otherwise authorized by the commission. The offices of the commission are open for public inspection of documents from 10:00 A.M. to 4:00 P.M., Monday through Friday, unless otherwise authorized by the commission. The offices of the commission are closed on legal holidays.

#### 19:40-1.10 Official records; fees for copies

(a) No original official record of the commission shall be released from the custody of the commission except upon express direction of the chairman or the executive secretary, or upon the order of a court of competent jurisdiction.

(b) Copies of the official records of the commission which are required by law to be made available for public inspection will be made available during the hours

provided for in section 9 of these regulations, upon the payment of appropriate fees.

(c) No person shall, directly or indirectly, procure or attempt to procure from the records of the commission or the division or from other sources, information of any kind which is not made available by proper authority.

(d) No application, petition, notice, report, document or other paper will be accepted for filing by the chairman and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the commission, unless such papers or requests are accompanied by the required fees, charges, or deposits.

(e) All checks for payment of such fees, deposits and charges shall be made payable to the order of the "Casino Control Commission" and delivered or mailed to the main office of the commission.

(f) Any person may subscribe to the commission's meeting notices, minutes, or notices of rule-making hearings by written request accompanied by a check or money order in accordance with the subscription rates established by the commission. All subscriptions shall be on a calendar year basis only, and rates for subscriptions commencing during a calendar year will be prorated accordingly. At the discretion of the commission, no payment may be required when the request is made by the Governor of the State of New Jersey or by a member of the Legislature or by any newspaper, television station or radio station regularly serving New Jersey.

(g) Copies of official records of the commission which are required by law to be made available for public inspection shall be made available at \$0.25 per page.

#### 19:40-1.11 Communications; notices

(a) All papers, process or correspondence relating to the commission should be addressed to or served upon the Casino Control Commission at the commission's main office. All papers, process or correspondence relating to the division should be addressed to or served upon the Division of Gaming Enforcement at the division's main office.

(b) All such papers, process or correspondence shall be deemed to have been received or served when delivered to the main office of the commission or the division as the case may be, but a commissioner or such individual members of the commission's staff as the chairman may designate, or the director or such individual staff members of the division's staff as the director may designate, may in his discretion receive papers or correspondence or accept service of process.

(c) Except as otherwise provided by law, notices and other communications will be sent to an applicant or licensee by ordinary mail at the address of the establishment as shown in the application or license. Notices shall be deemed to have been served upon their deposit, postage prepaid, in the United States mails, and the time specified in any such notice shall commence to run from the date of such mailing. Any applicant or licensee who desires to have notices or other communications mailed to an address other than that of the establishment as specified in the application or license shall file with the commission and the division a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address. An applicant or licensee will be addressed under the name or style designated in the application

or license, and separate notices or communications will not be sent to individuals named in such application or license unless a specific request for that purpose is filed with the commission and the division. In the absence of such a specific request, a notice addressed under the name or style designated in the application or license shall be deemed to be notice to all individuals named in such application or license. Applicants and licensees shall immediately notify the commission and the division of any change of address, and shall specifically request that all notices or other communications be sent to the new address.

#### 19:40-1.12 Severability and preemption

(a) If any clause, sentence, subparagraph, paragraph, subsection, section, article or other portion of these rules or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, ficting with any provision of the act or of these rules or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, article or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

(b) Notwithstanding the provisions of any other law to the contrary, no local government unit of this State may enact or enforce any ordinance or resolution conflicting with any provision of the Act or of these rules or with any policy of this State expressed or implied herein, whether by exclusion or inclusion. The commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of the act and these rules.

#### 19:40-1.12 Practice where regulations do not govern

In any matter not governed by these rules and regulations, the commission or the division shall exercise its discretion so as to carry out the purposes of the act.

An order adopting these rules was filed and became effective on October 21, 1977, as R.1977 d.394 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ELECTION LAW ENFORCEMENT COMMISSION

### Revisions on Reporting of Expenditures

On October 3, 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 revisions to N.J.A.C. 19:25-12.1(b) concerning the reporting of expenditures, as proposed in the Notice published September 8, 1977, at 9 N.J.R. 447(b).

An order adopting these revisions was filed and became effective on October 6, 1977, as R.1977 d.379.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

# MORTGAGE FINANCE AGENCY

## Notice of Expansion of Neighborhood Loan Program

Take notice that, the Mortgage Finance Agency has issued the following notice regarding the expansion of the Neighborhood Loan Program:

Christopher G. Kelly, Executive Director of Mortgage Finance Agency, announced that it plans to expand its Neighborhood Loan Program (NLP) to include other qualified municipalities for the second year, beginning in the spring of 1978. Municipalities interested in applying for eligible neighborhoods to be included must apply to the agency by December 31, 1977.

The NLP has been in operation in 25 New Jersey cities since March 29, 1977. The program, the first of its kind in the country, was created to address the problem of home mortgage disinvestment and to increase home ownership opportunities in urban neighborhoods. As such, the NLP makes available below-market interest rate mortgages to qualified borrowers for the purchase of one to four family homes located in designated eligible neighborhoods where it has been difficult to obtain a mortgage. Under the NLP, participating lending institutions originate these mortgages which are then purchased by the agency.

In order for a municipality to qualify and recommend areas for inclusion in the program, the following general neighborhood conditions must be present:

1. Predominantly single-family residential neighborhoods.
2. Evidence of home mortgage underservicing.
3. An existing or potential demand for home ownership in an area.
4. The existence of housing programs, capital expenditures and evidence of other commitment on the part of the municipality to upgrade and preserve neighborhoods.

Application forms and eligibility criteria are available by writing or telephoning the Mortgage Finance Agency, 1180 Raymond Boulevard, Newark, New Jersey 07102. Telephone: (201) 648-2774.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 19 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

# PORT AUTHORITY OF NEW YORK AND NEW JERSEY

## Revisions to Airport Rules and Various Schedules of Charges

On June 9, 1977, August 11, 1977, and August 31, 1977, the Board of Commissioners of the Port Authority of New York and New Jersey adopted revisions to several of its rules concerning toll and fare increases, public hearings; New York City Passenger Ship Terminal, Piers 40, 88, 90, 92 and 94 concerning revisions to the schedule of charges

for vehicular parking; Port Authority Marine Terminal, revisions to FMC schedule PA-9; revisions to schedule of charges concerning all airports and the employee parking lot 7 at Kennedy International Airport; and revisions to rules for all airports.

Full text of the adopted revisions follows:

Resolved, that it is the policy of The Port Authority of New York and New Jersey that prior to instituting or changing tolls, fares or other charges in connection with any vehicular tunnels and bridges or passenger rail facilities which it may now or hereafter be authorized to own, construct, operate or control, the Port Authority shall hold a public hearing thereon with notice thereof to be published by the Port Authority in a newspaper or newspapers of general circulation within the Port district not less than ten days prior to the convening of such hearing. Such notice shall state the charge or charges proposed to be instituted or changed, shall set forth a comparison of the existing charges with the proposed charges and shall state the purpose or purposes for which such tolls, fares or other charges are to be instituted or changed and an estimate of the overall increase or decrease in revenues to the Port Authority resulting from such proposed charges.

Resolved, that the Vehicular Parking Rates, New York City Passenger Ship Terminal, Pier 40, adopted by the committee at its meeting on August 10, 1972 (appearing at page 20 of the committee minutes of that date), as subsequently amended, be and the same are hereby revised, effective October 1, 1977, as follows:

<b>ENCLOSED SPACE—SECOND DECK</b>	
Monthly Parking Permit .....	\$40.00
<b>OUTSIDE SPACE—PARKING ROOF</b>	
Monthly Parking Permit .....	\$30.00
Daily Parking .....	\$ 1.75
10-Coupon Booklet, each coupon good for one day's parking within one year of issuance .....	\$15.00

All rates include six per cent sales tax.

Resolved, that the schedule of charges for vehicular parking at the New York City Passenger Ship terminal adopted by the Committee on Operations on October 30, 1974 (appearing at pages 3 et seq. of the committee minutes of that date), be and the same hereby is amended, effective October 1, 1977, by deleting the \$40.00 charge for public patrons and substituting the following:

Public patrons—restricted use	
Mon. - Fri.—7 A.M. to 6 P.M. ....	\$35.00

Resolved, that the "FMC Schedule No. PA-9 Naming Rules and Regulations Applying at Port Authority Marine Terminals and Rates and Charges Applicable For the Use of Public Areas at Port Authority Marine Terminals" adopted by the Committee, at its meeting on February 3, 1966 (appearing at page 3 et seq. of the committee minutes of that date) as amended, be and the same is hereby amended, effective October 1, 1977 by revising Item No. 685 as follows:

Water	
Per net ton .....	\$0.30
When Port Authority labor is necessary for furnishing hook up and/or disconnect .....	\$12.00 per hour
Minimum charge .....	straight time \$15.00

Resolved, that the schedule of charges for use of public vehicular parking areas at Kennedy International Airport, be and the same is hereby revised, effective October 1, 1977, to include a new section, as follows:

Employee Parking Lot 7—

\$15.00 per month per vehicle payable in advance by employer.

Penalty fee of \$25.00 for lost parking lot entrance gate cards payable by employer.

Use of Lot 7 shall be restricted to employees of organizations holding permit or contract agreements with the Port Authority whose place of business is located in the central terminal area.

Resolved, that the rules and regulations governing the operation of Port Authority air terminals adopted by the committee, at its meeting on October 6, 1955 (appearing at page 9 et seq. of the committee minutes of that date), as subsequently amended, the rules and regulations with respect to tank vehicles and refueling service vehicles engaged in fuel handling at Port Authority air terminals and the rules and regulations with respect to highway vehicles in use at Port Authority air terminals adopted by the committee, at its meeting on May 31, 1949 (appearing at page 30 et seq. of the committee minutes of that date) as subsequently amended, be and the same are hereby amended, effective October 1, 1977, as follows:

211/0-05—Change first sentence to read “Manager shall mean The Port Authority General Manager, Manager or other . . .”

211/0-10—Change “The Port of New York Authority” to “The Port Authority of New York and New Jersey.”

211/0-19.01—Revise the last two sentences to read as follows: “Such hallways, corridors, lobbies and waiting rooms may also be used by incoming and outgoing passengers while awaiting the departure of aircraft or ground transportation and by friends and relatives of such passengers. Counters located in or along such hallways, corridors, lobbies and waiting rooms may be used for the purpose of carrying on any transactions authorized by the lease, permit or license pursuant to which such counters are maintained and operated.”

212/0-03—Change section to read: “Tank Vehicle” shall mean any vehicle used for the transportation of flammable liquids and the associated fueling or defueling of aircraft and fueling of ground support equipment, and includes both tank trucks and semi-trailers.”

212/0-07—After the word, “having,” add the word, “a.”

212/0-10—Change section to read: “‘Mobile Refueling Station’ shall mean a tank truck especially designed and equipped to carry and transfer automotive fuel from the Aviation Fuel Storage and Delivery Facilities to and into Refueling Service Vehicles and Tank Vehicles.”

212/0-11—Add: “‘Automotive Fuel Dispensing Vehicle’ shall mean a tank truck especially designed and equipped to carry and transfer automotive fuel from the Aviation Fuel Storage and Delivery Facilities or a central automotive fueling site, located within the airport boundaries, to a Refueling Station for transfer into Ground Support Equipment other than Refueling Service Vehicles and Tank Vehicles.”

212/0-12—Add: “‘Automotive Refueling Station’ shall mean a fixed location, approved by the Manager, at which automotive fuel is dispensed from underground tanks and a fixed fuel dispensing system. When it is deemed not feasible to construct an Automotive Refueling Station, the Manager may permit fuel to be dispensed only by an approved Automotive Fuel Dispensing Vehicle operated by an authorized Fueling Service Contractor at an approved

Refueling Station. When fuel is dispensed from an Automotive Fuel Dispensing Vehicle, the site shall be equipped with a ground rod, suitable barricades, and a 150-pound wheeled fire extinguisher, in addition to such other protective requirements and restrictions designated by the Manager”.

220/0-03—Delete the second sentence beginning “When the Manager . . .” and the last sentence beginning “The above rate shall . . .”

220/0-5—After “connected with,” delete “a.”

220/0-11—Add: “All aircraft ramp and apron scrubbing shall be accomplished through the use of approved vacuum-type scrubbers as of July 1, 1977; and the waste water picked up from the ramps shall be disposed of in a triturator or an approved designated opening to the sanitary sewer system. Scrubbing schedules, based on aircraft ramp and apron activity and type of operation, shall be approved by and filed with the Manager.”

230/0-08—After “public aircraft,” add “parking.”

240/0-00—Change “DANGEROUS ARTICLES” to “HAZARDOUS MATERIALS.”

240/0-01—Revise the last sentence to read “Where such operations are required . . .”

240/0-03—Change material in parentheses to read “(as defined by the Hazardous Materials Regulations of the Dept. of Transportation, Title 49, Code of Federal Regulations, Parts 171-177).”

240/0-04—Delete “Part 103 of the Federal Aviation Regulations promulgated by the Federal Aviation Administration” and substitute “the Hazardous Materials Regulations of the U.S. Department of Transportation (Title 49, CFR, Parts 171-176).”

In the second sentence, delete “Federal Aviation Administration” and substitute “Department of Transportation” and delete “dangerous articles” and substitute “hazardous materials.”

240/0-05—In subsections (a), (b) and (f), delete “Atomic Energy” and substitute “Nuclear Regulatory.” In the last paragraph, delete “and Federal Aviation Administration” and change “dangerous articles” to “hazardous materials.”

310/0-3—Change section to read: “The Manager shall have the authority to detain any aircraft for non-payment of charges due to the Port Authority.”

310/0-05—After “air terminal,” revise to read “shall report said accident promptly to the Manager.”

310/0-13—Change first sentence to read: “Any spillage or dripping of gasoline, oil, grease, or any other material which may be unsightly or detrimental to the pavement in any area at an air terminal shall be removed immediately in a manner satisfactory to the Manager.”

320/0-02—After “National Transportation,” add “Safety.”

320/0-03—After “Control Tower,” add “on all appropriate frequencies.” Delete the second sentence.

320/0-12—Change section to read: “No aircraft having an actual gross weight including passengers, cargo, fuel, equipment, and so forth, in excess of maximum gross weight for such aircraft authorized by the Director of Aviation shall land, take off, or taxi at an air terminal without permission”.

320/0-13, -15 and -16—Delete

410/0-04—Delete “reflector buttons” and substitute “reflectors.”

410/0-17—After “person,” insert “operating or.”

421/1-12—Change section to read: “Automotive and Ramp Equipment other than refueling service vehicles and tank vehicles shall be refueled by authorized Fuel Service Contractors only at prescribed refueling stations

and from dispensing systems, all as approved by the Manager. Refueling Service Vehicles and Tank Vehicles may also be refueled from Mobile Refueling Stations at times and locations designated by the Manager."

421/1-13—Delete "That."

421/1-15—Revise to read: "The delivery of fuel shall at all times be under the control of the vehicle attendant, through the use of approved flow controlling devices operated by the attendant, designed to shut off automatically upon release of hand or foot pressure. Latching or fastening devices on the control units are not permitted."

421/1-16—Change last word to "effected."

421/1-16.03—After "Bonding," insert "must be established between." Delete "disconnecting" and insert "maintained until."

421/2-16—Change "inflammable" to "flammable."

421/4-00—Change title to read "Mobile Refueling Stations and Automotive Fuel Dispensing Vehicles."

421/4-23—Add: "Automotive Fuel Dispensing Vehicles shall not dispense fuel except at such times and such designated Automotive Refueling Stations approved by the Manager and, in no event, shall refueling operations take place if other tank vehicles or aircraft are within 50 feet of such refueling operation."

421/4-24—Add: "Mobile Refueling Stations and Automotive Fuel Dispensing Vehicles shall not dispense fuel unless properly grounded."

421/1-02.02, 1-04.02 and 1-07—Change "chaffing" to "chafing."

422/1-07—In second paragraph, after "rated," insert "at," and after "factory," insert "installed."

422/3-08—Change "Item 422/1-05" to "Item 422/2-08."

422/4-00—Change title to "Mobile Refueling Stations and Automotive Fuel Dispensing Vehicles."

422/4-08—Change section to read: "The mobile refueling stations must be equipped with hose not exceeding 25 feet in length, fitted with an approved interlock nozzle which matches the fuel tank connection of the refueling service vehicle and tank vehicle, and does not permit transfer of fuel from the mobile refueling station into any vehicle other than the refueling service vehicle and tank vehicle."

422/4-09—Change section to read: "On Mobile Refueling Stations and Automotive Fuel Dispensing Vehicles, an approved manual and fusible link shut-off valve shall be installed in the piping at the point where the dispensing hose is attached to the system of piping after the pump discharge."

422/4-10—Change section to read: "Pumping rates for Mobile Refueling Stations and Automotive Fuel Dispensing Vehicles shall not exceed 12 gpm measured at the nozzle."

422/4-14—Change section to read: "Mobile Refueling Stations and Automotive Fuel Dispensing Vehicles shall not exceed 1,800 gallons total capacity, with compartments not exceeding 600 gallons each."

422/4-15—Add: "Automotive Fuel Dispensing Vehicles shall be equipped with hose not exceeding 25 feet in length unless approved by the Manager and shall be fitted with an approved deadman-type nozzle."

422/4-16—Add: "Mobile Refueling Stations and Automotive Fuel Dispensing Vehicles shall carry at all times a sufficient quantity of absorbent material approved by the Manager to contain accidental fuel spills."

422/4-17—Add: "Mobile Refueling Stations and Automotive Fuel Dispensing Vehicles shall carry at all times a copy of the approved route map showing the routing for that vehicle to and from the Refueling Stations, the Aviation fuel Storage and Delivery Facilities, and the vehicle storage and maintenance base."

431/1-01—Delete "That."

431/4-05—Delete "and shall display," and insert "which shall be displayed."

432/1-02—Change last sentence to read: "Reflecting material will meet this requirement if it meets SAE Specification J594e, has heat sealed edges and is at least three inches in diameter affixed to a flat vertical surface."

432/1-04—Delete comma after "mounting."

432/2-04.03 and 432/2-04.04 b)—Delete the phrase "(See Compliance Date)."

432/2-07—Change "chaffing" to "Chafing."

432/412.02—Revise to read "Omnibus (except sedan type) chassis frame . . ."

An order adopting these revisions was filed on October 11, 1977, as R.1977 d.382 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### MEADOWLANDS TO BUILD 20,000-SEAT

### ALL-PURPOSE ARENA TO OPEN BY 1980

The New Jersey Sports and Exposition Authority last month took initial steps toward construction of a \$45 million, 20,000-seat multi-purpose arena at the Meadowlands sports center in north Jersey.

Authority Chairman David A. "Sonny" Werblin targeted Jan. 1, 1980, as the opening date for the facility. He said that efforts have begun to attract a hockey team and other professional sports franchises to the arena, which already is set as the home of the New Jersey Nets basketball team.

While plans for financing the facility are not completed, Werblin expressed confidence the project will be well received by the financial community, probably by way of a bond issue.

The Sports Authority will also seek to attract tennis, basketball, track, boxing, wrestling, horse shows and rodeos to the facility in addition to such events as concerts, the circus and political conventions.

The new arena will require about 250 events annually to be profitable, said Werblin, adding that he did not fear competition from Madison Square Garden in New York, the metropolitan area's reigning multi-purpose facility. The Garden seats 19,500 for basketball.

Reiterating that no tenant will have exclusive rights to any sports complex facility, Werblin said, "we are doing what is good for us and the State. We believe we can draw well enough to make this arena profitable."

The Nets, who announced their move from Long Island to New Jersey in July, have signed a two-year lease agreement to play at the new Rutgers athletic center in Piscataway until the Meadowlands arena is completed.

In other business, the Sports Authority announced that attendance at Giants Stadium for 46 athletic events over the last year totalled 2,080,000.

The Authority also approved contracts totaling about \$920,000 for construction of a new restaurant on top of the racetrack grandstand. Plans are to open by Jan. 1, 1979, one year prior to the new arena.

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### NEW LAW EXEMPTS SOLAR HEATING AND COOLING FROM PROPERTY TAX

Governor Brendan Byrne participated last month in an energy "doubleheader" ceremony at Northern Burlington County Regional High School in Columbus. First he signed A-1801, a bill sponsored by Assemblywoman Jane Burgio (R-25th District), which provides for the exemption of solar energy heating and cooling systems from the State property tax. In the second half of the ceremony, Byrne signed a proclamation naming November as "Energy Conservation Month".

The new law, which goes into effect January 1, will expire in five years. "It is intended to provide an incentive to the development of the solar energy industry," the Governor said. It applies to residential, commercial and industrial systems, with their cost exempted.

The ceremony was held at Northern Burlington Regional High School in recognition of the completion of the first

## TWO NEW DEPARTMENTS ADOPT INITIAL RULES

The first rules governing practices and procedures of the new Department of the Public Advocate in Trenton have been adopted, as noted in this issue.

Most of these new administrative rules were adopted as originally proposed and printed in the July 7 New Jersey Register, on page 47, N.J.R. 347(a). One additional provision was adopted with the final rules, relative to requests from the public seeking legal representation by, or requesting information from, the Division of Public Interest Advocacy in the new department. This amendment is printed in full in this issue.

A second filing by the Public Advocate in this issue covers proposed rules for the handling of child abuse matters by their Office of the Public Defender.

The new rules will be cited in the New Jersey Administrative Code as 15A:1-1.1 et seq. The Public Advocate has been assigned the Title number of 15A, with its rules to be printed in the same Code volume as those of the Department of State, Title 15.

However, these initial new rules will not be immediately available in the Code since an interim update covering this particular Title is nearing distribution to subscribers.

### SECOND NEW DEPARTMENT

First rules of the new Casino Control Commission likewise appear in this issue, their basic rules governing practices and procedures.

To be cited in the Code as 19:40-1.1 et seq., these initial rules cover such things as meetings of the Commission, the naming of officers and the public availability of its records.

The Commission also has two other proposed rules appearing this month. These extensive rules and application forms would govern the operations of gaming schools, and the method of applying for casino operating licenses.

All of the Commission's new rules will subsequently become part of Title 19 in the Administrative Code, the volume for rules of all semi-autonomous agencies of the State. When available, they will be designated as a new Subtitle K in this final volume of the 30-volume set of regularly-updated rules under which New Jersey operates.

### NO CORRECTIONS RULES YET

The one other new Department this year—Corrections—has not yet adopted any administrative rules, but future rules will be published in Title 10, which also includes in three volumes the rules of the Department of Human Services, successor to the Department of Institutions and Agencies. Price for the three volumes is \$66 a year and \$42 annually for updating after the first year.

The full Administrative Code of 30 volumes carries a subscription price of \$300 a year initially with a year's updating, and \$150 a year thereafter for full updating. Rules of individual departments are available at \$22 to \$66 each, based on their number of rules and the resulting one, two, three or four volumes required.

Payment or questions should be addressed to: Division of Administrative Procedure, 10 North Stockton Street, Trenton, N.J. 08608, phone (609) 292-6060.

solar-assisted greenhouse to be built on the east coast. The facility was constructed on the school grounds by a group of students, who received a combination of Federal and State vocational funds.