

NEW JERSEY
REGISTER



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INDEX OF RULES IN THIS ISSUE

AGRICULTURE

- Proposed changes in dairy reports 9 N.J.R. 250(a)
- Proposed rules on consumer milk prices 9 N.J.R. 250(b)
- Revised minimum milk prices 9 N.J.R. 251(a)

BANKING

- Proposed secondary mortgage loan rule 9 N.J.R. 251(b)
- Proposed foreign obligation rules 9 N.J.R. 251(c)
- Proposed mortgage loan revisions 9 N.J.R. 252(a)
- Delete savings bank proposal rule 9 N.J.R. 252(b)
- Delete savings bank authorization rule 9 N.J.R. 252(c)
- Amend home repair salesmen licensing 9 N.J.R. 253(a)
- Amendments for license numbers 9 N.J.R. 253(b)

CIVIL SERVICE

- Revise State service personnel manual 9 N.J.R. 253(c)
- Revise local jurisdictions manual 9 N.J.R. 255(a)
- Revise multiple examinations rule 9 N.J.R. 256(a)

COMMUNITY AFFAIRS

- Proposed eviction relocation rules 9 N.J.R. 256(b)
- Proposed hotel construction changes 9 N.J.R. 257(a)
- Proposed Construction Code amendments 9 N.J.R. 257(b)
- Proposed property tax rebate rules 9 N.J.R. 257(c)
- Notice of truth in renting hearing 9 N.J.R. 258(a)

EDUCATION

- Proposed revision for master plans 9 N.J.R. 258(b)
- Adopt asbestos coating rule 9 N.J.R. 258(c)

ENVIRONMENTAL PROTECTION

- Proposed water pollution control rules 9 N.J.R. 259(a)
- Notice of water pollution hearing 9 N.J.R. 259(b)
- Proposed rules on confidential information 9 N.J.R. 260(a)
- Proposed crab dredging rules 9 N.J.R. 261(a)
- Proposed solid waste planning rule 9 N.J.R. 261(b)
- Proposed water treatment award rules 9 N.J.R. 262(a)
- Proposed floodway revisions 9 N.J.R. 263(a)
- Emergency oyster seed bed rules 9 N.J.R. 264(a)
- Emergency rules on relaying hard clams 9 N.J.R. 264(b)
- Revise sea clam resources rule 9 N.J.R. 265(a)
- Adopt vessel noise control 9 N.J.R. 266(a)

HEALTH

- Proposed local health service changes 9 N.J.R. 266(b)
- Proposed SHARE economic factor rule 9 N.J.R. 266(c)
- Proposed expenditure reduction rules 9 N.J.R. 267(a)
- Amend control of dextropropoxyphene 9 N.J.R. 268(a)
- Revise nursing home licensing rule 9 N.J.R. 268(b)
- Adopt cardiac diagnostic standards 9 N.J.R. 268(c)
- Adopt regional cardiac need rules 9 N.J.R. 268(d)
- Amend health care licensing 9 N.J.R. 268(e)
- Amend perinatal services standards 9 N.J.R. 269(a)
- Adopt cosmetic package display rule 9 N.J.R. 269(b)
- Adopt cosmetic labeling rule 9 N.J.R. 269(c)

HUMAN SERVICES

- Proposed vision care manual changes 9 N.J.R. 269(d)
- Proposed fair hearing rule changes 9 N.J.R. 270(a)
- Proposed fair hearing revisions 9 N.J.R. 271(a)
- Proposed exempt welfare changes 9 N.J.R. 277(a)
- Proposed food stamp amendments 9 N.J.R. 277(b)
- Proposed group home standards 9 N.J.R. 277(c)
- Revise hospital services manual 9 N.J.R. 277(d)
- Revise medical payments rules 9 N.J.R. 278(a)
- Revise shelter payments rules 9 N.J.R. 278(b)
- Adopt rule on county welfare suits 9 N.J.R. 278(c)
- Revise \$30 incentive standards 9 N.J.R. 278(d)
- Revisions in reports of court testimony 9 N.J.R. 278(e)

INSURANCE

- Proposed FAIR surcharge rules 9 N.J.R. 278(f)
- Revise rules on services fees 9 N.J.R. 279(a)
- Proposed student life insurance rule 9 N.J.R. 280(a)
- Issue exportables list notice 9 N.J.R. 281(a)
- Proposed interstate property sale changes 9 N.J.R. 281(b)
- Revise size of insurance ID cards 9 N.J.R. 282(a)
- Recertify 30-day fire cancellation notice 9 N.J.R. 282(b)
- Revise life insurance solicitation date 9 N.J.R. 283(a)

LABOR AND INDUSTRY

- Proposed changes in conduct of hearings 9 N.J.R. 283(b)

(Continued on back page)

NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Revisions on Required Reports

The Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., proposes to revise portions of N.J.A.C. 2:52-1.6(a)2. concerning required reports.

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

2:52-1.6(a)2.vi. Negative reports shall be required

[except that subdealers selling only to home-delivered customers or subdealers serving wholesale and/or retail customers but having an annual average sales volume of less than \$10,000 per month shall not be required to report pursuant to this paragraph].

vii. The following licensees shall be exempt from the reporting requirements of this subsection.

- (1) Subdealers selling only to home-delivery customers;
- (2) Dealers and subdealers with both fewer than 20 wholesale accounts and less than \$20,000 per month of annual average monthly sales;
- (3) Dealers and subdealers selling only products other than whole white, low-fat or skim milk and not affiliated with or a subsidiary of a company selling such products; and
- (4) Dealers selling only through their own stores.

Interested persons may present statements or arguments in writing, orally in person, or by telephone relevant to the proposed action on or before June 29, 1977, to:

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

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

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

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Rules on Application of Minimum Milk Price Regulations To Sale of Milk to Consumers By Producer-Dealers

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-1 et seq., proposes to adopt new rules concerning the application of minimum milk price regulations to the sale of milk to consumers by producer-dealers.

Full text of the proposed new rules follows:

SUBCHAPTER 7. APPLICATION OF MINIMUM PRICE REGULATIONS TO THE SALE OF MILK TO CONSUMERS BY "PRODUCER-DEALERS"

2:52-7.1 Producer-dealer defined

A "producer-dealer" is defined as a New Jersey farmer who has been designated as a "producer-handler" by the appropriate Federal milk market administrator. A "producer-dealer" is licensed by the Division of Dairy Industry as a dealer pursuant to the Milk Control Act (N.J.S.A. 4:12A-1, et seq.).

2:52-7.2 Premises of the farm defined

"Premises of the farm" is defined as the place where all the milking and processing of the milk is done. It consists of a single property parcel, or contiguous property parcels, on which are located both the milking barn and the processing plant. Such a property parcel or parcels must be owned, or leased and controlled, by the "producer-dealer".

2:52-7.3 Sales of milk from premises of the farm

Sales of milk by a "producer-dealer" which are made from stores located on the "premises of the farm" shall be exempt from the provisions of N.J.A.C. 2:53-1.1 through 1.4 (the minimum pricing regulations).

2:52-7.4 Sales of milk at locations away from the premises of the farm

Sales of milk by a "producer-dealer" at locations away from the "premises of the farm" shall be subject to the provisions of N.J.A.C. 2:53-1.1 through 1.4 (the minimum pricing regulations) and all applicable rules and regulations of the Division of Dairy Industry.

NEW JERSEY REGISTER

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

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 31-volume, loose-leaf compendium of all State administrative rules are available on request, based on the Departmental coverage desired.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Woodson W. Moffett Jr.
Director, Division of Dairy Industry
Department of Agriculture
P.O. Box 1999
Trenton, N.J. 08625

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

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

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revisions to Minimum Milk Prices

On May 5, 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-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions concerning minimum milk prices which delete the current text of N.J.A.C. 2:49-1.1(b) and adopt new text therein.

Full text of the revised rule follows:

2:49-1.1(b) Effective June 1, 1977, minimum milk prices under Order 69-1 will be \$.39 per quart, \$.73 per half-gallon and \$1.40 per gallon. This amendment shall be effective from and after June 1, 1977.

An order adopting these revisions was filed on May 9, 1977, as R.1977 d.161 (Exempt, Procedure Rule) to become effective on June 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Proposed Rules on Secondary Mortgage Loans

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-25.2 and 17:9A-25.3, proposes to adopt new rules which expand the lending authority for State chartered, commercial banks in the area of secondary mortgage loans.

Full text of the proposed rules follows:

SUBCHAPTER 7 SECONDARY MORTGAGE LOANS

3:10-7.1. Expansion of authority

Banks may make secondary mortgage loans on the same terms and conditions under which national banks may make such loans pursuant to Federal law.

3:10-7.2. Interest rate limitation

In no case shall a bank make a secondary mortgage loan at a rate in excess of the rate set by the Commissioner under the provisions of N.J.S.A. 17:9A-53C.

3:10-7.3. Parity provision

The Commissioner deems it necessary to adopt this Subchapter, which is directed toward the creation and maintenance of a substantial parity between banks and national banks.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Virginia Long
Commissioner
Department of Banking
Trenton, N.J. 08625

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

Virginia Long
Commissioner
Department of Banking

(c)

BANKING

DIVISION OF BANKING

Proposed Rule on Approved Foreign Obligations

Roger F. Wagner, acting Commissioner of Banking, pursuant to authority of Chapter 45, P.L. 1977, proposes to adopt a new rule concerning approved foreign obligations and savings banks.

Full text of the proposed rule follows:

3:11-8.2 Approved foreign obligations

(a) Pursuant to N.J.S.A. 17:2-10, savings banks are authorized to invest in the development bonds of foreign governments and obligations of international development banks listed in subsection (b) of this Section provided the principal and interest of the individual issue is payable in United States dollars and the aggregate total of all such investments made pursuant to this subchapter shall not exceed five per cent of the institution's capital deposits, surplus and reserves.

(b) The following individual obligations have been approved by the Commissioner of Banking:

1. State of Israel, Second Development Issue;
2. State of Israel, Third Development Issue;
3. State of Israel, Development Investment Issue of 3/30/66.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Roger F. Wagner
Acting Commissioner
Department of Banking
Trenton, N.J. 08625

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

Roger F. Wagner
Acting Commissioner
Department of Banking

(a)

BANKING

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Proposed Revisions Concerning Mortgage Loan Participations

The Department of Banking, pursuant to authority of N.J.S.A. 17:12B-197, proposes to revise two of its rules concerning mortgage loan participations.

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

3:27-2.7(a) Each association engaging in the loans made under the provisions of Section 563.9-1(b)(ii) of the rules and regulations for Insurance of Accounts shall **maintain a detailed summary of all such participation investments.** [file quarterly a detailed statement with the Commissioner of Banking of all such participations lending or purchasing placed on its books with an approved lender during the period. The statement shall include a summary of all loans outstanding under the said Section at the date of filing the report.]

3:28-1.7 Specific reserve

(a) Each association shall maintain a specific reserve for uncollected interest equivalent to all earned, uncollected interest in default more than 90 days. Suitable provision for this reserve shall be made at least **quarterly** [annually or when profits of the association are computed].

(b) **The requirements of this Section shall not apply to loans insured by the Federal Housing Administration or guaranteed by the Veterans Administration.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

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

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

Clifford F. Blaze
Deputy Commissioner
Department of Banking

(b)

BANKING

DIVISION OF BANKING

Deletion of Rule on Appraisal Ratio for Savings Banks

On May 4, 1977, Roger F. Wagner, acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-181R, Chapter 62, P.L. 1977, and in accordance with applicable provisions of the Administrative Procedure Act, deleted the current text of N.J.A.C. 3:10-4.3 concerning appraisal

ratio for savings banks and marked the Section as Reserved. Such deletion was necessitated by recent changes in the New Jersey statutes.

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

3:10-4.3 [Appraisal ratio for savings banks] (Reserved)

[(a) The amount of the mortgage loan granted under the provisions of Section 181D of The Banking Act of 1948, as amended, shall not exceed:

1. 80 per cent of the appraised value of the real property, or 2 per cent of the deposits of the savings bank, whichever is lesser;

or

2. 90 per cent of the appraised value of the real property; or \$35,000, whichever is lesser;

or

3. 95 per cent of the appraised value of the real property, or \$25,000, whichever is lesser, provided that the dwelling or dwellings are not more than ten years old.

(b) The amount of the mortgage loan granted under the provisions of Section 181E of The Banking Act of 1948, as amended, shall not exceed:

1. 80 per cent of the first \$30,000 of the appraised value of the real property, plus 75 per cent of the excess, if any, of such appraised value over \$30,000.

Authority: N.J.S.A. 17:9A-181-R]

An order deleting this rule was filed and became effective on May 4, 1977, as R.1977 d.156 (Exempt, Mandatory Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF BANKING

Deletion of Rule on Savings Banks Authorization

On May 4, 1977, Roger F. Wagner, acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-181R, Chapter 62, P.L. 1977, and in accordance with applicable provisions of the Administrative Procedure Act, deleted the text of N.J.A.C. 3:10-2.2 concerning savings banks authorizations. Such deletion was necessitated by a recent change in the New Jersey statutes.

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

3:10-2.2 [Savings banks authorization] (Reserved)

[Savings banks are allowed to extend the maturity on construction mortgage loans referred to in Section 181(I) of The Banking Act of 1948, as amended, from 36 months to 60 months, in order to provide additional time which may be needed as a result of the present construction problems. Authority: N.J.S.A. 17:9A-181.]

An order deleting this text was filed and became effective on May 4, 1977, as R.1977 d.157 (Exempt, Mandatory Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

BANKING

THE COMMISSIONER

Amendments Concerning Licensing Of Home Repair Salesmen

On May 18, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 3:19-1.2(b), concerning the licensing of home repair salesmen, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 111(a).

An order adopting these amendments was filed on May 19, 1977, as R.1977 d.174 to become effective on June 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Amendments for License Numbers

On May 18, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:19-1.6 concerning license numbers, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 111(c).

An order adopting these amendments was filed on May 19, 1977, as R.1977 d.175 to become effective on June 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to State Service Personnel Manual Concerning Salary and Anniversary Dates, Work Week Change Adjustments and Multiple Examination in One Night

On April 20, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the Civil Service Personnel Manual (State Service) concerning the determination of salary and anniversary dates regarding 10-month and 12-month employees, pay adjustments resulting from changes in work week and examination administration for candidates scheduled for multiple examinations on one night.

Full text of the revised rules follows:

Subpart 7-3.108 Determination of salary and anniversary dates of employees moving from 10-month to 12-month positions and from 12-month to 10-month positions

7-3.108a Subject:

This subpart will deal with the determination of the type action and the appropriate salary adjustment for employees who move from a 10-month to a 12-month classification or vice versa.

7-3.108b Application:

1. When an employee moves from a 10-month position to a 12-month position (same or different title with the same hour week*), or vice versa, the procedure for pay adjustment shall be based on the policy that all titles are evaluated on the basis of 12 months and that 10-month class titles are three ranges lower than the evaluated titles.

2. When an employee moves from a 10-month position to a 12-month position the following policy shall determine what procedure shall be used in making a pay adjustment:

(a) When the 12-month position is compensated three ranges higher than the 10-month position, lateral transfer procedures shall be used.

(b) When the 12-month position is compensated more than three ranges above the 10-month position, promotion procedures shall be used.

(c) When the 12-month position is compensated less than three ranges above the 10-month position, appropriate demotion procedures shall be used.

3. When an employee moves from a 12-month position to a 10-month position the following policy shall determine what procedure shall be used in making a pay adjustment:

(a) When the 10-month position is compensated three ranges lower than the 12-month position, lateral transfer procedures shall be used.

(b) When the 10-month position is compensated more than three ranges below the 12-month position, appropriate demotion procedures shall be used.

*If the two positions have different hour weeks the hour week of the employees current position shall first be equalized to that of the position to which the employee will be appointed—as stipulated in CSPM 7-3.109—prior to the adherence to the following procedures.

(c) When the 10-month position is compensated less than three ranges below the 12-month position, promotion procedures shall be used.

4. Anniversary Dates (AD)

(a) Changes in anniversary dates for movement from 10-month to 12-month positions or vice versa to adjust for work year shall be:

1. From 10-month to 12-month positions

a. AD2 changes to AD4

b. AD9 changes to AD10

2. From 12-month to 10-month positions

a. AD1 changes to AD2

b. AD4 changes to AD9

c. AD7 changes to AD9

d. AD10 changes to AD2

(b) If the employee receives an increase of more than two increments after adjustment for change in work year, the employee's AD shall be advanced one full year based on the effective date of the action.

Example: In December of 1976 an AD2/77 employee after adjustment for change in work year due to the move to a 12-month position, receives more than two increments of the range to which he is thus adjusted, his AD is changed to AD 4/77 to adjust for the change of work year

and advanced to AD 4/78 due to the pay increase of more than two increments.

(c) If the employee receives a demotion due to the adjustment for change in work year, the employee's anniversary date shall be adjusted for change of work year as in (a) above and further adjusted as stipulated in Subpart 7-3.105.

Subpart 7-3.109 Pay adjustments resulting from changes in work week

7-3.109a Subject:

This subpart will deal with the determination of the type of personnel action, the appropriate procedure for salary adjustment, and the anniversary date, for employees who move from one work week category (35, NL, NL4, 40) to another through reappointment or other action that changes the work week.

7-3.109b Policy:

When an employee moves from one work week category to another, the determination of the type of action, procedure for pay adjustment and anniversary date shall be based upon the policies that:

1. All classes are evaluated on the basis of job content.
2. Salary ranges are assigned to classes in accordance with the salary range conversion table.
3. Class titles designated NL (hours not limited) are assigned to the evaluated range.
4. Class titles designated 35 hours per week range are assigned one range lower than the evaluated range.
5. Class titles designated 40 hours and NL4 are assigned one range higher than the evaluated range.

7-3.109c Application:

1. When an employee moves from one work week category to another, the work week of the employee's then current position shall first be equalized to that of the position to which the employee will be appointed, adjusting the salary range of the employee's current position based on a comparison of work weeks of the two positions. If necessary, refer to the following chart to determine the adjusted salary range.

WORKWEEK OF POSITION TO BE APPOINTED TO

| | | | | |
|--|-----------|---------------------|--------------------|---------------------|
| | | 35 | NL | 40 or NL4 |
| WORKWEEK OF EMPLOYEES CURRENT POSITION | 35 | | +1 SALARY RANGE | +2 SALARY RANGES |
| | NL | -1 SALARY RANGE | | +1 SALARY RANGE |
| | 40 or NL4 | -2 SALARY RANGES | -1 SALARY RANGE | |

Example: An employee in salary range #10 in a 35 hour week position is to be appointed to a 40 hour week position in range #12. Adjusting salary range #10 (35 hours) to the 40 hour week (+2 salary ranges) will result in a range #12. Therefore, lateral title change procedures would be used.

(a) If the salary range which results from the above adjustment is the same as that of the position to which the employee is to be appointed, lateral title change procedure shall be used (CSPM 7-3.107).

(b) If the salary range which results from the above adjustment is higher than that of the title to which the employee is to be appointed, demotion procedures shall be used (CSPM 7-3.105).

(c) If the salary range which results from the above adjustment is lower than that of the title to which the employee is to be appointed, promotion procedures shall be used (CSPM 7-3.102 or 7-3.103).

Subpart 8-19.102 Examination administration for candidates scheduled for multiple examinations on one night

8-19.102a Subject:

This subpart will detail policy and describe the Civil Service procedure for administering examinations for candidates scheduled for multiple examinations on one night.

8-19.102b Policy:

1. Civil Service will provide an opportunity for candidates taking multiple examinations in one given night to have ample time for completion of the examinations.

2. Civil Service examination centers open at 6:00 p.m. and close at 11:00 p.m. Candidates are instructed to report for examinations at 6:30 p.m. In the vast majority of cases two examinations may be completed in one night with no problems. For candidates scheduled for three or more examinations the following procedure will be followed:

8-19.102c Procedure:

1. Candidates scheduled for three or more examinations on a given night will be identified via a computer report.

2. If it is determined that the examinations are not identical or progressive (ones which involve many of the same test questions), or which will involve a total of four (4) or more hours; a letter will be sent to the candidates. The letter will advise that they have the option of appearing at the scheduled examination center at the regularly scheduled time of 6:30 or the option of appearing at the offices of the Department of Civil Service in Trenton at 3:00 p.m. on the day of the scheduled examination.

3. If candidates wish to appear at 3:00 p.m. they must notify Civil Service within five (5) days of receipt of the above mentioned letter in order for appropriate arrangements (example monitor on duty, availability of testing materials) to be made.

8-19.102d Limitations:

1. Candidates must notify Civil Service of their intention to report during the daytime in order for them to be so scheduled.

2. The only location where candidates may be tested during the daytime is at the Division of Examinations, Trenton, New Jersey, regardless of where the candidates work or reside.

3. Daytime arrangements may only be made on the date of the scheduled examinations. This is necessary for reasons of security.

An order adopting these revisions was filed on May 9, 1977, as R.1977 d.163 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Local Jurisdictions Personnel Manual on Promotions And Certain Eligible Lists

On May 12, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the Civil Service Personnel Manual (Local Jurisdictions) concerning policies regarding the promotion of professional and nonprofessional employees in county welfare boards and the removal of names from police and fire employment lists.

Full text of the revised rules follows:

Subpart 12-11.104 Removal of Names from Police and Fire Employment Lists

12-11.104a Subject:

This subpart regulates removal of names from a municipal Police Officer or Firefighter eligible list upon appointment of eligible or declination of appointment by an eligible.

12-11.104b Removal Upon Appointment:

Eligibles for municipal Police Officer and Firefighter positions will be removed from all employment lists that resulted from the same examination upon appointment to any one of the municipalities.

12-11.104c Removal Upon Declination of Appointment:

An eligible will also be removed from the eligible list when he/she declines an appointment, but in this case he/she will be removed only from that municipality to which he/she refused appointment. Thus, an eligible has the option of refusing appointment to a particular municipality and remain on the employment list for the remaining municipalities for which he/she applied.

12-11.104d Notification:

Candidates for Police Officer and Firefighter positions will be notified of the provisions in 12-11.104a and b above at two points in the examination process:

1. On the application;
2. At the time of certification.

The official statements to be used in the notification provisions stated above are as follows:

1. On the application:

"If you are appointed to any one of the municipalities you applied for on this announcement, your name will be removed from all the municipalities included on this announcement. Your name will also be removed when you refuse appointment, but only from that municipality which you refuse."

2. At the time of certification:

"If you are appointed to this municipality your name will be removed from all the other lists for the municipalities which were announced with this municipality."

12-11.104e Procedure:

Removal of names will be the responsibility of the Division of Local Government Services. Whenever a removal is made by one of the local offices, the initiating office will, on the same day as the removal, contact the other two

offices (if their jurisdictions are affected) to ensure speedy removal of the eligible from all the employment lists.

Subpart 8-4.103 Policies Concerning the Promotion of Professional and Nonprofessional Employees in County Welfare Boards

8-4.103a Subject:

This subpart will define the Department of Civil Service's policies with regard to promotions of professional and nonprofessional employees in the Social Work and Income Maintenance series of positions in County Welfare Boards.

8-4.103b Definitions:

1. Social Work Series

A group of positions involving the gathering of required social information, the assessment of the case, and the implementation of a preventative, rehabilitative, and/or supportive social services treatment program. This series encompasses the following titles:

Administrative Supervisor of Social Work
Assistant Administrative Supervisor of Social Work
Social Work Supervisor
Social Work Specialist
Social Worker
Social Service Technician
Social Service Aide

2. Income Maintenance Series

A group of positions involving the performance of eligibility determination, validation of initial public assistance applications, and redeterminations of eligibility for financial assistance. This series encompasses the following titles:

Administrative Supervisor of Income Maintenance
Assistant Administrative Supervisor of Income Maintenance
Income Maintenance Supervisor
Income Maintenance Specialist
Income Maintenance Technician
Income Maintenance Aide

8-4.103c General Policy:

1. In all promotion situations in County Welfare Boards (including promotions from nonprofessional to professional positions) the Department of Civil Service will adhere to its standard policy of opening eligibility for promotion down to the class level of the provisional incumbent if any.

2. For a period of one year from the date of the issuance of this subpart, eligibility to compete in promotion examinations will automatically be opened to lower level classes of positions in both the Income Maintenance and Social Work series regardless of the occupational series from which provisional appointment is made. After the expiration of this initial one year period, eligibility to compete in promotion examinations will be limited to class titles within the respective series indicated above unless the appointing authority:

(a) Provisionally promotes a permanent employee from one series to the other, or

(b) Specifically requests in writing that a promotion examination be opened to both series.

8-4.103d Eligibility for Promotion:

In order to qualify for promotional examinations to higher level positions in either the Social Work or Income Maintenance Series all applicants must meet both of the following two conditions:

1. Must be a permanent employee in a class to which the examination is opened for at least one year immediately

preceeding the announced closing date for filing applications, and

2. Must possess both the educational and work experience requirements contained in the class specification for the position to which the promotion is being made.

8-4.103e Lateral Title Changes:

Lateral title changes from positions in one series to comparable positions in the other series will not be granted except for those who had previously attained permanent status in the other series.

An order adopting these revisions was filed on May 20, 1977, as R.1977 d.178 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Local Jurisdictions Manual On Multiple Examinations on the Same Night

On April 20, 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 procedural revisions to Subpart 8-19.102 in the Civil Service Personnel Manual (Local Jurisdictions) concerning candidates scheduled for multiple examinations on one night.

Full text of the revised rule follows:

Subpart 8-19.102 Examination Administration for Candidates Scheduled for Multiple Examinations on One Night

8-19.102a Subject:

This subpart will detail policy and describe the Civil Service procedure for administering examinations for candidates scheduled for multiple examinations on one night.

8-19.102b Policy:

1. Civil Service will provide an opportunity for candidates taking multiple examinations in one given night to have ample time for completion of the examinations.

2. Civil Service examination centers open at 6:00 p.m. and close at 11:00 p.m. Candidates are instructed to report for examinations at 6:30 p.m. In the vast majority of cases two examinations may be completed in one night with no problems. For candidates scheduled for three or more examinations the following procedure will be followed:

8-19.102c Procedure:

1. Candidates scheduled for three or more examinations on a given night will be identified via a computer report.

2. If it is determined that the examinations are not identical or progressive (ones which involve many of the same test questions), or which will involve a total of four (4) or more hours; a letter will be sent to the candidates. The letter will advise that they have the option of appearing at the scheduled examination center at the regularly

scheduled time of 6:30 or the option of appearing at the offices of the Department of Civil Service in Trenton at 3:00 p.m. on the day of the scheduled examination.

3. If candidates wish to appear at 3:00 p.m. they must notify Civil Service within five (5) days of receipt of the above mentioned letter in order for appropriate arrangements (example monitor on duty, availability of testing materials) to be made.

8-19.102d Limitations:

1. Candidates must notify Civil Service of their intention to report during the daytime in order for them to be so scheduled.

2. The only location where candidates may be tested during the daytime is at the Division of Examinations, Trenton, New Jersey, regardless of where the candidates work or reside.

3. Daytime arrangements may only be made on the date of the scheduled examinations. This is necessary for reasons of security.

An order adopting these revisions was filed on May 9, 1977, as R.1977 d.162 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Rules on Eviction and Relocation

Patricia Q. Sheehan, Commissioner of the Department of Community Affairs, pursuant to the authority of Chapter 311 of P.L. 1975 and C. 362 P.L. 1971, and in accordance with applicable provisions of the Administrative Procedure Act of 1968 proposes to adopt regulations on eviction and relocation.

A copy of the complete text of the proposed regulations is available from the Department of Community Affairs, Bureau of Housing, P.O. Box 2768, Trenton, New Jersey 08625. Such rules, if adopted, will be cited as N.J.A.C. 5:11-11.1 et seq.

A public hearing on the proposed regulations will be held on Monday, June 20, 1977 at 10:00 A.M. in Room 105 of the Department of Community Affairs, 363 West State Street, Trenton, New Jersey.

Persons interested in testifying should call (609) 292-2348 for time to speak; written statements should accompany oral testimony and are to be submitted at the time. A time limit may be imposed in order to accommodate all speakers.

Interested persons may also present statements in writing relevant to the proposed action on/or before June 29, 1977 to the Department, at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Revisions to Rules on Construction And Maintenance of Hotels and Multiple Dwellings

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27-21 and 55:13A-6(a), proposes to revise portions of Subchapters 2 and 19 in Chapter 10 of Title 5 in the New Jersey Administrative Code concerning the rules on the construction and maintenance of hotels and multiple dwellings. Such revisions, if adopted, are intended to become effective on August 1, 1977.

The proposed revisions concern the definition of rooming unit, railings, scope, dwelling space, means of egress, screens, heating requirements, hot water supply, safety glazing, storage in common areas, use groups, interior fire alarm and signal system and fire protection.

A copy of the seven pages of full text of the proposed revisions is available upon application to:

Department of Community Affairs
Division of Housing and Urban Renewal
Bureau of Housing Inspection
Post Office Box 2768
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held at 10:00 A.M. Wednesday, June 22, 1977, at the Department of Community Affairs, 363 West State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 1, 1977, to the Department of Community Affairs at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Amendments to Uniform Construction Code on Licensure

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, proposes to adopt new rules in the Uniform Construction Code concerning the training and licensure of Code enforcement officials. Such rules, if adopted, will be cited as N.J.A.C. 5:23-5.1 et seq.

The proposed rules concern scope, intent, office established, hearings, classes of licensure, licenses required, licensure application, standards, issuance, educational program standards, license renewal, substitution of alternative education, training or experiences, examinations, applications, approval, procedure-educational programs, revocation of licenses and fees.

Copies of the 78 pages of the full text of the proposed rules may be obtained from:

Uniform Construction Code Office
Department of Community Affairs
363 West State Street
Trenton, New Jersey 08625

Two public hearings respecting the proposed action will be held at 10:30 A.M. at the following locations:

Tuesday, June 21, 1977
A-Wing Lecture Hall
Stockton State College
Pomona, New Jersey

Friday, June 24, 1977
Auditorium (off parking lot 6)
County College of Morris
Dover, New Jersey

Persons interested in testifying at these hearings should telephone (609) 292-6364 to arrange for a time to speak. Written statements are to accompany the oral testimony and are to be submitted at the time of testimony. A time limit may be imposed upon each speaker in order to accommodate all.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 8, 1977, to:

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

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(c)

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

Proposed Rules on Tenants' Property Tax Rebate Program

John F. Laezza, Director of the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of Chapter 81, Laws of 1977, proposes to adopt new rules concerning the tenants' property tax rebate program.

The proposed rules concern the background of the program, definitions, responsibility of municipal tax collector, rebate or credit distribution process, applicability of property tax reduction, responsibility of property owner, tenant rebate or credit, failure to provide rebate or credit, severability and expiration of Tenants' Property Tax Rebate Act.

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

Division of Local Government Services
Department of Community Affairs
363 West State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to the Division of Local Government Services at the above address.

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

John F. Laezza
Director, Division of Local
Government Services
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Public Hearing on Truth in Renting

Take notice that, David S. Davies, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs, has issued the following Notice on the Truth in Renting Act.

The Department of Community Affairs announces that a public hearing will be held on Chapter 310 P.L. 1975, the Truth in Renting Act.

Purpose of this hearing will be to obtain comments on the Truth in Renting Statement, which was published on September 12, 1976, and must be updated annually after public hearing. Any comments on the form or content or methods of publicizing will be welcome.

The hearing is scheduled in Newark on June 21 from 1:00 P.M. to 5:30 P.M. at:

Rutgers University
Room 108
Hill Hall
360 High Street
Newark, New Jersey 07102

Persons interested in testifying should call (609) 292-6417 to arrange for a scheduled time to speak. Statements may also be presented in writing on or before June 30, 1977, to the Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, Attention: Bureau of Housing.

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revision on Master Plans

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:18-2, proposes to revise the rule on master plans.

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

6:22-2.9 Master plans

(a) Master plans projecting ten-year estimates of capital construction needs shall be developed by each school district. Such plans shall include a thorough description and analysis of local and regional demographic factors which influence general population growth and public school enrollments. The master plan shall also include a thorough description and analysis of local geographic features, socio-economic characteristics of the population, community aspirations and financial ability to support education, population mobility, transportation and traffic patterns and facilities, the educational program, administrative structure of the school system, condition[s] and utility of existing educational and recreational facilities, zoning ordinances, land use, utilities available throughout the district, and public cultural facilities.

(b) Initial copies of the master plan shall be submitted to the Bureau of Facility Planning Services for review and approval no later than July 1, [1978] 1979. Updated master plans shall be submitted every five years thereafter. Initial and updated copies of the master plans shall be submitted [also] first to County Superintendents and to the local and regional planning boards for their recommendations. Should a school district propose any major capital construction program, that district shall submit, to the Bureau of Facility Planning, together with the schematic plan submission, a copy of its master plan which shall have been updated within six months of such submission.

(c) The design of the master plan shall be such that it can be updated annually for local use at regular intervals.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

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

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

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

(c)

EDUCATION

STATE BOARD OF EDUCATION

Rule on Asbestos Surface Coatings

On May 4, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:18-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 6:22-13.13, concerning asbestos surface coatings, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 166(b).

An order adopting this rule was filed and became effective on May 5, 1977, as R.1977 d.158.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Water Pollution Control Act

Rocco D. Ricci, Acting Commissioner of the Department of Environmental Protection, pursuant to the authority of the Water Pollution Control Act, P.L. 1977, c. 74, proposes to adopt initial rules under this new law. Such rules, if adopted, will be cited as N.J.A.C. 7:14-1.1 et seq.

Main objective of the regulations is to continue existing programs and responsibilities of the Department for administering the State's water pollution control program under the Act.

Another objective is to define certain interim State requirements for all direct dischargers who are now discharging into the waters of the State. The Federal Water Pollution Control Act, (P.L. 92-500) requires that all direct dischargers obtain an NPDES (National Pollutant Discharge Elimination System) permit from the Federal government unless a state has been delegated responsibility to issue state permits. The State law authorized the Department to issue NJPDES (New Jersey Pollutant Discharge Elimination System) permits. These regulations are meant to define State requirements before official takeover of the Federal permit program.

In order to allow for a smooth transition into the total State permitting system, the Department will take over the system in phases in accordance with a memorandum of agreement with the United States Environmental Protection Agency. In the interim period, prior to the issuance of NJPDES permits by the Department, these rules allow a Federal NPDES permit to satisfy State requirements. A violation of a Federal NPDES permit therefore becomes a violation of State law.

The rules also create exemptions from the requirement of obtaining an NJPDES permit for certain dischargers. These exemptions are given to certain categories of dischargers, who, in the judgment of the Department, have a minimal environmental impact or are currently covered by other Federal or State regulatory programs.

The regulations, in accordance with Sections 4 and 6 of the Water Pollution Control Act, provide for continuance of two approval programs currently in existence in the Department. These activities are described in Section 2.5 of the proposed rules, which requires:

a. Preliminary facilities approval before the building, installation or modification of any factory, workshop, place of manufacture, industrial plant, utility or warehouse which discharges or may discharge pollutants or in which pollutants are or may be stored.

b. A final approval before building, installation, modification or operation of any treatment works.

The preliminary facilities approval section of the rules provides that the Department shall issue the required approval when it is demonstrated that the facility for the discharge or storage of any pollutant will meet certain enumerated criteria. The rules, therefore, for the first time, state with specificity how preliminary facilities approval will be given.

The section on final treatment works approval includes a requirement that any treatment works approval application must include a certification from a registered professional engineer that the proposed treatment works has been designed in accordance with State regulations

and is capable of meeting any appropriate effluent limitations.

This new section will allow the Department to shift some of its technical manpower from doing a detailed technical design review, a process which must be carried out by the engineer responsible for design, to the process of standard-setting and review. This section should, therefore, allow the Department to shift technical personnel from older, less productive regulatory programs into a more streamlined water pollution program.

The Departmental review for approvals is limited by the rules to 90 days from date of receipt of the completed application. The Department has imposed this time limit for approval even though many of the activities covered are not subject to the 90-Day Act (N.J.S.A. 13:1D-29 et seq.). The time limitation is intended to provide for a timely review by the Department in order to expedite projects of applicants.

To maximize public participation, the Department has included a provision for public notice and public hearing prior to certain approvals of facilities which the Department determines may have significant environmental effect.

The Department invites and encourages public comment on the proposal. Copies of the proposed rules may be obtained from:

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

A public hearing will be held June 30, 1977 at 10 A.M. at Mercer County Community College. Interested persons may present statements in person or may submit written statements or arguments relevant to the proposed rules on or before July 7, 1977, to the Department at the above address.

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

Rocco D. Ricci
Acting Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Public Hearing on Water Pollution Control Program for Fiscal Year 1977-1978

Notice is hereby given that, Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and in accordance with the provisions of 40 CFR 35, proposes to adopt and file with the United States Environmental Protection Agency by August 15, 1977 the annual State Water Pollution Control Program.

This document will be the management-by-objective tool for fiscal year 1977-78. It will also comprise the State's application to EPA for program grant funds available pursuant to Section 106, P.L. 92500 (Federal Water Pollution Control Act Amendments of 1972). Such Notice is known within the Department of Environmental Protection as Docket No. DEP 030-77-05.

The program document will consist of the following:
State strategy for preventing and controlling water pollution.

Administration and organization, Division of Water Resources.

Public participation process.

Program objectives, narratives and output commitments.

Construction grant priority system and project list for fiscal year 1978.

On or about June 27, 1977, copies of the preliminary program document will be mailed for review and comment to units of local and county government, sewerage authorities, environmental and conservation groups, members of the Legislature, major water purveyors and industrial, business and other organizations having an interest in water pollution control in the State.

Copies of the program document may be obtained by writing:

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

In accordance with the provisions of 40 CFR 35.556, a public hearing on the proposed program will be held Tuesday, July 26, 1977 beginning at 1:30 P.M. in room 237, Student Center, Rider College, Trenton, New Jersey.

Interested persons or organizations may present written statements or comments relevant to the proposed program prior to the hearing or up to ten days after the hearing, to the Division of Water Resources at the above address or in person at the hearing. These will be given due consideration in preparing the final program document.

The final program document will be adopted by the Department of Environmental Protection on or about September 30, 1977 after approval by the United States Environmental Protection Agency, Region II, New York.

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

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Submission of Confidential And Other Types of Information

Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to adopt new rules, known within the Department of Environmental Protection as Docket No. DEP 023-77-05, concerning the submission of confidential and other types of information.

Full text of the proposed rules follows:

SUBCHAPTER 7. SUBMISSION OF CONFIDENTIAL AND OTHER TYPES OF INFORMATION

7:1-7.1 Purpose

These regulations establish the procedures to be followed by persons furnishing information to the Depart-

ment relating to the environmental effects of any industrial, manufacturing or commercial activity pursuant to N.J.S.A. 13:1D-1 et seq.

7:1-7.2 Scope

These regulations govern the filing of information by any person engaged in any operation which may result in pollution of the environment, unless otherwise prescribed by statute.

7:1-7.3 Submission of information

The Department may require any person engaged in operations which may result in pollution of the environment to submit to the Department such information as it deems appropriate on forms provided by the Department.

7:1-7.4 Confidentiality

(a) Any person requested by the Department to submit any information which relates to secret processes, or secret methods of manufacture or production, shall submit two reports to the Department. One report shall be a complete report containing all information requested by the Department, which shall contain all data and information which in the opinion of the person submitting such information are trade secrets or proprietary information. The second report shall be identical to the first report, except that it shall contain no information or data which in the opinion of the person submitting the information constitutes a trade secret or proprietary secret information.

(b) The person reporting shall send the report containing information identified as trade secret or proprietary secret to the Department official requesting the information.

(c) The outside of the envelope containing the report containing proposed trade secret or other proprietary secret information shall bear the word "CONFIDENTIAL" in bold type.

(d) The top of each page of the report containing the proposed trade secret or other proprietary secret information shall contain, in bold type, the following information: "SECRET INFORMATION—CONFIDENTIAL HANDLING".

(e) All parts of the text of the confidential report which are considered trade secret or other proprietary information shall be underscored.

(f) If the Department determines that any report containing trade secret or other proprietary secret information does not comply fully with the foregoing requirements, the Department will return such report by certified mail—return receipt requested, to the person who made the report. Such report shall not be deemed to have been filed until such time as it has been filed in full compliance with the foregoing requirements.

(g) Where the Department determines that information alleged to be confidential does not relate to trade secret or other secret proprietary information, or is specifically required by statute to be made public, it shall so inform the person submitting the information. The person submitting said information may submit evidence to support a claim that the Department's determination is incorrect within 30 days of notification of the determination. The Department shall review any such decision as to confidentiality within 30 days of the receipt of the evidence. That decision is deemed to be a final agency action on the question of confidentiality.

7:1-7.5 Access to confidential information

Unless specifically provided for by Federal and State

law, no person other than Department personnel with express written permission of the appropriate Division Director, shall have access to information labeled as "CONFIDENTIAL". All information labeled as "CONFIDENTIAL" shall be stored in a locked file and kept separate from all other records. The appropriate Division Director shall retain all keys to such files.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 1, 1977, to:

Steven J. Picco
Administrative and Legislative Review
Department of Environmental Protection
P.O. Box 1390
Trenton, N.J. 08625

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

Rocco D. Ricci
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Rules on Crab Dredging

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, with the advice of the Shellfisheries Council, Atlantic Coast Section, and pursuant to authority of N.J.S.A. 50:1-5, proposes to adopt rules on crab dredging.

Full text of the proposed rules follows:

7:25-9.5 Crab dredging

(a) Crabs may be caught and taken by means of dredges operated by mechanical power or sail power in accordance with the following regulations; provided however, that any dredge which is operated under the provisions of this regulation on shellfish lands which are located outside of Monmouth County shall not have a tooth bar which is greater than 38 inches in length nor teeth which are greater than three inches in length:

1. Any dredge used for the catching and taking of crabs under the provisions of this regulation must be in conformity with the following specifications:

- i. Length of bar: Maximum six feet three inches; maximum outside Monmouth County—38 inches;
- ii. Weight of dredge: Maximum 110 pounds;
- iii. Length of teeth: Maximum six inches, maximum outside of Monmouth County—three inches;
- iv. Spacing of teeth: Minimum three inches;
- v. Mesh size of bag: two inches fixed and four inches stretched.

2. The season for the catching and taking of crabs shall be set annually by the Division of Fish, Game and Shellfisheries with the advice of the Shellfisheries Council, Atlantic Coast Section.

3. The areas from which crabs may be caught and taken shall be designated by the division from time to time, provided, however, that no person shall catch and take crabs from any of the leased lands except the person who is the lessee of the lands from which crabs are

caught or the person employed by such lessee; and provided further that no person shall dredge crabs on any of the state oyster beds and grounds except at such times and in such areas as the division and Commissioner of the Department of Environmental Protection may authorize such dredging by a specific directive.

4. Any crabs which may be caught incidentally to the catching of crabs shall be re-deposited immediately upon the land from which such crabs are caught; nor shall any person while engaged in the catching and taking of crabs or the transportation thereof, have in his boat or possession any crabs obtained from any source. The possession of crabs and crabs simultaneously in the boat of any person shall constitute prima facie evidence of the violation of this regulation.

5. No person shall engage in the catching and taking of crabs under the provisions of this regulation from any of the lands in the Atlantic Coast section before sunrise, after sunset, at any time on Sunday nor at any time after 3:00 P.M. on any week day.

6. No person shall engage in the catching and taking of crabs by means of any dredge or other implement which is operated by mechanical power without first obtaining a permit from the Division of Fish, Game and Shellfisheries, Department of Environmental Protection, which shall issue permits to citizens and actual residents of the State of New Jersey for a fee to be determined and fixed by the division. (\$1.00 per boat ton, \$15.00 minimum, \$50.00 maximum).

7. Residents of the State of New York may be granted a permit for the taking and catching of crabs by means of a dredge or other implement operated by mechanical power in the waters of Raritan Bay and Sandy Hook Bay, if the same privileges are granted to the citizens of New Jersey to take crabs in this manner from said bays in New York State. The fee shall be \$2.00 per boat ton; \$25.00 minimum, \$75.00 maximum.

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

Gale Critchlow
Division of Fish, Game and Shellfisheries
Department of Environmental Protection
P.O. Box 1809
Trenton, N.J. 08625

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

Rocco D. Ricci
Acting Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

SOLID WASTE ADMINISTRATION

Proposed Planning Designation Of Solid Waste Districts

Rocco D. Ricci, Acting Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and P.L. 1975, c. 326, proposes to adopt a regulation placing each of the various solid waste management districts into one of three planning

categories. The designation as to all groups will be effective on the effective date of P.L. 1975, c. 326, which is expected to be July 1, 1977. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 027-77-05.

P.L. 1975, c. 326 contains a schedule for the development of solid waste management plans dependent on the group to which a planning district is designated. The districts in Group I must begin their planning program as of the effective date of the Act (July 1, 1977). Those in Group II must begin no later than 183 days after the effective date, and those in Group III must begin no later than 365 days after the effective date of the Act.

In light of the above schedule, each district within a designated group must comply with the following schedule: (a) within 90 days of the beginning of their planning program, each district shall make the necessary personnel, financial and legal arrangements to assure the development and formulation of a solid waste management plan within 360 days, and (b) within 360 days of the day of the beginning of their planning program, each district shall have developed, pursuant to the procedures contained in the Act, a solid waste management plan for the district. If adopted, such rule may be cited as N.J.A.C. 7:26-1.10.

The proposed designation of groups of districts is based on a number of factors including existing collection and disposal patterns, existing and projected volumes of solid waste generation, the projected capacity of existing disposal facilities to accept these waste volumes, and previous solid waste planning activities.

| Group | District Member | Anticipated Date for Initiation of Planning |
|-------|--|---|
| I | Bergen County Essex County Hackensack Meadowlands District Hudson County Passaic County Union County | July 1, 1977 |
| II | Burlington County Camden County Gloucester County Mercer County Middlesex County Monmouth County Ocean County Somerset County | December 31, 1977 |
| III | Atlantic County Cape May County Cumberland County Hunterdon County Morris County Salem County Sussex County Warren County | July 2, 1978 |

The Department of Environmental Protection, as authorized under Section 30 of c. 326, will administer a program of grants to assist the districts in the development of their solid waste management plans, subject to the availability of funds. It is anticipated that \$750,000 will be appropriated for fiscal year 1978, that grants will be available to cover up to 50 per cent of the districts' total solid waste planning costs and that appropriate in-kind goods and services will be an acceptable matching contribution.

While the distribution schedule for the matching grants will be included in rules and regulations to be promul-

gated within the first 30 days of the effective date of the act, it is the intention of the Department to distribute the bulk of the first year's appropriation to the Group I districts, with small grants available to Group II and Group III districts to explore the possibilities of developing joint district solid waste management plans as authorized under Section 11a(2) of c. 326.

A public hearing shall be held on the proposed action on Friday, June 17, 1977 at 10 A.M. in the New Jersey State Museum Auditorium, 205 West State Street, Trenton, N.J.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Beatrice S. Tylatki, Director
Solid Waste Administration
Department of Environmental Protection
P.O. Box 1390
Trenton, N.J. 08625

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

Rocco D. Ricci
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

Proposed Rules on Award of Grants for Planning and Construction of Wastewater Treatment Facilities

Rocco D. Ricci, Acting Commissioner of the Department of Environmental Protection, pursuant to the authority of the "Clean Waters Bond Act of 1976" (P.L. 1976, c. 92) and N.J.S.A. 26:2E-1 et seq., proposes to adopt regulations for the award of State grants for the planning, design and construction of wastewater treatment facilities. These regulations provide procedures for the award and administration of grants and may be cited as N.J.A.C. 7:22-1.1 et seq. Such proposal is known within the Department of Environmental Protection as Docket No. 025-77-05.

The Clean Waters Bond Act will provide approximately \$100 million in State grants to local governments for planning, design and construction of wastewater treatment facilities. The 8 per cent State grants combined with 75 per cent Federal funding will provide 83 per cent of projects cost to municipalities. As guardian of public funds, the Department is proposing the regulations so that local governments can receive grants, while at the same time assuring that disbursed funds are properly managed.

The proposed regulations would establish a grant program with procedures similar to the Federal grant program under Section 201 of the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, 33 U.S.C. 1251 et seq. Since the State of New Jersey assists in the administration of the Federal program, similar procedures for the State will provide the most efficient method of carrying out the two programs; they are integrally related.

Some important similarities are: (1) The eligibility of costs for a State grant is determined in the same manner

as eligibility of costs for a Federal grant; (2) An applicant is eligible for a State grant if the applicant has received a Federal grant; and (3) As a condition of the grant, the grantee must comply with Federal grant requirements.

In carrying out the policies of the State the regulations would require that the grantee comply with "Management of Wastewater Utilities" guidance pamphlets Nos. 1 and 2 and that the grantee adopt and comply with minimum standards of conduct.

The Department will propose in the near future rules governing the procurement of architectural and engineering services. While the Department considers procurement regulations to be equally important as the regulations now being proposed, it is not essential that they be proposed immediately.

The initial grants will be to projects which have received Federal grants, and thus have finished procurement of architectural and engineering services. The procurement regulations will apply to projects for which procurement has not yet taken place.

The Department invites and encourages public comment. Copies of the 26 pages of the proposed rules may be obtained from:

Donald A. Brown, Assistant Director
Department of Environmental Protection
Division of Water Resources
P.O. Box 2809
Trenton, New Jersey 08625

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

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

Rocco D. Ricci
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Proposed Revisions in Floodway Delineations

Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-1 et seq., proposes to revise the rules concerning the construction, repair and reconstruction of structures within a floodway delineated by the Department. Such proposed revisions are known within the Department of Environmental Protection as Docket No. DEP 026-77-05.

The proposed revisions concern the deletion of the current text of N.J.A.C. 7:13-1.4(c) and the adoption of new text therein.

7:13-1.4(c) Exceptions to subsection (b) of this Section are as follows:

1. Lawful preexisting prohibited uses may be maintained or repaired but not expanded or enlarged if such expansion or enlargement will increase the flood hazard potential.

2. Lawful preexisting prohibited structures damaged by any means other than flooding may be restored, provided they are not expanded or enlarged if such expansion or enlargement will increase the flood hazard potential. Efforts should be made to provide flood proofing to protect the structure from further flood damages.

3. Lawful preexisting prohibited structures damaged by flooding may be restored provided the extent of destruction does not exceed 50 per cent of the fair market value of the structure immediately preceding the damage, provided they are not expanded or enlarged if such expansion or enlargement will increase the flood hazard potential. Efforts should be made to provide flood proofing to protect the structure from flood damages.

4. Lawful preexisting prohibited structures damaged by flooding to an extent greater than 50 per cent of the fair market value of the structure immediately preceding the damage may be restored provided:

i. The owner submits an application together with drawings of the proposed reconstruction and the application is approved by the Division.

ii. Plans for the proposed reconstruction include provisions for flood proofing or other similar techniques designed to minimize future flood damage to the structure from the occurrence of the floodway design flood.

5. In those cases where the above results in an exceptional and undue hardship, the applicant may appeal in writing to the Division for a hearing before the Council.

i. The hearing shall be scheduled within 90 days from receipt of documented request.

ii. Following the hearing, the Council shall render a decision which will be subject to the approval of the Commissioner.

6. Lawful preexisting sanitary landfills may be expanded vertically provided that:

i. No horizontal expansion is made.

ii. The side slopes of the landfill be not steeper than two horizontal to one vertical.

iii. Adequate soil erosion and sediment control measures are taken to the satisfaction of the Division of Water Resources.

iv. The flood hazard potential is not increased.

v. The other applicable provisions or law are complied with.

7. Structures which are lawfully under construction on the effective date may be completed.

A public hearing respecting the proposed action will be held on June 27, 1977, at 9:30 A.M. at Rutgers University, Scott Hall, College Road, New Brunswick, New Jersey.

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

Betty Wilson
Assistant Commissioner
Department of Environmental Protection
P.O. Box 1390
Trenton, N.J. 08625

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

Rocco D. Ricci
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Emergency Revisions on Oyster Seed Beds for the 1977 Season

On May 11, 1977, the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, with the advice of the Shellfisheries Council, Maurice River Cove Section, pursuant to authority of N.J.S.A. 50:1-5, 50:3-8 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 7:25-7.10 concerning oyster seed beds for the 1977 season.

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 021-77-05. The revisions delete the current text of N.J.A.C. 7:25-7.10 and adopt new text therein.

Full text of the new rule follows:

7:25-7.10 Oyster seed beds; 1977 season

(a) The season for the taking of seed oysters from the natural seed beds above the Southwest Line in Delaware Bay for 1977 shall be scheduled for a period of time beginning 7:00 A.M., May 23, 1977, and shall close as determined by subsection (b) of this section.

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

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

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

(e) Based upon the data and test referred to in subsection (b) of this section and the recommendation of the advisory committee referred to in section 3 of this subchapter, the Council, pursuant to N.J.S.A. 50:1-5, may immediately close those beds as may be necessary for the preservation and improvement of the shellfish industry.

An order adopting these revisions was filed and became effective on May 11, 1977, as R.1977 d.166 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Emergency Rules on Relaying of Hard Clams

On May 11, 1977, the Division of Fish, Game and Shell-

fisheries in the Department of Environmental Protection, with the advice of the Shellfisheries Council, Atlantic Coast Section, the Shellfish Control Section of the Division of Water Resources and the Division of Marine Law Enforcement, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new emergency rules, known within the Department of Environmental Protection as Docket No. DEP 022-77-05, concerning the relaying of hard clams from designated special restricted or condemned areas within the Atlantic Coast Section to specially designated leased shellfish grounds.

Full text of the adopted rules follows:

SUBCHAPTER 15. CLAM RELAY PROGRAM

7:25-15.1 Relay of hard clams

(a) These rules are intended to implement the hard clam (*Mercenaria mercenaria*) relaying program administered by the Department of Environmental Protection. These rules must be construed together with the shellfish growing water classification regulations which appear at N.J.A.C. 7:12-1.1 and which rules are subject to amendment at any time. See N.J.S.A. 24:14-2 which requires the immediate condemnation of shellfish beds deemed dangerous to health. See also N.J.S.A. 13:1D-7 which transfers these functions to the Department of Environmental Protection.

(b) The general intent of these rules is to control the relaying program of hard clams from designated special restricted or condemned areas within the Atlantic coast section (See N.J.S.A. 50:1-18) to specially designated leased shellfish cultivation grounds also situated in the Atlantic coast section. Such designated special restricted or condemned areas will be charted by the department and such charts will be issued to the participants.

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

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

2. Hold a lease from the department to three, one-half acre plots of shellfish cultivation grounds in the Great Bay upon which the relayed hard clams are to be deposited by the means hereinafter set forth. Such lease shall be subject to the following additional conditions:

i. This lease shall be issued for only one year and must be reapplied for yearly;

ii. This lease shall become immediately void if the lessee, or the sublessee, is subject to a suspension of his (their) shellfish license(s) or permit(s) as mentioned in paragraph 1 above and paragraph 3 below.

iii. This lease shall not be renewed if the lessee, or the sublessee, is not actively engaged in this relay program during a minimum of $\frac{1}{3}$ of the days during the previous year's program. The purpose of this special provision is to insure that only active participants are issued permits under this special transplanting program.

iv. These special leases may be subleased by the lessee to an individual designated by him (lessee). The lessee must surrender his relaying permit (as defined below in paragraph 3) which will be then reissued to the sublessee.

The sublessee shall not further assign or sublease his shellfish cultivating grounds or special relaying permit.

v. The fee for this lease shall be set by the Division of Fish, Game and Shell Fisheries with the advice of the Atlantic Coast Shell Fisheries Council. An additional fee shall be established and set for survey and stake fees.

vi. Once the leased plots have been staked by the

division the lessee shall be solely responsible for the maintenance of such stakes or their necessary replacement. The stakes are to be marked by the lessee in such a manner as to make his shellfish cultivating grounds readily identifiable.

vii. Each individual lessee may hold only one lease to the above mentioned three, one-half acre plots in Great Bay.

3. Obtain from the Division of Water Resources a special relaying permit to relay hard clams for this program. When this permit, including the chart of the designated special restricted or condemned harvest areas is received, the lessee will receive and acknowledge receipt of a copy of these regulations.

4. Application procedure: Applicants for the lease or the special relaying permit must appear in person at the Leeds Point Office of the department. Sublessees and lessees must appear together at the Leeds Point Office in order for a sublease, as indicated above, to be effective. Should the program temporarily be filled, a chronological waiting list shall be established with the program being filled from this waiting list.

(d) Hard clams taken from the special restricted or condemned harvest areas will be bagged by the participant and such bags will be tagged by the participant and placed upon the state designated vessel or truck for transportation to the leased plots. The participants must place their bagged clams upon this designated vessel or truck. In the event such state vessel or truck is inoperative, the Marine Police will specially designate an alternate craft. No clams taken from the special restricted or condemned harvest areas shall be transported to the leased plots in Great Bay by any other means than the state designated vessel or truck of such replacement.

(e) The harvested clams will be relayed by the state designated vessel or truck to the leased plots of the participants as indicated on the tax affixed to the clam bag. Each participant must furnish a practical, reusable tag to be affixed to the bag.

(f) Hard clams relayed in this manner to the leased plots will remain upon said leased plots for 40 days following the day on which the clams were harvested from the special restricted or condemned areas. If deemed necessary, the department may require an extended period of time for the clams to remain on the leased plots. In any event, the lessee or the sublessee shall not remove and market the clams from the leased plots until approval has been granted by the department.

(g) Only the lessee or the sublessee shall remove the clams from the leased plots.

(h) The department shall establish a schedule of dates when the special restricted or condemned areas will be opened to the participants in this program for the harvest of hard clams. These waters shall be open only from sunrise until 2:00 P.M.

(i) 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, take shellfish from condemned areas in violation of permit, and may incur the penalty prescribed by the first paragraph of N.J.S.A. 24:14-9.

(j) Due to the necessity to closely monitor this program for the purpose of protecting public health, the Division of Water Resources shall immediately suspend the special relaying permit of any participant (lessee or sublessee) who violates any condition of the permit or

any of these regulations. Pursuant to the Administrative Procedure Act, such individual may apply to the Division of Water Resources for an administrative hearing regarding the reinstatement of such permit.

An order adopting these rules was filed and became effective on May 11, 1977, as R.1977 d.167 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions Concerning the Preservation of Sea Clam Resources

On May 19, 1977, Rocco D. Ricci, Acting Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted procedural revisions to the rule concerning the preservation of sea clam resources.

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

7:25-12.1(k) All vessels that land sea clams in this state shall provide to the Director, Division of Fish, Game and Shellfisheries:

[1. Individual Landing Reports (sample form to be supplied by the Division) that specify the bushels or pounds of sea clams landed; the date such clams were landed, the name and seaclaming license number, if any, of the vessel landing the sea clams; the name and signature of the captain certifying to the landing of such clams.

2. Weekly] 1. Monthly sea clam catch reports (sample form to be supplied by the Division) which specify the vessel name; sea claming license number, if any; home port; and for each date, the time at sea; the latitude and longitude or loran bearings of all locations fished; the landing port and for each location fished, the depth, the time fished, the number of tows per hour [and] the catch in bushels, and the name and notarized signature of the captain certifying to the landing of such clams.

2. The reports shall be mailed, together with check or money order in proper amount made payable to the "Treasurer, State of New Jersey", postmarked no later than five days following the close of each calendar month.

[3. Both the individual landing reports and the notarized weekly sea clam catch report together with check or money order in proper amount made payable to the "Treasurer, State of New Jersey" shall be delivered or sent] to the Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, New Jersey 08625. [by certified mail postmarked no later than Monday of the ensuing week.]

An order adopting these revisions was filed and became effective on May 20, 1977, as R.1977 d.176 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules for Noise Control Of Vessels and Watercraft

On May 19, 1977, Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1G-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:29-2.1 et seq., concerning noise control of vessels and watercraft, substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 167(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The substantive changes concern a revised definition of vessel as enumerated in N.J.S.A. 12:7-34.37 and revised approvals in 7:29-2.3(f) to limit them as well as the incorporation of nine criteria previously utilized by the Marine Police informally.

An order adopting these rules was filed and became effective on May 20, 1977, as R.1977 d.177.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Proposed Revisions to Rules Implementing The Local Health Services Act

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:3A2-1 et seq., proposes to revise a portion of the rules implementing the Local Health Services Act regarding sample contract forms.

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

8:53-1.3 (b) **Sample contract form is available from the State Commissioner of Health.**

8:53-1.4 [Sample contract forms] (Revised)
[Sample contract forms are available from the State Commissioner of Health.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

John A. Harrison
Director, Health Aid Services
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Rule on Implementation of New Economic Factor in SHARE Manual

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 the recommendation of the hearing examiner's report, proposes to adopt a new rule concerning the SHARE guidelines for hospital rate setting and implement adjustments to the economic factors.

Full text of the proposed rule follows:

8:31A-10.5 Implementation of the new economic factor

(a) Because the one per cent productivity factor is eliminated, the Department expects the economic factor for 1976 and 1977 to rise. However, it is entirely possible that the factor will not rise by the full one per cent. Hence, as an interim adjustment, the Department recommends that the economic factors for 1976 and 1977 be adjusted immediately to reflect a half per cent increase following the methodology of subsection (b) of this Section. Final adjustment will depend on the implementation of the new economic factor which will follow the method provided for in subsection (b) of this Section.

(b) Three classes of hospitals are identified having different methods and conditions for implementation of the adjustment to their economic factor for 1976 and 1977 as the new factor is implemented:

1. Hospitals which overspent their approved budget by a sum greater than that which results from the adjustment to their economic factor.

i. For each hospital, the sum due as a result of the economic factor shall be paid as a retroactive adjustment to the hospital, but such sum shall be used to reduce borrowings for operating expenses and/or payables.

2. Hospitals which overspent their approved budgets by a sum less than that which results from the adjustment to their economic factor.

i. For such hospitals, that proportion of the sum due as a result of the adjustment to the economic factor which is equal to the overspending shall be paid as a retroactive adjustment to the hospital, but such sum shall be used to reduce borrowings for operating expenses and/or payables. That proportion of the sum due which is greater than that equal to the overspending (that is, the remaining balance) shall be paid to the hospital as an add-on to the next year's approved payment rate, until such sum is paid in full. If the sum is not paid in full at year end, a retroactive adjustment will be made to complete payment.

3. Hospitals which met or underspent their approved budget shall receive an adjustment based on the difference between the new and old economic factors. That sum due shall be paid as an add-on to the next year's approved payment rate, until such sum is paid in full, EXCEPT that if the add-on is greater than two per cent of the payment rate it shall be paid in succeeding years as a continuing add-on to the approved payment rate until paid in full.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

John B. Reiss
Assistant Commissioner
HPRD - Office of Assistant Commissioner
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Rules on Time-Phased Plan Regarding Expenditure Reductions

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 the recommendation of the hearing officer's report, proposes to adopt new rules concerning the SHARE guidelines for hospital rate-setting and provide for alternate choices in establishing a time-phased plan regarding expenditure reductions which are subject to base period challenges in 1977.

Such rules, if adopted, will be cited as N.J.A.C. 8:31A-10.6.

Three alternative proposals for meeting the hearing officer's proposal that certain expenditure reductions should be undertaken over a time period are before the Health Care Administration Board. Comments are invited on each proposal. At its meeting on July 7 the board will consider all comments and will adopt one of the following proposals:

Alternative #1

Establishes a time-phased plan for the hospital to eliminate expenditures subject to base period challenges in 1977, which expenditures actually are being incurred by the hospital. Thus it does not apply to budgeted but unfilled positions, annualization or similar situations.

Where the above defined actual expenditures are to be reduced, the following time-phased plan applies:

(a) All such expenditures incurred prior to the hospital receiving its Approved Payment Rate (APR) report will be included in the 1977 budget — BUT these expenditures must be removed from the budget base for all succeeding years.

(b) The hospital must submit a plan within ten days of receiving the APR report, which plan will lead to the elimination of all such expenditures within 90 days of receipt of the APR report. The expenditures necessarily incurred during the 90-day time period will be included in the 1977 budget — BUT these expenditures must be removed from the budget base for all succeeding years.

Alternate #2

Establishes a time-phased plan for the hospital to eliminate expenditures subject to base period challenges in 1977, which expenditures actually are being incurred by the hospital. Thus it does not apply to budgeted but unfilled positions, annualization or similar situations.

Where the above defined actual expenditures are to be reduced, the following time-phased plan applies:

(a) All such expenditures incurred prior to the hospital receiving its Approved Payment Rate (APR) report will be included in the 1977 budget — BUT these expenditures

must be removed from the budget base for all succeeding years.

(b) These such expenditures which the hospital agrees to eliminate during or does not plan to appeal after the APR hearing must be eliminated within 90 days from receipt of the APR report. The hospital will be paid 50 per cent of that sum to be eliminated for that 90-day period.

Where the above defined actual expenditures are to be reduced, the following time-phased plan applies:

(a) All such expenditures incurred prior to the hospital receiving the Approved Payment Rate (APR) shall be included in the 1977 budget.

(b) Following receipt of the APR, with respect to base period and cluster challenges which the hospital does not intend to appeal, the hospital shall submit a detailed plan which is designed to lead to the elimination of the challenged expenditure within a reasonable period of time. Such plans shall set forth in detail the costs which will necessarily be incurred in eliminating the challenged expenditure within the time period set forth.

(c) The analyst shall make a written recommendation concerning the reasonableness of the plan to the Director of Health Economics Services giving due consideration to both minimum base period and to base-period challenges. A copy of said recommendations shall be made available to the hospital.

(d) Upon agreement by the Director of Health Economics Services that the proposed plan, the time period and the costs are all reasonable and necessary to the elimination of the challenged expenditure, the plan shall be made a part of the hospital's rate file; appropriate adjustment to the APR shall be made; and all such expenditures shall be removed from the budget base for all succeeding years.

(e) The submission of such a plan by a hospital shall constitute acknowledgment by the hospital that the challenged expenditure to be eliminated is in fact, unreasonable. A right of appeal with respect to that expenditure is thereby extinguished; however, failure to agree on a reasonable plan shall constitute a subject for appeal.

(f) Failure to implement a reasonable plan either mutually agreed or modified in appeal shall result in an appropriate retroactive adjustment.

(g) Those such challenges which the hospital appeals to the hearing officer must be eliminated within 90 days from receipt of the final approved rate letter from the Commissioners of Health and of Insurance. The hospital will be paid 50 per cent of that sum to be eliminated for that 90-day period. HOWEVER, both of the sentences of this subsection (g) are subject to the following conditions:

i. There must be substantial reason for the appeal; if the hearing officer finds there is no substantial reason, then section (b) above shall apply;

ii. Notice of appeal must be filed within ten days;

iii. The appeal date must be set by the Department of Health for a date within 45 days of the filing of the notice;

iv. The hospital must file ALL appeals documents at least 15 days before the appeal date;

v. The hearing officer's report must be issued within 20 days of the date of the hearing; and

vi. The Commissioners of Health and of Insurance must issue a Final Administrative Rate (FAR) within 15 days of receipt of the hearing officer's report.

Alternate #3

Establishes a time-phased plan for the hospital to eliminate expenditures subject to base period challenges in 1977, which expenditures actually are being incurred by the hospital. Thus it does not apply to budgeted but unfilled positions, annualizing or similar situations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

John B. Reiss
Assistant Commissioner, HPRD
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

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 standards and general criteria for the planning and application for designation of cardiac diagnostic facilities, to be cited as N.J.A.C. 8:41-1.1 et seq., substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 171(a), 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 May 23, 1977, as R.1977 d.179.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Amendment on Control of Dextropropoxyphene

On April 28, 1977, Watson E. Neiman, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment, to be cited as N.J.A.C. 8:65-10.1(a)4. Note 4, concerning the control of dextropropoxyphene, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 119(b).

An order adopting this amendment was filed and became effective on April 28, 1977, as R.1977 d.151.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Revisions Concerning Licensing Of Nursing Home Administrators

On May 9, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-27, 26:2H-28 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Chapter 34 in Title 8 of the New Jersey Administrative Code concerning the licensing of nursing home administrators, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 15(c).

An order adopting these revisions was filed and became effective on May 17, 1977, as R.1977 d.172.

G. Duncan Fletcher
Department of State
Director of Administrative Procedure

(c)

HEALTH

THE COMMISSIONER

Standards and General Criteria for Planning and Application for Designation of Cardiac Diagnostic Facilities

On May 16, 1977, Dr. Joanne E. Finley, Commissioner

(d)

HEALTH

THE COMMISSIONER

Standards and General Criteria for Planning and Certification of Need of Regional Cardiac Centers

On May 16, 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 standards and general criteria for the planning and certification of need of regional cardiac centers, to be cited as N.J.A.C. 8:41-2.1 et seq., substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 171(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 May 23, 1977, as R.1977 d.180.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HEALTH

THE COMMISSIONER

Amendment on Licensure Standards For Health Care Facilities

On May 16, 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 an amendment to N.J.A.C. 8:31-26.1 concerning the licensure standards for health care facilities, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 170(d).

An order adopting this amendment was filed on May 23, 1977, as R.1977 d.181 to become effective on June 9, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Standards and General Criteria for Planning and Certification of Need of Perinatal Services

On May 16, 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 standards and general criteria for the planning and certification of need of perinatal services, to be cited as N.J.A.C. 8:31-8.1 et seq., substantially as proposed in the Notice published December 9, 1976, at 8 N.J.R. 550(a), 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 May 23, 1977, as R.1977 d.182.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Rule on Cosmetic Package Principal Display Panel

On May 25, 1977, Watson E. Neiman, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18.1c and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:21-1.27, concerning cosmetic package principal display panels, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 219(d).

An order adopting this rule was filed and became effective on May 26, 1977, as R.1977 d.192.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Rule on Cosmetic Product Identity Labeling

On May 25, 1977, Watson E. Neiman, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18.1c and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:21-1.28, concerning product identity labeling, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 219(c).

An order adopting this rule was filed and became effective on May 26, 1977, as R.1977 d.193.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICE

Proposed Revisions to Vision Care Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise certain portions of the Vision Care Manual concerning the elimination of prior authorization for eye examinations in certain age categories by optometrists, and the maximum cost allowance for optical frames.

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

10:62-1.5(a) Note 2: [Exceptions: Screening Examinations performed more frequently than once every two years for persons 19 years of age or over or more frequently than once a year for persons less than 19 years of age or 60 years of age or over require prior authorization.]

10:62-1.5 Note: [Exception: Comprehensive eye examination performed more frequently than once every two years for persons 19 years of age or over or more frequently than once a year for persons less than 19 years of age or 60 years of age or over require prior authorization.]

10:62-1.6(a)3. [Screening and/or comprehensive eye examination performed more frequently than once every two years for persons 19 years of age or over or more than annually for persons less than 19 years of age or 60 years of age or over.]

3. [4.] All other professional services not specified.

10:62-2.2(a)2.i.(5) Repairs to optical appliances exceeding [\$5.00] \$8.00;

(6) All other optical appliance items not listed or requiring additional charges or a prescription not identified by a listed code;

(7) Replacement of optical appliances.

[Note: If, for reasons of loss or breakage, replacement of an optical appliance(s) becomes necessary, the replacement appliance shall be identical to the appliance(s) that was replaced.]

Note 1: The New Jersey Medicaid Program will no longer pay for replacement of optical appliances which may have been lost, broken, damaged or stolen. However, in extreme extenuating circumstances, for example, destruction of an optical appliance by mentally disturbed child, destruction of an optical appliance with a very high correction, hardship resulting from a totally destructive fire, consideration for replacement may be given if prior authorization is requested and pertinent proof documentation accompanies the request for authorization and payment of optical appliances form (MC-9A-C2).

Note 2: If prior authorization is approved due to extenuating circumstances as indicated above, the replacement appliance shall be identical to the appliance that was destroyed.

(8) Dual pairs of glasses;

Note: A statement indicating medical necessity must be submitted when requesting two pairs of glasses in lieu of multifocal lenses.

(9) Prior authorization is required when optical appliances are requested more than once every two years for persons 19 years of age or over or more frequently than once a year for persons less than 19 years of age or 60 years of age or over. Additionally, to justify the request all subsequent prescriptions must have a change of at least .50 diopter in spherical or cylindrical power or a change in axis of five degrees or more.

10:62-2.3(e) [The total change in the correction must be at least 0.50 diopter in spherical or cylindrical power, or a change of 5 degrees or more in cylindrical axis.] New lenses are reimbursable only if a change exists that is at least 0.50 diopter in spherical or cylinder power, or a change of five degrees or more in cylinder axis.

10:62.2.3 [(f) Prescription sun glasses: Not covered under the Program.]

[(g)] (f) Prior authorization required (See N.J.A.C. 10:62-2.2(a) 2.) may be approved only when recommended for:

1. Specific ocular pathological conditions (for example, Keratoconus, monocular surgical aphakia to effect binocular vision).

2. Patients whose vision cannot be improved to at least 20/70 with regular lenses but improvement of vision can be accomplished to 20/70 or better in the better eye.

(g) [(h)] The policy for duplication or reproduction of the same correction is:

1. A re-examination and new prescription is required if more than one year (or two years in the case of an individual between 19 years of age and 59 years of age) has elapsed since the date of the original prescription.

2. The provider must determine date and type of previous vision care services.

(h) [(i)] Wire-metal frames and eyeglass cases are not covered under the Program.

(i) Prescription sun glasses are not covered under the Program.

(j) Photochromatic lenses are not covered under the Program.

(k) Tints, other than absorptive lenses pink A and B, are not covered under the Program.

10:62-2.4(a) [3. Reimbursement will be based on actual invoice cost, however, not to exceed a maximum of \$5.00.]

3. Actual invoice cost is defined as the net amount paid by provider, reflecting all discounts or special purchase agreements.

4. Reimbursement will be based on actual invoice cost, however, it is not to exceed a maximum of \$8.00.

10:62-2.12 Basis of payment

(a) Reimbursement for covered services and/or items shall be on the basis of the customary charge, not to exceed an allowance determined reasonable by the Commissioner [(Institutions and Agencies)] (Human Services) and further limited by Federal policy, where applicable, relative to payment of practitioners and other individual providers. In no event shall the payment exceed that charged by the provider for identical services and/or items to other governmental agencies, private non-profit agencies, trade unions, or other individuals in the community.

(b) The reimbursement policy of the New Jersey Health Services Program provides for payment to the provider of the actual invoice cost of the optical appliance. Providers are requested to indicate the actual invoice cost of the material when submitting a claim. Actual invoice cost is defined as the net amount paid by provider, reflecting all discounts or special purchase agreements. The

service (dispensing) fee, to which the provider is entitled, should be indicated as a separate item.

(c) The maximum allowable [cost] reimbursement for frames is [\$5.00] \$8.00. However, providers may only bill the New Jersey Health Services Program for the actual invoice cost of the frame when submitting a claim for payment. Actual invoice cost is defined as the net amount paid by provider, reflecting all discounts or special purchase agreements. Frames are reimbursable only if they meet the criteria listed in section 9 of this subchapter.

10:62-2.13 Reimbursement to providers of optical appliances

(a) Optical appliances are reimbursable under the New Jersey Health Services Program only when prescribed by a provider of professional eye services as defined in N.J.A.C. 10:62-1.4.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Administrative Practice Officer
Division of Medical Assistance and Health Services
Department of Human Services
P.O. Box 2436
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Fair Hearings

Ann Klein, Commisisoner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise portions of the Public Assistance Manual concerning the responsibility of advising clients regarding their rights during the pendency of a fair hearing.

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

10:81-6.5 Eligibility for continued assistance

(a) In cases where there is a request for a fair hearing within 15 days from the date of mailing of a notice of termination, suspension or reduction, assistance [is] shall be continued at an unreduced level until the fair hearing unless the client waives such entitlement or requests postponement of a scheduled hearing date. The client, when requesting a hearing, must be informed that, if the hearing decision is unfavorable to him/her, he/she will be required to repay all assistance granted while the hearing and/or decision is pending. In the event the client elects to receive continued assistance, it [Assistance] will be continued unreduced pending a decision if the hearing officer determines that the issue is one of fact rather than law or policy.

(b) The client shall also be advised that if he/she elects not to receive continued assistance and the hearing decision is favorable to the client, assistance will be rein-

stated retroactive to when it was suspended, reduced or terminated.

[(b)] (c) The fair hearing officer will [promptly] inform the client at the hearing or in writing not later than the first work day following the hearing if assistance will be reduced or terminated, based on the hearing officer's determination.

10:81-6.16 [Fair hearing monitoring procedures]
(Reserved)

[(a)] The following procedures will be followed in the State office in implementing fair hearings and monitoring activities.

(b) Procedures for monitoring notices to clients are:

1. Whenever CWB sends a notice to a client relating to a matter which might require a fair hearing in Federally assisted programs, a copy thereof shall be simultaneously forwarded to the State Division of Public Welfare by the CWB.

2. All notices will be filed by county and date.

3. Notices will be maintained on "active" status in the files for a period of 90 days or until the client to whom the notice was sent requests a fair hearing, whichever is sooner.

4. All notices which result in a fair hearing request will be placed in the fair hearing file until closed.

5. All notices which have been in the files for more than 90 days and which have not resulted in a fair hearing request will be removed from the "active" file.

(c) Daily sampling of notices:

1. The Division of Public Welfare shall, on a daily basis, draw a random sample of all notices received from each county welfare board. Such notices shall be reviewed by the Division to ascertain the following:

i. That they state the mailing date;

ii. That they state the date of intended action, and that such date is consistent with the time of notice required by regulation;

iii. That clear reasons for the intended action are provided;

iv. That the law and/or regulation cited is relevant to the facts asserted and is correctly cited; and

v. That the notice advises the client of his/her rights regarding fair hearings, local conference and continuation of assistance at an unreduced level.

(d) Whenever review of a notice discloses a defect in such notice, whether procedural or substantive in nature, such defect shall be immediately brought to the attention of the CWB which has sent the notice via form PA-47, and appropriate corrective action shall be taken by such board. The CWB shall return the form PA-47 to the Division, together with a corrected copy of the notice or notices requiring corrective action. A copy of the corrected notice shall also be sent to the client. However, no change will be made in the effective date of action unless the CWB is specifically ordered to do so.

(e) Should the study of the random sample reveal that the percentage of nonconforming notices sent out by any CWB exceeds five per cent of the sample for that county, the Division of Public Welfare shall institute an expanded review of all notices sent by such county and institute remedial procedures to correct the county's practices. Such expanded review shall continue until such time as the percentage of defective notice shall be reduced to no more than five per cent tolerance level, at which time ordinary daily sampling procedures shall be resumed.

(f) The Division of Public Welfare shall maintain a

record of the sample notices. They shall be filed so that the particular notices may be made readily available for subsequent study and inspection, whether by Division personnel or appropriate personnel of the Department of Health, Education and Welfare.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Director
Division of Public Welfare
Department of Human Services
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Recipient's Right to a Fair Hearing

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise N.J.A.C. 10:81-4.14 concerning the recipient's right to a fair hearing.

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

10:81-4.14 Recipient's right to a fair hearing

A recipient who has been determined to require protective payments shall be given written notice, and oral explanation of his/her right to fair hearing if dissatisfied with the decision to appoint, the choice of a protective payee, the continuation of protective payments or the manner in which the payee is functioning. (See subchapter 6 of this chapter.) If the fair hearing issue is the decision to appoint a protective payee, a temporary payee will be designated by the [Division of Public Welfare] county welfare agency pending the fair hearing decision.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

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

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

Ann Klein
Commissioner
Department of Human Services

(Continued on Page 29)

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 May 26. It is adjusted in the month in which a mailing of

update pages will be completed.

An updating has been made with this issue.

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> |
|---|--|--------------------------|--|
| AGRICULTURE — TITLE 2 | | | |
| 2:2-9.2 | Bovine leukemia glycoprotein immunodiffusion test (BL-G1D); fee | R.1977 d.109 | 9 N.J.R. 206(b) |
| 2:3-2.12 | Imported breeding swine; not infected with pseudorabies | R.1977 d.108 | 9 N.J.R. 206(a) |
| 2:17-6.1(d)5. | Revisions on tomato transplants | R.1977 d.87 | 9 N.J.R. 158(a) |
| 2:17-7.1 | Pepper transplants | R.1977 d.88 | 9 N.J.R. 158(b) |
| 2:48 through 2:53 | Revised rules of Division of Dairy Industry | R.1976 d.359 | 8 N.J.R. 542(c) |
| 2:49-1.1(b) | Revised minimum milk prices | R.1977 d.31 | 9 N.J.R. 110(b) |
| 2:49-1.1(b) | Revised minimum milk prices | R.1977 d.161 | 9 N.J.R. 251(a) |
| 2:49-1.1(b) | Revised minimum milk prices | R.1977 d.123 | 9 N.J.R. 206(c) |
| 2:54-3.9 | Rule on handling of milk in N.Y.-N.J. marketing area | R.1977 d.97 | 9 N.J.R. 159(a) |
| 2:85-1.1 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) |
| (Rules in the Administrative Code for Title 2 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 10.) | | | |
| BANKING — TITLE 3 | | | |
| 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) |
| 3:11-3.1 et seq. | Revisions on small business investment companies | R.1977 d.23 | 9 N.J.R. 112(c) |
| 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) |
| (Rules in the Administrative Code for Title 3 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.) | | | |
| CIVIL SERVICE — TITLE 4 | | | |
| (Rules in the Administrative Code for Title 4 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 9.) | | | |
| COMMUNITY AFFAIRS — TITLE 5 | | | |
| 5:30-8.9 | Unbudgeted school aid refunds per P.L. 1977, c.15 | R.1977 d.81 | 9 N.J.R. 165(a) |
| 5:30-14.1 to 14.3 | Rules on local public contracts | R.1977 d.128 | 9 N.J.R. 212(a) |
| 5:30-14.4 | Change order procedures for local public contracts | R.1977 d.82 | 9 N.J.R. 166(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) |
| 5:80-1.1 et seq. | Rules on increase rent or carrying charges; increase income limits | R.1977 d.71 | 9 N.J.R. 164(c) |
| (Rules in the Administrative Code for Title 5 include all adoptions prior to Nov. 22, 1976—Transmittal Sheet No. 7.) | | | |
| EDUCATION — TITLE 6 | | | |
| 6:3-2.1 | Revised definition of parent | R.1977 d.68 | 9 N.J.R. 167(a) |
| 6:3-2.5(d) | Revisions on access to pupil records | R.1977 d.68 | 9 N.J.R. 167(a) |
| 6:3-4.1 | Use of school buses for transportation of senior citizens' groups | R.1977 d.129 | 9 N.J.R. 212(b) |
| 6:11-3.12 | Revisions on athletic coaches | R.1977 d.70 | 9 N.J.R. 167(c) |
| 6:11-4.6 | Revisions on two-month certificates | R.1977 d.26 | 9 N.J.R. 114(a) |
| 6:22-13.13 | Asbestos surface coatings | R.1977 d.158 | 9 N.J.R. 253(c) |
| 6:27-3.1 | Revisions on approved secondary school summer sessions | R.1977 d.28 | 9 N.J.R. 114(c) |
| 6:29-6.3 | Amendments on athletics personnel | R.1977 d.69 | 9 N.J.R. 167(b) |
| 6:39-1.2(g) | Revisions on dissemination of information | R.1977 d.27 | 9 N.J.R. 114(b) |
| (Rules in the Administrative Code for Title 6 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.) | | | |

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) |
| 7:1E-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) |
| 7:7D-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)39. | Revisions on condemnation of certain shellfish beds | R.1977 d.73 | 9 N.J.R. 169(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) |
| 7:21-7.1 et seq. | Stream encroachment applications in the Central Passaic Basin | R.1977 d.107 | 9 N.J.R. 217(b) |
| 7:25-1.6 | Shellfish license revocation schedule | R.1977 d.147 | 9 N.J.R. 219(b) |
| 7:25-7.10 | Oyster seed beds; 1977 season | R.1977 d.166 | 9 N.J.R. 264(a) |
| 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) |
| 7:25-15.1 | Relay of hard clams | R.1977 d.167 | 9 N.J.R. 264(b) |
| 7:27-6.1 et seq. | Revisions on air pollution control | R.1977 d.95 | 9 N.J.R. 170(c) |
| 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) |

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

HEALTH — TITLE 8

| | | | |
|-------------------|--|--------------|-----------------|
| 8:7-1.1 et seq. | Revisions on licensure of persons for certain public health positions | R.1977 d.102 | 9 N.J.R. 173(a) |
| 8:21-1.27 | Cosmetic package principal display panel | R.1977 d.192 | 9 N.J.R. 269(b) |
| 8:21-1.28 | Cosmetic product identity labeling | R.1977 d.193 | 9 N.J.R. 269(c) |
| 8:22-1.13 | Revisions on occupancy limits in campgrounds | R.1977 d.22 | 9 N.J.R. 81(b) |
| 8:30-12.2(f) | Amendments on fire detection systems in nursing homes | R.1976 d.420 | 8 N.J.R. 18(d) |
| 8:31-6.1 | Determination of health care facilities | R.1977 d.43 | 9 N.J.R. 119(a) |
| 8:31-8.1 et seq. | Standards for planning and certification of perinatal services | R.1977 d.182 | 9 N.J.R. 269(a) |
| 8:31-9.1 et seq. | Standards for planning computerized axial tomography units | R.1977 d.44 | 9 N.J.R. 120(a) |
| 8:31-16.16 | Patient origin studies data | R.1977 d.45 | 9 N.J.R. 120(b) |
| 8:31-22.1 | Revisions on doctors' offices owned and/or sponsored by and serving health care facilities | R.1977 d.46 | 9 N.J.R. 120(c) |
| 8:31-23.1(a) | Revisions on parking garages of health care facilities | R.1977 d.47 | 9 N.J.R. 120(d) |
| 8:31-24.1(a) | Revisions in construction of interns, residents and nurses housing | R.1977 d.48 | 9 N.J.R. 120(e) |
| 8:31A-10.4 | Rule on distribution of net worth or surplus | R.1977 d.49 | 9 N.J.R. 120(b) |
| 8:31-26.1 | Standards and criteria; Regional hemophilia care centers | R.1977 d.139 | 9 N.J.R. 221(c) |
| 8:31-26.1 | Amendment on licensure standards for health care facilities | R.1977 d.181 | 9 N.J.R. 268(e) |
| 8:33-4.1 et seq. | Ownership or operation of health care facilities | R.1977 d.21 | 9 N.J.R. 81(a) |
| 8:34-1.1 et seq. | Revisions on licensing of nursing home administrators | R.1977 d.172 | 9 N.J.R. 268(b) |
| 8:37-12.13(d) | Amendments on fire detection systems for intermediate care | R.1976 d.417 | 9 N.J.R. 18(a) |
| 8:41-1.1 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) |
| 8:42-2.1 | Revised definition of food service supervisory or dietary assistant | R.1976 d.356 | 8 N.J.R. 550(d) |
| 8:43A-1.10(r) | Amendments on fire detection system in hospitals | R.1976 d.419 | 9 N.J.R. 18(c) |
| 8:43A-1.67 | Rules on emergency and disaster procedures | R.1977 d.50 | 9 N.J.R. 121(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) |
| 8:43A-1.66(g) | Revisions concerning ambulatory care facilities | R.1976 d.357 | 8 N.J.R. 551(a) |
| 8:43B-3.2(a) | Amendments concerning fire protection and safety | R.1977 d.51 | 9 N.J.R. 121(b) |
| 8:43B-3.2(i) | Rules on facilities providing family practice | R.1976 d.358 | 8 N.J.R. 551(b) |
| 8:43B-3.3(d) | Revisions on maternal and newborn services | R.1977 d.92 | 9 N.J.R. 172(c) |
| 8:43E-1.1 et seq. | Policy manual for planning and certificate of need reviews of health care facilities | R.1977 d.138 | 9 N.J.R. 221(b) |
| 8:53-1.1 | Revisions in implementation of Local Health Services Act | R.1977 d.141 | 9 N.J.R. 222(b) |
| 8:53-1.1 et seq. | Rules on implementing the Local Health Services Act | R.1977 d.91 | 9 N.J.R. 172(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. | Addition of prazepam as a controlled dangerous substance | R.1977 d.101 | 9 N.J.R. 172(d) |

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|-------------------------|--|--------------|-----------------|
| 8:65-10.1(a)4 Note 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.355 | 8 N.J.R. 550(c) |
| Temporary | Revision to 1977 Hospital Rate Review Guidelines | R.1976 d.418 | 9 N.J.R. 18(b) |
| Temporary | 1976-1977 State Medical Facilities Plan | R.1977 d.103 | 9 N.J.R. 173(b) |

(Rules in the Administrative Code for Title 8 include all adoptions prior to Nov. 1, 1976—Transmittal Sheet No. 6.)

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) |
| 9:4-3.20 | Revisions on spacing of purchase order | R.1977 d.15 | 9 N.J.R. 81(d) |
| 9:4-3.24 | Delete and Reserve section | R.1977 d.15 | 9 N.J.R. 81(d) |
| 9:9-1.3 | Revisions on loan amounts | R.1976 d.385 | 9 N.J.R. 18(e) |
| 9:9-1.21 et seq. | Revisions to policies and procedures concerning student loans | R.1977 d.104 | 9 N.J.R. 173(c) |

(Rules in the Administrative Code for Title 9 include all adoptions prior to Dec. 1, 1976—Transmittal Sheet No. 7.)

HUMAN SERVICES — TITLE 10

| | | | |
|------------------------|--|--------------|-----------------|
| 10:49-1.18 | Debarment, suspension and disqualification of providers in Medicaid | R.1977 d.64 | 9 N.J.R. 176(b) |
| 10:49-1.25 | Revisions on temporary fees reduction regarding Medicaid | R.1977 d.12 | 9 N.J.R. 91(a) |
| 10:49-1.31 | Procedures for involuntary transfer of patients | R.1977 d.62 | 9 N.J.R. 126(e) |
| 10:49-1.33 | New Jersey Medicaid Formulary | R.1977 d.36 | 9 N.J.R. 125(c) |
| 10:49-9.1 et seq. | Shared health care facilities | R.1977 d.65 | 9 N.J.R. 176(c) |
| 10:51-1.4, 1.5 | Revisions on Federally required prescription information | R.1976 d.414 | 9 N.J.R. 23(f) |
| 10:51-1.7 | Revisions to various Manual concerning elimination of certain prior authorization requirements | R.1977 d.38 | 9 N.J.R. 125(d) |
| 10:51-1.10(d) | Revisions on pharmacy dispensing fees | R.1977 d.11 | 9 N.J.R. 90(c) |
| 10:51-3.1 et seq. | Pharmaceutical services for recipients in Medicaid approved long-term facilities | R.1977 d.132 | 9 N.J.R. 237(a) |
| 10:52-1.1, 1.4 and 2.7 | Revisions to hospital services manual | R.1977 d.159 | 9 N.J.R. 277(d) |
| 10:59-1.9(c) | Ownership of durable medical equipment | R.1977 d.14 | 9 N.J.R. 91(b) |
| 10:63-4.1 et seq. | Rules on medical day care services | R.1977 d.133 | 9 N.J.R. 238(a) |
| 10:63-5.1 et seq. | Rules on interim billing procedures | R.1977 d.133 | 9 N.J.R. 238(a) |
| 10:66-1.13(d) | List of allowable mental health treatment services | R.1977 d.67 | 9 N.J.R. 176(d) |
| 10:81-2.2, 3.8 | Revisions concerning pregnant women | R.1976 d.408 | 9 N.J.R. 23(c) |
| 10:81-7.40 et seq. | Revisions on fraudulent receipt of assistance | R.1977 d.9 | 9 N.J.R. 90(b) |
| 10:81-7.32(b) | Revisions on report of court testimony | R.1977 d.191 | 9 N.J.R. 278(e) |
| 10:82-1.2(c)2 | Revisions on determination of household size | R.1976 d.406 | 9 N.J.R. 23(a) |
| 10:82-1.3(a)2. | Revision concerning eligible unit | R.1976 d.407 | 9 N.J.R. 23(b) |
| 10:82-1.4 | Disregard of scholarships and grants for eligible persons attending school or college | R.1977 d.75 | 9 N.J.R. 177(a) |
| 10:82-2.11(a)3. | Revisions on shelter payments by stepparents | R.1977 d.188 | 9 N.J.R. 278(b) |
| 10:82-2.15, 2.16 | Recoupment of overpayments | R.1977 d.55 | 9 N.J.R. 125(e) |
| 10:82-2.19 | Institutionalized child returning temporarily to home | R.1976 d.409 | 9 N.J.R. 23(d) |
| 10:82-3.2 | Revisions on exempt resources | R.1977 d.56 | 9 N.J.R. 126(a) |
| 10:82-4.2 | Revisions on self-employed | R.1976 d.410 | 9 N.J.R. 23(e) |
| 10:82-4.6 | Revisions on value of home produce | R.1977 d.56 | 9 N.J.R. 126(a) |
| 10:82-4.6, 4.7 | Revisions on \$30 incentive payment to AFWP clients in CETA | R.1977 d.190 | 9 N.J.R. 278(d) |
| 10:82-4.11(c) | Revisions on earned income | R.1977 d.137 | 9 N.J.R. 238(e) |
| 10:82-4.12 | Revisions on determination of household size | R.1976 d.406 | 9 N.J.R. 23(c) |
| 10:82-5.8 | Revisions on payments to homes for unwed mothers | R.1977 d.135 | 9 N.J.R. 238(c) |
| 10:82-5.11 | Revisions on expenses incident to training | R.1976 d.405 | 9 N.J.R. 22(b) |
| 10:85-3.1(a), | | | |
| 10:85-5.3(b), 5.4(a) | Revisions on medical payments to health practitioners | R.1977 d.168 | 9 N.J.R. 278(a) |
| 10:85-5.21(f) | Revisions on hospitalization costs in the General Assistance Program | R.1977 d.134 | 9 N.J.R. 238(b) |
| 10:87-1.15 | Suits filed against county welfare agency | R.1977 d.189 | 9 N.J.R. 278(c) |
| 10:87-3.18(a)2. | Revisions to Food Stamp Manual and work registration exemptions | R.1977 d.136 | 9 N.J.R. 238(d) |
| 10:87-4.8 and 4.9 | Revision on food stamp eligibility | R.1977 d.58 | 9 N.J.R. 126(c) |
| 10:87-6.41(a) | Revisions on repayment of food stamp overissuances | R.1977 d.59 | 9 N.J.R. 126(d) |
| 10:94-4.31(a) | Amendment on eligible persons | R.1977 d.57 | 9 N.J.R. 126(b) |
| 10:94-4.41 | Amendment on eligible persons | R.1977 d.57 | 9 N.J.R. 126(b) |
| 10:122-2.3 | Revisions for child care licensing | R.1977 d.24 | 9 N.J.R. 125(b) |

(Rules in the Administrative Code for Title 10 include all adoptions prior to Dec. 8, 1976—Transmittal Sheet No. 7.)

INSURANCE — TITLE 11

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

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

LABOR AND INDUSTRY — TITLE 12

(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

| | | | |
|--------------------|---|--------------|-----------------|
| 13:27-3.13(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) |
| 13:33-1.13(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) |
| 13:37-6.2 | Amendments on intravenous therapy | R.1977 d.66 | 9 N.J.R. 179(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) |
| 13:45-1.1 et seq. | Revisions on procedures on administrative complaints | R.1977 d.93 | 9 N.J.R. 184(a) |

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

PUBLIC UTILITIES — TITLE 14

| | | | |
|------------------|---|-------------|-----------------|
| 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) |

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

STATE — TITLE 15

| | | | |
|-------------------|-------------------------------------|--------------|----------------|
| 15:10-3.1 et seq. | Rules on all election district maps | R.1976 d.375 | 9 N.J.R. 42(b) |
|-------------------|-------------------------------------|--------------|----------------|

(Rules in the Administrative Code for Title 15 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 8.)

TRANSPORTATION — TITLE 16

| | | | |
|------------------------|--|--------------|-----------------|
| 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) |
| 16:28-3.102 | Revisions on restricted parking on parts of Route U.S. 9 | R.1977 d.119 | 9 N.J.R. 241(a) |
| 16:28-3.137 | Restricted parking on Route 166 | R.1977 d.77 | 9 N.J.R. 190(b) |
| 16:28-3.70 | Revisions on restricted parking on parts of Route 23 | R.1977 d.194 | 9 N.J.R. 294(b) |
| 16:28-3.138 | 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 | 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) |
| 16:28-3.145 | | | |
| 16:28-3.146 through | Restricted parking on parts of Routes 57, 47 and 27 | R.1977 d.119 | 9 N.J.R. 241(a) |
| 16:28-3.148 | | | |
| 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) |
| 16:28-6.15 | Revisions on no left turns on parts of Route 171 | R.1977 d.195 | 9 N.J.R. 294(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) |
| 16:28-12.16(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) |

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|-------------------|---|--------------|-----------------|
| 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) |
| 16:55-1.1 et seq. | Revised rules on aeronautical activities | R.1977 d.52 | 9 N.J.R. 141(a) |

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

TREASURY-GENERAL — TITLE 17

| | | | |
|---|---|--------------|-----------------|
| 17:1-1.18 | Revisions on general administration | R.1977 d.32 | 9 N.J.R. 147(c) |
| 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) |
| 17:3-6.25 | Medical examinations regarding Teachers' Pension and Annuity Fund | R.1977 d.96 | 9 N.J.R. 200(a) |
| 17:8-2.14 | Amendments on full monthly payments | R.1977 d.61 | 9 N.J.R. 148(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) |
| 17:12-6.4 | Informalities in bidding | R.1977 d.40 | 9 N.J.R. 147(d) |
| 17:12-6.5 | Automatic rejection of bids | R.1977 d.41 | 9 N.J.R. 147(e) |
| 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) |
| 17:16-5.5 | Revised temporary reserve group; classification of funds | R.1977 d.13 | 9 N.J.R. 100(d) |
| 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.1976 d.402 | 9 N.J.R. 46(b) |
| 17:16-31.1 et seq. | Revised rules on State Cash Management Fund | R.1977 d.173 | 9 N.J.R. 296(a) |
| 17:16-32.8(b)5. | Revisions on valuation of units; Common Pension Fund A | R.1977 d.125 | 9 N.J.R. 244(c) |
| 17:16-36.8(b) | Revisions on valuation of units; Common Pension Fund B | R.1977 d.126 | 9 N.J.R. 244(d) |
| 17:19-3.1 et seq. | Recodified rules on debarment, suspension and disqualification of person(s) | R.1976 d.239 | 9 N.J.R. 294(e) |
| 17:26-1.1 et seq. | Interim rules for processing damage claims under the Spill Compensation and Control Act | R.1977 d.116 | 9 N.J.R. 241(d) |

(Rules in the Administrative Code for Title 17 include all adoptions prior to Oct. 25, 1976—Transmittal Sheet No. 7.)

TREASURY-TAXATION — TITLE 18

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

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

OTHER AGENCIES — TITLE 19

| | | | |
|--------------------|---|--------------|-----------------|
| 19:1-1.1 et seq. | Revised rules of Mortgage Finance Agency | R.1977 d.53 | 9 N.J.R. 152(a) |
| 19:4-6.28 | Revisions to Hackensack Meadowlands zoning map | R.1977 d.155 | 9 N.J.R. 297(b) |
| 19:6-1.2 et seq. | Revisions concerning 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) |
| 19:8-1.9(b)3. | Revisions on use of motorcycles on the 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) |
| 19:25-15.1 et seq. | Rules on public financing of general elections for Governor | R.1977 d.72 | 9 N.J.R. 201(a) |

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

(Continued from Page 23)

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendment Concerning Personal Loans as Exempt Income

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to adopt an amendment to the General Assistance Manual concerning personal loans as exempt income.

Full text of the proposed new amendment follows:

10:85-3.3(e)5.v. Personal loans: Personal loans are exempt when such loans are evidenced by a document, signed by the client and the lender, which states the amount of the loan and terms of repayment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

G. Thomas Riti
Director, Division of Public Welfare
Department of Human Services
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

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments to Food Stamp Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to adopt amendments to the Food Stamp Manual. Such amendments, if adopted, will be cited as N.J.A.C. 10:87-8.1 et seq.

The proposed amendments concern fiscal procedures, various documents generated by the Bureau of Data Processing, and actions required by the local food stamp offices to resolve technical problems in the issuance of food stamps to clients.

Copies of the 59 pages of full text of the proposed amendments may be obtained from or made available for review by contacting:

G. Thomas Riti
Director, Division of Public Welfare
Box 1627
Trenton, New Jersey 08623

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to the Division of Public Welfare at the above address.

The Department of Human Services, upon its own mo-

tion or at the instance of any interested party, may thereafter adopt these amendments substantially as proposed without further notice.

An order adopting these revisions was filed on May 5, 1977, as R. 1977 d.159 to become effective on June 1, 1977.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Manual of Standards for Group Homes

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12, 30:1-14, 30:1-15, 30:1-16 and 30:4C-4, proposes to adopt a new Manual of Standards for Group Homes. Such manual, if adopted, will be cited as N.J.A.C. 10:128-1.1 et seq.

The proposed manual concerns an introduction, legal authority and basis for standards, organization and administration, finance, program services, staffing requirements, physical care of children, physical facility requirements, leasing and rental requirements and transportation requirements.

Copies of the 80 pages of full text of the proposed manual may be obtained from or made available for review by contacting:

Division of Youth and Family Services
Department of Human Services
One South Montgomery Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to the Division of Youth and Family Services at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Hospital Services Manual

On April 25, 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. 10:52-1.1, 10:52-1.4(a) and 10:52-2.7(e) in the Hospital Services Manual, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 82(a).

An order adopting these revisions was filed on May 5, 1977, as R.1977 d.159 to become effective on June 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions to General Assistance Manual Regarding Medical Payments to Health Practitioners

On May 11, 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 revisions to N.J.A.C. 10:85-5.3(b) and 10:85-5.4(a) in the General Assistance Manual concerning medical payments to health practitioners, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 174(c).

An order adopting these revisions was filed and became effective on May 12, 1977, as R.1977 d.168.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions in Assistance Standards Handbook Governing Shelter Payments by Stepparents

On May 25, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:82-2.11(a)3. concerning rules in the Assistance Standards Handbook governing shelter payments by stepparents, substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 174(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these revisions was filed on May 25, 1977, as R.1977 d.188 to become effective on June 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Rule on Suits Filed Against A County Welfare Agency

On May 25, 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 a new rule, to be cited as N.J.A.C. 10:87-1.15, concerning suits filed against a county welfare agency, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 175(a).

An order adopting this rule was filed on May 25, 1977, as R.1977 d.189 to become effective on June 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions to Assistance Standards Handbook on \$30 Incentive Payment to AFWP Clients in CETA

On May 25, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:82-4.6 and 10:82-4.7 concerning the \$30 00 incentive payment of AFWP clients who are CETA trainees, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 175(b).

An order adopting these revisions was filed and became effective on May 25, 1977, as R.1977 d.190.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions on Report of Court Testimony

On May 25, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-7.32(b) concerning the report of court testimony, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 175(c).

An order adopting these revisions was filed on May 25, 1977, as R.1977 d.191 to become effective on June 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(f)

INSURANCE

THE COMMISSIONER

Proposed Rules on FAIR Plan Surcharge

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17:37A-1 et seq., proposes to adopt new rules concerning the imposition of a surcharge for the New Jersey Insurance Development Fund (FAIR PLAN).

Full text of the proposed rules follows:

11:1-5.4 FAIR Plan surcharge

(a) On April 30, 1977, the Commissioner of Insurance ascertained and determined that the net value of the New Jersey Insurance Development Fund, as of December 31, 1977, will be less than five per cent of the premiums written on essential property insurance in New Jersey in calendar year 1976.

(b) Application of surcharge rules are:

1. A two per cent surcharge shall be imposed on premiums of the following policies and endorsements effective on or after July 1, 1977:

i. All fire, extended coverage and other allied lines coverage (property damage and time element) written under the fire policy, except for fire policies issued on private dwelling property not over four families;

ii. All burglary and theft policies;

iii. Commercial multiple peril policies, except those issued under the Homeowners Policy Program. For the purpose of this computation, 65 per cent of the commercial multiple peril premium shall constitute the premium subject to the surcharge.

2. The surcharge shall apply to all new and renewal policies effective on or after July 1, 1977, and to the additional premiums on all endorsements effective on or after July 1, 1977.

3. Policies written for a term longer than one year with an effective date on or after July 1, 1977, shall be charged in accordance with the above sections. For such term policies with effective dates prior to July 1, 1977, the charge shall be applied only if such policies are subject to rerating (producing an additional premium) after the effective date of this regulation and then only as of the effective date of such rerating.

4. No return of the surcharge is permitted, except the amount of the surcharge may be adjusted to correct an error and the full surcharge may be returned when a policy is cancelled flat or for nonpayment of premium.

5. The surcharge for policies subject to premium adjustment at anniversary date or at expiration date shall be charged for at inception based on provisional premium.

6. The surcharge shall be charged in full. Rounding to the nearest whole dollar is not permitted.

7. Commissions and premium taxes shall not be payable thereon, and the insurer is prohibited from absorbing such surcharge as an inducement for insurance or for any other reason.

(c) The surcharge shall be collected by each insurer and paid over to the State Treasurer of New Jersey, not later than March 1, and September 1, of each year.

(d) Rules concerning method of billing are:

1. The surcharge shall be a separate charge to the insured in addition to the premium to be paid and shall be shown separately or combined with the Guaranty Association charge.

2. When the surcharge is combined with the Guaranty Association charge, it shall be identified as "Surcharge" and when it is shown separately, it shall be also identified as "Surcharge".

Interested persons may present statements or arguments in writing relevant to the proposed adoption to the hearing officer at the address below on or before June 30, 1977, or appear at a hearing at 10:00 A.M. June 30, 1977, at the:

Hearing Room
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Revised Rules on Service Fees

On May 24, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:22-2.18, 17:1-8.1 and 17:1C-6(e), readopted rules concerning service and placement fees, substantially as published in the New Jersey Register on September 9, 1976, but with subsequent substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

These rules were previously adopted August 23, 1976, but adoption was suspended for further consideration on October 5, 1976. These rules will be effective July 1, 1977.

Full text of the adopted rules follows:

SUBCHAPTER 7. SERVICE AND PLACEMENT FEES

11:1-7.1 Application

This subchapter shall apply to all property/casualty agents and brokers licensed or appointed in the State of New Jersey, including surplus lines, when writing or servicing personal lines insurance on New Jersey risks or residents. Only N.J.A.C. 11:1-7.3(a)1. and 3. apply to all lines.

11:1-7.2 Definitions and general provisions

(a) The term "service fees" shall include fees charged an insured or prospective insured for placement of insurance or financing, credit reporting, obtaining auto operator's driving records, claim or accident reporting, adjustment of claims, inspection fees, referral fees, insurance consultation fees, and any and all compensation other than commissions included in premiums.

(b) The term "policy" shall include all coverages added by endorsement. Where a new policy is cancelled by a voluntary carrier due to the insured giving false information as to his driving record, the AIP application may be charged as a new policy.

(c) "Personal lines insurance" shall include casualty insurance, not of a business or commercial nature, issued to an individual or a husband and wife to provide coverage against loss or liability arising out of the use of ownership or real or personal property. It includes, but is not limited to private passenger automobile policies, homeowner's insurance, and fire and extended coverage on household goods and personal effects. It does not include coverage of a named insured which is a business entity, coverage of nonowner-occupied rental property, or any form of Workmen's Compensation coverage.

(d) "Claim or accident reporting fees" shall include fees for preparation of proof of loss.

(e) An auto club membership sold in company with a policy shall not be considered separate coverage for the purposes of these rules.

(f) An auto club claim arising from the same loss as a claim under a private passenger auto coverage policy shall not be considered a separate claim for purposes of charging a fee for completing accident or claims reports.

(g) "The broker" means the producer of record with respect to the New Jersey Automobile Plan and the New Jersey Insurance Underwriting Association.

11:1-7.3 Written agreements

(a) Each service fee of whatever kind shall be evidenced

by a written agreement separate and apart from all other agreements and applications, containing the following:

1. A clear statement of the fee and the nature of the service;

2. A statement that such fees are not a part of the premium charged by companies, and that a charge can only be made if the insured consents to it in writing;

3. The date and signature of the insured and the licensed broker.

(b) If the insured's native language is not English, the burden of showing that the insured understands the agreement shall be upon the licensee.

11:1-7.4 Maximum charges

(a) No service fee, exclusive of accident or claims reporting charges, for any one policy shall exceed \$15.00 except that, upon proof or exceptional circumstances as to a specific insured, which shall be clearly detailed in the written agreement, a fee of \$20.00 may be charged. Such circumstances would include, for example, frequent substitution of vehicles and addition of scheduled personal property (more than twice a year) and coverage of more than one vehicle per policy. Provisions of services to a foreign speaking insured, placement in the assigned risk or FAIR Plan, and submission of a premium financing application do not constitute exceptional circumstances.

(b) The maximum allowable charge for completing accident or claims reports shall be \$3.00.

(c) An inspection fee may only be charged on a surplus lines policy and shall not exceed two per cent of the premium, or \$10.00 whichever is greater, except that the insured may be charged the actual amount paid to an unrelated firm or person for the service if said firm or person is not an agent or broker.

(d) No charge may be made for services not actually performed.

11:1-7.5 Number of charges

(a) A maximum service fee of \$15.00 may be charged upon placement of a renewal, except that an inspection fee may be charged in accordance with N.J.A.C. 11:1-7.4(c) if no inspection of the property has occurred during the three years prior to issuance of the renewal policy.

(b) Only one service fee exclusive of claims or accident report charges per policy per year may be charged regardless of whether the policy term is for less than one year.

11:1-7.6 Special restrictions

(a) No broker or agent may obtain consent to a service or placement charge on behalf of any other broker, agent or a premium finance company.

(b) No licensee acting as agent for a company may obtain a service or placement fee on a policy issued by that company.

(c) Only a broker may charge a service fee.

An order adopting these revised rules was filed on May 25, 1977, as R.1977 d.186 to become effective on July 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Proposed Rule on Student Life Insurance

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17B:30-1 et seq., proposes to adopt a new rule concerning solicitation of student life insurance.

Full text of the proposed rule follows:

SUBCHAPTER 12. STUDENT LIFE INSURANCE

11:4-12.1 Student Life Insurance Solicitation Rule

(a) The purpose is to avoid any link or implication of association between a school or university and an insurance company soliciting life insurance unless specific endorsement by the school has been made.

(b) Student life insurance is life insurance offered to a person because he/she is enrolled in an institution offering a post high school education.

(c) Requirements governing the envelope in which a solicitation is mailed, delivered or offered are:

1. A return address must appear in the front upper left corner of the envelope and must provide the full name and street address of the company, agent or broker soliciting the insurance who must be identified as such. Example of a suitable return address is: Ann Doe, Insurance Agent, 00 Main Street, Chester, New Jersey 08001.

2. The return address may not use the term "Office of".

3. The envelope may be addressed to "The Parents of Joan Smith" or to specifically named parents, that is Mr. & Mrs. Smith. The address may not include any combination of words that indicates that the correspondence is coming from the school itself rather than the insurance company or agent, nor may it imply that the school has endorsed the material and supplied the company with information about the student. Examples of unacceptable modes of address include, but are not limited to, the following: The Parents of Registered Freshman Joan Smith; The Parents of Cornell University Student Joan Smith; The Parents of Joan Smith, Yale Sophomore; Tom Jones, Yale Senior.

4. If the term "Student Insurance Forms Enclosed" is used on the envelope it must appear on one continuous line. For example, it is impermissible to divide the words so that "student insurance" appears on one line and "forms enclosed" on the next.

5. The slogan which often appears on an envelope to the left of the postal meter stamp may not focus on or mention education. Neutral slogans, such as Buy Government Bonds or Support Your Local United Fund, are acceptable.

(d) Requirements governing all solicitation materials, including letters, circulars and informational flyers are:

1. All material must be clearly identified as coming from an agent, broker or company, if such is the case, and these entities must be clearly identified as such.

i. Names and addresses of the soliciting agent, broker and company must appear at the top of the first page of the letter or brochure in print size no smaller than 14 point type.

ii. Logos may not be substituted for the information required above.

2. No connection between the school and the insurance company, agent or broker is to be implied unless the school has specifically endorsed the policy being sold.

3. "Office of" is prohibited from use anywhere on the materials.

4. The salutation and inside address on the solicitation material may be addressed to "The Parents of Joan

Smith" or to the specifically named parents, that is, Mr. and Mrs. Smith. The inside address may not include any combination of words that indicate that the correspondence is coming from the school itself rather than the insurance company or agent, nor may it imply that the school has endorsed the material and supplied the company with information about the student. Examples of inappropriate modes of address include, but are not limited to the following: The Parents of Registered Freshman Joan Smith; The Parents of Cornell University Student Joan Smith; The Parents of Joan Smith, Yale Sophomore; Tom Jones, Yale Senior.

(e) Records required to be maintained include:

1. Complete sample mailings must be on file at the home office of the insurer for a period of five years subsequent to the date of the mailings.
2. The soliciting New Jersey agent or broker must keep the same records on file as the insurer.
3. The above files shall include:
 - i. Description of target groups solicited;
 - ii. Specimen copy of mailing;
 - iii. Date of mailing and number of pieces mailed.

Interested persons may present statements and arguments relevant to the proposed action in writing or at a hearing to be held June 30, 1977 at 10:30 a.m. in the hearing room at the below address:

Dr. Eleanor J. Lewis, Assistant Commissioner
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

James J. Sheehan
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Notice of Exportables List

Take notice that, James J. Sheeran, Commissioner of Insurance, has issued the following notice concerning the exportables list:

James J. Sheeran, Commissioner of Insurance, pursuant to authority delegated to him at N.J.S.A. 17:22-6.43 after a hearing on December 30, 1976, finds no reasonable or adequate market among authorized insurers for the following 38 classes of insurance coverage or risk and declares them eligible for export effective June 1, 1977:

1. Amusement devices for adults and kiddies.
2. Amusement parks and carnivals liability.
3. Animal mortality, horses only.
4. Armored cars.
5. Automobile—race tracks liability.
6. Auto races.
7. Aviation, crop dusters.
8. Bowling alleys.
9. Burglary and robbery, check cashing, money exchange, and installment sales houses only.
10. Business interruption—valued per diem form only.
11. Cleaners' and dyers' bailee coverage in municipalities over 100,000 population.
12. Contact lens floater.

13. Differences in conditions (parasol).
14. Excess loss and excess aggregate for self-insurers' public liability and Workmen's Compensation.
15. False arrest and other personal injury liability classes.
16. Fine arts dealers.
17. Fire and allied lines on buildings occupied as auction markets, farmers markets and contents of such buildings.
18. Fireworks display.
19. Golf driving range.
20. Hole-in-one.
21. House movers and building demolition.
22. International movers insurance plan.
23. Kidnapping insurance.
24. Manufacturers and contractors liability for floor waxers, building maintenance people, window washers and exterminators.
25. Personal articles floaters only.
26. Picnics/excursions.
27. Pony rides/riding academies.
28. Products liability only (for manufacturers of cosmetics, drugs and chemicals and all other manufacturers if the annual premium does not exceed \$25,000).
29. Professional liability (malpractice) policies for podiatrists, osteopaths, chiropractors, physicians, hospitals, blood banks, clinical laboratories, psychologists, outpatient clinics, veterinarians, massage and reducing salons.
30. Rain insurance.
31. Retrospective penalty indemnity.
32. Short-term (not over 30 days) drive-away auto insurance with \$15,000/\$30,000 bodily injury and \$15,000 property damage limits on vehicles owned and operated by military personnel.
33. Short-term entertainment events, rock festivals, short-term association meetings and conventions.
34. Skating—rinks, roller and ice.
35. Sporting events (casual)
36. Swim clubs/swim pools.
37. Warehouseman's legal liability.
38. Vacant buildings—fire, extended coverage and vandalism.

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

(b)

INSURANCE

REAL ESTATE COMMISSION

Proposed Revisions Concerning Sale of Interstate Properties

Edward J. Howell, President of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 et seq., proposes to revise portions of N.J.A.C. 10:5-1.25(h) concerning the sale of interstate properties.

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

11:5-1.25(h) 3. ["A statement and offering statement has been filed with the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control. The filing does not constitute approval of the sale or lease or offer for sale or lease or in any way pass upon the merits of such offering by the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control. A copy of the offering statement is available, upon request, from (name of subdivider)." (NJANo.)]

"An offering statement filed with the New Jersey Real Estate Commission neither approves the offering nor in any way passes upon the merits and value of the property. Obtain the New Jersey Public Report and Broker's Release from the registered New Jersey broker and read it before signing anything."

4. Literature, circulars, fliers, cards, letters and other promotional items used in connection with the advertising or offering for sale must also be submitted to the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control, for review, and if accepted, will be assigned an NJA number. [The front or front cover page must contain the above legend and the assigned NJA number.] The above legend as set forth in paragraph 3 and the assigned NJA number must be shown in a place in these materials reasonably calculated to capture the attention of the public.

5. [There is an exception as to the required legend in connection with classified type advertisements not more than three inches long and not more than one column of print wide. In such cases, the following abbreviated legend may be used:

"Offering statement available from subdivider. Filing with the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control, is not approval of merits of offering." (NJANo.)]

Upon request, the bureau may authorize that the below mentioned brief legend be used in connection with a television or radio presentation of one minute or less:

"An offering statement filed with the New Jersey Real Estate Commission neither approves the offering nor in any way passes upon the merits and value of the property."

i. A longer television or radio presentation or a presentation by motion pictures or by slides require the full legend, as set forth in paragraph 3, to be used.

6. [Upon request, the bureau may authorize that the below mentioned brief legend be used in connection with a television or radio presentation of one minute or less:

"A copy of the offering statement filed with the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control, is available upon request from the subdivider." (NJANo.)

i. A longer television or radio presentation or a presentation by motion pictures or by slides require the full legend, as set forth in paragraph 3, to be used.]

Detailed advance notice to the Bureau of Subdivided Land Sales Control is required as to any and all sales promotional presentations, meetings, receptions, parties or other gatherings. This notice must be filed at least 30 days prior to the event and must contain all the information required by the Bureau of Subdivided Land Sales Control. Notice of all cancellations or changes must also be given.

7. [Detailed advance notice to the Bureau of Subdivided Land Sales Control is required as to any and all sales promotional presentations, meetings, receptions, parties or other gatherings. This notice must be filed at least 30 days prior to the event and must contain all

the information required by the Bureau of Subdivided Land Sales Control. Notice of all cancellations or changes must also be given.]

In cases where developments are not registered with this Bureau and advertisements are placed in any media which has a distribution in the State of New Jersey, the following disclaimer must appear:

"This advertisement is not an offering to New Jersey residents, which can be made only by a formal prospectus."

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

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

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

Edward J. Howell, President
Real Estate Commission
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Revisions to Permit Reduction in Size And Weight of Insurance Identification Cards

On May 25, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 39:3-29.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 11:3-6.2(b) concerning the reduction in size and weight of insurance identification cards, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 177(b).

An order adopting these revisions was filed on May 25, 1977, as R.1977 d.184 to become effective on December 31, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Recertification of Rules Requiring 30 Days Notice of Fire and Casualty Coverage Cancellation

On May 24, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:29C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a recertification of the rules requiring 30 days' notice of fire and casualty coverage cancellation, substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 177(c), with only inconsequential structural or language changes, in the opinion of the Department of Insurance.

Such rules may be cited as N.J.A.C. 11:2-17.1.

An order adopting the recertification of these rules was filed on May 25, 1977, as R.1977 d.185 to become effective on July 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Revised Effective Date of Rule On Life Insurance Solicitation

On May 24, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:30-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedural rule which changes the effective date of the rules on life insurance solicitations, previously adopted in 1976. These revisions delete the current text of N.J.A.C. 11:4-11.8 and adopt new text therein.

Full text of the adopted rule follows:

11:4-11.8 Effective date

With respect to the Buyer's Guide, this rule shall apply to all solicitations of life insurance which commence on or after February 1, 1977; otherwise, this rule shall apply to all solicitations of life insurance which commence on or after January 1, 1978.

An order adopting these revisions was filed and became effective on May 25, 1977, as R.1977 d.187 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY

DIVISION OF WORKERS' COMPENSATION

Proposed Amendments on Conduct of Hearings

John J. Horn, Acting Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-64 proposes to adopt amendments to the rules for the conduct of hearings in the Division of Workers' Compensation.

Full text of the proposed amendments follows:

12:235-5.42 Advisory opinions

(a) The medical examinations of the petitioner which provide the basis of his claim for permanent disability should be completed prior to the filing of the formal claim petition, except where other overriding circumstances exist such as the statute of limitations or issues in addition to the nature and extent of any permanent disability which must be resolved.

(b) Within 30 days from the date of the filing of the answer as required pursuant to N.J.A.C. 12:235-4.5, the reports upon which the petitioner intends to rely to sustain the claim for permanent disability shall be served upon the respondent together with a copy of a certificate of readiness, the original of which shall be filed with the division district office to which the case has been assigned. The respondent shall serve copies if its medical reports

upon petitioner within 45 days thereafter. The division shall then list the matter for hearing as soon as it is practicable. The case shall proceed as an accelerated award proceeding in accordance with section 41 of this subchapter unless issues other than the nature of the extent of the disability require resolution in which event the matter will proceed as a pre-trial conference in accordance with section 53 of this subchapter.

1. This rule shall supersede all existing provisions relative to certificates of readiness.

(c) In cases where there is a denial of a compensable claim and no payment of benefits for temporary disability or the provision of medical treatment, the petitioner may request a hearing by motion pursuant to section 32 of this subchapter on the question of liability, and the matter will be scheduled for hearing forthwith.

Interested parties may present relevant statements or arguments in writing concerning the proposed action on or before June 30, 1977 to Alfred J. Napier, Acting Director, Division of Workers' Compensation, P.O. Box W, Trenton, New Jersey 08625.

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

Alfred J. Napier
Acting Director,
Division of Workers' Compensation
Department of Labor and Industry

(c)

LAW AND PUBLIC SAFETY

GOVERNOR'S ADVISORY COUNCIL FOR EMERGENCY SERVICES

Proposed Amendment Concerning Definition of Emergency Situation

The Governor's Advisory Council for Emergency Services, pursuant to authority of N.J.S.A. 52:14E-1 et seq., proposes to adopt an amendment to N.J.A.C. 13:1B-1.1 concerning the definition of an emergency situation.

Full text of the proposed new definition follows:

13:1B-1.1 Definitions

"Emergency situation" means, pursuant to the terms of this Act, an occurrence when there is a sudden and urgent event or series of events calling for immediate action to alleviate danger to the health, safety and property of citizens of the State, and when such occurrence is one which the applicant had no control over or opportunity to plan in advance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Barry Skokowski
Secretary, Governor's Advisory
Council for Emergency Services
363 West State St.
Trenton, N.J. 08625

The Governor's Advisory Council for Emergency Services, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as proposed without further notice.

William F. Hyland
Attorney General
State of New Jersey

(a)

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS**

**Proposed Revisions in Approving
Educational Institutions of Chiropractic**

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to revise N.J.A.C. 13:35-1.4 concerning approving educational institutions of chiropractic.

Take notice that, a previous revision to these rules was proposed in the March 10, 1977, issue of the New Jersey Register (See: 9 N.J.R. 128(a)). Those previously proposed revisions are being withdrawn in their entirety and being replaced by the following proposed revisions.

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

13:35-1.4 [Acceptable schools] Approving educational institutions of chiropractic

(a) Acceptable schools, institutions or colleges teaching chiropractic may include schools, colleges or institutions approved by the [American] Council on Chiropractic Education [of the American Chiropractic Association]. However, this does not preclude inspection by the Board before final approval of such school, college or institution.

(b) **The Board may approve or disapprove, following an inspection if such inspection is conducted, any educational institution of chiropractic whether or not such educational institution is approved by the Council on Chiropractic Education.**

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

Board of Medical Examiners
28 West State St.
Trenton, N.J. 08625

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

Edwin H. Albano
President, Board of Medical Examiners
Department of Law and Public Safety

(b)

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

**Proposed Revisions Concerning
Language Comprehension Examinations**

Sister Teresa L. Harris, President of the Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.

S.A. 45:11-24(d)(19), proposes to revise certain rules of the Board of Nursing concerning language comprehension examinations.

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

13:37-3.8 Language comprehension requirement

(a) All foreign professional nurse candidates from non-English speaking countries[,] or countries wherein the primary language is other than English, prior to being granted a permission to work letter or licensure as a professional [or practical] nurse in this state shall submit to the Board the following: [shall successfully complete with a minimum score of 447 the Test of English as a Foreign Language (TOEFL) examination.]

1. Evidence that they have successfully completed the Test of English as a Foreign Language (TOEFL) examination with a minimum score of 500; and

2. Evidence that they have successfully completed the language proficiency interview with a minimum score of three.

(b) The TOEFL examination and the language proficiency interview [Said examination is] are offered and administered by the Educational Testing Service of Princeton, New Jersey, and is available at testing centers [in all states of] throughout the United States and [most] in many foreign countries.

(c) This requirement will take effect on January 1, 1978.

13:37-10.5 Language comprehension [examination] requirement

(a) All practical nurse candidates from non-English speaking countries or countries wherein the primary language is other than English, prior to being granted a permission to work letter or licensure as a practical nurse in the state, shall submit to the Board the following: [successfully complete with a minimum score of 447 the Test of English as a Foreign Language (TOEFL) examination.]

1. Evidence that they have successfully completed the Test of English as a Foreign Language (TOEFL) examination with a minimum score of 447; and

2. Evidence that they have successfully completed the language proficiency interview with a minimum score of three.

(b) The TOEFL examination and the language proficiency interview [Said examination is] are offered and administered by the Educational Testing Service of Princeton, New Jersey, and is available at testing centers [in all states of] throughout the United States and [most] in many foreign countries.

(c) This requirement will take effect on January 1, 1978.

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

Sister Teresa Louise Harris
President, Board of Nursing
1100 Raymond Boulevard
Newark, New Jersey 07102

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

Sister Teresa Louise Harris
President, Board of Nursing
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF NURSING

Proposed Revisions of Rules For Schools of Practical Nursing

Sister Teresa L. Harris, President of the Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d)(19), proposes to revise certain rules of the Board of Nursing, concerning schools of practical nursing.

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

13:37-8.1 Definitions

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

“Approved school of practical nursing” within the meaning of N.J.S.A. 45:11-27(a)(4) includes a school conducted for the purpose of giving basic education in practical nursing and complying with the standards prescribed by this Subchapter and shall include:

1. Schools of practical nursing approved by the Board under previous nursing acts of this State;

2. Schools of practical nursing of other states accredited by the boards of nursing examiners of such states and having standards equivalent to those in this State; and

3. Schools of practical nursing operated by a board of education in this State and certified by the Department of Education as offering [the number of hours of instruction in the subjects of curriculum prescribed by the Board and, in addition, offering clinical instruction] **the course of study including clinical experience in cooperating agencies approved by the Board of Nursing.**

[“Practical nursing” means the performance for compensation of such duties as are required in the care of a patient in carrying out of medical orders prescribed by a licensed physician, requiring an understanding of elementary nursing but not requiring the professional service outlined in the definition of “professional nursing” as set forth in Section 1.1 (Definitions) of this Chapter.]

The practice of nursing as a licensed practical nurse is set forth under Title 45:11-23 of the Revised Statutes of New Jersey.

The words “shall” and “must” indicates a specific requirement. The words “should” and “may” indicates a recommendation.

The phrase “direct supervision” or “immediate direction” indicates that bodily presence is mandatory. The phrase “works independently under the direction” indicates that supervisory bodily presence is not required but immediately available.

For the purpose of this document, approved, accredited, and certified shall be used interchangeably.

13:37-8.2 Faculty

(a) The number of faculty members required shall depend upon the enrollment of the school, the number of classes admitted annually and the location of clinical practice facilities.

(b) [The nurse director may act as a classroom instructor, except that where the enrollment of the school exceeds 25 or more than one class is being instructed, additional instructors shall be required.]

A registered professional nurse shall be designated as the director/coordinator of the practical nursing program. The nurse director/coordinator should not act as an instructor.

(c) Members of the faculty, including the nurse director and clinical instructors shall be employed by and responsible to the school.

(d) Nurse instructors shall be currently licensed professional nurses in this State having at least a degree of bachelor of science in nursing. [education or bachelor of science in nursing with additional courses in education.] In schools operated by a Board of Education in this state, instructors must meet the certification requirements of the State Department of Education. Nurse instructors shall have had recent clinical experience or the equivalent as shall be determined by the Board of Nursing and/or Department of Education. In line with current trends, it is recommended that faculty members continue with their educational preparation.

(e) [Nurse directors shall, in addition to meeting the requirements for nurse instructors as provided in subsection (d) of this Section, have had at least one year’s experience as nurse instructors.]

The nursing director/coordinator of the school shall be a currently licensed registered professional nurse in this State, having at least Baccalaureate preparation in nursing with additional courses in education. The nursing director/coordinator shall have proven ability as an instructor and should have the administrative ability or the equivalent of these qualifications as shall be determined by the Board of Nursing and/or the Department of Education. A Masters degree is recommended.

(f) The faculty shall set written standards for admission, progression and graduation and shall be responsible for the planning and implementation of all phases of the instructional program, including the screening and selection of students, course content, classroom teaching and supervision in the clinical areas. The faculty shall be represented on all committees to enunciate these standards.

(g) Personnel policies and practices for the faculty shall be established in writing to include [including] such items as job description, salary scales, tenure, health services, vacation, sick leave, pensions and opportunity for professional advancement. Written contracts are recommended. Memberships and participation in professional organizations are also encouraged.

13:37-8.3 Transfer students

(a) Schools operated by local boards of education in this State may establish their own transfer policies.

(b) Schools other than those operated by a local board of education shall establish their own written transfer policies to include the admission of students with advanced standing. [may give partial credit to transfer students as follows:

1. From a school of professional nursing, a maximum of six months credit as determined by the faculty.

2. From a school of practical nursing, a maximum of four months credit as determined by the faculty.]

13:37-8.4 Course of study

(a) The course of study shall be a minimum of [52] 44 weeks in length, [including] excluding holidays and vacations, and shall [include the following:] be designed to incorporate content and concepts relevant to the biological

and physical sciences, behavioral sciences, principles and practices of nursing and contemporary issues in health care.

| | Minimum Requirements |
|-------------------------------------|----------------------|
| 1. General subjects | |
| Body Structure and Function | 90 hours |
| Personal and Community Health | 30 hours |
| Working Relationships | 25 hours |
| Nutrition | 30 hours |
| Human Growth and Development | 45 hours |
| Introduction to Drugs and Solutions | 15 hours |

| | |
|---|--------------------|
| 2. Nursing and related subjects | |
| Fundamentals of Nursing | 180 hours |
| Introduction to the Nursing Needs of Patients | 60 hours |
| Medical-Surgical Nursing | 180 hours—18 weeks |
| Obstetrical Nursing | 40 hours—4 weeks |
| Pediatric Nursing | 40 hours—4 weeks |
| Psychiatric Nursing | 40 hours—4 weeks] |

1. **Biological and physical sciences:**
 - i. **Anatomy;**
 - ii. **Physiology;**
 - iii. **Microbiology;**
 - iv. **Pharmacology;**
 - v. **Nutrition.**
2. **Behavioral sciences:**
 - i. **Personal and professional relationships;**
 - ii. **Psychology—growth and development;**
 - iii. **Sociology;**
 - iv. **Anthropology.**
3. **Principles and practices of nursing:**
 - i. **Fundamentals of nursing;**
 - ii. **Medical-surgical nursing;**
 - iii. **Maternal—child nursing;**
 - iv. **Psychiatric nursing;**
 - v. **Geriatric nursing.**
4. **Contemporary health issues:**
 - i. **Health care system;**
 - ii. **Inservice and continuing education opportunities;**
 - iii. **Participation in professional and community organizations.**

(b) The course of study shall be organized and developed so that nursing theory and clinical practice are offered concurrently throughout the entire program. The total number of class, laboratory, clinical conference, study and clinical practice hours shall not exceed 40 hours per week. All such assigned hours shall be organized within a five day week. A minimum of 1,700 hours of class, laboratory, clinical conference and clinical practice shall be required. [Although specific items are listed in subsection (a) of this Section, the faculty shall be free to combine courses or integrate content as it believes will best meet the curriculum objectives.] **Forty per cent of the total hours shall be devoted to classroom theory and laboratory. The remaining sixty per cent shall be devoted to clinical experience and clinical conference.**

13:37-8.5 Clinical facilities

(a) Agencies used for clinical experience shall be accredited by the appropriate accrediting body and shall provide suitable and adequate experience as determined by the Board.

(b) [The clinical experience shall include the care of adult and pediatric patients, well children and infants, mentally ill and maternity patients and, in addition, students] **Students shall be permitted to perform, under**

faculty supervision, procedures and techniques in which they have received instruction.

(c) At least one school instructor shall accompany students in the clinical areas. [Additional instructors may be employed by the clinical agency in order to maintain the following student-instructor ratios: 1-15 students, one instructor; 16-25 students, two instructors; 26-35 students, three instructors, and so forth.] **The student/faculty ratio shall be no more than 12 students for each instructor.**

(d) [No other duties shall be assigned to an instructor employed by the clinical agency while she is responsible for students in the clinical area.]

The instructor shall be free of nursing service responsibilities.

(e) The school and the clinical agency shall have a [contractual relationship] **written contract or agreement** specifying the policies for student experiences which [contract] shall be available for the Board's inspection.

13:37-8.6 Classroom facilities

(a) The number and size of the classrooms should be determined in relation to the size of the school and its curriculum.

(b) In planning classrooms consideration should be given to:

1. The size of the individual classes;
2. Length of class periods;
3. Number of times classes meet weekly;
4. Repetition of courses during the year and expected changes in enrollment.

(c) Classrooms should be properly lighted, heated and ventilated.

(d) Classrooms should be supplied with equipment suitable to the purposes for which they are used.

13:37-8.7 Library

(a) The library shall provide the reference materials and the means necessary to the effective carrying out of the educational program of the school. This shall include [journals pertinent to practical nursing.] **current text, journals and other relevant material.**

(b) The resources of the library [should] shall be accessible to students and faculty throughout the period when classes are in session and any additional time that may be needed for study.

(c) An adequate budget should be allotted to the library annually for library service, new books, new editions and replacements, subscriptions for periodicals, binding of periodicals, equipment as needed and current supplies.

(d) **A separate library area should be established to include seating arrangements for at least ten per cent of the student body.**

13:37-8.8 Preservation of records

A file shall be provided for the permanent preservation of all school records including individual records of each student who is graduated and each faculty member. Records shall be kept up-to-date, properly dated and signed by the person making the entry.

13:37-8.9 Records of nonmatriculating students

(a) A record shall be maintained of each student who does not complete the program, indicating the name, entering and leaving dates and the reason for leaving, regardless of the length of time the student was in attendance.

(b) A record shall be maintained for the student who applies but does not enter the program, indicating the name, Social Security number and, if known, the reason for not entering the program.

(c) These records shall be maintained at least three years.

13:37-8.10 Form and contents of student records

(a) [Student records shall commence with those assembled for admission to the school. Their purpose is to record information of the applicant's background, such as family, social and vocational history, personal characteristics, and interests, attitudes, scholastic work, past and present health history and reports on tests, if administered.]

A permanent record shall be maintained for each student who completes the program.

(b) [The usual types of forms used are the application for admission, secondary school transcript, personality report, pre-entrance medical, dental and interview forms.]

Student records should include pre-admission data such as the application for admission, secondary school transcript, pre-entrance medical, dental and interview forms.

(c) School records [also include student final records, which include date of entrance and completion of course, class record and grades, clinical experience records showing types of nursing experience, amount of each and where obtained, with grades or comment indicating degree of proficiency in practice, health and personality.] should also include program data such as student final records. These are to contain class record and grades, clinical experience records with grades and the date of completion of the course.

13:37-8.11 Faculty records; contents

Faculty records shall include name, title of position, date of appointment; [school from which appointee was graduated, year of graduation, amount and type of general education, special preparation, professional experience,] date and reasons for leaving [with comments concerning professional activity and advancement.] professional data and specific program responsibilities.

13:37-8.12 General record file

The general file shall contain [, without limitation, a copy of the complete] a summary of, the curriculum content offered each year which shall be maintained according to policies developed by each agency.

13:37-8.13 Annual report

(a) The director of the nursing program shall prepare and submit to the Board and/or appropriate State agency a comprehensive[,] annual report [dealing with:] as required.

1. Changes in administrative and teaching personnel;
2. Curriculum changes;
3. Statistics concerning number of students admitted;
4. Number of students withdrawn and reasons for their withdrawal;
5. The number who were graduated;
6. Use of the library;
7. New health measures;
8. Days of illness and average number per student;
9. Problems to be considered;
10. Progress made and recommendations of policies and programs for the future.]

13:37-8.14 Bulletin of information; purpose

Each school shall issue an up-to-date bulletin of information for prospective students. The purpose of the bulletin is to give information about the organization, policies and program of the school and should include information pertinent to these purposes only.

13:37-8.15 Planning bulletin; includable items

(a) In planning the bulletin, the following items are suggested for inclusion:

1. Table of contents, school calendar, names of Board members and school faculty with a summary of the latter's professional preparation and experience.

2. Purpose and length of course;

3. Number of classes admitted annually and admission dates;

4. Division of course—basic, clinical, vacations;

5. Living arrangements during the course if such arrangements are necessary;

6. Brief explanation of course content:

i. Basic—list course title;

ii. Clinical—types of experience included.

7. Statement regarding State licensing examination;

8. Cost—fees, required equipment, approximate living expenses;

9. Entrance requirements—education, health, others;

10. Procedure for application.]

1. Table of contents;

2. Purpose and objectives;

3. Entrance requirements such as education, health and so forth;

4. Procedure for selection;

5. Program cost and fees required;

6. A statement regarding the State's licensing examinations.

[(b) The term "professional" is a term which should not appear in a practical nurse school bulletin as this term applies only to a course leading to a professional nurse license. The term "licensed practical nurse" should be used in relation to this type of school.]

13:37-8.16 Minutes of meetings

The minutes of all admission, advisory and faculty meetings shall be dated and reflect specifically and accurately the business transacted. The minutes shall be kept on file and available to authorized personnel. Committee representation and participation by students are encouraged.

13:37-8.17 Diploma

The diploma shall include the [length] completion date of the course and bear the signature [, in ink,] of the director or principal and at least one other official of the school.

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

Sister Teresa Louise Harris
President, Board of Nursing
1100 Raymond Boulevard
Newark, New Jersey 07102

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

Sister Teresa Louise Harris
President, Board of Nursing
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Revisions in Point System And Driving During Suspension

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 39:5-30 and 39:5-30.3, proposes to repeal N.J.A.C. 13:19-10.1 to 13:19-10.7 and to adopt the following regulations in their place.

Full text of the proposed rule follows:

SUBCHAPTER 10. POINT SYSTEM AND DRIVING DURING SUSPENSION

13:19-10.1 Point assessment

(a) For convictions of violations of the motor vehicle and traffic laws, the following amounts of points shall be assessed:

| STATUTORY VIOLATION | DESCRIPTION | POINTS |
|-------------------------|--|--------|
| 1. N.J.S.A. 39:4-66.1 | Improper entering or leaving highway | 2 |
| 2. N.J.S.A. 39:4-82.1 | Improper use of divided highways | 2 |
| 3. N.J.S.A. 39:4-85.1 | Wrong way on one way street | 2 |
| 4. N.J.S.A. 39:4-90.1 | Failure to use proper entrances or exits | 2 |
| 5. N.J.S.A. 39:4-127.1 | Improper crossing of railroad grade crossing | 2 |
| 6. N.J.S.A. 39:4-127.2 | Failure to comply with signals on bridge | 2 |
| 7. N.J.S.A. 39:4-128.1 | Passing school bus | 5 |
| 8. N.J.S.A. 39:5C-1 | Racing on highway | 5 |
| 9. N.J.S.A. 27:23-29.4A | Moving against traffic—New Jersey Turnpike, Garden State and Atlantic City Expressway | 2 |
| 10. N.J.S.A. 27:23-29.7 | Improper passing—Garden State Parkway and Atlantic City Expressway | 4 |
| 11. N.J.S.A. 27:23-29.7 | Illegal use of medial strip—New Jersey Turnpike, Garden State Parkway and Atlantic City Expressway | 2 |
| 12. N.J.S.A. 39:4-97.1 | Operating at slow speed blocking traffic | 2 |
| 13. N.J.S.A. 39:4-105 | Improper operation at intersections control traffic signals | 2 |
| 14. N.J.S.A. 39:4-115 | Improper turn at traffic control signal | 3 |
| 15. N.J.S.A. 39:4-119 | Failure to stop at flashing red signal | 2 |
| 16. N.J.S.A. 39:4-112 | Failure to stop for police (whistle) | 2 |
| 17. N.J.S.A. 39:4-123 | Improper right and left turns | 3 |
| 18. N.J.S.A. 39:4-124 | Improper turn: marked turning course | 3 |
| 19. N.J.S.A. 39:4-125 | Improper turn: "U" turns | 3 |
| 20. N.J.S.A. 39:4-126 | Failure to give proper signal | 2 |
| 21. N.J.S.A. 39:4-127 | Illegal backing or turning in street | 2 |
| 22. N.J.S.A. 39:4-128 | Failure to stop at railroad crossing | 2 |

| | | |
|------------------------|---|---|
| 23. N.J.S.A. 39:4-129 | Leaving scene of accident | 8 |
| 24. N.J.S.A. 39:4-129A | Personal Injury | 8 |
| 25. N.J.S.A. 39:4-129B | Property damage | 2 |
| 26. N.J.S.A. 39:4-144 | Disregard of stop sign regulations | 2 |
| 27. N.J.S.A. 39:4-145 | Failure to yield right of way to line of vehicles entering through street | 3 |
| 28. N.J.S.A. 39:3-20 | Constructor registered vehicles exceeding 30 mph | 3 |
| 29. N.J.S.A. 39:4-35 | Failure to give pedestrian right to complete crossing | 2 |
| 30. N.J.S.A. 39:4-36 | Failure to give pedestrian right of way | 2 |
| 31. N.J.S.A. 39:4-41 | Driving through safety zones prohibited | 2 |
| 32. N.J.S.A. 39:4-52 | Racing on highway | 5 |
| 33. N.J.S.A. 39:4-55 | Improper action on steep grades or curves | 2 |
| 34. N.J.S.A. 39:4-57 | Failure to comply with instruction of police officer | 2 |
| 35. N.J.S.A. 39:4-66 | Improper emerging from driveway, alley or garage | 2 |
| 36. N.J.S.A. 39:4-71 | Improper driving on sidewalk | 2 |
| 37. N.J.S.A. 39:4-97.1 | Retarding traffic | 2 |
| 38. N.J.S.A. 39:4-80 | Disregard of officer directing traffic | 2 |
| 39. N.J.S.A. 39:4-81 | Failure to observe traffic control device | 2 |
| 40. N.J.S.A. 39:4-82 | Failure to keep right | 2 |
| 41. N.J.S.A. 39:4-83 | Failure to keep right at intersection | 2 |
| 42. N.J.S.A. 39:4-84 | Failure to pass to right when proceeding to opposite direction | 5 |
| 43. N.J.S.A. 39:4-85 | Improper passing | 4 |
| 44. N.J.S.A. 39:4-86 | Improper passing, crossing "No Passing" line | 4 |
| 45. N.J.S.A. 39:4-87 | Failure to give way to overtaking vehicle | 3 |
| 46. N.J.S.A. 39:4-88 | Improper operation on highways with marked lanes | 2 |
| 47. N.J.S.A. 39:4-89 | Following too closely | 5 |
| 48. N.J.S.A. 39:4-90 | Failure to yield right of way | 2 |
| 49. N.J.S.A. 39:4-91 | Failure to yield right of way to emergency vehicles | 2 |
| 50. N.J.S.A. 39:4-92 | Failure to stop and yield to emergency vehicle | 2 |
| 51. N.J.S.A. 39:4-96 | Reckless driving | 5 |
| 52. N.J.S.A. 39:4-97 | Careless driving | 2 |
| 53. N.J.S.A. 39:4-98 | Speeding up to 14 mph above limit | 2 |
| | Speeding up to 15-29 mph above limit | 4 |
| | Speeding up to 30 mph or more above limit | 5 |
| 54. N.J.S.A. 39:5D-4 | Moving violation out-of-state | 2 |

13:19-10.2 Point accumulation

On or after the effective date of this Subchapter, the Director of the Division of Motor Vehicles is authorized to exercise discretionary authority to suspend or revoke the license or permit of any person to operate a motor vehicle when the individual accumulates a total of 12 or more points. If the Director determines to revoke or suspend an individual's driving privileges pursuant to this Subchapter, the individual shall, if requested, be entitled to a hearing before the Director or a hearing officer designated by the Director.

In lieu of revocation or suspension, the Director may authorize an individual to participate in a driver improvement program of the Division of Motor Vehicles. In making a determination of the action to be taken, the Director shall take into consideration the nature and number of an individual's offenses and convictions, and prior suspensions or revocations appearing on the individual's driving record.

13:19-10.3 Driver improvement school attendance

(a) An individual who is permitted to attend a driver improvement program of the Division of Motor Vehicles in lieu of suspension or revocation shall agree to attend each session of the assigned driver improvement program and to comply with all rules governing attendance, conduct, instruction and examinations. An individual who fails to comply with the foregoing requirements or who otherwise fails to successfully complete the assigned driver improvement program shall be subject to a driver license suspension. An individual who successfully completes the assigned driver improvement program shall be officially warned with respect to future driving.

(b) An individual who accumulates 12 or more points and whose driver license has been suspended, may be required to attend and successfully complete a driver improvement program of the Division of Motor Vehicles as a condition for restoration of the driver's license.

13:19-10.4 Advisory notice

Whenever an individual accumulates a point total between 6 and 11 points, the Division shall send an official notice advising the motorist of such status.

13:19-10.5 Reductions of point accumulation

(a) The record of points assessed against any individual shall be reduced by three points for each 12 months of violation-free driving. If an individual's point total is three or less at the time of eligibility for such credit the driver's point total shall be reduced to zero.

(b) No point totals shall be reduced below zero or so as to reflect minus points. An individual whose license has been suspended for some other reason during the 12-month period of violation-free driving shall, within the discretion of the Director, not be eligible for the three-point reduction. For purposes of determining the date of point reduction, the following shall apply:

1. If a "6" point award is granted in accordance with Section 4 of L. 1977, c. 27, the "3" point reduction will be made effective one year from the date of the "6" point award.
2. If a "6" point award is not granted in accordance with Section 4 of L. 1977, c. 27, the "3" point reduction will be made effective one year from the date of the last point violation, or driver license restoration, whichever applies.
3. The annual "3" point reduction will be granted effective one year from the date of the last point violation, one year from the date of the last reduction or award, or one year from the date of the last driver's license restoration, whichever applies.

13:19-10.6 Restoration

(a) Restoration after suspension, official warning, or a warning after successfully completing a Division Driver Improvement Program upon accumulation of 12 or more points, shall be upon the express condition and understanding that any subsequent violation of the Motor Vehicle Laws of the State of New Jersey committed within

a period of one year of the restoration or warning may result in summary suspension of driving privileges, without hearing, for the following periods:

1. When the subsequent violation occurs within six months of the date of the restoration or warning three months;
2. When the subsequent violation occurs more than six months but less than nine months after the restoration or warning two months;
3. When the subsequent violation occurs more than nine months but less than one year after the restoration or warning one month.

13:19-10.7 Court ruling

The provisions of this subchapter shall not be affected by any revocation or suspension judicially imposed except that no lesser period of revocation or suspension shall be imposed than that directed by the court.

13:19-10.8 Driving during period of suspension

(a) Whenever the driving privileges of an individual have been suspended or revoked for any reason, either judicially or administratively:

1. The operation of a motor vehicle by the individual during the period of suspension or revocation shall be cause for extending the period of revocation or suspension for an additional six months, or for some other period determined by the Director.
2. Should information be received by the Division after restoration of an individual's driving privileges that the individual operated a motor vehicle during the period of revocation or suspension, the Director may revoke or suspend the individual's driving privileges for a period of six months, or for some other period which the Director determines.
3. In addition to the revocation or suspension of an individual's driving privileges as provided for in paragraphs 1 and 2 of this subsection, the Director may determine to suspend the motor vehicle registration privileges of an owner-operator who operates a motor vehicle during a period of revocation or suspension of driving privileges. Such period of suspension of registration privileges shall coincide with the period of suspension of the individual's driving privileges, or for some other period to be determined by the Director.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

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

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

Rule Concerning Preparation of Land Surveys

On March 18, 1977, Frederick W. Herrmann, Secretary-Director of the Board of Professional Engineers and Land Surveyors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:8-27 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. 13:40-5.1, concerning the preparation of land surveys, substantially as proposed in the Notice published December 9, 1976, at 8 N.J.R. 560(b), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

An order adopting this rule was filed and became effective on May 5, 1977, as R.1977 d.160.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF ARCHITECTS

Revisions Concerning Fees

On March 22, 1977, Herman C. Litwack, Secretary-Director of the Board of Architects in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:3-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:27-3.13(a) concerning fees, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 25(a).

An order adopting these revisions was filed and became effective on May 11, 1977, as R.1977 d.164.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PSYCHOLOGICAL EXAMINERS

Rules on Fees

On April 1, 1977, Leonard Roth, Secretary of the Board of Psychological Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3.2, 45:14B-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule concerning fees,

to be cited as N.J.A.C. 13:42-1.2, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 128(b).

An order adopting this rule was filed and became effective on May 11, 1977, as R.1977 d.165.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY
MEDICAL EXAMINERS

Revised Rules on Applications for Examinations and Examination Grades

On May 13, 1977, Arthur F. North Jr., President of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:44-1.1 and 13:44-1.2 concerning applications for examinations and examination grades, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 178(d).

An order adopting these revisions was filed and became effective on May 23, 1977, as R.1977 d.183.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Revisions Concerning Public Utility Deposits and Discontinuances

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-25, proposes to adopt new and revised rules concerning public utility deposits and discontinuances. Previous rules and revisions were proposed in the January 9, 1975, issue of the New Jersey Register on these subjects but the proposed actions below supersede the prior proposals.

Full text of the proposed new and revised rules follows:
14:3-3.6(c) Public utilities may not discontinue residential service on Saturday, Sunday or a holiday on which the utility company's commercial offices are closed or after 1:00 P.M. of the business day prior to a weekend or such holiday for non-payment.

(d) Discontinuance of residential service for non-payment is prohibited if a medical emergency exists within the premises which would be aggravated by discontinuance of service and the customer gives reasonable proof of inability to pay. Discontinuance shall be prohibited for a period of up to two months when a customer submits a physician's statement in writing to the utility as to the existence of the emergency, its nature and probable duration, and that termination of service will aggravate the

medical emergency. Recertification by the physician as to the continuance of the medical emergency shall be submitted to the utility after 30 days. However, at the end of such period of emergency, the customer shall still remain liable for payment of service(s) rendered, subject to the provisions of N.J.A.C. 14:3-7.13. During the period of medical emergency the customer shall pay telephone tolls which are in excess of the average bills of the six months preceding the first 30-day period.

1. The Board may extend the 60-day period for good cause.

Delete current text of N.J.A.C. 14:3-7.1(a) and add following proposed new text therein:

14:3-7.1(a) If after notice of the methods of establishing credit and being afforded an opportunity, a customer has not established credit, the utility may require a reasonable deposit as a condition of supplying service.

14:3-7.5 Return of deposits:

In subsection (b), after "at least once every", delete "two years" and add "one year".

14:3-7.12(a)1. Electric, gas, water, sewer and telephone public utilities shall annually notify all customers that, upon request, notice of discontinuance of service will be sent to a designated third party as well as to the customer. Every such utility shall make good faith efforts to determine which of its customers are over 65 years of age, and shall make good faith efforts to notify such customers of discontinuance of service by telephone in addition to notice by regular mail. This effort may consist of an appropriate inquiry set forth on the notice informing customers that they may designate a third party to receive notice of discontinuance.

14:3-7.12(c) On all notices of discontinuance there shall be included:

1. A statement that the utility is subject to the jurisdiction of the New Jersey Board of Public Utility Commissioners and the address and telephone number of the Board.

2. A statement that a utility shall not discontinue service because of non-payment of bills in cases where a charge is in dispute, provided the undisputed charges are paid and a request is made to the Board for an investigation of the disputed charge.

3. A statement that in the event the customer is either unable to make full payment of a bill or wishes to contest a bill the customer should contact the utility. The notice shall contain information sufficient for the customer to make appropriate inquiry.

4. A statement that if a customer is presently unable to pay an outstanding bill, the customer may contact the utility to discuss the possibility of entering into a reasonable deferred payment agreement.

14:3-7.13(b) In appropriate cases the Board may require all or a portion of disputed charges be placed in escrow.

14:3-7.13(c) Whenever a customer advises the utility prior to the date of a proposed discontinuance for non-payment that he wishes to discuss a deferred payment agreement because he is presently unable to pay a total outstanding bill, the utility shall make a good faith effort to provide the customer with an opportunity to enter into a reasonable deferred payment agreement. Such agreement shall be in writing and shall provide that a customer who is presently unable to pay an outstanding debt for utility service may make reasonable periodic payments until the debt is liquidated while continuing payment

of current bills. A deferred payment agreement need not be entered into more than once a year. If the customer defaults on any of the terms of the agreement, the utility may discontinue service after providing the customer with a notice of discontinuance.

14:3-7.14 Discontinuance of residential service to tenants

Electric, gas, water and sewer public utilities shall make every reasonable attempt to determine when a landlord-tenant relationship exists at the premises being serviced. If such a relationship is known to exist, discontinuance of residential service is prohibited unless the utility has posted notice of discontinuance in the common areas of multiple family premises and has given individual notice to occupants of single and two-family dwellings and has offered the tenants continued service to be billed to the tenants, unless the utility demonstrates that such billing is unfeasible. The continuation of service to a tenant shall not be conditioned upon payment by the tenant of any outstanding bills due upon the account of any other person. The utility shall not be held to the requirements of this provision if the existence of a landlord-tenant relationship could not be reasonably ascertained.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Ralph C. Caprio
Secretary
Board of Public Utility Commissioners
101 Commerce St.
Newark, N.J. 07102

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

Ralph C. Caprio
Secretary, Board of Public
Utility Commissioners
Department of Public Utilities

(a)

PUBLIC UTILITIES

OFFICE OF CABLE TELEVISION

Proposed Revisions Concerning Required Information

John P. Cleary, Director of the Office of Cable Television in the Department of Public Utilities, pursuant to authority of N.J.S.A. 48:5A-1 et seq., proposes to revise a portion of the rules concerning information to be supplied to the Office of Cable Television and the acceptance by company and filing for certificate of approval.

The proposed revisions involve the adoption of new text for N.J.A.C. 14:18-11.27(b) and the deletion of the current text of N.J.A.C. 14:18-11.29(a) and the adoption of new text therein.

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

14:18-11.29(a) **At the time of filing of a petition for a certificate of approval, the successful applicant(s) shall file with the Office on standardized forms, where applicable, information including but not necessarily limited to the following:**

14:18-11.27 Acceptance by company and filing for certificate of approval

(a) Any company receiving a municipal consent to operate a cable television system shall within ten days of final passage accept in writing the terms and conditions of the consent. Within 30 days of the date of acceptance by the company a petition for a certificate of approval and any information required by N.J.A.C. 14:18-11.21 shall be filed with the Office in accordance with the provision of 14:17-6.6 unless specific approval is given by the Director for filing at a later date.

(b) A petition for a certificate of approval filed pursuant to N.J.S.A. 48:5A-17(d) shall be filed within 30 days of the date of adoption of a final ordinance by a municipality.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 11, 1977, to the Office of Cable Television, 101 Commerce Street, Newark, New Jersey 07102.

The Director of the Office of Cable Television, with the approval of the Board of Public Utility Commissioners, upon his own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

John P. Cleary
Director, Office of Cable Television
Department of Public Utilities

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions on No Right Turns on Red On Parts of Routes 13, 24, 34, 168, I-280 and 173

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to revise several rules concerning no right turns on red traffic signal on portions of Routes 13, 24, 34, 168, I-280 and 173.

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

16:28-12.10(a)1.ii. [from South Bay Avenue to West on Rt. 13.]

16:28-12.17(a) 8. Green Village Road (Madison Boro):
i. From north on Green Village Road to east on Rt. 24;
ii. From east on Rt. 24 to south on Green Village Road.

16:28-12.24(a) [2. Middlesex Road—Fierro Avenue (Matawan Borough): From both approaches of Route 34 to Middlesex Road and Fierro Avenue;

2. [3.] Broad Street (Matawan Borough): From both approaches of Broad Street to Route 34;

3. [4.] Colts Neck Road (Colts Neck Township):
i. From both approaches of Route 34 to Colts Neck Road;
ii. From east on Colts Neck Road to south on Route 34.

16:28-12.59(a) 11. Fairview Street - Bank driveway (Camden): From west on Bank driveway to north on Rt. 168.

16:28-12.67(a) 11. Eastbound collector distributor road (Freeway Drive East) and Oakwood Avenue (Orange):

i. From east on Freeway Drive to south on Oakwood Avenue;
ii. From north on Oakwood Avenue to east on Freeway Drive.

16:28-12.75 Route 173 (Clinton)

(a) Right turns on red signals are hereby prohibited to and from Route 173 as follows:

- 1. Leigh Street:
i. From both approaches of Route 173 onto Leigh St.

Interested persons may present relevant statements or arguments, in writing, to the proposed action on or before June 29, 1977 to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on No Right Turns On Parts of Routes 18, 28, U.S. 30, 70, 71 and U.S. 1 and 9

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to amend various rules on no right turns on red traffic signals on parts of Routes 18, 28, U.S. 30, 70, 71 and U.S. 1 and 9.

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

16:28-12.13(a) 4. Old Matawan Road: From west on Rt. 18 (Co. Rd. 516) to north on Old Matawan Road, 8:00 A.M. to 4:30 P.M., Monday through Friday.

16:28-12.19(a) 28. Lincoln Avenue (Middlesex Boro) From both approaches of Lincoln Avenue to Rt. 28.

16:28-12.21(a) 21. Somerdale Avenue (Somerdale Boro) From both approaches of Somerdale Road to Rt. U.S. 30, 7:00 A.M. - 9:00 A.M., 2:00 P.M. - 4:00 P.M., Monday through Friday.

16:28-12.21(a) 34. Station Avenue (Haddon Heights Boro) From all approaches 7:00 A.M. - 10:00 P.M.

16:28-12.44(a) 13. Orchard Street (Lakhurst Boro): All approaches 8:00 A.M. - 4:00 P.M., Monday through Friday.

16:28-12.45(a)44.ii. From south on Rt. 71 to west on Union Lane; 7:00 A.M. - 4:00 P.M., Monday through Friday;

iii. From north on Rt. 71 to east on Union Lane; 7:00 A.M. - 4:00 P.M., Monday through Friday;

iv. From west on Union Lane to north on Rt. 71; 7:00 A.M. - 4:00 P.M., Monday through Friday.

16:28-12.76 Route U.S. 1 and 9 (Truck)

(a) Right turns on red signals are hereby prohibited on Duncan Avenue (Jersey City):

- 1. From west on Duncan Avenue to north on Route U.S. 1 and 9T.

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

June 29, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking For Parts of Routes U.S. 22 and N.J. 154

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking areas along portions of Routes U.S. 22 and N.J. 154.

Full text of the proposed rules follows:

16:28-3.149 Bus stops along Route 154 in the Township of Cherry Hill, Camden County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 154 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along the northbound side of Route 154 mid-block bus stop from a point 210 feet north of the northerly curb line of Haddonfield-Berlin Road (Co. Rd. 561) to a point 135 feet northerly thereof.

2. Along the southbound side of Route 154 mid-block bus stop, from a point 369 feet north of the northerly curb line of Haddonfield-Berlin Road (Co. Rd. 561) to a point 135 feet northerly thereof.

(b) All mid-block bus stops shall be 135 feet in length; measured from the curb line or the prolongation of the curb line of the street which intersects, where the bus stop is established.

16:28-3.150 Route U.S. 22 in North Plainfield Borough, Somerset County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 22 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 22 within the entire corporate limits of the Borough of North Plainfield including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

Interested persons may present relevant statements or arguments to the proposed action, in writing, on or before June 29, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The Department of Transportation, upon its own motion

or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

No Right Turns on Red on Parts Of Routes 23, 34, 35 and 57

On April 29, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-12.16(a), 16:28-12.24(a), 16:28-12.25(a) and 16:28-12.40 (a) concerning no right turns on red traffic signals along portions of Routes 23, 34, 35 and 57, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 187(b).

An order adopting these revisions was filed and became effective on May 2, 1977, as R.1977 d.152.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

No Right Turns on Red on Parts of Routes U.S. 1, U.S. 1 and 9, N.J. 5, 22 and 28

On April 29, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-12.1, 16:28-12.3, 16:28-12.5, 16:28-12.15 and 16:28-12.19 concerning no right turns on red traffic signals on parts of Routes U.S. 1, U.S. 1 and 9, N.J. 5, 22 and 28, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 187(c).

An order adopting these revisions was filed and became effective on May 2, 1977, as R.1977 d.153.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Rules on Limited Access to Parts of Routes 444 and U.S. 9

On April 29, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules, to be cited as N.J.

A.C. 16:28-13.2, concerning limited access on parts of Routes 444 and U.S. 9, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 188(a).

An order adopting these rules was filed and became effective on May 2, 1977, as R.1977 d.154.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Emergency Rule on Limited Access on Interstate 78

On May 16, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning the establishment of limited access prohibition along portions of Route Interstate 78.

Full text of the adopted rule follows:

16:28-13.3. Route Interstate 78

(a) Whereas, it has been found that the health, safety and welfare of the public require that the use of the west-bound part of Route Interstate 78 between the Route Interstate 78 — Route U.S. 1 and 9 interchange situate in the City of Newark, County of Essex and the Garden State Parkway in the Township of Hillside, County of Union, be limited to certain classes of vehicles, therefore, in consonance with the provisions of N.J.S.A. 39:4-94.1, the use of the aforesaid section of highway by trucks having a registered total combined gross weight of vehicle and load in excess of 10,000 pounds is prohibited.

(b) The following vehicles are exempt from the provisions of this regulation:

1. New Jersey Department of Transportation maintenance trucks;
2. Trucks carrying materials to be used on adjacent Route I-78 construction projects;
3. Snow removal equipment;
4. Trucks having an origin or destination which is in close proximity to Route 78, east of the Garden State Parkway, or through truck traffic destined for Route 24, providing that in both instances a permit is obtained from the Department of Transportation. Such a permit must be in the possession of the operator at the times when the truck is on Route 78.

An order adopting this rule was filed and became effective on May 16, 1977, as R.1977 d.171 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Revisions on No Left Turns On Parts of Route 171

On May 25, 1977, Alan Sagner, Commissioner of Trans-

portation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-6.15 concerning no left turns along portions of Route 171 in North Brunswick Township, Middlesex County, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 239(c).

An order adopting these revisions was filed and became effective on May 26, 1977, as R.1977 d.194.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Revisions on Restricted Parking On Parts of Route 23

On May 25, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-3.70 concerning restricted parking along portions of Route 23 in Cedar Grove Township, Essex County, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 240(a).

An order adopting these revisions was filed and became effective on May 26, 1977, as R.1977 d.195.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TREASURY

STATE TREASURER

Notice of Extension of Comment Period on Proposed Rules on Affirmative Action Requirements for Public Works Contracts

Take notice that, Clifford A. Goldman, State Treasurer, has extended the deadline for receiving comments on the proposed rules concerning affirmative action requirements for public works contract (See: 9 N.J.R. 191(a) for the Notice of Proposal regarding these rules). Comments on this proposal will now be accepted until June 30, 1977.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

TREASURY

DIVISION OF BUILDINGS AND CONSTRUCTION

Notice of Recodification of Rules on Debarment, Suspension and Disqualification of Person(s)

Take notice that the rules on debarment, suspension and

disqualification of person(s) (R.1976 d.239; See: 8 N.J.R. 353(a), 8 N.J.R. 445(a)) that are currently cited as N.J.A.C. 17:13-8.1 et seq. will now be cited as N.J.A.C. 17:19-3.1 et seq. No changes have been made to the substantive text of these rules, only the N.J.A.C. citations have been changed therein.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Revisions to Rules on Board Meetings, Compulsory Retirement and Medical Examinations

On April 25, 1977, A. Steven LaBrutte, Secretary of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:2-1.1(a), 17:2-6.15(a)3. and 17:2-6.26 concerning board meetings, compulsory retirement and medical examinations, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 142(b).

An order adopting these revisions was filed and became effective on April 27, 1977, as R.1977 d.148.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Rule on Accelerated Returns and Payment Of Certain Employers' Withheld Taxes

On April 28, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976, c.47 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 18:35-1.7, on accelerated returns and payment of certain employers' withheld taxes, substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 193(a), with only inconsequential structural or language changes, in the opinion of the Department of the Treasury.

This language change concerned the changing of the form number appearing in N.J.A.C. 18:35-1.7(a)1. from Form N.J. 500-SM to now read Form N.J. 500-S.

An order adopting this rule was filed on April 28, 1977, as R.1977 d.149 to become effective on May 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Revisions in Senior Citizen Property Tax Deduction Rules

On April 28, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-8.40 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to various sections in chapter 14 of Title 18 in the New Jersey Administrative Code concerning senior citizen property tax deduction, as proposed in the Notice published April 9, 1977, at 9 N.J.R. 194(a).

An order adopting these revisions was filed and became effective on April 28, 1977, as R.1977 d.150.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Revisions on Definition for Bid Security

On April 27, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:34-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:12-6.1 concerning the definition for bid security, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 192(a).

An order adopting these revisions was filed and became effective on May 16, 1977, as R.1977 d.169.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Rules on Term Contract Bidding Procedures

On April 27, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:34-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 17:12-2.4 through 17:12-2.7, concerning bidding procedures and forms for advertised public bids of term contracts, substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 192(b), with only inconsequential structural or language changes, in the opinion of the Department of the Treasury.

An order adopting these rules was filed on May 16, 1977, as R.1977 d.170 to become effective on June 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

INVESTMENT COUNCIL

Revised Rules on State's Cash Management Fund

On May 16, 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 revised rules, which replace the current text of Subchapter 31 in Chapter 16 of Title 17 of the New Jersey Administrative Code, concerning the State of New Jersey Cash Management Fund.

Full text of the new rules follows:

SUBCHAPTER 31. STATE OF NEW JERSEY CASH MANAGEMENT FUND

17:16-31.1 Definition

(a) Pursuant to Chapter 270, P.L. 1970, there is hereby created in the Division of Investment, Department of the Treasury, a common trust fund, to be known as the State of New Jersey Cash Management Fund. Said common trust fund may include investments by the following funds:

1. Water Conservation Fund;
2. Public Buildings Construction Fund;
3. Institutions Construction Fund;
4. Clean Waters Fund;
5. State Recreation and Conservation Land Acquisition Fund—1961;
6. State Recreation and Conservation Land Acquisition Fund—1971;
7. State Recreation and Conservation Land Acquisition and Development Fund;
8. State Water Development Fund;
9. Higher Education Buildings Construction Fund;
10. State Transportation Fund;
11. State 1964 Institution Construction Fund;
12. Mortgage Assistance Fund;
13. Housing Assistance Fund.

17:16-31.2 Participation in the New Jersey Cash Management Fund

Participation in the New Jersey Cash Management Fund, representing net capital contributions to the fund together with any income thereon, shall be evidenced by proper entries setting forth ownership units in the records of the Bureau of Accounting, Division of Budget and Accounting, Department of the Treasury. Contributions to the common fund by the participating funds will be made in cash.

17:16-31.3 Distribution of income

All income, as calculated under Section 9 of this subchapter, of the New Jersey Cash Management Fund shall be invested in units of participation in accordance with Section 11 of this subchapter and such units may be withdrawn in accordance with Section 12 of this subchapter.

17:16-31.4 Participating funds

Subject to the approval of the State Treasurer, the State Investment Council may, from time to time, remove from, or add participating funds to, the State of New Jersey Cash Management Fund. To be eligible for participation any fund must provide that the income of such fund inures to the General State Fund.

17:16-31.5 Permissible investments

The Director may invest the assets of State of New Jersey Cash Management Fund in fixed income and debt securities which are legal investments for savings banks, or which are permitted under the provisions of N.J.S.A. 52:18A-89, subject to any applicable provisions of these regulations, and which mature within one year.

17:16-31.6 Units of participation

Each unit of participation shall represent an equal beneficial interest in the fund and no unit shall have priority or preference over any other. Each unit of participation shall be valued at \$1.00 per unit.

17:16-31.7 Valuation

Upon each valuation date, as defined below, there shall be a valuation for every investment in the common fund in the method provided for in these regulations. The valuation shall be for the calculation of net available income available for distribution as determined in Section 9 of this subchapter. These calculations are designed so that net asset value per unit of participation shall remain at \$1.00.

17:16-31.8 Date of valuation

The valuation shall be determined at the opening of business on each business day, and shall be based on market prices and accruals and amortization as of the close of the previous day as set forth in Section 9 of this subchapter.

17:16-31.9 Calculation of daily income per participating unit

The income due to the participants in the New Jersey Cash Management Fund shall be calculated daily. For the purpose of this calculation, net available income available for distribution shall equal the sum of daily interest income, daily discount income, realized gain on sales, unrealized market gain and amortized discount, from which sum shall be deducted the sum of realized loss on sales, unrealized market loss, amortized premium and total daily expenses. Such net available income available for distribution shall then be divided by the number of outstanding participating units to determine the daily income per participating unit. The method of calculation of each of the above terms will be in accordance with an agreement between the Treasurer of the State of New Jersey and the custodian bank.

17:16-31.10 Guidelines for valuation of securities

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

(b) Those securities priced on a yield basis shall be converted to a dollar price.

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

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

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

17:16-31.11 Reinvestment of daily income per participating unit

The aggregate of daily income per participating unit on total units owned by each participant will be reinvested

automatically in additional units at a price of \$1.00 per unit and such new units will be credited to the respective accounts of all of the participants in proportion to their holdings of participating units immediately prior to the determination of net available income available for distribution. In the reinvestment of aggregate daily income as described above, fractional units may be issued representing fractions of a dollar, but no units will be issued representing fractions of one cent, nor will cash dividends be transmitted. Participating funds may obtain cash by redemption of units in accordance with Section 12 of this subchapter.

17:16-31.12 Admission and withdrawal of participating units

(a) Admission to or withdrawal from the common fund shall be permitted on any business day. Admissions prior to noon will receive credit for net available income available for distribution for such day if such admissions remain in the common fund through the close of such day. Withdrawals from the fund will receive credit for net available income available for distribution only as of the close of the day next preceding such withdrawal.

(b) All admissions and withdrawals will be made in cash.

17:16-31.13 Amendments

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

17:16-31.14 Liquidation

The Director, Division of Investment, subject to the approval of the State Investment Council and the State Treasurer, may, upon two months' notice liquidate the aforementioned common fund. In the event of such liquidation, the owners of the units shall share proportionately, according to units owned, in each investment held by the common fund. When such proportionate distribution is impracticable in the judgment of the Director, he may instead distribute on liquidation, cash or temporary investments held by the Common Fund. No liquidation will be effectuated without the approval by the State Investment Council of a plan of distribution of the assets of the common fund.

An order adopting these revised rules was filed and became effective on May 19, 1977, as R.1977 d.173 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Other Agencies)

(a)

ECONOMIC DEVELOPMENT AUTHORITY

Proposed Rule on Confidentiality of Certain Records

John J. Horn, Acting Commissioner of Labor and Industry, and Chairman of the Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-1 et seq. and

Executive Order Number 9 of 1963, proposes to adopt a new rule concerning the confidentiality of certain financial and commercial records.

Full text of the proposed rule follows:

19:30-2.3 Confidentiality

(a) The following records of the New Jersey Economic Development Authority, a body corporate and politic, in but not of the Department of Labor and Industry, shall not be deemed public records, copies of which may be purchased or reproduced under the provisions of Chapter 73, P.L. 1963:

1. All records containing commercial or financial information of the sort not customarily disclosed to the public and whose disclosure would be likely to:

- i. Result in placing the person submitting it at a substantial and unfair competitive disadvantage; or
- ii. Be likely to affect the Authority's ability to obtain similar information in connection with future loan or loan guarantee applications.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to:

Robert S. Powell Jr., Executive Director
Economic Development Authority
Labor and Industry Building
John Fitch Plaza
Post Office Box 1446
Trenton, New Jersey 08625

John J. Horn, Acting Commissioner of the Department of Labor and Industry, upon his own motion or at the instance of any interested party may thereafter adopt this rule substantially as proposed without further notice.

John J. Horn
Acting Commissioner
Department of Labor and Industry

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Revisions to District Zoning Map

On May 2, 1977, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted portions of the revisions to the Hackensack Meadowlands District Zoning Maps as proposed in the Notice published March 10, 1977, at 9 N.J.R. 148(b).

The adopted revisions are:

- 6. Secaucus; Block 1, Lot 13: Change from Marshland Preservation to Public Utility Zone.
- 7. Secaucus; Block 2, Lots 7 through 10: Change from Park and Recreation zone to Heavy Industrial.
- 8. Secaucus; Block 3, Lots 3-1 (part): Change from Parkside Residential 3 to Light Industrial "A" and Right-of-Way.

Take notice that the above revisions are the only ones adopted at this filing. The remaining proposed revisions as published in the March 10, 1977, New Jersey Register are still being considered for future adoption. The Official Zoning Map affected by the revisions above are referred to in N.J.A.C. 19:4-6.28.

An order adopting these revisions was filed and became effective on May 4, 1977, as R. 1977 d.155.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed Revisions to Commission's Rules

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to revise the rules of the Commission, currently published in Subtitle F of Title 19 in the New Jersey Administrative Code.

Following is a summary of the more pertinent, proposed revisions:

With reference to the Commission's Rules on Representation Proceedings, the Commission has:

- (1) Consolidated present Chapter 11 on Representation Procedures, Chapter 14A on Hearings and Chapter 15 entitled Executive Director; Case Procedures into one all-inclusive chapter on Representation Procedures;
- (2) Proposed new procedures relating to the regulation of the conduct of representation elections;
- (3) Amended the definition of "showing of interest";
- (4) Expanded or added subsections relating to clarification of unit and amendment of certification petitions;
- (5) Altered requirements for intervention in representation proceedings;
- (6) Added a separate subchapter providing for certification without elections; and
- (7) Added separate subsections on directed elections and rerun elections.

With reference to the Chapter in the Commission's Rules on Negotiations and Impasse Procedures [Chapter 12], the Commission has:

- (1) Established a mandatory time period for the commencement of negotiations, utilizing the public employer's required budget submission date as a reference point, to afford parties a full opportunity for negotiations and resolution of impasses which are reached prior to the required budget submission date and for the utilization of impasse procedures for parties who reach impasse during alternative time periods; and
- (2) Expanded the section on arbitration procedures.

With reference to the present Chapter 13 on Scope of Negotiations Proceedings the Commission has:

- (1) Further defined the precise nature of the Commission's authorities in scope of negotiations matters;
- (2) Added separate subsections providing for the utilization of informal conferences and for the amendment, withdrawal and dismissal of scope petitions;
- (3) Established new procedures with reference to briefs submitted relating to scope matters and requests for evidentiary hearings;
- (4) Amended the rules on requests for oral argument to make the granting of said requests discretionary; and
- (5) Included a rule on requests for interim relief in scope of negotiations proceedings.

With reference to Chapter 14 on Unfair Practice Proceedings, the Commission has:

- (1) Amended its Rules with regard to withdrawal procedures;
- (2) Stated that answers to complaints should normally include a specific and detailed statement of any affirmative defenses;
- (3) Amended its motion section;
- (4) Amended its section on the settlement or adjustment of issues in unfair practice proceedings;
- (5) Clarified and modified its interim relief section; and
- (6) Provided for a new compliance and enforcement procedure.

Copies of the full text of the 124 pages of the proposed amendments may be obtained from or made available for review by contacting:

Stephen B. Hunter
Special Assistant to Chairman
Public Employment Relations Commission
Labor and Industry Building
P.O. Box 2209
Trenton, New Jersey 08625

The Public Employment Relations Commission will conduct a public hearing on its proposed new rules on June 16, 1977 at 10 A.M. in the Health and Agriculture Auditorium, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey, to solicit comments concerning the rules revisions.

Persons desiring to submit written comments with regard to the rules may present them at the hearing, or may mail them to the Commission, in advance of the hearing, to the attention of Stephen B. Hunter at the address set forth above.

In order to schedule an order of appearances for the public hearing on June 16, 1977, that will best accommodate speakers' preferences, all persons desiring to speak will be strongly urged to notify the Commission immediately either by telephone (Area Code 609 - 292-6780) or in writing at the above mailing address, indicating the subject matter(s) to which comments will be addressed and preferences as to scheduling.

It should further be noted that written comments received on or before June 16, 1977, will be made part of the record even though the preparer does not intend to appear at the hearing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1977, to the Public Employment Relations Commission at the above address.

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

Jeffrey B. Tener
Chairman
Public Employment Relations Commission

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

ALERT ELDERS ON DRUG CLAIMS

FILING DEADLINE OF JUNE 30

Governor Brendan Byrne last month opened a Statewide effort to alert senior citizens about the benefits available under the Pharmaceutical Assistance for the Aged Program and the June 30 filing deadline for 1976 claims.

Information about the deadline and the program, which pays a portion of the prescription drug and insulin costs for people over 65 at certain income levels, has been distributed to local pharmacies, county offices on aging, county welfare boards and senior citizens organizations, as well as to newspapers and radio and television stations.

According to Ann Klein, Human Services Commissioner, a senior citizen over 65, with an income of less than \$9,000 a year, or a couple with less than \$12,000 a year, would be eligible to receive State reimbursement for 80 per cent of their prescription drug and insulin costs, after making a certain deduction based on income.

Forms to enroll in the program and to file claims are available from local Medicaid Offices, county welfare board offices, county offices on aging and local pharmacies or by writing the PAA Program, P.O. Box 2706, Trenton, N.J. 08625.

This is in addition to the toll-free PAA hotline number (800) 792-9007.

70 VEHICLES GOING TO GROUPS

WHO AID STATE'S HANDICAPPED

Fifty-six service organizations will receive vehicles in the Department of Transportation's second-year program to improve the mobility of elderly and handicapped persons throughout the State, Governor Brendan Byrne announced.

The Department this month is filing an application for \$581,000 in Federal funds to purchase the 70 vehicles, including vans, station wagons and busses—many with special lifts for wheelchairs. Recipient groups will pay 20 per cent of the cost.

The Department received about 100 applications for the vehicles, with successful applicants selected by an inter-departmental committee from the Departments of Transportation, Human Services and Community Affairs.

NEW LAWS EXTEND HOME HEALTH CARE

Governor Brendan Byrne last month signed into law two bills which will bring better health care insurance coverage to the people of New Jersey. They require that health insurance policies extend coverage to pay for professional home health care following a period of hospitalization in either a hospital or skilled nursing facility.

"These two bills I believe are good for people. They expand health insurance coverage to home health care, and they hopefully will make people's lives a little better", the Governor stated.

The expansion of coverage applies to both group and individual health insurance plans and will enable a pa-

tient to leave a hospital sooner, but retain professional services while recuperating at home.

Many will now have available the services provided by home health agencies such as visiting nurse associations, the public health nursing division and home care departments of various hospitals.

Blue Cross, Medicare and Medicaid already offer this type of home coverage and now other insurance carriers will begin offering the same coverage, effective in November since the legislation provides a six-month delay for insurance company administrative purposes.

STATE FREES \$1.9 MILLION

OF RURAL ROAD AND BRIDGE AID

Governor Brendan Byrne announced that the State will provide matching funds required to use more than \$1.3 million in Federal aid to improve certain rural roads and bridges.

"These improvements to our rural transportation system have previously been delayed because of the inability of counties and local governments to provide the necessary matching funds", he said. "The State's contribution to this program will now permit us to improve roads and bridges in our rural areas so that we have a better and safer transportation system".

The Federal funds represent 70 per cent of the total cost of projects and the State will make the 30 per cent, or \$577,597, available for a total program of \$1,925,324.

The Department of Transportation is asking eligible county and municipal governmental agencies to submit their requests for projects.

The Governor said in order to make the greatest possible use of the relatively modest amount of Federal funding for construction, counties and municipalities will continue to be required to pay for engineering costs.

The program covers construction, reconstruction and improvement of roads and bridges located on any rural road which is not a part of the Federal Aid System and is not within the boundaries of any urban area with a population of more than 5,000.

Types of projects eligible include strengthening, widening and replacing bridges which are inadequate for today's traffic, eliminating or improving locations which are considered high traffic hazards and improving roads which serve school buses and mail routes.

STATE'S ELECTRIC RAIL PASSENGER

CAR FLEET WILL MORE THAN TRIPLE

The first of 230 new railroad passenger cars for New Jersey service were accepted last month by the State, with others to follow at monthly intervals through next year.

The new electric, multiple-unit passenger cars built by General Electric are the third generation of New Jersey's Arrow series and will bring to 333 the total number owned by the State.

Of the 230 cars, 180 will be for ConRail's Hoboken Division (the former Erie Lackawanna line) and 50 for ConRail's North Jersey Coast Line (former New York and Long Branch). Cost is currently about \$750,000 each, plus spare parts.

The \$187.7 million overall cost of the equipment is being funded 80 per cent by two grants from the Federal Urban Mass Transportation Administration, with the matching 20 per cent, or \$37.5 million, coming from the 1968 transportation bond issue.

Purchase of the high-speed, air-conditioned cars is part

CODE UPDATE COVERS 11 OF 19 DEPARTMENTS

A current mailing of updated administrative rules of the State government covers 11 of the 19 Departments or agencies included in the official New Jersey Administrative Code.

The 643 additional pages include all new or amended rules adopted up until January 26 of this year, and will go to the more than 3,700 subscribers who receive either individual Department's rules or those for the entire government. The full set of rules is contained in 31 volumes which now run over 15,000 pages.

The current update covers the following Departments: Agriculture, Banking, Education, Environmental Protection, Insurance, Labor and Industry, Law and Public Safety, Public Utilities, Transportation, the taxation rules of the Treasury Department and the Garden State Parkway.

If Code subscribers do not receive this mailing within two weeks, please contact the Division at the address below. Phone (609) 292-6060.

The Administrative Code is published on a subscription basis by the Division of Administrative Procedure, 10 North Stockton Street, Trenton, N.J. 08608.

All rules either proposed or adopted since those included in the Code are printed each month in this New Jersey Register, likewise available at a \$12 annual subscription rate.

of the first phase of a project to improve electrified passenger service on the Hoboken Division. The cars have a maximum speed of 100 mph, remote control doors, baggage racks and a public address system for station announcements.

Approximately 66.8 miles of electrified lines in Hudson, Essex, Union, Morris and Somerset Counties will be rehabilitated and converted from 3,000 volt direct current to 25 kilovolt alternating current. This will make the Hoboken Division system compatible with that of the northeast corridor system and will enable trains to operate into Pennsylvania Station, New York, after a track connection is completed under a separate contract.

The electrified lines of the North Jersey Coast Line will be extended approximately 17 miles from South Amboy to the vicinity of Red Bank, with the additional 50 new cars for service on this section of the line.

MOVE TO EASE MORTGAGE MONEY IN 25 INNER CITY NEIGHBORHOODS

"Red-lined" areas in New Jersey's largest cities are now able to obtain mortgages through the nation's first Neighborhood Loan Program launched recently with the sale of \$100 million New Jersey Mortgage Finance Agency bonds.

Governor Brendan Byrne received the checks from 19 lending institutions in the State to start this innovative effort to encourage the purchase of homes in city neighborhoods at a lower than market interest rate.

The Governor stated, "this is an exciting day for New Jersey. With the support of these lenders the State is able to finance, at 7½ per cent interest, the sale of one-to-four unit homes in the eligible neighborhoods of 25 designated cities, using no tax dollars or appropriations".

Acting Commissioner of Banking Roger F. Wagner, who

INDEX FOR THIS ISSUE

(Continued from front cover)

LAW AND PUBLIC SAFETY

- Proposed emergency situation definition 9 N.J.R. 283(c)
- Proposed chiropractic education changes 9 N.J.R. 284(a)
- Proposed nursing language exam changes 9 N.J.R. 284(b)
- Proposed practical nursing school changes 9 N.J.R. 285(a)
- Proposed revisions in auto point system 9 N.J.R. 288(a)
- Adopt rule on land surveys 9 N.J.R. 290(a)
- Revisions in architects fees 9 N.J.R. 290(b)
- Adopt psychological examiner fees 9 N.J.R. 290(c)
- Revise veterinary exam rules 9 N.J.R. 290(d)

PUBLIC UTILITIES

- Proposed revisions for dispositions 9 N.J.R. 290(e)
- Proposed cable television revisions 9 N.J.R. 291(a)

TRANSPORTATION

- Proposed no right turns on six routes 9 N.J.R. 292(a)
- Proposed changes on seven other routes 9 N.J.R. 292(b)
- Proposed restricted parking on U.S. 22 9 N.J.R. 293(a)
- Adopt no right turn on red changes 9 N.J.R. 293(b)
- Adopt additional no right on red rules 9 N.J.R. 293(c)
- Adopt limited access rules 9 N.J.R. 293(d)
- Adopt limited access to Interstate 78 9 N.J.R. 294(a)
- Revise Route 171 no left turns 9 N.J.R. 294(b)
- Revise Route 23 parking rules 9 N.J.R. 294(c)

TREASURY

- Exempt commissions on works contracts 9 N.J.R. 294(d)
- Recodify building debarment rule 9 N.J.R. 294(e)
- Revise retirement board rules 9 N.J.R. 295(a)
- Revise withheld taxes rule 9 N.J.R. 295(b)
- Revise seniors' tax deduction rules 9 N.J.R. 295(c)
- Revise bid security definition 9 N.J.R. 295(d)
- Adopt contract bidding rules 9 N.J.R. 295(e)
- Revise cash management fund rules 9 N.J.R. 296(a)

OTHER AGENCIES

ECONOMIC DEVELOPMENT AUTHORITY

- Proposed rule on confidential records 9 N.J.R. 297(a)

HACKENSACK MEADOWLANDS

DEVELOPMENT COMMISSION

- Revisions to district zoning map 9 N.J.R. 297(e)

PUBLIC EMPLOYMENT

RELATIONS COMMISSION

- Proposed revisions to Commission rules 9 N.J.R. 298(a)

Administrative Code INTERIM INDEX Page 24

PUBLIC INTEREST News Items Page 51

Next RULES FILING DEADLINE June 22

is chairman of the MFA board of director, explained "this unique effort is the culmination of extensive development by MFA staff and representatives of the mortgage lending industry and Urban Aid cities. It creates a partnership between the private and public sectors designed to increase the availability of mortgage funds in under-served areas of our cities". MFA is an autonomous body in the Department of Community Affairs.

Christopher G. Kelly, executive director of MFA, said that 36 lending institutions—13 savings and loan associations, three savings banks, two commercial banks and 18 mortgage banking companies—have signed agreements to originate \$57,650,000 in new mortgages at 7½ per cent and sell them to the MFA. The bonds are backed by the FHA, VA and by conventional mortgages purchased by MFA.