NEW JERSEY REGISTER

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Proposed Rule Concerning Slurries and Suspensions

Phillip Alampi, Secretary of the Department of Agriculture, pursuant to authority of N.J.S.A. 4:9-21.11, proposes to adopt a new rule, to be cited as N.J.A.C. 2:70-1.8, concerning slurries and suspensions.

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

2:70-1.8 Slurries and suspensions

Agricultural liming materials when offered for sale in slurry or suspension form shall be derived from agricultural liming materials whose composition meets the requirements of the act and must be additionally labeled so as to disclose the composition of the slurry.

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 1, 1978, to:

Phillip Alampi, Secretary
Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625

The State Board of Agriculture may thereafter adopt rules concerning this subject without further notice.

Phillip Alampi, Secretary
Department of Agriculture

(b)

AGRICULTURE

SOIL CONSERVATION COMMITTEE

Amendments and New Rule Concerning State Soil Conservation Committee

On January 5, 1978, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:24-39 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:90-1.3, Standards, and 2:90-1.7, Municipal ordinances, and a new rule cited as N.J.A.C. 2:90-1.12, Municipal ordinances for soil erosion and sedimentation control, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 554(a).

An order adopting these amendments and new rule was filed and became effective on January 5, 1978, as R.1978 d.5.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amended Minimum Milk Prices

On January 12, 1978, 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 amendments concerning minimum milk prices which replace the current text of N.J.A.C. 2:53-1.1(b).

Full text of the adoption follows:

2:53-1.1(b) Effective February 1, 1978, minimum milk prices under Order 69-1 will be $0.40 per quart, $0.75 per half-gallon and $1.44 per gallon. This amendment shall be effective from and after February 1, 1978.

An order adopting these amendments was filed on January 13, 1978, as R.1978 d.8 to become effective on February 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

BANKING

DIVISION OF BANKING

Proposed Amendment on Electronic Data Processing

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-253A, proposes to amend N.J.

NEW JERSEY REGISTER *The official publication containing notices of proposed rules and rules adopted 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. Issued monthly since September, 1969.*

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A.C. 3:7-3.9(a)26 concerning the audit program to be conducted by directors' accountants as it relates to electronic data processing servicers.

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

3:7-3.9(a)26. Electronic data processing servicer

i. The review of internal operating procedures and controls as they relate to data processing servicers shall encompass at least the following items, or analogous items, but not necessarily be limited to the specific areas outlined.

(1) Review the institution's own insurance and obtain and review coverages of the servicer.

(2) Review service contract.

(3) Check user's guide to ascertain it is current.

(4) Check input, output and transmittal controls and/or procedures.

(5) Test integrity of records generated.

(6) Review audit scope utilized by the servicer's internal auditor, [and/or] outside accountant[.] **, regulatory reports, where available and third party reviews if applicable.**

(7) Review servicer's provision for back-up processing time and management awareness of compatible servicers in the event a change in servicers is necessitated.

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 1, 1978, to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
P.O. Box #CN 040
Trenton, New Jersey 08625

The Department of Banking may thereafter adopt the rule concerning this subject without further notice.

Virginia Long
Commissioner
Department of Banking

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Emergency Rule on Public Participation In Revenue Sharing Program

On December 21, 1977, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning public participation in the revenue sharing program.

Full text of the adopted rule follows:

5:30-1.14 Public participation in the revenue sharing program

All 1978 and succeeding years' municipal and county budgets that utilize general revenue sharing funds shall include in the Local Finance Board prescribed municipal or county budget forms, in the area denoted explanatory statement, a statement denoting that a hearing on general revenue sharing will be held on the date the budget is adopted. The format to be used is "On....., 197.., at .....(A.M. or P.M.) in the (name of municipal building), room....., a hearing on general revenue sharing will be held. The public has the right and is encouraged to provide oral and written comments, ask questions and otherwise participate in the budget adoption process including the relationship of general revenue sharing funds to said budget. Information on the 197.. (municipal/county) budget, together with a true copy of the entire proposed budget is available to the public for their inspection by contacting (Mr., Mrs., Ms.) .... at (insert address/telephone number). .....".

An order adopting this rule was filed and became effective on December 21, 1977, as R.1977 d.479 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

PRICES MAINTAINED ON ADMINISTRATIVE CODE SUBSCRIPTION COST

To Order, See Page 34

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Rules on Conversion to Condominiums and Cooperatives

On January 20, 1978, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 2A:18-61.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:24-1.1 et seq., concerning the conversion to condominiums and cooperatives, substantially as proposed in the Notice published September 8, 1977, at 9 N.J.R. 410(a), with only inconsequential structural or language changes, in the opinion of the Department of Community Affairs.

An order adopting these rules was filed on January 24, 1978, as R.1978 d.22 to become effective on February 9, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Interpretation of Section 1216.8 Of Fire Protection Subcode

Take notice that, William M. Connolly, Acting Director of the Division of Housing and Urban Renewal in the

Department of Community Affairs, has issued interpretation number 4. This interpretation concerns section 1216.8 of the Fire Protection Subcode, involving the proper electrical connections for smoke detectors in residential construction. It will become effective on February 15, 1978.

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

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules on Recognition of Accredited Private Vocational Schools

The State Board of Education, pursuant to authority of N.J.S.A. 18A:54-10.1 et seq. and 18A:69-1 et seq., proposes to adopt new rules to recognize the accredited status of private vocational schools.

Full text of the proposed new rules follows:

6:46-4.18 Recognition of accrediting agencies

(a) The Commissioner of Education may recognize the institutional and programmatic accreditation granted to a school by an accrediting agency recognized by the United States Commissioner of Education.

(b) Such recognition by the commissioner shall be subject to the following conditions and limitations:

1. The accredited school must comply with the applicable laws and the rules of the State Board of Education. The recognition of accredited status shall apply only to those courses which were subject to evaluation and subsequent recognition by the accrediting agency;

2. The recognition of accredited status shall permit a school to apply for approval under the provisions of Section 1775, Title 38, United States Code, for purposes of training veterans and eligibles;

3. At least one member of the staff of the State Department of Education shall be a member of each accrediting and reaccrediting evaluation team. A copy of all completed evaluation materials pertinent to each course and school will be forwarded to the commissioner prior to the evaluation visit. The accrediting agency recognized by the commissioner shall be a party to the investigation of complaints, items of noncompliance, or any irregularity reported or charged against the accredited school.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, 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 may thereafter adopt these new rules substantially as proposed without further notice.

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments to Rules on Pupil Records

The State Board of Education, pursuant to authority of N.J.S.A. 18A:36-19, proposes to revise N.J.A.C. 6:3-2.1 et seq. concerning pupil records.

Amendments to N.J.A.C. 6:3-2.1 through 2.8 are necessary to place the State of New Jersey in compliance with the requirements of Public Law 94-142. The proposed revisions clarify the scope of the provisions and include Federal requirements not incorporated in current rules and regulations.

N.J.A.C. 6:3-2.1 is amended to include foster parents and parent surrogates. A definition of a parent surrogate is added.

N.J.A.C. 6:3-2.2 is amended to include within the provisions all public or private agencies which provide educational services by means of public funds.

N.J.A.C. 6:3-2.5 is amended to require that records of a pupil be forwarded to the pupil's new school district within 10 days of a transfer.

N.J.A.C. 6:3-2.7 is amended to include reference to appeals relating to pupil records of handicapped pupils.

N.J.A.C. 6:3-2.8 is amended to incorporate new Federal requirements regarding retention and destruction of pupil records. The previous requirement that mandated pupil records be kept in perpetuity is changed. The new requirement mandates that information that shall be kept in perpetuity is a permanent record of a pupil's name, date of birth, sex, address, telephone number, grades, attendance record, classes attended, grade level completed, year completed, names of parents or guardians and citizenship status. All other information may be destroyed, with parental permission, when the information is no longer necessary for providing educational services.

Copies of the 15 pages of full text of the proposed regulations may be obtained from:

Bureau of Special Education and Pupil
Personnel Services
Division of School Programs
Department of Education
P.O. Box 2019
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, 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 may thereafter adopt these revisions substantially as proposed without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments on Special Education

The State Board of Education, pursuant to authority of N.J.S.A. 18A:46-1 et seq. and 18A:46A-1 et seq., proposes to amend in its entirety the current text of Chapter 28 in Title 6 of the New Jersey Administrative Code and adopt new text therein.

Revisions to N.J.A.C. 6:28-1.1, et seq., are necessary to place the State of New Jersey in compliance with the requirements of Public Law 94-142 and section 504 of the Rehabilitation Act of 1973. The proposed revisions clarify the scope of the provisions and include Federal requirements not incorporated in current regulations. The proposed revisions are written in a sequence which follows the practical application of the regulations.

Subchapter 1 covers general requrements, definitions, identification, referral, child study teams, evaluation, classification, individualized educational programs, due process and appeals. Elements of these components which are spread throughout current regulations are placed in distinct sections which provide appropriate context and sequence. Definitions are made clearly and processes are more adequately described. The scope of the regulations is extended to cover all public and private agencies which provide educational services to handicapped pupils by means of public funds. Federal requirements relating to parental rights and individualized educational programs are incorporated.

Subchapter 2 describes basic requirements for the provision of special education programs. The Federal definition of the concept of least restrictive environment is incorporated.

Subchapter 3 covers standards for the approval of special education programs and related services. Criteria for approval is specified, and types of educational programs are clearly described. Federal requirements on annual plans are incorporated.

Subchapter 4 describes the provision of special education programs in eligible private schools for the handicapped at public expense. Standards for approval are specified, and requirements relating to comparable services are defined. The Federal requirement that special education services provided in private schools under public agency auspices must be at no cost to parents is incorporated. The Federal mandate necessitates extending this requirement to include residential costs, if a free and appropriate education cannot be made available in a nonresidential setting.

Subchapters 5 and 6 cover special services to pupils in nonpublic schools and were adopted separately by the State Board of Education on December 7, 1977.

Subchapter 7 places requirements relating to private clinics and agencies in a distinct section.

Subchapter 8 contains previous regulations relating to county boards of special services and expands the scope to include jointure commissions, educational services commissions and educational improvement centers.

Subchapters 9 and 10 are added to place special education programs operated by the State of New Jersey within the scope of the regulations. The addition is made necessary by Federal mandates.

Copies of the 81 pages of full text of the proposed regulations may be obtained from:

Bureau of Special Education and Pupil
Personnel Services
Division of School Programs
Department of Education
P.O. Box 2019
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, 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 may thereafter adopt these revisions substantially as proposed without further notice.

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments to Rules On Thorough and Efficient System

The State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-1 et seq., proposes to amend N.J.A.C. 6:8-1.1, 6:8-6.2 and 6:8-7.1 concerning evaluation and classification of schools and districts.

The changes would permit the collection and analysis of school and district data on a longitudinal basis before the schools and districts are classified.

A timetable related to the three-year implementation of a classification process follows the Code changes.

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

6:8-1.1 Words and phrases defined

(Insert alphabetically in existing list of definitions.)

["Conditionally approved"] **"Approved with conditions"** means that a school or district with specific deficiencies is granted a prescribed period of time in which to plan and implement remediation, pursuant to law and regulation.

"Classification" means a process through which districts and schools are designated as approved, [conditionally] approved **with conditions** or unapproved, pursuant to law and regulation.

6:8-6.2 Classification and notification

(a) The commissioner shall classify districts and each school within a district as approved, [conditionally] approved **with conditions** or unapproved, as defined in this chapter, based upon analysis of the annual reports submitted, the results of annual monitoring, and visitations by representatives of the commissioner[.] **, and in accordance with the following criteria:**

1. Meeting the following criteria shall result in classifi-

cation as approved or approved with conditions:

i. Approved:

(1) The educational plan has been developed and implemented in accordance with the provisions of subchapter 3 of this chapter; and

(2) The basic skills plan has been developed and implemented and Statewide standards in basic communication and computational skills have been substantially achieved in the judgment of the commissioner; and

(3) Deficiencies in requirements set forth in statutes and regulations, as identified in the annual evaluation, have been remedied.

ii. Approved with conditions:

(1) The educational plan is under development in accordance with the provisions of subchapter 3 of this chapter; or

(2) The basic skills plan has been developed and implemented and the district's interim goals have been substantially achieved, in the judgment of the commissioner; or

(3) Deficiencies in requirements set forth in statutes and regulations, as identified in the annual evaluation, are in the process of being remedied.

2. Classification as unapproved shall be assigned when one or more of the following conditions exist:

i. Insufficient progress has been made in the development and/or implementation of the educational plan with no justifiable reason, in the judgment of the commissioner.

ii. Interim goals as identified in the basic skills plan have not been achieved, in the judgment of the commissioner.

iii. Deficiencies in requirements set forth in statutes and regulations, as identified in the annual evaluation, have not been remedied, or no reasonable effort has been made, in the judgment of the commissioner.

(b) [Classification of district or school shall become effective on the date of final action by the State Board of Education.]

The classification process shall be implemented in accordance with a timetable approved by the State Board of Education.

1. The classification process and timetable shall permit local boards of education to make budgetary provision for the achievement of goals, objectives and standards, and the remediation of deficiencies identified in the annual evaluation and/or educational plan.

(c) The commissioner shall annually notify the chief school administrator and district board of education in writing of district and school [classifications] **evaluations.**

(d) The commissioner shall notify the chief school administrator and district board of education in writing of district and school classification following final action on such classification by the State Board of Education.

[(d)] (e) The **evaluations and** classification of every school and district shall be reported to the public by the district board of education, and a classification list shall be maintained in the office of county superintendent.

(f) Nothing in this section shall be construed to limit the authority of the commissioner and State Board of Education to invoke corrective action in accordance with law and regulation.

6:8-7.1 Remedial plan for [conditionally] approved **with conditions** or unapproved districts or schools

(a) The commissioner shall direct the chief school administrator and board of education responsible for a district or for a school within the district classified as [conditionally] approved **with conditions** or unapproved to prepare and submit a remedial plan for review by a specified date. The commissioner shall make available appropriate technical assistance.

(b) Upon approval of a remedial plan, the commissioner shall assure its implementation in a timely and effective manner.

TIMETABLE

FOR THE CLASSIFICATION OF DISTRICTS AND SCHOOLS

School Year 77/78

The county office monitoring staffs, with local district personnel, will evaluate progress and identify deficiencies within each district and school. The deficiencies will be either 1) resolved immediately or, 2) a plan for their resolution will be developed by the district and accepted by the county superintendent. If a plan is developed that requires funds that cannot be acquired by modifying the current or projected budget (FY 78 or FY 79) then funds to correct the deficiencies must be included in the FY 80 budget. When required, the EICs will assist districts in either case, that is, immediate resolution or planning for resolution. In the spring of this school year, the minimum basic skills test will yield the base-line data for a longitudinal review of local district and school attempts to improve in this instructional area. These data will be used to modify plans for the school year 78/79 and to plan for the school year 79/80. The county superintendent will keep on file a record of each district's and school's deficiencies as well as the local plans for the resolution of these deficiencies. Progress by local districts including action taken to resolve deficiencies, will be reported to the commissioner in the annual report on July 1, 1978.

School Year 78/79

The monitoring activities will be continued by the county staffs. Local plans will be monitored. Local districts will have prepared their budgets for FY 80 and will begin gathering data for the FY 81 budget. Budgets will exhibit funds, when needed, toward the resolution of deficiencies. The EICs will continue to assist districts and schools. In the spring of 1979, the minimum basic skills test will yield data for the second year of a longitudinal review. These will be used to modify plans for the school year 79/80 and to plan for the school year 80/81. The county superintendent will continue to record progress as well as efforts to resolve deficiencies. Progress by local districts will be reported to the commissioner in the annual report on July 1, 1979.

School Year 79/80

A continuation of the monitoring and technical assistance activities by the county offices and the EICs will occur. Districts and schools will be continually notified, through an accumulation of evidence over the previous two years, of deficiencies that would lead to being classified as unapproved at the end of the school year. In the basic skills, a three-year longitudinal pattern will have been developed and analyzed. These results will be used to assist in the classification of districts and schools. At the close of the school year, county superintendents would assay the information gathered over the three years and recommend the classification status of all districts and schools to the commissioner. The classification will take place after the annual report on July 1, 1980, in timely fashion.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, 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 may thereafter adopt these revisions substantially as proposed without further notice.

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

(a)

EDUCATION

BOARD OF EDUCATION

Amendments Concerning Superintendency

On January 11, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:16-1, 18A:17-15, 18A:17-17, 18A:17-20, the commissioner's decision in the case of Chester M. Stephens v. the Board of Education of the Township of Mount Olive, Morris County, 1963 S.L.D. 215 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:3-1.11 concerning superintendency, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 558(c).

An order adopting these amendments was filed and became effective on January 11, 1978, as R.1978 d.7.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Deletion in Rule on Control and Prohibition Of Open Burning and Orchard Prunings

On December 28, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which deleted a portion of the rule on orchard prunings and the control and prohibition of open burning.

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

7:27-2.10(a) The department may issue a permit for the open burning of orchard prunings on the premises where grown, [until December 31, 1977, and] except in any municipality which prohibits such burning, when such prunings are derived from trees being cultivated for commercial purposes to produce food crops or as ornamentals and where no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

An order deleting this text was filed and became effective on December 29, 1977, as R.1977 d.485 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules on State Financial Assistance for Public Sanitary Sewage Collection Systems

On January 23, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, known within the Department of Environmental Protection as Docket No. DEP 054-77-09, concerning State financial assistance for public sanitary sewage collection systems, substantially as proposed in the Notice published October 6, 1977, at 9 N.J.R. 460(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Full text of the adoption follows:

CHAPTER 16. GENERAL ADMINISTRATION

SUBCHAPTER 1. STATE FINANCIAL ASSISTANCE FOR PUBLIC SANITARY SEWAGE COLLECTION SYSTEMS

7:16-1.1 Scope

Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department of Environmental Protection concerning reimbursement to local governmental units for inoperable sanitary sewage collection systems pursuant to the "State Public Sanitary Sewerage Facilities Act of 1968", as amended, N.J.S.A. 26:2E-1 et seq.

7:16-1.2 Construction

These rules shall be liberally construed to permit the Department, the Division of Water Resources and its various agencies to discharge their statutory functions.

7:16-1.3 Definitions

"Collection system" means all of the common lateral, branch, submain and main sewers which are primarily installed for the purpose of collecting wastewaters directly from building sewers (which convey wastewater from individual structures or from private property) and which include service connection "Y" fittings designed for connection with the collection system. Building sewers are specifically excluded from this definition.

"Commissioner" means the Commissioner of the State Department of Environmental Protection.

"Department" means the Department of Environmental Protection.

"Interceptor system" means a sewer system whose primary purpose is to transport wastewaters from collection systems to a treatment facility.

"Local government unit" means and includes, a county, municipality or any public agency established by the State as a regional agency or authority or by a county

or a municipality for the purpose of constructing or operating a public sanitary sewerage facility.

"State" means the State of New Jersey.

7:16-1.4 Eligibility for State reimbursement for annual interest and debt service costs

Whenever any local governmental unit, pursuant to an order of the Department of Environmental Protection and in compliance therewith, has completed the installation of its sanitary sewage collection system and issued bonds or bond anticipation notes to finance such system, and such system is inoperable because the sewerage authority charged with the duty of providing an interceptor system has not yet so provided, and therefore no interceptor system is ready to receive the effluent from such municipal collection system through no fault of the local governmental unit, the State shall reimburse such governmental unit for annual interest and debt service costs for the collection system.

7:16-1.5 Application for State reimbursement

(a) Any local governmental unit which meets the requirements of section 4 of this subchapter, may apply to the department for reimbursement of annual interest and debt service costs. Such application shall be on forms supplied by the department and shall contain all information the department deems necessary to review and evaluate the merits of the local governmental unit's application.

(b) The application shall be submitted to the department at the following address:

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

7:16-1.6 Review of State reimbursement applications

Upon the submission of the application form and all information requested by the department, the department shall review the application and make a determination as to the eligibility of the local government unit for State reimbursement for annual interest and debt service charges. Nothing contained herein shall preclude the department from requesting such additional information as it deems necessary to make a determination.

7:16-1.7 Decision of the department; hearing

(a) If the department approves the application for State reimbursement, the application and all relevant information shall be submitted to the State Department of Treasury. The extent of reimbursement shall be subject to the availability of funds appropriated by the State Legislature.

(b) If the department rejects the eligibility of the local governmental unit, the local governmental unit shall have 15 days from receipt of such notice to request a hearing before the department. Request for a hearing shall be in writing and sent to: Division of Water Resources, Office of Regulatory Affairs, P.O. Box 2809, Trenton, New Jersey 08625.

7:16-1.8 State reimbursement procedures

(a) Upon appropriation by the legislature to reimburse a local governmental unit for some or all annual interest and/or principal charges, payments shall be made to the local governmental unit in accordance with procedures established by the State. Reimbursement to a local governmental unit under N.J.S.A. 26:2E-8.1 is subject to, and contingent upon appropriation by the legislature, and such appropriation shall be allocated among the local governmental units deemed eligible for reimbursement pursuant to these regulations.

(b) Any such payments by the State shall be made only for reimbursement for some or all of the interest and principal payments already made by the local government to note or bondholders. These regulations and N.J. S.A. 26:2E-8.1 and any funds appropriated and disbursed thereunder shall in no way establish any liability or moral obligation on the part of the State to the affected note and bondholders. The liability to note and bondholders incurred by local governments for the payment of principal and interest for a sanitary sewage collection system eligible for State aid under these regulations shall not in any way be changed or shared by the State as a result of the adoption of these regulations or any action taken thereunder. Any local government representations to the contrary to prospective purchasers of its notes or bonds shall render said local government ineligible for State aid under these regulations.

(c) Misrepresentation of any information contained in an application shall result in the forfeiture of eligibility for funding by a local governmental unit, and any funds disbursed to a local governmental unit shall be refunded to the State upon notification thereof to the local governmental unit.

7:16-1.9 Completion of the sewerage authority interceptor system

(a) Upon completion of the sewerage authority's interceptor system the sewerage authority shall notify the State that such system has been completed, indicating the date of completion.

(b) The local governmental unit shall notify the State when the sanitary sewage collection system becomes operative, indicating the date of operation.

An order adopting these rules was filed and became effective on January 23, 1978, as R.1978 d.18.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments Designating Pine Barrens as Critical Area for Installation of Sewerage Facilities

On January 23, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:11-43 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:9-10.1 et seq. concerning the designating of the Pine Barrens as a critical area regarding the installation of sewerage facilities, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 311(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

These amendments are known within the Department of Environmental Protection as Docket No. DEP 036-77-06.

Copies of the adopted amendments may be obtained from or made available for review by contacting:

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

An order adopting these amendments was filed and became effective on January 23, 1978, as R.1978 d.19.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Nondegradation Water Quality Standards for Pine Barrens Area

On January 23, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:10A-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:9-4.4, 7:9-4.6, 7:9-4.8 and 7:9-14.1 et seq. concerning nondegradation water quality standards for the Pine Barrens area, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 68(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

These amendments are known within the Department of Environmental Protection as Docket No. DEP 002-77-01.

Copies of the adopted amendments may be obtained from or made available for review by contacting:

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

An order adopting these amendments was filed and became effective on January 23, 1978, as R.1978 d.20.

G. Duncan Fletcher
Director of Administrative Procedure

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Standards for Sewerage Facilities and Water Supply Systems for Realty Improvements and Notice of Alternatives

On January 23, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:11-23 and in accordance with applicable provisions of the Administrative Procedure Act, adopted standards for the construction of sewerage facilities and water supply systems for realty improvements and notice of planned alternatives, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 115(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such standards may be cited as N.J.A.C. 7:9-2.1 et seq. and 7:10-3.10 et seq. and are known within the Department of Environmental Protection as Docket No. DEP 011-77-02.

Copies of the adopted standards may be obtained from or made available for review by contacting:

Bureau of Water Quality Planning and Management
Division of Water Resources
Post Office Box 2809
Trenton, New Jersey 08625

An order adopting these standards was filed and became effective on January 23, 1978, as R.1978 d.21.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Proposed Rule on Pathological and Infectious Waste Disposal

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a new rule in the Hospital Manual of Standards for Licensure, concerning pathological and infectious waste disposal.

Full text of the proposal follows:

8:43B-3.6 Pathological and infectious waste disposal

(a) Each hospital shall develop and implement written policies for the collection, storage, handling and disposition of all pathological and infectious wastes in the facility. These policies, as a minimum, shall include the following:

1. Solid wastes from the microbiological laboratory shall be autoclaved or incinerated.
2. Liquid wastes from the microbiological laboratory, shall be autoclaved prior to disposal into the laboratory sewage system.
3. All pathology specimens and wastes, including gross and microscopic tissue removed surgically or at autopsy, shall be incinerated unless otherwise provided for by law.
4. Solid sharp or rigid items such as needles, syringes and scalpel blades shall be autoclaved prior to disposal. Needles and syringes shall be destroyed as stipulated in N.J.S.A. 2A:170-25.17 and they, along with other sharp or rigid items, shall be either ground and flushed into the sewerage system or placed in a rigid container and disposed with other solid waste material.
5. Solid nonrigid infectious waste material such as blood tubing and disposable equipment and supplies shall be autoclaved, incinerated or transported to a sanitary landfill.
6. Fecal matter shall be flushed into the municipal sewerage system.
7. All infectious solid waste material shall be doubly packaged in impervious plastic heavy duty bags and labeled "infectious waste" in block letters at least three inches high, prior to transportation from the hospital.
8. Rigid rodent proof containers with tight fitting lids, labeled with the biological hazard warning symbol in fluorescent orange or orange-red color and the words "infectious waste" in block letters at least three inches high directly above or below the symbol, shall be utilized for storage of the packaged solid waste material.

9. All containers used for storage of infectious wastes shall be sanitized, by a method approved by the department at least once every 24 hours.

(b) A written agreement shall be established between the hospital and the waste disposal transport company to insure that the company is aware of the nature of the material to be transported and that the wastes are transported from the hospital to the off premises incinerator and/or sanitary landfill at least once a day.

(c) The hospital shall notify and obtain written approval of the sanitary landfill to be utilized for the disposal of infectious wastes from the local health authorities. An agreement shall be made with the local health authorities to insure that infectious material is handled separately from other waste material and buried immediately after arrival at the landfill site, in accordance with the provisions in Chapter VIII of the State Sanitary Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, to:

Wanda J. Marra
Coordinator, Standards
Department of Health
501 John Fitch Way
Trenton, N.J. 08625

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

DIVISION OF COMMUNITY HEALTH SERVICES

Proposed Rules on Dented Cans, Salvage Foods, Alcohol and Nonalcoholic Beverages

The Department of Health, pursuant to authority of N.J. S.A. 24:1-1 et seq., proposes to adopt new rules concerning dented cans, salvage or distressed foods, alcohol and nonalcoholic beverages and industrial mishandling. Such rules, if adopted, will be cited as N.J.A.C. 8:21-11.1 et seq.

The proposed rules concern definitions, damaged cans unsuitable for sale, damaged food containers suitable for sale, salvage of food, drugs, devices or cosmetics associated with natural or local disasters, or distressed food conditions or industrial mishandling and disposal of distressed food.

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

Joseph W. Prince
Chief, Food and Milk Program
Department of Health
1911 Princeton Avenue
Trenton, New Jersey 08648

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, to the Department of Health at the above address.

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Addition of Lorazepam to Schedule IV of List Of Controlled Dangerous Substances

On January 23, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted the addition of Lorazepam to schedule IV of the list of controlled dangerous substances, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 562(b). Such addition will be included in N.J.A.C. 8:65-10.4.

An order adopting this addition was filed and became effective on January 24, 1978, as R.1978 d.23.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Amendments on Health Officer Qualifications

On January 23, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-38 through 26:1A-44 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:7-1.9(a)2.i. concerning the qualifications of health officers, as proposed in the Notice published November 10, 1977, at 9 N.J.R. 515(b).

An order adopting these amendments was filed on January 24, 1978, as R.1978 d.24 to become effective on July 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

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

On January 23, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:30-14.1 et seq., concerning the requirement of long-term-care facilities to provide beds for indigents as a condition of licensure, substantially as proposed in the Notice published November 10, 1977, at 9 N.J.R. 516(a), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on January 24, 1978, as R.1978 d.25.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

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

On December 23, 1977, T. Edward Hollander, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:4-3.57(b) concerning community college non-credit and credit course auditing procedures and definitions, as proposed in the Notice published November 10, 1977, at 9 N.J.R. 519(f).

An order adopting these amendments was filed and became effective on December 23, 1977, as R.1977 d.483.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposals on Prohibition to Reporting Of Illegal Aliens in Food Stamp Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend N.J.A.C. 10:87-3.8 concerning the prohibition of the reporting of illegal aliens in the food stamp program.

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

10:87-3.8 [Reporting] Illegal aliens

If, during the application process, it becomes known to the certification worker that an alien [who is not receiving SSI, AFDC, or AFWP, and who resides with an NPA household,] has entered or remained in the United States illegally [and that the Immigration and Naturalization Service (INS) has not declined deportation action, then] such alien shall **not** be [promptly] reported to the INS district office [for appropriate action.] **, as such report constitutes a violation of the nondisclosure clause of the Food Stamp Act (7 U.S.C. 2019).**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, to:

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

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Certification Pending Verification in Food Stamp Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend portions of N.J.A.C. 10:87-6.5 concerning certification pending verification in the food stamp program.

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

10:87-6.5 Certification pending verification (zero purchase households only)

(a) Any household whose Net Monthly Food Stamp Income indicates a zero purchase requirement, and which is in immediate need of food assistance, may be certified pending verification[, provided that the following] **subject to the following** conditions [are met:].

. . .

[2. The county welfare board shall make at least one collateral contact regarding the confirmation of the applicant's statements. Such contact shall be clearly documented in the case record in accordance with the provisions of subchapter 2 of this chapter.]

[3.] **2.** [Certification] **There can be no limit to the number of times that a household may be certified** pending verification. **The household, however, must provide full verification of its curcumstances for each one-month certification before any** [shall not exceed a period of one month and there shall be no] further [issuance to households certified in this manner until verification has been completed.] **certification can be made.**

[4. No household shall be certified pending verification more than once in the six-month period beginning on the date of initial issuance.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, to:

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

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(d)

HUMAN SERVICES

DIVISION OF MENTAL HEALTH AND HOSPITALS

Rules on Construction Assistance For Community Mental Health Facilities

On December 16, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of chapter 93, P.L. 1976, chapter 42, P.L. 1977 and in accordance with

applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:37-12.1 et seq., concerning construction assistance for community mental health facilities, as proposed in the Notice published November 10, 1977, at 9 N.J.R. 531(a).

An order adopting these rules was filed and became effective on December 23, 1977, as R.1977 d.482.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendment Concerning Appellant's Right During Fair Hearing

On December 27, 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 an amendment, to be cited as N.J.A.C. 10:87-7.17(a)6. concerning the appellant's right during a fair hearing, as proposed in the Notice published November 10, 1977, at 9 N.J.R. 522(a).

An order adopting this amendment was filed on December 29, 1977, as R.1977 d.486 to become effective on January 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Deletion of Rule on Administrative Reports

On December 27, 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, deleted in its entirety the current text of N.J.A.C. 10:87-3.24 concerning county welfare board administrative reports and reserved that section, as proposed in the Notice published November 10, 1977, at 9 N.J.R. 523(a).

An order deleting this rule was filed on December 29, 1977, as R.1977 d.487 to become effective on January 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Emergency Amendments Concerning General Assistance Payment Levels

On December 27, 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 emergency revisions to several rules concerning general assistance payment levels.

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

10:85-3.3(d) 1. Determination: To determine initial eligibility, an initial disregard of $60.00 shall be deducted from the total monthly gross earnings or the net earned income from self-employment. When the resultant amount is less than the applicable allowance standard, **according to schedule II,** financial eligibility exists. [See schedule II for initial eligibility levels.]

10:85-3.3(f) 2. Allowance schedules: Schedule I and [I-A] **II,** at the end of this chapter, have been established under the authority in N.J.S.A. Title 44 and give the standards, in monthly or weekly amounts, to be used as the basis for granting assistance to specified eligible units, based on the number of persons in the household. [In applying the standards:]

i. The eligible unit represents the person(s) applying for and eligible to receive general assistance (see section 1 of this subchapter).

ii. The household size represents the number of persons living together as a family unit, regardless of relationship or eligibility for other public assistance programs (see section 1 of this subchapter).

iii. Assistance allowance standards as given in schedule I apply only to persons who, because of physical, mental, or emotional handicaps, are unable to accept employment.

iv. In all situations when the eligible unit includes at least one individual who is employable, schedule II shall be used.

v. If assistance is required for a period of less than one month, the allowance standard as given in schedules I or II shall be prorated as necessary.

vi. To prorate, divide the monthly allowance by 30 (regardless of the actual number of days in that particular month) to determine the per diem amount. Multiply the per diem amount by the number of days for which the grant is to be made.

10:85-4.1 Schedule I

Monthly Assistance Allowances

(Limited to persons determined unable to accept employment)

Number in Household	Eligible Unit 1	Eligible Unit 2
1	$178.	
2	122.	$244.
3	110.	220.
4	98.	196.
5	90.	180.
6	85.	170.
7	72.	145.
8	69.	139.
9	66.	133.
10	64.	127.
11	62.	125.
12	61.	123.
13	60.	120.
14	59.	118.
15	58.	116.

Schedule II

Monthly Assistance Allowances

(For eligible units in which at least one person is employable)

Number in Household	Number in Eligible Unit 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	$119.														
2	82.	163.													
3	69.	138.	207.												
4	59.	119.	178.	237.											
5	54.	108.	163.	217.	271.										
6	51.	102.	153.	204.	255.	306.									
7	48.	96.	144.	193.	241.	289.	337.								
8	46.	93.	139.	185.	231.	278.	324.	370.							
9	44.	89.	133.	177.	222.	266.	310.	355.	399.						
10	43.	85.	128.	170.	213.	255.	298.	340.	383.	425.					
11	42.	83.	125.	167.	208.	250.	291.	333.	375.	416.	458.				
12	41.	82.	123.	164.	205.	246.	286.	327.	368.	409.	450.	491.			
13	40.	81.	121.	162.	202.	242.	283.	323.	363.	404.	444.	485.	525.		
14	40.	79.	119.	158.	198.	237.	277.	316.	356.	395.	435.	474.	514.	553.	
15	39.	77.	116.	155.	194.	232.	271.	310.	349.	387.	426.	465.	504.	542.	581.

In eligible units or more than 15, add $27.00 for each additional member.

10:85-4.2(a)2. Weekly or biweekly period: When authorized, payment shall be issued on a weekly or biweekly basis, and will be determined [from] **by prorating** the applicable [weekly] **monthly** allowance standard. **The total payments to the client in any calendar month shall not exceed the full monthly allowance** less any countable income for that **monthly** period.

3. Periods of less than one week: When authorized, payment shall be issued for one or more days to meet temporary situations. A per diem (daily) amount is determined by dividing the applicable [weekly] **monthly** allowance standard by [seven (7).] **30 (see section 3.3 of this subchapter.** Any income actually available on that day or days shall be deducted from the per diem amount. Such grants qualify for State aid up to the amount to which a client would be entitled under paragraph 1. of this subsection.

An order adopting these amendments was filed and became effective on December 29, 1977, as R.1977 d.488 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments on Cost/Study, Rate Review Guidelines and Accounting System For Long-Term Care Facilities

On October 31, 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 amended rules in N.J.A.C. 10:63-3.1 et seq. concerning cost study, rate review guidelines and accounting and reporting system for long-term care facilities, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 332(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on December 29, 1977, as R.1977 d.489.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments on Adoption by Reference Of Federal Standards for Intermediate Care Facilities for Mentally Retarded

On December 29, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 10:49-1.3(b), concerning the adoption by reference of the Federal standards for intermediate care facilities for the mentally retarded, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 571(b).

An order adopting these amendments was filed and became effective on December 30, 1977, as R.1977 d.490.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rules Concerning Pharmaceutical Assistance to Aged Program

On December 30, 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 new rules, to be cited as N.J.A.C. 10:51-5.1 et seq., concerning pharmaceutical assistance to the aged program, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 571(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these rules was filed on December 30, 1977, as R.1977 d.491 to become effective on January 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments on Pharmaceutical Assistance to Aged Program

On December 30, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:69A-1.1 et seq. concerning the pharmaceutical assistance to the aged program, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 572(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these amendments was filed on December 30, 1977, as R.1977 d.492 to become effective on January 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Fiscal Year 1978 State Plan for Vocational Rehabilitation Services

On December 28, 1977, Norma F. Krajczar, Executive Director of the Commission for the Blind and Visually Impaired in the Department of Human Services, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted the fiscal year 1978 State Plan for Vocational Rehabilitation Services, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 575(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

The plan is considered to be a temporary rule and will not be published in Title 10 of the Administrative Code. However, a reference regarding this adoption will appear in an authority note in chapter 98 of title 10 in the code.

An order adopting this plan was filed and became effective on December 30, 1977, as R.1977 d.494.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

BUREAU OF PROFESSIONAL AND TECHNICAL SERVICES

Amendments on Basis of Payment For Legend Drugs

On December 29, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:51-1.10(c) concerning the basis of payment for legend drugs, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 571(d), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on January 3, 1978, as R.1978 d.1. Take notice that portions of the amended rules have varying effective dates.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amended Dental Services Manual

On December 28, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amended Dental Services Manual, to be cited as N.J.A.C. 10:56-1.1 et seq., substantially as proposed in the Notice published September 8, 1977, at 9 N.J.R. 431(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these amendments was filed on January 3, 1978, as R.1978 d.2 to become effective on March 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Proposed Amendments Concerning FAIR Plan Surcharge

James J. Sheeran, Commissioner of the Department of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 1C-6(e) and 17:37A-18 et seq., proposes to adopt amendments to the FAIR plan surcharge rule, N.J.A.C. 11:1-5.4.

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

11:1-5.4 FAIR plan surcharge

(a) On [April 30, 1977] **January 5, 1978,** 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] was 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] **March 1, 1978:**

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 [except for policies providing coverage for personal theft].

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, except that on individual risks where such percentage appears unreasonable, a company may use actual division by line provided the company maintains a separate record on those risks.

iv. Policies issued under the homeowners policy program. For the purpose of this computation 85 per cent of the homeowners premium shall constitute the premium subject to surcharge, except that on individual risks where such percentage appears unreasonable, a company may use actual division by line provided the company maintains a separate record on those risks.

2. The surcharge shall apply to all new and renewal policies effective on or after [July 1, 1977] **March 1, 1978,** and to the additional premiums on all endorsements effective on or after [July 1, 1977] **March 1, 1978.** There will be a 45 day grace period on enforcement sanctions **for collections under rule amendments effective March 1, 1978.**

3. Policies written for a term longer than one year with an effective date on or after [July 1, 1977] **March 1, 1978,** shall be charged in accordance with the above sections. For such term policies with effective dates prior to [July 1, 1977] **March 1, 1978,** the charge shall be applied only if such policies are subject to rerating after the effective date of this amended regulation and then only as of the effective date of such rerating.

4. Return of surcharge is permitted on policy activity effective [July 1, 1977] **March 1, 1978,** and thereafter (endorsements decreasing premium and cancellations).

5. For policies with effective date on or after [July 1, 1977] **March 1, 1978** which are subject to audit, the surcharge shall be based on the audited 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) Method of billing is:

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 "Surcharges" and when it is shown separately, it shall be identified as "Surcharge."

A public hearing will be held March 1, 1978, at 10:00 A.M. at the Department of Insurance hearing room, 201 East State Street, Trenton, New Jersey 08625.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before March 1, 1978, to:

Naomi LaBastille, Hearing Officer
Department of Insurance
P.O. Box 1510
201 East State Street
Trenton, New Jersey 08625

The Department of Insurance may thereafter adopt rules concerning this subject without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

Notice on Home Health Care Insurance Coverage Rules

Take notice that, the Department of Insurance adopted new rules concerning home health care insurance coverage on December 15, 1977, as R.1977 d.476 (See: 9 N.J.R. 479(f), 10 N.J.R. 16(d)). Such rules were adopted with substantive changes from the rules originally proposed.

To help avoid confusion, following is the **full text** of the rules adopted:

SUBCHAPTER 14. HOME HEALTH CARE INSURANCE COVERAGE

11:4-14.1 Scope

These rules apply to individual and group health insurance policies which provide coverage for the costs of daily room and board while confined in a hospital or

skilled nursing facility. They do not apply to hospital indemnity policies which provide additional income while the insured is hospitalized. Also, these rules do not apply to Medicare complement policies, since Medicare provides home health care.

11:4-14.2 Definitions

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

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

1. On a part time and intermittent basis, except when full-time or 24-hour services are needed on a short-term (no more than three-day) basis; and

2. If continuing hospitalization would otherwise have been required if home health care were not provided; and

3. Pursuant to a physician's written order and under a plan of care established by the responsible physician in collaboration with a home health care provider. The benefit may require that the care plan be reviewed by the physician after each 30 days following commencement of home health care, that the physician not be related to the home health care provider by ownership or contract, and that the physician certify that continued confinement in a hospital or skilled nursing facility would otherwise be required. All care plans shall be established within 14 days following the commencement of home health care.

"Home health care services" mean any of the following services which are medically necessary for achievement of the care plan set forth for the patient and which are provided for the care of the patient:

1. Nursing care (furnished by or under the supervision of a registered nurse);
2. Physical therapy;
3. Occupational therapy;
4. Medical social work;
5. Nutrition services;
6. Speech therapy;
7. Home health aide services;

8. Medical appliances and equipment, drugs and medications, laboratory services and special meals to the extent such items and services would have been covered under the policy if the covered person had remained in a hospital;

9. Any diagnostic and therapeutic service, including surgical services, performed in a hospital outpatient department, a doctor's office or any other licensed health care facility, to the extent that such service would have been covered under the policy if performed as inpatient hospital services, provided that such service is delivered as part of the home health care plan.

"Home health care provider" means an agency which is licensed by the Commissioner of Health as a home health agency.

11:4-14.3 Home health care benefits required

(a) Minimum coverage rules are:

1. The policy may require no more than three continuous days of hospitalization or skilled nursing facility care prior to provision of home health care benefits.

2. The home health care services listed in items 1 through 7 of the definition of home health care services must provide for at least 60 home health care visits in any calendar year or in any continuous period of 12 months.

3. Any visit by a member of a home health care team on any day shall be considered as one home health care visit.

4. If the policy contains a number of days during which home health care benefits must commence following hospital discharge, that number of days may not be less than three.

5. The services and supplies listed in items 1 through 8 of the definition of home health care services shall be furnished by a home health care provider and the charges for such services and supplies shall be made by the home health care provider.

(b) Extent of payment rules are:

1. The dollar amount of payment for all home health care visits on each of the first three days of home health care services need not exceed the daily hospital room and board benefit provided by the policy during the period of prior confinement. The dollar amount of payment for all home health care visits on each subsequent day of home health care services need not exceed one-half the daily hospital room and board benefit provided by the policy during the period of prior confinement. For policies which provide only benefits for skilled nursing facility care, the dollar amount of payment for each home health care visit need not exceed the daily skilled nursing facility room and board benefit.

2. Charges for home health care services may be limited to the usual and customary charges for such services.

(c) Compliance with the home health care law concerning direct reimbursement will be met if the policy includes the direct payment provisions of N.J.S.A. 17B:26-12b or 17B:27-45, or if an assignment of benefits is made available to the insured. It is not intended that the insured be denied the right to receive benefit payments which is provided by the statute.

11:4-14.4 Exclusions

(a) This subchapter does not impose an obligation to pay benefits for physician's services in connection with home health care except for those benefits required under item 9 of the definition of home health care services.

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

(c) Policy exclusions relating to worker's compensation, employer's liability laws, Medicare, mandatory no fault automobile insurance, veteran's hospitals, military service, and so forth, applicable to hospital and skilled nursing facility confinement benefits may also apply to home health care benefits.

(d) Benefits need not be payable if no charge is normally made for a home health care service.

(e) Policy provisions relating to coordination of benefits may apply to home health care services to the same extent that they apply to other benefits provided by the policy.

(f) The policy may require that home health care services will be provided only to residents of New Jersey.

11:4-14.5 Effective date

These rules shall become effective on December 15, 1977.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Amendments on Three-Year Policies Covered By Special Joint Underwriting Association

On December 28, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:30B-1, L. 1977, c. 278 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to be cited as N.J.A.C. 11:1-5.2(g)4., concerning Special Joint Underwriting Association (JUA) obligations in administering unexpired three-year policies of two New York carriers, Empire Mutual Insurance Company and Allcity Insurance Company, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 584(c).

The amendments were adopted after a public hearing December 28, 1977. At that hearing the emergency rules concerning the JUA previously adopted (See: R.1977 d.413 at 9 N.J.R. 586(a)) were normalized.

An order adopting these amendments was filed and became effective on January 3, 1978, as R.1978 d.3.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Rules on Disciplinary Action and Restitution

On January 23, 1978, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6 through 17:22-6.16a, 17B:22-1 through 17B:22-28 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 11:1-11.3, concerning disciplinary action and restitution, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 585(b).

An order adopting these rules was filed and became effective on January 18, 1978, as R.1978 d.11.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Rules on Motorized Bicycles' Insurance

On January 13, 1978, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), Chapter 267, Laws of 1977, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules on motorized bicycles' insurance, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 585(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

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

SUBCHAPTER 11. MOPED INSURANCE

11:3-11.1 Required coverages for mopeds

(a) No policy insuring against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, operation or use of a motorized bicycle as defined in N.J.S.A. 39:1-1 as amended shall be issued in the State to the owner (or parent or guardian of an owner under 18 years of age) of any motorized bicycle principally garaged or operated in this State unless it includes coverage **for the owner and operator** in the following minimum amounts or limits.

1. Bodily injury:

i. An amount or limit of $15,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and

ii. An amount or limit, subject to such limit for any one person so injured or killed, of $30,000, exclusive of interest and costs, on account of injury to or death of more than one person in any one accident.

2. Property damage: An amount or limit of $5,000 in the aggregate for damage to property of others resulting from one accident.

(b) Every business entity or individual owner who rents motorized bicycles shall maintain liability insurance coverage pursuant to P.L. 1977, Chapter 267 in the minimum amounts or limits set forth in subsection (a) [i and ii] of this section.

(c) Any such coverages as described in subsections (a) and (b) above shall be issued under a separate contract of insurance or endorsement which shall describe the make and model piston displacement, and serial number (VIN) of each motorized bicycle insured. **This information shall also constitute the description of vehicle required on insurance identification cards and N.J.A.C. 11:3-6.1 through 6.4 shall apply to moped coverage except where the language is clearly inappropriate.**

(d) The policy period for the coverages described in subsection (a) of this section shall commence at 12:01 A.M. of the effective date shown in the policy declaration page unless expressly set forth in the policy or in a binder or other contracts for temporary insurance.

(e) [Motorized bicycles shall be considered motor vehicles for purposes of classification of kinds of insurance under N.J.S.A. 17:17-1.] **Any insurer authorized to write motor vehicle coverage may write moped coverage.**

An order adopting these rules was filed on January 18, 1978, as R.1978 d.12 to become effective on January 19, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Amendment to Definition of Financial Institutions

On January 20, 1978, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6.6a, 17B:22-8 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 11:1-10.1 concerning the definition of financial institutions, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 585(a).

An order adopting this amendment was filed and became effective on January 23, 1978, as R.1978 d.17.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PSYCHOLOGICAL EXAMINERS

Proposed Amendment on Fees

Leonard Roth, Secretary of the Board of Psychological Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3.2 and 45:14b-13, proposes to amend the rule concerning the fee schedule, as set forth in N.J.S.A. 45:14b-21.

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

13:42-1.2 Fees

(a) Charges for examinations, licensures and other services are:

1. Application fee: **$30.00;**
2. Examination fee: [$40.00] **$75.00;**
3. Initial license fee—annual prorate to end of biennial period: $30.00 (annual);
4. License renewal fee, biennial: **$60.00;**
5. Late renewal fee—plus renewal fee: **$20.00;**
6. Reinstatement fee—plus renewal fee: **$60.00.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1978, to:

Leonard Roth, Secretary
Board of Psychological Examiners
Room 331, 1100 Raymond Boulevard
Newark, New Jersey 07102

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

Leonard Roth
Secretary
Board of Psychological Examiners
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Proposed Amendments Concerning Termination of Pregnancy

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq., proposes to amend the rule concerning termination of pregnancy.

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

13:35-7.2 Termination of pregnancy

(a) The termination of pregnancy is a medical procedure which may [only] be performed **only** by a physician licensed to practice medicine and surgery in the State of New Jersey.

(b) Termination of pregnancy on patients with a gestation [beyond the 12th week] of **13-15 menstrual weeks based upon the last menstrual period and gestational size**, as determined by the physician responsible for such termination, **may be performed by the dilatation and evacuation procedure in a licensed outpatient facility.**

(c) Termination of pregnancy **by other procedure or beyond the 15th menstrual week shall be performed only in a licensed hospital on an inpatient basis.**

(d) Any licensed outpatient facility shall submit to the Board of Medical Examiners quarterly reports listing the name and location of affiliated hospital(s), the number and type of procedures performed during first trimester and second trimester pregnancy each, morbidity and mortality. All such reports must observe patient anonymity.

(e) Failure to comply with this rule may subject the physician to suspension or revocation of license to practice medicine and surgery in this State, pursuant to N.J.S.A. 45:9-1 et seq., and/or may subject any person, association, corporation or violation to the sanctions and remedies set forth in N.J.S.A. 45:9-22, N.J.S.A. 45:9-26 and N.J.S.A. 45:9-27.1.

Interested persons may present statements or arguments by letter or other written form relevant to the proposed amended rule on or before March 1, 1978, to:

Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

The Board of Medical Examiners may thereafter adopt the above rule substantially as proposed without further notice.

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Proposed New Fee Schedule

The Board of Professional Engineers and Land Surveyors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:8-27 et seq., proposes to adopt a new rule concerning fees.

Full text of the proposal follows.

SUBCHAPTER 6. FEES

13:40-6.1 Fee schedule

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

1. All application fees shall accompany the application as follows:

i. Engineer-in-training $10.00;
ii. Professional engineer $40.00;
iii. Land surveyor ..... $40.00.

Note: These fees do not include the cost of any examination required to be taken.

2. Examination fees are based upon the nature of the certificate or license for which the applicant has applied, and will be billed prior to the examination, as follows:

i. Engineer-in-training
(fundamentals of engineering) $15.00;
ii. Professional engineer
(1) One or more parts $25.00
(2) Specialized training (practical; limited to those applicants' required by law to take only this part) $10.00.
iii. Land surveyor (one or more parts) ..... $10.00.

3. Reexamination fees, each part:

i. Engineer-in-training $10.00;
ii. Professional engineering $10.00;
iii. Land surveying ..... $10.00.

Note: A reexamination consists of the taking of one or more parts of any examination previously scheduled and not passed, or one not taken by the applicant.

4. Renewal fees:

i. The annual renewal fee shall be $10.00, however, certificates of licensure shall be renewed biennially upon the payment of $20.00, commencing April, 1978, and during the month of April in every second year thereafter.

ii. If a licensee fails to renew his certificate of license in the month of April, a late renewal fee of $5.00 shall be charged (in addition to any other fees due and owing), provided that the licensee applies for renewal within a one-year period immediately subsequent to the 30th day of April in the year of renewal. If a license is not renewed within the one-year time period provided, the licensee upon application for reinstatement shall pay a reinstatement fee of $20.00 plus $10.00 for each year in which the licensee is in arrears.

5. Fee for filing full name of the licensee with the Secretary of State ..... $1.00.

6. Certificate replacement fees:

i. The charge for reissuing a certificate of license to any licensee whose certificate may have been lost, mislaid or destroyed shall be $5.00.

ii. The charge for reissuing a renewal certificate of license to any licensee whose renewal certificate may have been lost, mislaid or destroyed shall be $3.00.

7. For the transmitting of grades, or certification as to registration or status to other State boards, or the National Council of Engineering Examiners (NCEE), or to government agencies or employers or to any other parties, there shall be charged for each transmittal or certification a fee of $10.00.

8. All licensees, and the clerks of each municipality in the State, shall receive without charge one copy of the roster of licensed professional engineers and land surveyors. Additional copies, if and when available, may be purchased at a fee of $6.00 each.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, to:

Board of Professional Engineers
and Land Surveyors
1100 Raymond Boulevard
Newark, New Jersey 07102

The Board of Professional Engineers and Land Surveyors may thereafter adopt rules concerning this subject without further notice.

Frederick W. Herrmann Jr.
Executive-Secretary
Board of Professional Engineers
and Land Surveyors
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules on Inspection of State-Owned Vehicles by Central Motor Pool

On November 23, 1977, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:20-35.1 et seq., concerning the inspection of State-owned vehicles by the Central Motor Pool, as proposed in the Notice published October 6, 1977, at 9 N.J.R. 486(b).

An order adopting these rules was filed and became effective on December 21, 1977, as R.1977 d.480.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Amendments on Approving Educational Institutions of Chiropractic

On September 14, 1977, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C.

13:35-1.4 concerning approving educational institutions of chiropractic, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 284(a).

An order adopting these amendments was filed and became effective on December 23, 1977, as R.1977 d.481.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION ON CIVIL RIGHTS

Amendments to Procedures Of Division on Civil Rights

On December 28, 1977, Vernon N. Potter, Director of the Division on Civil Rights in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 10:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the rules of procedure of the Division on Civil Rights.

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

13:4-8.1 Investigation by Division on Civil Rights

(a) The director may cause [depositions to be taken or] interrogatories to be served whenever it shall be necessary to aid the division in its investigation, **either before or after a finding of probable cause.**

(b) The director may issue such subpoenas as he deems necessary to aid in the discovery process.

13:4-8.2 [Taking and service of depositions and interrogatories

(a) The director may allow any party on motion to take depositions, or to serve interrogatories upon any other party in the case, whenever he shall deem it necessary for the fair presentation of a case, and he shall determine such terms and conditions as are appropriate.]

Discovery by parties other than the division

(a) After a finding of probable cause has been issued by the director, a party may, upon written motion, receive discovery of the following information in the division's file:

1. Statements made by any person, other than the complainant and the investigating field representative, during the course of the investigation;

2. All factual written reports of the investigating field representative;

3. All factual written data, factual written reports or documentary information.

[(b) The director may issue such subpoenas as he deems necessary to aid the discovery process.]

(b) If it appears that a party's purpose in seeking discovery is to oppress any party or to delay the commencement of the hearing, the director may refuse, terminate, or limit discovery as the circumstances warrant.

13:4-8.4 Depositions by division and parties

(a) On written motion of any party or the division, the director may order that the testimony of any material witness residing within or without the State be taken by deposition in the manner prescribed by law for depositions in civil actions. Such motion may be granted only if it sets forth:

1. The name and address of the witness to be deposed;

2. A showing of the materiality of that witness' testimony; and

3. A showing that the witness will be unable to attend, or cannot be compelled to attend, the hearing. Said motion shall request an order requiring the witness to appear and testify before an officer, representative, or agent of the division.

(b) No depositions shall be taken for any reason or by any manner other than that contained in subsection (a) of this section, except in exceptional circumstances.

An order adopting these amendments was filed and became effective on January 24, 1978, as R.1978 d.26 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Amendments Requiring Licensee to Keep Patient Records

On December 14, 1977, the Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:33-1.29 concerning the requiring of licensees to keep patient records, substantially as proposed in the Notice published November 10, 1977, at 9 N.J.R. 538(c), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

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

13:33-1.29 Record of prescription filled

(a) **Effective immediately,** each **and** every person licensed as an ophthalmic dispenser in the State of New Jersey will be required to [keep all prescriptions which they fill] **maintain** for a period of at least six years **at employer's New Jersey establishment:**

1. All prescriptions which the licensee and/or licensee's apprentices fill;

2. Those records for all eyeglasses, frames, and lenses fabricated and dispensed which denote all the data required to prepare and dispense eyeglasses, frames, and lenses, such as sphere, cylinder, axis, prism, base, add, patient pupillary distance (P.D.), eyeglass pupillary distance (P.D.), and height of segment (Seg) if multifocal; and identify on those records, up to the point of original delivery to the consumer, the individuals involved in the interpretation and measurements; the verification; and the fitting and adjusting of all eyeglasses, frames, and lenses fabricated and dispensed.

An order adopting these amendments was filed and became effective on January 13, 1978, as R.1978 d.9.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Continued on Page 27)

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 Jan. 24. It is adjusted in the month following a mailing of update pages to subscribers.

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 current pages of the Code:

RULES NOT YET PRINTED IN CODE

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
AGRICULTURE — TITLE 2			
2:2-4.40	Rule on pseudorabies vaccination	R.1977 d.367	9 N.J.R. 502(b)
2:48-4.1	Confidentiality of certain reports	R.1977 d.366	9 N.J.R. 502(a)
2:48 through 2:53	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:52-1.6(a)	Revisions on required reports	R.1977 d.310	9 N.J.R. 404(a)
2:52-7.1 et seq.	Rules on application of minimum price regulations in sale of milk	R.1977 d.303	9 N.J.R. 403(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.294	9 N.J.R. 403(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.8	10 N.J.R. 54(a)
2:53-1.2(a)	Amend schedule 69-1N for North Jersey	R.1977 d.414	9 N.J.R. 555(c)
2:54-3.10	Amend Federal milk handling order	R.1977 d.407	9 N.J.R. 502(c)
2:69-1.11	Revisions on commercial values	R.1977 d.266	9 N.J.R. 403(a)
2:71-1.30	Revisions on certificates on grade for eggs	R.1977 d.339	9 N.J.R. 451(b)
2:90-1.3, 1.7, 1.12	Revisions to rules of Soil Conservation Committee	R.1978 d.5	10 N.J.R. 54(b)

(Rules in the Administrative Code for Title 2 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 11.)

BANKING — TITLE 3			
3:1-2.2, 2.3	Amend certain procedural rules	R.1977 d.462	10 N.J.R. 2(b)
3:1-6.1 et seq.	Amended fees	R.1977 d.469	10 N.J.R. 3(a)
3:1-9.1 et seq.	Rules on home mortgage disclosures	R.1977 d.308	9 N.J.R. 405(c)
3:1-9.2	Amended definition of home improvement loan	R.1977 d.470	10 N.J.R. 3(b)
3:1-11.1 et seq.	Restrictions on loans involving affiliated persons	R.1977 d.471	10 N.J.R. 3(c)
3:7-2.3	Deletion on verification of real estate taxes	R.1977 d.428	9 N.J.R. 556(a)
3:10-3.2, 3.3	Amendments on private mortgage insurance	R.1977 d.429	9 N.J.R. 556(b)
3:17-6.4	Repeal rule on husband and wife as one borrower	R.1977 d.330	9 N.J.R. 452(c)

(Rules in the Administrative Code for Title 3 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

CIVIL SERVICE — TITLE 4			
4:1-1.6	Amendments on application of rules	R.1977 d.314	9 N.J.R. 452(d)
4:1-2.1	Revised definitions of demotion	R.1977 d.317	9 N.J.R. 453(c)
4:1-5.16	Awarding counsel fees	R.1977 d.315	9 N.J.R. 453(a)
4:1-9.10	Revisions on correction of errors	R.1977-d.316	9 N.J.R. 453(b)
4:1-12.2	Amendment on certification from eligible lists	R.1977 d.322	9 N.J.R. 455(b)
4:1-12.15	Amendment on appointment of eligible certified	R.1977 d.323	9 N.J.R. 455(c)
4:1-16.3	Revisions on order of layoff or demotion	R.1977 d.344	9 N.J.R. 456(b)
4:1-16.7(a)1.	Amendments on suspensions, fines and demotions	R.1977 d.321	9 N.J.R. 455(a)
4:1-16.13(d)	Amendment on requests for reemployment	R.1977 d.324	9 N.J.R. 455(d)
4:1-17.18	Revisions on verification of sick leave	R.1977 d.343	9 N.J.R. 456(a)

(Rules in the Administrative Code for Title 4 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 10.)

COMMUNITY AFFAIRS — TITLE 5			
5:10-2.1 et seq.	Revisions on construction and maintenance of hotels and multiple dwellings	R.1977 d.305	9 N.J.R. 414(a)
5:23-1.1 et seq.	Revisions to Uniform Construction Code	R.1977 d.256	9 N.J.R. 358(a)
5:23-2.6 3.3, 3.8, 4.3 and 4.8	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)

5:23-3.4(a)21	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(a)
5:23-4.3(c)6.	Amendments on conflicts of interest	R.1977 d.434	9 N.J.R. 558(a)
5:23:4-9(a)	Amendments on plan reviews	R.1977 d.306	9 N.J.R. 414(b)
5:23-4.9, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)
5:23-5.1 et seq.	Licensing of code enforcement officials	R.1977 d.304	9 N.J.R. 413(b)
5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.12	Detail in support of current budget appropriation	R.1977 d.346	9 N.J.R. 456(d)
5:30-1.13	Federal antirecession fiscal assistance program	R.1977 d.347	9 N.J.R. 457(a)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)
5:30-14.1 to 14.3	Rules on local public contracts	R.1977 d.128	9 N.J.R. 212(a)
5:30-14.5	Certification of funds and accounting for contracts	R.1977 d.127	9 N.J.R. 211(a)
5:30-16.1 et seq.	Tenants' property tax rebate program	R.1977 d.241	9 N.J.R. 357(b)
5:90-1.1 et seq.	Urban Loan Authority's procedure manual	R.1977 d.244	9 N.J.R. 357(c)

(Rules in the Administrative Code for Title 5 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 8.)

EDUCATION — TITLE 6

6:2-1.17	Appeals from commissioner on budget cap waivers	R.1977 d.420	9 N.J.R. 559(a)
6:3-1.1, 6:5-2.1	Amendments on acting administrators	R.1977 d.421	9 N.J.R. 559(b)
6:3-1.6	Delete summer payment plan rule for academic year personnel	R.1977 d.465	10 N.J.R. 6(b)
6:3-1.11	Amendments on superintendency	R.1978 d.7	10 N.J.R. 59(a)
6:4-1.5	Revisions on school and classroom practices	R.1977 d.274	9 N.J.R. 416(a)
6:8-1.1, 3.4, 3.8	Revisions on thorough and efficient system of public schools	R.1977 d.199	9 N.J.R. 310(a)
6:11-3.6	Amendments on assignment of titles	R.1977 d.422	9 N.J.R. 559(c)
6:11-10.5	Delete current text on special regulations	R.1977 d.423	9 N.J.R. 559(d)
6:11-10.11	Revisions on assistant superintendent for business	R.1977 d.341	9 N.J.R. 459(b)
6:20-2.3	Amendments on bookkeeping in local school districts	R.1977 d.463	10 N.J.R. 5(b)
6:21-7.1	Revisions on limit of apportionment of State aid	R.1977 d.277	9 N.J.R. 416(d)
6:22-2.5(e), 7.6 3.27, 3.28	Revisions on final plans approvals	R.1977 d.275	9 N.J.R. 416(b)
6:22-2.9	Revisions on master plans	R.1977 d.236	9 N.J.R. 359(b)
6:27-2.1	Revisions on approval of private secondary schools, independent and parochial	R.1977 d.385	9 N.J.R. 511(b)
6:27-7.1	Approval of secondary schools operated by other state, county or local agencies	R.1977 d.386	9 N.J.R. 511(c)
6:28-5.1 et seq.	Rules on auxiliary services for nonpublic school pupils	R.1977 d.464	10 N.J.R. 6(a)
6:28-6.1 et seq.	Rules on corrective speech services for nonpublic school pupils	R.1977 d.466	10 N.J.R. 6(c)
6:29-4.2	Revisions on testing for tuberculosis	R.1977 d.276	9 N.J.R. 416(c)
6:39-1.4	Minimum levels of pupil proficiency	R.1977 d.198	9 N.J.R. 309(a)
6:43-1.2(e)	Revisions on program requirements	R.1977 d.278	9 N.J.R. 417(a)
6:53-1.1 et seq.	Vocational education safety standards	R.1977 d.279	9 N.J.R. 417(b)
6:66-1.12, 1.19	Revisions on archives and history and records management	R.1977 d.340	9 N.J.R. 459(a)

(Rules in the Administrative Code for Title 6 include all adoptions prior to May 25, 1977—Transmittal Sheet No. 10.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1C-1.1 et seq.	Revisions on 90-day construction permits	R.1977 d.390	9 N.J.R. 513(c)
7:7A-1.13(a)	Extend Wetlands Order for parts of Salem, Cape May and Ocean	R.1977 d.267	9 N.J.R. 418(b)
7:9-2.1 et seq., 7:10-3.10 et seq.	Standards for construction of sewerage facilities and water systems	R.1978 d.21	10 N.J.R. 61(b)
7:9-4.4, 4.6, 4.8, 14.1 et seq.	Amendments on water quality standards for Pine Barrens	R.1978 d.20	10 N.J.R. 61(a)
7:9-10.1 et seq.	Amendments on Pine Barrens as critical area for sewerage	R.1978 d.19	10 N.J.R. 60(a)
7:9, 10, 20	Amend certain rules of the Division of Water Resources	R.1977 d.477	10 N.J.R. 10(c)
7:12-1.1, 1.3	Amendments on shellfish in Great Egg Harbor Bay	R.1977 d.427	9 N.J.R. 561(b)
7:12-1.3(a) 14.	Revisions on condemnation of certain shellfish beds	R.1977 d.300	9 N.J.R. 420(b)
7:12-1.3(a)39.i.	Revisions on condemnation of certain shellfish beds	R.1977 d.301	9 N.J.R. 420(c)
7:12-1.3(a)39i.(1)	Amendments on condemnation of certain shellfish harvesting waters	R.1977 d.283	9 N.J.R. 419(a)
7:14-1.1 et seq.	Rules on the Water Pollution Control Act	R.1977 d.268	9 N.J.R. 418(c)
7:14-7.1 et seq.	Rules on ocean dumping alternatives development	R.1977 d.458	10 N.J.R. 10(b)
7:16-1.1 et seq.	Financial assistance for public sewage systems	R.1978 d.18	10 N.J.R. 59(c)
7:22-1.1 et seq.	Award of grants for the planning, design and construction of wastewater treatment facilities	R.1977 d.356	9 N.J.R. 465(b)
7:25-9.5	Rules on crab dredging	R.1977 d.269	9 N.J.R. 418(d)
7:25-9.6	Relaying hard clams; Manasquan River	R.1977 d.338	9 N.J.R. 464(b)
7:25-9.6(g), (h)	Revision on relaying hard clams in Manasquan River	R.1977 d.363	9 N.J.R. 512(b)

7:26-1.10(c)	Revisions to effective dates of categories of solid waste districts	R.1977 d.311	9 N.J.R. 421(a)
7:27-2.10(a)	Delete portion of rule on orchard prunings	R.1977 d.485	10 N.J.R. 59(b)
7:27-3.1 et seq.	Revisions on control and prohibition of smoke from combustion of fuel	R.1977 d.284	9 N.J.R. 420(a)
7:27-4.1 et seq.	Revisions on control and prohibition of particles from combustion	R.1977 d.284	9 N.J.R. 420(a)
7:27-5.1 et seq.	Revisions on prohibition of air pollution	R.1977 d.284	9 N.J.R. 420(a)
7:36-1.1 et seq.	Rules on Green Acres land grant program	R.1977 d.395	9 N.J.R. 514(a)
Temporary rule	Revisions on sea clam harvest area openings	R.1977 d.337	9 N.J.R. 464(a)
Temporary rule	Special rule on limiting use of shotgun shells	R.1977 d.355	9 N.J.R. 465(a)
Temporary rule	1978 Fish Code	R.1977 d.384	9 N.J.R. 513(a)
Temporary rule	Crab dredging season for Atlantic Coast	R.1977 d.387	9 N.J.R. 513(b)
Temporary rule	Rules on 1977-78 sea clam season	R.1977 d.451	10 N.J.R. 10(a)

(Rules in the Administrative Code for Title 7 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

HEALTH — TITLE 8

8:7-1.9(a)2.i.	Amendments on qualifications of health officer	R.1978 d.24	10 N.J.R. 62(c)
8:21-1.19	Revisions on cosmetic labels	R.1977 d.357	9 N.J.R. 467(a)
8:21-1.27	Cosmetic package principal display panel	R.1977 d.192	9 N.J.R. 269(b)
8:21-1.28	Cosmetic product identity labeling	R.1977 d.193	9 N.J.R. 269(c)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:30-14.1 et seq.	Long-term-care facilities for indigents as condition for licensure	R.1978 d.25	10 N.J.R. 62(d)
8:31-8.1 et seq.	Standards for planning and certification of perinatal services	R.1977 d.182	9 N.J.R. 269(a)
8:31-13.1 et seq.	Revisions on standard hospital accounting and rate evaluation system	R.1977 d.360	9 N.J.R. 467(b)
8:31-16.17	Rule on reports to relate ancillary services with hospital case-mix	R.1977 d.361	9 N.J.R. 467(c)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-26.1	Amendment on licensure standards for health care facilities	R.1977 d.181	9 N.J.R. 268(e)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
8:31A-10.6	Time-phased plan	R.1977 d.312	9 N.J.R. 429(a)
8:33-1.5, 2.5	Revised guidelines and criteria for submissions of applications for certificates of need	R.1977 d.223	9 N.J.R. 322(d)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:33-4.1	Standards and criteria; regional hemophilia care centers	R.1977 d.139	9 N.J.R. 221(c)
8:34-1.1 et seq.	Revisions on licensing of nursing home administrators	R.1977 d.172	9 N.J.R. 268(b)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
8:39-1.1 et seq.	Manual of standards for licensure of nursing homes	R.1977 d.222	9 N.J.R. 322(c)
8:41-1.1 et seq.	Rules on planning and application for designation of cardiac diagnostic facilities	R.1977 d.179	9 N.J.R. 268(c)
8:41-2.1 et seq.	Rules on planning and certification of need of regional cardiac centers	R.1977 d.180	9 N.J.R. 268(d)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
8:43A-1.15, 1.35, 1.43	Revisions for licensure of ambulatory care facilities	R.1977 d.253	9 N.J.R. 366(c)
8:43A-1.68	Standards for licensure of ambulatory care facilities and health maintenance organizations	R.1977 d.140	9 N.J.R. 222(a)
8:43E-1.1 et seq.	Policy manual for planning and certificate of need reviews of health care facilities	R.1977 d.138	9 N.J.R. 221(b)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
8:53-1.1	Revisions in implementation of Local Health Services Act	R.1977 d.141	9 N.J.R. 222(b)
8:53-1.3(b)	Revisions on implementing local Health Services Act	R.1977 d.239	9 N.J.R. 366(b)
8:57-1.19	Reporting bladder cancer	R.1977 d.467	10 N.J.R. 12(a)
8:65-10.1(a)1.	Add thiophene avalog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.1(a)4	Control of dextropropoxyphene	R.1977 d.151	9 N.J.R. 268(a)
8:65-10.4	Addition of Lorazepam to controlled dangerous substances	R.1978 d.23	10 N.J.R. 62(b)
8:65-10.5	Add Loperamide as dangerous	R.1977 d.440	9 N.J.R. 567(a)

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

HIGHER EDUCATION — TITLE 9

9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(a)
9:4-3.57(b)	Amendments on non-credit and credit courses auditing procedures	R.1977 d.483	10 N.J.R. 63(a)
9:9-1.1, 1.2, 1.3, 4.2, 4.3, 5.1, 5.3	Revisions on guaranteed student loan program	R.1977 d.353	9 N.J.R. 468(a)
9:9-1.3(b)	Revisions on loan amounts	R.1976 d.249	9 N.J.R. 366(d)
9:9-1.10	Amendments on change of lenders	R.1977 d.216	9 N.J.R. 331(a)
9:9-1.21 et seq.	Revisions to policies and procedures concerning student loans	R.1977 d.104	9 N.J.R. 173(c)
9:9-7.1 et seq.	Policy governing educational institutions	R.1977 d.354	9 N.J.R. 469(a)

9:9-8.1 et seq.	Policy governing institution of higher education loan act	R.1977 d.217	9 N.J.R. 331(b)
9:14-1.3	Revised definition of institution or eligible institution	R.1977 d.255	9 N.J.R. 367(a)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

(Rules in the Administrative Code for Title 9 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

HUMAN SERVICES — TITLE 10

CORRECTIONS

10:37-12.1 et seq.	Construction assistance for community mental health facilities	R.1977 d.482	10 N.J.R. 63(d)
10:49-1.3(b)	Adoption by reference of Federal standards for mentally retarded	R.1977 d.490	10 N.J.R. 65(b)
10:49-1.1 through 10:49-6.1 et seq.	Revisions on administration and general information; Health Services Program	R.1977 d.213	9 N.J.R. 342(c)
10:49-1.5(a)12.	Amendments on general exclusions	R.1977 d.408	9 N.J.R. 534(b)
10:49-1.25	Medicaid reimbursement for abortions	R.1977 d.243	9 N.J.R. 370(e)
10:49-11.1	Medicaid management information system	R.1977 d.409	9 N.J.R. 534(c)
10:50-1.1 et seq.	Revised transportation services manual	R.1977)d.374	9 N.J.R. 533(b)
10:50-2.1 et seq.	Revised transportation billing	R.1977 d.375	9 N.J.R. 534(a)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
10:51-1.1 et seq.	Revisions concerning pharmaceutical services	R.1977 d.215	9 N.J.R. 343(b)
10:51-2.1 et seq.	Revised pharmacy billing procedures	R.1977 d.313	9 N.J.R. 435(c)
10:51-4.1 et seq.	Consultant pharmacist services	R.1977 d.214	9 N.J.R. 343(a)
10:54-1.2(b)	Medicaid childhood immunization policy	R.1977 d.424	9 N.J.R. 582(c)
10:51-5.1 et seq.	Rules on pharmaceutical assistance to aged program	R.1977 d.491	10 N.J.R. 66(a)
10:56-1.1 et seq.	Amended dental services manual	R.1978 d.2	10 N.J.R. 66(e)
10:56-1.48, 10:57-1.4, 1.22	Revisions on injectables policy for podiatrists and dentists	R.1977 d.302	9 N.J.R. 435(a)
10:57-1.1	Amended definition of podiatry services	R.1977 d.417	9 N.J.R. 582(b)
10:63-1.16	Involuntary transfer of patients	R.1977 d.425	9 N.J.R. 583(a)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:65-3.12	Involuntary transfer of patients	R.1977 d.425	9 N.J.R. 583(a)
10:69A-1.1 et seq.	Amendments on pharmaceutical assistance to aged	R.1977 d.492	10 N.J.R. 66(b)
10:81	Amendments to Public Assistance Manual to conform to P.L. 1977, c.127	R.1977 d.452	10 N.J.R. 16(b)
10:81-2.8, 3.18, 5.9	Revisions on WIN registration program	R.1977 d.226	9 N.J.R. 370(a)
10:81-3.12, 7.46	Revisions on suspected child abuse or neglect	R.1977 d.332	9 N.J.R. 479(a)
10:81-3.15	Delete rule on noncontributing person(s) in household	R.1977 d.212	9 N.J.R. 342(b)
10:81-3.18(1)	Amendments on lawful strikes in public assistance	R.1977 d.411	9 N.J.R. 575(c)
10:81-4.14	Revisions on recipient's right to a fair hearing	R.1977 d.290	9 N.J.R. 434(b)
10:81-6.5	Revisions on clients' right during pendency of fair hearing	R.1977 d.289	9 N.J.R. 434(a)
10:81-6.10, 6.12, 6.13, 6.14	Amendments to Public Assistance Manual	R.1977 d.412	9 N.J.R. 582(a)
10:81-6.13(d)	Revisions on fair hearing decisions	R.1977 d.227	9 N.J.R. 370(b)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81-7.44	Revisions on cases involving fraudulent receipt of assistance	R.1977 d.230	9 N.J.R. 370(d)
10:81 Appendix D	Revisions on child support and paternity program	R.1977 d.307	9 N.J.R. 435(b)
10:82-1.1 et seq.	Revised Assistance Standards Handbook	R.1977 d.211	9 N.J.R. 342(a)
10:82-3.2(b)7.viii.	Exemption on experimental housing assistance	R.1977 d.431	9 N.J.R. 584(b)
10:82-3.2(b) 10.	Revisions on personal loan exemptions	R.1977 d.229	9 N.J.R. 370(c)
10:82-5.12(a)	Amendments on emergency assistance	R.1977 d.299	9 N.J.R. 434(e)
10:85-3.1(a), 10:85-3.1(b)2.	Amendments on eligibility for general assistance	R.1977 d.410	9 N.J.R. 535(a)
10:85-3.1(a)2, 3.3(e)1.,3.4(b)1., 9.1(d)	Amendments on sponsors of aliens as potential resources	R.1977 d.444	10 N.J.R. 15(a)
10:85.3.3, 4.1, 4.2	Amendments on general assistance payment levels	R.1977 d.488	10 N.J.R. 64(c)
10:85-3.3(e)4. and 9.5(c)	Amendments on financial eligibility and support	R.1977 d.445	10 N.J.R. 15(b)
10:85-3.3(e)5.	Amendments on exemption of HUD vendor payments	R.1977 d.446	10 N.J.R. 15(c)
10:85-3.3(e)5.v.	Amendments on personal loans as exempt income	R.1977 d.291	9 N.J.R. 434(c)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-5.7(a)6., 8.	Amendments on countable income for food stamps	R.1977 d.430	9 N.J.R. 584(a)
10:87-5.8(c)	Amendments on medical expenses deductible for food stamp income	R.1977 d.335	9 N.J.R. 479(d)
10:87-6.9, 6.10, 7.24	Revise food stamp manual on notification	R.1977 d.373	9 N.J.R. 533(a)
10:87-7.17(a)6	Amendment on appellant's right during fair hearing	R.1977 d.486	10 N.J.R. 64(a)
10:87-8.1 et seq.	Fiscal procedures in food stamp program	R.1977 d.288	9 N.J.R. 433(c)
10:94-3.13(b)	Revisions on optometrists as qualified to examine visually impaired	R.1977 d.334	9 N.J.R. 479(c)
10:94-4.4(d)	Amendments on ownership of resources; Medicaid Only Manual	R.1977 d.336	9 N.J.R. 479(e)
10:94-4.42	Maximum resources for institutionalized individuals	R.1977 d.333	9 N.J.R. 479(b)

10:109-1.1 et seq.	Revisions to Ruling 11	R.1977 d.293	9 N.J.R. 434(d)
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
10:122-2.4, 2.5, 2.6	Revisions on child care licensing	R.1977 d.225	9 N.J.R. 369(a)
10:128-1.1 et seq.	Manual of Standards for Group Homes	R.1977 d.287	9 N.J.R. 433(b)
Temporary rule	1978 State plan forvocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

(Rules in the Administrative Code for Title 10 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

INSURANCE — TITLE 11

11:1-5.2(f)	Assumption of insolvent N.Y. insurers' obligations	R.1977 d.389	9 N.J.R. 535(d)
11:1-5.2(g)	Policies of Empire Mutual Insurance Co. and Allcity Insurance Co.	R.1977 d.413	9 N.J.R. 586(a)
11:1-5.2(g)4	Amendment on three-year policies covered by JUA	R.1978 d.3	10 N.J.R. 69(a)
11:1-10.1	Amended definition of financial institutions	R.1978 d.17	10 N.J.R. 70(a)
11:1-10.1 et seq.	Amendments on licensing of financial institutions	R.1977 d.405	9 N.J.R. 536(c)
11:1-11.3	Disciplinary action and restitution	R.1978 d.11	10 N.J.R. 69(b)
11:2-1.5	Educational program requirements for title agents	R.1977 d.438	9 N.J.R. 586(a)
11:3-8.1	Amendment on nonrenewal of auto insurance	R.1977 d.437	9 N.J.R. 586(b)
11:3-11.1	Motorized bicycle insurance	R.1978 d.12	10 N.J.R. 69(c)
11:4-10.2	Required notice concerning expenses exhibits	R.1977 d.358	9 N.J.R. 481(b)
11:4-13.1 et seq.	Group student health insurance	R.1977 d.309	9 N.J.R. 438(d)
11:4-14.1 et seq.	Home health care insurance coverage	R.1977 d.476	10 N.J.R. 16(d)
11:5-1.1	Revisions on disciplinary action	R.1977 d.392	9 N.J.R. 536(b)
11:5-1.16(d)	Amendments on prohibited advertising	R.1977 d.391	9 N.J.R. 536(a)
11:5-1.25(h)	Revisions on sale of interstate properties	R.1977 d.292	9 N.J.R. 438(c)

(Rules in the Administrative Code for Title 11 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised 1978 maximum weekly benefit rates	R.1977 d.297	9 N.J.R. 439(b)
12:15-1.4	Revised 1978 taxable wage base under unemployment compensation	R.1977 d.298	9 N.J.R. 439(c)
12:235-4.8	Amendments on certificates of readiness	R.1977 d.406	9 N.J.R. 537(b)
Temporary	Revised 1978 workers' compensation benefit rates	R.1977 d.296	9 N.J.R. 439(a)
Temporary rule	Listing of wage rates for construction workers	R.1977 d.383	9 N.J.R. 537(a)

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

LAW AND PUBLIC SAFETY — TITLE 13

13:2-1.1 et seq.	Revised rules of Division of Alcholic Beverage Control	R.1977 d.342	9 N.J.R. 487(b)
13:2-3.11	Alcoholic Beverage Licenses in Atlantic City	R.1977 d.348	9 N.J.R. 487(c)
13:4-9.1, 8.2, 8.4	Amendments on procedure rules of Division on Civil Rights	R.1978 d.26	10 N.J.R. 72(a)
13:19-10.1 et seq.	Revisions on point system and driving during suspension	R.1977 d.352	9 N.J.R. 488(b)
13:20-35.1 et seq.	Inspection of State-owned vehicles by central motor pool	R.1978 d.40	10 N.J.R. 71(b)
13:33-1.29	Amendments on record of prescription filled	R.1978 d.9	10 N.J.R. 72(b)
13:35-1.4	Amendments on approving educational chiropractic institutions	R.1977 d.481	10 N.J.R. 71(c)
13:35-7.2	Termination of pregnancy	R.1977 d.351	9 N.J.R. 488(a)
13:37-8.1 et seq.	Revisions on schools of practical nursing	R.1977 d.273	9 N.J.R. 440(b)
13:44-2.9	Temporary permits	R.1977 d.285	9 N.J.R. 441(a)
13:70-1.17, 1.27, 14:29, 16.34 13:71-5.1, 5.20, 8.38, 23.22	Amend harness and thoroughbred racing rules	R.1977 d.331	9 N.J.R. 487(a)

(Rules in the Administrative Code for Title 13 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

ENERGY — TITLE 14A (Including Public Utility Commissioners - 14)

14:1-1.7, 4.3, 6.5, 8.4, 8.5, 9.4, 10.1	Revisions on communications	R.1977 d.263	9 N.J.R. 442(a)
14:18-11.19, 11.21	Revisions on required information	R.1977 d.295	9 N.J.R. 443(a)
14A:1.1 et seq.	Adopt P.U.C. rules of practice by reference	R.1977 d.264	9 N.J.R. 442(b)
14A:1-1 et seq.	Rules of practice for Department of Energy	R.1977 d.433	9 N.J.R. 593(a)
14A:2-1.1 et seq.	Energy emergency allocation	R.1977 d.432	9 N.J.R. 592(b)

(Rules in the Administrative Code for Title 14 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 8.)

STATE — TITLE 15

15:10-1.4(b), 1.11	Amend mail voter registration rules	R.1977 d.271	9 N.J.R. 443(b)
15:10-4.1	Printing absentee ballot applications	R.1977 d.205	9 N.J.R. 346(c)

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

PUBLIC ADVOCATE — TITLE 15A

15A:1-1.1 et seq.	Rules of practice; Public Interest Advocacy	R.1977 d.362	9 N.J.R. 541(b)

(No rules yet available in the Code.)

TRANSPORTATION — TITLE 16

16:1-2.1 et seq.	Revisions on issuance and sale of DOT public records	R.1977 d.345	9 N.J.R. 493(d)
16:28-3.103	Revisions on restricted parking on parts of Route 49	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.151, 152	Restricted parking on parts of Routes 31 and 28	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.153, 3.154	Restricted parking on parts of Routes 88 and 28	R.1977 d.329	9 N.J.R. 493(c)
16:28-3.155	Restricted parking on parts of Route 57	R.1977 d.328	9 N.J.R. 493(b)
16:28-3.157, 3.158	Restricted parking on parts of U.S. Routes 22 and 57	R.1977 d.493	10 N.J.R. 80(a)
16:28-5.3	Stop intersection on part of Route 208	R.1977 d.326	9 N.J.R. 492(c)
16:28-6.16	No left turn on parts of Route 23	R.1977 d.325	9 N.J.R. 492(b)
16:28-12.1, 12.5, 12.9, 12.15, 12.16 and 12.17	No right turns on red on parts of Routes US 1, 5, 10, 22, 23 and 24	R.1977 d.456	10 N.J.R. 36(e)
16:28-12.18, 12.19, 12.20, 12.26, 12.35 and 12.36	Amend no right turns on parts of Routes 27, 28, 29, 36, 46 and 47	R.1977 d.454	10 N.J.R. 36(c)
16:28-12.37, 12.38, 12.44, 12.55 and 12.56	No right turns on parts of Routes 49, 70, 124 and US 130	R.1977 d.453	10 N.J.R. 36(b)
16:28-12.56 through 12.59	No right turns on red on parts of Routes 130, 154, 166 and 168	R.1977 d.455	10 N.J.R. 36(d)
16:28-13.4	Limited access on interstate highways	R.1977 d.443	10 N.J.R. 36(a)
16:41-8	Amend rules on outdoor advertising on access highways	R.1977 d.426	9 N.J.R. 593(d)
16:41-10.9	Violations relating to permits	R.1977 d.418	9 N.J.R. 593(c)
16:65-1.1, 1.2, 4.2, 5.1, 5.5, 6.2	Revisions on classification of contractors	R.1977 d.388	9 N.J.R. 543(b)

(Rules in the Administrative Code for Title 16 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

TREASURY-GENERAL — TITLE 17

17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:1-10.1 et seq.	Rules on the State prescription drug program	R.1977 d.117	9 N.J.R. 243(a)
17:2-1.1(a), 17:2-6.15, 17:2-6.26	Revisions on board meetings, compulsory retirement and medical examinations	R.1977 d.148	9 N.J.R. 295(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
17:5-3.1, 5.1 5.2, 5.3, 5.15	Revisions to State Police Retirement System rules	R.1977 d.359	9 N.J.R. 496(a)
17:6-2.1(a), 3.2, 3.9, 3.10	Amend rules of Consolidated Police and Firemen's Pension Fund	R.1977 d.461	10 N.J.R. 44(b)
17:7-2.1, 3.3, 3.10	Revisions to Prison Officers' Pension Fund rules	R.1977 d.250	9 N.J.R. 392(b)
17:10-5.2	Revisions on effective dates; Judicial Retirement System	R.1977 d.228	9 N.J.R. 392(a)
17:12-2.4 through 17:12-2.7	Rules on term contract bidding procedures	R.1977 d.170	9 N.J.R. 295(e)
17:12-6.1	Revised definition for bid security	R.1977 d.169	9 N.J.R. 295(d)
17:13-1.1 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)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
17:16-31.1 et seq.	Revised rules on State Cash Management Fund	R 1977 d.173	9 N.J.R. 296(a)
17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
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)

(Continued from Page 20)

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on No-Passing Zones On Parts of Routes 109 and U.S. 206

Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt new rules concerning no passing zones on portions of Routes 109 in Lower Township and U.S. 206 in Hammonton.

Full text of the proposal follows:

16:28-15.1 Route 109 in the Township of Lower, Cape May County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route number N.J. 109 described in drawing number NHPZ-010 dated March 9, 1977, made a part hereof shall be and are hereby designated as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.2 U.S. Route 206 in the Town of Hammonton, Atlantic County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route number U.S. 206 described in drawing number HNPZ-001 dated September 17, 1976, attached hereto and made a part hereof shall be and are hereby designated as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

Ed. Note: Copies of the drawings cited in these rules

17:16-36.8(b)	Revisions on valuation of units; Common Pension Fund B	R.1977 d.126	9 N.J.R. 244(d)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
17:19A-1.1 et seq.	Revised rules on barrier free designs; facilities for the physically handicapped in public buildings	R.1977 d.286	9 N.J.R. 447(a)
17:21-2.3 et seq.	Revised rules on weekly lottery game	R.1977 d.320	9 N.J.R. 494(b)
17:26-1.1 et seq.	Interim rules for processing damage claims under the Spill Compensation and Control Act	R.1977 d.116	9 N.J.R. 241(d)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)

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

TREASURY-TAXATION — TITLE 18

18:5-6.5, 6.19	Amendments on cigarette distributors' licenses	R.1977 d.473	10 N.J.R. 44(c)
18:5-6.5(d)	Rule on fingerprinting for cigarette distributors' licenses	R.1977 d.468	10 N.J.R. 45(b)
18:12-7.1 et seq.	Amendments to homestead tax rebate rules	R.1978 d.4	10 N.J.R. 81(b)
18:12-7.11	Amendment on extension of filing date	R.1977 d.448	10 N.J.R. 44(a)
18:12-7.12	Amendment on extension of filing date; homestead tax rebate	R.1978 d.10	10 N.J.R. 81(c)
18:24-4.1, 4.4, 4.7	Revisions on exemptions from sales and use tax	R.1977 d.365	9 N.J.R. 544(a)
18:24-7.8, 7.18, 19.4	Amendments on exemption of certain motor vehicles from sales and use tax	R.1977 d.484	10 N.J.R. 81(a)
18:35-1.8	Information returns for 1977 and subsequent years	R.1977 d.460	10 N.J.R. 45(a)

(Rules in the Administrative Code for Title 18 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

OTHER AGENCIES — TITLE 19

19:1	Amended rules of Mortgage Finance Agency	R.1977 d.442	10 N.J.R. 47(a)
19:6-3.1 et seq.	Uniform procedures for administration of Meadowlands construction code	R.1977 d.457	10 N.J.R. 49(a)
19:8-1.1, 3.1(b)	Amendments on use of Parkway by trucks	R.1977 d.419	9 N.J.R. 603(d)
19:8-1.8	Revisions on Garden State Parkway commuter parking	R.1977 d.270	9 N.J.R. 448(b)
19:9-4.1 et seq.	Rules on inspection and obtaining of Turnpike Authority records	R.1977 d.265	9 N.J.R. 448(d)
19:10-1.1 et seq.	Revised rules on PERC	R.1977 d.272	9 N.J.R. 448(a)
19:16-1.1 et seq.	Rules on negotiations, public fire and police departments	R.1977 d.349	9 N.J.R. 497(a)
19:25-12.1(b)	Revisions on reporting of expenditures	R.1977 d.379	9 N.J.R. 548(a)
19:25-15.38-15.41	Rules on election travel, political action committees and valuation	R.1977 d.350	9 N.J.R. 496(b)
19:40-1.1 et seq.	Practices and procedures; Casino Control Commission	R.1977 d.394	9 N.J.R. 546(a)
19:41-1.1 et seq.	Rules on casino applications	R.1977 d.475	10 N.J.R. 4(d)
19:44-1.1 et seq.	Rules on gaming schools	R.1977 d.474	10 N.J.R. 4(c)
19:50-1.1 et seq.	Casino hotel alcoholic beverage control	R.1978 d.13	10 N.J.R. 81(d)
19:51-1.1 et seq.	Rules on casino advertising	R.1978 d.14	10 N.J.R. 82(a)
19:52-1.1 et seq.	Rules on casino entertainment	R.1978 d.15	10 N.J.R. 82(b)
19:53-1.1 et seq.	Rules on casino equal employment opportunities	R.1978 d.16	10 N.J.R. 83(a)

(Rules in the Administrative Code for Title 19 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

may be obtained from or made available for review by contacting the Bureau of Traffic Engineering, Division of Transportation Operations, N.J.D.O.T., 1035 Parkway Avenue, Trenton, N.J. 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

The Department of Transportation may thereafter adopt rules concerning this subject without further notice.

Russell H. Mullen
Acting Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Rules on Restricted Parking on Parts of Routes U.S. 22 and 57

On December 30, 1977, Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.156 and 16:28-3.157, concerning restricted parking on portions of Route U.S. 22 in Clinton Township and N.J. 57 in Washington Borough, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 593(b).

An order adopting these rules was filed and became effective on December 30, 1977, as R.1977 d.493.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

HEALTH BENEFITS COMMISSION

Proposed Amendments and New Rule On State Health Benefits Program

William J. Joseph, Secretary, Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27, proposes to amend N.J.A.C. 17:9-2.3 and 17:9-5.2 and adopt a new rule, N.J.A.C. 17:9-5.11, concerning the Health Benefits Program.

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

17:9-2.3(a) Any employee who shall elect not to enroll for coverage for himself or his dependents at the time such employee or dependent first becomes eligible for coverage shall subsequently be permitted to enroll himself and his dependents only during the annual enrollment period, which is the month of [May] **April** of each year, with coverage effective for the first coverage period in August in the case of State coverage and the month of January with coverage effective April 1 in the case of local coverage.

17:9-5.2 Waiting period

There shall be a [60-day] **two-month** waiting period for local employer participation.

17:9-5.11 Premiums and coverage; 10-month employees

Employees hired as of September 1 under a 10-month contract shall have premiums deducted from the wages they receive in September to establish their coverage as of the beginning date of their employment. In order to continue a 10-month employees' coverage during the months of July and August, sufficient premiums will be deducted prior to the expiration of their 10-month contract to continue their coverage during the heretofore mentioned months provided their employment resumes in September.

Interested persons may present statements or arguments in writing relevant to the proposals on or before March 1, 1978, to:

William J. Joseph, Secretary
Health Benefits Commission
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The State Health Benefits Commission may thereafter adopt these rules without further notice.

William J. Joseph, Secretary
Health Benefits Commission
Division of Pensions
Department of the Treasury

(c)

TREASURY

DIVISION OF PENSIONS

POLICE AND FIREMEN'S RETIREMENT SYSTEM

BOARD OF TRUSTEES

Proposed Amendments Concerning Police and Firemen's Retirement System

Elmer G. Baggaley, Secretary of the Police and Firemen's Retirement System Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16A-13 proposes to amend N.J.A.C. 17:4-3.1 and 17:4-6.16 concerning the Police and Firemen's Retirement System.

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

17:4-3.1(i) In computing the salary upon which pension contributions were based during a member's last year of service, in the case of a 12-month State employee reported on a biweekly basis, a total of 26 biweekly pays will be used, including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by multiplying the total by [1.003831] **the factors supplied by the actuary**; such adjustment will compensate for State biweekly payroll schedules.

17:4-6.16(b) [In computing subsection (a) of this section the total salary will be adjusted by multiplying the total by 1.003831; such adjustment will compensate for State biweekly payroll schedules.]

In computing subsection (a) of this section, the total

salary will be adjusted by the factors supplied by the actuary to convert biweekly salaries to compensate for State biweekly payroll schedules. Application of the factors to the salaries reported for pension purposes will develop "final compensation".

Interested persons may present statements or arguments in writing relevant to the proposals on or before March 1, 1978, to:

Elmer G. Baggaley, Secretary
Police and Firemen's Retirement System
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Police and Firemen's Retirement System Board of Trustees may thereafter adopt these rules without further notice.

Elmer G. Baggaley, Secretary
Police and Firemen's Retirement System Board of Trustees
Division of Pensions
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Amendments on Exemption of Certain Motor Vehicles from Sales and Use Tax

On December 29, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:24-7.8, 18:24-7.18 and 18:24-19.4 concerning exemptions of certain motor vehicles from the sales and use tax, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 594(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of the Treasury.

An order adopting these amendments was filed and became effective on December 29, 1977, as R.1977 d.484.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Amendments to Homestead Tax Rebate Rules

On January 4, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976, c. 72, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the homestead tax rebate rules, cited as N.J.A.C. 18:12-7.1 et seq., as proposed in the Notice published December 8, 1977, at 9 N.J.R. 596(a).

An order adopting these amendments was filed and became effective on January 4, 1978, as R.1978 d.4.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Emergency Amendments Extending Time for Filing Claim for Homestead Tax Rebate

On January 18, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976, c. 72, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 18:12-7.12 concerning the extension of time for filing claims for the homestead tax rebate.

Full text of the adoption follows (amended text indicated in boldface thus):

18:12-7.12 Extension of filing date

The time for property owners to file their applications for a homestead rebate payable in 1978 pursuant to P.L. 1976, c. 72, **including applications by shareholders in cooperative associations and those residing in properties of certain mutual housing corporations,** has been extended to **March 31, 1978.**

An order adopting these amendments was filed and became effective on January 18, 1978, as R.1978 d.10 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Other Agencies)

(d)

CASINO CONTROL COMMISSION

Rules on Alcoholic Beverage Control in Casino Hotels

On January 19, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:50-1.1 et seq., concerning casino hotel alcoholic beverage control, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 602(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on January 23, 1978, as R.1978 d.13.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CASINO CONTROL COMMISSION

Rules Controlling Advertising

On January 19, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:51-1.1 et seq., concerning advertising, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 603(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

Full text of the adopted rules follows:

CHAPTER 51. ADVERTISING

SUBCHAPTER 1. GENERAL PROVISIONS

19:51-1.1 Applicability of advertising regulations

(a) These regulations shall govern any inducement or other means of calling to the attention of the public by advertising of any other method including broadcasting, publication or any other means of dissemination, which in any way suggests to the recipient that such recipient should or could visit Atlantic City for the purpose of playing any authorized game or patronizing in any way any applicant or licensee.

(b) Any advertisement by any applicant for a casino license or any casino licensee or approved hotel or by any employee or agent thereof shall be subject to these regulations whether or not such advertisement conforms to the substance of subsection (a) of this section.

(c) Any advertisement by an applicant for a casino service industry license or by a casino service industry licensed pursuant to section 92(a) and (b) of the act shall be subject to these regulations, if such advertisement:

1. Falls within N.J.A.C. 19:51-1.1(a); or
2. Advertises the casino service industry licensee's relationship with a licensed casino; or
3. Advertises the casino service industry licensee as a licensee of the commission.

(d) Provided, that the commission may waive compliance with these regulations by any applicant for a casino service industry license or by any casino servce industry licensee if it finds that such compliance is not necessary to effectuate the purposes of the act.

19:51-1.2 General criteria governing advertising

(a) Advertising shall adhere to the legislative mandate that casinos licensed by the commission are offered only as an integral element of the hospitality industry and not as an industry unto themselves, and shall portray gaming as an activity conducted in an atmosphere of social graciousness.

(b) Advertising shall be directed to the nature and tone of the existing hospitality industry in New Jersey and Atlantic City.

(c) Advertising shall adhere to generally accepted standards of good taste.

(d) Advertising shall be based upon fact, and furthermore none of it shall be false, deceptive or misleading in any manner whatsoever. Without limitation as to the generalty of the foregoing requirement, such advertising shall conform to applicable provisions of relevant State and Federal laws which prescribe false advertising.

(e) In the event that the proponent of any advertising which is or may be subject to these regulations has a question as to the propriety hereunder or applicability hereto, or both as the case may be, of such advertising, he may petition the Commission in writing for an advisory opinion as to such propriety or applicability, or both.

19:51-1.3 Prohibited advertising

(a) No advertisement shall stress gaming as its dominant theme.

(b) No advertising shall divulge any information concerning the size of the casino, gambling odds available or the number of games at the casino. Advertising may divulge, however, the location of the casino, its hours of operation, amenities available or the types of games available.

(c) No on-site advertising shall dominate or despoil the architecture or environment of Atlantic City or New Jersey.

(d) No on-site advertising of a casino operation shall appear unless it contains the phrase "Bet With Your Head, Not Over It."

(e) No advertising shall appear if otherwise prohibited by applicable State or Federal laws.

(f) No advertising shall appear in the form of fiction.

19:51-1.4 Commission approval

(a) All proposed advertising shall be submitted to the commission and the division at least seven days prior to broadcast or publication of the material, provided however, that the commission may, for good cause shown and within its sole discretion, modify, reduce or dispense with this requirement of seven days prior notice.

(b) The proposal shall include seven copies of each advertisement which will appear in print media and as many copies of each advertisement as the commission deems necessary if such advertisement will be transmitted in broadcast media.

(c) The proposal shall include proposed publisher, or broadcaster, frequency, times, dates and places of origin of each advertisement and estimated cost of such advertising.

An order adopting these rules was filed and became effective on January 23, 1978, as R.1978 d.14.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CASINO CONTROL COMMISSION

Adopt Rules Concerning Entertainment

On January 19, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:52-1.1 et seq., concerning entertainment, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 603(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

Full text of the adopted rules follows:

CHAPTER 52. ENTERTAINMENT

SUBCHAPTER 1. GENERAL PROVISIONS

19:52-1.1 Applicability of entertainment regulations

(a) These regulations shall apply to all forms of entertainment presented by licensees within casino hotel complexes for the amusement of guests, casino patrons or the general public.

(b) Nothing in these regulations shall be construed to apply to leisure-time activities by guests, casino patrons or members of the general public which take place within casino hotel premises.

(c) Audience participation in any form of entertainment shall not be deemed sufficient to remove the entertainment from the purview of N.J.A.C. 19:52-1.1(a) and place it within N.J.A.C. 19:52-1.1(b).

(d) These regulations shall apply whether or not alcoholic beverages are available to members of an audience viewing any regulated entertainment, but nothing in these regulations shall be construed to otherwise limit the commission's power to further regulate entertainment on premises where alcoholic beverages are purveyed pursuant to commission license.

19:52-1.2 General criteria governing casino entertainment

(a) Entertainment is an important component of the hospitality industry in Atlantic City, and all entertainment provided by casino licensees must adhere to generally accepted standards of taste for such entertainment.

(b) All entertainment must be provided in facilities which are physically and environmentally suited for the type of entertainment provided.

(c) In recognition of the adult nature of gaming as a form of adult recreation, casino hotels are permitted to provide entertainment which will appeal to mature audiences.

(d) In recognition of the family nature of the hospitality industry in Atlantic City, casino hotels are obligated to provide entertainment suitable to and adequate for family entertainment needs.

19:52-1.3 General requirements concerning entertainment

(a) Every casino hotel shall provide at least nightly entertainment in the nature of a live cabaret show, revue or performing arts presentation, unless the casino licensee proves to the satisfaction of the Commission that it is unable to provide such entertainment and that the entertainment provided is adequate for the purposes of the Act.

(b) Every casino hotel shall provide at least nightly entertainment in a pub environment which entertainment may be either live or prerecorded or broadcast in nature, unless such casino licensee proves to the satisfaction of the commission that it is unable to provide such entertainment and that the entertainment provided is adequate for the purposes of the act.

(c) Every casino hotel shall post the hours of shows, costs of admission, availability of food, drink, description of entertainment and duration of shows, in, on or about the casino hotel complex.

(d) Every casino licensee shall submit to the commission for approval all contracts entered into by the licensee and any entertainers. Such contracts shall be submitted at least two weeks prior to the date on which the entertanment is to commence, unless the commission, for good cause shown, relaxes that time period. The casino licensee may consider such a contract approved by the commission unless the commission notifies the licensee to the contrary within seven days of receipt of the contract by the commission.

(e) All sporting events of a professional or recognized amateur status shall be deemed to constitute entertainment and shall adhere to these regulations.

(f) Each casino hotel shall maintain adequate professional staffs to provide necessary technical and maintenance control over areas devoted to entertainment.

(g) Each casino hotel shall maintain adequate professional staffs to assure the safety of guests and patrons who engage in sporting leisure-time activities.

19:52-1.4 Prohibited entertainment activities

(a) No motion pictures shall be exhibited within any casino hotel complex either by direct projection or by closed circuit television in violation of the obscenity statutes of this State.

(b) No live entertainment shall be permitted within a casino hotel complex which includes:

1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals.

3. The actual or simulated display of the pubic hair, vulva, genitals, anus, female nipple or female areola.

(c) No entertainment shall be offered within the casino room itself.

An order adopting these rules was filed and became effective on January 23, 1978, as R.1978 d.15.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CASINO CONTROL COMMISSION

Rules Concerning Equal Employment Opportunity

On January 19, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:53-1.1 et seq., concerning equal employment opportunity, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 603(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on January 23, 1978, as R.1978 d.16.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Amendments on Heliport Charges and Maps of Public Areas at Kennedy and LaGuardia Airports

On November 30, 1977, the Committee on Operations of the Port Authority of New York and New Jersey adopted

amendments to the rules concerning heliports' schedule of charges and the maps of public areas and air terminal highways at Kennedy International and LaGurdia Airports.

Full text of the new amendments follows:

Resolved, that the schedule of charges for the use of the Port Authority West 30th Street heliport, adopted by the Committee on Operations at its meeting on April 4, 1954, (appearing at pages 3 et seq. of the committee minutes of that date), as amended, and the schedule of charges for the use of the Port Authority Downtown Heliport, adopted by the Committee on Operations at its meeting on December 8, 1960 (appearing at page 27 of the committee minutes of that date), as amended, be and the same are hereby amended, effective January 1, 1978, as follows:

1. By amending the section entitled "I - Landing Charges" to read "Take-Off Charges".

2. By amending subparagraph 1 of said section to read as follows:

"1. A. For each take-off of a helicopter having a maximum gross weight up to 4,000 pounds — $10.00.

B. For each take-off of a helicopter exceeding 4,000 pounds but not exceeding 8,000 pounds maximum gross weight—$16.00.

C. For each take-off of a helicopter exceeding 8,000 pounds but not exceeding 12,000 pounds maximum gross weight—$20.00.

D. For each take-off of a helicopter exceeding 12,000 pounds but not exceeding 16,000 pounds maximum gross weight—$25.00.

E. For each take-off of a helicopter exceeding 16,000 pounds maximum gross weight—$30.00.

3. By amending section II entitled "Helicopter Parking Charges" to read as follows:

Helicopter Weight	First Half Hour	Next Hour	Each Additional Hour
Up to 8,000 pounds	Free	$ 9	$ 5
8,001 to 16,000 pounds	Free	15	8
Over 16,000 pounds	Free	25	20

Maximum parking time permitted shall be dependent on space available and the discretion of the Port Authority or its authorized representative.

Resolved, that the resolution of this committee, adopted on July 12, 1951 (appearing at pages 41 and 42 of the committee minutes of that date), defining the public areas and air terminal highways at Kennedy International Airport and approving the map thereof, as subsequently amended, be and the same is hereby amended, effective November 30, 1977, by deleting the first paragraph thereof and substituting in lieu thereof, the following:

"Resolved, that The Port Authority of New York and New Jersey hereby designates as the public landing areas, public aircraft parking and storage areas, public vehicular parking areas, and air terminal highways delineated as such upon the map entitled 'The Port Authority of New York and New Jersey - John F. Kennedy International Airport - Map of Public Areas and Air Terminal Highways,' dated November 30, 1977, which map shall be filed with the secretary;

the said resolution in all other respects to continue in full force and effect; and be it further

"Resolved, that the committee hereby establishes a speed limit of 30 miles per hour on the newly designated air terminal highways."

Resolved, that the resolution of this committee, adopted on July 12, 1951 (appearing at pages 41 and 42 of the committee minutes of that date), defining the public areas and air terminal highways at LaGuardia Airport and approving the map thereof, as subsequently amended, be and the same is hereby amended, effective November 30, 1977, by deleting the first paragraph thereof and substituting in lieu thereof, the following:

"Resolved, that The Port Authority of New York and New Jersey hereby designates as the public landing areas, public aircraft parking and storage areas, public vehicular parking areas, and air terminal highways delineated as such upon the map entitled 'The Port Authority of New York and New Jersey - LaGuardia Airport - Map of Public Areas and Air Terminal Highways,' dated November 30, 1977, which map shall be filed with the secretary;

the said resolution in all other respects to continue in full force and effect; and be it further

"Resolved, that the committee hereby establishes a speed limit of 30 miles per hour on the newly designated air terminal highways."

An order adopting these amendments was filed on January 9, 1978, as R.1978 d.6 (Exempt, Exempt Agency).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

NEW RULES UNDER WAY FOR SALE AND USE OF LAETRILE

Moving quickly, the Board of Medical Examiners last month appointed a special committee to develop guidelines for the use and sale of the controversial anti-cancer drug laetrile.

"It's up to this board to protect patients from unscrupulous or devious doctors who would exploit them with this drug," Board President Dr. Edwin Albano said, after naming four doctors to the special panel.

Albano told the internists to develop standards for doctors to follow when prescribing laetrile, a drug manufactured from apricots which some claim is a miracle cure, but which the Federal Food and Drug Administration (FDA) claims is worthless.

The committee, composed of Drs. I. Edward Ornaf, Rudolf DePersia, Enio Callouri and Thomas DeCiccio, was told to develop the guidelines before the board's Feb. 8 monthly meeting.

Albano said the board would then discuss the guidelines and possibly adopt them. "We just want to make sure people are not exploited," he said. "That's all we're trying to do."

Gov. Brendan Byrne one day earlier had signed a bill legalizing the manufacture and sale of laetrile. Doctors are required to warn patients that the drug is not a

proven cancer cure and can prescribe the drug only after a patient asks for it. Both must sign a form declaring the warning was given, according to terms of the new law.

The law makes New Jersey the 14th State to legalize the drug and the only one permitted to allow its manufacture. An estimated 50,000 Americans have been illegally obtaining the drug from Mexico. It is against the law to carry laetrile across state lines.

The medical examiners had opposed the bill while it was in the Legislature and many of the board members are still against use of the drug.

"We oppose laetrile because of a lack of information about it and because we were afraid people would forego conventional accepted means of medical care by relying on it," board counsel Anthony LaBue said last month.

Along with the Board of Medical Examiners and the FDA, the American Cancer Society, the State Public Health Council and State Health Commissioner Joanne Finley oppose use of laetrile.

FEDERAL GOVERNMENT LIKEWISE OPENS SEPARATE STUDY OF THE DRUG

Following the move for State rules, the National Cancer Institute in Washington on Jan. 26 announced that they had launched a new study of the controversial drug laetrile.

Deputy Director Guy R. Newell in announcing the extensive survey said "It's my personal opinion—although it is not institute policy—that 50,000 to 75,000 Americans can't be dupes."

The institute will review the cases of patients whose physicians believe laetrile helped. And Newell indicated the results likely will set the stage for a full-blown clinical trial under institute auspices within the next year.

Such a trial is required before the Food and Drug Administration can approve a substance as an anti-cancer drug.

Newell said that it's also his opinion that the retrospective study will uncover enough incidents in which tumors responded to laetrile to justify scientifically controlled clinical trials.

The clinical trials would compare the effectiveness of laetrile against other experimental drugs in patients who had not responded to conventional treatment, and would determine just how well laetrile worked on various forms of cancer.

The institute now is to collect up to 300 case histories of cancer patients who took laetrile, complete with documentation from physicians on size and type of tumor and changes in the cancer after laetrile treatment.

The study marks a sharp change in previous institute policy on laetrile.

Until now, institute officials have maintained that laetrile has shown so little promise in animal studies that testing with human beings was not justified.

Newell acknowledged that political and public pressures played a part in the decision to launch the retrospective study.

STATE BOARD OPENS PROBE OF OPEN HEART SURGERY

The State Board of Medical Examiners has begun a probe of all open heart surgery in the State based on fears that some operations are unnecessary, and that one hospital surgical unit had a 50 per cent mortality rate.

"We want to find out what's going on in view of what happened at the Jersey City Medical Center," said Dr. Edwin Albano, head of the board, at the January board meeting in Princeton.

The Jersey City facility, which has admitted to a 50 per cent mortality rate over a recent six-month period in its cardiac surgical unit, was ordered closed last year by the board shortly after the rate was made public.

Albano also said Hudson County Prosecutor James O'Halloran "is very interested in what happened at the Jersey City Medical Center."

Albano said, after the public meeting, that O'Halloran will receive the results of the inquiry into the public hospital, as well as the results of a separate inquiry to be conducted by the Cardiac Advisory Commission.

That commission, headed by Dr. Arthur Bernstein of Newark Beth Israel Hospital, is an ad hoc watch-dog agency created by the State Department of Health after the department issued new regulations last February setting up a quota of 200 operations per hospital unit in an effort to cut down the number of units and to therefore regionalize open heart surgery in New Jersey.

The commission, an out growth of another ad hoc group made up exclusively of cardiologists to write the quota regulations, is charged with guarding the public against unnecessary operations by hospitals which wish to "boost the numbers" to meet the 200 quota.

Bernstein, who conceded the 200 minimum was "a compromise" to accommodate the smaller units, said the commission includes representatives from Blue Cross and Blue Shield, as well as hospital administrators.

Albano said the State board, which regulates the practice of medicine, will ask each unit to answer a questionnaire detailing the number and type of all open heart operations in the past two years, including mortality rates for 24 hours after surgery and 30 days after surgery.

The biggest cause of the fast growth in open heart surgery here and nationwide is the so-called "coronary by-pass" operation, in which a vein taken from the patient is grafted onto a coronary artery, sewn around a clogged section of the artery, thus allowing blood to bypass the blockage and flow freely to the heart muscle.

STRICT CONTROLS TO GOVERN ATLANTIC CITY CASINO GAMBLING

The Casino Control Commission has approved stringent regulations to govern the operation of casinos in Atlantic City in such areas as alcoholic drinks, permissible kinds of entertainment and controls on advertisements.

In order to project an "atmosphere of social graciousness' of casino gambling, the commission last month adopted an amendment which prohibits the advertising of odds, the number of games available or the size of the tables.

But the rules allow the advertising of the kind of games and the amenities available, although gaming ads must be cleared by the commission before publication or broadcast.

The New Jersey Administrative Code

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The NEW JERSEY REGISTER, the State's **monthly** publication of all new rules and rules changes, is available at $12 ANNUALLY to supplement the Administrative Code prior to publication of these current rules in the Code. It is likewise published by the Division of Administrative Procedure.

The regulations, which faced public review at earlier meetings of the commission, were adopted in Atlantic City following several amendments.

Following the session, newly-elected Vice Chairman Kenneth MacDonald said the adoption of regulations by the commission is on schedule. But, he said, the city is lagging behind.

"We are ready, but the community has things that it must do," MacDonald said.

The new vice chairman said local leaders must direct their attention to cleaning up and painting the resort and to improving the esthetics of access routes to the city as well as the Boardwalk and city streets.

The new administrative rules, which became official after they were filed with the Secretary of State, call for the development and promotion of quality entertainment facilities.

Adoption notices appear on pages 29-31 this issue.

According to the regulations, casino hotels will have to offer nightly entertainment in the form of live cabaret shows, revues or performing arts presentations in a showroom separate from the gaming tables. In addition, live or pre-recorded entertainment must be offered in a pub located on the premises.

Casino hotels will also be required to post the hours of shows, cost of admission and availability of food and drink, the regulations state.

The commissioners also amended the proposed regulation governing the sale and consumption of alcoholic beverages to require casinos to identify the amount of liquor used in mixed drinks.

The regulations state that ownership of a casino liquor license hinges on possession of a casino gambling license and that the other licenses will not be issued to persons who do not qualify as casino employees.

The regulations also prohibit the substitution of an alcoholic beverage ordered by a customer with another alcoholic or non-alcoholic beverage.

Similar regulations affecting the other six forms of liquor licenses are included in the 30 pages of regulations adopted by the commission. The rules cover everything from the purchase of alcoholic beverages to the type of facilities required for each license.

CASINO COMMISSION SETS HIRING RULES FOR MINORITIES, WOMEN

The Casino Control Commission last month authorized rules requiring that 20 per cent of the casino construction work force in Atlantic City be composed of minorities and 43 per cent of all gaming employees be women.

And immediately the rules were criticized harshly by Atlantic City labor leaders but praised by members of the black community during a public session in the shore resort.

"It was a decision we felt was in the best interests of the people of Atlantic City and the people of New Jersey," said Commission Chairman Joseph P. Lordi.

"We are carrying out the statutory mandate that as many jobs as possible be made available. The way to do it is with on-site compliance."

R. Benjamin Cohen, general counsel for the commission, said the percentages were not quotas but goals.

"It is realistic that you are not going to have that many women in the construction work force," he said. "We are talking goals, not absolute rigid quotas. If you talk about quotas you are getting into reverse discrimination."

However, the union leaders disagreed and said the rules could result in law suits against the commission if minorities are given hiring preference over other unemployed union members.

James Brennan, business agent for Painters Local 277, said Atlantic City unions would be forced to seek legislative and legal recourse if the commission did not reconsider its position.

John Rich, a representative of the Atlantic-Cape May Building Trade Council, said the unions only should be required to meet Federal and State affirmative action goals that minorities comprise 20 per cent of their entire membership.

The commission also adopted a resolution advocating residency requirements for casino and casino hotel employees but left it up to the Legislature to determine the appropriate length of time.

Lordi said the legislation would have to meet constitutional requirements and would have to be practical.

"Six months could be unreasonable. A month could be too short," he said.

The commission defined a resident as any person who has a dwelling in the State and who has an intent to reside in New Jersey for a period of time.

LOCAL SCHOOL DISTRICTS WILL NOW BE REQUIRED TO PAY HANDICAPPED COSTS

The State Board of Education last month voted to require school districts to pay the residential costs of handicapped children sent by public school officials to private schools for special instruction.

The regulation, included among 81 pages of new administrative rules on handicapped children and student records passed by the board, brings the State into compliance with new Federal legislation.

The proposed rules are noted at page 5(a) this issue.

The Federal law, the "Education for all the Handicapped Act" forbids states from requiring handicapped children and their parents to pay for education recommended by public school officials. The law, which goes into full effect in 1980, was written by U.S. Sen. Harrison A. Williams (D-N.J.).

The regulation is expected to cost school districts some $1.2 million a year. They must pay the residential costs unless the placement in a residential school was made voluntarily by the parents or was a result of "home conditions."

The "home conditions" exception applies to cases in which the placement is recommended, not by a public school district, but by the State Division of Youth and Family Services (DYFS). In those cases, however, DYFS usually provides part of the residential fee based on the family's ability to pay.

Paul Porado, special education director for the State Department of Education, said the new regulations would not produce any further costs "because New Jersey generally has been following the practices outlined before they were required by the Federal law."

Williams' bill was based on New Jersey's laws governing the education of handicapped children—most of which were written by former State Sen. Alfred Beadleston (R-Monmouth).

1977 REGISTER BOUND VOLUMES AGAIN AVAILABLE AT $14

Orders are being accepted from subscribers for the annual bound volume of 1977 issues of the New Jersey Register.

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Price is $14 per copy, payable in advance, with shipment postpaid. Similar bound volumes for preceding years are available at the same price.

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DEGNAN NAMED ATTORNEY GENERAL BY GOVERNOR, REPLACING HYLAND

Governor Brendan Byrne has chosen John J. Degnan as his new Attorney General, replacing William F. Hyland who left the post January 17. Degnan, 33 formerly served as special counsel to the Governor.

"John Degnan has been a valuable asset to my office. I have worked closely with him as he has taken on increasing responsibilities as assistant counsel, as executive secretary, and finally as special counsel. He has handled each of these jobs competently and efficiently," the Governor said.

Degnan joined the Governor's staff as an assistant counsel Nov. 4, 1974.

Degnan attended St. Benedict's Prep in Newark and St. Vincent College, Latrobe, Pa., where he was graduated magna cum laude in 1966. He went on to Harvard Law School, where he took his degree in 1966.

He was law secretary to former Associate Justice John J. Francis of the State Supreme Court from 1969 to 1971 and was associated with the Newark law firm of Clapp and Eisenberg from 1971 to 1974.

Degnan is married to the former Mary Wade and they have two children.

MULCAHY LEAVES CORRECTIONS, NOW BYRNE'S EXECUTIVE SECRETARY

Governor Brendan Byrne recently named Robert E. Mulcahy, III as his executive secretary, replacing Henry N. Luther, III, who left to return to private law practice.

Mulcahy, who had served as Commissioner of the Department of Corrections, took over January 17.

"Bob Mulcahy has taken on some of the toughest tasks in this administration and has handled them all with distinction," Byrne said. "I asked Bob personally to take on this critical job and I am confident he will serve with his usual degree of excellence. He is a gifted administrator and I am proud to welcome him as a member of my staff."

As the first Commissioner of the Department of Corrections, Mulcahy, who is 41, administered a $67 million annual budget which funds the operation of three major prisons, four large correctional institutions, two training schools for youthful offenders, four residential group centers, an adult treatment center, three community service centers, nine parole offices and numerous satellite facilities. The department has approximately 3,000 employees, with 7,000 offenders in custody and 8,000 parolees under supervision.

From March 1974 to November 1, 1976, Mulcahy had served as deputy commissioner of the Department of Institutions and Agencies in charge of operations.

Mulcahy is a graduate of Millburn High School and Villanova University. He served 11 years in local government, first as councilman, then Mayor of Mendham Borough.

Mulcahy and his wife, the former Terry McGrath, are parents of three girls and three boys.

NEW PRISON SUPERINTENDENT NAMED

Margo Eld, 33, superintendent of the Clinton Correctional Institution for Women since 1976, was named last month as executive assistant in Trenton to Acting Corrections Commissioner William H. Fauver.

Mrs. Eld was replaced by S. Phil Dwyer, who had been assistant superintendent at Leesburg State Prison. A woman assistant superintendent will also be named at the Clinton facility, Fauver said.

The State's only co-ed correctional institution, Clinton currently has 229 women inmates and 71 men. It is located in the hills of Hunterdon County.

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