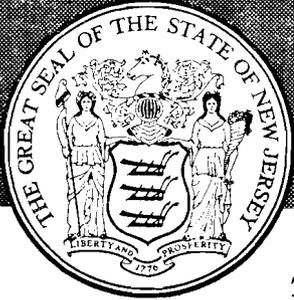


# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure

John K. Barnes, Editor

Peter J. Gorman, Rules Analyst

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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Amended Minimum Milk Prices

On March 22, 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 amended rule follows:

2:53-1.1(b) Effective April 1, 1978, minimum milk prices under Order 69-1 will be 40½ cents per quart, 76 cents per half-gallon, and \$1.46 per gallon. This amendment shall be effective from and after April 1, 1978.

An order adopting these amendments was filed on March 27, 1978, as R.1978 d.108 (Exempt, Procedure Rule) to become effective on April 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Rules on Inspection and Grading Of Fruits and Vegetables

On March 29, 1978, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:10-6, 4:10-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 2:71-2.26 through 2:71-2.31, concerning the inspection and grading of fruits and vegetables, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 90(b), with only inconsequential structural or language changes, in the opinion of the Department of Agriculture.

These changes are as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

2:71-2.28(a)3. Additional charges for inspection or grading and certification of potatoes for [tht] the fresh market:

i. An additional charge of \$0.03 per hundredweight for all hundredweights inspected or graded and certified in excess of 3,900 [pounds] hundredweight during the seven-day week (Saturday through Friday).

An order adopting these rules was filed and became effective on March 30, 1978, as R.1978 d.114.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Amendments on Certificates of Grade

On March 29, 1978, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.12, 4:3-11.22 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:71-1.30 concerning certificates of grade, as proposed in the Notice published March 9, 1978, at 10 N.J.R. 90(a).

An order adopting these amendments was filed and became effective on March 30, 1978, as R.1978 d.115.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Emergency Amendments Concerning Contagious Equine Metritis Reporting

On April 11, 1978, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 2:2-1.1 concerning contagious equine metritis reporting.

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

2:2-1.1 Enumeration of diseases dangerous to animal health  
(a) The following diseases are designated as a particular and dangerous menace to the animal health of the State:

1. Livestock:
  - i. Anaplasmosis;
  - ii. Anthrax;
  - iii. Cattle tick fever;
  - iv. Eastern viral encephalitis;
  - v. Equine infectious anemia;
  - vi. Foot and mouth disease;
  - vii. Hog cholera;
  - viii. Mucosal disease complex;
  - ix. Paratuberculosis;
  - x. Rabies;
  - xi. Scabies;
  - xii. Scrapie;
  - xiii. Screwworm;
  - xiv. Swine erysipelas;
  - xv. Tuberculosis;
  - xvi. Vesicular exanthema;
  - xvii. Vesicular stomatitis;
  - [xviii. Other unusual disease of dangerous nature.]
  - xviii. Contagious equine metritis;
  - xvix. Other unusual disease of dangerous nature.
2. Poultry:
  - i. Asiatic Newcastle;
  - ii. Fowl plague;
  - iii. Fowl typhoid;
  - iv. Paracolon infection;
  - v. Paratyphoid infection;
  - vi. Psittacosis or ornithosis;
  - vii. Pullorum;
  - viii. Swine erysipelas in poultry.

An order adopting these amendments was filed and became effective on April 11, 1978, as R.1978 d.122 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Notice of Public Hearing

Take notice that, Patricia Q. Sheehan, Commissioner of Community Affairs, has issued the following Notice of Public Hearing:

Patricia Q. Sheehan, Commissioner of Community Affairs, has called a public hearing for the purpose of receiving applications concerning code change proposals, for inclusion as a State-sponsored code change which will be submitted by the department to the appropriate model code organization for their next code change cycle.

The proposed code changes address: the 1978 editions to the Building Officials and Code Administrators, Inc. (BOCA) Basic Building Code and the Building Officials and Code Administrators, Inc. (BOCA) Basic Energy Conservation Code (for the 1979 code change cycle/1979 supplement); and the 1978 edition to the National Elec-

trical Code (for the 1981 edition); and the next revision to the National Standard Plumbing Code (no date yet available).

Any municipality, through its construction official and any State agency or political subdivision of the State may submit an application at this hearing. The application shall state the name and address of the official proposing the code change, the agency or political subdivision represented, the text of the amendment suggested and an explanation of the amendment together with any technical justification deemed necessary.

The hearing will be held in the State Museum auditorium, 205 West State Street, Trenton, New Jersey at 10:00 A.M., Friday, June 2, 1978. Those who wish to testify should call the construction code enforcement office at (609) 292-6364 to arrange for a time.

Those unable to present their application in person at the hearing may mail it to: Construction Code Enforcement, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625. Applications will be accepted until June 16, 1978.

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

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Amendments to Rules on State Library Aid

On April 5, 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:74-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning State library aid, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 95(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

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

6:68-1.8 Use of per capita aid; decision by public library board of trustees or county library commissioners

(a) Upon receipt of State Aid checks pursuant to N.J.S.A. 18A:74-3, municipal and county treasurers shall make these funds immediately available to public library trustees or county library commissioners as the case may be. Decisions on the use and expenditures of per capita State aid rest with the board of trustees of municipal, joint and association libraries and with the county library commission of the county libraries. The State librarian may require a certified audit if he/she deems necessary.

(b) State aid funds must be expended within two years of the date of receipt of the funds. If not expended, the board of trustees or the county library commission must submit to the State librarian a plan for the use of the unspent balances. Failure to submit such a plan, or disapproval of the plan by the State librarian shall result in the withholding of State aid payments.

(c) In reviewing the plan, the State librarian will give consideration to the following:

1. Priority for the use of balances for expenditures which enable the library to comply with the provisions of this chapter;

2. Demonstration that expenditures contribute to the provision of efficient and effective library services, including capital needs and facilities;

3. Inclusion of realistic, attainable, time-bounded objectives.

An order adopting these amendments was filed and became effective on April 7, 1978, as R.1978 d.121.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules on Coastal Resource and Development Policies

Rocco D. Ricci, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-9 and N.J.S.A. 13:19-16 and 17, proposes to adopt a new rule, to be cited as N.J.A.C. 7:7E-1.1 et seq., entitled "Coastal Resource and Development Policies". This proposal is known within the Department of Environmental Protection as Docket No. DEP 013-78-04.

The proposed rules define the substantive policies of the Department of Environmental Protection regarding the use and development of coastal resources, to be used by the Division of Marine Services in the Department of Environmental Protection in reviewing permit applications under the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq., the Wetlands Act, N.J.S.A. 13:9A-1 et seq., and the Waterfront Development Permit Program, N.J.S.A. 12:5-3.

The rules also provide a basis for recommendations by the Division of Marine Services to the Natural Resource Council in the Department of Environmental Protection on applications for riparian grants, leases or licenses.

Under the Coastal Area Facility Review Act, the department regulates the location, design and construction of a diverse range of facilities—including, for example, residential developments of 25 dwelling units or more, wastewater treatment systems, marine terminals and electric generating stations—within the Coastal Area as defined by N.J.S.A. 13:19-4, which includes approximately 17 per cent of the State's land area. Under the Wetlands Act, the department regulates filling, construction or other activities that alter the natural condition of mapped coastal wetlands. Under the Waterfront Development Permit Program, the department regulates the construction of docks, wharfs, piers, bulkheads, bridges, pipelines, cables and dredging along navigable waters.

In 1977, the Commissioner of the Department of Environmental Protection submitted to the Governor and Legislature of New Jersey the Coastal Management Strategy for New Jersey—CAFRA Area, prepared by the department as required by CAFRA, N.J.S.A. 13:19-16, and submitted for public scrutiny in late 1977 (9 N.J.R. 511-512). The department revised the Coastal Management Strategy based on extensive public comments and the State is expected to submit the revised strategy for Federal approval under section 306 of the Federal Coast-

al Zone Management Act, 16 U.S.C. 1451 et seq., as the New Jersey Coastal Management Program—Bay and Ocean Shore Segment.

The full text of the proposed rules appears as part II, chapter three of the New Jersey Coastal Management Program—Bay and Ocean Shore Segment and Draft Environmental Impact Statement (May 1978), prepared jointly by the Department of Environmental Protection and the United States Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management.

Copies of the full text of the proposed rules may be obtained by contacting the person indicated below.

Public hearings on the proposed rules will be held during review and comment period at the following locations:

Tuesday, June 13, 1978 7:30 P.M. Cumberland County Court House  
Freeholders' Meeting Room  
Second Floor, Rear  
Broad Street, (Route 49)  
Bridgeton, New Jersey

Wednesday, June 14, 1978 7:30 P.M. Ocean County Administration  
Building  
Freeholders' Meeting Room  
Hooper Avenue and  
Washington Street  
Toms River, New Jersey

Thursday, June 15, 1978 10:00 A.M. State Museum Auditorium  
205 West State Street  
Trenton, New Jersey

Interested persons may present statements or arguments relevant to the proposed rules at the hearings and/or in writing on or before July 5, 1978, to:

David N. Kinsey, Chief  
Office of Coastal Zone Management  
Division of Marine Services  
Department of Environmental Protection  
P.O. Box 1889  
Trenton, New Jersey 08625

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments on Condemnation Of Certain Shellfish Beds

Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:10-1 et seq., N.J.S.A. 24:2-1 et seq., proposes to rescind existing rules and adopt new rules concerning the Condemnation of Certain Shellfish Beds in N.J.A.C. 7:12-1.1 et seq. Such rules are known within the Department of Environmental Protection as Docket No. 014-78-04.

The new rules are a restructuring of the existing rules. Changes are proposed in the definition of seasonal area

to include two opening dates (November 1 through April 30 and January 1 through April 30). Changes are also proposed to water classifications and to the rules concerning the special permit program, these programs have existed in the past and these regulations are now being formalized. General provisions have been proposed where formerly guidelines had existed for operation of the program. Finally an overall renumbering of paragraphs is proposed.

The proposal redefines "seasonal area" so that areas meeting specific criteria can be approved and condemned automatically on different schedules.

The growing area classifications will be separated into three sections—N.J.A.C. 7:12-1.3(a) will cover all condemned and special restricted areas, N.J.A.C. 7:12-1.3(b) seasonal areas approved November 1 through April 30, condemned May 1 through October 31, N.J.A.C. 7:12-1.3(c) seasonal areas approved January 1 through April 30, condemned May through December 31 yearly.

Specific changes to growing area delineations are proposed in several areas. The revisions result from sanitary surveys, special investigations and reappraisals conducted by the Shellfish Control Unit in the Division of Water Resources.

The investigatory work consists of the collection and analyses of water samples, the inventory of actual and potential sources of pollution and hydrographic studies of tidal flow patterns which distribute pollution. These surveys are conducted in accordance with applicable State and Federal Food and Drug Administration guidelines and regulations. The FDA further requires that each state appraise, every two years, the quality of those waters approved for the harvesting of shellfish. New Jersey conducts investigatory work and research and pursuant to N.J.S.A. 24:14-1 et seq., revises the regulations annually.

The proposed regulations will result in the reclassification of approximately 6,705 acres. The names of the waterways and the number of acres to be reclassified and type of change are listed below in general terms:

Raritan Bay—Special restricted to condemned	524
Cedar Creek Area—Condemned to seasonal	666
Forked River Area—Condemned to seasonal	127
Big Thorofare—Condemned to approved	3
Mullica River—Condemned to seasonal	465
Ballanger Creek, Winter Creek, Roundabout Creek, Judies Creek—Condemned to seasonal	65
Great Egg Harbor—Seasonal to approved	43
Ludlam Bay—Condemned to approved	228
Delaware Bay—(Maurice River Cove)— Approved to seasonal	538
Atlantic Ocean	
Shark River Inlet Area—Approved to condemned	390
Ship Bottom Area—Approved to condemned	726
Condemned to approved	520
Cape May Inlet Area—Condemned to approved	2,410

The net result of these proposed changes is an upgrading of 4,272 acres of shellfish waters to approved or seasonally approved status.

Copies of the 70 pages of full text of the proposed rules may be obtained from:

William J. Eisele Jr., Supervisor  
Shellfish Control  
Division of Water Resources  
Box 2809  
Trenton, New Jersey 08625

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

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Public Hearing On Temporary Variances

Take notice that, the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., will hold a public hearing concerning the issuance of temporary variances from the provisions of N.J.A.C. 7:27-9.1 et seq., sulfur in fuel.

Purpose of this public hearing is to afford interested parties the opportunity to comment on the proposed extension of certain variances issued pursuant to N.J.A.C. 7:27-9.5, Temporary variances, for an additional period from July 12, 1978 until January 12, 1979, or until new permanent sulfur in fuel oil regulations are adopted.

The variances under consideration were first issued as an interim step in a review of the sulfur in fuel oil requirements in effect throughout the metropolitan Philadelphia and southern New Jersey airsheds. Technical analyses of ambient air quality in the regions have been completed. An agreement as to regional sulfur in fuel standards has been drafted and is under review by the United States Environmental Protection Agency.

The department will be scheduling meetings with various interested parties in New Jersey in May to discuss possible new sulfur in fuel requirements for the nine counties of southern New Jersey. An amended Philadelphia sulfur in fuel rule has been proposed and new, tightened regulations for the Pennsylvania counties which border Philadelphia should be formally announced in April.

The reductions accomplished by these regulations on the Pennsylvania side of the Delaware River will allow some modification of requirements in New Jersey on a permanent basis. It is the department's intent to have new, permanent sulfur in fuel oil requirements effective this year and to cancel the variances included in this notice. However, our actions are dependent on the adoption of changes proposed by Pennsylvania and Philadelphia. Hence, these variances are proposed to be extended for the full six-month period allowed, but will terminate sooner if new permanent regulations are adopted.

This document is known within the department as Docket No. DEP 012-78-04.

Written and/or oral testimony concerning this proposal will be received at a public hearing to be held June 13, 1978, from 10:00 A.M. to conclusion of testimony at:

Salem County Court House  
Market Street  
Salem, New Jersey

Copies of the applicable regulations and the variances issued thereunder may be obtained from, and written testimony relating thereto will be accepted prior to June 13, 1978, by:

Herbert Wortreich, Chief  
Bureau of Air Pollution Control  
Department of Environmental Protection  
P.O. Box 2807  
Trenton, New Jersey 08625

Copies of this notice, of the applicable regulations, as well as the variances and background documents have been deposited and will be available for inspection during normal office hours until the closing of the hearing record at:

Bureau of Air Pollution Control  
Room 1110, Labor and Industry Building  
John Fitch Plaza  
Trenton, New Jersey 08625

Department of Health  
Cape May Court House, New Jersey 08210

Cumberland County Health Department  
County complex  
800 East Commerce Avenue  
Bridgeton, New Jersey 08302

Office of County Clerk  
Market Street  
Salem, New Jersey 08079

This hearing is being held in accordance with the provisions of Air Pollution Control Act (1954) as amended by Chapter 106, P.L. 1967, N.J.S.A. 26:2C-1 et seq., and Title 40, Section 51.4 of the Code of Federal Regulations as a revision to the New Jersey State Implementation Plan to meet National Ambient Air Quality Standards.

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME  
AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed 1978-1979 Game Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt the Game Code for the 1978-1979 hunting and trapping seasons.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 012-78-04. Take notice that, this proposal is considered to be a temporary rule, not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

A summary of the proposed code has been supplied to newspapers throughout the State. The proposed code states when, under what circumstances, in what localities, by what means and in what amounts and numbers game birds, game animals and furbearing animals may be pursued, taken, killed or had in possession.

Copies of the full text of the proposed code may be obtained from:

Division of Fish, Game and Shellfisheries  
P.O. Box 1809  
Trenton, N.J. 08625

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the State Museum auditorium, West State Street, Trenton, N.J. on Tuesday, June 13, 1978 at 8:00 P.M.

Interested persons also may present statements or arguments in writing relevant to the proposed action on or before June 13, 1978, to the Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

The Fish and Game Council may thereafter adopt rules concerning this subject without further notice.

Russell A. Cookingham  
Director, Division of Fish,  
Game and Shellfisheries  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Correct Effective Date of Amendments  
On Manifest System for Generation  
Of Hazardous Wastes

Take notice that, in the Notice of Adoption concerning amendments on the manifest system for generation, transportation, treatment and disposal of hazardous wastes (that is, R.1978 d.72, also known within the Department of Environmental Protection as Docket No. DEP 051-77-09) appearing in the April 6, 1978, New Jersey Register at 10 N.J.R. 146(a), the effective date of such amendments was incorrectly indicated to be February 27, 1978. The correct effective date of those amendments is May 1, 1978.

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Closing of State Waters  
To Further Harvesting of Sea Clams

On March 27, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of c.398, P.L. 1975, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments which close the waters of this State to any further harvesting of sea clams. Such amendments are known within the Department of Environmental Protection as Docket No. DEP 009-78-03.

Full text of the adoption follows:

Whereas after a close review of N.J.A.C. 7:25-12.1(b), the Department of Environmental Protection has determined that for the 1977-78 season the 250,000-bushel limitation on the taking of sea clams from the waters of this State is necessary for the protection of this resource; and

Whereas, the Department of Environmental Protection has further determined that in excess of 250,000 sea clams will have been harvested from the waters of this State by April 3, 1978.

Therefore, I, Rocco D. Ricci, Commissioner of the Department of Environmental Protection, pursuant to N.J.A.C. 7:25-12.1, do hereby close the waters of this State to any further harvesting of sea clams.

This order shall take effect April 3, 1978.

An order adopting these amendments was filed on March 29, 1978, as R.1978 d.111 (Exempt, Emergency Rule), to become effective on April 3, 1978. Take notice that, these amendments are not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments on Discharge of Petroleum And Other Hazardous Substances

On March 30, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:10-23.11 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:1E-1.1 et seq. concerning the discharge of petroleum and other hazardous substances, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 8(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 004-77-01.

The substantive changes are outlined in a "basis and background" document of the Department of Environmental Protection; copies of this document and the 30 pages of full text of the amended rules may be obtained from or made available for review by contacting:

Karl F. Birns, Chief  
Office of Hazardous Substance Control  
Division of Water Resources  
P.O. Box 2809  
Trenton, New Jersey 08625

An order adopting these amendments was filed and became effective on March 30, 1978, as R.1978 d.112. Take notice that, the amended subchapter 4 regarding plans, reports and standards for major facilities will become effective on September 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Emergency Amendments Concerning Preservation of Sea Clam Resources

On April 6, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:26-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to the rules concerning the preservation of sea clam resources and the opening of certain waters to harvesting. Such amendments are known within the Department of Environmental Protection as Docket No. DEP 010-78-04.

Full text of the adoption follows:

I, Rocco D. Ricci, Commissioner of the Department of Environmental Protection, hereby adopt an emergency revision of the rules for the preservation of the sea clam resource (Docket No. DEP 056-77-10 as amended by Docket No. DEP 009-78-03), pursuant to the power granted in N.J.S.A. 50:26.3, to allow the opening of certain waters of this State as hereinafter described for the period beginning April 6, 1978, until further notice.

The area to be opened will be directly affected by the discharge from the Atlantic County sewage authority's wastewater treatment plant and will be condemned for the harvest of shellfish when the plant is in full operation. In the interests of the sea clam industry, and to minimize the waste of sea clam resource in the area to be condemned, a harvest of 500 bushels of sea clams per licensed vessel per week will be permitted until closure, within the area described as follows:

From the tip of the Steel Pier (Atlantic City) then bearing 153°T approximately two nautical miles from shoreline to a point with the coordinates

Latitude 39° 19.7'N  
Longitude 74° 24'W

then following the shoreline in a southwesterly direction, 4.1 nautical miles to a point with the coordinates

Latitude 39° 17.8'N  
Longitude 74° 28.7'W

then bearing approximately 333°T for approximately 2.5 nautical miles to a watertank located at the corner of Amherst Avenue and North Gladstone Avenue, City of Margate, with coordinates

Latitude 39° 20'N  
Longitude 74° 30.2'W and terminating.

Harvest of sea clams from the area described above is permitted subject to all other provisions of the sea clam regulations for the 1977-78 season (Docket No. DEP 056-77-10), adopted November 30, 1977.

An order adopting these amendments was filed and became effective on April 6, 1978, as R.1978 d.119 (Exempt, Emergency Rule). Take notice that, these amendments are considered to be temporary rules not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Amendments on Oyster Seed Beds

On April 11, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, with the advice of the Maurice River Cove Shellfisheries Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the rules on the oyster seed beds for the 1977 season (DEP 021-77-05), concerning the opening date for taking of seed oysters from the State's natural seed beds for the 1978 bay season.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 011-78-04.

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

#### OYSTER SEED BEDS

[1977] 1978 Season

a. The season for the taking of seed oysters from the natural seed beds above the southwest line in Delaware Bay for [1977] 1978 shall be scheduled for a period of time beginning 7:00 A.M., May [23, 1977] 15, 1978 and shall close as determined by subsection (b) of this section.

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

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

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

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

These revisions are essential to the preservation and improvement of the oyster industry, to assure the timely opening of the [1977] 1978 bay season on May [23, 1977] 15, 1978.

An order adopting these amendments was filed and became effective on April 11, 1978, as R.1978 d.123 (Exempt, Procedure Rule). Take notice that, these amendments are temporary rules, not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

### Amendment Concerning Effective Date of Oyster Seed Beds Openings

On April 17, 1978, the Department of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedural rule which changes the opening date of the 1978 bay season from May 15, 1978 (See: R.1978 d.123 in this issue of the New Jersey Register), to May 22, 1978.

This date change is necessary due to the effects of the severe damages sustained this past winter.

An order adopting this amendment was filed on April 17, 1978, as R.1978 d.128 (Exempt, Procedure Rule) to become effective on May 22, 1978. Take notice that, this amendment is a temporary rule, not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

THE COMMISSIONER

### Notice of Additional Hearing On Operation of Clinical Laboratories

Take notice that, in addition to the public hearing to be held on May 8, 1978, at 10:00 A.M. in the auditorium of the Health-Agriculture building, John Fitch Plaza, Trenton, New Jersey, concerning the proposed new rules regarding the operation of clinical laboratories (See: 10 N.J.R. 147(c)), a second hearing on the proposed action will be held Monday, June 12, 1978, at 10:00 A.M. also in the auditorium of the Health-Agriculture building, John Fitch Plaza, Trenton, New Jersey. Interested persons may present statements or arguments relevant to the proposed action at that time.

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

(d)

## HEALTH

THE COMMISSIONER

### Rules on Depuration of Soft Shell Clams (Mya Arenaria)

On April 14, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 et seq. and in accordance with applicable provisions of the

Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:13-2.1 et seq., concerning the depuration of soft shell clams (*Mya Arenaria*), substantially as proposed in the Notice published March 9, 1978 at 10 N.J.R. 103(a), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these rules was filed on April 17, 1978, as R.1978 d.127 to become effective on May 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Rules on Smoking in Public Places

On April 10, 1978, Jane B. Robinson, Chairperson of the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning smoking in public places, substantially as proposed in the Notice published October 6, 1977, at 9 N.J.R. 466(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Full text of the adoption follows:

#### CHAPTER 15. SMOKING IN CERTAIN PUBLIC PLACES

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### PREFACE

This regulation is promulgated pursuant to the authority granted to the Public Health Council in N.J.S.A. 26:1A-7, in the interest of protecting and preserving the public health.

In view of the fact that the Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health, and that smoke may produce irritation, discomfort or harm to health of non-smokers, the Public Health Council recognizes the right of individuals using or visiting public places to an environment reasonably free of such agents as may produce those results.

At the same time, the Public Health Council also recognizes the right of individuals who elect to smoke, provided such action does not prevent the achievement and maintenance of a smoke-free environment for the non-smokers.

Nothing in this regulation shall be construed in any way to detract from smoking restrictions or prohibitions imposed by other governmental authorities by law, ordinance or regulation.

###### 8:15-1.1 Definitions

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

"Public place" means any enclosed indoor area used by the general public and to which it is invited, including but not limited to the following, where smoking may be prohibited entirely or permitted, in accordance with subsequent provisions of this regulation:

1. Restaurants and other establishments serving food for consumption on the premises;

2. Retail food stores;

3. Meeting places and places of recreation, including but not limited to theaters, auditoriums, schools and other institutions providing education or training, and places of assembly used for religious, recreational, political, educational, social or any other public purpose;

4. Museums, libraries and certified historical buildings;

5. Health care facilities required to be licensed by the State, including but not limited to hospitals, clinics, nursing homes, convalescent homes and extended care facilities, including State, county and city institutions.

"Smoking" includes carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

###### 8:15-1.2 Designation of "smoking permitted" areas

(a) Smoking shall be prohibited in all sections of public places except in areas designated as "smoking permitted" areas. Where smoking areas are designated, at least one of the following conditions shall exist to minimize the movement of smoke into adjacent "no smoking" areas:

1. There is a continuous physical barrier, such as a wall, partition or furnishing of at least 4½ feet in height to separate the "smoking permitted" and "no smoking" areas. The barrier may contain doors for exit and entry.

2. There is a space of at least four feet in width to separate the said areas. This space may be either an unoccupied area or a section of seating area acting as a buffer zone and in which smoking is not permitted.

3. The ventilation system in the room containing both "smoking permitted" and "no smoking" areas has total air circulation (recirculated air plus outside air) of not less than six air changes per hour.

4. The concentration of carbon monoxide in the "no smoking" area shall at no time exceed the concentration of carbon monoxide in outside air within 12 feet of the building by more than nine parts per million.

(b) A bar or tavern, whether a separate establishment or part of an establishment primarily serving food, shall be exempt from these regulations if the facilities for serving food in the bar or tavern area accommodate fewer than 50 persons at one time.

(c) A restaurant or other establishment serving food shall be exempt from these regulations if the total seating capacity does not exceed 50 persons.

(d) Where a separate room or an establishment in its entirety is rented for a private function that is not open to the public and is under the exclusive control of the sponsor, it may be designated as a "smoking permitted" or "no smoking" area by the sponsor.

(e) A retail food store shall be exempt from this regulation if the total area open to the public does not exceed 1,000 square feet.

###### 8:15-1.3 Responsibility of proprietors/employers

(a) The person actually in charge of the operation of the establishment shall be responsible for the implementation of and compliance with this regulation.

(b) There shall be posted in conspicuous places a sufficient number of "no smoking" or "smoking permitted" signs, with letters at least 1½ inches high.

(c) The "smoking permitted" area shall not exceed 75 per cent of the total area used by the public. A "no smoking" area shall be no less attractive or convenient than a "smoking permitted" area.

8:15-1.4 Waiver

(a) To apply for a waiver of this regulation, the person responsible for a public place or public meeting shall submit a written application to the State Department of Health stating the grounds for the waiver. The department has the right to request any other information reasonably necessary to determine the merits of the waiver application. Failure to submit such requested information may result in denial of the application.

(b) An applicant for waiver shall have the burden of producing clear and convincing evidence to demonstrate that both:

1. Compelling reasons exist to necessitate a waiver. Such compelling reasons consist of evidence that implementation of this regulation would endanger the ability of the public place to produce sufficient income to meet its operating expenses. Acceptable evidence of such compelling reasons shall consist of financial records and/or projections, based upon demonstrable proof, reasonably showing changes of income and/or expenses which are directly attributable to this regulation; and that

2. Even with waiver of this regulation, the concentration of carbon monoxide in all sections of the public place will at no time exceed the concentration of carbon monoxide in outside air within 12 feet of the building by more than nine parts per million.

(c) In making determination of the eligibility of an applicant for a waiver, the State Department of Health shall:

1. Consider information supplied by the responsible person in the application for waiver;

2. Consider prevailing smoking restrictions and other practices relating to similar public places in the community; and

3. Consider other relevant information consistent with the public policy expressed in this regulation.

(d) After the department has reviewed the information required, the department shall make the final decision on the waiver application and shall respond in writing to the applicant, indicating that the waiver request has been denied or approved and the reasons therefor.

An order adopting these rules was filed on April 18, 1978, as R.1978 d.129 to become effective on July 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HIGHER EDUCATION

### SCHOLARSHIP COMMISSION

#### Amendments Concerning Tuition Aid Grants And Garden State Scholarship Program

On March 20, 1978, T. Edward Hollander, Chancellor of Higher Education and Chairman of the State Scholarship Commission, pursuant to authority of N.J.S.A. 18A:71-43 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 9:7-1.1 et seq. concerning tuition aid grants and Garden State Scholarship Program.

The amendments concern the student assistance board; general provisions for all programs administered by the student assistance board; the tuition aid grant program; and Garden State scholars.

Copies of the 10 pages of full text of the amended rules may be obtained from or made available for review by contacting:

Dr. Gordon Van De Water  
Office of Student Assistance  
Department of Higher Education  
225 West State Street  
P.O. Box 1293  
Trenton, New Jersey 08625

An order adopting these amendments was filed and became effective on March 22, 1978, as R.1978 d.106 (Ex-empt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rescission and Addition of Rules on Skilled Nursing Facility Services and Intermediate Care

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to rescind 10:63-1.1 et seq., of the Skilled Nursing Home Services Manual and 10:65-1.1 et seq., through 10:65-16.1 et seq., inclusive of the Manual of Standards for an Intermediate Care Facility, and to add a new revised section 10:63-1.1 et seq., combining the Skilled Nursing Home Services Manual subchapter I with the Manual of Standards for an Intermediate Care Facility, to be called the Long-Term-Care Services Manual.

Full text of 67 pages of the proposed rules and appendix may be obtained from:

Administrative Practice Officer  
Division of Medical Assistance and Health Services  
P.O. Box 2486  
Trenton, New Jersey 08625

Interested persons may present statements in writing relevant to the proposed action on or before May 25, 1978, to the same office.

The Department of Human Services may thereafter adopt the rules concerning this subject without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Fees for Medical Examinations

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87, proposes to amend N.J.A.C. 10:94-3.13 concerning fees for medical examinations in the Medicaid Only Manual.

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

10:94-3.13 County welfare [board] agency responsibility and procedures

10:94-3.13(1) Maximum allowances for examining physician (completion of PA-5) are:

- 1. Examination at office or hospital: [\$15.00] \$20.00;
- 2. Examination at patient's home: [\$20.00] \$30.00;
- 3. Examination at public institution: No Fee.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 24, 1978, to:

G. Thomas Riti  
Director, Division of Public Welfare  
P.O. 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

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Lost or Stolen Checks

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:81-7.18 concerning lost or stolen checks.

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

10:81-7.18 Lost or stolen assistance checks

(a) In the following situations, [T] the county welfare [board] agency will issue a duplicate check within five working days of receipt of notification from the client that his or her assistance check has been lost or stolen, unless extraordinary circumstances are present and a longer period of time is approved by the Division of Public Welfare. [The client shall complete an affidavit stating that he/she did not receive or endorse the check.] Before issuing a duplicate check, [T] the agency shall file a stop payment order with the bank.

1. When a client reports that his/her assistance check has not been received within five working days from the date the check was mailed by the CWA, the check may be presumed to be lost. The client shall complete an affidavit stating that he/she did not receive or endorse the check after which a duplicate check will be issued.

2. When a client reports that his/her check was received but that it has been physically lost or destroyed under circumstances which he/she shall describe and which shall be entered into the case record, the client shall then sign an affidavit to the effect that he/she did not endorse or cash the check, after which a duplicate check will be issued.

3. When a client reports that his/her check has been received but that it has been stolen or disappeared mysteriously in such a manner that the client believes it was stolen, the client shall be required to file a police report on the stolen check and complete an affidavit for the CWA stating that he/she did not endorse the check. After

verifying that a police report has been filed, the CWA will issue a duplicate check.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 24, 1978, to:

G. Thomas Riti  
Director, Division of Public Welfare  
P.O. 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

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Notice of Clarification On Recoupment Provisions

Take notice that, the Notice concerning proposed amendments involving the budgeting of public assistance cases, appearing in the March 9, 1978 issue of the New Jersey Register at 10 N.J.R. 113(a), contained errors in the proposed amendments to N.J.A.C. 10:82-2.19 regarding recoupment provisions. To clarify the situation, the text below replaces the proposed text concerning N.J. A.C. 10:82-2.19(a)4 and 10:82-2.9(c)2 only, on page 26 in the March 9, 1978, Register. The remaining text of that proposal remains unchanged.

Full text of the proposed amendments to N.J.A.C. 10:82-2.19 should read as follows:

10:82-2.19 Overpayment; underpayments

(a) In situations where a member of an eligible unit fails to inform the welfare agency of any change in income, resources, or circumstances resulting in an overpayment or underpayment in the monthly grant, the county welfare agency shall proceed as follows:

1. Determine the amount of the overpayment.

i. Subtract the amount of assistance which client(s) should have received during the period of overpayment from the amount actually received.

ii. Where CSP payments are involved, only the amount of assistance granted in excess of child support payments can be considered overpayment for purposes of recoupment.

[1] 2. Immediately upon discovery of the overpayment or underpayment, inform the client in writing that such error in payment has occurred, its amount, and that corrective measures will be taken in accordance with the following regulations.

[2] 3. Correct the monthly grant for the period of assistance next following the discovery of the overpayment or underpayment, unless in the case of an underpayment an immediate additional payment is issued pursuant to section 252.2; and

[3] 4. When there has been overpayment, recoup the amount of overpayment in accordance with section 251.2. Reductions in the monthly grant may only be made subject to timely and adequate notice as stated in Public Assistance Manual section 7110.

(b) The CWA shall not recoup overpayments resulting from an administrative error:

(c) Overpayment rules are:

1. When overpayments have resulted from the willful withholding of information by the client (see Public Assistance Manual section 4900), recoupment shall be by the following procedure:

i. Deduct from the grant an amount not to exceed 10 per cent of the adjusted allowance or, where such deduction would in the judgment of the CWA create undue hardship, a lesser amount; and

ii. When there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s), not to exceed 20 per cent of the eligible unit's total gross earnings or, where such deduction would in the judgment of the CWA create undue hardship, a lesser amount; and

iii. When client has savings or other available resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment.

2. In all other situations [in which] except where overpayment was due to [client error or when the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision,] administrative error, recoupment is limited to available resources such as disregarded income or savings. [When disregarded income or savings do not exist, the current assistance payment shall not be reduced to accomplish such recoupment.] These situations include but are not limited to:

i. Situations due to client error other than those specified in 251.2a.

ii. Where the client has withdrawn from or abandoned the fair hearing request.

iii. Where the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision.

iv. When disregarded income or savings do not exist, the current assistance payment shall not be reduced to accomplish such recoupment.

3. Where available resources such as disregarded income or savings, etc., exist, the following procedure will be used to determine the amount of recoupment:

i. When there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s), not to exceed 20 per cent of the eligible unit's total gross earnings or, where such deduction would in the judgment of the CWA create undue hardship, a lesser amount; and

ii. When the client has reserved income or other available resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment.

iii. Such recoupment shall be limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

[3] 4. Recoupment of overpayments, even when encompassing the total monthly payment, shall not affect Medicaid eligibility so long as all other factors of eligibility continue to exist.

[4] 5. When the overpayment has been satisfied, the amount of the assistance payment must be immediately adjusted so that no further reductions for recoupment are made.

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

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments to Ruling 11 Concerning Classification and Compensation Plan

On March 22, 1978, 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 emergency amendments to Appendix I in Chapter 109 of Title 10 in the New Jersey Administrative Code concerning the classification and compensation plan.

Such amendments concern changes in approved county welfare board titles, comparative State titles and State salary ranges.

Copies of the 13 pages of full text of the amendments may be obtained from or made available for review by contacting:

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

An order adopting these amendments was filed and became effective on March 27, 1978, as R.1978 d.107 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on Certification Pending Verification in Food Stamp Program

On March 21, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-6.5 concerning certification pending verification in the food stamp program, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 63(c).

An order adopting these amendments was filed and became effective on March 27, 1978, as R.1978 d.109.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on Prohibition to Reporting of Illegal Aliens in Food Stamp Program

On March 29, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in

accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-3.8 concerning the prohibition to the reporting of illegal aliens in the food stamp program, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 63(b).

An order adopting these amendments was filed and became effective on March 31, 1978, as R.1978 d.117.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## LABOR AND INDUSTRY

### DIVISION OF ECONOMIC DEVELOPMENT

#### OFFICE OF CUSTOMIZED TRAINING

##### Proposed Rules on Expenditures for Training Proposals Submitted by Business to Office of Customized Training

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 13:1D-10, 34:1A-3(e), New Jersey Pamphlet Laws Appendix A:11-6 and P.L. 1977, Chapter 461, proposes to adopt new rules concerning the expenditure of funds for training proposals submitted by business and industry to the Office of Customized Training.

Full text of the proposal follows:

#### SUBTITLE M. DIVISION OF ECONOMIC DEVELOPMENT

#### CHAPTER 240. OFFICE OF CUSTOMIZED TRAINING

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 12:240-1.1 Title

This chapter shall be known and may be cited as the office of customized training chapter.

##### 12:240-1.2 Purpose of program

(a) The purpose of office of customized training program is:

1. To encourage private employers to develop and expand job opportunities and to train unemployed or underemployed citizens of this State;

2. To provide for reimbursement to industrial and business firms for extraordinary expenses incurred in employing and training workers.

##### 12:240-1.3 Definitions

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

"Agreement" means a contract between the Director of Division of Economic Development, representing the State and an official of a private employer authorized to execute contracts to train unemployed and underemployed residents of New Jersey.

"Underemployed" means an individual who is working less than full-time or at a level below his highest skills.

"Private employer" means any employing establishment whose employees are not paid by Federal, State, county or municipal check. A group or association of such employers may act as a single employer for the purposes of this chapter.

"Resident of this State" means any person who lives in the State of New Jersey. Residency shall be determined on the basis of information furnished by the trainee.

"Training" means an organized plan of classroom and/or on-the-job instructions required and designed to prepare and equip the "trainee" for full-time gainful employment as specified and described in the agreement.

"On-the-job training" (OJT) means a process whereby newly-hired individuals receive instructions and demonstrations as to how to perform the tasks involved in the job for which they were hired. Concurrent with the instructions received, the employee, under supervision, demonstrates his ability by actually performing the tasks for which he has received instructions.

"Up-grading" means a work situation in which an employee receives additional training on-the-job designed to enhance his job skills so he may advance in his occupation.

"Pre-employment" means a program for unemployed individuals which is custom made to the employer's requests and will generally include such topics as orientation to the company policies, production processes, work environment, safety features, etc. Normally these programs extend for short periods of time and provide the employer with a method of identifying those individuals who seem most adaptable to his operation.

"Dictionary of occupational titles" means the documents issued by the United States Department of Labor containing job descriptions and a system of classifying and coding such definitions.

#### SUBCHAPTER 2. AGREEMENTS

##### 12:240-2.1 Nature and contents

(a) An agreement under this chapter shall be in the form of a contract enforceable under the laws of the State of New Jersey which shall specify:

1. The name and address of the employing establishment and of the training and employment location if different;

2. The name of the principal owner or official authorized to sign the agreement and his official position or title;

3. The number of trainees to be hired under this agreement and the occupations in which they will be provided training and employment;

4. A schedule of wages to be paid the trainee during the course of his training;

5. A schedule of estimated training costs;

6. The amount of reimbursement to the employer by the Department of Labor and Industry and the schedule of such reimbursement.

(b) An agreement under this chapter shall be limited to the following types of proposals.

1. Contracts approved for OJT will provide employer reimbursement up to 50 per cent of the trainee's starting wage. Starting wage for trainees will normally be established at a level of at least 120 per cent of the New Jersey minimum wage. Contracts may not be approved for less than 20 nor more than 260 days of training.

2. Pre-employment training proposals may not be approved for less than five nor more than 20 days of training. Enrollees may continue to receive unemployment insurance benefits, if eligible, or may receive a stipend not exceeding the New Jersey minimum wage, provided in either case the enrollee maintains satisfactory attendance in the prescribed program of training. Pre-employment training proposals will not be approved for less than 10 enrollees.

3. Up-grading training proposals may not be approved for less than 20 or more than 260 days of training. No proposal will be approved for less than five trainees and the employer must ensure that a like number of entry level positions will be created and filled as a result of his program.

(c) Agreements will not be approved for training any occupation listed in the following categories.

1. Occupations for which the skill level as coded in the dictionary of occupational titles is not sufficient to justify training;

2. Sewing machine operators (garment and apparel industry);

3. Bartenders;

4. Intermittent seasonal occupations;

5. Occupations which have not traditionally required specific occupational training as a prerequisite to employment;

6. Occupations requiring licenses or degrees, unless such license or degree has already been attained;

7. Occupations in public service employment;

8. Occupations for which employees reimbursement is on a commission basis.

#### 12:240-2.2 Development and execution

(a) Employers may obtain information and assistance in developing agreements from the Office of Customized Training, Division of Economic Development in the Department of Labor and Industry or from any office or representative of the State Employment Service in the Department of Labor and Industry.

(b) When completed and signed by an authorized official of the employing establishment, the agreement will be submitted for approval to the Director of the Division of Economic Development.

(c) The agreement becomes effective upon approval and signature by the Director, Division of Economic Development but with respect to each trainee on the date of his entering the training and employment.

#### 12:240-2.3 Compliance

(a) An employer shall be considered in compliance with the agreement and entitled to the agreed-upon reimbursement specified therein so long as the specified training plan is carried out, the specified wages paid and employment provided as described.

(b) Each employer is required to notify the Director, Division of Economic Development in writing immediately on the occasion of any circumstance or occurrence contrary to the terms of the agreement.

(c) Reasonable modification of the training plan and schedule may be mutually agreed upon with appropriate adjustments in the specified reimbursement for costs of training.

(d) Upon completion of the term of employment by each trainee or the earlier termination of his employment and the payment to the employer of the agreed-upon reimbursement the agreement will be considered terminated.

(e) In the case of one or more trainees engaged under the terms of one agreement, periodic reports submitted by the employer to the Director, Division of Economic Development will be used as the basis for reimbursement.

### SUBCHAPTER 3. TRAINING PLAN

#### 12:240-3.1 Purpose of training

(a) The training provided by the employer under this chapter and for which reimbursement of costs is made

by the State is for the purpose of developing the skills and abilities of persons who would not otherwise meet the minimum qualifications and specifications for employment in the occupation involved.

(b) Should the total dollar requests of submitted proposals exceed the availability of funds, priority of approvals will be granted to programs located in urban development zones experiencing a high rate of unemployment.

### SUBCHAPTER 4. WAGES AND HOURS

#### 12:240-4.1 Status of trainees

Trainees participating in on-the-job training and/or up-grading training will be considered full-time employees of the employer from the date of entry into training and will be entitled to all rights and privileges of other regular employees.

#### 12:240-4.2 Minimum wage

Trainees participating in up-grading training shall be paid not less than the minimum entry wage and trainees participating in on-the-job training will normally be paid at a level of at least 120 per cent of the New Jersey minimum wage for the occupation and industry involved and will work the regular normal hours.

#### 12:240-4.3 Wages and hours

Wages and hours shall be in accordance with applicable State and Federal laws.

### SUBCHAPTER 5. REIMBURSEMENT

#### 12:240-5.1 Purpose of reimbursement

(a) Reimbursement to the employer is intended to offset part of the cost of hiring and training a person. These costs may include, but are not limited to:

1. In-plant training on or off the job;
2. Training outside the plant.

#### 12:240-5.2 Amount

The amount of reimbursement to the employer under this chapter shall be mutually agreed upon in each case and will normally be 50 per cent of 120 per cent of the New Jersey minimum wage for any approved on-the-job training agreement.

#### 12:240-5.3 Schedule of reimbursement

The employer in each case will submit to the Director of the Division of Economic Development a report of completion of training and a claim for reimbursement in accordance with the agreement.

### SUBCHAPTER 6. FOLLOW-UP, EVALUATION AND COMPLIANCE

#### 12:240-6.1 On-site verification

The Commissioner of Labor and Industry or his designated agents shall visit the employing establishment from time to time to verify that the trainee is on the job, that the training plan is being carried out, that wages and hours and working conditions are as agreed upon and that all requirements of the agreement are being met.

#### 12:240-6.2 Termination of agreement

The Commissioner of Labor and Industry may terminate any agreements entered into under this chapter at any time if he finds that the terms of the agreement are not being complied with.

(Continued on Page 22)

# 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 April 17, 1978. It has been adjusted this month following a

mailing of update pages to subscribers.

Since their most recent updates, State departments and agencies have adopted the following rules—which have been printed in the Register but are not yet included in current pages of the Code:

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>AGRICULTURE — TITLE 2</b>			
2:2-1.1	Amendments on contagious equine metritis reporting	R.1978 d.122	10 N.J.R. 182(d)
2:2-4.40	Rule on pseudorabies vaccination	R.1977 d.367	9 N.J.R. 502(b)
2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:48-4.1	Confidentiality of certain reports	R.1977 d.366	9 N.J.R. 502(a)
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.108	10 N.J.R. 182(a)
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)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 135(a)
2:71-1.30	Revisions on certificates on grade for eggs	R.1977 d.339	9 N.J.R. 451(b)
2:71-1.30	Amendments on certificates of grade	R.1978 d.115	10 N.J.R. 182(c)
2:71-2.26 to 2.31	Inspection and grading of fruits and vegetables	R.1978 d.114	10 N.J.R. 182(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 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)
3:1-2.24	Minimum subscription for capital stock associations	R.1978 d.71	10 N.J.R. 137(a)
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)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
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)
3:7-3.9(a)26.	Amend electronic data processing	R.1978 d.103	10 N.J.R. 136(b)
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)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)

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

## CIVIL SERVICE — TITLE 4

(Rules in the Code for Title 4 include all adoptions to date—Transmittal Sheet No. 11.)

## COMMUNITY AFFAIRS — TITLE 5

5:23-2.6	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
3.3, 3.8, 4.3 and 4.8			
5:23-3.4(a)2)	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, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)

5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)

(Rules in the Code for Title 5 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

## EDUCATION — TITLE 6

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)
6:3-2.1	Amendments on pupil records		
through 6:3-2.8		R.1978 d.87	10 N.J.R. 142(c)
6:8-1.1, 6.2, 7.1	Amendments on thorough and efficient system	R.1978 d.85	10 N.J.R. 142(a)
6:20-2.3	Amendments on bookkeeping in local school districts	R.1977 d.483	10 N.J.R. 5(b)
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)
6:46-4.18	Recognition of accredited private vocational schools	R.1978 d.86	10 N.J.R. 142(b)
6:68-1.8	Amendments on State library aid	R.1978 d.121	10 N.J.R. 183(b)

(Rules in the Code for Title 6 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 11.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1E-1.1 et seq.	Amendments on discharge of petroleum and other substances	R.1978 d.112	10 N.J.R. 187(a)
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)
7:8-1.1 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(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)
7:9-2.1 et seq., 7:10-3.10 et seq.	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 146(d)
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)
7:12-1.1, 1.3	Amendments on shellfish beds in Barnegat Bay	R.1978 d.69	10 N.J.R. 144(a)
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)
7:13-1.2, 1.4	Amendments on floodway delineations	R.1978 d.70	10 N.J.R. 145(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 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(a)
7:25-9.6(g), (h)	Revision on relaying hard clams in Manasquan River	R.1977 d.363	9 N.J.R. 512(b)
7:26-1.4, 2.6, 2.11, 2.13, 7.1 et seq.	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 146(a)
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)
7:28-24.1 et seq.	Nuclear medicine technology	R.1978 d.101	10 N.J.R. 146(c)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(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)
Temporary rule	Closing of State waters to sea clam harvesting	R.1978 d.111	10 N.J.R. 186(c)
Temporary rule	Emergency amendments on opening sea clam waters	R.1978 d.119	10 N.J.R. 187(b)
Temporary rule	Amendments on 1978 oyster seed bed season	R.1978 d.123	10 N.J.R. 188(a)
Temporary rule	Change date of 1978 bay season; oyster seed beds	R.1978 d.128	10 N.J.R. 188(b)

(Rules in the 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)
8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15-1.1 et seq.	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-4.1 et seq.	New drugs and amygdalin	R.1978 d.93	10 N.J.R. 148(a)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:21-11.1 et seq.	Rules on dented cans, salvage foods and beverages	R.1978 d.100	10 N.J.R. 149(a)
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.	Amended standards and criteria; prenatal services	R.1978 d.49	10 N.J.R. 103(b)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-27.1 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)
8:33-1.5(f)3.	Amendment or certificates of need and transfers of ownership	R.1978 d.62	10 N.J.R. 104(a)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:36A-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.	Amended standards for licensing long-term care facilities	R.1978 d.65	10 N.J.R. 104(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)
8:43B-15.1 et seq.	Renal dialysis services	R.1978 d.63	10 N.J.R. 104(b)
8:43B-16.1 et seq.	Nurse-midwifery services	R.1978 d.64	10 N.J.R. 104(c)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
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)
8:65-10.4	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)
8:65-10.6	Excluded O.T.C. substances	R.1978 d.60	10 N.J.R. 103(d)
8:65-10.7	Excepted prescription drugs	R.1978 d.61	10 N.J.R. 103(e)
8:65-10.8	Exempt chemical preparations	R.1978 d.59	10 N.J.R. 103(c)

(Rules in the Code for Title 8 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 8.)

## HIGHER EDUCATION — TITLE 9

9:2-2.2	Definition of academic year	R.1978 d.52	10 N.J.R. 105(b)
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)
9:4-7.2(d)	Amendment on multi-year contracts for non-teaching personnel	R.1978 d.53	10 N.J.R. 105(c)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)
9:11-1.1 et seq.	Amend financial aid guidelines for students	R.1978 d.54	10 N.J.R. 105(d)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

(Rules in the Code for Title 9 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 10.)

## HUMAN SERVICES — TITLE 10

10:3-1.1 et seq.	Rules on debarment of contracting persons	R.1978 d.83	10 N.J.R. 154(a)
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)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
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)
10:54-3.5, 3.6	Amendments on pneumococcal polyvalent vaccine	R.1978 d.44	10 N.J.R. 116(b)
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)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:69A-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	R.1977 d.452	10 N.J.R. 16(b)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81 Appendix D	Amendments on incentive payments to CWA's	R.1978 d.88	10 N.J.R. 154(c)

10:82-2.9	Amendments on budgeting cases involving stepparents	R.1978 d.76	10 N.J.R. 153(c)
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.44E	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)
10:85-5.3(h)3.	Amendments on referral of clients to DVRS	R.1978 d.77	10 N.J.R. 153(d)
10:87-3.8	Amendments on illegal aliens in food stamp program	R.1978 d.117	10 N.J.R. 192(c)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-4.13(a)	Identification of exempt assets for food stamps	R.1978 d.74	10 N.J.R. 153(b)
10:87-5.8	Amendments on income deductions for food stamps	R.1978 d.84	10 N.J.R. 154(b)
10:87-6.5	Amendments on certification pending verification for food stamps	R.1978 d.109	10 N.J.R. 192(b)
10:87-6.14, 6.41, 6.42 and 6.44	Amendments to Food Stamp Manual	R.1978 d.43	10 N.J.R. 116(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)
10:94-4.4	Amendments on exclusion of home Medicaid only	R.1978 d.73	10 N.J.R. 153(a)
10:109	Amend Ruling 11 on classification and compensation	R.1978 d.107	10 N.J.R. 192(a)
Appendix I			
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
Temporary rule	1978 State plan for vocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

(Rules in the Code for Title 10 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 10.)

### CORRECTIONS — TITLE 10A

10:70-1.1 et seq.	Amended rules of State Parole Board	R.1978 d.97	10 N.J.R. 154(d)
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(Rules in the Code for Title 10A include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 1.)

### 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. 536(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)
11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 165(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. 536(a)
11:3-3.1	Amendment on nonrenewal of auto insurance	R.1977 d.437	9 N.J.R. 536(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)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
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 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)
12:20-5.4(b)	Amendments on appearances before appeal tribunals	R.1978 d.116	10 N.J.R. 202(a)
12:235-4.8	Amendments on certificates of readiness	R.1977 d.406	9 N.J.R. 537(b)
Temporary rule	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 Code for Title 12 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

**LAW AND PUBLIC SAFETY — TITLE 13**

13:2-1.1 et seq.	Revised rules of Division of Alcoholic Beverage Control	R.1977 d.342	9 N.J.R. 487(b)
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.33	10 N.J.R. 121(a)
13:2-3.11	Alcoholic Beverage Licenses in Atlantic City	R.1977 d.348	9 N.J.R. 487(c)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.75	10 N.J.R. 170(a)
13:4-8.2(a)1.	Deletion on discovery by parties other than Division	R.1978 d.82	10 N.J.R. 171(a)
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)
13:4-12.9	Costs of hearings	R.1978 d.46	10 N.J.R. 121(b)
13:19-10.1 et seq.	Revisions on point system and driving during suspension	R.1977 d.352	9 N.J.R. 488(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(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)
13:23-2.2(d)	Amendments on documents; applications for driver school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:30-8.3	Amendments on use of general anesthesia	R.1978 d.120	10 N.J.R. 203(b)
13:33-1.29	Amendments on record of prescription filled	R.1978 d.9	10 N.J.R. 72(b)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-1.4	Amendments on approving educational chiropractic institutions	R.1977 d.481	10 N.J.R. 71(c)
13:35-6.13	Provision of information to the public	R.1978 d.126	10 N.J.R. 204(a)
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)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
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 Code for Title 13 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

**ENERGY — TITLE 14A (Including Public Utility Commission - 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)
14:8-1.2	Railroad track safety	R.1978 d.110	10 N.J.R. 205(a)
14:10-1.1 et seq.	Amendments on telephone service	R.1978 d.89	10 N.J.R. 171(b)
14:17-18.1 et seq.	Amendments on cable television rates	R.1978 d.125	10 N.J.R. 207(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 Code for Title 14 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 8.)

**STATE — TITLE 15**

(Rules in the Code for Title 15 include all adoptions to date—Transmittal Sheet No. 10.)

**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)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
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)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(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)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(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 Code for Title 16 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

## TREASURY-GENERAL — TITLE 17

17:1-4.19	Amendments on biweekly salary for retirement	R.1978 d.96	10 N.J.R. 175(b)
17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:1-10.1, 10.3	Amend rules on prescription drug program	R.1978 d.98	10 N.J.R. 175(c)
17:1-11.1 et seq.	Rules on dental expense program	R.1978 d.99	10 N.J.R. 175(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(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)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
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)
17:16-5.5	Amendments on classification of funds	R.1978 d.94	10 N.J.R. 175(a)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
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 Code for Title 17 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

## 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)
18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(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 vehicles from sales tax	R.1977 d.484	10 N.J.R. 81(a)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:26-8.22	Amendments on estates for life or years	R.1978 d.118	10 N.J.R. 210(a)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)
18:35-1.8	Information returns for 1977 and subsequent years	R.1977 d.460	10 N.J.R. 45(a)

(Rules in the 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 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)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
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 Code for Title 19 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

(Continued from Page 14)

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 24, 1978, to:

Harry J. Callaghan, Director  
Division of Economic Development  
Labor and Industry building—Room 706  
Trenton, New Jersey 08625

The Commissioner of Labor and Industry may thereafter adopt the proposed new rules concerning this subject without further notice.

John J. Horn  
Commissioner  
Department of Labor and Industry

(a)

## LABOR AND INDUSTRY

### BOARD OF REVIEW

#### Amendments on Appearances Before Appeal Tribunals and the Board of Review

On March 31, 1978, Jacob Orenstein, chairman of the Board of Review in the Office of Hearings, Appeals and Review in the Department of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-6(f) and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:20-5.4(b) concerning appearances before appeal tribunals and the Board of Review by third-year law students or graduates of approved law schools, as proposed in the Notice published March 9, 1978, at 10 N.J.R. 117(a).

An order adopting these amendments was filed and became effective on March 31, 1978, as R.1978 d.116.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF OPTOMETRISTS

##### Proposed Amendments on Advertising Guidelines

Stanley J. Oleniacz, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-1 et seq., proposes to amend a portion of the rules concerning advertising guidelines.

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

##### 13:38-1.1 Scope of advertising permitted

(a) It shall be lawful for an optometrist to advertise in a dignified manner provided that such optometrist shall not use or participate in the use of any form of public communication containing a false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim; and, provided that the information process complies with the following guidelines:

1. Accepted advertising media shall include only the following forms: newspapers, directories, magazines, direct mail and other accepted printed media; on-premise signs, professional cards and appointment cards.

2. The practitioner may advertise his/her usual and customary fee for services rendered provided that:

i. He/she renders that service for no more than the fee which is advertised;

ii. The advertisement lists all services which the price covers;

iii. The advertisement specify whether any additional charges may be incurred for related services.

3. Any advertisement for frames must specify:

i. Exactly the type of spectacle lenses being offered, such as single vision, bifocal, trifocal or any other category; tints and colorations; standard size or over-size; glass, plastic or other material.

ii. Exactly the type of frame, such as metal, zyl, rimless or any other category together with brand name; where precious metals such as silver or gold have been used in the manufacture of the frame, advertising must conform to FTC rules applicable to the jewelry industry; and, if a manufacturer's discontinued frame, this characteristic must be stated.

4. An optometrist can only advertise a limitation of service if his/her practice is exclusively devoted to that service, such as, contact lens fitting, sub-normal vision, pediatric optometry, visual training, geriatric optometry and the like. This shall in no way be construed as permitting a claim of professional superiority or use of the word "specialist" or "specialty" or "expert" or any connotation thereof.

5. For the purposes of this section, the advertisement shall not exceed one eighth ( $\frac{1}{8}$ ) of a page and the print shall not be any smaller in size than one half ( $\frac{1}{2}$ ) of the largest size of print in the advertisement and the print must be consistent in type and style throughout the advertisement.

6. N.J.S.A. 45:12-11(i) shall be construed to mean that:

i. No optometrist shall cause or permit any listing of any inactive, retired, removed or deceased optometrist or any other ocular practitioner, except that, for a period of not more than two years from the date of succession to the practice of another optometrist, an optometrist may use a telephone listing of such optometrist together with the words "succeeded by", "succeeding" or "successor to";

ii. An optometrist may be listed in the classified section of any directory under the classification entitled "optometrists", or "doctors of optometry", or any other designation that is not misleading, at the address or addresses for which he/she holds a valid, unrevoked, active certificate to practice optometry in this State.

7. For the purposes of this section, and pursuant to N.J.S.A. 45:12-11(j-r), it shall be unlawful for an optometrist to:

i. Advertise discounts;

ii. Display any spectacles, eyeglasses, eyeglass or spectacle frames or mountings, goggles, lenses, prisms, spectacle or eyeglass cases, ophthalmic material of any kind, optometric instruments, or optical tools or machinery, or any merchandise, material, or advertising of a commercial nature in office windows or reception rooms or in display cases outside of the offices, where the display of such merchandise, material or advertising would make it visible from the street.

iii. Display his/her certificate or diplomas in such manner that they may be seen from the outside of the office;

iv. Display the name and title of the registrant, or other information in lettering larger than four inches in height for street-level offices, or larger than six inches in height for offices above street-level, and in no event shall there be more than three such displays. The illumination of said name and title shall be permissible at any time but this section shall not be construed to permit the use of colored or neon lights, eyeglasses or eye signs, whether painted, neon, decalomania, or any other either in the form of eyes or structures resembling eyes, eyeglass frames, eyeglasses or spectacles, whether lighted or not;

v. Solicit in person or through an agent or agents for the purpose of selling ophthalmic materials or optometric services or employing what are known as "chasers", "steerers", or "solicitors", to obtain business.

13:38-1.1 Professional cards and appointment cards

N.J.S.A. 45:12-11(h) shall be construed to limit the size and style of type and content of a professional card [advertisement] and appointment card to [that of a professional card customarily used by other members of the profession.] the name, title, profession, degrees, address, telephone number, office hours of the registered optometrist, the words "eyes examined", "eye examinations", "hours for the examination of eyes", "practice limited to the eye", or can specify that he is engaged in the practice of "general optometry", or can specify the type of services rendered by him/her as long as the statement is consistent with the provisions of N.J.A.C. 13:38-1.1.

13:28-1.[2]3. Announcements of office opening of association

[(a)] N.J.S.A. 45:12-11(h) shall not be construed to prohibit any optometrist from announcing the opening of an office for the practice of optometry, his affiliation or association with an office for such practice, his change or removal of said office, by way of a professional announcement containing such announcement together with the information permitted on a professional card, or when opening a new office in a community in which he has not previously practiced, from sending to any person one copy of such announcement, during a period not exceeding 90 days from the date of opening such office, or from causing one copy of such announcement to be inserted daily in a newspaper, in space not exceeding [two newspaper columns in width and three inches in depth] one eighth ( $\frac{1}{8}$ ) of a page, in which announcement the print shall not be any smaller in size than one half ( $\frac{1}{2}$ ) of the largest size of print in the announcement and which print must be consistent in type and style throughout the announcement, during a period not exceeding 90 days, or from mailing to his/her patients, [in sealed envelopes,] any announcements, notices, reminders, letters or printed matter which must, however, not be violative of provisions of N.J.S.A. 45:12.

[(b)] The mailing of an open postcard imprinted with any message or notice shall constitute a violation of provisions of N.J.S.A. 45:12-11(h).]

Note: Sections 3 through 8 of the current text in this subchapter are proposed to be cited as sections 4 through 9.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1978, to:

Jan Flanagan  
Secretary, Board of Optometrists  
1100 Raymond Boulevard, Room 301  
Newark, New Jersey 07102

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

Stanley J. Oleniacz  
President  
Board of Optometrists

(a)

**LAW AND PUBLIC SAFETY**  
**DIVISION OF MOTOR VEHICLES**  
**Proposed New Rules Concerning**  
**Transportation of Bulk Commodities**

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. 39:5E-1 et seq. proposes to adopt new rules, to be cited as N.J.A.C. 13:26-1.1 et seq. if adopted, concerning the transportation of bulk commodities.

The proposal establishes administrative procedures for the regulation of bulk commodity transportation in the State of New Jersey. It includes the requirements for application, operation, insurance, records and reports, vehicle identification and administration of the regulation of bulk commodity transportation.

Copies of the 16 pages of full text of the proposal may be obtained or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 31, 1978, to:

Henry S. Czauski, Referee  
Division of Motor Vehicles  
Department of Law and Public Safety  
25 South Montgomery Street  
Trenton, N.J. 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

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

(b)

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

**Amendments on Use of General Anesthesia**

On November 23, 1977, Kenneth Butler, President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:30-8.3 concerning the use of general anesthesia, as proposed in the Notice published October 6, 1977, at 9 N.J.R. 483(a).

An order adopting these amendments was filed and became effective on April 6, 1978, as R.1978 d.120.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

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

**Rule Concerning Provision  
Of Information to the Public**

On February 23, 1978, 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 a new rule, to be cited as N.J.A.C. 13:35-6.13, concerning the provision of information to the public, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 587(c), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

Take notice that, the caption of this rule is to read "Provision of information to the public" rather than "Advertising and solicitation" as it appeared in the Notice of Proposal.

An order adopting this rule was filed and became effective on April 14, 1978, as R.1978 d.126.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

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

**Proposed Rule on Advertising and Solicitations**

Ruth Weisman, Executive Secretary of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1, proposes to adopt a new rule concerning veterinary advertising and solicitation.

Full text of the proposal follows:

13:44-2.11 Advertising and solicitation

(a) "Licensee", for the purpose of this regulation, means a person possessing a plenary license to practice veterinary medicine, dentistry and surgery.

(b) A licensee in the State of New Jersey may provide information to the public, by publication in a dignified manner in newspapers or comparable written publications concerning: education, certification or appointments, location and availability of services, fees for routine professional services and other pertinent information about the licensee's practice. In any such publication, license degree must be designated. To the extent that information provided to the public by the licensee may be misleading, the licensee shall provide clarification, such as, but not limited to, whether additional charges may be incurred for related services when fees are stated.

(c) Information provided to the public in accordance with section (a) shall not by form, manner or content be such as to solicit patients. Solicitation is prohibited. Solicitation shall include, but is not limited to, public information which may be found by the Board of Veterinary Medical Examiners as:

1. False, fraudulent, deceptive, misleading or flamboyant;
2. Representing intimidation or undue pressure;
3. Using testimonials;
4. Guaranteeing any service or guaranteeing that satisfaction or cure will result from the professional services offered;
5. Offering gratuitous services or discounts in connection with published services, but this clause shall not be construed to relate to the negotiation of fees between licensees and patients or clients, or to prohibit the rendering of professional services for which no fee is charged;
6. Making claims of professional superiority;
7. Stating or including prices for professional services which are false, deceptive or misleading

(d) The information which may be provided to the public is limited to the printed media and any such information provided by licensee in any other form is expressly prohibited.

(e) Any violation of the foregoing rule may be considered as the basis for suspension or revocation proceedings being instituted against the licensee.

(f) This rule supersedes any prior rule to the extent inconsistent therewith.

Interested persons may submit statements or arguments in writing regarding the proposed action on or before May 31, 1978, to:

Ruth Weisman, Executive Secretary  
Board of Veterinary Medical Examiners  
1100 Raymond Boulevard  
Newark, New Jersey 07102

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

Ruth Weisman, Executive Secretary  
Board of Veterinary Medical Examiners  
Department of Law and Public Safety

(c)

**ENERGY**  
**THE COMMISSIONER**

**Proposed Rules on Energy Conservation**

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of P.L. 1977, c. 146, proposes to adopt new rules concerning a program for the conservation of energy in New Jersey. Such rules, if adopted, will be cited as N.J.A.C. 14A:3-1.1 et seq.

The rules were initially proposed in the December 8, 1977, issue of the New Jersey Register, at 9 N.J.R. 589(a). Written comments were received from many sources and a public hearing on the proposal was held on December 28, 1977.

In light of substantial modifications, the proposed rules are resubmitted for publication.

(Continued on Page 27)

(a)

# ENERGY

## BOARD OF PUBLIC UTILITIES

### Emergency Rule on Railroad Track Safety

On March 23, 1978, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-13, 48:2-23, 48:2-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning railroad track safety.

Full text of the adoption follows:

#### 14:8-1.2 Track safety regulation

(a) This regulation prescribes minimum safety requirements for railroad track that is part of the railroad operation and which is used for the transportation of hazardous materials.

(b) All tracks over which hazardous material is to be transported in the State of New Jersey shall conform to the following minimum standards:

1. Drainage: Proper drainage must be maintained free of obstruction.
2. Ballast: Sufficient in crib and at ends of ties to maintain alignment and insure proper drainage.
3. Ties: Minimum of eight non-defective ties per 39 foot rail length—maximum distance between non-defective ties not to exceed 70 inches.
4. Joints: All rail joints must be on non-defective ties whether joints are supported or suspended.
5. Tie plates: Shoulder type plate required.

6. Rail spikes:
  - i. Tangent track—at least two, one on each side of rail in all ties to maintain proper gage.
  - ii. Curved track at least four—two on each side as above.
7. Splice (angle) bars:
  - i. Two bolts on each end of the rail;
  - ii. No splice bar break allowed in four-hole type bar;
  - iii. Splice bar break allowed only between No. 2 and No. 3 bolt holes in each rail which has six-hole type bars.
8. Turnouts and crossovers:
  - i. Switch handle and switch assembly must be secured to non-defective ties. Switch must be secured with lock.
  - ii. Signal marker (targets): Scotchlite or similar product must be used on all switches.
  - iii. Switch points: Must be snug to stock rail and in serviceable condition.
  - iv. Braces to stock rail must be snug to hold gage when switch is thrown.
  - v. Heel block of switch must be bolted with minimum of two bolts.
  - vi. Spring frogs: Spring and hold downs must be maintained in good operating condition.
  - vii. Other type frogs: Must have all bolts in place properly tightened.
  - viii. Timbers under frogs must be non-defective.
9. Rails: 100 pound rail required.
10. Longitudinal rail movement must be effectively controlled. If rail anchors which bear on the sides of ties are used for this purpose, they must be on the same side of the tie on both rails.
11. Maximum operating speed may not exceed 10 mph. In the event the track meets higher standards than the minimum prescribed above, designated speed under FRA track standards may be applied.

### SCHEDULE "A"

#### NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) DERAILMENTS—1977

Date	Mainline Branch	Type Train	Location	Cause	Damage
1/19	Mainline	Freight CR	Linden	Improper train handling	\$ 6,974
2/24	Mainline	Freight CR	Metro Park	Slack action—excessive horsepower	32,000
6/22	Mainline	Freight CR	Metuchen	Journal bearing failure	109,300
6/29	Mainline	Passenger	Trenton	MW equipment fouling track (vandalism)	20,000

#### CONSOLIDATED RAIL CORPORATION DERAILMENTS — 1977

1/10	CNJ-Main	Freight	Bayonne	Wide gauge—poor ties	\$ 2,525
1/13	CNJ-Main	Freight	Bayonne	Broken rail	2,600
1/19	Amtrak	Freight	Linden	Improper train handling	8,900
1/26	EL-Gladstone	Freight	Berkeley Heights	Ice build up on rail	1,106
1/30	LV-Mainline	Freight	Flemington	Irregular cross level	7,000
2/8	NY&LB Main	Freight	Cliffwood	Irregular cross level	less than 750
2/24	Amtrak	Freight	Metro Park	Slack action—excessive horsepower	32,000
3/4	Amtrak	Freight	Edison	Burned off journal (liquid potash)	11,000
3/26	NY&LB	Passenger	Bay Head	Broken switch point	\$ 5,500
3/27	PRSL Mainline	Freight	Winslow Jct.	Off center	42,200
6/16	PC-Meadows	Freight	Kearny	Heat kink created wide gauge	8,950
6/14	LV Mainline	Freight	So. Plainfield	Failure of engineer to comply with signal aspect	23,500
6/22	Amtrak	Freight	Metuchen	Journal bearing failure	109,300
6/29	Amtrak	Passenger	Trenton	MW equipment fouling track—vandalism	20,000
7/3	PC	Freight	Pavonia	Cross couplers	\$ 8,900
7/11	PRSL	Freight	Fairton	Slack action on curve	2,244
7/14	PRSL	Freight	Fairton	Broken joint bar	1,600
7/18	LV	Freight	Oak Island	Rod assembly loose and bolts missing	2,100
8/3	PRSL	Freight	Fairton	Excessive cross level	
8/11	PRSL	Freight	Bridgeton	Hand brake not secured on engine	2,635

Date	Mainline Branch	Type Train	Location	Cause	Damage
8/12	PRSL	Freight	Alloway Junction	Excessive cross level	3,000
8/12	LV	Freight	Oak Island	Circuit switch failure	2,075
8/15	EL	Freight	No. Bergen	Broken rail	12,450
8/15	EL	Freight	Secaucus Yd.	Wide gauge deteriorated ties	
8/22	PC	Freight	Genasco	Wide gauge deteriorated ties	1,200
8/22	CNJ	Freight	Elizabethport	Cross couplers	4,631
8/26	PC	Freight	So. Kearny	Improperly line switch	1,500
8/31	PRSL	Freight	Landisville	Improperly line switch	12,200
9/6	EL (2)	Freight	Croxtan	Switches improperly lined	3,950
9/7	LV	Freight	Oak Island	Switches improperly lined	4,000
9/10	CNJ	Freight	Elizabethport	Cause unknown	5,000
9/17	CNJ	Freight	P'Burg	Unknown person released brakes	2,400
9/26	LV(2)	Freight	Oak Island	Unknown person uncoupled cars	9,257
9/28	CNJ	Freight	Trimley (Linden)	Broken rail (tank cars)	21,000
10/6	CNJ	Freight	Perth Amboy	Deteriorated ties	1,450
10/6	CNJ	Passenger	Perth Amboy	Deteriorated ties (sideswiped)	
10/7	LV	Freight	Oak Island	Broken splice bar	21,338
10/7	LV	Freight	Oak Island	Broken splice bar	20,137
10/7	LV	Freight	Oak Island	Wide gauge due to worn rail	2,575
10/17	PC	Freight	Newark	Deteriorated ties	2,450
10/19	PC	Freight	Harrison	Deteriorated ties, turned rail	2,450
10/23	PRSL	Freight	Woodbury	Irregular cross elevation	2,800
11/10	CNJ	Freight	Somerville	Wide gauge—deteriorated ties	5,450
11/11	CNJ	Freight	Bridgeton	Broken rail	4,300
11/14	PC	Freight	S. Kearny	Broken rail	5,850
11/14	PC	Freight	Pavonia	Retarder—malfunction	2,000
11/14	PC	Freight	Pavonia	Retarder—malfunction	4,000
11/15	CNJ	Freight	Perth Amboy	Broken base of rail	7,940
11/20	EL	Freight	Phillipsburg	Deteriorated ties—wide gauge	5,365
11/21	EL	Freight	Croxtan Yard	Deteriorated ties—wide gauge	4,250
12/3	NY&LB (mainline)	Passenger	Pt. Pleasant	Defective ties in crossover	6,500
12/5	PRSL Penn Grove	Freight	Thorofare	Irregular cross elevation	140,700
12/17	PRSL Bulsen Yd.	Freight	Camden	Broken rail	52,500
12/23	PRSL Manunskin	Freight	Manunskin	Broken rail	3,226
12/30	PC Pavonia Yd.	Freight	Camden	Employee failure to control movement runaway cars	14,235

CONSOLIDATED RAIL CORPORATION RAILROAD DERAILMENTS — 1978

1/1	EL-Main	Freight	Hoboken	Broken switch point	\$ 12,975
1/4	CNJ-Southern	Freight	Lakewood	Improper train handling—excessive speed	24,500
1/7	PC-Camden- Bordentown	Freight	Pavonia Yd. Camden	Failure of engineer to take hand signal	33,500
1/9	EL-Washington	Freight	Washington	Irregular cross elevation	16,300
1/17	PRSL-Salem	Freight	Woodstown	Defective rail joint	28,080
1/20	EL-Morristown	Passenger	Morristown	Human factor—rear end collision	6,150
1/21	EL-Boonton	Freight	Upper Montclair	Missing bolt—body side bearing	15,200
1/22	EL-Morristown	Passenger	Dover	Wide gauge due to deteriorated ties	7,064
1/24	PC-Bordentown	Freight	Trenton	Build up of ice spread rail	3,450
1/25	LC-Main Yd.	Freight	Oak Island Newark	Passed couplers	4,375

BLACK RIVER & WESTERN DERAILMENTS — 1977

3/22	So. Branch	Freight	Three Bridges	Broken rail—unstable track 2 vinyl chloride cars—damaged	1,500
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An order adopting this rule was filed and became effective on March 28, 1978, as R.1978 d.110 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(Continued from Page 24)

Copies of the 19 pages of full text of the proposed rules may be obtained from the Department of Energy at the address listed below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 24, 1978, to:

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

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

Joel R. Jacobson  
Commissioner  
Department of Energy

**(a)**

**ENERGY**

**BOARD OF PUBLIC UTILITIES**

**OFFICE OF CABLE TELEVISION**

**Rules on Cable Television Rate  
Regulation Under Common Tariff**

On April 13, 1978, the Office of Cable Television in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-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. 14:17-18.1 et seq., concerning cable television rate regulation under a common tariff, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 124(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Energy.

An order adopting these rules was filed on April 14, 1978, as R.1978 d.125 to become effective on April 17, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**TREASURY**

**STATE LOTTERY COMMISSION**

**Proposed Rules on Pick-Four Lottery**

Gloria A. Decker, acting Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7, proposes to adopt new rules concerning the Pick-Four lottery.

Full text of the proposal follows:

**SUBCHAPTER 12. PICK-FOUR LOTTERY**

**17:12-1.1 General provisions**

(a) The following rules have been adopted by the State Lottery Commission pursuant to the authorization contained in N.J.A.C. 17:21-1.4 and N.J.S.A. 5:9-1 et seq., and shall govern the operation of "Pick-Four", a four-

digit, select-your-own number lottery. This lottery will commence on a date to be announced by the executive director of the Lottery Commission. The rules are:

1. The four digit select your own number lottery shall be called "Pick-Four", and all lottery tickets issued for this game shall be clearly identified with the name of the game.

2. "Pick-Four" tickets will be sold every day during the normal business hours of the agents authorized to sell said tickets. The sale period for any given "Pick-Four" lottery date will terminate at 7:40 P.M. the date of the drawing.

3. Lottery tickets for "Pick-Four" will be available only from certain designated lottery agents who have been selected by the Executive Director of the State Lottery Commission.

4. The selected agents will have on their business premises either a coin-actuated on-line vending machine or an agent operated on-line vending machine and shall prominently display the machine and poster or other advertisement stating that they sell tickets for the "Pick-Four" lottery.

5. The coin-actuated on-line vending machines will sell tickets for the present weekly, the "Pick-Four" lottery and the "Pick-It" lottery. A purchaser will be able to place only a straight bet and box bet for the "Pick-Four" lottery from this type of a machine. All tickets issued from this type of a machine will have a unit purchase price of \$.50 and will be for the next possible drawing date of the type of lottery selected by the purchaser. Agents having this type of a machine will be required to provide certain specified services relating to the upkeep of the machine and the reporting of lottery sales and will receive a commission equal to 2½ per cent for each lottery ticket sold.

6. The agent operated on-line vending machines will sell tickets for present weekly, the "Pick-It" lottery and the "Pick-Four" lottery. The agents having this type of machine will be required to operate the machine for purposes of the issuance of all lottery tickets and shall be required to provide certain specified services relating to the upkeep of the machine and the reporting of lottery sales; will receive a commission equal to five per cent for each lottery ticket sold. The agent operated on-line vending machines will have the capacity to:

- i. Handle advance sales up to one week for all three types of lotteries.
- ii. Bulk vend present weekly lottery tickets.
- iii. Issue "Pick-Four" tickets for \$.50 and in multiples of \$.50 up to \$5.00.
- iv. Issue "Pick-Four" tickets for the period of the game.
- v. Cancel "Pick-Four" ticket issued in error.

7. The selection of the winning four-digit number for the "Pick-Four" lottery will be held on Friday immediately following the drawing of the present Pick-It lottery which is scheduled for approximately 7:57 P.M. Such a drawing will be held every Friday except on Good Friday at which time the drawing would take place one day earlier, Thursday. The drawings will take place at a location prescribed by the Executive Director of the New Jersey Lottery and all drawings will be open to the public.

8. The winning four-digit number will be randomly generated by mechanical means. The precise drawing procedure will be determined by the Executive Director of the Lottery Commission.

9. The type of bets and amount of prizes for the "Pick-Four" lottery shall be determined as follows:

i. Straight bet: The purchaser shall select a four-digit number that will become a winner only if said number matches digit for digit in sequence the winning number selected by the drawing.

(1) For example, if the winning number is 1234, then only straight bets placed on 1234 will be winners.

ii. Box (combination) bets: The purchaser will select a four-digit number that will become a winner only if said number matches digit for digit in any sequence the winning number selected by the drawing. For example, if the winning number is 1234, then box bets placed on

1234	1324	1423
1243	1342	1432
2134	2314	2413
2143	2341	2431
3124	3214	3412
3142	3241	3421
4123	4213	4312
4132	4231	4321

will be winners. It will be impermissible to place a box bet on any four-digit combination which cannot be divided into twenty four separate and distinct bets.

(1) For example, 1233, 1322, or any other similar numbers cannot be used for box bets.

10. The amount of the prizes to be given for the "Pick-Four" lottery shall be determined in accordance with the following rules:

i. The prize pool will be equal to 50 per cent of the total amount of all the bets placed for said lottery drawing.

ii. The amount of money in the prize pool shall be divided amongst the winners in accordance with the pari-mutuel formula. Box bet winners will receive one-twenty-fourth of the straight bet prize.

iii. Pari-mutuel formula:

(1) Each 50-cent bet shall be considered to be a single unit and bets for larger amounts shall be divided into 50-cent bets; for example a \$2.00 winning ticket will be four units.

(2) A straight winning bet, hereinafter called "X", shall be a full unit and shall be entitled to a full prize unit for each 50-cents of the ticket value as defined in subparagraph ii. above.

(3) A box winning bet, hereinafter called "Y", shall be one-twentyfourth of a unit and shall be entitled to one-twentyfourth of the prize unit for each 50-cents of the ticket value as defined in paragraph 10(b).

(4) The prize unit will be rounded down to 50-cents.

(5) Formula for prize determinations:

$$\text{Prize} = \frac{\text{Prize Pool}}{\text{Unit} + \frac{\text{Amount Wagered}}{50\text{-cents}}}$$

$$\text{Straight} = \left( \frac{\text{Prize Unit}}{\text{Rounded Down}} \times \frac{\text{Amount Wagered}}{50\text{-cents}} \right)$$

$$\text{Box Bet} = \left( \frac{\text{Prize Unit}}{24} \right) \left( \frac{\text{Rounded Down}}{\text{to 50-cents}} \times \frac{\text{Amount Wagered}}{50\text{-cents}} \right)$$

Example:

Assume: Prize Pool of \$50,000 and the following winning bets represented in 50-cent units: 150 straight, and 240 box.

$$\text{Prize} = \frac{50,000}{150 + 240(1/24)} = \frac{50,000}{150 + 10} = \frac{50,000}{160} = \$312.50$$

$$\text{Straight} = \$312.50 = \$312.50 \text{ per each 50-cent bet}$$

$$\text{Bet Prize}$$

$$\text{Box Bet} = \$312.50 = \$13.02 = \$13.00$$

iv. The minimum prize for the "Pick-Four" lottery for any type of bet for any given drawing shall be one dollar (50-cents over the unit bet). The amount of the breakage (amount received as a result of round down to 50-cents) will be set aside in a separate fund which will be used for purposes of guaranteeing this minimum payout.

v. If no bets are placed on the winning number as drawn for any "Pick-Four" lottery drawing, the money in the pool shall be added to the next following "Pick-Four" lottery pool.

11. The holder of a winning ticket for the "Pick-Four" lottery can take said ticket to any agent having an agent-operated on-line vending machine for validation. If said winning ticket entitles the holder to a prize of \$599.00 or less, said prize will be paid by the agent upon presentation and validation of the ticket. If the winning ticket entitles the holder to a prize that is more than \$599.00, then the holder shall fill out a claim form and the prize will be sent to the holder by check from the Lottery Commission. Once a ticket is validated, it will not be returned to the winner, but will be forwarded to the New Jersey State Lottery. The winner will receive the cash prize or a copy of the claim form as herein provided.

12. All persons holding winning tickets must file for a prize within one year after the date of the drawing. All winning tickets submitted beyond one year period are not eligible for prize awards. Except as herein provided, all rules and regulations of the Lottery Commission shall govern the operation of the "Pick-Four" Lottery. All determinations of winners shall be made by the Executive Director of the Lottery Commission whose judgment shall be final.

17:21-1.2 Pick-four club ticket reservation plan

(a) The New Jersey State Lottery Pick-4 Club will offer to a subscriber a membership, for a specified number of sequential weekly lottery drawings.

(b) The number of sequential weekly lottery drawings which a subscriber may select are 10 weeks, 20 weeks, and 30 weeks.

(c) The cost of memberships is to be in units from \$.50 up to a maximum of \$5.00 per number selected for each week with a minimum play of ten weeks. A selection of 20 weeks would entitle the subscriber to a discount from \$.50 to \$5.00 and a selection of 30 weeks would entitle the subscriber to a discount from \$1.00 to \$10.00. The amount of discount is dependent upon the denomination bet per week and the duration of the subscription.

1. For example, if \$.50 is bet for 20 weeks, the cost to the subscriber would be \$9.50.

2. If \$5.00 is bet for 30 weeks, the cost to the subscriber would be \$140.00.

(d) A subscriber may renew his ticket for the same lottery number or a new lottery number at any time prior to the expiration date noted on his ticket.

(e) Continuance of participation will only be permitted if the subscriber's application for renewal, either for the same number or a new number, is in the possession of the Lottery Commission by 12:00 midnight ten calendar days prior to the subscriber's last effective lottery date, that is, the expiration date.

1. Any decision as to interpretation of the above will be made by the Executive Director, New Jersey State Lottery Commission, and will be considered final and binding.

(f) The Lottery Commission has the right to change the designated prize structure by the rules and regulations adopted by the Lottery Commission without notice to the "Pick-4" club member.

(g) The Lottery Commission must be notified within seven days of issuance of membership card if "Pick-4" number does not agree with instructions.

(h) Applications accompanied by personal checks will be subject to collection and clearance of said checks.

(i) In general, the provisions governing the Pick-4 Lottery shall be applicable to the State Lottery Pick-4 club reservation plan.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 24, 1978, to:

Gloria A. Decker  
Acting Executive Director  
State Lottery Commission  
Taxation Building  
West State and Willow Sts.  
Trenton, N.J. 08625

The State Lottery Commission may thereafter adopt rules concerning this subject without further notice.

Gloria A. Decker  
Acting Executive Director  
State Lottery Commission  
Department of the Treasury

(a)

## TREASURY

### STATE TREASURER

#### Proposed Amendments on Affirmative Action Requirements for Public Contracts

Clifford A. Goldman, State Treasurer, pursuant to authority of P.L. 1975, c. 127, as amended, proposes to adopt amendments to a portion of the rules concerning affirmative action requirements for public contracts.

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

17:27-4.3(b) If a procurement or service contractor refuses to sign said contract when it is submitted for signing by the public agency or if the contractor has failed to satisfy the precondition for entering into a contract as established by subsection (a) of this section, prior to the time the contract is submitted for signing by the public agency or within seven days after said submission, then the public agency shall reject the contractor's bid as non-responsive, and these requirements shall apply to any other contractor which the public agency selects in accordance with applicable contracting laws and procedures; provided however, that for any contractor who advises the public agency in writing that he plans to satisfy the precondition established herein by submitting an initial employee information report, the public agency may extend in a particular case the allowable time after the contract is submitted for signing to no more than 14 days for satisfying said precondition.

17:27-7.4(b) The contractor agrees to complete monthly project manning reports on forms provided by the affirmative action office or in the form prescribed by the affirmative action office and submit an initial copy of

said form no later than three days after signing a construction contract; provided however, that the public agency may extend in a particular case the allowable time for submitting the initial form to no more than 14 days; and to submit a copy of said form once a month thereafter for the duration of this contract to the affirmative action office and to the public agency compliance officer. The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and off-the-job programs for outreach and training of minority trainees employed on the construction projects.

#### 17:27-13.2 Effective dates

The affirmative action regulations, to which this section is a supplement, shall become effective July 10, 1978, for the following units of local government:

1. All counties;
2. All municipalities with a population in excess of 100,000 as identified in the population estimates of the New Jersey Department of Labor and Industry which were used by the Division of Taxation to allocate State funds in 1978 pursuant to the State Revenue Sharing Act of 1976, P.L. 1976, c. 73;
3. Any municipality in which the Legislature has authorized the establishment and operation of gambling houses or casinos; and
4. Any school district, municipal utility authority or any other unit of local government which serves or operates in or has authority to serve or operate in one or more municipalities at least one of which is subject to this section.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 24, 1978, to Carl Briscoe, Affirmative Action Officer, State Affirmative Action Office, State House, P.O. Box 1829, Trenton, New Jersey 08625.

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

Clifford A. Goldman  
State Treasurer  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF PENSIONS

#### STATE POLICE RETIREMENT SYSTEM

##### Amendments on Biweekly Salary Computation Of Retirement and Death Benefits

On March 27, 1978, Elmer G. Baggaley, Secretary of the State Police Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 53:5A-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:5-2.1(g) and 17:5-5.9 concerning biweekly salary computation of retirement and death benefits, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 37(a).

An order adopting these amendments was filed and became effective on March 30, 1978, as R.1978 d.113.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**TREASURY**

**DIVISION OF TAXATION**

**Amendments for Transfer Inheritance Tax**

On April 5, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:26-8.22 concerning the transfer inheritance tax and estates for life or years, as proposed in the Notice published March 9, 1978, at 10 N.J.R. 127(c).

An order adopting these amendments was filed and became effective on April 6, 1978, as R.1978 d.118.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**(Other Agencies)**

**CASINO CONTROL COMMISSION**

**Proposed Rule on Personal History Disclosure Form No. 4**

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt a new rule, to be included in Chapter 41 of Title 19 in the New Jersey Administrative Code, concerning the personal history disclosure form no. 4.

Copies of the nine pages of full text of the proposed rule, supplementing the rules relating to applications procedures, may be obtained from or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 24, 1978, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt rules concerning the subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

**(c)**

**CASINO CONTROL COMMISSION**

**Proposed Rules on Gross Revenues Tax**

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules, to be cited as N.J.A.C. 19:54-1.1 et seq., concerning gross revenues tax.

The proposed table of contents of such proposed rules follows:

**SUBCHAPTER 1. GROSS REVENUES TAX**

- 19:54-1.1 Description of tax
- 19:54-1.2 Definitions
- 19:54-1.3 Tax year
- 19:54-1.4 Tax payer
- 19:54-1.5 Payment of tax
- 19:54-1.6 Computation of tax
- 19:54-1.7 Return and reports
- 19:54-1.8 Audits and records
- 19:54-1.9 Determination of tax liability, notice, disputes, hearings
- 19:54-1.10 Penalties and sanctions
- 19:54-1.11 Delegation by State Treasurer
- 19:54-1.12 Exchange of information
- 19:54-1.13 Commission authority and responsibility

Copies of the 12 pages of full text of the proposed rules relating to taxes (gross revenues tax) may be obtained or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 24, 1978, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

**(d)**

**CASINO CONTROL COMMISSION**

**Proposed Amendments on Casino Hotel Alcoholic Beverage Control**

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend N.J.A.C. 19:50-1.6(w) concerning casino hotel alcoholic beverage control.

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

19:50-1.6(w) No retail casino hotel alcoholic beverage licensee shall employ or have connected with him in any business capacity whatsoever any person interested, directly or indirectly, in the manufacturing or wholesaling of any alcoholic beverage within or without this State, nor shall any such retail licensee be employed by or connected in any business capacity whatsoever with any person interested, directly or indirectly, in the manufacturing or wholesaling of any alcoholic beverage within or without this State; provided, however, that notwithstanding the provisions of this section, the provisions of Title 33 of the Revised Statutes and Title 13 of the New Jersey Administrative Code, the commission may, in its discretion, issue to an applicant a retail casino hotel alcoholic beverage license when the following conditions have been met:

1. The applicant has furnished to the commission a list of all brands of alcoholic beverages manufactured or sold at wholesale by the applicant or by any person employed by or connected in any business capacity whatsoever with

the applicant; the applicant has agreed in writing to provide the commission with prior written notice of any change in said list occurring at anytime thereafter;

2. The applicant has agreed in writing not to sell or permit the sale at the licensed premises of any alcoholic beverage manufactured or sold at wholesale by the applicant or by any person employed by or connected in any business capacity whatsoever with the applicant.

3. Any license issued pursuant to this section shall contain a legend making reference to the provisions of this section and stating that the issuance of such license is conditioned upon the continuing fulfillment of all of the conditions set forth herein.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 24, 1978, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

19:53-1.5(f) In addition to satisfying the requirements of N.J.A.C. 19:53-1.5(a) of these regulations, an applicant or licensee which employs or will imminently employ 50 or more employees within the State of New Jersey and which is not currently performing under an existing Federal or State approved or sanctioned affirmative action program, shall at the time he submits his application or at the time he employs or will imminently employ 50 or more employees submit to the commission an affirmative action program which includes the following:

1. A guaranty that the applicant or licensee will attempt in good faith to employ minority workers and female workers at all levels of its workforce consistent with the employment goals prescribed by N.J.A.C. 19:53-1.5(e).

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 24, 1978, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt rules concerning the subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

(a)

## CASINO CONTROL COMMISSION

### Proposed Amendments on Equal Employment Opportunity

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend a portion of the rules concerning equal employment opportunity.

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

19:53-1.4(c)1. For the purposes of [establishing goals for] employment in the construction workforce, the term "minority" shall include females in addition to the other population groups included in the term "minority workers" as defined in N.J.A.C. 19:53-1.2[.] ; provided, however, that, notwithstanding any other provision of these regulations to the contrary, the separate employment goal applicable for females in the construction workforce shall be as follows:

- i. For the first year ..... 3.1 per cent;
- ii. For the second year ..... 5 per cent;
- iii. For the third year and thereafter .... 6.9 per cent.

19:53-1.5(a)2. A guaranty that the applicant or licensee will take affirmative action to insure that applicants for employment who are within the groups set forth in N.J.A.C. 19:53-1.5(a)1. are recruited and employed at all levels of its workforce, and that employees are treated during employment without regard to the characteristics listed in N.J.A.C. 19:53-1.5(a)1. Such affirmative action shall include but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training programs;

(b)

## CASINO CONTROL COMMISSION

### Proposed Amendments on Applications Procedures And Labor Organization Registration

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend a portion of the rules concerning applications procedures and labor organization registration.

The proposed amendments involve the repeal of the current text of N.J.A.C. 19:41-1.4 and 19:41-3.4 and the adoption of new rules to be cited as N.J.A.C. 19:41-12.1 et seq.

The proposed subchapter table of contents follows:

#### SUBCHAPTER 12. LABOR ORGANIZATION REGISTRATION

- 19:41-12.1 Definitions
- 19:41-12.2 Registration required
- 19:41-12.3 Registration exemption
- 19:41-12.4 Registration statement
- 19:41-12.5 Registration renewal
- 19:41-12.6 Continuing duty to disclose
- 19:41-12.7 Federal reports exception
- 19:41-12.8 Qualification of officers, agents and principal employees
- 19:41-12.9 Qualification procedure
- 19:41-12.10 Waiver of disqualification criteria
- 19:41-12.11 Interest in casino hotel or casino licensee prohibited
- 19:41-12.12 Failure to comply; consequences

Copies of the 15 pages of full text of the proposed rule supplementing the rules relating to applications procedures (labor organization registration) may be obtained or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments

in writing relevant to the proposal on or before May 24, 1978, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

(a)

## CASINO CONTROL COMMISSION

### Proposed Rules Concerning Internal and Accounting Controls

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning internal and accounting controls. Such rules, if adopted, will be cited as N.J.A.C. 19:45-1.1 et seq.

A listing of the proposed chapter table of contents follows:

#### CHAPTER 45. INTERNAL AND ACCOUNTING CONTROLS

- Subchapter 1 - Definitions
- Subchapter 2 - Accounting records
- Subchapter 3 - Records regarding ownership
- Subchapter 4 - Records—forms and retention
- Subchapter 5 - Standard financial and statistical reports
- Subchapter 6 - Annual audit and other reports
- Subchapter 7 - Junkets
- Subchapter 8 - Complimentary services
- Subchapter 9 - Closed circuit television system
- Subchapter 10 - Casino licensee's organization
- Subchapter 11 - Personnel assigned to operation and conduct of gaming and slot machines
- Subchapter 12 - Firearms; possession within casino
- Subchapter 13 - Cashiers cage
- Subchapter 14 - Accounting controls within the cashiers cage
- Subchapter 15 - Drop boxes
- Subchapter 16 - Drop boxes; transportation to and from gaming tables; storage in count room
- Subchapter 17 - Procedure for accepting cash at gaming tables
- Subchapter 18 - Acceptance of tips or gratuities from patrons
- Subchapter 19 - Table inventories
- Subchapter 20 - Procedure for opening tables for gaming
- Subchapter 21 - Procedures for distributing gaming chips and plaques to gaming tables
- Subchapter 22 - Procedure for removing gaming chips and plaques from gaming tables
- Subchapter 23 - Procedure for exchange of checks submitted by gaming patrons
- Subchapter 24 - Procedure for redemption or consolidation of checks submitted by gaming patrons
- Subchapter 25 - Procedures for recording checks exchanged, redeemed or consolidated
- Subchapter 26 - Procedure for depositing checks received from gaming patrons

- Subchapter 27 - Procedures for collecting and recording checks returned to the casino after deposit
- Subchapter 28 - Procedure for shift changes at gaming tables
- Subchapter 29 - Procedure for closing gaming tables
- Subchapter 30 - Count rooms; characteristics
- Subchapter 31 - Procedure for counting and recording contents of drop boxes
- Subchapter 32 - Slot booths
- Subchapter 33 - Accounting controls within the slot booths
- Subchapter 34 - Slot machines; coin containers; keys
- Subchapter 35 - Slot machines; identification; signs; meters
- Subchapter 36 - Slot machines; location; movements
- Subchapter 37 - Progressive slot machines
- Subchapter 38 - Jackpot payouts
- Subchapter 39 - Procedure for filling payout reserve containers of slot machines
- Subchapter 40 - Removal of slot drop buckets; meter readings
- Subchapter 41 - Slot count — procedures for counting and recording contents of drop buckets
- Subchapter 42 - Computer recordation and monitoring of slot machines
- Subchapter 43 - Signatures
- Subchapter 44 - Chart of accounts
- Subchapter 45 - Description of the chart of accounts

Copies of the 70 pages of full text of the proposed rules relating to internal and accounting controls may be obtained from or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 24, 1978, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

(b)

## CASINO CONTROL COMMISSION

### Proposed Rules on Applications by Casino Licensees for Approval of Agreements

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning applications by casino licensees for approval of agreements.

Full text of the proposal follows:

#### SUBCHAPTER 11. APPLICATIONS BY CASINO LICENSEES FOR APPROVAL OF AGREEMENTS

19:41-11.1 The application for approval

(a) Each casino licensee shall be required to present to and file with the commission a fully signed copy of every written agreement and a precise written description of the terms of and persons involved in and associated with

every other agreement regarding either the realty of its casino hotel facility or any business or person doing business with or on the premises of its casino hotel facility.

(b) Each applicant for a casino license, upon directive of the commission, shall be required so to present to and file with the commission every such agreement likely to not have been fully and completely performed in all respects by all parties prior to the issuance to the applicant of a casino license.

(c) Each such casino licensee or applicant for a casino license shall, together with the said copy or description of the agreement, file with the commission no later than five calendar days following the formal offer and acceptance a completed written application for the approval of a casino licensee agreement in a form specified by the commission, which applications shall describe the persons involved in and associated with the said agreement.

(d) Any failure of a casino licensee or applicant for a casino license to seasonably file any application for the approval of a casino licensee agreement required by section 104b of the act or the regulations of the commission shall be the basis for the commission to pursue any remedy or combination of remedies provided for in the act or the regulations of the commission.

(e) Each such agreement, whether or not expressly included therein by the parties thereto, shall be deemed to include a provision for its termination without liability on the part of the casino licensee or applicant for a casino license if the commission shall disapprove thereof in accordance with section 104b of the act and the regulations of the commission.

(f) Every application for approval of a casino licensee agreement shall comply with all the provisions of the act and regulations of the commission relating to applications.

(g) No agreement with a casino licensee shall be either performed or in force or effect unless a written application for approval of the said agreement shall have first been properly and seasonably filed with and be pending before the commission in accordance with section 104b of the act and the regulations of the commission.

#### 19:41-11.2 The suitability of the agreement

(a) The commission shall review each application for the approval of a casino licensee agreement on the basis of the reasonableness of the terms of the agreement, including the terms of compensation and the further basis of the qualifications of the persons involved in and associated with the agreement in accordance with the standards enumerated in section 86 of the act and shall thereafter make a finding as to the suitability of the said business or persons to be involved or associated with the said casino enterprise.

(b) Whenever, pursuant to section 92c of the act and the regulations of the commission, the commission has exempted any person involved in or associated with a casino licensee agreement from the casino service industry license requirement upon a finding that such person is regulated by a public agency and that such licensure is not necessary to protect the public interest or to accomplish the policies established by the act, the commission may in its discretion base its finding as to the suitability of the said business or person to be involved or associated with the said casino enterprise upon the fact of such exemption.

(c) If the commission shall deny an application for the approval of a casino licensee agreement, the commission may by directive require the termination of such agreement or association or pursue any remedy or combination of remedies provided for in the act or the regulations of

the commission. If such disapproved agreement or association is not thereafter promptly terminated as required by commission directive, the commission may pursue any remedy or combination of remedies provided for in the act or the regulations of the commission.

#### 19:41-11.3 Casino service industry license applications

(a) The commission shall further review each application for approval of a casino licensee agreement to determine whether any enterprise involved therein or associated therewith is thereby a casino service industry enterprise required to be licensed by the act or the regulations of the commission.

(b) The commission shall direct that a casino service industry license application be promptly filed by any enterprise involved in or associated with such agreement:

1. Which is thereby, on a regular and continuing basis, either providing goods or services to or conducting business with a casino, a casino licensee, its employees or agents or likely to so provide such goods or services or to so conduct such business; and, which goods, services or business directly relates to casino or gaming activity; or

2. Which is a gaming school enterprise, a gaming equipment enterprise or a casino hotel security service enterprise.

(c) The commission shall determine upon each such casino service industry license application filed pursuant to N.J.A.C. 19:41-11.3(b) in accordance with the standards contained in sections 92(a) and (b) of the act and sections N.J.A.C. 19:41-3.2(a) and 43-1.4(b) and 1.5 of the regulations of the commission.

(d) The commission shall direct that a casino service industry license application be promptly filed by any enterprise involved in or associated with such agreement:

1. Which is thereby, on a regular or continuing basis, either providing goods or services to or conducting business with a casino, a casino licensee, its employees or agents or likely to so provide such goods or services or to so conduct such business; and, which goods, services or business does not directly relate to casino or gaming activity; and

2. Which the commission has not exempted from the casino service industry license requirement in accordance with section 92(c) of the act and sections N.J.A.C. 19:41-1.2(f) and 43-1.13 of the regulations of the commission.

(e) The commission shall determine upon each such casino service industry license application filed pursuant to N.J.A.C. 19:41-11.3(d) in accordance with the standards contained in sections 92(c) and (d) of the act and sections N.J.A.C. 19:41-3.2(b) and 43-1.3(c) and 1.5 of the regulations of the commission.

(f) The commission, upon directing that a casino service industry license application be filed by any enterprise pursuant to N.J.A.C. 19:41-11.3(b) or (d), may also then indicate to the enterprise the amount of license fee in accordance with the provisions of the act and the regulations of the commission.

(g) The commission may in its discretion permit an unlicensed casino service industry enterprise to provide goods or services to or conduct business with a casino, a casino licensee, its employees or agents:

1. Only if an application for the approval of a casino licensee agreement has been properly filed by the casino licensee or applicant for a casino license with and is pending before the commission; and

2. Only if any required casino service industry license application has been properly filed by the casino service

industry enterprise with and is pending before the commission, provided however that any such enterprise directed to file a casino service industry license application may in the discretion of the commission be permitted a reasonable time to prepare and file same.

(h) The application process for the approval of casino licensee agreements set forth in this subchapter shall not in any way limit the duty and obligation of any enterprise to, on its own initiative, apply for a casino service industry license.

19:41-11.4 Competition within casino service industries

The commission shall further review each application for approval of a casino licensee agreement to determine whether any action is desirable or necessary to regulate, control or prevent economic concentration in any casino service industry or to encourage or preserve competition in any casino service industry in accordance with section 1b(12) of the act and section N.J.A.C. 19:43-1.6.

Editor's Note: In addition to the above text, there are instructions for completing the application of a casino licensee for the approval of an agreement that are proposed but are not reproduced herein. Further information on these items may be obtained from the individual listed below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 24, 1978, to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

(a)

## DELAWARE RIVER BASIN COMMISSION

### Notice of Public Hearing On Water Quality Standards

Take notice that, the Delaware River Basin Commission has issued the following Notice of public hearing concerning water quality standards.

Full text follows:

Notice is hereby given that the commission will hold a public hearing on proposed amendments to its comprehensive plan and basin regulations relating to water quality. The hearing will be held on May 12, 1978, at the commission's offices, 25 State Police Drive, West Trenton, N.J., commencing at 10:00 A.M. Persons wishing to testify are requested to register with the commission's secretary no later than 24 hours prior to the hearing. Written comments may be submitted in place of oral testimony.

Part I of the hearing will be on a series of proposed amendments to the comprehensive plan and to the basin regulations-water quality which have been recommended to the commission by the water quality advisory committee. These recommendations relate to intermittent streams, total dissolved solids, color and dilute wastewater containing low levels of BOD.

The proposed changes would allow waste dischargers to comply with the intent of present strict requirements. Existing standards are intended to apply to perennial streams, not intermittent streams that periodically go dry. The changes would protect existing uses of intermittent streams. It is now prohibited to increase by more than one-third the background concentration of dissolved solids (those already in the stream), and amendments to facilitate use of this limitation are proposed. On the discharge of color, present limits could be relaxed in the absence of detrimental effects. In infrequent cases where industrial process wastes contain very low levels of BOD (organic wastes), the BOD removal requirement might be relaxed.

Part II of the hearing is a proposal to amend the comprehensive plan by adding the text of existing commission standards and policy on the subject of groundwater quality. These standards and policies were adopted as part of the commission's basin regulations-water quality on December 12, 1972, and January 24, 1973 (Resolutions 72-14 and 73-4). The action is intended to clarify that this material is included within the Comprehensive plan and is procedural in nature. No change in the text is contemplated.

The text of the changes proposed under part I of this hearing notice, and the resolutions referred to in part II are available from the commission upon request. The basin regulations referred to in this notice and throughout the proposed amendments are contained in a document entitled "Administrative Manual—Part III, Basin Regulations-Water Quality", dated February 27, 1974, which is also available from the commission upon request.

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## DELAWARE RIVER BASIN COMMISSION

### Rules of Practice and Procedure And Basin Regulations

On February 27, 1964, April 26, 1967, March 7, 1968, February 27, 1974, May 22, 1974, and November 10, 1976 pursuant to authority of N.J.S.A. 32:11D-88, the Delaware River Basin Commission adopted rules concerning rules of practice and procedure and basin regulations.

An order adopting these rules was filed on April 13, 1978 as R.1978 d.124 (Exempt, Exempt Agency). These rules will not be codified and will not appear in the New Jersey Administrative Code, but will appear as Title 18, Chapter III of the Code of Federal Regulations.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

**(Joint Notice)**

**HACKENSACK MEADOWLANDS  
DEVELOPMENT COMMISSION**

and

**DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**Notice of Hearing on Multi-Purpose  
Indoor Arena Proposed by the  
Sports and Exposition Authority**

Take notice that, the Hackensack Meadowlands Development Commission and the Department of Environmental Protection have issued the following notice concerning a hearing on a multi-purpose indoor arena proposed by the Sports and Exposition Authority.

Full text of the Notice follows:

Please take notice that, whereas the Sports and Exposition Authority ("Sports Authority") has proposed to construct a multi-purpose indoor arena in Hackensack Meadowlands District, and whereas the Sports and Exposition Authority law (L. 1971, c. 137) requires the Sports Authority to consult with both the Hackensack Meadowlands Development Commission and the Department of Environmental Protection, the Hackensack Meadowlands Development Commission and the Department of Environmental Protection ("hearing agencies"), therefore the hearing agencies will hold a public hearing in the meeting room of the Board of Chosen Freeholders of Bergen County, Bergen County administration building, Hackensack, New Jersey, commencing at 10:00 A.M. on Friday, June 16, 1978 (and continuing from day to day thereafter until concluded) to consider:

The location, type and character of the proposed multi-purpose indoor arena, and the effect thereof on ecological factors involved in the maintenance and preservation of the delicate environmental balance of the Hackensack Meadowlands.

The hearing will be open to the public. Any person wishing to present oral evidence or comments pertaining to the above described matters will be given a reasonable opportunity to do so. The presiding officer may limit such presentations as deemed necessary to effectuate the purposes of the hearing. Persons wishing to present oral statements should submit a brief written request to be heard, addressed to the presiding officer, c/o the Hackensack Meadowlands Development Commission, 100 Meadowland Parkway, Secaucus, N.J. 07094, at least five days prior to the date of the hearing. Five copies of all written presentations shall be submitted to the presiding officer at the above address at least five days prior to the hearing.

The Sports Authority has been directed to file with the hearing agencies five copies of its proposal together with an environmental impact statement and exhibits on or before June 1, 1978 and make copies thereof available for public inspection.

On or before June 1, 1978, the hearing agencies will make available for public inspection copies of the sur-

veys, reports and scientific data upon which they may rely at the hearing. All documents may be inspected by the public at the following times and places:

Hackensack Meadowlands Development Commission,  
100 Meadowland Parkway, Secaucus, N.J. 07094,  
Monday - Friday, 9:00 A.M. - 5:00 P.M.

Department of Environmental Protection, Office of  
Environmental Review, John Fitch Plaza, Trenton,  
N.J. 08625, Monday - Friday, 9:00 A.M. - 4:30 P.M.

Within 30 days of the close of the hearing, the hearing officers shall file a joint report with the hearing agencies. Copies of the hearing officers' report shall be available for inspection at the hearing agencies' offices set forth above. Interested parties may file written objections to said report with the HMDC at its office, 100 Meadowland Parkway, Secaucus, New Jersey 07094 within 10 days of the publication of notice of the filing of the hearing officers' request with the hearing agencies.

Within 20 days of the hearing agencies' receipt of the hearing officers' report, the agencies shall file and make public their decision to either accept, modify or reject the hearing officers' report.

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**STATE NEWS OF  
PUBLIC INTEREST**  
Based on press releases from offices involved

**MUNICIPALITIES, SCHOOLS JOINING  
STATE'S NEW INVESTMENT FUND**

State Treasurer Clifford A. Goldman reported last month that 16 school districts and 30 municipalities have agreed to participate in the State's investment fund.

Goldman said that by pooling the funds more interest can be realized on short-term investments "to keep tax dollars working".

The fund began this January and more than \$6 million has been invested for periods of one day to more than a month in Federal securities, prime commercial paper and bank certificates of deposit.

The latest average daily return Goldman said was 6.63 per cent in March, 6.47 per cent in February and 6.18 per cent in January. The investments range from \$5,000 to \$75,000.

Goldman, in urging further school boards and municipal governments to participate, noted:

"The easy accessibility of this fund, with its daily announced income rates and its professional investment management, makes it very attractive to the aggressive finance officer".

He said local governments may apply for formal resolution to participate as depositors in the fund. Once approved by the State Treasurer, a participant may wire deposits directly to the fund.

## THREE CODE TITLES UPDATED

Mailing has been completed on updated pages of the New Jersey Administrative Code for three more Titles, namely, Title 1—Chief Executive, 6—Education and 10—Human Services. In addition, the new Department of Corrections has been designated as Title 10A and is split off from Human Services. Both new departments were formerly part of the Institutions and Agencies Department.

Rules in the Code for these four Departments are now updated through Nov. 21, 1977.

The latest mailing of 642 pages of new rules is the next since the update distributed two months ago for six other Departments, with their rules updated through Sept. 21 last year.

If subscribers do not receive this mailing within two weeks, please contact the Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608, or phone (609) 292-6060.

## The New Jersey Administrative Code

**OFFICIAL COMPILATION OF  
ALL RULES AND REGULATIONS  
OF THE STATE OF NEW JERSEY**



## OFFICIAL ORDER FORM

### ADMINISTRATIVE CODE SUBSCRIPTION AGREEMENT

*Full Set* — \$300, which includes one year's updating initially; \$150 a year thereafter for updating.

*Departmental Titles*—\$22 per volume including one year's updating initially; \$14 a year thereafter.

Title #	No.	Amount
_____	_____	_____
_____	_____	_____
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Make out check or money order to: Div. of Administrative Procedure, 10 North Stockton Street, Trenton, N.J. 08608  
Telephone: (609) 292-6060

### Your MAILING ADDRESS:

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### BILLING Address (if different):

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\_\_\_\_\_

### Total Enclosed

\$ \_\_\_\_\_

## ADMINISTRATIVE CODE TITLES

Titles available in the New Jersey Administrative Code cover all Departments of the State, with Treasury split into two Titles for its general and taxation rules.

Eight Departmental Titles involve such a number of rules as to require two or more volumes, with price based on a per-volume, rather than Title, basis as indicated below:

Title #	Price
1. CHIEF EXECUTIVE .....	\$22
2. AGRICULTURE .....	22
3. BANKING .....	22
4. CIVIL SERVICE .....	22
5. COMMUNITY AFFAIRS (2 volumes) .....	44
6. EDUCATION (2 volumes) .....	44
7. ENVIRONMENTAL PROTECTION (2 volumes) .....	44
8. HEALTH (3 volumes) .....	66
9. HIGHER EDUCATION .....	22
10. HUMAN SERVICES (3 volumes) .....	66
10A. CORRECTIONS .....	22
11. INSURANCE .....	22
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