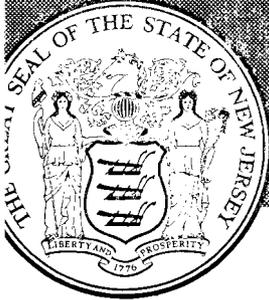


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

G. Duncan Fletcher, Director of Administrative Procedure

Peter J. Gorman, Rules Analyst

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

BANKING

THE COMMISSIONER

Proposed Amendments Concerning Reserves to be Maintained by Banks Not Members of the Federal Reserve System

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48, proposes to amend a portion of the rules concerning reserves to be maintained by banks not members of the Federal Reserve System.

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

3:8-3.2 Direct obligations of United States as portion of required reserves

A nonmember of the Federal Reserve System may include up to 50 per cent of its total required available funds in unpledged direct obligations of the United States which have a maturity of not more than 18 months.

3:8-[3.2]3.3 Reports

Each bank not a member of the Federal Reserve System may be required to file with the Department of Banking reports in such a manner as the Commissioner of Banking shall from time to time prescribe to indicate compliance with this subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
P.O. Box CN040
Trenton, N.J. 08625

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

Angelo R. Bianchi
Commissioner
Department of Banking

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendments Concerning Disability Leave and Sick Leave Injury

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-17.9 concerning sick leave injury benefits.

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

(a) In State service, any employee who is disabled [because of occupation] through injury or [disease] illness as a result of or arising from his/her respective employment may, on the recommendation of the appointing authority and approval by [of] the Civil Service Department, be granted a leave of absence with [full] pay, with reduced pay or with full pay for a certain period and reduced pay hereafter, contingent upon the availability of departmental funds legally usable for this purpose]. Any amount of salary or wages paid or payable to an employee for disability leave shall be reduced by the amount of [workmen's] worker's compensation awarded under the New Jersey [workmen's] Worker's Compensation Act for temporary disability:

1. Such leave shall not be granted beyond one year from the date of injury or illness;

2. The appointing authority shall furnish the Department of Civil Service with such medical or other proof relating to the injury or illness and the continued disability of the employee.

3. Such leave shall be with full pay where the employee has demonstrated that he/she is unable to perform her/his job. Where the employee is able to return to work in a part-time capacity, the employee shall be compensated for the hours actually worked, and shall receive sick leave injury benefits for the time absent from work as a result of the disability.

4. In order to arrive at a determination of whether sick leave injury benefits should be recommended, the appointing authority may require that the employee be examined by a physician designated by the appointing authority to determine the nature, cause and extent of

NEW JERSEY REGISTER

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 29-volume, regularly-updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Departmental coverage desired.

the injury. The costs of such examination shall be paid by the appointing authority.

5. In recommending sick leave injury benefits, the appointing authority shall be governed by standards adopted by the Civil Service Commission.

(b) In State service rules are:

1. An employee may appeal to the Civil Service Commission within 20 days of denial by the appointing authority of sick leave injury benefits. The Commission shall then determine whether the sick leave claim was properly denied.

2. Either the employee or the appointing authority may appeal to the Civil Service Commission within 20 days of denial of sick leave injury benefits by the Department of Civil Service. The Commission shall then determine whether the sick leave injury claim was properly denied.

3. In cases where an employee appeals the denial of sick leave injury, the burden shall be on the employee to demonstrate, by a preponderance of the evidence, entitlement to disability leave.

[(b)] (c) In local government service, disability leave shall be provided in accordance with N.J.S.A. 11:24A-4.

(d) This rule shall expire five years following the date of its adoption.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 30, 1979 to:

Joseph Lavery
Director of Administrative Practices
and Labor Relations
Department of Civil Service
215 East State Street
Trenton, New Jersey 08625

The Civil Service Commission may thereafter adopt rules concerning this subject without further notice.

Joseph Lavery
Director of Administrative Practices
and Labor Relations
Department of Civil Service

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amendments to Uniform Construction Code

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, as amended, proposes to amend a portion of the Uniform Construction Code.

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

5:23-2.2(f) Nothing herein shall be deemed to prevent the enactment of a local ordinance regulating ordinary repairs as herein defined.]

5:23-2.5(a)1. It shall be unlawful to construct, enlarge, alter or demolish a structure, or change the occupancy of a building or structure requiring greater strength, exit-way or sanitary provisions, or to change to a different use group, or to install or alter any equipment for which provision is made or the installation of which is regulated by the regulations, without first filing an application with the construction official or the appropriate subcode official

where the construction involves only one trade or subcode, in writing and obtaining the required permit therefore;

5:23-2.5(a)2. The following are exceptions from paragraph one of this subsection:

i. Ordinary repairs [as provided for in this subchapter which do not involve any violations] as defined by N.J.A.C. 5:23-2.3(e) shall not require a permit or notice to the enforcing agency;

ii. Minor work [as determined by the appropriate subcode official] as defined by subsection (e) of this section shall require a permit. However, work may proceed, upon notice to the enforcing agency, before the permit is issued.

iii. Emergency work except that a permit shall be applied for or notice given as soon thereafter as practicable, but not later than 72 hours thereafter;

5:23-2.5(a)3. An annual construction permit may be issued by the construction official to large business, educational, industrial, institutional, and merchantile facilities upon proper application.

i. Conditions of annual construction permit:

(1) The facility must employ a full-time maintenance staff experienced in all phases of construction. Proof of experience shall be the possession of a technical license as issued by the Department. At least one staff member, in each technical license classification, shall be licensed. The type of license required shall be in compliance with the classification of the facility.

(2) The life of the annual construction permit shall be limited to one year.

(3) The facility shall maintain a construction log of all work performed. The construction log shall contain the date, a brief description and estimated or actual cost of each project. This log shall be subject to a quarterly inspection by the construction official or his authorized representative.

(4) Work that is normally inspected prior to enclosing, shall be inspected by the appropriate municipal subcode inspector upon proper notice.

(5) Alterations permitted shall be limited in area to 2500 sq. ft.

(6) New buildings and additions regardless of size shall not be permitted.

5:23-2.5(e) Rules concerning minor work are:

1. The issuance of a permit shall not be required before minor work may proceed. The owner or an architect or contractor acting on his behalf shall, however, provide notice of the work to the enforcing agency before work begins.

2. Notice of work, application:

i. Notice of minor work shall be a personal or telephoned oral notice before work commences. This oral notice shall be provided to the enforcing agency between 9 A.M. and 5 P.M., Monday through Friday, except holidays. In those cases where the local enforcing agency is not open and available to receive notice at those times then notice shall be provided to the municipal clerk.

ii. In addition to oral notice, the owner or his agent shall be required to file an application, accompanied by the required fee. The completed application with the fee shall be delivered in person or by mail to the enforcing agency, within 5 business days from the date of the oral notice.

3. Minor work;

i. Minor work shall mean and include the construction of any platform at grade or any patio not roofed; the construction or total replacement of any porch or stoop which does not provide structural support for any roof

or portion of a building; the construction or alteration of any rooms within an existing one or two family dwelling provided that no structural members are altered in any way; the removal and replacement of more than 25 per cent of the exterior siding and/or roofing of a one or two-family dwelling;

ii. Minor work shall also mean and include the replacement of any existing plumbing piping work with new and approved material of like capacity; the installation of drinking fountains and condensate drains in existing structures; the replacement of existing low pressure hot water heaters with new ones of like capacity; and the new installation of lavatories, water closets, tubs, showers, washers or dishwashers, and garbage disposers in existing space of one and two-family dwellings where the new installation of additional fixtures can be accommodated with no increase in the size of the water service or house drain.

iii. Minor work shall also mean and include electrical work incidental to the installation of air conditioning, equipment, clothes dryers, and ranges or ovens in one and two-family dwellings; the installation of five or less 110 or 220 volt receptacles or fixtures where existing circuits and/or available space circuits and service are adequate to support the load. The replacement of existing wiring with new wiring of the same capacity provided that the new wiring shall be of a type approved for the use by the code.

iv. Minor work shall also mean and include the installation of any fire detection or suppression system or device in any one or two-family home; and the installation of a burgular alarm, security, or low voltage communication system in any structure.

4. Inspection of minor work;

i. Inspections shall be required for minor work and the enforcing agency shall inspect any such work within 30 days of notice.

ii. The owner shall be provided with a copy of the inspection report, certifying that the required inspection was made and that the work is in compliance with the code.

5:23-2.5(b)5.i.(6)(A) Plumbing plans for class III structures may be prepared by persons licensed pursuant to "The Master Plumber Licensing Act", N.J.S.A. 45:14C-1 et seq. Electrical plans for class III structures may be prepared by persons licensed pursuant to "The Electrical Contractors Licensing Act", N.J.S.A. 45:5A-1 et seq.

(B) Whenever the licensing board pursuant to either of the above acts shall provide for a seal evidencing that the holder is licensed, such shall be acceptable to the enforcing agency in lieu of affidavit.

(C) Mechanical plans for class III structures may be prepared by mechanical contractors.

5:23-2.5(b)5.iii.(1)(A) Exception: The Department shall issue a plan release for prototype plans for which a "prototype or master plan" has been previously released in the same municipality, within three business days from application.

5:23-2.5(b)5.iii.(1)(C) Partial filing: When circumstances require, a project may be filed in part (that is, footings, structural, electrical, plumbing, and so forth). Each partial submittal shall include sufficient detail to assure that the proposed portion of work complies with the regulations. A plan "release" for such portion of work [may] shall be issued without prejudice as to whether a "release" shall be issued for the entire project.

5:23-2.5(c)1. Action on application: The construction official or the appropriate subcode official in the case of con-

struction involving only one trade or subcode, shall examine or cause to be examined all applications for permits and amendments thereto, and approve or deny in whole or in part the application within 20 business days. If the application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing. If an enforcing agency fails to grant, in whole or in part, or deny an application within 20 business days, such failure shall be deemed a denial of the application for purposes of an appeal to the [Costo the] Construction Board of Appeals, unless such period of time has been extended with the consent of the applicant.

5:23-2.5(c)1.i. Exception: The construction official shall issue a permit for prototype plans for which a "prototype or master plan" permit has been previously issued in the same municipality, within three business days from application.

5:23-2.5(c)7. Approval of part: The construction official [may] shall issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this code. The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

5:23-2.6(a)2.i. [(1) Inspections for the building subcode shall include but not be limited to:

(A) The bottom of footing trenches before placement of footings, except that in the case of pile foundations, inspections shall be made in accordance with the requirements of the building subcode;

(B) Foundations and all walls up to grade level prior to back filling;

(C) All structural framing and connections prior to covering with finish or infill material.

(2) Inspections for the plumbing subcode shall include but not be limited to:

(A) Underground services;

(B) Rough piping;

(C) Final piping and fixtures;

(D) Water service;

(E) Sewer and septic services.

(3) Inspections for the electrical subcode shall include but not be limited to:

(A) Rough wiring;

(B) Final wiring and devices;

(C) Service and meter installations.

(4) Inspections for the fire protection subcode shall include but not be limited to:

(A) Fire suppression systems;

(B) Heat producing devices.

(5) Inspections for the energy subcode shall include but not be limited to:

(A) Insulation;

(B) Sealing of exterior joints;

(C) Mechanical systems equipment;

(D) Electrical and lighting systems.

(6) Any inspections required by any subcode of the regulations:

(7) Special inspection schedule; where buildings proposed for construction exceed two stories in height or by their nature pose complex or unusual inspection problems, the construction official or appropriate subcode official may specify additional or special inspections to the applicant in writing prior to the issuance of a permit.

The applicant by accepting a permit shall be deemed to have consented to those requirements:]

(1) Inspection by all subcodes for one and two-family dwellings for which construction must cease until inspection is made shall be limited to four as follows:

(A) The bottom of footing trenches before placement of footings, except that in the case of pile foundations, inspections shall be made in accordance with the requirements of the building subcode.

(B) Foundations and all walls up to grade level prior to back filling.

(C) All structural framing and connections prior to covering with finish or infill material; plumbing underground services, rough piping, water service, sewer and septic services; electrical rough wiring, panels and service installations; insulation installations.

(D) Installation of all finished materials, sealings of exterior joints; plumbing piping, trim and fixtures; electrical wiring, devices and fixtures; mechanical systems equipment.

(2) Inspections for all subcodes, of construction other than one and two-family dwellings shall be limited to those required for one and two-family dwellings and the following; fire suppression systems; heat producing devices; any inspections required by any subcode of the regulations.

(3) Any additional inspections, as permitted by this code and as may be required by the municipality, shall be of the type and nature that construction may continue without interruption.

(4) Special inspection schedule: Where buildings proposed for construction exceed two stories in height or by their nature pose complex or unusual inspection problems, the construction official or appropriate subcode official may specify additional or special inspections to the applicant in writing prior to the issuance of a permit. The applicant by accepting a permit shall be deemed to have consented to those requirements.

5:23-2.7(c) No certificate of occupancy shall be required in the case of minor work as provided for by section 5 of this subchapter.

5:23-2.9(a)3. Any construction official, subcode official or any inspector, presenting themselves for inspection of any occupied building shall present to the owner the owner's agent or occupant their personal identification as provided by the municipality.

5:23-2.9(a)3. Change number of paragraph from [3.] to 4.; [4.] to 5.

5:23-3.3(c)5. Identification: Any building official or fire protection official making periodic inspections, shall present personal identification as provided by the municipality.

5:23-4.3(b)1.vi. The municipality shall provide the construction official, each subcode official and each inspector with personal identification which includes at least the name of the municipality, and the name, title and photograph of the individual. The identification shall be validated by the municipality.

5:23-4.3(c)5.i.(2) Receive and review directly from the applicant applications [for] involving only one trade or subcode and minor or emergency work for approval and release to the construction official for issuance of the permit.

5:23-4.3(c)5.i.(3) Collect fees for permit applications involving only one trade or subcode and minor or emergency work and forward same to the construction official for proper accounting.

5:23-4.3(c)5.i. Change the numbering of paragraphs as follows:

- [(3)] shall become (4)
- [(4)] shall become (5)
- [(5)] shall become (6)
- [(6)] shall become (7)
- [(7)] shall become (8)
- [(8)] shall become (9)
- [(9)] shall become (10)
- [(10)] shall become (11)
- [(11)] shall become (12)
- [(12)] shall become (13)
- [(13)] shall become (14)
- [(14)] shall become (15)

5:23-4.6(c)1.v.(15) To carry to full completion and receive all fees on all projects initiated prior to the termination of their contract with the municipality by reason of non-renewal, unsuccessful bidding, department authorization disapproval or other reason except suspension or revocation.

5:23-4.6(c)2.iv.(8) To carry to full completion all projects initiated prior to the termination of their contract with the manufacturer by reason of non-renewal, unsuccessful bidding, department authorization disapproval or other reason except suspension or revocation.

5:23-4.8(b)1.iv. The fee to be charged for an annual construction permit shall be paid quarterly. There shall be no fee for the initial permit, the fee shall be collected starting with the second quarter, and shall be based on the amount of construction as noted in the construction log for the previous quarter.

5:23-4.8(b)3.i.(2) Fees for renovations, alterations, [re-roofing, residing] and repairs shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$1,000 of estimated cost;

5:23-4.8(b)3.i.(7) Fees for minor work shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$1,000 of estimated cost or fraction thereof.

5:23-4.8(b)[12. Nothing herein shall be deemed to prevent the establishment of local fees pursuant to an ordinance regulating ordinary repairs.]

5:23-4.8(d)3.ii.(1)(E) Fees for minor work shall be based upon the estimated cost of the work. The fee shall be in the amount of \$3.00 per \$1,000 of estimated cost or fraction thereof.

A public hearing respecting this proposal will be held on December 21, 1979, in the State Museum Auditorium, West State Street, Trenton, N.J., at 10:00 A.M. Persons interested in testifying at this hearing should call (609) 292-6364 to arrange for a time to speak. Written statements are to accompany the oral testimony and are to be submitted at the time of testimony. A time limit may be imposed upon each speaker in order to accommodate each speaker.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Department of Community Affairs
Division of Housing and Urban Renewal
363 West State St.
Trenton, N.J. 08625

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

Joseph A. LeFante
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Notice of Issuance of Interpretation No. 8 Concerning Ordinary Repairs

Take notice that Philip Caton, Director of the Division of Housing in the Department of Community Affairs, has issued the following Interpretation No. 8 concerning ordinary repairs pursuant to N.J.A.C. 5:23-2.3(e). Pursuant to authority of N.J.S.A. 52:27D-119 et seq., as amended, this Interpretation is to be considered binding upon all Code officials, effective December 20, 1979.

Full text of the Interpretation follows.

The Uniform Construction Code provides that ordinary repairs to a building may be without an application for a construction permit being filed and without any notice to the local enforcing agency that work will take place.

The definition of ordinary repairs found in the code (N.J.A.C. 5:23-2.3(e)) is of necessity technical and not easily understood by the layman. Since it is a layman who most frequently performs ordinary repairs, the Commissioner has found that a plain language listing of that work which is ordinary repairs is necessary.

The following items are ordinary repairs and are to be treated as such by every local enforcing agency.

A. Ordinary building repairs include:

1. Exterior and interior painting.
2. Installation, repair or replacement of any interior finish in a one or two family dwelling, such as vinyl wall covering, plastering, or drywall on an existing wall. Paneling is not to be included as ordinary repairs.
3. Wall papering at any location.
4. The replacement of glass in any window or door. However, the replacement glass shall be of the type and quality so as to comply with minimum requirements of the code.
5. The installation and replacement of any window or door, including garage doors, in the same opening without altering the dimensions or framing of the original opening. This shall include storm windows and storm doors. Any new door or window shall be of the same type and operation, as the existing and shall not reduce the minimum requirements of the code for means of egress and emergency escape.
6. The repair of any non-structural member such as a railing.
7. The repair or replacement of any interior or exterior trim, decoration or moldings.
8. The replacement or installation of any flooring material except carpeting, with a new material. However installation of carpeting in one and two-family dwellings will be permitted under ordinary repairs.
9. The repair of existing roofing material with like material not exceeding 25 per cent of the total roof area within any 12 month period.
10. The repair of existing siding with like material not exceeding 25 per cent of the total building exterior wall area within any 12 month period.

11. The repair of any part of a porch or stoop which does not structurally support a roof above.

12. The replacement or installation of screens.

13. The installation of any roll or batt insulation.

14. Installation or replacement of exterior rain water gutters and leaders.

B. Ordinary plumbing repairs include:

1. The replacement of any existing lavatory, water closet, tub, shower, drinking fountain, washer, dishwasher, or garbage disposer with a like item. This shall not include any work that requires changing the piping arrangement of the potable water system, nor shall this include replacement of any fixture or device directly connected to the water service pipe.

2. The replacement of any faucet, shower fixture or mixing valve with a like item.

3. The clearance of stoppages or the repair of leaks, provided such repairs do not require any change in the piping arrangement.

C. Ordinary electrical repairs shall include:

1. The replacement of any power receptacle, switch, or lighting fixture with a like or similar one with the same power requirements.

2. Repairs to any installed electrically operated equipment such as doorbells, communication system, elevators and any motor operated device.

D. Ordinary fire protection repairs shall mean and include:

1. The replacement of any sprinkler or smoke detector or heat detector head with a like device.

2. The repair or replacement of any component of a fire alarm or smoke and heat detection equipment.

E. Ordinary heating, ventilation and air-conditioning repairs shall include:

1. Replacement of motors, pumps and fans.

2. Repair and replacement of heating supply and return piping and radiation elements, which does not require rearrangement of the piping system.

3. Repair and replacement of duct work.

4. Repair and replacement of air-conditioning equipment, and systems.

5. Repairs or replacement of control devices for heating and air-conditioning equipment.

No inspections of ordinary repairs are required by the Code and the Commissioner has further found that no inspections of ordinary repairs are authorized by the Code.

This Notice is not subject to codification and will not appear in Title 5 of the New Jersey Administrative Code.

Howard H. Kestin
Director
Office of Administrative Law

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Amendments Concerning Planned Real Estate Development Full Disclosure Act

On October 30, 1979, Philip B. Caton, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs, pursuant to authority of N.J.S.A. 45:22A-21 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:26-1.3, 5:26-2.2, 5:26-2.17, 5:26-3.1, 5:26-4.2, 5:26-6.5, 5:26-8.4, 5:26-11.7 and 5:26-11.9 concerning the Planned Real Estate Development Full Dis-

closure Act as proposed in the Notice published October 4, 1979 at 11 N.J.R. 497(a).

An order adopting these amendments was filed and became effective on November 1, 1979 as R.1979 d.439.

Howard H. Kestin
Director
Office of Administrative Law

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposes to Revise Rules on Bilingual Education

The State Board of Education, pursuant to authority of N.J.S.A. 18A:35-15 to 35-26 and 18A:7A-1 et seq., proposes to revise in its entirety the current text of N.J.A.C. 6:31-1.1 et seq., concerning the rules on Bilingual Education.

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

CHAPTER 31. BILINGUAL EDUCATION

SUBCHAPTER 1. GENERAL PROVISIONS

FOREWORD

The purpose of these rules is to assist the Department of Education in administering elementary and secondary school programs designed to meet the [special] educational needs of persons of limited English speaking ability as provided for in Bilingual Education pursuant to Chapter 197, New Jersey Laws of 1974 (N.J.S.A. 18A:35-15 to 26).

6:31-1.1 Definitions

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

"Act" means Chapter 197, PL 1974 (N.J.S.A. 18A:35-15 to 26).

["Bilingual/bicultural education program" means a process which uses a child's native language and culture as the principal source of instruction in all those courses or subjects which a child is required by law, rule or regulation to receive while at the same time systematically and sequentially teaching him English as a second language and the history and culture of the United States.]

"Bilingual/bicultural education program" means a full-time program of instruction in all those courses or subjects which a child is required by law, rule or regulation to receive, given in the native language of the children of limited English speaking ability enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of the children of limited English speaking ability enrolled in the program and in the aural comprehension, speaking, reading and writing of English; and in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English speaking ability enrolled in the program and in the history and culture of the United States. Throughout the text of this chapter, whenever reference is made to bilingual/bicultural education programs, such reference shall be cited as bilingual education programs.

["Bilingual class" means the class for children of limited English speaking ability. Children are initially taught in their dominant language. The second language is gradually

introduced and included as one of the languages of instruction.]

["Certified bilingual teacher" means a person holding a valid New Jersey teacher's certificate in bilingual education, pursuant to N.J.S.A. 18A:6-34 et seq. and N.J.S.A. 18A:35-15 to 26.]

"Children of limited English speaking ability" means [children] pupils [who come from environments where the native language is other than English and who have difficulty speaking and understanding instruction in the English language due to the language problem] whose native language is other than English and who have sufficient difficulty speaking, reading, writing or understanding the English language to deny the pupil the opportunity to learn successfully in the classrooms where the language of instruction is English. This term means the same as limited English proficiency, the term used in federal guidelines.

["Dominance" means the area of language proficiency. Example: an English speaking person with limited ability in Spanish is English dominant.]

["Dominant language" with respect to the [child] pupil means the language most relied upon for communication as determined by a test of language dominance or other screening process in accordance with guidelines prescribed by the Department of Education.

["ESL teacher" means a person holding a valid New Jersey teacher's certificate in English as a second language, pursuant to N.J.S.A. 18A:6-34 et seq. and N.J.S.A. 18A:35-15 to 26.]

["Learning centers" means activities which introduce or reinforce a definite concept or skill. The centers are located within a classroom and are designed to serve students of limited English speaking ability. Instruction for students of limited English speaking ability would be provided in their dominant language and in English as a second language, instruction for English speaking students would be in English and a second language, that language being the dominant language of the students of limited English speaking ability. The centers may be designed bilingually or monolingually. As students gain proficiency they move from one center to another depending on individual needs. Regrouping occurs throughout the day's activities.]

[Special] ["Educational needs" means the particular educational requirements of [children] pupils of limited English speaking ability the fulfillment of which will provide them with equal educational [opportunity] opportunities.

"English as a second language (ESL) program" means a program which teaches English vocabulary and structures using second language teaching techniques, and incorporates the cultural aspects of the pupils' experiences in their ESL instruction.

"Exit criteria" means those criteria that must be considered before a pupil may be terminated or exited from a bilingual program. These criteria include, but are not limited to, the English language proficiency test score and documentation of the pupil's academic work in English.

"Native language" means [the first language learned by a child, usually the language commonly used in the home] the language first acquired by the pupil; the language most often spoken by the pupil; or the language most often spoken in the pupil's home, regardless of the language spoken by the pupil.

["Partner classrooms" means two classes at the same grade level, one class of students of limited English speaking ability, the other class (partner classroom) of English dominant students. Both classes will merge for instruction in subject areas which do not necessitate a high level of verbalization.]

["Pure bilingual class" means a class which includes an equal number of students from two different language classifications, one of which must be English. Both groups are given instruction in their dominant language and second language as well as in the history and culture of both linguistic groups.]

["Team teaching approach" means one class taught by a team of two teachers; a certified English-as-a-second-language teacher and a certified bilingual/bicultural teacher.]

["Ungraded bilingual class" means a group of pupils of limited English speaking ability with the same dominant language but of different age groups or educational levels.]

6:31-1.2 Identification of eligible participants

[(a) For compliance with the act during the 1975-76 school year, all public school districts in New Jersey are required to use an examination in oral comprehension, speaking, reading and writing of English to identify children of limited English speaking ability:

1. The school district shall submit a copy of the proposed examination to the Bureau of Bilingual Education for approval prior to its administration.]

[(b) For the 1976-77 school year and each school year thereafter, each school district shall conduct a census not later than May 1 to determine the number of residents between the ages of five and 18 whose native language is other than English.]

[(c) Each school district shall ascertain each school year not later than June 1 under regulations prescribed by the Department of Education, the number of residents between the ages of five and 18 identified through their annual census who are of limited English speaking ability.]

[(d) As a part of its program of first entrance, each school district under regulations prescribed by the Department of Education shall screen for persons of limited English speaking ability.]

(a) Whenever a pupil enrolls in the district, that district shall ascertain the pupil's native language by means of a native language survey sent to the home of the pupil. Each district shall maintain a census indicating all pupils identified whose native language is other than English.

(b) The district shall determine the English language proficiency of all pupils whose native language is other than English by means of an initial screening process and the administration of an English language proficiency test, in accordance with guidelines prescribed by the Department of Education.

(c) The district shall assess all pupils whose native language is other than English to determine their dominant language.

6:31-1.3 [Program] Bilingual education program

[(a) When, at the beginning of any school year, there are within the schools of the district, 20 or more pupils of limited English speaking ability in any one language classification, the board of education shall establish, for each such classification, a program in bilingual education for all the pupils therein; provided, however, that a board of education may establish a program in bilingual education for any language classification with less than 20 children therein.]

[(b) Children enrolled in a program of bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of education attainment. If children of different age groups or educational levels are combined, the school district so combining shall ensure that the instruction given each child is appropriate to his or her level of educational attainment and the school districts shall keep adequate

records of the educational level and progress of each child enrolled in a program.]

[(c) A program of bilingual education may make provision for the voluntary enrollment on a regular basis, of a limited number of children whose dominant language is English, in order that they may acquire an understanding of the cultural-heritage of the children of limited English speaking ability for whom the particular program of bilingual education is designed.]

[(d) Residents between the ages of five and 18 not enrolled in any school shall be offered an opportunity to enroll in any bilingual program so established.]

[(e) The bilingual education program required by statute shall be provided by one or more of the following:

1. A bilingual class;
2. A pure bilingual class;
3. Team teaching approach;
4. Learning centers;
5. Partner classrooms;
6. An ungraded bilingual class.]

[(f) Every person employed as a teacher of bilingual education shall be a certified bilingual/bicultural or ESL teacher.]

(a) When, at the beginning of any school year, there are within the schools of the district, 20 or more pupils of limited English speaking ability in any one language classification, the board of education shall establish for each such classification, a program in bilingual education for all pupils therein; providing also, that a board of education may establish a program in bilingual education for any language classification with less than 20 pupils.

(b) A program of bilingual education may make provisions for the voluntary enrollment on a regular basis, of pupils whose dominant language is English, in order that they may acquire an understanding of the language and the cultural heritage of the pupils of limited English speaking ability for whom the particular program of bilingual education is designed, provided that no bilingual class contains a majority of pupils whose native language is English.

(c) The bilingual program curriculum shall include the full range of required courses and activities offered on the same basis and under the same rules and regulations that apply to all pupils within the school district. In subjects and activities in which verbalization is not essential to understanding, including but not limited to art, music and physical education, pupils of limited English speaking ability shall participate fully with English speaking pupils in the regular class or activities provided.

(d) At the secondary level, sufficient courses shall be offered to enable the pupil to fulfill all credits required for graduation. When sufficient numbers of pupils are not available to form a bilingual class in a subject area, plans must be developed in consultation with the Department of Education to meet the needs of the pupils.

6:31-1.4 [Supportive Services] Programs for English proficiency

[(a) Pupils enrolled in bilingual education programs shall have full access to educational services available to other pupils in the school district.]

[(b) It is highly recommended that school districts utilize full or part-time native speaking personnel to provide supportive services (such as counseling) to the students of limited English speaking ability.]

(a) Whenever there are one or more, but less than 10, pupils of limited English speaking ability enrolled within the schools of the district, the board of education shall provide services designed to improve the English language proficiency of those pupils pursuant to N.J.S.A. 18A:7A-4. The school district shall submit to the Depart-

ment of Education a narrative description of the services being provided.

(b) When there are 10 or more pupils identified as being of limited English speaking ability, regardless of whether they speak the same native language enrolled in a district, those pupils shall be taught by a certified ESL teacher in an ESL program.

6:31-1.5 [Administration and supervision] Approval procedures

[(a) School districts shall take measures to ensure adequate administration and supervision of bilingual education programs.]

[(b) Personnel selected for administration and/or supervisory positions in bilingual education programs shall provide evidence of specialized training and/or experience in bilingual/bicultural education.]

[(c) Persons holding such positions will be responsible for the following:

1. Preservice orientation to define role and objectives of bilingual education and its relationship to total curriculum;

2. Inservice workshops throughout the academic year to facilitate planning, materials development or adaptation, and evaluation in keeping with prevailing local school district policy.]

(a) Each school district providing a bilingual or ESL program shall submit a three year plan for a program of bilingual or ESL education to the Department of Education for approval. Districts receiving approval for their plans shall submit an update of that plan for each of the following two years.

(b) Plans submitted by districts for approval shall include information on the following:

1. Needs assessment process;
2. Program description;
3. School information;
4. Personnel;
5. Fiscal information;
6. Inservice activities;
7. Parental involvement;
8. Evaluation.

6:31-1.6 [Approval procedures] Supportive services

[(a) Each school district annually shall submit its plan for programs of bilingual education to the Commissioner of Education for approval in accordance with guidelines and forms distributed by the commissioner.]

[(b) Plan submitted by the district for approval shall include information on the following elements:

1. Needs assessment process;
2. Objectives;
3. Activities and schedule of activities;
4. Processes to be implemented in carrying out the activities;
5. Staffing patterns;
6. Administration of program;
7. Parent participation.]

(a) Pupils enrolled in bilingual and ESL education programs shall have full access to educational services available to other pupils in the school district.

(b) School districts should use full or part-time bilingual personnel to provide supportive services (such as counseling) to pupils of limited English speaking ability.

6:31-1.7 [Curriculum] Administration and supervision

[(a) The bilingual curriculum shall include the full range of courses and activities offered on the same basis and under the same rules and regulations that apply to all pupils within the school district. In subjects and activities in which verbalization is not essential to understanding, including but not limited to art, music and

physical education, pupils of limited English speaking ability shall participate fully with English speaking pupils in the regular class or activities provided.]

[(b) When integrating students of limited English speaking ability with English speaking students in subjects and activities in which verbalization is not essential to understanding, the number of students of limited English speaking ability will at no time be less than ten within a classroom. The curriculum taught in such classes will include content and activities that reflect the cultural background of the students of limited English speaking ability and of the English speaking students.]

(a) School districts shall ensure the adequate administration and supervision of bilingual and ESL education programs.

(b) Personnel selected for administrative and/or supervisory positions shall provide evidence to the chief school administrator of specialized training and/or experience in bilingual/ESL education.

6:31-1.8 [Location] Inservice training

[All bilingual programs shall be conducted within the school buildings of the district.]

(a) Districts shall develop a plan for the inservice training of its bilingual and ESL program staff based on their needs.

(b) The Professional Improvement Plan of the Annual Report (N.J.S.A. 18A:7A-11(e)) shall include the needs of bilingual and ESL teachers to be addressed through inservice training.

6:31-1.9 [Participation] Certification

[(a) Every school age child of limited English speaking ability not enrolled in existing private school systems shall be enrolled and participate in the bilingual education program established for the classification to which he belongs by the school district in which he resides for a period of three years.]

[(b) An examination in the oral comprehension speaking, reading and writing of English, as prescribed by the State Department of Education, shall be administered annually to all children of limited English speaking ability enrolled and participating in a bilingual education program.]

[(c) No school district shall transfer a child of limited English speaking ability out of a bilingual program prior to his three years of enrollment unless the pupil has received a score on said examination, determined by the State Department of Education, in consultation with the local school district, which reflects a level of English language skills appropriate to the pupil's grade level.]

[(d) A child of limited English speaking ability enrolled in a bilingual education program, who does not reflect a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, may at the discretion of the school district continue in that program for a period longer than three years.]

[(e) A child of limited English speaking ability enrolled in a bilingual education program, who reflects a level of English language skills appropriate to his or her grade level, may at the discretion of the school district continue in that program for a period longer than three years.]

[(f) At the discretion of the districts, bilingual education programs may include children of English speaking ability, provided that no bilingual class contains a majority of students whose native language is English.]

(a) All teachers of bilingual classes shall hold a valid New Jersey teacher's certificate for the appropriate grade level and/or content area and an endorsement in bilingual

education pursuant to N.J.S.A. 18A:6-34 et seq. and N.J.S.A. 18A:35-15 to 26.

(b) All teachers of ESL classes shall hold a valid New Jersey teacher's certificate in English as a second language pursuant to N.J.S.A. 18A:6-34 et seq. and N.J.S.A. 18A:35-15 to 26.

6:31-1.10 [Joint programs] Bilingual and ESL program participation

[Any two or more districts may provide bilingual education programs, facilities or transportation pursuant to this act, and provisions of other applicable rules and regulations pertaining hereto, under the terms of an agreement adopted by resolutions of each of the boards of education concerned setting forth the essential information concerning the program, facilities or transportation to be provided, the method of apportioning the cost among the districts, and any other matters deemed necessary to carry out the purpose of the agreement. No such agreements shall become effective until approved by the Commissioner of Education.]

(a) All school age pupils of limited English speaking ability shall be enrolled in the bilingual or ESL education program established by the school district, as prescribed in 6:31-1.3(a) and 6:31-1.4(b).

(b) Pupils of limited English speaking ability may be placed in a regular program when they have met the exit criteria established by the district in accordance with guidelines established by the Department of Education.

6:31-1.11 [Notification] Location

(a) No later than ten days after the enrollment of any child in a program in bilingual education, the district shall notify, by mail, the parents or legal guardian of the child that the child has been enrolled in a program in bilingual education. The notice shall contain a simple, nontechnical description of the purposes, method and content of the program in which the child is enrolled. The notice shall be in English and the language in which the parents possess a primary speaking ability.]

(b) School districts shall send progress reports to parents of children enrolled in bilingual education programs in the same manner and frequency as progress reports are sent to parents of other children enrolled in the school district. Such progress reports shall be written in English and the native language of the parents of children enrolled in the program.]

All bilingual programs shall be conducted within classrooms approved by the county superintendent of schools within the regular school buildings of the district.

6:31-1.12 [Parent participation] Notification

(a) Each district shall provide for the maximum practicable involvement of parents of children of limited English speaking ability in the development and review of program objectives and dissemination of information to and from the local school districts and communities served by the bilingual education program within existing State law.]

(b) Each school district operating a bilingual education program shall establish a parent advisory committee on bilingual education on which at least one more than a simple majority will be parents of children of limited English speaking ability. The remaining composition of the committee should be comprised of teachers of bilingual education programs, community members and representatives of community organizations and businesses.]

(c) The remaining members shall be selected by a designated parent committee appointed by the local district in conjunction with designated representatives of

the school district. (Equal representation from both the parents of students of limited English speaking ability and the school district must exist for the selection process.)]

[(a) The majority of officers of the parent advisory committee shall be parents of students of limited English speaking ability.]

(a) No later than 10 working days after the enrollment of any pupil in a bilingual or ESL education program, the district shall notify, by mail, the parents or legal guardian that the pupil has been enrolled in a bilingual or ESL education program. The notice shall contain a simple, non-technical description of the purposes, method and content of the program in which the pupil is enrolled. The notice shall be in English and in the language in which the parents possess a primary speaking ability.

(b) School districts shall send progress reports to parents of pupils enrolled in bilingual or ESL education programs in the same manner and frequency as progress reports are sent to parents of other pupils enrolled in the school district.

(c) Progress reports shall be written in English and in the native language of the parents of pupils enrolled in the bilingual program. The progress reports for pupils enrolled in an ESL program shall be written in English and in the native language of the parents unless it can be demonstrated that this requirement would place an unreasonable burden on the local school district.

6:31-1.13 [Bureau of Bilingual Education] Joint programs

[(a) There shall be established in the State Department of Education a Bureau of Bilingual Education.]

[(b) The bureau shall be charged with at least the following responsibilities:

1. Assist the Departments of Education and Higher Education in the administration and enforcement of the provisions of this chapter.

2. Develop guidelines and regulations to implement this chapter.

3. Study, review and evaluate all available resources and programs of bilingual education.

4. Compile information about the theory and practice of bilingual education in New Jersey and elsewhere.

5. Develop information, resources and materials for dissemination and program improvement.

6. Encourage experimentation and innovation in the field of bilingual education.

7. Consult with other departments and agencies.

8. Make recommendations in the areas of teacher training, administration of bilingual education programs, curriculum and materials development, testing and other areas where needed.

9. Review and monitor annually each bilingual education program (including Federal programs) in New Jersey to determine if school district has complied with the provisions of the bilingual education laws and regulations.

10. Review bilingual education program plans of local districts for approval by the Commissioner of Education.

11. Recommend testing instruments for the annual State assessment of students of limited English speaking ability.

12. Convene the State advisory committee on bilingual education.

13. Provide technical assistance in the area of bilingual education.

14. Coordinate local and Federal programs geared toward meeting the educational needs of students of limited English speaking ability.

15. Assist in the review of applications and proposals for programs that are designed to meet the needs of students of limited English speaking ability.

16. Provide assistance to local districts in achieving maximum practicable involvement of parents of children of limited English speaking ability in planning, development and evaluation of bilingual education programs.]

A school district may join with any other school district or districts, according to procedures prescribed by the Commissioner of Education with the approval of the county superintendent to provide programs in bilingual or ESL education.

6:31-1.14 [State advisory committee on bilingual education] Parental involvement

[(a) There shall be a State advisory committee on bilingual education composed of at least 15 but no more than 25 members appointed by the Commissioner of Education and Chancellor of Higher Education, one of whom shall be designated as chairperson.]

[(b) Membership of the advisory committee shall include one or more representatives of each of the following:

1. Parents of children of limited English speaking ability.
2. Persons from institutions of higher education experienced in the training of teachers of bilingual/bicultural programs and English as a second language.
3. Classroom teachers experienced in bilingual and English-as-a-second-language teaching techniques.
4. Persons serving on local school boards of education operating bilingual education programs.
5. School administrators of bilingual education programs.
6. Laymen experienced in dealing with problems of children and other persons who are of limited English speaking ability and/or knowledgeable in the field of bilingual education.]

[(c) The Director of the Bureau of Bilingual Education shall serve as the executive secretary of the advisory committee.]

[(d) The committee shall advise the Department of Education and the Department of Higher Education in the formulation of policies and procedures relating to this act.]

(a) Each district shall provide for the maximum practicable involvement of parents of pupils of limited English speaking ability in the development and the review of program objectives; and dissemination of information to and from the local school districts and communities served by the bilingual or ESL education program.

(b) Each school district implementing a bilingual education program shall establish a parent advisory committee on bilingual education on which the majority will be parents of pupils of limited English speaking ability.

(c) The parent advisory committee shall be convened a minimum of four times per school year.

6:31-1.15 Bureau of Bilingual Education

(a) There shall be established in the State Department of Education a Bureau of Bilingual Education.

(b) The Bureau of Bilingual Education shall be charged with the following:

1. Administration of the provisions of this chapter;
2. Providing technical assistance to school districts in the implementation of their bilingual and ESL programs;

3. Coordination of local and Federal programs designed to meet the educational needs of students of limited English speaking ability.

6:31-1.16 State advisory committee on bilingual education

(a) The State Board of Education and the State Board of Higher Education shall jointly establish a State advisory committee on bilingual education. The Commissioner of Education and the Chancellor of Higher Education shall appoint the members of the committee.

(b) The committee shall advise the Department of Education and the Department of Higher Education in the formulation of policies and procedures relating to the act.

(c) The committee shall be composed of at least 15, but not more than 25 members, one of whom shall be elected chairperson. The membership shall include the following representation:

1. A minimum of two but not more than four parents of pupils of limited English speaking ability;
2. A minimum of three but not more than four persons from institutions of higher education experienced in the training of teachers of bilingual and ESL education;
3. A minimum of four but not more than six teachers experienced in bilingual and ESL teaching techniques;
4. A minimum of one but not more than three persons serving on a local school board of education implementing a bilingual or ESL education program;
5. A minimum of two but not more than four school administrators of bilingual or ESL education programs;
6. A minimum of two but not more than four laymen knowledgeable in the field of bilingual and ESL education.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 7, 1980, to the Bureau of Bilingual Education, Division of School Programs, 225 West State St., Trenton, N.J. 08625.

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

**Amendments Concerning
Statewide Assessment**

On November 8, 1979, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:4-24, 18A:7A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:39 concerning Statewide assessment substantially as proposed in the Notice published October 4, 1979, at 11 N.J.R. 499(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Education.

An order adopting these amendments was filed and became effective on November 9, 1979 as R.1979 d.443.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed New Rules Concerning County Environmental Health Services

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 26:3A2-21 et seq. and N.J.S.A. 13:1D-1 et seq., proposes to adopt new rules, to be cited as N.J.A.C. 7:1H, concerning county environmental health standards of administrative procedure and performance. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 056-79-11.

The primary object of the proposed rules is to provide for the administration of environmental health services by county departments of health and those municipal and regional health agencies which qualify for certification by the Commissioner of Environmental Protection pursuant to N.J.S.A. 26:3A2-33.

The proposal sets forth standards of administrative procedure and performance to be met throughout each county pursuant to a work program to be prepared by each county health department or lead agency and approved by the Commissioner of Environmental Protection. The work program shall provide a description of program elements, delineate responsibilities for program implementation, identify personnel and resources required to meet program requirements and provide a time schedule for achieving full program implementation.

The proposed rules include provisions for the monitoring and enforcement of environmental health standards, the operation of technical resource centers and the development and enforcement of programs to control air pollution, solid waste, noise and water pollution. They include the following sections:

- General provisions;
- Duties and powers;
- Work program to meet standards;
- Certification of local health agency;
- Personnel standards;
- Performance standards for conducting an air pollution control program;
- Performance standards for conducting a noise control program;
- Performance standards for conducting a hazardous substance control program;
- Performance standards for conducting a solid waste control program;
- Performance standards for the provision of public health laboratory services;
- Performance standards for conducting a potable water supply control program;
- Performance standards for conducting a ground water pollution control and on-site sewage system management program;
- Performance standards for conducting a surface water pollution control program.

Copies of the 17 pages of proposed rules and a basis and background document may be obtained from:

Barbara M. Greer
Office of Regulatory Affairs
Division of Water Resources
P.O. Box CN-029
Trenton, New Jersey 08625

Public hearings concerning the proposed rules will be held on January 8, 1980, at the New Jersey State Department of Health, Southern Region Office, 1012 Haddonfield Avenue, Cherry Hill, New Jersey and on January 15, 1980, at the New Jersey State Department of Health, Northern Region Office, 7 Glenwood Avenue, East Orange, New Jersey. The hearings will begin at 10:00 a.m. and continue until 2:00 p.m., or until the end of testimony.

Interested persons may also present written comments relevant to the proposal on or before January 25, 1980 to Ms. Greer at the above address.

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

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY SOLID WASTE ADMINISTRATION

Proposed Rules Concerning Interdistrict And Intergroup Solid Waste Flow

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq., proposes to adopt new rules, known within the Department of Environmental Protection as Docket No. DEP 058-79-11, concerning requirements for planning and interdistrict agreements and the flow of solid waste across solid waste management district boundaries.

Full text of the proposal follows.

SUBCHAPTER 6. INTERDISTRICT AND INTERGROUP SOLID WASTE FLOW

7:26-6.1 General provisions

These rules are promulgated pursuant to the policies set forth in and the authority delegated to the department by the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., including among others N.J.S.A. 13:1E-6(a)2 which authorizes the department to formulate and promulgate rules and regulations concerning solid waste collection and solid waste disposal; N.J.S.A. 13:1E-6(a)3 which empowers the department to develop, formulate, promulgate and review a statewide solid waste management plan; N.J.S.A. 13:1E-6(b)1 which authorizes the department to order any district to develop a joint program and to cooperate and plan with other solid waste management districts in the development of a combined approach to solid waste management in and affecting northeastern New Jersey; N.J.S.A. 13:1E-21(b) which requires that each solid waste management district set forth in its plan sufficient available suitable solid waste facilities, or to certify to the department the absence of existing or available suitable sites within the district; N.J.S.A. 13:1E-24 which provides for departmental review, modification, rejection or approval of solid waste management plans developed pursuant to the Act; and N.J.S.A. 13:1E-2 setting forth the legislative objective and policies of the Act, including the orderly preparation and evaluation of solid waste management plans among the solid waste management districts and on a statewide

basis; and such further authority in the Act which authorizes the department to act pursuant to such objectives and policies.

7:26-6.2 Purpose

The New Jersey Department of Environmental Protection is in receipt of and has reviewed the adopted solid waste management plans for Hudson and Middlesex Counties and the Hackensack Meadowlands Development Commission (HMDC). In addition, the department has received for review, consulted with and has been advised of the current status of solid waste management plans being developed by numerous other solid waste management districts. Based on the plans and information submitted, it is evident that solid waste management districts have not and are not in the process of developing sufficient interdistrict solutions to solid waste management planning issues, including, but not limited to, the number and siting of suitable waste disposal facilities, transportation routes and collection services, resource recovery planning, and short and long term waste disposal alternatives. There has been a lack of regional and interdistrict solid waste management planning, and as a result, inconsistencies among plans have been identified and area-wide waste disposal needs have not been fully addressed. The rules below are intended to set forth required steps which must be taken by solid waste management districts to effect regional and statewide solutions to solid waste management problems. The rules establish the basis upon which interdistrict solid waste management planning is to be developed among the districts and are also set forth as part of the statewide solid waste plan required by the Solid Waste Management Act.

7:26-6.3 Interdistrict agreements

(a) The following subsections set forth requirements for development of several types of interdistrict waste flow planning and agreements by and among solid waste management districts. The form and duration of the various agreements are based upon the criteria set forth below. These agreements shall be made a part of and included within the solid waste management plans prepared by each district and shall be binding upon the districts. The following standards shall be applied by the districts in meeting the requirements set forth in these rules:

1. Long-term agreements for disposal or resource recovery: These agreements must be for no less than 20 years in duration and provide for the total responsibility of one district to handle wastes generated in another designated district, as described below.

2. Long-term agreements for emergency back-up disposal, resource recovery residual disposal and non-processable waste disposal:

i. These agreements must be no less than 10 years in duration and must provide for the total responsibility of one district to provide for disposal of wastes which cannot be handled in another district's resource recovery and/or disposal system as described in that district's solid waste management plan.

3. Short-term agreement of five-year duration for disposal or resource recovery:

i. These agreements must provide short-term, total responsibility of one district to handle wastes generated in another district during the resource recovery development stage. The exporting district is to set forth in its plan provisions to take over responsibility for resource recovery and disposal of wastes generated within its borders, once facilities are developed. The provision of a one-year renewal clause is intended to allow for short

extensions of the agreements, should intradistrict facility construction be delayed.

4. Each agreement shall be executed in a form making same binding upon the affected districts.

7:26-6.4 Specific waste flow planning requirements

(a) Specific waste flow planning requirements are as follows:

1. Union and Middlesex Counties shall negotiate long-term agreements to provide for the flow of solid wastes from the following Union County municipalities to Middlesex County disposal or resource recovery facilities:

- i. Westfield;
- ii. Berkeley Heights;
- iii. Fanwood;
- iv. Mountainside;
- v. Plainfield;
- vi. Scotch Plains;
- vii. Rahway;
- viii. Clark;
- ix. Kenilworth;
- x. Cranford;
- xi. Garwood;
- xii. Hillside;
- xiii. Winfield;
- xiv. Roselle Park;
- xv. Roselle;
- xvi. Elizabeth;

xvii. Linden: At such time as the existing Linden Municipal Landfill is terminated, wastes previously disposed there shall be considered part of this requirement.

2. The long term agreements in paragraph 1 of this subsection may allow for the development of resource recovery within Union County, to handle the above described waste streams, according to mutually agreed upon terms and conditions. Such provision for resource recovery development in Union County cannot, however, interfere with the requirements of this subchapter, or with the reasonable development of resource recovery in Middlesex County. These agreements are to be executed so as to be made part of each district's solid waste management plan and to be made binding upon each district.

3. The agreements required pursuant to paragraph 1 of this subsection shall be finalized before December 31, 1979.

4. Union and Morris Counties shall negotiate long-term agreements to provide for the flow of solid waste from the following Union County municipalities to Morris County disposal or resource recovery facilities:

- i. Summit;
- ii. New Providence.

5. The long-term agreements in paragraph 4 of this subsection may allow for the development of resource recovery within Union County, to handle the above described waste streams, according to mutually agreed upon terms and conditions. Such provision for resource recovery development in Union County cannot, however, interfere with the requirements of this subchapter, or with the reasonable development of resource recovery in Morris County. These agreements are to be executed so as to be made part of each district's solid waste management plan and to be made binding upon each district.

6. Union and Essex Counties shall negotiate long-term agreements to provide for the flow of solid waste from the following Union County municipalities to Essex County, to be recovered or disposed as waste generated in Essex County municipalities:

- i. Springfield;
- ii. Union Township.

7. The long-term agreements in paragraph 6 of this subsection may allow for the development of resource recovery within Union County to handle the above de-

scribed waste streams, according to mutually agreed upon terms and conditions. Such provision for resource recovery development in Union County cannot, however, interfere with the requirements of this subchapter, or with the reasonable development of resource recovery in Essex County. These agreements are to be executed so as to be made part of each district's solid waste management plan and to be made binding upon each district.

8. All solid waste management districts which presently rely upon Middlesex County for waste disposal, other than those specifically discussed in this section (N.J.A.C. 7:26-1.11), shall provide within their solid waste management plans for intradistrict disposal of wastes generated within the district. Middlesex County shall also modify its solid waste management plan to prohibit importation of these wastes, accordingly.

9. Mercer and Burlington Counties shall negotiate an agreement of five-year duration to provide for the disposal or resource recovery in Burlington County of those Mercer County wastes previously disposed in Middlesex County.

i. This agreement shall include a clause for one-year renewal, upon expiration of the initial five-year period:

ii. The agreement required herein may be expanded to include Mercer County wastes other than those disposed in Middlesex County;

iii. This agreement may allow for the development of resource recovery within Mercer County to handle the above described waste streams, according to mutually agreed upon terms and conditions. Such provision for resource recovery development in Mercer County cannot, however, interfere with the requirements of this subchapter, or with the reasonable development of resource recovery in Burlington County;

iv. These agreements are to be executed so as to be made part of each district's solid waste management plan and to be made binding upon each district.

10. Passaic County and the Hackensack Meadowlands District shall negotiate an agreement of five-year duration to provide for the flow of solid wastes from the following Passaic County municipalities to disposal or resource recovery facilities operated by or under the authorization of the Hackensack Meadowlands Development Commission:

- i. Wayne;
- ii. Totowa;
- iii. Little Falls;
- iv. West Paterson;
- v. Paterson;
- vi. Haledon;
- vii. North Haledon;
- viii. Hawthorne;
- ix. Prospect Park;
- x. Clifton;
- xi. Passaic.

11. The agreement in paragraph 10 of this subchapter shall include a clause for one-year renewal, upon expiration of the initial five-year period. This agreement may allow for the development of resource recovery within Passaic County to handle the above described waste streams, according to mutually agreed upon terms and conditions. Such provision for resource recovery development in Passaic County cannot, however, interfere with the requirements of this subchapter, or with the reasonable development of resource recovery facilities by the Hackensack Meadowlands Development Commission. These agreements are to be executed so as to be made part of each district's solid waste management plan and to be made binding upon each district.

12. Essex and Hudson Counties and the Hackensack Meadowlands District shall negotiate agreements of five-

year duration to provide for the flow of solid wastes from all municipalities within Hudson and Essex Counties (and including Springfield and Union Township in Union County) to disposal or resource recovery facilities operated by or under the authorization of the Hackensack Meadowlands Development Commission.

i. These agreements shall include a clause for one-year renewal, upon expiration of the initial five-year period;

ii. Essex and Hudson Counties and the Hackensack Meadowlands District shall also negotiate long-term agreements for emergency back-up waste disposal, resource recovery residuals disposal, and disposal of other non-processable solid wastes generated in Hudson County and in Essex County (including Springfield and Union Township in Union County) to be disposed at facilities operated by or under the authorization of the Hackensack Meadowlands Development Commission;

iii. For the purpose of these agreements, Kearny, Harrison and East Newark within Hudson County shall be considered part of the Essex County agreements;

iv. These agreements may allow for the development of resource recovery within Essex and Hudson Counties to handle the above described waste streams, according to mutually agreed upon terms and conditions. Such provision for resource recovery development in Essex and Hudson Counties cannot, however, interfere with the requirements of this subchapter or with the reasonable development of resource recovery facilities by the Hackensack Meadowlands Development Commission;

v. These agreements are to be executed so as to be made part of each district's solid waste management plan and to be made binding upon each district.

13. Hudson and Essex Counties shall negotiate long-term agreements to provide for the flow of solid wastes generated in the following Hudson County municipalities to resource recovery facilities within Essex County:

- i. Kearny;
- ii. Harrison;
- iii. East Newark.

14. Wastes generated within the Hudson County municipalities listed in paragraph 13 of this subsection shall continue to be disposed at facilities operated by or under the authorization of the Hackensack Meadowlands Development Commission until such time as sufficient resource recovery capacity is developed within Essex County. The agreements of paragraph 13 of this subsection are to be executed so as to be made part of each district's solid waste management plan and to be made binding upon each district.

15. Bergen County and the Hackensack Meadowlands District shall negotiate long-term agreements to provide for the flow of solid waste generated within all of Bergen County to disposal or resource recovery facilities operated by or under the authorization of the Hackensack Meadowlands Development Commission, at such time as the existing Bergen County Landfill is terminated. Agreements required, hereby, shall be finalized and executed and shall be made part of the relevant solid waste management plans.

16. Somerset County and Middlesex County shall negotiate an agreement of five-year duration to provide for continued flow of approximately 100,000 tons per year of waste to disposal or resource recovery facilities in Middlesex County. This agreement shall include a clause for one-year renewal, upon expiration of the initial five-year period. This agreement may include provisions which recognize that Somerset County has potential waste disposal sites within the county, and that, should Somerset County fail to expeditiously pursue development of resource recovery, it must develop an interim land dis-

posal alternative within Somerset County. This agreement shall be executed and finalized and shall be made part of the relevant solid waste management plans.

7:26-6.5 Compliance

(a) Except as otherwise provided for herein, all districts shall in complying with the requirements of these Rules and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., execute and include within their respective solid waste management district plans the required agreements no later than July 1, 1980.

(b) Every district affected by these rules shall, in reaching the agreements required hereby and during the period of plan preparation required herein, take no action inconsistent with the objectives and stated requirements of these rules.

(c) Every solid waste management district, in complying with these rules, shall also comply fully with any other lawful order regarding solid waste collection or disposal issued by any solid waste management district during the period of plan preparation or thereafter, provided, however, that no district may act in a manner inconsistent with the intent and stated requirement of these rules.

7:26-6.6 Designations

(a) The department and/or any solid waste management district may where necessary in developing a district or state-wide solid waste management plan or in affecting compliance therewith designate any solid waste transfer, disposal or resource recovery facility to receive specific waste streams. This designation may take into consideration the designated facility's environmental soundness, geographic location, existing loading rate (including traffic impact), remaining design capacity, and prior history of compliance with operating and engineering design rules.

(b) The department and/or any solid waste management district may where necessary in developing a district or state-wide management plan or in affecting compliance therewith require any person registered with the department for the collection and transportation of solid wastes to transport such solid waste to solid waste facilities designated in an approved district solid waste management plan or in the state-wide solid waste management plan for receipt thereof.

7:26-6.7 Submission of information

Any person registered with the department for the collection and transportation of solid wastes affected by these regulations shall upon request by the department submit in such form as the department may deem appropriate, information concerning the sources of wastes collected, and their transportation and disposal patterns.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Bart Carhart
Bureau of Planning and Resource Management
Solid Waste Administration
N.J. Department of Environmental Protection
32 East Hanover St.
Trenton, N.J. 08625

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

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

Notice of Correction Concerning Contents of Notice of Adoption Regarding the Interim Rules and Regulations for Review and Approval of Application for Development or Construction

Take notice that, in the Notice of Adoption concerning the interim rules and regulations for review and approval of applications for development or construction appearing in the October 4, 1979, issue of the New Jersey Register at 11 N.J.R. 504(a) as R.1979 d.333, it was intended that such adoption would include definitions and rationale for the eleven standards appearing in N.J.A.C. 7:1G-1.11.

Due to clerical error, such definitions and rationale were not included in the original filing of adoption. Such items were subsequently filed on October 22, 1979, and will appear in N.J.A.C. 7:1G-1.11.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Proposed Rules on Labeling Coal Tar Hair Dyes Posing a Risk of Cancer

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1, proposes to adopt new rules concerning labeling coal tar hair dyes posing a risk of cancer.

These proposed rules are substantially the same as Federal Regulation (21 CFR 740.18) which appeared in the Federal Register, Vol. 44, No. 201, October 16, 1979, page 59522. These rules will provide for enforcement uniformity with the Federal Food, Drug and Cosmetic Act.

Full text of the proposal follows:

8:21-1.30 Coal tar hair dyes posing a risk of cancer

(a) The principal display panel of the label and any labeling accompanying a coal tar hair dye containing any ingredient listed in subsection (b) of this section shall bear, in accordance with the requirements of N.J.A.C. 8:21-1.25(c), the following:

Warning — Contains an ingredient that can penetrate your skin and has been determined to cause cancer in laboratory animals.

(b) Hair dyes containing any of the following ingredients shall comply with the requirements of this section:

1. 4-methoxy-m-phenylenediamine (2, 4-diaminoanisole) and
2. 4-methoxy-m-phenylenediamine sulfate (2, 4-diaminoanisole sulfate).

(c) This regulation is effective for all products initially

introduced into intrastate commerce on or after April 16, 1980.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Donald J. Foley
Chief, Drug Control
N.J. Department of Health
1911 Princeton Ave.
Trenton, N.J. 08648

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments to Guidelines And Criteria for Submission of Applications for Certificate of Need

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend certain rules concerning the guidelines and criteria for submission of applications for certificate of need. Such amendments concern the addition of a definition of mobile intensive care services and adding such services to certain exhibits.

Full text of the new text follows.

8:33-1.4 Definitions

“Mobile intensive care services” mean hospital managed clinical services provided for emergency prehospital care of the acutely ill or injured patient; they consist of the trained/certified personnel and equipment necessary to provide advanced life support techniques such as administration of medications, intravenous fluids, airway maintenance and defibrillation as authorized under N.J.S.A. Title 26, Chapter 2K; they are provided under the remote on-line medical direction of qualified hospital staff in accordance with pre-established treatment protocols; and they treat only acute patients and supplement the basic life support care administered by emergency ambulance services. Each mobile intensive care unit is staffed by a minimum of two persons who may be paramedics qualified under N.J.S.A. Title 26, Chapter 2K; nurses certified by a hospital; or physicians.

8:33 Exhibit 2, Part 1, C.15. Mobile Intensive Care Services

8:33 Exhibit 2, Part 2, C.15. Mobile Intensive Care Services

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Leonard D. Dileo
Director, Health Resources Service
N.J. Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendments Concerning Standards for Ambulatory Care Facilities—Intermediate Renal Dialysis Standards

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to delete in its entirety the current text of N.J.A.C. 8:36-1.1 et seq. and to adopt new rules, to be cited as N.J.A.C. 8:43A-1.74 if adopted, concerning ambulatory care facilities and intermediate renal dialysis standards.

The proposed new rules concern definitions; general requirements for all facilities; staffing patterns; pharmaceutical services; dietary services; records; transfer agreement; infection control; emergency procedures; and physical plant.

Copies of the 18 pages of the full text of the proposed new rules may be obtained from or made available for review by contacting:

Wanda Marra
Coordinator, Standards
N.J. Department of Health
P.O. Box 1540
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Proposed Additions to List of Interchangeable Drug Products

Sanford Luger, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(b), proposes to make additions to the New Jersey List of Interchangeable Drug Products which is referenced in Chapter 71 of Title 8 in the New Jersey Administrative Code.

Full text of the additions follows.

Generic Name	Manufacturer	Generic Name	Manufacturer
Acetaminophen w/codeine tabs., 60 mg	Halsey	Methyclothiazide tabs., 2½ mg, 5 mg	Abbott
ADC Drops w/fluoride	Abbott, NPC	Multiple vitamin drops w/fluoride	NPC
Amitriptyline HCL tabs., 10 mg, 25 mg, 50 mg	Chelsea, Roche	Nyliarin HCL tabs., 6 mg, 12 mg	Premo
Amitriptyline HCL tabs., 75 mg, 100 mg, 150 mg	Roche	Nystatin topical cream	Lederle
APC w/codeine tabs., 30 mg, 60 mg	Zenith	Oxytetracycline HCL caps., 250 mg	Premo/Federal
Belladonna alkaloids w/pheno-barbital elix.	Life, NPC, Robins	P-phenylbutazone w/alkalizers caps.	Chelsea, Pharmadyne
Bromodiphenhydramine HCL, diphenhydramine HCL, ammonium chloride, and potassium guaiacolsulfonate expectorant	NPC	Potassium chloride sol'n 10%, 20%	Life, Newtron
Brompheniramine maleate w/pnenylephrine HCL, phenylpropanolamine HCL elixir	Life	Potassium gluconate elixir	Newtron
Brompheniramine maleate w/pnenylephrine HCL, phenylpropanolamine HCL and guai-tenesin	Life	Promethazine w/ pot. guaiacol-sulfonate expect.	Life
Brompheniramine maleate w/pnenylephrine HCL, phenylpropanolamine HCL, and guai-fenesin w/codeine	Life	Promethazine w/ pot. guaiacol-sulfonate expect. w/ codeine	Life
Butalbital w/APC	Sandoz	Promethazine w/ pot. guaiacol-sulfonate and DM expect.	Life
Carisoprodol tabs., 350 mg	Chelsea, Pharmadyne	Promethazine w/ pot. guaiacol-sulfonate and PE HCL	Life
Chlordiazepoxide HCL caps., 5 mg, 10 mg, 25 mg	Premo/Federal	Promethazine w/ pot. guaiacol-sulfonate and PE w/codeine	Life
Chlorpheniramine maleate tabs., 4 mg	Newtron	Pseudoephedrine HCL tabs., 60 mg	Premo
Cloxacillin sodium caps., 250 mg, 500 mg	Beecham	Spiro-nolactone w/hydrochloro-thiazide	Mylan
Cyclandelate caps., 200 mg, 400 mg	Chelsea	Sulfamethoxazole tabs., 0.5 g, 1.0 g, and susp.	Roche
Dicloxacillin sodium caps., 500 mg, susp. 62.5/5 ml	Bristol	Sulfisoxazole tabs., 0.5 g	Chelsea
Dihydroergotoxine mesylate s.l. tab., 1 mg	Sandoz	Tetracycline HCL caps., 250 mg	Premo/Federal
Dihydroergotoxine mesylate tabs., 0.5 mg, 1.0 mg	H-N	Theophylline elixir, 80 mg/15 ml	Life
Diphenhydramine HCL elixir	Life	Theophylline w/guaifenesin liq.	NPC
Diphenhydramine HCL caps., 25 mg, 50 mg	Newtron, Premo	Theophylline KI elixir	NPC, Cooper
Diphenhydramine cough syrup	Life, NPC	Tolbutamide tabs., 0.5 g	SKF
Dipyridamole tabs., 25 mg	Bolar, Pharmadyne Zenith	Triprolidine HCL w/pseudoephedrine HCL syrup, tabs.	Newtron
Ergotamine tartrate w/caffeine tabs.	Sandoz	Triprolidine HCL w/pseudoephedrine HCL syrup	Life
Erythromycin ethylsuccinate granules 200 mg/5 ml	Abbott	Triprolidine HCL w/pseudoephedrine HCL tabs.	Premo
Erythromycin ethylsuccinate susp. 200 mg/5 ml, 400 mg/5 ml	Abbott, H-6, Wyeth	Triprolidine HCL w/pseudoephedrine, guaifenesin and codeine	Life
Folic acid tabs., 1 mg.	Premo		
Hydralazine HCL tabs., 25 mg, 50 mg	Premo		
Hydrochlorothiazide tabs., 50 mg	Premo		
Hydrocortisone cream, 0.5%, 1.0%	Life		
Imipramine HCL tab., 50 mg	SKF		
Imipramine HCL tabs., 25 mg, 50 mg	Chelsea		
Imipramine HCL tabs., 10 mg, 25 mg, 50 mg	Premo		
Isoxsuprine HCL tabs., 10 mg, 20 mg	Danbury, M-J		
Lithium carbonate tabs., 300 mg	SKF		

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979, to:
 Thomas T. Culkin
 Executive Director
 Drug Utilization Review Council
 N.J. Department of Health
 Box 1540
 Room 801-D
 Trenton, N.J. 08625

The Drug Utilization Review Council may thereafter adopt rules concerning this subject without further notice.
 Sanford Luger
 Chairman, Drug Utilization Review Council
 Department of Health

(a)

HEALTH
THE COMMISSIONER
Rules on Hospital Reporting
Of Uniform Bill-Patient
Summaries (Inpatient)

On November 13, 1979, Dr. Joanne E. Finley, Commis-

sioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:31B-2, concerning hospital reporting of uniform bill-patient summaries (inpatient) substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 435(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on November 13, 1979 as R.1979 d.450.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

THE COMMISSIONER

Repeal of Rules Concerning Uniform Narcotic Act

On November 5, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:18-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 8:21-3.15 through 8:21-3.18 concerning the Uniform Narcotic Act as proposed in the Notice published October 4, 1979 at 11 N.J.R. 504(c).

An order repealing these rules was filed and became effective on November 13, 1979 at R.1979 d.451.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Rules Concerning Manual of Standards for Licensure of Non-Residential Medical Day Care Facilities

On November 5, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted the new Manual of Standards for Licensure of Non-Residential Medical Day Care Facilities, to be cited as N.J.A.C. 8:43F, substantially as proposed in the Notice published September 6, 1979 at 11 N.J.R. 437(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these rules was filed on November 13, 1979, as R.1979 d.452 to become effective on January 2, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Amendments Concerning Good Drug Manufacturing Rules

On November 13, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, deleted in its entirety the current text of N.J.A.C. 8:65-2 and adopted new rules, to be cited as N.J.A.C. 8:21A, concerning good drug manufacturing rules as proposed in the Notice published October 4, 1979 at 11 N.J.R. 504(d).

An order adopting these amendments was filed and became effective on November 13, 1979 as R.1979 d.453.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HEALTH

THE COMMISSIONER

Repeal of Certain Rules on Good Drug Manufacturing Practices

On November 13, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 8:21-3.14 concerning good drug manufacturing practices as proposed in the Notice published October 4, 1979 at 11 N.J.R. 504(b).

An order repealing these rules was filed and became effective on November 13, 1979 as R.1979 d.454.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amendments to Personnel Policies for State Colleges

The New Jersey State Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:3-14, proposes to alter one of its proposed amendments to the State College personnel policies previously proposed in the July 5, 1979, issue of the New Jersey Register at 11 N.J.R. 332(c).

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

[9:6-1.2] 9:3-1.3 Contracts for professional staff
(nonfaculty)

(a) Members of the professional staff not holding faculty rank may be appointed for one-year terms concurrent either with the calendar or academic years, provided, however, that after employment in a college for five

consecutive calendar or academic years, such employees shall be eligible for multiyear contracts [from two to five full calendar years in length]. For professional staff who are members of the State College negotiating unit each initial appointment of a multiyear contract (after completion of five years of probationary service) shall be for three full calendar years in length. Subsequent reappointments shall be for four years, and then five years. All subsequent contracts shall be for five full calendar years in length. When a member of the professional staff is offered a multiyear appointment or reappointment contract, he or she shall be provided with the information described in N.J.A.C. 9:2-2.5(a).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Eric M. Perkins
Administrative Practice Officer
N.J. Department of Higher Education
225 West State St.
Trenton, N.J. 08625

The Board of Higher Education may thereafter adopt rules concerning this subject without further notice.

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

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Amendments Concerning Petitions From Out-of-State Institutions

On October 25, 1979, T. Edward Hollander, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-15, 18A:68-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:1-16.1 and 9:1-6.4 concerning petitions from out-of-State institutions substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 441(e) with only inconsequential structural or language changes in the opinion of the Department of Higher Education.

An order adopting these amendments was filed and became effective on November 5, 1979 as R.1979 d.441.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HIGHER EDUCATION

STUDENT ASSISTANCE BOARD

Amendments on Residency, Dependent And Independent Students and Grant Renewals for Tuition Aid Grant and Garden State Scholarship Programs

On October 23, 1979, Lynn Goldthwaite, Chairperson of the Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-26.8, 18A:71-48 and in accordance with applicable

provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:7-2.2, 9:7-2.6 and 9:7-3.3 concerning residency, dependent and independent students and grant renewals for tuition aid and Garden State Scholarship programs substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 442(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Higher Education.

An order adopting these amendments was filed and became effective on November 5, 1979 as R.1979 d.442.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

BUREAU OF RESEARCH AND DEVELOPMENT

Proposed Amendments Concerning Fair Hearings

Ann Klein, Commissioner of the Department of Human Services, pursuant to N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:49-5.5 concerning location of fair hearings.

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

[10:49-5.5 Convenience of the claimant considered

The hearing shall be conducted at a time, place and date convenient to the claimant, and adequate preliminary written notice shall be given.]

10:49-5.5 Location of the hearing

The hearing shall be conducted at a reasonable time, date and place after adequate written notice of the hearing is given.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendment Concerning Outpatient Hospital Services

Ann Klein, Commissioner of Human Services, pursuant to N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C.

10:52-1.6 concerning reimbursement of outpatient hospital services.

This proposal is being submitted in compliance with federal regulations cited at 42 CFR 447.205 relative to changes in methods and standards of reimbursement. Based on the methodology cited in the revised regulation below, this action would allow the Department of Human Services to reduce expenditures up to an estimated \$12 million annually in order to remain within budgetary appropriation.

Full text of the proposal follows.

10:52-1.6(c) Reimbursement for covered services in the outpatient department of the hospital shall be determined by the Commissioner of the Department of Human Services. Rates of reimbursement shall be established by the Commissioner at a percentage of the lower of costs or charges defined and determined by Medicare principles of reimbursement and shall not exceed 100 per cent of the lesser of costs or charges.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 4, 1980 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules Concerning Assessment of Interest on Overpayments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning the assessment of interest on overpayments in the Hospital Services Manual.

Full text of the proposal follows.

10:52-2.12 Assessment of interest on overpayments

(a) When a hospital files a cost report and the report indicates that there has been an overpayment, full refund should be remitted with the report. In situations where this is not done, or where the Medicaid contractor, Blue Cross or Prudential, discovers an overpayment during desk review, field audit, or final settlement, the contractor will, within seven days of discovery, contact the provider and attempt to recoup the overpayment by obtaining a refund in a lump sum.

(b) If the provider is unable to make a lump sum refund, the contractor will, within 30 days after the date it notifies the provider that an overpayment exists, work out a repayment agreement by a series of set-offs against interim payments or by a combination of set-offs and cash repayments or through cash repayments only.

(c) The type of arrangement to be worked out with the provider is left to the discretion of the contractor. The contractor shall, as a matter of policy, attempt to recoup the overpayment as quickly as possible. The period of recovery shall not exceed 12 months unless a longer period of repayment is approved by the Director, Division of Medical Assistance and Health Services.

(d) Effective 30 days after the adopting of this regulation, all repayment agreements, including those in existence at the time of adoption, shall be in writing, signed by a duly authorized officer of the provider organization and an appropriate representative of the contractor.

(e) If a repayment arrangement cannot be concluded within 30 days of notification by the contractor, the contractor shall make recovery through deductions from interim payments. In this instance, full recovery shall be made within 120 days from the date of initial contact.

(f) Recovery of the overpayments shall be made without regard to disputes in whole or in part of the contractor's determination of the overpayment or pending appeals of any administrative or final rates of reimbursement with the Department of Health, or Provider Relations Review Board. As appeals are adjudicated, appropriate adjustments will be recognized and payments made.

(g) In all instances where full repayment cannot be made within 30 days of the contractor's initial contact, interest shall be charged on the outstanding balance on the fifteenth of every month. The amount of interest shall be at the maximum legal rate on the date of the repayment agreement or thirty days after the date of initial contact, whichever is sooner.

(h) Where the discovery of an overpayment is prevented or burdened by errors contained within the cost report, either inadvertent or willful, interest shall be charged as of the fifteenth of the first month after the cost filing was originally due.

(i) When cost filings are submitted more than 120 days after the close of the hospital's fiscal year and an overpayment is determined, interest shall be charged beginning on the fifteenth of the first month after the cost filing was originally due.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules Concerning Assessment Of Interest on Overpayments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt

new rules within the Home Health Services Manual concerning the assessment of interest on overpayments.

Full text of the proposal follows.

10:60-2.5 Assessment of Interest on Overpayments

(a) When a home health agency files a cost report and the report indicates that there has been an overpayment, full refund should be remitted with the report. In situations where this is not done, or where the Medicaid contractor, Blue Cross or Prudential, discovers an overpayment during desk review, field audit, or final settlement, the contractor will, within seven days of discovery, contact the provider and attempt to recoup the overpayment by obtaining a refund in a lump sum.

(b) If the provider is unable to make a lump sum refund, the contractor will, within 30 days after the date it notifies the provider that an overpayment exists, work out a repayment agreement by a series of set-offs against interim payments or by a combination of set-offs and cash repayments or through cash repayments only

(c) The type of arrangement to be worked out with the provider is left to the discretion of the contractor. The contractor shall, as a matter of policy, attempt to recoup the overpayment as quickly as possible. The period of recovery shall not exceed 12 months unless a longer period of repayment is approved by the Director, Division of Medical Assistance and Health Services.

(d) Effective 30 days after the adopting of this regulation, all repayment agreements, including those in existence at the time of adoption, shall be in writing, signed by a duly authorized officer of the provider organization and an appropriate representative of the contractor.

(e) If a repayment arrangement cannot be concluded within 30 days of notification by the contractor, the contractor shall make recovery through deductions from interim payments. In this instance, full recovery shall be made within 120 days from the date of initial contact.

(f) Recovery of the overpayments shall be made without regard to disputes in whole or in part of the contractor's determination of the overpayment or pending appeals with the Provider Relations Review Board (PRRB). As appeals are adjudicated, appropriate adjustments will be recognized and payments made.

(g) In all instances where full repayment cannot be made within 30 days of the contractor's initial contact, interest shall be charged on the outstanding balance on the fifteenth of every month. The amount of interest shall be at the maximum legal rate on the date of the repayment agreement or thirty days after the date of initial contact, whichever is sooner.

(h) Where the discovery of an overpayment is prevented or burdened by errors contained within the cost report, either inadvertent or willful, interest shall be charged as of the fifteenth of the first month the cost filing was originally due.

(i) When cost filings are submitted more than 120 days after the close of the hospital's fiscal year and an overpayment is determined, interest shall be charged beginning on the fifteenth of the first month after the cost filing was originally due.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

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

The Department of Human Services 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 Reimbursement to County Welfare Agencies and Discontinuance of Collection Activity

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10.3, proposes to amend portions of the Public Assistance Manual concerning reimbursements to county welfare agencies of AFDC-N payments to individuals subsequently determined eligible for SSI benefits and discontinuance of collection activity based on the former AFWP statute.

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

10:81-2.7(c)5. Where appropriate, the IM worker shall review with the applicant the desirability of applying for SSI. The I.M. worker shall explain to the applicant that if he/she decides to apply he/she will be required to sign Form PA-30 and the CWA will be reimbursed for any AFDC-N payments made on his/her behalf from the initial SSI award. (See 3960 for an explanation of procedures.)

10:81-3.8(e)2.i. In the event the parent applies for SSI, the CWA will be allowed to obtain reimbursement of AFDC-N payments made to applicants or their dependents who are subsequently determined eligible for SSI benefits. The amount subject to reimbursement will be only the individual's per capita share of the adjusted AFDC-N allowance.

10:81-3.38(b)1.i. Exceptions: -N segment parent: When a -N segment parent(s) is required to sign Forms PA-30 and PA-30A in accordance with Section 3961 and fails or refuses to do so, only the parents are rendered ineligible thereby. Eligibility of the children is not affected by the refusal.

10:81-3.40(b)3. Retroactive SSI payments: When assistance was granted under -N segment provisions during a period for which the recipient, either adult or child, is later found retroactively to have been eligible for SSI, the assistance granted for that person(s) for that period is duplicative and is thereby subject to repayment. See Section 3962 for procedures.

10:81-3.40(b)4. AFWP debt to the State: The "debt to the State" provision of the former Assistance to Families of the Working Poor program (AFWP) was repealed, effective July 1, 1977, with the rest of the enabling statute in that program. There is no longer any legal basis for actions for recovery under that provision; this includes "pending claims" even though members of a former AFWP household may have provided a written promise of repayment from the proceeds of a specific claim. Actions based on other statutes, such as fraud restitutions and certain overpayments must be maintained, however, regardless of when they were initiated.

10:81-3.46. Repayments from retroactive SSI awards N segment only

(a) When applicant for or a recipient of AFDC-N has filed an application for SSI or an application has been filed on his/her behalf, the CWA will require as a condition of eligibility or continued eligibility that Forms PA-30 and PA-30A be signed and submitted to the CWA by the same person(s) who signed the SSI application(s). (For penalty see Section 3922.11.)

1. The CWA will, within 24 hours, send the original of the PA-30, also signed by the director or his/her designate, to the Social Security District Office (SSA/DO) in which the SSI application was filed.

The SSA/DO will advise the CWA of its action relative to the PA-30 form. In the absence of such advice, the CWA will follow-up in writing every 30 days, attaching a photocopy of the PA-30 to each follow-up letter. Form SSA-1610 will serve for this purpose.

2. Action following approval of SSI application

Upon receipt of information that an SSI application has been approved, the CWA will promptly adjust the size of the eligible unit and amount of the AFDS grant.

i. When Form PA-30 has been promptly and properly filed with the SSA/DO, the retroactive initial check will be sent to the CWA, accompanied by Form SSA-8125. (See appendix for sample form and instructions.) From the proceeds of the check, the CWA will accept reimbursement as computed according to the provisions of Section 3962.2 below. It will then remit the balance to the client with completed Form PA-31 within 10 days of receipt of the SSI check. The CWA will also complete the Form SSA-8125 which accompanied the check and send it within 30 days to the SSA Regional Office.

ii. In any case in which the retroactive SSI check is sent directly to the client, the CWA will compute the reimbursement due in accordance with Section 3962.2 below and will seek repayment from the client on the basis of the PA-30A agreement.

(b) The amount of retroactive SSI payment subject to reimbursement to the CWA is the per capita share of the -N segment grant attributable to the needs of the SSI eligible person(s) from the first of the first month of SSI eligibility to the end of the last month in which the needs of the person(s) were included in the -N segment payment. Emergency assistance and Medical Assistance are not repayable under this section.

1. When the entire eligible unit has been receiving assistance under the -N segment, divide the amount of assistance granted during the pending period by the number of persons in the unit. The result is the amount repayable for each SSI eligible member.

2. When only a part of the family unit has been receiving assistance under the -N segment and the others having been receiving under -C and -F segment provisions, from the total granted in all segments during the period, deduct the federally matchable portion as computed in accordance with Table A (see Appendix C) and divide the remainder by the number of -N segment recipients in the eligible unit. The result is the amount repayable for each SSI eligible member.

(c) Assistance granted under the AFDC-C or -F segment is not repayable from retroactive SSI awards even though the payments covered the same periods of time.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

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

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

Commissioner
Ann Klein
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Disregard of RSDI Benefits Received by Full-Time Students and Redetermination of Time Interval

On November 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-3.5 and 10:81-5.2 concerning the disregard of RSDI benefits received by full-time students and redetermination of time interval substantially as proposed in the Notice published October 4, 1979, at 11 N.J.R. 505(d) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on November 13, 1979 as R.1979 d.444.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Abandonment of State Residency and Timely Notice of Adverse Action

On November 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-3.22, 10:81-3.24 and 10:81-7.1 concerning the abandonment of State residency and timely notice of adverse action as proposed in the Notice published October 4, 1979 at 11 N.J.R. 506(a).

An order adopting these amendments was filed on November 13, 1979 as R.1979 d.445 to become effective on January 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Exclusion Of Relocation Payments as Income or Resources

On November 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3(e) and 10:85-3.4(c) concerning the exclusion of relocation payments as income or resources substantially as proposed in the Notice published October 4, 1979, at 11 N.J.R. 515(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on November 13, 1979 as R.1979 d.446.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Exclusion Of Certain Income

On November 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3(e)5. concerning the exclusion of certain income as proposed in the Notice published October 4, 1979 at 11 N.J.R. 516(a).

An order adopting these amendments was filed on November 13, 1979 as R.1979 d.447 to become effective on January 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Licensed Boarding Homes for Sheltered Care

On November 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3(f) concerning licensed boarding homes for sheltered care as proposed in the Notice published October 4, 1979 at 11 N.J.R. 516(b).

An order adopting these amendments was filed and became effective on November 13, 1979 as R.1979 d.448.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Maximum Allowances for Consultant Evaluation Services

On November 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:94-3.13(m) concerning maximum allowances for consultant evaluation services as proposed in the Notice published October 4, 1979 at 11 N.J.R. 518(a).

An order adopting these amendments was filed and became effective on November 13, 1979 as R.1979 d.449.

Howard H. Kestin
Director
Office of Administrative Law

(e)

CORRECTIONS

THE COMMISSIONER

Standards Concerning New Jersey Adult County Correctional Facilities

On November 1, 1979, William H. Fauver, Commissioner of Corrections, pursuant to authority of N.J.S.A. 30:1-15, 30:1B-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10A:31, concerning standards for New Jersey adult county correctional facilities substantially as proposed in the Notice published June 7, 1979, at 11 N.J.R. 284(a) with only inconsequential structural or language changes in the opinion of the Department of Corrections.

An order adopting these standards was filed and became effective on November 1, 1979 as R.1979 d.438.

Howard H. Kestin
Director
Office of Administrative Law

(f)

INSURANCE

THE COMMISSIONER

Rules on Unfair Discrimination on Basis of Blindness, Partial Blindness or Other Physical or Mental Impairments

On October 22, 1979, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e), 17:29B-1 et seq., 17B:30-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 11:4-20.1 and 11:4-20.2, concerning unfair discrimination on the basis of blindness, partial blindness or other physical or mental impairments as proposed in the Notice published August 9, 1979 at 11 N.J.R. 384(a).

An order adopting these rules was filed on October 30,

1979 as R.1979 d.434 to become effective on December 6, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amendments Concerning Statements of Origin

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. 39:10-4 proposes to amend N.J.A.C. 13:21-4.1 concerning statements of origin.

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

13:21-4.1 [Statement] Certificate of origin; year model designation

(a) For purposes of N.J.S.A. 39:10-8, a certificate of origin for a new motor vehicle delivered in New Jersey shall be a document which conforms with the design and specifications of the model form for "Manufacturers' Certificate of Origin" developed by the American Association of Motor Vehicle Administrators.

[a] (b) When a manufacturer or importer, or any other person or organization delivers a new motor vehicle into this State, he shall designate on the manufacturer's [statement] certificate of origin, or the importer's [statement] certificate of origin[, in addition to the vehicle description and identification as required in N.J.S.A. 39:10-8,] the year model of the vehicle, in addition to the vehicle description and identification required by N.J.S.A. 39:10-8.

[b] (c) Neither the manufacturer, importer, dealer, or any other person or organization may alter, remove, or in any manner, change such year model designation; nor shall a manufacturer, importer, dealer, person or organization recall a manufacturer's [statement] certificate of origin or importer's [statement] certificate of origin for the purpose of reissuing such document or replacing such document and designating a year model other than the [one originally certified], year model that is designated in the original certificate of origin.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 28, 1979 to:

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

Proposed Amendments Concerning Motorized Bicycles

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. 39:4-14.3a and 39:4-14c, proposes to amend N.J.A.C. 13:25-8.5 concerning motorized bicycles.

Full text of the proposal follows.

13:25-8.5 Operation of motorized bicycles permitted on specified highways

(a) The provision of section 1 (Recommendations of governing bodies) and section 2 (Standards for resolution and recommendations) of this subchapter having been satisfactorily complied with by the County of Ocean, motorized bicycles may be operated on the dualized portion of County Road #7 (Long Beach Boulevard) in the Township of Long Beach.

(b) The provisions of section 1 (Recommendations of governing bodies) and section 2 (Standards for resolution and recommendations) of this subchapter having been satisfactorily complied with by Surf City Borough, motorized bicycles may be operated on the dualized portion of Barnegat Avenue in Surf City Borough.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 28, 1979 to:

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Amendments Concerning Driver Reexamination

On September 21, 1979, 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. 39:2-3, 39:3-10, 39:5-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning driver reexamination substantially as proposed in the Notice published July 5, 1979, at 11 N.J.R. 349(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

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

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It includes all rules adopted from receipt of the last individual transmittals as indicated through November 13, 1979.

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(Full text (in proposal form), if published, may be found in N.J. Register beginning with June 8, 1978.)

N.J.A.C.
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(Title 3, Transmittal 13 dated January 18, 1979 includes all rules through February 8, 1979 N.J. Register.)

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5:10	Amend maintenance of hotels and multiple dwellings	R.1979 d.259	11 N.J.R. 366(b)
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5:25	New Home Warranty and Builder's Registration Act rules	R.1979 d.147	11 N.J.R. 223(c)
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6:80	Rule on educational improvement centers	R.1979 d.272	11 N.J.R. 368(a)

(Title 6, Transmittal 14 dated May 17, 1979 includes all rules through July 5, 1979 N.J. Register.)

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7:1G-1.11(a)2	Amend water quality standards	R.1979 d.395	11 N.J.R. 543(b)
7:1G-2	Procedures for processing applications for development	R.1979 d.332	11 N.J.R. 504(a)
7:1G-2.1(d)	Amend procedures for processing applications for development	R.1979 d.394	11 N.J.R. 543(a)
7:4	Rules on the New Jersey Register of Historic Places	R.1979 d.328	11 N.J.R. 434(a)
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7:9-10	Amend Central Pine Barrens water quality standards and designation as a critical area	R.1979 d.282	11 N.J.R. 374(c)
7:9-13	Amend sewer extension bans	R.1979 d.129	11 N.J.R. 230(a)
7:10	Amend implementing Safe Drinking Water Act	R.1979 d.271	11 N.J.R. 374(b)
7:11-2	Amend rate for Delaware and Raritan Canal water	R.1979 d.32	11 N.J.R. 64(c)
7:11-4.4—4.12	Amend rate for Spruce Run-Round Valley Reservoirs	R.1979 d.31	11 N.J.R. 64(b)
7:11-4.11—4.32, 5.1—5.23	Amend Raritan Basin System water sales	R.1979 d.30	11 N.J.R. 64(a)
7:12-1.3, 2.8, 2.9, 2.12	Amend condemnation of certain shellfish beds	R.1979 d.184	11 N.J.R. 276(a)
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7:13-1.11(d)	Amend floodway delineations; Mountain Brook and its Branch No. 2 in the Raritan River Basin	R.1979 d.195	11 N.J.R. 276(d)
7:13-1.11(d)	Amend floodway delineations of streams within the Passaic River Basin	R.1979 d.430	11 N.J.R. 545(a)
7:13-1.11(d)	Amend floodway delineation of streams within the Raritan and Rahway River Basin	R.1979 d.418	11 N.J.R. 544(d)
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7:14-8	Assessment of civil administrative penalties	R.1979 d.111	11 N.J.R. 173(c)
7:21-4	Amend procedures for hearings before the Water Policy and Supply Council	R.1979 d.142	11 N.J.R. 230(c)
7:23	Grants under Emergency Flood Control Bond Act	R.1979 d.202	11 N.J.R. 277(a)
7:25-2.14	Amend field trial activities	R.1979 d.189	11 N.J.R. 276(b)
7:25-5	Amend 1979-80 Game Code	R.1979 d.329	11 N.J.R. 434(b)
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7:25-6	1980 Fish Code	R.1979 d.403	11 N.J.R. 543(c)
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7:25-11.1(b)	Amend endangered species	R.1979 d.128	11 N.J.R. 229(a)
7:25-12.1(g)	Amend preservation of the sea clam resource	R.1979 d.201	11 N.J.R. 276(e)
7:25-15.1	Amend relay of hard clams program	R.1979 d.156	11 N.J.R. 230(e)
7:25-16.1	Amend upstream lines requiring licenses	R.1979 d.405	11 N.J.R. 544(c)
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7:27-18	Control and prohibition of air pollution in non-attainment areas	R.1979 d.237	11 N.J.R. 327(a)
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7:37	State aid to local environmental agencies	R.1979 d.134	11 N.J.R. 230(b)
7:37	Amend State aid to local environmental agencies	R.1979 d.263	11 N.J.R. 374(a)
7:50	Project review guide; Pinelands Environmental Council	R.1979 d.78	11 N.J.R. 123(b)

(Title 7, Transmittal 12 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

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8:8	Amend collecting, processing, storing and distributing blood	R.1979 d.248	11 N.J.R. 376(a)
8:15	Rules on smoking in certain public places	R.1979 d.153	11 N.J.R. 237(c)
8:21-3.14	Delete rules	R.1979 d.454	11 N.J.R. 622(d)
8:21-3.15-3.18	Repeal of certain rules concerning Uniform Narcotic Act	R.1979 d.451	11 N.J.R. 622(a)
8:21-4.31-4.34	Amend control of laetrile	R.1979 d.299	11 N.J.R. 440(c)
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8:21-10.12	Expiration dates for fluid milk products	R.1979 d.143	11 N.J.R. 238(a)
8:21A	Rules on good drug manufacturing	R.1979 d.453	11 N.J.R. 622(c)
8:25-2.2, 2.5, 3.1, 4.4, 4.5, 6.1, 6.7	Amend Youth Camp Safety Act standards	R.1979 d.199	11 N.J.R. 279(c)
8:31-8 App. B	Amend standards and general criteria for the planning, certification of need and designation of perinatal services	R.1979 d.369	11 N.J.R. 549(c)
8:31-9	Amend standards and general criteria for the planning of certification of need of CAT units	R.1979 d.316	11 N.J.R. 441(a)
8:31-25.1(a)23	Add dexamethasone to list of therapeutic agents	R.1979 d.409	11 N.J.R. 550(c)
8:31A-5.5	Temporary reporting procedures; implementation of S446	R.1979 d.368	11 N.J.R. 549(b)
8:31A-7	1980 hospital rate review guidelines	R.1979 d.317	11 N.J.R. 441(b)
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8:31B-3	Procedural and methodological regulations to implement Chapter 83, P.L. 1978	R.1979 d.408	11 N.J.R. 550(b)
8:31B-4	Financial elements and reporting	R.1979 d.407	11 N.J.R. 550(a)
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8:33	Amend guidelines and criteria for submission of applications for certificate of need	R.1979 d.283	11 N.J.R. 439(a)
8:34-1.15(c)	Amend internships and nursing home administrators	R.1979 d.200	11 N.J.R. 279(d)
8:39-1.14, 1.16, 1.18	Amend effective dates on parts of Standards for Long-Term Care	R.1979 d.243	11 N.J.R. 332(a)
8:39-1.22	Amend dental services in long-term care facilities	R.1979 d.238	11 N.J.R. 331(a)
8:41-1	Amend planning and application for designation of cardiac diagnostic facilities	R.1979 d.286	11 N.J.R. 439(d)
8:41-2	Amend planning and certification of need of regional cardiac surgical centers	R.1979 d.287	11 N.J.R. 440(a)
8:42-3	Rules on residential and in-patient alcohol abuse treatment facilities	R.1979 d.240	11 N.J.R. 331(c)
8:43A-1.16(e)	Amend standards for licensure of ambulatory care facilities	R.1979 d.116	11 N.J.R. 180(b)
8:43A-1.52, 1.59, 1.63	Amend hours of counseling and availability of hours	R.1979 d.406	11 N.J.R. 549(e)
8:43A-1.72	Free-standing ambulatory care facilities - drug abuse treatment services	R.1979 d.239	11 N.J.R. 331(b)
8:43B-1.11(q)7	Amend waiver of emergency room services	R.1979 d.410	11 N.J.R. 550(d)
8:43B-7.2(c)10ii	Amend verbal orders accepted by physical therapist	R.1979 d.113	11 N.J.R. 179(b)
8:43B-7.2(d)	Amend authentication and countersigning of physician's order	R.1979 d.115	11 N.J.R. 180(a)
8:43B-7.4(c)	Amend availability of records	R.1979 d.114	11 N.J.R. 179(c)
8:43F	Manual of Standards for Licensure of Non-Residential Medical Day Care Facilities	R.1979 d.452	11 N.J.R. 622(b)
8:45-1.3	Amend clinical laboratories licensure fees	R.1979 d.398	11 N.J.R. 549(d)
8:45-2.1, 2.2	Amendments increasing certain laboratory fees	R.1979 d.411	11 N.J.R. 550(e)
8:48	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:49	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:53	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:58	Rules on standards for ambulatory or outpatient tuberculosis control	R.1979 d.149	11 N.J.R. 236(b)
8:611-2	Delete rules	R.1979 d.453	11 N.J.R. 622(c)
8:65-7.6	Amend person entitled to fill prescriptions	R.1979 d.152	11 N.J.R. 237(b)
8:65-7.7	Administering or dispensing of narcotic drugs	R.1979 d.151	11 N.J.R. 237(a)
8:65-10.3, 10.4	Amend calculation of narcotic content in any controlled dangerous substances preparations	R.1979 d.301	11 N.J.R. 440(e)
8:65-10.4	Add pentazocine to Schedule IV of Controlled Dangerous Substances	R.1979 d.150	11 N.J.R. 236(c)
8:65-10.5	Amend narcotic content in any controlled dangerous substances preparations	R.1979 d.301	11 N.J.R. 440(e)
8:65-10.8(b)	Amend chemical preparations exempt from the controlled Dangerous Substances Act	R.1979 d.244	11 N.J.R. 332(b)
8:65-10.8(b)	Amend exempt chemical preparations	R.1979 d.361	11 N.J.R. 505(b)
8:70-1.1(c), 1.4	Amend drug evaluation and acceptance criteria	R.1979 d.412	11 N.J.R. 551(a)
8:71	List of interchangeable drug products	R.1979 d.104	11 N.J.R. 179(a)
8:71	Amend list of interchangeable drug products	R.1979 d.318	11 N.J.R. 441(c)

8:71	Deletions of non-prescription medicines from list of interchangeable drug products	R.1979 d.288	11 N.J.R. 440(b)
8:71 Preface	Deletion of distributors from list of interchangeable drug products	R.1979 d.242	11 N.J.R. 331(e)
	(Title 8, Transmittal 11 dated March 15, 1979 includes all rules through March 8, 1979 N.J. Register.)		

HIGHER EDUCATION — TITLE 9

9:1-6.1, 6.4	Amend petitions from out-of-State institutions	R.1979 d.441	11 N.J.R. 623(a)
9:7-2.2	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.4	Amend determination of eligibility for and value of student assistance	R.1979 d.313	11 N.J.R. 443(a)
9:7-2.5, 2.6	Amend student eligibility and award tables	R.1979 d.236	11 N.J.R. 343(b)
9:7-2.6	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.10	Amend verification of enrollment and academic performance and eligibility requirements	R.1979 d.314	11 N.J.R. 443(b)
9:7-3.1, 3.2	Amend student eligibility and award tables	R.1979 d.236	11 N.J.R. 343(b)
9:7-3.3	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-4.1	Amend verification of enrollment and academic performance and eligibility requirements	R.1979 d.314	11 N.J.R. 443(b)
9:9-1.12(a), 5.3	Amend loan amounts and eligibility requirements	R.1979 d.401	11 N.J.R. 551(c)
9:11-1.4, 1.5, 1.8, 1.9	Amend financial guidelines and award tables	R.1979 d.230	11 N.J.R. 342(c)
9:12-2	Rules on summer programs	R.1979 d.235	11 N.J.R. 343(a)
	(Title 9, Transmittal 12 dated March 15, 1979 includes all rules through June 7, 1979 N.J. Register.)		

HUMAN SERVICES — TITLE 10

10:49-10	Contracting for prepaid health care services for Title XIX eligibles	R.1979 d.231	11 N.J.R. 346(b)
10:51-1.9(a)	Amend pharmaceutical services	R.1979 d.413	11 N.J.R. 559(c)
10:52-1.16	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:53-1.14	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-1.23	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-3, 54-4	Amend the Physician's Procedure Code Manual	R.1979 d.218	11 N.J.R. 346(a)
10:57-1.1	Amend definition of podiatry specialist	R.1979 d.293	11 N.J.R. 448(b)
10:59	Amend Medical Supplies and Equipment Manual	R.1979 d.324	11 N.J.R. 448(d)
10:63-4, -5	Delete text	R.1979 d.325	11 N.J.R. 448(e)
10:65	Amend medical day care	R.1979 d.325	11 N.J.R. 448(e)
10:66-1.18	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:69A	Amend pharmaceutical assistance to the aged	R.1979 d.209	11 N.J.R. 345(b)
10:69A-2.1	Amend definition of lifeline credit program	R.1979 d.375	11 N.J.R. 558(c)
10:81-1.1	Amend non-discrimination of handicap & statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-1.1(d)	Amend statement of principles	R.1979 d.426	11 N.J.R. 560(d)
10:81-1.4, 1.7, 1.8	Amend non-discrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2	Amend forms used in AFDC	R.1979 d.428	11 N.J.R. 560(e)
10:81-2.2	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2.2, 2.3	Amend updating of forms and signing of income tax waiver	R.1979 d.277	11 N.J.R. 383(a)
10:81-2.7	Amend eligibility of an applicant for AFDC-F or -N benefits pending a determination of incapacity	R.1979 d.423	11 N.J.R. 559(e)
10:81-3.5	Amend Public Assistance Manual	R.1979 d.444	11 N.J.R. 626(a)
10:81-3.9(a)5	Amend Medicaid special and unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-3.22, 3.24	Amend abandonment of State residency and timely notice of adverse action	R.1979 d.445	11 N.J.R. 626(b)
10:81-3.35	Amend legally responsible relatives	R.1979 d.427	11 N.J.R. 560(c)
10:81-5.2	Amend disregard of RSDI benefits received by full-time students and redetermination time interval	R.1979 d.444	11 N.J.R. 626(a)
10:81-7.1	Amend Public Assistance Manual	R.1979 d.445	11 N.J.R. 626(b)
10:81-7.36, 7.38, 7.41	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-8.22—8.24	Amend Medicaid special and provisions relative to unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-8.22, 8.23	Amend extension of medical benefits to a newborn child and a cross reference regarding LRR's	R.1979 d.425	11 N.J.R. 560(b)

10:82-1.2	Amend AFDC allowance standards	R.1979 d.256	11 N.J.R. 382(a)
10:82-1.7	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-1.7, 1.8	Amend disregard of work-study income, treatment of stipends and child care payments	R.1979 d.232	11 N.J.R. 346(c)
10:82-2.1, 2.2, 2.4, 2.9	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:82-2.14	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-3.8	Amend legally responsible relatives	R.1979 d.427	11 N.J.R. 560(c)
10:82-4.6, 4.15	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-5.9	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:85-2.4	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-3.1	Amend medical payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.2(c)	Amend Social Security numbers in the General Assistance Program	R.1979 d.280	11 N.J.R. 383(c)
10:85-3.2	Amend General Assistance Manual	R.1979 d.326	11 N.J.R. 449(a)
10:85-3.3(e)	Amend VISTA payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.3(e)	Amend exclusion of relocation payments as income or resources	R.1979 d.446	11 N.J.R. 627(a)
10:85-3.3(e)	Amend exclusion of certain income	R.1979 d.447	11 N.J.R. 627(b)
10:85-3.3(f)	Amend drug and alcohol treatment centers	R.1979 d.366	11 N.J.R. 520(a)
10:85-3.3(f)	Amend licensed boarding homes for sheltered care	R.1979 d.448	11 N.J.R. 627(c)
10:85-3.4(c)	Amend exclusion of relocation payments	R.1979 d.446	11 N.J.R. 627(a)
10:85-4.3	Amend assistance orders	R.1979 d.365	11 N.J.R. 519(f)
10:85-4.6	Amend victims of domestic violence	R.1979 d.323	11 N.J.R. 448(c)
10:85-5.7	Amend payments: SSI application pending	R.1979 d.365	11 N.J.R. 519(f)
10:85-6.3	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-6.7	Amend exemptions from work requirements, resources, savings and destruction of records	R.1979 d.326	11 N.J.R. 449(a)
10:87-3.12	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-3.20(b)	Voluntary quit; Food Stamp Manual	R.1979 d.247	11 N.J.R. 380(c)
10:87-5.10	Amend Food Stamp Manual	R.1979 d.387	11 N.J.R. 559(a)
10:87-6.22, 9.3, 11.15, 11.28	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-12.1	Amend Food Stamp Manual	R.1979 d.387	11 N.J.R. 559(a)
10:87 Appendix A	Amend Food Stamp Manual	R.1979 d.234	11 N.J.R. 346(e)
10:94-3.11, 3.13	Amend medical eligibility for Medicaid Only Program	R.1979 d.364	11 N.J.R. 519(e)
10:94-3.13(m)	Amend maximum allowances for consultant evaluation services	R.1979 d.449	11 N.J.R. 627(d)
10:94-4.33	Amend income eligibility levels	R.1979 d.257	11 N.J.R. 382(b)
10:98	Fiscal Years 1980-1982 State Plan for Vocational Rehabilitation	R.1979 d.340	11 N.J.R. 518(c)
10:100-1.23	Amend SSI payment schedule	R.1979 d.258	11 N.J.R. 382(c)
10:109	Amend to Ruling 11, Parts I and II	R.1979 d.362	11 N.J.R. 519(c)
10:122-2.3, 2.7	Amend child care licensing rules	R.1979 d.249	11 N.J.R. 381(a)
10:122-4	Family day care standards	R.1979 d.359	11 N.J.R. 519(b)
10:123-2.1	Social services for boarding home residents	R.1979 d.350	11 N.J.R. 519(a)
10:129	Child abuse and neglect cases; DYFS to inform prosecutors in certain cases	R.1979 d.400	11 N.J.R. 559(b)

(Title 10, Transmittal 12 dated May 17, 1979 includes all rules through June 7, 1979 N.J. Register.)

CORRECTIONS — TITLE 10A

10A:31	Standards for adult county correctional facilities	R.1979 d.438	11 N.J.R. 627(e)
10A:70-2.6	Amend notification	R.1979 d.341	11 N.J.R. 520(b)

(Title 10, Transmittal 12 dated May 17, 1979 includes all rules through June 7, 1979 N.J. Register.)

INSURANCE — TITLE 11

11:1-5.5(b), 5.6	Amend cancellation and nonrenewal of fire and casualty coverage	R.1979 d.219	11 N.J.R. 348(b)
11:1-5.8	Taxes paid to Firemen's Relief Associations	R.1979 d.356	11 N.J.R. 520(c)
11:3-7.8	Rules on cancellation of automobile insurance coverage	R.1979 d.155	11 N.J.R. 250(a)
11:4-20.1, 20.2	Unfair discrimination on basis of impairment	R.1979 d.434	11 N.J.R. 627(f)
11:5-1.27	Amend education requirements for licensure examination	R.1979 d.52	11 N.J.R. 142(b)

(Title 11, Transmittal 12 dated January 18, 1979 includes all rules through May 10, 1979 N.J. Register.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Amend maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1979 d.321	11 N.J.R. 449(d)
12:15-1.4	Amend taxable wage base under unemployment compensation law	R.1979 d.320	11 N.J.R. 449(c)
12:15-1.5	Amend contribution rate of governmental entities and instrumentalities	R.1979 d.327	11 N.J.R. 450(a)
12:175	Amendments ski lifts	R.1979 d.360	11 N.J.R. 521(a)
12:195	Amend carnival-amusement rides	R.1979 d.168	11 N.J.R. 285(a)
12:235-1.5	Amend worker's compensation rate	R.1979 d.319	11 N.J.R. 449(b)

(Title 12, Transmittal 10 dated January 18, 1979 includes all rules through May 10, 1979 N.J. Register.)

LAW AND PUBLIC SAFETY — TITLE 13

13:2	Amend alcoholic beverage	R.1979 d.138	11 N.J.R. 257(c)
13:2-17.14, 19.6	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:2-23.31	Amend employment of police officers	R.1979 d.67	11 N.J.R. 146(a)
13:2-31.4	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:10-2.4	Amend filing of reports	R.1979 d.112	11 N.J.R. 203(a)
13:19-4	Amend cardiovascular disorders	R.1979 d.367	11 N.J.R. 579(b)
13:19-5	Amend convulsive seizures	R.1979 d.220	11 N.J.R. 356(a)
13:19-10.2, 10.3, 10.4, 10.6	Amend point system and driving during suspension	R.1979 d.84	11 N.J.R. 202(c)
13:20-12.2	Amend driver reexamination	R.1979 d.435	11 N.J.R. 628(c)
13:20-33.26, 33.63	Amend miscellaneous lights	R.1979 d.193	11 N.J.R. 298(c)
13:21-5.10	Surrender of registration plates	R.1979 d.315	11 N.J.R. 466(b)
13:21-8.2	Amend proof of identity and date of birth	R.1979 d.382	11 N.J.R. 580(d)
13:21-15.3	Amend motor vehicle dealers	R.1979 d.371	11 N.J.R. 580(a)
13:24-2.5, 2.7, 4.1, 4.2, 5.1	Amend emergency vehicle equipment	R.1979 d.372	11 N.J.R. 580(b)
13:33-1.24	Amend applications for examination	R.1979 d.66	11 N.J.R. 145(b)
13:33-1.42	Rule on identification tags	R.1979 d.69	11 N.J.R. 146(c)
13:35-6.5	Amend pronouncement of death	R.1979 d.81	11 N.J.R. 202(a)
13:35-6.6	Amend requirements for issuing a prescription	R.1979 d.421	11 N.J.R. 582(a)
13:35-6.16	Uses of amphetamines and sympathomimetic amine drugs	R.1979 d.120	11 N.J.R. 257(b)
13:35-6.17	Prescribing, administering or dispensing amygdalin (laetrile)	R.1979 d.83	11 N.J.R. 202(b)
13:36-8.11	Multiple burials	R.1979 d.420	11 N.J.R. 582(b)
13:38-2.12	Preceptorship program	R.1979 d.276	11 N.J.R. 402(a)
13:38-5.1	Amend fee schedules	R.1979 d.158	11 N.J.R. 298(a)
13:39-4.4	Amend practical experience requirements for licensure	R.1979 d.254	11 N.J.R. 400(c)
13:39-6.8	Record of pharmacist filling prescriptions	R.1979 d.68	11 N.J.R. 146(b)
13:44-1.4, 2.4, 2.5	Repeal certain rules	R.1979 d.98	11 N.J.R. 202(d)
13:44-2.10	Amend pending emergency cases	R.1979 d.275	11 N.J.R. 401(c)
13:44A	Administrative practices and procedures; professional boards	R.1979 d.203	11 N.J.R. 353(b)
13:45A-6	Automotive sales practices	R.1979 d.392	11 N.J.R. 580(e)
13:45A-7.2	Amend repair of automobiles	R.1979 d.402	11 N.J.R. 581(a)
13:47B-1.9	Amend portable, self-contained vehicle scales	R.1979 d.192	11 N.J.R. 298(b)
13:47B-1.20	Amend sale and distribution of gasoline at retail	R.1979 d.268	11 N.J.R. 401(a)
13:47B-1.23	Amend half-price sales of gasoline	R.1979 d.335	11 N.J.R. 522(a)
13:47C-1.1, 3.4, 3.5	Rules concerning the advertising of lumber and building materials	R.1979 d.251	11 N.J.R. 400(b)
13:47C-4	Rules on the industry standard for New Jersey Atlantic White Cedar	R.1979 d.373	11 N.J.R. 580(c)
13:48	Rules concerning Charitable Fund Raising Act of 1971	R.1979 d.311	11 N.J.R. 466(a)
13:70-4.1, 4.2, 4.6, 4.19	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:70-6.11	Amend denial of nominations or entries	R.1979 d.250	11 N.J.R. 400(a)
13:70-29.8, 29.24, 29.25, 29.27, 29.47, 29.54, 29.55	Amend pari-mutuel wagering	R.1979 d.274	11 N.J.R. 401(b)
13:71-7.1, 7.5	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:71-8.2B, 17.1	Amend starter and starting gate rules in harness racing	R.1979 d.157	11 N.J.R. 297(a)
13:71-17.3	Amend vacancy in a tier	R.1979 d.349	11 N.J.R. 522(b)
13:71-17.7	Amend starter and starting gate rules	R.1979 d.157	11 N.J.R. 297(a)

(Title 13, Transmittal 13 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

**PUBLIC UTILITIES—TITLE 14
ENERGY—TITLE 14A**

14:1-1.4	Amend Board's address	R.1979 d.118	11 N.J.R. 260(b)
14:1-1.9	Amend cameras and recording devices in Board hearings	R.1979 d.211	11 N.J.R. 356(c)
14:1-6.2, 6.12, 6.21	Amend filing of petitions with the Department of Energy	R.1979 d.210	11 N.J.R. 356(b)
14:3-7.5(c)	Amend utility deposit returns	R.1979 d.117	11 N.J.R. 260(a)
14:3-7.5(c)	Amend interest paid by utility on customer accounts	R.1979 d.289	11 N.J.R. 467(a)
14:3-7.15	Notification to municipalities; discontinuance of service to residential customers	R.1979 d.352	11 N.J.R. 522(c)
14:5-3.2(c)	Amend periodic testing of commercial and industrial electric meters	R.1979 d.374	11 N.J.R. 585(c)
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14A:2-3	Amend regulation and control of the sale of motor gasoline during an energy emergency	R.1979 d.176	11 N.J.R. 298(d)
14A:2-3	Amend regulation and control of sale of motor gasoline during an energy emergency	R.1979 d.252	11 N.J.R. 403(a)
14A:2-3	Amend sale of motor fuels	R.1979 d.260	11 N.J.R. 406(b)
14A:2-3.5, 3.6	Amend control and sale of gasoline during an energy emergency	R.1979 d.270	11 N.J.R. 407(a)
14A:2-3.14	Sale of motor gasoline in containers	R.1979 d.253	11 N.J.R. 406(a)
14A:3-1.4	Variances and exemptions	R.1979 d.28	11 N.J.R. 91(b)
14A:3-3.6	Amend maintenance requirements for oil-fired heating units	R.1979 d.177	11 N.J.R. 299(a)
14A:3-10	Repeal air conditioner and heat pump energy efficiency	R.1979 d.178	11 N.J.R. 299(b)
14A:9	Coastal Energy Impact Program Intrastate allocation process	R.1979 d.80	11 N.J.R. 263(b)
14A:11	Periodic reporting of energy information by suppliers of motor gasoline	R.1979 d.154	11 N.J.R. 260(c)
14A:11-3	Rules on bulk terminal operating companies	R.1979 d.417	11 N.J.R. 585(d)

(Title 14, Transmittal 11 dated January 18, 1979 includes all rules through April 5, 1979 N.J. Register.)
(Title 14A, Transmittal 3 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

STATE — TITLE 15

(Title 15, Transmittal 11 dated May 17, 1979 includes all rules to date.)

PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978 includes all rules to date.)

TRANSPORTATION — TITLE 16

16:16-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:17-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:28-1.18	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-3.48	Amend restricted parking on parts of Routes 44, 52, 152 and 35	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.97	Amend restricted parking	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.107, 3.112	Amend restricted parking: Routes 94 and 3	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.121	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.194	Restricted parking on Route 7	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.198, 3.199	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.201, 3.202	Restricted parking on parts of Routes 29 and 179	R.1979 d.390	11 N.J.R. 589(b)
16:28-7.6	Lane usage on parts of Route 35	R.1979 d.296	11 N.J.R. 471(a)
16:29-1.8	Amend no passing zones on parts of Route U.S. 46	R.1979 d.346	11 N.J.R. 524(b)
16:29-1.20	No-passing zones on parts of Route U.S. 40	R.1979 d.264	11 N.J.R. 410(b)
16:30-3.5, 3.6	High occupancy vehicle lanes on parts of Routes I-95 and 444	R.1979 d.312	11 N.J.R. 471(c)
16:30-1.7	One-way traffic on parts of Eisenhower Avenue in Dover Township	R.1979 d.347	11 N.J.R. 524(c)
16:31-1.13	Amend no left turns on parts of Route 71	R.1979 d.348	11 N.J.R. 524(d)
16:31-1.14	Rules on no-left turns on parts of Route 35	R.1979 d.389	11 N.J.R. 589(a)
16:41-16	Permits allowing use or occupancy of State-owned railroad property	R.1979 d.331	11 N.J.R. 523(a)
16:53A	Rules on financial and accounting conditions and criteria for bus operating assistance program	R.1979 d.302	11 N.J.R. 471(b)
16:53B	Delegation of authority by Computer Operating Agency	R.1979 d.334	11 N.J.R. 523(b)
16:65-3.1, 3.2	Amend distribution and sale of construction plans and supplementary specifications	R.1979 d.388	11 N.J.R. 588(b)

(Title 16, Transmittal 13 dated June 14, 1979 includes all rules through June 7, 1979 N.J. Register.)

TREASURY-GENERAL — TITLE 17

17:1-1.15, 1.21, 4.23	Amend certain rules of the Division of Pensions	R.1979 d.169	11 N.J.R. 304(d)
17:2-1.8, 2.2, 2.4, 3.1, 3.6, 4.11, 4.14, 5.7, 6.2, 6.19, 7.1, 7.2	Amend Public Employees' Retirement System	R.1979 d.399	11 N.J.R. 596(b)
17:3-1.8, 2.1, 3.1, 4.11	Amend Teachers' Pension and Annuity Fund	R.1979 d.205	11 N.J.R. 359(a)
17:3-6.15	Amend compulsory retirement	R.1979 d.397	11 N.J.R. 596(a)
17:7-1.8(a)2.	Amend suspension of pension checks	R.1979 d.308	11 N.J.R. 476(a)
17:9-1.4, 2.11	Amend State Health Benefits Program	R.1979 d.159	11 N.J.R. 304(c)
17:9-5.5	Amend State Health Benefits Program	R.1979 d.396	11 N.J.R. 595(c)
17:9-7.2	Amend State Health Benefits Program	R.1979 d.261	11 N.J.R. 415(a)
17:10-1.7, 3.6	Amend Judicial Retirement System	R.1979 d.431	11 N.J.R. 649(b)
17:12	Amend Purchase Bureau's rules	R.1979 d.132	11 N.J.R. 264(a)
17:16-5.5	Amend classification of funds, temporary reserve group	R.1979 d.204	11 N.J.R. 358(b)
17:16-5.6	Amend trust group; classification of funds	R.1979 d.305	11 N.J.R. 475(b)
17:16-27	Amend certificates of deposit	R.1979 d.436	11 N.J.R. 650(c)
17:16-31.9	Amend calculation of daily income per participating unit	R.1979 d.437	11 N.J.R. 651(a)
17:16-42	Rules on covered call options	R.1979 d.306	11 N.J.R. 475(c)
17:16-43	Rules on mortgage backed pass-through certificates	R.1979 d.307	11 N.J.R. 475(d)
17:21-11	Lottery Derby Instant Lottery Game	R.1979 d.196	11 N.J.R. 305(d)
17:21-11.1	Meadowlands Sports Lottery	R.1979 d.381	11 N.J.R. 594(b)
17:21-12.1, 12.2, 13.1	Amend Pick-It and Pick-4 lotteries	R.1979 d.343	11 N.J.R. 529(a)
17:27-7.4	Amend affirmative action requirements for public contracts	R.1979 d.191	11 N.J.R. 305(c)

(Title 17, Transmittal 12 dated March 29, 1979 includes all rules through April 5, 1979 N.J. Register.)

TREASURY-TAXATION — TITLE 18

18:3	Amend alcoholic beverage tax	R.1979 d.180	11 N.J.R. 305(b)
18:4	Amend alcoholic beverage tax	R.1979 d.180	11 N.J.R. 305(b)
18:5	Amend Cigarette Tax Act	R.1979 d.92	11 N.J.R. 211(b)
18:6	Amend unfair cigarette sales	R.1979 d.86	11 N.J.R. 210(a)
18:7	Amend Corporation Business Tax Act	R.1979 d.45	11 N.J.R. 150(b)
18:8	Amend Financial Business Tax Law	R.1979 d.46	11 N.J.R. 151(a)
18:6-1.1	Amend Unfair Cigarette Sales Act	R.1979 d.416	11 N.J.R. 596(c)
18:12	Amend local property tax	R.1979 d.91	11 N.J.R. 211(a)
18:12-7.1(d)	Amendments concerning homestead tax rebate	R.1979 d.432	11 N.J.R. 650(a)
18:12A-1.12	Amend determination and judgments	R.1979 d.385	11 N.J.R. 595(b)
18:12A-1.14	Amend county boards of taxation	R.1979 d.217	11 N.J.R. 359(b)
18:15	Amend farmland assessment	R.1979 d.87	11 N.J.R. 210(b)
18:15-4.5	Amend structures and the Farmland Assessment Act	R.1979 d.262	11 N.J.R. 415(b)
18:16	Amend realty transfer fee	R.1979 d.93	11 N.J.R. 211(c)
18:17	Amend assessor qualification	R.1979 d.88	11 N.J.R. 210(c)
18:18	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:19	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:20	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:22	Amend public utility corporations	R.1979 d.47	11 N.J.R. 151(b)
18:23	Amend railroad property tax	R.1979 d.48	11 N.J.R. 151(c)
18:23A	Amend tax maps	R.1979 d.49	11 N.J.R. 151(d)
18:24-4.4	Amend sales and use tax	R.1979 d.89	11 N.J.R. 210(d)
18:24-7.8, 7.10	Amend sales and use tax	R.1979 d.90	11 N.J.R. 210(e)
18:24-7.15	Amend Sales and Use Tax Act	R.1979 d.179	11 N.J.R. 305(a)
18:24-25.2	Amend electronic data processing transactions; Sales and Use Tax Act	R.1979 d.384	11 N.J.R. 595(a)
18:26	Amend transfer inheritance tax	R.1979 d.50	11 N.J.R. 151(e)
18:26-8.7	Amend pre-audit payment of inheritance tax	R.1979 d.295	11 N.J.R. 475(a)
18:30	Amend capital gains and other unearned income tax	R.1979 d.51	11 N.J.R. 151(f)
18:35-1.11	Time for filing information returns	R.1979 d.56	11 N.J.R. 152(a)
18:35-1.12	Computation of tax credit under the gross income tax	R.1979 d.433	11 N.J.R. 650(b)

(Title 18, Transmittal 12 dated January 18, 1979 includes all rules through February 8, 1979 N.J. Register.)

OTHER AGENCIES — TITLE 19

19:1-4.1(a)	Repeal portions of rule on commitment applications	R.1979 d.226	11 N.J.R. 359(c)
19:8-1.2	Amend speed limits on the Garden State Parkway	R.1979 d.339	11 N.J.R. 530(a)
19:8-1.14	Energy crisis motor fuel limitations	R.1979 d.246	11 N.J.R. 415(d)
19:8-2.12	Amend Emergency services on the Garden State Parkway	R.1979 d.167	11 N.J.R. 309(b)
19:9-2.1	Amend prequalification of bidders	R.1979 d.160	11 N.J.R. 308(b)
19:9-5.1	Pre-employment screening	R.1979 d.181	11 N.J.R. 309(a)
19:25-4.8	Political action committees	R.1979 d.391	11 N.J.R. 597(b)
19:25-12.1(b)	Amend reporting of "street money"	R.1979 d.121	11 N.J.R. 266(a)
19:30-3	Payment of prevailing wages	R.1979 d.337	11 N.J.R. 530(b)
19:30-4	Targeting authority assistance	R.1979 d.338	11 N.J.R. 530(c)
19:40-2.1, 2.2	Rules on child labor laws	R.1979 d.378	11 N.J.R. 599(d)
19:41-1.3	Amend employee licenses applications	R.1979 d.379	11 N.J.R. 559(e)
19:41-2	Application procedures for casino hotel facilities	R.1979 d.173	11 N.J.R. 309(c)
19:41-7.16	Amend applications and additional copies	R.1979 d.357	11 N.J.R. 530(e)
19:41-13	Applications (casino license conservatorship)	R.1979 d.207	11 N.J.R. 360(b)
19:43-1.2	Amend license requirements	R.1979 d.174	11 N.J.R. 309(d)
19:43-1.14	Rules on Casino service industry licenses	R.1979 d.376	11 N.J.R. 599(b)
19:45	Amend internal and accounting controls	R.1979 d.336	11 N.J.R. 530(d)
19:46-1.1	Amend chip specifications	R.1979 d.358	11 N.J.R. 531(a)
19:46-1.13	Amend Big Six Wheel Game rules	R.1979 d.429	11 N.J.R. 600(b)
19:46-1.27	Amend aisle space	R.1979 d.82	11 N.J.R. 214(a)
19:46-1.32	Limitations on utilization of slot machines of any one manufacturer	R.1979 d.255	11 N.J.R. 420(b)
19:46-1.33	Metal tokens for use in \$1.00 slot machines	R.1979 d.175	11 N.J.R. 309(e)
19:47-1.2, 1.4, 1.5	Correct adoption relating to craps	R.1919 d.273	11 N.J.R. 421(a)
19:47-2.6—2.9	Amend Blackjack and peek rules	R.1979 d.380	11 N.J.R. 600(a)
19:47-5.5	Amend Big Six Wheel Game	R.1979 d.429	11 N.J.R. 600(b)
19:47-5.7	Minimum and maximum wagers	R.1979 d.206	11 N.J.R. 360(a)
19:47-5.7	Amend rules on minimum and maximum wagers	R.1979 d.377	11 N.J.R. 599(c)

(Title 19, Transmittal 12 dated January 18, 1979 includes all rules through March 8, 1979 N.J. Register.)

(Continued from Page 628)

13:20-12.2 Reexamination; categories

(a) The Director may require persons who operate motor vehicles on the highways of this State to be reexamined [in accordance with the program of the Accident Prevention Clinic] to determine their ability to operate motor vehicles safely. Reexamination may be required [in those instances covered by any of] of persons in the following categories:

1. [Persons involved in two or more traffic accidents within a period of 12 months;] Persons having mental or physical disorders which may affect their ability to safely operate a motor vehicle.

2. Persons involved in a traffic accident resulting in a fatality where a violation of [the traffic regulation provisions of N.J.S.A. 39] any of the provisions of N.J.S.A. 39:4-1 et seq. is established;

3. [Persons involved in one traffic accident having a record of two or more convictions for moving traffic violations within a period of 12 months;] Persons who have accumulated 12 or more points as provided in N.J.A.C. 13:19-10.1;

4. [Persons eligible to the restoration of their driving privilege after a conviction of operating or permitting another person to operate a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug, as provided in N.J.S.A. 39:4-50;]

[5. Persons having either a mental or physical deficiency which may effect their safe operation of motor vehicles;]

Persons convicted of violating any of the provisions of N.J.S.A. 39:4-1 et seq. where it appears the offense was of such a careless, reckless or indifferent nature as to require reexamination.

[6. Persons who have a driving record, involving two or more traffic accidents or moving violations, which indicates a need for reexamination to determine if they are capable of operating a motor vehicle with safety to themselves and to other users of the highways.]

An order adopting these amendments was filed and became effective on October 31, 1979 as R.1979 d.435.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments Concerning Speed Zones on Parts of Route U.S. 30 in Atlantic County

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to amend N.J.A.C. 16:28-1.57(a)1.viii et seq. concerning speed zones on parts of Route U.S. 30 in Atlantic County.

Full text of the proposed new rules follows.

16:28-1.57(a)1.viii. 55 miles per hour to the Camden-Atlantic County lines (milepost 30.72); thence

ix. 50 miles per hour to Fairview Avenue, Town of Hamonton (milepost 29.58); thence

x. 45 miles per hour to a point 1,350 feet east of Broadway and the Mullica Township line (milepost 26.05); thence

xi. 50 miles per hour to a point 950 feet east of Union Avenue, Mullica Township (milepost 22.30); thence

xii. 55 miles per hour to a point 1,050 feet east of Heidelberg Avenue, Mullica Township (milepost 18.29); thence

xiii. 45 miles per hour to the Egg Harbor City Line and between the Mullica Township Line and Second Street, Egg Harbor City (milepost 17.75); thence

xiv. 35 miles per hour to Boston Avenue, Egg Harbor City (milepost 17.09); thence

xv. 45 miles per hour to the Galloway Township line, Bermen Avenue (milepost 16.58); thence

xvi. 50 miles per hour between Galloway Township's corporate limits between Bermen Avenue and New Jersey Avenue (milepost 8.15); thence

xvii. 50 miles per hour to a point 900 feet west of Route U.S. 9, Absecon City (milepost 7.21); thence

xviii. 40 miles per hour to a point 300 feet east of Shore Road, Absecon City (milepost 6.60); thence

xix. 50 miles per hour to milepost No. 2 in Atlantic City; thence

xx. 40 miles per hour to Illinois Avenue, Atlantic City (milepost 1.40); thence

xxi. 35 miles per hour to Adriatic Avenue, the end of Route U.S. 30 in Atlantic City (milepost 0.42);

xxii. The legal speed limits through school zones shall be subject to the provisions of N.J.S.A. 39:4-98(a).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules and Amendments Concerning Restricted Parking on Parts of Routes U.S. 206, 36 and 23

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules and amend certain existing rules concerning restricted parking on parts of Routes U.S. 206, 36 and 23.

Full text of the proposal follows:

16:28-3.44 Route U.S. 206 in Shamong Township, Burlington County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 206 described herein below shall be, and hereby are, designated and established as "No Parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 206 from the Atlantic County-Burlington County corporate line to a point 2400 feet north of Atsion Road.

16:28-3.46 Route U.S. 206 in the Township of Mansfield, Burlington County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 206 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 206 from the Mansfield-Springfield Township corporate line to a point 1,200 feet northerly therefrom.

16:28-3.47 Route U.S. 206 in the Township of Springfield, Burlington County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 206 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 206 from the Springfield Township-Mansfield Township corporate line to a point 380 feet southerly therefrom.

16:28-3.61 Route 36 in the Township of Hazlet, County of Monmouth

In accordance with the provisions of s.78, c.23, L. 1951, N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 36 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 36 for the entire corporate limits of the Township of Hazlet, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

16:28-3.66(a)2. No stopping or standing along both sides of Route 23 within the corporate limits of the Borough of Hamburg, Sussex County, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

16:28-3.113(a)3. No stopping or standing along both sides of Route U.S. 206 within the corporate limits of the Township of Byram, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Restricted Parking On Parts of Routes 17, U.S. 130, 45, U.S. 9 and 3

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend certain rules concerning restricted parking on parts of Routes 17, U.S. 130, 45, U.S. 9 and 3.

Full text of the proposal follows.

16:28-3.1(a)2. No stopping or standing along both sides of Route 17 within the corporate limits of the Borough of East Rutherford, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

16:28-3.51 Route U.S. 130 in the Borough of Westville, Gloucester County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 130 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the westerly side of Route U.S. 130 (Southbound Road)

(1) From the southerly curb line of River Drive to the northerly curb line of Summit Avenue;

(2) From the southerly curb line of Highland Avenue to the northerly curb line of Woodbine Avenue.

ii. Along the easterly side of Route U.S. 130 (Southbound Road)

(1) From a point 125 feet south of the prolongation of the southerly curb line of River Drive to the prolongation of the southerly curb line of Summit Avenue;

(2) From the southerly curb line of Highland Avenue to the junction of Route 45 (Island Nose).

16:28-3.53 Route 45 in the Borough of Westville, County of Gloucester

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway 45 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along both sides of Route 45 (Southbound Road) from the junction of Route U.S. 130 (Island Nose) to a point 800 feet southerly therefrom.

ii. Along both sides of Route 45 from a point 800 feet south of the junction of Route U.S. 130 (Island Nose) to the northerly curb line of Redfern Lane.

16:28-3.62 Route U.S. 9 in the Township of Stafford, Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 9 from the northerly curb line of Route 180 to a point 135 feet south of the southerly curb line of Oxycoccus Road. 16:28-3.107(a)2. No stopping or standing along both sides of Route 3 within the corporate limits of the Borough of East Rutherford, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on No Passing Zones On Parts of Route 27 in Mercer County

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt new rules concerning no passing zones on parts of Route 27 in Mercer County.

Full text of the proposal follows:

16:29-1.21 Route 27 in the Borough of Princeton and the Township of Princeton, County of Mercer

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 27 described in drawing #HNPZ-046 dated July 16, 1979, as retained on file in the Bureau of Traffic Engineering in the Department of Transportation, shall be and hereby are designated and established as "No Passing" zones.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TREASURY

DIVISION OF PENSIONS

STATE POLICE RETIREMENT SYSTEM BOARD OF TRUSTEES

Proposed Amendments and New Rule Concerning The State Police Retirement System

Elmer G. Baggaley, Secretary of the State Police Retirement System Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 53:5A-30 proposes to amend N.J.A.C. 17:5-1.7 and 17:5-3.8 and adopt a new rule, to be cited as N.J.A.C. 17:5-2.3, concerning the State Police Retirement System.

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

17:5-1.7(a)2. [If a widow fails to timely file the annual statement with the system affirming that she has not remarried;] **If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility which is normally mailed to such beneficiaries on an annual basis;**

17:5-2.3 Proof of insurability

When proof of insurability is required, the member's opportunity to prove such insurability shall expire one year (12 months) from the date the initial written notice is sent advising him that he must prove insurability by taking a medical examination.

17:5-3.8(a)4. **The member has a claim pending for workers' compensation benefits.**

Interested persons may present statements or arguments in writing relevant to the proposals on or before December 26, 1979 to:

Elmer G. Baggaley, Secretary
State Police Retirement System
Board of Trustees
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The State Police Retirement System Board of Trustees may thereafter adopt rules concerning this subject without further notice.

Elmer G. Baggaley, Secretary
State Police Retirement System
Board of Trustees
Division of Pensions
Department of the Treasury

(c)

TREASURY

DIVISION OF PENSIONS

JUDICIAL RETIREMENT SYSTEM

STATE HOUSE COMMISSION

Proposed Amendments Concerning the Judicial Retirement System

William J. Joseph, Secretary of the Judicial Retirement

System State House Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq., proposes to amend N.J.A.C. 17:10-1.8, 17:10-2.2 and 17:10-5.4 concerning the Judicial Retirement System.

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

17:10-1.8(a) All members may be required to establish proof of their age with the system. A person enrolling [at age 45 or older] may be [required] requested to submit [evidence] proof at the time of enrollment[; under age 45,] and will be required to submit such proof before a period of [five] six years has elapsed from date of enrollment.

17:10-2.2 Enrollment following deferred retirement

The membership account under which a member elected deferred retirement shall be reinstated, in the case of such member who resumes service prior to the normal retirement age [60].

17:10-5.4 Deferred retirement

[A person electing a deferred retirement will receive the retirement benefit commencing with the month following his 60th birthday.] No beneficiary shall be eligible for a benefit if the member who elected to receive a deferred pension shall die before attaining age 60.

Interested persons may present statements or arguments in writing relevant to the proposals on or before December 26, 1979 to:

William J. Joseph, Secretary
Judicial Retirement System
State House Commission
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Judicial Retirement System State House Commission may thereafter adopt the rules concerning this subject without further notice.

William J. Joseph, Secretary
Judicial Retirement System
State House Commission
Division of Pensions
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules on the Savings Institution Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of Section 4 of P.L. 1979, Chapter 160, proposes to adopt new rules concerning the Savings Institution Tax Act.

Full text of the proposal follows:

CHAPTER 36. SAVINGS INSTITUTION TAX ACT

SUBCHAPTER 1. TRANSITION PROVISIONS

18:36-1.1 Rate of tax

Each taxpayer must pay a tax at the rate of five per cent for taxes payable through the calendar year 1979.

For taxes due in calendar year 1980 and each year thereafter, the rate is three per cent.

18:36-1.2 Income of certain interest or dividends

(a) Any income received from interest or dividends on obligations or securities of the State of New Jersey, its political subdivisions and authorities, as well as obligations of any authority, commission, instrumentality or territorial possession of the United States received before January 1, 1979, may be excluded from the tax base.

(b) Any income received from interest or dividends on obligations or securities of the State of New Jersey, its political subdivisions and authorities, as well as obligations of any authority, commission, instrumentality or territorial possession of the United States received on or after January 1, 1979, must be included in the tax base even though taxpayer reports on the basis of a fiscal year.

18:36-1.3 Partial payments

(a) With respect to fiscal or calendar accounting years ending after September 30, 1979, every taxpayer shall pay the excise tax due and such payment shall include a partial prepayment of eighty per cent of the tax liability as calculated under the provisions of the Savings Institution Tax Act.

(b) In succeeding accounting periods, taxpayer will be allowed a credit for such partial payment.

18:36-1.4 Credit for overpayment

(a) For any timely filed refunds presently pending or claimed within two years from the date of payment, such refunds shall be taken as a credit on the tax return which will be due in 1980, subject to audit.

(b) Such refunds may be taken as a credit by including them at line 14.c., page 1, of the savings institution tax return due in 1980.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF PENSIONS

JUDICIAL RETIREMENT SYSTEM

STATE HOUSE COMMISSION

Amendments and New Rules

Concerning Judicial Retirement System

On October 15, 1979, William J. Joseph, Secretary of the Judicial Retirement System, State House Commission, in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. and in accordance with applicable provisions of the Administra-

tive Procedure Act, adopted amendments to N.J.A.C. 17:10-1.7 and new rules, to be cited as N.J.A.C. 17:10-3.6, concerning the Judicial Retirement System as proposed in the Notice published July 5, 1979 at 11 N.J.R. 357(e).

An order adopting these amendments and new rules was filed and became effective on October 23, 1979 as R.1979 d.431.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TREASURY

DIVISION OF TAXATION

Amendments Concerning Homestead Tax Rebate

On October 26, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-3.80 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:12-7.1(d)12. concerning the homestead tax rebate as proposed in the Notice published October 4, 1979 at 11 N.J.R. 525(a).

An order adopting these amendments was filed and became effective on October 26, 1979 as R.1979 d.432.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

DIVISION OF TAXATION

Rules on Computation of Tax Credit Under the Gross Income Tax Act

On October 26, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 18:35-1.12, concerning the computation of the tax credit under the Gross Income Tax Act as proposed in the Notice published October 4, 1979 at 11 N.J.R. 525(b).

An order adopting these rules was filed and became effective on October 26, 1979 as R.1979 d.433.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TREASURY

STATE INVESTMENT COUNCIL

Amendments Concerning Certificates of Deposits

On October 26, 1979, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf

of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning certificates of deposits.

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

17:16-27.1 Permissible investments

Subject to the limitations contained in this subchapter the Director may invest and reinvest moneys of any pension and annuity, static, demand, temporary reserve or trust group fund in certificates of deposit of commercial banks provided that [such obligations are legal investments for savings banks in this State.]:

[17:16-27.2 Limitations imposed by the Banking Act of 1948 as amended and supplemented]

1. The [(a) A savings bank may make short-term] investments [limited to a term] in a certificate of deposit is limited to a term of one year or less; [in certificates of deposit in any bank whose stock qualified as a legal investment for savings banks.]

2. [(b) A savings bank may invest in common stock of a] The issuer of the certificate of deposit is a national banking association or trust company doing business anywhere within the United States which is a member of the Federal Reserve System; [and which]

3. The issuer, at the date of its last published statement preceding the date of investment, had a combined total of capital stock, surplus, reserve for contingencies and undivided profits equal to at least \$40,000,000 and also equal to at least four [six] per cent of its total assets; and [aggregate deposit liability and which]

4. The issuer, in each of the five fiscal years preceding the date of investment, paid dividends in cash of not less than four per cent on its common stock without having reduced the aggregate par value thereof within such five-year period.

17:16-27.2[17:16-27.3] Other limitations

(a) The total amount of certificates of deposit in any one bank shall not exceed 25 per cent of a bank's net worth designated as capital, surplus and undivided profits. In making this calculation, certificates of deposit purchased for the following State agencies will be taken into account:

1. New Jersey Housing Finance Agency;
2. New Jersey Educational Facilities Authority;
3. New Jersey Sports and Exposition Authority;
4. New Jersey Health Care Facilities Financing Authority;
5. New Jersey Mortgage Finance Agency;
6. New Jersey Economic Development Authority.

17:16-27.3 [17:16-27.4] Legal papers

Prior to any commitment to purchase obligations of the type described in this subchapter, the director shall have obtained a certification signed by a member of the division's staff and endorsed by the director stating that, in their opinion, the security under consideration qualifies as a legal investment [for savings banks in this State.] under this regulation.

An order adopting these amendments was filed and became effective on October 31, 1979 as R.1979 d.436 (Exempt, Procedure Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

TREASURY

STATE INVESTMENT COUNCIL

Amendments Concerning New Jersey Cash Management Fund

On October 26, 1979, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-3.9 concerning the New Cash Management Fund and the calculation of daily income per participating unit.

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

17:16-31.9(c) The charge to establish a reserve shall be in the sum [equal to 1/10 of] of up to and not to exceed 1/10 of one per cent per annum of the aggregate value of the units owned by the other than State funds, and the daily income per participating unit owned by such other than State funds shall reflect their pro rata share of such sum. Such charge shall be made only until such time as the value of the fund, (the "reserve fund") aggregates \$1,000,000, at which time the charge will be discontinued. The reserve fund shall be a participating fund in the State of New Jersey Cash Management Fund and shall be credited with and will retain daily income per participating unit in the manner of participating State funds. In the event of a loss occasioned by the bankruptcy of an issuer of a security held by the State of New Jersey Cash Management Fund, such loss will be shared pro rata by all participants in the fund, but the assets of the reserve fund will be applied pro rata in a manner approved by the State Investment Council to that portion of the loss accruing to the "other than State funds". In no event will the application of the assets of the reserve fund exceed the loss accruing to the other than State funds, and no State funds will share in the disposition of the assets of the reserve fund. The charge shall be reinstated at such time as the reserve fund is drawn down below \$1,000,000.

(d) The charge for administrative expenses shall be in the sum [equal up to] of up to and not to exceed 1/10 of one per cent per annum of the aggregate value of the units owned by the other than State funds, and the daily income per participating unit owned by such other than State funds shall reflect their pro rata share of such sum. The charge for administrative expenses shall be paid into a fund whose assets shall be at the disposal of the Treasurer.

An order adopting these amendments was filed and became effective on October 31, 1979 as R.1979 d.437 (Exempt, Procedure Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

TURNPIKE AUTHORITY

Proposed Amendments Concerning the Procedure for Prequalification and Award on Construction Contracts

The New Jersey Turnpike Authority, pursuant to au-

thority of N.J.S.A. 27:23-1 et seq., proposes to delete the current text of N.J.A.C. 19:9-2.1 and adopt new text therein concerning the procedure for prequalification and award on New Jersey Turnpike Authority construction contracts.

Full text of the proposed new rules follows.

19:9-2.1 Procedure for prequalification and award on construction contracts

(a) All prospective bidders for construction contracts in excess of \$50,000 shall be prequalified annually into classifications by the Chief Engineer of the New Jersey Turnpike Authority. Prospective bidders will be classified according to the type of work and the amount of work on which they are entitled to bid as set out in Exhibit A. Proposals submitted by prequalified bidders who have received classification ratings set forth in Exhibit A will be considered for award by the Authority when the total price of the proposal exceeds the maximum limit of the rating by 10 percent or less. The Chief Engineer may, from time to time, add additional specialized work categories to Item 24 "Special classification."

(b) In order to prequalify in classifications, prospective bidders shall submit annually, or at least five working days prior to bid opening for a specific contract, the proof of the following:

1. As to type of work, recent satisfactory experience as a contractor on a contract involving substantially the same or similar work to the classification being sought;

2. As to amount of work, recent satisfactory experience as a contractor on a single contract having a value of at least 60 percent of the maximum limit of the classification rating being sought; or, several contracts performed at or about the same time having a cumulative value of at least 60 percent of the said maximum limit;

3. Satisfactory financial condition of the prospective bidder;

4. Adequate facilities, including plant, equipment and experience of key personnel and officers of the company;

5. Affidavit that the bidder is not now, nor has been involved, directly or indirectly, in any proceeding, conduct or activity relating to, or reflecting upon, the moral integrity of the bidder;

6. A contractor's qualifying statement: The statement shall show the prospective bidder's status at the end of the month prior to the date of the statement. Prequalified bidders shall not submit another qualifying statement when submitting proposals, but will submit a prequalification recapitulation when submitting proposals;

7. Affidavit that the bidder has not been disqualified from future bidding as set forth under subsection (g) of this section, and paragraph 9 of the contractor's qualifying affidavit.

(c) The Chief Engineer shall review the statement and other information submitted by prospective bidders, and shall notify them of his decision as to their classification by certified mail. The classification will be valid for a period of one year from the date of the Chief Engineer's decision, and the prospective bidder will be allowed to bid on all Turnpike contracts within these classification limits for this one year period without the need of additional prequalification, subject to subsections (d) and (g) of this section. At the end of this one year period, the prequalification of the bidder will expire and to be renewed, the prospective bidder must meet the requirements of subsection (b) of this section.

(d) The Chief Engineer shall reserve the right to require a bidder to submit such additional evidence of his qualifications as he may deem necessary, and shall con-

sider any evidence available to him of the financial, technical, and other qualifications and ability of a bidder. The Chief Engineer may change or revoke at any time the classifications of any bidder upon any evidence that said bidder does not meet the financial, technical, moral, or other qualifications of the classification.

(e) The Chief Engineer may deny prequalification of any bidder who fails to comply with the provisions of subsection (b) of this section, and further, may recommend to the Authority rejection of any bid where the bidder, at such time, has failed to comply with the provisions of subsection (b) of this section.

(f) The Authority reserves the right to waive the prequalification procedures and requirements in contracting in an emergency situation.

(g) A bidder shall be disqualified from future bidding on any Turnpike project if such bidder claims, whether successfully or not, its right to withdraw its bid because of unilateral mistake. Such disqualification shall be effective for a period of six months from the date of opening the bid sought to be withdrawn.

(h) Any prospective bidder rejected for prequalification or dissatisfied with his classification may request a hearing before the Chief Engineer, including bidders disqualified pursuant to subsection (g) of this section, and at such hearing may present further evidence to justify prequalification or changing of his classification. The Chief Engineer shall make all arrangements for such hearing.

(i) Bidders on all other contracts not requiring prequalification shall, however, comply with the provisions of subsection (b) of this section.

(j) The lowest bidder whose bid has been rejected for any reason by the Authority may request, not later than 72 hours after receipt of notice of said rejection, a hearing before the Executive Director of the New Jersey Turnpike Authority. The Executive Director may deny such hearing or grant such hearing before himself or such representatives as he may designate. The Executive Director or his designee shall make all arrangements for such hearing.

EXHIBIT A

**CONTRACTOR'S CLASSIFICATION
CLASSIFICATION BRIEF DESCRIPTION**

- | | |
|------------------------------------|---|
| 1. Bridge Structures | Bridge, viaducts, retaining walls, foundations, fabrication and erection of structural steel, intermediate members, deck repair and/or replacement. |
| 2. Communications | Installation and testing of switching equipment, telecommunications and all other communication systems. |
| 3. Computer Systems | Fabrication of computer system, installation, electrical and other work incidental thereto, including associated software. |
| 4. Concrete Maintenance | Concrete repairs, concrete sawing, sealing, curing. |
| 5. Demolition | Demolition and/or removal of buildings, structures. |
| 6. Dredging | Grading and drainage, excavation, embankment, fill, subgrade material, muck removal — primarily by dredging methods. |
| 7. Electrical Work, Buildings | All electrical work for buildings. |
| 8. General Construction, Buildings | General construction of buildings, including all incidental work. |

- | CLASSIFICATION | BRIEF DESCRIPTION |
|---|--|
| 9. General Construction, Highway | Work involving grading, drainage, paving (no bridges). |
| 10. Grading and Drainage | All grading and drainage, clearing, including drainage structures. |
| 11. Guard Rail and Fencing | All types of guard rail, all types of fencing. |
| 12. Heating, Ventilating and Air Conditioning | All heating, ventilating, air conditioning work involved for building construction. |
| 13. Heavy Highway | Work involving any combination of excavation, grading, drainage, paving, bridges. |
| 14. Kitchen Equipment | Fabrication, installation of kitchen and restaurant equipment for buildings. |
| 15. Landscaping | Planting, seeding, topsoiling, grading, jute mesh, erosion control and all other landscaping procedures. |
| 16. Electrical Work, Highway | Roadway, area, parking and ramp lighting, lighting standards, electrical distribution panels and other underground and overhead electrical work. |
| 17. Painting | Cleaning, priming, painting of structural steel and members (bridges, towers, tanks). |
| 18. Paving | Work involving all types of paving, new and resurfacing. |
| 19. Plumbing | All plumbing work for building construction including sanitary facilities. |
| 20. Sewerage and Water Supply | Construction of sewerage and water treatment plants, including structures and equipment, installation and repair; erection, repair and/or replacement of water towers. |
| 21. Signing | All types of signing, delineation, overhead sign structures. |
| 22. Structural Steel & Iron Buildings | Fabrication and erection of structural steel for buildings, including reinforcing, and ornamental iron work. |
| 23. Toll Booths and Equipment | Toll booth fabrication and installation, toll collection equipment, canopies, roofing, soffit lane lights, luminous signing. |
| 24. Special Classifications | Specialized work not sufficiently included in other defined classifications; such as, but not limited to the following: |
| Toll Revenue and Computer Systems | Toll revenue system design fabrication, testing, installation, including associated computed and communication subsystems with software development. |
| Timber Construction | Bridge fender systems and all types of timber construction. |
| Architectural Metal Panel Construction | All types of architectural metal panel construction. |
| Fencing | All types of fencing. |
| Fuel Distribution Systems | Construction of fuel distribution systems including installation of dispensers, storage tanks, and all associated electrical work and piping. |

CLASSIFICATION	BRIEF DESCRIPTION
Interior Furnishings	Carpeting and other interior furnishings.
Water Supply Well Construction and Rehabilitation	Construction, rehabilitation and testing of water supply wells.
Lining Fuel Storage Tanks	Epoxy resin lining of fuel storage tanks.
Automotive Service Equipment	Vehicle lifts and all types of automotive service equipment.
Concrete Median Barrier	Construction and installation of precast or cast-in-place concrete median barrier, sidewalks, curbs and other similar concrete components.
Bridge Drainage Systems	Construction and modification of bridge supported and in-ground bridge drainage systems.
Prefabricated Buildings	Installation of all types of prefabricated buildings.
Roofing	Construction and Rehabilitation of all types of roofing systems.
Fire Protection Systems	Construction of dry chemical, pre-engineered and CO2 type fire protection systems.

CLASSIFICATION RATING:	
	A. up to \$150,000 maximum
	B. up to \$500,000 maximum
	C. up to \$1,000,000 maximum
	D. up to \$2,000,000 maximum
	E. up to \$5,000,000 maximum
	F. Unlimited
	Special Rating — (limits to be established in specific situations where other Classification Rating is not adequate)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Marian B. Macaulay
Assistant Secretary
New Jersey Turnpike Authority
New Brunswick, N.J. 08903

The New Jersey Turnpike Authority may thereafter adopt rules concerning this subject without further notice.

Marian B. Macaulay
Assistant Secretary
New Jersey Turnpike Authority

(a)

CASINO CONTROL COMMISSION

Proposed Amendments to Rules of the Games

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 various sections in Chapter 47 of Title 19 in the New Jersey Administrative Code concerning the Rules of the Games.

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

19:47-1.3(b) All wagers at craps shall be made by placing gaming chips or plaques on the appropriate areas of the craps layout except that verbal wagers accompanied by

cash [or authorized cash equivalents] may be accepted provided that they are confirmed by the dealer and that such cash [or cash equivalents are] is expeditiously converted into gaming chips or plaques in accordance with the regulations governing the acceptance and conversion of such instruments.

19:47-1.3(e) All buy and place to win bets, come odds, and hardways shall be inactive on any come out roll unless called "On" by the player and confirmed by the dealer through placement of an "On" marker button on the top of each player's wager. All other wagers, shall be considered "On".

Renumber N.J.A.C. 19:47-1.3(e) as N.J.A.C. 19:47-1.3(f).

19:47-2.3(d) All wagers at blackjack shall be made by placing gaming chips or plaques on the appropriate areas of the blackjack layout except that verbal wagers accompanied by cash [or authorized cash equivalents] may be accepted provided that they are confirmed by the dealer and casino supervisor and that such cash [or cash equivalents are] is expeditiously converted into gaming chips or plaques in accordance with the regulations governing the acceptance and conversion of such instruments.

19:47-2.4(b) After the cards are inspected, the cards shall be spread out face upwards on the table for visual inspection by the first player or players to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. [Hearts shall be placed to the far right of the dealer continuing counter-clockwise with clubs, diamonds and spades.] The cards in each suit shall be laid out in sequence within the suit.

19:47-2.6(b) Each dealer shall remove cards from the shoe with his left hand, turn them face upwards, and then place them on the appropriate area of the layout with his right hand[.], except that the dealer has the option to deal hit cards to the first two positions with his/her left hand.

19:47-2.6(c) After each full set of cards is placed in the shoe, the dealer shall remove the first card therefrom face upwards and place it in the discard rack which shall be located on the table immediately in front of or to the right of the dealer. Each new dealer who comes to the table shall also burn one card as described herein before the new dealer deals any cards to the players.

19:47-2.6(h) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards [or his hand and then the cards] beginning with those of the player to his far right and moving counter-clockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in the discard rack.

19:47-2.8 Surrender

(a) After the first two cards are dealt to a player, the player may elect to discontinue play on his hand for that round by surrendering half his bet. The remaining half may then be removed by the player. All decisions to surrender shall be made immediately after the player receives his initial two cards[.], and the dealer receives the appropriate number and announces each player's point total.

(b) If the player has made an insurance wager and

then elects to surrender, the player shall remove the insurance wager and surrender half of this original wager.

19:47-2.15 Irregularities

(a) A card found turned face upwards in the shoe shall not be used in the game and shall be placed in the discard rack.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, such card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept such card shall not have any additional cards dealt to him during such round. If the card is refused by the players and the dealer cannot use the card, the card shall be burned.

(d) If the dealer has seventeen and accidentally draws a card for himself, such card shall be burned.

(e) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player, and then deal the appropriate number of cards to himself.

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures outlined in section 5 of this subchapter, the first card shall be drawn face upwards and burned, and the dealer shall complete the round of play.

(g) If no cards are dealt to the player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to the player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

19:47-3.2(c) All wagers at Baccarat-Punto Banco shall be made by placing gaming chips or plaques on the appropriate areas of the Baccarat-Punto Banco layout except that verbal wagers accompanied by cash [or authorized cash equivalents] may be accepted provided they are confirmed by the dealer and casino supervisor at the table and such cash [or cash equivalents are] is expeditiously converted into gaming chips or plaques in accordance with the regulations governing the acceptance and conversion of such instruments.

19:47-3.4(b) Following the inspection of the cards by the dealer and a floorman assigned to the table, the cards shall be spread out face upwards on the table for visual inspection by the first participant or participants to arrive at the table. The cards shall be spread out in columns by deck according to suit and in sequence. [Hearts shall be placed to the right continuing to the left with clubs, diamonds and spades.] The cards in each suit shall be laid out in sequence within the suit.

19:47-3.5 Shuffle and cut of the cards

(a) Immediately prior to the commencement of play and after each shoe of cards is completed, the dealers shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled, the dealer shall lace approximately one deck of cards so that they are evenly dispersed into the remaining stack. After lacing the cards, the dealer calling the game shall offer the stack of cards, with backs facing away from him, to the participants to be cut. The dealer shall begin with the participant seated in the highest number position at the table or, in the case of reshuffle, the last curator and working clockwise around the table, shall offer the stack to each

participant until a participant accepts the cut. If no participant accepts the cut, the dealer shall cut the cards.

(c) The cards shall be cut by placing the cutting card in the stack at least 10 cards in from either end.

(d) Once the cutting card has been inserted into the stack, the dealer shall take all cards in front of the cutting card and place them to the back of the stack[.]. [after which, the dealer shall lace approximately one deck of cards into the remaining stack. After lacing the cards, the] The dealer shall then insert one cutting card in a position at least 14 cards in from the back of the stack and the second cutting card at the end of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play. Prior to commencement of play, the dealer [may implement a burn card procedure as may be required by the casino licensee.] shall remove the first card from the shoe and place it, and an additional amount of cards equal to the amount on the first card drawn, in the discard bucket after all cards have been shown to the players. Face cards and tens count as tens. Aces count as one.

19:47-3.8(e) Whenever the cutting card appears during play, the cutting card will be removed and placed to the side and the hand will be completed. [Upon completion of that hand, the dealer calling the game shall announce "next to the last hand".] Upon completion of that hand, the dealer calling the game shall announce "last hand". At the completion of [the] one more hand, no more cards will be dealt until the reshuffle occurs.

19:47-3.12 Irregularities

(a) A third card dealt to the "Player's Hand" when no third card is authorized by these regulations shall become the third card of the "Banker's Hand" if the "Banker's Hand" is obliged to draw by Table 2 of section 9 of this subchapter. If, in such circumstances, the "Banker's Hand" is required to stay, the card dealt in error shall become the first card of the next hand[.] unless it has been disclosed. In such case, the disclosed card and an additional number of cards equal to the amount on this card shall be drawn face upwards from the shoe and placed in the discard bucket.

(b) A card drawn in excess from the shoe [whether] if not disclosed [or not] shall be used as the first card of the next hand of play. If the card has been disclosed, a burn card procedure as described in subsection (a) of this section shall be implemented.

(c) All cards found face upwards in the shoe shall [be used as if they were not found face upwards.] not be used in the game and shall be placed in the discard bucket, along with an additional amount of cards, drawn face upwards, which agrees with the number on the cards found face upwards in the shoe.

(d) If there are insufficient cards remaining in the shoe to complete a round of play, that round shall be void and a new round shall commence after the entire set of cards are reshuffled and placed in the shoe.

19:47-4.3 Opening of table for gaming

(a) After receiving the six or more decks of cards at the table, the dealer calling the game shall sort and inspect the cards in accordance with N.J.A.C. 19:46-1.18 [this chapter].

(b) Following the inspection of the cards by the dealer and a floorman assigned to the table, the cards shall be spread out face upwards on the table for visual inspection by the first participants to arrive at the table. The cards shall be spread out in columns by deck according to suit and in sequence. [Hearts shall be placed to the right continuing to the left with clubs, diamonds and spades.]

The cards in each suit shall be laid out in sequence within the suit.

(c) After the first participants are afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked.

19:47-4.4 Shuffle and cut of the cards

(a) Immediately prior to the commencement of play and after each shoe of cards is completed, the dealers shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled, the dealer shall lace approximately one deck of cards so that they are evenly dispersed into the remaining stack. After lacing the cards, the dealer calling the game shall offer the stack of cards, with backs facing away from him, to the participants to be cut. The dealer shall begin with the participant seated in the highest numbered position at the table or, in the case of a re-shuffle, the participant seated to the left of the participant responsible for dealing the cards, and working clockwise around the table, shall offer the stack to each participant until a participant accepts the cut. If no participant accepts the cut, the dealer shall cut the cards.

(c) The cards shall be cut by placing the cutting card in the stack at least 10 cards in from either end.

(d) Once the cutting card has been inserted into the stack, the dealer shall take all cards in front of the cutting card and place them to the back of the stack[.]. [after which, the dealer shall lace approximately one deck of cards into the remaining stack. After lacing the cards, the] The dealer shall then insert one cutting card in a position at least 14 cards in from the back of the stack and the second cutting card at the end of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play. Prior to commencement of play, the dealer [may implement a card burn procedure as may be required by the casino licensee.] shall remove the first card from the shoe and place it, and an additional amount of cards equal to the amount on the first card drawn, in the discard bucket after all cards have been shown to the players. Face cards and tens count as tens. Aces count as one.

19:47-4.7(f) Any wager placed by the participants in cash [or authorized cash equivalents] shall be exchanged immediately by the dealer for gaming chips or plaques in accordance with the regulations governing the acceptance and conversion of such instruments.

19:47-4.12(e) A card dealt face upwards to the Dominant Player after he has said "Stay" shall become the Banker's card in the event the Banker is obliged to draw or has the option of drawing a third card in accordance with these regulations. If the Banker is required to stay under these regulations, the card dealt in excess and an additional number of cards equal to the amount on the card drawn in error shall be drawn face upwards from the shoe [shall be discarded] and placed in the discard bucket at the table.

19:47-4.12(f) A card dealt face upwards to the Dominant Player after he has said "Stay" and the dealer has mistakenly said "Card" shall become the Banker's card in the event the Banker is obligated to draw a third card under these regulations. If the Banker is not obligated to draw a third card, the card dealt in excess and an additional number of cards equal to the amount on the card drawn in error shall be drawn face upwards from the shoe [shall be discarded] and placed in the discard bucket at the table.

19:47-4.12(i) Cards found turned face upwards in the shoe shall not be used in the game and shall be placed in the discard bucket, along with an additional amount of cards, drawn face upwards, which agrees with the number on the cards found face upwards in the shoe. [be discarded and placed in the discard bucket at the table.] The last hand of a shoe shall be void when a card of that hand is found face upwards in the shoe.

19:47-5.1(a) All wagers at Roulette shall be made by placing gaming chips or plaques on the appropriate areas of the roulette layout except that verbal wagers accompanied by cash [or authorized cash equivalents] may be accepted provided that they are confirmed by the dealer and that such cash [or cash equivalents are] is expeditiously converted into gaming chips or plaques in accordance with the regulations governing the acceptance and conversion of such instruments.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Joseph P. Lordi, Chairman
Casino Control Commission
379 West State St.
Trenton, N.J. 08625

The New Jersey 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 Exclusion of Skillful Players, Cut Card and Reshuffling

Joseph P. Lordi, Chairman of the New Jersey Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning the exclusion of skillful players, cut card and reshuffling.

Full text of the proposal follows:

19:47-2.16 Exclusion of skillful players, cut card and reshuffling

(a) No casino licensee or employee or agent thereof shall prohibit a person from gaming at blackjack because such person is lucky, winning, skillful or following a card counting strategy.

(b) Notwithstanding the provisions of N.J.A.C. 19:47-2.5(d), the dealer at a blackjack table shall insert the cutting card in a position at least approximately one-quarter, but no more than one-half, of the way in from the back of the stack of cards.

(c) Notwithstanding the provision of N.J.A.C. 19:47-2.5(g) and 19:47-2.6(j), the dealer at a blackjack table shall have the discretion to reshuffle the cards whenever a player either:

1. Bets three or more times the amount of his immediately preceding wager at a table with a minimum limit of \$25.00 or more; or
2. Bets five or more times the amount of his immediately preceding wager at a table with a minimum limit of less than \$25.00; or
3. Bets \$100.00 or more on his initial wager at a table with a minimum limit of less than \$25.00; or

4. Bets \$200.00 or more on his initial wager at a table with a minimum limit of \$25.00 or more.

(d) It shall be unlawful for any person in a casino to possess with the intent to use at the game of blackjack or to use at the game of blackjack, either by himself or in concert with others, any calculator or computer, or any other electronic, electrical or mechanical device to assist the player in keeping track of or analyzing either the cards having been dealt, the changing probabilities of the game, or the playing strategies to be utilized.

(e) The chairman shall have the authority, subject to review by the commission, at its next meeting, to render inoperative or otherwise modify this section at any time upon a finding that its implementation has a significant adverse impact on either the fairness or profitability of the game of blackjack.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 26, 1979 to:

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

The New Jersey 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 Amendments Concerning The Gross Revenue Tax

Joseph P. Lordi, Chairman of the New Jersey 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 the gross revenue tax.

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

19:54-1.1 Description of tax

Section 144(a) of the Act imposes an annual tax on gross revenues, as defined in Section 24 of the Act, in the amount of eight per cent of such gross revenues; but effective July 1, 1979, the tax shall be 12 per cent of such gross revenues when two or three licensed casinos are in operation, 10 per cent when four licensed casinos are in operation and eight per cent when five or more licensed casinos are in operation. However, if a third licensed casino is not in operation by April 1, 1980, the annual tax shall be 14 per cent of gross revenues derived by the two operating casinos from July 1, 1979, until the operation of a third licensed casino or June 30, 1980, whichever occurs first. The full 14 per cent tax payment shall be made prior to July 1, 1980.

19:54-1.2 Definitions

...
"Casino licensee or licensed casino" includes the holder of a casino license or temporary casino permit.
...

19:54-1.3 Tax year

For purposes of the [eight per cent] tax on gross rev-

enues, the tax year shall be the calendar year. In the year in which a casino operator commences gaming operations, the tax year for that casino operator shall begin with the commencement of operations and terminate on the last day of the current calendar year.

19:54-1.4(a) The obligation to file returns and reports and to pay the [eight per cent] gross revenue tax shall be upon the casino operator who shall be primarily liable therefor. In the event of a transfer of operations to a different casino operator, the transferee-operator will be obligated to file a return and to pay all taxes based upon gross revenues derived by the said transferee during the tax year in which the transfer occurred. The appointment of a conservator under the Act shall not be deemed a transfer to a different casino operator but, for the duration of the conservatorship, the conservator shall file all returns and pay all taxes on behalf of the former or suspended casino licensee who shall remain primarily liable therefor.

19:54-1.5 Payment of tax

(a) In accordance with Section 148(a) of the Act, the [eight per cent] gross revenues tax shall be due and payable annually on or before the 15th calendar day of March provided that if the 15th calendar day of March is a Saturday, Sunday or legal holiday, the due date shall be advanced to the next preceding regular business day. The [eight per cent] gross revenues tax shall be based upon the gross revenues derived by the casino operator during the previous tax year. Notwithstanding the foregoing if a third licensed casino is not in operation by April 1, 1980, the two operating casinos shall be required to pay the 14 per cent gross revenues tax on all gross revenues derived from July 1, 1979 to the date of operation of a third licensed casino or June 30, 1980, whichever occurs first and such tax shall be paid in full by July 1, 1980. The amount of the annual tax shall be computed in accordance with section 6 of this subchapter.

(b) The annual nature of the tax notwithstanding, the casino operator shall make [at least monthly] weekly deposits of the tax at such times, under such conditions, and in such depositories as shall be prescribed by the State Treasurer pursuant to Section 145(b) of the Act, provided that deposits for a given [month] week shall be made no later than the [10th calendar day] Monday of the succeeding [month] week. If such Monday is a legal holiday, the deposit shall be made on the next business day. [In the event that such 10th calendar day is a Saturday, Sunday or legal holiday, the due date shall be advanced to the next preceding regular business day]. In the event that the week for which the weekly deposit is being made includes days from two calendar months, the casino operator shall deposit and report separately, the amount of the deposit attributable to the days of each month. The deposits shall be deposited to the credit of the Casino Revenue Fund.

(c) The amount of the required weekly deposit for a given week shall be determined by the following calculations:

1. The total tax liability incurred by the casino operator based upon gross revenues derived by the operator from the commencement of the tax year to the close of business at 6:00 A.M. on Saturday of the given week, minus;
2. The total amount of deposits made by the casino operator in the current tax year up to and including the week preceding the given week.

[(c)] (d) The amount of deposits required for a given month shall be the amount determined by the following calculations:

1. The total tax liability incurred by the casino operator

based upon gross revenues derived by the operator from the commencement of the tax year to the close of the last day of the given month [which tax liability shall be computed in accordance with section 6 of this subchapter using the period from the beginning of the tax year to the close of the given month as though it were the tax year]. minus;

2. The total amount of deposits made by the casino operator [in relation to all months] in the current tax year upon and including the month preceding the month in question.

....

Renumber subsection (d) as subsection (e).

19:54-1.6 Computation of tax

(a) [The eight per cent gross revenues tax liability for the tax year shall be eight per cent of the amount obtained from the following calculations:] The gross revenues tax shall be 12 per cent of gross revenues derived when two or three licensed casinos are in operation, 10 per cent derived when two or three licensed casinos are in operation, 10 per cent derived when four licensed casinos are in operation and eight per cent derived when five or more licensed casinos are in operation. However, if a third casino is not in operation by April 1, 1980, the tax shall be 14 per cent of gross revenues derived by the two operating casinos from July 1, 1979, until the operation of a third licensed casino or June 30, 1980, whichever occurs first. The gross revenues for the tax year, or portion thereof, shall be the amount obtained from the following calculation:

1. The sum of the totals for the tax year, or portion thereof, which appear in the casino department accounts for revenues from table games and the casino department accounts for revenues from coin-operated devices, which accounts are to be maintained in accordance with generally accepted accounting principles as part of the uniform chart of accounts for casino departments;

19:54-1.7(a) The casino operator shall file with the State Treasurer an annual tax return for purposes of the [eight per cent] Gross Revenues Tax. The return shall be filed no later than March 15 following the tax year. At the same time, the casino operator shall file a copy of the annual return with the Commission. Filing of this copy shall satisfy the reporting of gross revenues requirement imposed by Section 148(a) of the Act. The return shall be made on a form promulgated and distributed by the Commission pursuant to Section 151 of the Act. The casino operator shall provide all information required on the form and shall attest to the accuracy of such information. The return shall be signed by the president, financial vice president, [or] treasurer, or corporate controller if the casino operator is a corporation, by a general partner if the operator is a partnership, by the chief executive officer if the operator is any other form of business association, or by the proprietor if the operator is a sole proprietorship.

19:54-1.9(a) If a return or deposit required by Section 145 of the Act or by this subchapter with respect to the [eight per cent] gross revenue tax is not filed or paid, or if a return or deposit when filed or paid is incorrect or insufficient in the opinion of the State Treasurer, the amount of tax due or deposit shall be determined by the State Treasurer from such information as may be available. The Commission shall, upon request, provide the State Treasurer with any relevant information including audits done by the Commission or the Division.

19:54-1.10(a) A casino operator who shall fail to file his return when due or to pay the tax or deposit when the same becomes due shall be subject to such penalties and interests as provided in the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes. If the State Treasurer determines that the failure to comply with any provisions of the Act or this subchapter regarding the [eight per cent] gross revenues tax was excusable under the circumstances, he may remit such part or all of such penalty as shall be appropriate under the circumstances.

19:54-1.10(e) In addition to the foregoing, any casino operator or other licensee which violates any of the provisions of the Act or this subchapter regarding the [eight per cent] gross revenues tax shall be liable to any sanction, penalty or other consequence which the Commission may be authorized to impose, such as those delineated in Sections 111, 129 and 130 of the Act.

19:54-1.13 Commission authority and responsibility

(a) The Commission is charged under Section 63(d) of the Act with the responsibility to collect all taxes imposed by the Act. Consistent with that responsibility, the Commission is empowered to determine whether a casino operator or other casino licensee has fully satisfied its obligations with regard to the [eight per cent] gross revenues tax and to require that a casino operator or licensee make additional payments including payment of interest or penalty, or take additional steps to comply. The Commission may render such a determination where the State Treasurer has taken no action and, where the State Treasurer has acted, the Commission may make further determinations not inconsistent with the authority reposed by the Act in the Treasurer.

(b) The Commission and Division shall be notified of any formal or informal hearing to be held by the State Treasurer in regard to tax obligations of a casino operator or other casino licensee, and the Commission and Division shall be allowed to appear and participate in such hearing. In the event of an appeal to the [Division of Tax Appeals] Tax Court or to any court of this State, the Commission shall be permitted to intervene in order to contest any factual question or to argue any legal issue arising under the Act or the regulations thereunder. Nothing herein shall limit the authority of the Commission to hold its own hearings to determine any matter where the State Treasurer has not acted, or where the Treasurer has acted, to determine any matters not inconsistent with the authority reposed in the Treasurer by the Act. Any Commission hearing will be governed as to notice and procedure by the regulations of the Commission as to hearings generally, N.J.A.C. 19:42-1.1 et seq.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 26, 1979 to:

Joseph P. Lordi
Chairman
Casino Control Commission
379 West State St.
Trenton, N.J. 08625

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

Joseph P. Lordi
Chairman
Casino Control Commission

(a)

**PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**Revisions to Schedule of Rates Concerning
Vehicular Parking at New York City Passenger
Ship Terminal Piers 88, 90, 92 and 94**

On September 26, 1979, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of rates concerning vehicular parking at New York City Passenger Ship Terminal Piers 88, 90, 92 and 94.

Full text of the adoption follows:

RESOLVED, that the Schedule of Charges for vehicular parking at the New York City Passenger Ship Terminal adopted by the Committee, at its meeting on October 30, 1974, as amended, be and the same is hereby amended, effective October 1, 1979, by adding to the rates for Pier 94, Monthly Rates, the following:

Buses 30' or less	\$ 70.00
Buses over 30'	100.00

An order adopting these revisions was filed on November 2, 1979 as R.1979 d.440 (Exempt, Exempt Agency).
Howard H. Kestin
Director
Office of Administrative Law

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