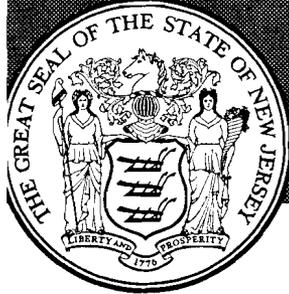


# NEW JERSEY REGISTER



**THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION**

**BRENDAN F. BYRNE, Governor**

**Howard H. Kestin, Director, Office of Administrative Law**

**G. Duncan Fletcher, Director of Administrative Procedure**

**Peter J. Gorman, Rules Analyst**

**VOLUME 11 • NUMBER 2**

**Feb. 1, 1979 • Indexed 11 N.J.R. 57-112**

**(Includes rules filed through Jan. 18, 1979)**

## INDEX OF RULES IN THIS ISSUE

	<u>Cite</u>
<b>AGRICULTURE</b>	
Amend milk prices rule .....	58(a)
<b>BANKING</b>	
Amend approved depositories .....	58(b)
<b>CIVIL SERVICE</b>	
Prop. amend make-up exams .....	58(e)
<b>COMMUNITY AFFAIRS</b>	
Repeal of certain local finance rules .....	59(a)
<b>EDUCATION</b>	
Notice of prop. of school facilities planning .....	59(b)
<b>ENVIRONMENTAL PROTECTION</b>	
Prop. Passaic River floodway delineation .....	59(c)
Prop. Passaic Basin floodway delineation .....	60(a)
Prop. Mountain Brook floodway delineation .....	60(b)
Prop. Raritan/Rahway Basin floodway delineation .....	61(a)
Prop. Elizabeth River floodway delineation .....	61(b)
Prop. amend sea clam conservation .....	62(a)
Notice on Green Acres tax exemption .....	63(a)
Amend non-game and exotic wildlife .....	63(b)
Amend sulfur in fuel .....	63(c)
Amend watercraft noise .....	63(d)
Amend Bureau of Parks .....	63(e)
Amend Raritan Basin water sales .....	64(a)
Amend Spruce Run-Round Valley rates .....	64(b)
Amend Delaware Canal rates .....	64(c)

### HEALTH

Prop. amend blood rules .....	64(d)
Prop. amend standards for ambulatory care .....	65(a)
Prop. amend verbal order by physical therapists ..	65(b)
Prop. amend authentication of physician's orders..	65(c)
Prop. amend hospital facilities records .....	66(a)
Notice on Uniform Construction Code fees .....	66(b)
Repeal No Smoking rules .....	66(c)
Amend SHARE economic factor .....	67(a)
Amend SHARE patient case-mix reports .....	67(b)
Control Phenylcyclohexylamine and Pyrrolidine ..	67(c)

### HIGHER EDUCATION

Prop. summer education opportunity fund .....	67(d)
Graduate medical education .....	68(a)
Amend restrictions on student assistance .....	68(b)

### HUMAN SERVICES

Prop. amend Medicaid: unborn children .....	68(c)
Prop. amend burial and funeral expenses .....	70(a)
Prop. amend child support and paternity .....	70(b)
Prop. amend general assistance—domestic violence	73(a)
Prop. emergency assistance and funeral expenses	73(b)
Prop. child abuse and neglect .....	74(a)
Amend AFDC-N maternity care and WIN expenses	75(a)
Amend food stamps—benefit continuation .....	75(b)
Amend food stamp-coupon allotment, income .....	75(c)
Amend food stamp manual .....	76(a)

**(Continued on Back Cover)**

DIRECTOR  
OFFICE OF INFO SERVICES  
DEPT OF TRANSPORTATION  
1035 PARKWAY AVE  
TRENTON N J 08625

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Amendments Concerning Announcement of Milk Prices

On January 18, 1979, Woodson W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments which deleted the current text of N.J.A.C. 2:53-1.1(b) and adopted new text therein concerning the announcement of milk prices.

Full text of the new rules follows:

2:53-1.1(b) Schedule 69-IN shall be based upon prices to be paid to farmers as announced by the Market Administrator for the New York-New Jersey Milk Marketing Area, Order Number 2. Schedule 69-IS shall be based upon prices to be paid to farmers as announced by the Market Administrator for the Mid-Atlantic Milk Marketing Area, Order Number 4.

1. Information on current prices is available from the Division of Dairy Industry at 609-292-5646.

An order adopting these amendments was filed on January 18, 1979, as R.1979 d.34 (Exempt, Procedure Rule) to become effective on February 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## BANKING

### DIVISION OF BANKING

#### Amendments on Approved Depositories for Investments Comprising Security Funds

On January 11, 1979, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-31 and

in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:6-2.1 concerning the approved depositories for investments comprising security funds as proposed in the Notice published December 7, 1978 at 10 N.J.R. 527(b).

An order adopting these amendments was filed and became effective on January 17, 1979 as R.1979 d.23.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Amendments Concerning Make-Up Examinations

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-8.21. concerning the granting of make-up examinations.

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

4:1-8.21(h) When a testing format is used that requires multiple assessments of a candidate, such as Assessment Centers or Targeted Selection, which result in a group consensus rating by a panel of specially trained subject matter experts, make-up examinations shall be deemed inappropriate and will not be held.

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

Joseph Lavery  
Director of Hearings and Regulations  
Department of Civil Service  
215 East State St.  
P.O. Box 1918  
Trenton, N.J. 08625

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

S. Howard Woodson, Jr.  
President, Civil Service Commission  
Department of Civil Service

## NEW JERSEY REGISTER

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(a)

(c)

## COMMUNITY AFFAIRS

### DIVISION OF LOCAL GOVERNMENT SERVICES

#### LOCAL FINANCE BOARD

##### Repeal of Certain Rules

On January 17, 1979, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-18, Executive Order 66 (1978) and in accordance with applicable provisions of the Administrative Procedure Act, repealed Chapter 31 and various rules in Chapter 30 in Title 5 of the New Jersey Administrative Code as proposed in the Notice published December 7, 1978, at 10 N.J.R. 529(a).

Such rules were deleted because it was determined that they were unnecessary repetition of statutory law.

An order repealing these rules was filed and became effective on January 17, 1979 as R.1979 d.16.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Republication of Proposed Revisions to School Facility Planning Services

Take notice that the State Board of Education is given additional notice of its intention to propose revisions to Chapters 22 and 22A in Title 6 of the New Jersey Administrative Code concerning the school facility planning services. Such proposed revisions were published in the January 4, 1979, issue of the New Jersey Register at 11 N.J.R. 9(a).

Copies of the 129 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Bureau of Facility Planning Services  
Division of Finance and Regulatory Services  
N.J. Department of Education  
225 West State Street  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979, to the Bureau of Facility Planning Services at the above address.

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

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments Concerning Floodway Delineation of the Passaic River

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., hereby proposes to amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard areas of the Passaic River from the mouth at the confluence with the Hackensack River upstream to Dundee Dam, McDonald's Brook from its confluence with the Passaic River through the City of Passaic and Weasel Brook from its confluence with the Passaic River through the City of Passaic, within the Town of Belleville, City of Clifton, East Newark Borough, East Rutherford Borough, City of Garfield, Town of Harrison, Lyndhurst Township, Town of Kearny, North Arlington Borough, City of Passaic, Rutherford Borough and Wallington Borough. This proposal is known within the Department of Environmental Protection as Docket No. DEP 004-79-01.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on Thursday, March 1, 1979 at 8:00 p.m. in the City Hall Council Chambers, City Hall, Main Avenue, Clifton, New Jersey.

The proposed delineation affects the above-noted municipalities within the counties of Bergen, Essex, Hudson and Passaic.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodways for the Passaic River within the Town of Belleville, City of Clifton, East Newark Borough, East Rutherford Borough, City of Garfield, Town of Harrison, Lyndhurst Township, Town of Kearny, North Arlington Borough, City of Passaic, Rutherford Borough and Wallington Borough, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before March 28, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Proposed Amendments Concerning Floodway Delineations of Streams Within the Passaic River Basin

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., hereby proposes to amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard areas of the Passaic River within the corporate limits of Montville Township and West Caldwell Borough, the Rockaway River within the corporate limits of the Town of Dover and the Township of Montville; Jackson and McKeel's Brooks from their confluence with the Rockaway River upstream to the municipal boundary within the Town of Dover; Beaver Brook from the downstream municipal boundary upstream to Waughaw Road, Hatfield Creek from its confluence with the Rockaway River upstream to above Brittany Road, Crooked Brook from its confluence with the Rockaway River upstream to the Lake Valhalla Dam, Crooked Brook Tributary from its confluence with Crooked Brook upstream to the municipal boundary, and Stony Brook from the downstream to upstream municipal boundaries, all within the Township of Montville; Pine Brook from the downstream to upstream municipal boundaries, Green Brook from the downstream municipal boundary upstream to Central Avenue and Kane Brook from its confluence with Green Brook upstream to Central Avenue, all within West Caldwell Borough; in the Counties of Essex and Morris. This proposal is known within the Department of Environmental Protection as Docket No. DEP 007-79-01.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on March 29, 1979 at 8:00 p.m. in Montville Township Municipal Building, 86 River Road, Montville, New Jersey.

The proposed delineation affects the Town of Dover, Morris County, and the Township of Montville, Morris County, and the Borough of West Caldwell, Essex County.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed streams located within the Town of Dover, Morris County, Township of Montville, Morris County and Borough of West Caldwell, Essex County, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before March 28, 1979 to: John

O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Proposed Amendments Concerning Floodway Delineation of Mountain Brook and its Branch No. 2 in the Raritan River Basin

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., hereby proposes to amend N.J.A.C. 7:13-1.11(d), Delineated Floodways, by adding to it the floodway and flood hazard areas of Mountain Brook from its junction with Stony Brook upstream to a bridge over a private roadway in the vicinity of Great Road; and its Branch No. 2 from its junction with Mountain Brook upstream to Red Hill Road in the Township of Princeton, Mercer County. This proposal is known within the Department of Environmental Protection as Docket No. DEP 005-79-01.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on February 27, 1979 at 8:00 p.m. in the Township Hall, corner of State and Valley Roads, Princeton, New Jersey.

The proposed delineation affects the Township of Princeton in Mercer County.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed Mountain Brook and its Branch No. 2 within the Raritan River Basin, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before February 28, 1979, to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments Concerning Floodway Delineations of Streams within The Raritan and Rahway River Basin

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., hereby proposes to amend N.J.A.C. 7:13-1.11(d), Delineated Floodways, by adding to it the floodway and flood hazard areas of Bonhamtown and Dismal Brooks within Metuchen Borough, Middlesex County; Raritan River Tributaries 14-14-2-2 and 14-14-2-13, Bound Brook and Cedar Brook within South Plainfield Borough, Middlesex County; East Branch Stony Brook, West Branch Stony Brook and West Branch Stony Brook Tributary, within Watchung Borough, Stony Brook from the Watchung municipal boundary upstream within Watchung Borough and Green Brook Township and Green Brook from the downstream Watchung municipal boundary upstream to upstream Watchung municipal boundary within Watchung Borough, Somerset County, Berkeley Heights Township, Scotch Plains Township and the City of Plainfield, all in Union County; Nomahegan Brook between Mountainside Borough and the Town of Westfield, Robinsons Branch Tributary 15, Tributary 15-1 and Tributary 15-2, and a Tributary to the Rahway River, all within the Town of Westfield, Union County. This proposal is known within the Department of Environmental Protection as Docket No. DEP 006-79-01.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodway and will hold public hearings on this matter on March 15, 1979 at 8:00 p.m. in the Council Chambers, 2480 Plainfield Avenue, South Plainfield, New Jersey.

The proposed delineation affects the above-noted municipalities within the Counties of Middlesex, Somerset and Union.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed streams located within Metuchen Borough, South Plainfield Borough, Watchung Borough and the Town of Westfield, within the Raritan and Rahway River Basins, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before March 28, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as

proposed without further notice.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments Concerning Floodway Delineation of the Elizabeth River And Various Streams within Roselle Park Borough

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended and N.J.S.A. 13:1D-1 et seq., hereby proposes to amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard areas of the Elizabeth River, from Trotters Lane at the downstream municipal boundary of Hillside and Union Townships within the City of Elizabeth, upstream to Valley Street, in the Town of Irvington and City of Newark, within the counties of Essex and Union; Morses Creek Tributary 9-1 (West Brook), Tributary 9-1-7 and Tributary 9-1-7-1, each from the Central Railroad of New Jersey upstream within the Borough of Roselle Park, Union County. This proposal is known within the Department of Environmental Protection as Docket No. DEP 008-79-01.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on March 21, 1979 at 8:00 p.m. in Hillside Township Municipal Building, Liberty and Hillside Avenues, Hillside, New Jersey.

The proposed delineation affects the above noted municipalities within the Counties of Essex and Union.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed portion of the Elizabeth River within the Town of Irvington, City of Newark, Hillside Township and Union Township and various streams within Roselle Park Borough, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before March 28, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

# ENVIRONMENTAL PROTECTION

## THE COMMISSIONER

### Proposed Amendments to Sea Clam Conservation Order

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:2-6.3, proposes to repeal N.J.A.C. 7:25-7.9 concerning a sea clam conservation order inasmuch as N.J.A.C. 7:25-12.1, adopted and effective December 1, 1978, includes the necessary closure areas for the preservation of the sea clam resource. This repealer will continue the "Hereford Inlet" closure and eliminate the "Cold Spring Inlet" closure.

This proposal is known within the Department of Environmental Protection as Docket No. DEP 002-79-01.

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

7:25-7.9 [Conservation order; closing certain sea clam beds] (Reserved)

[(a) It is hereby ordered that the hereinafter described inshore sea clam areas be closed for the taking of sea clams (*Spisula solidissima*) for a period beginning June 11, 1977, and until further notice.

(b) The sanctuary areas are defined as follows:

1. Herefore Inlet area:

i. From 39 degrees 00.7 minutes N., 74 degrees 47.5 minutes W.; 119 degrees T, d.3 miles to 38 degrees 58.7 minutes N., 74 degrees 43.9 minutes W.; 029 degrees T, d. 2.25 miles to 39 degrees 00.7 minutes N., 74 degrees 42.7 minutes W.; 299 degrees T, d. 3 miles to 39 degrees 02.3 minutes N., 74 degrees 46.1 minutes W.; 209 degrees T, d. 2.25 miles to start.

2. Cold Spring Inlet area:

i. From 38 degrees 56.5 minutes N., 74 degrees 51.95 minutes W.; 145 degrees T, d. 3 miles to 38 degrees 54.5 minutes N., 74 degrees 49.8 minutes W.; 055 degrees T, d. 2.2 miles to 38 degrees 55.7 minutes N., 74 degrees 47.87 minutes W.; 325 degrees T, d. 3 miles to 38 degrees 58.1 minutes N., 74 degrees 50.1 minutes W.; 235 degrees T, d. 2.2 miles to start.

(c) Loran A/C readings for each position are as follows:

1. From chart 12318 (29th edition, January 29, 1977), Hereford Inlet area, loran A/C overprint, loran A/C reading with latitude and longitude for each position:

i. 39 degrees 00.2 minutes latitude and longitude  
74 degrees 47.5 minutes

3H4 3562 loran A  
3H5 3185.5

9930-W-16370.9  
9930-Y-52087.5 loran C  
9930-Z-70168

ii. 38 degrees 58.7 minutes latitude and longitude  
74 degrees 43.9 minutes

3H4 3563.5 loran A  
3H5 3174

9930-W-16368.9  
9930-Y-52079.5 loran C  
9930-Z-70187

iii. 39 degrees 00.7 minutes latitude and longitude  
74 degrees 42.7 minutes

3H4 3589 loran A  
3H5 3176

9930-W-16368.9  
9930-Y-52054 loran C  
9930-Z-70177

iv. 39 degrees 02.3 minutes latitude and longitude  
74 degrees 46.1 minutes

3H4 3588 loran A  
3H5 3188

9930-W-16371  
9930-Y-52062 loran C  
9930-Z-70158

2. From chart 12214, (30th edition, March 19, 1977), Cold Springs Harbor area, loran A/C overprinted:

i. 38 degrees 56.5 minutes latitude and longitude  
74 degrees 51.95 minutes

3H4 3503.5 loran A  
3H5 3187

9930-W-16371.8  
9930-Y-52150 loran C  
9930-Z-70182

ii. 38 degrees 54.05 minutes latitude and longitude  
74 degrees 49.8 minutes

3H4 3491 loran A  
3H5 3177

9930-W-16370.2  
9930-Y-52158 loran C  
9930-Z-70202.5

iii. 38 degrees 55.7 minutes latitude and longitude  
74 degrees 47.87 minutes

3H4 3517 loran A  
3H5 3176

9930-W-16369.8  
9930-Y-52131.5 loran C  
9930-Z-70197

iv. 38 degrees 58.1 minutes latitude and longitude  
74 degrees 50.1 minutes

3H4 3528 loran A  
3H5 3186.5

9930-W-16371.5  
9930-Y-52123 loran C  
9930-Z-70175.5

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

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

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Public Participation Request Green Acres Tax Exemption Program

Take notice that the Department of Environmental Protection has proposed to critically analyze the operation of the current "Green Acres" Tax Exemption Program (N.J.S.A. 54:4-3.63 et seq.). The program provides property tax exemptions for certain non-profit organizations or corporations owning land used for public recreation or conservation purposes. This Notice is known within the Department of Environmental Protection as Docket No. DEP 003-79-01.

The Green Acres Tax Exemption Law was adopted late in 1974. Since that time approximately 14,000 acres of privately owned land has been opened for a variety of public open space uses. Thirty-three organizations received exemptions on recreation and conservation sites located in 59 municipalities throughout the State.

On or about February 1, 1979, copies of existing rules were mailed for review and comment to local and county governments, environmental, education and conservation groups, and other individuals and organizations having an interest in the program's operation and impact. Rules exist as N.J.A.C. 7:35-1.1.

Interested persons may present statements in writing before February 28, 1979 to:

Curt J. Hubert, Administrator  
Green Acres Program  
N.J. Department of Environmental Protection  
1301 Parkside Avenue  
Trenton, New Jersey 08625

The comments received together with staff analysis may result in proposed rule changes and legislative amendments.

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Amendments Regarding Nongame And Exotic Wildlife

On January 10, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 23:2A-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-4.1 et seq. concerning nongame and exotic wildlife as proposed in the Notice published December 7, 1978 at 10 N.J.R. 532(b).

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 054-78-11.

An order adopting these amendments was filed and became effective on January 10, 1979 as R.1979 d.9.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

### BUREAU OF AIR POLLUTION CONTROL

#### Emergency Amendment Concerning Effective Date of Rules on Sulfur in Fuels

On January 10, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 26:2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency amendment which changed the effective date of the amended rules in Subchapter 9, Chapter 27, Title 7 of the New Jersey Administrative Code concerning sulfur in fuels to July 12, 1979.

Such amendment is known within the Department of Environmental Protection as Docket No. DEP 01-79-01.

An order adopting this amendment was filed on January 10, 1979 as R.1979 d.10 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments on Watercraft Noise Control

On January 10, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 12:7-34.49 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments which deleted the current text of N.J.A.C. 7:29-2.1 et seq. and adopted new rules, to be cited as N.J. A.C. 7:6-6.1 et seq., concerning watercraft noise control substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 475(a) with only inconsequential structural or language changes in the opinion of the Department of Environmental Protection.

An order adopting these amendments was filed on January 10, 1979, as R.1979 d.12 to become effective on March 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments to the Rules Of the Bureau of Parks

On January 16, 1979, Daniel J. O'Hern, Commissioner

of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(e), 13:1B-3(e), 13:8-20 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:2-1.1 et seq. concerning the rules of the Bureau of Parks as proposed in the Notice published December 7, 1978, at 10 N.J.R. 532(a).

An order adopting these amendments was filed on January 17, 1979, as R.1979 d.18 to become effective on January 26, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Amendments on Raritan River Basin System Water Sales

On January 18, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:22-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning the Raritan River Basin System water sales which transferred the amended text of N.J.A.C. 7:11-4.11 through 7:11-4.32 to become the new rules cited as N.J.A.C. 7:11-5.1 through 7:11-5.23 as proposed in the Notice published June 8, 1978 at 10 N.J.R. 232(a).

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 021-78-05.

An order adopting these amendments was filed and became effective on January 18, 1979 as R.1979 d.30.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Amendments to Rate Schedule for Spruce Run-Round Valley Reservoirs

On January 18, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:22-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:11-4.4 et seq. concerning the rate schedule for Spruce Run-Round Valley Reservoirs substantially as proposed in the Notice published June 8, 1978 at 10 N.J.R. 231(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 020-78-05.

An order adopting these amendments was filed and became effective on January 18, 1979 as R.1979 d.31.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Amendments to General Rate Schedule for Delaware and Raritan Canal Water

On January 18, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:12-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:11-2.1 et seq. concerning the general rate schedule for Delaware and Raritan Canal water substantially as proposed in the Notice published June 8, 1978 at 10 N.J.R. 229(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection. Such amendments are known within the Department of Environmental Protection as Docket No. DEP 022-78-05.

An order adopting these amendments was filed and became effective on January 18, 1979, as R.1979 d.32.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Proposed Amendments Concerning Collections, Processing, Storage And Distribution of Blood

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to amend Chapter 8 in Title 8 of the New Jersey Administrative Code concerning the collection, processing, storage and distribution of blood in order to conform with federal regulations and make such rules compatible with new techniques in blood banking.

The proposed amendments concern compliance; definitions; licensure and inspection; medical director; personnel; facilities and equipment; records; donor identification, qualification, medical history, physical examination and bleeding limitations; collection of blood; processing of blood; storage and distribution; exemptions; and amendments.

A public hearing respecting this proposed action will be held on March 12, 1979, at 9:30 A.M. in the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Copies of the 28 pages of the full text of this proposal may be obtained from or made available for review by contacting Dr. David Kirsh at the address listed below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 12, 1979 to:

Dr. David Kirsh  
Director, Clinical Lab Programs  
N.J. Department of Health  
Health-Agriculture Building  
Room 405  
John Fitch Plaza  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments to Standards For Licensure of Ambulatory Care Facilities Concerning Postpartum Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt amendments to the Manual of Standards for Licensure of Ambulatory Care Facilities concerning prenatal, postpartum and gynecological services.

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

8:43A-1.16(e) The facility shall provide postpartum examinations to patients four to six weeks after delivery. [The medical record of the patient's hospital course shall be available at the postpartum visit.] A summary of the patient's hospital course, including data on the labor and delivery or a copy of the labor and delivery record, shall be available at the patient's postpartum visit. Onsite counseling, referral, and family services shall be available to the patient and the services offered documented in the medical record.

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

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

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Verbal Orders Accepted by Physical Therapist

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

to adopt amendments to the Manual of Standards for Licensure of Hospital Facilities concerning verbal orders accepted by therapists.

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

8:43B-7.2(c)10.ii. [Telephone orders shall be accepted and recorded by a professional nurse only and these should be limited to urgent circumstances. Such orders shall be signed by the responsible physician within 24 hours.] All telephone and verbal orders from a licensed physician shall be countersigned by the physician within 24 hours. All telephone and verbal orders shall be accepted only by a licensed professional nurse except for physical therapy orders which shall be accepted and recorded by a licensed professional nurse and/or a licensed physical therapist.

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

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

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Authentication and Countersigning Of Physician's Orders

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 N.J.A.C. 8:43B-7.2(d) concerning the authentication and countersigning of physician's orders.

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

8:43B-7.2(d)1. All records and reports shall be signed or authenticated by a licensed physician. The requirement that all records and reports be signed or countersigned by a licensed physician shall not apply to progress notes written by physicians engaged in an approved intern or residency training program.

5. Physician's orders written for patient's care by unlicensed persons engaged in intern or residency training programs in a hospital or institution approved by the Board, or physician's orders written by a person exempted from the prohibitory provisions of the Medical Practice Act, pursuant to N.J.S.A. 45:9-21(n), shall be countersigned within 24 hours by a physician possessing a current unrestricted license to practice medicine and surgery in this State.

6. The following definitions shall apply to this standard:

i. "Unlicensed physician" shall mean any unlicensed graduate of a medical school, such as, but not limited to an intern or resident, who is engaged in an approved

program or a person possessing an exemption pursuant to N.J.S.A. 45:9-21(n).

ii. "Intern" shall mean an unlicensed graduate of a medical school who is engaged in a program which has been approved by the Board and which consists of the supervised practice in the science and art of medicine among patients in a hospital with continued instruction by the staff of the facility. The internship period shall be limited to one year.

iii. "Resident" shall mean a licensed or unlicensed graduate of an approved internship who is engaged in an approved program for advanced training in a clinical division of medicine, surgery or other special field in preparation for the practice of a specialty, which training shall be continuously supervised by the staff of the facility. Such approved program must be properly accredited for residency training in the specialty programs or programs offered.

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

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

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning Availability of Records

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt amendments to the Manual of Standards for Licensure of Hospital Facilities concerning the availability of records.

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

8:43B-7.4(c) The facility shall develop and implement written policies and procedures, approved by the Department, governing the availability, release, and/or provision of copies of the medical record to patients and/or the patient's authorized representative.

1. The written policies and procedures shall include, but not be limited to, the following:

i. A description of the procedures to protect medical record information against loss, destruction, or unauthorized use;

ii. A schedule of fees, as established by the facility, for obtaining copies of the medical record;

iii. The business hours, as defined by the facility, during which the patient has access to his/her medical records; and

iv. In the event that it is medically contraindicated (as

documented by a physician in the patient's medical record) that the patient have access to or obtain copies of his/her medical record, the medical record shall be made available to the patient's authorized representative.

2. The facility shall ensure that a patient's medical record is provided within at least 30 calendar days of the written request.

3. The following definition shall apply to Standard 704C:

i. "Medical record" means all records in a licensed hospital which pertain to the patient including X-ray films.

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

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

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Notice of Change in Citation of Rules on Uniform Construction Plan Review Fees

Take notice that the new rules that the Department of Health adopted concerning the Uniform Construction Plan Review fees (See: R.1978 d.429 at 10 N.J.R. 482(c) and 11 N.J.R. 16(c)) were previously cited as N.J.A.C. 8:43D-2.1 et seq., but are now to be cited as N.J.A.C. 8:31-30.1 et seq. The text of these rules and the effective date of December 13, 1978, remain unchanged.

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Repeal of Rules on Smoking in Certain Public Places

On January 10, 1979, Jane B. Robinson, Chairperson of the New Jersey Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 8:15-1.1 et seq. concerning smoking in certain public places as proposed in the Notice published November 9, 1978, at 10 N.J.R. 480(b).

The Public Health Council adopted the hearing officer's report and recommendations concerning the repeal and withdrawal of the previously adopted regulations on smoking in certain public places on April 18, 1978, and subse-

quently amended on May 18, 1978. This report is a result of a hearing which was held on December 11, 1978, to consider proposed regulations on smoking in certain public places.

Take notice that this repeal does not affect the proposed new rules concerning smoking in certain public places that were a part of the Notice published November 9, 1978. These proposed new rules are still being considered by the Public Health Council and may be adopted at a future date.

An order repealing these rules was filed and became effective on January 10, 1979 as R.1979 d.13.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HEALTH

### THE COMMISSIONER

#### Rule on Economic Factor

On January 17, 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 a new rule, to be cited as N.J.A.C. 8:31A-9.2, concerning economic factors substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 534(c) with only inconsequential structural or language changes in the opinion of the Department of Health.

An order adopting this rule was filed and became effective on January 17, 1979 as R.1979 d.25.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HEALTH

### THE COMMISSIONER

#### Rules on Hospital Reporting Regarding Patient Case-Mix

On January 17, 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 new rules, to be cited as N.J.A.C. 8:31A-10.7, concerning hospital reporting regarding patient case-mix substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 535(b) with only inconsequential structural or language changes in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on January 17, 1979 as R.1979 d.26.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HEALTH

### THE COMMISSIONER

#### Amendments on Control of Phenylcyclohexylamine and Pyrrolidine

On January 17, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-5e and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-10.1 concerning the control of phenylcyclohexylamine and pyrrolidine as proposed in the Notice published December 7, 1978 at 10 N.J.R. 534(b).

An order adopting these amendments was filed and became effective on January 17, 1979 as R.1979 d.27.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HIGHER EDUCATION

### EDUCATIONAL OPPORTUNITY FUND

#### Proposed Rules on Summer Program

The Board of Directors of the New Jersey Educational Opportunity Fund in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33, proposes to adopt new rules concerning the operation of summer Educational Opportunity Fund programs by institutions of higher education.

Full text of the proposal follows:

#### SUBCHAPTER 2. SUMMER PROGRAM REGULATIONS

##### 9:12-2.1 Institutional eligibility

Any undergraduate institution in New Jersey which enrolls students who receive grants under the EOF Program is eligible to apply for summer program support funds. Any institution not in compliance with other EOF Program regulations may not be eligible for summer programs.

##### 9:12-2.2 Summer program requirements

(a) Summer programs shall be eligible for funding consideration if they:

1. Provide orientation services to insure adequate academic, social, and supportive services for initial students.
2. Increase assessment of students' basic skills.
3. Improve academic preparation for successful matriculation during the regular academic year.
4. Provide for administrative counseling, tutoring, and other staff services to insure adequate student support.
5. Provide a remedial and developmental curriculum to remedy academic deficiencies.
6. Promote research and development models to evaluate and improve student services to initial students.
7. Provide in-service training opportunities for staff.
8. Improve graduate and/or professional school placement.

(b) Participating institutions must operate programs which address objectives one through five. Institutions may elect to develop projects which address objectives six, seven, and eight.

#### 9:12-2.3 Student eligibility

(a) Any student deemed eligible for admission and matriculation to the EOF program by the institution in the academic year (pursuant to N.J.A.C. 9:11-1.1 et seq.) is qualified to receive additional grant funds to support enrollment and full participation in the summer program in accordance with the following provisions:

1. All students who will enter college for the first time shall be encouraged to attend the summer program, prior to fall enrollment.

2. On the recommendation of the campus EOF Director, students may be permitted to attend summer programs for remediation or revision needed in their academic program for a maximum of two summers after initial enrollment.

3. Students enrolled in highly technical and/or pre-professional programs (pre-law, pre-med) shall be eligible for three summer school programs to insure post graduate placement.

4. Special exceptions for students with unique problems may be granted upon written request and review by the Executive Director.

#### 9:12-2.4 Funding process

(a) Funds will be allocated to eligible institutions according to program proposal budgets as approved by the EOF Board of Directors.

(b) Additional funds may be granted to an institution for special projects to increase student performance and/or program effectiveness in the area of recruitment and retention.

#### 9:12-2.5 Application process

Each institution shall submit a summer program as a separate section of its regular academic year funding application in accordance with provisions of subchapter 1 of this chapter (Program Support Regulations).

#### 9:12-2.6 Summer program evaluation

(a) The EOF Executive Director shall distribute a standard summer program evaluation form by May 31 of each year to all participating institutions. Each institution shall submit the completed form no later than September 15th to the EOF Central Office.

(b) EOF Central Office will conduct summer program evaluation to insure maximum program effectiveness and accountability.

(c) A summary of all summer program evaluation reports shall be provided to the EOF Board of Directors on an annual basis.

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

Frederick Wilkes  
Director, Educational Opportunity Fund  
N.J. Department of Higher Education  
1474 Prospect St.  
P.O. Box 1417  
Trenton, N.J. 08625

The Educational Opportunity Fund may thereafter adopt rules concerning this subject without further notice.

Frederick Wilkes  
Director, Educational Opportunity Fund  
Department of Higher Education

(a)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Rules on Graduate Medical Education Program

On December 15, 1978, 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:64H-8 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 9:15-1.1 et seq., concerning the graduate medical education program substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 485(b) with only inconsequential structural or language changes in the opinion of the Department of Higher Education.

An order adopting these rules was filed and became effective on January 2, 1979 as R.1979 d.1.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HIGHER EDUCATION

### HIGHER EDUCATION STUDENT ASSISTANCE BOARD

#### Amendments on Restrictions on Student Assistance Grant Amounts

On December 6, 1978, Lynn R. Goldthwaite, Chairman of the New Jersey Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-48 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:7-2.9 concerning restrictions on student assistance grant amounts as proposed in the Notice published August 10, 1978, at 10 N.J.R. 343(a).

An order adopting these amendments was filed and became effective on January 17, 1979 as R.1979 d.17.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments: Medicaid Special and Provisions Relative to Unborn Children

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 Medicaid Special and provisions relative to unborn children.

The proposed amendments concern the deletion in their entirety of the current text of N.J.A.C. 10:81-3.9(a)5 and 10:81-3.22 through 10:81-3.24 and the adoption of new text to replace these deleted rules.

**Full text of the proposed new rules follows:**

10:81-3.9(a)5. Upon presentation of documented medical evidence of pregnancy, which shall include the estimated date of conception and delivery, a pregnant woman may make application for medical assistance on behalf of her unborn child and for AFDC following the child's birth. One application form will be prepared to cover both requests.

6. This regulation is intended to provide medical assistance (Medicaid Special) on behalf of the unborn child to women age 21 and over and to expectant mothers under age 21 who are not eligible in their own right for Medicaid Special. Persons in either age group may make application for AFDC pending the anticipated birth of the child.

i. The application will be processed and registered immediately to determine eligibility for Medicaid Special until the birth of the child. Post natal care for the mother is not covered unless eligibility for AFDC is established in accordance with the appropriate regulations.

ii. In all cases, within 30 days prior to the expected date of the child's birth, the CWA will make a determination regarding eligibility for AFDC, including completion of Form PA-10G, Assignment of Support Rights, where applicable, and any appropriate evaluation of LRRs. If determined eligible, AFDC money payments will be made following the birth of the child and affirmation by the client at the time of the birth that she desires assistance and intends to retain care and custody of her child. (See Section 203 of the ASH regarding initial grants.)

iii. Eligibility for AFDC following the birth of the child is based on the requirements and standard for AFDC-C, -F or -N, whichever is applicable.

**10:81-8.22 Persons eligible for medical assistance**

(a) All children and their parents or needy parent persons who are eligible for AFDC money payments (-C, -F and -N segments) are eligible for Medicaid benefits. If an eligible unit chooses not to receive a money payment, members are eligible for Medicaid only. Medicaid coverage commences with the date that eligibility is established.

1. Extension of Medicaid benefits: When an AFDC-C or -F family loses eligibility for money payment due to increased earnings from or increased hours of employment, Medicaid eligibility continues for a period of four months beginning with the date of termination if the following exist:

i. Such family was eligible for at least three of the six months immediately preceding the month of termination; and

ii. So long as a member of the family remains employed.

Note: This extension also applies when increased earnings are due to new employment. New members added to the eligible unit during the four month extension period are not included under the extended coverage.

2. Retroactive benefits: AFDC applicants may be eligible for retroactive Medicaid benefits; such determinations are made by DMAHS. The IM worker will ask if the family has unpaid medical bills from the previous three months and will provide the applicant with appropriate forms.

(b) Any individual under age 21 who is not otherwise eligible for AFDC and Medicaid benefits under that program is eligible for Medicaid Special when financial eligibility is established under AFDC-C or -F allowance standards in accordance with the provisions below.

1. Living with parents: When the individual lives in the same household as his/her natural or adoptive parent(s),

financial eligibility will in all cases include the parents' income and resources. For this determination, the eligible unit includes the applicant, his/her parents and their dependent children.

2. Not living with parents: When a child under age 21 does not live with his/her natural or adoptive parent(s), eligibility shall be based only on the individual's income and resources or, if married and living with his/her spouse, on that of the individual and spouse, based on an eligible unit of two. Medicaid coverage is not provided to a spouse age 21 or over, but his/her income must be included in the eligibility determination.

i. College students: College attendance is generally construed as a temporary absence from the home and students are considered to be living with their parents even if away from home during the school year. Procedures for those students under age 21 who claim permanent residence elsewhere are given in Section 8544.

3. Pregnant women age 21 and over:

i. Medicaid Special may be provided on behalf of an unborn child when the pregnant mother is age 21 or over and is financially eligible for AFDC-C or -F, regardless of other program requirements.

ii. Eligibility is determined for an eligible unit of two (woman and unborn child) based on her income and available resources only, or, if she is married and living with her spouse, on an eligible unit of three (woman, spouse and unborn child) including income and available resources of both spouses. Medicaid coverage does not include the spouse even though his income is included in the eligibility determination.

(1) A pregnant woman with other dependent children should be assisted in making immediate application for AFDC. In the event eligibility for AFDC is not established, Medicaid Special eligibility on behalf of the unborn child shall be determined on the basis of an eligible unit size of two or three, as stated above. Income and available resources are prorated among those in the eligible unit and the dependent children living in the home.

iii. Coverage begins with the medical determination of pregnancy and ends, for the mother, with the delivery of the child (coverage includes expenses of delivery). At birth, the child may remain eligible for Medicaid Special in accordance with this section; he/she will keep the same case number.

iv. Medical documentation of pregnancy will include the estimated date of conception and delivery date. Cost of the examination to determine pregnancy may be made from the administrative account. The allowable rate of payment for the examination by a specialist in obstetrics and gynecology is \$21.00 plus \$3.00 for the pregnancy test.

v. See N.J.A.C. 10:81-3.9 regarding pending application for AFDC prior to birth of the child.

4. Pregnancy under age 21: Medicaid Special coverage for persons under age 21 includes medical care during pregnancy; eligibility is determined in accordance with this section. If, however, the expectant mother herself is not eligible under those provisions, a determination of eligibility for Medicaid Special on behalf of her unborn child shall be made in accordance with this section. Eligibility is then determined for an eligible unit of two (or three if the spouse is present), and the parents of the expectant mother are evaluated as LRRs.

i. See subchapter 3 of this chapter regarding pending application for AFDC prior to birth of the child.

(c) All appropriate regulations in the Assistance Standards Handbook regarding income shall apply in determining financial eligibility. Requirements related to the WIN program, employment or training, school attendance of a

child, and the Child Support and Paternity program are not applicable.

1. Income calculations: Earned income shall be calculated in accordance with AFDC-C and -F procedures in Sections 211 or 212 of the Assistance Standards Handbook, as appropriate. The \$30 plus  $\frac{1}{2}$  disregard is only applicable during the first four months after termination of AFDC-C or -F money payments. The disregard shall not apply to cases which have never received money payments or for which money payments have been terminated for longer than four months.

2. LRRs: Legally responsible relatives of persons receiving medical assistance only are spouse for spouse and parent for a child under 21 years of age. For purposes of Medicaid Special, contributions of the parents are always considered available to their children under age 21 when they live in the same household. When the eligible individual does not live in the same household, however, only those contributions actually received shall be counted as income.

3. Citizenship: Medicaid Special is available only for U.S. citizens or lawfully admitted aliens.

4. Limitations: Eligibility for Medicaid Special does not include eligibility for burial expenses, nor does the four month extension of Medicaid benefits apply.

(d) A student's permanent residence is considered to be with his/her parents even though he/she is temporarily absent to attend college. A student shall be determined "not living with parents" only when the CWA has verified that all of the following conditions exist:

1. The student lives apart from his/her parents for reasons other than convenience of attending school;

2. His/her parents do not provide one-half or more of his/her support; and

3. His/her parents do not claim the student as an exemption on their federal income tax return in the year in which application is made for Medicaid.

4. Period of eligibility: Eligibility shall be determined on a semester basis inclusive of vacations during such semester. When a student is not actually attending college classes during other periods, such as summer vacations or other breaks of one month or more, a separate eligibility determination shall be required based on current circumstances.

5. Determination of income: Income from all sources shall be applied in determining eligibility of college students not living with parents, except that educational loans and grants shall be treated in accordance with ASH Section 125.3. All earnings of the student shall be considered for purposes of Medicaid Special (see Section 8543.1). Resources such as bank accounts, certificates of deposits, stocks and bonds shall be counted as available income. Contributions from LRRs are treated as stated in this section.

6. Other eligibility factors: See subsection (c) of this section for other factors relating to eligibility.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 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.

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Burial and Funeral Expenses

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 N.J.A.C. 10:81-7.25 and 10:81-7.26 in the Public Assistance Manual concerning burial and funeral expenses.

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

10:81-7.25(a) [Allowable items] **Items to be included in computing total cost for the total cost of burial and funeral is the sum of all charges, costs, and expenditures incurred for any [and all] of the following items, whether claimed by one or more funeral directors or other parties:**

10:81-7.25(b) [Items not allowed] **Items to be excluded in computing total cost - Any charges, costs, or expenditures for the following items shall not be included in computing the total cost of burial and funeral.**

1. Arrearages on purchase price of grave space or right of burial, where purchased prior to the death of the decedent, or arrearages in care and maintenance charges;

2. Flowers other than floral door badge;

3. Extra limousines for persons other than the immediate family of the deceased.

10:81-7.26(b)3. The funeral director shall, if he/she so elects [to file a formal claim, be furnished with not more than two copies of Form PA-11, with the name of the decedent already entered. One copy of such form shall be executed by him and submitted] , **submit to the [welfare board] agency a completed and notarized petition and affidavit, Form PA-11, not later than thirty days following the date of interment or cremation. The agency shall, upon request and without charge, supply blank copies of the form in reasonable quantities to funeral directors.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 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.

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Child Support and Paternity Program

Ann Klein, Commissioner of Human Services, pursuant

to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend Appendix D of Chapter 81 in Title 10 of the New Jersey Administrative Code regarding the Public Assistance Manual concerning good cause for refusing to cooperate in the establishment of paternity and obtaining support.

This proposal clarifies the conditions under which AFDC applicant/recipient may refuse to cooperate with a CSP unit without incurring a penalty. This proposal concerns the deletion of the current text of Section 230 in Appendix D and the adoption of new text therein as well as the adoption of a new Section 338 therein.

Full text of the new rules follows:

### 230. COOPERATION IN ESTABLISHING PATERNITY AND OBTAINING SUPPORT

Cooperation in obtaining support and establishing paternity whenever necessary is a condition of eligibility for AFDC for each applicant and recipient. The IM worker (and supervisor) has responsibility for the determination of whether or not good cause for refusal to cooperate exists. This determination shall be based on evidence provided by the client and on consultation, where appropriate, with the CSP Unit.

#### 231. Notice to applicant or recipient

At the time of application, the IM worker will explain to the client the requirements for cooperation in connection with establishment of paternity and collection of support. The worker shall also provide a written notice (PA-46) of the client's right to claim good cause for refusal to cooperate and, should the client request it or claim to have good cause, a further written notice (PA-47) describing the circumstances and evidence necessary for a finding of good cause.

##### 231.1 Acknowledgment of notice

The client and the IM worker shall both acknowledge that the client received the notice(s) by signing and dating two copies of Form PA-46. One copy of each notice will be given to the client and one placed in the case record.

#### 232. Cooperation requirements

Each applicant/recipient is required to cooperate with the CWA/CSP Unit, Probation Department, County Prosecutor's Office and other child support agencies in the following:

- a. Assisting in identifying and locating the parent of each child for whom aid is requested;
- b. Assisting in the establishment of paternity of each child born out-of-wedlock for whom aid is requested;
- c. Assisting in obtaining support payments for each individual for whom aid is requested; and
- d. Assisting in obtaining any other payments or property due any individual for whom aid is requested.

##### 232.1 Cooperation explained

The term "cooperation" includes the following actions by the client:

- a. Appearing at the offices of the appropriate child support agencies as necessary to provide oral or written information, or documentary evidence relevant to obtaining support, which is known to, possessed by or reasonably obtainable by the client;
- b. Appearing as a witness at court or other hearings or proceedings necessary to obtain support;
- c. Providing information, or attesting to the lack of information, under penalty of perjury; and
- d. After assignment of support rights to the CWA, paying to the CWA any child support payments which are

covered by the assignment and are received directly from either the absent parent or through the Probation Department.

#### 233. Good cause for refusal to cooperate

A client who claims to have good cause for refusal to cooperate has the burden of establishing the existence of a good cause circumstance.

##### 233.1 Client requirements

To establish good cause, the client will be required to:

- a. Specify the circumstances which she/he believes provide sufficient good cause for noncooperation;
- b. Corroborate the good cause circumstance; and
- c. If requested, provide sufficient information (such as name and address, if known, of putative father or absent parent) to permit an investigation.

##### 233.2 Good cause circumstances

Only when one of the following circumstances exists will the CWA determine that the client's cooperation is against the best interests of the child and there is good cause for refusal to cooperate:

- a. The client's cooperation is reasonably anticipated to result in physical or emotional harm to the child for whom support is to be sought;
- b. The client's cooperation is reasonably anticipated to result in physical or emotional harm to the parent or parent-person of such nature or degree that it reduces such person's capacity to care for the child; or
- c. Proceeding to establish paternity or collect support in the particular case would be detrimental to the child because:

- 1) The child was conceived as a result of incest or forcible rape;
- 2) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or
- 3) The client is currently (for a period of not more than 3 months) being assisted by a public or licensed private social agency to decide whether to keep the child or relinquish him/her for adoption.

##### 233.3 Physical and emotional harm

Physical and emotional harm must be of a serious nature in order to justify a finding of good cause. A finding for good cause for emotional harm may only be based upon a demonstration of an emotional impairment which substantially affects the individual's functioning.

a. Anticipated emotional harm—When the good cause determination is based in whole or in part upon anticipated emotional harm to the child, parent or parent-person, the CWA will consider the following:

- 1) The present emotional state and the emotional health history of the individual;
- 2) The intensity and probable duration of the emotional impairment;
- 3) The degree of cooperation to be required; and
- 4) The extent to which the child will be involved in the paternity establishment or support collection activity.

##### 234. Proof of good cause claim

The applicant/recipient who claims good cause must provide corroborative evidence within 20 days from the day the claim was made. In exceptional situations, the CWA may allow a reasonable additional period of time if it determines the client requires additional time because of the difficulty of obtaining the evidence.

##### 234.1 Corroborative evidence

The CWA will make a good cause determination based on the corroborative evidence supplied by the client, but only after it has examined the evidence and finds that

it actually verifies the good cause claim. The claim may be corroborated by the following types of evidence:

a. Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

b. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

c. Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child, parent, or parent-person;

d. Medical records which indicate emotional health history and present emotional health status of the parent, parent-person or the child for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent, parent-person or the child for whom support would be sought;

e. A written statement from a public or licensed private social agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him/her for adoption; and

f. Sworn statements from individuals other than the applicant/recipient with knowledge of the circumstances which provide the basis for the good cause claim.

#### 234.2 Additional information

If, after examining the corroborative evidence, the CWA finds additional information is necessary in order to make a good cause determination, it will promptly notify the client, specifying the type of document which is needed.

a. Upon request by the client, the CWA will make a reasonable effort to obtain specific documents which the client is not reasonably able to obtain without assistance.

#### 234.3 Corroborative evidence not submitted or inadequate

a. Claim based on client's anticipation of physical harm—The CWA will investigate the good cause claim when the agency believes the claim is credible without corroborative evidence and such evidence is not available. A decision will be made based on the client's statement and the results of the investigation. This determination will be reviewed, approved or disapproved by supervisory personnel and the findings recorded in the case record.

b. Corroborative evidence insufficient for determination—The CWA may further verify the good cause claim and, where necessary for a final determination, conduct an investigation. The investigation will include contact of the absent parent or putative father. Prior to such contact, however, the client will be notified so that he/she may:

1) present additional corroborative evidence to make the contact unnecessary;

2) withdraw the application for assistance or have the case closed; or

3) have the good cause claim denied.

#### 235. Granting or continuation of assistance

If the client has complied with the requirements of Section 234 for providing corroborative evidence, assistance shall not be denied, delayed or discontinued pending the determination of whether or not good cause for refusal to cooperate exists.

#### 235.1 Periodic review

Determinations of good cause which are based on circumstances subject to change will be reviewed not less frequently than at each redetermination. If the CWA determines that circumstances have changed and good cause

no longer exists, it will rescind its findings and enforce the cooperation requirements (Section 232).

#### 236. Refusal to cooperate

If the CWA determines that no good cause exists for the client's refusal to cooperate, the client shall be notified of the determination and given an opportunity to cooperate, withdraw the application for assistance, or have the case closed.

a. In the event of continued refusal to cooperate, the parent or parent-person will be denied eligibility without regard to other eligibility factors (see ASH 205). Any aid for which the child is eligible shall then be provided in the form of protective payments (see PAM 4540).

The noncooperating parent or parent-person may not be named as the protective payee. The appointment of a protective payee may be appealed in accordance with provisions of PAM 4546. (See also App. D, 221.8b—non-needy parent-person.)

#### 236.1 Maintenance of CSP effort

The deletion of the AFDC parent or parent-person from the eligible unit shall not be construed as a bar to continuing effort by the CSP Unit to establish paternity or obtain support for the AFDC children.

#### 237. CSP interaction

##### 237.1 Review of CSP Unit

Prior to a final determination of good cause for refusing to cooperate, the Income Maintenance Unit will provide the CSP Unit an opportunity to review and comment on the findings and will consider recommendations from that unit. Additionally, the CSP Unit may participate in any fair hearing resulting from a good cause determination.

##### 237.2 Notice to CSP Unit

If the CSP referral form has already been routed to the CSP Unit, the IM worker shall promptly notify the CSP Unit that good cause has been claimed. The worker shall also report promptly to the CSP Unit as soon as a determination in the good cause claim has been made and shall advise whether or not child enforcement may proceed without the participation of the parent or parent-person (see Section 238).

#### 238. Enforcement without parent's cooperation

When the CWA makes a determination that good cause for refusal to cooperate exists, it will also determine whether or not child support enforcement and/or establishment of paternity can proceed without risk of harm to the child or parent with whom he/she lives if the enforcement or collection activities do not involve their participation. This decision, with the basis for the determination, will be recorded in the case record.

##### 238.1 CSP recommendation

The CSP Unit will be given the opportunity to review the proposed determination and will be notified promptly regarding the decision.

##### 238.2 Notification of client

The client will be notified that child support enforcement or establishment of paternity will proceed without the client's cooperation. The client may choose to withdraw his/her application or have the case closed.

#### 239. Record keeping

The CWA shall maintain records of activities relative to good cause claims, including data required for completion of Form PA-48, Quarterly Summary of Good Cause Claims. This form shall be submitted to the Bureau of Local Operations on a quarterly basis.

338. Good cause determination

The CSP Unit shall not undertake to establish paternity or secure child support when the unit has received notice from the Income Maintenance Unit that there has been a finding of good cause for noncooperation (App. D, Section 230), except as noted in Section 338.2.

338.1 Activities suspended

Upon receipt of notice from the IM Unit that an applicant/recipient has claimed good cause (see App. D, Section 237.2), the CSP Unit, until notified of a final determination, suspend all activities in regard to collection of support and/or establishment of paternity.

338.2 CSP activity without client participation

When there has been a finding that good cause exists but the IM Unit notifies the CSP Unit that child support enforcement may proceed without participation of the applicant/recipient, the CSP Unit will undertake to establish paternity or secure child support without involvement in any way of the applicant/recipient (see App. D, Section 238).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 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.

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments: General Assistance Manual— Victims of Domestic Violence

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend portions of the General Assistance Manual concerning victims of domestic violence.

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

10:85-4.6(a)2. Situation beyond client's control: Because of an emergent situation over which the individual had no control or opportunity to plan in advance, he/she is in a state of homelessness, and the municipal welfare director determines that provision of shelter, food, clothing, and/or minimum essential house furnishings are necessary for the health and safety of the individual[.];

i. Domestic violence - The state of homelessness may result from imminent or demonstrated violence which imperiled the health and safety of the individual or eligible unit.

10:85-4.6(b)1. Emergency shelter: When an actual state of homelessness exists or is manifestly imminent in ac-

cordance with Section 451.1 or 451.2 the authorized payment shall be the actual cost of adequate emergency shelter arrangements, at the most reasonable rate available, for a specified temporary period not to exceed the calendar month following the month in which the state of homelessness first became known.

i. Payment may be authorized for security deposits for rent and/or utilities when the municipal welfare director determines it is necessary to establish the client in a new permanent living arrangement.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 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.

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Rules Concerning Special Payments for Emergency Assistance and Payment of Burial and Funeral Expenses

David Einhorn, Acting Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-13, 44:7-12, 44:7-38 and 44:7-43, proposes to adopt a new Special Payments Handbook concerning emergency assistance and payment of burial and funeral expenses. Such rules, if adopted, will be cited as N.J.A.C. 10:100-3.1 et seq.

This proposal establishes authorization and reference material for CWA payments to or for certain elderly, blind or disabled persons.

Copies of the 14 pages of the full text of this proposal may be obtained from or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1979 to the Division of Public Welfare at the above address.

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

David Einhorn  
Acting Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Proposed Rules Concerning the Obligation Of DYFS to Inform Prosecutors of Certain Child Abuse and Neglect Cases

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 9:6-8.36(a), proposes to adopt new rules concerning the obligation of the Division of Youth and Family Services to inform prosecutors of certain child abuse and neglect cases.

Full text of the proposal follows:

#### CHAPTER 129 CHILD ABUSE AND NEGLECT CASES

##### Subchapter 1. Policy of the Division of Youth and Family Services and County Prosecutors Concerning the Referral and Investigation of Child Abuse Cases

###### 10:129-1.1 Purpose

(a) State law requires all persons to report suspected cases of child abuse or neglect to the Division of Youth and Family Services ("the Division"), and the Division has a legal obligation to refer to county prosecutors those cases that involve apparent criminal activity on the part of a child's parent or caretaker or another person. While this duty may result in the referral of a substantial number of cases to prosecutors, it is anticipated that in most of the cases referred extensive police involvement will not be warranted, and indeed that in many cases no police involvement will be required. The objectives of this policy statement are:

1. To set forth guidelines by which Division caseworkers may easily identify cases that must be referred to prosecutors;
2. To establish procedures for such referrals;
3. To establish a system through which Division caseworkers may assist prosecutors in determining which cases should be investigated and in identifying cases in which criminal investigation or prosecution would be detrimental to the child's best interests; and
4. To establish a framework for liaison and improved communication between the Division's district offices and the several prosecutors' offices in order that their mutual goal of protecting the child may be promoted.

###### 10:129-1.2 General policy

The primary concern of all public agencies involved with child abuse and neglect is to ensure the safety, well-being and best interests of the child. All other considerations, such as the desire by law enforcement officials to establish and preserve evidence for prosecution purposes, the objective of maintaining family integrity or promoting family therapy or the concern for traditional "parental rights," are secondary.

###### 10:129-1.3 Referral of cases to prosecutors

(a) Caseworkers are obligated to report to the prosecutor cases involving probable criminal conduct on the part of a parent, caretaker or any person. This obligation will be satisfied if caseworkers refer to the prosecutors all cases involving any of the following:

1. Death of a child;

2. The subjecting or exposing of a child to unusual or inappropriate sexual activity;
3. Any type of injury or condition resulting in hospitalization or emergency room treatment;
4. Any type of injury or condition that requires more than superficial medical attention (e.g., treatment for broken bone at physician's office);
5. Evidence of repeated instances of physical violence committed against a child, or substantially depriving a child of necessary care over a period of time; or
6. Abandonment of a child.

(This list shall not be construed to preclude the referral of any other case which, in the judgment of the caseworker and supervisor, warrants review by the prosecutor.)

7. While several of the criteria set forth above are based solely upon the objective condition of the child, there must also be some evidence that the injury or condition was not accidentally caused. If, upon investigation, it appears to the caseworker that a child was most likely injured in an accident (not involving gross negligence on the part of the parent or caretaker), and from the Division's point of view the case would be considered closed, there is no suspected criminal activity to be reported to the prosecutor. However, for purposes of these guidelines an injury is not accidental if a parent did an intentional act that produced an unintended result. Thus, a parent who physically disciplines a child commits child abuse if the child is injured even though the parent did not intend to cause the injury.

8. It should be noted that this policy applies whether the child is residing at home or in an institution, school or other residential facility, and whether the person believed to be responsible for the injuries is the child's parent or caretaker, or any other person.

(b) The Division's duty to refer a case to the prosecutor arises as soon as the caseworker has some information about the case which leads him to conclude that the alleged abuse or neglect probably did occur. This means both verification that the child's condition is one of those specified in the above guidelines and evidence that the condition or injury was not accidentally caused. In some cases, such as where the child is in a hospital and a doctor states his opinion that the injury could not have been accidental, the caseworker will have sufficient knowledge to warrant a report at a very early stage of the investigation. In other cases, such as where evidence initially supports the parent's story that an injury was accidental, the duty to report may not arise until a later point when the caseworker has conducted a more extensive investigation.

1. Thus, referral is not to be made at the time a report is first received by the Division even if the caller provides sufficiently detailed information to place the case in one of the categories set forth above. This information must be supported by some independent evidence obtained by the caseworker. This does not mean that the worker must have completed an investigation and secured solid evidence of abuse. Rather, cases falling within the above categories should be referred at the point at which the worker has some basis for assuming that the child's injury or condition probably was not accidentally caused.

(c) Written referrals on forms provided by the Division shall be sent to the prosecutor as soon as the caseworker determines that the referral is required. In particularly serious cases, as well as any case in which the caseworker will recommend that the prosecutor conduct an investigation, the referral shall be made by telephone, with written confirmation being sent within 48 hours thereafter. The Division will establish specific procedures for making re-

referrals which will include participation by supervisory personnel in identifying cases that must be referred and designation of a person in each district office to act as a liaison to the prosecutor. Copies of such procedures will be furnished to county prosecutors.

#### 10:129-1.4 Division recommendations to prosecutors

(a) When referring a case to prosecutors the caseworker may already have information sufficient to arrive at a preliminary conclusion concerning the need for investigation by the prosecutor. This conclusion will be based on casework considerations. A recommendation and the underlying reasons will be communicated to the prosecutor at the time the case is referred.

(b) Recognizing (1) that the caseworker has already conducted a preliminary investigation of the case, (2) that the caseworker has some experience and expertise enabling him to assess the need for action by the prosecutor, (3) that in some cases efforts already made by the caseworker to ameliorate the underlying problems may be undermined by the initiation of a police investigation and (4) that the caseworker is also in a position to identify cases in which immediate action by the prosecutor is required, the prosecutor shall give due consideration and deference to the recommendations of the Division. If the prosecutor determines to investigate a case notwithstanding a contrary recommendation by the Division, he shall discuss the matter with the caseworker, his supervisor or the district office liaison before initiating the investigation.

#### 10:129-1.5 Response by prosecutors

(a) In order to facilitate communication with the Division and coordinated handling of child abuse cases, each county prosecutor will designate a person to serve as liaison to the Division's district offices for child abuse cases. In addition, to the extent practicable, each prosecutor will delegate to one or several investigators responsibility for conducting all investigations of child abuse cases. The person designated as liaison for child abuse cases will be responsible for keeping the Division informed as to the course of action to be taken by the prosecutor.

(b) The prosecutor will take either of the following courses of action upon receipt of a referral:

1. Advise the Division staff member making the referral that the prosecutor will not undertake an investigation and request that the prosecutor be advised of any evidence of further or continuing abuse.

2. With advance notice to the Division, undertake an initial investigation using specially designated investigators or refer the matter to a designated officer in the local police department for initial investigation.

(c) After investigating a case, the prosecutor will determine whether criminal prosecution must be considered. He will confer with the caseworker in making this determination and advise the caseworker of the decision.

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

Steven Klein  
Office of Regulatory and Legislative Affairs  
Division of Youth and Family Services  
1 South Montgomery St.  
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

#### Amendments: AFDC - WIN Training Expenses And Maternity Care

On December 19, 1978, 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. 10:82-3.2(b) and 10:82-5.3(h) concerning the disregard of work training expenses in WIN and institutionalized care of an unwed mother in AFDC-N as proposed in the Notice published November 9, 1978 at 10 N.J.R. 487(b).

An order adopting these amendments was filed on December 22, 1978, as R.1978 d.438 to become effective on February 1, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments: Food Stamps - Continuation Of Benefits

On December 19, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-7.12(a)3. concerning the continuation of benefits during the period of postponement of a fair hearing as proposed in the Notice published November 9, 1978 at 10 N.J.R. 487(a).

An order adopting these amendments was filed and became effective on December 22, 1978 as R.1978 d.439.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments To Food Stamp Manual Appendix

On December 19, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments which deleted the current text in Tables II and III in Appendix D in Chapter 87 in Title 10 of the New Jersey Administrative Code concerning the Food Stamp Manual and adopted new text therein concerning monthly coupon allotment and maximum monthly allowable income standards.

These amendments reflect the semiannual adjustment in maximum monthly allowable income standards and

monthly coupon allotments as required in the Federal Food Stamp Act of 1964. These amendments also provide for the elimination of the purchase requirement as mandated by the Federal Food Stamp Act of 1977.

Copies of the 12 pages of the full text of the adopted amendments may be obtained from or made available for review by contacting:

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

An order adopting these amendments was filed on December 22, 1978, as R.1978 d.440 (Exempt, Emergency Rule) to become effective on January 1, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

### (a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments to Food Stamp Manual

On January 12, 1979, David Einhorn, Acting Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the Food Stamp Manual in N.J.A.C. 10:87-1.1 et seq. substantially as proposed in the Notice published December 7, 1978 at 10 N.J.R. 537(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these amendments was filed on January 18, 1979 as R.1979 d.29 to become effective on March 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

### (b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

#### Rules on Standards for Testing And Diagnostic Centers

On November 8, 1978, Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules on standards for testing and diagnostic centers substantially as proposed in the Notice published October 5, 1978, at 10 N.J.R. 446(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

Full text of adoption follows:

#### 13:35-6.14 Standards concerning testing and diagnostic centers

##### Foreword

The performance of physical examinations accompanying diagnostic testing procedures on human beings are included within the practice of medicine. Such services are presently being offered to the public in both stationary and mobile facilities which are not in all circumstances regulated by the Department of Health. It is essential for a meaningful interpretation of test data that the underlying tests be administered competently and appropriately as determined and supervised by a licensed physician. The purpose of this regulation is to define and establish minimum medical standards of operation for those centers, clinics or facilities which provide or purport to provide activities such as physical examinations and/or laboratory testing procedures, which are presently regulated by N.J.S.A. 45:9-1 et seq. and 45:9-42.1 et seq.

(a) The provisions of this regulation shall be applicable to centers, clinics or facilities which provide or offer to provide physical examinations and/or testing procedures.

(b) Definitions include the following:

1. "Automated Health Testing Center" (AHTC) means a facility under the control, supervision, direction and physical presence of a licensed physician or a group of licensed physicians offering services to the medical profession or to the public, which screens patients by multiphasic methods, such screening resulting in a determination less complete than a physical examination performed by a licensed physician; and which does not purport to substitute for such complete physical examination. This definition is not intended to include a one-modality service, such as community chest X-ray examination, and community blood pressure examination.

2. "Diagnostic Center" or "Diagnostic Clinic" (hereafter "Center") means a facility under the control, supervision, direction and physical presence of a licensed physician, which is staffed by one or more licensed physicians and which contains the facilities necessary to render a medical service by establishing a diagnosis and which may recommend a course of treatment for the patient.

3. "Licensed physician" means a duly licensed physician of the State of New Jersey who possesses a current unrestricted license to practice medicine and surgery.

(c) The licensed physician in charge of and responsible for the supervision and direction of the AHTC or the Center shall, prior to operation of the facility, submit for approval of the Board of Medical Examiners a copy of the licensing application previously approved by the Department of Health, proof of current licensure of physician in charge, and, if applicable, facility license pursuant to N.J.S.A. 45:9-42.26.

(d) The licensed physician in charge and the AHTC or Center shall have the following responsibilities:

1. Procure from the patient a designated physician or, in the absence of a designated physician the addressee to whom all reports shall be directed. In the event that a report is sent gratuitously to a designated physician with whom no physician-patient relationship has previously been established, said physician shall incur no obligation with respect to such report. The AHTC or Center shall formally advise all patients of this at the time of testing.

2. Submit the full test report to the referring or designated physician and to the patient or designated addressee as instructed by the patient, not later than 3 business days from the date of receipt of such test report by the AHTC or Center.

3. Clearly identify all abnormalities for the attention of the physician.

4. Where abnormality is apparent, the notification to the patient shall be accompanied by an express recommendation that the patient contact the appropriate physician for clarification.

(e) Noncompliance with the above regulations may be considered gross malpractice or gross neglect by the licensee and may result in the institution of suspension or revocation proceedings.

(f) This rule shall be effective ninety (90) days after filing.

An order adopting these rules was filed on December 14, 1978, as R.1978 d.434 (Exempt, Procedure Rule) to become effective on March 14, 1979.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

**BOARD OF VETERINARY MEDICAL EXAMINERS**

**Rules on Records Retention**

On October 20, 1978, George E. Boyle, President of the State Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 13:44-2.12, concerning records retention as proposed in the Notice published September 7, 1978 at 10 N.J.R. 403(a).

An order adopting these rules was filed and became effective on December 14, 1978 as R.1978 d.435.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**LAW AND PUBLIC SAFETY**

**DIVISION ON CIVIL RIGHTS**

**Amendments Concerning Time, Costs  
And Place of Hearings**

On October 2, 1978, Vernon N. Potter, Director of the Division on Civil Rights in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 10:5-8(g) and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which deleted in its entirety the current text of N.J.A.C. 13:4-12.9 and amended N.J.A.C. 13:4-12.7 concerning the time, costs and place of hearings.

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

13:4-12.7 Time, [and] Place and Costs of Hearing

(a) Hearings shall be held at a time and place designated by the Director having due regard for the con-

venience of the parties and witnesses [and the place of the alleged discriminatory act].

(b) [The Director may upon his own motion, or upon a motion in writing made at least three days prior to the date of the hearing in behalf of any party, adjourn any hearing.] When a default hearing has convened upon proper notice to all parties, and during or after the hearing a party moves to have the order of default vacated, and the Director vacates the default upon the motion by the party, the Director may assess costs of the hearing against the party so moving upon a recommendation of the hearing examiner.

(c) When a public hearing has been scheduled upon due notice to all parties, an adjournment will not be granted except upon timely application to the Director and for good cause shown. The granting of an adjournment requested less than three days prior to the scheduled hearing date, may be conditioned upon the assessment of costs incurred by the Division, parties or witnesses, as a result thereof.

[(c)] (d) Upon any such adjournment, the Director shall notify all interested parties and may on notice reschedule the hearing at any time thereafter.

(e) Costs, which are those costs normally paid by the Division in such cases, shall include but not be limited to the court reporter's fee, hearing examiner's fee, witnesses' fees, and any other administrative expenses incurred as a result of adjourning and rescheduling the hearing.

13:4-12.9 (Reserved)

An order adopting these amendments was filed and became effective on December 14, 1978, as R.1978 d.436 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

**BOARD OF MEDICAL EXAMINERS**

**Rules on Termination of  
Exemptions of Physicians from Licensure**

On November 8, 1978, Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 13:35-3.9, concerning the termination of exemptions of physicians from licensure substantially as proposed in the Notice published August 10, 1978, at 10 N.J.R. 347(b) with only inconsequential structural or language changes in the opinion of the Department of Law and Public Safety.

The changes in the adoption only involved a correction of a grammatical error in the proposal.

An order adopting these rules was filed and became effective on December 26, 1978 as R.1978 d.443.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Rules Concerning Motorized Bicycles

On December 29, 1978, 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. 39:4-14.3(a) and (c) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 13:25-8.1 et seq. concerning motorized bicycles as proposed in the Notice published November 9, 1978 at 10 N.J.R. 507(a).

An order adopting these rules was filed and became effective on January 8, 1979 as R.1979 d.3.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments on Alcohol Countermeasures

On December 29, 1978, 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, 39:4-50, 39:5-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:20-31.1 et seq. concerning alcohol countermeasures as proposed in the Notice published November 9, 1978 at 10 N.J.R. 508(a).

An order adopting these amendments was filed and became effective on January 8, 1979 as R.1979 d.4.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### OFFICE OF WEIGHTS AND MEASURES

#### Amendments Concerning the National Handbook of Standards Handbook H-44

On January 2, 1979, William J. Wolfe, Sr., State Superintendent of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:1-54, 51:1-61, 51:4-31, 51:9-2, 51:10-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:47B-1.20 concerning the National Bureau of Standards Handbook H-44 as proposed in the Notice published December 7, 1978 at 10 N.J.R. 556(a).

An order adopting these amendments was filed and became effective on January 10, 1979 as R.1979 d.11.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF PSYCHOLOGICAL EXAMINERS

#### Rules Concerning Personal Conduct of Licensees

On December 18, 1978, Leonard Roth, Secretary of the State Board of Psychological Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14B-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:42-1.3 et seq., concerning the personal conduct of licensees substantially as proposed in the Notice published November 9, 1978 at 10 N.J.R. 505(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

An order adopting these rules was filed and became effective on January 17, 1979 as R.1979 d.24.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## ENERGY

### OFFICE OF CABLE TELEVISION

#### Proposed Rules on Make-Ready Clearance Requirements and Plant Costs

John P. Cleary, Director of the Office of Cable Television in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-1 et seq., proposes to adopt new rules concerning make-ready clearance requirements and costs to the plant. The rules if adopted will be cited as N.J.A.C. 14:18-2.9.

Full text of the proposal follows:

14:18-2.9 Clearance requirements

(a) Definitions include the following:

1. "Code" means the National Electrical Safety Code, 1977 edition, and any amendments thereto.
2. "Neutral space" means a space of four feet maintained on a pole between longitudinal and lateral supply and communications attachments.
3. "Reference gain" means the dividing point on a pole between the neutral space and the communications space as determined by the owner(s) which may be indicated by a cut gain or a marker.
4. "Power secondary conductor" is a wire or cable suitable for carrying an electric current and operating from 0 to 750 volts. Excluded from this classification are conductors providing service to a street lamp and vertical or lateral conductors attached to the pole.
5. "Existing construction" means that construction which is presently installed on the poles as of the date of adoption hereof by the Board.
6. "Communications space" means that area of a jointly owned utility pole at or below the reference gain where telephone cable and CATV cable can be attached and

provide adequate clearance above ground as required by the Code.

7. "Attachment" means the point on the pole where the power secondary conductor, the cable or CATV cable is physically supported.

8. "Midspan" means a point between two poles beyond 15 inches measured from the center of the poles.

9. "Street light facility" means a luminaire bracket and associated drip loop.

(b) Pole attachment standards are:

1. CATV cable is to be attached to utility poles at the reference gain, except as noted in paragraph 6, paragraph 7.iii, paragraph 9.ii, and paragraph 10.iii of this subsection. The owner(s) will provide a CATV company with sufficient information to identify the reference gain location upon receipt by the owner(s) or the duly authorized representative of a CATV company's state authorization to proceed with make ready activity with the utilities.

2. At all times, at the pole, a minimum of 12 inches of vertical separation will be maintained between the CATV cable attachment and the telephone cable attachment.

3. CATV pole attachments are to be made in accordance with a minimum 40 inch vertical separation at the pole between the CATV cable attachment and power secondary conductors. The 40-inch minimum vertical separation shall be measured as follows: FROM THE POINT OF ATTACHMENT OF THE HIGHEST CATV CABLE TO THE LOWEST POWER SECONDARY CONDUCTOR WITHIN A 15-INCH RADIUS FROM THE CENTER OF THE POLE. The area of clearance between the CATV cable attachment and power secondary conductors is further defined as a cylindrical space 40 inches in height with a 16 inch radius from the center of the pole.

4. The vertical separation between CATV cable and the power secondary conductors must be in compliance with all midspan clearance requirements of the Code.

5. If, upon the attachment of CATV cable to a utility pole at the reference gain, there would be at least a 12-inch separation between the CATV cable attachment and the telephone cable attachment and there would be at least a 40-inch vertical separation between the CATV cable attachment and power secondary conductors and any applicable Code minimum vertical separation between the CATV cable attachment and a street light facility is met, existing telephone cable and existing power construction shall remain in place.

i. If the attachment of CATV cable to a utility pole in accordance with this paragraph would create a vertical separation in violation of the Code midspan clearance requirements between CATV cable and power secondary conductors at midspan, rearrangement of construction when practicable or CATV construction is to be done at the expense of the CATV company.

6. If the vertical separation between the reference gain and a street light facility is less than the Code required minimum separation between such facility and a communications attachment, CATV cable may be attached a minimum distance below the reference gain to achieve Code clearances and at least 12 inches above telephone cable only if there is no associated relocation of telephone cable.

i. If after the attachment of CATV cable to a utility pole below the reference gain in accordance with this paragraph, telephone company requires that the CATV cable be raised to permit attachment of additional telephone cables in the communications space, movement of the existing street light facility to meet applicable provisions of the Code shall be made at the expense of the CATV

company. Movement of existing CATV cable will be at the expense of the CATV company.

7. If power secondary conductors are less than 40-inches from the reference gain, then the minimum 40-inch vertical separation between the CATV cable attachment and power secondary conductors and the associated minimum midspan clearance requirements of the Code shall be obtained as follows:

i. On jointly or singly owned poles power company is to move its power secondary conductors at the expense of the power company and this movement is to be to the top of the neutral space in all cases where it would not necessitate replacement of the pole; or

ii. On jointly owned poles, if subparagraph i above is not possible, the power company is to purchase additional equity in the pole at the expense of the power company; or

iii. If neither subparagraphs i nor ii of this paragraph is possible due to conditions on the pole, CATV cable may be attached a minimum distance below the reference gain to achieve the 40-inch clearance to the power secondary conductors and at least 12 inches above telephone cable where pole conditions permit. Any necessary relocation of telephone cable is to be made at the expense of the power company; or

iv. Where neither subparagraphs i, ii, nor iii of this paragraph is possible due to conditions on the pole, the pole is to be replaced at the expense of the power company.

8. If, after the attachment of CATV cable to a utility pole below the reference gain in accordance with paragraph 7 of this subsection, the telephone company requires that the CATV cable be raised to permit attachment of additional telephone cables in the communications space, movement of the existing power secondary conductor to meet the 40-inch vertical separation, shall be made at power company expense. Movement of existing CATV cable will be made at the expense of the CATV company.

9. If, upon attachment of a CATV cable to a utility pole at the reference gain, there would be less than a 12-inch vertical separation between attachments of the CATV cable and the telephone cable, existing telephone cable is to be moved to obtain the minimum 12-inch separation at the expense of the CATV company.

10. If, upon attachment of a CATV cable to a utility pole at the reference gain, there would be less than a 12-inch vertical separation between attachments of the CATV cable and the telephone cable and the telephone company is unable to move its existing cable to attain the minimum 12-inch separation, then, to obtain the 12-inch minimum separation:

i. On jointly owned poles, the telephone company is to purchase more equity in the pole, if available, at the expense of the CATV company; or

ii. If subparagraph i above is not possible due to conditions on the pole, CATV cable may be attached 4 inches or less above the reference gain only if 40 inches of clearance to the power secondary conductors can be met without requiring relocation of power conductors; or

iii. If neither subparagraph i. nor ii. above is possible due to conditions on the pole, the pole is to be replaced at the expense of the CATV company.

11. Where a telephone cable is attached to the pole above the reference gain:

i. On all poles, the telephone company shall lower its cable at telephone company expense to permit the attachment of CATV cable at the reference gain; or

ii. On jointly owned poles, if subparagraph i. above is not possible, the telephone company shall purchase addi-

tional equity, if available, at telephone company expense to permit the attachment of CATV cable; or

iii. If neither subparagraph i. nor ii. above is possible, but the telephone company cable can be lowered at least 8 inches below the reference gain, CATV cable may be attached 4 inches or less above the reference gain only if 40 inches of clearance to the power secondary conductors can be met without requiring relocation of the power conductors; or

iv. If neither subparagraphs i., ii. nor iii. above is possible, the pole is to be replaced at the expense of the CATV company.

12. Any overhead construction in evidence prior to CATV attachment which is in violation of the provisions of the Code is to be corrected at the expense of the company responsible for the violation.

13. All make ready survey performed or verified by the telephone company and the power company prior to the date of adoption hereof by the Board shall not be subject to the terms of this section unless mutually consented to by the respective parties.

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

John P. Cleary  
Director, Office of Cable Television  
Department of Energy  
1100 Raymond Boulevard  
Newark, N.J. 07102

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

John P. Cleary  
Director, Office of Cable Television  
Department of Energy

(a)

## ENERGY

### THE COMMISSIONER

#### Proposed Rules Concerning the Energy Facility Review Board

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules concerning the Energy Facility Review Board. Such rules are known within the Department of Energy as Docket No. DOE 004-78-11.

Take notice that these proposed rules supersede the previously proposed rules on the same subject that appeared in the November 9, 1978 issue of the New Jersey Register at 10 N.J.R. 510(c).

Full text of the proposal follows:

#### CHAPTER 8 ENERGY FACILITY REVIEW BOARD

##### SUBCHAPTER 1 RULES OF PROCEDURE

###### 14A:8-1.1 Scope

Unless otherwise provided by statute or rule, the following rules shall govern the procedures of an Energy Facility Review Board established pursuant to N.J.S.A. 52:27F-15(c).

###### 14A:8-1.2 Definitions

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

"Application" means any application, and all papers, documents and materials appurtenant thereto, submitted to a State instrumentality for any permit for the construction or location of any energy facility.

"Board" means an Energy Facility Review Board established pursuant to N.J.S.A. 52:27F-15(c).

"Department" means the New Jersey Department of Energy.

"Energy facility" means any plant or operation which produces, converts, distributes or stores energy or converts one form of energy to another.

"Director's report" means the report, prepared by the Director of the Division of Energy Planning and Conservation pursuant to N.J.S.A. 52:27F-15(c), describing the findings of the Department with respect to an application.

"State instrumentality" means any State department, division, commission, authority, council, agency or board charged with the regulation, supervision or control of any business, industry or utility engaged in the production, processing, distribution, transmission or storage of energy in any form.

###### 14A:8-1.3 Function of the Board

In the event that the views of the Department, as contained in the Director's report, with respect to an application differ from the views of the State instrumentality with the power of approval over such application, an Energy Facility Review Board shall be established. The Board created with respect to a specific application shall meet within 30 days of the issuance of a final decision by the State instrumentality with the power of approval over the application.

###### 14A:8-1.4 Membership of the Board; chairman

The membership of the Board shall consist of the Director of the Division of Energy Planning and Conservation in the Department, the director or chief executive officer of the State instrumentality with the power of approval over the application, and a designee of the Governor. The designee of the Governor shall be the chairman.

###### 14A:8-1.5 Assistance to the Board by the staff of the Department

The Board shall receive such assistance from the staff of the Department as the Board deems necessary to carry out its duties.

###### 14A:8-1.6 Correspondence with the Board

All correspondence with the Board shall be addressed to:  
Secretary, Energy Facility Review Board  
New Jersey Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102

###### 14A:8-1.7 Notice of meetings of the Board

Pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., the secretary of the Board shall give written advance notice of at least 48 hours of the time, date, location and, to the extent known, the agenda of any meeting of the Board, and shall state whether formal action may be taken. Such notice shall be delivered to all newspapers and wire services maintaining an office at the State House, in Trenton. Such notice shall be filed with the clerks of the municipality and of the county in which the proposed energy facility is to be constructed or located. Two copies of such notice shall be delivered to the Secretary of State, one for posting and one for filing.

(Continued on Page 88)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

It includes ALL rules adopted from receipt of the last

individual Title updatings through January 18, 1979.

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

## RULES NOT YET IN PRINT IN CODE:

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>AGRICULTURE — TITLE 2</b>			
2:1-2.3	Amend functions of department units	R.1978 d.402	11 N.J.R. 2(b)
2:2	Amend disease control program	R.1978 d.402	11 N.J.R. 2(b)
2:2-2.15(b)	Amendments on limits of indemnities for brucellosis reactors	<b>R.1978 d.302</b>	<b>10 N.J.R. 415(a)</b>
2:3-1.1, 1.2	Amend interstate animal health certificates	R.1978 d.402	11 N.J.R. 2(b)
2:6-1.4, 1.8	Amend biologics	R.1978 d.402	11 N.J.R. 2(b)
2:6-1.9	Amend biologic product use	R.1978 d.428	11 N.J.R. 3(b)
2:7-1.5, 1.6	Repeal fee structure, service to poultry men	R.1978 d.402	11 N.J.R. 2(b)
2:8	Repeal administrative rules	R.1978 d.402	11 N.J.R. 2(b)
2:18	Repeal movement of plants, plant material	R.1978 d.402	11 N.J.R. 2(b)
2:20-2.1, 4.1	Repeal gooseberry planting prohibition; subcoccinella viginliqualourpunctata quarantine	R.1978 d.402	11 N.J.R. 2(b)
2:31	Repeal milk and cream grading	R.1978 d.402	11 N.J.R. 2(b)
2:53-1.1(b)	Amended minimum milk prices	<b>R.1978 d.317</b>	<b>10 N.J.R. 415(b)</b>
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.367	10 N.J.R. 469(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.395	10 N.J.R. 526(b)
2:53-1.1(b)	Amend minimum milk prices	R.1978 d.402	11 N.J.R. 2(b)
2:53-1.1(b)	Amend announcement of milk prices	R.1979 d.34	11 N.J.R. 58(a)
2:53-1.2, 1.3	Amended schedules of milk prices	<b>R.1978 d.318</b>	<b>10 N.J.R. 414(a)</b>
2:54-2.6	Amendments to Federal Milk Marketing Order 4	R.1978 d.344	10 N.J.R. 468(b)
2:54-3.7	Amendments on suspension of portions of Federal Order 4	R.1978 d.343	10 N.J.R. 468(a)
2:54-3.7	Amendments to milk handling order	R.1978 d.396	10 N.J.R. 526(c)
2:71-1	Amend quality standards, shell eggs	R.1978 d.402	11 N.J.R. 2(b)
2:71-2	Amend fruits and vegetable standards	R.1978 d.402	11 N.J.R. 2(b)
2:71-4	Repeal poultry standards	R.1978 d.402	11 N.J.R. 2(b)
2:72	Amend license and bonding	R.1978 d.402	11 N.J.R. 2(b)
2:73-1	Repeal state seal: asparagus	R.1978 d.402	11 N.J.R. 2(b)
2:73-4 thru 6	Repeal state seal: white potatoes, poultry, turkeys	R.1978 d.402	11 N.J.R. 2(b)
2:74-1.4, 1.8, 1.13	Amend controlled atmospheric storage	R.1978 d.402	11 N.J.R. 2(b)

(Rules in the Code for Title 2 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 13.)

## BANKING — TITLE 3

3:1-9	Amendments to home mortgage disclosure rules	<b>R.1978 d.304</b>	<b>10 N.J.R. 416(b)</b>
3:6-2.1	Amend approved depositaries for investments	R.1979 d.23	11 N.J.R. 58(b)
3:6-3.1	Repeal rule on notice of maturity on business suspensions	R.1978 d.370	10 N.J.R. 469(b)
3:7-4.3	Amendments on maturity for long-term time deposits	R.1978 d.290	10 N.J.R. 370(b)
3:18-9	Amend secondary mortgage loan interest rate	R.1978 d.404	11 N.J.R. 4(b)

(Rules in the Code for Title 3 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 12.)

## CIVIL SERVICE — TITLE 4

4:1-5.16	Amendments on awarding counsel fees	R.1978 d.345	10 N.J.R. 469(c)
4:1-8.14	Amendments on action against prospective employees	R.1978 d.358	10 N.J.R. 469(d)
4:1-12.2	Amendments on promotional eligibility during leave to fill elective office	R.1978 d.392	10 N.J.R. 527(d)

(Rules in the Code for Title 4 include all adoptions prior to September 21, 1977—Transmittal Sheet No. 11.)

## COMMUNITY AFFAIRS — TITLE 5

5:3	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:10-1.1 et seq.	Amendments on construction and maintenance of hotels and multiple dwellings	R.1978 d.289	10 N.J.R. 378(b)
5:11-9.7	Amendments on tax abatements on added assessments	R.1978 d.369	10 N.J.R. 472(a)
5:14, 5:16, 5:20	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:22-1.1 et seq.	Amendments on continuation of rental assistance payments	R.1978 d.342	10 N.J.R. 469(e)
5:23-1.1 et seq.	Amendments to Uniform Construction Code	R.1978 d.350	10 N.J.R. 469(f)
5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-6.1 et seq.	Rules on tax exemption for solar facilities	R.1978 d.334	10 N.J.R. 418(a)
5:26	Planned real estate development full disclosure	R.1978 d.403	11 N.J.R. 8(a)
5:30-1.15	Urban aid reporting system	R.1978 d.241	10 N.J.R. 319(b)
5:30-2.5—2.7	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5:30-3.3(c)	Dedication by rider to local unit budget	R.1978 d.240	10 N.J.R. 319(a)
5:30-3.4—3.8	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5:30-4.1 et seq.	Capital budgets and capital improvement programs	R.1978 d.322	10 N.J.R. 416(d)
5:30-5.1—5.11, 5.13, 6.1—6.4, 6.8—6.11, 7.1—7.9, 7.13, 8.1—8.5, 9.1—9.8, 10.1—10.11, 11.1—11.7	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5:34-1.1 et seq.	Delete current text and reserve for future use	R.1978 d.322	10 N.J.R. 416(d)
5:30-15.2	Procedure and form of emergency ordinance under CAP law	R.1978 d.211	10 N.J.R. 317(b)
5:30-16.11, App. B	Amendments on tenant's property tax expiration date	R.1978 d.233	10 N.J.R. 318(a)
5:36-1.1 et seq.	Amended rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:40, 5.43, 5.44, 5:61	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:62-1.1 et seq.	Delete rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:62-1.1 et seq.	Rules on Handicapped Person's Recreational Opportunities Act	R.1978 d.143	10 N.J.R. 224(a)
5:70	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)

(Rules in the Code for Title 5 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

## EDUCATION — TITLE 6

6:3-1.21	Evaluation of tenured teaching staff members	R.1978 d.227	10 N.J.R. 319(d)
6:3-3.1 et seq.	Amendments on withdrawal from limited purpose regional school districts	R.1978 d.355	10 N.J.R. 473(b)
6:11-4.5	Amendments on intern certificates	R.1978 d.393	10 N.J.R. 531(b)
6:21-5.1 et seq. 6.1 et seq.	Amendments on school bus equipment specifications	R.1978 d.226	10 N.J.R. 319(c)
6:21-19.1(h)	Rule on school bus strobe warning lamps	R.1978 d.306	10 N.J.R. 418(c)
6:22-9.1 et seq., 10.1 et seq., 11.1 et seq.	Amendments on energy conservation	R.1978 d.356	10 N.J.R. 473(c)
6:22-13.3	Amendments on fire alarms and automatic fire detection	R.1978 d.357	10 N.J.R. 474(a)
6:28-1.1 et seq.	Amendments on special education	R.1978 d.277	10 N.J.R. 383(a)

(Rules in the Code for Title 6 include all adoptions prior to May 22, 1978—Transmittal Sheet No. 12.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:2	Amend rules of the Bureau of Parks	R.1979 d.18	11 N.J.R. 63(a)
7:6-1.34(c), 1.42(d)	Amendments regarding boating, diving and swimming	R.1978 d.368	10 N.J.R. 480(a)
7:6.6	Rules on watercraft noise control	R.1979 d.12	11 N.J.R. 63(d)
7:7E	Rules on coastal resource and development policies	R.1978 d.292	10 N.J.R. 384(a)
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(a)39.iii.	Amendment on condemnation of certain shellfish beds	R.1978 d.327	10 N.J.R. 425(b)
7:12-2.7	Amendments on shellfish harvest permits and relay program	R.1978 d.299	10 N.J.R. 422(a)
7:25-4	Amend non-game and exotic wildlife	R.1979 d.9	11 N.J.R. 63(b)
7:25-12.1	Amendments on sea clams	R.1978 d.416	11 N.J.R. 11(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.298	10 N.J.R. 421(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.326	10 N.J.R. 425(a)
7:25-16	Defining lines where fishing license is required	R.1978 d.295	10 N.J.R. 384(b)
7:27-9	Amendments on sulfur in fuels	R.1978 d.276	10 N.J.R. 383(c)
7:27-9	Amended effective date for amended rules on sulfur in fuels	R.1978 d.361	10 N.J.R. 479(c)
7:27-9	Amend effective date of sulfur in fuels	R.1979 d.10	11 N.J.R. 63(c)
7:29-2	Amend and recodify watercraft noise control	R.1979 d.12	11 N.J.R. 63(d)
Temporary Rule	Rule on preservation of sea clam resources; closing certain waters	R.1978 d.328	10 N.J.R. 426(a)
Temporary Rule	Adopt 1979 Fish Code	R.1978 d.351	10 N.J.R. 479(b)

(Rules in the Code for Title 7 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

## HEALTH — TITLE 8

8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:15	Postpone effective date of public smoking rules	R.1978 d.168	10 N.J.R. 250(a)
8:15	Repeal no smoking in certain public places	R.1979 d.13	11 N.J.R. 66(c)
8:21-4.31-4.34	Laetrile efficacy in study of cancer	R.1978 d.246	10 N.J.R. 341(a)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)
8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:31-16.17	Amendments on reports to relate ancillary service charges with hospital case mix	R.1978 d.430	11 N.J.R. 16(d)
8:31-17.1 et seq.	Adopt portion of 1979 SHARE guidelines	R.1978 d.374	10 N.J.R. 484(c)
8:31-28	Process and general criteria for certification of need and designation of regional services	R.1978 d.427	11 N.J.R. 16(b)
8:31-30	Uniform Construction Plan Review fees	R.1978 d.429	11 N.J.R. 66(b)
8:31A	Amend SHARE Manual	R.1978 d.399	10 N.J.R. 536(a)
8:31A-9.2	Rule on economic factor	R.1979 d.25	11 N.J.R. 67(a)
8:31A-10.6	Amendments on time-phased plans	R.1978 d.294	10 N.J.R. 385(c)
8:31A-10.7	Hospital reporting regarding patient case-mix	R.1979 d.26	11 N.J.R. 67(c)
8:33-1.4, 1.6	Amendments on HMO certificate of need	R.1978 d.431	11 N.J.R. 16(e)
8:34-1.27(b)	Amendments to continuing education for nursing home administrator	R.1978 d.423	11 N.J.R. 15(b)
8:39-1.1 et seq.	Change effective date on nursing homes to January 1, 1979	R.1978 d.203	10 N.J.R. 280(c)
8:39-1.1 et seq.	Amendments to manual of standards for licensure of long-term-care facilities	R.1978 d.340	10 N.J.R. 430(e)
8:42-2.1 et seq.	Amendments to standards for licensure of residential and in-patient drug treatment facilities	R.1978 d.373	10 N.J.R. 484(b)
8:43A-1.1 et seq.	Amendments to standards for licensure of ambulatory care facilities	R.1978 d.338	10 N.J.R. 430(c)
8:43A-1.1 et seq.	Amendments on drug abuse treatment services	R.1978 d.375	10 N.J.R. 485(a)
8:43A-1.48(b)1.	Amendments on abortion; standards for licensure of ambulatory care facilities	R.1978 d.274	10 N.J.R. 385(a)
8:43A-1.48(b)1.	Ratification of emergency adoption	R.1978 d.398	10 N.J.R. 536(d)
8:43A-1.71	Standards for computerized axial tomography	R.1978 d.425	11 N.J.R. 15(d)
8:43B-6.4(c)	Amendments on medications and treatment prescribed by podiatrists	R.1978 d.337	10 N.J.R. 430(b)
8:43B-17	Standards for cardiac diagnostic and surgical centers	R.1978 d.424	11 N.J.R. 15(c)
8:43D-2.1	Uniform construction code plan review fees	R.1978 d.429	11 N.J.R. 16(c)
8:44-2.1 et seq.	Rules on operation of clinical laboratories	R.1978 d.336	10 N.J.R. 430(a)
8:51-1.2, 1.3	Amendments to minimum standards of performance	R.1978 d.339	10 N.J.R. 430(d)
8:57-1.20	Cancer registry	R.1978 d.293	10 N.J.R. 385(b)
8:57-4.8, 4.11, 4.14, 4.16	Amendments on immunization of pupils in schools	R.1978 d.244	10 N.J.R. 334(a)
8:65-7.14	Amendments on refilling prescriptions	R.1978 d.391	10 N.J.R. 536(c)
8:65-10.1	Control of phenylcyclohexylamine and pyrrolidine	R.1979 d.27	11 N.J.R. 67(c)

8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.2(b)4.	Transfer of phencyclidine	R.1978 d.247	10 N.J.R. 341(b)
8:65-10.2(b)4.	Control precursors of phencyclidine	R.1978 d.390	10 N.J.R. 536(b)
8:65-10.4, 10.5	Difenoxin in combination with atropine sulfate in Schedules IV and V	R.1978 d.426	11 N.J.R. 16(a)
8:70-1.1 et seq.	Interim drug evaluation and acceptance criteria	R.1978 d.202	10 N.J.R. 280(b)
8:70-1.1 et seq.	Repeal interim drug evaluation and acceptance criteria	R.1978 d.248	10 N.J.R. 341(c)
8:70-1.1 et seq.	Rules on drug evaluation and acceptance criteria	R.1978 d.341	10 N.J.R. 430(f)
8:70-1.4(a)	Amendments on drug utilization and acceptance criteria	R.1978 d.422	11 N.J.R. 15(a)
Temporary rule	1979 Hospital rate guidelines	R.1978 d.399	10 N.J.R. 536(a)

(Rules in the Code for Title 8 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 9.)

### HIGHER EDUCATION — TITLE 9

9:1-1.12, 6.1 et seq.	Amendments on out-of-state institutions desiring to enter New Jersey	R.1978 d.335	10 N.J.R. 431(b)
9:1-2.1 et seq.	Amendments on responsibilities of Licensure and Approval Advisory Board	R.1978 d.249	10 N.J.R. 386(a)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(a)
9:4-3.1, 3.3, 3.44, 3.55	Amendments to general accounting and procedures manual of State-supported county colleges	R.1978 d.250	10 N.J.R. 386(b)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)
9:7-2.9	Amend restrictions on student assistance grant amounts	R.1979 d.17	11 N.J.R. 68(b)
9:9-1.1, 1.2	Noncitizen eligibility for student loans	R.1978 d.198	10 N.J.R. 281(b)
9:9-5.2	Amendments on eligibility for graduate insured loan program	R.1978 d.329	10 N.J.R. 431(a)
9:11-1.5(d)	Amendments on eligibility of independent students	R.1978 d.200	10 N.J.R. 281(c)
9:11-2.1 et seq., 9:12-1.1 et seq.	Amendments on academic year program support funds	R.1978 d.201	10 N.J.R. 281(d)
9:15	Graduate medical education program	R.1979 d.1	11 N.J.R. 68(a)

(Rules in the Code for Title 9 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

### HUMAN SERVICES — TITLE 10

10:43-1.1 et seq.	Amendments on determination of mental deficiency/need for guardianship	R.1978 d.332	10 N.J.R. 444(d)
10:44-13.1 et seq.	Rules on community residences for mentally retarded and develop mentally disabled	R.1978 d.333	10 N.J.R. 445(a)
10:44A-1.1 et seq.	Standards for licensed community residences for developmentally disabled	R.1978 d.330	10 N.J.R. 444(b)
10:45-1.1 et seq.	Amendments on provision of guardianship services	R.1978 d.331	10 N.J.R. 444(c)
10:49-2.1 et seq. 5.1 et seq., 6.1 et seq.	Rules on general provisions	R.1978 d.280	10 N.J.R. 399(a)
10:50-1.1, 1.2, 2.6, 2.9	Amendments on transportation services	R.1978 d.297	10 N.J.R. 443(b)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 285(c)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 286(a)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 286(b)
10:82-2.13	Amend per capita table of companion cases	R.1978 d.314	10 N.J.R. 444(a)
10:82-2.19	Amendments on overpayment and underpayments	R.1978 d.218	10 N.J.R. 345(c)
10:82-3.2(b), 5.3(h)	Amend work training expenses in WIN and care of unwed mother in AFDC-N	R.1978 d.438	11 N.J.R. 75(a)
10:82-5.10(d)	Amendments on victims of domestic violence	R.1978 d.415	11 N.J.R. 17(c)
10:85-1.1, 1.3	Amendments on SSI recipients in immediate need of assistance	R.1978 d.420	11 N.J.R. 17(d)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 285(b)
10:85-1.3, 2.1, 5.2, 6.2	Amendments on municipal funds subject to State matching	R.1978 d.217	10 N.J.R. 345(b)
10:85-3.1(e)1.i	Amendments on unmarried child's eligibility for assistance	R.1978 d.303	10 N.J.R. 443(d)
10:85-3.2(g)	Amend mandatory registration with employment service	R.1978 d.169	10 N.J.R. 256(a)
10:87	Amend Food Stamp Manual	R.1979 d.29	11 N.J.R. 76(a)

10:87-6.5, 6.42, 6.43	Amendments on restoration of lost benefits to zero purchase households	R.1978 d.324	10 N.J.R. 443(e)
10:87-7.10, 7.12, 7.14, 7.19, 7.20, 7.22, 7.25, 7.26, 7.27, 7.28, 7.29	Amendments on fair hearing process, food stamp manual	R.1978 d.223	10 N.J.R. 346(a)
10:87-7.12(a)3	Amend continuation of benefit during hearing	R.1978 d.439	11 N.J.R. 75(b)
10:87 Appendix D	Amend Food Stamp Manual	R.1978 d.440	11 N.J.R. 75(c)
10:94	1979 fiscal year plan for vocational rehabilitation	R.1978 d.300	10 N.J.R. 443(c)
10:94-3.13(1)	Amendments on fees for medical examinations	R.1978 d.212	10 N.J.R. 344(c)
10:94-4.35, 5.8	Amendments on living allowance deductions, Medicaid Only Manual	R.1978 d.296	10 N.J.R. 443(a)
10:100-1.23	SSI payment schedule	R.1978 d.261	10 N.J.R. 395(a)
10:109	Amendments on salary increases for CWA employees	R.1978 d.394	10 N.J.R. 553(a)
10:120-3.1 et seq.	Fair hearing guidelines	R.1978 d.347	10 N.J.R. 490(a)

(Rules in the Code for Title 10 include all adoptions prior to May 22, 1978—Transmittal Sheet No. 10.)

### CORRECTIONS — TITLE 10A

10A:70-3.6(a)1.iii.	Repeal part of rule on parole date set	R.1978 d.397	10 N.J.R. 553(b)
10A:70-6.3(d)	Delete part of rule on certificate of parole	R.1978 d.371	10 N.J.R. 490(b)

(Rules in the Code for Title 10A include all adoptions prior to May 22, 1978—Transmittal Sheet No. 2.)

### INSURANCE — TITLE 11

11:4-15.2(a)3	Amendments on alcoholism benefits in health insurance contracts	R.1978 d.419	11 N.J.R. 19(a)
11:5-1.27	Amendments on educational requirements for licensure	R.1978 d.271	10 N.J.R. 399(b)
11:11-1.1	Title insurance agents' service fees	R.1978 d.291	10 N.J.R. 399(c)

(Rules in the Code for Title 11 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

### LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1978 d.282	10 N.J.R. 400(b)
12:15-1.4	Amended taxable wage base; unemployment compensation law	R.1978 d.281	10 N.J.R. 400(a)
12:15-1.5	Contribution rate of governmental entities and instrumentalities	R.1978 d.305	10 N.J.R. 445(b)
12:00 thru 12:73; 12:180	Delete rules on worker health and safety, seasonal workers and construction safety	R.1978 d.288	10 N.J.R. 400(d)
Temporary rule	Listing of prevailing wage rates for construction workers on public works projects	R.1978 d.377	10 N.J.R. 553(c)

(Rules in the Code for Title 12 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 9.)

### LAW AND PUBLIC SAFETY — TITLE 13

13:1C-1.1	Confidentiality of records regarding Casino Control Act	R.1978 d.408	11 N.J.R. 23(a)
13:4-12.7, 12.9	Amend time, place and costs of hearing	R.1978 d.436	11 N.J.R. 77(b)
13:20-10.1	Repeal rules on steering and suspension systems	R.1978 d.381	10 N.J.R. 557(b)
13:20-31	Amend alcohol countermeasures	R.1979 d.4	11 N.J.R. 78(b)
13:25-8	Amend motorized bicycles	R.1979 d.3	11 N.J.R. 78(a)
13:26	Transportation of bulk commodities	R.1978 d.278	10 N.J.R. 404(c)
13:30-8.7	Examination of candidates for licenses to practice dentistry	R.1978 d.366	10 N.J.R. 510(d)
13:35-3.1	Amendments on Federation licensing examination	R.1978 d.410	11 N.J.R. 23(b)
13:35-3.9	Termination of exemptions of physicians from licensure	R.1978 d.443	11 N.J.R. 77(c)
13:35-6.12	Amendments on release of patient records	R.1978 d.352	10 N.J.R. 510(a)
13:35-6.14	Standards for testing and diagnostic centers	R.1978 d.434	11 N.J.R. 76(b)
13:44-2.11	Veterinarian advertising and solicitation	R.1978 d.382	10 N.J.R. 558(a)
13:42-1.3, 13:42-2, 3, 4, 5	Rules on personal conduct of licensees	R.1979 d.24	11 N.J.R. 78(d)
13:44-2.12	Records retention	R.1978 d.435	11 N.J.R. 77(a)
13:44-2.13	Temporary permit fee	R.1978 d.323	10 N.J.R. 447(a)
13:47A-25	Rules on corporation takeover bid disclosure law	R.1978 d.279	10 N.J.R. 405(a)
13:47B-1.20	Amend the National Bureau of Standards handbook H-44	R.1979 d.28	11 N.J.R. 78(c)
13:70-3.40	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:70-14.17	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)

13:70-15.1, 15.2, 19.34, 19.35, 19.38	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:70-29.53	Amendments on trifecta wagering in harness racing	R.1978 d.270	10 N.J.R. 404(a)
13:71-5.18	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:71-9.1	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:71-21.8, 21.9	Amendments on mandating deduction for drivers' fees	R.1978 d.354	10 N.J.R. 510(c)
13:71-23.2	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)

(Rules in the Code for Title 13 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 12.)

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

14:17-18.1	Amended definition of classical system	R.1978 d.349	10 N.J.R. 514(a)
14:18-11.7(a), 11.10	Amendments on municipal hearings and procedures for cable television	R.1978 d.262	10 N.J.R. 405(b)
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14A:3-1	Rules on energy conservation	R.1978 d.273	10 N.J.R. 405(c)
14A:3-1.4	Variances and exemptions	R.1979 d.11	11 N.J.R. 91(b)
14A:3-2	Amendments on energy conservation	R.1978 d.315	10 N.J.R. 447(b)
14A:4-1	Technical sufficiency for solar heating and cooling systems	R.1978 d.400	10 N.J.R. 563(a)
14A:5-1	Sales tax exemption standards for solar energy systems	R.1978 d.401	10 N.J.R. 563(b)

(Rules in the Code for Title 14 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 10.)

(Rules in the Code for Title 14A include all adoptions prior to July 24, 1978—Transmittal Sheet No. 2.)

**STATE — TITLE 15**

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

**PUBLIC ADVOCATE — TITLE 15A**

(Rules in the Code for Title 15A include all adoptions prior to March 20, 1978—Transmittal Sheet No. 1.)

**TRANSPORTATION — TITLE 16**

16:1-2	Amend issuance and sale of DOT public records	R.1978 d.433	11 N.J.R. 93(a)
16:16-4.3, 16:17-4.3	Rescission of allocated but unexpended local State aid funds	R.1978 d.245	10 N.J.R. 359(b)
16:26-1.1(c), 3.4(d), 3.8(b)	Amend traffic signal information and reimbursement highway lighting	R.1979 d.15	11 N.J.R. 94(c)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.138— 1.143	Speed limits on parts of Route 47	R.1978 d.313	10 N.J.R. 455(d)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-1.172	Speed limits on parts of Route U.S. 206	R.1978 d.137	10 N.J.R. 263(c)
16:28-1.173-1.176	Speed limits on Routes U.S. 9, 140, U.S. 30 and 44	R.1978 d.265	10 N.J.R. 406(b)
16:28-1.177	Speed limits on parts of Route U.S. 46	R.1978 d.386	10 N.J.R. 565(d)
16:28-1.179	Speed limits on parts of Route I-280	R.1978 d.311	10 N.J.R. 455(b)
16:28-1.180	Speed limits on parts of Route 180	R.1979 d.8	11 N.J.R. 94(b)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)
16:28-3.41, 3.162, 3.172, 3.173	Restricted parking on parts of Route 26, 44, 28 and U.S. 22	R.1978 d.307	10 N.J.R. 454(a)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.59, 3.97, 3.128, 3.185, 3.186	Amend restricted parking on parts of Routes 21, 10, 82, U.S. 1 and 49	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.103	Restricted parking on Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.108, 3.169-3.171	Amendments on restricted parking on Routes 28, U.S. 40, 9 and 27	R.1978 d.267	10 N.J.R. 406(d)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)

16:28-3.174— 3.177	Rules on restricted parking on parts of Routes U.S. 22, N.J. 28, 33 and 49	R.1978 d.312	10 N.J.R. 455(e)
16:28-3.178	Restricted parking on parts of Route 34	R.1978 d.310	10 N.J.R. 455(a)
16:28-3.179 and 3.180	Restricted parking on parts of Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.181	Restricted parking on parts of Route 94	R.1978 d.388	10 N.J.R. 566(b)
16:28-3.182, 3.183	Restricted parking on parts of Routes 33 and 79	R.1978 d.413	11 N.J.R. 40(a)
16:28-3.184	Route U.S. 206 in Hamilton Township, Mercer County	R.1978 d.380	10 N.J.R. 565(a)
16:28-4.6	One-way traffic on parts of Route 35	R.1978 d.309	10 N.J.R. 454(c)
16:28-6.17, 6.18	No left turns on parts of Routes 71 and 23	R.1979 d.7	11 N.J.R. 94(a)
16:28-8.2	Yield intersection in Bordentown Township	R.1978 d.308	10 N.J.R. 454(b)
16:28-12.37(a)15.	Amendments on no right turns on Route 49	R.1978 d.264	10 N.J.R. 406(a)
16:28-12.77	No right turns on red signals on parts of Route 57	R.1978 d.384	10 N.J.R. 565(b)
16:28-13.4	Amendments on limited access prohibition along interstate highways	R.1978 d.228	10 N.J.R. 359(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(a)
16:28-15.3-15.6	No passing zones on Routes 67, 63, 5 and 94	R.1978 d.268	10 N.J.R. 406(e)
16:28-15.7 15.10	No passing zones on Routes U.S. 206 and N.J. 12	R.1978 d.263	10 N.J.R. 405(d)
16:28-15.9, 15.11 to 13	Amendments on no passing zones on parts of Routes U.S. 206, N.J. 94, 23 and 31	R.1978 d.389	10 N.J.R. 566(c)
16:28-15.14 through 15.23	No passing zones on parts of various state highways	R.1978 d.414	11 N.J.R. 40(b)
16:28-16.1	Traffic rules on DOT property at Metro Park	R.1978 d.266	10 N.J.R. 406(c)
16:28-16.2 and 16.3	Traffic control and parking on NJDOT property	R.1978 d.385	10 N.J.R. 565(c)
16:65-3.2 through 3.5	Amendments on requisition, distribution and sale of construction plans	R.1978 d.164	10 N.J.R. 264(a)

(Rules in the Code for Title 16 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 11.)

### TREASURY-GENERAL — TITLE 17

17:1-7.3, 8.3	Delete rules on administrative fees	R.1978 d.421	11 N.J.R. 52(a)
17:2-3.2(i), 6.24(b), 6.25	Amendments on biweekly computation of retirement and death benefits	R.1978 d.138	10 N.J.R. 265(c)
17:2-3.3	Amended contributory insurance rate	R.1978 d.139	10 N.J.R. 265(d)
17:3-1.4(w)	Amend travel expense under election of a member-trustee	R.1978 d.444	11 N.J.R. 105(c)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
17:7-1.4	Amendments on election of a prison officer to Pension Commission	R.1978 d.372	10 N.J.R. 520(a)
17:9-2.3(a), 5.2, 5.11	Amendments on State health benefits program	R.1978 d.131	10 N.J.R. 265(b)
17:9-4.3(a)4.	Amend State Health Benefits Program	R.1978 d.441	11 N.J.R. 105(a)
17:9-2.3, 5.3, 5.8, 6.1, 7.4	Amend State Health Benefits Program	R.1978 d.442	11 N.J.R. 105(b)
17:9-6.1(a)	Amended definition of retired employee	R.1978 d.130	10 N.J.R. 265(a)
17:10-1.9, 3.1	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:10-3.1, 4.1, 5.12	Amend judicial retirement system	R.1978 d.184	10 N.J.R. 305(b)
17:10-5.12, 5.14	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:16-5.4, 5.5	Amendments on classification of funds	R.1978 d.180	10 N.J.R. 304(b)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.316	10 N.J.R. 456(b)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.376	10 N.J.R. 520(c)
17:16-5.5	Amend rules of classification of funds concerning temporary reserve group	R.1979 d.19	11 N.J.R. 105(e)
17:16-32.6, 32.7	Amend Common Pension Fund A Rules: date and method of valuation	R.1979 d.20	11 N.J.R. 106(a)
17:16-35.6	Amend Common Trust Fund regarding date of valuation	R.1979 d.21	11 N.J.R. 106(b)
17:16-38.6	Amend date of valuation	R.1979 d.22	11 N.J.R. 107(a)
17:18-1.9	Amend form of petition of appeal	R.1978 d.407	11 N.J.R. 51(c)
17:18-1.79	Signing of formal judgments	R.1978 d.195	10 N.J.R. 305(c)
17:19A	Amend barrier free design, public building	R.1979 d.33	11 N.J.R. 107(b)
17:20-7.3 to 7.7	Rules on suspension and revocation of lottery agent's licenses	R.1978 d.383	10 N.J.R. 566(d)
17:21-12.1 et seq.	Pick-Four lottery rules	R.1978 d.179	10 N.J.R. 304(a)
17:21-13.1	Amend Pick-It Lottery rules	R.1978 d.348	10 N.J.R. 519(a)
17:21-14	Holiday Sweepstakes Lottery	R.1978 d.417	11 N.J.R. 40(c)
17:24-4.3, 7.4, 13.2	Amendments on affirmative action requirements	R.1978 d.185	10 N.J.R. 305(a)
Temporary rule	Jersey Casino Instant Lottery	R.1978 d.224	10 N.J.R. 363(a)

(Rules in the Code for Title 17 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

(Continued from Page 80)

14A:8-1.8 Minutes of meetings of the Board

A certified shorthand reporter shall prepare a transcript of any meeting of the Board, which shall show the time and place of the meeting, the members present, the subjects considered, the actions taken, and the vote of each member. The transcript shall constitute the minutes of the meeting. The secretary of the Board shall promptly make such transcript available for public inspection.

14A:8-1.9 Review of the record by the Board

(a) Review by the Board shall be limited to a review of the record. The record before the Board shall consist of and be limited to:

1. The application, the final decision of the State instrumentality with the power of approval over the application and the entire record made by the State instrumentality with respect to the application; and

2. The Director's report and the record of any hearing conducted in connection with the preparation of the report.

14A:8-1.10 Decision of the Board

(a) The Board may affirm, reverse, or modify the final decision of the State instrumentality with the power of approval over the application.

(b) The Board shall issue its decision at a meeting conforming to the requirements of the Open Public Meetings Act no later than 90 days after the close of the Board's meeting concerning a specific energy facility application.

(c) The decision of the Board created with respect to a specific energy facility application:

1. Shall be binding with respect to such facility and shall be implemented forthwith by the State instrumentality with the power of approval over such application; and

2. Shall be deemed final agency action concerning the application.

14A:8-1.11 Procedures governing the review of particular categories of applications

The Department may enter into Memoranda of Understanding with other State instrumentalities to establish procedures governing the review of particular categories of applications.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 12, 1979 to:

Steven J. Picco  
Assistant Commissioner  
Department of Energy  
101 Commerce St.  
Newark, N.J. 07102

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

Joel R. Jacobson  
Commissioner  
Department of Energy

**TREASURY-TAXATION — TITLE 18**

18:9-2.2, 2.3, 2.4, 3.5	Amendments on Personal Property Tax	R.1978 d.321	10 N.J.R. 457(c)
18:12-6	Amendments on tax abatement on added assessments	R.1978 d.287	10 N.J.R. 407(c)
18:12-7	Amendments on the homestead tax rebate	R.1978 d.411	11 N.J.R. 51(d)
18:12-7.12(b)	Extend filing date for homestead rebate tax claim	R.1978 d.406	11 N.J.R. 51(b)
18:12A-1.6	Amendments on petitions of appeal	R.1978 d.325	10 N.J.R. 457(d)
18:12A-1.6(e), 1.9(h)	Amend county boards of taxation	R.1979 d.14	11 N.J.R. 105(d)
18:24-22.2, 22.3	Amendments on floor covering and Sales and Use Tax	R.1978 d.320	10 N.J.R. 457(b)
18:24-26	Sales and use tax exemption; solar energy devices and systems	R.1978 d.285	10 N.J.R. 407(a)
18:26-11.8, 11.23	Amendments on transfer inheritance tax	R.1978 d.286	10 N.J.R. 407(b)
18:35-1.9	Federal securities; taxable status; Gross Income Tax Act	R.1978 d.284	10 N.J.R. 406(f)
18:35-1.10	Withholding; Gross Income Tax	R.1978 d.319	10 N.J.R. 457(a)

(Rules in the Code for Title 18 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

**OTHER AGENCIES — TITLE 19**

19:4-6.28	Amendments to official zoning map	R.1978 d.359	10 N.J.R. 522(e)
19:8-1.1, 2.9(b)	Amendments on loitering on the Parkway	R.1978 d.257	10 N.J.R. 408(b)
19:8-1.9(b)12.	Amendments on towing passenger vehicles by campers	R.1978 d.378	10 N.J.R. 568(b)
19:8-3.1	Amendments on tolls and exact change toll lanes	R.1978 d.379	10 N.J.R. 569(a)
19:9-1.9(a)24	Amendments concerning double-saddlemount vehicles	R.1978 d.412	11 N.J.R. 53(b)
19:9-4.2(b)	Amendments to fees for photographs of accident sites on Turnpike	R.1978 d.258	10 N.J.R. 408(c)
19:41-4.3	Amendments on application procedures (durational residency provisions with regard to employers)	R.1978 d.363	10 N.J.R. 522(c)
19:44-1.1, 4.1, 5.1	Amendments on gaming schools	R.1978 d.364	10 N.J.R. 522(d)
19:47-1.2, 1.4, 1.5	Amendments to rules of game for craps	R.1978 d.346	10 N.J.R. 522(a)
19:47-2.3, 2.5	Amend rules of game relating to blackjack	R.1979 d.2	11 N.J.R. 108(c)
19:48	Rules on exclusion of persons from casinos	R.1978 d.362	10 N.J.R. 522(b)

(Rules in the Code for Title 19 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

(a)

## ENERGY

### THE COMMISSIONER

#### Proposed Rules on Collection of Energy Data

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules concerning the required submission by electric utilities of information and forecasts on supply and demand for electricity.

Such proposal is known within the Department of Energy as Docket No. DOE 001-79-02.

Full text of the proposal follows:

#### CHAPTER 10. COLLECTION OF ENERGY DATA; ELECTRICITY

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 14A:10-1.1 Scope

These rules are promulgated pursuant to N.J.S.A. 52:27F-11(a-c) (P.L. 1977c.). All electric generating utilities in this State, as defined by N.J.S.A. 48:2-13 must furnish the Department with information in the form and content provided for in this chapter. It is recognized that the data required by the Department may not normally be generated by the reporting utility in preparing its own demand forecasts; however, such data are necessary for uniformity among utility forecasts and to meet the needs of the Department in order that the Department may fulfill its responsibility to the public.

###### 14A:10-1.2 Communications

Each party subject to this chapter shall deliver all requested information in accordance with N.J.A.C. 14A:1-1.7.

###### 14A:10-1.3 Time

Each party subject to this chapter shall submit all forecasts by July 1 of the first year of the forecast period.

###### 14A:10-1.4 Form

(a) The form and size of the data requested shall be on prescribed forms or as follows:

1. Typewritten or printed, cut or folded to 8½ x 11 inches in size, with the left-hand margin 1½ inches, and shall be bound or fastened on the upper left-hand corner;
2. Double spaced except that quotations may be single spaced and indented;
3. Where larger sheets are required, they shall be folded substantially to the size herein prescribed;
4. Any process may be used for the production of type-writing provided all copies are clear and permanently legible.

##### SUBCHAPTER 2. DEFINITIONS

###### 14A:10-2.1 Definitions

“Demand forecast” means a mathematically based projection of either energy or power demand during a specified period of time.

“Department” means the Department of Energy of the State of New Jersey.

“Energy demand” means the number of kilowatt hours consumed in a given period.

“Interruptible” means a consumer receiving electricity subject to curtailment with minimal or no notice in return for a lower rate.

“Load” means the amount of power or energy needed to be delivered at a given point on an electric system.

“Load center” means the point at which loads of a given area are assumed to be concentrated for purposes of analysis.

“Load forecast” means a mathematically based projection of the amount of power or energy to be delivered at a given point on an electric system.

“Power demand” means the number of kilowatt hours consumed during a peak hour.

“Service area” means the geographic area(s) in which the utility renders service to wholesale and retail consumers of energy.

“Supply forecast” means a projection of installed capacity and the price of electricity and alternate fuels for the forecast period.

“System peak” means the maximum power load on a system, or part thereof, which has occurred at one specific period of time; the maximum kilowatt hours per hour during a given period of time.

##### SUBCHAPTER 3. FORM AND CONTENT OF DEMAND AND SUPPLY FORECASTS

###### 14A:10-3.1 Type of information requested

(a) Each party subject to this chapter shall submit a demand forecast which shall include but not be limited to the following factors:

1. The effects of conservation;
2. The effects of alternate fuels, including renewable resources;
3. The effect of economic and demographic trends; and
4. The effect of the price of electricity.

(b) Each party subject to this chapter shall submit a supply forecast which shall include but not be limited to the following factors:

1. The impact of fuel availability on generation options (e.g., size and type of plant);
2. The effect of operating economies on facility construction and size; and
3. The impact of pollution control statutes and regulations on generation options.

(c) The following matters shall specifically be addressed:

1. A description of the extent to which the reporting party coordinates its load forecasts with those of other systems such as affiliated systems in a holding company group, associated systems in a power pool or other coordinating organization, or other neighboring systems;
2. A description of the manner in which such forecasts are coordinated, and any problems experienced in efforts to coordinate load forecasts;
3. A brief description of any computer modeling, demand forecasting, polls, survey or data gathering activities engaged in during the past year (exclusive of normal operations);
4. A report of the utility's progress under all relevant conservation programs mandated by the State or Federal governments;
5. Description of the existing electrical generating system; and
6. All changes in generating capacity over the forecast period.

###### 14A:10-3.2 Standard of the forecasts

Each party subject to this chapter must submit a supply and demand forecast which are based upon accepted professional forecasting techniques or methodologies supported by standard statistical tests and sensitivity analysis, and which have replicable results.

#### 14A:10-3.3 Time frame

(a) The time frame for all forecasts and forecast data shall consist of:

1. The past 10 year historical data (all data sets used in the forecasts) for the first submission and annual reports thereafter;
2. The current year forecast; and
3. Fifteen year supply and demand forecasts updated annually.

#### 14A:10-3.4 Form of the forecasts

To facilitate the dissemination of forecast responses parties shall submit their documentation in two distinct reports. The first report shall be an executive summary that highlights the major findings, containing all salient facts. The second report shall be a complete technical documentation so that the staff and other interested parties can evaluate assumptions and replicate the forecast results.

#### 14A:10-3.5 Use of other documents

Where evidence required by this chapter is provided in documents required by Federal and/or other State agencies, these documents may be submitted to meet the utility's obligations under this chapter with additions or amendments provided by the utility where necessary.

#### 14A:10-3.6 Other rules of construction

(a) Where the required data has not been calculated directly, loading factors and other relevant conversion factors shall be displayed.

(b) Explanatory narrative material shall accompany display formats.

#### 14A:10-3.7 Content of demand forecast

(a) The demand forecasts of the parties shall include the following:

1. A forecast of service area energy demand (kwh./yr.) displayed by sector (i.e., residential, industrial, commercial);
2. A forecast of system energy demand in New Jersey (kwh./yr.) by industrial sectors using standard industrial classification (sic) codes or survey data;
3. A forecast of system peak demand levels for winter and summer seasons (the relationship between the peak demand forecast and the system energy demand forecasts shall be explicitly documented in the forecast documentation section of the report); and
4. A forecast of seasonal peak loads for each major load center shall be included together with a map identifying principal load centers within the reporting utility's service area.

#### 14A:10-3.8 Content of supply forecast

(a) The supply forecasts of the parties shall include the following:

1. Projection of the installed capacity, including:
  - i. The capacity additions; and
  - ii. Temporary purchases
2. Projection of the reserve requirement to meet the reliability criterion of the power pool to which the party belongs;
3. Projection of the price of electricity and alternate fuels, both average and marginal;
4. Projection of load duration curves;
5. Projection of energy generation by fuels, both in actual units and percentages;
6. Projection of fuels to be consumed to meet the energy demand forecast in appropriate units.

## SUBCHAPTER 4. FORECAST METHODOLOGY AND DOCUMENTATION

#### 14A:10-4.1 Forecast methodology

(a) The method of forecasting employed shall be specified by listing:

1. The overall methodological framework chosen;
2. The specific analytical techniques used, their purpose, and the forecast component to which they are applied;
3. The manner in which specific techniques are related to producing the forecast;
4. The statistical techniques utilized, including:
  - i. Typical computations; and
  - ii. Results of appropriate statistical tests;
5. The qualitative or quantitative methods used, including the level of uncertainty with each variable in the forecast equations, and the basis for each variable's inclusion;
6. Confidence levels and ranges of accuracy for aggregate and component forecasts;
7. A sensitivity analysis of the variables in the forecast equations to show how the most important explanatory variables affect the forecast;
8. An explanation of how the forecast resolves possible double counting problems;
9. A brief discussion of the methodology used, including:
  - i. Strengths and weaknesses;
  - ii. Suitability to the system;
  - iii. Cost considerations;
  - iv. Data requirements;
  - v. Past accuracy;
  - vi. Superiority over other techniques attempted;
  - vii. Other factors considered significant by the reporting utility;
  - viii. An explanation of how interruptibles are forecast and whether they are considered in the total forecast load;
  - ix. A brief description of any alternative methodologies attempted and a discussion of the results;
  - x. A description of how load factors and other conversion factors are used within the forecast; and
  - xi. How it accounts for the effect of fuel substitution.

#### 14A:10-4.2 Forecast data documentation

(a) Each reporting party shall submit the data used for the supply and demand forecasts in the manner described below:

1. Listing all data sets used in making the forecast, both internal and external, including brief descriptions of each set and a referencing of how each data set was obtained (monthly observations, billing data, customer survey, etc.) or a citation to the source;
2. Stating the reasons for the selection of the specific data base currently used;
3. Clearly identifying any adjustments made to raw data in order to adapt them for use in the forecast, including:
  - i. The nature of the adjustments made;
  - ii. The basis for the adjustments made; and
  - iii. The magnitude of the adjustments.

(b) Each reporting party shall be prepared to provide the Department on demand:

1. Copies of all data sets used in making the forecasts, including both raw and adjusted data, input and output data; and
2. A narrative explaining the data sets, and any adjustments made with the data to adapt it for use in the forecast.

**SUBCHAPTER 5. ASSUMPTIONS AND SPECIAL INFORMATION**

**14A:10-5.1 Assumption substantiation**

(a) The reporting party shall specify all significant assumptions made in preparation of the forecasts as well as:

1. The need for the assumption;
2. The nature of the assumption;
3. The impact of the assumption of forecast results; and
4. The basis for making the assumption.

(b) The reporting party shall specifically outline all assumptions made in the forecast regarding:

1. Relative prices and availability of alternatives to the use of electricity;
2. Pricing policy, including:
  - i. Alternative rate structures;
  - ii. Whether such policy promotes conservation or consumption;
  - iii. Predicted future price behavior; and
  - iv. Impact of price changes on quantity demanded;
3. Economic, demographic, industrial, and other growth patterns within the utility's service area;
4. Availability and potential development of primary energy sources used in generating electricity;
5. Number of year-end residential customers for the past five years, the current year and the next fifteen years, list specific sources of population and household data upon which customer projections are based; and
6. Other assumptions critical to forecast techniques or company operating procedures.

**14A:10-5.2 Special information**

The reporting party shall identify all special information bearing on the forecast (e.g., the existence of a major planned industrial expansion program in the area of service).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 12, 1979 to:

Steven J. Picco  
Assistant Commissioner  
N.J. Department of Energy  
101 Commerce St.  
Sewark, N.J. 07102

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

Joel R. Jacobson  
Commissioner  
Department of Energy

**(a)**

**ENERGY**

**THE COMMISSIONER**

**Notice of Availability of Coastal Energy Impact Program Grant Funds**

Take notice that the New Jersey Department of Energy announces the availability of funds in the Coastal Energy Impact Program. State agencies, county, regional, and municipal governments may apply for funds under the planning grant, formula grant, and credit assistance

lines of funding. Additional information and application forms are available from:

Cindy Brooks  
CEIP Coordinator  
N.J. Department of Energy  
101 Commerce Street  
Newark, N.J. 07102  
(201) 648-3430

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

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

**ENERGY**

**THE COMMISSIONER**

**Rules Concerning Variances And Exemptions**

On January 16, 1979, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, known within the Department of Energy as Docket No. DOE 005-78-12, concerning variances and exemptions substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 562(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Energy.

Full text of the adoption follows:

**14A:3-1.4 Variances and exemptions**

(a) The Department will consider requests for variances or exemptions from any of the provisions of this chapter. Any person requesting a variance should complete an "Application for a Variance or an Exemption", which may be obtained from the:

Office of Regulatory Affairs  
Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102

(b) The completed form should be submitted to the above office. The Department shall review the request and notify the person of its determination and the basis for the determination within 90 days of receipt of the application. This determination shall constitute final agency action on the application.

(c) The Department may grant a variance if the person demonstrates to the satisfaction of the Department that compliance with the provisions of this chapter would:

1. Create undue economic, environmental or technical hardship;
2. Increase the amount of energy consumed by a building; or
3. Be detrimental to the public health, safety or welfare.

An order adopting these rules was filed on January 18, 1979 as R.1979 d.28 to become effective on March 23, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

**TRANSPORTATION**

**THE COMMISSIONER**

**Proposed Amendments Concerning  
Rescission of Allocated but  
Unexpended Local State Aid Funds**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:15-a et seq., proposes to amend N.J.A.C. 16:16-4.3 and 16:17-4.3 concerning the rescission of allocated but unexpended local State aid funds.

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

16:16-4.3 The rescission of allocated but unexpended "Local State Aid Funds"

Whenever the Commissioner of Transportation shall be empowered, by law, to rescind previously allocated, but unexpended funds under provisions of N.J.S.A. 27:15-1 et seq., or under P.L. 1966, c. 33, the Commissioner shall rescind such sums where the county or municipality, for whom the funds were previously allocated, shall not have awarded a contract for, or otherwise commenced the actual performance of such work [within ninety (90) days of the effective date of such law, or of this regulation, whichever date is later.] on or before March 1, 1979.

16:17-4.3 The rescission of allocated but unexpended "Local State Aid Funds"

Whenever the Commissioner of Transportation shall be empowered, by law, to rescind previously allocated, but unexpended funds under provisions of N.J.S.A. 27:15-1 et seq., or under P.L. 1966, c. 33, the Commissioner shall rescind such sums where the county or municipality, for whom the funds were previously allocated, shall not have awarded a contract for, or otherwise commenced the actual performance of such work [within ninety (90) days of the effective date of such law, or of this regulation, whichever date is later.] on or before March 1, 1979.

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

Charles 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)

**TRANSPORTATION**

**THE COMMISSIONER**

**Proposed Amendments Concerning  
Speed Limits on Parts of  
Routes 130, I-295, 30 and U.S. 206**

Louis J. Gambaccini, Commissioner of Transportation,

pursuant to authority of N.J.S.A. 39:4-98, proposes to amend a portion of the rules concerning speed limits on portions of Routes 130, I-295, 30 and U.S. 206.

The proposal concerns the deletion of the current text of N.J.A.C. 16:28-1.69, 16:28-1.71 and 16:28-1.87 and the adoption of new rules on this subject to be cited as N.J. A.C. 16:28-1.69, if adopted.

Full text of the proposed new rules follows:

16:28-1.69 Route U.S. 130 including parts of Route I-295, Route U.S. 30 and Route U.S. 206 in Salem, Gloucester, Camden, Burlington, Mercer and Middlesex Counties

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route U.S. 130 including parts of Route I-295, Route U.S. 30 and Route U.S. 206 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed for both directions of traffic:

1. Salem County:

- |  |              |
|--|--------------|
| i. Pennsville Township:  | Milepost     |
| (1) Zone 1: 35 mph within corporate limits except 25 mph in the Deepwater School Zone during recess or while children are going to or leaving school, during opening or closing hours:   | 0.0 to 0.5;  |
| ii. Carneys Point Township, Borough of Penns Grove:  |              |
| (1) 35 mph from the Pennsville Township line to Plant Street:  | 0.5 to 0.6;  |
| (2) Zone 2: 50 mph from Plant Street to Hollywood Avenue:  | 0.6 to 2.2;  |
| (3) Zone 3: 35 mph from Hollywood Avenue to Maple Avenue except 25 mph in the John J. Pershing and the Lafayette Public School zones, during recess or while children are going to or leaving school, during opening or closing hours: | 2.2 to 3.0;  |
| (4) Zone 4: 40 mph from Maple Avenue to East Line Street, except 25 mph in the Penns Grove Middle School Zone, during recess or while children are going to or leaving school, during opening or closing hours:                        | 3.0 to 4.1;  |
| (5) Zone 5: 45 mph from East Line Street to North Broad Street:  | 4.1 to 5.15; |
| (6) Zone 6: 50 mph from North Broad Street to Oldman's Township Line:  | 5.15 to 5.3. |
| iii. Oldman's Township:  |              |
| (1) 50 mph within corporate limits:  | 5.3 to 8.85. |

2. Gloucester County:

- |  |                |
|--|----------------|
| i. Logan Township, Greenwich Township, East Greenwich Township and Paulsboro Township:   |                |
| (1) Zone 7: 55 mph within all corporate limits (includes Route I-295):   | 8.85 to 18.85. |
| ii. West Deptford Township and Westville Borough:  |                |
| (1) 55 mph from the Paulsboro Township Line to the Route I-295 underpass:  | 18.85 to 23.9; |
| (2) Zone 8: 50 mph from the Route I-295 underpass to Route 45 except 35 mph in the Westville School Zone during recess or while children are going to or leaving school during opening or closing hours: | 23.9 to 25.05; |

- (3) Zone 9: 40 mph from Route 45 to the Brooklawn Borough line (Gloucester Co.-Camden Co. line) except 25 mph in the Saint Agnes School Zone during recess or while children are going to or leaving school during opening or closing hours: 25.05 to 25.45.
3. Camden County:
- i. Brooklawn Borough:
- (1) 40 mph from the Westville Borough line to Route 47: 25.45 to 25.7;
- (2) Zone 10: 45 mph to the Gloucester City line at Little Timber Creek: 25.7 to 26.4.
- ii. Gloucester City:
- (1) 45 mph within corporate limits: 26.4 to 27.45.
- iii. Haddon Township, City of Camden, Collingswood Borough, Woodlynne Borough & Pennsauken Township:
- (1) 45 mph from the Gloucester City line to Route 168: 27.45 to 28.2;
- (2) Zone 11: 40 mph from Route 168 to Federal Street (includes Route U.S. 30): 28.2 to 31.9;
- (3) Zone 12: 45 mph from Federal Street to Cove Road (Rt. 616): 31.9 to 33.1;
- (4) Zone 13: 50 mph from Cove Road to Union Avenue: 33.1 to 34.0;
- (5) Zone 14: 55 mph from Union Avenue to the Cinnaminson Township line (Camden Co.-Burlington Co. line): 34.0 to 35.7.
4. Burlington County:
- i. Cinnaminson Township:
- (1) 55 mph from the Pennsauken Township line (Camden Co.-Burlington Co. line) to Cinnaminson Road - Church Road: 35.7 to 36.0;
- (2) Zone 15: 50 mph from Cinnaminson Road - Church Road to the Delran Township line: 36.0 to 38.6.
- ii. Delran Township, Delanco Township, Edgewater Park Township, Willingboro Township and Burlington Township:
- (1) 50 mph: 38.6 to 44.2.
- iii. Burlington Township & City of Burlington:
- (1) 50 mph from the Willingboro Township-Burlington Township line to Lincoln Avenue (Rt. 413): 44.2 to 45.7;
- (2) Zone 16: 40 mph from Lincoln Avenue (Rt. 413) to Logan Street: 45.7 to 46.8;
- (3) Zone 17: 45 mph from Logan Street to Dugan Drive: 46.8 to 47.5;
- (4) Zone 18: 50 mph from Dugan Drive to Neck Road: 47.5 to 48.25;
- (5) Zone 19: 55 mph from Neck Road to the Florence Township line: 48.25 to 49.1.
- iv. Florence Township and Mansfield Township:
- (1) 55 mph within all corporate limits: 49.1 to 54.45.
- v. Bordentown Township and City of Bordentown:
- (1) 55 mph from the Mansfield Township line to Farnsworth Avenue (Rt. 545): 53.45 to 55.4;
- (2) Zone 20: 50 mph from Farnsworth Avenue (Rt. 545) to the northernmost intersection of Route U.S. 206. (Includes Rt. U.S. 206): 55.4 to 56.4;
- (3) Zone 21: 55 mph from the northernmost intersection of Route U.S. 206 to Hamilton Township line: 56.4 to 58.25.
5. Mercer County:
- i. Hamilton Township, Washington Township and East Windsor Township:
- (1) 55 mph within all corporate limits: 58.25 to 70.0.
6. Middlesex County:
- i. Cranbury Township and South Brunswick Township:
- (1) 55 mph within all corporate limits: 70.0 to 79.15.
- ii. North Brunswick Township:
- (1) 55 mph from South Brunswick Township line to Adams Lane: 79.15 to 81.25;
- (2) Zone 22: 50 mph to Route U.S. 1: 81.25 to 83.34.

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

Charles 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

#### Amendments on Issuance And Sale of DOT Public Records

On December 13, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:1-2.1 et seq. concerning the issuance and sale of DOT public records as proposed in the Notice published October 5, 1978 at 10 N.J.R. 453(a).

An order adopting these amendments was filed and became effective on December 14, 1978 as R.1978 d.433.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Amendments on Restricted Parking on Parts of Various State Highways

On January 9, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments

to N.J.A.C. 16:28-3.59, 16:28-3.97, 16:28-3.128, 16:28-3.185 and 16:28-3.186 concerning restricted parking on parts of Routes 21, 10, 82, U.S. 1 and 49 as proposed in the Notice published December 7, 1978, at 10 N.J.R. 564(a).

An order adopting these amendments was filed and became effective on January 10, 1979 as R.1979 d.6.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Rules on No Left Turns on Parts of Routes 71 and 23

On January 9, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-6.17 and 16:28-6.18, concerning no left turns on parts of Routes 71 and 23 as proposed in the Notice published December 7, 1978 at 10 N.J.R. 564(b).

An order adopting these rules was filed and became effective on January 10, 1979 as R.1979 d.7.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Rule on Speed Limits on Parts of Route 180

On January 10, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 16:28-1.180 concerning speed limits on parts of Route 180 in Stafford Township, Ocean County, as proposed in the Notice published December 7, 1978 at 10 N.J.R. 563(c).

An order adopting this rule was filed and became effective on January 10, 1979 as R.1979 d.8.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Amendments on Traffic Signal Information and Reimbursement Highway Safety Lighting

On January 16, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, 27:1A-6 and in accordance with applicable provisions of

the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:26-1.1(c), 16:26-3.4(d) and 16:26-3.8(b) concerning traffic signal information and reimbursement highway safety lighting substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 515(a) with only inconsequential structural or language changes in the opinion of the Department of Transportation.

An order adopting these amendments was filed and became effective on January 17, 1979 as R.1979 d.15.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## TREASURY

### DIVISION OF PENSIONS

#### STATE HEALTH BENEFITS COMMISSION

##### Proposed Amendment Concerning the State Health Benefits Program

William J. Joseph, Secretary, State Health Benefits Commission, in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 proposes to amend N.J.A.C. 17:9-1.4 and 17:9-2.11, concerning the State Health Benefits Program.

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

[17:9-1.4 Administrative fee (local employers)

(a) The administrative fee paid by local employers shall be applicable for each fiscal year in which the local employer is participating, with billings of participating employers upon entrance into the program and the regular fee due and payable on January 1.

(b) The minimum fee shall be \$35.00 and the maximum shall not exceed \$1,600.00 pursuant to the following schedule of fees related to the number of employees reported under the program:

One to 12:	\$ 35.00	
13 to 100:	\$ 35.00	plus \$2.00 per employee over 12
101 to 200:	\$211.00	plus \$1.50 per employee over 100
201 to 350:	\$361.00	plus \$1.00 per employee over 200
351 and more:	\$511.00	plus \$0.50 per employee over 350]

17:9-1.4 Local employer premium; interest

The value of interest earned on investment of Health Benefits premiums which exceeds administrative expenses shall be remitted to the insurance carrier on an annual basis and such premiums will be credited towards the cost of the program.

17:9-2.11(a) For purposes of the continuity of coverage in the event of accidental or ordinary death where the survivors are eligible for periodic pension benefits for life, or until a dependent child is no longer eligible for such benefits, coverage may be extended until such time as the application for such death benefits is formally approved by the board of trustees of the retirement system paying the benefit, or by the carrier underwriting the individual annuity contracts. If it is not necessary for a board of trustees to approve the application, then the application for such benefits will be considered approved when the necessary action has been taken by the Division of Pensions, the local retirement system, or the carrier.

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

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

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

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

**(a)**

## TREASURY

### DIVISION OF PURCHASE AND PROPERTY

#### Proposed Amendments to Purchase Bureau's Rules

Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:34-13, proposes to delete the current text of Subchapters 1 through 6 in Chapter 12 of Title 17 in the New Jersey Administrative Code and adopt new text therein concerning the rules of the Purchase Bureau.

Full text of the proposed new rules follows:

#### CHAPTER 12. PURCHASE BUREAU

##### SUBCHAPTER 1. PURCHASE BUREAU DESCRIPTION OF ORGANIZATION

###### 17:12-1.1 General course and method of operation

(a) The official title of the Purchase Bureau is as follows: Department of the Treasury, Division of Purchase and Property, Purchase Bureau.

(b) The Purchase Bureau is under the direct supervision of the Director of the Division of Purchase and Property, who is charged with the responsibility of making contracts or agreements and writing orders, the price of which is to be paid with or out of State funds. If the aggregate amount involved does not exceed \$2,500, any purchase contract or agreement may be made, negotiated or awarded by the Director without advertising in any manner which he may deem effective and practicable to permit full and free competition.

(c) When the aggregate amount exceeds \$2,500.00, specifications and invitations for bids shall permit such full and free competition as is consistent with the procurement of supplies and services necessary to meet the requirements of the using agency. Any such purchase, contract or agreement where the cost or contract price exceeds \$2,500.00 may, with the written approval of the State Treasurer, be made, negotiated or awarded by the Director of the Division of Purchase and Property without advertising when the subject matter thereon is that described in N.J.S.A. 52:34-0 and 52:34-10.

###### 17:12-1.2 Source for public information

The public may receive information concerning the State purchase program and invitations to bid by contacting the Director of the Division of Purchase and Property, State House, Trenton, New Jersey 08625.

###### 17:12-1.3 Definitions

These words and terms, when used in this subchapter,

shall have the following meanings unless the context clearly indicates otherwise.

"Performance security" means a guarantee, executed subsequent to award, in the form of a bond or deposit, that the successful bidder will complete the contract as agreed and that the State will be protected from loss in the event the contractor fails to complete the contract as agreed.

"Bid security" means a guarantee, in the form of a bond or deposit, that the bidder, if selected, will accept the contract as bid; otherwise, the bidder (in the case of a deposit) or the bidder or his guarantor (in the case of a bond) will be liable for the amount of the loss suffered by the State, which loss may be partially or completely recovered by the State in exercising its rights against the deposit or bond.

"Term contract" means a contract in which a source or sources of supply are established for a specified period of time, usually characterized by an estimated or definite minimum quantity, with the possibility of additional requirements beyond the minimum, all at a predetermined unit price.

"Line item" means a procurement item specified in the invitation for bids for which the bidder is asked to give individual pricing information and which, under the terms of the invitation, is usually susceptible to a separate contract award.

##### SUBCHAPTER 2. BIDDING PROCEDURES

###### 17:12-2.1 Advertised bids

When advertising is required, the advertisement for bids shall be placed in such newspaper or newspapers selected by the Director, Division of Purchase and Property as will give best notice thereof to bidders. Advertisements shall be made a minimum of 10 working days in advance of the bid opening in order to permit competitive bidding.

###### 17:12-2.2 Bid bonds

(a) The Director or his designee may require in writing a bid deposit or bond prior to bid solicitation where in his or her opinion it is determined that security is warranted, based upon a review of market conditions and an evaluation of potential risk to the State.

(b) Bid security, in such amount as the Director or his designee deems necessary, shall consist of a certified or cashier check drawn to the order of the Treasurer of the State of New Jersey, or an individual or annual bid bond issued by an insurance or security company authorized to do business in the State of New Jersey.

###### 17:12-2.3 Performance bonds

Performance security may be required by the Director, Division of Purchase and Property on any award for a term contract or line item purchase in which the Director, in his discretion, feels that such security is warranted. Performance security shall consist of a certified or cashier check drawn to the order of the Treasurer of the State of New Jersey or an individual or annual performance bond insured by an insurance company authorized to do business in the State of New Jersey.

###### 17:12-2.4 Informalities in bidding

(a) The Director reserves the right to waive any minor informalities not in compliance with the specifications, terms, and conditions of the invitations to bid, including, but not limited to:

1. Failure to attend a non-mandatory bidders' conference or site inspection;
2. Failure to submit bid samples or furnish sufficient

product description when that information is not required to evaluate the bid;

3. Failure to return a manufacturer's certificate, statement of origin or certificate of insurance. These items may be accepted prior to issuance of a contract or purchase order.

#### 17:12-2.5 Cause for automatic rejection of bids

(a) Pursuant to N.J.S.A. 52:34-12, the State Treasurer has determined that it is in the public interest to establish grounds for automatic rejection of bids which fail to conform with the requirements of the request for proposal in the following respects:

1. No signature in the bid document: If the vendor has not affixed his signature anywhere in the bid document, that is, on any of the documents he returns in response to a request for proposal. Signature on an enclosed bid deposit check (where bid security is required) will not suffice, since bid security is not considered part of the bid document;

2. Bid not received on or before the time and date specified on the bid request form;

3. If a bid fails to provide price information;

4. Failure to provide bid security when it is required;

5. Failure to attend a mandatory bidders' conference or site inspection;

6. Failure to initial price alterations: If a unit price in the bid has been altered by any method, for example by being crossed out and reentered, or through erasure, use of correction fluid or use of a self-correcting typewriter and so forth, the vendor's initials must appear adjacent to the alteration. If the alteration has not been so initialed, that particular item only in the bid will be automatically rejected, except as follows: if the extended price is correct and does not contain alterations, it shall be considered the bid price. If the extended total price does not contain alterations and the altered unit price is not initialed, the extended total price is considered as the bid price. In the event of an automatic rejection, and when the bid contains multiple items, the remainder of the bid will be evaluated;

7. If a bid is submitted in pencil;

8. Failure to comply with State Affirmative Action guidelines promulgated pursuant to chapter 127, PL 1975; Stockholder Disclosure requirements promulgated pursuant to chapter 33, PL 1977; or foreign corporation registration requirements under N.J.A.C. 17:12-2.10.

#### 17:12-2.6 Tie bids

(a) In the event that prices submitted by two or more vendors are identical, the Director shall award the contract based on a relative comparison of the following factors:

1. Delivery advantage, considering time, distance, convenience, and facilities of vendor;

2. History of vendor performance as evidenced by formal complaints or, if applicable, record of outstanding performance;

3. The fact that the vendor is a New Jersey based vendor.

(b) When none of the above distinguishable characteristics are available, the Director shall, if practicable, provide for contract award by splitting the award.

#### 17:12-2.7 Bid errors

(a) If a bidder discovers after submitting his bid, but prior to bid opening, that he has made an error, he may request that his bid be withdrawn. Such requests must be made to the Supervisor, Purchase Bureau. If the request

is granted, the bidder may submit a revised bid as long as the bid is received prior to the time for bid opening.

(b) If an error is discovered after bid opening but before contract award, the vendor may request that his bid be withdrawn. The decision to withdraw shall be at the discretion of the Director, Division of Purchase and Property. Evidence of vendor good faith shall be used by the Director in making this determination. Other essential conditions to relief may include: that the mistake is of so great a consequence that to enforce the contract as actually made would be unconscionable; that the matter as to which the mistake was made relates to a material feature of the contract; that the mistake occurred notwithstanding the exercise of reasonable care by the party making the mistake; and that the vendor can get relief by way of rescission without serious prejudice to the State.

(c) The Director may, under extraordinary circumstances, allow for a bid to be withdrawn after contract award. In these cases, however, the vendor requesting withdrawal of his bid and contract rescission will be liable for any administrative expenses incurred as a result of contract cancellation and subsequent re-award.

(d) If, during the evaluation, an obvious error made by a potential award winning vendor has been found, the Director or his designee shall notify the vendor, in writing, of that fact. Copies of that letter will be sent to all other vendors. The vendor will have 5 days after receipt of that letter to request withdrawal of his bid, but in no instance shall there be a bid modification. If the vendor fails to request withdrawal of his bid within the time frames noted above, he will waive his right to have the bid withdrawn.

#### 17:12-2.8 Bid openings

All bids not received prior to or at the time designated for formal bid opening, shall be invalid. However, the Director or his designee may extend the time for bid opening at the request of a vendor who notifies the Purchase Bureau that he intends to bid but that, due to an emergency situation, he may be late. Situations of bad weather conditions, failure to find parking, as well as other similar problems, are such that would allow the Director or his designee to extend the time for bid opening. The vendor making this request must do so prior to the time of the actual bid opening. All bids will be held and remain sealed until the delinquent bid is received. In no instance shall bid openings be delayed for more than one hour under this provision.

#### 17:12-2.9 Response to bid invitation—Result of failure

If a bidder does not respond to 3 consecutive bids for the same product, the Director may remove him from the bidder's list. All vendors will be notified after the second consecutive failure to respond, that failure to respond on the next bid will result in their removal from the list.

#### 17:12-2.10 Out-of-State vendors

All foreign corporations who wish to do business with the State of New Jersey shall be afforded 7 days to register with the Secretary of the State of New Jersey, after notification by the Purchase Bureau of the intent to award that out-of-State firm a contract. Failure to provide either certification or notification of filing with the Secretary of State within the 7 day period constitutes automatic cause for rejection of that firm's bid.

### SUBCHAPTER 3. HEARING PROCEDURES

#### 17:12-3.1 Informal hearings—subject matter

(a) Administrative hearings conducted by the Division of

Purchase and Property may be called as follows:

1. Informal hearings protesting an award by the Director, Division of Purchase and Property requested by any interested bidder;

2. Informal hearings to suspend or debar a current or prospective bidder from doing business with the State of New Jersey for any of the reasons enumerated in subchapter 7 of these rules.

3. Rejection of bids arising under the provisions of N.J. A.C. 17:12-2.5 is not the proper subject matter for administrative hearings. A hearing may be called, however, to dispute the issue of whether the facts of a particular case are sufficient to meet the policy guidelines set forth in that regulation.

#### 17:12-3.2 Parties who may request hearings

(a) The following parties may request hearings in the above named matters:

1. The Director, Division of Purchase and Property;
2. Any interested bidder who had submitted a bid on the matter in question.

#### 17:12-3.3 Request for hearings; hearing procedures; time limitations

(a) Any vendor or interested bidder requesting a hearing under the provisions of this act:

1. Must make written request to the Director, Division of Purchase and Property within 10 days after receipt of written notification that his bid has not been accepted or that an award of contract has been made. If no written notice of award is provided, the request for hearing must be made within a reasonable time.

2. Hearings shall be informal and held, where feasible, within 14 days. Hearings will be heard, where practicable, by an impartial hearing officer. The hearing officer shall prepare a report to the Director within 10 days of the conclusion of the hearing unless, due to the circumstances of the hearing, a greater time is required. The hearing report shall be advisory in nature and is not binding on the Director. All parties shall receive a copy of the hearing officer's report and have 10 days to provide written comments or exceptions to the Director. Subsequent to the 10 day period for exceptions, the Director, Division of Purchase and Property, shall make a final judgment on the matter.

3. The Director, Division of Purchase and Property, may, in instances where public exigency exists or where there is potential for substantial savings to the State, modify or amend time frames noted above. In these instances the Director shall document for the record the rationale for such amendment and give adequate notice to the parties involved.

#### 17:12-3.4 Necessary parties to the hearing

(a) In those instances where a hearing is requested by a vendor or an interested bidder, the Director, Division of Purchase and Property, shall extend invitations to all interested vendors who bid on the matter in question. The extent of the participation of these parties shall be limited to those matters in question as expressed by the complaining parties. The Director, Division of Purchase and Property, has discretionary authority to exclude invitations to bidders in those cases where such bidders have no potential interest in the outcome of the hearing.

(b) Representatives of the protesting bidder or bidders, or in the case of debarment or suspension proceedings, representatives of the party or parties against whom the action is called, shall be necessary parties to the hearing. Any such party has a right to be represented by counsel for such hearings if he/she desires.

(c) The State shall be represented by staff of the Attorney General's Office where necessary, as well as responsible members of the Division of Purchase and Property staff and the using agency concerned.

#### 17:12-3.5 Effect of requests for hearings on contract award

(a) The Division of Purchase and Property shall, except in those instances noted below, hold all awards of contracts for 10 days pending potential protests of non-winning vendors in situations where there has been a bypass of a low bid vendor. In these situations, all bidders will be notified of the intent to award to the successful bidder. If in fact the award of contract is protested, the Division of Purchase and Property shall not award the contract in question until the completion of the hearing process.

(b) The Director, Division of Purchase and Property may, in those instances where the failure to award contract will result in substantial costs to the State of New Jersey, or in those instances where the public exigency so requires, award the contract notwithstanding the above provisions. The Director shall document all cases where such action is required and shall notify all interested parties.

#### 17:12-3.6 Discovery procedures

The Director, Division of Purchase and Property, shall be entitled, upon request, to review all records and documents used in evidence by a complaining vendor. Such documents shall be made available to the Division of Purchase and Property at the cost of reproduction, if such reproduction is required.

### SUBCHAPTER 4. AGENCY COMPLAINTS PROCEDURE

#### 17:12-4.1 General

The Director, Division of Purchase and Property, has determined that in the best interest of the business of State, vendor failure to comply with contract provisions should be dealt with promptly and efficiently. The provisions of this subchapter deal specifically with means of assuring prompt action in cases where vendor contract performance fails to meet contract requirements and provides a mechanism by which the Director may refrain from doing business with any vendor who has performed poorly, given that poor performance is attributable to the vendor, without undergoing debarment or suspension action under subchapter 7.

#### 17:12-4.2 Complaints procedure

All using agencies will notify the Division of Purchase and Property immediately of any failure by a vendor to comply with the terms and conditions of his/her contract. Notification shall be in writing and on such forms as may be provided from time to time.

#### 17:12-4.3 Notification—non-conforming goods

(a) The following breaches in contract terms will be made known to the Division of Purchase and Property:

1. Failure by the vendor to deliver at the time and place specified;
2. Delivery of damaged material;
3. Unauthorized absence of vendor (in the case of service contracts);
4. Delivery of an insufficient quantity of goods;
5. Vendor demand for higher prices;
6. Delivery of inferior goods, unauthorized substitutes, ungraded material where grading is required;
7. Failure to install goods; improper installation;

8. Any other failure to comply with contract specifications.

17:12-4.4 Time frames

(a) Upon receipt of the complaint from a using agency, the Division of Purchase and Property will inform the vendor of the problem within five (5) days, in writing.

(b) The vendor must reply to the complaint within ten (10) days of receipt. The vendor may cure any defects during that period.

(c) If the Director or his designee finds that a complaint against a vendor is valid, the vendor shall be notified of the time period by which corrections are to be made.

17:12-4.5 Rejection of goods

Nothing in the above noted provisions shall preclude the using agency from rejecting the goods in question if, upon delivery, defects are substantial and not curable by the vendor within a reasonable time. If goods are rejected, the agency shall notify the Division of Purchase and Property immediately.

17:12-4.6 Effect of vendor non-compliance with contract provisions

(a) The Division of Purchase and Property shall, in the following circumstances, notify the non-complying vendor that his contract is rescinded and immediately purchase goods through another vendor and charge the defaulting vendor the difference in price, if any:

1. Refusal of a non-conforming vendor to bring goods or services into compliance;

2. Refusal of a vendor to answer inquiries by the Department or failure to return complaint within 10 days as mandated in 17:12-4.4(b);

3. Rejection of goods under N.J.A.C. 17:12-4.5, above.

(b) The Director may, upon continued or willful failure to perform, suspend or debar the vendor pursuant to subchapter seven of these rules.

17:12-4.7 Emergency situations

When, in the discretion of the Director, Division of Purchase and Property, the non-compliance by the vendor effects or may effect the health, safety or welfare of the State, the Director shall immediately contact the vendor and attempt to obtain full compliance. If no resolution is immediately forthcoming, the Director may immediately obtain a substitute vendor and charge the non-complying vendor any difference in price.

17:12-4.8 Causes for by-pass of low bidder

(a) When the Director determines, in accordance with N.J.S.A. 52:25-24.1, that a vendor with a poor performance record with the State as evidenced by formal complaints, has failed to demonstrate that he is either financially responsible or is able to furnish materials requested under a contract, the Director may by-pass that vendor.

(b) The Director may, in those instances where there is evidence of a record of poor performance by a vendor with customers other than the State, solicit information regarding the vendor's present capability to perform adequately under the terms of the contract in question. If the vendor fails to demonstrate his current ability to perform, the Director may by-pass that vendor.

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. (RESERVED)

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

Patrick D. Kennedy  
Office of the Director  
Division of Purchase and Property  
Department of the Treasury  
Room 307  
State House  
Trenton, N.J. 08625

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

Clifford A. Goldman  
State Treasurer  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning The Cigarette Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:40A-1 et seq., proposes to amend certain rules concerning the Cigarette Tax Act.

The sections proposed to be amended include the Foreword to Chapter 5, Title 16 of the New Jersey Administrative Code, N.J.A.C. 18:5-1.1, 18:5-2.1, 18:5-2.2, 18:5-2.5, 18:5-2.7, 18:5-3.3, 18:5-3.5, 18:5-3.7, 18:5-3.8, 18:5-3.9, 18:5-4.1, 18:5-4.2 through 18:5-4.7, 18:5-5.3, 18:5-5.4, 18:5-5.14, 18:5-5.16, 18:5-6.5, 18:5-6.6, 18:5-6.8, 18:5-6.9, 18:5-6.11 through 18:5-6.13, 18:5-6.19, 18:5-8.4, 18:5-8.8, 18:5-8.11, 18:5-8.12 and 18:5-10.1 through 18:5-10.3.

Copies of the 24 pages of the full text of this proposal may be obtained from or made available by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1979 to the Division of Taxation at the above address.

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 TAXATION

#### Proposed Amendments Concerning The Unfair Cigarette Sales Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 56:7-18 et seq., proposes to amend N.J.A.C. 18:6-1 and 18:6-5 concerning the Unfair Cigarette Sales Act.

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

CHAPTER 6  
UNFAIR CIGARETTE SALES ACT

FOREWORD

The wholesale and retail cigarette industry in New Jersey prior to the enactment of the New Jersey Cigarette Tax Act in 1948 was characterized by severe and intense price competition; and many unfair, dishonest, deceptive, destructive and fraudulent business practices demoralized and disorganized the cigarette trade. Cigarettes were advertised, offered for sale or sold below cost with the intent of injuring competitors or destroying or substantially lessening competition.

The New Jersey Unfair Cigarette Sales Act was enacted as a companion law to the New Jersey Cigarette Tax Act. Its purpose is to prevent unfair competition and unfair trade practices in the sale of cigarettes in New Jersey which would adversely affect the prompt and efficient collection of taxes on the sale of cigarettes and the revenues and fees from licensing manufacturers, distributors, wholesalers, retailers, and other persons engaged in the sale of cigarettes in New Jersey.

The New Jersey Unfair Cigarette Sales Act declares it to be the policy of the State of New Jersey to promote the public welfare by prohibiting sales of cigarettes below cost and to provide a minimum percentage mark-up, and a minimum sales price for all cigarettes sold both at wholesale and retail in New Jersey.

The original New Jersey Unfair Cigarette Sales Act (P.L. 1948, Chapter 188) was found to be unconstitutional by the Supreme Court of New Jersey in 1951 (*Lane Distributors v. Hilton*, 7 N.J. 349, 81 A.2d 786). The revised New Jersey Unfair Cigarette Sales Act (P.L. 1952, Chapter 247) re-enacted the law to correct deficiencies in the original Act specified by the Supreme Court. The present law was not found unreasonable or unconstitutional by the Superior Court of New Jersey in upholding a license suspension of a wholesaler for giving a prohibited rebate in the sale of cigarettes (*In re Sanders*, 40 N.J. Super. 477, 123 A.2d 582).

The New Jersey Unfair Cigarette Sales Act is administered by the Director of the Division of Taxation [through the agency of the Cigarette Tax Bureau of the Division of Taxation] in the Department of the Treasury, State of New Jersey.

The regulations hereinafter set forth are promulgated pursuant to the authority granted by N.J.S.A. 56:7-34 to the Director of the Division of Taxation to adopt such rules and regulations as he may deem necessary to administer and enforce the provisions of the New Jersey Unfair Cigarette Sales Act (N.J.S.A. 56:7-18 et seq.) which may be referred to as the Law, the Act, the Sales Act, or the Price Law.

These regulations insofar as they are identical in substance to existing rules or regulations relating to the same subject matter shall be construed as restatements and continuations and not new regulations.

Regulation reference numbers have been designated according to the regulations issued by the Director, Division of Administrative Procedure, pursuant to P.L. 1968, Chapter 410. For example, Regulation 18:6.1 refers to the section of the New Jersey Administrative Code and should be cited as N.J.A.C. 18:6-1.

Dated: August 27, 1969  
Revised: January 16, 1979

Sidney Glaser  
[Acting] Director  
Division of Taxation

18:6-1.1 Definitions

...  
"Cigarette" means any roll for smoking, made wholly or in part of tobacco, or of any other substance or substances other than tobacco, irrespective of size, [or] shape or flavoring, [and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient,] the wrapper or cover of which is made of paper or any other substance or material excepting tobacco.

...  
["Cigarette Tax Bureau" means the agency established by the Director within the Division of Taxation, Department of the Treasury, for which a State supervisor and other personnel have been appointed and employed by the Director to staff, equip and maintain an office or offices in the State of New Jersey, and which has been delegated the authority to aid and assist the Director in the performance of the necessary detailed functions involved in the administration of the New Jersey Cigarette Tax Act and the New Jersey Unfair Cigarette Sales Act.]

...  
"Director" means the Director of the Division of Taxation. Wherever in these rules and regulations the word "Director" is used, it shall mean and include any employee or employees of the Division of Taxation, [Cigarette Tax Bureau,] deputized or authorized, either generally or specifically, to act on behalf of the Director.

18:6-5.1 Distributor reports required

(a) Each distributor licensed pursuant to the New Jersey Cigarette Tax Act is required to file a monthly confidential informational and sales report on Cigarette Tax [Bureau] Form CDIS-1.

(b) Form CDIS-2 (Schedule S), Distributor's Sales Schedule, must accompany the report when it is applicable.

(c) Negative reports must be filed.

18:6-5.2 Wholesale dealer reports required

(a) Each wholesale dealer licensed pursuant to the New Jersey Cigarette Tax Act is required to file a monthly confidential informational and purchases report on Cigarette Tax [Bureau] Form CWIP-1.

(b) Form CWIP-2 (Schedule R), Wholesale Dealer's Purchase Schedule, must accompany the report when it is applicable.

(c) Negative reports must be filed.

18:6-5.3 Time for filing reports

(a) All reports required must be filed with the [Cigarette Tax Bureau] Division of Taxation, together with all supporting schedules, on or before the 10th day of each calendar month following the month being reported upon.

(b) All reports, including the supporting schedules, must be submitted in duplicate.

18:6-5.5 Number of reports required

(a) An original and two copies of all the requested reports and schedules are to be prepared.

(b) The original and one copy are to be filed with the [Cigarette Tax Bureau,] Division of Taxation, Trenton, New Jersey [08625] 08646.

(c) One copy of all the required reports and schedules is to be retained by the licensee on the licensed premises and be preserved with all the other records in his possession.

18:6-5.8 Place for filing reports

All reports must be filed with the New Jersey [Cigarette

Tax Bureau,] Division of Taxation, Trenton, New Jersey  
[08625] 08646.

18:6-5.11 Reporting of unlicensed retailers

(a) Any licensed distributor or wholesale dealer who supplies a retailer with cigarettes must obtain the retail license number of such retail account. Said license number is to be found on the license certificate issued to retail dealers by the [Cigarette Tax Bureau] Division of Taxation.

(b) If the supplier of cigarettes is unable to obtain such license number, the complete name and address of the retailer must be submitted to the [Cigarette Tax Bureau] Division of Taxation on the suppliers appropriate monthly informational report. (Form CDIS-1 or CWIP-1.)

(c) This provision also applies to changes in ownership, in corporate or trade name status, and the relocation of retail cigarette accounts.

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

(a)

**TREASURY**

**DIVISION OF TAXATION**

**Proposed Amendments Concerning  
The Local Property Tax**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-1 et seq., proposes to amend certain rules concerning the local property tax.

This proposal will, if adopted, amend N.J.A.C. 18:12-2.1 through 18:12-2.4, 18:12-2.6, 18:12-2.8 and 18:12-3.1.

Copies of the 20 pages of the full text of this proposal may be obtained from or made available for review by contacting:

J. Henry Ditmars  
Superintendent  
Local Property and Public Utility Branch  
Division of Taxation  
West State and Willow Streets  
Trenton, N.J. 08646

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1979 to the Division of Taxation at the above address.

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 TAXATION**

**Proposed Amendments Concerning  
The Farmland Assessment Act**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-23.1 et seq., proposes to amend N.J.A.C. 18:15 concerning the Farmland Assessment Act.

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

CHAPTER 15

FARMLAND ASSESSMENT ACT

FOREWORD

The services of the Local Property [Tax Bureau] and Public Utility Branch in the Division of Taxation are available to local assessors in the administration of this law. Assessors may write to the Director, Division of Taxation, c/o Local Property [Tax Bureau,] and Public Utility Branch, Trenton, New Jersey [08625.] 08646. All communications should set forth a clear and concise statement of the facts, including appropriate documents, which are pertinent to the question involved.

These regulations insofar as they are identical in substance to existing rules or regulations relating to the same subject matter shall be construed as restatements and continuations and not new regulations.

Regulation reference numbers have been designated according to the regulations issued by the Director, Division of Administrative Procedure, pursuant to P.L. 1968, c. 410, e.g., Reg. 18:15-1 refers to the section of the New Jersey Administrative Code and should be cited as N.J.A.C. 8:15-1.1.

[These regulations contain Conversion Tables which may be found in the Appendix. The tables indicate the Administrative Code regulation and the corresponding regulation contained in the regulations issued on August 10th.]

Dated: August 26, 1969  
Revised: January 16, 1979

Sidney Glaser  
[Acting] Director  
Division of Taxation

18:15-2.4 Annual filing required

In order that land in horticultural or agricultural use continue to be assessed as farmland, the owner thereof must annually, on or before August 1 of the pre-tax year, file an Application on Form FA-1 with the assessor of the taxing district where such land is situated. See Form FA-1, revised [November, 1970.] March, 1974. This form supersedes Forms FA-1 of prior dates.

18:15-3.1 Two year period devoted to agricultural or horticultural use required

(a) Land eligible for farmland assessment in addition to meeting the qualifications provided in Sections 3.2 through 3.5 of this chapter, must have been actively devoted to agricultural or horticultural use as defined in subchapter 6 (Actively devoted) of this chapter for at least two successive years immediately preceding the tax year for which such assessment is requested.

1. Example: Where application for farmland assessment is made for the tax year [1965] 1978, the land must

have been actively devoted to agricultural or horticultural use during the entire period of the calendar years [1963] 1976 and [1964] 1977.

18:15-6.1 Actively devoted to agricultural or horticultural use defined

(a) Land, five acres in area, shall be deemed to be actively devoted to agricultural or horticultural use when it is used for any of the purposes described in N.J.A.C. 18:15-[3, 8 and 44] 1.1 and 6.2 and:

1. When the gross sales of agricultural or horticultural products produced thereon together with any payments received under a soil conservation program have averaged at least \$500.00 on the first five acres, and in addition, on all acreage above five acres, average sales of \$5.00 per acre on farmland and \$0.50 per acre on woodland during the two-year period immediately preceding the tax year in issue; or

2. There is clear evidence of anticipated yearly gross sales and such payments amounting to at least \$500.00 on the first five acres, and in addition, on all acreage above five acres, average sales of \$5.00 per acre on farmland and \$0.50 per acre on woodland within a reasonable period of time.

18:15-7.4 Tax years applicable

(a) Roll-back taxes are applied to land for the tax year in which the change in the use of the land occurs and for such of the two tax years immediately preceding such year assessed under the Act.

(b) Examples are:

1. Example (1): A parcel of land qualifies for farmland assessment for the tax years [1965, 1966] 1976, 1977 and [1967.] 1978. A change of use occurs in June [1967] 1978. The land is subject to roll-back taxes for the tax years [1965, 1966 and 1967.] 1976, 1977 and 1978.

2. Example (2): A parcel of land was assessed generally for the tax year [1965] 1976 and qualified for farmland assessment in the tax years [1966] 1977 and [1967.] 1978. A change in use occurs in June [1967.] 1978. The land is subject to roll-back taxes for the tax years [1966 and 1967.] 1977 and 1978, but not subject to roll-back taxes for the tax year [1965,] 1976, inasmuch as the land was not assessed under the Act for such tax year.

18:15-7.5 Change in use when land not assessed under the Act

(a) If a change in use of the land occurs in a tax year when the land was not assessed and taxed under the Act, then such land becomes subject to roll-back taxes for such of the two tax years immediately preceding in which the land was assessed under the Act.

1. Example: A parcel of land was assessed under the Act for the tax years [1965 and 1966,] 1976 and 1977, but not for [1967.] 1978. A change in use occurs in June [1967] 1978. The land is subject to roll-back taxes for the tax years [1965 and 1966] 1976 and 1977 but is not subject to roll-back taxes for [1967] 1978 inasmuch as the land was not assessed under the Act for such tax year.

18:15-8.2 Change of use between certain dates

(a) If a change in the use of land occurs between October 1 and December 31 of the pre-tax year, and an application is then pending for assessment under the Act for the ensuing tax year, either the assessor or the county board of taxation, as the case may be, shall deny or nullify such application and, after examination and inquiry, determine the full and fair value of said land under the valuation standard applicable to other land in the taxing district and assess the same according to such value.

1. An application is filed with the assessor on or before August 1, [1971] 1978 for farmland assessment for the tax year [1972.] 1979. On November 15, [1971] 1978 a change in use of the land takes place. The assessor, knowing of the change of use, will deny the application and value and assess the land for the tax year [1972] 1979 in the same manner as other real property in the taxing district. If the assessor is unaware of such change before he files his assessment list and duplicate on January 10 following, then the county board of taxation, if it has knowledge of the change before the tax roll becomes final, will revoke the application and assess the land in the same manner as other real property in the taxing district.

(b) If, notwithstanding such change of use, the land is assessed under the Act in the ensuing tax year, then the assessor is required to enter an assessment, as an added assessment against such land, in the "Added Assessment List" for the particular tax year involved in the manner prescribed in the Added Assessment Law, N.J. S.A. 54:4-63.2 et seq.

(c) The added assessment is to be in an amount equal to the difference, if any, between the assessment imposed under the Act and the assessment which would have been imposed had the land been valued and assessed as other land in the taxing district. This added assessment is applicable to the full tax year and not subject to proration.

1. Example: A change in use takes place on November 15, [1967] 1977 but is not discovered by the assessor or the county board of taxation until June 1, [1968] 1978. In that event, the assessor will enter an added assessment against such land on the Added Assessment List for [1968,] 1978, in accordance with subsection (b) of this Section. In addition, he shall impose roll-back taxes for such of the tax years [1967, 1966, and 1965,] 1977, 1976 and 1975, in which the land was assessed under the Act.

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

J. Henry Ditmars  
Superintendent  
Local Property and Public Utility Branch  
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

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning The Realty Transfer Fee

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 46:15-5 et seq., proposes to amend certain rules concerning the realty transfer fee.

This proposal amends the Foreword to Chapter 16 in Title 18 of the New Jersey Administrative Code as well as N.J.A.C. 18:16-1.1, 18:16-2.1 through 18:16-2.3, 18:16-2.5 through 18:16-2.8, 18:16-4.1, 18:16-4.3, 18:16-5.2, 18:16-8.1,

18:16-8.3, 18:16-8.6, 18:16-8.9, 18:16-8.11, and 18:16-8.12 and Appendix A.

Copies of the 18 pages of the full text of this proposal may be obtained from or made available for review by contacting:

J. Henry Ditmars  
Superintendent  
Local Property and Public Utility Branch  
Division of Taxation  
West State and Willow Streets  
Trenton, N.J. 08646

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1979 to the Division of Taxation at the above address.

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

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning The Assessor Qualification Law

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:1-35.25 et seq., proposes to amend certain rules concerning the Assessor Qualification Law.

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

#### CHAPTER 17. ASSESSOR QUALIFICATION LAW

##### FOREWORD

The Assessor Qualification and Certification Law, P.L. 1967, c. 44, followed closely the recommendations made to the Division of Taxation in a report of the Committee to Study the Training of Tax Assessors in New Jersey prepared in 1964 by the Director of the Rutgers Bureau of Government Research. Enactment of this law was the culmination of the combined efforts of State, County and Municipal tax officials over a period of many years.

The law provides for holding examinations twice a year for certification as tax assessor. Successful applicants receive a Tax Assessor Certificate. Until June 30, 1969 a Tax Assessor Certificate could be obtained without examination if the assessor furnished proof that he had satisfactorily completed certain assessor in service training courses[,] and was actually serving as a tax assessor.

On and after July 1, 1971, no assessor may be appointed or re-appointed, elected or re-elected as tax assessor unless he holds a Tax Assessor Certificate, except where such assessor shall have served continuously in office from July 1, 1967 to the date of re-appointment or re-election.

The law also provides for a certified tax assessor to acquire tenure.

Effective July 1, 1979, P.L. 1978 c. 128, provides that a tax assessor shall be appointed and not elected. Tenure

rights previously acquired by elected tax assessors prior to July 1, 1979 are unaffected.

It should be noted that, for the assessor himself, professionalization carries with it both benefits and responsibilities. Municipal governing bodies should recognize the right of an assessor to be adequately compensated for his professional responsibilities. At the same time, an assessor must recognize the need to perform competently, diligently, and in conformity with the professional ethics that reasonably accompany his professional status. In observing professional ethics, the assessor must have in mind not only the avoidance of activities which will obviously and presently involve a conflict with his official responsibilities, but also the probability of possibility that such a situation will develop. Conflict of interest codes are not designed to impugn the integrity of an official but rather to insure against the occurrence of incidents which may bring his ethics into question.

The Assessor Qualification Law, N.J.S.A. 54:1-35.25 et seq. is administered by the Director, Division of Taxation, Department of the Treasury, through [the agency] the Local Property [Tax Bureau.] and Public Utility Branch.

Regulation reference numbers have been designated according to the regulations issued by the Director, Division of Administrative Procedure, pursuant to P.L. 1968, c. 410, for example, Reg. 18:17.1 refers to the section of the New Jersey Administrative Code and should be cited as N.J.A.C. 18:17.1.

Dated: August 27, 1969

Revised: January 16, 1979

Sidney Glaser  
[Acting] Director  
Division of Taxation

#### 18:17-1.2 Application

(a) All persons desiring to take the examinations must file an application at least thirty days prior to the announced date of the examination.

(b) Applications for a Tax Assessor Certificate may be obtained from the Local Property [Tax Bureau,] and Public Utility Branch, Trenton, New Jersey.

18:17-1.5(b) To be scheduled for an examination review unsuccessful examinees must write to the Division of Taxation, Local Property and Public Utility Branch, West State and Willow Streets, Trenton, New Jersey [08625,] 08646, setting forth several alternative dates and times which would be convenient to attend such a review. One of the dates will be selected and the examinee will be advised of the appointment date and time.

18:17-1.5(d) All examination reviews will be conducted in the offices of the Local Property and Public Utility Branch offices in the Division of Taxation Building, West State and Willow Streets, Trenton, New Jersey [08625,] 08646.

18:17-2.4(c) Effective July 1, 1979, P.L. 1978, c. 128, provides that a tax assessor shall be appointed and not elected. Tenure rights previously acquired by elected tax assessors prior to July 1, 1979 are unaffected.

#### Statutory Reference

As to the requirement for all tax assessors to have a Tax Assessor Certificate in order to be appointed, re-appointed or elected, see N.J.S.A. 54:1-35.30.

As to the requirement for all tax assessors to be appointed, see N.J.S.A. 40A:9-146 et seq.

18:17-3.4 [Four consecutive years requirement]  
Assessors to be appointed, not elected

[(a) The requirement of four consecutive years means the period beginning with the first day the assessor takes

office and terminating the last day the assessor performs the duties of such office.]

[(b) If such period elapses before or upon the end of such assessor's term in office, he is deemed to have completed four consecutive years as an assessor.]

(a) Effective July 1, 1979, all municipal tax assessors shall hold office by virtue of appointment and not election. All municipal tax assessors holding office as of such date shall continue in office until their respective terms of office shall expire and until their successors are appointed in the manner provided by law. The tenure rights of assessors acquired prior to July 1, 1979 are protected.

#### Statutory Reference

As to the requirement for all tax assessors to be appointed, see N.J.S.A. 40A:9-146 et seq.

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

J. Henry Ditmars  
Superintendent  
Local Property and Public Utility Branch  
Division of Taxation  
West State and Willow Sts.  
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

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning Sales and Use Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to amend N.J.A.C. 18:24-4.4 by adding a new subsection (g) therein concerning the purchase, rental, lease or use of machinery, apparatus or equipment directly in production exempt from the sales and use tax.

Full text of the proposed new rules follows:

18:24-4.4(g) The exemption will apply to industrial owners, mechanical contractors and their suppliers where an industrial owner awards a contract to a mechanical contractor to install manufacturing machinery, apparatus or equipment, to produce tangible personal property for sale, to be used by the owner upon completed construction and acceptance after January 1, 1978. The installation may be made in a new or existing industrial plant of the owner designed for or currently used for the manufacture of tangible personal property. For example:

1. Under the above facts, a sale of process piping is contracted for and will be completed and accepted on or after January 1, 1978. Where process piping meets the qualifications for exemption under this subchapter as manufacturing machinery, apparatus or equipment, it is exempt from tax.

2. Under the above facts where the installation of machinery, apparatus or equipment results in a capital improvement to real property, the labor charges for installation are exempt from tax. In determining whether the

installation of machinery, apparatus or equipment results in a capital improvement, such property must be annexed to a structure to carry out the purposes for which the structure was erected or designed or to which it has been adapted, with the intention to remain there permanently, and the removal thereof will result in material injury. The installation would result in a capital improvement when such improvement results in an increase in the capital value or in a significant increase in the useful life of the real property. Where the installed machinery, apparatus or equipment retains its character as personal property and has not qualified as a capital improvement to real property, the labor charges for installation are subject to tax.

3. Under the facts above where the installation upon completion results in a capital improvement, the owner should issue to the contractor two certificates:

i. ST-8, Capital Improvement Certificate, to evidence that the job qualifies as a capital improvement, exempting his construction labor from tax;

ii. ST-4, Exempt Use Certificate, to evidence that the machinery, apparatus or equipment installed qualifies for exemption in manufacturing, processing, assembling, or refining activity.

4. In the above examples to obtain the exemption of machinery, apparatus or equipment from tax the contractor must furnish his supplier with an ST-4, Exempt Use Certificate, properly identifying the job with a copy of the owner's ST-4 attached.

5. Under the above facts the rental of equipment or vehicles for use on the job of the mechanical contractor is not exempt from tax.

6. Under the above facts only machinery, apparatus or equipment used directly and primarily in the production of tangible personal property for sale by manufacturing, processing, assembling, or refining is exempt. Items which may qualify for exemption include, vessels, pumps, mixers, pipe, valves, and fittings. Other materials used by the mechanical contractor for the installation are not exempt from tax.

7. Where subcontractors are involved, the mechanical contractor should treat such subcontractors in the same manner as in dealing with his suppliers so far as the classification of the job as a capital improvement and an exempt use is concerned. The use of the ST-8 and ST-4 Exemption Certificates to evidence these classifications is also the same.

8. In addition to the above facts the mechanical contractor also contracts to install heating, ventilating and air conditioning which when installed will constitute an addition or capital improvement to real property. The sale to the installing contractor of tangible personal property from his supplier is a retail sale subject to tax to be paid by the contractor either to his supplier or directly to the Division of Taxation. The contractor should be furnished an ST-8, Capital Improvement Certificate, by the owner of the real property for the purpose of exempting installation charges from tax.

9. Under the above facts piping such as air, gas, water, steam, and condensate, is designed for use in both the manufacturing process and incidentally in heating the building. The key to this example is the word "incidentally." If the system is used "directly and primarily" for the production of tangible personal property, and only incidentally to aid the building environment housing the machinery, apparatus or equipment, the exemption will apply to property purchased. For installation charges, see Example 2 above.

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

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
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

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning The Sales and Use Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to amend a portion of the rules concerning the Sales and Use Tax Act.

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

18:24-7.8 Sales of motor vehicles specifically exempted

(a) Any sale of a motor vehicle to [or use thereof by,] any of the following shall not be subject to the sales and use tax:

1. The State of New Jersey, or any of its agencies, instrumentalities, public authorities, public corporations or political subdivisions;

2. The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation;

3. The United Nations or any international organization of which the United States of America is a member;

4. Those organizations described in subsection 9(b)(1) of the Sales and Use Tax Act which have obtained and hold an exempt organization permit as provided in said act; provided, however, that such vehicle is used directly in pursuit of the purposes of the exempt organization.

(b) Any sale of a motor vehicle to a nonresident of this State is not subject to tax provided such nonresident, at the time of delivery, has no permanent place of abode in this State, is not engaged in carrying on in this State any employment, trade, business or profession in which the motor vehicle will be used in this State, and furnishes to the seller, prior to delivery, proof supporting his claim from exemption. For the purposes of this subsection:

1. Any person who maintains a place of abode in New Jersey is a resident individual. A place of abode is a dwelling place maintained by a person, or by another for him, whether or not owned by such person, on other than a temporary or transient basis. The dwelling may be a house, apartment or flat; a room, including a room in a hotel, motel, boarding house or club, or at a residence hall operated by an educational or charitable institution, or a trailer, mobile home, house boat or any other premises.

2. Any corporation incorporated under the laws of New Jersey, and any corporation, association, partnership or other entity doing business in New Jersey or maintaining a place of business in the State, or operating a hotel,

motel, place of amusement or social or athletic club in the State is a resident.

3. Any person, corporation or other entity engaged in carrying on in New Jersey any employment, trade, business or profession is deemed a resident of New Jersey with respect to the use of a motor vehicle in such employment, trade, business or profession in the State.

4. Any person serving in the Armed Forces of the United States whose home of record is a state other than the State of New Jersey is a nonresident of this State where his place of abode is located on a military reservation.

5. Any person serving in the Armed Forces of the United States whose home of record is a state other than the State of New Jersey is a resident of this State where his place of abode is located off a military reservation and within the territorial limits of New Jersey.

6. Any person serving in the Armed Forces of the United States whose home of record is the State of New Jersey is a resident of this State whether his place of abode is located on or off a military reservation situated in New Jersey or another state of the United States or a foreign nation.

(c) Any sale of a motor vehicle to be used exclusively for rental or leasing is purchased for resale and is not subject to tax at the time of purchase.

(d) The renting, leasing, licensing or interchanging of trucks, tractors, trailers, or semitrailers by persons not engaged in a regular trade or business offering such renting, leasing, licensing or interchanging to the public, provided, however, that such renting, leasing or interchanging is carried on with persons engaged in a regular trade or business involving carriage of freight by such vehicles, and further provided, that in the case of any such motor vehicle acquired by the owner or first used by the owner in this State on or after July 1, 1966, any tax presumptively imposed by this act on such acquisition or use shall have been paid at the time of such acquisition or use without claim for exemption, is exempt from tax. Provided, however, that on or after January 1, 1978, the following shall not apply; and further provided that in the case of any such motor vehicle acquired by the owner or first used by the owner in this State on or after July 1, 1966, any tax presumptively imposed by this act on such acquisition or use shall have been paid at the time of such acquisition or use without claim for exemption.

(e) For purposes of subsection (d) of this section, "carriage of freight" means property transported by a common or public carrier, such as regular trucking companies, and does not include the type of business utilizing rented or leased vehicles to transport its own goods. For example, a vendor of welding supplies leases trucks from a person not engaged in the regular trade or business of leasing such vehicles to the public. The trucks are used to transport to the vendor's customers its own goods. The exemption from tax does not apply since the vendor is not engaged in the carriage of freight, unless the trucks qualify for exemption under subsection (ff) of section 8 of the Sales and Use Tax Act (see N.J.A.C. 18:24-7.18).

18:24-7.10(a)4. Certifies that the motor vehicle has been contracted for delivery out-of-State (state must be designate) and the dealer affirms that the vehicle has been delivered to the purchaser in the aforesaid state. In all cases of sale to nonresidents, New Jersey motor vehicle dealers are required to forward a completed copy of Form ST-10 to the New Jersey Division of Taxation.

Note: It is not necessary to complete Form ST-10 for sales of motor vehicles to New Jersey residents where

the dealer collects the tax, or where, in cases of trade-ins, the information required in Item [#33] III of Form ST-10 is set forth in the invoice pertaining to such sale.

5. The rules regarding the status of the purchaser of a motor vehicle as a resident of this State are set forth in N.J.A.C. 18:24-7.8(b).

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

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
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

(a)

## TREASURY

### DIVISION OF PENSIONS

#### HEALTH BENEFITS COMMISSION

##### Amendment Concerning State Health Benefits Program

On December 15, 1978, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 17:9-4.3(a)4 concerning the State Health Benefits Program as proposed in the Notice published November 9, 1978 at 10 N.J.R. 517(b).

An order adopting this amendment was filed and became effective on December 26, 1978 as R.1978 d.441.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF PENSIONS

#### HEALTH BENEFITS COMMISSION

##### Amendment Concerning State Health Benefits Program

On December 15, 1978, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:9-2.3, 17:9-5.3, 17:9-5.8, 17:9-6.1 and 17:9-7.4 concerning the State Health Benefits Program as proposed in the Notice published October 5, 1978 at 10 N.J.R. 456(a).

An order adopting these amendments was filed and became effective on December 26, 1978 as R.1978 d.442.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF PENSIONS

#### TEACHERS' PENSION AND ANNUITY FUND

##### Amendments Concerning Travel Expense Under Election of a Member-Trustee

On December 21, 1978, A. Steven LaBrutte, Secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:3-1.4(w) concerning travel expense under election of a member-trustee as proposed in the Notice published November 9, 1978 at 10 N.J.R. 517(a).

An order adopting these amendments was filed and became effective on December 29, 1978 as R.1978 d.444.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning County Boards of Taxation

On January 16, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:12A-1.6(e) and 18:12A-1.9(h) concerning county boards of taxation substantially as proposed in the Notice published November 9, 1978 at 10 N.J.R. 517(c) with only inconsequential structural or language changes in the opinion of the Department of the Treasury.

An order adopting these amendments was filed and became effective on January 16, 1979 as R.1979 d.14.

Howard Kestin  
Director  
Office of Administrative Law

(e)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments to Classification of Funds Rules Concerning Temporary Reserve Group

On October 18, 1978, Clifford A. Goldman, State Treas-

urer, 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 the rules regarding the classification of funds concerning the temporary reserve group.

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

17:16-5.5 Temporary reserve group

(a) The temporary reserve group shall include:

1. Beaches and Harbors Fund;
2. Clean Waters Fund;
3. CMF/Administrative Expense Fund #097;
4. CMF/Non-State Fund #098;
5. CMF/Reserve Fund #099;
6. College of Medicine and Dentistry of New Jersey Self Insurance Reserve Fund #110;
7. Emergency Flood Control Fund;
8. [ 7.] General Investment Fund;
9. [ 8.] General Revenue Sharing Fund;
10. [ 9.] General Trust Funds;
11. [10.] Higher Education Buildings Construction Fund (Act of 1971);
12. [11.] Housing Assistance Fund;
13. [12.] Institutions Construction Fund;
14. [13.] Medical Education Facilities Fund;
15. [14.] Mortgage Assistance Fund;
16. [15.] New Home Warranty Security Fund;
17. [16.] New Jersey Educational Facilities Authority;
18. [17.] New Jersey Housing Finance Agency;
19. [18.] New Jersey State Area Redevelopment Fund;
20. [19.] Pension Adjustment Fund;
21. [20.] Public Buildings Construction Fund;
22. [21.] School Building Aid—Capital Reserve Fund;
23. [22.] Special Railroad Deposits Trust Fund;
24. [23.] State Facilities for Handicapped Fund;
25. [24.] State Health Benefits Fund;
26. State Land Acquisition and Development Fund;
27. [25.] State Lottery Fund—Investment;
28. [26.] State of New Jersey—Alternate Benefit Program;
29. [27.] State of New Jersey Cash Management Fund;
30. [28.] State 1964 Institution Construction Fund;
31. [29.] State Recreation and Conservation Land Acquisition Fund;
32. [30.] State Recreation and Conservation Land Acquisition Fund (Act of 1971);
33. [31.] State Recreation and Conservation Land Acquisition Development Fund;
34. [32.] State Transportation Fund;
35. [33.] State Water Development Fund;
36. [34.] Transportation Benefit Fund;
37. [35.] Transportation Fund;
38. [36.] Unemployment Benefits Liability Fund #844;
39. [37.] Veterans' Loan Guaranty and Insurance Fund;
40. [38.] Water Conservation Fund.

An order adopting these amendments was filed and became effective on January 17, 1979 as R.1979 d.19 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments to Common Pension Fund A Rules Concerning Date And Method of Valuation

On January 9, 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 the rules regarding the Common Pension Fund A concerning the date and method of valuation.

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

17:16-32.6 Date of valuation

The valuation shall be determined at the opening of business of the first business day of each month[.], and shall be based on market prices and accruals as of the close of the previous day.

17:16-32.7(a)5. An investment purchased and awaiting payment against delivery shall be included for valuation purposes as a security; [the cash account shall be adjusted to reflect the purchase price;] and the cost thereof recorded as an account payable;

An order adopting these amendments was filed and became effective on January 17, 1979 as R.1979 d.20 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Amendments to Common Trust Fund Rules Concerning Date of Valuation

On January 9, 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 the rules regarding the Common Trust Fund concerning the date of valuation.

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

17:16-35.6 Date of valuation

The valuation shall be determined at the opening of business of the first business day of each month[.], and shall be based on market prices and accruals as of the close of the previous day.

An order adopting these amendments was filed and

became effective on January 17, 1979 as R.1979 d.21 (Ex-empt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

**TREASURY**

**STATE INVESTMENT COUNCIL**

**Amendments Concerning Date  
Of Valuation Regarding Common  
Pension Fund C**

On January 9, 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 a procedure rule which amended N.J.A.C. 17:16-38.6 concerning the date of valuation regarding Common Pension Fund C.

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

**17:16-38.6 Date of valuation**

The valuation shall be determined at the opening of business of the first business day of each month[.], and shall be based on market prices and accruals as of the close of the previous day.

An order adopting these amendments was filed and became effective on January 17, 1979 as R.1979 d.22 (Ex-empt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

**TREASURY**

**DIVISION OF BUILDING AND CONSTRUCTION**

**Amendments on Barrier Free Design**

On January 18, 1979, S. Leonard DiDonato, Director of the Division of Building and Construction in the Department of the Treasury, pursuant to authority of Chapter 220, P.L. 1975, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:19A-1.1 et seq. concerning barrier free design regarding facilities for the physically handicapped in public buildings substantially as proposed in the Notice published November 9, 1978 at 10 N.J.R. 520(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of the Treasury.

An order adopting these amendments was filed on January 18, 1979 as R.1979 d.33 to become effective on February 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

**(Other Agencies)**

**(c)**

**ELECTION LAW  
ENFORCEMENT COMMISSION**

**Proposed Amendments Concerning  
Reporting of "Street Money"**

The New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6, proposes to amend its rules concerning the reporting of "street money."

The proposal concerns the deletion of the current text of N.J.A.C. 19:25-12.1(b) and the adoption of new text therein.

Full text of the proposed new rules follows:

19:25-12.1(b) For purposes of this regulation the term "street money" includes all payments to workers involved in get-out-the-vote drives on or close to election day or payments to challengers or poll watchers, or other payments related to election day efforts on behalf of candidates, political committees for candidates or for public questions, or for political party committees. The term includes payments made to party organization or campaign workers or others either by check payable to such named persons or by delivery of cash to such persons, and includes payments intended for further transfer to election day workers or other ultimate payees. "Street money" expenditures must be reported in accordance with the provisions of the act and of these regulations, and must be properly and reasonably allocated among the candidates and public questions for whose benefit they are made or incurred. In addition to the other reporting requirements imposed by the provisions of the act and of these regulations, the reports to the Commission shall include the name, address and amount of payment for each person who receives \$25.00 or more of street money, as either an initial, intermediate or ultimate payee.

1. Example 1: County Political Party Committee draws a check in the amount of \$100.00 which is delivered to Municipal Political Party Committee for disbursement to challengers and poll watchers on election day. County Political Party Committee must include in the pre-election and post-election reports filed by it with respect to the election, the number of the check, the date, the name and address of the payee and the amount of the check in accordance with the provisions of the act and of these regulations. In addition, County Political Party Committee would have the obligation to require retention of records sufficient to identify initial, intermediary and ultimate payees of such street money and the amounts of each payment, and to include in the reports of County Political Party Committee to the Commission, the name and address of each worker or other payee who receives \$25.00 or more, and the amount of such payment.

2. Example 2: County Political Party Committee draws a check to "Cash" for \$1,000.00 and delivers \$1,000.00 in cash to Municipal Political Party Committee for use as street money. In this instance, County Political Party Committee must include in its report filed with the Commission, the names, addresses and amounts of payment of each intermediary and ultimate recipient who receives \$25.00 or more.

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 1, 1979, to:

Gregory E. Nagy, Staff Counsel  
New Jersey Election Law Enforcement Commission  
28 West State Street, Suite 1114  
Trenton, New Jersey 08608

The New Jersey Election Law Enforcement Commission may thereafter adopt rules concerning this subject without further notice.

Lewis B. Thurston, III  
Executive Director  
New Jersey Election Law Enforcement Commission

(a)

## CASINO CONTROL COMMISSION

### Proposed Rules on Slot Machines

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 adopt new rules concerning slot machine equipment.

Full text of the proposal follows:

19:46-1.32 Limitation on utilization of slot machines of any one manufacturer

(a) Unless otherwise approved by the Commission, no more than 50% of the slot machines used in any casino in this State to conduct gaming shall have been manufactured by any one manufacturer or by any enterprise under the direct or indirect control of said manufacturer.

(b) The Commission may modify the said limitation of subsection (a) upon a finding that the casino licensee or applicant for a casino license has made a good faith effort to seek out and obtain slot machines from more than the single manufacturer and that a number of adequate slot machines sufficient to comply with the said limitation are not reasonably available for such use in the said casino.

(c) A casino licensee or an applicant for a casino license may seek modification of the limitation of subsection (a) by filing a verified petition with the Commission alleging sufficient facts to satisfy the standards set forth in subsection (b).

(d) In response to such a verified petition, the Commission may decide the request summarily, elicit further information from the petitioner or other interested persons, set the matter down for a hearing or adopt such other procedure as may be appropriate under the circumstances.

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

(b)

## STATE LAW ENFORCEMENT PLANNING AGENCY

### Criminal Justice Plan for New Jersey Concerning Applicants Guide for 1979

On December 12, 1978, the State Law Enforcement Planning Agency, pursuant to authority of Executive Order No. 45 (1969) and in accordance with applicable provisions of the Administrative Procedure Act, adopted the Criminal Justice Plan for New Jersey concerning Applicants Guide for 1979.

The Plan concerns the introduction, problem analysis, standards and goals, statement of priorities, annual action plan, organization and functions of SLEPA, general information for applicants, application preparation instructions, SLEPA forms, and definitions.

Coipes of the 176 pages of the full text of this adoption may be obtained from or made available for review by contacting:

State Law Enforcement Planning Agency  
3535 Quaker Bridge Road  
Trenton, New Jersey 08625

An order adopting this Plan was filed and became effective on December 19, 1978, as R.1978 d.437 (Exempt, Emergency Rule). Take notice that this Plan is a temporary rule and will not be codified in the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## CASINO CONTROL COMMISSION

### Amendments to Rules of the Game Relating to Blackjack

On January 5, 1979, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:47-2.3 and 19:47-2.5 concerning rules of the game relating to blackjack as proposed in the Notice published December 7, 1978 at 10 N.J.R. 568(a).

An order adopting these amendments was filed and became effective on January 5, 1979 as R.1979 d.2.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**DELAWARE RIVER BASIN COMMISSION**

**Amendments to Administrative Manual Concerning Water Supply Charges**

On October 25, 1978, the Delaware River Basin Commission, pursuant to authority of N.J.S.A. 32:11D-88 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to its Administrative Manual Part III, Basin Regulations concerning water supply charges.

Full text of the adoption follows:

1. The Administrative Manual, Part III, Basin Regulations—Water Supply Charges, is hereby revised by amending Section 5-3.1 thereof to read as follows:

Section 5-3.1 Schedule of water charges. The Commission will from time to time, after public notice and hearing, make, amend and revise a schedule of water charges. Until changed, the charge for water shall be as follows:

- (a) Six cents per thousand gallons for consumptive use; and
- (b) Six-tenths of a mill per thousand gallons for non-consumptive use.

2. This Resolution shall take effect on the first day of the month following the date of deliberate impoundment of water supply in the Blue Marsh Reservoir.

An order adopting these amendments was filed on December 13, 1978 as R.1978 d.432 (Exempt, Exempt Agency). Take notice that these rules will not be codified in the New Jersey Administrative Code but will be incorporated by reference in Title 18, Part 420, of the Code of Federal Regulations.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

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

**Revisions to Parking Fees at Port Authority Airports**

On November 29, 1978, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges concerning public vehicular parking fees at Port Authority airports.

Full text of the adoption follows:

RESOLVED, that the resolution establishing fees for parking vehicles on Public Vehicular Parking Areas at Port Authority Air Terminals, adopted by the Board, at its meeting on March 11, 1948 (appearing at page 90 et seq. of the Official Minutes of that date), as subsequently amended, be and the same is hereby amended, effective February 1, 1979, as follows:

1. By revising the rates relative to LaGuardia Airport as follows:

Parking Garage:	\$1.00 for 1st hr. or part \$1.00 per 2 hrs. or part thereafter \$7.00 max. to 24 hrs. \$1.00 per 3 hrs. or part thereafter \$7.00 max. each 24 hrs.
All Other Lots:	\$1.00 for 1st hr. or part \$1.00 per 2 hrs. or part thereafter \$5.00 max. to 24 hrs. \$1.00 per 4 hrs. or part thereafter \$5.00 max. each 24 hrs.
Meters:	\$ .25 per ¼ hrs. (interim rate) \$ .50 per ½ hr. (permanent rate)

2. By revising the rates relative to Kennedy International Airport as follows:

Premium Pan Am Rooftop (Lot 6)	\$1.00 for 1st hr. or part \$1.00 per 2hrs. or part thereafter
Intermediate Central Terminal Area: (except Lot 6)	\$1.00 for 1st hr. or part \$1.00 per 2 hrs. or part thereafter \$4.00 max. to 16 hrs. \$1.00 per 4 hrs. or part thereafter \$6.00 max. each 24 hrs.
Remote Reduced Rate Long Term: (Lots 8 & 9)	\$3.00 for 1st 24 hrs. or part \$1.50 per 12 hrs. or part thereafter

3. By revising the rates relative to Newark International Airport as follows:

Premium "Hourly" Lots:	\$1.00 for 1st hr. or part \$1.00 per 2 hrs. or part thereafter
Intermediate "Daily" Lots:	\$1.00 for 1st hr. or part \$1.00 per 2 hrs. or part thereafter \$4.00 max. to 16 hrs. \$1.00 per 4 hrs. or part thereafter \$6.00 max. each 24 hrs.
Remote Reduced Rate Long Term: (Lots D, 1 & 3)	\$1.00 for 1st hr. or part \$1.00 per 2 hrs. or part thereafter \$3.00 max. to 24 hrs. \$1.00 per 8 hrs. or part thereafter \$3.00 max. each 24 hrs.

All rates to become effective February 1, 1979, include tax on parking.

An order adopting these revisions was filed on January 9, 1979 as R. 1979 d.5 (Exempt, Exempt Agency).

Howard H. Kestin  
Director  
Office of Administrative Law

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## FLIGHT INSURANCE AT LOWEST RATES

As of this year, all flight insurance at New Jersey airports is being sold at the lowest rate available anywhere. State Insurance Commissioner James J. Sheeran announced.

The rate is two cents per \$1,000 coverage and the insurance is sold by Mutual of Omaha. A higher rate, three and one-third cents per \$1,000, had been charged by a second company, the Fidelity and Casualty Company of New York.

The lower rate, the same as that charged at New York airports, became standard in New Jersey when Fidelity and Casualty decided to terminate its New Jersey operations rather than agree to a reduction to the two-cent rate.

Mutual of Omaha is expanding its operation in New Jersey to maintain the same level of service available when the two companies were selling the insurance.

"All travelers using New Jersey airports," Sheeran said, "will now be assured of getting insurance at the same rate as in New York (which is the lowest in the country) and Mutual of Omaha's willingness to expand will assure the ready availability of flight insurance to anyone who wants it."

Sheeran said that Dr. Eleanor Lewis, assistant commissioner in charge of consumer services, began an investigation in 1976 of the rate disparity between Newark and New York after it had been called to his attention by a Bloomfield councilman, Joseph Barry Jr.

## NEW TROUT HATCHERY APPROVED

Governor Brendan Byrne announced that the Department of Environmental Protection has authorized the construction of a modern \$5 million trout hatchery at Pequest in Warren County. It will replace a facility at Hackettstown which has operated since 1912.

"Not only will this facility provide the most modern methods of rearing trout," said Byrne, "but it will be an installation that can be developed and utilized for many outdoor recreational and educational purposes".

Half of the \$5 million funding will come from the State Green Acres program and half from the Federal Bureau of Outdoor Recreation.

The new hatchery is located on a 2,200-acre site along the Pequest River, off State Route 46 near Buttzville. It is designed to produce a half-million trout annually.

First phase of the two-year project is expected to begin this summer with construction of raceways and other trout-rearing facilities. The second phase, which includes the construction of buildings along with an education center, will start early in 1979. Trout production is expected to be well underway by 1980.

The present facility, the Charles O. Hayford fish hatchery, will continue in use for the production of fish such as bass, bluegills and channel catfish for the restocking of the State's warm water ponds, many of which are in urban areas.

## OCEAN TWP. MUA RECEIVES SEWERAGE GRANT

Governor Brendan Byrne today announced the award of a \$311,284 sewerage construction grant to the Ocean Township Municipal Utilities Authority.

The grant funds were made available by the Water Conservation Bond Act of 1969 and are issued by the State Department of Environmental Protection (DEP).

The \$5.3 million project is for the construction of a wastewater collection system to serve the area along the western shore of Barnegat Bay. The collection system will eliminate many individual septic systems thereby protecting groundwater quality and improving the water quality of Barnegat Bay.

## REHABILITATION OF METUCHEN RAILROAD STATION

Trenton, October 30 — Metuchen Borough officials and the Department of Transportation broke ground today for a \$3 million project to rehabilitate the historic Metuchen Railroad Station, which dates back to 1889.

One of the busiest stations in New Jersey, Metuchen receives a total of 34 eastbound and 37 westbound trains daily with a daily ridership of 1,281 boarding passengers.

The project will include replacement of the existing low-level platforms with high-level platforms, construction of new canopies, ramps and stairways, reconstruction of the drainage system, installation of new lighting and other passenger safety and comfort items, and improvements to accommodate the elderly and handicapped. Platforms will also be built over Main Street to provide easier access to existing parking lots.

Interior and exterior renovations, approved by the State and Federal historic preservation agencies, also will be made at the existing station building and waiting shelter.

Conduit & Foundation Corporation, of Clifton, was awarded a \$2,683,885 contract in September for the rehabilitation of the Metuchen Station.

Funding for the project includes \$2,061,885 from 1968 Public Transportation Bond funds and a \$748,000 grant from the Urban Mass Transportation Administration.

The Borough of Metuchen also is enlarging its parking lot system at the station and constructing a new access road. The Borough's \$250,000 improvement project also is funded from the State's UMTA grant.

An Amtrak force account work agreement, estimated at \$126,000, will provide sidetrack removal, relocation of return track signal cable and air lines and electrical work.

Participating in the ground breaking ceremony were Metuchen Mayor Donald Wernik; Robert Innocenzi, the Department of Transportation's Chief of the Bureau of Capital Facilities; Metuchen Councilmen; Members of the Metuchen Parking Authority and Transportation Committee and Chamber of Commerce.

Completion date for the project, as specified in the contract with Conduit & Foundation Corporation, is September, 1980. It is expected, however, that the project may be completed before that date.

The station building is scheduled to be closed to the public during renovation from December, 1978 to May, 1979. Temporary facilities will be provided for ticket purchasing and a waiting room.

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## NINE CODE TITLES UPDATED

Mailing was completed last month for the July 24, 1978 update of nine Titles of the New Jersey Administrative Code.

Titles included were: 2—Agriculture, 3—Banking, 7—Environmental Protection, 11—Insurance, 12—Labor and Industry, 13—Law and Public Safety, 14/14A—Energy and Public Utilities, 18—Treasury-Taxation, and 19—Other Agencies.

If subscribers have not yet received the July 24, 1978 update, they should contact the Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey 08608, or phone (609) 292-6060.

### RESERVED SEATS ON BUSES FOR HANDICAPPED

Trenton, October 18—The Department of Transportation is asking all bus operators in New Jersey to provide reserved seats for elderly or handicapped persons on every bus.

Robert A. Keith, Assistant Commissioner for Public Transportation launched the statewide effort on Wednesday, October 18, with the distribution to Mercer Metro of signs reading "Please give handicapped and elderly first choice for these seats. Thank you."

The adhesive strips are to be affixed to windows next to the first four forwardfacing seats on buses.

A ceremony inaugurating the reserved seat program was held in front of the State House in Trenton on October 18.

Mr. Keith said that "Many elderly and handicapped persons would be able to travel with a greater sense of security if they knew that they would not have to stand or walk far into the bus in order to get a seat.

"I know that most people would gladly give up their seats if they knew that a person was having a great deal of difficulty standing," he said. "Many handicapped persons, regardless of age, are not visibly disabled and this gives them a less embarrassing way of asking someone to relinquish a seat for them."

Mr. Keith noted that the Department has sought to make bus transit more accessible to elderly and handicapped persons through the provision of "kneeling" front steps, which can be lowered pneumatically to make entry and exit easier. A demonstration of a kneeling bus was presented at the ceremony.

He said that of the 779 new buses acquired by the State in 1976, 444 have this feature, as will all of the 600 to 1,200 buses to be purchased as part of Transpac, the \$600 million package of transit improvements being developed by the Department.

Distribution of the signs to operators who do not have contracts under the State's subsidy program will be directed by John Cronshey, Chief of the Bureau of Rail and Motor Carriers of the Board of Public Utilities.

## INDEX FOR THIS ISSUE

(Continued from Front Cover)

### LAW AND PUBLIC SAFETY

Amend medical examiners—diagnostic centers . . .	76(b)
Amend veterinary records retention . . . . .	77(a)
Amend civil rights hearings . . . . .	77(b)
Amend physicians' licensure exemption . . . . .	77(c)
Amend motorized bicycles . . . . .	78(a)
Amend alcohol countermeasures . . . . .	78(b)
Amend weights and measures handbook . . . . .	78(c)
Amend psychological examiners conduct of licensees . . . . .	78(d)

### ENERGY — PUBLIC UTILITIES

Prop. amend make-ready clearances . . . . .	78(e)
Prop. Energy Facilities Review Board . . . . .	80(a)
Prop. collection of energy data . . . . .	89(a)
Notice: Coastal Energy Impact Funds . . . . .	91(a)
Variances and exemptions . . . . .	91(b)

### TRANSPORTATION

Prop. amend allocated, unexpended funds . . . . .	92(a)
Prop. amend speed limits . . . . .	92(b)
Amend DOT public records . . . . .	93(a)
Amend restricted parking . . . . .	93(b)
Amend no-left turns . . . . .	94(a)
Amend Route 80 speed limits . . . . .	94(b)
Amend traffic signal, highway lighting . . . . .	94(c)

### TREASURY

Prop. amend state health benefits . . . . .	94(d)
Prop. amend purchase bureau . . . . .	95(a)
Prop. amend cigarette tax . . . . .	98(a)
Prop. amend cigarette sales . . . . .	98(b)
Prop. amend local property tax . . . . .	100(a)
Prop. amend farmland assessment . . . . .	100(b)
Prop. amend realty transfer fee . . . . .	101(a)
Prop. amend assessor qualification . . . . .	102(a)
Prop. amend sales tax . . . . .	103(a)
Prop. amend sales tax . . . . .	104(a)
Amend State Health Benefits . . . . .	105(a)
Amend State Health Benefits . . . . .	105(b)
Amend Teachers' Pension . . . . .	105(c)
Amend county boards of taxation . . . . .	105(d)
Amend State Investment Council . . . . .	105(e)
Amend Common Pension Fund A . . . . .	106(a)
Amend Common Trust Fund . . . . .	106(b)
Amend Common Trust Fund C . . . . .	107(a)
Amend barrier free construction . . . . .	107(b)

### OTHER AGENCIES

Prop. amend reporting of street money . . . . .	107(c)
Prop. amend slot machines . . . . .	108(a)
Criminal Justice Plan . . . . .	108(b)
Amend casino blackjack . . . . .	108(c)
Amend DRBC water charges . . . . .	109(a)
Amend airport parking fees . . . . .	109(b)

ADMINISTRATIVE CODE — Interim Index . . . . . 81

PUBLIC INTEREST NEWS . . . . . 110

Next Rules Filing DEADLINE: . . . . . February 15