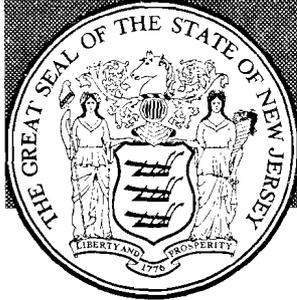


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# NEW JERSEY REGISTER



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 7**

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(Includes rules filed through June 15, 1979)

## INDEX OF RULES IN THIS ISSUE

	<u>Cite</u>		
<b>AGRICULTURE</b>		<b>ENVIRONMENTAL PROTECTION</b>	
Prop. amend pseudorabies test exemption .....	314(a)	Prop. Pinelands development and construction applications .....	320(b)
Amend biologic product use .....	314(b)	Prop. amend flood plain in Passaic County .....	322(a)
Amend biologic product use .....	314(c)	Prop. amend flood plain in Delaware Basin .....	323(a)
Amend health laboratory fees .....	315(a)	Prop. amend flood plain in Passaic Basin .....	324(a)
Amend plant nutrient commercial values .....	315(b)	Prop. amend game code .....	324(b)
Amend N.J. map symbol for eggs .....	315(c)	Prop. amend Green Acres tax exemption .....	325(a)
		Prop. Wild and Scenic River .....	326(a)
<b>BANKING</b>		Notice of public hearing; Implementation Plan ..	326(b)
Prop. amend approval to exceed ten per cent ...	315(d)	Emerg. air pollution: non-attainment areas .....	327(a)
Emerg. maximum class II loan interest .....	316(a)		
<b>CIVIL SERVICE</b>		<b>HEALTH</b>	
Prop. amend extension of employment lists .....	316(b)	Prop. amend laetrile .....	327(b)
Amend unused sick leaves .....	316(c)	Prop. certificate of need: perinatal services ....	328(a)
Amend sheriff officer's series .....	316(d)	Prop. hospital financial elements and reporting ..	329(a)
Repeal portion of Local Personnel Manual .....	317(a)	Prop. amend drug ambulatory care counseling hours .....	330(a)
		Prop. delete isosorbide dinitrate from interchangeable drug list .....	330(b)
<b>COMMUNITY AFFAIRS</b>		Notice of State Health Plan public hearing .....	330(c)
Prop. amend relocation assistance and eviction ..	317(b)	Amend long-term care dental services .....	331(a)
Prop. amend construction permits .....	317(c)	Ambulatory care drug abuse centers .....	331(b)
Prop. amend conversion to limited dividend ownership .....	318(a)	In-patient alcohol abuse facilities .....	331(c)
Notice on New Home Warranty .....	319(a)	Self-locking doors in health facilities .....	331(d)
		Emerg. delete distributors requirement from interchangeable drug list .....	331(e)
<b>EDUCATION</b>		Amend long-term care effective date .....	332(a)
Prop. amend community relations in T & E .....	319(b)	Exempt controlled substances .....	332(b)
Notice on Tuberculosis testing .....	320(a)		

(Continued on Back Cover)

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Proposed Amendment Concerning Exemption From Pseudorabies Test Requirement

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-106.2, proposes to amend N.J.A.C. 2:3-2.12 concerning exemption from pseudorabies test requirement for imported breeding swine from qualified pseudorabies negative herds.

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

2:3-2.12 All imported breeding swine; not infected with pseudorabies

(a) All imported breeding swine must come from a herd that has not been infected with pseudorabies in the past 60 days. Individuals must have been negative to a serum neutralization test within 30 days of entry conducted at a State or Federal laboratory. Swine from qualified pseudorabies negative herds need not be tested for pseudorabies prior to entry if the qualified pseudorabies herd number and date of last qualifying test are stated on the official interstate health certificate.

(b) "Qualified pseudorabies negative herd" means a herd which complies with the provisions of 9 C.F.R. 85.1(ee).

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 25, 1979, to:

Dr. Robert E. Horton  
Director, Division of Animal Health  
Department of Agriculture  
P.O. Box 1888  
Trenton, New Jersey 08625

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

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(b)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Amendments Concerning Biological Product Use Reports

On June 1, 1979, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:6-1.9 concerning reports of biological product use as proposed in the Notice published April 5, 1979 at 11 N.J.R. 162(a).

An order adopting these amendments was filed and became effective on June 1, 1979 as R.1979 d.215.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Amendments Concerning Reports of Biological Product Use

On June 7, 1979, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-109 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:6-1.9 concerning reports of biological product use as proposed in the Notice published May 10, 1979 at 11 N.J.R. 219(b).

An order adopting these amendments was filed and became effective on June 8, 1979 as R.1979 d.225.

Howard H. Kestin  
Director  
Office of Administrative Law

## NEW JERSEY REGISTER

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**(a)**

## **AGRICULTURE**

### **DIVISION OF ANIMAL HEALTH**

#### **Rules on Fee Schedule for Animal Health Laboratory Tests**

On June 7, 1979, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-11, 4:5-1, 4:5-93.22 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 2:2-9.3 through 2:2-9.6, concerning the fee schedule for animal health laboratory tests as proposed in the Notice published May 10, 1979 at 11 N.J.R. 219(a).

An order adopting these rules was filed and became effective on June 11, 1979 as R.1979 d.227.

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

## **AGRICULTURE**

### **STATE BOARD OF AGRICULTURE**

#### **Amendments on Commercial Values Of Primary Plant Nutrients**

On June 7, 1979, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:69-1.11 concerning commercial values of primary plant nutrients as proposed in the Notice published May 10, 1979, at 11 N.J.R. 222(a).

An order adopting these amendments was filed and became effective on June 11, 1979, as R.1979 d.228.

Howard H. Kestin  
Director  
Office of Administrative Law

**(c)**

## **AGRICULTURE**

### **DIVISION OF REGULATORY SERVICES**

#### **Amendments Concerning Use of New Jersey Map Symbol on Egg Packages and Advertising**

On June 7, 1979, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.22, 4:10-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:71-1.39 concerning the use of the New Jersey map symbol on egg packages and advertising as proposed in the Notice published May 10, 1979 at 11 N.J.R. 222(b).

An order adopting these amendments was filed on June 11, 1979 as R.1979 d.229 to become effective on July 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

**(d)**

## **BANKING**

### **DIVISION OF BANKING**

#### **Proposed Amendments Concerning Approval to Exceed Ten Per Cent Limitation**

The Department of Banking, pursuant to authority of N.J.S.A. 17:9A-62H, proposes to amend N.J.A.C. 3:11-1.1 concerning the approval to exceed ten per cent limitation.

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

3:11-1.1 Approval to exceed ten per cent limitation

(a) Persons which may become liable to a bank or obligations in which a bank may invest in an unlimited amount subject only to the exercise of prudent banking judgment.

1. General obligations of any State of the United States or any political subdivision thereof.

2. Such other individual obligations as the Commissioner may from time to time prescribe. A list of these individual obligations shall be kept on file in the office of the Commissioner of Banking.

i. Following is the current listing of obligations subject to the provisions of this paragraph:

- (1) Banks for cooperatives;
- (2) Commodity Credit Corporation;
- (3) Export-Import Bank (participation certificates or debentures);
- (4) Farmers Home Administration;
- (5) Federal Home Loan Bank System;
- (6) Federal Intermediate Credit Banks;
- (7) Federal Land Bank;
- (8) Federal National Mortgage Association;
- (9) Government National Mortgage Association;
- (10) New Jersey Health Care Facilities Financing Authority (provided that no more than 10% may be invested in one obligor (individual hospital) which is responsible for the payment of the particular issue);
- (11) New Jersey Economic Development Authority (provided that no more than 10% may be invested in bonds issued on behalf of one person. Such bonds, exclusive of any portion that may be guaranteed by the Authority, will be aggregated with any other obligations of that person at the bank for determining the 10% limitation. The obligations should be classified as loans and will be reported as such in the Department's examination report).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
Department of Banking  
P.O. Box CN 040  
Trenton, N.J. 08625

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

Clifford F. Blaze  
Deputy Commissioner  
Department of Banking

(a)

## BANKING

### DIVISION OF BANKING

#### Emergency Rule on Maximum Class II Installment Loan Interest Rate

On June 1, 1979, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-53C and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new, emergency rule concerning the maximum Class II installment loan interest rate.

Full text of the adoption follows:

#### SUBCHAPTER 7. CLASS II INSTALLMENT LOAN INTEREST RATE

##### 3:6-7.1 Maximum interest rate

The maximum rate of interest which may be contracted for and received on Class II installment loans on or after June 1, 1979, shall be 14 per cent per annum. This regulation shall have prospective effect only. Such interest shall be calculated in accordance with N.J.S.A. 17:9A-53 et seq. and shall remain in force until such time as this regulation is rescinded or until said rate is revised by a subsequent regulation.

An order adopting this rule was filed and became effective on June 1, 1979 as R.1979 d.214 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Amendments Concerning Extension of Employment Lists

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1(a), proposes to amend N.J.A.C. 4:1-11.6 concerning extension of employment lists.

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

##### 4:1-11.6 Extension of employment lists

(a) An employment list may be extended for such period or periods beyond its expiration date, provided that no list shall remain in effect for more than the maximum period allowed by [the] law.

(b) This section shall only apply to employment lists promulgated for positions in the State classified service.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

Joseph Lavery  
Director  
Division of Hearings and Regulations  
Department of Civil Service  
215 East State St.  
Trenton, N.J. 08618

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

Joseph Lavery  
Director, Division of Hearings and Regulations  
Department of Civil Service

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Repeal of Rules and Supplements and the Adoption of Appendix II Concerning The Administration of Payments to State Employees for Unused Sick Leave

On May 21, 1979, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, rescinded the current text of N.J.A.C. 4:1-17.24(h), (i), (j), (k), Supplement No. I and II and adopted a new Appendix II in place thereof concerning the administration of payments to State employees for unused sick leave as proposed in the Notice published April 5, 1979 at 11 N.J.R. 163(b).

An order adopting these amendments was filed and became effective on May 25, 1979 as R.1979 d.208.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Amendments to Local Jurisdictions Personnel Manual Concerning Modification of Sheriff's Officer Series

On May 25, 1979, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 6-5.102 of the Civil Service Personnel Manual (Local Jurisdictions) concerning the modification of sheriff's officer series.

Full text of the amended rules follows:

##### Subpart 6-5.102 Modification of Sheriff's Officer Series

###### 6-5.102a Subject:

This subpart supersedes all previous subparts of the Sheriff's Officer series and describes the procedures that will be followed in implementing the series.

###### 6-5.102b Modification to Sheriff's Officer Series:

The Civil Service Commission has rendered the following decision:

1. The functions involved in the care, custody, and rehabilitation of prisoners formerly encompassed in the Sheriff's Officer series shall no longer be included in that series. Henceforth, all appointments of personnel assigned to the care, custody, and rehabilitation of prisoners shall be classified under the County Correction Officer Series.

2. The functions involved primarily in attending the courts formerly encompassed in the Sheriff's Officer series shall no longer be included in that series. Henceforth, all appointments of personnel assigned primarily to attend the courts shall be classified under the Court Attendant series.

3. In order to meet the specific operational needs of each Sheriff's Office, the following title series are hereby approved:

(a) Court Attendant Series—to encompass duties primarily involved in attending the courts.

(b) Process Officer Series—to encompass duties primarily involved in serving court processes.

(c) Investigator, Sheriff's Office Series—to encompass duties primarily involved in the investigation and apprehension of violators of the law.

(d) Identification Officer Series—to encompass duties primarily involved in criminal identification work.

(e) Ballistics Officer Series—to encompass duties primarily involved in ballistics work.

(f) County Correction Officer Series—to encompass duties primarily involved in the care, custody, and rehabilitation of prisoners.

(g) Sheriff's Officer Series—to encompass duties involved in the performance of any combination of two or more of the following four functions:

- (1) serving court processes,
- (2) criminal identification,
- (3) investigation and apprehension of violators,
- (4) ballistics.

Use of Sheriff's Officer Series:

1. The Sheriff's Officer series may be used either exclusively or concurrently with the specific titles series listed in section 6-5.102b.

2. The Sheriff's Officer series shall not encompass the function of the care, custody, and rehabilitation of prisoners.

3. The Sheriff's Officer series shall not encompass the duties involved in attending the courts.

4. In open competitive tests for the position of Sheriff's Officer, the Department of Civil Service, will administer a general examination.

5. Once appointed as a Sheriff's Officer, an employee with the approval of the Department of Civil Service, may be assigned or reassigned to a combination of two or more of the functions encompassed in the Sheriff's Officer series.

An order adopting these amendments was filed on May 29, 1979 as R.1979 d.212 (Exempt, Procedure Rule) to become effective on June 1, 1979. Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Rescission of Subparts 11-4.101 and 11-6.101 in Local Jurisdictions Personnel Manual

On May 24, 1979, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administra-

tive Procedure Act, rescinded Subparts 11-4.101 and 11-6.101 in the Civil Service Personnel Manual (Local Jurisdictions).

An order rescinding these subparts were filed and became effective on June 1, 1979, as R.1979 d.216 (Exempt, Procedure Rule). Take notice that these rescissions are not subject to codification and will not be reflected in Title 4 of the New Jersey Administrative Code.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amendments on Relocation Assistance and Eviction

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 2A:61-1 et seq., 20:4-1 et seq. and 52:31B-1 et seq., proposes to amend N.J.A.C. 5:11-1.1 et seq. concerning relocation assistance and eviction.

The proposal concerns general provisions; eligibility; relocation payments; relocation assistance; relocation plan; eviction and relocation; and administration.

Copies of the 23 pages of the full text of this proposal may be obtained from:

Bureau of Housing and Renewal Services  
Department of Community Affairs  
363 West State Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

Joseph G. Feinberg, Chief  
Bureau of Housing and Renewal Services  
Division of Housing and Urban Renewal  
Department of Community Affairs  
363 West State St.  
Trenton, N.J. 08625

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

Joseph A. LeFante  
Commissioner  
Department of Community Affairs

(c)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amendment Concerning Construction Permits

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

This proposal is made in order to comply with a requirement of the New Home Warranty and Builder's Registration Act. It is intended to make such changes effective on August 1, 1979.

Full text of the new rule follows:

5:23-2.5(b)2.i.(1) The registration number of the contractor, pursuant to the New Home Warranty and Builder's Registration Act (N.J.S.A. 46:3B-1 et seq.), if the project is a one or two family dwelling, condominium or cooperative.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

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

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

Joseph A. LeFante  
Commissioner  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### NEW JERSEY HOUSING FINANCE AGENCY

#### Proposed Amendments on the Conversion of Nonprofit Sponsored Projects to Limited Dividend Ownership

The New Jersey Housing Finance Agency, pursuant to authority of N.J.S.A. 55:14J-34(f), proposes to delete the current text of N.J.A.C. 5:80-2.1 et seq. and adopt new text therein concerning the conversion of nonprofit sponsored projects to limited dividend ownership.

Full text of the proposed new rules follows:

#### SUBCHAPTER 2. CONVERSION OF NONPROFIT SPONSORED PROJECTS TO LIMITED DIVIDEND OWNERSHIP

##### 5:80-2.1 Reasons for permitting conversion

(a) The New Jersey Housing Finance Agency will approve conversion of nonprofit sponsored projects because such conversion benefits the project in the following manner:

1. A conversion will provide additional reserves that will further protect the project's financial stability. Some specific concerns are accelerating energy costs and the uncertainty of the availability of future funds for rent increases under the Federal Section 8 Program.

2. A conversion provides additional security to our bonds and mortgage loans, thereby making our portfolio more attractive.

3. A conversion increases the livability of the project for the tenants by providing funds otherwise unavailable for additional physical improvements that will reduce operating costs and for amenities that will enhance the project environment.

4. A conversion will provide additional social services for tenants, such as visiting nurses, recreational activities, etc.

5. A conversion permits community development activities.

##### 5:80-2.2 Choice of syndicator and counsel

Nonprofit sponsors (developers) who intend to convert their projects must interview several syndicators and evaluate their proposals with the advice of counsel. Counsel for the nonprofit sponsor shall not be permitted to

represent any other parties involved in the transaction in any manner whatsoever.

##### 5:80-2.3 Nonprofit sponsor as managing general partner

The nonprofit sponsor must remain on the project as the managing general partner.

##### 5:80-2.4 Interest on seed money loan

The conversion agreement must contain a provision for interest payment to the Department of Community Affairs on seed money originally loaned to the nonprofit sponsor. The interest shall be determined at the rate of one percent over prime and shall be paid to the Department of Community Affairs at the time of the first payment of syndication proceeds to the sponsor.

##### 5:80-2.5 Fees; legal and financial services

No member of the non-profit sponsor, its employees or professional advisors, including loan consultants and attorneys, shall receive any fees payable from syndication proceeds other than those disclosed to and approved by the New Jersey Housing Finance Agency. The sponsor shall obtain the legal and financial services that are necessary to protect the project's interest.

##### 5:80-2.6 Proceeds of syndication

(a) The syndicator, in its proposals, shall submit a schedule of the source and use of the gross capital contributions of the syndication, covering items such as net proceeds to sponsor, net proceeds to syndicator, legal fees, accounting fees, etc. The syndication proceeds and all income from the investment of those proceeds received by the sponsor shall be paid to the New Jersey Housing Finance Agency as trustee for the sponsor and the use of these funds must be approved by the Executive Director of the Housing Finance Agency.

(b) The syndicator shall provide cash or irrevocable letters of credit covering at least 30 per cent of the capital contributions as security for future payments.

(c) The sponsor shall receive a minimum of 70 per cent of the gross capital contributions raised by the partnership from the limited partners. The sponsor's portion of the gross capital contributions shall be applied as follows:

1. Ten per cent of the net proceeds received by the sponsor, up to a maximum of \$100,000, shall be placed in a New Jersey Housing Finance Agency portfolio reserve account for the general security of the outstanding loans on all outstanding Agency projects. In the case of projects located in the urban aid communities of the state as defined by the legislature (currently 31), a maximum of \$25,000 shall be placed in this portfolio. Funds in this account shall be used for payment of debt service and any operating deficits which, in the opinion of the New Jersey Housing Finance Agency, cannot be adequately funded from normal income of the project. A prerequisite for use of these funds by any given project shall be a staff finding that the sponsor and the managing agent for the troubled project are performing their duties in a satisfactory fashion. In addition, staff shall determine the use of these funds for the project.

2. There shall be created a development cost escrow (hereinafter "DCE") amounting to at least 60 per cent of the proceeds received by the sponsor less the amount placed in the portfolio reserve account pursuant to N.J.A.C. 5:80-2.6(c)1. This DCE shall be used as a reserve to fund debt service and operating deficits of the project to the extent such deficits are not covered by funds otherwise available. Any other uses must be requested by the sponsor and approved by the Executive Director.

3. There shall be created a community development

escrow (hereinafter "CDE") comprising the remainder of the proceeds, less conversion costs (i.e., attorney's fees, accounting fees and title insurance endorsement) of the sponsor. These funds shall be utilized by the sponsor to increase the amenities of the project and reduce maintenance and replacement costs, provide desirable social services, and to permit additional community development. The outline of the intended uses of these funds must be submitted for approval to the Executive Director prior to syndication.

(d) The New Jersey Housing Finance Agency shall receive a conversion fee of ½ of one per cent of the original mortgage amount, or \$50,000 whichever is less, plus a yearly servicing fee of \$2,500 to be paid from interest earned on the sponsor's trust accounts which contain the syndication proceeds. The Agency shall provide the general partners with a semi-annual accounting of the trust accounts.

#### 5:80-2.7 Investment income

(a) The investment income earned on the DCE and CDE funds is to be distributed as follows:

1. The first \$2,500 per annum to the New Jersey Housing Finance Agency as servicing fee (N.J.A.C. 5:80-2.6(d)).

2. The limited partners and general partners shall be paid an amount which, when combined with the net cash flow from the normal operations of the project, provide a maximum of two per cent return per annum on the stated equity as established by the Agency.

3. Any residual funds shall remain in the trust accounts.

#### 5:80-2.8 Notice to municipality

Prior to conversion, the non-profit sponsor shall give the local municipality 30 day's notice of its intention to convert to a limited dividend partnership.

#### 5:80-2.9 Sales tax

Provisions shall be made for the payment of the New Jersey Sales Tax.

#### 5:80-2.10 Profits upon sale or refinancing

The profits received by the partnership upon the sale or refinancing of the project, not subject to payment to the State of New Jersey pursuant to N.J.S.A. 55:16-5, after repayment of the original capital contributions received by the sponsor, shall be distributed 45 per cent to the general partners, 45 per cent to the limited partners, and 10 per cent to the HFA.

#### 5:80-2.11 Termination of mortgage

At the termination of the mortgage, funds remaining in any of the escrow accounts shall be distributed 45 per cent to the general partners, 45 per cent to the limited partners, and 10 per cent to the New Jersey Housing Finance Agency.

#### 5:80-2.12 Loan consultants' fee

The loan consultants' fee paid by the nonprofit sponsor at the time of project closing shall be repaid and shall become part of the development cost escrow.

#### 5:80-2.13 Agency determination

Prior to any conversion, the New Jersey Housing Finance Agency shall make a determination that the syndication proceeds are a necessary part of the project and constitute an essential portion of the total project cost. It shall also determine that the mortgage loan does not exceed 90 per cent of the total project cost.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before July 25, 1979 to:

George Feddish  
Assistant Executive Director  
N.J. Housing Finance Agency  
3535 Quakerbridge Road  
P.O. Box 417  
Trenton, N.J. 08603

The New Jersey Housing Finance Agency may thereafter adopt rules concerning this subject without further notice.

George Feddish  
Assistant Executive Director  
N.J. Housing Finance Agency  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Notice of Correction on Citation of New Rules on New Home Warranty and Builder's Registration Act

Take notice that, in the Notice of Adoption concerning the new rules on the New Home Warranty and Builder's Registration Act that appeared in the May 10, 1979, issue of the New Jersey Register at 11 N.J.R. 223(c), such rules were incorrectly cited as N.J.A.C. 5:24-1.1 et seq. whereas the correct citation for these new rules is N.J.A.C. 5:25-1.1 et seq.

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Amendments Concerning Thorough And Efficient System of Free Public Schools (School and Community Relations)

The State Board of Education, pursuant to authority of Title 18A of New Jersey Statutes Annotated as supplemented and amended by N.J.S.A. 18A:7A-1 et seq., proposes to amend N.J.A.C. 6:8-4.6 concerning the section on school and community relations in the rules pertaining to a thorough and efficient system of free public schools.

The proposed changes would require local boards of education to present and discuss information at a public forum; i.e., evaluations, assessments, reports and budgetary changes that are a result of the implementation of the legislation pertaining to a thorough and efficient system of free public schools.

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

#### 6:8-4.6 School and community relations

(a) The district board of education shall provide parents

or guardians and other district residents opportunities through a public meeting of the board of education no later than September 30 for [orientation and information] discussion regarding State regulations and local schools procedures for implementation of district goals, objectives and standards. The district board shall publish a special notice 30 days in advance of this meeting describing its purpose, listing the items to be discussed and indicating the availability of material relative to such items. The discussion at such meeting shall include, but not be limited to:

1. The annual evaluation of the district and schools;
2. The annual report of the district and schools submitted to the Commissioner by July 1, pursuant to N.J.S.A. 18A:7A-11;
3. The results of:
  - i. The Minimum Basic Skills test;
  - ii. The needs assessment conducted pursuant to N.J. A.C. 6:8-3.4(a) and (b);
  - iii. The needs assessment conducted pursuant to N.J. A.C. 6:8-3.8(a); and
  - iv. The plans and programs implemented (or to be implemented) to remediate the needs as identified through these assessments.
4. Plans including budget requirements to implement program improvements for the coming school year;
5. The above documents shall become available to citizens, upon request, at the earliest possible time, in accordance with applicable law and regulation regarding the availability of public records.

6. Nothing in these regulations shall be deemed to modify or repeal the provisions of N.J.A.C. 6:39-1.1 et seq., regarding statewide assessment procedures.

(b) Teaching staff members, under the direction of the chief school administrator, shall identify community resources, services and needs in planning for continuous educational improvement, in consultation with parents or guardians, pupils and other district residents.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Correction in Reference Concerning Testing for Tuberculosis Infection

Take notice that, in the Notice of Adoption appearing in the May 10, 1979, issue of the New Jersey Register at 11 N.J.R. 224(a) concerning the testing for tuberculosis infection, it was incorrectly stated that the Notice of Pro-

posal regarding those rules appeared at 11 N.J.R. 112(a) whereas the correct reference is 11 N.J.R. 118(a).

This Notice is published as a matter of public information.  
Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## ENVIRONMENTAL PROTECTION

### PINELANDS PLANNING COMMISSION

#### Proposed Standards for Review And Certification of Applications For Development or Construction

#### CHAPTER 1G. PINELANDS PLANNING COMMISSION

#### SUBCHAPTER 1. INTERIM STANDARDS FOR REVIEW AND CERTIFICATION OF APPLICA- TIONS FOR DEVELOPMENT OR CONSTRUCTION UNDER EXECU- TIVE ORDER # 71

##### 7:1G-1.1 General provisions

(a) Until the enactment of State legislation which is consistent with Executive Order #71, or the approval by the Secretary of Interior of the comprehensive management plan for the Pinelands as set forth in the federal act, or eighteen months from the date of the Order, whichever is earlier, State approvals related to development and construction in the Pinelands National Reserve area as supplemented by the Pinelands Review Committee, will require prior approval by the Pinelands Planning Commission and must be responsive to the needs to strictly control development of the Pinelands while planning required by Federal law is underway.

(b) No state department or agency shall take final action on any grant, permit, certificate, license or other approval for any development or construction within the Pinelands National Reserve as supplemented by the Pinelands Review Committee and described in Executive Order #71 until the application has been reviewed and certified as approved by the Development Review Board or the Executive Director. Actions of the Review Board or the Executive Director may be appealed to the full Commission by the applicant, a commissioner or a member of the public with standing. If the Commission decides to hear the appeal, approval may be granted only on absolute 2/3 votes of the Commission.

(c) In granting such certifications particular attention will be paid to the cumulative effects of approvals and to their direct or indirect impact on the natural resources of the Pinelands.

(d) In order to coordinate the Commission approvals with local and county police power and planning responsibilities, preliminary local and county action will be required before an application will be accepted for review.

(e) Compliance with the "no substantial impairment" sections of the Executive Order will be required in all cases. All reviews will give detailed consideration to: the degrading effects of storm water runoff; maintenance of air quality; protection of threatened and endangered plant and wildlife habitat; hazards of flood and fire; protection of aesthetic interests and value of critical and sensitive areas, cultural and recreational sites; and the preservation of ground and surface waters; and the protection of

headwaters of all streams flowing within the Pinelands. The goal of these criterias is to prevent substantial impairment of the natural resources of the Pinelands. Approvals may be conditioned to prevent such impairment by an otherwise eligible application.

#### 7:1G-1.2 Certification in Pinelands preservation area

Certifications for approval of development or construction will require a demonstration that there exists a compelling public need or that denial of an approval would result in extraordinary hardships. Such certifications must be consistent with the goals and objectives of Executive Order #71 and prevent substantial impairment of the natural resources of the Pinelands.

#### 7:1G-1.3 Certification in Pinelands protection area

Certifications of approval for development or construction will require a demonstration that there exists a compelling public need or a denial would result in extreme hardship or the proposal is consistent with the goals and objectives of Executive Order #71 and the federal legislation. All such approvals must meet all conditions deemed necessary to prevent substantial impairment of the natural resources of the Pinelands.

#### 7:1G-1.4 Certification in CAFRA zone

Applicants which are currently undergoing the CAFRA permit review process will continue to do so unimpeded. Those projects which are in the CAFRA Zone which overlaps the Pinelands National Reserve Area outlined in Executive Order #71 and which are subject to the CAFRA review process are exempted from review by the Pinelands Planning Commission. The exception to this exemption category in the Executive Order is the portion of the CAFRA area which lies west of the Garden State Parkway in the Mullica River Watershed portion of the preservation area. All applications for state permits in this area are subject to the review process as established by the board.

#### 7:1G-1.5 Demonstration of compelling public need

(a) Rules on demonstration of compelling public need are:

1. Letter from appropriate local county, and state agencies that the public health, safety and welfare requires construction prior to completion of the Pinelands Management Plan; and
2. Demonstration that public benefits outweigh public losses; and
3. Discussion of alternative means of meeting this public need, until the plan is completed.

#### 7:1G-1.6 Proof of extraordinary hardships

(a) Rules on proof of extraordinary hardships are:

1. Evidence that a substantial and irretrievable commitment of monies or resources directly associated with physical improvements to the land were made in good faith reliance on local approval received prior to February 8, 1979; or
2. Evidence that in good faith reliance on local approval received before February 8, 1979 the applicant incurred financial obligations to a lending institution which, despite a thorough review of alternative solutions, the applicant cannot meet unless construction proceeds; or
3. Evidence that the applicant is an individual who purchased a single lot or group of adjacent lots prior to February 8, 1979 for the purpose of constructing one single family dwelling for use of his or her family as its principal residence and delay in construction will result in a significant financial detriment to the applicant; or
4. Evidence that the applicant, for reasons of health or

safety must develop on property owned by the applicant prior to February 8, 1979.

5. Each applicant must include a discussion of possible means to alleviate the hardships during the planning period.

#### 7:1G-1.7 General requirements

(a) Rules on general requirements are:

1. Copies of minutes, filed maps or letters of approval of local boards showing that applicable local and county preliminary subdivision or site plan approvals have been granted.

2. An objective analysis of alternatives in both design and land use to the proposed action which, if carried out, would avoid some or all of the adverse environmental effects of the project.

3. A list of local, county, state, and federal grant, permit, certificate, license, loan, and other approvals required to conform to all applicable state and federal regulations.

#### 7:1G-1.8 Consistency and avoidance of substantial impairment

Certification of approval in any case will only be granted if the Commission is satisfied that the proposal poses no threat of substantial impairment to the Pinelands ecology. In cases of hardship, proof will be developed by the staff. In all other cases, the burden of proof lies with the applicant.

#### 7:1G-1.9 Land use consideration

(a) Prior to the completion of the plan, construction and development will not be approved for applications which fall in the following categories:

1. Sites with seasonal high water tables less than five feet below the natural grade level, unless the project is not dependent on on-site waste disposal, in which case water table depths of 3-5 feet will be considered if all other conditions are met.

2. Sites which are dependent on on-site waste disposal systems where percolation tests conducted in accordance with Title 199 indicate a percolation rate of under 10 minutes to the inch.

3. Sites the development of which would, in the Commission's opinion, generate a need for off-tract improvements such as street improvements, water systems, sewerage, drainage facilities and other utilities.

4. Sites which the staff determines are in the process of appraisal for acquisition by local, county, state and federal agencies.

5. Sites which lie within 1,000 feet of the center line of a nominated or designated national or state wild or scenic river, or rivers listed on the final list of potential national wild and scenic rivers.

6. Sites where it can be verified to the Commission contain unique habitats which are essential to the protection of the Pinelands ecosystem or which harbor endangered or threatened plant and animal species, or registered "specimen trees" as approved by the Division of Fish, Game and Shellfisheries.

7. Sites which contain bogs, swamps, especially Atlantic white cedar stands, and other wetland types as defined by poorly drained, very poorly drained and alluvium soils as delineated by SCS Soil Maps, vegetative maps or other more site specific data, as well as areas within 300 feet of these wetlands.

8. Sites and structures where it can be verified to the Commission are included in or eligible for inclusion in state or national registers of historic places or determined by the State Historical Preservation Office to be potentially eligible on the register.

9. Sites where it can be verified to the Commission are registered Natural Landmarks or areas recognized by the Department of Interior as potential natural landmarks.

10. Sites where residents health and safety will be threatened by forest fire or smoke or where the implementation of the proposed action will curtail the use of fire in the maintenance of the Pinelands ecology as referenced by the Bureau of Forestry.

7:1G-1.10 Criteria for adequate design

(a) Where applicable, the applicant must demonstrate that, both during and after construction, the proposed action either directly or indirectly:

1. Will prevent increases in on-site or downstream flood flow velocities and volume from storm water runoff. SCS standards should be utilized in making these determinations.

\*2. Will utilize best management practices to avoid impacts on ground and surface water quality of pollution from point and nonpoint sources.

\*3. Will not, insofar as practicable, transfer potable or wastewater across primary or subwatershed lines, except in cases of agricultural use.

4. Will not reduce natural floodwater storage capacity of floodplains, bogs, swamps and other wetlands (see page 3).

5. Will not divert the flow of streams and natural drainage areas, except in cases of agricultural uses.

\*6. Will conform to all applicable state and federal regulations on air quality including, but not limited to the New Jersey State Implementation Plan and the Federal Clean Air Act as amended.

7. Consistency with Executive Order #71 requires that a variety of design techniques be utilized to maintain the scenic, aesthetic and cultural resources of the Pinelands. During the planning period the Commission will encourage applicants to incorporate these and other design factors in their final plans:

i. Criteria for adequate design:

(1.) Utility lines placed in existing vegetative cuts or underground;

(2.) Indigenous vegetation used to visually obscure development or construction from public roadways;

(3.) Limited removal of existing vegetation;

(4.) Limited selective pruning and removal of dead trees;

(5.) Limitations on present and future use of fertilizers, pesticides, herbicides, road salts, etc.;

(6.) Appropriate visual and vegetative buffering of stream corridors, wealands and main roadways through the use of indigenous vegetation;

(7.) Protection of areas recognized as wildlife corridors and necessary to the movement of wildlife through the site to adjacent habitats and open space areas.

\*The applicant for single family units in subdivisions of five units or less will not be required to demonstrate.

Interested persons may present statements or arguments in writing relevant to the proposed standards on or before July 27, 1979 to:

Joe Gates  
Pinelands Staff  
P.O. Box 2768  
329 West State Street  
Trenton, N.J. 08625

The Pinelands Planning Commission may thereafter adopt rules concerning this subject without further notice.

Franklin Parker  
Chairman, Pinelands Planning Commission  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments on Flood Plain Delineation Of Streams Within New Milford Township, Ringwood and Wanaque Boroughs In Passaic County

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., 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 Wanaque River from the Pompton Lake-Wanaque Borough Boundary line upstream to West Milford Township-Ringwood Borough Boundary line; Post Brook from the Pompton Lake-Wanaque Borough Boundary line upstream to the Bloomingdale-Wanaque Borough Boundary line; Post Brook Branch No. 1 from its mouth upstream to the Bloomingdale-Wanaque Borough Boundary line; Post Brook Branch No. 2 from its mouth upstream 3200 feet; Meadow Brook from its mouth at the confluence with the Wanaque River upstream to the head of Upper Skyline Lake; Meadow Brook Branch No. 2 from its mouth upstream to the head of Hidden Valley Lake; Stephans Lake Brook from its mouth at the confluence with Meadow Brook upstream 11,940 feet to the head of a small lake; Stephans Lake Brook Branch No. 1 from Conklintown Road upstream 1400 feet; Stephans Lake Brook Branch No. 2 from its mouth to its headwaters; High Mountain Brook from its mouth at the confluence with Meadow Brook upstream 14,150 feet; Erskine Brook from its mouth at the Wanaque Reservoir upstream to the head of Upper Lake Erskine; Cupsaw Brook from its mouth at the Wanaque Reservoir upstream to Kraft Place, Cupsaw Brook Branch No. 1 from its mouth upstream to Kendall Drive, Cupsaw Brook Branches Nos. 2 and 3 each from its mouth upstream to Skylands Road and Cupsaw Brook Branch No. 4 from its mouth upstream 1,760 feet; Ringwood Creek from its mouth at the Wanaque Reservoir upstream to Farm Road and Ringwood Creek Branch No. 1 from its mouth upstream to Sloatsburg Road; West Brook from its mouth at the Wanaque Reservoir upstream to the West Milford Township-Ringwood Borough Boundary; Burnt Meadow Brook from its mouth at the confluence with West Brook upstream to the West Milford Township-Ringwood Borough Boundary, and Burnt Meadow Brook Branch No. 5 from its mouth upstream 2,450 feet; all within Ringwood and Wanaque Boroughs, in the County of Passaic, Longhouse Creek from the New York-New Jersey Boundary upstream to the head of Bearfoot Waters; Greenwood Lake, Belcher Creek from its mouth at Greenwood Lake upstream to Union Valley Road; Belcher Creek Branch No. 1 from its mouth upstream to Union Valley Road; Cooley Brook from its mouth at the confluence of Belcher Creek upstream 440 feet, Green Brook from its mouth at the confluence of Cooley Brook upstream to Union Valley Road, Belcher Creek Branch No. 2 from its mouth upstream 8,100 feet; Moorestown Brook from its mouth at the confluence of Belcher Creek upstream to the head of Carpi Lake; Pequannock River from the Bloomingdale Borough-New Milford Township Boundary upstream to Macopin Intake; Post Brook from the Bloomingdale Borough-New Milford Township Boundary to upstream from Algonquin Waters Lake, Post Brook Branch No. 3 from its mouth upstream to Shady Lake; West

Brook from the Lower Mt. Glen Lake spillway upstream to the head of Indian Train Lake and West Brook Branch No. 7 from its mouth upstream to the head of Linday Lake; all in the Township of New Milford, County of Passaic.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on July 30, 1979 at 8:00 P.M. in the Wanaque Borough Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey.

The proposed delineation affects the Boroughs of West Milford Township, New Milford Township, Bloomingdale Borough, Ringwood Borough, and Wanaque Borough, all in the County of Passaic, based upon studies undertaken by the Bureau of Flood Plain Management under contracts with the Federal Insurance Administration.

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 regulations, 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 streams within New Milford Township, Ringwood and Wanaque Boroughs, in the County of Passaic, 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 July 25, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection 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 Amendment on Flood Plain Delineation Of the Delaware River from the Mercer-Hunterdon County Boundary Upstream Through Harmony Township, Warren County and Various Tributaries**

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., 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 Delaware River from the Hopewell Township-West Amwell Township Boundary line upstream to the Harmony Township-White Township Boundary line: Swan Creek from the confluence with the Delaware River upstream through Lambertville City; Swan Creek Tributary No 1 from the confluence with Swan Creek through

Lambertville City; Alexauken Creek from the confluence with the Delaware River near the Lambertville City-Delaware Township Boundary upstream to Route 179 in West Amwell Township; Brookville Creek from the confluence with Delaware River at the Delaware Township-Stockton Borough Boundary upstream 3,752 feet to a location in Delaware Township; Wickecheoke Creek from the confluence with the Delaware River at the Stockton Borough-Delaware Township Boundary upstream to a location in Delaware Township at Rosemont-Ringoes Road; Lockatcong Creek within Kingwood Township from the Delaware Township-Kingwood Township Boundary upstream to a location 140 feet upstream of the Oak Grove Road; the following three Lockatcong Creek Tributaries within Kingwood Township, Lockatcong Creek Tributary No. 1 from the mouth upstream to Kingwood Road; Muddy Run from the mouth upstream to Fitzer Road; Lockatcong Creek Tributary No. 2 from the mouth upstream to 140 feet north of Oak Grove Road; Little Nishisakawick Creek from the confluence with the Delaware River within Frenchtown Borough upstream to the Frenchtown Borough-Kingwood Township Boundary; Nishisakawick Creek from the confluence with the Delaware River upstream to the Frenchtown Borough easterly municipal boundary; Harihokake Creek within Alexandria Township from the confluence with the Delaware River in Milford Borough upstream to Spring Garden Road in Holland Township; Milford Creek from the confluence with the Delaware River upstream to Spring Garden Road in Holland Township and Quequacommissacong Creek from the confluence with Milford Creek upstream to the Borough of Milford-Holland Township Boundary; Milford Creek Tributary No. 1 within Holland Township from the confluence with Milford Creek upstream to Spring Garden Road; Musconetcong River from the confluence with the Delaware River upstream to Conrail Bridge at the Pohatcong Township-Bloomsburg Boundary; Pohatcong Creek within Pohatcong Township from the confluence with the Delaware River upstream to municipal boundary upstream of the Conrail embankment; Pohatcong Creek Tributary No. 1 from the mouth upstream 1,686 feet in Pohatcong Township; Lopatcong Creek from the confluence with the Delaware River upstream through Phillipsburg Town and Lopatcong and Harmony Townships to a location 710 feet upstream of Hartman Drive; Buckhorn Creek within Harmony Township from the confluence with the Delaware River upstream to the Harmony-White Township Boundary, and Buckhorn Creek Tributary No. 1 from the confluence with Buckhorn Creek upstream 3,205 feet within Harmony Township, within the Counties of Hunterdon and Warren, based upon studies undertaken by the Bureau of Flood Plain Management under a contract with the Federal Emergency Management Agency.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on July 24, 1979 at 8:00 P.M. in the Municipal Building, Borough of Flemington, New Jersey.

The proposed delineation affects Alexandria Township, Delaware Township, Frenchtown Borough, Harmony Township, Holland Township, Kingwood Township, Lambertville City, Lopatcong Township, Milford Borough, Phillipsburg Town, Pohatcong Township, Stockton Borough and West Amwell Township, all in the Counties of Hunterdon and Warren.

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 regulations, 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 proposed portion of the Delaware River from the Mercer-Hunterdon County Boundary upstream through Harmony Township, Warren County and various tributaries, 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 July 25, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection 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 Amendment on Flood Plain Delineation Of the Passaic River from Dundee Dam Upstream To Beatties Dam and Various Tributaries of the Passaic River Within this Reach

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., 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 Dundee Dam upstream to Beatties Dam; Henderson Brook from its mouth at the confluence with the Passaic River upstream to the Erie-Lackawanna Railroad within Fair Lawn Borough; Diamond Brook from its mouth at the confluence with the Passaic River upstream through Fair Lawn and Glen Rock Boroughs; Goffle Brook from its mouth at the confluence of the Passaic River upstream through Hawthorne Borough and Deep Brook from its mouth at the confluence with Goffle Brook through Hawthorne Borough; Molly Ann Brook from its mouth at the confluence with the Passaic River upstream through the City of Paterson, and Boroughs of Haledon and North Haledon; Tributaries Nos. 3, 4, 5, and 6, Buttermilk Falls and Squaw Brook each from their mouths at the confluence with Molly Ann Brook upstream through the Borough of North Haledone; Slippery Rock Brook from its mouth at the confluence with the Passaic River upstream through the City of Paterson and Borough of West Paterson; Pearl Brook and Dowling Brook each from their mouths at the confluence with the Passaic River upstream within the Borough of West Paterson; Peckman River from its mouth at the confluence with the Passaic River upstream through the Borough of West Paterson, Townships of Little Falls and Cedar Grove, and Borough of Verona; Great Notch Brook from its mouth at the confluence with Peckman River upstream through

the Township of Little Falls and Borough of West Paterson; Taylor Brook and a small tributary of Peckman River, each from their mouths at the confluence with Peckman River upstream within the Township of Cedar Grove; Wabash Brook from its mouth at the confluence with the Passaic River upstream to the Garden State Parkway; Weasel Brook from the Passaic City Boundary upstream to Rutgers Place; Plog Brook from its mouth at the confluence with Weasel Brook upstream to Van Houten Avenue; and Weasel Brook Branch No. 3-5-2 from its mouth upstream to Athena Avenue and a small tributary of Weasel Brook upstream to the Garden State Parkway and within the City of Clifton.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on August 6, 1979 at 8:00 P.M. in the West Paterson Municipal Building, Council Chamber, McBride Avenue and Brophy Lane, West Paterson, New Jersey.

The proposed delineation affects Cedar Grove Township, Clifton City, Elmwood Park Borough, Fair Lawn Borough, Garfield City, Glen Rock Borough, Haledon Borough, Hawthorne Borough, Little Falls Township, North Haledon Borough, Paterson City, Prospect Park Borough, Totowa Borough, Verona Borough and West Paterson Borough in the Counties of Bergen, Essex, and Passaic, based upon studies undertaken by the Bureau of Flood Plain Management under contracts with the Federal Insurance Administration.

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 regulations, 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 from Dundee Dam upstream to Beatties Dam and various tributaries of the Passaic River within this reach, 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 July 25, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Proposed Amendments to the 1979-80 Game Code

The Fish and Game Council of the New Jersey Division

of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to the authority delegated in N.J.S.A. 13:1B-30 et seq. proposed amendments to the Game Code for 1979-80 hunting and trapping seasons.

Copies of the proposed amendments have been prepared and supplied to newspapers throughout the state. The proposed amendments concern when and what manner and what amount and number game birds and game animals and furbearing animals may be pursued, taken, killed or had in possession. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 023-79-06.

Copies of the full text of the proposed amendments to the Game Code may be obtained from:

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

Interested persons may present statements orally or in writing relative to the proposed amendments at a public hearing at the Trenton office of the New Jersey Division of Fish, Game and Shellfisheries, 363 Pennington Ave., Trenton, N.J., on July 20, 1979 at 7:00 P.M.

Written comments regarding the proposed amendments may be filed on or before July 10 with the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

After full consideration of all submissions respecting the proposed amendments, the New Jersey Fish and Game Council upon its own motion or at the instance of any interested party may thereafter adopt the Game Code substantially as proposed without further action.

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments Concerning the Green Acres Tax Exemption Program

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 54:4-3.63 et seq., proposes to amend certain rules concerning the administration of the "Green Acres" Tax Exemption Program. This proposal is known within the department as Docket No. DEP 033-79-06.

The proposed rules: (1) amend the definition of eligible organizations, (2) establish standards for excluding ineligible improvements and land from approvals, (3) establish a standard for consolidation of recertification applications, (4) amend the landowners liability rule, and (5) establish standards for sign posting on approved sites.

Full text of the new and amended rules follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

#### 7:35-1.3 Eligible organizations

Any non-profit organization who qualifies for exemption from Federal Income Tax under Section 501 (c)(3) of the Internal Revenue Code of 1954 or its predecessor and who owns natural open space land in the State of New

Jersey is eligible to make application under this program[,] unless the Charter of such organization or corporation specifically or by implication prohibits them from carrying out the purposes for which the exemption is granted.

7:35-1.4(a)6. Improvements on the subject real property which are not exclusively used for public recreation and/or conservation purposes will be excluded from the exempt area along with five (5) acres of land as a buffer, unless natural or man made boundaries demonstrate that a smaller area serves as an appropriate buffer, for each excluded improvement.

7:35-1.5(g) Recertifications will be scheduled to include all approved land comprising one site. If sections of the site are approved for exemption during separate years, a consolidation will permit one recertification for the entire site every three years.

#### 7:35-1.7 Landowners liability [Save harmless liability]

[The non-profit organization, its servants, licensees, agents or invitees shall accept all liability arising out of the use of the certified property.]

By the issuance of a certification of tax exemption the State of New Jersey assumes no liability for any claim or action which may in any manner arise from the use of the certified premises by the non-profit organization, its servants, licensees, agents or invitees, express or implied.

#### 7:35-1.9 Sign posting

(a) Signs are to be conspicuously posted at the point(s) of access indicating that the site has been granted a tax exemption for public open space purposes.

1. DEP will provide the property owner with a permanent site sign noting the public interest in the site.

2. Signs indicating the accessibility of the facility to the handicapped (if applicable) are available from DEP.

3. The property owner will be responsible for erecting and maintaining the site signs.

(b) The property owner is responsible for placement of signs identifying activities, facilities and services provided at the site.

1. Credits for donations are acceptable.

2. The property owner is encouraged to use the uniform

2. The property owner is encouraged to use the "uniform international" sign system.

(c) Commercial billboard advertising of a permanent nature promoting products or services available elsewhere will not be permitted.

(d) Political campaign signs will not be permitted on the site.

The Green Acres Tax Exemption Program provides real property tax exemptions to certain non-profit organizations who own recreation/conservation land in New Jersey and choose to open that land for public use and enjoyment.

Public comments (solicited in the Register, Feb. 1, 1979) were used along with staff recommendations to identify areas of concern within the existing rules.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 27, 1979 to:

Curt J. Hubert, Administrator  
Green Acres Program  
N.J. Department of Environmental Protection  
1301 Parkside Avenue  
Trenton, New Jersey 08638

The Department of Environmental Protection may there-

after adopt rules concerning this subject without further notice.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules Concerning the New Jersey Wild and Scenic River System

Betty Wilson, Deputy Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:8-45 et seq., proposes to adopt new rules to be cited as N.J.A.C. 7:39-1.1 et seq., concerning the administration and regulation of wild, scenic, recreational and developed recreational rivers.

The proposed rules: (1) establish criteria for the administration of designated river areas, and (2) establish minimum standards for the regulation of designated river areas and classifications. These rules apply to lands of the State and other public governing bodies and privately owned properties which may lie within a designated river area. Designated lands and waters may include lands immediately adjacent to rivers which have been delineated by the Department as a floodway, flood fringe or flood hazard area as well as any additional lands in which the Department has or acquires a fee simple interest or an easement.

The rules herein proposed are based on the previously proposed "Rules Concerning the Designation and Administration of Wild, Scenic, Recreational and Developed Recreational Rivers." Public hearings on those rules, held November 29, 1978 at Stockton State College and November 30, 1978 at Parsippany High School, and written comments received thereafter, raised the following major issues:

- 1) assurance of protection of agricultural uses as prescribed by the Wild and Scenic Rivers Act;
- 2) recognition of minor technical use violations through a variance, where not affecting classification;
- 3) recognition of other regional and statewide interests which may conflict with the Wild and Scenic Rivers System, especially public utilities and their transmission lines, and the need to provide a means for reviews and variance, where possible;
- 4) formation and responsibilities of local river commissions, emphasizing the desirability of joint river commissions and the availability of existing councils, association and commissions to serve as local river commissions;
- 5) noise as a major factor in the protection of areas classified wild or scenic; and
- 6) simplification of the rules to reflect only essential administrative and regulatory elements, rather than including elements such as study and classification guidelines.

Issues raised and comments received have been reviewed by a 37 member citizen task force. The rules herein proposed are the result of public comment and the considerations of the task force.

Copies of the proposed rules may be obtained and written comments submitted by contacting:

Mr. Curt J. Hubert, Administrator  
The Green Acres Program  
Department of Environmental Protection  
P.O. Box 1390  
Trenton, New Jersey 08625  
(609) 292-2455

Comments shall be accepted until July 25, 1979.

The Department may thereafter adopt these rules substantially as proposed upon notice to the New Jersey Legislature, to be effective 60 days following such notice.

Betty Wilson  
Deputy Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### BUREAU OF AIR POLLUTION CONTROL

#### Notice of Public Hearing and Revisions to State Implementation Plan

Take notice that the New Jersey Department of Environmental Protection (Department), Daniel J. O'Hern, Commissioner, pursuant to the authority of N.J.S.A. 13:1D-1 et seq. will hold a public hearing on a proposed revision to the New Jersey State Implementation Plan to meet National Ambient Air Quality standards, an order requiring the City of Vineland's Number 10 Boiler Exhaust Stack at its municipal electric power generating station National Ambient Air Quality standards, an Order requiring to comply with applicable particulate emission requirements by December 17, 1979.

This proposal is known within the Department as Docket No. DEP 029-79-06.

Written and/or oral testimony concerning the proposed revision will be received at a public hearing to be held from 6:00 P.M. to the conclusion of testimony on August 6, 1979 at

Vineland City Hall  
Council Chambers - 1st Floor  
7th and Wood Streets  
Vineland, New Jersey

Copies of the proposed revision and the basis thereof may be obtained from and written testimony relating thereto will be accepted prior to August 6, 1979, by:

Herbert Wortreich, Chief  
Bureau of Air Pollution Control  
Department of Environmental Protection  
CN-027  
Trenton, New Jersey

Copies of this notice, of the proposed revision and of the basis and background document are being deposited and will be available for inspection during the normal office hours from at least 30 days prior to the hearing through the close of the hearing record at:

Vineland City Hall  
Mayor's Office - 5th Floor  
7th and Wood Streets  
Vineland, N.J. 08360

This hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954) as amended (N.J.S.A. 26:2C-1 et seq.) and under Title 40, Section 51.4, of the Code and Federal Regulations as a proposed re-

vision to the New Jersey State Implementation Plan to meet National Ambient Air Quality Standards.

Take notice that the State Implementation Plan is not a rule subject to codification and will not appear in Title 7 of the New Jersey Administrative Code. This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

### BUREAU OF AIR POLLUTION CONTROL

#### Emergency Rules on Control and Prohibition of Air Pollution in Nonattainment Areas

On June 14, 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 new emergency rules, to be cited as N.J.A.C. 7:27-18.1 et seq., concerning the control and prohibition of air pollution in nonattainment areas.

These rules concern definitions; general provisions; air quality impact review; emission offset demonstration; emission offset postponement; emission offset exemption; banking of emissions; secondary emissions; exemption for alternative fuel; and applicability. Such rules are known within the Department of Community Affairs as Docket No. DEP 035-79-06.

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

Herbert Wortreich, Chief  
Bureau of Air Pollution Control  
Department of Environmental Protection  
CN-027  
Trenton, New Jersey 08625

An order adopting these rules was filed on June 14, 1979, as R.1979 d.237 (Exempt, Emergency Rule) to become effective on June 30, 1979.

Take notice that a public hearing respecting these rules will be held on August 7, 1979, at the Student Activities Center, Rider College, Route U.S. 206 in Lawrenceville, N.J., at 9:00 A.M.

Copies of this Notice, of the proposed regulation and of the basis and background document are being deposited at and will be available for inspection during normal office hours from at least 30 days prior to the hearing through the close of the hearing record at:

Atlantic County Health Department  
1200 Harding Highway  
Mays Landing, New Jersey 08330

N.J. Bureau of Air Pollution Control  
Room 1108, Labor and Industry Building  
John Fitch Plaza  
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control  
Metropolitan Field Office  
1259 Rt. 46  
Parsippany, New Jersey 07054

N.J. Bureau of Air Pollution Control  
Southern Field Office  
100 Larwin Road  
Cherry Hill, New Jersey

Warren County Health Department  
151 West Washington Avenue  
Washington, New Jersey 07882

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 7, 1979 to the Bureau of Air Pollution Control at the above address.

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning Control of Laetrile

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:6F-1 et seq., proposes to amend a portion of the rules concerning the control of Laetrile.

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

#### 8:21-4.31 Filing of affidavit

[Every physician who shall make an affidavit that will authorize the importation of Amygdalin (Laetrile or Vitamin B-17) to be administered to a patient, shall cause to be filed a copy of that affidavit with the Drug Program in the Department of Health.]

Any physician who makes or witnesses an affidavit which authorizes the importation of Amygdalin, Laetrile or Vitamin B-17 (hereinafter Laetrile) for any person or who prescribes Laetrile for any person shall immediately file with the Drug Program in the Department of Health at 1911 Princeton Avenue, Trenton, New Jersey 08648, a copy of the "Written Informed Request for Prescription of Amygdalin (Laetrile) for Medical Treatment" established by N.J.S.A. 24:6F-1. Forms may be obtained at no cost from the Department of Health.

8:21-4.32(a) [Any written order for the administration or prescribing of Amygdalin (Laetrile or Vitamin B-17) to a patient shall be made in quadruplicate, and shall contain the following information: The name, address, city and state of the prescriber, the prescriber's professional license number, the name, address, city and state of the

patient, age and sex of the patient, the name of the drug, the name of the manufacturer of the drug, strength of the drug, number and type of the dosage forms to be dispensed or prescribed, full directions for its use, date of issue of the written order or prescription, and a written signature of the prescriber.]

Any prescription or order which authorizes the dispensing or administration of Laetrile to any person shall be written and shall contain the following information: the name and address of the prescriber; the prescriber's professional license number; the name, address, age and sex of the person for whom the drug is being prescribed; the name of the drug; the name and address of the manufacturer of the drug; the strength of the drug; full directions for its use, including the number and type of dosage forms to be dispensed or administered; the date the prescription or order is issued, and the written signature of the prescriber.

8:21-4.32(b) If [Amygdalin] Laetrile is [to be] dispensed by other than the prescriber, it shall be dispensed in a container to which a label shall be affixed containing all of the information required in the written order or prescription [, but not including] except for the written signature of the prescriber [, and in addition shall] and shall in addition contain the [name, address, city and state of the supplier and the supplier's license number] supplier's name, address and license number.

8:21-4.32(c) [Copies of all written orders or prescriptions shall be distributed as follows: original to the supplier, copy number 1 to the Department, copy number 2 to the physician, copy number 3 to the patient.]

Any physician who prescribes or orders the administration or dispensing of Laetrile shall file with the Drug Program in the Department of Health at 1911 Princeton Avenue, Trenton, New Jersey 08648, a clear copy of the order as described above on subsection (a) of this section.

#### 8:21-4.33 Patient's medical history

[(a) Any physician who shall make any affidavit that will make available to a patient, the substance Amygdalin (Laetrile or Vitamin B-17) for use in the medical treatment of a malignancy, disease or other medical conditions commonly referred to as cancer, shall make available to the Department the full medical history of such patient, including but not limited to laboratory studies, tests performed and test results, tissue studies.

(b) Patient confidentiality shall be maintained.

(c) The patient, however, shall sign a "Consent to Release of Medical Records" which will authorize the Department to examine, review and copy all of the patient's medical and hospital records.]

Any physician who makes or witnesses an affidavit which authorizes the importation of Laetrile for any person, who prescribes Laetrile for any person, or who treats any person for whom Laetrile has been authorized or prescribed, shall maintain a complete record of his treatment of any such person, including but not limited to the results of physical examination and laboratory studies, and make same available to the Department upon presentation of a medical records release completed by the individual whose records are involved.

#### [8:21-4.34 Laetrile patient questionnaire

Each patient who is receiving Amygdalin (Laetrile or Vitamin B-17) by means of an affidavit attested to by a physician shall be required to complete and file an initial Laetrile Patient Questionnaire (Form NIH-2) with the Department.]

#### 8:21-4.34 Use of information

(a) The Epidemiology Program within the Department of Health shall use the information supplied to the Department in accordance with the provisions of N.J.A.C. 8:21-4.31 through N.J.A.C. 8:21-4.34 to implement its study of the efficacy of Laetrile in cancer therapy, providing the protocol for any such study is first approved by the New Jersey Public Health Council.

(b) All information supplied to the Department of Health in accordance with the provisions of N.J.A.C. 8:21-4.31 through N.J.A.C. 8:21-4.34 or voluntarily made available to the Department in the course of its efforts to study the efficacy of Laetrile, including the names of physicians who make or witness affidavits which authorize the importation of Laetrile or who prescribe, dispense or administer Laetrile, shall be kept in the confidence of the Department.

(c) The information supplied to the Department of Health in accordance with the provisions of N.J.A.C. 8:21-4.31 through N.J.A.C. 8:21-4.34 shall not be revealed or disclosed in any manner or under any circumstances by any person connected with such research by the Department or any person therein without the consent of the individual for whom the Laetrile has been authorized or prescribed and to whom the information pertains except:

1. To persons within the Department; or
2. To other persons participating in such research studies; or
3. To other appropriate law enforcement agencies; or
4. In such impersonal form that the individual to whom the information or data relates cannot be identified therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

Donald J. Foley  
Chief, Drug, Device and Cosmetic Program  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Dr. Joanne E. Finley  
Department of Health  
Commissioner

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments to Standards and General Criteria for the Planning, Certification of Need and Designation Of Perinatal 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 amend Appendix B in Subchapter 8, Chapter 31, Title 8 of the New Jersey Administrative Code concerning the standards and general criteria for the planning, certification of need and designation of perinatal services.

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

LEVEL III

A. Definition

\* \* \* \* \*

[2. The Level III Center shall have special emphasis on education and may be engaged in clinical and basic research related to perinatal health.]

\* \* \* \* \*

D. Personnel

\* \* \* \* \*

[3. There shall be a residency training program in obstetrics and pediatrics or the full-time equivalent of a second year obstetric and pediatric resident on premises 24 hours.]

[a) The pediatric residency must be approved for neonatology]

3. There shall be at least a second year obstetric and pediatric resident on premises 24 hours.

\* \* \* \* \*

F. Education and Research (medical)

1. Obstetrics

a) There shall be a special emphasis on education and the Center should be engaged in clinical and basic research related to maternal-fetal health.

b) All applicants shall have an accredited residency training program in obstetrics.

c) Applicants shall also have the capability by the time of their designation to provide fellowship training to board-certified obstetricians so that they can be examined for the "Certificate of Special Competence in maternal-fetal medicine".

d) When Liaison Committee on Graduate Medical Education develops standards for sub-specialty training in maternal-fetal medicine, Level III Perinatal centers will be expected to receive accreditation in this field within three calendar years from the date of issuance of the standards.

2. Neonatal

a) There shall be a special emphasis on education in the Center and the Center should be engaged in clinical and basic research related to neonatal-perinatal health.

b) All applicants shall have an accredited residency training program in pediatrics.

c) Applicants shall have the capability by the time of their designation to provide fellowship training to board-certified pediatricians, so that they can be examined for the "Certificate in Neonatal-Perinatal Medicine"

d) When the Liaison Committee on Graduate Medical Education develops standards for sub-specialty training in Neonatal-Perinatal Medicine, Level III Perinatal Centers will be expected to receive accreditation in this field within two-calendar years from the date of issuance of the standards.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

John A. Calabria  
Acting Coordinator, Health  
Planning Services  
N.J. Department of Health  
P.O. Box 1540  
John Fitch Plaza  
Room 802  
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

HEALTH

THE COMMISSIONER

Proposed Financial Elements and Reporting

Dr. Joanne E. Finley, Commissioner of Health, with the approval of the Health Care Administration Board, proposes for publication Financial Elements and Reporting in order to implement the provisions of the Health Care Facilities and Planning Act (N.J.S.A. 26:2H-1) pertaining to health care services provided by hospitals.

The proposed Financial Elements and Reporting define the financial elements of the preliminary cost base and of the certified revenue base which, as required by Section 18d of the Health Care Facilities Planning Act,

"shall include the reasonable cost of the following, as defined in regulations proposed by the commissioner and approved by the board: direct patient care; principal and interest payments; paid taxes, excluding income taxes; educational, research and training programs, not otherwise paid for by the State; the provision of health care services to individuals unable to pay for them for reasons of indigency; bad debts, provided adequate recovery procedures are followed; preservation, replacement and improvement of facility and equipment subject to appropriate planning requirements; and reasonable working capital. Said financial elements may include, where applicable and appropriate, a reasonable return on investment where a hospital is operating efficiently and effectively. In determining proposed payments to hospitals, the commissioner shall take into account a facility's income from all sources, including specific purpose grants and other funds from governmental sources, but excluding income and principal from board or donor restricted funds, gifts and special fund raising projects.

To establish and maintain a fair and equitable system for determining such payments, the commissioner shall require each health care facility to report such financial, statistical and patient information as may be required, in accordance with a uniform system of reporting."

Full text of the proposed Financial Elements and Reporting are available from:

James R. Hub, Director  
Health Economics Services  
Department of Health  
John Fitch Plaza  
Trenton, N.J. 08625

The comment period for the above proposal has been extended to September 26, 1979 in order that subsequent regulations to be proposed to the Health Care Administration Board, including procedural and methodological regulations required to enable the Rate-Setting Commissioner to establish hospital rates, can be adequately reviewed by all interested parties. Comments on the proposed regulation will be discussed at interim meetings of the Health Care Administration Board.

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

# HEALTH

## THE COMMISSIONER

### Proposed Amendments Concerning Hours of Counseling and Availability of Hours

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—Drug Abuse Treatment Services concerning the hours of counseling and availability of hours.

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

8:43A-1.52 Definitions; single modality of care facilities  
"Counseling" shall mean the provision of both group and individual counseling. Counseling may be provided by any qualified staff person designated as a counselor under the supervision of a physician, nurse, counseling supervisor, or clinic supervisor. This service may also be provided by physicians, nurses, counseling supervisors, or clinic supervisors.

8:43A-1.59(a)1. All outpatient methadone detoxification, methadone maintenance, and outpatient drug-free programs shall [have] provide a minimum of [three hours] one hour of [formalized] counseling per week [for] to each patient[.] during the first four months after initiation of treatment and at least one hour of counseling every two weeks thereafter.

2. Drug-free day care programs shall provide each patient at least one hour [a minimum of ten hours] of [formalized] counseling [per week per patient.] during each day that he or she is present at the facility.

8:43A-1.63(b)3. Drug-free outpatient: All drug-free outpatient programs shall provide services at least [six] five days per week[.] eight hours per day. [Services provided on at least five of these six days shall be on the basis of an eight-hour day provided that] They shall also provide services a minimum of [two] four hours [of such eight-hour day shall be scheduled at a time other than the regular 9 AM to 5PM day. Services administered during the remaining (sixth) day shall be scheduled for a period of at least five hours; and] on each weekend or during one evening per week, at times convenient to the patients.

4. Drug-free day care: All drug-free day care programs shall provide services at least five days per week. [ten] eight hours per day. [Services provided for the remaining two days shall be so scheduled as to accommodate the needs of the patient.] They shall also provide services a minimum of eight hours on each weekend or equivalent time two evenings per week at hours convenient to patients.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 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

## DRUG UTILIZATION REVIEW COUNCIL

### Proposed Deletion of Isosorbide Dinitrate from the List of Interchangeable Drug Products

Sanford Luger, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(d), proposes to delete isosorbide dinitrate and all listings thereunder from the list of interchangeable drug products in Chapter 71 of Title 8 in the New Jersey Administrative Code.

Full text of the proposal follows:

Delete isosorbide dinitrate and all listings thereunder from 8:71.

A public hearing respecting this proposal will be held at 10:00 A.M. on July 26, 1979, at the Auditorium, Health-Agriculture Building, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

Thomas T. Culkin  
Executive Director  
Drug Utilization Review Council  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Sanford Luger  
Chairman, Drug Utilization  
Review Council  
Department of Health

(c)

# HEALTH

## THE COMMISSIONER

### Notice of Public Hearings Concerning State Health Plan

Take notice that the Department of Health, in order to fulfill requirements of Federal Law 93-641 to develop and implement a State Health Plan for allocation of health resources including goals and objectives for health services in New Jersey, has scheduled the following public hearing concerning this State Health Plan.

- HSA I —Date: July 18 (Wednesday)  
Place: Bergen-Passaic HSA  
2 University Plaza  
Hackensack, NJ 07601  
Time: 2:00 - 5:00 P.M.
- HSA II —Date: July 19 (Thursday)  
Place: Holiday Inn  
120 Evergreen Place  
E. Orange, NJ  
Time: 10:00 A.M. - 2:00 P.M.

HSA III—Date: July 19 (Thursday)  
Place: Hudson Health Systems Agency  
871 Bergen Avenue  
Jersey City, NJ 07306  
Time: 2:00 - 5:00 P.M.

HSA IV—Date: July 23 (Monday)  
Place: Central Jersey Health Planning Council,  
Inc.  
Twin Rivers Mall  
Professional Center  
Route 33  
Hightstown, NJ 08520  
Time: 2:00 - 5:00 P.M.

HSA V —Date: July 17 (Tuesday)  
Place: Southern NJ Health Systems Agency, Inc.  
Kor-Center West—Suite 101  
Interstate Industrial Park  
Bellmawr, NJ 08030  
Time: 2:00 - 5:00 P.M.

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HEALTH

### THE COMMISSIONER

#### Amendments to Dental Services In Long-Term Care Facilities

On June 14, 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 amendments to N.J.A.C. 8:39-1.22 concerning dental services in long-term care facilities as proposed in the Notice published May 10, 1979 at 11 N.J.R. 233(b).

An order adopting these amendments was filed on June 14, 1979 as R.1979 d.238 to become effective on July 5, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HEALTH

### THE COMMISSIONER

#### Rules for Free-Standing Ambulatory Care Facilities- Drug Abuse Treatment Services

On June 14, 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. 8:43A-1.72, concerning free-standing ambulatory care facilities-drug abuse treatment services as proposed in the Notice published May 10, 1979 at 11 N.J.R. 234(a).

An order adopting these rules was filed on June 14, 1979 as R.1979 d.239 to become effective on July 5, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HEALTH

### THE COMMISSIONER

#### Rules on Residential and Inpatient Alcohol Abuse Treatment Facilities

On June 14, 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. 8:42-3.1 et seq., concerning residential and inpatient alcohol abuse treatment facilities as proposed in the Notice published May 10, 1979 at 11 N.J.R. 233(c).

An order adopting these rules was filed on June 14, 1979 as R.1979 d.240 to become effective on July 5, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HEALTH

### THE COMMISSIONER

#### Rule on Self-Locking Doors In Health Facilities

On June 14, 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. 8:31-26.2, concerning self-locking doors in health facilities substantially as proposed in the Notice published May 10, 1979, at 11 N.J.R. 232(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting this rule was filed on June 14, 1979 as R.1979 d.241 to become effective on July 5, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

#### Emergency Deletion of Distributors from the List of Interchangeable Drug Products

On June 13, 1979, Sanford Luger, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments which deleted a portion of section C in the Preface of

Chapter 71 in Title 8 of the New Jersey Administrative Code concerning distributors from the list of interchangeable drug products.

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

#### CHAPTER 71 PREFACE

##### C. Manufacturer

Interchangeable products are listed by manufacturer [and distributor]. Only products made by listed manufacturers [and distributed through listed distributors] are to be used for interchange. [Distributors often use several manufacturing sources without indicating the manufacturer's name on the container.]

An order adopting these amendments was filed and became effective on June 14, 1979 as R.1979 d.242 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HEALTH

### THE COMMISSIONER

#### Amendments on Effective Dates Of Portion of the Standards for Long Term Care

On June 11, 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 amendments to the effective dates of portions of the Standards for Long Term Care substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 534(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

These amendments delay the effective date from January 1, 1979, to June 30, 1980, of N.J.A.C. 8:39-1.14(f)15.i. and v., 8:39-1.16(c) and (e) and 8:39-1.18(g). The remaining amendments to the Manual of Standards for Licensure of Long Term Care Facilities described at 10 N.J.R. 331(c) and 10 N.J.R. 430(e) will retain the effective dates of September 1, 1978.

An order adopting these amendments was filed and became effective on June 15, 1979 as R.1979 d.243.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HEALTH

### THE COMMISSIONER

#### Amendments on Chemical Preparations Exempt from the Controlled Dangerous Substances Act

On June 15, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq.

and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-10.8(b) concerning chemical preparations exempt from the Controlled Dangerous Substances Act as proposed in the Notice published May 10, 1979 at 11 N.J.R. 235(b).

An order adopting these amendments was filed and became effective on June 15, 1979 as R.1979 d.244.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Proposed Amendments to Personnel Policies for State Colleges

The New Jersey Board of Higher Education in the Department of Higher Education, pursuant to the authority of N.J.S. 18A:3-14 proposes to amend rules concerning the appointment, promotion, length of service and career development of employees of the State four year colleges.

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

Delete text of N.J.A.C. 9:2-2.7 and insert new language as follows:

9:2-2.7 Qualifications for rank

(a) Regarding faculty: The academic attainment level and professional experience requirements for college faculty academic rank are set forth below. Conditions concerning promotion or appointment to such rank are defined in section 9 of this chapter.

1. Instructor: An earned master's degree or its equivalent from an accredited institution in an appropriate field of study and enrollment in and actively pursuing an accredited terminal degree program in an appropriate field of study.

2. Assistant Professor: An earned doctorate or other appropriate terminal degree or its equivalent from an accredited institution in an appropriate field of study or completion of all requirements for the doctorate in an accredited institution except the dissertation.

3. Associate Professor: An earned doctorate or other appropriate terminal degree from an accredited institution in an appropriate field of study and five (5) years of professional experience.

4. Professor: An earned doctorate or other appropriate terminal degree from an accredited institution in an appropriate field of study and eight (8) year of professional experience.

5. Distinguished Professor: As established by the Board of Trustees of each college, this rank is intended to provide for the individual who has demonstrated outstanding scholarship, teaching ability, or distinction in a field.

6. The Board of Higher Education recognizes that individuals may present qualifications as to education and experience that their peers will recommend to be the equivalent of the above qualifications although not corresponding to them to the letter. The requirement of an earned doctorate or other appropriate terminal degree or its equivalent for promotion to the rank of Associate Professor shall not apply to faculty members employed in the colleges prior to September 1, 1968. The requirement

of an earned doctorate or other appropriate terminal degree or its equivalent for promotion to the rank of Assistant Professor shall not apply to faculty members employed in the colleges prior to February 22, 1974, nor shall such requirement apply to reappointment of such employees except for a reappointment conferring tenure. This in no way implies that such affected faculty members will be promoted or reappointed automatically, nor does it place them at the top of any eligibility listing.

(b) Rules concerning librarians are:

1. Librarian III - A master's degree in Library Science or its historical antecedent from a then ALA accredited library school. Previous professional library experience is desirable, but not required.

2. Librarian II - A master's degree in Library Science or its historical antecedent from a then ALA accredited library school and three (3) years professional library experience. A second master's degree in another subject area and/or a reading competence in one foreign language is desirable, but not required.

3. Librarian I - A master's degree in Library Science or its historical antecedent from a then ALA accredited library school, second master's degree in another subject area or ABD status in an approved doctoral program and five (5) years' professional library experience. Reading competence in one foreign language is desirable, but not required. A minimum of five (5) additional years' professional library experience may be considered in substitution for the second master's degree or ABD status in an approved doctoral program depending upon the quality of the experience. Demonstrated and/or potential administrative and coordinating ability.

4. The requirement for a master's degree in Library Science or its historical antecedent from a then ALA accredited library school may be met by substituting a master's degree in a related field relevant to an individual's duties. The Library Personnel Committee, where appropriate may consider and make recommendations on whether such other master's degrees should be so substituted.

(c) Harry Moore School Faculty rules are:

1. Demonstration Teacher - New Jersey Certification in Special Education and a masters degree and two (2) years' teaching experience in special education or a bachelors degree and five (5) years' teaching experience in special education; or a masters degree and two (2) years' teaching experience in a specialized vocational area or a masters degree and two (2) years' appropriate experience in a specialized vocational area, or a bachelors degree and five (5) years' teaching experience in a specialized vocational area; or possession of appropriate credentials in such fields as, but not limited to, occupational therapy, physical therapy and learning disabilities and a masters degree and two (2) years' experience in an appropriate field or a bachelors degree and five (5) years experience in an appropriate field.

2. Teacher - New Jersey Certification in Special Education and a bachelors degree; or a bachelors degree and proficiency in a specialized vocational area or possession of appropriate credentials in such fields as, but not limited to, occupational therapy, physical therapy and learning disabilities.

9:2-2.10 Criteria for promotion

Subsection (b) is recodified as subparagraph (a)1i

\* \* \* \* \*

New subsection (b) as follows:

(b) Regarding librarians, the major criteria upon which the Personnel Committee will make recommendations are as follows:

1. High quality of performance in the area of assigned responsibility.

- 2. Professional contributions and scholarly activity.
- 3. Additional academic preparation as evidenced by advanced degree or other relevant course work.
- 4. Administrative and/or coordinating ability.
- 5. Participation in library, college, and community affairs.

The material contained in 9:6-1.4 "Definitions" is transferred to 9:3-1.1. The former 9:6-1.4 is marked reserved.

The material contained at 9:6-1.1 "Academic Rank for non-teaching personnel" is transferred to become 9:3-1.2. The former 9:6-1.1 is marked reserved.

The material contained at 9:6-1.2 "Contracts for Professional Staff (non-faculty)" is transferred to 9:3-1.3 and amended as follows. The former 9:6-1.2 is marked reserved.

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

(a) members of the professional staff not holding faculty rank may be appointed for one-year terms concurrent either with the calendar or academic years, provided, however, that after employment in a college for five consecutive calendar or academic years, such employees shall be eligible for multiyear contracts [from two to five full calendar years in length]. Each initial appointment to a multiyear contract (after completion of five years of probationary service) shall be for three (3) full calendar years in length. Subsequent reappointments shall be for four (4) years, and then five (5) years. All subsequent contracts shall be for five (5) calendar years in length. When a member of the professional staff is offered a multi-year appointment or reappointment contract, he or she shall be provided with the information described in N.J.A.C. 9:2-2.5(a).

(b) For the purposes of these regulations, the calendar year shall be defined as January 1 through December 31 and the academic year shall be defined as July 1 through June 30. Eligible professional staff members whose initial appointment is from October 1 through March 31 may be given a term from the date of appointment to December 31, following March 31, and this appointment shall be considered as one full calendar year of service for the purpose of this regulation. Eligible professional staff members whose initial appointment is from April 1 through September 30 may be given a term from the date of appointment to June 30, following September 30, and this appointment shall be considered as one full academic year of service for the purpose of these regulations.

(c) Eligible professional staff members serving a term which is concurrent with the academic year must be notified by the president no later than December 15 in their fifth full academic year of service of their reappointment or nonreappointment to a contract of from two to five full academic years in length. Eligible professional staff members serving a term which is concurrent with the calendar year must be notified by the president no later than July 15 in their fifth full calendar year of service of their reappointment or nonreappointment to a contract of from two to five full calendar years in length. An offer of a multiyear contract shall be made on a form prescribed by the Chancellor of Higher Education.

(d) Notwithstanding subsection (a) of this section, professional staff members serving under a multiyear contract who are promoted in title shall, at minimum, serve one year in his/her new position before becoming eligible for consideration of a multiyear contract in that new position.

(e) Professional staff members serving under a multi-year contract may be assigned by the president to any professional position within their area of competence and qualifications during the term of the contract, but their salary may not be reduced during the duration of the

contract below that which they would have received had they continued in their original position, and they may be dismissed from the college during the term of the contract only for cause consistent with appropriate statutory provisions.

(f) Prior to the implementation of these guidelines, the board of each college shall establish a formal procedure for considering and approving the offering of multiyear contract [and for determining whether the length of such contracts shall be two, three, four, or five years]. This procedure should, at minimum, encompass a thorough review of all personnel records including the reports of regular, systematic, and formal evaluations conducted during the employment of the individual.

[(g) This section shall take effect no later than April 1, 1977.]

The material contained at 9:6-1.3 "Career Development" is deleted. The former 9:6-1.3 is marked reserved.

#### 9:3-1.4 Career development

(a) The following criteria shall be used for the purposes of the evaluation of professional staff mandated by N.J.S. 18A:60-10.

##### 1. Teaching effectiveness.

2. Effectiveness of performance of other assigned duties and responsibilities.

##### 3. Scholarly achievement.

##### 4. Contributions to college and community.

##### 5. Effectiveness of performance of other responsibilities.

6. Changing institutional needs do not constitute personal professional deficiencies.

#### 9:3-2.14 Criteria; merit award recipients

(a) The Merit Award Program is intended to recognize outstanding professional contributions of members of the faculty, librarians and non-teaching professionals.

(b) The College's promotional procedure constitutes the normal method of recognizing highly satisfactory performance of general professional responsibilities over a period of years. The Merit Award presumes that eligible candidates have demonstrated at least satisfactory performance in all areas of professional responsibility and, in addition, during the two years immediately preceding the award, have made one or more outstanding professional contributions that confers distinction upon the individual and upon the College.

(c) Regarding faculty, the Merit Award is intended to recognize at least satisfactory performance in all areas of responsibility and one or more noteworthy professional contributions. Meritorious contribution(s) may be in one or more of the following areas:

##### 1. Teaching;

##### 2. Scholarly/Creative Activity; Research;

##### 3. Professional Activity;

##### 4. Service to the College.

5. Since teaching is the primary mission of the State Colleges, outstanding performance as a teacher is the primary focus for Merit Award consideration. Examples of meritorious achievements in teaching could include a teacher who has had great influence on his/her students, has made a significant contribution to the improvement of teaching in his/her Department or the College or has otherwise notably enhanced the teaching activity of the institution.

6. With regard to scholarly/creative activity and research, outstanding contribution(s) should be verified by

recognized authorities in the appropriate field and the significant impact of these accomplishments upon the candidate's field or discipline clearly indicated.

7. Significant success in professional activity would normally require that a person have served in a key role with policy implications in the major professional organization in his/her field and have been instrumental in the formulation and implementation of major decisions which affect the discipline.

8. Service to the College could include the chairmanship of a key committee whose work resulted in critical changes or improvement in major college programs; the development of an outstanding course or program which enables the institution to answer an important need of the public or student body or which enhances the Department.

(b) Regarding non-teaching professionals, the Merit Award is intended to recognize at least satisfactory performance in all areas of responsibility appropriate to an individual's assignment and one or more noteworthy professional contributions which confers distinction upon the individual and upon the College. Noteworthy contribution(s) may be in one or more of the following areas:

##### 1. Service to the College

##### 2. Professional Activity.

3. Since the non-teaching professional's primary responsibilities are to provide academic and administrative support services, a meritorious service to the college that extends beyond the satisfactory performance of assigned professional responsibilities is the primary criterion for Merit Award consideration. Noteworthy contributions could include more effective delivery of academic and administrative services; initiation of more cost-effective techniques within an office unit, division or within the college generally; chairmanship of a key committee whose work resulted in critical changes or improvements in major college programs or services; enhancement of the college's relationships with the general public; initiation and implementation of a noteworthy grant funded activity.

4. With regard to Professional Activity, a significant contribution(s) made by an individual in meeting professional responsibilities beyond the campus could be cited for Merit Award consideration. Noteworthy contributions of professional activity could include serving in a leadership role with policy implications in the major professional organization in an individual's field; making a significant and identifiable contribution to system-wide committees established by the higher education community that deal with issues falling within the individual's areas of professional expertise; pursuing advanced study, the results of which have a significant impact on the individual's field that extend beyond his/her regular professional responsibilities.

#### 9:2-2.12 Limitations for professional classification

(a) Not more than 30 per cent of a teaching faculty at any college shall be professors and distinguished service professors.

(b) Not more than [50] 55 per cent of a teaching faculty at any college shall be professors and associate professors.

(c) Subsections (a) and (b) of this section should not be interpreted as providing quotas for any department of other division within a college.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25th to:

(Continued on Page 342)

# 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 transmittals as indicated through June 15, 1979.

## RULES NOT YET IN PRINT IN CODE (May be found in N.J. Register beginning with September 7, 1978):

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>AGRICULTURE — TITLE 2</b>			
2:2-9.3—9.6	Fee schedule for animal health laboratory test	R.1979 d.227	11 N.J.R. 315(a)
2:3-2.5	Amend equine infectious anemia tests	R.1979 d.135	11 N.J.R. 222(c)
2:5-2.3—2.6	Importation, movement and transfer of horses	R.1979 d.136	11 N.J.R. 233(a)
2:6-1.9	Amend reports of biological product use	R.1979 d.215	11 N.J.R. 314(b)
2:6-1.9	Amend reports of biological product use	R.1979 d.225	11 N.J.R. 314(c)
2:53-1.1(b)	Amend announcement of milk prices	R.1979 d.34	11 N.J.R. 58(a)
2:54-1.9	Amend Federal Order No. 2 (March 1, 1979)	R.1979 d.79	11 N.J.R. 162(a)
2:54-3.11	Amend Federal Order No. 4; milk handling	R.1979 d.185	11 N.J.R. 270(a)
2:69-1.11	Amend commercial values of primary plant nutrients	R.1979 d.228	11 N.J.R. 315(b)
2:71-1.39	Amend use of New Jersey map symbol on egg packages and advertising	R.1979 d.229	11 N.J.R. 315(c)
2:71-2.28	Amend charges for inspection or grading certification services and written agreements	R.1979 d.58	11 N.J.R. 117(a)
(Title 2, Transmittal 14 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)			
<b>BANKING — TITLE 3</b>			
3:1-1.1	Amend interest rates	R.1979 d.190	11 N.J.R. 270(c)
3:1-10	Amend restrictions on real property transactions	R.1979 d.55	11 N.J.R. 117(d)
3:6-3.1	Definition of bank officers	R.1979 d.182	11 N.J.R. 270(b)
3:6-7.1	Maximum interest rate; class II installment loan	R.1979 d.214	11 N.J.R. 316(a)
3:7-4.3	Amendments on maturity for long-term time deposits	R.1978 d.290	10 N.J.R. 370(b)
3:8-3.1	Amend non-federal reserve members' reserves	R.1979 d.44	11 N.J.R. 117(b)
(Title 3, Transmittal 13 dated January 18, 1979 includes all rules through February 8, 1979 N.J. Register.)			
<b>CIVIL SERVICE — TITLE 4</b>			
4:1-8.21	Amendments on make-up examinations	R.1979 d.133	11 N.J.R. 223(b)
4:1-17.24	Amend administration of payments to State employees for unused sick leave	R.1979 d.208	11 N.J.R. 316(c)
(Title 4, Transmittal 12 dated July 24, 1978 includes all rules through February 8, 1979 N.J. Register.)			
<b>COMMUNITY AFFAIRS — TITLE 5</b>			
5:3	Repeal certain rules	R.1973 d.360	10 N.J.R. 470(a)
5:11-1.8	Eviction and relocation	R.1979 d.103	11 N.J.R. 167(a)
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)
5:25	New Home Warranty and Builder's Registration Act rules	R.1979 d.147	11 N.J.R. 223(c)
5:26	Planned real estate development full disclosure	R.1978 d.403	11 N.J.R. 8(a)
5:30-2.5—2.7	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
2.9—2.19, 3.1			
5:30-3.4—3.8	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
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)
5:30-13.4	Forms of certificate of sale for unpaid municipal liens	R.1979 d.40	11 N.J.R. 117(e)
5:30-13.5	Forms of certificate of search for municipal liens	R.1979 d.41	11 N.J.R. 117(f)
5:36	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	Delete rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:70	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:100	Ombudsman practices and procedures; public notice requirements	R.1979 d.166	11 N.J.R. 274(a)

(Title 5, Transmittal 11 dated October 1, 1978 includes all rules through October 5, 1978 N.J. Register.)

### EDUCATION — TITLE 6

6:2-1	Amend appeals to State Board and filing for stays	R.1979 d.140	11 N.J.R. 223(e)
6:3-1.3, 1.11, 1.12	Amend chief school administrators	R.1979 d.170	11 N.J.R. 274(b)
6:11-4.7	Amend county substitute certificate	R.1979 d.65	11 N.J.R. 120(b)
6:22	Amend school facility planning services	R.1979 d.139	11 N.J.R. 223(d)
6:22A	Repealed (replaced by N.J.A.C. 6:22-3)	R.1979 d.139	11 N.J.R. 223(d)
6:29-4.2	Amend testing for tuberculosis testing	R.1979 d.148	11 N.J.R. 224(a)
6:29-6.2	Amend physical education procedures	R.1979 d.183	11 N.J.R. 274(c)

(Title 6, Transmittal 13 dated November 20, 1978 includes all rules through February 9, 1979 N.J. Register.)

### ENVIRONMENTAL PROTECTION — TITLE 7

7:6-7	Rules on abandoned vessels	R.1979 d.145	11 N.J.R. 230(d)
7:7D-2	Amend CAFRA rules	R.1979 d.99	11 N.J.R. 173(a)
7:9-13	Amend sewer extension bans	R.1979 d.129	11 N.J.R. 230(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, 2.8, 2.9, 2.12	Amend condemnation of certain shellfish beds	R.1979 d.184	11 N.J.R. 276(a)
7:13-1.11(d)	Amend floodway delineations; Passaic River	R.1979 d.194	11 N.J.R. 276(e)
7:13-1.11(d)	Amend floodway delineations; Mountain Brook and its Branch No. 2 in the Raritan River Basin	R.1979 d.195	11 N.J.R. 276(d)
7:14-8	Assessment of civil administrative penalties	R.1979 d.111	11 N.J.R. 173(c)
7:21-4	Amend procedures for hearings before the Water Policy and Supply Council	R.1979 d.142	11 N.J.R. 230(c)
7:23	Grants under Emergency Flood Control Bond Act	R.1979 d.202	11 N.J.R. 277(a)
7:25-2.14	Amend field trial activities	R.1979 d.189	11 N.J.R. 276(b)
7:25-7.2	Amend oyster seed beds; 1979 season	R.1979 d.102	11 N.J.R. 173(b)
7:25-11.1(b)	Amend endangered species	R.1979 d.128	11 N.J.R. 229(a)
7:25-12.1(g)	Amend preservation of the sea clam resource	R.1979 d.201	11 N.J.R. 276(e)
7:25-15.1	Amend relay of hard clams program	R.1979 d.156	11 N.J.R. 230(e)
7:27-18	Control and prohibition of air pollution in non-attainment areas	R.1979 d.237	11 N.J.R. 327(a)
7:28-21	Rules on analytical X-Ray installations	R.1979 d.64	11 N.J.R. 123(a)
7:37	State aid to local environmental agencies	R.1979 d.134	11 N.J.R. 230(b)
7:50	Project review guide; Pinelands Environmental Council	R.1979 d.78	11 N.J.R. 123(b)

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

### HEALTH — TITLE 8

8:15	Repeal no smoking in certain public places	R.1979 d.13	11 N.J.R. 66(c)
8:15	Rules on smoking in certain public places	R.1979 d.153	11 N.J.R. 237(c)
8:21-10.12	Expiration dates for fluid milk products	R.1979 d.143	11 N.J.R. 236(a)
8:25-2.2, 2.5, 3.1, 4.4, 4.5, 6.1, 6.7	Amend Youth Camp Safety Act standards	R.1979 d.199	11 N.J.R. 279(c)
8:31-16.17	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	Adopt portion of 1979 SHARE guidelines	R.1978 d.374	10 N.J.R. 484(c)
8:31-26.2	Self-locking doors in health facilities	R.1979 d.241	11 N.J.R. 331(d)
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-10.7	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)
8:34-1.15(c)	Amend internships and nursing home administrators	R.1979 d.200	11 N.J.R. 279(d)
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	Amendments to manual of standards for licensure of long-term-care facilities	R.1978 d.340	10 N.J.R. 430(e)
8:39-1.14, 1.16, 1.18	Amend effective dates on parts of Standards for Long-Term Care	R.1979 d.243	11 N.J.R. 332(a)
8:39-1.22	Amend dental services in long-term care facilities	R.1979 d.238	11 N.J.R. 331(a)
8:42-2	Amendments to standards for licensure of residential and in-patient drug treatment facilities	R.1978 d.373	10 N.J.R. 484(b)
8:42-3	Rules on residential and in-patient alcohol abuse treatment facilities	R.1979 d.240	11 N.J.R. 331(c)
8:43A	Amendments to standards for licensure of ambulatory care facilities	R.1978 d.338	10 N.J.R. 430(c)
8:43A	Amendments on drug abuse treatment services	R.1978 d.375	10 N.J.R. 485(a)
8:43A-1.16(e)	Amend standards for licensure of ambulatory care facilities	R.1979 d.116	11 N.J.R. 180(b)
8:43A-1.48(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)
8:43A-1.72	Free-standing ambulatory care facilities - drug abuse treatment services	R.1979 d.239	11 N.J.R. 331(b)
8:43B-3.6	Rules on pathological and infectious waste	R.1979 d.61	11 N.J.R. 130(a)
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-7.2(c)10ii	Amend verbal orders accepted by physical therapist	R.1979 d.113	11 N.J.R. 179(b)
8:43B-7.2(d)	Amend authentication and countersigning of physician's order	R.1979 d.115	11 N.J.R. 180(a)
8:43B-7.4(c)	Amend availability of records	R.1979 d.114	11 N.J.R. 179(c)
8:43B-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	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)
8:58	Rules on standards for ambulatory or outpatient tuberculosis control	R.1979 d.149	11 N.J.R. 236(b)
8:65-2.4(c)	Amend security of controlled dangerous substances	R.1979 d.72	11 N.J.R. 130(d)
8:65-2.4(g)	Amend distribution of special controlled dangerous substances	R.1979 d.70	11 N.J.R. 130(b)
8:65-2.5(e)	Amend security for special controlled dangerous substances	R.1979 d.73	11 N.J.R. 130(e)
8:65-4	Repeal quotas of controlled dangerous substances	R.1979 d.74	11 N.J.R. 130(f)
8:65-6.16	Amend triplicate order forms for controlled dangerous substances	R.1979 d.75	11 N.J.R. 131(a)
8:65-7.4(c)	Amend prescriptions for controlled dangerous substances	R.1979 d.71	11 N.J.R. 130(c)
8:65-7.6	Amend person entitled to fill prescriptions	R.1979 d.152	11 N.J.R. 237(b)
8:65-7.7	Administering or dispensing of narcotic drugs	R.1979 d.151	11 N.J.R. 237(a)
8:65-7.11	Amend labeling of prescriptions	R.1979 d.76	11 N.J.R. 131(b)
8:65-7.14	Amendments on refilling prescriptions	R.1978 d.391	10 N.J.R. 536(c)
8:65-7.16	Amend labeling of controlled dangerous substances	R.1979 d.77	11 N.J.R. 131(c)
8:65-10.2(b)4.	Control precursors of phencyclidine	R.1978 d.390	10 N.J.R. 536(b)
8:65-10.4	Add pentazocine to Schedule IV of Controlled Dangerous Substances	R.1979 d.150	11 N.J.R. 236(c)
8:65-10.4, 10.5	Difenoxin in combination with atropine sulfate in Schedules IV and V	R.1978 d.426	11 N.J.R. 16(a)
8:65-10.8(b)	Amend chemical preparations exempt from the controlled Dangerous Substances Act	R.1979 d.244	11 N.J.R. 332(b)
8:70-1.1 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)
8:71	List of interchangeable drug products	R.1979 d.104	11 N.J.R. 179(a)
8:71 Preface	Deletion of distributors from list of interchangeable drug products	R.1979 d.242	11 N.J.R. 331(e)
Temporary rule	1979 Hospital rate guidelines	R.1978 d.399	10 N.J.R. 536(a)

(Title 8, Transmittal 10 dated September 18, 1978 includes all rules through September 7, 1978 N.J. Register.)

## HIGHER EDUCATION — TITLE 9

9:1-1.12, 9.1-6	Amendments on out-of-state institutions desiring to enter New Jersey	R.1978 d.335	10 N.J.R. 431(b)
9:7-2.5, 2.6	Amend student eligibility and award tables	R.1979 d.236	11 N.J.R. 343(b)
9:7-2.9	Amend restrictions on student assistance grant amounts	R.1979 d.17	11 N.J.R. 68(b)
9:7-3.1, 3.2	Amend student eligibility and award tables	R.1979 d.236	11 N.J.R. 343(b)
9:7-4.3, 4.5(b), 4.6	Amend Garden State Scholarship Program	R.1979 d.101	11 N.J.R. 180(c)
9:9-5.2	Amendments on eligibility for graduate insured loan program	R.1978 d.329	10 N.J.R. 431(a)
9:11-1.4, 1.5, 1.8, 1.9	Amend financial guidelines and award tables	R.1979 d.230	11 N.J.R. 342(c)
9:11-1.5, 1.9	Amend maximum income eligibility for program participants	R.1979 d.59	11 N.J.R. 131(d)
9:12-2	Rules on summer programs	R.1979 d.235	11 N.J.R. 343(a)
9:15	Graduate medical education program	R.1979 d.1	11 N.J.R. 68(a)

(Title 9, Transmittal 11 dated September 18, 1978 includes all rules through September 7, 1978 N.J. Register.)

## HUMAN SERVICES — TITLE 10

10:48-1.1	Administrative appeals procedure	R.1979 d.62	11 N.J.R. 133(a)
10:49-10	Contracting for prepaid health care services for Title XIX eligibles	R.1979 d.231	11 N.J.R. 346(b)
10:51-1.9(e), 5.33(c)	Amend pharmacy services	R.1979 d.35	11 N.J.R. 132(b)
10:52-1.2, 1.7	Amend sterilization	R.1979 d.63	11 N.J.R. 133(b)
10:52-1.16	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:53-1.14	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-1.20	Amend sterilization	R.1979 d.63	11 N.J.R. 133(b)
10:54-1.23	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-3, 54-4	Amend the Physician's Procedure Code Manual	R.1979 d.218	11 N.J.R. 346(a)
10:62-1.5, 2.2—2.4, 2.12	Vision Care Manual	R.1979 d.60	11 N.J.R. 132(c)
10:63	Amend skilled nursing and intermediate care facilities	R.1979 d.126	11 N.J.R. 248(b)
10:65	Amend skilled nursing and intermediate care facilities	R.1979 d.126	11 N.J.R. 248(b)
10:66-1.16	Amend sterilization	R.1979 d.63	11 N.J.R. 133(c)
10:66-1.18	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:69A	Amend pharmaceutical assistance to the aged	R.1979 d.209	11 N.J.R. 345(b)
10:81-3.9(a)5	Amend Medicaid special and unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-7.25, 7.26	Amend burial and funeral expenses	R.1979 d.131	11 N.J.R. 249(b)
10:81-7.26	Amend burial and funeral expenses	R.1979 d.130	11 N.J.R. 249(a)
10:81-8.22—8.24	Amend Medicaid special and provisions relative to unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-9.1	Amend glossary of terms and acronyms	R.1979 d.110	11 N.J.R. 196(e)
10:81 App. D	Amend child support and paternity program	R.1979 d.171	11 N.J.R. 283(a)
10:82-1.7, 1.8	Amend disregard of work-study income, treatment of stipends and child care payments	R.1979 d.232	11 N.J.R. 346(c)
10:82-3.2(b)	Amend work training expenses in WIN	R.1978 d.438	11 N.J.R. 75(a)
10:82-3.10, 3.12	Amend schedules used in evaluation of LRR's capacity to support	R.1979 d.108	11 N.J.R. 196(c)
10:82-5.3(h)	Amend 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)
10:83-3.37, 3.40	Amend resources and repayments	R.1979 d.107	11 N.J.R. 196(b)
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)
10:85-2.7,	Amend reporting criminal offenses, payment of medical bills, medical care and nontransferability of funds	R.1979 d.141	11 N.J.R. 249(c)
10:85-3.2, 3.3, 3.5, 3.6	Amend General Assistance Manual	R.1979 d.197	11 N.J.R. 283(c)
10:85-4.3	Amend General Assistance Manual	R.1979 d.141	11 N.J.R. 249(c)
10:85-5.2	Amend General Assistance Manual	R.1979 d.197	11 N.J.R. 283(c)
10:85-5.3, 5.4, 5.6, 6.3	Amend General Assistance Manual	R.1979 d.141	11 N.J.R. 249(c)
10:85-9.3—9.5	Amend schedules used in evaluation of LRR's capacity to support	R.1979 d.109	11 N.J.R. 196(d)
10:87	Amend Food Stamp Manual	R.1979 d.29	11 N.J.R. 76(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 A	Amend Food Stamp Manual	R.1979 d.234	11 N.J.R. 346(e)
10:87 Appendix D	Amend Food Stamp Manual	R.1978 d.440	11 N.J.R. 75(c)
10:92	Repeat entire chapter	R.1979 d.106	11 N.J.R. 196(a)
10:94-5.8(a)2.	Amend deductions from institutionalized individual's income for maintenance of a dependent	R.1979 d.198	11 N.J.R. 283(d)
10:97	Amend vending facilities of Commission for the Blind and Visually Impaired	R.1979 d.146	11 N.J.R. 249(d)
10:100-3	Special payments handbook	R.1979 d.172	11 N.J.R. 283(b)
10:121-4	Release of criminal history record information	R.1979 d.119	11 N.J.R. 248(a)

(Title 10, Transmittal 11 dated November 20, 1978 includes all rules through December 7, 1978 N.J. Register.)

## CORRECTIONS — TITLE 10A

(Title 10A, Transmittal 11 dated November 20, 1978 includes all rules to date.)

## INSURANCE — TITLE 11

11:1-5.5(b), 5.6	Amend cancellation and nonrenewal of fire and casualty coverage	R.1979 d.219	11 N.J.R. 348(b)
11:3-7.8	Rules on cancellation of automobile insurance coverage	R.1979 d.155	11 N.J.R. 250(a)
11:5-1.27	Amend education requirements for licensure examination	R.1979 d.52	11 N.J.R. 142(b)

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

**LABOR AND INDUSTRY — TITLE 12**

12:195 Amend carnival-amusement rides R.1979 d.168 11 N.J.R. 285(a)  
 (Title 12, Transmittal 10 dated January 18, 1979 includes all rules through May 10, 1979 N.J. Register.)

**LAW AND PUBLIC SAFETY — TITLE 13**

13.2 Amend alcoholic beverage R.1979 d.138 11 N.J.R. 257(c)  
 13:2-23.31 Amend employment of police officers R.1979 d.67 11 N.J.R. 146(a)  
 13:10-2.4 Amend filing of reports R.1979 d.112 11 N.J.R. 203(a)  
 13:19-5 Amend convulsive seizures R.1979 d.220 11 N.J.R. 356(a)  
 13:19-10.2, Amend point system and driving during suspension R.1979 d.84 11 N.J.R. 202(c)  
 10.3, 10.4, 10.6  
 13:20-33.26, 33.63 Amend miscellaneous lights R.1979 d.193 11 N.J.R. 298(c)  
 13:33-1.24 Amend applications for examination R.1979 d.66 11 N.J.R. 145(b)  
 13:33-1.42 Rule on identification tags R.1979 d.69 11 N.J.R. 146(c)  
 13:35-6.5 Amend pronouncement of death R.1979 d.81 11 N.J.R. 202(a)  
 13:35-6.16 Uses of amphetamines and sympathomimetic amine drugs R.1979 d.120 11 N.J.R. 257(b)  
 13:35-6.17 Prescribing, administering or dispensing amygdalin (laetrile) R.1979 d.83 11 N.J.R. 202(b)  
 13:38-5.1 Amend fee schedules R.1979 d.158 11 N.J.R. 298(a)  
 13:39-6.8 Record of pharmacist filling prescriptions R.1979 d.68 11 N.J.R. 146(b)  
 13:44-1.4, 2.4, 2.5 Repeal certain rules R.1979 d.98 11 N.J.R. 202(d)  
 13:44A Administrative practices and procedures; professional boards R.1979 d.203 11 N.J.R. 353(b)  
 13:47B-1.9 Amend portable, self-contained vehicle scales R.1979 d.192 11 N.J.R. 298(b)  
 13:70-4.1, 4.2, Amend licensing requirements R.1979 d.144 11 N.J.R. 258(a)  
 4.6, 4.19  
 13:71-7.1, 7.5 Amend licensing requirements R.1979 d.144 11 N.J.R. 258(a)  
 13:71-8.28, Amend starter and starting gate rules in harness racing R.1979 d.157 11 N.J.R. 297(a)  
 17.1, 17.7

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

**PUBLIC UTILITIES—TITLE 14**

**ENERGY—TITLE 14A**

14:1-1.4 Amend Board's address R.1979 d.118 11 N.J.R. 260(b)  
 14:1-1.9 Amend cameras and recording devices in Board hearings R.1979 d.211 11 N.J.R. 356(c)  
 14:1-6.2, 6.12, Amend filing of petitions with the Department of Energy R.1979 d.210 11 N.J.R. 356(b)  
 6.21  
 14:3-7.5(c) Amend utility deposit returns R.1979 d.117 11 N.J.R. 260(a)  
 14A:2-3 Amend regulation and control of the sale of motor gasoline during an energy emergency R.1979 d.176 11 N.J.R. 298(d)  
 14A:3-1.4 Variances and exemptions R.1979 d.28 11 N.J.R. 91(b)  
 14A:3-3.6 Amend maintenance requirements for oil-fired heating units R.1979 d.177 11 N.J.R. 299(a)  
 14A:3-10 Repeal air conditioner and heat pump energy efficiency R.1979 d.178 11 N.J.R. 299(b)  
 14A:9 Coastal Energy Impact Program Intrastate allocation process R.1979 d.80 11 N.J.R. 203(b)  
 14A:11 Periodic reporting of energy information by suppliers of motor gasoline R.1979 d.154 11 N.J.R. 260(c)

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

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

**STATE — TITLE 15**

15:10-4.2 Completion requirements for civilian absentee ballot applications; authorized messengers R.1979 d.105 11 N.J.R. 203(c)

(Title 15, Transmittal 10 dated September 21, 1978 includes all rules through January 5, 1979 N.J. Register.)

**PUBLIC ADVOCATE — TITLE 15A**

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

**TRANSPORTATION — TITLE 16**

16:1-2	Amend issuance and sale of DOT public records	R.1978 d.433	11 N.J.R. 93(a)
16:6-1, 2.7, 2.9	Amend relocation assistance	R.1979 d.222	11 N.J.R. 357(b)
16:16-4.3	Amend rescission of allocated, unexpended local State aid funds	R.1979 d.122	11 N.J.R. 262(b)
16:17-4.3	Amend rescission of allocated, unexpended local State aid funds	R.1979 d.122	11 N.J.R. 262(b)
16:25-12.1(a)2.	Amend utility relocations and adjustments; reimbursement	R.1979 d.43	11 N.J.R. 148(e)
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)
16:28-1.2(b)	Amendments on speed zones on parts of Route I-80	R.1979 d.53	11 N.J.R. 149(a)
16:28-1.7	Amend speed limits	R.1979 d.36	11 N.J.R. 148(a)
16:28-1.63	Amend speed limits on parts of Route U.S. 22	R.1979 d.161	11 N.J.R. 302(a)
16:28-1.69, 1.71, 1.87	Amend speed limits on parts of Routes 130, I-295, 30 and U.S. 206	R.1979 d.100	11 N.J.R. 207(a)
16:28-1.177	Speed limits on parts of Route U.S. 46	R.1978 d.386	10 N.J.R. 565(d)
16:28-1.180	Speed limits on parts of Route 180	R.1979 d.8	11 N.J.R. 94(b)
16:28-1.181	Amend speed limits	R.1979 d.36	11 N.J.R. 148(a)
16:28-1.182	Speed limits on parts of Route 53	R.1979 d.37	11 N.J.R. 148(b)
16:28-3.59, 3.97,	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
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, 3.109	Restricted parking on parts of Routes 28 and 27	R.1979 d.38	11 N.J.R. 148(c)
16:28-3.128	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.136	Amend restricted parking: Route 35	R.1979 d.163	11 N.J.R. 303(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)
16:28-3.185, 3.186	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.187	Amend restricted parking: Route U.S. 206	R.1979 d.163	11 N.J.R. 303(a)
16:28-3.188— 3.190	Amend restricted parking on parts of Routes 147, U.S. 206 and U.S. 1 and 9	R.1979 d.162	11 N.J.R. 302(b)
16:28-3.191, 3.192	Restricted parking on parts of Routes U.S. 9 and 31	R.1979 d.163	11 N.J.R. 303(a)
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)
16:28-6.19	No left turns on parts of Route 35	R.1979 d.39	11 N.J.R. 148(d)
16:28-7.4	Right-hand lane use of parts of Route U.S. 9	R.1979 d.123	11 N.J.R. 262(c)
16:28-7.5	Lane use on parts of Route U.S. 9 in Middlesex County	R.1979 d.224	11 N.J.R. 357(d)
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)
16:28-15.9, 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)
16:28-15.24— 15.28	Rules on no-passing zones on parts of Routes 23, 154, U.S. 46 U.S. 206 and 33	R.1979 d.164	11 N.J.R. 303(b)
16:28-15.29— 15.34	No-passing zones on parts of Routes 31, 36, 47 and 46	R.1979 d.165	11 N.J.R. 303(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)
16:33-3.1	Rules on definition of substantial completion	R.1979 d.221	11 N.J.R. 357(a)
16:51-1.3	Amend exclusions; reduced fare transportation program	R.1979 d.57	11 N.J.R. 149(b)
16:53	Autobus specifications for van-type autobuses	R.1979 d.124	11 N.J.R. 263(a)
16:65-1.2(n)	Amend classification of prospective bidders	R.1979 d.223	11 N.J.R. 357(c)

(Title 16, Transmittal 12 dated September 18, 1978 includes all rules through November 9, 1978 N.J. Register.)

**TREASURY-GENERAL — TITLE 17**

17:1-1.15, 1.21, 4.23	Amend certain rules of the Division of Pensions	R.1979 d.169	11 N.J.R. 304(d)
17:1-7.3, 8.3	Delete rules on administrative fees	R.1978 d.421	11 N.J.R. 52(a)
17:3-1.4(w)	Amend travel expense under election of a member-trustee	R.1978 d.444	11 N.J.R. 105(c)
17:3-1.8, 2.1, 3.1, 4.11	Amend Teachers' Pension and Annuity Fund	R.1979 d.205	11 N.J.R. 359(a)
17:7-1.4	Amendments on election of a prison officer to Pension Commission	R.1978 d.372	10 N.J.R. 520(a)
17:9-1.4, 2.11	Amend State Health Benefits Program	R.1979 d.159	11 N.J.R. 304(c)
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)
17:10-1.9, 3.1	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)

17:10-5.12, 5.14	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:12	Amend Purchase Bureau's rules	R.1979 d.132	11 N.J.R. 264(a)
17:16-5.5	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)
17:16-5.5	Amend temporary reserve group; classification of funds	R.1979 d.94	11 N.J.R. 211(d)
17:16-5.5	Amend classification of funds	R.1979 d.19	11 N.J.R. 105(e)
17:16-5.6	Amend classification of funds; temporary reserve group	R.1979 d.204	11 N.J.R. 358(b)
17:16-31.1	Amend definitions: state cash management fund	R.1979 d.96	11 N.J.R. 212(b)
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)
17:16-32.9	Amend admission date; common Pension Fund A	R.1979 d.97	11 N.J.R. 212(c)
17:16-35.6	Amend Common Trust Fund regarding date of valuation	R.1979 d.21	11 N.J.R. 106(b)
17:16-37.1	Amend repurchase agreements; permissible investments	R.1979 d.95	11 N.J.R. 212(a)
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)
17:19A	Amend barrier free design, public building	R.1979 d.33	11 N.J.R. 107(b)
17:20	Amend Lottery Commission's rules	R.1979 d.125	11 N.J.R. 263(c)
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	Amend Lottery Commission's rules	R.1979 d.125	11 N.J.R. 263(c)
17:21-11	Lottery Derby Instant Lottery Game	R.1979 d.196	11 N.J.R. 305(d)
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)
17:27-7.4	Amend affirmative action requirements for public contracts	R.1979 d.191	11 N.J.R. 305(c)

(Title 17, Transmittal 11 dated September 18, 1978 includes all rules through October 5, 1978 N.J. Register.)

### TREASURY-TAXATION — TITLE 18

18:3	Amend alcoholic beverage tax	R.1979 d.180	11 N.J.R. 305(b)
18:4	Amend alcoholic beverage tax	R.1979 d.180	11 N.J.R. 305(b)
18:5	Amend Cigarette Tax Act	R.1979 d.92	11 N.J.R. 211(b)
18:6	Amend unfair cigarette sales	R.1979 d.86	11 N.J.R. 210(a)
18:7	Amend Corporation Business Tax Act	R.1979 d.45	11 N.J.R. 150(b)
18:8	Amend Financial Business Tax Law	R.1979 d.46	11 N.J.R. 151(a)
18:12	Amend local property tax	R.1979 d.91	11 N.J.R. 211(a)
18:12A-1.14	Amend county boards of taxation	R.1979 d.217	11 N.J.R. 359(b)
18:15	Amend farmland assessment	R.1979 d.87	11 N.J.R. 210(b)
18:16	Amend realty transfer fee	R.1979 d.93	11 N.J.R. 211(c)
18:17	Amend assessor qualification	R.1979 d.88	11 N.J.R. 210(c)
18:18	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:19	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:20	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:22	Amend public utility corporations	R.1979 d.47	11 N.J.R. 151(b)
18:23	Amend railroad property tax	R.1979 d.48	11 N.J.R. 151(c)
18:23A	Amend tax maps	R.1979 d.49	11 N.J.R. 151(d)
18:24-4.4	Amend sales and use tax	R.1979 d.89	11 N.J.R. 210(d)
18:24-7.8, 7.10	Amend sales and use tax	R.1979 d.90	11 N.J.R. 210(e)
18:24-7.15	Amend Sales and Use Tax Act	R.1979 d.179	11 N.J.R. 305(a)
18:26	Amend transfer inheritance tax	R.1979 d.50	11 N.J.R. 151(e)
18:30	Amend capital gains and other unearned income tax	R.1979 d.51	11 N.J.R. 151(f)
18:35-1.11	Time for filing information returns	R.1979 d.56	11 N.J.R. 152(a)

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

### OTHER AGENCIES — TITLE 19

19:1-4.1(a)	Repeal portions of rule on commitment applications	R.1979 d.226	11 N.J.R. 359(c)
19:8-2.12	Amend Emergency services on the Garden State Parkway	R.1979 d.167	11 N.J.R. 309(b)
19:9-2.1	Amend prequalification of bidders	R.1979 d.160	11 N.J.R. 308(b)
19:9-5.1	Pre-employment screening	R.1979 d.181	11 N.J.R. 309(a)
19:25-12.1(b)	Amend reporting of "street money"	R.1979 d.121	11 N.J.R. 266(a)
19:41-2	Application procedures for casino hotel facilities	R.1979 d.173	11 N.J.R. 309(c)
19:41-13	Applications (casino license conservatorship)	R.1979 d.207	11 N.J.R. 360(b)
19:43-1.2	Amend license requirements	R.1979 d.174	11 N.J.R. 309(d)
19:46-1.27	Amend aisle space	R.1979 d.82	11 N.J.R. 214(a)
19:46-1.33	Metal tokens for use in \$1.00 slot machines	R.1979 d.175	11 N.J.R. 309(e)
19:47-5.7	Minimum and maximum wagers	R.1979 d.206	11 N.J.R. 360(a)

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

(Continued from Page 334)

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

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

T. Edward Hollander  
Chancellor  
Department of Higher Education

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

The Student Assistance Board may thereafter adopt rules concerning this subject without further notice.

Lynn Goldthwaite  
Chairperson, Student Assistance Board  
Department of Higher Education

(a)

## HIGHER EDUCATION

### STUDENT ASSISTANCE BOARD

#### Proposed Amendments on Tuition Aid Grant and Garden State Scholarship Programs

The New Jersey Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-26.8 and 18A:71-48, proposes to amend N.J. A.C. 9:7-2.10 and 9:7-4.1 concerning the Tuition Aid Grant and Garden State Scholarship programs.

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

#### 9:7-2.10 Verification of enrollment and Academic Performance

Before payment may be made to an eligible student, the Department of Higher Education must receive certification from the college that the student is an enrolled full-time undergraduate as of the end of the college's period for changing course load without penalty and that the student is meeting the minimum standards for academic performance at the institution. Each institution must provide copies of its minimum standards for academic performance and satisfactory academic progress to the Department of Higher Education at the beginning of each academic year.

#### 9:7-4.1 Eligibility requirements

Undergraduate Garden State Scholars must meet minimum academic requirements as defined below, demonstrate financial need as defined herein, and be selected by the institution they attend or plan to attend. In addition to the financial need determination explained in section 2.4 of this chapter, undergraduates must have an estimated family contribution of cost of attendance minus the amount of the scholarship or \$3300, whichever is less, to qualify for a monetary award. The family contribution level will be reviewed annually thereafter. Garden State Scholarship recipients who transfer to another eligible New Jersey institution may transfer their Garden State Scholarship eligibility status provided they have demonstrated satisfactory academic progress and subject to the financial need requirements of the program at the receiving institution. Graduate fellows will be selected primarily on the basis of academic merit. In academic year 1978-79, only initial awards will be made. The program will be phased in one year at a time thereafter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

## (b) HIGHER EDUCATION

### HIGHER EDUCATION ASSISTANCE AUTHORITY

#### Proposed Amendments on Loan Amounts And Eligibility Requirements

The New Jersey Higher Education Assistance Authority in the Department of Higher Education, pursuant to the authority of N.J.S.A. 18A:72-10, proposes to amend rules concerning the maximum annual and cumulative loan amounts and the application procedure for loans.

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

9:9-1.12(a)3. The lender should indicate in the appropriate section the recommended amount of the loan [and the adjusted family income per proper form.]. The application should then be signed by the designated official and forwarded with the insurance premium to the Authority; and

#### 9:9-5.3 Loan amount

(a) The maximum loan amount shall not exceed [\$5,000] \$7,000 annually.

(b) The total cumulative amount of loans for undergraduate, graduate or professional work shall not exceed [\$20,000] \$22,000.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

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

The New Jersey Higher Education Assistance Authority may thereafter adopt rules concerning this subject without further notice.

William Nester  
Director, Higher Education  
Assistance Authority  
Department of Higher Education

(c)

## HIGHER EDUCATION

### EDUCATIONAL OPPORTUNITY FUND

#### Amendments to Financial Aid Guidelines and Award Tables

On June 12, 1979, Frederick Wilkes, Director of the Edu-

ational Opportunity Fund in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:11-1.4, 9:11-1.5, 9:11-1.8 and 9:11-1.9 concerning financial aid guidelines and award tables substantially as proposed in the Notice published May 10, 1979, at 11 N.J.R. 237(e) with only inconsequential structural or language changes in the opinion of the Department of Higher Education.

An order adopting these amendments was filed and became effective on June 13, 1979, as R.1979 d.230.

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

## HIGHER EDUCATION

### EDUCATIONAL OPPORTUNITY FUND

#### Rules on Summer Program

On June 12, 1979, Frederick Wilkes, Director of the Educational Opportunity Fund Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 9:12-2.1 et seq., concerning the summer program substantially as proposed in the Notice published February 8, 1979, at 11 N.J.R. 67(d) 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 June 14, 1979 as R.1979 d.235.

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

## HIGHER EDUCATION

### STUDENT ASSISTANCE BOARD

#### Emergency Amendments Concerning Student Eligibility and Award Tables

On May 8, 1979, the New Jersey Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-26.8, adopted emergency amendments concerning student eligibility and award tables.

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

#### 9:7-2.5 Student notification

Students will initially be notified of grant eligibility through the Student Eligibility Notice issued by the Office of Student Assistance, Department of Higher Education. The Student Eligibility Notice allows the student to estimate the amount of tuition assistance for which he/she may be eligible at a given institution of higher education. This estimate is subject to change based on the annual level of appropriation and other resources available to the student [(See section 3.2)] (see section 2.9). Students should also be notified in writing, by the institution's financial aid officer, of the content of his or her financial aid

package. The institution's written notification to the student regarding State student assistance shall contain a clause absolving the State of any responsibility for funding in the event that the grant is based upon fraudulent, inaccurate, or misleading information.

#### 9:7-2.6 Dependent/independent student defined

(a) A dependent student is one who 1) resides with his or her parents or guardians for more than [two consecutive] six weeks last, this, or next year; or 2) is dependent upon them for more than [\$600] \$750 in support of any kind including food, clothing, or shelter last, this, or next year; or 3) is claimed, or will be claimed, as dependent for income tax purposes for last, this, or next year.

(b) An independent student is one who: 1. Has not lived, and will not live, with parents or guardians for more than [two consecutive] six weeks last, this, and next year; and 2. Has not received, and will not receive, financial assistance from parents of more than [\$600] \$750 in support of any kind including food, clothing, and shelter last, this, and next year; and 3. Has not been claimed, and will not be claimed, as an exemption on parents' or guardians' tax return last, this, and next year; and 4. Has resources, which should be at least equal to the level of public assistance in the preceding calendar year. For 1978-79 and subsequent years, unless revised, this level is \$1,400.

(c) If circumstances have prevented the student(s) from having resources of a minimum of \$1,400 for the calendar year prior to the academic year for which aid is requested and the student(s) has qualified for independent status based on the other three criteria, then, as an alternative, in-kind support equal to at least \$1,400 must be documented and placed in the student(s) file before he or she is considered an independent student. Such documentation must be furnished to the Office of Student Assistance, Department of Higher Education, in writing, through the established appeals procedure or through the use of a properly prepared change form.

### SUBCHAPTER 3. TUITION AID GRANT PROGRAM

#### 9:7-3.1 Tuition aid grant award table

The value of the grant, which ranges from a minimum of \$100 to a maximum of [\$1,000] \$1,200, is related to the tuition charges of the various institutional sectors in New Jersey and the student's ability to pay for educational costs. The award table below shows approximate award levels depending upon tuition and ability to pay. [and subject to the adjustment rules defined in Section 3.2.]

#### 9:7-3.2 [Award table adjustment rules] (Reserved)

[Student grants, as shown on the Tuition Aid Grant Award Table, are subject to adjustment based upon the resources available to the student for meeting educational costs. For students attending public colleges in New Jersey, grants will be adjusted upward if the student's resources, defined as the total of the Estimated Family Contribution, Federal Basic Grant, and Tuition Aid Grant, are not equal to 50% of the student's approved college budget as defined below. For students attending independent colleges in New Jersey grants will be adjusted upward if the resources defined above do not equal 35% of the student's approved college budget. The approved college budget is defined as the appropriate resident or commuter budget approved by the federal Basic Grant program at the institution the student is attending. College financial aid officers will use the appropriate budget based upon institutional determination of the student's resident or commuter status. State grants will be de-

creased if the student's resources, as defined above, exceed 85% of the student's approved college budget. These adjustments in grants will be made by the college financial aid officer and students will be advised of any adjustments to grant values found on the award table. Stu-

dents attending eligible out-of-state institutions (see section 3.4) are subject to the same award table adjustment rules described above for in-state independent institutions.]

Editor's Note: This replaces current table.

**TUITION AID GRANT (TAG) TABLE**

**APPROXIMATE TUITION AID GRANT VALUES\***

Estimated Family Contribution	County Colleges	State Colleges	Independent Institutions	Rutgers Univ. & N.J. Inst. of Technology	Out-of-State Colleges And Universities
A	B	C	D	E	F
\$ Under 750	\$500	\$740	\$1200	\$832	\$500
750-1049	400	700	1100	800	500
1050-1349	300	600	1000	700	500
1350-1649	200	500	900	600	500
1650-1949	100	400	800	500	400
1950-2249	0	300	700	400	300
2250-2549		200	600	300	200
2550-2849		100	500	200	100
2850-3149		0	400	100	0
3150-3449			300	0	
3450-3749			200		
3750-4049			100		
Over 4049			0		

\*In accordance with State guidelines the value of your grant may increase or decrease dependent upon appropriated funds, your college budget and your available re-

sources from the State, the Federal Basic Educational Opportunity Grant Program and your Estimated Family Contribution.

An order adopting these amendments was filed and became effective on June 14, 1979 as R.1979 d.236 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Amendments Concerning Deletion of Several Forms Used in the AFDC 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 various sections of the Public Assistance Manual concerning revisions to and deletions of references to several forms used in the AFDC program.

This proposal deletes forms PA-13, PA-16, PA-17, PA-19, PA-21A, PA-21B, PA-51, PA-910 and WP-125; revises forms PA-1J, PA-5, PA-197; and form NJES-511E is replaced by forms NJES-511B and NJES-1A.

Copies of the 17 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, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 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.

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments on Exemptions From Work Requirements, Resources Savings and Destruction of Records

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 exemptions from work requirements, disposal of resources to qualify for aid, savings for a specified purpose and destruction of records.

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

10:85-3.2(g)2. Exemptions from work requirement: An individual shall be exempt from the work requirement if any of the following exist:

i. The individual is participating in a lawful strike or is locked-out because of a labor dispute. Participation in an unlawful strike, a "sympathy" strike, or walkout or refusal to cross a picket line is, however, a voluntary cessation of work and is to be processed in accordance with paragraph 5 of this subsection.

ii. The individual is determined by the MWD to be unemployable. Unemployability is established when any of the following exist:

[(1) The individual is under age 16 or is under age 18 and is full time student.]

(1) [(2)] The individual is over age 65.

(2) [(3)] The individual is receiving Social Security, S.S.I. or Railroad Retirement benefits as an aged, retired, or disabled person or would receive such benefits but for failure of the paying agency to deliver benefits or a discontinuance of benefits on account of a previous overpayment.

(3) [(4)] The individual's presence is required at home to care for one or more children under age 7 or for ill family member(s). No more than one person in a household may be exempt for this reason without written authorization from DPW/BLO.

(4) [(5)] The individual has a physical or mental condition which has been verified by an examining physician with written certification that the condition renders the individual unable to work.

(5) [(6)] An obvious disability or impairment makes employment unrealistic; or

(6) [(7)] The Director of Welfare determines that the individual's history of unemployment and lack of vocational training and/or education negates all possible employment. (Facts leading to such determination must be recorded in the case file.)

10:85-3.2(g)v. The individual is under age 16 or is under age 18 and is a full time student.

10:85-3.4(a)2. No person shall be eligible for assistance within one year after having disposed of a resource for less than adequate consideration or after having abandoned a resource of value when such disposal or abandonment was made for the purpose of qualifying for assistance or of avoiding repayment of assistance. Any assistance granted by reason of nondisclosure during such one year period represents an overpayment and is to be processed accordingly.

i. Any disposal or abandonment for reasons other than to qualify or to avoid repayment shall be reviewed by the MWD to determine whether or not recovery can be effected. If so, the matter is subject to the provisions of subsection (d) of this section, Potential Resources. If recovery cannot be effected, the matter shall be disregarded in the determination of eligibility and compensation of assistance grants.

10:85-3.4(c)7. Savings for a specified purpose: Funds up to the amount of the monthly assistance allowance standard for the eligible unit which have been set aside during a continuous period of receipt of assistance for an identified item of family living. Examples include clothing, fuel, furniture. Funds, even for such purposes, which exist at the time of initial application or reopening of a case are not exempt under this section. Any amount above the level of the monthly assistance allowance (not necessarily the monthly grant) is to be considered as an available resource.

10:85-6.7(b)2. The MWD shall not destroy any records until approval has been received in writing. After records are destroyed, the [DPW/BMS] MWD will [be furnished] maintain a list of the names and case numbers of the cases destroyed. This list must be made available for inspection by representatives of this Division upon request.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 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 MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Amendments on Pharmaceutical Assistance to the Aged

On May 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:69A-1.1 et seq. concerning pharmaceutical assistance to the aged substantially as proposed in the Notice published April 5, 1979, at 11 N.J.R. 183(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on May 29, 1979 as R.1979 d.209.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Amendments and Repeal of Certain Rules Concerning the Physicians' Procedure Code Manual

On May 30, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed procedure codes in N.J.A.C. 10:54-3.1 et seq. and the physicians fee schedule and adopted the new procedure code manual, to be cited as N.J.A.C. 10:54-4.1 et seq. substantially as proposed in the Notice published January 4, 1979, at 11 N.J.R. 17(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on June 4, 1979 as R.1979 d.218.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Rules on Contracting for Prepaid Health Care Services for Title XIX Eligibles

On June 5, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:49-10.1 et seq., concerning the contracting for prepaid health care services for Title XIX eligibles substantially as proposed in the Notice published September 7, 1978, at 10 N.J.R. 394(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these rules was filed and became effective on June 13, 1979, as R.1979 d.231.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Disregard of Work-Study Income, Treatment of Stipends and Child Care Payments

On June 14, 1979, Ann Klein, Commissioner of Human

Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-1.7 and 10:82-1.8 concerning the disregard of work-study income, treatment of stipends and child care payments as proposed in the Notice published April 5, 1979 at 11 N.J.R. 183(b).

An order adopting these amendments was filed on June 14, 1979 as R.1979 d.232 to become effective on August 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on Medicaid Special And Provisions Relative to Unborn Children

On June 14, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-3.9(a)5 and 10:81-8.22 through 10:81-8.24 concerning Medicaid Special and provisions relative to unborn children substantially as proposed in the Notice published February 8, 1979, at 11 N.J.R. 68(c) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on June 14, 1979 as R.1979 d.233.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Emergency Amendments to Appendix A In Food Stamp Manual

On June 14, 1979, 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 Appendix A in the Food Stamp Manual in Chapter 87 of Title 10 in the New Jersey Administrative Code.

These amendments to Tables I, II, III and IV are to reflect the semiannual adjustment in the monthly coupon allotments, the standard income deduction, monthly allowable income standards and the annual adjustment in the shelter and dependent care deductions.

Copies of the 15 pages of the full text of this adoption 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

An order adopting these amendments was filed on June 14, 1979 as R.1979 d.234 (Exempt, Emergency Rule) to become effective on July 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Emergency Rules on Medicaid-Reimbursed Abortions

On June 14, 1979, Ann Klein, Commissioner of Human Services, pursuant to N.J.S.A. 30:4D-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning Medicaid-reimbursed abortions and rescinded N.J.A.C. 10:49-1.25, in compliance with an order of the Superior Court of New Jersey, Chancery Division - Middlesex County, and adopted new rules in the Hospital Manual, 10:52-1.16; the Special Hospital Manual, 10:53-1.14; the Physicians Manual, 10:54-1.23; and the Independent Clinic Manual, 10:66-1.18.

Full text of the rules follows:

10:52-1.16 Medicaid Reimbursement for Abortions  
10:53-1.14 Medicaid Reimbursement for Abortions  
10:54-1.23 Medicaid Reimbursement for Abortions  
10:66-1.18 Medicaid Reimbursement for Abortions

(a) On or after July 1, 1979, the Division of Medical Assistance and Health Services will reimburse providers for the costs of all medically necessary abortions in any of the following instances:

1. To preserve the woman's life;
2. The patient was a victim of rape or incest;
3. Severe and long-lasting physical health damage to the mother would have resulted if the pregnancy had been carried to term.

(b) The determinations of medical necessity are subject to review by Medicaid in accordance with existing rules and regulations of the Medicaid program. Reimbursement will be made to Medicaid participating providers for medically necessary abortions performed on or after July 1, 1979, in accordance with the following guidelines:

1. Medically necessary abortions may be performed up to and during the 12th week of pregnancy in a licensed hospital, licensed physician's office or licensed independent abortion clinic.

2. Medically necessary abortions performed after the 12th week of pregnancy must be performed in a licensed hospital.

i. Exception: Termination of pregnancy using the dilation and evacuation procedure, within a period of gestation not exceeding 16 menstrual weeks and/or 14 gestational weeks size as determined by a physician, may be performed in a licensed independent abortion clinic approved for participation in the Medicaid program.

3. A Physician Certification (Form FD-179), must be attached to the physician's Medicaid claim form.

i. A copy of the completed FD-179 must be attached to the hospital's or independent clinic's Medicaid claim form as appropriate and the anesthesiologist's Medicaid claim form.

10:52-1.16(c), 10:53-1.14(c) New Jersey hospitals with tape-to-tape or teleprocessing billing capabilities will be required to submit hard-copy Inpatient MC-1 or Outpatient MC-4 claim forms for all abortion claims.

An order adopting these changes was filed and became effective on June 15, 1979 as R.1979 d.245 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

## INSURANCE

### THE COMMISSIONER

#### Proposed Rule Concerning Taxes Paid To Firemen's Relief Associations

James J. Sheeran, Commissioner of the Department of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 1C-6(e), 17:22-6 et seq., N.J.S.A. 54:18-1 et seq. and N.J.S.A. 17:22-6.59 proposes to adopt a new rule, to be cited as N.J. A.C. 11:1-5.8, concerning distribution of taxes paid to Firemen's Relief Associations.

Full text of the proposed rule follows:

11:1-5.8 Distribution of fire insurance premium tax

(a) Fire insurance premium taxes paid by insurers not domiciled in the State of New Jersey are required to be distributed to the respective Firemen's Relief Associations in which the property is situated.

(b) A three digit Firemen's Relief Association Code, published in the ISO New Jersey Public Fire Protection Classifications Manual, has been promulgated by the Insurance Services Office (ISO) for the purpose of coding the policies to properly allocate the premium taxes.

(c) The following steps shall be taken to assure correct tax distribution:

1. All agents, surplus lines agents and brokers producing fire insurance on any risks located in New Jersey are required to properly describe the risk and its location on the Policy Declaration Sheet.

2. The description of the property shall include the complete address and the Firemen's Relief Association Code as promulgated by the Insurance Services Office.

3. All insurance companies writing fire insurance on property located in New Jersey shall require their agents to designate the Firemen's Relief Association by code on each Policy Declaration Sheet and disclose the complete address of the location at which the risk is situated.

4. Each insurance company shall use the Firemen's Relief Association code as promulgated by the Insurance Services Office in making its annual report pursuant to N.J.S.A. 54:18-1 to the respective treasurers of the duly incorporated Firemen's Relief Association in which any

property on which the company has taken a fire insurance risk is located.

A public hearing will be held on Friday, July 27, 1979, at 9:30 A.M. at the Department of Insurance, 201 East State Street, Trenton, New Jersey 08625 regarding this proposal.

Interested persons may appear at the hearing or present statements or arguments in writing relevant to the proposed action on or before July 25, 1979, to Herman W. Hanssler, Assistant Commissioner, Department of Insurance, at the above address.

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

James J. Sheeran  
Commissioner  
Department of Insurance

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rules Concerning Minimum Standards for Health Insurance

James J. Sheeran, Commissioner of the Department of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:22-1 et seq., 17B:26-1 et seq., and 17B:26-45, proposes to adopt new rules to be cited as N.J.A.C. 11:4-16.1 et seq. concerning minimum standards for individual policies of health insurance.

This proposal addresses four general subject categories. The first (N.J.A.C. 11:4-16.1 et seq.) contains minimum standards for the provision of benefits in individual health insurance policies. Definitions of policy terms, prohibitions against certain policy provisions and coverages, mandatory disclosure of benefit provision to insureds and requirements for submission of forms to the Department are included within the first subject area. The second subject category (N.J.A.C. 11:4-17.1 et seq.) includes rules concerning the solicitation, promotion and sale of policies. N.J.A.C. 11:4-18.1 et seq. designates the third subject area which concerns rates and rate filings. The last section (N.J.A.C. 11:4-10.1 et seq.) deals with simplification of the language of policies and forms to promote clarity and understanding.

The purpose of these rules is to provide reasonable standardization and simplification of policy language terms and coverages; to eliminate provisions which may be misleading or unreasonably confusing in connection with either the purchase of insurance or the settlement of claims; to eliminate provisions which may be contrary to the health care needs of the public and those so limited in scope as to be of no substantial economic value; and to eliminate unfair renewal practices which are contrary to the health care needs and economic well-being of the public. The purpose of the rate filing section is to set forth criteria for making a determination as to whether or not benefits are unreasonable in relation to the premium charged.

Copies of the 50 pages of the proposal may be obtained by contacting the person named below.

A public hearing will be held on Monday and Tuesday, August 6 and 7, 1979 at 10:00 A.M. at the Department of Insurance, 201 East State Street, Trenton, New Jersey 08625 regarding this proposal.

Interested persons may appear at the hearing or present statements or arguments in writing relevant to the proposed action to Richard B. Goldman, Special Assistant to the Commissioner, Department of Insurance, at the above address.

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

James J. Sheeran  
Commissioner  
Department of Insurance

(b)

## INSURANCE

### THE COMMISSIONER

#### Amendments Concerning Cancellation And Nonrenewal of Fire and Casualty Coverage

On June 5, 1979, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:29C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:1-5.5 and new rules, to be cited as N.J.A.C. 11:1-5.6, concerning the cancellation and nonrenewal of fire and casualty coverage substantially as proposed in the Notice published May 10, 1979, at 11 N.J.R. 249(e) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Insurance.

Full text of the adoption follows:

11:1-5.5(b)3. Provisions in New Jersey FAIR Plan policies for five day notice to the insured and ten days notice to the mortgagee with respect to any of the following properties or in any of the following circumstances:

i. Buildings which are unoccupied and accessible to unauthorized persons.

ii. Buildings which have been subject to damage by a peril insured against and the damage is not repaired or remedied within a reasonable time after the damage occurred.

iii. Buildings which are in danger of collapse because of serious structural conditions.

iv. The insured has been indicted for or convicted of arson or burning with intent to defraud, or there is evidence of incendiarism or attempt thereat by the insured or representative of the insured, absent a clear showing of special mitigating circumstances in an unusual case.

v. Buildings which have an exceptional degree of hazard, such as fire ruins or dilapidated condition, not contemplated by the applicable rating plans, as approved by the Commissioner.

vi. Buildings which have any of the following conditions existing:

1. Repeated failure to furnish heat, water, sewer or public lighting;

2. Failure to correct conditions dangerous to life, health or safety;

3. Failure to maintain the building in accordance with applicable law;

4. Failure to pay property taxes for two years.

vii. Buildings with at least sixty-five (65) percent of the rental units in the building unoccupied and at least twenty-five (25) percent of said unoccupied units are left unprotected against trespass. A rental unit will be deemed to be unprotected against trespass when an entrance door to such unit or an exterior door to a hall, stairway, or other common passage leading to such unit is missing, unlocked, not capable of being locked, or otherwise unsecured, or when a door or window in such unit which is accessible to entry has not been replaced or boarded up within 2 days after the insured has been notified to replace or board up the door or window.

viii. Buildings from which fixed and salvageable items have been or are being removed and the insured can give no reasonable explanation for such removal.

ix. Buildings which have been condemned.

x. When there is reasonable knowledge and belief that the property is endangered and is not reasonably protected from possible arson for profit.

#### 11:1-5.6 FAIR Plan short notice cancellation procedures

(a) When a notice of cancellation is served by mail, three days from the date of mailing shall be added to the otherwise applicable notice period.

(b) The association shall submit to the Commissioner, no later than three days after the last day of each month, a copy of all short notice cancellations issued during that month.

(c) The association shall notify the insured of any cancellation in a writing setting forth the reason or reasons for cancellation and the effective date. The writing shall advise the insured of a right to appeal the cancellation to the association within 15 days of the date of mailing, and, if the appeal is denied, to the Department of Insurance. Nothing herein shall imply a right to hearing procedures described in the Administrative Procedure Act, particularly "contested case" procedures. The appeal shall be processed in the following manner:

1. Upon issuance of a short notice cancellation, the file will be placed into special suspense, for a period of 15 days from the date of mailing of notice. If no written notice of appeal is received from the insured or his representative within that period, cancellation will be processed and return premium (if any) forwarded to the producer of record.

2. If timely written request for appeal is received, the following steps will be taken:

i. The N.J.I.U.A. appeals committee will review and determine the appeal within five working days from receipt of request for appeal. If the result of the appeal is favorable, a letter advising the insured or his representative, the producer and the mortgagee (if any) of favorable action will be sent together with reinstatement notice stating that no lapse in coverage has occurred.

ii. If the appeals committee denies the appeal for reinstatement, a letter advising the insured or his representative, the producer and the mortgagee (if any) of this action and a right to appeal to the Commissioner will be sent; a copy will be forwarded to the Department of Insurance.

(1) The file will remain in suspense for 30 days awaiting notice of appeal to the Commissioner.

(2) Upon receipt of the appeal request, the Department of Insurance will notify N.J.I.U.A. and advise that the file should be held in suspense for an additional period.

(3) If, after 35 days have elapsed from the association's decision to deny appeal and no notification has been received from the Department of Insurance of a pending appeal, cancellation will be processed and return premium (if any) forwarded to the producer of record.

(4) The Department of Insurance will advise N.J.I.U.A. of its decision. If the appeal is granted, the policy will be reinstated without lapse. If the appeal is denied, cancellation will be processed and return premium (if any) will be forwarded to the producer of record.

An order adopting these amendments was filed and became effective on June 6, 1979 as R.1979 d.219.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Amendments Concerning Driver Reexamination

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. 39:3-10 and 39:5-30 proposes to amend N.J.A.C. 13:20-12.2 concerning reexamination.

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

#### 13:20-12.2 Reexamination;categories

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

1. [Persons involved in two or more traffic accidents within a period of 12 months;]

Persons having mental or physical disorders which may affect their ability to safely operate a motor vehicle;

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

3. [Persons involved in one traffic accident having a record of two or more convictions for moving traffic violations within a period of 12 months;]

Persons who have accumulated 12 or more points as provided in N.J.A.C. 13:19-10.1;

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

Persons whose driver licenses have been expired for a period of three years preceding the date of their application for renewal licenses;

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

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

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

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 31, 1979 to:

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

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed New Rules Concerning Surrender of Registration Plates

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 proposes to adopt a new rule to be cited as N.J.A.C. 13:21-5.10 concerning surrender of registration plates.

Full text of the proposal follows:

13:21-5.10 Surrender of registration plates

(a) Whenever an owner of a motor vehicle registered in accordance with N.J.S.A. 39:3-4 transfers ownership of the motor vehicle and does not register another motor vehicle for the unexpired portion of the registration period as provided in N.J.S.A. 39:3-30, he shall remove the registration plates from the motor vehicle and surrender them to the Division of Motor Vehicles within five days of the transfer of ownership.

(b) Whenever an owner of a motor vehicle registered in accordance with N.J.S.A. 39:3-4 cancels or terminates liability insurance coverage on the motor vehicle without immediately contracting for replacement liability insurance coverage thereon, he shall remove the registration plates from the motor vehicle and surrender them to the Division of Motor Vehicles within five days of the cancellation or termination of the liability insurance coverage. This subsection shall not apply where an owner of a motor vehicle cancels or terminates liability insurance coverage by reason of his transfer or sale of a motor vehicle.

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 31, 1979 to:

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

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

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

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Amendments Concerning Motor Vehicle Dealers

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-4 and 39:10-9 proposes to amend N.J.A.C. 13:21-15.3 concerning motor vehicle dealers.

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

13:21-15.3 Established place of business

(a) All applicants for a dealer license shall submit satisfactory evidence that the applicant has established and maintained a permanent, properly identified location wherein there are facilities to display automobiles and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business, including all documents required by N.J.S.A. 39:10-6.

(b) The established place of business shall display an exterior sign permanently affixed to the land or building which is consistent with local ordinances and which has letters easily readable from the major avenues of traffic. Said sign must reflect the dealer name or trade name, providing such trade name has been previously disclosed to the Division of Motor Vehicles.

(c) A proposed place of business will not be considered suitable for approval if there are two or more licenses issued for the same premises, except where there is absolutely common identity of ownership or where an affiliated motor vehicle leasing company is also licensed as a motor vehicle dealer and in such [case] cases a record of the transactions of each licensed dealer shall be separately maintained.

(d) Any licensed dealer who changes his business location or intends to open a branch operation must notify the Dealer License Section, Bureau of Agencies of the Division of Motor Vehicles prior to doing so.

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 31, 1979 to:

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

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Amendments Concerning Emergency Vehicle Equipment

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. 39:3-43 proposes to amend N.J.A.C. 13:24-1.1 et seq. concerning emergency vehicle equipment.

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

#### 13:24-2.5 Permit applications

(a) All requests for permits authorizing the use of red lights and/or sirens are to be made to the Director by the head of the governing body of the municipality in which the applicant resides, on an application form furnished by the Division of Motor Vehicles.

(b) Applications may be obtained from the [Inspector Force Office] Emergency Light Unit, Division of Motor Vehicles, 25 South Montgomery Street, Trenton, New Jersey [08608] 08666.

(c) If approval for such use is granted, the permit will be forwarded to the applicant via the official who made the request, as specified in subsection (a) of this section.

#### 13:24-2.7 Eligibility

(a) Owners of vehicles listed in the following categories may be considered eligible for red light and/or siren permits:

1. Private passenger type vehicle or non-commercial truck; provided, that such vehicle is owned by:

i. A chief of a volunteer fire company or the first assistant chief of a volunteer fire company; provided, that no more than two permits will be issued to any one volunteer fire company;

ii. A chief of police of a municipality where such municipality does not provide him with a vehicle for police purposes, or a police captain or first assistant to the chief of police as defined in this paragraph; provided, that no more than two permits will be issued to any police department meeting these conditions; and provided further, that applicants must be full time police officials.

2. Vehicles leased by a municipality for police or fire department use.

#### 13:24-4.1 Vehicles eligible

(a) Owners of the following type vehicles may be considered eligible for amber light permits:

1. Wreckers, bearing commercial registration:

i. The use of the flashing amber light is restricted to operation only at the scene of an accident or breakdown while preparations are being made for vehicle removal;

ii. Operation of the flashing amber light is not permitted while vehicle is being operated along a public highway.

2. Service type vehicles bearing commercial registration. A flashing amber light may be used while vehicle is stopped for a service operation in a location where such warning light activation is necessary for the protection of the public or service vehicle personnel.

3. Snow-removal and/or sanding equipment:

i. Use of the flashing amber light is permitted only where such equipment is actually engaged in snow removal, sanding or plowing operation; and

ii. The vehicle owner has a snow-removal or sanding contract with a governmental agency.

[4. Vehicles, used as escort vehicles for the movement of heavy construction equipment.]

#### 13:24-4.2 Application procedure

(a) Application for a flashing amber light permit must be made in writing to:

New Jersey Division of Motor Vehicles  
[Inspector Force Office] Emergency Light Unit  
25 South Montgomery Street  
Trenton, New Jersey [08608] 08666

(b) The application, after completion, is to be signed by the head of the police authority in the municipality shown on the vehicle registration, and returned to the [Chief Inspector] Emergency Light Unit at the address given above.

Repeal subchapter 5. \_\_\_\_\_

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 31, 1979 to:

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

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

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

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Proposed Amendments on Uses Of Amphetamines and Sympathomimetic Amines

Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:9-1 et seq., proposes to adopt the following amendment to N.J.A.C. 13:35-6.16(a). Proposed additions to the present rule are set in boldface and proposed deletions from the present rule appear in brackets.

Full text of the proposed amendment follows:

#### 13:35-6.16 Uses of amphetamines and sympathomimetic amine drugs

(a) No physician shall prescribe, order, dispense, administer, sell or transfer any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II Controlled Dangerous Substance pursuant to the laws of New Jersey, to or for any person except:

1. For the treatment of:

i. Narcolepsy

ii. Hyperkinesis

iii. Drug induced brain dysfunction

iv. Epilepsy

v. Depression shown to be refractory to other therapeutic modalities; [or]

vi. Senile apathetic behavior; or

- 2. For the differential diagnostic psychiatric evaluation of depression; or
- 3. For the clinical investigation of the effects of such drugs or compounds in which case, in addition to other requirements of applicable laws, prior application therefor shall have been made to the Board of Medical Examiners and approval granted before any such investigation is begun.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1979 to:

Edwin H. Albano, President  
 New Jersey State Board of Medical Examiners  
 28 West State Street  
 Trenton, New Jersey 08608  
 Telephone: (609) 292-4843

The New Jersey State Board of Medical Examiners upon its own motion or at the request of any interested party, may thereafter adopt the above amendment substantially as proposed without further notice.

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

**(a)**

## LAW AND PUBLIC SAFETY

### NEW JERSEY RACING COMMISSION

#### Proposed Amendment Concerning Vacancy in a Tier

John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:71-17.3 concerning a vacancy in a tier.

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

#### 13:71-17.3 Vacancy in a tier

In the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is withdrawn from any tier horses [on the outside] in that tier move in to fill up the vacancy. Should the second tier consist of one horse, that horse may start from any position in the second tier. Should the second tier consist of two or more horses, each horse must start from his drawn post position.

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 31, 1979 to:

John J. Reilly, Executive Director  
 c/o New Jersey Racing Commission  
 404 Abbington Drive  
 East Windsor, New Jersey 08520

The New Jersey Racing Commission may thereafter adopt rules concerning the subject without further notice.

John J. Reilly  
 Executive Director  
 New Jersey Racing Commission  
 Department of Law and Public Safety

**(b)**

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF PHARMACY

#### Proposed Amendments on Practical and New Jersey Law Examination

Edward Tarloski, President of the Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:14-1 et seq., proposes to adopt a new regulation concerning the examination requirements for reciprocal licensure and to delete certain portions of the existing regulation with regard hereto.

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

#### 13:39-5.15 [Appearance before Board] Practical and New Jersey Law Examination

(a) [All applicants for reciprocal registration must be interviewed by the Board, after application is approved.]

After the application for reciprocity has been approved, all applicants who have not taken the NABPLEX Examination within the past five years must take a written examination on the current practice of pharmacy given by the New Jersey State Board of Pharmacy. A grade of not less than 75 must be achieved. This examination shall be given no less than two times a year.

[(b) The applicant must, after all other requirements have been fulfilled, pass a written test on the laws governing the practice of pharmacy in this State. A grade of not less than 75 must be achieved.]

(b) Applicants shall be permitted to take the practice of pharmacy examination described in subsection (a) of this section, no more than three times. Thereafter, the applicant shall be required to take and pass the full NABPLEX examination in order to obtain a New Jersey license.

(c) The applicant must, after all other requirements have been fulfilled, pass a written test on the laws governing the practice of pharmacy in this State. A grade of not less than 75 must be achieved. This examination shall be given no less than two times a year.

(d) Relevant portions of the examination will be made available for review in the Board office to those candidates who have failed either the practice of pharmacy or New Jersey law examination.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1979 to:

Jay J. Church, Secretary  
 New Jersey State Board of Pharmacy  
 1100 Raymond Boulevard, Room 325  
 Newark, New Jersey 07102  
 Tel. No. (201) 648-2433

The New Jersey State Board of Pharmacy upon its own motion or at the instance of any interested party, may thereafter adopt the above rule as proposed without further notice.

Edward Tarloski  
 President, Board of Pharmacy  
 Department of Law and Public Safety

(a)

**LAW AND PUBLIC SAFETY**

**NEW JERSEY RACING COMMISSION**

**Proposed Amendment Concerning Jockeys Fees**

John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:70-9.18 concerning jockeys fees.

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

13:70-9.18 Jockey fees

(a) Jockey's fees in the absence of a contract shall be as follows:

1. In each race on the flat:

[i. For purses - \$2,000 to \$3,500 to \$5,000 up				
		\$3,400	\$4,900	\$4,900
1. Rider of winning mount	10%		10%	10%
2. Rider of second mount		\$45.00	\$50.00	\$55.00
3. Rider of third mount		\$35.00	\$40.00	\$45.00
All losing mounts		\$30.00	\$30.00	\$35.00]

Purse Value	Winning Mount	Second Place Mount	Third Place Mount	Un-placed Mounts
i. \$2,000-3,400	10%	\$ 45.00	\$ 35.00	\$ 33.00
ii. \$3,500-4,900	10%	\$ 55.00	\$ 45.00	\$ 35.00
iii. \$5,000-9,900	10%	\$ 65.00	\$ 50.00	\$ 40.00
iv. \$10,000-14,900	10%	\$ 75.00	\$ 60.00	\$ 45.00
v. \$15,000-24,900	10%	\$100.00	\$ 75.00	\$ 50.00
vi. \$25,000-49,900	10%	\$150.00	\$100.00	\$ 60.00
vii. \$50,000-99,900	10%	\$225.00	\$150.00	\$ 75.00
viii. \$100,000 and up	10%	\$400.00	\$250.00	\$100.00

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 27, 1979 to:

John J. Reilly, Executive Director  
c/o New Jersey Racing Commission  
404 Abbington Drive  
East Windsor, New Jersey 08520

The New Jersey Racing Commission will conduct a public hearing at 10:00 A.M. on July 31, 1979, at the New Jersey Racing Commission office, 404 Abbington Drive, East Windsor, New Jersey.

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

John J. Reilly  
Executive Director  
New Jersey Racing Commission  
Department of Law and Public Safety

(b)

**LAW AND PUBLIC SAFETY**

**ATTORNEY GENERAL**

**Rules on Administrative Practices  
And Procedures for Professional Boards**

On May 17, 1979, John J. Degnan, Attorney General of

the State of New Jersey, pursuant to authority of N.J.S.A. 45:1-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:44A-1.1 et seq., concerning administrative practices and procedures for professional boards.

Full text of the adoption follows:

**CHAPTER 44A. ADMINISTRATIVE PRACTICES AND PROCEDURES; PROFESSIONAL BOARDS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

13:44A-1.1 Definitions

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

"Act" means the enabling legislation as amended and/or supplemented and, as the context shall require, shall also mean N.J.S.A. 45:1-14 et seq. which establishes uniform enforcement powers and procedures.

"Attorney for the Division" means an attorney appointed or assigned by the Attorney General of New Jersey to render legal services to any professional or occupational licensing board set forth in N.J.S.A. 45:1-15.

"Board" means any of the boards set forth in N.J.S.A. 45:1-15.

"Complainant" means the Attorney General, the Attorney General's designee, the board, or the Director alleging a violation or an unlawful practice within the meaning of N.J.S.A. 45:1-14 et seq.

"Director" means the Director of the Division of Consumer Affairs.

"Division" means the Division of Consumer Affairs, Department of Law and Public Safety.

"Hearing examiner" means any person designated by the Office of Administrative Law as an administrative law judge, or any person or persons designated by a board itself pursuant to the appropriate statute to conduct any hearing.

"Respondent" means any person, association, corporation or institution charged with an unlawful practice under the enabling legislation of a particular board or under N.J.S.A. 45:1-14 et seq. as amended or supplemented.

13:44A-1.2 Scope

The following rules shall govern contested cases as defined by the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-2(b) before a board where a violation of the board's enabling legislation or a board regulation or of N.J.S.A. 45:1-14 et seq. is alleged.

13:44A-1.3 Construction

These rules shall be liberally construed to permit the Attorney General, the Director and the various professional and occupational boards to discharge their respective statutory functions.

13:44A-1.4 Practice where rules do not govern

In any matter not expressly controlled by these rules or by statute, a board or where applicable, a hearing examiner, shall exercise discretion.

13:44A-1.5 What records shall not be deemed public

The name of any person providing information to the Attorney General, the Director or a board in good faith shall not be disclosed unless such disclosure is essential to the conduct of a disciplinary proceeding which is conducted pursuant to the act.

## SUBCHAPTER 2. JURISDICTION

### 13:44A-2.1 Subject matter jurisdiction

The jurisdiction of a board shall extend to all activities defined by the enabling legislation and regulations promulgated pursuant thereto and pursuant to N.J.S.A. 45:1-14 et seq. or reasonably implied therefrom as being associated with the activities regulated by a particular board.

### 13:44A-2.2 Procedure where board is without jurisdiction

Whenever it shall appear that a board is without jurisdiction over a consumer complaint, the person who registered the complaint shall be so advised and, where possible, the complaint shall be forwarded by the board or the Attorney General to the appropriate local, state or federal agency for further action.

## SUBCHAPTER 3. PROCEDURES FOR TEMPORARY SUSPENSION

### 13:44A-3.1 Order to Show Cause seeking temporary suspension

(a) Whenever it shall appear to the Attorney General, the Director or any board that a licensee has engaged or is engaging in conduct which constitutes a clear and imminent danger to the public health, safety and welfare or constitutes a clear and imminent danger to the licensee, an order to show cause seeking an order of temporary suspension pending a plenary hearing may issue.

(b) The attorney for the division may apply for such an order requiring the licensee to show cause why an interlocutory order of temporary suspension pending disposition of the administrative action should not be entered. The order to show cause may include temporary suspension of licensure provided that the licensee has been given notice of the application which may include telephone notice, or consents thereto or it appears from specific facts shown by affidavit or sworn complaint that clear and imminent danger exists before notice can be given and a hearing had thereon. If the order to show cause includes an order of temporary suspension and was issued without notice to the licensee, provision shall be made therein that the licensee shall have leave to move for the dissolution or modification of the order of temporary suspension on two days' notice or on such other notice as the board may fix in the order. The order may further provide for the continuation of the temporary suspension until further order of the board and shall be returnable within such time after its entry as the board fixes but not exceeding 30 days after the date of its issuance unless within such time the board on notice to the respondent and for good cause shown extends the time for a like period or unless the licensee consents to an extension for a longer period.

## SUBCHAPTER 4. COMMENCEMENT OF FORMAL ADMINISTRATIVE PROCEEDINGS

### 13:44A-4.1 Notice of Hearing and Complaint

(a) Whenever it shall appear to the Attorney General, the Attorney General's designee, the Director or a board that a violation of the enabling legislation or of N.J.S.A. 45:1-14 et seq. has occurred, is occurring or may occur and that the matter warrants a formal administrative hearing to effectuate the policies underlying said Act, it may cause to be issued process which may be, but is not limited to, a Notice of Hearing and Administrative Complaint seeking any relief authorized by the Act.

(b) The complaint shall be returnable in not less than ten nor more than 30 days from the date of service

thereof or consistent with the time frame as established by specific enabling legislation, whichever is longer.

(c) The complaint shall be directed to the respondent and shall be served in accordance with these rules.

(d) The Notice of Hearing shall contain:

1. A statement of the time and place of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A statement that the respondent may present evidence in defense to the charges contained in the complaint either through an attorney or personally;
4. A statement that should the respondent fail to appear a default will be entered and the complaint may proceed with the proofs in support of the relief demanded;
5. A statement that adjournments will not be granted except on timely written application to the hearing examiner or secretary of a board, as the case may be, and for good cause shown. Said statement shall also contain notice that in the event an adjournment is granted, any expenses incurred by a board as a result thereof may be taxed to the respondent as a condition for granting the adjournment.

6. A requirement that an answer shall, or may be filed within seven days of service of the complaint or Order to Show Cause.

(e) A complaint issued by the Attorney General, the Director or a board shall contain:

1. A statement of the particular sections of the statute or regulation alleged to have been violated;
2. A short and plain statement of the facts giving rise to the alleged violation of the statute or regulation;
3. A statement of the relief sought by the complainant.

### 13:44A-4.2 Pleadings

(a) A respondent shall, if so directed, file an answer to an Administrative Complaint setting forth any factual or legal defenses to the allegations contained in the complaint.

(b) Filing of an answer shall be made by forwarding an original and two copies to the secretary of a board and a copy to the Attorney for the Division.

(c) The failure to file an answer, except when ordered to do so, shall not be deemed a default.

(d) A complaint or an answer may be amended at any time prior to the hearing provided that notice of such is given to counsel and to the hearing examiner.

### 13:44A-4.3 Failure to appear

If the respondent without good cause fails to appear on the date set for a hearing, a board or hearing examiner may hear the evidence presented by the complainant and render a decision forthwith.

### 13:44A-4.4 Service of Notice of Hearing and Complaint

(a) Service of an Order to Show Cause or Notice of Hearing and Complaint hereinafter, "process", shall be made as follows:

1. Licensees generally: Upon a licensee, by delivering a copy of the process to the licensee personally or any competent member of the licensee's household above the age of 14 years, or by leaving a copy thereof at the address on file with a board with a competent member of the staff of the licensee; or by delivering a copy thereof to a person authorized by appointment or by law to receive service of process on the licensee's behalf; or by service by registered or certified mail, return receipt requested to the respondent's address on file with a board.

2. Incompetents: Upon an incompetent person, by delivering a copy of the process personally to the guardian of the person or a competent adult member of the incompetent's household.

### 3. Corporation, partnerships, and associations:

i. Corporations: Upon a domestic or foreign corporation, by serving, in the manner prescribed in paragraph 1. of this subsection, either an officer, director, trustee, or managing or general agent, or any person authorized by appointment or by law to receive service of process on behalf of the corporation; or the person at the registered office of the corporation in charge thereof. If service cannot be made upon any of the foregoing, then it may be made upon the person at the principal place of business of the corporation in this State in charge thereof, or if there is no place of business in this State, then upon any servant of the corporation within this State acting in the discharge of his duty or by service by registered or certified mail to its principal place of business, or to its registered office.

ii. Association and partnerships: Upon an unincorporated association which is subject to suit under a recognized name and upon a partnership, by serving, in the manner prescribed in item i. above, an officer, a managing or general agent or, in the case of a partnership, a partner; or, if it appears that after diligent inquiry and effort, service cannot be made upon any of the foregoing, then, consistent with due process of law, by mailing, by registered or certified mail, return receipt requested, a copy of the process to a registered agent for service, or to its principal place of business, or to its registered office.

### 4. Affidavit of service, general appearance, acknowledgment of service:

i. The service herein provided for shall be made by any agent or employee of the board, Director, or Attorney General.

ii. A general appearance or an acknowledgement of the service of process, signed by respondent's attorney or signed and acknowledged by a competent respondent, shall have the same effect as if the respondent had been personally served.

## SUBCHAPTER 5. CONDUCT OF HEARINGS

### 13:44A-5.1 Hearing to conform to law

(a) The conduct of all hearings shall conform to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., N.J.S.A. 45:1-14 et seq., and N.J.S.A. 52:14F-1 et seq., and these rules.

(b) Hearings shall be open to the public; except that upon request of any party, the board or the hearing examiner for good cause shown, may order the hearing closed to the public.

(c) All hearings shall be conducted before a board or any person or persons designated by the board or an Administrative Law Judge, as determined by the board and consistent with the requirements of law.

(d) The hearing examiner, or where applicable, a board, shall have authority and discretion to control the order of proceedings, to administer oaths to witnesses, to rule on any procedural or evidential motions or objections, to order witnesses to produce evidence in accordance with the Act and/or with these rules and to make such rulings as may be necessary to conduct a fair and orderly hearing and to render a report or decision consistent with these regulations. A hearing examiner shall not dismiss any action but may recommend dismissal thereof in his report.

(e) The hearing examiner shall receive all evidence relevant to the matter without regard to the strict rules of admissibility, and may in the exercise of discretion examine witnesses.

(f) The hearing examiner may permit the submission of written memoranda of law or briefs.

(g) A board shall render a final decision in any matter tried before it or before any designated hearing examiner.

### 13:44A-5.2 Time and place of hearings

(a) Hearings shall be held at a time and place having due regard for the convenience of the parties and witnesses and the necessity for a timely resolution of the issues involved.

(b) A hearing examiner, in the exercise of discretion or upon application made at least five days prior to the date of the hearing on behalf of any party, may adjourn any hearing. Additionally, a motion to adjourn a hearing may be made during said hearing to the hearing examiner.

(c) Upon granting any adjournment, a board or hearing examiner shall notify all interested parties and may on notice reschedule the hearing at any time thereafter.

(d) In the event an adjournment is granted as provided herein, a board may tax any costs or expenses, including but not limited to recording fees, fact or expert witness fees, and hearing examiner's fees.

### 13:44A-5.3 Appearances and attorneys

(a) The complainant in any hearing held hereunder shall first present the evidence in support of the alleged violation of the Act.

(b) The respondent shall have the right to cross-examine any witness giving testimony and present evidence either through an attorney or pro se.

(c) A corporation shall appear by its attorney for all purposes.

### 13:44A-5.4 Transcript

(a) The proceedings before a hearing examiner may be stenographically recorded at the request and expense of the respondent.

(b) If the proceedings are transcribed at the respondent's request, the respondent shall serve a copy of the transcript upon the board and the attorney for the Division.

(c) If the proceedings are stenographically recorded at a board's request, respondent shall, upon written request, be afforded access to a copy and the opportunity to purchase same.

## SUBCHAPTER 6. ISSUANCE OF FINAL DECISION

### 13:44A-6.1 Decision of the hearing examiner

(a) The hearing examiner shall render a report not later than 45 days following the final day of hearing or receipt of the transcript or receipt of proposed findings of fact and conclusions of law, whichever is later.

(b) In any contested case, the respondent may, not later than ten days following the final day of hearing or receipt of transcripts, whichever is later, submit proposed findings of fact and conclusions of law to a hearing examiner, provided notice of intention to submit such findings is given prior to the close of the hearing. In the event that a respondent elects to file proposed findings of fact and conclusions of law, a copy of same shall be served upon the Attorney for the Division who may within ten days after service thereof file a response thereto.

(c) If the case has been heard by a hearing examiner, the report shall contain recommended findings of fact and conclusions of law separately stated. The hearing examiner's report shall be filed with the board and delivered or mailed to all parties of record, and an opportunity shall be afforded each party of record to file exceptions,

objections and replies thereto within ten days of the issuance of the report, either orally or in writing, as the board may order. The board shall adopt, reject or modify the report within 45 days of receipt of the report or 45 days following presentation of exceptions or additional arguments whichever is later.

(d) A board's final decision shall include findings of fact and conclusions of law, separately stated. In those cases where an unlawful practice has been found, the decision shall specifically state the violation in terms of the statutory language found to be violated.

(e) A concise and explicit statement of the underlying facts supporting a finding of an unlawful practice shall be set forth.

(f) In any case where a stenographic recording is not secured, the board's decision shall be in writing.

(g) Where a stenographic recording is made of the proceeding, the board may, in its discretion and consistent with the within rules and the Administrative Procedure Act, N.J.S.A. 45:14B-1 et seq. render its decision orally on the record.

13:44A-6.2 Service of board's decision

(a) A final decision or order rendered in writing by a board shall be effective on the date of delivery, or on such date thereafter as provided for by order in the case. The effective date shall be stamped on the face of the decision or order and shall be served upon the respondent by sending a copy of same certified mail, return receipt requested, to the last known address of the respondent and, where applicable, to counsel for respondent.

(b) Copies shall be forwarded to the Attorney for the Division.

(c) An affidavit of service shall be annexed to the original of the board's final decision.

13:44A-6.3 Payment of civil penalties

In any matter wherein payment of assessed penalties is ordered, payment of the amount set forth in the Order shall be made not later than ten days following service of the board's decision in accordance with the terms thereof, and shall be by certified check or money order made payable to the State of New Jersey by forwarding the same to the board.

13:44A-6.4 Reopening of proceedings

(a) A board may, upon its own motion, or upon motion of the respondent or the attorney for the Division reopen any stage of the proceeding, provided, however, that any motion to reopen shall be timely and for demonstrated good cause.

(b) A motion to reopen proceedings shall be discretionary and not a matter of right.

13:44A-6.5 Validity of rules if any portion declared invalid

If any rule, sentence, paragraph or section of these rules, or the application thereof to any persons or circumstances, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule shall lose its force and effect, such judgment or action shall not affect, impair or invalidate the remainder of these rules.

An order adopting these rules was filed and became effective on May 18, 1979 as R.1979 d.203 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

**LAW AND PUBLIC SAFETY**

**DIVISION OF MOTOR VEHICLES**

**Amendments Concerning  
Convulsive Seizures**

On May 9, 1979, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10.4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:19-5.1 et seq. concerning convulsive seizures as proposed in the Notice published April 5, 1979 at 11 N.J.R. 198(a).

An order adopting these amendments was filed and became effective on June 6, 1979 as R.1979 d.220.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

**ENERGY**

**BOARD OF PUBLIC UTILITIES**

**Amendments Concerning Filing of  
Petitions with Department of Energy**

On May 23, 1979, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 14:1-6.2, 14:1-6.12 and 14:1-6.21 concerning the filing of petitions with the Department of Energy as proposed in the Notice published November 9, 1978 at 10 N.J.R. 513(a).

An order adopting these amendments was filed and became effective on May 29, 1979 as R.1979 d.210.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

**ENERGY**

**BOARD OF PUBLIC UTILITIES**

**Amendments Concerning Cameras and  
Recording Devices in Board Hearings**

On May 23, 1979, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 14:1-1.9 concerning cameras and recording devices in Board hearings substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 561(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Board of Public Utilities.

An order adopting these amendments was filed and became effective on May 29, 1979 as R.1979 d.211.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

**TRANSPORTATION**  
**THE COMMISSIONER**

**Rules on Substantial Completion**

On June 5, 1979, Russell H. Mullen, Assistant Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-34 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:33-3.1, concerning the definition of substantial completion regarding N.J.D.O.T. construction projects as proposed in the Notice published May 10, 1979 at 11 N.J.R. 261(c).

An order adopting these rules was filed and became effective on June 6, 1979 as R.1979 d.221.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

**TRANSPORTATION**  
**THE COMMISSIONER**

**Rules on Lane Use on Parts of  
Route U.S. 9 in Middlesex County**

On June 5, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-88 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-7.5, concerning lane use of parts of Route U.S. 9 in Middlesex County as proposed in the Notice published May 10, 1979 at 11 N.J.R. 261(b).

An order adopting these rules was filed and became effective on June 6, 1979 as R.1979 d.224.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

**TRANSPORTATION**  
**THE COMMISSIONER**

**Amendments Concerning  
Relocation Assistance**

On June 5, 1979, Russell H. Mullen, Assistant Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-72 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:6-1.1, 16:6-2.7 and 16:6-2.9 concerning relocation assistance as proposed in the Notice published May 10, 1979 at 11 N.J.R. 261(a).

An order adopting these amendments was filed and became effective on June 6, 1979 as R.1979 d.222.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

**TREASURY**

**DIVISION OF PENSIONS**

**JUDICIAL RETIREMENT SYSTEM  
STATE HOUSE COMMISSION**

**Proposed Amendment and New Rule Concerning  
The Judicial Retirement System**

William J. Joseph, Secretary of the Judicial Retirement System State House Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. proposes to amend N.J.A.C. 17:10-1.7 and proposes a new rule, N.J.A.C. 17:10-3.6 concerning the Judicial Retirement System.

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

17:10-1.7(a)1. [If a widow or widower fails to timely file the annual statement with the system affirming that she or he has not remarried;]

If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility which is normally mailed to such beneficiaries on an annual basis;

**17:10-3.6 Proof of insurability**

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

Interested persons may present statements or arguments in writing relevant to the proposals on or before July 25, 1979, to:

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

The Judicial Retirement System State House Commis-

(c)

**TRANSPORTATION**  
**THE COMMISSIONER**

**Amendments Concerning Classification**

On June 5, 1979, Russell H. Mullen, Assistant Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-35.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:65-1.2(n) concerning classification of prospective bidders as proposed in the Notice published May 10, 1979, at 11 N.J.R. 262(a).

An order adopting these amendments was filed and became effective on June 6, 1979 as R.1979 d.223.

Howard H. Kestin  
Director  
Office of Administrative Law

sion may thereafter adopt the rules concerning this subject without further notice.

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

**(a)**

**TREASURY**

**DIVISION OF TAXATION**

**Proposed Amendments Concerning  
Pre-Audit Payment of Inheritance Tax**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-38, proposes to amend N.J.A.C. 18:26-8.7 concerning the pre-audit payment of inheritance tax.

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

**18:26-8.7 Pre-audit payment of inheritance tax**

(a) Where the gross estate of a resident decedent is [\$100,000] \$200,000 or less [and the entire estate passes to class A beneficiaries (that is, father, mother, grandparent, husband, wife, child, stepchild, or issue of any child or adopted child),] the representative of the estate may file form L-2 or L-3 (see N.J.A.C. 18:26-9.4(a)2 and 3) together with a certified or cashier's check in full payment of the tax and interest, if any, as computed by the taxpayer on form L-5, and immediately receive necessary waivers[.] , unless the distribution or valuation of the estate involves:

1. Marital deduction; or
2. Closely held corporation; or
3. Inter-vivos trust; or
4. Contingencies requiring compromise.

(b) Returns filed pursuant to this section may be subject to selective audit, and if errors or omissions are found, resulting in an additional tax, a bill for same will be forwarded. Selective audit may be instituted by the bureau within six months of the date of receipt by the bureau of form L-5.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1979 to:

William R. Mulholland  
Superintendent, Inheritance Tax  
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

**(b)**

**TREASURY**

**STATE INVESTMENT COUNCIL**

**Amendments on Classification of Funds  
And the Temporary Reserve Group**

On May 11, 1979, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-5.6 concerning the classification of funds and 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/Pension Division Funds;
6. CMF/Reserve Fund #099;
7. College of Medicine and Dentistry of New Jersey Self Insurance Reserve Fund #110;
8. Emergency Flood Control Fund;
9. General Investment Fund;
10. General Revenue Sharing Fund;
11. General Trust Funds;
12. Higher Education Buildings Construction Fund (Act of 1971);
13. Housing Assistance Fund;
14. Institutional Construction Fund;
- [14] 15. Institutions Construction Fund;
- [15] 16. Medical Education Facilities Fund;
- [16] 17. Mortgage Assistance Fund;
- [17] 18. New Home Warranty Security Fund;
- [18] 19. New Jersey Educational Facilities Authority;
- [19] 20. New Jersey Housing Finance Agency;
- [20] 21. New Jersey State Area Redevelopment Fund;
- [21] 22. Pension Adjustment Fund;
- [22] 23. Public Buildings Construction Fund;
- [23] 24. School Building Aid—Capital Reserve Fund;
- [24] 25. Special Railroad Deposits Trust Fund;
- [25] 26. State Facilities for Handicapped Fund;
- [26] 27. State Health Benefits Fund;
- [27] 28. State Land Acquisition and Development Fund;
- [28] 29. State Lottery Fund—Investment;
- [29] 30. State of New Jersey—Alternate Benefit Program;
- [30] 31. State of New Jersey Cash Management Fund;
- [31] 32. State 1964 Institution Construction Fund;
- [32] 33. State Recreation and Conservation Land Acquisition Fund;
- [33] 34. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
- [34] 35. State Recreation and Conservation Land Acquisition Development Fund;
- [35] 36. State Transportation Fund;
- [36] 37. State Water Development Fund;
- [37] 38. Transportation Benefit Fund;
- [38] 39. Transportation Fund;
- [39] 40. Unemployment Benefits Liability Fund #844;
- [40] 41. Veterans' Loan Guaranty and Insurance Fund;
- [41] 42. Water Conservation Fund.

An order adopting these amendments was filed and became effective on May 18, 1979 as R.1979 d.204 (Exempt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## TREASURY

### DIVISION OF PENSIONS

#### TEACHERS' PENSION AND ANNUITY FUND

##### Amendments Concerning the Teachers' Pension and Annuity Fund

On May 14, 1979, 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. 17:3-1.8, 17:3-2.1, 17:3-3.1 and 17:3-4.11 concerning the Teachers' Pension and Annuity Fund as proposed in the Notice published April 5, 1979 at 11 N.J.R. 208(a).

An order adopting these amendments was filed and became effective on May 22, 1979 as R.1979 d.205.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TREASURY

### DIVISION OF TAXATION

#### Amendment Concerning County Boards of Taxation

On June 1, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 18:12A-1.14 concerning county boards of taxation as proposed in the Notice published May 10, 1979 at 11 N.J.R. 263(b).

Take notice that a printing error in the Notice of Proposal appeared regarding N.J.A.C. 18:12A-1.14(f). No changes were intended to be made to N.J.A.C. 18:12A-1.14(f). Only the new text in N.J.A.C. 18:12A-1.14(g) was intended.

In order to clarify the situation, the full text of the adoption follows:

##### 18:12A-1.14 Revaluations; reassessments

(a) Regarding voluntary revaluation, when a taxing district proposes to revalue real property in said district voluntarily, it must notify the Board of such intent and must obtain approval of the revaluation contract from the Director, Division of Taxation, as prescribed by law (N.J.S.A. 54:1-35.35 et seq. and N.J.A.C. 18:12-4.1 et seq.).

(b) Regarding revaluation ordered by county board of taxation, when a Board determines the need to order a taxing district to revalue its real property, it shall submit the proposed order to the Director, Division of Taxation, for his approval, outlining the reasons that warrant such action. Upon approval of such order, the Board shall take appropriate action to implement same.

(c) Regarding reassessment, when an assessor proposes to revise the assessment list, he shall submit the reassessment plan to the Board setting forth the method to be used, the date of completion and the year in which such reassessment shall take effect. The Board shall advise the assessor of its approval or disapproval of such reassessment proposal within 30 days from the date submitted. In case of disapproval, the reason, therefore, shall be made known to the assessor. The Board shall notify the Director, Division of Taxation, of the assessor's reassessment plan.

(d) The Board shall require a written monthly progress report from the assessor of each taxing district undergoing a revaluation under subsection (a) and (b) hereof or reassessment under subsection (c) hereof.

(e) The Board shall require that the assessor of a taxing district shall actively participate in any such revaluation program and shall be familiar with all facets of such program.

(f) In case of an approved reassessment, the provisions of N.J.S.A. 54:3-22(f) shall be applicable with respect to the year in which the program becomes effective.

(g) Where a contract for a revaluation under subsections (a) or (b) of this section has been entered into by a municipality with an appraisal company, the Director, Division of Taxation before approving or disapproving said contract, shall forward a copy thereof to the appropriate County Board of Taxation for its review and comment. The Board shall, within two weeks from a date specified in a notice to it, submit its comment to the Director. In the event that the Board fails to respond to said request within the prescribed period, the Director shall assume that the Board has no comment to make and the Director shall proceed with his review and shall indicate his approval or disapproval of the contract, as provided by law.

An order adopting this amendment was filed and became effective on June 4, 1979 as R.1979 d.217.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## (Other Agencies)

### MORTGAGE FINANCE AGENCY

#### Emergency Repeal of Part of Rule on Commitment Applications

On June 8, 1979, Christopher G. Kelly, Executive Director of the New Jersey Mortgage Finance Agency, pursuant to authority of N.J.S.A. 17:1B-4 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency amendment which repealed the current text of N.J.A.C. 19:1-4.1(a)5 and 6 concerning commitment applications.

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

19:1-4.1(a)[5. Provision for liquidated damages to be paid by the mortgage seller in the event that it fails to execute a note purchase agreement for the home improvement loan program commitment accepted by the agency; and

6. Provision for payment by the mortgage seller of a commitment fee in an amount prescribed by the agency as consideration for the agency's acceptance of the home improvement loan program commitment application and agreement to purchase home improvement loans from the mortgage seller.]

An order repealing this text was filed and became effective on June 11, 1979, as R.1979 d.226 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

## CASINO CONTROL COMMISSION

### Rules Concerning Minimum And Maximum Wagers

On May 24, 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 new rules, to be cited as N.J.A.C. 19:47-5.7, concerning minimum and maximum wagers substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 566(e) but with subsequent, substantive changes not detrimental to the public in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on May 24, 1979, as R.1979 d.206.

Take notice that the Casino Control Commission will be accepting comments concerning the substantive changes that were adopted regarding these rules. Full text of those substantive changes follows (additions indicated in boldface thus):

19:47-5.7(b) The Commission shall review each submission required by subsection (a) of this section and shall determine whether it conforms to the requirements of the Act and to the regulations of the Commission in the following manner:

1. If the submission required by subsection (a) of this section provides that during non-peak periods, for each of the games of blackjack, craps and roulette respectively, at least 30 per cent of the table games authorized by the Commission or of the table games proposed by the licensee or applicant for authorization by the Commission shall be open for play and shall permit a minimum wager of two dollars, and at least 30 per cent of such authorized or proposed table games shall be open for play and shall permit a minimum wager of five dollars; and that, during peak periods, at least 20 percent of table games authorized by the Commission or of the table games proposed by the licensee or applicant for authorization shall be open for play and shall permit a minimum wager of two dollars, and at least 30 per cent of such authorized or

proposed table games shall be open for play and shall permit a minimum wager of five dollars, then the Commission shall approve such submission; provided, however, that at any time when a casino licensee does not actually open for play sufficient numbers of blackjack, craps or roulette tables to meet the above-stated percentages of table games authorized by the Commission, the following percentages of table games open for play shall apply:

i. During non-peak periods, for each of the games of blackjack, craps and roulette respectively, at least 40 percent of the table games open for play shall permit a minimum wager of two dollars, and at least 40 percent of the table games open for play shall permit a minimum wager of five dollars;

ii. During peak periods, for each of the games of blackjack, craps and roulette respectively, at least 30 percent of the table games open for play shall permit a minimum wager of two dollars, and at least 50 percent of the table games open for play shall permit a minimum wager of five dollars;

19:47-5.7(e) A casino licensee shall give adequate notice of changes in the permissible minimum wagers at table games to patrons. Such adequate notice shall include the posting and announcing of such changes to casino patrons. In no event shall a casino licensee raise the permissible minimum wager at a table game unless the casino licensee has first given the casino patrons at that table game at least one-half hour advance notice of such change.

Interested persons may present statements or arguments in writing relevant to these rules on or before July 25, 1979, to:

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

The New Jersey Casino Control Commission may, thereafter, amend and/or ratify rules concerning this subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

**(b)**

## CASINO CONTROL COMMISSION

### Rules Adding Regulations Relating to Applications (Casino License Conservatorship)

On May 24, 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 new rules, to be cited as N.J.A.C. 19:41-13.1 et seq., concerning applications (casino license conservatorship) substantially as proposed in the Notice published April 5, 1979, at 11 N.J.R. 213(b) with only inconsequential structural or language changes in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on May 24, 1979 as R.1979 d.207.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

# PORT AUTHORITY OF NEW YORK AND NEW JERSEY

## Amendments Concerning Public Vehicular Parking at Port Authority Bus Terminal And Flight Fees at Kennedy International, Newark International and LaGuardia Airports

On April 25, 1979, and May 10, 1979, the Port Authority of New York and New Jersey adopted amendments to the schedule of charges for public vehicular parking at the Port Authority Bus Terminal and to the schedule of charges and permits regarding minimum and peak hour flight fees at Kennedy International, Newark International and LaGuardia Airports.

Full text of the adoptions follows:

Resolved, that the resolution of the Committee establishing rates for the public vehicular parking area at the Port Authority Bus Terminal, adopted on January 31, 1962, as subsequently amended, be and the same is hereby amended to read as follows, effective July 1, 1979:

Resolved, that the following schedule of rates, which rates include 6% New York City parking tax, be and the same is hereby established for the public vehicular parking area at the Port Authority Bus Terminal:

### Parking Duration

Up to ½ hour	\$2.50
Up to 1 hour	3.00
Up to 2 hours	4.00
Up to 4 hours	4.50
Up to 6 hours	5.00
Up to 10 hours	5.50
Up to 11 hours	6.00
Up to 12 hours	6.50
Up to 13 hours	7.00
Up to 24 hours	8.00
Over 24 hours each added hour	.50
Maximum for each 24 hours	8.00

Resolved, that the Executive Director be and he hereby is authorized to revise the Schedule of Charges for the use of the Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Kennedy International, LaGuardia and Newark International Airports by increasing the minimum flight fee at these Airports to \$20; by changing the present \$25 peak hour charge to a \$50 peak hour surcharge on all general aviation aircraft regardless of seating capacity plus the applicable charge on a weight basis at Kennedy International and LaGuardia Airports and changing the hours during which such peak hour fee is effective to be between the hours of 3:00 P.M. to 10:00 P.M. everyday at Kennedy International and 8:00 A.M. to 9:00 P.M. everyday at LaGuardia with no peak hour minimum flight fee on general aviation aircraft at Newark International Airport, effective July 1, 1979; and be it further

Resolved, that the Executive Director be and he hereby is authorized to review and if necessary revise from time to time, the aforesaid Schedule of Charges at Kennedy International, LaGuardia and Newark International Airports, in respect to the hours during which the peak hour flight fee is in force and to impose such peak hour fee at Newark International Airport, if necessary; and be it further

Resolved, that the Executive Director be and he hereby is authorized to issue permits to scheduled commuter air carriers operating at Kennedy International, Newark International and LaGuardia Airports, and maintaining a schedule of at least two round trips per day at least five days per week at one or another of Port Authority air carrier airports, such permits to require (a) the payment of a flight fee of \$15 minimum during all hours and (b) the use of a non-duty runway at Kennedy International Airport whenever such runway is both available and practicable and landing or take-off from such runway is within the capability of the aircraft; and the Executive Director is hereby further authorized to change the conditions of the permits as may be required with respect to the frequency of operations.

An order adopting these amendments was filed on May 31, 1979 as R.1979 d.213 (Exempt, Exempt Agency).

Howard H. Kestin  
Director  
Office of Administrative Law

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# The New Jersey Administrative Code

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# NINE CODE TITLES UPDATED

# INDEX FOR THIS ISSUE

Mailing was completed last month for the January 18, 1979 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 January 18, 1979 update, within two weeks they should contact the Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey 08608, or phone (609) 292-6060.

(Continued from Front Cover)

## HIGHER EDUCATION

- Prop. amend State college personnel policy .... 332(c)
- Prop. amend tuition aid and Garden State Scholarship ..... 342(a)
- Prop. amend student loan amounts and eligibility 342(b)
- Amend financial aid guidelines and award tables 342(c)
- Summer program ..... 343(a)
- Emerg. amend student eligibility and award tables 343(b)

## HUMAN SERVICES

- Prop. amend AFDC forms ..... 344(a)
- Prop. amend General Assistance Manual ..... 345(a)
- Amend P.A.A. .... 345(b)
- Amend physician's procedure codes and fees .... 346(a)
- Prepaid Health Care Services ..... 346(b)
- Amend Assistance Standards Handbook ..... 346(c)
- Amend Medicaid: unborn children ..... 346(d)
- Emerg. amend Food Stamp Manual ..... 346(e)
- Amend abortion reimbursement ..... 347(a)

## INSURANCE

- Prop. taxes paid to firemen's relief associations.. 347(b)
- Prop. minimum standards for health insurance .. 348(a)
- Amend FAIR cancellation and non-renewal .... 348(b)

## LAW AND PUBLIC SAFETY

- Prop. amend driver reexamination ..... 349(a)
- Prop. surrender of registration plates ..... 350(a)
- Prop. amend motor vehicle dealer ..... 350(b)
- Prop. amend emergency vehicle equipment .... 351(a)
- Prop. amend amphetamine use ..... 351(b)
- Prop. amend horse racing tier vacancy ..... 352(a)
- Prop. amend pharmacy exam ..... 352(b)
- Prop. amend jockey fees ..... 353(a)
- Administrative practices for professional boards.. 353(b)
- Amend licensing drivers with convulsive seizures 356(a)

## ENERGY

- Amend filing of petitions ..... 356(b)
- Amend cameras and recorders at PUC hearings .. 356(c)

## TRANSPORTATION

- Definition of substantial completion ..... 357(a)
- Amend relocation assistance ..... 357(b)
- Amend bidder classification ..... 357(c)
- Route U.S. 9 lane usage ..... 357(d)

## TREASURY

- Prop. amend judicial retirement ..... 357(e)
- Prop. amend inheritance tax pre-audit payment.. 358(a)
- Amend temporary reserve group ..... 358(b)
- Amend Teacher's Pension and Annuity Fund .. 359(a)
- Amend County Boards of Taxation ..... 359(b)

## OTHER AGENCIES

- Repeal portions of rule on commitment applications ..... 359(c)
- Casino minimum and maximum wagers ..... 360(a)
- Casino license conservatorship ..... 360(b)
- Amend Port Authority fees ..... 361(a)

ADMINISTRATIVE CODE—Interim Index ..... 335

Next Rules Filing DEADLINE ..... July 19