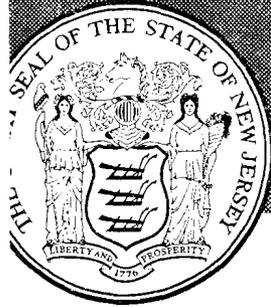


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

G. Duncan Fletcher, Director of Administrative Procedure
Peter J. Gorman, Rules Analyst

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Issuance of Interpretations Concerning Construction Code

Take notice that Philip B. Caton, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs has issued Interpretation No. 6, Process Equipment, and Interpretation No. 7, Kiosks, Plumbing, concerning the Uniform Construction Code.

Copies of these Interpretations are available upon application to the Department of Community Affairs, Bureau of Construction Code Enforcement, P.O. Box 2768, Trenton, New Jersey 08625.

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

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Amendments Concerning the Maintenance of Hotels and Multiple Dwellings

On June 26, 1979, Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:10-1.1 et seq. concerning the maintenance of hotels and multiple dwellings substantially as proposed in the Notice published April 5, 1979, at 11 N.J.R. 164(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Community Affairs.

An order adopting these amendments was filed on June 29, 1979 as R.1979 d.259 to become effective on July 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Repeal of Rules on School Librarian And Teacher Librarian and Proposed Amendments To Rules on Policies Governing Issuance of Certificates in Educational Media

The State Board of Education, pursuant to authority of N.J.S.A. 17A:6-38, proposes to repeal N.J.A.C. 6:11-12.5 (school librarian) and N.J.A.C. 6:11-12.6 (Teacher librarian), and to revise N.J.A.C. 6:11-12.23 (Policies governing issuance of certificates in educational media).

The school librarian and teacher librarian certificates are no longer being issued, since they have been replaced by the certificates for educational media specialist and associate educational media specialist. The section on policies is being revised, since portions of this area cover the transitional period of the librarian certificates (which are now obsolete) to the media certificates.

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

Repeal 6:11-12.5 and 12.6

6:11-12.23 Policies governing issuance of certificates in educational media

(a) Educational media specialist policies are:

1. Persons holding a standard or permanent New Jersey school librarian certificate shall be deemed eligible to receive the educational media specialist certificate.

2. Persons holding a standard New Jersey teaching certificate who have completed a graduate degree program in an accredited institution with specialization in library science, audio-visual, educational media, or equivalent media areas, shall, on application, receive the educational media specialist certificate.

[3. Audio-visual or library personnel with a standard New Jersey teacher's certificate, employed full-time as of the date of passage of these certificates by the State Board of Education as professional multi-school educational media coordinators, supervisors, administrators, or directors, who complete or have completed 24 graduate semester-hour credits in library science, audio-visual, or

NEW JERSEY REGISTER

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

educational media shall, on application, receive the educational media specialist certificate. Persons requesting new certificates under this clause must qualify and apply within three years of the date of passage of these certificates by the State Board of Education.]

[4.] 3. [Students] Persons enrolled as of September 30, 1975, in accredited graduate teacher education programs with specialization in library science, audio-visual, educational media, or equivalent media areas, shall, upon completion of the program, be eligible for the educational media specialist certificate.

[5. Persons who are currently working toward the school librarian certificate, who have had their credentials evaluated for this certification, shall qualify for the educational media specialist certificate, if their credentials are evaluated before June 30, 1975, and if they complete at least four semester-hours credits per year chosen from the areas of deficiency. Persons requesting certification under this clause must qualify and apply within three years of the date of passage of the certificate by the State Board of Education.]

(b) Associate educational media specialist [policies are] policy is:

1. Persons holding a standard or permanent New Jersey teacher-librarian certificate shall be deemed eligible to receive the associate media specialist certificate.

[2. Audio-visual personnel with a standard New Jersey teacher's certificate, who are employed 50 per cent or more of the time as professional audio-visual or educational media staff as of the date of passage of these certificates by the State Board of Education, and who have completed or will complete 12 or more graduate or undergraduate credits in library science, audio-visual, or educational media in an accredited institution shall qualify for the associate educational media specialist certificate. Persons requesting certification under this clause must qualify and apply within two years of the date of passage of the certificate by the State Board of Education.]

3. Students enrolled as of September 30, 1975, in accredited undergraduate teacher education programs with a concentration of 18 semester-hour credits in library science, audi-visual, educational media, or equivalent media areas shall upon completion of the program be eligible for the associate educational media specialist certificate. Persons requesting certification under this clause must qualify and apply within three years of the date of passage of the certificate by the State Board of Education.

4. Persons who are currently working toward the teacher-librarian certificate, who have had their credentials evaluated for this certification and who hold a valid New Jersey teacher's certificate shall qualify for the associate educational media specialist certificate, if their credentials are evaluated before June 30, 1975, and if they complete at least four semester-hour credits per year chosen from the areas of deficiency. Persons requesting certification under this clause must qualify and apply within three years of the date of passage of the certificate by the State Board of Education.]

(c) Procedures for administering subsections (a) 1 and (b) 1 of this section are:

1. Subsection (a) 1: Use the procedure explained below except that for the educational media specialist certificate, the school librarian authorization will be extended to include the rights and privileges of an educational media specialist certificate (N.J.A.C. 6:11-12.21) as adopted by the State Board of Education on May 7, 1975.

2. Subsection (b) 1: The holder of a standard or permanent New Jersey teacher librarian certificate may receive an extension of the authorization of this certificate to in-

clude the functions of the associate educational media specialist certificate. This can be accomplished by the issuance of an extended authorization form to read as follows:

i. The authorization of the teacher librarian certificate of(name)..... is hereby extended to include all of the rights and privileges of the associate educational media specialist certificate (N.J.A.C. 6:11-12.22) under the regulation adopted by the State Board of Education on May 7, 1975.

3. The rationale for these procedures [are] is:

i. [This] The procedure for administration of subsections (a) 1 and (b) 1 would preclude a flood of applications;
ii. [We] This would avoid setting a precedent for issuing a certificate for no fee.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 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 repeal the two rules and adopt the revisions to the other rule substantially as proposed without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Emergency Rules Concerning Implementation of School Bus Chassis, Bus Body and Equipment Specifications

On July 11, 1979, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, Federal Law PL 93-492 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the implementation of school bus chassis specifications and school bus body and equipment specifications.

Full text of the adoption follows:

6:21-5.32 Implementation

The rules contained in this subchapter are mandated for school buses manufactured after October 1, 1978. Buses manufactured on or before October 1, 1978, are covered by the rules of the Department of Education in effect at that time. These latter rules are not reproduced herein, but may be obtained from the Director of Pupil Transportation, Department of Education, 225 West State Street, Trenton, New Jersey 08625.

6:21-6.49 Implementation

The rules contained in this subchapter are mandated for school buses manufactured after October 1, 1978. Buses manufactured on or before October 1, 1978, are covered by the rules of the Department of Education in effect at that time. These latter rules are not reproduced herein, but may be obtained from the Director of Pupil

Transportation, Department of Education, 225 West State Street, Trenton, New Jersey 08625.

An order adopting these rules was filed and became effective on July 11, 1979, as R.1979 d.269 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

EDUCATION

STATE BOARD OF EDUCATION

Rules on Educational Improvement Centers

On July 11, 1979, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:6-95 to 18A:6-102 and in accordance with applicable provisions of the Administrative Procedure Act adopted new rules concerning educational improvement centers substantially as proposed in the Notice published March 8, 1979, at 11 N.J.R. 119(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Education.

Take notice that these rules will be cited as N.J.A.C. 6:80-1.1 et seq. in the new Chapter 80, Educational Improvement Centers, in the new Subtitle N, Intermediate Districts, in Title 6 of the New Jersey Administrative Code rather than as N.J.A.C. 6:57-1.1 et seq. as was indicated in the Notice of Proposal.

An order adopting these rules was filed and became effective on July 17, 1979 as R.1979 d.272.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments Concerning 90 Day Construction Permits

Betty Wilson, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-33, proposes to adopt amendments concerning 90 day construction permits.

The proposal involves the deletion of the current text of N.J.A.C. 7:1C-1.10, Other state statutes, rules and regulations, 7:1C-1.11, Severability, and 7:1C-1.12, Implementation of these rules and regulations; the recodification of the current text of N.J.A.C. 7:1C-1.9, Appeals, which will now be cited as N.J.A.C. 7:1C-1.10; and the adoption of new rules concerning over-the-counter processing which will be cited as N.J.A.C. 7:1C-1.9, if adopted.

Full text of the proposed new rules follows:

7:1C-1.9 Over-the-counter processing

(a) As a means of expediting permit review for certain minor projects, the Department will fast process, unless

emergencies dictate otherwise, minor projects in the categories of stream encroachments, sewer extensions and riparian waterfront development.

(b) Stream encroachment rules are:

1. The Department will provide a 24 hour, one day processing service for certain "minor" stream encroachment permits (listed below). Projects must be in-house by 9:30 A.M., otherwise the permit will be put in the mail, or can be picked up the next day. Pre-application conferences are recommended to ensure that all necessary material will be submitted. An appointment must be made for the over-the-counter submittal process, review, and permit issuance.

2. The Construction Permit form (CP #1) must be properly completed, but it does not need to be forwarded to any county or municipal agency (See N.J.A.C. 7:1C-1.3(d)). An engineering data sheet must be completed for all stream encroachment projects. For headwalls, under the stream encroachment application engineering data sheet, only the following items need be supplied: a, b, c, d, e, f (one plan view and one profile of the out-flow line continuing so as to include a cross-section of the channel), h, j, l, and t. Note: there is a separate data sheet for Pines/Cables.

3. Minor stream encroachment projects are projects which do not adversely change the water carrying capacity of the floodway, do not increase erosion or sedimentation in the stream and do not require substantial channel modification or relocation.

i. Minor stream encroachment projects which will be processed on an "over-the-counter" basis shall include, but are not limited to:

- (1) Sewer headwalls;
- (2) Outlet works;
- (3) Sewer outlet diffusers;
- (4) Minor water intake facilities;
- (5) Minor regrading;
- (6) Utilities that are constructed within 100 feet of the top on the channel bank;
- (7) Each channel crossing of utility;
- (8) Minor bank re-establishment and/or protection projects, limited to 100 feet;
- (9) Bridge deck replacements;
- (10) Farming practices (including ditches) approved by the Soil Conservation Service;
- (11) Projects whose major purpose is mosquito control pursuant to N.J.S.A. 26:9-1 et seq.

ii. Minor stream encroachment projects which will not be processed on an "over-the-counter" basis shall include:

- (1) Desnagging and stream cleaning;
- (2) Minor dredging projects;
- (3) Dug ponds without structures;
- (4) Channel excavations project, where all material is removed from the flood plain, or graded and stabilized;
- (5) Residential foot-bridges;
- (6) Recreation and habitat management structures of the Division of Fish, Game and Shellfisheries;
- (7) No "over-stream" crossing approval unless "attached" to the downstream side of an existing bridge or culvert and above the underclearance; or
- (8) "Within" the superstructure of the bridge or culvert;
- (9) Combined projects of government agencies submitted as one minor project for a calendar year will not be considered as a minor project for "over-the-counter" permit purposes.

(c) Sewer extensions rules are:

1. DEP has a (24 hour) one-day processing service for "minor" sewer extension projects. "Minor" sewer extension projects must be:

- i. Length of 1,000 linear feet or less;
 - ii. Cost of \$25,000 or less;
 - iii. Sewage flow per day of 12,000 gallons or less.
2. No projects with pump stations, force mains, siphons, gallage transfers or holding tanks will be processed over-the-counter. Projects cannot be located in areas under sewer ban, administrative orders, or litigation.
3. Projects must be in-house by 9:30 A.M., and all administrative documents must be in proper order. Pre-application conferences are strongly recommended. Over-the-counter projects will be processed by appointment only.
4. Applicants must include in the application package proof of a prior approval, endorsement, or a letter of no objection from all required local agencies prior to filing application with the State.
5. An "engineer's report" form, available from the Public Wastewater Facilities Element of the Division of Water Resources, must be completed and certified by a licensed New Jersey engineer and submitted with the application.

(c) Riparian rules are:

1. DEP has a (24 hour) one-day processing service for "minor" Riparian projects. This over-the-counter service applies to waterfront construction activity in man-made lagoons and minor maintenance and/or repair or replacement of lawful existing structures, so long as applicants submit the required information (including a prior riparian conveyance: grant, lease, license, from the State).

2. No over-the-counter authorization will be given for dredging, filling, or addition or changes in configuration of structures.

3. A pre-application conference is recommended. And in order to avoid unnecessary inconvenience, it is suggested that an applicant phone for an appointment on an over-the-counter project.

4. As a condition of approval, the applicant must give a forty-eight (48) hour notice prior to commencing work.

5. An applicant should apply for a same day permit by 11:30 A.M. otherwise his permit can be picked up the next day or mailed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 7, 1979 to:

William McCarthy
Division of Administration
Department of Environmental Protection
88 East State St.
Trenton, N.J. 08625

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

Betty Wilson
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on the Flood Plain Delineation of the Rockaway River, the Passaic River and Various Tributaries Within Morris and Essex Counties

Betty Wilson, Acting 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 Rockaway River within the Town of Boonton, Morris County; the Passaic River within the Township of Chatham, Morris County; Pine Brook within the Borough of Essex Fells, Essex County; the North Branch Foulertons Brook from its mouth upstream to Livingston Avenue, Canoe Brook, Foulertons Brook and the Passaic River all within the Borough of Roseland, Essex County; the Passaic River from Madisonville Road upstream within the Township of Harding; Primrose Brook from Lee Hill Road to 0.3 miles upstream from Interstate Route I-287 within Harding Township; Great Brook from Woodland Avenue upstream to James Street within the Townships of Harding and Morris and the Town of Morristown, Silver Brook from its confluence with Great Brook upstream to Interstate Route I-287 and a tributary of Great Brook from its mouth upstream to James Street within the Township of Harding, all within the County of Morris; the Whippany River from the downstream municipal boundary of Morris Township to upstream of Sussex Avenue, through the Township of Morris and Town of Morristown, Morris County; Watnong Brook from its confluence with the Whippany River upstream through the Township of Morris and Borough of Morris Plains and Jaquis Brook from its confluence with Watnong Brook through the Borough of Morris Plains; all within the County of Morris.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on Monday, August 27, 1979 at 8:00 p.m. in the Planning Board Room, Hartley Dodge Memorial, Kings Road, Madison, New Jersey.

This proposal is known within the Department of Environmental Protection as Docket No. DEP 047-79-07.

The proposed delineation affects the Town of Boonton, Township of Chatham, Township of Harding, Township of Morris, Town of Morristown, and Borough of Morris Plains, all in the County of Morris, based upon studies undertaken by the Bureau of Flood Plain Management under contract 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 proposed portion of the Rockaway River within the Town of Boonton; the Passaic River within the Township of Chatham, and various tributaries, all within the Counties of Essex and Morris, 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 August 29, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may there-

after adopt this amendment substantially as proposed without further notice.

Betty Wilson
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION
DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed 1980 Fish Code

The Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt the 1980 Fish Code. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 045-79-07.

Copies of the proposed 1980 Fish Code have been prepared and summary supplied to newspapers throughout the State. The proposed Fish Code states when, under what circumstances, in what localities, by what means and in what amounts fish may be taken, killed or had in possession.

Copies of the 20 pages of the full text of the proposal 1980 Fish Code may be obtained from:

Division of Fish, Game and Shellfisheries
Post Office Box 1809
Trenton, N.J. 08625

A public hearing respecting this proposal will be held on September 11, 1979, at 7:30 P.M. in the office of the Division of Fish, Game and Shellfisheries, 363 Pennington Avenue, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 11, 1979, to the Fish and Game Council in the Division of Fish, Game and Shellfisheries at the above address.

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

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

(b)

ENVIRONMENTAL PROTECTION
DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Amendments Concerning Upstream Lines Requiring Licenses

Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries, pursuant to the authority of N.J. S.A. 23:1-2, 23:3-1 and 23:9-1, and with the advice of the Fish and Game Council, proposes to amend N.J.A.C. 7:25-16.1 et seq. concerning lines upstream of which license is required to fish with handline, rod and line, or long bow and arrow. Such proposal is known within the

Department of Environmental Protection as Docket No. DEP 044-79-07.

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

7:25-16.1 Defining lines upstream of which license is required to fish with handline, rod and line or long bow and arrow

(a) The following table defines lines upstream of which a license is required to fish with handline, rod and line or long bow and arrow:

Name of Water License required upstream of this location

* * * * *
CAMDEN COUNTY

[Big Timber Creek Required whole length
Cooper River Required whole length
Delaware River Required whole length
Newton Creek Required whole length
Pennsauken Creek Required whole length]
License required on Delaware River and all other waters.
* * * * *

CUMBERLAND COUNTY

Mill Cr. - Tributary [Dam at Clarks Pond, Fairton]
of Cohanse at Fairton Route 553 Bridge, Fairton
* * * * *

HUNTERDON COUNTY

License required on Delaware River and all other waters.
* * * * *

MERCER COUNTY

[Back Creek Required whole length
Crosswicks Creek Required whole length
Delaware River Required whole length
Doctors Creek Required whole length]
License required on Delaware River and all other waters.
* * * * *

OCEAN COUNTY

Lake of Lillies Entire Lake
* * * * *

PASSAIC COUNTY

[Passaic River Required whole length]
License required on all waters.
* * * * *

SOMERSET COUNTY

License required on all waters.

SUSSEX COUNTY

License required on all waters.
* * * * *

WARREN COUNTY

License required on all waters.

A public hearing on this will be held September 11, 1979, at 7:30 P.M. in conjunction with a hearing on the 1980 Fish Code at the offices of the Division of Fish, Game and Shellfisheries at 363 Pennington Avenue, Trenton, New Jersey.

Persons wishing to make oral statements shall notify the hearing officer at the hearing.

Interested persons may present statements or arguments

in writing relevant to the proposal on or before August 30, 1979 to:

Director
Division of Fish, Game and Shellfisheries
P.O. Box 1809
Trenton, New Jersey 08625

The Division of Fish, Game and Shellfisheries may thereafter adopt rules concerning this subject without further notice.

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

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Water Resources Project Priority List for 1980-1981

Betty Wilson, Acting Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and in accordance with the provisions of 40 CFR 35, proposes to adopt and file with the United States Environmental Protection Agency by October 15, 1979 the annual Project Priority List. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 043-79-07.

The Construction Grant Priority System and Project List describes the methodology and establishes a list, in order of priority, of municipal water pollution control projects which may be eligible to receive financial assistance for planning and construction.

On or about August 24, 1979, copies of the preliminary project document will be mailed for review and comment to units of local and county governments, sewerage authorities, environmental and conservation groups, members of the Legislature, and other organizations having an interest in water pollution control in the State.

Copies of the project document may be obtained by writing to:

Richard Salkie, Administer
Construction Grants Administration
Division of Water Resources
N.J. Department of Environmental Protection
P.O. Box CN-029
Trenton, New Jersey 08625

In accordance with the provisions of 40 CFR 35.915, a public hearing on the priority list will be held September 27, 1979 at 10:00 a.m. at the Mercer County Extension Service Building (next door to the Trenton Farmers Market), 930 Spruce Street, Trenton, New Jersey.

Interested persons or organizations may make oral presentations at the hearing, or provide written statements relevant to the proposed action prior to or up to eight (8) days after the hearing to the Division of Water Resources at the above address. There will be given due consideration in preparing the final document.

This document will be adopted by the Department of Environmental Protection subsequent to approval by the United States Environmental Protection Agency, Region II, New York.

Betty Wilson
Acting Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice Concerning Sale of Land Within the Pinelands Preservation Area

Take notice that the Department of Environmental Protection has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 042-79-07, concerning the sale of land within the Pinelands Preservation Area:

Pursuant to the "Pinelands Protection Act," Chapter 111, Laws of 1979, all counties and municipalities located in whole or in part in the Pinelands preservation area are hereby notified by the Office of the Commissioner of Environmental Protection of the following provisions of this Act regarding the sale of land within the Pinelands "preservation area."

Section 21, subsections a, c, d

21.a. No person shall contract to sell any land within the preservation area, or any interest therein or option therefor, until such person has transmitted to the Commissioner of Environmental Protection by certified mail, a written notice of intention to sell such land, interest, or option at least 60 days prior to entering into any such contract; provided, however, that the provisions of this subsection shall not be applicable to any contract of sale for any structure which is located on any lot less than 10 acres, nor to any contract of sale between or among husband and wife, parent and child, brother and sister, or grandparent and grandchild.

c. Any contract made in violation of subsection a. of this section is voidable.

d. Any corporation which owns any land, or interest therein, within the preservation area shall transmit, by certified mail, within 10 days of the occurrence thereof, a written notice to the Commissioner of Environmental Protection of any change or series of changes in the ownership of more than 10% of the stockholdings in such corporation.

Public notice of these provisions will be made by this office in two newspapers circulating within the affected Pinelands areas as well as published in the New Jersey Register.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administration Law

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Notice of Public Hearing Concerning Upper Delaware Area Water Quality Management Plan

Take notice that the Division of Water Resources, Office of Areawide Planning in the Department of Environ-

mental Protection has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 039-79-07, concerning a public hearing regarding the Upper Delaware Area Water Quality Management Plan.

Full text of the Notice follows:

The Division of Water Resources, Office of Areawide Planning, in the Department of Environmental Protection will hold a public hearing, pursuant to the authority of N.J.S.A. 58:11A-8 and in accordance with 40 CFR 105.7, on September 20, 1979, at the Phillipsburg Municipal Building, 675 Corliss Avenue, Phillipsburg, New Jersey. The hearing will be held from 7:00 P.M. until 11:00 P.M., or until the end of testimony. The hearing topic is the Upper Delaware Area Water Quality Management Plan prepared pursuant to Section 208 of the Federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq. (Supp. 1978) and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

Copies of the draft plan will be available for review, 30 days prior to the hearing, at the Division of Water Resources, Office of Areawide Planning, 1474 Prospect Street, Trenton; the New Jersey State Library, Trenton; the Hunterdon County Soil Conservation District Office, Flemington; the Phillipsburg Free Public Library, Phillipsburg; and the Warren County Soil Conservation District Office, Hackettstown.

Subsequent to the public hearing, the Plan will be submitted to the Governor and the Regional Administrator of Region II of the U.S. Environmental Protection Agency for review and adoption as the official Water Quality Management Plan for the Upper Delaware Area, pursuant to the authority of N.J.S.A. 58:11A-5 and in accordance with 40 CFR 35.1523-1 et seq.

Interested persons may present either oral or written comments at the public hearing. Written comments will also be accepted by the Department until October 4, 1979. Such written comments should be submitted to:

Dr. Shing-Fu Hsueh, Basin Manager
Division of Water Resources
Office of Areawide Planning
P.O. Box CN-029
Trenton, New Jersey 08625

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

(a)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

Notice of Public Hearing Concerning Lower Delaware Area Water Quality Management Plan

Take notice that the Division of Water Resources, Office of Areawide Planning in the Department of Environmental Protection has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 038-79-07, concerning a public hearing regarding the Lower Delaware Area Water Quality Management Plan.

Full text of the Notice follows:

The Division of Water Resources, Office of Areawide Planning in the Department of Environmental Protection will hold a public hearing, pursuant to the authority of N.J.S.A. 58:11A-8 and in accordance with 40 CFR 105.7, on September 26, 1979, at the New Jersey Department of Agriculture Building, Route 77, Upper Deerfield Township, New Jersey. The hearing will be held from 7:00 P.M. until 11:00 P.M. or until the end of testimony. The hearing topic is the Lower Delaware Area Water Quality Management Plan prepared pursuant to Section 208 of the Federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq. (Supp. 1978) and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

Copies of the draft plan will be available for review, 30 days prior to the hearing, at the Division of Water Resources, Office of Areawide Planning, 1474 Prospect Street, Trenton; the New Jersey State Library, Trenton; the Millville Public Library, Millville; the Salem Free Public Library, Salem; the Vineland Public Library, Vineland; the Pennsville Public Library, Pennsville; the Bridgeton Free Public Library, Bridgeton; and the Cumberland County Library, Bridgeton.

Subsequent to the public hearing, the Plan will be submitted to the Governor and the Regional Administrator of Region II of the U.S. Environmental Protection Agency for review and adoption as the official Water Quality Management Plan for the Lower Delaware Area, pursuant to the authority of N.J.S.A. 58:11A-5 in accordance with 40 CFR 35.1523.1 et seq.

Interested persons may present either oral or written comments at the public hearing. Written comments will also be accepted by the Department until October 10, 1979. Such written comments should be submitted to:

Dr. Shing-Fu Hsueh, Basin Manager
Division of Water Resources
Office of Areawide Planning
P.O. Box CN-029
Trenton, New Jersey 08625

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

(b)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

Notice of Public Hearing Concerning Monmouth County Water Quality Management Plan

Take notice that the Division of Water Resources, Office of Areawide Planning in the Department of Environmental Protection has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 040-79-07, concerning a public hearing regarding the Monmouth County Water Quality Management Plan.

Full text of the Notice follows:

The Division of Water Resources, Office of Areawide Planning in the Department of Environmental Protection will hold a public hearing, pursuant to the authority of

N.J.S.A. 58:11A-8 and in accordance with 40 CFR 105.7, on September 17, 1979, at the Monmouth County Court House, Court Street, Freehold, New Jersey. The hearing will be held from 7:00 P.M. until 11:00 P.M. or until the end of testimony. The hearing topic is the Monmouth County Water Quality Management Plan prepared pursuant to Section 208 of the Federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq. (Supp. 1978) and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

Copies of the draft plan will be available for review, 30 days prior to the hearing, at the Division of Water Resources, Office of Areawide Planning, 1474 Prospect Street, Trenton; the New Jersey State Library, Trenton; the Monmouth County Library, Shrewsbury; and the Monmouth County Planning Board, Freehold.

Subsequent to the public hearing, the Plan will be submitted to the Governor and the Regional Administrator of Region II of the U.S. Environmental Protection Agency for review and adoption as the official Water Quality Management Plan for Monmouth County, pursuant to the authority of N.J.S.A. 58:11A-5 and in accordance with 40 CFR 35.1523-1 et seq.

Interested persons may present either oral or written comments at the public hearing. Written comments will also be accepted by the Department until October 1, 1979. Such written comments should be submitted to:

James Mumman, Basin Manager
Division of Water Resources
Office of Areawide Planning
P.O. Box CN-029
Trenton, New Jersey 08625

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Notice of Public Hearing Concerning Upper Raritan Area Water Quality Management Plan

Take notice that the Division of Water Resources, Office of Areawide Planning in the Department of Environmental Protection has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 041-79-07, concerning a public hearing regarding the Upper Raritan Area Water Quality Management Plan.

Full text of the Notice follows:

The Division of Water Resources, Office of Areawide Planning in the Department of Environmental Protection will hold a public hearing, pursuant to the authority of N.J.S.A. 58:11A-8 and in accordance with 40 CFR 105.7, on September 13, 1979, at the Somerset County Vocational and Technical School, North Bridge and Vogt Drive, Bridgewater, New Jersey. The hearing will be held from 7:00 P.M. until 11:00 P.M., or until the end of testimony. The hearing topic is the Upper Raritan Area Water Quality Management Plan prepared pursuant to Section 208 of the Federal Clean Water Act, as amended, 33 U.S.C. 1251 et

seq. (Supp. 1978) and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

Copies of the draft plan will be available for review, 30 days prior to the hearing, at the Division of Water Resources, Office of Areawide Planning, 1474 Prospect Street, Trenton; the New Jersey State Library, Trenton; Somerset County Park Commission Environmental Education Center, Basking Ridge; Somerset County Planning Board, Somerville, Morris County Extension Service, Morristown; Hunterdon County Planning Board, Flemington; South Branch Watershed Association, Lebanon; Upper Raritan Watershed Association, Far Hills.

Subsequent to the public hearing, the Plan will be submitted to the Governor and the Regional Administrator of Region II of the U.S. Environmental Protection Agency for review and adoption as the official Water Quality Management Plan for the Upper Raritan Area, pursuant to the authority of N.J.S.A. 58:11A-5 and in accordance with 40 CFR 35.1523-1 et seq.

Interested persons may present either oral or written comments at the public hearing. Written comments will also be accepted by the Department until September 27, 1979. Such written comments should be submitted to:

Robert Tassan, Basin Manager
Division of Water Resources
Office of Areawide Planning
P.O. Box CN-029
Trenton, New Jersey 08625

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Closing of Natural Seed Beds in Delaware Bay

Take notice that, Daniel J. O'Hern, Commissioner of Environmental Protection, has issued the following notice, known within the Department of Environmental Protection as Docket No. 036-79-07, concerning the closing of natural seed beds in the Delaware Bay.

Full text of the Notice follows:

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection and the Maurice River Cove Shellfisheries Council have ordered the closing of the natural seed beds above what is commonly known as the Southwest Line in Delaware Bay for the taking of seed oysters. This closure is effective June 22, 1979 pursuant to N.J.S.A. 50:1-5 and is necessary for the preservation and improvement of the shellfish industry.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments Concerning State Aid To Local Environmental Agencies

On July 3, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq., P.L. 1979 c. 56 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:37-1.1 et seq. concerning State Aid to Local Environmental Agencies substantially as proposed in the Notice published June 7, 1979, at 11 N.J.R. 275(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 027-79-05.

An order adopting these amendments was filed and became effective on July 5, 1979 as R.1979 d.263.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amended Rules Implementing the Safe Drinking Water Act

On July 13, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq., 58:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:10-1.1 et seq. concerning the implementation of the Safe Drinking Water Act substantially as proposed in the Notice published April 5, 1979, at 11 N.J.R. 170(a) with only inconsequential structural or language changes in the opinion of the Department of Environmental Protection.

Such rules are known within the Department of Environmental Protection as Docket No. DEP 015-79-03.

An order adopting these amendments was filed and became effective on July 13, 1979 as R.1979 d.271.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments to the Central Pine Barrens Water Quality Standards And Designation as a Critical Area

On July 19, 1979, Betty Wilson, Acting Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq., 58:10A-1 et seq., 58:11-43 et seq. and in accordance with applicable provisions of the Adminis-

trative Procedure Act, adopted amendments to N.J.A.C. 7:9-10.1 et seq. concerning the Central Pine Barrens water quality standards and designation as a critical area as proposed in the Notice published November 9, 1978, at 10 N.J.R. 476(a).

An order adopting these amendments was filed and became effective on July 19, 1979, as R.1979 d.282.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HEALTH

THE COMMISSIONER

Proposed New Rule Concerning Temporary Reporting Procedures

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of 26:2H-1 and with the approval of the Health Care Administration Board proposes to adopt a new rule, concerning temporary reporting procedures to be used for developing preliminary cost bases for a group of twenty-six New Jersey acute care general hospitals for 1980.

Full text of the proposal follows:

8:31A-5.5 Temporary reporting procedures; certain acute care general hospitals

(a) On or before September 5, 1979, the Commissioner shall determine the order in which hospitals shall have their Preliminary Cost Base and appropriate Schedule of Rates approved by the Commission and publish a list of not less than 22 or more than 26 New Jersey acute care general hospitals which form a group of institutions reasonably balanced to reflect the range of demographic variation, structural and operating characteristics, as well as relative levels of operating efficiency and of medical indigency responsibilities, within the state of New Jersey, as a whole. The Commissioner shall provide notice to each hospital selected by certified mail.

(b) Within five days of receipt of notice, hospitals so notified shall submit to the Commissioner Medicare form S.S.A. 2552 for calendar year 1978 and a copy of their audited financial statements.

(c) Within 14 days of receipt of notice, hospitals so notified shall complete and return to the Commissioner temporary reporting forms:

FORM	TITLE
PCBS-1	Patient Care Volumes
PCBS-2	Major Moveable Equipment Price Level Depreciation Allowance
PCBS-3	Major Moveable Equipment Costs
PCBS-4	Adjustment for supplies sold to patients included in Patient Care Cost Centers
PCBS-5	Recast of cost center expenses
PCBS-6	Non Operating Revenue and Expenses
PCBS-7	Reconciliation of Reported SHARE Information to Hospital Audited Financial Statements
PCBS-8	Patient Care Gross Revenue
PCBS-9	Deductions from Gross Revenue
PCBS-10	Net Operating Revenue Allocation Statistics Matrix

PCBS-11

Allocations to Skilled Nursing Facility

Note: These forms will be used to supplement SHARE 1978 actual reporting.

(d) Should individual hospitals be unable to submit in a timely and suitable manner, the data required in subsection (c) of this section to evaluate working capital needs, price level depreciation and medical indigency requirements, individual preliminary cost bases may be developed without these financial elements. Furthermore, in order to develop standards and preliminary cost bases in a timely manner, the Commissioner shall use such appropriate data as is available and may eliminate hospitals from the group which fail to submit suitable data in a timely manner.

Note: Copies of the above forms are available from:

James R. Hub, Director
Health Economic Services
Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments to Narcotic Definitions

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend certain narcotic definitions.

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

8:65-10.3(b)3. Narcotic drugs: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or salts thereof (**the quantity of narcotic drug shall be calculated as the free anhydrous base or alkaloid**):

8:65-10.4(b)4. Narcotic drugs: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof (**the quantity of narcotic drug shall be calculated as the free anhydrous base or alkaloid**):

8:65-10.5(b)1. Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or any salts thereof, which shall include one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone (**the quan-**

tity of narcotic drug shall be calculated as the free anhydrous base or alkaloid):

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendments Concerning Exempt Chemical Preparations

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3, proposes to adopt amendments concerning exempt chemical preparations.

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

8:65-10.8(b) A complete list of preparations and mixtures are found in Section 1308.24(i) of 21 C.F.R. (as amended by Federal Register Volume 44, Numbers 51 and 94 dated March 14, 1979 and May 14, 1979), and includes "Chloral, when packaged in a sealed, oxygen-free environment, under nitrogen pressure, safeguarded against exposure to air." (38 FR 8255, March 10, 1973, as amended.) Copies of 21 C.F.R. Part 1300 may be purchased from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Notice of Printing Error Regarding Alcohol Abuse Treatment Rules

Take notice that, in the Notice of Adoption appearing in

the July 5, 1979, issue of the New Jersey Register at 11 N.J.R. 331(b), it was incorrectly stated that the Department of Health adopted rules for free-standing ambulatory care facilities—drug abuse treatment services. The correct subject matter of those adopted rules concern rules for free-standing ambulatory care facilities—alcohol abuse treatment services.

The remaining information in that Notice of Adoption was correctly stated.

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

(a)

HEALTH

PUBLIC HEALTH COUNCIL

Amendments Concerning Collection, Processing, Storage and Distribution of Blood

On June 19, 1979, Jane B. Robinson, Chairperson of the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:8-1.1 et seq. concerning the collection, processing, storage and distribution of blood in Chapter X of the State Sanitary Code substantially as proposed in the Notice published February 8, 1979, at 11 N.J.R. 64(d) with only inconsequential structural or language changes in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on June 19, 1979 as R.1979 d.248.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Statement of Principles and Mistreatment of Clients

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend a portion of the Public Assistance Manual concerning statement of principles and mistreatment of clients.

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

10:81-1.1(d) Such assistance and services shall be rendered to all eligible individuals and families in an atmosphere of mutual respect between agency employees and the people they serve. Agencies shall ensure that assistance and services are:

1. Extended in a manner and environment that increases a person's sense of importance, dignity and self-esteem;

2. Designed and administered to respect the human and civil rights of persons applying for or receiving assistance;

3. Provided in the least restrictive, most appropriate setting.

[(d)] (e) This manual sets forth the policies and procedures necessary to the orderly and equitable provision of public assistance on a statewide basis. It is binding on the county welfare agencies and enforceable by the Division of Public Welfare. Questions of interpretation will be resolved by the Division of Public Welfare.

10:81-1.14 Reporting alleged employee misconduct toward a client

(a) Whenever a County Welfare Agency is aware of an alleged misconduct by an employee toward a client, the Director of said Agency shall immediately have the matter investigated and report the findings on the facts to the Director of the Division of Public Welfare as soon as possible, preferably before any disciplinary action against such an employee is contemplated. The Director of the Division of Public Welfare will determine within 10 days of receipt of such material whether or not the Division will provide a representative to give advice and counsel to the Welfare Agency.

(b) Within 30 days after receipt of the above notice from the Welfare Agency, the Division of Public Welfare may make its own investigation to determine the facts of the matter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 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

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning The Transfer of Cases from One County to Another

Ann Klein, Commissioner of Human Services, pursuant to authority, of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend a portion of the Public Assistance Manual concerning the transfer of cases from one county to another.

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

10:81-3.27(b)3.i. If the move is permanent, [and the case warrants continued assistance, transfer of the case shall be accomplished expeditiously by discontinuance of the grant in the county of origin and award of a grant in the receiving county, to occur simultaneously in the first month for which the CWA directors mutually so arrange.] the county of origin shall transfer the case records within five working days from the date it is notified of the move. If such records reach the receiving county before the 10th of the month, it shall immediately accept case responsibility and grant assistance for the next month. If case

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Computer Input Forms and Child Care Deductions

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend portions of the Assistance Standards Handbook by including references to computer input forms and by revising regulations pertaining to child care deductions.

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

10:82-2.1 Form PA-3A or Form 105

(a) To determine the monthly assistance grant, Form PA-3A, Worksheet and Authorization for Public Assistance, or Form 105, the computer (CODES) input form, if appropriate, shall be prepared for each eligible unit. (See CODES Manual for preparation of Form 105.) All information supporting the data on Form PA-3A or Form 105 must be included in the agency's case record.

...

10:82-2.2 Initial eligibility

On all new applications, reapplications or reopened applications, initial financial eligibility must be established before a determination of the amount of the monthly grant can be made. Form PA-3A or Form 105, if appropriate, provides space for this initial determination. See Section 7 of this subchapter regarding initial eligibility for AFDC-C and -F, and section 11 of this subchapter regarding AFDC-N.

10:82-2.4(b)1. For earned income, the net amount to be considered available shall be determined by deducting expenses of employment child care (subchapter 5 of this chapter) and all reasonable payroll deductions, including Federal, State, and city withholding taxes, Social Security, unemployment compensation taxes, insurance, union dues, pension contributions, and garnishments. The \$30 and 1/3 disregard of earned income does not apply.

10:82-2.9(c)2. The grant for the eligible unit shall be the appropriate allowance standard on Schedule I less any income to the eligible unit such as child support, Social Security benefits, direct cash contributions from the step-parent or net income of the parent after mandatory payroll deductions and child care payments due to the parent's employment are subtracted.

10:82-5.9 Child care payments

When the county welfare agency has determined that expenses for training are appropriate in accordance with this subchapter, payment for child care shall be provided where necessary. (See subchapter 1 and this subchapter of this chapter for regulations governing child care allowances.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

records are received on or after the 10th of the month, the receiving county shall assume case responsibility and grant assistance for the second month after the month in which the case records were received, except as noted in N.J.A.C. 10:81-7.1. The receiving county shall immediately notify the county of origin of the date the case records were received and the date it will grant assistance.

ii. The welfare of the clients shall not be adversely affected and their right to uninterrupted assistance, if in need, shall not be prejudiced by disagreement or other administrative difficulty between the counties. Any adverse change in grant resulting from transfer requires timely notice. If the receiving county is unable to verify eligibility within prescribed time limits, it must accept case responsibility in accordance with subparagraph i above and grant assistance based on presumptive eligibility until such verification is completed.

iii. When a reduction in grant results from the transfer, the receiving county shall send timely notice of such change to the client and a copy to the county of origin. The county responsible for the next assistance grant must issue that grant in a reduced amount unless a request for a fair hearing is received.

10:81-3.28 [Administrative procedure] (Reserved)

[(a) The CWA directors shall mutually determine the dates of case transfer, issuance of grant and the extent of case documents to be forwarded. The receiving CWA shall forward notice of receipt of case materials and issuance of grant.

(b) Any case in which transfer procedures are not mutually agreed upon by the CWA directors concerned within thirty days of the date of original referral, shall be promptly reported by the county of origin to the State Division by letter, setting forth the pertinent available facts. This does not mean that the actual transfer must be completed within thirty days, but rather that an understanding between the CWA directors shall be concluded within that time.]

10:81-7.1(h) 1. Whenever the fair hearing officer determines that payment shall be unreduced pending the final hearing decision, the county of origin shall continue to grant assistance until the decision is rendered. The receiving county shall then immediately accept case responsibility and grant assistance for the next month, unless already issued by the county of origin.

2. If the grant is reduced at the time of the hearing, it shall be the receiving county's responsibility to issue the next month's grant, unless already issued by the county of origin.

10:81-7.1(k)5. Seven days notice will be considered timely when, in the judgment of CW[B]A director, there is substantiated evidence that client is receiving assistance through willful fraud;

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning VISTA Payments, Payments of Medical Bills and Assistance Orders

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 exemption of certain payments received under VISTA, payment of medical bills for SSI applicants requiring inpatient hospital care or care in a long term care facility and submittal of assistance orders.

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

10:85-3.1(a)1. iii. When an individual whose application for SSI is pending requires in-patient hospital care or care in a long term care facility, the MWD shall withhold payment for such care in accordance with N.J.A.C. 10:85-5.7.

10:85-3.3(e)5. vii. VISTA volunteer payments: Payments made to persons who have been receiving General Assistance and who qualify as VISTA volunteers. This exemption does not apply to stipends or other monies received by persons who have not been receiving General Assistance prior to qualification as VISTA volunteers, nor does it apply to payments to persons who work for VISTA in a capacity other than as a volunteer.

10:85-4.3 [Orders submitted to the municipality for payment shall bear the signatures of the Director of Welfare, the client (or his/her authorized representative) and the vendor.] Assistance orders shall be serially numbered when printed. Assistance orders submitted for payment shall bear the signatures of the Director of Welfare, the recipient and the vendor. Rubber stamp or typescript signatures are not valid unless countersigned by a duly authorized staff member. Reimbursement to municipalities will be contingent upon compliance with this regulation.

10:85-5.7 SSI application pending; payments

(a) In situations where in-patient hospital care or care in a long term care facility is required by an eligible person whose SSI application is pending, the MWD will assure the provider of payment in accordance with all regulations in this chapter. Such payment will, however, be withheld during the period in which the SSI application is pending. The MWD shall authorize payment of all other medical expenses as for other GA recipients.

(b) If the application is approved, the withheld payments will be made through the Medical Assistance (Medicaid) program on a retroactive basis. If the application is denied, the MWD shall promptly make payment for the costs incurred during the pending period, such payments

being eligible for reimbursement to the same extent as other medical payments.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Drug and Alcohol Treatment Centers

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:k-111, proposes to amend N.J.A.C. 10:85-3.3(f)4. in the General Assistance Manual concerning payment to or on behalf of an eligible individual residing in a center for the treatment of drug or alcohol abuse.

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

10:85-3.3(f)4. Drug and alcohol treatment centers: When an individual is receiving room and board in a [Residential Drug Treatment Center] residential center for the treatment of drug or alcohol abuse, whether or not the center is licensed by the N.J. Department of Health, the total allowance shall not exceed [\$125 per month. Of this amount, room and board payment made to the center by the MWD shall not exceed \$100 per month.] the amount to which the individual would be entitled as an eligible unit of one. Of that amount, \$25 shall be considered as an allowance for personal incidentals and the remainder as the room and board payment to the center. (Note: Licensure of the center by the N.J. Department of Health as a medical institution will not affect the payment rate even though it may be a factor in determining which municipality is financially responsible.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments to Food Stamp Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend certain portions of the Food Stamp Manual concerning individuals eligible to use coupons for prepared meals; certification periods for PA households; offsetting claims during initial allotment; and procedures for collecting fraud and non-fraud claims.

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

10:87-3.12(a) 1. Any member of an eligible household who is 60 years of age or older[,] or members who receive SSI may use all or any part of his/her coupons to purchase meals prepared at a communal dining facility authorized by FNS for that purpose. In addition, if [the] such household member lives [only] with his/her spouse, the spouse may also use coupons to purchase meals from a communal dining facility[, regardless of age].

10:87-3.11(a) 4. Members of eligible households who are narcotics addicts or alcoholics and who regularly participate in a drug or alcoholic treatment and rehabilitation program may use coupons to purchase food prepared for them during the course of such program by a private non-profit organization or institution authorized by FNS.

10:87-6.22(b) PA households (see Item 221.1) [AFDC] shall have their food stamp recertifications, to the extent possible, completed at the same time they are redetermined for AFDC. The CWA shall assign such households indefinite certification periods which will expire the month following [the month] the completion of the household's AFDC redetermination [is scheduled], unless the circumstances of the household members would otherwise require a shorter certification period. In no event shall the certification period exceed 6 months for AFDC-F and -N segment cases and 9 months for AFDC-C segment cases.

10:87-9.3(a)2. PA households: For those PA households assigned indefinite certification periods in accordance with Item 663, the notice shall state that the certification will expire the month following the month of redetermination for AFDC, but not later than 6 or 9 months, as appropriate.

10:87-11.5(d)5. Offsetting claims: If a claim against a household is unpaid or held in suspense as provided in Item 1142.2, the amount to be restored shall be offset against the amount due on the claim before [the balance, if] any[, is restored] restoration is made to the household. At the point in time when the household is certified [after a break in participation] and receives an initial allotment, the initial allotment shall not be reduced to offset claims, even if the initial allotment is paid retroactively. This policy shall also apply to initial allotments at recertification.

10:87-11.28(b)2.i. Compromise of claim: If the full amount of the claim cannot be liquidated in three years without creating a financial hardship on the household, the CWA [with prior approval from the DPW] shall compromise the

claim by reducing it to an amount that will allow the household to pay the claim in three years. The CWA may use the amount of such reduction of the claim to offset benefits in Item 1120.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning the Determination of Medical Eligibility For the Medicaid Only Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87, proposes to amend a portion of the Medicaid Only Manual concerning the determination of medical eligibility for the Medicaid Only program.

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

10:94-3.11(c) If an individual has been determined disabled for Social Security purposes (i.e., he/she is currently receiving Disability Insurance Benefits), the county welfare [board] agency shall not [be required to] refer the individual to the Bureau of Medical Affairs for a determination of medical eligibility. The individual shall be considered automatically eligible, in this respect for Medicaid Only benefits.

1. In the event the Social Security Administration determined within the 12 months prior to the application for Medicaid Only that the individual was not disabled, the Bureau of Medical Affairs will not make an independent determination of the applicant's disability but will be bound by the determination of the Social Security Administration. If an individual whose Social Security or SSI disability claim was denied within the last 12 months presents new or additional evidence to support that claim, the CWA should refer the applicant to the Social Security Administration for a reevaluation of its determination.

2. When the denial by the Social Security Administration occurred more than 12 months prior to the application for Medicaid Only, the Bureau of Medical Affairs will make an independent determination of disability.

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

(a) It is the responsibility of the CW[B]A to furnish the medical review team with current, pertinent social and medical information, and to obtain any special or additional reports on request.

...

10:94-3.13(a)4. In the event none of the above are applicable, the CW[B]A should assist the applicant in choosing a physician to complete the PA-5 who is competent to determine the nature and extent or degree of disability.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Proposed Fiscal Years 1980-1982 State Plan for Rehabilitation of Blind

The Commission for the Blind and Visually Impaired in the Department of Human Services, pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt the fiscal years 1980-1982 State Plan for Vocational Rehabilitation Services under Title I of the Rehabilitation Act Amendments of 1978, amend N.J.A.C. 10:98-1.1 et seq.

Copies of approximately 95 pages of the proposed State Plan may be obtained from or made available for review by contacting:

Norma F. Krajczar
Executive Director
Commission for the Blind and Visually Impaired
1100 Raymond Boulevard
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to the Commission for the Blind and Visually Impaired at the above address.

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

Norma F. Krajczar, Executive Director
Commission for the Blind and Visually Impaired
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments to Parts I and II of Ruling 11

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:109-1.1 et seq. concerning Ruling 11, Parts I and II, regarding salary increases for CWA's employees and legal holidays.

Copies of the 43 pages of the full text of the 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 August 29, 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

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Emergency Rules on Voluntary Quit In Food Stamp Manual

On June 19, 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 emergency rules concerning voluntary quit in the Food Stamp Manual.

Full text of the adoption follows:

10:87-3.20(3) No applicant household whose primary wage earner voluntarily quits his/her most recent job without good cause shall be eligible for participation in the Food Stamp Program except as provided in subparagraph 2 of this subsection. Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer shall not be considered as a voluntary quit.

i. Application processing: When a household files an application, the CWA shall determine if any currently unemployed (i.e., employed less than 20 hours per week or receiving less than weekly earnings equivalent to the federal minimum wage multiplied by 20 hours) household member who is required to register for full time work has quit his/her most recent job (i.e., employment involving 20 hours or more per week or having received weekly earnings equivalent to the federal minimum wage multiplied by 20 hours) without good cause within the last 60 days.

(1) Primary wage earner: If a determination of voluntary quit is established, the CWA shall then determine if that household member is the household's primary wage earner. The primary wage earner shall be that household member 18 years of age or over who was acquiring the greatest amount of earned financial support for the household at the time of the quit. The primary wage earner is determined by comparing the projected earnings of the member who quit employment in the month the voluntary quit occurred as if he/she had not ceased employment with the actual or, if not available, the projected earnings of the remaining household members.

(2) Denial of application: Upon a determination that the primary wage earner voluntarily quit employment, the CWA shall determine if the voluntary quit was with good cause as defined below. If the voluntary quit was not for good cause, the household's application for participation shall be denied for a period of two months beginning with the month of the quit. The household shall be advised of the reason for the denial and of its rights to reapply and/or request a fair hearing.

(3) Application in second month of disqualification period: If an application for participation in the Food Stamp Program is filed in the second month of disqualification, the CWA shall (in accordance with N.J.A.C. 40:87-6.5) use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent months if all other eligibility criteria are met.

ii. Exceptions from voluntary quit provisions: The following persons are exempt from the voluntary quit provisions:

(1) Members of certified households: Primary wage earners in households certified for the Food Stamp Program at the time of the quit.

(2) Persons exempt from work registration: Persons exempt from the full time work registration provisions as stated in section 18 of this subchapter.

iii. Good cause: Good cause for leaving employment includes the good cause provisions found in N.J.A.C. 10:87-3.20(d) and resigning from a job that does not meet the suitability criteria specified in paragraph 5 of this subsection. Good cause for leaving employment shall also include:

(1) Discrimination: Discrimination by an employer based on age, race, sex, color, handicap, religious belief, national origin, or political belief;

(2) Working conditions: Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

(3) Employment or education: Acceptance by the primary wage earner of employment or enrollment of at least half-time in any recognized school, training program or institution of higher education, that requires the primary wage earner to leave employment;

(4) Employment or education of other household member: Acceptance by any other household member of employment or enrollment of at least half-time in any recognized school, training program or institution of higher education in another county which requires the household to move and thereby requires the primary wage earner to leave employment;

(5) Retirement: A resignation which is recognized by the employer as retirement;

(6) Employment becomes unsuitable: Employment which becomes unsuitable (see paragraph 2 of this subsection) after acceptance of such employment;

(7) Employment does not materialize: Acceptance of a bona fide offer of employment of more than 20 hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 20 hours which, because of circumstances beyond the control of the primary wage earner, subsequently does not materialize or results in employment of less than 20 hours a week or weekly earnings of less than the federal minimum wage multiplied by 20 hours; and

(8) Patterns of employment: Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food

stamp benefits between jobs, particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered to be with good cause if such movement from employer to employer is part of the pattern of that type of employment.

iv. Verification: To the extent that the information given by the household is questionable as defined in N.J.A.C. 10:87-2.21(a)Ni, the CWA shall request verification of the household's statements.

(1) Primary responsibility: The primary responsibility for providing verification (see N.J.A.C. 10:87-2.25) rests with the household.

(2) CWA assistance: If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the CWA shall offer assistance to obtain the needed verification.

(3) Acceptable sources: Acceptable sources of verification include but are not limited to the previous employer, employee associations, union representatives, and grievance committees or organizations.

(4) Collateral contact: Whenever documentary evidence cannot be obtained from the household member, the CWA shall substitute a collateral contact. The CWA is responsible for obtaining verification from acceptable collateral contacts (see N.J.A.C. 10:87-2.23) provided by the household.

(5) Unable to verify: If the household and the CWA are unable to obtain requested verification from the above or other sources because the cause for the quit resulted from circumstances which for good reason cannot be verified, such as a resignation from employment due to discriminatory practices, unreasonable demands by an employer, or because the employer cannot be located, the household shall not be denied access to the Food Stamp Program.

An order adopting these rules was filed on June 19, 1979 as R.1979 d.247 (Exempt, Emergency Rule) to become effective on June 21, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Amendments to Child Care Licensing Rules

On June 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 18A:70-1 et seq., 30:1-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:122-2.3 and 10:122-2.7 concerning child care licensing rules substantially as proposed in the Notice published April 5, 1979, at 11 N.J.R. 194(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 20, 1979 as R.1979 d.249.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning AFDC Allowance Standards

On June 28, 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. 10:82-1.2 concerning AFDC allowance standards substantially as proposed in the Notice published June 7, 1979, at 11 N.J.R. 282(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these amendments was filed on June 29, 1979 as R.1979 d.256 to become effective on July 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Income Eligibility Levels

On June 29, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:94-4.33 concerning income eligibility levels substantially as proposed in the Notice published June 7, 1979, at 11 N.J.R. 282(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

Take notice that, due to a printing error in the June 7, 1979, issue of the New Jersey Register, the Medicaid "Cap" in the proposal was incorrectly listed as \$642.60 instead of the correct \$624.60. In addition, the adoption increased income eligibility levels in these rules.

Full text of the adoption follows:

10:94-4.33

Table A

Variations in Living Arrangement	Medicaid Eligibility Income Standards (Countable Income)
----------------------------------	--

Licensed Boarding Home	
Eligible person	\$339.00
Eligible couple	\$678.00

Head of Household

Living Alone	
Eligible person	\$231.00
Eligible couple	\$324.00
Eligible individual with ineligible spouse only	\$324.00

Living with Others	
Eligible person	\$211.00
Eligible couple	\$317.00

Living in Household of Another (Receiving Support and Maintenance)	
Eligible person	\$164.00
Eligible couple	\$282.00

Title XIX Approved Facility—includes person in acute care hospital, skilled nursing facility, intermediate care facility (Level A, B, and ICFMR), licensed special hospital (Class A, B, C) and Title XIX psychiatric hospital (for persons under 21 and 65 and over) or a combination of these facilities for a full calendar month. \$624.60*

*The Medicaid "Cap" is applied to gross income (i.e., income prior to application of income exclusions).

An order adopting these amendments was filed on June 29, 1979 as R.1979 d.257 to become effective on July 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Emergency Amendments to SSI Payment Schedule

On June 28, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to the SSI payment schedule in N.J.A.C. 10:100-1.23 which replaced the current schedule therein with a new schedule.

Full text of the new schedule follows:

NEW JERSEY SUPPLEMENTAL SECURITY INCOME PAYMENT LEVELS

Living Arrangement Categories	Payment Level
Eligible Couple	7/1/79
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence	\$50/312.30*
Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged and certain residential facilities	678.00
Living Alone, or in a business arrangement, or in a commercial establishment or living with others but not member of a "household", or a member of a household with ownership or rental responsibility and paying more than their pro rata share of household expenses	324.00

Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility)	317.00
Living in Household of Another, Receiving Support and Maintenance	282.00

Eligible Individual

Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less	\$25/208.20*
Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged and certain residential facilities	339.00
Living Alone, or in a business arrangement, or in a commercial establishment, or living with others but not member of a "household" or a member of a household with ownership or rental responsibility and paying more than his pro rata share of household expenses	231.00
Living with Ineligible Spouse (No other individuals in household)	324.00
Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility)	211.00
Living in Household of Another, Receiving Support and Maintenance	164.00

* The lower figure applies when Medicaid payments with respect to an individual equal an amount over 50% of the cost of services provided in a month.

An order adopting these amendments was filed on June 29, 1979 as R.1979 d.258 to become effective on July 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning the Updating of Forms and Signing Of the Income Tax Waiver

On July 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-2.2 and 10:81-2.3 concerning the updating of forms and signing of the income tax waiver substantially as proposed in the Notice published June 7, 1979, at 11 N.J.R. 281(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed on July 18, 1979 as R.1979 d.277 to become effective on September 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Nondiscrimination of the Handicap and a Statement of Client Rights

On July 13, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-1.1, 10:81-1.4, 10:81-1.7, 10:81-1.8, 10:81-2.2, 10:81-7.36, 10:81-7.38 and 10:81-7.41 concerning nondiscrimination of the handicap and a statement of client rights as proposed in the Notice published June 7, 1979 at 11 N.J.R. 280(b).

An order adopting these amendments was filed on July 18, 1979 as R.1979 d.278 to become effective on September 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Social Security Numbers

On July 19, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to a portion of the General Assistance Manual concerning the Social Security numbers in the General Assistance Program as proposed in the Notice published May 10, 1979, at 11 N.J.R. 247(a).

Take notice that, in the Notice of Proposal, it was incorrectly stated that the amendments were to be made to N.J.A.C. 10:81-3.2(c)4. and 5. when the correct citation is N.J.A.C. 10:85-3.2(c)4. and 5.

An order adopting these amendments was filed on July 19, 1979, as R.1979 d.280 to become effective on September 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Establishment of Public Assistance Fiscal Practices

On July 19, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C.

10:85-2.4 and 10:85-6.3 concerning the establishment of public assistance fiscal practices as proposed in the Notice published May 10, 1979 at 11 N.J.R. 247(c).

An order adopting these amendments was filed on July 19, 1979 as R.1979 d.281 to become effective on October 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

INSURANCE

THE COMMISSIONER

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

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e), 17:29B-1 et seq. and 17B:30-1 et seq., proposes to adopt new rules on unfair discrimination on the basis of blindness, partial blindness or other physical or mental impairments to be cited as N.J.A.C. 11:4-20.

Full text of the proposal follows:

SUBCHAPTER 20. BLINDNESS; PARTIAL BLINDNESS OR OTHER PHYSICAL OR MENTAL IMPAIRMENTS; UNFAIR DISCRIMINATION

11:4-20.1 Purpose

The purpose of this subchapter is to eliminate unfair discrimination in the underwriting, insuring and rating of individuals who are normal insurance risks in spite of blindness, partial blindness, or other physical or mental impairments.

11:4-20.2 Unfairly discriminatory acts or practices

(a) The following are hereby identified as acts or practices which constitute unfair discrimination between individuals of the same class:

1. Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness, partial blindness or other physical or mental impairments, except where the refusal, limitation or rate differential is based on sound, actuarial principles or is related to actual or reasonably anticipated experience.

Interested persons may present statements or arguments in writing concerning this rule on or before September 21, 1979 to:

Eugene F. Gery, Acting Director
Consumer Services Division
N.J. Insurance Department
P.O. Box 1510
201 East State Street
Trenton, New Jersey 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(b)

LABOR AND INDUSTRY

COMMISSIONER

DIVISION OF WORKPLACE STANDARDS

Proposed Amendments Concerning Ski Lifts

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:4A-4, proposes to amend Chapter 175 of Title 12 in the New Jersey Administrative Code, concerning construction, operation and maintenance of ski lifts.

This proposal concerns the deletion of the current text of Chapter 175 and the adoption of a new text therein, which may be summarized as follows:

1. Notice of intent to operate;
2. Maintenance and inspection records;
3. Reporting of injury or death;
4. Submittal of plans;
5. Standards incorporated by reference;
6. Electrical disconnect switch;
7. Evacuation of passenger tramways.

Copies of the 11 pages of the full text of the proposed new rules may be obtained by contacting:

William J. Clark, Assistant Commissioner
Division of Workplace Standards
Department of Labor and Industry
Post Office Box 2191
Trenton, New Jersey 08625

Interested persons may submit data, views or arguments in writing relevant to the proposal on or before September 1, 1979 at the above address.

The Department of Labor and Industry may thereafter adopt rules concerning this subject without further notice.

John J. Horn
Commissioner
Department of Labor and Industry

(c)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Amendments Concerning Collection of Sales and Use Tax

Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-1 et seq., proposes to amend N.J.A.C. 13:2-41.5 concerning the emergency collection of sales and use tax on receipts from sale of alcoholic beverages.

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

13:2-41.5 Emergency collection of sales and use tax on receipts from sale of alcoholic beverages

(a) Pursuant to N.J.A.C. 13:2-33.3 and the provisions of this subchapter, it is found and declared that an emergency exists with respect to the collection and payment by licensees of sales and use taxes on receipts from the sale of alcoholic beverages.

(b) Accordingly; (1) the Minimum Consumer Resale Price List last previously filed with the Division and effective [April 1, 1979] is continued in effect and (2) said continuance is solely for the purposes of determining the Minimum Consumer Resale Price for the collection of Sales and Use Tax pursuant to N.J.S. 54:32B-2(d).

Interested persons may present statements or arguments in writing relevant to the proposed amendments on or before August 29, 1979 to:

Joseph H. Lerner, Director
Division of Alcoholic Beverage Control
Newark International Plaza
U.S. Route 1 & 9 (Southbound)
P.O. Box 2039
Newark, New Jersey 07114

The Division of Alcoholic Beverage Control may thereafter adopt the above rule substantially as proposed without further notice.

Pursuant to an order of the Appellate Division of the Superior Court in *Heir et al v. Degnan et al* (A-2666-78) and *Wine and Spirits Retailers of New Jersey, Inc. et al v. Degnan et al* (A-2708-78) dated April 10, 1978, the Director is restrained and enjoined from effectuating and enforcing Division regulations adopted April 4, 1978 (11 N.J.R. 247 (c)) pending disposition of those appeals. Any action taken with respect to the above proposed regulation will be consistent with the Order of the Court.

Joseph H. Lerner
Director, Division of Alcoholic Beverage Control
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amendments Concerning Proof of Identity and Date of Birth

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, 39:3-11.1, 39:3-13 and 39:3-13.1, proposes to amend N.J.A.C. 13:21-8.2 concerning proof of identity and date of birth. The proposed amendments are similar to others previously published in the May 10, 1979, Register at 11 N.J.R. 252(a), with changes thereto resulting from internal decisions of the Division and from public comments received.

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

13:21-8.2 Age requirements; **proof of identity and date of birth**

(a) All applicants must have reached the age of 17 years, except applicants making application under the provisions of N.J.S.A. 39:3-11.1 and 39:3-13.1.

(b) All applicants will be required to furnish proof of identity and date of birth. **Proof of identity and date of birth may be established in the following manner:**

1. Submission of the original or certified copy of a civil birth certificate showing the name and date of birth of the applicant and bearing the registrar's signature and seal of office;

2. Submission of one or more of the following documents when the original or certified copy of a civil birth cer-

tificate cannot be obtained or when the applicant is not a citizen of the United States:

- i. Hospital birth certificate;
 - ii. Identification card issued by the United States to a person serving in the military service;
 - iii. Military discharge papers;
 - iv. Alien registration card issued by the United States Department of Immigration and Naturalization;
 - v. Passport issued by a foreign country may be used by an alien provided that an I-94 form is attached;
 - vi. Citizenship papers;
 - vii. Valid driver license issued by another state or country bearing the applicant's signature;
 - viii. Baptismal certificate when accompanied by a census record, if possible;
 - ix. Birth record contained in family bible when accompanied by a census record, if possible.
3. Court order or judgment authorizing legal name change when accompanied by satisfactory proof of birth;
 4. A photostatic copy of a document will not be accepted as proof of identity and date of birth unless the signature and seal of the official in custody of the original document appears on the copy.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 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 Requirements For Issuing a Prescription

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq., proposes to amend the rule setting forth requirements for prescriptions to include notice of generic drug availability to patients by a person possessing a plenary license to practice medicine and surgery or a podiatrist.

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

13:35-6.6 Requirements for issuing a prescription

(a) Physicians who possess a plenary license to practice medicine and surgery and podiatrists who issue prescriptions for medication shall advise all patients by adequate notice, such as but not limited to a sign or pamphlet in the waiting room of the practitioner's office, that a request of the practitioner may be made by the patient to substitute a generic drug for any prescribed medication.

(b) [(a)] Physicians and podiatrists shall provide the following on all prescriptions:

...

3. Prescriber's [BNDD] DEA number when required for the dispensing of controlled dangerous substances. (Controlled Dangerous Substances Act of 1970);

...

10. Every prescription blank shall be imprinted with the words "substitution permissible" and "do not substitute" and shall contain space for the physician's or podiatrist's initials next to the chosen option, in addition to the space required for the signature by paragraph 8 above.

11. In no instance shall a physician or podiatrist utilize a prescription form which includes preprinted information such as, but not limited to, language, initials or other indications to discourage or prohibit substitution, which a prescriber may prohibit only by initialing or writing "do not substitute" on the individual prescription.

[10.] 12. In no instance shall a physician or podiatrist sign a blank prescription form which does not conform with the above standards.

(c) [(b)] Failure to comply with this ruling will subject the physician to disciplinary sanction in accordance with the Medical Practice Act.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed amendment on or before August 31, 1979 to:

New Jersey State Board of Medical Examiners
28 West State Street - Room 914
Trenton, New Jersey 08608
Telephone: (609) 292-4843

The State Board of Medical Examiners upon its own motion or at the instance of any interested party may thereafter adopt the proposed amended rule substantially as set forth without further notice.

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules on Automotive Sales Practices

John J. Degnan, Attorney General of New Jersey, pursuant to the authority of N.J.S.A. 56:8-1 et seq., proposes to adopt new regulations concerning automotive sales practices. These regulations are similar to the proposed regulations published in the New Jersey Register on May 10, 1979 (11 N.J.R. 254(a)), however, the word "new" has been deleted so that the regulations will apply to all motor vehicle sales by an "Automotive Dealer," the definition of "Sales Document" has been changed, and the disclosure concerning pre-delivery service fees has been revised.

Full text of the proposal follows:

SUBCHAPTER 6. AUTOMOTIVE SALES PRACTICES

13:45A-6.1 Definitions

The following words and terms, when used in this sub-

chapter, shall have the following meanings unless the context indicates otherwise.

"Automotive dealer" means any person as defined by N.J.S.A. 56:8-1(d) who in the ordinary course of business is engaged in the sale of motor vehicles at retail or who in the course of any 12 month period offers more than 3 motor vehicles for sale, lease, or rental, or who is engaged in the brokerage of motor vehicles whether for sale, lease, or rental.

"Documentary service fee" means any monies or other thing of value which an automotive dealer accepts from a consumer in exchange for the performance of certain documentary services which include, but are not limited to, the preparation and processing of documents in connection with the transfer of license plates, registration, or title, and the preparation and processing of other documents relating to the sale of a motor vehicle to said consumer.

"Pre-delivery service fee" means any monies or other thing of value which an automotive dealer accepts from a consumer in exchange for the performance of pre-delivery services upon a motor vehicle, and includes, but is not limited to, items which are often described or labeled as dealer preparation, vehicle preparation, pre-delivery service, handling and delivery, or any other term of similar import.

"Sales document" means the first document which an automotive dealer utilizes to evidence an order for, deposit towards, or contract for the purchase of a motor vehicle by a consumer, and includes but is not limited to, retail orders, sales invoices, sales contracts, retail installment contracts, and other documents of similar import.

13:45A-6.2 Unlawful practices

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following practices involving the sale of motor vehicles by automotive dealers shall be unlawful thereunder:

1. With respect to pre-delivery service fees:

i. Accepting, charging, or obtaining from a consumer monies, or any other thing of value, in exchange for the performance of any pre-delivery service for which the automotive dealer receives payment, credit, or other value from any person or entity other than a retail purchaser of the motor vehicle;

ii. Accepting, charging, or obtaining from a consumer monies, or any other thing of value, in exchange for the performance of any pre-delivery service without first itemizing the actual pre-delivery service which is being performed and setting forth in writing on the sales document the price for each specific pre-delivery service;

iii. Except in connection with the sale of used motor vehicles, failing to conspicuously place upon the front of the sales document which contains a pre-delivery service fee, in ten-point bold face type, the following statement: "You have a right to a written itemized price for each specific pre-delivery service which is to be performed. The automotive dealer may not charge for pre-delivery services for which the automotive dealer is reimbursed by the manufacturer."

2. With respect to documentary service fees:

i. Accepting, charging, or obtaining from a consumer monies, or any other thing of value, in exchange for the performance of any documentary service without first itemizing the actual documentary service which is being performed and setting forth in writing on the sales document the price for each specific documentary service; or

ii. Representing to a consumer that a governmental entity requires the automotive dealer to perform any documentary service;

iii. Failing to conspicuously place upon the front of the sales document which contains a documentary service fee, in ten-point bold face type, the following: "You have a right to a written itemized price for each specific documentary service which is to be performed."

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

Adam K. Levin, Director
New Jersey Division of Consumer Affairs
1100 Raymond Boulevard, Room 504
Newark, New Jersey 07102

The Attorney General may thereafter adopt rules concerning this subject without further notice.

John J. Degnan
Attorney General
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules Covering Merchandise Advertising

John J. Degnan, Attorney General of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to repeal in its entirety the current Division of Consumer Affairs Regulation governing Advertising and Marketing Practices, N.J.A.C. 13:45A-9.1 et seq. and to adopt a new regulation regarding merchandise advertising. The present proposal supersedes the proposed regulation published at 9 N.J.R. 484(a) on October 6, 1977.

Full text of the proposed regulation follows:

SUBCHAPTER 9.—MERCHANDISE ADVERTISING

13:45A-9.1 Definitions

The following words and phrases shall have the stated meaning unless from the context in which the word or term appears another meaning is indicated:

"Advertisement" means any attempt by an advertiser to directly or indirectly induce the purchase or rental of merchandise at retail where such advertisement appears in any newspaper, magazine, periodical, circular, sign or other written matter placed before the consuming public, or in any radio or television broadcast. An advertisement for the sale of a motor vehicle shall be subject to the Division's regulations governing motor vehicle advertising, N.J.A.C. 13:45A-2.1, et seq. and not the within regulation.

"Advertiser" means any person as defined by N.J.S.A. 56:8-1(d) other than a public utility regulated by the Board of Public Utilities who in the ordinary course of business is engaged in the sale of merchandise and who places before the public an advertisement. An advertising agency acting in behalf of an advertiser shall be deemed an advertiser within the meaning of this regulation where such agency prepares or places an advertisement for publication. An advertising agency shall not be liable for a violation of this regulation where the agency reasonably relies upon data, information or material supplied by an advertiser for whom the advertisement is prepared or placed

or for any violation caused by an act, error or omission beyond the agency's control.

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

"Division" means Division of Consumer Affairs.

"Merchandise" means any objects, wares, goods, commodities, services or anything offered directly or indirectly to the public for sale at retail.

"Price advertisement" means any advertisement in which a specific dollar price is stated with regard to advertised merchandise.

"Price reduction advertisement" means an advertisement which in any way states or suggests directly or indirectly that merchandise is being offered or made available for sale at a price less than that at which it has been usually sold in the past or at which it will be sold in the future.

"Rain check" shall mean a written statement issued by an advertiser allowing the purchase of designated merchandise at a previously advertised price at or by a stated date, but in no event later than 60 days following the issuance thereof.

"Reference price" shall mean a price set forth in a price reduction advertisement for the purpose of establishing an advertised selling price as a reduction from the usual selling price of the advertised merchandise.

"Trade area" means that geographical area in which an advertiser solicits or makes a substantial number of sales.

13:45A-9.2 Advertising; general provisions

(a) Without limiting the application of N.J.S.A. 56:8-1, et seq. the following advertising practices shall be unlawful.

1. The failure of an advertiser to maintain and offer advertised merchandise in a quantity sufficient to meet reasonably anticipated consumer demand therefor. In the event that an advertisement states a specific period of time during which merchandise will be available merchandise shall be made available during the stated period or, where no stated period appears in the advertisement, until the close of the third business day following the publication of the advertisement. In the event such merchandise is not available, the consumer shall be afforded the following options:

i. The issuance of a rain check. Where the merchandise subject to the rain check possesses an advertised price of greater than \$10, the advertiser shall give written or telephone notice to the consumer when the merchandise is available and hold such merchandise for a reasonable time after giving notice to the consumer.

ii. The opportunity to immediately purchase a comparable or superior item at the advertised price.

2. In relation to any price reduction advertisement, the provisions of paragraph 1. shall apply except that in addition to the stated consumer options, the consumer shall be afforded the option of purchasing a higher priced item of comparable or superior quality at a price reduction comparable to that of the advertised merchandise.

3. None of the options required in paragraph 1 and 2 shall be required where:

i. The advertisement expressly states the number of merchandise items to be made available, or

ii. Where the specific number of advertised items was impossible or impractical to determine, or

iii. When items comparable to those advertised are not obtainable and the advertisement expressly states "limited supply" or the substantial equivalent thereof.

4. The failure to afford those consumer options set forth in paragraphs 1 and 2 or to honor or satisfy a rain check shall be deemed a violation of this regulation.

5. The failure of an advertiser to specifically designate within an advertisement which merchandise items possess special or limiting factors relating to price, quality, condition or availability. By way of illustration and not by limitation, the following shall be deemed violative of this subparagraph:

i. The failure to specifically designate which merchandise items are below cost where a general statement of below cost is set forth in an advertisement.

ii. The failure to specifically designate which merchandise items are damaged or in any way less than first quality condition.

iii. The failure to specifically designate merchandise as floor models or one of a kind.

iv. The failure to specifically designate retail outlets at which advertised merchandise will or will not be available.

6. The failure to conspicuously post notice of advertised prices in proximity to the advertised merchandise or at all entrances to the business premises.

7. The failure of an advertiser to disclose in an advertisement that advertised merchandise is not the manufacturer's current model.

8. The failure of an advertiser in any price advertisement to disclose the following information relating to the advertised merchandise (where such information is necessary to identify such merchandise): the manufacturer's name, model or series number and such other information as may be necessary to clearly delineate the advertised item from other similar merchandise produced by the same manufacturer. Where advertised merchandise is commonly known or identified by a trade name, such name shall be set forth in the advertisement.

9. The failure of an advertiser to disclose in an advertisement any special charge, condition or limitation applicable to the advertised merchandise or the retail price charged therefor.

10. The use of the terms "cost", "wholesale" or other similar terms to describe an advertised price where such price is not equal to or less than the unit price paid by the advertiser to the manufacturer or distributor of the merchandise. In the computation of unit price of the advertised merchandise, freight, handling and all overhead or operating expenses shall be excluded.

11. The use of any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact.

12. The use of the term "Public Notice", "Public Sale" or words or terms of similar import in any advertisement offering merchandise for sale where such sale is not required by court order or by operation of law.

13. The use of the terms "warehouse", "factory outlet", "liquidation sale", "unclaimed freight" or other words or terms of similar import where such terms do not in fact reflect a bona fide description of the sale or entity being described or conducted.

14. The failure of an advertiser to substantiate through documents, records or other written proof any claim made regarding the safety, performance, availability, efficiency, quality or price of the advertised merchandise. Such records shall be maintained at the advertiser's regular place of business in New Jersey for a period of 90 days following the date of publication of the advertisement and shall be made available for inspection by the Division or its designee.

13:45A-9.3 Price reduction advertisements

(a) The following words and terms or their substantial equivalent when used in any advertisement shall be deemed to indicate a price reduction advertisement: sale, discount, special savings, price cut, bargain, reduced, prices slashed,

clearance, regular, usually, cut rate, originally, formerly, warehouse, warehouse or factory clearance, buy one get one free, "one cent" sale, at cost, below cost, wholesale.

(b) In any price reduction advertisement, the following acts or practices shall be unlawful:

1. The failure to set forth a retail selling price for advertised merchandise.

2. The failure to conspicuously set forth a reference price based upon either:

i. The advertiser's usual selling price for the identical merchandise or for comparable merchandise of like grade or quality; or

ii. The usual selling price charged by competitors in the advertiser's trade area for the identical merchandise or for comparable merchandise of like grade or quality; or

iii. The manufacturer's suggested retail price for the identical merchandise or for comparable merchandise of like grade or quality.

Note 1: A reference price shall be set forth in close proximity to the retail selling price and the advertised item and shall be established on the basis of the two month period immediately preceding the date of publication of the advertisement or the price to be charged not later than two months thereafter.

Note 2: With regard to the price comparison required by this subsection, the advertisement shall clearly and conspicuously disclose in close proximity to the reference price the basis for such reference as set forth in subparagraphs 2(a), (b), and (c) hereof. In this regard, terms such as "comparable value", "competitor's price", "manufacturer's list price", "our regular price" or words of similar import shall be used to designate the basis for the reference price.

(c) The use or statement of any false, deceptive or misleading reference price or price comparison. A reference price or price comparison shall be deemed false, misleading and deceptive where it is not based upon a substantial number of sales or offers of sale within the advertiser's trade area at that price within the two month period established by this section.

(d) The failure to state with specificity the period of time during which the advertisement shall be applicable.

(e) The failure of an advertiser to maintain such documents, records or written proof to substantiate any claim or statement appearing in a price reduction advertisement. Such records shall be maintained at the advertiser's regular place of business for a period of 90 days following the date of publication of the advertisement and shall be made available for inspection by the Division or its designee.

(f) The making of false or misleading representations of fact concerning the reasons for, existence or amounts of price reductions.

Interested persons may present statements or arguments in writing, orally or in person relevant to the proposed action not later than August 31, 1979 to:

Adam K. Levin, Director
Division of Consumer Affairs
Room 504
1100 Raymond Boulevard
Newark, New Jersey 07102

The Attorney General of New Jersey may thereafter adopt this proposed regulation without further notice.

John J. Degnan
Attorney General
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Amendments Concerning Unit Pricing Of Consumer Commodities in Retail Establishments

Adam K. Levin, Director of the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 56:8-21 et seq., proposes to amend N.J.A.C. 13:45A-14 concerning the unit pricing of consumer commodities in retail establishments.

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

13:45A-14.2 Definitions

"Person" means any natural person, partnership, corporation or other organization engaged in the sale, display or offering for sale of consumer commodities at retail from one or more retail establishments whose combined total floor area, exclusive of office, receiving and storage areas, dedicated to the sale of consumer commodities exceeds 4,000 square feet or whose combined annual gross receipts from the sale of consumer commodities in the preceding year exceeded \$2 million, regardless of the square footage involved.

13:45A-14.3 Persons and operations exempted from complying with Unit Price Disclosure Act

(a) The following persons or entities shall be exempt from complying with these regulations and the terms of the Unit Price Disclosure Act:

1. Any person owning and operating a single retail establishment with annual gross receipts from the sale of consumer commodities in the preceding year of not more than \$2 million.

2. Any person owning and operating a single retail establishment or a series of retail establishments [, each having a total floor space of 4,000 square feet or less] whose combined total floor area does not exceed 4,000 square feet, and each single retail establishment which does not exceed 4,000 square feet in floor area, regardless of the annual gross receipts from the sale of consumer commodities therein.

3. Any person owning and operating a retail establishment or series of retail establishments, wherein the combined annual gross receipts from the sale of food products, nonprescription drugs, personal care products and household service products is less than 30 per cent of the total annual gross receipts of such retail establishment when calculated on an individual store basis or an aggregate basis combining all retail establishments provided that the portion of that person's retail establishment selling consumer commodities regulated herein has either a total floor area of less than 4,000 square feet or annual gross receipts not exceeding \$2 million, or both.

13:45A-14.4 Regulated consumer commodities and their approved units of measure

(a) The following consumer commodities shall be considered regulated [consumer] commodities. Whenever [such] regulated commodities are exposed or offered for sale at retail, unless otherwise exempt from these regulations, the unit price information required to be displayed shall be calculated on the basis of the unit of

measure listed adjacent to the regulated [consumer] commodity as hereinafter set forth.

1. Dry units of measure shall be used for commodities sold according to net weight.

2. Liquid units of measure shall be used for commodities sold according to net weight, net contents or fluid ounces. [Liquid units of measure shall be used for commodities sold according to net contents or fluid ounces.]

3. Commodities not usually measured in dry or liquid units as stated in paragraphs 1 and 2 of this subsection shall be sold in count, or square feet, whichever is appropriate and approved.

4. The same unit of measure shall be used for all sizes of the same commodity [or all similar commodities].

(b) The following consumer commodities shall be considered regulated consumer commodities with their approved units of measure.

Commodity Approved unit of measure
Amend paragraphs 1 through 52 by substituting the following:

Commodity	Approved Unit of Measure
1. Aluminum foils, wax and plastic wraps	100 square feet
2. Aspirin	100 count
3. Baby food	pint, pound
4. Baking mixes and supplies, pancake mixes	pound
5. Bread and pastry products: prepackaged	quart
6. Bottled and canned beverages, carbonated and non-carbonated	pound
7. Butter and oleomargarine	pound
8. Candy (excluding 5 ounces or less)	pound
9. Canned poultry, fish and meat products	pound
10. Cocoa	pound
11. Coffee (instant and ground)	pound
12. Cereal	pound
13. Cheese	pound
14. Cold cuts - meats and salads	pound
15. Cookies and crackers	pound
16. Condiments - ketchups, mustards, mayonnaise (including pickles, relishes, olives, etc.)	pint, quart, pound
17. Deodorants, dry, spray, and roll-on	ounce
18. Detergents, soap, laundry products (dry bulk, liquid)	quart, gallon, pound
19. Flour	100 count
20. Frozen foods (not otherwise listed)	pound
21. Fruits and vegetables - frozen, jars, cans, boxes (not fresh products)	pound
22. Grains and beans	pound
23. Hair conditioners, creme rinses, shampoos (not dyes)	ounce
24. Household cleaners, waxes, deodorizers, starches, bleaches	pound, gallon, quart
25. Ice cream, ice milk, frozen yogurt, frozen desserts	100 count
26. Instant breakfast foods	quart, 12 count
27. Jellies, jams, preserves	ounce
28. Juices and juice drinks, fresh, canned, frozen mixes, dry	pound

Commodity	Approved Unit of Measure
29. Milk, milk substitutes, non-dairy creamers	quart gallon
powdered	pound
evaporated	quart
30. Molasses	quart, pound
31. Non-alcoholic drink mixes	quart, pound
32. Oil (cooking)	quart
33. Peanut butter	pound
34. Pet food and supplies (canned, dried, moist limited to dog and cat foods, kitty litter)	pound
35. Plastic and paper bags	100 count
36. Salad dressings	pint, quart, pound
37. Salt	ounce
38. Sanitary paper products, including but not limited to napkins, facial tissues	100 count
paper towels, bathroom tissues	100 square count
39. Sauces (tomato, spaghetti, meat)	pint, pound
40. Seasonings and spices, flavor extracts, imitation flavorings over 5 oz.	ounce
41. Shaving cream	ounce
42. Snack foods	ounce
43. Soups (canned, dried, frozen)	ounce
44. Solid shortenings	pound
45. Spaghetti, macroni, noodles and pasta	pound
46. Sugar	pound
47. Syrups	ounce
48. Tea	100 count, pound
49. Toothpaste and tooth cleansers	ounce
50. Vitamins	100 count
51. Yogurt	pint

13:45A-14.5 Exempt consumer commodities

(a) The following consumer commodities shall be deemed exempt consumer commodities and may be exposed or offered for sale at retail without complying with the provisions of this regulation:

1. Medicines sold by prescription only;
- [2. Vitamins;]
- [3.] 2. Beverages subject to or complying with packaging or labeling requirements imposed under the Federal Alcoholic Administration;
- [4.] 3. Consumer commodities required to be marked individually with the cost per unit of weight pursuant to N.J.A.C. 13:45D-4.1 et seq.;
- [5.] 4. Any consumer commodity offered for sale at a net quantity equal to the approved unit of measure for such commodity provided that the retail price of the commodity is plainly marked on the commodity;
5. Any consumer commodity offered for sale in one size, of no more than three brands, and not comparable in form to any other product.
6. Any consumer commodity co-mingled with other consumer commodities for purposes of a one-price sale.
7. Any consumer commodity packaged to include more than one kind of food (i.e. T.V. dinner).
8. Bakery products sold in a service department which are not prepacked.
- [7.] 9. Snack foods such as cakes, candy, nuts, gum, chips and pretzels sold in packages weighing five ounces or less;
- [8.] 10. Spices, flavor extracts, imitation flavorings and boullion cubes sold in packages of five ounces or less in weight or fluid ounces.

(b) Any and all consumer commodities not specifically included in those regulated consumer commodities set forth in Section 4 of this subchapter shall be deemed to be exempt from the provisions of L. 1975, c. 242, section 3 as though specifically listed as an exempt consumer commodity under this section.

13:45A-14.6 Calculation of the numerical unit price of a regulated consumer commodity

(a) The unit price shall be calculated to the nearest cent for all regulated consumer commodities [when the retail price per approved unit of measure is \$1.00 or more].

[(b) The unit price shall be calculated to the nearest one-tenth of one cent for all regulated consumer commodities when the retail price per approved unit of measure is less than \$1.00.]

[(c)] (b) For the purpose of determining the nearest cent, [or one-tenth of one cent,] any calculation of the price per unit resulting in \$0.05 cents or \$0.005 cents per unit or higher shall be rounded up to the next higher cent [or one-tenth of one cent]. Any such calculation resulting in less than \$0.05 cents or \$0.005 cents per unit shall be rounded down to the next lower cent [or one-tenth cent]. For example:

1. \$1.005 per unit shall be marked \$1.01. per unit.
2. \$1.004 per unit shall be marked \$1.00. per unit.
- [3. 50.05c per unit shall be marked 50.1c per unit.]
3. 50.5c per unit shall be marked 51c per unit or \$0.51.
- [4. 50.04c per unit shall be marked 50.0c per unit.]
4. 50.4c per unit shall be marked 50c per unit or \$0.50.

[(d)] (c) If the numerical unit price is \$1.00 or more, the unit price shall appear on the unit price label, sign, list or tag, expressed as dollars per unit. If the numerical unit is less than \$1.00, the numerical unit price shall be expressed as cents per unit.

13:45A-14.7 Unit price labels approved for display

(a) Whenever these regulations require that a unit price label be displayed in conjunction with the exposing or offering for sale at retail of a regulated consumer commodity, a sample format of the label shall be submitted to the director for approval prior to the display of the label.

(b) In determining whether to approve the label, the director shall be guided by the following standards:

1. The shelf label shall be divided so as to create a left and right side in two equal portions; individual item labels may be divided vertically or horizontally into two equal portions.
2. The left side or upper portion shall be known as the unit price side and shall contain the following information:
 - i. The term "Unit Price";
 - ii. The numerical unit price in bold figures;
 - iii. The approved unit of measure, including, if appropriate, the "ply" count or thickness of the regulated commodity.
3. The right side or lower portion shall be known as the retail price side and shall contain the following information:
 - i. The term "Retail Price," "You Pay" or some similar term;
 - ii. The numerical retail price;
 - iii. The quantity or size of the commodity being sold, for shelf labels only. [expressed in terms of the approved unit of measure.]
4. A description of the commodity being sold shall appear on the unit price shelf label.
5. Additional stock or code information may appear on the unit price shelf label.

(Continued on Page 399)

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 July 19, 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>
AGRICULTURE — TITLE 2			
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	and written agreements	R.1979 d.58	11 N.J.R. 117(a)
	Amend charges for inspection or grading certification services		
(Title 2, Transmittal 14 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)			
BANKING — TITLE 3			
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.)			
CIVIL SERVICE — TITLE 4			
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.)			
COMMUNITY AFFAIRS — TITLE 5			
5:3	Repeal certain rules	R.1973 d.360	10 N.J.R. 470(a)
5:10	Amend maintenance of hotels and multiple dwellings	R.1979 d.259	11 N.J.R. 366(b)
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		

5:36	Amended rules on Handicapped Persons' Recreational Opportunities Act	R.1979 d.41	11 N.J.R. 117(f)
5:40, 5:43, 5:44, 5:61	Repeal certain rules	R.1978 d.365	10 N.J.R. 470(b)
		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)
6:21-5.32, 6.49	Implementation of school bus chassis, bus body and equipment specifications	R.1979 d.269	11 N.J.R. 367(a)
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)
6:80	Rule on educational improvement centers	R.1979 d.272	11 N.J.R. 368(a)

(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)
7:9-10	Amend Central Pine Barrens water quality standards and designation as a critical area	R.1979 d.282	11 N.J.R. 374(c)
7:9-13	Amend sewer extension bans	R.1979 d.129	11 N.J.R. 230(a)
7:10	Amend implementing Safe Drinking Water Act	R.1979 d.271	11 N.J.R. 374(b)
7:11-2	Amend rate for Delaware and Raritan Canal water	R.1979 d.32	11 N.J.R. 64(c)
7:11-4.4—4.12	Amend rate for Spruce Run-Round Valley Reservoirs	R.1979 d.31	11 N.J.R. 64(b)
7:11-4.11—4.32, 5.1—5.23	Amend Raritan Basin System water sales	R.1979 d.30	11 N.J.R. 64(a)
7:12-1.3, 2.8, 2.9, 2.12	Amend condemnation of certain shellfish beds	R.1979 d.184	11 N.J.R. 276(a)
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)
7:37	Amend State aid to local environmental agencies	R.1979 d.263	11 N.J.R. 374(a)
7:50	Project review guide; Pinelands Environmental Council	R.1979 d.78	11 N.J.R. 123(b)

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

HEALTH — TITLE 8

8:15	Repeal no smoking in certain public places	R.1979 d.13	11 N.J.R. 66(c)
8:8	Amend collecting, processing, storing and distributing blood	R.1979 d.248	11 N.J.R. 376(a)
8:15	Rules on smoking in certain public places	R.1979 d.153	11 N.J.R. 237(c)
8:21-10.12	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)
10:81-1.1, 1.4, 1.7, 1.8, 2.2	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2.2, 2.3	Amend updating of forms and signing of income tax waiver	R.1979 d.277	11 N.J.R. 383(a)
10:81-3.9(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)
10:81-7.36, 7.38, 7.41	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-8.22—8.24	Amend Medicaid special and provisions relative to unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-9.1	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)
10:82-1.2	Amend AFDC allowance standards	R.1979 d.256	11 N.J.R. 382(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)
10:85-2.4	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(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,	Amend General Assistance Manual	R.1979 d.197	11 N.J.R. 283(c)
10:85-3.2(c)	Amend Social Security numbers in the General Assistance Program	R.1979 d.280	11 N.J.R. 383(c)
10:85-3.3, 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)
10:85-6.3	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
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)
10:87-3.20(b)	Voluntary quit; Food Stamp Manual	R.1979 d.247	11 N.J.R. 380(c)
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	Repeal entire chapter	R.1979 d.106	11 N.J.R. 196(a)

10:94-4.33	Amend income eligibility levels	R.1979 d.257	11 N.J.R. 382(b)
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)
10:100-1.23	Amend SSI payment schedule	R.1979 d.258	11 N.J.R. 382(c)
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)
10:122-2.3, 2.7	Amend child care licensing rules	R.1979 d.249	11 N.J.R. 381(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)
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(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, 10.3, 10.4, 10.6	Amend point system and driving during suspension	R.1979 d.84	11 N.J.R. 202(c)
13:20-33.26, 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)
13:38-2.12	Preceptorship program	R.1979 d.276	11 N.J.R. 402(a)
13:38-5.1	Amend fee schedules	R.1979 d.158	11 N.J.R. 298(a)
13:39-4.4	Amend practical experience requirements for licensure	R.1979 d.254	11 N.J.R. 400(c)
13:39-6.8	Record of pharmacist filling prescriptions	R.1979 d.68	11 N.J.R. 146(b)
13:44-1.4, 2.4, 2.5	Repeal certain rules	R.1979 d.98	11 N.J.R. 202(d)
13:44-2.10	Amend pending emergency cases	R.1979 d.275	11 N.J.R. 401(c)
13:44A	Administrative practices and procedures; professional boards	R.1979 d.203	11 N.J.R. 353(b)
13:47B-1.9	Amend portable, self-contained vehicle scales	R.1979 d.192	11 N.J.R. 298(b)
13:47B-1.20	Amend sale and distribution of gasoline at retail	R.1979 d.268	11 N.J.R. 401(a)
13:47C-1.1, 3.4, 3.5	Rules concerning the advertising of lumber and building materials	R.1979 d.251	11 N.J.R. 400(b)
13:70-4.1, 4.2, 4.6, 4.19	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:70-6.11	Amend denial of nominations or entries	R.1979 d.250	11 N.J.R. 400(a)
13:70-29.8, 29.24, 29.25, 29.27, 29.47, 29.54, 29.55	Amend pari-mutuel wagering	R.1979 d.274	11 N.J.R. 401(b)
13:71-7.1, 7.5	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:71-8.28, 17.1, 17.7	Amend starter and starting gate rules in harness racing	R.1979 d.157	11 N.J.R. 297(a)

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

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

14:1-1.4	Amend Board's address	R.1979 d.118	11 N.J.R. 260(b)
14:1-1.9	Amend cameras and recording devices in Board hearings	R.1979 d.211	11 N.J.R. 356(c)
14:1-6.2, 6.12, 6.21	Amend filing of petitions with the Department of Energy	R.1979 d.210	11 N.J.R. 356(b)
14:3-7.5(c)	Amend utility deposit returns	R.1979 d.117	11 N.J.R. 260(a)
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14A:2-3	Amend regulation and control of the sale of motor gasoline during an energy emergency	R.1979 d.176	11 N.J.R. 298(d)
14A:2-3	Amend regulation and control of sale of motor gasoline during an energy emergency	R.1979 d.252	11 N.J.R. 403(a)
14A:2-3	Amend sale of motor fuels	R.1979 d.260	11 N.J.R. 406(b)
14A:2-3.5, 3.6	Amend control and sale of gasoline during an energy emergency	R.1979 d.270	11 N.J.R. 407(a)
14A:2-3.14	Sale of motor gasoline in containers	R.1979 d.253	11 N.J.R. 406(a)
14A:3-1.4	Variances and exemptions	R.1979 d.28	11 N.J.R. 91(b)
14A:3-3.6	Amend maintenance requirements for oil-fired heating units	R.1979 d.177	11 N.J.R. 299(a)
14A:3-10	Repeal air conditioner and heat pump energy efficiency	R.1979 d.178	11 N.J.R. 299(b)
14A:9	Coastal Energy Impact Program Intrastate allocation process	R.1979 d.80	11 N.J.R. 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)
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(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)
16:16-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:25-12.1(a)2.	Amend utility relocations and adjustments; reimbursement	R.1979 d.43	11 N.J.R. 148(e)
16:17-43	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(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	Recodification	R.1979 d.	11 N.J.R. 410(a)
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)
16:28-1.18	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
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	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)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.87	Amend speed limits	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	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.95(b)2	Restricted parking on Route 27	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.97	Amend restricted parking	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.103	Restricted parking on Routes 49, 72 and 28	R.1979 d.6	11 N.J.R. 93(b)

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)
16:28-3.194	Restricted parking on Route 7	R.1979 d.265	11 N.J.R. 410(c)
16:28-6.17, 6.18	No left turns on parts of Routes 71 and 23	R.1979 d.7	11 N.J.R. 94(a)
16:28-6.19	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)
16:29	Recodification	R.1979 d.	11 N.J.R. 410(a)
16:29-1.20	No-passing zones on parts of Route U.S. 40	R.1979 d.264	11 N.J.R. 410(b)
16:30	Recodification	R.1979 d.	11 N.J.R. 410(a)
16:31	Recodification	R.1979 d.	11 N.J.R. 410(a)
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	Amend State Health Benefits Program	R.1978 d.442	11 N.J.R. 105(b)
17:9-7.2	Amend State Health Benefits Program	R.1979 d.261	11 N.J.R. 415(a)
17:9-7.4	Amend State Health Benefits Program	R.1979 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)
18:15-4.5	Amend structures and the Farmland Assessment Act	R.1979 d.262	11 N.J.R. 415(b)
18:16	Amend realty transfer fee	R.1979 d.93	11 N.J.R. 211(c)
18:17	Amend assessor qualification	R.1979 d.88	11 N.J.R. 210(c)
18:18	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:19	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:20	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:22	Amend public utility corporations	R.1979 d.47	11 N.J.R. 151(b)
18:23	Amend railroad property tax	R.1979 d.48	11 N.J.R. 151(c)
18:23A	Amend tax maps	R.1979 d.49	11 N.J.R. 151(d)
18:24-4.4	Amend sales and use tax	R.1979 d.89	11 N.J.R. 210(d)
18:24-7.8, 7.10	Amend sales and use tax	R.1979 d.90	11 N.J.R. 210(e)
18:24-7.15	Amend Sales and Use Tax Act	R.1979 d.179	11 N.J.R. 305(a)
18:26	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)
19:8-1.14	Energy crisis motor fuel limitations	R.1979 d.246	11 N.J.R. 415(d)
19:8-2.12	Amend Emergency services on the Garden State Parkway	R.1979 d.167	11 N.J.R. 309(b)
19:9-2.1	Amend prequalification of bidders	R.1979 d.160	11 N.J.R. 308(b)
19:9-5.1	Pre-employment screening	R.1979 d.181	11 N.J.R. 309(a)
19:25-12.1(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)
19:46-1.32	Limitations on utilization of slot machines of any one manufacturer	R.1979 d.255	11 N.J.R. 420(b)
19:46-1.33	Metal tokens for use in \$1.00 slot machines	R.1979 d.175	11 N.J.R. 309(e)
19:47-1.2, 1.4, 1.5	Correct adoption relating to craps	R.1979 d.273	11 N.J.R. 420(c)
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.)

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6. All letters and numbers shall be in conspicuous, bold figures and shall be clear and legible. Handwritten labels shall be legibly printed.

7. The overall design of the label shall convey all the information in a clear, readable and conspicuous fashion. Any stock or code information shall not obscure or de-emphasize the consumer information appearing on the unit price label.

13:45A-14.8(a) 3. The right side shall be known as the retail price side and shall contain the following information:

- i. The term "Retail Price" or "You Pay" or similar term;
- ii. The numerical retail price;
- iii. The quantity or size of the consumer commodity being sold. [expressed in terms of the approved unit of measure]

13:45A-14.8(a) 6. All letters or numbers shall be in conspicuous figures and shall be clear and legible.

- i. The list shall display the unit price and retail price in numbers of equal size.
- ii. The sign shall display the unit price and retail price in equal size if in numbers of less than 5 inches. For signs with numbers for the retail price larger than 5 inches, the unit price shall be no less than 3 inches in size or $\frac{1}{2}$ the retail price size, whichever is greater.

13:45A-14.9 Unit price tags

Whenever these regulations require a unit price tag to be attached directly to the consumer commodity, a sample format of the tag shall be submitted to the director for approval prior to the display of the tag. In reviewing submitted price tags, the director shall apply those standards set forth in Section [6] 7 of this subchapter governing the format for unit price labels.

13:45A-14.10 Means of disclosing unit price information

(a) Whenever a regulated consumer commodity is exposed or offered for sale at retail, the unit price and retail price shall be disclosed in the following manner:

1. If the commodity is displayed upon a shelf, the unit price label shall appear directly below the commodity, or, alternatively, a unit price tag shall be attached to the commodity. If the use of a unit price label or unit price tag is impossible or impractical, a unit price sign or list may be used provided such sign or list is conspicuously located at or near the commodity.

2. If the commodity is displayed in a special fashion such as in an end display, portable rack or large bin, the unit price tag shall be attached to the commodity, or, alternatively, a unit price sign or list shall be conspicuously placed at or near the point where the commodity is displayed. Nothing in this section should be construed to prohibit the use of handletter unit price signs on special displays so long as such signs contain the disclosures required in [subsection] 1 of this [subchapter] subsection.

3. If a commodity is refrigerated [and not displayed on a shelf], the unit price label shall be affixed to the case, to a shelf edge, or a unit price label shall be attached to the commodity. In the event such attachments are not possible, then a unit price sign or list may be used if the sign or list is displayed in proximity to the articles for sale. Where such proximate display is impossible, a unit price list for such articles must be kept available and a sign posted at the site of the articles for sale as to such availability.

13:45A-14.14 Waiver of unit price requirements

(a) Prior to the remodeling of a store or resetting of the shelves takes place, the retail establishment may request from the director written permission to vary from the unit price procedure. Without written authorization, a retail establishment would be considered in violation of this regulation.

(b) No waiver shall be granted for the restocking of shelves.

Renumber N.J.A.C. 13:45A-14.14 and 14.15 as 14.15 and 14.16.

Interested persons may present statements or arguments in writing, relevant to the above proposal, on or before October 1, 1979 to:

Adam K. Levin
Director
Division of Consumer Affairs
1100 Raymond Blvd.
Newark, N.J. 07102

The Division of Consumer Affairs may thereafter adopt the above amendments substantially as proposed without further notice.

Adam K. Levin, Director
Division of Consumer Affairs
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Proposed Rules Concerning the Industry Standard for New Jersey Atlantic White Cedar

William J. Wolfe, Sr., State Superintendent of the Office of Weights and Measures, in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:4-27, 30, and 31 proposes to adopt rules setting forth the industry standard for the species New Jersey Atlantic White Cedar by adding a new subchapter to be cited N.J.A.C. 13:47C-4.1 et seq.

The purpose of the proposed regulation is to set forth an industry standard setting forth the labeling and marketing requirement for New Jersey Atlantic White Cedar, for which an industrial standard has never been promulgated, to allow that species to be freely marketed under the requirements of N.J.S.A. 51:4-27.

Full text of the proposal follows:

SUBCHAPTER 4. INDUSTRY STANDARD; NEW JERSEY ATLANTIC WHITE CEDAR

13:47C-4.1 Scope

The provisions and requirements of this industry standard shall apply only to that species of tree, and the resultant lumber, wood and wood product materials derived from said tree, known commonly as Atlantic White Cedar (*Chamaecyparis Thyoides*) and shall apply only to those trees harvested within the geographical boundaries of the State of New Jersey.

13:47C-4.2 Trade name

The trade name of the lumber, wood and wood products resulting from the felling, trimming and working

up of said trees shall be designated as "NEW JERSEY ATLANTIC WHITE CEDAR."

13:47C-4.3 Measure

New Jersey Atlantic White Cedar shall be marketed on the basis of board foot measure, linear length and width measure, in inches, any metric measure, or by the piece.

13:47C-4.4 Grade

There are no grades prescribed for New Jersey Atlantic White Cedar within the scope of this industry standard since it is the common industry practice for lumber, wood and wood product materials derived from Atlantic White Cedar to be marketed on a product use basis.

13:47C-4.5 Labeling

(a) All lumber, wood and wood product materials derived from New Jersey Atlantic White Cedar shall be labeled in accordance with the prescribed form, procedures and requirements set forth by the State Superintendent of Weights & Measures, of the State of New Jersey in this industry standard. It shall be the responsibility of all producing mills, saw mills or other manufacturers, as the State Superintendent shall designate, to label such lumber, wood and wood product materials with a label, the size and form of which is set forth below, by strapping, banding or otherwise securely affixing said label to each package unit, said package unit not to exceed 1,000 board food measure.

(b) The official label for New Jersey White Cedar should contain the name, address and zip code of the producing mill, saw mill or other manufacturer, the designation, "NEW JERSEY ATLANTIC WHITE CEDAR", in boldface print not less than 1/2 inch (1.75 cm) in height, and in readable type the following statement, "Labeled in accordance with the industry standard for New Jersey Atlantic White Cedar as registered with the Office of the State Superintendent of Weights & Measures for the State of New Jersey". No other statement or language shall appear on the label.

(c) It is the responsibility of each producing mill, saw mill or other manufacturers, to submit a sample label to the State Superintendent of Weights & Measures for the State of New Jersey prior to use for approval as to type, form and content of said label by the State superintendent.

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

James R. Bird, Deputy State Superintendent
The New Jersey State Office of Weights and Measures
187 W. Hanover St., Trenton, N.J. 08625

The Office of Weights and Measures may, thereafter, adopt rules concerning this subject without further notice.

William J. Wolfe, Sr.
Superintendent, Weights and Measures
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Amendments Concerning Denial Of Nominations or Entries

On June 6, 1979, 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. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-6.11 concerning denial of nominations or entries as proposed in the Notice published November 9, 1978 at 10 N.J.R. 509(a).

An order adopting these amendments was filed and became effective on June 20, 1979 as R.1979 d.250.

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Rules Concerning the Advertising Of Lumber and Building Materials

On June 1, 1979, William J. Wolfe, Sr., State Superintendent of the Office of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:4-31 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:47C-1.1, 13:47C-3.4 and 13:47C-3.5, concerning the advertising of lumber and building materials as proposed in the Notice published May 10, 1979 at 11 N.J.R. 256(a).

An order adopting these rules was filed and became effective on June 20, 1979 as R.1979 d.251.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PHARMACY

Amendments Concerning Practical Experience Requirements for Licensure

On June 13, 1979, Jay Church, Secretary of the State Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:39-4.4 concerning practical experience requirements for licensure as proposed in the Notice published May 10, 1979 at 11 N.J.R. 253(a).

An order adopting these amendments was filed and became effective on June 27, 1979 as R.1979 d.254.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Emergency Rules on Sale and Distribution of Gasoline at Retail

On July 10, 1979, William J. Wolfe, State Superintendent of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:1-61 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the sale and distribution of gasoline at retail.

Full text of the adoption follows:

13:47B-1.23 Half-gallon sales of gasoline

(a) The following words or terms shall have the meaning set forth unless otherwise indicated by the text. "Retail dealer" shall mean any person operating a service station, filling station, store, garage or other place of business for the sale of motor fuel for delivery into the service tank or tanks of any vehicle propelled by an internal combustion engine.

(b) Upon proper application made to the State Superintendent or a county or municipal superintendent of weights and measures by a retail dealer, said superintendent shall issue an exemption from the provisions of N.J.A.C. 13:47B-1.20 insofar as said regulation incorporates Section c.1.4.4. of the National Bureau of Standards Guidelines. Said exemption shall permit a retail dealer to sell gasoline through metering devices on the terms and conditions hereinafter set forth.

(c) A State Superintendent or a county or municipal superintendent of weights and measures shall grant an exemption to a retail dealer for a period of one year where the application therefor sets forth:

1. The maximum allowable retail price to be charged for each type or grade of gasoline to be sold to the public as established by applicable federal regulation. A State Superintendent or a county or municipal superintendent of weights and measures shall issue the exemption only in those cases where the application demonstrates a maximum allowable retail price of \$1.00 per gallon or greater.

2. A certification by the retail dealer that his current metering devices are incapable of registering per gallon retail prices including all applicable taxes of greater than 99.9 cents per gallon including all applicable taxes.

3. A certificate by the retail dealer that new or substitute metering devices to meet the needs of the retail dealer have been ordered for purchase.

(d) Upon securing an exemption as authorized herein, a retail dealer may sell and deliver gasoline through previously authorized metering devices by conspicuously displaying the term "X2" by sign, tag or sticker following the total price window and cost per gallon window on the pump or metering device provided, however, no such pricing shall be implemented by a retail dealer where the price per gallon of gasoline is less than \$1.00. Such sign, tag or sticker shall be no smaller than the size of the numbers shown in the windows showing price per gallon and total price.

(e) A retail dealer securing the exemption authorized herein shall continue to comply with the provisions of N.J.S.A. 56:6-2 requiring the posting of a sign stating the

total price per gallon of motor fuel from such pump or dispensing device.

An order adopting these rules was filed and became

effective on July 10, 1979, as R.1979 d.268 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Amendments Concerning Pari Mutuel Wagering

On July 2, 1979, 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. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-29.8, 13:70-29.24, 10:70-29.25, 13:70-29.27, 13:70-29.47, 13:70-29.54 and 13:70-29.55 concerning pari mutuel wagering substantially as proposed in the Notice published June 7, 1979, at 11 N.J.R. 296(b) with only inconsequential structural or language changes in the opinion of the Department of Law and Public Safety.

Take notice that the proposed amendments to N.J.A.C. 13:70-29.32 were not adopted herein and are still being considered. Regarding the proposed amendments, the changes adopted include the addition of a provision that a document known as the lost ticket report was to be furnished by the Totalisator Company. The remaining sections in the proposal were adopted without changes.

An order adopting these amendments was filed and became effective on July 18, 1979 as R.1979 d.274.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY MEDICAL EXAMINERS

Amendments on Pending Emergency Cases

On June 28, 1979, George E. Boyle, President of the State Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-9.9 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:44-2.10 concerning pending emergency cases as proposed in the Notice published January 4, 1979 at 11 N.J.R. 20(b).

An order adopting these amendments was filed and became effective on July 18, 1979 as R.1979 d.275.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRISTS

Rules on Preceptorship Program

On June 20, 1979, Maxwell M. Kaye, President of the State Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules, to be cited as N.J.A.C. 13:38-2.12, concerning the preceptorship program as proposed in the Notice published May 10, 1979 at 11 N.J.R. 252(b).

An order adopting these rules was filed and became effective on July 18, 1979 as R.1979 d.276.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Rules on Estimated Bills For Residential Customers

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12 et seq., proposes to adopt new rules concerning estimated bills for residential customers.

Full text of the proposal follows:

14:3-7.9(b) Rules concerning estimated bills for residential customers are as follows.

1. Utility companies shall maintain a regular meter reading schedule and make a reasonable effort to read all meters.

2. Utility companies, upon request, must make available to all customers a postage paid business reply card on which the customer may mark the meter reading. Said card shall have appropriate explanation. The utility must permit the customer to telephone the meter reading to the utility. The customer reading is to be used in lieu of an estimated reading, provided the reading is received in time for billing.

3. When a utility company estimates an account for three consecutive billing periods (monthly accounts), or two consecutive billing periods (bi-monthly accounts), the company must initiate a program to mail an important notice to the customer on the fifth and seventh months explaining that a meter reading must be obtained and said notice must explain the penalty for failure to complete an actual meter reading. After all reasonable means to obtain a meter reading have been exhausted, the company may discontinue service provided at least eight months have passed since the last meter reading was obtained, the Board of Public Utility Commissioners have been so notified and the customer has been properly notified by prior mailing. If service is discontinued and subsequently restored, the utility may charge a recon-

nection charge equal to the reconnection charge for restoring service after discontinuance for non-payment.

4. Utility companies must submit to the Board of Public Utilities a statement detailing their estimating procedures.

5. An estimated bill must be clearly designated as such.

6. If low estimates result in a customer receiving an actual bill that is at least twenty-five percent greater than the prior estimated bill, the company shall notify the customer that he may request an amortization of the excess amount. The amortization will be in equal installments over a period of time equal to the period when no actual reading was taken by the customer or the company.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

Board of Public Utilities
1100 Raymond Boulevard
Newark, N.J. 07102
Attention: Eugene J. Byrne, Esq.

The Board of Public Utilities may thereafter adopt rules concerning this subject without further notice.

Edward H. Hynes
Commissioner, Board of Public Utilities
Department of Energy

(c)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Amendments Concerning Periodic Testing of Commercial And Industrial Electric Meters

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12 et seq., proposes to amend N.J.A.C. 14:5-3.2(c) concerning periodic testing of commercial and industrial electric meters by deleting the current text of N.J.A.C. 14:5-3.2(c)1. and 2. and adopting new text therein.

Full text of the proposed new rules follows:

14:5-3.2(c) All types of alternating current watt-hours meters installed upon customers' premises shall be tested as follows:

1. Self contained polyphase meters and transformer rated meters:

i. Meters without demand register—at least once in 16 years;

ii. Meters with block-interval demand registers—at least once in 12 years;

iii. Meters with lagged demand registers—at least once in 8 years;

2. (Reserved).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979, to:

Eugene J. Byrne, Esq.
Board of Public Utilities
1100 Raymond Boulevard
Newark, N.J. 07102

The Board of Public Utilities may thereafter adopt rules concerning this subject without further notice.

George H. Barbour
President, Board of Public Utilities
Department of Energy

(a)

ENERGY

BOARD OF PUBLIC UTILITIES

Notice to Attorneys for Public Utilities When Preparing Petitions for Rate Increases Regarding COWPS

Take notice that the Board of Public Utilities in the Department of Energy has issued the following Notice to attorneys for public utilities when preparing petitions for rate increases regarding COWPS:

In order to give effect to the guidelines promulgated by the Federal Council on Wage and Price Stability (COWPS), the Board requests utilities to include in or with their petitions for rate increases (1) pay and price formula calculations and/or (2) profit-margin formula calculations.

Utilities are also requested to submit separate computations for non-utility operations.

If utilities are not in compliance with the guidelines, they are requested to state the exceptions granted under the guidelines.

The guidelines are contained in 6 CFR Part 705 which may be found in issues of the Federal Register dated: November 7, 1978; December 28, 1978; March 23, 1979 (Electric and Gas Utilities); January 25, 1979; April 20, 1979.

Further information concerning the COWPS guidelines may be obtained by calling the Council's Office of Price Monitoring in Washington, D.C. at (202) 456-7747.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 14 of the New Jersey Administrative Code.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENERGY

THE COMMISSIONER

Emergency Amendments Concerning the Regulation and Control of Sale of Motor Gasoline During an Energy Emergency

On June 20, 1979, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., Executive Order No. 75 (1979) and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 14A:2-3.1 et seq. concerning the regulation and control of sale of motor gasoline during an energy emergency.

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

CHAPTER 2. ENERGY EMERGENCY ALLOCATION

SUBCHAPTER 3. REGULATION AND CONTROL OF SALE OF MOTOR GASOLINE

14A:2-3.1 Scope; definitions

(a) In the event the commissioner determines that there is a significant shortage of motor gasoline, these regulations shall apply to the sales of all motor gasoline made by retail dealers to drivers of motor vehicles.

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

"Ambulatory handicap" means any physical condition which significantly impairs mobility requiring confinement to a wheelchair; or other disability where compliance with the provisions of this subchapter would have the likelihood of seriously impairing or harming the health of the person.

"Authorized emergency vehicles" means vehicles of the fire department including those private vehicles bearing "Firefighter" license plates, utilities, police vehicles, ambulances, and such other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety pursuant to the provisions of Title 39 of the Revised Statutes.

"Commercial vehicle" means all motor vehicles not designed for the transportation of passengers and motor vehicles, designed but not used for the transportation of passengers, which [either] bear commercial plates [or bear the name and address of the owner of the vehicle affixed to the exterior of the vehicle in the manner prescribed for commercial vehicles in chapter 4 of Title 39 of the revised statutes].

"Commissioner" means the Commissioner of the New Jersey Department of Energy.

"Farm vehicle" means all vehicles registered under the provisions of N.J.S.A. 39:3-24 (self-propelled farm tractors, traction equipment, and farm machinery and N.J.S.A. 39:3-25 (farm trucks) which bear farmer, farm use, or tractor plates.

"Motor gasoline" means a mixture of volatile hydrocarbons, normally used for operation of an internal combustion engine and for the purposes of this subchapter includes diesel fuel.

"Motor vehicle" means all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"Omnibus" means buses, taxicabs and all other motor vehicles used for the transportation of passengers for hire, except school buses if the same are not otherwise used in the transportation of passengers for hire.

"Passenger automobile" means all motor vehicles used and designed for the transportation of passengers, except omnibuses, school buses, and authorized emergency vehicles.

"Person" means and includes natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator, or other officer appointed pursuant to law or by any court, State or Federal; also counties, municipalities, authorities and other political subdivisions of this State, singular or plural, and the State of New Jersey.

"Purchase" means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession.

"Retail dealer" means any person who engages in the business of selling motor gasoline from a fixed location such as a service station, filling station, store or garage directly to the operator of a motor vehicle by dispensing

such motor gasoline into the service tank or tanks of the motor vehicle.

"Sale" means and includes, in addition to its ordinary meaning, any exchanges, gift or other disposition. In every case where motor gasoline is exchanged, given, or otherwise disposed of, it shall be deemed to have been sold.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education which complies with the regulations of the Department of Education affecting school buses.

"Truck stop" means any retail dealer who provides service predominantly to trucks and truck tractors, as defined in chapter 1 of Title 39 of the Revised Statutes.

"Van pool" means any motor vehicle which carries a minimum of eight persons not including the driver.

14A:2-3.2 Days of access to retail dealers

(a) No retail dealer shall sell any motor gasoline for use in a service tank in a passenger automobile except as set forth in the following schedule.

1. Operators of passenger automobiles bearing license plates the last number of which is an even number shall be permitted to purchase motor gasoline for use in the service tank of said passenger automobile on even-numbered days of each month.

2. Operators of passenger automobiles bearing license plates the last number of which is an odd number or containing no number shall be permitted to purchase motor gasoline for use in the service tank of said passenger automobile on odd-numbered days of each month.

3. Operators of passenger automobiles bearing license plates from any other state or foreign nation shall be permitted to purchase motor fuel on the same basis as any regulation in effect in their state. [gasoline in accordance with these regulations.]

4. For the purpose of determining the last number of the license plate, any number preceded by a hyphen or dash shall not be used in determining the right to purchase motor gasoline described in this section.

5. The provisions of this section shall not be applicable on the 31st day of any month.

14A:2-3.3 Quantity of motor gasoline

(a) Purchase restrictions are as follows:

1. No person shall purchase or attempt to purchase motor gasoline from any retail dealer for a passenger automobile the gasoline gauge of which indicates that the service tank is more than half full with motor gasoline.

2. Every operator of a passenger automobile who purchases or attempts to purchase motor gasoline from any retail dealer shall permit the retail dealer to view the gasoline gauge of such automobile to see if the gasoline gauge indicates that the service tank of such passenger automobile is more than half full with motor gasoline.

(b) Sales restrictions are as follows:

1. No retail dealer shall sell motor gasoline to the operator of any passenger automobile the gasoline gauge of which indicates that the service tank of said passenger automobile is more than half full with motor gasoline.

2. No retail dealer shall sell motor gasoline to the operator of any passenger automobile if the operator of such automobile does not permit the retail dealer to view the gasoline gauge of such automobile to see if the gasoline gauge indicates that the service tank of such passenger automobile is more than half full with motor gasoline.

(c) No person or retail dealer shall authorize or perform any work upon a gasoline gauge of a passenger

automobile which would render or tend to render such gauge inoperative or inaccurate.

(d) In addition to the provisions of subsections (a) and (b) of this section, the commissioner may establish maximum quantities of motor gasoline to be sold to any purchaser including limitations on the number of gallons to be sold and limitations on the number of dollars of motor gasoline to be sold.

14A:2-3.4 Methods for notifying public

(a) Every retail dealer of motor gasoline shall conspicuously display a [two] flag[s], so that [they are] it is easily visible to the public, during such time that his place of business is open, as follows:

1. A red flag shall be displayed when [the leaded regular grade of] motor gasoline is not available for sale to members of the general public;

[2. A red and white-checkered flag shall be displayed when the unleaded grade of motor gasoline is not available for sale to members of the general public;]

2. [3.] A green flag shall be displayed when all grades [the leaded regular grade] of motor gasoline are [is] available for sale to members of the general public without limitation in regard to the maximum amount which may be purchased;

[4. A green and white-checkered flag shall be displayed when the unleaded grade of motor gasoline is available for sale to members of the general public without limitation in regard to the maximum amount which may be purchased;]

3. [5.] A yellow flag shall be displayed when [the leaded regular grade of] motor gasoline is available to members of the general public but such sales are limited in regard to the maximum amount which may be purchased, or there is a grade of gasoline which is unavailable for sale to members of the general public.[:]

[6. A yellow and white-checkered flag shall be displayed when the unleaded grade of motor gasoline is available to members of the general public but such sales are limited in regard to the maximum amount which may be purchased.]

(b) [Any] Whenever a retail dealer displays a yellow flag, he [who establishes a maximum amount of motor gasoline which may be purchased] shall post [such amount] in a conspicuous place and manner [during such time that his place of business is open for the sale] the limitations applicable to sales of motor gasoline.

(c) Every retail dealer of motor gasoline shall post in a conspicuous place and manner the hours during which he shall be selling motor gasoline to members of the general public.

(d) All signs posted by a retail dealer relating to the price of motor gasoline being sold must be properly maintained and accurately reflect the current selling price.

(e) Every retail dealer must prominently indicate the last motor vehicle eligible to receive motor gasoline from the retail dealer prior to closing.

14A:2-3.5 Exemptions; self implementing

(a) Operators of motor vehicles bearing license plates with "MD" identification marks in which a physician is riding on medical business shall be exempt from the provisions of section 2 of this subchapter and shall be permitted to purchase motor gasoline on any day.

(b) Operators of commercial vehicles, farm vehicles, omnibuses, and school buses shall be exempt from the provisions of section 2 [and 3] of this subchapter and shall be permitted to purchase [as much] motor gasoline [as required] on any day.

(c) Operators of authorized emergency vehicles shall be exempt from the provisions of section 2 [and 3] of this subchapter and shall be entitled to purchase [as much] motor gasoline [as required] on any day.

(d) Operators of motor vehicles bearing license plates or handicap parking sticker which identify the operator as a disabled or handicapped driver shall be exempt from the provisions of section 2 of this subchapter and shall be permitted to purchase motor gasoline on any day.

(e) Operators of motor vehicles which are being used as van pools recognized by the New Jersey Department of Energy and bearing a sticker issued by the Department shall be exempt from the provisions of section 2 of this subchapter and shall be permitted to purchase motor gasoline on any day. Operators of motor vehicles which are being used as van pools may apply to the Department for such an exemption sticker. The Department may require operators of van pools to furnish such proof as the Department may prescribe in order to establish a right to such an exemption.

14A:2-3.6 Exemptions on application

(a) In the absence of identifying license plates, persons who can establish to the satisfaction of the State Department of Energy that they suffer from an ambulatory handicap or disability, and require the use of a passenger automobile for business, in connection with their employment or to obtain medical care or the necessities of life shall be issued a sticker in the form prescribed by the Department of Energy which when affixed to said automobile in a manner prescribed by said department shall exempt such persons from the provisions of section 2 of this subchapter. Such persons shall be required to furnish such proof as may be required by the Department of Energy in the form and manner as said department may prescribe in order to establish such right to exemption.

(b) Any person who can demonstrate to the satisfaction of the Department of Energy that his exemption is necessary for the health and welfare of the general public may receive an exemption sticker.

14A:2-3.7 Arrangements permitted

(a) Any retail dealer that had prior to the declaration of emergency a bona fide agreement or written contract with a commercial account for the periodic sale of motor gasoline to commercial vehicles, omnibuses, school buses, or authorized emergency vehicles shall be allowed to continue those sale practices followed prior to the declaration of emergency in performing said dealer's obligations under such agreements or contracts with respect to said accounts, notwithstanding the provisions of sections 2 and 3 of this subchapter.

(b) Rules concerning special arrangements for emergency services are as follows:

1. The governing body of any New Jersey county or municipality or the senior officer of any Federal agency, the jurisdiction of which includes New Jersey or any portion thereof, which utilizes the services of a volunteer fire department and/or rescue squad or ambulance service, or the hospital administrator of any New Jersey hospital which utilizes the services of emergency medical personnel may enter into a written contract or agreement with a designated retail dealer or dealers to permit the sale of motor gasoline at any time to such persons that provide said emergency services, notwithstanding any of the provisions of these regulations.

2. Said contracts or agreements shall designate by name those persons who provide said emergency services and shall designate by license plate number the motor

vehicle used by said persons when responding to a call to provide said emergency services. Said contracts or agreements shall be submitted to the State Department of Energy for approval by said office consistent with a policy of motor gasoline conservation and equitable allocation and the providing of essential emergency services.

3. Designated retail dealers shall obtain from persons purchasing motor gasoline under the provisions of this subsection a signed and dated receipt declaring the motor gasoline gallonage purchased. Said designated dealers shall, on a monthly basis, submit all such receipts to the appropriate governing body, senior officer or hospital administrator.

4. The governing body, senior officer, hospital administrator or authorized representatives thereof shall conspicuously post in the appropriate municipal building, county office building, agency office building or hospital the names of all persons designated in any said contracts or agreements and the motor gasoline gallonage purchased on a monthly basis, if any, by each said designated person. Said governing body, senior officer or hospital administrator shall retain a record of all purchases made under the provisions of this subsection and submit same, upon demand, for review by the State Department of Energy.

(c) A retail dealer, who prior to the effective date of this regulation qualified as a truck stop as defined herein, may, at the dealer's option, restrict its sales of motor gasoline to the operators of trucks and truck tractors only. Said option does not include the right to sell at the dealer's discretion to the operators of preferred customer passenger automobiles to the exclusion of all other passenger automobiles, and any such dealer who elects to sell to any operator of a passenger automobile after the effective date of this regulation shall be required to sell to all operators of passenger automobiles subject to these regulations. A retail dealer electing to sell only to the operators of trucks and truck tractors under the terms of this section shall post in a conspicuous place such restriction.

14A:2-3.8 Police authority to waive regulations in cases of emergency

(a) Notwithstanding any of the provisions of these regulations, police departments of the Division of State Police in the Department of Law and Public Safety and police departments of any New Jersey municipality may in cases of bona fide emergency waive any of these regulations and permit a retail dealer to sell motor gasoline at any time to the operator of a motor vehicle who would otherwise not be entitled to purchase motor gasoline. In every instance where a waiver of these regulations is granted, the name of the person requesting such waiver, the waiver granted and the reasons therefor shall be entered onto the police blotter of the police department involved. A bona fide emergency exists where a policeman determines the use of a motor vehicle is necessary for the life, health or safety of an individual or community.

(b) Any person procuring motor gasoline by falsely claiming that he or she requires such motor gasoline because of a case of bona fide emergency shall be deemed to be in violation of this regulation.

(c) A retail dealer who sells motor gasoline pursuant to a waiver as described in subsection (a) of this section shall not be deemed to be in violation of these regulations.

14A:2-3.9 Privileged vehicles

(a) Notwithstanding any of the provisions of these regulations, an operator of an authorized emergency vehicle shall be entitled to be sold motor gasoline immediately

upon demand by a retail dealer at any time including those hours when a retail dealer is not open for the sale of motor gasoline to the general public.

(b) A retail dealer who sells motor gasoline in accordance with the previous subsection (a) of this section shall not be deemed to be in violation of these regulations.

14A:2-3.10 Preemption

All local and county regulations, statutes, ordinances and proclamations dealing with the subject matter of these regulations are hereby superseded.

14A:2-3.11 Interference with compliance

(a) No person shall threaten, interfere, or attempt to interfere with a retail dealer with respect to compliance with the provisions of these regulations.

(b) No person shall knowingly or willfully misrepresent a motor vehicle as one entitled to an exemption from these regulations or a priority thereunder. Such misrepresentation includes, but is not limited to, falsely identifying a motor vehicle as a commercial vehicle. If such misrepresentation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. Any penalties imposed resulting from a violation of this section shall not preclude the application of any other penalties, civil or criminal, as prescribed by law.

14A:2-3.12 Modification or suspension of regulations

The Commissioner of the Department of Energy may, from time to time and for such period as he deems appropriate, modify, supplement or suspend the operation and/or enforcement of any or all of these regulations, in whole or in part. Such action may be made immediately effective without prior notice. Any administrative order issued by the commissioner pursuant to this section may be for a definite or indefinite duration, and, notwithstanding the fact that any such order hereinafter issued is specified to be for a definite duration, said commissioner may rescind any such order and reinstate any such modified, supplemented, or suspended regulations.

14A:2-3.13 Preferred customers; sale on first-come, first-served basis

(a) No retail dealer shall give preferential treatment including, but not limited to, separate pumps, separate pump lines, separate hours of sale, or sale by appointment to his preferred or regular customers.

(b) All sales of motor gasoline shall be on a first-come, first-served basis.

An order adopting these amendments was filed on June 20, 1979, as R.1979 d.252 (Exempt, Emergency Rule) to become effective on June 21, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENERGY

THE COMMISSIONER

Emergency Rules Concerning Sale Of Motor Gasoline in Containers

On June 21, 1979, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and in accordance with applicable provisions of the Ad-

ministrative Procedure Act, adopted emergency rules concerning the sale of motor gasoline in containers.

Full text of the adoption follows:

14A:2-3.14 Sale of motor gasoline in containers

(a) No person shall purchase or attempt to purchase from a retail dealer by distribution directly into a container unrelated to an internal combustion engine more than one gallon of motor gasoline.

(b) No retail dealer shall sell or attempt to sell by distribution directly into a container unrelated to an internal combustion engine more than one gallon of motor gasoline.

An order adopting these rules was filed and became effective on June 22, 1979, as R.1979 d.253 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENERGY

THE COMMISSIONER

Emergency Amendments on Sale of Motor Fuel

On June 27, 1979, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to the rules concerning the sale of motor fuels.

These amendments deleted the current text of N.J.A.C. 14A:2-3.3(a)1 and 2, 14A:2-3.3(b)1 and 2 and 14A:2-3.3(c) and further amended N.J.A.C. 14A:2-3.1(b), 14A:2-3.7(b)1, 14A:2-3.14 and adopted a new rule to be cited as N.J.A.C. 14A:2-3.15.

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

14A:2-3.1(b) . . .

“Authorized emergency vehicles” means vehicles of [the] a fire department [including those private vehicles bearing “Firefighter” license plates], utilities, police vehicles, ambulances, and such other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety pursuant to the provisions of Title 39 of the Revised Statutes.

14A:2-3.7(b)1. The governing body of any New Jersey county or municipality or the senior officer of any Federal agency, the jurisdiction of which, includes New Jersey or any portion thereof, which utilizes the services of a volunteer or professional fire department, [and/or] police department, rescue squad, [or] ambulance service, or the hospital administrator of any New Jersey hospital which utilizes the services of emergency medical personnel may enter into a written contract or agreement with a designated retail dealer or dealers to permit the sale of motor gasoline at any time to such persons that provide said emergency services, notwithstanding any of the provisions of these regulations.

14A:2-3.14 Sale of motor gasoline in containers

(a) No person shall for other than commercial or farm purposes purchase or attempt to purchase from a retail dealer by distribution directly into a container unrelated to an internal combustion engine more than one gallon of motor gasoline.

(b) No retail dealer shall for other than commercial or farm purposes sell or attempt to sell by distribution directly into a container unrelated to an internal combustion engine more than one gallon of motor gasoline.

14A:2-3.15 Quantity of motor fuel

With the exception of those sales of motor fuel on the Garden State Parkway, New Jersey Turnpike, or the Atlantic City Expressway, no gasoline retailer may sell to any passenger vehicle any motor fuel in an amount less than five dollars (\$5.00) for a four-cylinder vehicle, or in an amount less than seven dollars (\$7.00) for any other passenger vehicle.

An order adopting these amendments was filed and became effective on June 29, 1979, as R.1979 d.260 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENERGY

THE COMMISSIONER

Emergency Amendments Concerning Control and Sale of Motor Gasoline During an Energy Emergency

On July 11, 1979, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., Executive Order No. 75 (1979) and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to a portion of the rules concerning the control and sale of motor gasoline during an energy emergency.

Full text of the adoption follows:

14A:2-3.5(f) Operators of motor vehicles with weekday exemption stickers shall be exempt from the provisions of section 2 of this subchapter Monday through Friday inclusive. Section 2 of this subchapter shall be applicable to operators of motor vehicles with weekday exemption stickers on Saturday and Sunday.

14A:2-3.6(c) An operator of a motor vehicle who can demonstrate to the satisfaction of the Department of Energy that an exemption is necessary for his employment may receive a weekday exemption sticker.

1. The Department of Energy will consider an exemption necessary for an individual's employment when the individual demonstrates that:

- i. A motor vehicle is required in pursuing his employment;
- ii. The motor vehicle used for pursuit of his employment is supplied with motor gasoline exclusively from a retail dealer;
- iii. Alternate means of transportation to pursue his employment are unavailable;
- iv. The individual travels a minimum of 125 miles

per day at least four days a week, exclusive of commutation to and from work;

v. The individual travels a minimum of 25,000 miles per year in the conduct of his employment.

2. To receive an exemption under this paragraph, an individual shall submit a completed and notarized application on a form provided by the Department. This form shall be accompanied by a declaration of employment by the individual's employer on the stationery of the employer. Additionally, an individual may be asked to document all information submitted to the Department. The Department reserves the right to require that all applicants submit documentation in any requested form, including but not limited to Internal Revenue Service forms.

3. An individual in compliance with the requirements of this paragraph will receive a weekday exemption.

An order adopting these amendments was filed and became effective on July 13, 1979 as R.1979 d.270 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking On Parts of Routes 94 and 3

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking on parts of Routes 94 and 3.

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

16:28-3.112(a) 1. **No stopping or standing in Township of Hardyston, Sussex County along both sides of Route 94 from the Sparta Township-Hardyston Township corporate line to North Church Road.**

Renumber paragraphs 2 and 3 as 3 and 4.

16:28-3.107(b) **The certain parts of State Highway Route 3 in the City of Clifton described herein below shall be, and hereby are, designated and established as "No Parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199. Permission is hereby granted to erect appropriate signs at the following established bus stops:**

1. **Along the Eastbound side of Route 3:**

i. **Mid-block bus stops:**

(1) **Beginning 230 feet east of the center line of the Hepburn Road Overpass and extending 135 feet easterly therefrom.**

(2) **Beginning 1,650 feet west of the center line of the Passaic Avenue Overpass and extending 135 feet westerly therefrom.**

2. **Along the westbound side of Route 3:**

i. **Mid-block bus stops:**

(1) **Beginning 154 feet east of the center line of Hepburn Road Overpass and extending 135 feet easterly therefrom.**

ii. **Near side bus stop:**

(1) **Donnaln Place (Notch Road) (105 feet).**

3. The above mentioned near side bus stop to be measured 105 feet from the curb line of the intersecting street.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Restricted Parking On Parts of Routes 44, 52, 152 and 35

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28-3.48(a)3 and 3.121 and adopt new rules, to be cited as N.J.A.C. 16:28-3.198 through 16:28-3.200 if adopted, concerning restricted parking on parts of Routes 44, 52, 152 and 35. The proposed amendment to N.J.A.C. 16:28-3.121 involves the deletion of the current text of that Section and the adoption of new text therein and the proposed amendment to N.J.A.C. 16:28-3.48 involves the addition of a new paragraph (a)3.

Full text of the proposal follows:

16:28-3.48(a)3. No stopping or standing along both sides of Route 35 for its entire length in the Borough of Mantoloking.

16:28-3.121 Route 44

(a) The certain parts of State Highway Route 44 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Township of West Deptford along both sides of Route 44 from Woodbury Terrace to a point 100 feet west of the westerly curb line of Delaware Avenue.

16:28-3.198 Route 52 in the City of Somers Point, Atlantic County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 52 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 52 for the entire length within the corporate limits of the City of Somers Point.

16:28-3.199 Route 152 in the City of Somers Point, Atlantic County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 152 de-

scribed herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 152 for the entire length within the corporate limits of the City of Somers Point.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments Concerning No Passing Zones on Parts of Route U.S. 46

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to amend N.J.A.C. 16:29-1.8 concerning no passing zones on parts of Route U.S. 46.

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

16:29-1.8 Route 46

The following certain parts of State Highway Route U.S. 46 shall be and hereby are designated and established as "No Passing" zones.

1. That part within Washington Township, [Mount Olive Township,] Netcong Borough, Roxbury Township, Mine Hill Township, [Dover, Town of,] Rockaway Township and Rockaway Borough in Morris County and described in drawing number HNPZ-031 dated May 8, 1978.

2. That part within Knowlton Township, White Township, Liberty Township, Independence Township and Town of Hackettstown in Warren County and described in drawing HNPZ-029, dated April 25, 1978.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION
THE COMMISSIONER

**Proposed Rules on One-Way Traffic on
Eisenhower Avenue in Dover Township**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1, proposes to adopt new rules concerning one-way traffic on parts of Eisenhower Avenue in Dover Township.

Full text of the proposal follows:

16:30-1.7 Eisenhower Avenue

(a) The certain parts of Eisenhower Avenue, Dover Township, Ocean County, described herein below shall be and hereby are, designated for one-way traffic.

1. Eisenhower Avenue eastbound between Route 35 southbound roadway and route 35 northbound roadway.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TRANSPORTATION
THE COMMISSIONER

**Proposed Rules on No Left
Turns on Parts of Route 71**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6, proposes to amend N.J.A.C. 16:31-1.13 concerning no left turns on parts of Route 71.

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

16:31-1.13 Route 71

(a) Turning movements of traffic on the certain parts of State Highway Route 71 described below are regulated as follows:

1. No left turns south on Route 71 to east into [north-erly] driveways of the Crown Gas Station in the vicinity of Blakey Avenue, Manasquan Borough (Milepost 1.5).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(c)

TRANSPORTATION
THE COMMISSIONER

**Proposed Amendments Concerning the
Distribution and Sale of Construction
Plans and Supplementary Specifications**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:15A-1 et seq., proposes to adopt amendments to the rules concerning the distribution and sale of construction plans and supplementary specifications.

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

16:65-3.1 Definitions

“Supplementary specifications” mean amendments or revisions updating the current New Jersey State Highway Department Standard Specifications for Road and Bridge Construction.

16:65-3.2(b) Sets of supplementary specifications shall be consecutively numbered by the respective originating bureau, division, or unit, prior to issuance.

(c) Sets of construction plans and supplementary specifications sold by regional offices which are reproduced from microfilm shall not be numbered.

[(b)] (d) A charge shall be made for each set of black line plans distributed pursuant to requests from outside of the NJDOT in accordance with the following schedule except as otherwise authorized herein.

	[Black Line] Standard Size (22x36)*	Reduced Size (11x18)*
1. Sets of plans of 50 sheets or less	\$12.00	\$ 7.50
2. Sets of plans of 51 to 100 sheets	23.00	13.00
3. Sets of plans of 101 to 150 sheets	34.00	18.50
4. Sets of plans of 151 to 200 sheets	45.00	24.00
5. Sets of plans of 201 to 250 sheets	56.00	29.50
6. Sets of plans of 251 to 300 sheets	67.00	35.00
7. For each additional multiple of 50 sheets or part thereof, an addi- tional charge of	13.00	5.00

*Note: These prices do not include handling fees which are to be paid by the requester, and are subject to change.

[(c)] (e) Requests from outside the NJDOT for distribution of a set or sets of plans, or for any portion thereof, or for any individual sheet or sheets therefrom, shall be honored during the advertised period; however, distribution pursuant to such requests will only be made after one of the following:

1. The Department Cashier has furnished a receipt indicating that the proper remittance (60c per sheet not to

exceed the scheduled price for a complete set of black line prints) has been submitted; or

[(d)] (f) A minimum fee of \$3.00 shall apply for all material which must be billed; however, this minimum fee may be applied toward the copying charges. For example, one through five sheets cost \$3.00, six sheets cost \$3.60, seven sheets cost \$4.20, etc.

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before August 29, 1979, to Mr. Charles Meyers, Administrative Practice Officer, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The New Jersey Department of Transportation may thereafter adopt these regulations substantially as proposed without further notice.

Russell H. Mullen
Assistant Commissioner, Highways
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Notice of Recodification of Certain Traffic Regulations

Effective June 14, 1979 N.J.A.C. 16:28-1 has been recodified by combining like route numbers in single sections. In N.J.A.C. 16:28-3 the following have been recodified: Section 44 into 39; 46, 47, 51 and 53 into 38; 61 into 65; 62 into 43; 97 into 105; 99 into 110; 102 into 38; 103 and 104 into 39; 106 and 109 into 95; 116 into 39; 117 into 56; 129 into 108; 130 and 131 into 38; 132 into 42; 134 into 38; 135 into 112; 136 into 48; 138 into 108; 163 and 164 into 52; 166 into 64; 170 into 38; 171 into 15; 172 into 108; 175 into 178; 176 into 42; 177 into 39; 178 into 45; 179 into 49; 180 into 108; 181 into 112; 182 into 42; 183 into 64; 184 into 113; 186 into 39; 187 and 189 into 113; 190 into 63; 191 into 38; and 192 into 165; N.J.A.C. 16:28-4 was recodified as N.J.A.C. 16:30-1. N.J.A.C. 16:28-5.1 through 5.3 were recodified as N.J.A.C. 16:30-2.2 through 2.4. N.J.A.C. 16:28-6 was recodified as N.J.A.C. 16:31-1 and like route numbers were combined. N.J.A.C. 16:28-7 was recodified as N.J.A.C. 16:30-3. N.J.A.C. 16:28-8.1 and 8.2 were recodified as N.J.A.C. 16:30-2.5 and 2.6. N.J.A.C. 16:28-10.1 and 11.1 were recodified as N.J.A.C. 16:30-2.1 and 4.1. N.J.A.C. 16:28-15 was recodified as N.J.A.C. 16:29-1 and like route numbers were combined. N.J.A.C. 16:28-16 was recodified as N.J.A.C. 16:30-6.

These will be included in the June 14, 1979 update of Title 16.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on No Passing Zones on Parts of Route U.S. 40

On July 5, 1979, Louis J. Gambaccini, Commissioner

of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:29-1.20, concerning no passing zones on parts of Route U.S. 40 as proposed in the Notice published June 7, 1979 at 11 N.J.R. 301(a), except the codification assignment has been changed.

An order adopting these rules was filed and became effective on July 6, 1979 as R.1979 d.264.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TRANSPORTATION

THE COMMISSIONER

Rules on Restricted Parking On Parts of Routes 27 and 7

On July 5, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.95(b)2 and 16:28-3.194, concerning restricted parking on parts of Routes 27 and 7 as proposed in the Notice published June 7, 1979 at 11 N.J.R. 300(a), except the codification change for Route 27.

An order adopting these amendments was filed and became effective on July 6, 1979 as R.1979 d.265.

Howard H. Kestin
Director
Office of Administrative Law

(d)

TRANSPORTATION

THE COMMISSIONER

Amendments Concerning Speed Limits On Parts of Routes 34 and 49

On July 5, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-1.18 and 16:28-1.81 concerning speed limits on parts of Routes 34 and 49 as proposed in the Notice published June 7, 1979 at 11 N.J.R. 299(d).

An order adopting these amendments was filed and became effective on July 6, 1979 as R.1979 d.266.

Howard H. Kestin
Director
Office of Administrative Law

(e)

TRANSPORTATION

THE COMMISSIONER

Amendments Concerning the Rescission of Allocated but Unexpended Local State Aid Funds

On July 18, 1979, Louis J. Gambaccini, Commissioner of

Transportation, pursuant to authority of N.J.S.A. 27:15A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:16-4.3 and 16:17-4.3 concerning the rescission of allocated but unexpended local State aid funds as proposed in the Notice published June 7, 1979 at 11 N.J.R. 299(c).

An order adopting these amendments was filed and became effective on July 19, 1979 as R.1979 d.279.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TREASURY

DIVISION OF PENSIONS

PUBLIC EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Proposed Amendments Concerning the Public Employees' Retirement System

John P. Olender, Secretary of the Public Employees' Retirement System Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 proposes to amend N.J.A.C. 17:2-1.8, 17:2-2.2, 17:2-2.4, 17:2-3.1, 17:2-3.6, 17:2-4.11, 17:2-4.14, 17:2-5.7, 17:2-6.2, 17:2-6.19, 17:2-7.1 and 17:2-7.2, concerning the Public Employees' Retirement System.

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

...
17:2-1.8(a)3. [If a widow fails to timely file an annual statement with the System affirming that she has not remarried;] If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility which is normally mailed to such beneficiaries on an annual basis;

17:2-2.2 [(a) Any employee who has enrolled in a covered position must enroll in any other optional or compulsory position which he holds, where he meets the salary and other qualifications and is paid in each of the calendar quarters.]

(a) Any employee who has enrolled in a covered position must also enroll in any other position regardless of his employment status in such other position if he meets the salary and Social Security qualifications for enrollment and is paid in each of the calendar quarters. However, if an employee who is ineligible for membership later accepts an additional position which makes him eligible for membership in that second position, his ineligibility for membership in the earlier position is not altered by his enrollment in the Public Employees' Retirement System.

17:2-2.4(c) [An employee who does not meet the requirement for enrollment cited in (a) and (b) of this section may be considered a temporary employee by his employer for as long as a one-year period following the employee's date of hire, but if his employment continues into his second year, his compulsory enrollment date will be the first of the month following the completion of the equivalent of a working test period of four months within the second year of employment.]

An employee of a Civil Service employer who is not in a classified or unclassified position or an employee of a non-Civil Service employer who is not in a regular budgeted position may be considered a temporary employee by his employer for a one-year period following the employee's date of hire, but if his employment continues into his second year, he will be required to enroll immediately; his compulsory enrollment date will be the first of the month following the end of the one-year (12-month) period.

17:2-3.1(o) When proof of insurability is required, the member's opportunity to prove such insurability shall expire one year (12 months) from the date the initial written notice is sent advising him that he must prove insurability by taking a medical examination.

17:2-3.6 Survivor benefits

(a) Payment of benefits to eligible survivors shall become effective on the first of the month of the member's death and shall terminate as of the month in which the survivor no longer qualifies for such benefits.

(b) In the instance of an active member who died in the performance of duty (accidental death), the initial pension payment will be for the month following the month in which the member died, and the last payment will cover the month immediately preceding the month the survivor dies or ceases to qualify for the continuance of benefits.

17:2-4.11(a)4. A multiple member has not terminated employment in all covered positions.

17:2-4.11(a)5. The member has a claim pending for Workers' Compensation benefits.

17:2-4.14 Continuance of membership; transfer

Once an employee establishes membership in the retirement system, he is eligible to continue such membership should he be temporarily employed in a position covered by the system.

17:2-5.7 Eligible credit

(a) An active contributing member may purchase credit for up to 10 years of out-of-state public employment provided the member is not receiving nor is entitled to receive a retirement allowance for such service from any other public retirement system and proof is received that he has withdrawn from such other system.

(b) Federal service or service rendered outside of the United States is not creditable.

17:2-6.2(e) In the case of deferred retirement, if an applicant desires to amend his retirement application, the amended application must be filed with the system a minimum of [30 days] one month prior to his [60th birthday] effective date of retirement.

17:2-6.19 Maximum allowance prescribed

Where someone, other than a legal guardian, acting in behalf of a member makes application for a retirement allowance, such individual may not elect other than the maximum allowance for the member and the member's estate must be designated as the beneficiary for all death benefits payable on the member's account.

17:2-7.1(a)5. This procedure would not apply where a member does not make a timely transfer in accordance with N.J.S.A. 43:2-1 et seq., or who has been granted a deferred retirement allowance by the Teachers' Pension and Annuity Fund.

17:2-7.2(a)7. This procedure would not apply where a member does not make a timely transfer in accordance

with N.J.S.A. 43:2-1, et seq., or who has been granted a deferred retirement allowance by another State-administered retirement system.

Interested persons may present statements or arguments in writing relevant to the proposals on or before August 29, 1979 to:

John P. Olender, Secretary
Public Employees' Retirement System
Board of Trustees
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Public Employees' Retirement System Board of Trustees may thereafter adopt rules concerning this subject without further notice.

John P. Olender, Secretary
Public Employees' Retirement System
Board of Trustees
Division of Pensions
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

TEACHERS' PENSION AND ANNUITY FUND

BOARD OF TRUSTEES

Proposed Amendments Concerning Compulsory Retirement

A. Steven LaBrutte, Secretary of the Teachers' Pension and Annuity Fund Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56, proposes to amend N.J.A.C. 17:3-6.15, concerning compulsory retirement.

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

17:3-6.15(a) All members shall be required to terminate their active membership [effective as of the first of the month in which they attain age 71.] at the close of the school year (July 1) that precedes their 71st birthday. The actual payment of retirement benefits will be subject to the regular filing requirements set forth in Section 1 (Applications) of this Subchapter.

17:3-6.15(c) The tenure status of any member, for retirement purposes, shall terminate [as of the first of the month in which they attain age 71] on the July 1 preceding age 71, and he shall be retired automatically by the Board as of his compulsory retirement date.

Interested persons may present statements or arguments in writing relevant to the proposals on or before August 29, 1979 to:

A. Steven LaBrutte, Secretary
Teachers' Pension and Annuity Fund
Board of Trustees
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Teachers' Pension and Annuity Fund Board of Trus-

tees may thereafter adopt rules concerning this subject without further notice.

A. Steven LaBrutte, Secretary
Teachers' Pension and Annuity Fund
Board of Trustees
Division of Pensions
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed Rules Concerning the Computation of Tax Credit Under The Gross Income Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq., proposes to adopt new rules concerning the computation of tax credit under the Gross Income Tax Act.

18:35-1.12 Computation of tax credit

(a) The following provisions shall govern the computation of the tax credit by reason of the tax paid to another state under the New Jersey Gross Income Tax Act.

1. N.J.S.A. 54A:4-1 provides for a credit against the New Jersey gross income tax as follows:

"Resident credit for tax of another state.

(a) A resident taxpayer shall be allowed a credit against the tax otherwise due under this act for the amount of any income tax or wage tax imposed for the taxable year by another state of the United States or political subdivision of such state, or by the District of Columbia, with respect to income which is also subject to tax under this act.

(b) The credit provided under this section shall not exceed the proportion of the tax otherwise due under this act that the amount of the taxpayer's income subject to tax by the other jurisdiction bears to his entire New Jersey income."

2. The credit against the New Jersey tax applies with respect to the income tax paid in the other state on income which is also subject to tax under the New Jersey Act. Therefore, there should be excluded from the income in the other state any income which is not subject to tax under the New Jersey law.

3. N.J.S.A. 54A:4-1(b) provides for a limitation for credit against tax paid to another state. The limitation is determined by the amount that the taxpayer's income subject to tax by the other jurisdiction bears to the taxpayer's entire New Jersey income.

4. For purposes of the provisions in the law, N.J.S.A. 54A:4-1 for the resident credit of tax paid to another state, income subject to tax in New Jersey shall include all the categories of income provided for in N.J.S.A. 54A:5-1 with adjustments:

i. In the numerator, for taxpayers who claim credit for income in the numerator which has been only partially taxed by the other jurisdiction; and

ii. In the denominator, for taxpayers who claim credit for income in the numerator as income subject to tax in the other state or jurisdiction which has already been excluded from New Jersey income.

iii. A taxpayer who includes in the numerator (see Line

64, N.J. 1040) pension and/or retirement income which is subject to tax by the other jurisdiction but which is excluded from the denominator (line 17c of Form N.J. 1040) shall make an adjustment in the denominator to add back such pension and/or retirement income to reflect the entire New Jersey income.

5. The following examples will illustrate how the resident credit for tax paid to another state shall be applied:

i. Example 1: Taxpayer income is as follows:

NEW YORK				NEW JERSEY			
Wages			\$15,000	Wages			\$15,000
Capital Gains	Long Term	\$20,000		Dividends			3,000
Deduction		12,000	8,000	Capital Gains			20,000
			<u>\$23,000</u>				<u>\$38,000</u>
				Exemptions			2,000
							<u>\$36,000</u>
				New Jersey Tax			<u>\$ 800</u>
Line 62 New York income should be			\$23,000				
(not \$35,000)							
Line 63 Income subject to tax in New Jersey			38,000				
Line 64 $\frac{\$23,000}{\$38,000} = 60.53\% \times \$800 = \$484.24$ Credit							

ii. Example 2: Taxpayer income is as follows:

NEW YORK				NEW JERSEY			
Rental Income			\$13,000	Wages			\$ 2,000
N.Y.C. Pension			4,000	Rental Income			21,000
			<u>\$17,000</u>	Pension (N.Y.C.)	\$4,000		-0-
				N.J. Exclusion	4,000		<u>\$23,000</u>
				Retirement Income Exclusion			6,000
							<u>\$17,000</u>
				Exemptions			2,000
							<u>\$15,000</u>
				Tax			<u>\$ 300</u>
Line 62 New York income			\$17,000				
Line 63 Income subject to tax in New Jersey			\$17,000				
Plus - exclusions - Pension income		\$4,000					
Line 64 $\frac{\$17,000}{\$27,000} = 62.96\% \times \$300 = \$185.88$ Tax Credit							

iii. Example 3:

A resident New Jersey taxpayer has two businesses ("A" - N.Y., "B" - N.J.) and the net profits (or losses) from such are both reportable at line 34 of the return. The net income of business "A" is \$50,000 and is entirely attributable to New York. The net loss of business "B" is \$40,000 and is entirely attributable to New Jersey.

The taxpayer has paid a tax on \$50,000 to New York but only on \$10,000 to New Jersey (\$40,000 net loss netted from \$50,000 net income at line 34).

The taxpayer must add back at line d. above the \$40,000 deducted from income at line 34 of the return if he is claiming credit at line 62 for the entire \$50,000 income subject to tax by New York for business "A."

In no event may a taxpayer claim a credit for income or wage taxes paid to other jurisdiction(s) unless the income so claimed is also included in entire New Jersey income at line 63 of the return.

Taxpayer income is as follows:

NEW YORK		NEW JERSEY	
Partnership income	\$50,000	Dividend income	\$ 5,000
		Interest	2,000
		Capital gain income	3,000
		Partnership income	\$50,000
		Partnership loss	(40,000) 10,000
			\$20,000
		Exemptions	2,000
			<u>\$18,000</u>
		Tax	<u>\$ 360</u>
Line 62 New York income			\$50,000
Line 63 Income subject to tax in New Jersey			
Plus (loss deduction not taken from income subject to tax in New York)		\$40,000	\$60,000
Line 64	\$50,000		\$60,000
	<u>\$60,000</u>		
	= 83.33% × \$360 = \$300 Tax Credit		

iv. Example 4: Taxpayer income is as follows:

NEW YORK		NEW JERSEY	
Wages	\$15,000	Wages	\$15,000
Less sick pay	5,000	Dividends	3,000
	<u>\$10,000</u>	Capital gains	2,000
			\$20,000
		Exemptions	2,000
			\$18,000
		Tax	<u>\$ 360</u>
Line 62 New York income should be (not \$15,000)			\$10,000
Line 63 Income subject to tax in New Jersey			20,000
Line 64	\$10,000		
	<u>\$20,000</u>		
	= 50% × \$360 = \$180 Tax Credit		

5. The following is the worksheet for credit for taxes paid to another jurisdiction:

WORKSHEET FOR CREDIT TO OTHER JURISDICTIONS:

(Use this worksheet to determine "entire New Jersey income" at line 63 of the return if a credit to other jurisdictions is being claimed.)

List the following:

- a. Gross Income (Line 17c)
- b. Pension Exclusion (Line 40b)
(see instruction below)
- c. Retirement Income/Special Exclusion (Line 17b) (see instruction below)
- d. Other Income (see instruction below)
- e. Entire New Jersey Income (income subject to tax by another jurisdiction which is also subject to tax under the N.J. Gross Income Tax Act). (Add lines a, b, c and d to be entered here and at line 63.)

INSTRUCTIONS:

The amount of pension exclusion claimed at line 40b and the amount of retirement income exclusion claimed at line 17b are includible in determining "entire New Jersey income" only if such pension and/or retirement

income is subject to tax by other jurisdiction(s) and is, therefore, included in the amount reported by you at line 62. Otherwise, enter zero at these lines.

All other income subject to tax by other jurisdiction(s) and included in the amount reported by you at line 62 must be included at line d. above if, for any reason, such income has been excluded or deducted by you from line 17a of the return. Otherwise, enter zero at this line.

EXAMPLE:

A resident New Jersey taxpayer has two businesses and the net profits (or losses) from such are both reportable at line 34 of the return. The net income of business "A" is \$50,000 and is entirely attributable to New York. The net loss of business "B" is \$40,000 and is entirely attributable to New Jersey.

The taxpayer has paid a tax on \$50,000 to New York but only on \$10,000 to New Jersey (\$40,000 net loss netted from \$50,000 net income at line 34).

The taxpayer must add back at line d. above the \$40,000 deducted from income at line 34 of the return if he is claiming credit at line 62 for the entire \$50,000 income subject to tax by New York for business "A."

In no event may a taxpayer claim a credit for income or wage taxes paid to other jurisdiction(s) unless the

income so claimed is also included in entire New Jersey income at line 63 of the return.

Taxpayer should retain this worksheet for substantiation of the credit claimed.

6. Instruction for line 62: Do not include on this line any income which has been excluded or deducted from the taxable gross income of other jurisdiction(s). Example: If a portion of long-term capital gains are excluded from such taxable income, such excluded portion may not be included in line 62.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

STATE HEALTH BENEFITS COMMISSION

Amendments to the State Health Benefits Program

On June 22, 1979, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:9-7.2 concerning the State Health Benefits Program as proposed in the Notice published April 5, 1979 at 11 N.J.R. 208(b).

An order adopting these amendments was filed and became effective on July 3, 1979 as R.1979 d.261.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

DIVISION OF TAXATION

Amendments Concerning Structures And the Farmland Assessment Act

On July 5, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-23.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.O.C. 18:15-4.5 concerning structures and the Farmland Assessment Act as proposed in the Notice published June 7, 1979 at 11 N.J.R. 304(b).

An order adopting these amendments was filed and became effective on July 5, 1979 as R.1979 d.262.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Amendment Governing Speed Limits on the Garden State Parkway

F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1, et seq., and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend N.J.A.C. 19:8-1.2 concerning speed limits on the Garden State Parkway.

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

19:8-1.2 Speed limits

[The maximum speed at which any motor vehicle may be operated on the Parkway for its entire length shall be fifty-five (55) miles per hour except where otherwise posted and except when such maximum speed is unsafe.]

(a) Unless otherwise posted or when conditions make such maximum legal rate of speed unsafe, the maximum legal rate of speed at which any motor vehicle may be operated on the Parkway in both directions of traffic shall be fifty-five (55) miles per hour for its entire length, except as follows:

1. Forty-five (45) miles per hour on the Great Egg Harbor Bridge.
2. Forty-five (45) miles per hour on the Alfred E. Driscoll Bridge.
3. Fifty (50) miles per hour between the Union Toll Plaza and the Essex Toll Plaza.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 29, 1979 to:

F. Joseph Carragher, Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

The Highway Authority may, thereafter, adopt this rule substantially as proposed without further notice.

F. Joseph Carragher
Executive Director
New Jersey Highway Authority

(d)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Emergency Rules Concerning Energy Crisis Motor Fuel Limitations

On June 18, 1979, F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant

to authority of N.J.S.A. 27:12B-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning energy crisis limitations.

Full text of the adoption follows:

19:8-1.14 Energy crisis limitations

(a) Definitions include the following:

"Motor fuel" means a mixture of volatile hydrocarbons, normally used for operation of an internal combustion engine, including gasoline and diesel.

"Purchase" means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession.

"Sale" means transfer or exchange of ownership or possession, whether for consideration or by gift or other disposition.

(b) The Authority may, in its discretion, establish a limit on the sale of motor fuel, which shall be conspicuously posted at each service station, on the Parkway. Said limitation may be expressed in value or volume.

(c) No motor fuel shall be sold for use in a motor vehicle except as set forth in the following schedule:

1. Motor fuel may be purchased for motor vehicles bearing license plates the last number of which is an even number on even numbered days of each calendar month.

2. Motor fuel may be purchased for motor vehicles bearing license plates the last number of which is an odd number, or containing no number, on odd numbered days of each calendar month.

3. Motor fuel may be purchased for motor vehicles bearing license plates from any other state or foreign nation in accordance with these regulations.

4. Numbers preceded by a hyphen or dash shall not be used for the purpose of determining the last number of the license plate.

5. Motor fuel may be purchased for all motor vehicles without regard to license plate on the thirty-first (31st) day of any calendar month.

(d) Minimum quantity rules are:

1. Motor fuel may not be sold or purchased for any motor vehicle the motor fuel gauge of which indicates that the tank is more than one-half full.

2. Motor fuel may not be sold or purchased for a motor vehicle the motor fuel gauge of which is inoperative or inaccurate except to the extent necessary to permit said motor vehicle to exit the Parkway at the closest exit in the direction of travel of said motor vehicle.

(e) All sales of motor fuel shall be on a first-come first-serve basis.

(f) Exemptions include:

1. Operators of motor vehicles bearing license plates with "MD" identification marks in which a physician is riding on medical business shall be exempt from the provisions of subsection (c) of this section and shall be permitted to purchase motor fuel on any day.

2. Operators of omnibuses and school buses shall be exempt from the provisions of subsections (c) and (d) of this section and shall be permitted to purchase motor fuel on any day.

3. Operators of authorized emergency vehicles shall be exempt from the provisions of subsections (b), (c) and (d) of this section and shall be permitted to purchase motor fuel on any day.

4. Operators of motor vehicles bearing license plates which identify the operator as a disabled or handicapped driver shall be exempt from the provision of subsection (c) of this section and shall be permitted to purchase motor fuel on any day.

(g) Violations rules are:

1. No person shall threaten, interfere, or attempt to interfere with compliance with these regulations.

2. No person shall knowingly or willfully misrepresent a motor vehicle as one entitled to an exemption from these regulations or a priority thereunder. If such misrepresentation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. Any penalties imposed resulting from a violation of this section shall not preclude the application of any other penalties, civil or criminal, as prescribed by law.

(h) The Authority may, from time to time and for such period as it deems appropriate, modify or suspend the operation and/or enforcement of any or all of these regulations, in whole or in part. Such modification or suspension may be immediately effective without prior notice. Any modification or suspension order issued by the Authority may be for a definite or indefinite duration, and, notwithstanding the fact that any such order hereinafter issued is specified to be for a definite duration, the Authority may rescind any such order and reinstate any such modified or suspended regulations.

An order adopting these rules was filed and became effective on June 18, 1979 as P 1979 d.246 (Exempt Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

FIFTEEN LAW ENFORCEMENT COMMISSION

Proposed New Rules Concerning Political Action Committees

The New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 proposes to adopt new rules, to be cited as N.J.A.C. 19:25-4.8, concerning political action committees.

Full text of the proposal follows:

19:25-4.8 Political action committees

(a) The term "political action committee" means:

1. Any political action committee described in Section 441(b) of the Federal Election Campaign Act Amendments of 1976, P.L. 94-283, as a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock which becomes subject to the New Jersey Act by virtue of activities related to a New Jersey election; and

2. Any other similar committee organized to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative or corporation without capital stock which is principally organized, or the principal business of which is to aid or promote the nomination, election or defeat of any candidate or candidates for political office, or to aid or promote the passage or defeat of a public question in any New Jersey election subject to the New Jersey Act.

(b) Except as otherwise provided in N.J.A.C. 19:25-15.38 and 15.39, relating to elections funded in part with public funds, a political action committee whose activity in any New Jersey election subject to the Act, consists solely of

contributions to or on behalf of one or more candidates for public office, or of contributions in excess of \$750.00 with respect to any public question, shall file preelection and post-election reports as to such election as follows:

1. Every political action committee subject to the filing requirements of the Federal Election Campaign Act Amendments of 1976, P.L. 94-283, which makes contributions to or on behalf of one or more candidates for public office or contributions in excess of \$750.00 with respect to any public question in a New Jersey election subject to the Act, shall file with the Commission:

i. A 25 day preelection report which shall consist of a copy of all reports filed or required to be filed by such political action committee with the Federal Election Commission for the 12 month period immediately preceding the date for filing 25 day preelection reports under the New Jersey Act; and

ii. A seven day preelection report which shall consist of the name and address of contributor and the date and amount of each contribution from a contributor whose contributions in the aggregate exceed \$100.00 and the amount of all contributions to such political action committee from New Jersey residents, and all contributions to candidates or with respect to public questions in the New Jersey election, for the period subsequent to that covered by the Federal Election Commission reports, and for the period specified under the Act to be covered by 7 day preelection reports; and

iii. A 15 day post-election report which shall consist of the name and address of contributor and the date and amount of each contribution from a contributor whose contribution in the aggregate exceeds \$100.00, and the amount of all contributions to such political action committee from New Jersey residents, and all contributions to candidates or with respect to public questions in New Jersey, for the period specified under the Act to be covered by 15 day post-election reports.

2. Every political action committee other than those described in paragraph 1 of this subsection which makes contributions to or on behalf of one or more candidates for public office or makes contributions in excess of \$750.00 with respect to any public question in an election subject to the Act, shall file preelection and post-election reports with the Commission on the dates and for the periods specified in the Act. The 25 day preelection reports shall include the name and address of contributor and the date and amount of each contribution from a contributor whose contribution in the aggregate exceeds \$100.00, and the amount of contributions to the political action committee, and all contributions by the political action committee to New Jersey candidates and expenditures since the date of the last previous report or, if there has been no previous report, for the 12 month period immediately preceding the date for filing 25 day preelection reports. The seven day preelection and 15 day post-election reports shall include the information specified in this paragraph for the periods covered by those reports.

3. For purposes of this section, the term "contribution to political action committee" shall not include:

i. Communications by a corporation to its stockholders and executive or administrative personnel and their fa-

milies or by a labor organization to its members and their families on any subject;

ii. Non-partisan registration and get out the vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and

iii. The establishment, administration and solicitation of contributions to the political action committee.

(c) Every political action committee which becomes subject to the Act because of activity in New Jersey shall designate a treasurer or deputy treasurer who shall be a resident of the State of New Jersey; and, in addition, every political action committee referred to in paragraph 2 of subsection (b) of this section hereof shall designate as depository a bank authorized by law to transact business in the State of New Jersey.

(d) Nothing in this section shall limit the applicability of the Act and of the regulations of the Commission regarding political committees to any political action committee by virtue of activities of such political action committee (other than by contributions) with respect to candidates or public questions in any election:

1. Example 1: A national manufacturing corporation organizes a political action committee, which solicits contributions and makes contributions to candidates in Federal and state elections throughout the country. The PAC reports regularly to the Federal Election Commission in accordance with the requirements of the Federal Election Commission. In the course of an election campaign in New Jersey, the PAC becomes actively involved on behalf of a candidate in the campaign of that candidate for election to the New Jersey State Assembly, and assists the candidate in the preparation of speech materials, and prepares materials for and arranges for the placement of ads on billboards throughout the district in which the candidate is running. In that circumstance the PAC has become a political committee with respect to the candidate and must file preelection and post-election reports in accordance with the provisions of N.J.S.A. 19:44A-16, setting forth all contributions and all expenditures as required by the Act and these regulations, without reference to whether reporting is made by the PAC during the same time period to the Federal Election Commission.

(e) Nothing contained in this section shall limit the obligation of a candidate or a political committee receiving contributions from a political action committee to report the name, address, date and amount of contribution of every contributor, including the political action committee, whose contribution in the aggregate exceeds \$100.00.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 29, 1979 to:

Gregory E. Nagy, Staff Counsel
New Jersey Election Law Enforcement Commission
28 West State Street, Suite 1114
Trenton, New Jersey 08608

The New Jersey Election Law Enforcement Commission may thereafter adopt rules concerning this subject without further notice.

Lewis B. Thurston, III
Executive Director
Election Law Enforcement Commission

(a)

CASINO CONTROL COMMISSION

Proposed Rules on Child Labor Laws

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning child labor laws.

Full text of the proposal follows:

SUBCHAPTER 2. CHILD LABOR LAWS

19:40-2.1 Violation of child labor law; offense

Pursuant to the authority vested in the Commission by the Casino Control Act, any violation of the Child Labor Law, N.J.S.A. 34:2-21.1 et seq., by a casino licensee shall also constitute an offense, which may be prosecuted before the Commission in accordance with the regulations of the Commission, N.J.A.C. 19:42-6.1 et seq.

19:40-2.2 Violation of child labor law; sanctions

Upon a finding by the Commission that a licensee has committed acts which violate the Child Labor Law, N.J.S.A. 34:2-21.1 et seq., the Commission shall, pursuant to Section 129 of the Casino Control Act, impose such sanctions as it deems reasonable and necessary to effectuate the policies of the Child Labor Law and the Casino Control Act.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Joseph P. Lordi
Chairman
Casino Control Commission

(b)

CASINO CONTROL COMMISSION

Proposed Amendments Concerning Employee Licenses Applications

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend N.J.A.C. 19:41-1.3 concerning employee licenses application.

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

...
19:41-1.3(d) Every casino key employee and casino employee, except those approved by the Chairman, shall wear in a conspicuous manner their license credential issued by the Commission at all times while employed in the casino area which includes, without limitation, the casino floor, cashier's cage, countrooms, eye-in-the-sky and closed circuit television monitoring.

(e) No casino licensee or permittee shall permit any casino key employee or casino employee, except those

approved by the Chairman, to work in the casino area without the wearing of their license credential as required herein.

(f) Each casino licensee or permittee shall provide each such employee with a holder for the Commission license credential which shall contain the name of the casino/hotel complex, shall be numerically controlled and shall permit the prominent display of the information contained on the license credential. Thirty days prior to the use of any such holder, a casino licensee or permittee shall submit a prototype to the Commission along with a narrative description of the proposed manner in which employees will be required to wear such holder.

(g) In those situations where a license credential is lost or destroyed, a casino key or casino employee may be authorized to enter the casino area to perform employment duties so long as:

- (1) the loss or destruction of the license is promptly reported in writing to the Commission;
- (2) the employee applies for a new license credential; and
- (3) permission is received from a duly authorized Commission representative to do so.

(h) For any violation of subsections (d) and (e), the Commission may impose the sanctions authorized by the Act.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 29, 1979 to:

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

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

Joseph P. Lordi
Chairman
New Jersey Casino Control Commission

(c)

CASINO CONTROL COMMISSION

Proposed Amendments Concerning Applications and Additional Copies

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt amendments to N.J.A.C. 19:41-7.16 concerning applications and additional copies.

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

19:41-7.16 Number of copies

(a) All original applications and other original papers relating thereto submitted to the Commission or Division by the applicant, shall be accompanied by the following number of conformed copies:

- 1. In the case of a casino applicant and applicants for a gaming school license, four conformed copies of all personal history disclosure forms relating thereto and five conformed copies of all remaining documents.
- 2. In the case of an applicant for a casino service industry license under N.J.S.A. 5:12-92a and b, four conformed copies of all applications and papers submitted as a part thereof.
- 3. In the case of an applicant for a casino service in-

dustry license under N.J.S.A. 5:12-92c, two conformed copies of all applications and papers submitted as a part thereof.

4. In the case of an applicant for a casino key employee license pursuant to N.J.S.A. 5:12-89, or labor organization registrant, under N.J.S.A. 5:12-93, two conformed copies of all applications and papers submitted as a part thereof.

5. In the case of an applicant for a casino or hotel employee license pursuant to N.J.S.A. 5:12-90 and 91, one conformed copy of each application and papers submitted as a part thereof.

(b) Additional conformed copies of any such papers shall be supplied upon request of the Chairman or Division.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 29, 1979 to:

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

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

Joseph P. Lordi
Chairman
New Jersey Casino Control
Commission

(a)

CASINO CONTROL COMMISSION

Proposed Amendments Concerning Chip Specifications

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend N.J.A.C. 19:46-1.1 concerning chip specifications.

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

19:46-1.1(d) [As of January 1, 1979] **As of October 1, 1979,** each denomination of value chip utilized in a casino shall:

1. Have its center portion, which contains the value of the chip and the name of the casino issuing it, [composed of non-magnetic metal and designed to conform to the specifications contained in paragraph 3 of this subsection] **of a different shape for each denomination of chip;**

[2. Have those portions of each chip that contain secondary color composed of fluorescent material;

3. Conform to the design specifications contained on pages labelled Chip A through Chip H below:]

(Ed. Note: Pages labelled Chip A through Chip H repealed.)

2. Have the name of the casino issuing it and the denomination of such chip molded into the outer rim of the chip;

3. Have its circumference so designed so as to be able to determine on closed circuit black and white television the specific denomination of such chip when placed in a stack of chips of other denominations;

4. Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such chips.

(e) All value chips utilized by a casino licensee prior to [January 1, 1979] **October 1, 1979,** that do not conform to the specifications contained in subsections (c) and (d) of this section shall be retired as of that date or by such other date as the commission may direct.

(f) Each non-value chip utilized in a casino shall be issued solely for the purpose of gaming at roulette. The non-value chips at each roulette table shall have the name of the casino issuing them molded into the center of such chip and shall contain a numeral, design, insert or symbol differentiating those chips from the non-value chips being used at every other roulette table in the casino. Non-value chips issued at a roulette table shall only be used for gaming at that table and shall not be used for gaming at any other table in the casino nor shall any casino licensee or his employees allow any casino patron to remove non-value chips from the table from which they were issued.

(g) No person at a roulette table shall be issued or permitted to game with non-value chips that are identical in color and design to value chips or to non-value chips being used by another person at the same table. When a patron purchases non-value chips, the specific value to be assigned to each such chip shall be indicated by the placement of a marker button containing the value of the chips in a slot or receptacle attached to the outer rim of the roulette wheel compartment above the specific stack of chips to which it relates.

(h) Non-value chips shall only be presented for redemption at the table from which they were issued and shall not be redeemed or exchanged at any other location in the casino. When so presented, the dealer at such table shall exchange them for an equivalent amount of value chips which may then be used by the patron in gaming or redeemed as any other value chips.

(i) Each casino licensee shall have the discretion to permit, limit or prohibit the use of value chips in gaming at roulette provided, however, that it shall be the responsibility of the casino licensee and his employees to keep accurate account of the wagers being made at roulette with value chips so that the wagers made by one player are not confused with those made by another player at the table.

(j) Whenever any of a given color of non-value chips are missing from a roulette table, the remaining chips of that color shall be taken immediately out of use and retired until such time as the casino licensee obtains the approval of the chairman or his designee to return such chips to active play. Any non-value chips missing from a roulette table shall be expeditiously reported to the commission and division.

(k) No casino licensee shall issue or cause to be utilized in its casino any value or non-value chips unless and until such chips are approved by the Casino Control Commission. In requesting approval of such chips, a casino licensee, prior to having any such chips manufactured, shall first submit to the Commission a detailed schematic of its proposed chips which shall show the front, back and edge of each denomination of value chip and each non-value chip and the design and wording to be contained thereon all of which shall be depicted on such schematic as they will appear, both as to size and location, on the actual chip. Once the design schematics are approved by the Commission, no value or non-value chip shall be issued or utilized until and unless a sample of each denomination of value chip and each color of non-value chip is also submitted to and approved by the Commission.

Interested persons may present statements or arguments

in writing relevant to the proposal on or before August 29, 1979 to:

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

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

Joseph P. Lordi
Chairman
New Jersey Casino Control Commission

(a)

CASINO CONTROL COMMISSION

Proposed Amendments Concerning Blackjack and Peek Procedures

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt amendments to a portion of the rules concerning blackjack and peek procedures.

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

19:47-2.6(g) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall deal a second card face upward to himself provided however that such card shall not be removed from the dealing shoe until the dealer has first announced "Dealer's Card" which shall be stated by the dealer in a tone of voice calculated to be heard by each person at the table. Any additional cards authorized to be dealt to the hand of the dealer by N.J.A.C. [19:47-2.11(b)] 19:47-2.12(b) shall be dealt face upwards at this time after which the dealer shall announce his total point count. In lieu of the requirements of this paragraph, the procedure set forth in subsection (i) of this section may be implemented.

19:47-2.6(i) In lieu of the procedure set forth in subsection (g) above, a casino licensee may permit a blackjack dealer to deal his hole card face downward after a second card and before additional cards are dealt to the players provided that said dealer [either] not look at the face of his hole card [or look at it only if his face card is an ace or ten value card] until after all other cards requested by the players pursuant to these regulations are dealt to them.

19:47-2.7 Payment of blackjack

[(a) The following procedures shall be adhered to when a dealer does not deal his hole card or does not look at his hole card until all additional cards have been dealt to the players:]

[1] (a) If the first face up card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8, or 9 and a player has blackjack, the dealer shall announce and pay the blackjack at odds of 3 to 2 and shall remove the player's cards before any player receives a third card.

[2] (b) If the first face up card dealt to the dealer is an Ace, King, Queen, Jack or Ten and a player has a blackjack, the dealer shall announce the blackjack but shall make no payment nor remove any cards until all

other cards are dealt to the players and the dealer receives his second card. If, in such circumstances, the dealer's second card does not give him blackjack, the player having blackjack shall be paid at odds of 3 to 2. If, however, the dealer's second card gives him blackjack, the wager of the player having blackjack shall be void and constitute a stand off.

[(b) The following procedures shall be adhered to when a dealer looks at his hole card prior to dealing additional cards to the players: If a player has a blackjack and the dealer, after looking at his hole card does not have a blackjack, the dealer shall announce and pay the blackjack at odds of 3 to 2 and shall remove the player's cards before any player receives a third card.]

19:47-2.8 Surrender

After the first two cards are dealt to a player, the player may elect to discontinue play on his hand for that round by surrendering half his bet. The remaining half may then be removed by the player. All decisions to surrender shall be made [prior to the dealer looking at his hole card and] immediately after the player receives his initial two cards.

19:47-2.9(d) All losing insurance wagers shall be collected by the dealer immediately after he draws his second face up card or discloses [or looks at] his hole card and before he draws any additional cards.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1979 to:

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

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

Joseph P. Lordi
Chairman
Casino Control Commission

(b)

CASINO CONTROL COMMISSION

Rules on Slot Machines

On June 26, 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. 19:46-1.32, concerning the limitation on utilization of slot machines of any one manufacturer as proposed in the Notice published February 8, 1979 at 11 N.J.R. 108(a).

An order adopting these rules was filed and became effective on June 28, 1978 as R.1979 d.255.

Howard H. Kestin
Director
Office of Administrative Law

(a)

CASINO CONTROL COMMISSION

Corrected Adoption Relating to Craps

On September 14, 1978 Joseph P. Lordi, Chairman of the Casino Control Commission adopted amendments to N.J.A.C. 19:47-1.2, 1.4 and 1.5 relating to rules of craps as proposed in the Notice published August 10, 1978, at 10 N.J.R. 364(b). The rules filed with the order of adoption in the Notice published November 9, 1978 at 10 N.J.R. 522(a) (R.1978 d.346) were not the rules adopted by the Casino Control Commission. The correct rules were filed July 18, 1979. The correct rules are those of the proposal at 10 N.J.R. 364(b) adopted without change. The rules in the New Jersey Administrative Code update of January 18, 1979 relating to these sections are incorrect.

These corrected rules were filed and became effective July 18, 1979 as R.1979 d.273.

Howard H. Kestin
Director
Office of Administrative Law

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Amendments to Rates and Charges Applicable to the New York City Passenger Ship Terminal

On May 30, 1979, the Committee on Operations of the Port Authority of New York and New Jersey adopted amendments to FMC Schedule No. PA-9, Section "G", concerning rates and charges applicable to the New York City Passenger Ship Terminal.

Full text of the adoption follows:

"FMC Schedule No. PA-9 Naming Rules and Regulations Applying at Port Authority Marine Terminals and Rates and Charges Applicable For the Use of Public Areas at Port Authority Marine Terminals" is amended, effective January 1, 1980, as follows:

1. By amending Item 330 to read as follows:

Passenger:

A passenger is any person carried on a vessel who is not connected with the operation of such vessel, her navigation, ownership or business.

2. By eliminating Item 835.

3. By amending Item 865 to read as follows:

Dockage:

Rates:

Passenger Vessels - \$1,800 per day

On other than Saturday, one-half dockage rates will apply for vessels making more than ten calls per calendar year.

4. By amending Item 870 to read as follows:

Passenger Charges:

Voyage of more than 6 days

\$6.50 per passenger In or Out

Intransit Passengers

\$6.50 per passenger

Mail loaded or discharged

5 cents per bag

Automobiles loaded or discharged

\$15.00 per automobile

Cargo N.O.S. loaded or discharged

\$2.00 per revenue ton

An order adopting these amendments was filed on July 9, 1979, as R.1979 d.267 (Exempt, Exempt Agency).

Howard H. Kestin
Director
Office of Administrative Law

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