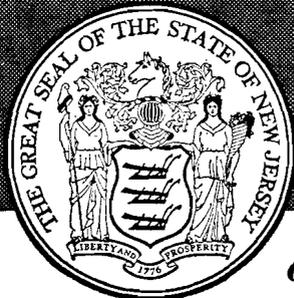


NEW JERSEY REGISTER



Official Publication of the State of New Jersey

WILLIAM T. CAHILL, Governor
Albert E. Bonacci, Director of Administrative Procedure
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VOLUME 5 • NUMBER 7
July 5, 1973 • Indexed 5 N.J.R. 213-252

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TRENTON N J 08625

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(a)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Proposed Revisions Concerning Commercial Values

Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, proposes to adopt revisions to N.J.A.C. 2:69-1.11 concerning commercial values.

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

2:69-1.11 Commercial values

(a) Pursuant to Section 26, the commercial values for period July 1, 1973, [1972] through June 30, [1973] 1974, are:

1. Total nitrogen 14 cents per pound
2. Water insoluble nitrogen 42 cents per pound
3. Available phosphoric acid 8 cents per pound
4. Soluble potash 7 cents per pound

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action, on or before July 25, 1973 to:

Director, Division of Regulatory Services
Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625

The State Board of Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF MARKETS

Rules for Sire Stakes Program

On June 7, 1973, John Grabovetz, Chairman of the Board of Trustees of the New Jersey Sire Stakes Program whose programs are partially administered by the Department

of Agriculture, pursuant to authority of N.J.S.A. 5:9-91 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for the sire stakes program, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 134(a).

Such rules may be cited as N.J.A.C. 2:32-1.1.

An order adopting these rules was filed and effective June 11, 1973, as R.1973 d.154.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF ADMINISTRATION

Proposed Amendment On Population Estimates

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to adopt an amendment to N.J.A.C. 3:1-2.1 concerning population estimates used in charter and branch applications.

Full text of the proposed amendment follows:

3:1-2.1(b) In determining the population of a municipality for the purposes of the branching requirements contained in N.J.S.A. 17:9A-19B(3) and N.J.S.A. 17:12B-26, the Population Estimates for New Jersey, Official State Estimates, prepared by the New Jersey Department of Labor and Industry, Division of Planning and Research, Office of Business Economics, shall be the sole authority accepted by the Department of Banking.

Interested persons may present statements or arguments relevant to the proposed action on or before July 25, 1973, to:

Philip A. Kerner
Deputy Commissioner
Department of Banking
36 West State Street
Trenton, New Jersey 08625

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

Richard F. Schaub
Commissioner
Department of Banking

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules filed by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

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The New Jersey Register is published the first Thursday after the first Monday of each month by the Division of Administrative Procedure of the Department of State, 10 North Stockton Street, Trenton, New Jersey 08608. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$8.00, monthly back issue when available, 90 cents. Make checks payable to: Treasurer, State of New Jersey.

Subscriptions to the official New Jersey Administrative Code containing all State rules in loose-leaf, updated volumes are also available from the Division or by using the official order form on the last page.

(a)

BANKING

DIVISION OF ADMINISTRATION

Proposed Rule On Financial Reports of Bank Incorporators

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-1.1 et seq., proposes to adopt a new rule concerning financial reports of bank incorporators.

Full text of the proposed rule follows:

- 3:1-2.13 Financial reports of bank incorporators
- The financial report required to be filed under N.J.A.C. 3:1-2.12 shall be confidential; provided, however, that where an objection to an application for a bank, savings bank or savings and loan association charter has been filed pursuant to N.J.A.C. 3:1-2.5, 2.6, the attorney representing the objecting institution shall have the right to examine the financial reports of that proposed institution solely for the purpose of cross examination, at the offices of the Department of Banking; provided further that the financial reports shall not be removed therefrom or copies made thereof, and provided further that the financial reports shall not be made public in any manner by the objecting institution's attorney or any other person without the written consent of the incorporator. Violation of this Section shall be grounds to have said attorney barred from practice before the Department of Banking.

Interested persons may present statements or arguments relevant to the proposed action on or before July 25, 1973, to:

Philip A. Kerner
Deputy Commissioner
Department of Banking
36 West State Street
Trenton, New Jersey 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(b)

BANKING

DIVISION OF ADMINISTRATION

Proposed Rule Concerning Selection Of Attorney by Mortgage Applicant

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1B-2 and 17:11A-54(a), proposes to adopt a new rule concerning the selection of an attorney by the mortgage applicant.

Full text of the proposed rule follows:

- 3:1-5.3 Selection of an attorney by mortgage applicant
 - (a) No financial institution shall require an individual mortgagor of a one-, two-, three- or four-family residence resided in or to be resided in by such mortgagor or an immediate family member to pay for legal services of the institution's counsel designated by such institution.
 - (b) An individual shall have the right to be represented

by a qualified attorney of his own selection who has been admitted to the New Jersey bar.

(c) This regulation shall not apply to a loan made for commercial purposes.

Interested persons may present statements or arguments relevant to the proposed action on or before July 25, 1973, to:

Philip A. Kerner
Deputy Commissioner
Department of Banking
36 West State Street
Trenton, New Jersey 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(c)

BANKING

DIVISION OF BANKING

Proposed Rules On Out of State Mortgages

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-65C, proposes to adopt new rules concerning out of State mortgages.

Full text of the proposed rules follows:

SUBCHAPTER 6. OUT OF STATE MORTGAGES

- 3:10-6.1 Expansion of authority
 - In addition to the authority granted under N.J.S.A. 17:9A-65A(1) and N.J.S.A. 17:9A-66(1), a bank may grant real property mortgages or leasehold mortgages in any state in the United States, the District of Columbia, the several territories and possessions of the United States and the Commonwealth of Puerto Rico.

- 3:10-6.2 Requirements
 - A mortgage granted under the authority of 3:10-6.1 must comply with all other provisions of N.J.S.A. 17:9A-64, 65, 66, 67 and 69.

- 3:10-6.3 Exclusions
 - No real property mortgage or leasehold mortgage shall be granted under the provisions of 3:10-6.1 on a one- to four-family dwelling or dwellings.

- 3:10-6.4 Parity provision
 - The Commissioner and the Banking Advisory Board deem it warranted to adopt this Subchapter, which is directed toward the creation and maintenance of a substantial parity between banks and national banks.

Interested persons may present statements or arguments relevant to the proposed action on or before July 25, 1973, to:

Philip A. Kerner
Deputy Commissioner
Department of Banking
36 West State Street
Trenton, New Jersey 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

**Proposed Rule Concerning
Banking Offices Protection**

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:108.1, proposes to adopt a new rule concerning banking offices protection.

Full text of the proposed rule follows:

**SUBCHAPTER 7. DEFINITION REGARDING
BANKING OFFICES PROTECTION**

3:6-7.1 "Has" defined. For the purpose of determining the time when principal office or branch office protection attaches to a municipality under the provisions of N.J.S.A. 17:9A-19B(3), the term "has", as used therein between the words "institution" and "its", shall mean operational.

Interested persons may present statements or arguments relevant to the proposed action on or before July 25, 1973, to:

Philip A. Kerner
Deputy Commissioner
Department of Banking
36 West State Street
Trenton, New Jersey 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(b)

BANKING

DIVISION OF ADMINISTRATION

**Rules on Mortgage Applicant's
Birth Control Practices**

On June 20, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1B-2, 17:11A-54(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on mortgage applicant's birth control practices, substantially as proposed in the Notice published May 10, 1973, at 5 N.J.R. 136(a), with only inconsequential structural or language changes, in the opinion of the Department of Banking.

Such rules may be cited as N.J.A.C. 3:1-5.1 et seq.

An order adopting these rules was filed and effective June 21, 1973, as R.1973 d.166.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service)

On June 12, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accord-

ance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedure rule which revised several subparts of the Civil Service Personnel Manual (State Service).

Subparts affected by the adopted revisions include:

1. Subpart 7-3.101—Determination Of Anniversary Dates
2. Subpart 7-3.102—Pay Adjustments For Employees Who Are Appointed To Titles With Higher Salary Range Evaluations
3. Subpart 7-3.103—Pay Adjustments And Changes In Anniversary Dates As A Result Of An Advancement Due To A Promotion Subject To Or Following Promotional Examination Procedures
4. Subpart 12-11.101—Removal Of Names From Eligible Lists
5. Subpart 20-1.103—EPEIS Program: Regulations For Determining Whether An Employee Is Step 8 Or Step 4 For Purposes Of Awarding Salary Range Increments

Copies of the 11 pages of full text of the adopted revisions may be obtained from:

Department of Civil Service
State House
Trenton, New Jersey 08625

Subparts of this manual are distributed to individuals on specific request to the Department of Civil Service; the entire manual is available to the public for reading at the office of the Department of Civil Service at the above address, or at State libraries.

An order adopting these revisions was filed June 13, 1973, as R.1973 d.155 (Exempt, Procedure Rule) to become effective June 18, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Revisions to Personnel Manual
(Local Jurisdictions)**

On June 12, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedure rule which revised Subpart 12:11-101 of the Civil Service Personnel Manual (Local Jurisdictions).

Full text of the adopted rule follows:

Subpart 12-11.101 Removal Of Names From Eligible Lists
12-11.101a Subject:

This subpart will describe the procedures to be followed in removing the names of eligibles from eligible lists.

12-11.101b Procedures:

When a tentative disposition of a certification is submitted by an appointing authority, the local offices of the Department of Civil Service shall review the reasons for which the appointing authority has rejected any eligibles so certified.

1. The local office manager will advise an eligible that his or her name may be removed from a particular eligible list if an appointing authority claims that the eligible was not appointed because he or she:

- (a) Was not interested in appointment,
- (b) Was not available for appointment,
- (c) Failed to report for an interview,
- (d) Failed to reply in time to the appointing authority following certification,
- (e) Was no longer an employee of the department to which the examination was open (applies to promotional examinations only),
- (f) Does not satisfy the residence requirements of the jurisdiction (except for police and fire positions),
- (g) Has a notorious record of convictions,
- (h) Has been convicted of an indictable crime without readily apparent evidence of rehabilitation,
- (i) Lacks the capacity to perform the duties of the class title as shown by clearly-documented medical or psychological evidence,
- (j) Has a poor work record, has been dismissed from a permanent position in the public service, has resigned not in good standing or has resigned in lieu of removal from the public service,
- (k) Is addicted to the excessive use of drugs, narcotics or intoxicating beverages, or
- (l) Has falsified any material on an application or examination.

2. In cases of rejection of a certified name by an appointing authority for reasons (g) through (l) above, the appointing authority shall be required to submit a detailed written explanation of its request to the local office with a copy to the eligible.

3. Eligibles will be given an opportunity to object to their rejection by an appointing authority and will be asked to detail their rebuttal in writing and submit it to the Local Office within ten days of notification, with copies to the appointing authority.

4. Eligibles whose names have been rejected on the basis of psychological and/or psychiatric reports submitted by the appointing authority shall be given an opportunity to submit a report from a doctor of their choice. If an eligible elects to do this, the case shall be scheduled for review by the New Jersey Civil Service medical review board which will submit a report with recommendations to the Civil Service Commission for its action. The medical review board will consider all psychological and/or psychiatric reports submitted in addition to the police background report. Appearances before the medical review board will be possible but not mandatory.

12-11.101c Removal From More Than One List:

Removals for causes (a) through (f) above shall be from the list from which the certification resulted. If an eligible so removed is on any other list, he shall remain.

Causes (g) through (l) shall constitute sufficient reason to remove a name from other eligible lists. However, such removals shall be made on a case by case basis by the Director, Local Government Services.

12-11.101d Limitations And Conditions:

1. In all cases the burden shall be on the appointing authority to show cause why an eligible's name should be removed from an eligible list.

2. Copies of all information submitted to the Department of Civil Service concerning the removal of a name from an eligible list or an appeal therefrom should be filed with the opposing party.

12-11.101e Appeals From Removals Or Refusals To Remove A Name From An Eligible List:

An eligible whose name has been removed from an eligible list may appeal to the Civil Service Commission for a review of that action within 20 days of notification of the removal.

An appointing authority may appeal to the Civil Service Commission within 20 days of notification for a review of a refusal to remove the name of an eligible from a list.

Notices of the removal or the refusal to remove a name from an eligible list must include notification of the right to appeal for a review by the Civil Service Commission.

When a name is removed upon request of an appointing authority, a copy of the notification of removal and appeal rights shall be forwarded to the appointing authority.

All material that the appellant (either the eligible or the appointing authority) wishes the Commission to consider in its review should be submitted in writing with the appeal.

An order adopting these revisions was filed June 13, 1973, as R.1973 d.156 (Exempt, Procedure Rule) to become effective June 18, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Revisions to Rules On Construction and Maintenance Of Hotels and Multiple Dwellings

Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27-21 and 55:13A-6(a), proposes to revise several Sections of Chapter 10 in Title 5 of the New Jersey Administrative Code, concerning the construction and maintenance of hotels and multiple dwellings.

The proposed revisions concern exceptions, definitions, security requirements, power source, emergency lighting, ceiling height, commercial kitchen facilities, fire protection and swimming pool safety precautions.

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

Division of Housing and Urban Renewal
Bureau of Housing Inspection
Post Office Box 2768
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to the Division of Housing and Urban Renewal at the above address.

The Department of Community Affairs, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Lawrence F. Kramer
Commissioner
Department of Community Affairs

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions Concerning Vocational-Technical Coordinator Cooperative Industrial Education Programs

Edward W. Kilpatrick, Acting Commissioner of Educa-

tion and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to revise the rule concerning the vocational-technical coordinator: cooperative industrial education programs.

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

6:11-12.3 Vocational-technical coordinator; cooperative industrial education programs

(a) This certificate is required for the position of teacher and coordinator of part-time cooperative vocational education in skilled trade, industrial and/or service occupations. The certificate entitles the holder to teach related vocational subjects in such classes and to act as coordinator between school and industry.

(b) The requirements are as follows:

1. A standard teaching certificate in any field;
2. Successful completion of one of the following:

[i. Three years of teaching under a certificate in vocational education or industrial arts plus one year of approved occupational experience; or

ii. The combination of an approved bachelor's degree, two years of teaching experience and two years of occupational experience approved by the Division of Vocational Education of the State Department of Education.]

i. Three years of teaching under a certificate in vocational education or industrial arts plus one year of approved occupational experience in gainful employment involving the use of hand and power tools and equipment in operations identified as hazardous in state and federal child labor legislation. The experience must be approved by the Division of Vocational Education of the State Department of Education; or

ii. The combination of an approved bachelor's degree, two years of teaching experience and two years of approved occupational experience in gainful employment, as indicated in i. above.

3. A program of college studies including one of the following:

i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or

ii. A program of college studies including at least one course in each of the following areas:

(1) Principles and philosophy of vocational-technical education;

(2) Problems in organizing and teaching cooperative industrial education programs;

(3) Curriculum construction in vocational-technical education;

(4) Vocational guidance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

Mrs. Anne Grandinetti
Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 08625

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Edward W. Kilpatrick
Acting Commissioner of Education
Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions Concerning Credit and Graduation Requirements

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-23 and 18A:4-25, proposes to revise the rules concerning credit and graduation requirements by deleting in their entirety the current N.J.A.C. 6:27-1.4, Graduation, and 6:27-1.13, Definitions, and adopting in place thereof new rules with the same citations.

Full text of the proposed new rules follows:

6:27-1.4 Graduation

(a) Subject to approval of the State Board of Education:

1. Each high school shall establish graduation requirements on the basis of either course credits, program completion, or a combination of course credits and program completion.

i. Course credits:

(1) Each four-year high school shall establish a minimum set number of credits to be required for graduation, to be not less than 92.

(2) Each senior high school shall establish a minimum set number which shall be not less than 69 credits to be completed in grades 10 to 12 inclusive.

(3) Six-year schools may base their graduation requirements on formal completion of grades 9 to 12 or grades 10 to 12 within the credit limits established for four-year or senior high schools respectively.

(4) Credits toward graduation shall be awarded by the following method.

(A) Credit shall be assigned on the same basis to all high school courses offered by the local board of education.

(B) Credit may be assigned by each board of education for curricular activities as defined in 6:27-1.13.

(C) The exceptions are that approved cooperation education programs shall receive a maximum of fifteen (15) credits per year.

ii. Program completion procedures are:

(1) Local boards of education may determine and establish a set number of curricular activities or programs for promotion and graduation purposes.

(2) Programs shall be planned for individuals and/or a group based on specific instructional objectives.

(3) The principal shall certify completion of curricular activities or programs based upon specified instructional objectives.

(4) Group programs based on specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district subject to review by the Commissioner or his representative.

2. Each junior high school shall establish a statement of policy governing graduation.

(b) Diplomas shall be granted only to pupils who have completed fully the requirements for graduation as established in the curriculum approved by the State Board of Education, except as provided for seniors entering military or naval service.

(c) Statutory requirements for United States History and health, safety and physical education shall be fulfilled by the system adopted by the local board of education.

(d) These requirements shall be effective for all grades 9 through 12 on or before September, 1975.

Note: Methods Of Implementation

1. Previously local districts requested they be given time before implementing the new graduation requirements or, at the other extreme, be allowed to change their entire school immediately. To allow for the differences between schools and to alleviate the pressures of meeting instant deadlines, it is recommended that all grades shall be on the new system on or before September, 1975, i.e., the progression begun this year, one grade at a time, may be continued, or all grades may be placed on the revised structure at the same time prior to September, 1975.

2. Last year all districts submitted applications for present ninth grade pupils. It is recommended that districts submit their proposals on forms provided by the State Department of Education in the following manner:

a. All public schools shall submit their local requirements, as they are adopted to the County Superintendent of Schools.

b. All diocesan schools shall submit their requirements, as they are adopted, to the Diocesan Superintendent of Schools.

c. All other non-public schools shall submit their requirements, as they are adopted, to the Division of Curriculum and Instruction.

3. Each district may immediately convert the present ninth-grade credit structure to that encompassed by the above revisions.

6:27-1.13 Definitions

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

"Curricular activity" means a learning activity approved by the local board of education for individuals or groups of students and expressed in terms of specific instructional objectives or class periods. Examples of curricular activities are independent study programs, field experiences, community service programs, and competency-based evaluation.

"Class period" means an instructional unit of time adopted by the local board of education ranging between forty (40) and sixty (60) minutes daily or a weekly or monthly equivalent.

"Unit of credit" means one class period per week for the school year, e.g., classes that meet for five periods per week for the school year will receive five credits; seven periods, seven credits; three periods, three credits.

"School year" means a school year shall consist of not less than 180 school days.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

Mrs. Anne Grandinetti
Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 08625

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Edward W. Kilpatrick
Acting Commissioner of Education
Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions In Pupil Transportation

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to revise certain rules concerning pupil transportation.

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

6:21-6.31(e) All stanchions and guard rails shall be of steel or equivalent strength tubing having minimum of 1-inch outside diameter. Stanchions and guard rails shall be padded with an energy-absorbing material designed to minimize injury-producing impact forces. Padding on stanchions shall extend to within three inches of bus ceiling and to within three inches of bus floor [.] , **except that at the cross bar "T" there may be an unpadded section not more than two inches long in any direction.** Padding on each guard rail shall extend from bus wall to its farthest support.

6:21-7.1 Limit of apportionment of State aid

State aid apportionment by a county superintendent for the purchase of a school bus [purchased] by a board of education shall not exceed [\$5,100] **\$6,750**, nor shall it exceed [\$2,250] **\$4,500** for the purchase of a [small vehicle] **Type II Van**, nor shall it exceed **\$3,000** for the purchase of **Type II vehicles, other than vans**; except with the specific approval of the Commissioner of Education.

6:21-18.25(d) All stanchions and guard rails shall be of steel or equivalent strength tubing having minimum of one-inch outside diameter. Stanchions and guard rails shall be padded with an energy-absorbing material designed to minimize injury-producing impact forces. Padding on stanchions shall extend to within three inches of bus ceiling and to within three inches of bus floor [.] , **except that at the cross bar "T" there may be an unpadded section not more than two inches long in any direction.** Padding on each guard rail shall extend from bus wall to its farthest support.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

Mrs. Anne Grandinetti
Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 08625

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Edward W. Kilpatrick
Acting Commissioner of Education
Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions in Requirements For Drivers of School Buses

On June 11, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 6:21-11.1 concerning the requirements for drivers of school buses, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 138(a).

An order adopting these revisions was filed and effective June 20, 1973, as R.1973 d.161.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules Establishing Surface Water Quality Standards

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to adopt new rules establishing surface water quality standards.

Such rules, if adopted, will be included in Subchapter 6 and 7 of Chapter 9 in Title 7 of the New Jersey Administrative Code.

A summary of the proposed rules follows:

The proposed regulations are intended to amend and upgrade "Rules and Regulations Establishing Surface Water Quality Criteria" adopted by the Department of Environmental Protection, effective June 30, 1971.

The proposed regulations are also intended to amend, where applicable, the current classifications of the surface waters of the State. Said classifications were previously adopted by the Department and are set forth as follows: (1) "Classification of the Surface Waters of the Atlantic Coastal Plain", effective May 24, 1967; (2) "Classification of the Surface Waters of the Delaware River Basin, Being Waters of the State of New Jersey", effective July 28, 1967; (3) "Classification of the Surface Waters of the Hackensack River Basin", effective March 1, 1966; (4) "Classification of the Surface Waters of the Hudson River, Arthur Kill and Tributaries", effective May 16, 1966; (5) "Regulations Concerning Classification of the Surface Waters of the Passaic River Basin", effective September 11, 1966; (6) "Classification of the Surface Waters of the Raritan River Basin Including Raritan Bay", effective April 15, 1965; and (7) "Classification of the Surface Waters of the Walkkill River Basin", effective July 28, 1967.

The proposed surface water quality standards will consist of the following:

1. Surface water use definitions.
2. Classification of surface waters.
3. Statement of policy on the protection and enhancement of water resources.
4. Glossary of terms.
5. Surface water quality criteria consisting of numerical

values and narrative descriptions for defined water uses. The parameters of quality are proposed to apply to all of New Jersey's fresh, tidal and coastal waters (interstate and intrastate) and will relate to the following:

- a. Floating, suspended, colloidal and settleable solids, oil, grease, color and turbidity.
- b. Toxic or deleterious substances, including but not limited to mineral acids, caustic alkali, cyanides, heavy metals, carbon dioxide, ammonia or ammonium compounds, chlorine, phenols, pesticides and the like.
- c. Taste and odor producing substances.
- d. pH.
- e. Dissolved oxygen.
- f. Temperature.
- g. Radioactivity.
- h. Bacterial quality.
- i. Dissolved solids.
- j. Phosphorus.

Copies of the proposed "Rules and Regulations Establishing Surface Water Quality Standards" may be obtained from:

Bureau of Water Pollution Control
Division of Water Resources
P.O. Box 1390
Trenton, New Jersey 08625

Interested persons may present to the Division of Water Resources at the above address statements or arguments in writing relevant to the proposed action prior to August 1, 1973, on all matters desired to be brought to the attention of the Department.

A public hearing on the proposed rules will be held August 1, 1973, beginning at 10:00 A.M. at the Student Center, Rider College, Route 206, Trenton, New Jersey.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed "Rules and Regulations Establishing Surface Water Quality Standards" substantially as set forth without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rule Concerning Waste Collected Out of State

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:11-1 et seq., proposes to adopt a new rule concerning the prohibition, collection and control of incineration or landfill of solid waste and the treatment and disposal of liquid waste within the State which originated or were collected outside the territorial limits of the State.

Full text of the proposed rule follows:

7:26-1.15 Out of State waste

(a) No person engaged in the collection of solid or liquid wastes shall dispose of any solid or liquid wastes which originated or were collected outside the territorial limits of this State in sanitary landfills in the Hackensack Meadowlands District.

(b) No person owning or operating a sanitary landfill

within the Hackensack Meadowlands District shall accept for disposal in such sanitary landfill any solid or liquid wastes which originated or were collected outside the territorial limits of this State.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 3, 1973, to:

Department of Environmental Protection
Division of Environmental Quality
Bureau of Solid Waste Management
Post Office Box 1390
Trenton, New Jersey 08625

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

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed Amendment to 1973-74 Game Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt an amendment to N.J.A.C. 7:25-5.20 of the 1973-74 Game Code.

Full text of the proposed amendment follows:

Deer—Special Permit; firearms only (either sex, any age)
Great Swamp National Wildlife Refuge.

Duration: December 11, 12, 13, 14, 15 and
December 19, 1973.

Bag Limit: One deer of either sex, any age.

Method: The taking of one deer of either sex, any age, with a firearm, in addition to the legal antlered deer allowed under the Statewide buck season and buck-doe allowed under the Statewide long bow and arrow season, will be permitted on the Great Swamp National Wildlife Refuge by holders of a special Great Swamp deer permit. Special deer permits for the Great Swamp Refuge will be issued on an individual basis to holders of valid 1973 firearm licenses.

Successful applicants and alternates will be chosen from among those applying to hunt specifically in the Great Swamp National Wildlife Refuge. Only one application per person may be submitted for a special season deer permit, whether it be for Great Swamp or any county in which the either-sex season is to be held, whether as a farmer or a license holder.

A total of 400 permits will be issued, with only 150 permit holders hunting at any one time. Hunting will continue through the six-day period until 250 deer are taken. The United States Fish and Wildlife Service will provide successful applicants with regulations, procedures, dates and times for hunting this area.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the auditorium, State Health and Agriculture Building, Trenton, N.J., Tuesday, August 14, 1973 at 2:00 P.M.

Written comments regarding the proposed Code regulation may be filed on or before August 14, 1973 with the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, N.J. 08625.

After full consideration of all submissions respecting the proposal, the New Jersey Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the Game Code and amendment substantially as proposed 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

FISH AND GAME COUNCIL

1973-1974 Game Code

On June 13, 1973, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1973-74 Game Code, substantially as proposed in the Notice published May 10, 1973, at 5 N.J.R. 139(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

These substantive changes include the deletion of the seven southern New Jersey counties from the special antlerless deer day. There will be no open season on this day in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester or Salem counties.

Such rules may be cited as N.J.A.C. 7:25-5.1 et seq.

An order adopting the Game Code was filed June 21, 1973, as R.1973 d.164 to become effective August 1, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Rules of Practice and Procedures

On June 12, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules of practice and procedures for the Bureau of Air Pollution Control in the Division of Environmental Quality of the Department of Environmental Protection.

Such rules may be cited as N.J.A.C. 7:27A-1.1 et seq.

These rules concern definitions, general provisions, administrative orders, administrative hearings, penalties and rebates, stipulation and consent orders, test facilities and reports, renewal of permanent certificate to operate control apparatus or equipment, and variances.

Copies of the full text of 18 pages of adopted rules may be obtained from:

Bureau of Air Pollution Control
Division of Environmental Quality
Department of Environmental Protection
John Fitch Plaza
Trenton, New Jersey 08625

An order adopting these rules was filed and effective June 21, 1973, as R.1973 d.165 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Extension of Wetlands Order to Cover Certain Portions of Mercer County

On June 21, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:9A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule extending the wetlands order to cover certain portions of Mercer County, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 80(c).

Such rule may be cited as N.J.A.C. 7:7A-1.1(a)9.

An order adopting this rule was filed June 21, 1973, as R.1973 d.167 to become effective July 9, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Extension of Wetlands Order to Cover Certain Portions of Camden County

On June 21, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:9A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule extending the wetlands order to cover certain portions of Camden County, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 80(b).

Such rule may be cited as N.J.A.C. 7:7A-1.1(a)10.

An order adopting this rule was filed June 21, 1973, as R.1973 d.168 to become effective July 9, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Notice of Glass Industry Variance Hearing Findings

Take notice that the Bureau of Air Pollution Control in the Division of Environmental Quality of the Department

of Environmental Protection has issued the following Notice concerning the glass industry variance hearing findings:

On March 12, 1973, the Division of Environmental Quality in the Department of Environmental Protection held a fact-finding public hearing for the purpose of receiving information to be used for determining the need and desirability for variances to be granted to the glass industry under the provisions of Section 5.1 of the former Chapter 7 of the New Jersey Air Pollution Control Code.

Based upon testimony received at the hearing, it is concluded that the technology exists, although in its early stages of development, for glass furnaces to comply with stated emission standards. It was further concluded that, under normal circumstances, there should be no need to approve variances as provided under N.J.A.C. 7:27-6.5(a) (formerly Section 5.1, Chapter 7 of the New Jersey Air Pollution Control Code).

This Notice is printed as a matter of public information only.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

HEALTH

DIVISION OF NARCOTIC AND DRUG ABUSE CONTROL

Change in Schedule II of Controlled Dangerous Substances Concerning Methaqualone

On June 5, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a change in Schedule II of the Controlled Dangerous Substances Act by adding the drug methaqualone therein, as proposed in the Notice published April 5, 1973, at 5 N.J.R. 106(b).

This amendment may be cited as N.J.A.C. 8:65-10.1(a)3.

An order adopting this change was filed and effective June 5, 1973, as R.1973 d.147.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

HEALTH

THE COMMISSIONER

Fees for Annual Licensure Of Health Care Facilities

On June 4, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a schedule of fees for the annual licensure of health care facilities, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 142(b).

Such rules may be cited as N.J.A.C. 8:31-5.2.

An order adopting these rules was filed and effective June 7, 1973, as R.1973 d.150.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

1973 State Plan for Hospitals And Related Health Care Facilities

On June 4, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1973 State Plan for hospitals and related health care facilities, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 142(a).

Such rules may be cited as N.J.A.C. 8:35-1.1 et seq.

An order adopting these rules was filed and effective June 7, 1973, as R.1973 d.151.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Revisions Concerning Criteria for Mixed Obstetric and Gynecologic Floors in Hospitals

On June 4, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the criteria for mixed obstetric and gynecologic floors in hospitals, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 142(c).

Such revisions will be included in the Appendix to Chapter 35 in Title 8 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective June 7, 1973, as R.1973 d.152.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Revisions to Regulations and Standards For New Jersey Community Colleges

The Department of Higher Education proposes that the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:1-1 et seq., adopt revised regulations and standards for the New Jersey Community Colleges.

Such revisions, if adopted, will be reflected in Chapter 4 of Title 9 of the New Jersey Administrative Code.

The proposed document sets forth regulations having the force of law and standards which specify good practice for the operations of the community colleges and, in addition, reflect the revisions and modifications to the regulations approved September 19, 1969, and standards approved June 1, 1970, presently in force.

Copies of the proposed revisions may be obtained from:
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to the Department of Higher Education at the above address.

The Board of Higher Education, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Ralph A. Dungan
Chancellor
Department of Higher Education

(d)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Revisions to Manuals for State-Supported County Colleges

On June 18, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the manuals for State-supported Community Colleges, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 143(c).

Such revisions will be included in various Sections of Chapter 4 in Title 9 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective June 20, 1973, as R.1973 d.160.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Rules On Subsidized Adoptions

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4C-45 et seq., proposes to adopt new rules concerning subsidized adoption.

Full text of the proposed rules follows:

CHAPTER 121. SUBSIDIZED ADOPTION SUBCHAPTER 1. GENERAL PROVISIONS

10:121-1.1 Title

(a) These regulations promulgated pursuant to P.L. 1973 C. 81 of the Laws of New Jersey shall be known and may be cited as the "Regulations for Subsidized Adoption Rules", and are hereinafter referred to as "regulations".

(b) Copies of these regulations may be obtained from the Division of Youth and Family Services, 1 South Montgomery Street, Trenton, New Jersey 08625.

10:121-1.2 Purpose

There exist many adoptable children who are difficult to place for adoption for a variety of reasons. There are many prospective adoptive parents who are willing to adopt such children but do not have the financial means to do so. The purpose of these regulations is to set forth the requirements and standards which would qualify such adoptive parents to receive subsidies to enable them to adopt hard-to-place children who otherwise might not be adopted.

10:121-1.3 Definitions

"Hard-to-place child" means any child whom the State of New Jersey has the legal right to place for adoption but who has not been placed for adoption because a prospective adoptive home is not readily available for any of the following reasons:

1. The child's age, race, religion, or nationality;
2. The child is handicapped, that is, he has physical, emotional, neurological or intellectual problems or limitations;
3. The child has extensive current or anticipated medical needs;
4. The child needs special services, such as physical therapy, speech therapy, prosthesis, orthodontia, or other kinds of physical or mental assistance or equipment;
5. The children are members of a sibling group who should be placed together; or
6. The child is in foster (boarding) care and the most appropriate adoption plan would be adoption by the foster parents with whom he is living.

"Family" means a single person or legally married couple who meet the eligibility requirements to receive subsidies.

"Division" means the Division of Youth and Family Services of the Department of Institutions and Agencies.

"Director" means the Director of the Division of Youth and Family Services.

"Subsidy" means a money payment made to a family by the Division pursuant to P.L. 1973, Chapter 81.

10:121-1.4 Scope

These regulations shall apply to all families determined by the Division to be eligible for a subsidy(ies).

10:121-1.5 Administration and enforcement

(a) The Division shall administer and enforce these regulations.

(b) The Division shall list its hard-to-place children as defined in Section 101.1 A thru E in the Adoption Resource Exchange bulletin on a continuing basis. Copies of the bulletin are available upon request from the Division.

10:121-1.6 Persons eligible for subsidy

(a) To be eligible for a subsidy, prospective adoptive families, including foster parents seeking to adopt, shall:

1. Adopt a hard-to-place child; and
2. Meet the adoption eligibility requirements as established by the Division, except for the financial ability to adopt. These requirements shall include but are not limited to the following:
 - i. Age: The adoptive parent(s) must attain the age of 18 before the adoption has been finalized. There is no maximum age requirement. The adoptive parent(s) shall be at least 10 years older than the person(s) he or they seek to adopt.
 - ii. Race: There are no racial requirements.
 - iii. Religion: The adoptive parent(s) are not required to be affiliated with or practicing members of any religion. They are required only to be capable of raising the child or children in a decent, moral environment.
 - iv. Residence: The adoptive parent(s) must be residents of New Jersey and/or any other state with which co-operative agreements have been arranged.
 - v. Marital status: Adoptive parent(s) may be either single or married.
 - vi. Income: Adoptive parent(s), with the addition of a State adoption subsidy, must have sufficient financial resources to provide for the basic health, education, and general well-being and normal development of the adopted child or children and must demonstrate an ability to manage family financial resources efficiently and in such a

way as to meet the basic cost of raising the child or children in a suitable way.

vii. Health: Adoptive parent(s) must be in reasonably good physical and emotional health, as attested to by an examination by a physician, if necessary. Also, they must be free from any physical or mental illness or disability which would jeopardize the normal health, education and well-being of the adopted child or children.

viii. Suitability: The adoptive parent(s) must be able to provide for the normal development of the adopted child or children and provide for the general health, education and well-being of the adopted child or children.

10:121-1.7 Standards

(a) Eligibility for subsidies shall be determined by the Division for each prospective adoptive family on the basis of a home study that includes an assessment of the above family eligibility requirements as expressed in Section 6 of this Subchapter.

(b) The amount of the subsidy shall be determined by the Division on the basis of the family's annual income, expenses, assets and liabilities and the financial needs of the particular child or children to be adopted.

10:121-1.8 Monthly maintenance subsidy

Monthly maintenance subsidy is an established money payment to be made by the Division to cover the basic costs of maintaining and providing for the needs of the child or children on a regular basis. It will not exceed 80 per cent of the foster care boarding rate, exclusive of the clothing allowance, that is in effect at the time the subsidy is approved.

10:121-1.9 Special services subsidy

(a) Special services subsidy is a money payment to be made by or on behalf of the Division for special costs that cannot be borne by the adoptive parent(s). It shall include, but not be limited to the following:

1. Legal Fees: This includes only those legal costs directly related to the adoption and approved by the Division prior to the adoption.

2. Medical and surgical costs: This includes costs for correcting or treating any physical or mental condition which existed and was identified prior to the date of the entry of the judgment of adoption and which is not covered by the family's insurance. Such costs shall include, but not be limited to, the following: speech therapy, physical therapy, special training, dental surgery and extensive dental treatment, and the purchase of corrective appliances.

10:121-1.10 Powers of agency

(a) The Division shall have the authority to:

1. Set and modify the type, amount and duration of subsidies;
2. Provide where necessary and appropriate a combination of subsidies;
3. Provide and continue a subsidy until the child reaches age 18, becomes self-sufficient or dies, whichever occurs first, providing the adoptive parents remain eligible for the subsidy;
4. Continue the subsidy to an eligible family which subsequently moves out of State, if, in the Division's judgment, such continuation would promote the best interests of the child.
5. Renegotiate the agreement annually, or more frequently, at the Division's discretion.

10:121-1.11 Obligations of adoptive parents

(a) Adoptive parent(s) shall be required to:

1. Provide on forms to be supplied by the Division all necessary financial information about the adoptive person

or couple, including income from all sources, assets, debts, liabilities, and any special or unusual expenses which the person or couple may have incurred. This report shall be provided on an annual basis, or more frequently, as required by the Division.

2. Provide on forms to be supplied by the Division information regarding the names and ages of the members of the immediate family of the adoptive parent(s), including relatives and non-relatives who are living with and/or are being supported by the adoptive person or couple, together with complete information on the income and expenses of such family members.

3. Provide the Division with information as to significant changes in the family circumstances of the adoptive person or couple that would affect the eligibility for or type or size of the subsidy payments. Such information shall be provided no later than 15 days after such significant change(s) take place or as required by the Division.

4. Following approval of the type and amount of subsidy payments, enter into a written agreement with the Division, which must be signed by both parties on an annual basis, or more frequently, at the Division's discretion.

5. Assume full responsibility for providing a suitable home environment for the adopted child or children during and after the adoption has been finalized.

6. Assume full financial responsibility for the adopted child or children following the expiration, reduction or removal of the subsidy payment.

10:121-1.12 Obligations of the agency

(a) The Division is obligated to:

1. Protect the confidentiality of information supplied by the adoptive parent(s) with regard to annual income, expenses, and any other personal matters affecting their private lives.

2. Establish procedures and forms necessary to implement and operate the subsidized adoption program. Such forms are available upon request from the Division.

10:121-1.13 Interpretation

(a) These regulations shall be liberally interpreted to secure the beneficial purposes thereof.

(b) Any conflict or inconsistency between the requirements of these regulations and any other state or Federal laws and regulations shall be resolved in favor of the more restrictive requirements.

10:121-1.14 Effective date

These regulations shall take effect July 25, 1973.

10:121-1.15 Force and effect of regulations

These regulations shall have the force and effect of law until revised, repealed, or amended by the Division of Youth and Family Services and shall be enforced by the Division of Youth and Family Services pursuant to the provisions of N.J.S.A. 30:4C-45.

10:121-1.16 Matters covered

(a) The provisions of these regulations shall cover all matters affecting or relating to subsidized adoption.

(b) Matters not provided for include any matter or requirement essential to the administration or enforcement of subsidized adoption which is not covered by the provisions of these regulations shall be the subject of determination by the Division in specific cases.

10:121-1.17 Variations

(a) The requirements and standards prescribed in these regulations may be subject to exceptions in specific cases by the Division under and pursuant to the following:

1. Upon written application of a prospective adoptive parent or adoptive parent requesting that an exception be granted from the literal requirements of these regulations and stating reasons why the exception should be granted. No such exception shall be granted in any particular case unless the Division finds:

i. That strict compliance with any such regulations, if required, would result in undue hardship to a prospective adoptive parent or existing adoptive parent or child; and

ii. That the exception, if granted, will not jeopardize the health, safety and welfare of the intended adoptive parents, intended adoptive child, parents, adoptive child or the public generally.

2. An application for an exception pursuant to this Section shall be filed in writing with the Division and shall be filed in writing with the Division and shall set forth specifically:

i. A statement of the requirements of the regulations from which an exception is sought;

ii. A statement of the manner by which strict compliance with said regulations would result in undue hardship;

iii. A statement of the nature and extent of such undue hardship; and

iv. A statement of feasible alternatives to the requirements of the regulations which would adequately protect the health, safety and welfare of the intended adoptive parents, parents, intended adoptive child, adopted child and the public generally.

10:121-1.18 Grievance procedure

Any person aggrieved by any ruling, action, order or notice of the Division of Youth and Family Services pursuant to these regulations, shall be entitled to a hearing before the Director of the Division of Youth and Family Services or his duly authorized representatives.

10:121-1.19 Hearings

(a) The application for a hearing must be filed with the Director within 15 days of the receipt by the applicant thereof of notice of the ruling, action, order or notice complained of.

(b) No such hearing shall be held except upon 15 days' written notice to all interested parties and each such hearing shall be held within 30 days of the receipt of the application therefor.

(c) When a hearing officer is designated by the Director to conduct a hearing, said hearing officer shall issue a recommended report and decision within 30 days after the completion of any hearing, a copy of which shall be filed with the Director and mailed to all parties of record.

(d) Each party of record shall be afforded 15 days in which to file exceptions, objections, and replies thereto and to present argument to the Director.

(e) Within 15 days thereafter, the Director shall issue an order which adopts, rejects, or modifies the recommended report and decision, a copy of which shall be served on all parties of record.

(f) Pending the determination of the Director, and upon application therefor, the Director may grant a stay of the ruling, action, order or notice complained of; provided, that no such stay shall be granted except upon such terms and conditions as will adequately protect the health, safety and welfare of the intended adoptive parents, parents, intended adopted child, adopted child or the public generally.

10:121-1.20 Severability clause

If any provision of these regulations should be held invalid or ineffective in whole or in part or inapplicable to any person or situation, it is the purpose and intent of these regulations that all other provisions thereof shall

nevertheless be separately and fully effective, and that the application of any such provision to other persons or situations shall not be affected.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

Division of Youth and Family Services
Department of Institutions and Agencies
1 South Montgomery Street
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Manual for Medical Supplies

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a manual of rules and regulations governing medical supplier participation in the New Jersey Health Services Program.

The proposed manual is concerned with the provision of medical supplies and equipment to eligible recipients of the New Jersey Health Services Program. The manual cites definitions, general policies and procedures for authorization and eligibility for billing to obtain reimbursement under the New Jersey Health Services Program.

Such manual, if adopted, will be included in Subtitle I of Title 10 of the New Jersey Administrative Code.

Copies of the manual may be obtained from:

Administrative Analyst
324 East State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before July 26, 1973 to the Division of Medical Assistance and Health Services, at the above address.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rule On Time Limitation For Submission of Adjustment Requests For Legend and Non-Legend Drugs

Robert L. Clifford, Commissioner of Institutions and

Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to establish a rule for the submission of adjustment requests for legend and non-legend drugs.

Such rule, if adopted, will be included in Subtitle I of Title 10 of the New Jersey Administrative Code.

Pharmaceutical Providers

Adjustment requests for claims for legend and non-legend drugs must be received by the contractor not later than 180 days after the claim(s) in question last appeared on a payment voucher.

Exception: The 180-day time limitation does not apply to adjustments submitted due to patient eligibility problems.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1973 to:

Administrative Analyst
324 East State Street
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Manual for Independent Clinic Services

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a manual of rules and regulations governing independent clinic participation in the New Jersey Health Services Program.

Such rules, if adopted, will be included in Subtitle I of Title 10 of the New Jersey Administrative Code.

The proposed rules manual concerns the provision of independent clinic services available to eligible recipients of the New Jersey Health Services Program and deals with definitions, general policies and procedures for authorization and billing for eligibility to obtain reimbursement under the New Jersey Health Services Program.

Copies of the proposed manual of rules may be obtained from:

Administrative Analyst
Division of Medical Assistance
and Health Services
324 East State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1973, to the Division of Medical Assistance and Health Services at the above address.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Payment of Funeral or Burial Expenses

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Section 2580. of the Manual of Administration concerning the payment of funeral or burial expenses.

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

2580. PAYMENT OF BURIAL AND FUNERAL EXPENSES

The material in this section applies to the following programs of Categorical Assistance unless otherwise noted: OAA, AB, DA and ADC.

.1 Citation of law

This section is based on Title 44:7-13, 15 and 25, N.J.S.A., as amended, relating to payment by the county welfare board for the burial and funeral expenses of deceased recipients of categorical assistance.

.2 General principles

a. Cost limitations are established within which the county welfare board must participate in the burial and funeral expenses of deceased recipients. (For burial of spouse, see 2340.)

[1] Payment of not more than \$350.00 toward such expenses is authorized provided the total cost of the burial (or cremation) and funeral does not exceed \$500.00.]

1) Payment toward such expense by CWB and total cost of burial (or cremation) and funeral shall not exceed the following:

Age	Maximum Payment by CWB	Contribution by Others	Limitations on Total Cost of Burial
Still-born	\$ 50.00	\$ 0.	\$ 50.00
Less than one week	50.00	50.00	100.00
One week to two years	225.00	125.00	350.00
Two years through eight years	300.00	125.00	425.00
Nine years and over including adult	350.00	150.00	500.00

2) Payments by the county welfare board for such expenses are not a benefit automatically payable at death but are a means of supplementing the resources of the deceased recipient, of his family and of volunteer contributors, when necessary.

3) Such payments shall be made first from any funds received by the county welfare board from or on the behalf of the recipient and secondly, if necessary, from assistance funds.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

Division of Public Welfare
129 East Hanover Street
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Manual of Administration

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt revisions to the Manual of Administration.

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

2980. FEDERAL ASSISTANCE PROGRAM FOR CUBAN REFUGEES

The State's plan for the comparable assistance program will be followed in receiving applications, determining eligibility, establishing the method and frequency of payments, visits and redeterminations of eligibility and providing social services. The standards used in determining the amount of the assistance grant will be in keeping with those used by the agency for the applicable program. All Cuban refugee families [, including those not ceremonially married,] which meet the criteria of the Assistance to Families of the Working Poor program, are to be budgeted in accordance with standards of that program. (See Financial Assistance Manual 116.)

2981. Determination of Eligibility

.1 Definition of Eligibility

d. [he left Cuba on or after January 1, 1959] he has been in the U.S. less than 5 years before the date of application for assistance in the Cuban Refugee Assistance Program and has been resettled by an approved agency, or has been "self-resettled" (see 2981.4).

.4 Resettlement

b. Self-Resettled

Subject to approval of the resettlement as indicated below, assistance may be authorized for needy Cuban refugees who are "self-resettled" (i.e., not resettled through one of the designated agencies listed above) provided they are registered with the Cuban Refugee Center in Miami and have not reached the fifth anniversary of their entry into the U.S. The following information shall be sent to the Division by CWB by PA-50 or summary:

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions in Manual of Administration on Military Service

On June 1, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, 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 of 1968, adopted revisions to the manual of administration concerning military service, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 147(a).

Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective June 4, 1973, as R.1973 d.146.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions for Hearing Aid Batteries

On June 5, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Section 204.2 of the Hearing Aid Manual concerning hearing aid batteries, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 144(c).

Such revisions will be included in Subtitle I of Title 10 in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective June 20, 1973, as R.1973 d.162.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions for Orthodontic Services

On June 6, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Section 233.7 in the Health Services Program Dental Provider Manual regarding orthodontic services, substantially as proposed in the Notice published May 10, 1973, at 5 N.J.R. 144(d), with only inconsequential structural or language changes, in the opinion of the Department of Institutions and Agencies.

Such revisions will be included in Chapter 56 of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective June 20, 1973, as R.1973 d.163.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF MENTAL RETARDATION

Notice of Adoption of Standards for Public Institutions for the Mentally Retarded

Take notice that:

On July 1, 1973, Robert L. Clifford, Commissioner, Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-15 and 30:1-15.1, promulgated a revised set of standards for public institutions for the mentally retarded.

These revised standards identify the nature and level of services that are to be provided to the mentally retarded receiving services from public residential facilities. These standards will serve as the basis for annual on-site inspections of all such facilities.

This is published as a matter of public information only.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

INSURANCE

THE COMMISSIONER

Proposed Rule Concerning Cancellations Of Fire and Casualty Insurance Policies

Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt a new rule concerning cancellations of fire and casualty insurance policies.

Full text of the proposed rule follows:

11:1-3.2 Fire and casualty insurance policies

All fire and casualty insurance companies, authorized to do business in New Jersey shall provide a minimum of 30 days written notice to a named insured prior to the desired cancellation date or the expiration date of existing coverage.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

Richard C. McDonough
Commissioner
Department of Insurance
State and Montgomery Streets
Trenton, New Jersey 08625

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

Richard F. Schaub
Commissioner
Department of Insurance

(f)

INSURANCE

NEW JERSEY REAL ESTATE COMMISSION

Proposed Revision Concerning Salesman's Age Regarding Licenses

Carl J. Jahnke, Secretary-Director of the New Jersey

Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq., proposes to revise N.J.A.C. 11:5-1.2 concerning the age of salesmen regarding licenses.

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

11:5-1.2 Salesman's license; age limit

No salesman's license shall be issued to any person who has not attained the age of [19] 18 years.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

Carl J. Jahnke
Secretary-Director
New Jersey Real Estate Commission
201 East State Street
Trenton, New Jersey 08625

The New Jersey Real Estate Commission, upon its own motion or at the instance of any interested party, may thereafter adopt this revision substantially as proposed without further notice.

Carl J. Jahnke
Secretary-Director
New Jersey Real Estate Commission
Department of Insurance

(a)

INSURANCE

NEW JERSEY REAL ESTATE COMMISSION

Proposed Revisions to Rules On Approved School Requirements

Carl J. Jahnke, Secretary-Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq., proposes to revise certain portions of N.J.A.C. 11:5-1.28 concerning approved school requirements.

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

11:5-1.28(b) The Commission shall require any school in making application to submit certain documents, statements [and], forms and application fee of \$100.00 for the initial location and \$50.00 for each branch location thereafter, prior to approval, which shall form the basis for the Commission's judgment whether to approve or grant a hearing upon request when approval would be denied to conduct a school in the best interests of the general public. Said fee shall not be refundable. Application for approval to conduct a school in real estate courses is to be made on Form "A" as prescribed by the Commission.

11:5-1.28(v) Initial approvals (that is, the first approval subsequent to the effective date of these regulations) shall expire on December 1, 1968, and subsequent renewals shall expire on December 1, annually thereafter. Renewal application is to be made on Form "H" prescribed by the Commission [.] , together with renewal fee of \$100.00 for the main location of the school and \$50.00 for each branch.

A public hearing concerning the proposed action will be held on July 31, 1973, at 10:00 A.M. in the hearing room of the New Jersey Real Estate Commission, second floor, 201 East State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to Carl J. Jahnke, Secretary-Director of the New Jersey Real Estate Commission at the above address.

The New Jersey Real Estate Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Carl J. Jahnke
Secretary-Director
New Jersey Real Estate Commission
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

Amendments to Rules on Identification Insurance Cards

On May 30, 1973, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules on identification insurance cards, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 150(a).

Such amendments may be cited as N.J.A.C. 11:3-6.2(b) 4.xii. and 11:3-6.2(b)4.xiii., with the note concerning changing of the card's color following therein.

An order adopting these amendments was filed and effective May 31, 1973, as R.1973 d.140.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Revisions On Educational Requirements

On May 30, 1973, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning educational requirements, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 149(f).

Such revisions will be included in N.J.A.C. 11:2-1.1(a).

An order adopting these revisions was filed May 31, 1973, as R.1973 d.141 to become effective June 1, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rule On Banned Hazardous Products

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt a new rule of the Division of Consumer Affairs concerning banned hazardous products.

Full text of the proposed new rule follows:

SUBCHAPTER 4. BANNED HAZARDOUS PRODUCTS

13:45A-4.1 Unconscionable commercial practice

It shall be an unconscionable commercial practice for any person, including any business entity, to manufacture, distribute or sell any consumer product contrary to any order of the Consumer Product Safety Commission, pursuant to 15 U.S.C. § 2051 et seq.

13:45A-4.2 Consumer product defined

(a) For purposes of this rule, the term "consumer product" means any article, or component part thereof, produced or distributed

1. For sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or

2. For the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.

13:45A-4.3 Violations

Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violation of the provisions of this rule shall be subject to the sanctions contained in said Consumer Fraud Act.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1973, to:

Millicent H. Fenwick, Director
Division of Consumer Affairs
1100 Raymond Boulevard
Newark, New Jersey 07102

The Attorney General of New Jersey, upon his own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

George F. Kugler Jr.
Attorney General of the State of New Jersey

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules On Unconscionable Charges For Cancellation of Future Services Contracts

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules concerning unconscionable charges for cancellation of future services contracts.

Full text of the proposed rules follows:

SUBCHAPTER 3.

FUTURE CONSUMER SERVICES CONTRACTS

13:45A-3.1 Definition

(a) For purposes of this rule, a "contract for future consumer services" means any contract which includes a provision for consumer services to be rendered in the future on a continuing basis, including but not limited to computer schools, health spas or gyms, home study schools and courses and dance studios, except that future services shall not mean or include:

1. Boarding accommodations; or
2. Travel arrangements contracted for less than a year in advance; or

3. Contracts which incorporate warranties of service or repair given in conjunction with appliances or other goods, where the sale of goods is the primary object of the contract; or

4. Services by a public or private non-profit educational institution.

13:45A-3.2 Unconscionable commercial practice

(a) It shall be an unconscionable commercial practice in the sale of future consumer services or the collection of consumer debts for any person, including any business entity, to contract to receive, or to demand in the event of cancellation of a contract for future services more than the total of:

1. Five per cent of the cash price, but not to exceed \$50.00; and

2. A pro rata portion of the total price, representing the proportion of services used or completed, including, where cancellation occurs pursuant to N.J.A.C. 13:45A-3.3(a)3., a pro rata portion of the total price representing the time or lessons missed up to 25 per cent of the time or lessons contracted for; and

3. The cost to the seller of any ancillary goods which the buyer has consumed or wishes to retain after cancellation of the contract.

(b) In no instance shall the seller collect more than the full contract price from the buyer.

(c) Within ten days after a contract for future consumer services has been cancelled, the seller shall tender to the buyer any payments made in excess of the amounts permitted to be retained under this regulation.

13:45A-3.3 Cancellation

(a) Cancellation occurs:

1. When the buyer mails the seller notice of his intent to cancel; or

2. Where the seller has actual notice of the buyer's intention to cancel, or

3. Where the buyer fails to attend consecutive scheduled classes or lessons constituting at least 25 per cent of the total lessons or time contracted for, without informing the seller in writing that he intends to remain enrolled.

13:45A-3.4 Contract forms

(a) The contract forms used by the seller shall conspicuously disclose the seller's cancellation provisions in compliance with Sections 2 and 3 of this Subchapter and shall contain the following notice in ten-point bold face type:

"If you cancel this contract (the seller) may keep only five per cent of the cash price up to a maximum of \$50.00, plus a portion of the contract price based upon the lessons or services you have used. You may notify the seller of your intent to cancel by mail, addressed to (the seller) at (seller's address)."

(b) Subsection (a) of this Section does not apply to contract forms ordered to be printed or set in type before its effective date unless such contract forms are used after December 31, 1973.

13:45A-3.5 Violations

Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violation of the provisions of this rule shall be subject to the sanctions contained in said Consumer Fraud Act.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1973, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey.

The Attorney General of New Jersey, upon his own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

George F. Kugler Jr.
Attorney General of the State of New Jersey

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rules to Replace Rules Governing Administration of and Compliance with Motor Fuels Use Tax Act of 1963

Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 54:39A-8 and N.J.S.A. 54:39A-24, proposes to repeal the current rules governing the administration of and compliance with the "Motor Fuels Use Tax Act of 1963" (formerly entitled "Motor Carriers Road Tax Act of 1963") and to adopt in place thereof new regulations.

Proposed rules concerning the same subject were published in the May 10, 1973, issue of the New Jersey Register at 5 N.J.R. 165(b) but, due to substantial changes, are being republished.

Full text of the proposed rules follows:

SUBCHAPTER 4. MOTOR FUELS USE TAX ACT

13:18-4.1 Scope

(a) This regulation replaces the following regulations and all amendments and supplements thereto:

1. Registrations, identifying markers and reports (N.J.A.C. 13:18-1.1 et seq., filed July 26, 1963);
2. Amendment (N.J.A.C. 13:18-4.14, filed September 23, 1965);
3. Amendments (N.J.A.C. 13:18-4.3, 13:18-4.6, 13:18-4.7, 13:18-4.8, 13:18-4.10, 13:18-4.11, 13:18-4.17; filed May 14, 1968);
4. Supplement (N.J.A.C. 13:18-4.19, filed May 14, 1968).

13:18-4.2 Definitions

"User" means in addition to the meanings prescribed in the Act (c.54:39A-2), in the case of a leased vehicle, the person who provides the fuel and pays the motor fuels tax thereon used in the vehicle; in the case of a rental vehicle it means the rental company.

"Leased vehicle" means a vehicle operated, but not owned, by a motor carrier who has the right to exclusive use, possession and control of the vehicle for any period of time by virtue of lease, contract or other arrangement.

"Rental vehicle" means a vehicle owned by a rental company and rented to the general public on an hourly, daily, trip or other short-term basis.

"Temporary additional vehicle" means a vehicle leased or rented to a registered user as a temporary addition to his normal fleet.

"Substitute vehicle" means a vehicle owned by a leasing company and used by a motor carrier as a temporary replacement for a particular leased vehicle.

"Leasing company" means a person engaged in the business of leasing vehicles to motor carriers.

"Rental company" means a person engaged in the business of renting vehicles to the general public, including

motor carriers, on an hourly, daily, trip, or other short term basis.

"Full service contract" means an arrangement between a leasing company and a motor carrier under which the leasing company assumes all obligations of a "user" with respect to the vehicles provided to the motor carrier by the leasing company.

"Person" means and includes natural persons and partnerships, firms, companies, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator or other officers appointed pursuant to law or by any court, State or Federal.

"Motor carrier" means a person who transports persons or property by vehicle as a business in itself or in the furtherance of a commercial enterprise.

"Owner/operator" means a person who owns, or leases, and drives a leased vehicle in service to a motor carrier.

"Independent contractor" means a person who owns, or leases, two or more vehicles which he leases with drivers to a motor carrier.

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus, construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors and road tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, sacrifiers, earth moving carry-alls and scrapers, power shovels and drag lines, self-propelled cranes and earth moving equipment, towed tar pots, cement or mortar mixers, and utility trailers and vehicles designed, and used exclusively, for removing disabled vehicles from the highways.

"Mileage recording instrument" means an odometer, hubometer or tachograph.

"Principal place of business" means the place where the user transacts his principal business, makes up and approves his payroll, maintains a central file of corporate records and maintains his principal executive offices. In the event that not all of the above functions are performed in one place, then that place in which the majority of such functions are performed shall be deemed to be the principal place of business. In any event, the term "principal place of business" shall mean that place at which the user does, in fact, principally transact and control his business affairs.

"Operations" means the operation of only those vehicles for which the registered user has purchased decals during the applicable tax year, but including substitute and temporary additional vehicles; in the case of a leasing or rental company, it means the operations of all vehicles not leased to a registered user and excludes the operations of other vehicles only for such periods of time as they are used by a registered user as substitute or temporary additional vehicles.

13:18-4.3 User registration

(a) Every user shall register as such, before operating vehicles in this State, on a form furnished by the Division providing the following information:

1. Full name of the user and the address of his principal place of business;
2. Addresses of all places of business maintained in New Jersey;
3. Location of bulk fuel storage facilities maintained in New Jersey;
4. Name and addresses of owner, partners, or corporate officers (president, secretary, treasurer);

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INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly index is a special service for subscribers to the New Jersey Administrative Code, providing an up-to-date check-list of new rules adopted by the various State Departments.

The index is current, being adjusted each month following the mailing to Code subscribers of update pages for all Titles.

First publication and update services have been distributed for 17 of the 19 Departmental Titles, excepting only Title 10—Institutions and Agencies and Title 12—Labor and Industry.

Since the most recent update, these 17 Departments have adopted the following additional rules, which are not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

N.J.A.C. Citation		Document Citation	Notice of Adoption N.J.R. Citation
AGRICULTURE — TITLE 2			
2:1-2.3(a)1.i.	Functions of Departmental units	R.1972 d.260	5 N.J.R. 31(a)
2:2-2.13	Conditions for quarantine release	R.1972 d.251	5 N.J.R. 3(d)
2:2-2.15(b)	Indemnification for brucellosis	R.1973 d.64	5 N.J.R. 102(b)
2:2-3.6	Indemnification for tuberculosis	R.1973 d.65	5 N.J.R. 102(c)
2:2-4.39	Authority of Secretary or his agents	R.1972 d.242	5 N.J.R. 3(a)
2:2-9.1	Fees; immunodiffusion test	R.1973 d.57	5 N.J.R. 102(a)
2:5-1.7(c)	Release of embargo	R.1972 d.208	4 N.J.R. 260(e)
2:5-1.8	Quarantine; Gloucester County	R.1972 d.231	4 N.J.R. 299(a)
2:5-1.8	Quarantine; Gloucester County	R.1972 d.227	4 N.J.R. 298(b)
2:5-1.8(d)&(e)	Release of quarantine	R.1973 d.51	5 N.J.R. 76(b)
2:5-1.9	Quarantine; various counties	R.1972 d.235	5 N.J.R. 2(a)
2:5-1.10	Quarantine; entire State	R.1972 d.237	5 N.J.R. 2(b)
2:5-1.10(d)&(e)	Release of quarantine	R.1973 d.21	5 N.J.R. 32(a)
2:5-1.11	Quarantine; swine movement	R.1972 d.246	5 N.J.R. 3(b)
2:5-1.12	Quarantine continued, entire State	R.1972 d.259	5 N.J.R. 30(b)
2:5-1.13	Lifting of quarantine	R.1972 d.263	5 N.J.R. 31(b)
2:5-1.14	Quarantine; Egg Harbor Township	R.1973 d.4	5 N.J.R. 31(c)
2:5-1.14(d)&(e)	Release of quarantine	R.1973 d.41	5 N.J.R. 76(a)
2:17-4.2(c)	Special exemption for Florida tomato plants	R.1973 d.101	5 N.J.R. 135(a)
2:32-1.1	Sire stakes program	R.1973 d.154	5 N.J.R. 214(b)
2:52-5.1 et seq.	Information required of applicants	R.1973 d.39	5 N.J.R. 75(a)
2:53-2.1 et seq.	Rules on refrigeration equipment	R.1972 d.250	5 N.J.R. 3(c)
2:53-2.1	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-2.3	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-4.1 et seq.	Advertising milk and milk products	R.1972 d.215	4 N.J.R. 298(a)
2:73-2.2 et seq.	State Seal program for eggs	R.1973 d.88	5 N.J.R. 134(c)
BANKING — TITLE 3			
3:1-5.1 et seq.	Mortgage applicant's birth control practices	R.1973 d.166	5 N.J.R. 216(b)
3:8-3.1	Required reserve (Banks not members of Federal Reserve)	R.1972 d.223	4 N.J.R. 300(a)
3:8-3.2	Reports (Banks not members of Federal Reserve System)	R.1972 d.223	4 N.J.R. 300(a)
3:8-5.1	Reserves required (Savings banks)	R.1972 d.224	4 N.J.R. 300(b)
3:8-5.4	Reports (Savings banks)	R.1972 d.224	4 N.J.R. 300(b)
3:11-1.1	Approval to exceed ten per cent limitation	R.1973 d.116	5 N.J.R. 136(b)
3:11-7.1 et seq.	Limitation on liability to a bank	R.1973 d.58	5 N.J.R. 103(b)
3:18-5.1 et seq.	Legal fees; mortgages	R.1973 d.32	5 N.J.R. 33(a)
3:18-7.1 et seq.	Advertising rules	R.1973 d.133	5 N.J.R. 183(a)
3:31-2.1	Minimum requirements	R.1973 d.124	5 N.J.R. 183(b)
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5:10-9.9	Safety glazing memorandum	R.1973 d.50	5 N.J.R. 78(a)
5:10-9.9	Safety glazing requirements	R.1972 d.197	4 N.J.R. 261(c)
5:11-1.1 et seq.	Relocation assistance program	R.1972 d.190	4 N.J.R. 261(a)
5:16-1.1 et seq.	Amendments to Plumbing Code	R.1972 d.149	4 N.J.R. 182(a)
5:19-1.7	Safety glazing materials	R.1972 d.196	4 N.J.R. 261(b)
5:19-1.7	Safety glazing memorandum	R.1973 d.50	5 N.J.R. 78(a)
5:20-1.1 et seq.	Uniform Standards Code for Mobile Homes	R.1972 d.248	5 N.J.R. 7(a)

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6:8-1.3	Definitions (nonpublic school secular education)	R.1972 d.207	4 N.J.R. 262(f)
6:11-1.1 et seq.	Teacher education and certification	R.1972 d.189	4 N.J.R. 262(e)
6:11-3.26	Waiver of student teaching requirement	R.1973 d.55	5 N.J.R. 79(c)
6:11-8.6	Junior high school teaching certification	R.1973 d.19	5 N.J.R. 36(b)
6:11-12.20	Reading specialist certification	R.1973 d.20	5 N.J.R. 36(c)
6:21-1.2	Accident reporting (Pupil transportation)	R.1972 d.220	4 N.J.R. 302(a)
6:21-1.3	Remote defined (Pupil transportation)	R.1972 d.220	4 N.J.R. 302(a)
6:21-5.11	Color; school bus	R.1973 d.123	5 N.J.R. 185(a)
6:21-6.9	Color; school bus body	R.1973 d.123	5 N.J.R. 185(a)
6:21-6.20(f)	Identification (School buses)	R.1972 d.188	4 N.J.R. 262(d)
6:21-6.24 et seq.	Lamps, signals, seats and drills	R.1973 d.73	5 N.J.R. 104(c)
6:21-7.2	Sale of school vehicle (State aid)	R.1972 d.220	4 N.J.R. 302(a)
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6:68-2.10 et seq.	Revisions to library incentive grant programs	R.1973 d.99	5 N.J.R. 139(b)
6:68-3.1 et seq.	State Library assistance programs	R.1972 d.186	4 N.J.R. 262(b)

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7:7A-1.1(a)7	Wetlands order; Atlantic County	R.1973 d.134	5 N.J.R. 186(a)
7:7A-1.1(a)8	Wetlands order; Burlington County	R.1973 d.135	5 N.J.R. 186(b)
7:7A-1.1(a)9	Extension of wetlands order to Mercer County	R.1973 d.167	5 N.J.R. 222(a)
7:7A-1.1(a)10	Extension of wetlands order to Camden County	R.1973 d.168	5 N.J.R. 222(b)
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7:25-2.9	Field trials	R.1973 d.75	5 N.J.R. 105(c)
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7:25-5.26	Conibear or other killing traps	R.1972 d.211	4 N.J.R. 264(a)
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7:25-7.1(a)38	Condemnation of shellfish beds	R.1972 d.203	4 N.J.R. 265(b)
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8:21-2.36	Public availability of inspection reports	R.1972 d.209	4 N.J.R. 266(b)
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8:31-4.1 et seq.	Expediting certificate of need in transfer of ownership	R.1973 d.69	5 N.J.R. 107(a)
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8:34-1.1 et seq.	Rules for licensing nursing home administrators	R.1972 d.241	5 N.J.R. 8(b)
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17:8-1.1 et seq.	Revisions to supplemental annuity collective trusts	R.1973 d.46	5 N.J.R. 95(c)
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17:9-3.1	Definitions (Dependents and children)	R.1972 d.200	4 N.J.R. 283(c)
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17:16-5.3	Static group fund classifications	R.1973 d.70	5 N.J.R. 126(b)
17:16-5.5	Temporary reserve group	R.1972 d.143	4 N.J.R. 199(a)
17:16-5.5(a)	Revise temporary reserve group	R.1973 d.22	5 N.J.R. 60(a)
17:16-5.6	Trust group fund classification	R.1972 d.234	4 N.J.R. 311(b)
17:16-10.4(b)	Deleted	R.1972 d.182	4 N.J.R. 249(b)
17:16-13.5	Legal papers	R.1973 d.125	5 N.J.R. 204(b)
17:16-17.1 et seq.	Revisions concerning permissible investments	R.1973 d.44	5 N.J.R. 94(b)
17:16-19.5	Qualifications of mortgage brokers	R.1972 d.182	4 N.J.R. 249(b)

(Continued on next page)

(Continued from Page 19)

5. Social Security number or employer identification number;
6. Interstate Commerce Commission motor carrier identification number, if any;
7. Type of operation: leasing company; rental company; motor carrier for hire, private, exempt, contract, owner/operator, independent contractor, or other;
8. Whether the vehicles to be operated are leased from or to other persons;
9. Names and addresses of lessors and lessees of vehicles;

10. In the case of leased vehicles, who provides the fuel and pays the motor fuels tax—lessor or lessee.
 - (a) The registration shall be certified by the owner, a partner or a corporate officer.
 - (c) In the event the name or address of the user, or other information shown in the original registration changes subsequent to its filing, the user shall file corrected information within seven days thereafter.
- 13:18-4.4 Identification cards and markers
 (a) Coincident with the filing of the registration form specified in these rules, and not later than one month prior

(Continued from previous page)

17:16-19.6(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-20.5(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.1(a)1.iii.	Permissible investments (Pension and annuity groups)	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.2(c)	Limitations (Three party agreements; corporate)	R.1972 d.182	4 N.J.R. 249(b)
17:16-28.3(f)3.	Limitations (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-28.4(a)	Legal papers (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-29.3	Legal papers (Title II FHA insured construction mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-32.2(g)	Permissible investments (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-32.8(a)1.iv.	Valuation of units (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-32.12	Limitations (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-33.7	Amend rule on county college capital projects	R.1973 d.9	5 N.J.R. 59(c)
17:16-35.9	Admission date	R.1973 d.126	5 N.J.R. 204(c)
17:16-36.2(f)	Permissible investments (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.8(a)1.iii.	Valuation of units (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.12	Limitations (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:19A-1.1 et seq.	Facilities for physically handicapped in public buildings	R.1972 d.218	4 N.J.R. 310(e)
17:20-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:20-5.10	Agent's compensation	R.1973 d.80	5 N.J.R. 124(a)
17:21-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:21-10.1 et seq.	Clover Club reservation plan	R.1972 d.94	4 N.J.R. 142(b)

TREASURY TAXATION — TITLE 18

18:5-2.3	Computation of tax	R.1972 d.258	5 N.J.R. 23(b)
18:5-3.2	Types of stamps available	R.1973 d.54	5 N.J.R. 96(a)
18:5-3.4	Purchase of stamps	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.7	Wholesale dealer's license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.10	Retail dealer's vending machine license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.17	Duplicate and amended license	R.1973 d.54	5 N.J.R. 96(a)
18:12-5.1 et seq.	Property tax appeals time extension	R.1973 d.144	5 N.J.R. 247(a)
18:16-4.7	Calculation of fee where transfer is subject to construction mortgage	R.1973 d.54	5 N.J.R. 96(a)
18:17-1.5	Review of examination procedures	R.1973 d.109	5 N.J.R. 171(a)
18:24-4.4	Repeal of rule on purchase of machinery	R.1973 d.139	5 N.J.R. 246(b)
18:24-21.1 et seq.	Accounting procedures	R.1973 d.60	5 N.J.R. 126(a)

OTHER AGENCIES — TITLE 19

19:1-1.8	Application of loan proceeds, Mortgage Finance Agency	R.1973 d.36	5 N.J.R. 60(c)
19:1-1.13	Purchase of Agency bonds	R.1973 d.36	5 N.J.R. 60(c)
19:2-1.1 et seq.	Rules of Atlantic City Expressway	R.1973 d.42	5 N.J.R. 96(b)
19:4-1.1 et seq.	District zoning regulations, Hackensack Meadowlands	R.1972 d.221	4 N.J.R. 311(c)
19:8-1.9	Amend limitations on use of Parkway	R.1973 d.140	5 N.J.R. 247(e)
19:9-1.9(a)23.	Amend limitations on use of Turnpike	R.1973 d.145	5 N.J.R. 247(d)
19:11-1.10	Posting of notice of PERC petitions	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.13	Intervention, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.15	Timeliness of petitions, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:20-1.1 et seq.	Sports and Exposition Authority	R.1972 d.212	4 N.J.R. 284(c)

IN ADDITION —

First publication—but no update service as yet—has been completed for the two final Titles in the Code, namely, 10—Institutions and Agencies and 12—Labor and Industry.

Rules since adopted by these two Departments are not included in this index; they will be added following initial updating of the respective Titles.

to the beginning of each tax year thereafter, each user shall file an application, on a form provided by the Division, for an identification card and as many markers (decals) as he may require. The statutory fee of \$3.00 per decal shall be remitted with the application.

(b) The application shall provide the following information:

1. The name of the user and address of his principal place of business;
2. Quantity of decals ordered and total amount of fees due;
3. States which issued base motor vehicle registration plates for all vehicles, showing quantity registered in each state or province;
4. Type of fuel used: gasoline, diesel, liquified petroleum gas;
5. Where fuel will be purchased during applicable tax year: New Jersey only, other states only or both in New Jersey and other states.

(c) If the application is acceptable, the Division will issue one motor fuels user identification card to the user and as many vehicle decals for which the fees have been paid.

(1) The original identification card shall be kept in the users principal place of business. A photo or xerox copy of the card shall be carried in each vehicle when it is in New Jersey.

(2) A decal shall be securely affixed to the outside of each vehicle in the upper half of the door on the driver's side.

(d) Any decal issued prior to the beginning of the applicable tax year may be displayed on the vehicle on or after March 1 if the vehicle had been issued a decal for the prior year and a copy of the prior year identification card is in the vehicle.

(e) When a vehicle has been sold, traded or otherwise passes from the control of the user the decal shall be removed from the vehicle and surrendered to the Division within 48 hours. If the user discontinues business in this State the user shall surrender the identification card as well. The user to whom the identification card and decal were issued shall be liable for taxes applicable to the operations of the vehicles in this State up to the date on which the card and/or decal was surrendered. In the event the vehicle is that of an owner/operator or an independent contractor who fails to surrender the decal to the user before leaving his service, the user's liability will terminate upon the date he notifies the Bureau by mail, providing the serial number of the decal and the name and address of the person having possession of same. The provisions of this Subsection shall not apply when the vehicle has been stolen or hijacked and a report of such theft or hijack has been made to the appropriate law enforcement agency.

(f) The Division will replace, upon payment by the user of the \$3.00 fee, any decal which was lost, stolen or is illegible.

(g) Issuance of an identification card and decals will be denied and any identification card and decals issued will be recalled if the user has failed to pay any moneys or to file any report due under the Act or under any other law administered by the Division.

(h) A ten day written notice of such denial or recall shall be mailed to the users principal place of business by ordinary mail.

(i) The user shall be afforded a hearing by the Division before the denial or recall is effective, provided he has made a request by mail within the notice period.

(j) The sole issue to be resolved at such a hearing is whether or not the user in fact did fail to pay moneys due

as determined by the Division, or did fail to file said report. The burden of proof shall be borne by the user.

(k) The hearer in such cases shall be the Chief of the Bureau of Motor Carriers in the Division of Motor Vehicles or such of his subordinates as he may designate.

(l) Notice of the determination made at such hearing shall be given to the user at the close of the hearing. If the determination is adverse to the user the denial or recall shall be effective on the fifth day following the date of the hearing.

(m) Identification cards and decals recalled or denied shall not again be issued until the moneys due have been paid and/or the tax report filed.

13:18-4.5 Permits

(a) Upon request by the user and payment of the \$5.00 fee, the Division will issue over the counter, by mail or by collect telecommunication an emergency permit authorizing the operation in this State of a vehicle pending the issuance of an identification card and/or decal. The decal will be issued at no additional charge.

(b) A user whose vehicles in the aggregate make not more than six round trips into or through this State in any 12 month period will be issued, upon his request, an occasional operator permit for each such trip. The permit will be issued over the counter, by mail or collect telecommunication upon payment of the \$5.00 fee. The permit will be valid for 96 hours.

(c) Any user who has registered with the Division may pre-purchase decals in any quantity for vehicles he anticipates adding to his fleet subsequent to filing of the registration. A blank permit set consisting of one original and one carbon copy will be issued for each decal ordered. When the user adds a vehicle to his fleet he shall type in the specified information on the permit, shall place the original in the vehicle and immediately mail the carbon copy to the Division. Upon receipt of the carbon copy, the Division will issue a decal for the vehicle. The application for such permits shall be accompanied by the fee of \$3.00 for each decal.

13:18-4.6 Tax reports; evidence of timely filing

(a) The postmarked or postal meter marked date on the transmittal envelope shall be conclusive evidence of the filing date if filing is made by mail. In the event both marks appear on the envelope, the postmarked date shall be the filing date.

(b) In the event the filing is made by personal delivery, the Bureau's date received stamp shall be conclusive evidence of the filing date.

13:18-4.7 Tax reports; content

(a) Every user shall report with complete accuracy for the period covered by said report as follows:

1. The total miles traveled in his operations within and without New Jersey;
2. The total fuel used in his operations within and without New Jersey;
3. The average number of miles traveled per gallon of fuel used in his operations within and without New Jersey;
4. The total miles traveled in his operations within New Jersey;
5. The number of gallons of fuel used in his operations within New Jersey, to be determined by dividing the number of miles traveled in this State by the average miles per gallon of fuel used in his operations within and without this State;
6. The total number of gallons of fuel purchased in New Jersey on which the New Jersey motor fuels tax was paid, showing separately the number of gallons withdrawn

from bulk storage in this State and the number of gallons purchased at service stations;

7. The tax due on fuel used in New Jersey;
8. The tax paid on fuel purchased in New Jersey;
9. New Jersey fuel tax paid in excess of fuel use tax due;
10. New Jersey fuel tax credit claimed from prior quarter;
11. Net fuel use tax due;
12. Late filing penalty and interest due.

(b) The Division may, upon demand, require the user to submit evidence with his report to support his claim for payment of fuel tax to this State.

(c) The user shall declare on the report the address where the records required by the Act and these rules are maintained and available for examination.

13:18-4.8 Tax reports; annual in lieu of quarterly

(a) Any user who purchases in this State and pays the motor fuels tax thereon all fuel used in his operations with- in and without this State except for occasional emergency purchases, may file an annual report in lieu of quarterly reports, provided that:

1. Not more than three per cent of the total fuel used was purchased outside this State.
2. He has certified in his application for decals for the applicable tax year that he will purchase said fuel only in this State.

(b) Such annual reports shall be applicable to the user's operations for the 12-month period ending March 31 and shall be filed on or before the last day of April.

13:18-4.9 Motor fuels tax; credit and refund

(a) Any user-purchaser who uses fuel that was purchased in this State outside of this State may apply the fuel tax paid on said fuel as a credit against fuel use tax liability in the next succeeding quarter, provided he has records proving the fuel was not used in New Jersey and that he paid the applicable fuel tax thereon.

(b) Any user-purchaser who purchases motor fuel in bulk quantities in this State and uses a portion thereof outside of this State may be refunded the motor fuels tax which he paid on fuel not used in this State, provided that:

1. Said fuel was stored for future use at a facility in New Jersey;
2. The records of his operations within and without this State are maintained in New Jersey;
3. The quantity of fuel withdrawn from such storage facility in this applicable quarter equals or exceeds the amount of fuel used outside of New Jersey;
4. The claim exceeds the tax on 2,000 gallons of fuel or one per cent of the total fuel purchased in this State, whichever is larger.

(c) An applicant for a refund shall file his claim on a form provided by the Division within one year following the end of the calendar quarter in which the fuel was used.

(d) No claim for refund will be honored until an auditor of the Division has examined the claimant's records and finds that the claim is allowable in whole or in part, unless the claimant has filed a surety bond issued by a company authorized to do business within this State in the full amount of all unaudited claims.

(e) A refund claim shall be rejected if the claimant has not complied with all provisions of the Act and these rules.

13:18-4.10 Records required

(a) Every user shall maintain a summary sheet for each tax quarter on which is shown;

1. Each vehicle subject to the Act identified by its fleet number, serial number or license plate number, vehicle type—tractor, truck or bus—and type of fuel used;

2. Readings for each vehicle at beginning and end of quarter taken from mileage recording instrument;

3. Total mileage traveled by each vehicle in all states, including New Jersey;

4. Total mileage traveled by all vehicles in all states, including New Jersey;

5. Number of gallons of fuel delivered into the service tanks of each vehicle in all states from bulk storage or purchased on the road;

6. Total gallons of fuel delivered into the service tanks of all vehicles in all states;

7. Number of gallons of fuel delivered into service tanks of each vehicle in New Jersey from bulk storage or purchased on the road;

8. Total gallons of fuel delivered into service tanks of all vehicles in New Jersey from bulk storage or purchased on the road.

(b) Every user shall maintain the following source records segregated by quarter and filed chronologically:

1. Trip record for each trip by each vehicle showing beginning and ending readings from mileage recording instrument, total miles traveled, miles traveled in New Jersey, points of origin, destination and turn around and points of entry and exit from New Jersey;

2. Driver's logs required to be kept by any governmental agency;

3. Copies of mileage and fuel use reports made to any State or Federal government agency;

4. Shipping manifests, freight bills or bills of lading;

5. Payroll records where driver's wages are affected by miles traveled;

6. Records of payments based on mileage made to leasing companies;

7. Fuel purchase receipts;

8. Bulk fuel storage record for each storage facility with- in and without New Jersey showing inventory at beginning of quarter, purchases made during quarter, withdrawals by individual vehicle and inventory at end of quarter.

(c) In the event it becomes necessary to repair or replace the mileage recording instrument of any vehicle because of malfunction the mileage traveled by said vehicle within and without New Jersey during the period when the instru- ment is inoperative is deemed to be the the average daily mileage traveled by that vehicle during that period of the same tax quarter when the instrument was operative. If the instrument is not repaired or replaced within ten days it is deemed that the vehicle consumed 40 gallons of fuel in New Jersey each day of the entire period that the instru- ment was inoperative.

(d) The records required by the Act and these rules shall be retained for a period of three years following the end of the applicable quarter and shall be available for examina- tion by an employee of the Division at any time during normal business hours. The records may be destroyed after such examination provided the user has not appealed from any determination of the Division based on said records.

13:18-4.11 Field audits; assessments and refund claims

(a) An audit by an employee of the Division will be made of any user's records by the sampling method or in total as may be deemed necessary for the Division to verify the accuracy of tax reports or refund claims.

(b) A notice by ordinary mail of not less than ten days will be made to the user of the Division's intention to make such audit. No such notice will be given if the Division has reason to believe the user intends to discontinue operating in this State or to do any other act which may hinder the Division's efforts to collect moneys due.

(c) Upon the auditor's appearance at the location where the required records are kept the user shall produce said records upon demand. If said records are not produced within one hour the auditor will depart. In such case the Division will make an assessment or reject the refund claim in the manner prescribed by the Act.

(d) If the records are produced as required but are found not in conformance with the applicable provisions of the Act or these rules an assessment or rejection of refund claim will be made in the manner prescribed by the Act.

(e) Upon completion of his examination the auditor shall, if the user so desires, discuss his findings with said user and shall offer him the opportunity to present additional data which may affect the audit findings.

(f) The auditor will submit a report to the Division showing his findings and making a recommendation as to disposition of the matter.

(g) The Division will review the auditor's report and make such determination as the facts may warrant. Notice of such determination shall be sent to the user by ordinary mail.

13:18-4.12 Desk audits; assessments

(a) When in the opinion of the Division it is impractical to make an audit of the user's records at his premises a desk audit will be made in the following manner:

1. The user will be given 15 days notice by ordinary mail to submit by mail or personal delivery the summary sheets required to be kept by these rules, a statement of operations showing number of trips and routes traveled in New Jersey and all original receipts for purchase of fuel in New Jersey during the applicable period.

2. The Division will review the data submitted by the user and make such determination as it may warrant. Notice of such determination shall be sent to the user by ordinary mail.

3. Upon receipt of payment of any assessment made, the Division will return the fuel purchase receipts to the user.

13:18-4.13 Demand for payment

When the Division has determined that moneys are due the State from any user it will issue a demand for payment within 15 days following the date of notice.

13:18-4.14 Interest: assessments and refund recovery

(a) Interest at the rate of one per cent per month or fraction thereof shall accrue on all moneys due, whether from assessment or refund recovery, from the date on which the taxes were originally due, or when the refund was paid to the user, to the date said moneys due are paid. (b) In the case of payments made by mail the post-marked date on the transmittal envelope shall be considered the date paid.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1973, to:

Ray J. Marini
Director, Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles, upon its own motion or at the instance of any interested party, may thereafter adopt these regulations substantially as proposed without further notice.

Ray J. Marini
Director
Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF NURSING

Revisions In Language Comprehension Examinations

On May 22, 1973, Richard E. David, Executive Director of the State Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:37-10.5 whereby the current text concerning Canadian and Puerto Rican nurses is deleted in its entirety and new rules concerning language comprehension examinations are adopted in place thereof, with the same citation of N.J.A.C. 13:37-10.5 as proposed in the Notice published March 8, 1973, at 5 N.J.R. 86(d).

An order adopting these revisions was filed and effective June 1, 1973, as R.1973 d.143.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Rules on Sale of Meat at Retail

On June 15, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the retail sale of meat, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 154(a).

Such rules may be cited as N.J.A.C. 13:45A-3.1 et seq.

An order adopting these rules was filed June 22, 1973, as R.1973 d.169 to become effective January 1, 1974.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF MASTER PLUMBERS

Revisions Concerning Interest To be Protected by Bond

On May 23, 1973, Clementi J. Di Silvestro, Executive Secretary of the Board of Examiners of Master Plumbers in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14C-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:32-1.4(b) concerning interest to be protected by bond, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 90(a).

An order adopting these revisions was filed and effective June 22, 1973, as R.1973 d.170.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rules on Rates Different Than the Filed Tariffs

On June 14, 1973, William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on rates different than the filed tariffs, as proposed in the Notice published April 5, 1973, at 5 N.J.R. 123(b).

Such rules may be cited as N.J.A.C. 14:3-9.6.

An order adopting these rules was filed and effective June 19, 1973, as R.1973 d.157.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions Concerning State Aid Road System Program

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-21 and 27:13A-1 et seq., proposes to revise the rules concerning the State Aid Road System Program.

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

[16:14-1.4] 16:14-1.6 Contracts

16:14-1.2 Standards

(a) The proposed road and bridge improvement projects shall conform to the current New Jersey Department of Transportation standard specifications for roads and bridges as amended and the standard and procedures outlined in the brochure Procedures/Standards 1967 Extraordinary State Aid published by the Division of Local Government Aid (now the Bureau of Local State Aid Programs) and to the design criteria of the American Association of State Highway Officials as outlined under the following three publications: [The design and material requirements shall conform to the current provisions of the New Jersey Department of Transportation.]

1. A Policy on Geometric Design of Rural Highways;
2. A Policy on Arterial Highways in Urban Areas; and
3. Standard Specifications for Highway Bridges.

(b) The design and material requirements shall conform to the current provisions of the New Jersey Department of Transportation.

(c) [(b)] The design shall be based on current traffic volumes and provide widening and strengthening of the pavement for traffic volumes projected for a 20-year period. The live load design for bridges shall be designated HS 20-44.

16:14-1.3 Application and agreements

(a) Each county and municipality having roads in the State Aid Road System may submit fully executed applications and agreements for State Aid Road System funds

to the District Office of the Bureau of Local State Aid Programs at any time during the year.

(b) Application and agreement forms are available to the local government at the district offices.

16:14-1.4 Procedure

(a) The application and agreement provides for an engineering description of the existing road or bridge and the description of the proposed road improvement indicating the right-of-way width, paved and graded widths, shoulder widths, type and depth of proposed pavement and an estimate of the cost of the proposed work. The District Offices shall make a field investigation of all projects for which applications have been received. The Commissioner of Transportation determines the applications considered essential.

(b) State Aid funds will be allocated on a four phase project development basis as follows:

1. Phase I (Application Processing) will include a review by the Department of Applications submitted during the year. If considered favorably, a representative of the Department will meet with local officials to determine a Work Progress and Funding Schedule.

2. Phase II (Preliminary Engineering and Feasibility Study) will establish the centerline of the road, proposed cross section, and the need for any additional right of way that may be required. Cost estimates for Right of Way acquisition, engineering and construction will be prepared. Phase II may be eliminated when major changes in alignment or additional right of way are not necessary.

3. Phase III (Design and Right of Way Acquisition) will be based on information developed in Phase II and will provide for the completion of Construction Plans and Specifications, cost estimates and the acquisition of any additional right of way that may be required. A time schedule will be estimated based on the complexity of the project that will provide sufficient time to budget funds and complete the work under Phase II and III. A request for an extension of the time of completion may be granted at the discretion of the Department.

4. Phase IV (Construction) will comprise the receipt of bids and the completion and acceptance of the work by the local government and the State. State funds to support this phase will be allocated on the basis of a detailed estimate of cost at the time Construction Plans and Specifications are presented for approval by the Department.

(c) State Aid funds will be allocated to support Phase II, III, and IV of the project. Upon approval of the project by the Commissioner of Transportation, the Department will enter into an Agreement with the local government to determine a firm progress and funding schedule for each phase of the project. Funding of succeeding phases by the State will follow after the satisfactory completion of a preceding phase. If Phase II or III is not completed within the time specified by the agreement, the State Aid funds will be cancelled.

16:14-1.5 Sample agreements

(a) The sample agreements for the four phases of project development are listed below:

1. Phase I and Phase IV: The interested county or municipality shall agree:

i. To initiate formal action to proceed with the proposed improvement within one year from the date the State approves the grant-in-aid.

ii. To provide for the necessary planning, soil investigations, preparation of detailed plans and supplementary specifications by a professional engineer registered in the State of New Jersey and provide detailed inspection and construction supervision and construction engineering for the proposed work as required.

iii. That the current New Jersey State Highway Department Standard Specifications for Road and Bridge Construction shall govern the project.

iv. To provide for necessary permits, right-of-way, easements and slope rights.

v. That the roads or bridges to be constructed, reconstructed or improved shall conform to the design criteria of the American Association of the State Highway Officials as outlined under publications—"A Policy on Geometric Design of Rural Highways" and "A Policy on Arterial Highways in Urban Area" to the extent of economic feasibility and to the elimination of safety hazards to the motoring public. Bridges and structures shall also conform to the design criteria of current A.A.S.H.O. Standard Specifications for Highway Bridges.

vi. That all contracts shall include a provision for payment of liquidated damages as provided by Article 1.7.1 of the current New Jersey Department of Transportation Standard Specifications.

vii. To provide for all work to be performed by the contract method unless otherwise approved by the State.

viii. That after approval of the plans and specifications by the State the project shall be advertised by public notice, published for at least three weeks before bids shall be received, at least once a week in each of two newspapers published in the county where the proposed improvement is located, with all bids to be submitted at the same time. The advertisement shall give a brief description of the work and materials required, specify where plans and specifications can be seen or had, the hour, date and place where sealed proposals will be received and publicly opened and read.

ix. That the contract shall be awarded, subject to approval of the State, to the lowest responsible bidder within 30 days after receipt of bids or all bids shall be rejected and the project shall be readvertised as provided in subparagraph viii. of this subsection (a).

x. That no extra or supplemental work in which the State may participate in the cost thereof shall be performed by the contractor until such extra or supplemental work has been approved in writing by the State.

xi. To provide for the cost of work performed beyond the original contract limit of changes in the general character of the work specified, to be borne by the county or municipality.

xii. To provide for the contractor to furnish a one-year guarantee bond covering work completed in amount not less than five per cent of final contract price.

xiii. Upon determination that the work had been completed satisfactorily, prepare and submit a statement of the detailed cost of the work performed on voucher certificates furnished by the State for the acceptance and approval of the completed work and authorization by the State of payments due to the county or municipality. All necessary related and supporting documents are to be forwarded with the voucher certificate.

xiv. To provide a certification by the county or municipal auditor that the project's records have been examined and all claims for reimbursement are supported by valid documentation.

xv. That all unused balances of a grant-in-aid remaining after completion of the project shall be cancelled and returned to the fund for reallocation in such manner as the State shall determine.

xvi. That upon completion of the proposed work, the county or municipality shall retain jurisdiction over the road and maintain it in a manner satisfactory to the State.

xvii. To defend, indemnify, and save the State harmless from all claims by others including claims filed with the

Joint Committee on Claims in the Legislature, arising out of this project.

xviii. In addition, the State shall agree:

(1) That the payment of State grant-in-aid on a reimbursement basis after acceptance by the county or municipality and the State of the work completed. The State participation in the cost of county projects shall not exceed 50 per cent of the total cost of the completed work. State participation in municipal projects shall not exceed 75 per cent of the total cost of the completed work. Progress payments may be submitted on a monthly basis when requested by the county or municipality when the total amount of reimbursement requested is not less than \$2,500.

(2) To provide general surveillance of the construction work.

(3) To consider favorably the cost of engineering in accordance with approved agreements and the cost of inspection services as valid charges against State Aid funds allocated to the county or municipality.

(4) To participate in the cost of additional right-of-way acquired within the width prescribed in accordance with procedures approved by the State.

(5) To arrange for testing of materials by the Department's Laboratory when requested by the county or municipality.

2. Phase II: The interested county or municipality shall agree:

i. To provide for financing the cost of the work provided for in this agreement.

ii. To complete the work within a mutually agreed upon completion date.

iii. To release the State Aid funds allotted to the project if unable to utilize the funds or if the work is not completed within the specified time limit provided in this agreement.

iv. To file with the State at least 90 days prior to the established time of completion a formal request substantiating the need of extending the date of completion.

v. That all unused balances of State Aid remaining after the completion of the work shall be cancelled and returned to the fund for reallocation.

vi. That the work to be performed under this agreement shall include but not be limited to providing the following information:

(1) Establish the project's centerline and profile

(2) Prepare a typical cross section

(3) Prepare route location plan and preliminary layout sketches

(4) Prepare preliminary engineering and construction cost

(5) Determine need, number and approximate cost of right-of-way parcels to be acquired.

vii. That the study will provide sufficient information to determine the advisability of proceeding with the project.

viii. That the State's share in the cost of engineering services shall be limited to the established Schedule of State Participation in Engineering Fees for work performed under the State Aid Programs.

ix. To provide the State with two copies of all plans and documents and the specific recommendation of the engineer for review and approval by the State.

x. To submit a statement of the detailed cost of the work performed on voucher certificates furnished by the State for acceptance and approval of the completed work.

xi. To provide a certification by the county or municipal auditor that the project's records have been examined and all claims for reimbursement are supported by valid documentation.

xii. To adopt a resolution determining the advisability

of proceeding with the next phase of the project's development.

xiii. To defend, indemnify and save the State harmless from all claims by others including claims filed with the Joint Committee on Claims in the Legislature arising as a result of this joint endeavor.

xiv. To engage a professional engineer, registered in the State of New Jersey, in accordance with the established State policy and procedure as it pertains to the selection of an engineer for professional services performed on projects financed with State Aid funds.

xv. That in the event that the preliminary engineering and feasibility study determines the project to be economically impractical to construct, the project shall, with the concurrence of the State, be dropped and the State shall participate in the cost of the work performed.

xvi. That in the event that the design and right-of-way acquisition phase is not started within 12 months after the date of approval by the State of the preliminary engineering and feasibility phase of the project's development, the county or municipality shall voluntarily repay the State the sum of State Aid paid to the county or municipality for the State's share in the cost of engineering services.

xvii. In addition, the State shall agree:

(1) That the payment of the State grant-in-aid shall be made on a reimbursement basis after satisfactory completion and acceptance of the completed work by the county or municipality and the State.

(2) That participation in the cost of county projects shall not exceed 50 per cent of the cost of the completed work and 75 per cent in the case of municipal projects.

(3) To allocate State Aid funds for Phase III, design and right-of-way acquisition, upon approval by the State of the completed work.

(4) To consider favorably reimbursement for cost of engineering services in accordance with established State policies and executed agreements.

(5) To carefully evaluate requests for extending the established completion date. Approval may be granted at the discretion of the State.

(c) Phase III: The interested county or municipality shall agree:

i. To provide for financing the cost of the work provided for in this agreement.

ii. To complete the work within a mutually agreed upon completion date.

iii. To release the State Aid funds allotted to the project if unable to utilize the funds or if the work is not completed within the specified time limit provided in this agreement.

iv. That all unused balances of State Aid remaining after the completion of the work shall be cancelled and returned to the fund for reallocation.

v. That the work to be performed under this agreement shall include but not be limited to the following:

(1) Prepare preliminary plans, layout sketches, typical cross section, pavement design for review and approval of the State prior to the preparation of the final contract drawings.

(2) Prepare contract drawings and supplementary specifications.

(3) Prepare for the acquisition of all necessary right-of-way, easements, slope rights and permits as required by governmental agencies.

(4) That the project conform to the design criteria of the American Association of State Highway Officials as outlined under publications—"A Policy on Geometric Design of Rural Highways" and "A Policy on Arterial Highways in Urban Areas" to the extent of economic feasibility

and to the elimination of safety hazards to the motoring public.

(5) Bridge and structures shall conform to the design criteria of the current American Association of State Highway Officials' Standard Specifications for Highway Bridges and the provisions of the New Jersey Department of Transportation.

(6) That the current New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction shall govern the project.

vi. To provide for all work to be performed by the contract method unless otherwise approved by the State.

vii. That all contracts include a provision for the payment of liquidated damages as provided by Article 1.7.7 of the current New Jersey Department of Transportation Standard Specifications.

viii. To engage a professional engineer registered in the State of New Jersey, in accordance with the State's policy as it pertains to the selection of an engineer for services performed on projects financed with State Aid funds.

ix. That the State's share in the cost of engineering services shall be limited to the established schedule of State Participation in Cost of Engineering Fees for work performed with State Aid funds.

x. To provide all maps, reports, detailed plans and supplementary specifications and contract documents as may be required by the State.

xi. That after approval of the plans and specifications by the State, the project shall be advertised by public notice, published for at least three weeks before bids shall be received, at least once a week in each of two newspapers published in the county where the proposed improvement is located, with all bids to be submitted at the same time. The advertisement shall give a brief description of the work and materials required, specify where plans and specifications can be seen or had, the hour, date and place where sealed proposals will be received and publicly opened and read.

xii. That the contract shall be awarded, subject to approval of the State, to the lowest responsible bidder within 30 days after receipt of bids or all bids shall be rejected and the project shall be readvertised as provided in paragraph 11 of this Subsection (c).

xiii. To defend, indemnify and save the State harmless from all claims by others including claims filed with the Joint Committee on Claims in the Legislature, arising out of this project.

xiv. To provide for the contractor to furnish a one-year guarantee bond covering work completed in amount not less than 5 per cent of final contract price.

xv. To submit a statement of the detailed cost of the work performed on voucher certificates furnished by the State for acceptance and approval of the completed work.

xvi. To provide a certification by the county or municipal auditor that the project's records have been examined and all claims for reimbursement are supported by valid documentation.

xvii. To receive bids and award a contract for the construction of a project within 12 months after project plans and specifications have been approved by the State.

xviii. That in the event that the project is not committed to contract within 12 months after the date of the approval of the plans and specifications by the State, the county or municipality shall voluntarily repay the State the sums of State Aid paid to the county or municipality as the State's share in the cost of engineering services and the State's share in the cost of acquiring right-of-way and voluntarily release all State Aid Road System Funds allo-

cated to the project for reallocation in such a manner as the State shall determine.

xix. To file with the State at least 90 days prior to the established time of completion a formal request substantiating the need of extending the date of completion.

xx. To perform the preparation of R.O.W. maps and enter into separate agreement in accordance with the procedures set forth by the Department of Transportation when the local governing agency authorizes the State to acquire the R.O.W. as provided by R.S. 27:7-21.

xxi. To assume responsibility for the evaluation and selection and professional performance of an engineer and to notify the Department of Transportation of the name of such an engineer within 30 days after approval of this application and agreement.

xxii. In addition, the State shall agree:

(1) That the payment of the State grant-in-aid shall be made on a reimbursement basis after approval of the plans and specifications and the acceptance of other work performed in accordance with this agreement.

(2) That participation in the cost of county projects shall not exceed 50 per cent of the cost of the completed work and 75 per cent in the case of municipal projects.

(3) To consider favorably reimbursement for cost of engineering services in accordance with established State policies.

(4) To participate in the cost of additional right-of-way acquired within the prescribed width and in accordance with procedures approved by the State.

(5) To allocate State funds for the Construction Phase (Phase IV) of the project's development on the basis of the detailed engineer's estimate of cost at the time the construction plans and specifications are approved by the State.

(6) To carefully evaluate requests for extending the established completion date. Approval may be granted at the discretion of the State.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

Robert R. Reed Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

John C. Kohl
Commissioner
Department of Transportation

(a)

TREASURY

STATE HEALTH BENEFITS COMMISSION

Proposed Revisions In Administration Of State Health Benefits Program

Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:14-17.27 and on behalf of the State Health Benefits Commission in the Department of the Treasury, proposes to adopt revisions to the rules concerning the administration of the State Health Benefits Program.

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

17:9-3.3 Medicare

Any person who is otherwise eligible for benefits as a dependent of any active or retired employee, but who, although he [meets the age eligibility requirement of] is eligible to enroll in the Federal Medicare program, is not covered by the complete Federal program, would not be covered as a dependent.

17:9-4.3 Ineligible employees defined

(a) For purposes of State and local coverage, "employee" shall not mean:

1. Any person with less than two months of continuous service.

2. Any person whose compensation is limited to reimbursement of necessary expenses actually incurred in the discharge of his official duties.

3. Any person compensated on a fee basis. (See N.J.A.C. 17:9-4.5)

4. Any person who is employed on a short term, seasonal, intermittent or emergency basis, such as a person whose compensation is in the nature of a "retainer", or is for occasional services or whose service is for brief periods at intervals.

5. Any person whose compensation is paid or payable by voucher.

6. Any person whose services are not full time.

7. Any person granted a sabbatical where the compensation paid is less than 50 per cent of the salary granted just prior to the leave.

8. Any person who is an aide or patient employee in a State, county or municipal institution.

9. Any person, active or retired, who is otherwise eligible for benefits but who, although he [meets the age eligibility requirement of] is eligible to enroll in the Federal Medicare program, is not covered by the complete Federal program.

17:9-5.5 Local employer resolution; Chapter III, P.L. 1973

(a) A local employer will satisfy the requirements of Chapter 111, P.L., 1973 by adopting a resolution designed to:

1. Apply to all eligible present and future pensioners of the employer and their dependents;

2. Continue as long as the State is paying the cost of its eligible pensioners and their dependents in accordance with the provisions of Chapter 75, P.L., 1972;

3. Provide for local employer reimbursement of Federal Medicare premiums for eligible pensioners and/or their spouses, as well as the payment of health insurance premiums required by the program, on a basis comparable to the reimbursement made by the State to its eligible pensioners and their spouses in accordance with the provisions of Chapter 75, P.L., 1972. (See 17:9-5.8);

4. Require the local employer to pay the full cost of such premiums and Medicare charges;

5. Provide for an effective date not earlier than the first day of the month at least 90 days following the receipt of the local employer's resolution on forms approved by the Division.

17:9-5.8 Medical refunds

(a) Each active employee, as well as the employee's spouse, who are covered under Part B of the Federal Medicare program, shall receive a refund of the amount paid for Part B semi-annually.

(b) All refunds for subgroups of the State are accomplished with the preparation and submission to the Health Benefits Bureau of a claim for refund form duly signed by

the employee claiming the refund as verified from the records of the program.

(c) The State centralized payroll unit will process similar claims for refund by State employees paid by that agency.

(d) The local employer is responsible for refunds to any of his active employees, as well as the employee's spouse, who are covered under Part B of the Federal Medicare program.

(e) All refunds will be made payable to the employee.

(f) Similar reimbursement will be made by the State and local employers who have adopted the necessary resolution, to eligible retired employees for himself and the retired employee's spouse, but in no event shall duplicate refunds be made to any employee for himself or his spouse.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 25, 1973, to:

State Health Benefits Commission
Department of the Treasury
20 West Front Street
Trenton, New Jersey 08625

The Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Norman E. Hardy
Deputy State Treasurer
Department of the Treasury

(a)

TREASURY

STATE HOUSE COMMISSION

Proposed Rules Concerning Judicial Retirement System

The State House Commission, pursuant to authority of P.L. 1973 c.140, proposes to adopt new rules concerning the judicial retirement system.

Such rules, if adopted, will be included in a new Chapter 10 of Title 17 in the New Jersey Administrative Code.

The proposed rules concern commission meetings, fiscal year, officers and committees, certifying agent, records, appeal from Commission decisions, suspension of pension checks, proof of age, enrollment date, enrollment following deferred retirement, computation of insurance and death benefits, maternity leave, leave for illness, survivor benefits, creditable salary, approved leave, suspension, termination or resignation, eligible credit, per diem credit, retirement application, effective date, effective date changes, deferred retirement, death prior to effective date, retirement credit, employer disability application and employee notice, early retirement defined, service retirement eligibility, medical examinations, compulsory retirement, final salary, waiver, interfund transfers and interfund transfers eligibility.

Full text of the nine pages of the proposed rules may be obtained from:

State House Commission
Department of the Treasury
State House
Trenton, New Jersey 08625

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before July 25, 1973, to the State House Commission at the above address.

The State House Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Norman E. Hardy
Deputy State Treasurer
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed Inheritance Tax Revisions On Equitable Conversion, Federal and State Pensions

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1, proposes to revise the inheritance tax unless concerning equitable conversion and Federal and State pensions.

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

18:26-5.4 Classification of property as real or personal¹

(a) Concerning equitable conversion, for purposes of the transfer inheritance tax laws of this State, [in the case of those estates where a New Jersey decedent was a party to a contract of sale involving real estate situate in a foreign jurisdiction, and also where a non-resident decedent was involved as a party to a contract of sale covering realty situate in New Jersey, the doctrine of equitable conversion of real property into personal property when under contract of sale at the time of the death of the decedent shall not be deemed applicable. Thus: whether a decedent died testate or intestate, or where real property is specifically devised but is under contract of sale at the date of death, the following will result:

1. The interest of a deceased non-resident vendor of real property located in New Jersey, which was under contract of sale at the date of such non-resident's decedent's death, shall be deemed to be an interest in real property the transfer of which shall be taxable under the inheritance tax laws of this State. If such non-resident shall die intestate his interest in the New Jersey real property shall, for the purposes of the inheritance tax laws of this State be deemed to have descended under the intestate laws of this State to his heirs at law;

2. The interest of a deceased resident vendor of real property located in another state, which was under contract of sale at the date of his death, shall be deemed to be an interest in real property, the transfer of which is not subject to tax under the inheritance tax laws of this State;

3. The interest of a deceased non-resident vendee, under a contract in effect at the date of death to purchase real property located in New Jersey, shall be deemed personal property and not subject to tax under the inheritance tax laws of this State;

4. The interest of a deceased resident vendee, under a contract in effect at the date of death to purchase real property located in another state, shall be deemed personal property and taxable to the extent of the sum paid on account of the contract price at the time of death. Pursuant

to the provisions of N.J.S.A. 54:34-5, as amended, the balance due under the contract shall not be allowed as a deduction in determining the clear market value of decedent's estate subject to tax under the inheritance tax laws of this State.

Note: 5. This rule does not apply to the estates of those decedents who die residents of New Jersey and whose estates involve a contract of sale covering real estate in New Jersey, regardless of whether the decedent is the vendor or the vendee.] the doctrine of equitable conversion will be applied in all estates of New Jersey decedents which involve realty situate in New Jersey.

(b) The doctrine of equitable conversion will not be applied in the case of those estates where a New Jersey decedent was a party to a contract of sale involving real estate situated in a foreign jurisdiction;

Example 1. The interest of a deceased resident vendor located in another state, which was under contract of sale at the date of his death, shall be deemed to be an interest in real property, the transfer of which is not subject to tax under the inheritance tax laws of this State;

Example 2. The interest of a deceased resident vendee, under a contract in effect at the date of death to purchase real property located in another state, shall be deemed personal property and taxable to the extent of the sum paid on account of the contract price at the time of death. Pursuant to the provisions of N.J.S.A. 54:34-5, as amended, the balance due under the contract shall not be allowed as a deduction in determining the clear market value of decedent's estate subject to tax under the inheritance tax laws of this State.

and, also, where a nonresident decedent was involved as a party to a contract of sale involving realty situated in New Jersey.

Example 1. The interest of a deceased nonresident vendor of real property located in New Jersey, which was under contract of sale at the date of such nonresident decedent's death, shall be deemed to be an interest in real property the transfer of which shall be taxable under the inheritance tax laws of this State. If such nonresident shall die intestate, his interest in the New Jersey real property shall, for the purposes of the inheritance tax laws of this State, be deemed to have descended under the intestate laws of this State to his heirs at law;

Example 2. The interest of a deceased nonresident vendee, under a contract in effect at the date of death to purchase real property located in New Jersey, shall be deemed personal property and not subject to tax under the inheritance tax laws of this State;

Note: This rule will apply whether a decedent died testate or intestate, or where real property is specifically devised but is under contract of sale at the date of death.

[(b)] (c) Concerning ground rents, or leasehold interests, ground rents or any leasehold interest in land for 99 years or more is [considered to be] deemed to be an interest in real property for the purpose[s] of valuation only [of] under the New Jersey inheritance tax laws[.]; however, as to succession under the laws of descent and distribution of this State, such an interest is personal property. Such an interest, when held by a husband and wife, is held as a tenancy in common, unless the conveyance expressly states they hold as joint tenants. There can be no tenancy by the entirety in such an interest. Unaccrued ground rent on property located outside this State [which is] and owned by a resident decedent [, therefore,] is deemed to be foreign real property and, therefore, not subject to [the New Jersey inheritance] tax [.]; however, [foreign] ground rent accrued prior to the date of death [or actually paid over,]

on property located outside the State of New Jersey owned by a resident decedent is subject to tax [since] as it is deemed to be personal property.

[(c)] (d) Partnership real estate. Any real property held by a partnership of which a decedent is a partner even if held by the deceased partner and his wife as tenants by the entirety, is deemed to be a partnership asset and therefore is considered personal property.

Historical Note:

Formerly Regulation of Transfer, Inheritance Tax Bureau (Equitable Conversion) filed 1/6/53

Statutory Reference:
N.J.S.A. 54:34-1(b)

18:26-6.14 Federal pensions

The proceeds of any pension, annuity, retirement allowance, return of contributions or benefit payable by the Government of the United States pursuant to the Civil Service Retirement Act to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent [is] are exempt.

18:26-6.15 State pensions

(a) All payments at death under the Teachers Pension and Annuity Fund, the Public Employees Retirement System of New Jersey and the Police and Firemen's Retirement System of New Jersey, and such other state, county, and municipal systems as may have a tax exemption clause as broad as that of the three major State systems aforementioned, whether such payments [on death] either before or after retirement are made on death to the employee's estate or to his specifically designated beneficiary, are exempt from the New Jersey inheritance tax.

(b) The benefit payable under the supplementary annuity plan of the State of New Jersey is not considered a benefit of the Public Employee's Retirement System and is taxable whether paid to a designated beneficiary or to the estate.

(c) The benefits paid to decedent's widow by the New Jersey State Fireman's Association per N.J.S.A. 43:17-35 and benefits paid to decedent's widow by the New Jersey State Judges Pension Act per N.J.S.A. 2A:3-21.4 et seq. and 43:6 et seq. are exempt from taxation.

(d) The death benefits paid by the Social Security Administration or Railroad Retirement Board to the spouse of a decedent are also exempt. For purposes of filing a return these amounts need not be reported nor are they to be deducted from the amount claimed as a deduction for funeral expenses. In all other cases the death benefit involved should either be reported as an asset of the estate or deducted from the amount claimed for funeral expenses.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1973, to:

John K. Rafferty
Tax Counsel Section
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625

The Division of Taxation, Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY
DIVISION OF TAXATION

Notice On Direct Payment Certificates

Take notice that Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, has issued the following Notice concerning direct payment certificates:

TO: ALL PERSONS WHO ISSUE OR ACCEPT DIRECT PAYMENT CERTIFICATES UNDER THE NEW JERSEY SALES TAX ACT.

New Application Required

In order to determine continued entitlement to Direct Payment Permits, all persons holding a Direct Payment Permit issued prior to January 1, 1972 will be required to file an application, Form ST-6B, for renewal of the privilege to use such permit. Application forms are being forwarded to all such holders. If a Direct Payment Permit holder fails to receive an application form, he should apply immediately by writing to the Division of Taxation, West State and Willow Streets, Trenton, New Jersey 08625. The failure to file such application and/or receive approval thereof prior to March 31, 1973 invalidated any Direct Payment Permit issued prior to January 1, 1972, and terminated the taxpayer's right to use such permit for any purpose whatsoever. Only those permits issued after January 1, 1972 by the Division of Taxation will be honored after March 31, 1973.

Use of Direct Payment Certificate

Several questions have arisen regarding the purpose and usage of Direct Payment Certificates, Form ST-6A. The purpose of this letter is to clarify these issues.

A Direct Payment Certificate, Form ST-6A, may be issued at the time of purchase only by the holder of a valid Direct Payment Permit and only in those instances where the taxable status of the purchase is not known at the time of purchase.

Contractors, however, who hold Direct Payment Permits, Form ST-6, may use Direct Payment Certificates on purchases of materials for use by them in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others. This use of Direct Payment Certificates does not apply to contractors' purchases or rentals of machinery, apparatus or equipment or of supplies which do not become components of real property upon which the contract work is being performed.

A Direct Payment Certificate cannot be issued to avoid immediate payment of the tax on the purchase of a motor vehicle, trailer or boat, or any other item, except as otherwise permitted by the Director for good cause shown.

A holder of a Direct Payment Permit may not allow another vendor to make use of its Direct Payment Permit.

Direct Payment Regulations

The Director of the Division of Taxation has promulgated regulations relating to record-keeping requirements of holders of Direct Payment Permits, N.J.A.C. 18:24-2.9. Such rules require that the user of a Direct Payment Permit maintain certain records which are more specifically described in the regulations.

New Reporting Requirements

Under any circumstances, it will be necessary for all

holders of Direct Payment Permits to forward to the Director, Division of Taxation, on or before July 28, 1973 and on or before the 28th day quarterly, thereafter, a schedule showing, by vendor, the dollar amounts purchased through the issuance of a Direct Payment Certificate during the calendar quarter immediately preceding. This list need not set forth each invoice, but only the name of the vendor, the total dollar amount of purchases and the type of goods purchased.

No special form need be used. The following example illustrates the schedule to be filed:

Month and Year	Vendor	Total Purchases	Type of Goods Purchased	Sales Taxes Paid? Yes, No
April, 1973	ABC Co.	\$10,000	building materials	Yes
	DEF Corp.	25,000	component parts	No
May, 1973	GHI Co., Inc.	40,000	repair parts	Yes
	ABC Co.	15,000	building materials	Yes
June, 1973	GHI, Inc.	20,000	repair parts	Not Yet

Failure to submit such schedules will result in revocation of Direct Payment Permit. Schedules should be mailed to the Division of Taxation, Audit Selection Branch, sixth floor, West State and Willow Streets, Trenton, New Jersey 08625.

Publication of List

For the information of vendors and the general public, the Division of Taxation will cause to be published a list of holders of Direct Payment Permits. Such publication will be made within a reasonable period of time after the new list is compiled.

Questions pertaining to direct payment procedures should be addressed to the Audit Selection Branch of the Division.

This Notice is published as a matter of public information only.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY
DIVISION OF TAXATION

Repeal of Rule Concerning Purchase or Use of Machinery, Apparatus or Equipment Directly In Production Tax Exempt

On May 24, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a mandatory rule which deleted in its entirety N.J.A.C. 18:24-4.4, Purchase or use of machinery, apparatus or equipment directly in production tax exempt, and reserving such Section.

This action is due to the fact that N.J.S.A. 54:32B-8m(1) has been repealed by the State Legislature and that statute covered this administrative rule.

An order repealing this Section was filed and effective May 30, 1973, as R.1973 d.139 (Exempt, Mandatory Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Rules on Extension of Time To File Property Tax Appeals

On May 31, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1973, c.69(2) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on the extension of time to file property tax appeals, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 167(c).

These rules will constitute a new Subchapter 5 in Chapter 12 of Title 18 in the New Jersey Administrative Code and may be cited as N.J.A.C. 18:12-5.1 et seq. Take notice that, in the initial Notice, these rules were cited incorrectly as Subchapter 4, Chapter 12, Title 18 rather than the correct Subchapter 5 as indicated above.

An order adopting these rules was filed and effective June 1, 1973, as R.1973 d.144.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE HEALTH BENEFITS COMMISSION

Rule on Effective Date of Maternity Benefits

On June 4, 1973, William J. Joseph, Secretary of the State Health Benefits Commission 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 of 1968, adopted a new rule concerning the effective date of maternity benefits, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 168(a).

Such rule may be cited as N.J.A.C. 17:9-2.14.

An order adopting this rule was filed and effective June 6, 1973, as R.1973 d.148.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE INVESTMENT COUNCIL

Revisions In Classification of Funds

On June 18, 1973, Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted additions to the rules of the State Investment Council concerning the classification of funds.

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

- 17:16-5.2(a)6. **Judicial Retirement System of New Jersey.**
- 17:16-17.2(a)6. **Judicial Retirement System of New Jersey.**
- 17:16-32.1(b)6. **Judicial Retirement System of New Jersey.**
- 17:16-35.1(b)6. **Judicial Retirement System of New Jersey.**

An order adopting these additions was filed and effective June 19, 1973, as R.1973 d.158 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

NEW JERSEY TURNPIKE AUTHORITY

Amendment to Rule for Limitations On Use of Turnpike

On June 1, 1973, the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to its rules for limitations on use of the Turnpike, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 172(a).

Such amendment may be cited as N.J.A.C. 19:9-1.9(a)23.

An order adopting this amendment was filed and effective June 4, 1973, as R.1973 d.145.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

NEW JERSEY HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Amendments to Limitations on Use of Parkway

On May 31, 1973, John P. Gallagher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules concerning the limitation on use of the Parkway substantially as proposed in the Notice published May 10, 1973, at 5 N.J.R. 171(d), with only inconsequential structural or language changes, in the opinion of the New Jersey Highway Authority.

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

19:8-1.9 (d) When the Parkway has been divided in such a manner that there are three or more traffic lanes for traffic in any one direction, no vehicle (except a passenger motor vehicle and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized while not in funeral cortege) including omnibuses, campers, non-commercial trailers, semi-trailers or any combination of vehicle and trailer and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized while in funeral cortege, shall be driven in the farthest left-hand lane except when and to the

extent necessary to prepare for a left-hand turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions.

19:8-1.9 (d) When the Parkway has been divided in such a manner that there are two or more roadways of divided traffic in any one direction, regardless of the number of lanes, no vehicles (except a passenger motor vehicle and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized while not in funeral cortege) including omnibuses, campers, non-commercial trailers, semi-trailers or any combination of vehicle and trailer and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized while in funeral cortege, shall be driven in the left or inner roadway except when and to the extent necessary to prepare for a left turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left or inner roadway or when reasonably necessary in response to emergency conditions.

An order adopting these amendments was filed and effective June 7, 1973, as R.1973 d.149.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Rules for Various Airports

On May 3, 1973, the Committee on Operations of the Port Authority of New York and New Jersey adopted revised rules concerning various airports.

Full text of the adopted rules follows:

Resolved, that the rules and regulations governing the operation of Teterboro Airport adopted by the Committee, at its meeting on January 8, 1970 (appearing at page 5 et seq. of the committee minutes of that date), be and the same hereby are amended effective as of June 1, 1973, as follows:

Section I - Item 1(j)

Revise as follows: "Port Authority" shall mean The Port Authority of New York and New Jersey.

Section I - Item 3

Revise as follows: No person shall carry on any commercial activity at the air terminal (deletion) without the consent of the airport operator.

Section II - Item 8

Revise as follows: No person shall navigate any aircraft, land aircraft upon, fly aircraft from, or conduct any aircraft operations on or from the air terminal otherwise than in conformity with then current Federal Aviation Administration and National Transportation Safety Board rules and regulations.

Section II - Item 16

Delete and substitute the following: No passenger shall enter or exit a single engine aircraft (except helicopters) until the engine has been shut down. No passenger shall enter or exit an aircraft having more than one engine unless the engine(s) on the side of the aircraft where entry or exit is made is/are shut down.

Section II - Item 25

Revise as follows: No person shall start an aircraft engine at the air terminal unless there is a qualified attendant standing by outside the aircraft with a 20-pound or larger dry chemical fire extinguisher or unless the engines are equipped with their own fire control system.

Section II - Item 26

Revise as follows: Reference to "certificated A and E mechanic" should read "certificated A and P mechanic".

Section II - Item 27

Revise as follows: Reference to "certificated A and E mechanic" should read "certificated A and P mechanic".

Section II - Item 28

Revise the last sentence as follows: "In the event of radio equipment failure, the control tower may use an Aldis lamp for communication or the aircraft shall be escorted by a radio-equipped vehicle supplied by the airport operator."

Section II - Item 34

Revise as follows: Every aircraft parked on a public ramp or apron area, public passenger ramp or apron area or public cargo ramp and apron area shall have its running lights lighted during the hours between sunset and sunrise except in areas designated by the manager.

Section II - Item 38

Revise as follows: All charges due for the use of the air terminal shall be billed to the owner or operator of the aircraft using the terminal unless payment is made to the airport operator in cash.

Add new Section III - Item 41

During an emergency, all aircraft shall clear active runways and shall hold their positions unless otherwise directed by the control tower.

Section III - Item ALL

Existing items numbered 41 through 51 shall be renumbered 42 through 52.

Section III - Item 46

Revise as follows: No person shall store, keep, handle, use, dispense or transport at, in or upon an air terminal any Class A, Class B or Class C explosive or Class A poison (as defined by the "Hazardous Material Regulation of the Department of Transportation"), dynamite, nitroglycerine, black powder, propellants, fireworks, blasting caps, cordaudentant or other explosive; gasoline, alcohol, ether, liquid shellac, lacquer, lacquer thinner, kerosene, turpentine, solvent or other flammable or combustible liquids; ammonium nitrate, sodium chlorate, wet hemp, powdered magnesium, nitro-cellulose, peroxides or other flammable solids or oxidizing materials, hydrochloric acid, sulphuric acid, or other corrosive liquids, hydrogen, acetylene, liquified petroleum gas, nitrogen, helium, argon, liquid or gaseous oxygen, chloride, ammonia, or other compressed flammable or nonflammable gases; prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite, or other poisonous substances, liquid or gaseous, or any radioactive material or substance; at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

Section III - Item 49(f)

Revise as follows: Any radioactive material moving under a Department of Transportation special permit or Atomic Energy Commission permit and escort.

Section III - Item 49

Revise as follows: In the final paragraph delete "Interstate Commerce Commission" add in place thereof "Department of Transportation".

Section IV - Item ALL

Existing items numbered 52 through 63 shall be numbered 53 through 64.

Section IV - Item 56

Revise as follows: During fuel-handling operations in connection with any aircraft at the air terminal, at least two 20-pound or larger dry chemical fire extinguishers shall be immediately available for use in connection therewith.

Section IV - Item 58

Revise as follows: Parenthetical phrase should read "(less than 50 kw output)".

Section IV - Item 61

Revise as follows: No person shall start the engine or engines of any aircraft when there is gasoline or any type of fuel on the ground under the aircraft. In the event of the spillage of gasoline or any type of fuel, no person shall start an aircraft engine in the area in which the spillage occurred even though the spillage may have been cleaned up, until permission has been granted for the starting of engines in the area.

Section V

Existing items numbered 64 through 70 shall be renumbered 65 through 71.

Section V - Item 71

Delete the entire rule relating to driving vehicles between aircraft and terminal gates.

Section VII - Item 99(c)

Revise as follows: Wiring and lighting - Ignition wiring, both primary and secondary, shall be fully insulated, adequately supported and protected against chaffing. Terminals shall be firmly attached and spark plug attachments shall be further protected by an insulating tight-fitting shroud of the molded boot type. Tank or refueling service vehicles shall not be equipped with any artificial lighting other than electric lighting. Lighting circuits shall have over-current protection by means of fuses or circuit breakers.

Over-current protection devices shall not be rated more than 115 per cent of the allowable ampacity of the conductor. Where circuits feed motor loads, the over-current protection devices shall be capable of carrying the starting current of the motor, but shall not exceed 250 per cent of the motor full-load current. Wiring of light circuits other than standard factory wiring serving the vehicle engine and front lights shall have sufficient carrying capacity to prevent dangerous heating and sufficient mechanical strength, being flame-retardant, moisture-heat and oil-resistant type MTW (Underwriters' Laboratories-approved) and construed for service conditions, and shall be secured, insulated and protected against physical damage by encasing in metallic tubing with all connections made at standard metal outlet boxes or at standard fixtures.

Section VII - Item 100(f)

Revise as follows: Vents - Each cargo tank or each compartment shall be provided with a normal breather vent, a loading and unloading release vent, and emergency venting system as indicated herein.

a) Normal breather vent - The normal breather vent shall provide pressure and vacuum release through an area of 0.44 square inches. Pressure vents shall be set to open at no more than one psig or a vacuum not more than six ounces. Normal vents shall be designed to prevent loss of liquid in case of overturn, and flame propagation through the opening.

b) Loading and unloading and emergency vents - The loading and unloading venting protection shall be designed to limit the created vacuum to not exceed one psig or created pressure to not exceed three psig based on the

maximum product transfer rate and be so certified by the tank vehicle manufacturer.

The emergency venting system shall provide vent capacity in cubic feet of free air per hour (14.7 psia at 60 degrees Fahrenheit) as indicated in the table below:

20 square feet of exposed area requires 15,800 cu. ft./hr.
100 square feet of exposed area requires 79,100 cu. ft./hr.
500 square feet of exposed area requires 300,600 cu. ft./hr.
800 square feet of exposed area requires 392,000 cu. ft./hr.
1,000 square feet of exposed area requires 445,000 cu. ft./hr.
Pressure actuated devices shall be designed to prevent leakage of liquids in case of surge or vehicle upset.

When pressure actuated, the emergency venting system shall open at not less than three psig and close when the pressure drops to three psig or less.

The minimum vent capacity shall be 6,000 cubic feet of air per hour at three psig.

When fusibly actuated, the emergency venting system shall operate at not more than 250 degrees Fahrenheit and shall prevent any pressure buildup in excess of three psig at this temperature.

Breather vents, loading and unloading vents and emergency venting systems shall be fitted with proper backflash screens to control flame propagation. Backflash screens shall be securely attached, periodically checked, and protected from mechanical damage or snow and ice formation.

Section VII - Item 100(g)

Revise as follows: Delete the words "closures for filling"; after the word "openings" add "for filling, venting or other purposes".

Section VII - Item 101(b)

Revise as follows: After words "Gruva Grip" add the following: "flanged connection with O-ring or equal gaskets".

Section VII - Item 101(c)

Revise as follows: Plumbing and accessory equipment - All piping, fittings and valves and accessory equipment (except those components which are located inside the product storage tank or tanks upstream of the filter and normally closed, safety shut-off valve under dead-man control shall be of steel, malleable iron, heavy cast iron, bronze or other composition metal having a melting point in excess of 1600° Fahrenheit.

Add new Section VII - Item 101(d)

Filters - All filter system and fuel storage vessels containing 30 gallons or more fuel shall be made of steel and shall have all openings for product transfer arranged to prevent gravity discharge. All other fuel-handling rigid plumbing shall be of metal construction.

Section VII

Existing items 101(d) through 101(g) shall be renumbered 101(e) through 101(h).

Resolved, that the schedule of charges for use of public vehicular parking areas at Kennedy International Airport, be and the same is hereby revised, effective from June 1, 1973 through September 30, 1973, to provide the following rates:

Central Terminal Area Lots 1,2/4, 3, 5		
Up to	1 hour	\$.50
	4 hours	1.00
	6 hours	2.00
	12 hours	3.00
	16 hours	4.00
	20 hours	5.00
	24 hours	6.00
Over	24 hours	\$1.00 each additional four hours or part.

A basic rate of \$1.00 for each 12-hour period or part thereof in long-term lots 8 and 9.

(All rates include six percent New York City parking receipts tax).

Resolved, that the resolution establishing fees for parking vehicles on public vehicular parking areas at Port Authority air terminals, adopted by the board at its meeting on March 11, 1948 (appearing at page 90 et seq. of the official minutes of that date), as subsequently amended, be and the same is hereby amended by revising the section relative to Newark International Airport by adding the following new section covering public vehicular parking areas in the new passenger terminal complex:

Short-Term Lots (A, B & C)
(premium location)

\$.50 per hour (performs metered function)

Long Term Lots (A, B & C)
(intermediate location)

Up to 1 hour	\$.50
Up to 4 hours	1.00
Up to 8 hours	2.00
Up to 12 hours	3.00
Up to 16 hours	4.00
Up to 24 hours	5.00

Over 24 hours: \$1.00 for each four-hour period or part, to a maximum of \$5.00 each 24 hours.

Reduced Rate Lot(s)

(adjacent to the new central terminal area)

Up to 8 hours	\$1.00
Up to 16 hours	2.00
Up to 24 hours	3.00

Over 24 hours: \$1.00 for each eight-hour period or part. Rates includes 15 percent Newark City parking tax.

Notwithstanding any other provisions of this schedule of charges, the charges for short term lots A, B and C shall not apply to the following vehicles:

1. Vehicles carrying holders of annual passes issued by the Port Authority.
2. For the first 24 hours of parking, vehicles carrying persons who present Port Authority official business passes. At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
3. Vehicles carrying as passengers or vehicles waiting to receive as passengers any one of the following persons and their official parties:
 - a. The President of the United States, the Vice President of the United States, the Governors of the States of New York and New Jersey, United States Senators from the States of New York and New Jersey and United States Congressmen from the Port District;
 - b. The mayor of any municipality in which any airport is totally or partially located;
 - c. Chiefs of Staff of any branch of the military service and chiefs of military missions;
 - d. Foreign dignitaries of the rank of ambassador or consul general or a rank equivalent to any of the above.
4. For the first six hours of parking, vehicles carrying newsmen and photographers holding press passes. (Newsmen and photographers presenting press passes may make other arrangements to park for an extended period of time at the airport by obtaining prior permission from the airport manager.) At the expiration of the first six-hour parking period the vehicular parking charge shall commence.

Notwithstanding any other provisions of this schedule of charges:

1. In the long term lots (A, B and C), the free parking privilege for vehicles carrying Port Authority employees

who present personal passes issued by the Port Authority will be limited to four hours. At the expiration of the first four-hour period the parking fee shall commence as of the time the vehicle was initially parked.

2. In the reduced rate lot(s), the free parking privilege for vehicles carrying Port Authority employees who present personal passes issued by the Port Authority is limited to 24 hours of parking. The parking fee for Port Authority employees in the reduced rate lot(s) shall commence at the expiration of the first 24-hour parking period.

Resolved, that the resolution establishing fees for parking vehicles on public vehicular parking areas at Port Authority air terminals, adopted by the board at its meeting on March 11, 1948 (appearing at pages 90 et seq. of the official minutes of that date), as subsequently amended, be and the same is hereby amended, effective June 1, 1973, by revising the section relative to LaGuardia Airport, as follows:

Up to 1 hour	\$.50
Up to 6 hours	1.00
Up to 12 hours	2.00
Up to 18 hours	3.00
Up to 24 hours	4.00
Over 24 hours	\$1.00 for each additional six hours or part.

Rates include six percent New York City parking receipts tax.

An order adopting these rules was filed May 31, 1973, as R.1973 d.142 (Exempt, Exempt Agency).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

COMPUTERIZED STATE ACCOUNTING SYSTEM SHOULD IMPROVE EFFICIENCY

As of last Monday, the State of New Jersey put into effect a new computerized accounting system for its fiscal operations. Manual systems that served well in the past have been replaced by an advanced computer technology designed to bring sophisticated accounting information and control characteristics to State operating procedures.

Walter Wechsler, State Budget Director and Comptroller of the Treasury, said that adoption of the new system represented the culmination of an intensive, two-year development program by his staff.

"The new system represents the beginning of a new era in governmental accounting," Wechsler said. "It will form the foundation for developing a complete financial information system that will relate program, effectiveness and efficiency to costs, and identify areas of operation where improvements can be made. It will mean improved financial management and service for the State."

One dramatic departure from the past, Wechsler added, will be the availability of up-to-date weekly as well as monthly reports, so that more effective use of tax dollars can be made through improved financial planning and budgetary review processes.

The improved timeliness of information available from routine financial reports is expected to make possible a number of improvements in both program and financial management. Among these, perhaps the most significant is in providing a solid base for development of cost accounting procedures that will permit accurate identification of program costs, he said.

Another area where access to updated information is expected to improve efficiency is in the purchasing of supplies and services, Wechsler said. A history of all purchasing activity will be maintained and periodic reports will be generated containing such information as purchases by type of commodity, purchases by method of procurement, and dollar purchases by vendor—all of which previously had to be compiled by time-consuming manual procedures.

INFORMATION PAMPHLET ON RENTERS' RIGHTS GOES INTO THIRD PRINTING

An additional 10,000 copies have been printed of "Do You Rent?", the brief, legal flyer for New Jersey apartment dwellers available free from the Department of Community Affairs.

Commissioner Lawrence F. Kramer said that this third printing within ten months indicates the "widespread public need for such an informational publication on renters' legal rights and responsibilities".

The New Jersey League of Women Voters originally published the pamphlet last year and the Department's Office on Aging then secured permission to reprint it for distribution primarily to senior citizens, although it is available to the general public as well.

The pamphlet outlines tenants' rights in such areas as repairs, landlord reprisals, provision of heat and window screens and security deposits. It briefly covers tenants' obligations and lists a number of government and community agencies which offer assistance to tenants with a problem.

To obtain a copy contact: State Office on Aging, P.O. Box 2768, Trenton, N.J. 08625. Free copies are also available through county offices on aging.

COMMISSIONER REJECTS MAJOR INCREASE IN HOMEOWNER INSURANCE RATES

State Insurance Commissioner Richard C. McDonough last month rejected a proposal that would have increased premiums on an estimated 600,000 homeowner insurance policies by 25 per cent this year, and instead ordered a three per cent cut because the civil disorder payment by insureds will be discontinued.

In a letter to Insurance Services Office, a rate-making organization, the Commissioner requested that the reduction become effective August 1, 1973. Companies not affiliated with ISO will also be required to make this reduction on the approximately 500,000 homeowner policies they write.

The changes do not affect premiums for tenants' homeowner policies, which rates are still under consideration, he said. A tenants' homeowner policy is purchased by a person who rents his home or lives in an apartment and buys insurance to protect personal property and for liability coverage.

Insurance Services Office had filed for the proposed increase in January, and McDonough said, "This Depart-

Register 1972 Bound Volume Available

The 1972 bound volume of the 12 monthly issues of the New Jersey Register is available for immediate shipment, according to Albert E. Bonacci, Director of Administrative Procedure.

The volume includes also an index of all rules adopted during the year and of rules proposed but not yet adopted, along with a similar cumulative index for 1971.

Price is \$9.00 each, payable in advance, postpaid.

Check or money order should be made out to Treasurer, State of N.J. and orders mailed to the Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608.

ment found after checking the detailed statistics that a 25 per cent rate increase was unwarranted."

"This Department is ready to check, double-check and triple-check requests now and in the future for rate hikes, because the insurance-buying public must and shall be protected from any unfounded requests for increases in insurance premiums."

The rejection of the 25 per cent increase affects 171 companies writing homeowner policies represented by Insurance Services Office. ISO represents about 75 per cent of all companies who write homeowner policies in the State.

Most other companies selling homeowner policies and not represented by ISO generally follow the price pattern of the ISO rate determinations, he said.

Currently there are 1.1 million New Jerseyans who pay approximately \$90 million a year for homeowner protection covering fire and other property hazards, such as windstorm, glass breakage and vandalism as well as burglary, theft and personal liability.

STATE MOVES TO CUT VEHICLE USAGE TO SAVE ON GAS COSTS

The State of New Jersey is seeking to reduce the number of miles traveled by State-owned vehicles because of the higher prices it is now paying for gasoline.

In a recent memorandum to all Department heads, State Treasurer William E. Marfuggi said that programs to curtail mileage and to make more effective use of vehicles must be instituted so that the Departments stay within their budgetary allowances for gasoline.

"To stay within available budget limits, there will have to be a significant reduction in vehicle use," Marfuggi said.

Marfuggi's action was prompted by an anticipated increase of \$384,000 in the next 12 months in the cost of gasoline delivered in bulk to State institutions. The overall increase could be higher because of projected increases in the pump price of gasoline at retail outlets.

In addition to almost six million gallons of gasoline delivered in bulk to State installations, State vehicles use about two million gallons purchased at service stations. The State operates 7,710 vehicles that use gasoline, including cars, trucks, tractors and lawn mowers.

The cost increase was estimated by Frank M. Papale Jr., Director of the Division of Purchase and Property, based on the State's new contract for bulk delivery with the Gulf Oil Corp., which became effective June 1.

Gulf, also the contractor last year, was the only one of 24 companies solicited that submitted a bid. Its price for regular gasoline was up almost six cents a gallon and for high test almost seven and a half cents.

NEW ADMINISTRATIVE CODE SUBSCRIPTION RATES IN EFFECT

New subscription rates for the New Jersey Administrative Code are now in effect, to cover rising production costs and the imminent addition of another six volumes to the Code, according to Albert E. Bonacci, Director of the Division of Administrative Procedure.

With the next update service, the Code will consist of 28 volumes, with an additional overall index volume to be sent shortly to set subscribers, the administrative director said.

The update, covering all Titles in the Code, should be distributed within the next two months, he said. At that time, eight Departments will have adopted such a volume of rules as to require two or three volumes, as indicated in the accompanying list of Titles.

It is the constant growth in the number of rules being adopted by virtually all State agencies which made necessary the increase in prices, the administrative director said, but he emphasized that the three-year update contracts signed by charter subscribers are being honored at the lower rates through June, 1976.

Adoption of the new subscription rates is necessary to cover sharply higher production costs and the required additional binders due to the increasing number of rules, which by law must be included in the Administrative Code, Bonacci explained.

The new rates listed below became effective July 1, 1973 and the subscription form should be used for ordering Sets or Departmental Titles:

OFFICIAL LIST OF CODE TITLES

Titles now available in the New Jersey Administrative Code include all 17 State Departments, with Treasury broken into two Titles for Taxation and General rules.

Eight Department's Titles involve such a number of rules as to require two or more volumes, with price based on a per-volume, rather than Title, basis. Payment must accompany orders.

1. CHIEF EXECUTIVE (Reserved)
2. AGRICULTURE
3. BANKING
4. CIVIL SERVICE
5. COMMUNITY AFFAIRS—In 2 Volumes
6. EDUCATION—2 Volumes
7. ENVIRONMENTAL PROTECTION—2 Volumes
8. HEALTH—2 Volumes
9. HIGHER EDUCATION
10. INSTITUTIONS AND AGENCIES—3 Volumes
11. INSURANCE
12. LABOR AND INDUSTRY—3 Volumes
13. LAW AND PUBLIC SAFETY—3 Volumes
14. PUBLIC UTILITIES
15. STATE
16. TRANSPORTATION
17. TREASURY-GENERAL
18. TREASURY-TAXATION—2 Volumes
19. OTHER AGENCIES

Official Order Blank For 28 Volumes of the State's Administrative Code

<p>ADMINISTRATIVE CODE SUBSCRIPTION FORM</p> <p>Full Set—\$75 plus \$125 for one year's updating initially; \$125 a year thereafter for updating services.</p> <p>Individual Titles—\$6 per volume plus \$12 for one year's updating initially; \$12 a year thereafter.</p> <hr style="border-top: 1px dashed black;"/> <p>I hereby contract for Sets or Titles as indicated. </p> <p>Make out check or money order to: Treasurer, State of New Jersey; mail to Division of Administrative Procedure, 10 North Stockton Street, Trenton, N.J. 08608. Telephone: (609) 292-6060</p>	<p>YOUR MAILING ADDRESS:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Number of Full Sets (Enclose \$200 each)</p> <p>Departmental Titles:</p> <p>.....</p> <p>No. Vol's (Enclose \$18 per volume)</p> <p>Total Enclosed Signed</p> <p>\$..... Title</p> <p><u>Signature and prepayment are required</u></p>
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