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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Order Regulating Milk Handling

On February 14, 1975, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an order regulating the handling of milk in the State of New Jersey.

Full text of the adopted rule follows:

2:54-3.5 Amendment to Federal Orders 2 and 4 (February 11, 1975)

(a) In conformance with the memorandum of agreement with the United States Department of Agriculture, pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director, Division of Dairy Industry, participated with the United States Department of Agriculture in a joint hearing held in Washington, D.C. on January 20, 1975, pursuant to notice thereof which was published in the time and manner required by applicable Federal and State laws.

(b) After considering the evidence adduced at the hearing, the Director of the Division of Dairy Industry agrees with the findings and determinations of the United States Department of Agriculture as contained at page 6313 ff. of Volume 40 of the Federal Register for February 11, 1975. Pursuant to the provisions of N.J.A.C. 15:15-5.3, the Director hereby adopts by reference, the aforesaid findings and determinations insofar as such findings pertain to the marketing of milk in the State of New Jersey under 7 CFR 1002 and 7 CFR 1004, the same being commonly referred to as Federal Orders No. 2 and 4.

(c) Now therefore, it is hereby ordered that the amendment to CFR 1002 and the amendment to CFR 1004 contained at page 6314 of Volume 40 of the Federal Register for February 11, 1975, is hereby adopted as amendments to N.J.A.C. 2:54-3.1 et seq.

(d) This amendment shall be effective from and after February 11, 1975.

An order adopting this order was filed March 5, 1975, as R.1975 d.44 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Proposed Rule on Required Information for Loan Applications

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to adopt a new rule concerning required information for loan applications.

Full text of the proposed rule follows:

SUBCHAPTER 8. LOAN APPLICATIONS

3:1-8.1 Required information

Upon entertaining an application for or upon the extension of any credit or loan, every lender chartered, licensed or regulated by the New Jersey Department of Banking shall obtain and maintain such information as is necessary for the purpose of ascertaining its creditor's rights and remedies applicable to the particular loan or extension of credit.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Clifford F. Blaze
Acting Deputy Commissioner
Department of Banking
36 West State St.
Trenton, N.J. 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 ADMINISTRATION

Proposed Rules on Miscellaneous Fees

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8, proposes to adopt new rules on miscellaneous fees.

Full text of the proposed rules follows:

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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SUBCHAPTER 7. MISCELLANEOUS FEES

3:1-7.1 Name change

(a) Every licensee who shall change its name within a license period shall, within 30 days of such change, submit proof of the name change to the Commissioner, shall surrender its license or licenses for endorsement of such change and pay to the Department of Banking the fee or fees provided in Schedule A of this Subchapter.

1. Schedule A:

i. Motor vehicle installment seller	$20.00;
ii. Sales finance company	50.00;
iii. Home repair contractor	20.00;
iv. Home financing agency	50.00;
v. Small loan licensee	50.00;
vi. Pawnbroker	50.00;
vii. Foreign money remitter	50.00;
viii. Licensed casher of checks	50.00;
ix. Foreign banks	25.00;
x. Secondary mortgage loan licensee	50.00;
xi. Insurance premium finance company	50.00;
xii. Licensed seller of checks	50.00.

3:1-7.2 Duplicate licenses and certificates

(a) A licensee may request a duplicate license or certificate when the original license or certificate issued has been lost or destroyed.

(b) The request for the issuance of such duplicate license or certificate will be made on forms supplied by the Department of Banking.

(c) The licensee shall pay to the Department of Banking the fee or fees provided in Schedule B of this Subchapter for such licenses or certificates.

1. Schedule B:

i. Motor vehicle installment seller	$15.00;
ii. Sales finance company	15.00;
iii. Home repair contractor	15.00;
iv. Home financing agency	15.00;
v. Small loan licensee	15.00;
vi. Pawnbroker	15.00;
viii. Foreign money remitter	15.00;
viii. Licensed casher of checks	15.00;
ix. Foreign banks	15.00;
x. Secondary mortgage loan licensees	15.00;
xi. Home repair salesmen	5.00;
xii. Insurance premium finance company	15.00;
xiii. Licensed seller of checks	15.00.

3:1-7.3 Requests for licensee standing and locations

(a) The Department of Banking may furnish, upon written request, information concerning a licensee's standing and location. The information provided shall be in a form prescribed by the Department of Banking.

(b) A requester shall pay to the Department of Banking the fee or fees provided in Schedule C of this Subchapter.

1. Schedule C:

i. Motor vehicle installment seller	$15.00;
ii. Sales finance company	15.00;
iii. Home repair contractor	15.00;
iv. Home financing agency	15.00;
v. Small loan licensee	15.00;
vi. Pawnbroker	15.00;
vii. Foreign money remitter	15.00;
viii. Licensed casher of checks	15.00;
ix. Foreign banks	15.00;
x. Secondary mortgage loan licensee	15.00;
xi. Home repair salesmen	15.00;
xii. Insurance premium finance company	15.00;
xiii. Licensed seller of checks	15.00;
xiv. Individual group listings	.20 per item.

3:1-7.4 Fees subject to review

The fees in the schedules of this Subchapter shall be subject to periodic review and shall be increased or decreased in accordance with the services performed by the Department of Banking.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Roger F. Wagner
Deputy Commissioner
Department of Banking
36 West State Street
Trenton, N.J. 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 on Exclusion Of Time Balances on Deposit From Ten Per Cent Limitation

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-60(9), proposes to adopt a new rule concerning exclusion of time balances on deposit from the ten per cent limitation.

Full text of the proposed rule follows (additions indicated in boldface **thus**):

3:11-7.7 Exclusion of time balances on deposit from ten per cent limitation

Time balances on deposit with an approved reserve depositary may exceed ten per cent but not 25 per cent of the capital funds of the bank.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
36 West State St.
Trenton, N.J. 08625

The Department of Banking, upon its own motion or at the

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instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

Richard F. Schaub
Commissioner
Department of Banking

(a)

BANKING

THE COMMISSIONER

Emergency Revisions in Interest Rate Regulation Number Two

On March 12, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-44a and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to interest rate regulation two.

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

3:18-9.1 Maximum interest rate permissible

The maximum rate of interest to be charged, contracted for [and] **or** received on a secondary mortgage loan **closed** on or after [July 22, 1974] **March 13, 1975,** shall [be 17] **not exceed an annual percentage rate of 15** per cent [, except as hereinafter provided]. Such interest shall be calculated in accordance with the provisions of N.J.S.A. 17:11A-44a (Chapter 205, P.L. 1970).

3:18-9.2 [Exception] **(Reserved)**

3:18-9.2 is hereby repealed in its entirety.

3:18-9.3 [Definitions] **(Reserved)**

3:18-9.3 is hereby repealed in its entirety.

3:18-9.4 Prospective operation

This regulation [(N.J.A.C. 3:18-9.1 through N.J.A.C. 3:18-9.5)] shall have prospective effect only.

3:18-9.5 Term of regulation

The rate[s] established [herein] **by N.J.A.C. 3:18-9.1** shall be effective [immediately] **March 13, 1975,** and shall remain in force until [such time as this regulation is rescinded or until] said rate[s are] **is** increased [or decreased] by a subsequent regulation.

An order adopting these revisions was filed and effective March 12, 1975, as R.1975 d.53 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Revisions on Reserves Required by Savings Banks

On February 27, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:8-5.1, concerning reserves required by savings banks, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 44(c).

An order adopting these revisions was filed February 27, 1975, as R.1975 d.39 to become effective March 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF BANKING

Revisions on Required Reserves by Banks Not Members of Federal Reserve System

On February 27, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:8-3.1(a)4. concerning required reserves by banks not members of the Federal Reserve System, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 44(b).

An order adopting these revisions was filed February 27, 1975, as R.1975 d.40 to become effective March 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

BANKING

DIVISION OF BANKING

Revisions in Safe and Sound Methods of Banking

On March 19, 1975, Clifford F. Blaze, Acting Deputy Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-253A and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning safe and sound methods of banking, substantially as proposed in the Notice published November 7, 1974, at 6 N.J.R. 422 (b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Full text of the adopted rules follows:

SUBCHAPTER 3. EXAMINATION OF BANKS AND SAVINGS BANKS UNDER DIRECTION OF BOARD OF DIRECTORS, BOARD OF MANAGERS OR BOARD OF TRUSTEES

3:7-3.1 Definitions

For the purpose of this Subchapter:

"Bank" shall mean a bank or savings bank

"Board of directors" shall include the board of directors of a bank and the board of managers or trustees of a savings bank.

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"Internal auditor" shall mean any full or part time employee of the bank appointed by the board of directors to perform the internal audit function for the bank, including an employee of the bank's holding company who has been delegated by the board of the bank and the board of the holding company to perform the internal audit function.

3:7-3.2 Date of examination

The examination shall be commenced within the time periods specified in N.J.S.A. 17:9A-253A. Prior to commencing the examination, the person scheduled to conduct the examination shall notify the Department of Banking so as to avoid conflict with an examination pursuant to N.J.S.A. 17:9A-260.

3:7-3.3 Confirmation of deposits and debts

The public accountant or other approved person examining for the board of directors shall confirm with certain depositors and debtors the correctness of the deposits due them and debts owed to the bank on various types of loans and contracts purchased. Such confirmations, except for provided exclusions shall be either of the positive or negative type or any combination of the two types and shall be mailed during each calendar year to at least 10 per cent of the saving deposit accounts and other time deposits, 10 per cent of the demand deposit accounts and 10 per cent of any and all types of direct loans, serviced loans or contracts purchased. Collateral pledged to secure a loan shall be included in the confirmation. The person conducting the confirmation program will be responsible for solving to his satisfaction any differences disclosed through the confirmation procedures which he deems to be of a material nature and all such differences which remain unresolved, shall be reported to the board of directors for its further disposition. A schedule reflecting the confirmation program shall be included as a part of the report or included in a supplement to the report.

3:7-3.4 Exclusions from confirmation program

(a) Unless the board of directors or the persons conducting the examination deems it necessary or advisable the following are not required to be confirmed under this Subchapter:

1. School savings and club accounts;

2. Dormant or inactive savings with balances under $1,000, provided such accounts are contained in a separate control unit and held under dual control;

3. Demand accounts, sometimes referred to as "Special Checking Accounts" or some other similar type limited activity accounts;

4. Installment contracts, such as insurance premiums; which by their nature are drawn for periods of one year or less and in amounts of $1,000 or less;

5. Serviced loans, provided that the servicer's outside accountant included in his scope a confirmation program which encompasses the serviced loans and the person responsible for this bank's confirmation program receives a copy of the results of the confirmations and is satisfied that the procedures and methods utilized are acceptable; or, if the accountant for the servicer states that his examination of the servicer encompassed the requirements of the single audit program for mortgage bankers.

3:7-3.5 Confirmation by internal auditors

The Commissioner may, in writing, excuse a bank from compliance with the foregoing confirmation program if it furnishes the Department with satisfactory proof that its own internal auditors have the capacity to perform the confirmation program, as part of their internal audit program. If such permission is granted, the internal auditor will be required to file annually, in the Department of Banking, a recapitulation of the results of his confirmation program.

3:7-3.6 Provision for sampling

Selection of accounts by random sampling, specific selection or any other form of statistical sampling is permitted to provide the proper latitude in achieving the 10 per cent confirmation level.

3:7-3.7 Review of internal controls and audit program

(a) The public accountant or other approved person shall perform the hereafter outlined minimum audit program unless the scope of the internal auditor's program encompasses said minimum audit program and the internal auditor has complied with the program. The public accountant or approved person shall make such documentation tests of the internal audit program as he deems necessary to determine that it encompasses the minimum audit program and that the internal auditor has complied with the program.

(b) The public accountant or other approved person shall indicate in his report the portions of the minimum audit program wherein deficiencies were noted and action taken to satisfy minimum standards.

(c) In addition, the public accountant or other approved person shall review the scope, frequency of performance and testing done under the bank's internal audit program to determine if they are considered adequate for the bank under examination. If he deems the internal audit program inadequate, he shall make suggestions for expansion and shall indicate in his report any conditions disclosed in his review which he deems to reflect a material weakness in internal controls and offer any suggestions which he believes will strengthen them.

3:7-3.8 Performance frequency of examination scope

The frequency of performance or testing as it relates to the various phases of the minimum audit program hereafter outlined shall be determined by the internal auditor if performed by him, or the public accountant, and scope, performance frequency or testing adopted shall be approved by the board of directors.

3:7-3.9 Audit program

(a) The minimum audit scope to be performed in banks or savings banks, as applicable, includes the following:

1. Cash, cash items and due from banks:

i. Cash shall be counted and reconciled with the general ledger control;

ii. Cash items shall be inspected, checked for propriety, reconciled to general ledger control and clearance of larger items shall be checked.

iii. Clearings and exchanges shall be confirmed. Large items shall be followed to disposition.

iv. Obtain direct confirmation of account balances with other banks; reconcile confirmed balance with general ledger controls, and check authenticity and disposition of reconciling items.

2. Investment securities:

i. Prepare or obtain a listing of investment securities and reconcile with general ledger controls.

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ii. Account for securities owned by inspection, if on hand, or by confirmation if held in safekeeping elsewhere.

iii. Verify bank's records of pledged securities with safekeeping custodian.

iv. Ascertain the market value of securities owned, as of the examination date, or as of a recent pricing. Check authenticity of purchases and sales to supporting documentation and investment authority approved by the board of directors.

v. Review procedures with respect to amortization of premiums and accretion of discounts.

3. Loans and discounts:

i. Prepare or obtain a listing of the liability ledger and reconcile with general ledger controls.

ii. Notes shall be checked to the liability ledger and officer or board approvals shall be ascertained.

iii. Collateral and side collateral shall be examined, evaluated and verified to appropriate records including wholesale obligations if carried in loan department.

iv. Participation and/or service agreements shall be reviewed and amounts shall be confirmed and reconciled to appropriate records.

v. Prepare or obtain a listing of past due accounts. Review to the extent deemed appropriate to ascertain collectibility and that past due listings and reports are regularly submitted to the board and are prepared in accordance with standards established by the board.

4. Mortgage loans:

i. Prepare or obtain a listing of the liability ledger and reconcile with general ledger controls. Escrow balances shall also be listed or obtained and reconciled to the respective controls.

ii. Inspect necessary documentation including approvals.

iii. Participation and/or service agreements shall be reviewed and amounts shall be confirmed and reconciled to appropriate records.

iv. Prepare or obtain a listing of past due accounts including tax or other such delinquencies. Review to the extent deemed appropriate to ascertain collectibility and that past due listings and reports are regularly submitted to the board and are prepared in accordance with standards established by the board.

5. Installment loans:

i. Prepare or obtain a listing of the liability ledger and reconcile with the general ledger controls.

ii. Notes shall be checked to the liability ledger and officer or board approvals shall be ascertained. Other related documents shall be examined.

iii. Prepare or obtain a listing of past due accounts. Review to the extent deemed appropriate to ascertain collectibility and that past due listings and reports are regularly submitted to the board and are prepared in accordance with standards established by the board.

iv. Collateral shall be examined, evaluated and verified to appropriate records including wholesale obligations if carried in this department.

v. Participation and/or service agreements shall be reviewed and amounts shall be confirmed and reconciled to appropriate records.

6. Banking premises and furniture and fixtures:

i. Documents evidencing ownership or leases covering lease-holds shall be examined on all new properties or lease-holds.

ii. Changes in these accounts shall be checked to determine propriety and/or authorization.

iii. Insurance policies and tax receipts shall be inspected.

iv. Ascertain that the board has conducted its annual review of insurance coverages so as to insure adequacy of coverage.

7 Other real estate owned:

i. Balances shall be listed, reconciled to the general ledger and related documents shall be inspected to ascertain authorizations, ownership and insurance protection.

8. Accrued interest receivable:

i. Review procedures with respect to accrued interest receivable and test to the extent deemed appropriate.

9. Other assets:

i. Other asset accounts shall be reviewed and tested to the extent deemed appropriate to determine propriety and/or authorization.

10. Demand deposits:

i. A list of accounts shall be prepared or obtained and reconciled to the general ledger controls. Reconciling items shall be reviewed and investigated to the extent deemed appropriate.

ii. Review procedures with respect to dormant or inactive accounts.

iii. Overdrafts shall be reviewed. Ascertain that regular overdraft reports are being made to the board in accordance with standards established by the board. The procedures used in preparing such reports shall be reviewed to determine compliance.

iv. Due to bank and treasury tax and loan accounts shall be confirmed and reconciled.

v. Accounts of directors, officers and employees shall be reviewed, including those accounts in which they have an interest.

11. Certified and official checks:

i. A list of open items shall be made or obtained and reconciled to the general ledger. Checks subsequently presented and paid shall be checked against the listing.

ii. Review procedures with regard to controls over unissued checks.

iii. Review procedures relative to certification of checks.

12. Time deposits:

i. A listing of accounts shall be prepared or obtained and reconciled to general ledger controls.

ii. Review procedures with respect to dormant or inactive accounts.

iii. Interest and dividend credits to accounts shall be reviewed.

iv. Accounts of directors, officers and employees shall be reviewed, including those accounts in which they have an interest.

13. Accruals and reserves: Review procedures with respect to accrual and reserve accounts.

14. Other liabilities: All other liability accounts shall be reviewed and tested to determine propriety and/or authorization.

15. Capital stock, surplus, undivided profits, capital notes and capital and valuation reserves:

i. A listing of outstanding shares reflected on the stockholders ledger shall be prepared or obtained and reconciled to appropriate controls.

ii. Purchases and sales of certificates shall be tested.

iii. Review procedure with respect to control of unissued certificates.

iv. Entries to these accounts shall be tested for propriety and authorization.

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v. Debt outstanding shall be reviewed including check of performance on amortization program and confirmation with lender if deemed necessary.

16. Contingent liabilities:

i. The probable liability, if any, on claims or lawsuits pending shall be requested from the bank's attorney.

ii. Letters of credit shall be reviewed and substantial items shall be confirmed.

17. Consignment items: U.S. Savings Bonds, travelers checks and any other items on consignment shall be confirmed and reconciled with the issuing agent.

18. Income and expense accounts: Tests of subsidiary accounting records, invoices, vouchers and so forth, relating to major sources of income and expense shall be performed.

19. Safekeeping: Review systems, procedures and controls relative to such items and confirm directly with the customers where deemed necessary.

20. Purchase and sale of customer securities: A test of procedures shall be made to insure that the system of internal controls are adequate, such as, requirement that purchases are made only against available funds; sales are only made upon delivery of securities, and proceeds of sales are promptly credited or remitted.

21. Bankers blanket bond and other insurance: Policies shall be reviewed and determination made that the board reviews coverage on an annual basis for adequacy in conformance with the State banking laws.

22. Collections: System and procedures used in processing of collection items shall be reviewed and confirmations made as deemed appropriate.

23. Board minutes:

i. The minutes of the meetings of the board of directors and committees thereof shall be examined and major resolutions reviewed to determine if actions taken were in accord with such resolutions.

ii. Director's and officer's obligations shall be reviewed for approvals.

24. Trust department:

i. Prepare listing of account balances of the various trust and custody accounts (including corporate trust and escrow accounts), and reconcile with respective control accounts. Deposit accounts shall be confirmed and reconciled.

ii. Review overdrafts in trust cash accounts as to authorization and collectibility.

iii. Review selected personal trust accounts and corporate trust accounts to ascertain that the administration of the account is in conformity with the governing instrument. The review should include:

(1) Verification of assets;

(2) Ascertainment of asset conformity to the provisions of the fiduciary instrument;

(3) Transactions were authorized;

(4) Income is properly collected;

(5) Commissions are properly computed;

(6) Disbursements are documented; and

(7) Uninvested or undistributed funds were not held for an unreasonable length of time.

iv. The assets of other accounts, other than those accounts reviewed for conformity, shall be inspected and checked to proper records.

v. Review the minutes of the trust committee to ascertain that trust accounts are being reviewed and that trust accounts acquired or closed had been approved.

vi. Review final accountings on closed accounts.

25. On premise electronic data processing department:

i. The review of internal operating procedures and controls as they relate to the data processing department shall encompass at least the following items, or analogous items, but not necessarily be limited to the specific areas outlined.

(1) Review organizational structure to determine if functional responsibilities and separation of duties have been established and are in effect.

(2) Review standards manual, operator's run manual and program run books for propriety. Also review user's guide or procedures manual for currency and correctness with respect to appropriate application.

(3) Review controls and/or access restrictions with respect to program run books, computer facilities and tape/disk library.

(4) Review operating logs and documentation with respect to reruns, halts, downtime and so forth.

(5) Review retention policy and protection standards established to determine capability to reconstruct operating programs and master files.

(6) Review equipment maintenance documentation for adherence to established schedules and review arrangements to provide for backup processing time.

(7) Review fidelity, liability, fire and other insurance in light of the nature and volume of applications and service contract commitments.

(8) Review input, processing and output controls.

(9) Review program changes and/or program maintenance controls and documentation for propriety and/or authorization.

(10) Test the integrity of records generated either by utilization of "audit through the machine" or "audit around the machine" techniques.

26. Electronic data processing servicer

i. The review of internal operating procedures and controls as they relate to data processing servicers shall encompass at least the following items, or analogous items, but not necessarily be limited to the specific areas outlined.

(1) Review the institution's own insurance and obtain and review coverages of the servicer.

(2) Review service contract.

(3) Check user's guide to ascertain it is current.

(4) Check input, output and transmittal controls and/or procedures.

(5) Test integrity of records generated.

(6) Review audit scope utilized by the servicer's internal auditor and/or outside accountant.

(7) Review servicer's provision for back-up processing time and management awareness of compatible servicers in the event a change in servicers is necessitated.

SUBCHAPTER 4. [EXAMINATIONS OF SAVINGS BANKS UNDER DIRECTION OF BOARD OF MANAGERS] **(RESERVED)**

Note: Text of entire Subchapter 4 is deleted.

An order adopting these revisions was filed and effective March 19, 1975, as R.1975 d.71.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules on Thorough And Efficient Education

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-10, proposes to adopt new rules concerning thorough and efficient education.

Full text of the proposed rules follows:

CHAPTER 8. THOROUGH AND EFFICIENT EDUCATION

FORWORD

The following rules and regulations define the standards, guidelines and procedures of evaluation, approval and enforcement of a thorough and efficient system of free public schools in accordance with the New Jersey Constitution.

The goal of a thorough and efficient system of free public schools shall be to provide all children in New Jersey, regardless of socio-economic status or geographic location, the educational opportunity which will prepare them to function politically, economically and socially in a democratic society.

SUBCHAPTER 1. DEFINITIONS

6:8-1.1 Words and phrases defined

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

"Administrative order" means a written directive ordering specific corrective action by a district which has shown insufficient educational progress within a reasonable period of time in meeting goals and standards.

"Approval process" means a procedure by which a school or district receives State approval certifying compliance with legal requirements and standards. This process has the following purposes:

1. Evaluation of the thoroughness and efficiency of each school and district in order to:

i. Determine pupil status and needs;

ii. Ensure pupil progress; and

iii. Assess the degree to which educational objectives have been achieved.

2. Planning short and long range improvement programs to resolve problems; and

3. Providing a basis for allocation of funds to solve selected problems and maintain selected strengths.

"Approved" means the official act of the State Department of Education certifying that the school and district complies with the legal requirements and prescribed standards for operation.

"Assessment" means the act of gathering data, pooling information and making comparisons between "what is" and "what should be".

"Bilingual program" means a program of bilingual education approved by the State Board.

"Compensatory education" means a preventive and remedial program, approved by the State Board of Education, supplemental to the regular programs and designed to assist pupils who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

"Conditionally approved" means that a school or district with specific deficiencies is granted a given period of time in which to make corrections.

"Educational process" means activities that deal directly with goal determination, needs identification, teaching of pupils and evaluation of their status, as well as with improvement of the quality of instruction, the learning resources and environment.

"Educational program" means the totality of the instructional activities (curriculum) planned and provided for pupils by the school or school district. The curriculum is the planned interaction of pupils with instructional content, instructional resources and instructional processes for the attainment of educational objectives.

"Evaluation" means activities utilized to determine the value and success of a program, project, techniques or materials in relation to pupil achievement; the act of making judgments based upon the data gathered.

"Goals" mean a written statement of educational aspirations for learner achievement and the educational process stated in general terms.

"Needs assessment" means a written analysis of the current status of an educational system or program in terms of achieving its goals.

"Objective" means a written statement of the intended outcome of a specific educational process.

"Self-evaluation procedure" means a comprehensive process which enables participants working together to set and define goals, to appraise progress through needs assessment, to analyze problems and generate improvement plans both short and long termed.

"Self-study" means the phase of a needs assessment in which the participants gather data to assess actual conditions relating to goals. These results may then be compared to participants' perceptions of performance.

"Standards" mean the process and stated levels of proficiency used in determining the extent to which goals and objectives are being met.

"Unapproved" means that the Commissioner of Education, after review of the results of an evaluation, finds that a school or district has failed to show sufficient progress toward goals, objectives and standards and shall direct remediation procedures.

"Vocational education" means programs, services or activities related to vocational or technical training or retraining, approved by the State Board of Education.

SUBCHAPTER 2. STANDARDS AND GUIDELINES

6:8-2.1 Educational process plan

(a) Each district shall develop, implement and evaluate a continuous educational process plan, approved annually by the local board of education, with the following components for each school:

1. Goals: Written goals which are based on district needs, are consistent with State goals and which serve as basis for the school's program shall be developed through the cooperative efforts of professional staff, parents, community and pupils.

2. Needs identification: Procedures shall be developed and implemented to assist teaching staff members in identifying and recording the developmental levels of each pupil for

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instruction. These procedures shall include identification of pupils' special abilities and interests as well as problems which may affect learning. Procedures shall utilize but not be limited to teacher observation, parental observation, formal and informal evaluation techniques based upon criterion test principles, cumulative pupil records, state assessment data, testing and medical examination.

3. Instruction: The professional staff shall implement the broad goals through instruction based upon the status and needs of the pupils. Instruction shall include but not be limited to the following:

i. A learning environment which fosters positive feelings toward self and others;

ii. Creative use of various instructional methods, materials and equipment to meet the identified needs;

iii. Opportunities for pupils to participate in attempting to solve individual, school and community problems;

iv. Provision for active pupil involvement in directed and self-selected activities;

v. Flexible organization, including small group, large group and individual instruction, for specific educational purposes based upon the needs of the learner;

vi. Effective use of personnel, resources, facilities and the community;

vii. Provisions for attainment of reasonable levels of proficiency with particular reference to basic communications and computational skills as identified in the school's objectives and as determined for each individual pupil by the local professional staff in accordance with the range of pupil abilities. Any method of determining attainment of proficiency levels shall be designed to protect the individual pupil from invalid comparisons to a group average or competency level and lack of consideration of variables affecting the pupil's level of proficiency.

4. Evaluation: Procedures shall be developed and implemented for continuous, comprehensive and cooperative evaluation of the degree of pupil achievement in progress toward the district and school goals, objectives, and individual pupil needs. Evaluation shall be conducted by the chief school administrator, principal and teaching staff in cooperation with parents and pupils. Findings shall be reported to the board of education annually at a public meeting.

5. Reporting and record keeping: The board of education shall adopt a policy for record keeping and reporting pupil progress to parents or guardians. Consideration should be given to use of a variety of plans such as parent-teacher conferences, report cards, growth charts and other formal and informal means.

6:8-2.2 Educational program

(a) The educational program (curriculum) for each district and school shall be adopted annually as a written policy by the board of education and shall:

1. Be consistent with written goals and identified needs, and shall include all activities and services for which the district or school is responsible.

2. Be developed by the teaching, supervisory and administrative staff.

3. Comply with N.J.S.A. Title 18A and N.J.A.C. Title 6 and shall include provision for vocational education.

4. Be broad to develop individual pupil talents and interests and varied to serve diverse learning styles in order to stimulate high levels of pupil achievement.

5. Interrelate the various subject areas to emphasize the interdisciplinary nature of learning.

6. Provide for continuous learning through cooperation by the district and school in effective articulation, prekindergarten through twelfth grade.

7. Provide access throughout the day to sufficient programs and services of a library/media facility to support the educational programs.

8. Provide for all pupils a program of guidance and counseling to assist in career and academic planning.

9. Provide a continuum of educational programs and services for all handicapped children pursuant to Title 18A:46 and N.J.A.C. 6:28 which shall include:

i. Instruction complementary to the regular classroom including supplemental instruction, resource rooms and learning centers; or

ii. A special education class placement with provisions for pupils to participate with nonhandicapped pupils in subjects and activities when such participation is indicated by the handicapped pupil's interest and ability.

10. Provide bilingual programs for pupils whose dominant language is not English, as required by Chapter 197, Public Laws of 1974 (18A:35-15 to 18A:35-26).

11. Provide compensatory education experiences for those pupils who qualify under guidelines established by the State Board of Education.

6:8-2.3 Staff in-service program

The district and school shall provide for staff in-service improvement programs cooperatively planned by the administration and staff to meet the priorities determined by school's self-evaluation and State approval process.

6:8-2.4 Pupil achievement levels

(a) The board of education of each district shall adopt annually:

1. A policy for grade level promotion. Any pupil being considered for retention under the local board of education's promotion policy shall be evaluated by a child study team prior to retention;

2. A plan for assisting pupils not functioning at appropriate achievement levels;

3. A policy for high school graduation, pursuant to N.J.A.C. 6:27-1.1 and 1.2.

6:8-2.5 Instructional materials and equipment

(a) The board of education shall provide learning and evaluation materials including texts, books, references, tests, library print and nonprint materials, and equipment to meet the wide range of abilities and interests of pupils. The content of all materials shall include, as an integral part of these materials:

1. Contributions of American ethnic minorities; and

2. Nonstereotyping of male and female roles.

(b) The board of education shall adopt an instructional materials and equipment policy which includes procedures for effective professional staff involvement in the selection and utilization of such materials and equipment.

6:8-2.6 Equal educational opportunity

(a) An equal educational opportunity shall be provided to every individual regardless of race, creed, color, religion, sex, age, place of residence and social or economic background:

1. The maintenance of racially imbalanced schools is prohibited;

2. The Commissioner of Education in cooperation with local districts shall determine in which school districts racially imbalanced schools are maintained;

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3. School districts shall do everything feasible to anticipate and deal with problems of racial imbalance;

4. The Commissioner under the policy of the State Board shall take steps necessary to correct conditions of racial imbalance as may be found. Such steps should include but not be limited to directing local districts to conduct the following activities:

i. Integrate the study of contributions by ethnic minorities into the total curriculum;

ii. Provide staff in-service training dealing with the understanding and appreciation of ethnic-minority contributions to American culture;

iii. Provide exposure to a variety of teaching methods and counseling techniques for staffs which may be especially effective in meeting the needs of a changing pupil enrollment;

iv. Bring about staff integration on all levels;

v. Transfer of pupils where feasible.

5. The Commissioner shall, at reasonably frequent intervals, report progress to the State Board of Education;

6. Equality in educational programs shall be provided pursuant to N.J.A.C. 6:4.

6:8-2.7 School and community relations

(a) The board of education shall adopt and implement a plan by which staff, parents, pupils and the community can work together in:

1. Assessing, revising, and interpreting the school's goals, policies, program, strengths and needs;

2. Identifying community resources, services and needs in planning for continuous educational improvement.

6:8-2.8 Staffing

(a) Staffing ratios shall be locally determined based on local needs assessment of the district and each school within the district.

(b) The district shall employ for its professional staff only persons certified under the rules and regulations of the State Board of Education pursuant to N.J.S.A. Title 18A:26-2.

(c) Each school except as indicated in paragraphs 1. and 2. of this subsection shall be assigned the services of a full-time non-teaching principal to be responsible for administration and supervision of the school:

1. Assistants should be provided as required by the school's size, complexity and program;

2. A principal may serve more than one building providing total pupil enrollment of all schools served does not exceed 400.

(d) The board of education shall adopt and implement a plan providing certified specialized personnel as needed to assist in implementing the educational process and program. Consideration shall be given to including, but not being limited to adult, continuing and community education teachers, art teachers, health teachers, instructional media specialists (librarians), instrumental music teachers, vocal music teachers, foreign language teachers, physical education teachers, reading specialists, school counselors, speech correctionists, speech therapists, supervisors of curriculum and instruction, supervisors of special education and vocational education specialists.

(e) All districts shall provide the services of a child study team to include, in appropriate numbers, such personnel as school psychologists, school social workers and learning disability teacher-consultants.

(f) The district shall maintain an adequate supply of substitute teachers all of whom are certified as specified in N.J.A.C. 6:11-4.1 to 4.9, and are given appropriate orientation and training to meet pupil needs within the school district.

(g) Regarding clerical and maintenance staff, staff for these services shall be provided.

(h) Aides may be employed, and shall be approved and assigned pursuant to N.J.A.C. 6:11-4.9.

6:8-2.9 School enrollment

(a) New facilities, except as indicated in subsections (b) and (c) of this Section, shall be planned to house a maximum number of pupils as follows:

1. Elementary school — 600 pupils;

2. Middle school — 850 pupils;

3. Junior high school — 1,100 pupils;

4. High school — 1,600 pupils.

(b) Existing schools and annexes larger than maximum enrollment should be organized and administered by a principal and/or assistant principal in smaller units.

(c) The Commissioner of Education with the approval of the State Board of Education may grant exception to a local district for construction of a new facility planned to accommodate a larger number of pupils than specified in subsection (a) of this Section if the board of education shall provide in the judgment of the Commissioner and State Board:

1. Evidence of need for a larger facility; and

2. A plan for school organization and administration within the larger facility that meets the requirements of subsection (b) of this Section.

6:8-2.10 School plant and site

(a) Each building and site shall meet State Board of Education standards, including suitable provision for the handicapped, and shall provide suitable accommodations to carry out the school's educational program pursuant to N.J.A.C. 6:22-4.

(b) Safety and health standards of the State Board of Education shall be met pursuant to N.J.A.C. 6:22-13 and 14.

(c) The board of education shall adopt a policy and implement a plan which shall ensure that all buildings shall be kept clean, attractive and in good repair.

6:8-2.11 Budget review and approval

(a) A proposed budget shall be adopted and submitted to the Commissioner of Education for review and approval prior to advertising for public hearing as provided in law. The following material shall be submitted with the proposed budget:

1. Number of staff, professional and nonprofessional, for current year and requested budget year;

2. Line item budget report or other authorized budget format;

3. A statement of the district's educational needs, based on its previous annual approval report.

(b) The Commissioner shall certify the budget as approved prior to its advertisement. If changes in the proposed budget are recommended by the Commissioner after review, the Commissioner or designee shall consult with the superintendent or administrative principal and the board secretary.

SUBCHAPTER 3. APPROVAL OF PUBLIC SCHOOLS AND DISTRICTS

6:8-3.1 Approval process

(a) The Commissioner shall conduct a system of approval to ascertain that each school district and each school within the district is meeting the prescribed educational process, program and fiscal standards as set forth in N.J.S.A. Title 18A and N.J.A.C. Title 6.

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(b) Each school district and each school within the district meeting the standards set by the State Board of Education shall be classified as approved. Approval of each school and district shall be granted separately.

(c) The approval procedure includes a comprehensive evaluation program every ten years in addition to an annual review and approval.

6:8-3.2 Comprehensive evaluation program

(a) Elements of this program shall include:

1. Goals: Determination of district and school goals and criteria for measurement of progress toward those goals.

2. Self-evaluation: Completion of a self-evaluation procedure approved by the Commissioner of Education. This procedure shall:

i. Measure pupil achievement;
ii. Identify pupil needs;
iii. Prioritize pupil needs;
iv. Allocate district resources to meet pupil needs;
v. Evaluate the educational process;
vi. Evaluate the educational program;
vii. Plan for process and program improvement.

(c) Each school district and school within the district shall receive such approval visits and analysis by a team designated by the Commissioner as may be necessary to conduct comprehensive and annual school and district approvals.

(d) The Commissioner will determine if standards pursuant to Subchapter 2 have been met by each school district and school within the district and submit the recommendations to the State Board of Education which shall classify each as approved, conditionally approved or unapproved. The Commissioner shall notify local boards of education 20 days prior to State Board of Education action when classification recommended is conditionally approved or unapproved.

(e) The State Board of Education shall notify the local board of education of the district and each school's approval classification. Both conditionally approved and unapproved districts and schools within the district shall be directed by the Commissioner to prepare and submit for approval a remedial plan. Upon approval of a remedial plan, the Commissioner shall assure its implementation in a timely and effective manner. If the Commissioner finds that the remedial plan approved by the local board of education is insufficient, the local board shall be ordered by the Commissioner to a hearing to show cause why corrective actions that follow in 6:8-4.1 et. seq. should not be utilized.

6:8-3.3 Annual approval

(a) Each school district and school within the district shall submit annually to the Commissioner of Education before June 30 information describing progress and plans for improvement for each school district and school within the district. Information collected annually shall include:

1. Demographic data related to each school;

2. Results of district and school assessment programs of pupil achievement;

3. Information on each school's fiscal operation, including the budget of each school;

4. Reports of each school's effectiveness in achieving State, district and school goals and objectives applicable to the pupils;

5. Plans and programs for professional improvement;

6. Plans to carry out innovative or experimental educational programs designed to improve the quality of education;

7. Recommendations for school improvement during the ensuing year;

8. Request for approval of changes in courses offered for diploma credit;

9. Request for approval of kindergarten classes for purposes of financial reimbursement pursuant to N.J.A.C. 6:20-1.3 (b) and (c) and N.J.A.C. 6:26-2.4.

(b) The Commissioner, under guidelines of the State Board of Education, shall notify the local board of education in writing by September 30, annually, of approval classification or that further action is necessary.

(c) A copy of the approved educational process plan and program, budget and policies of the local board of education shall be available for public review in each district and each school office.

6:8-3.4 Date of approval

Approval classification of a district or school becomes effective on the date of action by the State Board of Education.

6:8-3.5 Approval publication

A list of approved and unapproved schools and districts shall be published annually by the Commissioner of Education.

SUBCHAPTER 4. ENFORCEMENT PROCEDURE

6:8-4.1 Revocation

Approval may be revoked by the State Board of Education subject to 6:8-4.2 and 6:8-4.3 below if standards are not maintained or if the school or district fails to show sufficient progress toward the goals, objectives and standards.

6:8-4.2 Corrective action

(a) If the Commissioner of Education, after a plenary hearing, determines that it is necessary to take corrective action, the Commissioner has the power to:

1. Order necessary budgetary changes within the school district; and

2. To order in-service training programs for teaching staff and other personnel.

(b) If the Commissioner determines that such corrective actions are insufficient, recommendation shall be made to the State Board that it take appropriate action.

6:8-4.3 State Board action

(a) The State Board of Education, on determining that the school or school district is not providing a thorough and efficient education, shall issue an administrative order specifying a remedial plan to the local board of education. This plan may include budgetary changes or other measures the State Board determines to be appropriate. Nothing shall limit the right of any party to appeal the administrative order to the Superior Court.

(b) Should the local board of education fail or refuse to comply with the State Board of Education administrative order, the State Board shall apply to the Superior Court by a proceeding in lieu of prerogative writ for an order directing the local school board to comply with such administrative order.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

William A. Shine
State Department of Education
225 West State Street
Trenton, N. J. 08625

The State Board of Education, upon its own motion or at

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the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules on Equality In Educational Programs

The State Board of Education, pursuant to authority of N.J.S.A. 18A:36-20, proposes to adopt new rules on equality in educational programs. Take notice that a proposal on this topic was published in the March 6, 1975, issue of the New Jersey Register at 7 N.J.R. 95(c) but, due to typographical errors therein, the **full text** of the current proposed rules follows:

CHAPTER 4.

EQUALITY IN EDUCATIONAL PROGRAMS

6:4-1.1 Purposes and objectives

The New Jersey Constitution and implementing legislation guarantee each child in the public schools equal educational opportunity regardless of race, color, creed, religion, sex, ancestry, national origin, place of residence or social or economic background. To assure these basic rights the Commissioner of Education and the State Board of Education have developed these regulations which specifically implement N.J.S.A. 18A:36-20 and the State Board of Education resolution concerning sex equality in educational programs. These regulations have also been developed in conformity with relevant Federal and State statutes concerning discriminatory conduct.

6:4-1.2 Definitions

(a) "Discriminatory practices" shall mean any action or failure to act based upon race, color, creed, religion, sex, national origin, ancestry, place of residence or economic or social condition.

(b) "Equal access" shall mean equal opportunity to participate in and/or benefit from any educational programs or activities as defined hereafter regardless of race, color, creed religion, sex, national origin, ancestry, place of residence or economic or social condition.

(c) "Educational activities and programs" shall mean all activities and programs conducted or sponsored by the school either during the school day or after regular school hours.

(d) "School" shall mean every public elementary or secondary school, every regional school, every county vocational school or any other public institution providing special or general educational services to students from grades K through 12.

6:4-1.3 Policy development

(a) Each local school district shall develop a policy of equal educational opportunity to be adopted as a resolution of the Board of Education. The school district shall inform the community it serves of this resolution by publicizing it in any adequate manner, including but not limited to the district's customary methods of information dissemination.

(b) Each local school district shall develop two affirmative action programs or plans, which shall include time-tables of corrective action to overcome the effects of previous patterns of discrimination and a systematic, internal monitoring procedure to ensure continuing compliance:

1. One such program or plan shall include, but need not be limited to, action as required by Section 5, School and Classroom Practices, of this Subchapter;

2. Another program or plan shall include, but need not be limited to, action as required by Section 6, Employment/ Contract Practices, of this Subchapter;

3. The programs or plans shall be made available for review to all interested parties.

(c) Each local school district shall designate an affirmative action officer who shall coordinate, implement and report to the local board on the district's efforts to comply with these regulations.

(d) As part of its affirmative action programs or plans, each local school distict shall arrange for or provide in-service training for school personnel on a continuing basis sufficient to identify and solve problems of racial, sexual, religious, national or cultural bias.

(e) Each local school district shall develop guidelines and procedures to review and evaluate whether proposed courses of study and instructional materials contain bias based upon race, sex, religion, national origin, ancestry or culture. These guidelines and procedures shall encourage community involvement.

Until all courses of study and instructional materials already in use are changed so as to eliminate racial, sexual and cultural bias, supplementary materials shall be utilized.

6:4-1.4 Technical assistance

The Commissioner or his designee shall provide technical assistance to local school districts for the development of policy guidelines, procedures and in-service training for school personnel so as to aid in the elimination of bias on the basis of race, color, creed, sex or national origin.

6:4-1.5 School and classroom practices

(a) All public school students shall have equal access to all educational programs and activities.

(b) There shall be no differential requirements for completion of course offerings or courses of study solely based on race, color, creed, sex or national origin.

(c) There shall be no discrimination against students because of pregnancy, childbirth or pregnancy-related disabilities, actual or potential parenthood, family or marital status. A student shall not be excluded from a class or classes because of pregnancy or related conditions unless she so requests, or a physician certifies that such exclusion is necessary for her physical, mental or emotional well-being, in which case she must be provided adequate and timely opportunity for instruction to continue or make up her schoolwork without prejudice or penalty.

(d) Public school students shall not be segregated on the basis of race, color, creed, sex or national origin in any duty, work, play, classroom or school practice.

(e) No course offering, including but not limited to physical education, health, industrial arts, business, vocational or technical courses, home economics, music and adult education, shall be limited on the basis of race, color, creed, sex or national origin.

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(f) The athletic program, including, but not limited to, intramural, extramural, and inter-scholastic sports, shall be available on an equal basis to all students regardless of race, color, creed, sex or national origin:

1. The activities comprising such athletic program shall receive equal treatment, including but not limited to staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season and all other related areas or matters.

2. A school may choose to operate separate teams for the two sexes in one or more sports and/or single teams open competitively to members of both sexes, so long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency.

(g) Public school students shall not share sanitary facilities, including rest rooms, showers and locker rooms, on a sex-integrated basis.

(h) School personnel shall not use tests, procedures or other guidance and counselling materials which establish, tend to establish or are differentiated or stereotyped on the basis of race, color, creed, sex or national origin.

School personnel shall indicate to all students all possible career, professional or vocational opportunities available and shall in no way restrict the options offered to students on the basis of race, color, creed, sex or national origin.

6:4-1.6 Employment/contract practices

(a) All persons regardless of race, color, creed, sex or national origin shall have equal access to all categories of employment in the public educational system of New Jersey.

(b) All New Jersey public schools shall comply with all State and Federal laws related to equal employment, including but not limited to the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.), Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, Executive Order 11246 as amended, Equal Pay Act of 1963 as amended by the Education Amendments of 1972 (Higher Education Act), and Title IX of the Education Amendments 1972 (Higher Education Act).

(c) The school shall not enter into any contract with any person, agency or organization if it has knowledge that such person, agency or organization discriminates on the basis of race, color, creed, sex or national origin, either in employment practices or in provision or benefits or services to students or employees.

6:4-1.7 Compliance

(a) Each school district shall submit to the Commissioner of Education or his designee a copy of its resolution of Equal Educational Opportunity (See Section 3 (a) of this Chapter) and the name of its affirmative action officer (See Section 3 (c) of this Chapter) within 60 days of the effective date of these regulations.

(b) Each school district shall, within 120 days of the effective date of these regulations, submit its proposed program or plan of affirmative action for school practices and classroom practices. (See Section 3 (b) of this Chapter).

(c) Each school district shall, within 180 days of the effective date of these regulations, submit its proposed program or plan of affirmative action for employment and contract practices (See Section 3 (b) of this Chapter.

(d) The Commissioner or his designee shall review the programs or plans, approve or reject said plans and shall notify the school system of his decision within 60 days of receipt of the plans.

(e) If the plan is in any way unacceptable, the Commissioner shall designate a person or persons to work with the school district to develop an acceptable plan, which must be completed and approved within 60 days of the receipt of the notice that the original plan was unacceptable.

(f) The plan must be initiated within a time period not to exceed 120 days from the time of its approval and must be fully implemented in accord with an approved time-table.

(g) If within one year of the effective date of the affirmative action plan a school district is still found to be not in compliance with these regulations or their plan was not implemented, the Commissioner may initiate, with the approval of the State Board of Education, action to suspend, terminate or refuse to award continued Federal or State financial assistance. The Commissioner may also make referral to any appropriate judicial and/or administrative Federal, State or local agencies.

6:4-1.8 State review and evaluation

(a) At least once every three years the Commissioner or his designee shall review and evaluate the progress of each school district in implementing its affirmative action plan. If sufficient appropriations exist, the Commissioner may utilize the services of qualified independent consultants to effectuate the review and evaluation. The Commissioner shall provide each local school district with a copy of such analysis.

(b) The Board of Education of each local school district shall make available to the community a summary of the review and evaluation in accord with the procedures adopted pursuant to N.J.A.C. 6:4-1.3(a).

(c) Any and all inadequacies in the program as revealed in the review and evaluation shall be corrected as soon as is practicable, but in no case shall correction be delayed more than 60 days from receipt of notice of inadequacy or noncompliance. If such inadequacy is not corrected in the specified time, it shall result in the procedure described in 6:4-1.7 (g).

6:4-1.9 Appeals

In accordance with N.J.S.A. 18A:6-9, any individual may petition the Commissioner of Education to resolve a dispute arising under these regulations pursuant to procedures set forth in N.J.A.C. 6:24-1.1 et seq.

6:4-1.10 Effect of related statutes

The obligation to comply with these regulations is not obviated or alleviated by any State or local law or rule or regulation of any organization, club, athletic or other league or association which would limit the eligibility or participation of any student on the basis of race, color, creed, sex or national origin.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Lorraine L. Colavita
Controversies and Disputes
State Department of Education
225 West State St.
Trenton, N.J. 08625

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

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

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(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions of Standards For State Approval of Teacher Education

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-34 et seq., proposes to adopt revised rules concerning standards for State approval of teacher education.

Take notice that the text proposed for N.J.A.C. 6:11-12.21 through 12.23, which appeared in the Notice published January 9, 1975, at 7 N.J.R. 3(a), is hereby superseded by the new text proposed below. The current text of N.J.A.C. 6:11-12.5, School librarian, and 6:11-12.6, Teacher-librarian, is still proposed to be deleted entirely and such Sections marked as (Reserved).

Full text of the proposed new revisions follows:

6:11-12.21 Educational media specialist

(a) This certificate is required for any person who is assigned to develop and coordinate educational media services in the public schools. Educational media are defined as all print and nonprint resources and the equipment needed for their use.

(b) Requirements are as follows:

1. A master's degree from an accredited institution;

2. A standard New Jersey teacher's certificate or associate educational media specialist certificate;

3. One year of successful teaching or one year of experience as an associate educational media specialist;

4. Successful completion of one of the following:

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

ii. A minimum of 30 semester-hour credits of post-baccalaureate studies. Courses completed in the candidate's graduate degree program may be applied toward fulfilling these requirements. The following areas of study must be included in either separate or integrated courses:

(1) Organization and coordination of school media services and materials;

(2) Application of learning theory in reading, listening and viewing educational media materials;

(3) Design and development of educational media programs;

(4) Design and development of educational media materials;

(5) Integration of educational media through the school curriculum;

(6) Evaluation, selection and utilization of educational media;

(7) Development of individual and group processes in the media program;

(8) Field experience in a school media program.

(c) The following standards pertain to programs preparing persons to develop and coordinate educational media services in the public schools. These individuals are concerned with the improvement of the learning process and instruction through the evaluation, selection, organization, distribution, production and utilization of appropriate print and nonprint resources and the equipment needed for their use. The educational media specialist provides direction to educational activities in areas related to and within the educational media services program:

1. Standard I: The program shall provide growth opportunities to assure that candidates acquire a broad cultural and intellectual background;

2. Standard II: The program shall provide for learning experiences in:

i. Analysis of the nature and content of instructional materials;

ii. Methods of selecting and evaluating materials through the study of individual media as well as through cross media study by curriculum unit or grade level;

iii. Methods of utilization of materials to support curriculum and meet student needs;

iv. Methods of production of appropriate educational media including actual laboratory experience;

v. Processes for the organization and maintenance of materials and equipment;

vi. Identification of learning strategies of pupils;

vii. Evaluation of the learner's instructional media requirements;

viii. Design and development of educational media programs;

ix. Design and development of educational media resources;

x. Development of individual and group processes in the media program.

3. Standard III: The program shall assure increased comprehension of the principles of curriculum, and the application of instructional media techniques to the curriculum;

4. Standard IV: The program shall require field experiences in a school media center. Prior field experience in educational media may be accepted in lieu of this requirement;

5. Standard V.: The program shall provide experiences and understanding of expanded services, such as extending the use of the media center, television, microforms and other forms of technology as may become appropriate for school media use.

6:11-12.22 Associate educational media specialist

(a) This certificate is required for any person assigned to perform educational media services in the public schools under the supervision of a qualified supervisor. Educational media are defined as all print and nonprint resources and the equipment needed for their use.

(b) Requirements are as follows:

1. A bachelor's degree from an accredited college;

2. A standard New Jersey teacher's certificate;

3. Successful completion of 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 minimum of 18 semester-hour credits of undergraduate or graduate study in educational media. Coursework completed in the candidate's undergraduate program may be applied toward fulfilling these requirements. The following areas of study must be included in either separate or integrated courses:

(1) Organization and retrieval of information and media resources;

(2) Production of educational media;

(3) Evaluation, selection and utilization of educational media;

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(4) Integration of educational media through the school curriculum;

(5) Field experience in a school media program.

(c) The following standards pertain to undergraduate programs preparing associate educational media specialists to serve in the public schools. The associate educational media specialist is concerned with the improvement of the learning process and instruction through the evaluation, selection, organization, distribution, production and utilization of appropriate print and nonprint resources and the equipment needed for their use. The associate educational media specialist provides technical consultative services to teaching staff to assure more effective use of available resources:

1. Standard I: The undergraduate program must meet all the requirements for a standard New Jersey teacher certificate as specified in "New Jersey Regulations and Standards for Certification".

2. Standard II: The program shall provide for learning experiences in:

i. Analysis of the nature and content of instructional materials;

ii. Methods of selecting and evaluating materials through study of individual media as well as through cross media study by curriculum unit or grade level;

iii. Methods of utilization of materials to support curriculum and meet student needs;

iv. Methods of production of appropriate educational media including actual laboratory experience;

v. Processes for the organization and maintenance of materials and equipment.

3. Standard III: The program shall require field experience in a school media center.

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

(a) Educational media specialist policies are:

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

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

3. Audio-visual or library personnel with a standard New Jersey teacher's certificate, employed full-time as of the date of passage of these certificates by the State Board of Education as professional multi-school educational media coordinators, supervisors, administrators or directors, who complete or have completed 24 graduate semester-hour credits in library science, audio-visual or educational media shall, on application, receive the educational media specialist certificate. Persons requesting new certificates under this clause must qualify and apply within three years of the date of passage of these certificates by the State Board of Education.

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

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

(b) Associate educational media specialist policies are:

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

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

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

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

(c) Procedures for administering subsections (a) 1. and (b) 1. are:

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

2. Subsection (b) 1.: The holder of a standard or permanent New Jersey teacher librarian certificate may receive an extension of the authorization of this certificate to include the functions of the associate educational media specialist certificate. This can be accomplished by the issuance of an extended authorization form to read as follows:

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

3. The rationale for these procedures above are:

i. This procedure for administration of subsection (a) 1. and (b) 1. would preclude a flood of applications;

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ii. We would avoid setting a precedent for issuing a certificate for no fee.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Ms. Lorraine Colavita
Administrative Practice Office
State Department of Education
225 West State Street
Trenton, N.J. 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.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions on Nonpublic School Tuition

The State Board of Education, pursuant to authority of N.J.S.A. 18A:46-1 and 18A:46-21, proposes to revise a portion of the rules concerning nonpublic school tuition.

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

6:20-4.1 Rules for determination of tuition formula

(a) Categories of programs as defined in this tuition formula are those given in N.J.S.A. 18A:46-1.

[(b) "Similar" is defined to refer to any given category of handicap.]

[(c) Class size, as used in this tuition formula, for the 1974-75 school year shall be calculated as follows:

1. Obtain difference between the State average daily class enrollment and the maximum class size;
2. Divide difference by two; and
3. Add result to the State average daily class enrollment.]

[(d) "Incremental difference" refers to the expected percentage of annual increase or decrease in class operating costs in the public schools of New Jersey (cf. Annual Financial Report of the Commissioner of Education).]

[(e) In no case shall the tuition rate exceed the maximum day class cost of education per pupil of children in similar special education classes in New Jersey public schools.]

(b) "Incremental difference" shall refer to the expected percentage of annual increase or decrease in class operating costs in the public schools of New Jersey (cf. Annual Financial Report of the Commissioner of Education).

6:20-4.2 Formula for calculation of tuition rate

[(a) The operating cost of that class which has the highest operating cost in each program category shall be obtained from the figures reported to the Division of Business and Finance for the previous year.]

[(b) For the 1974-75 school year, the highest audited class cost in each category shall be divided by the class size as obtained in N.J.A.C. 6:20-4.1(c).]

[(c) The amount obtained under subsection (b) of this Section shall be adjusted by an incremental difference to be determined by the Commissioner of Education for each year to which this formula is applied which is beyond the year of actual costs used in calculation.]

[(d) The maximum tuition rate for each category of handicap shall be the amount which applies under subsection (c) of this Section.]

(a) The 85th percentile of the ranked per pupil cost for each class program in the State, in each area of handicap, shall be obtained from the figures reported to the Division of Business and Finance.

(b) The amount obtained under subsection (a) of this Section shall be adjusted by an incremental difference to be determined by the Commissioner of Education for each year to which this formula is applied which is beyond the year of actual costs used in calculation.

(c) The maximum tuition rate for each category of handicap shall be the amount which applies under subsection (b) of this Section.

(d) Nonpublic schools will be required to provide information related to educational costs to determine their individual school's tuition rate.

(e) If their educational tuition rate is at or below the tuition rate determined by subsection (b) of this Section it will become their tuition rate. If their educational tuition rate exceeds the maximum as determined by subsection (b) of this Section, the school will be required to adhere to the established tuition rate or be declared ineligible.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Ms. Lorraine Colavita
Administrative Practice Officer
Controversies and Disputes
State Department of Education
225 West State Street
Trenton, N.J. 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.

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions to Educational Assessment Program

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:4-24, proposes to revise some of the rules concerning the educational assessment program.

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

6:39-1.2(c)

The State Department of Education shall provide [an interpreted geographic regions report and] an interpreted State report to the State Board and the Commissioner of Education.

6:39-1.2(d)

Each of these reports shall consist of **completed** report forms and interpretive aids **prescribed and** approved by the Commissioner.

6:39-1.2(f)

Following a 60-day analysis period, reports indicated in subsections (b), (c) and (d) of this Section, excepting classroom and individual pupil reports, shall be made available to the public; provided, however, that no reports shall be released unless they are accompanied by interpretive materials approved by the Commissioner. **No building or district report which reflects the identity of an individual teacher shall be released to the public without the express consent of that teacher.**

6:39-1.2(g)

The Commissioner [, with the approval of the State Board of Education,] may make exceptions to the above regulations with respect to special reports requested by local school districts.

6:39-1.3(a)

Local district boards of education **and county superintendents of schools** shall interpret the results of all data within 60 days of receipt of all standard reports by the district superintendent, [or] chief school administrator **or county superintendent.**

6:39-1.3(d)

The State Department of Education may provide interpretations for local, [regional] **county** and State use.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Ms. Lorraine Colavita
Administrative Practice Officer
Controversies and Disputes
State Department of Education
225 West State Street
Trenton, N.J. 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.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Notice of Prior Proposed Revisions on Pupil Records

Take notice that the State Board of Education has proposed revisions to the rules concerning pupil records which, if adopted, will delete in its entirety the current text of N.J.A.C. 6:3-1.3 and adopt new rules in place thereof, to be cited as N.J.A.C. 6:3-2.1 et seq.

Full text of these proposed revisions was published in the December 5, 1974, issue of the New Jersey Register at 6 N.J.R. 465(a).

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions on Jurisdiction Of the Bureau of Parks

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(3), 13:1B-3.e and 13:8-20, proposes to adopt revisions, known within the Department of Environmental Protection as Docket No. DEP 031-75-03, concerning lands, waters and facilities under the jurisdiction of the Bureau of Parks.

The proposed revisions would delete in their entireties the current text of Subchapter 14, Round Valley Reservoir, and Subchapter 15, Spruce Run Reservoir, in Chapter 2 of Title 7 in the New Jersey Administrative Code, and provide for the adoption of a new Subchapter 14 in place thereof. Subchapter 15 would then be marked as (Reserved).

Full text of the proposed new rules follows:

SUBCHAPTER 14. ROUND VALLEY AND SPRUCE RUN RESERVOIRS

7:2-14.1 Scope

Unless otherwise provided by rule or statute, the provisions of this Subchapter shall constitute the rules of the Department and shall govern the use of all applicable recreational lands and waters, water supply facilities and related lands at Round Valley and Spruce Run Reservoirs under the jurisdiction of the Department of Environmental Protection. Specifically excepted from these regulations are the lands designated as the Clinton Fish and Wildlife Management Area where regulations located in Section 23:7-9 shall apply.

7:2-14.2 Construction

(a) The rules shall be liberally construed to permit the Department, and its various agencies to discharge its statutory functions.

(b) The Department may, upon notice to all parties in the public interest, relax the application of these rules.

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7:2-14.3 Practice where rules do not govern

(a) The Commissioner may rescind, amend or expand these rules from time to time, and such new rules shall be filed with the Secretary of State as provided by law.

(b) The Commissioner or any Division Director shall exercise his discretion in respect to any other matters not governed by these rules.

7:2-14.4 Fish and ice fishing

(a) Fishing is permitted subject to New Jersey Division of Fish, Game and Shellfisheries regulations and laws and to applicable Federal laws.

(b) Fishing in restricted areas is prohibited as further defined in N.J.A.C. 7:2-14.13.

7:2-14.5 Hunting and trapping

Hunting, trapping and field trails, or the carrying of firearms or bows and arrows is permitted in accordance with the New Jersey Division of Fish, Game and Shellfisheries regulations and laws with the exception of designated restricted areas and special use areas.

7:2-14.6 Skin and scuba diving

Skin and scuba diving are permitted, except in designated restricted areas and special use areas by Special Use Permit only. Violations of the conditions listed in the permit will be cause for immediate cancellation of the permit.

7:2-14.7 Boating

(a) All motorboats will be limited to a maximum capacity of ten horsepower and shall be operated in such a manner as to avoid danger of injury to all other craft either directly or by the effect of their wash and wave.

(b) All watercraft shall be equipped and operated in accordance with New Jersey boating laws, rules and regulations.

(c) Watercraft with marine toilets are not permitted on the reservoirs.

(d) Watercraft must be kept out of designated restricted areas and special use areas.

(e) All boating on the reservoirs is to be discontinued when the wind reaches or exceeds a velocity of 25 miles per hour. The marine police will display a yellow flag or flashing light when wind velocity reaches 20 miles per hour and a red flag or flashing light when wind velocity reaches 25 miles per hour.

(f) Boat launching is restricted to designated launching areas.

(g) During the period from the first day of trout season to September 30, a boat launching permit is required for all boats on Spruce Run Reservoir and each boater must have an annual or, if the toll booth is open, a daily launching permit in immediate possession while on the reservoir.

(h) An annual boat launching permit issued by the Bureau of Parks is required for all boats on Round Valley Reservoir and must be in immediate possession while on the reservoir; excepting, during the legal fishing and/or hunting seasons promulgated by the New Jersey Division of Fish, Game and Shellfisheries, anyone participating in the sport of hunting or fishing may legally launch and operate a boat without an annual permit if they have a valid New Jersey hunting and fishing license in their possession.

(i) Sailboats utilizing Spruce Run Reservoir are limited to a maximum mast height of 25 feet above their waterline.

(j) Rigging of sailboats is not permitted on the launching ramps or in such a manner as to impede the use of the ramps by others.

(k) The number of boats permitted on Spruce Run Reservoir at any given time shall not exceed 250.

(l) Swimming or diving from watercraft (excepting authorized skin and scuba divers), water skiing, aquaplaning or the towing of surfboards or any other similar device is prohibited.

(m) All refuse and garbage must be stored in a durable container with tight-fitting cover for subsequent disposal at designated sites on shore.

7:2-14.8 Boat storage

(a) A limited number of boat storage spaces administered by the Bureau of Parks are available on a temporary basis from April 1 through October 31 at Spruce Run Reservoir. A fee is charged for this storage.

(b) Boat storage is not permitted at Spruce Run Reservoir from November 1 through March 31.

(c) Boats so stored must be removed from the water each night and placed in the individual's assigned storage space.

(d) Boats stored on double capacity trailers which occupy a single boat storage space will pay the standard rate plus one-half the standard rate for the additional boat.

(e) The State of New Jersey and its agents assume no responsibility for the protection of boats or equipment so stored and will assume no liability for boats or equipment vandalized, damaged or stolen.

7:2-14.9 Ice yachting

(a) Ice yachting is permitted; however, use is restricted to individuals who comply with safety standards as established by the Eastern Ice Yachting Association.

(b) A minimum of two craft are required at all times to provide a buddy system for safety.

(c) All ice yachters must wear protective crash helmets equal to or better than those now required of motorcyclists by New Jersey Motor Vehicle laws and regulations.

(d) All craft are prohibited from the restricted and special use areas in the vicinity of the dams and release structures, including towers and spillways.

(e) At Spruce Run Reservoir no ice yacht may have rigging, mast or fixtures that extend more than 25 feet in height from the ice.

7:2-14.10 Camping

(a) Camping is permitted only in certain areas by permit and payment of fee.

(b) Camping is not permitted at Spruce Run Reservoir during November, December, January, February and March.

(c) The wilderness campsites at Round Valley are limited to access by hiking-in or small boat and is permitted by advance reservation only.

(d) Camper beaches at Round Valley Reservoir are restricted to use by campers with valid Round Valley camping permits.

(e) The Round Valley campsites are closed to all public use during the deer hunting week and on any special deer hunting day during the month of December as designated by the New Jersey Division of Fish, Game and Shellfisheries.

(f) All furred animals or other pets are prohibited in all overnight facilities.

(g) Camp fires are restricted to designated fire areas.

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7:2-14.11 Bathing, wading and swimming

(a) Bathing, wading and swimming are restricted to the designated day use area at Spruce Run Reservoir (excepting authorized skin and scuba divers).

(b) Bathing, wading and swimming are restricted to campers only at designated camper bathing beaches at Round Valley Reservoir (excepting authorized skin and scuba divers).

(c) Entrance and parking fees will be charged for entry to the developed day use recreation area at Spruce Run Reservoir administered by the Bureau of Parks.

7:2-14.12 Picnicking

Picnicking is permitted at both reservoir areas excepting in restricted areas.

7:2-14.13 General prohibitions

(a) The possession or consumption of alcoholic beverages is prohibited at all times.

(b) It is unlawful to abuse, mutilate, injure, remove or destroy any living plant, structures or other physical features.

(c) Waste material must be placed in receptacles provided. The burning or dumping of refuse is prohibited.

(d) Annoying or objectionable conduct is prohibited.

(e) Maximum vehicular speed is 35 miles per hour except where otherwise posted. All motorized vehicles are restricted to designated roads and parking lots and are subject to all New Jersey Motor Vehicle laws, rules and regulations.

(f) Pets in day use areas must be restrained by a leash not to exceed six feet in length, must be attended at all times, and are not permitted in bathing areas, bathhouse areas or in the water.

Hunting with, training, or conducting field trials with hunting dogs is permitted in all areas except special use areas, day use areas, restricted areas and other areas where specifically prohibited.

(g) Ground fires and charcoal fires in unapproved containers are prohibited in all day use areas.

(h) Hiking and horseback riding are prohibited except on specifically designated trails.

(i) The posting of signs, distribution of advertisements, soliciting, selling or attempting to sell any product or service without prior written authorization of the Department is prohibited.

(j) The use of metal detection devices is prohibited.

(k) Boating, landing or mooring a boat, fishing, hunting, trapping, skin or scuba diving, swimming, or any other recreactional activity is prohibited within, or on the shoreline of, those areas howsoever designated, included herein, on maps and/or so posted as restricted areas for whatsoever purpose, and such restricted areas shall include but not be limited to face of dams, under and in close proximity of bridges leading from the dams to release towers, the release towers, and spillways. Any such use shall constitute trespass.

(l) All other recreational or other activities not expressly permitted by these regulations are prohibited at this time unless prior written authorization is given by any authorized representative of the Department.

SUBCHAPTER 15. (RESERVED)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Department of Environmental Protection
Division of Parks and Forestry
P.O. Box 1420
Trenton, N.J. 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Water Pollution Control Program

David J. Bardin, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq. and in accordance with the provisions of 40 CFR 35, proposes to adopt and file with the U.S. Environmental Protection Agency, by June 15, 1975, the State water pollution control program. It is intended to be used as a management guide for fiscal year 1976 and will also comprise the State's application to EPA for program grant funds available pursuant to Section 106, P.L. 92-500 (Federal Water Pollution Control Act Amendments of 1972.)

The program document will consist of the following:

1. Annual State strategy;
2. Administration and organization;
3. Program objectives and functional relationships;
4. Program narratives and outputs;
5. Construction grant priority system and project list;
6. Annual water quality status report.

In accordance with the provisions of 40 CFR 35.556, a public hearing on the proposed program plan will be held on Tuesday, May 13, 1975, beginning at 10:00 A.M. at Student Center, Rider College, Route 206, north of Trenton, New Jersey. If necessary, the public hearing will be continued on Wednesday, May 14, 1975, beginning at 10:00 A.M. until completion. When adopted, the program plan will be cited as N.J.A.C. 7:9-12.1 et seq. in the New Jersey Administrative Code.

Copies of the proposed FY 76 water pollution control program may be obtained from:

N.J. Dept. of Environmental Protection,
Div. of Water Resources,
1474 Prospect St.,
P.O. Box 2809,
Trenton, N.J. 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 May 13, 1975, or in person at the hearing, on all matters related to subject.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt the water pollution control program plan for fiscal year 1976 substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

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(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules on Procedures for Visual Determination Of the Opacity and Shade or Appearance Of Emissions From Sources

On March 19, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules, known within the Department of Environmental Protection as Docket No. DEP 033-75-03, concerning procedures for the visual determination of the opacity and shade or appearance of emissions from sources.

Full text of the adopted rules follows:

SUBCHAPTER 2. PROCEDURES FOR THE VISUAL DETERMINATION OF THE OPACITY (PER CENT) AND SHADE OR APPEARANCE (RINGLEMANN NUMBER) OF EMISSIONS FROM SOURCES

7:27B-2.1 Principle and applicability

(a) The opacity (per cent) and shade or appearance (Ringlemann number) of emissions from sources is determined visually by a certified observer.

(b) The procedure described herein is applicable for the measurement of opacity (per cent) and shade or appearance (Ringlemann number) of emissions from sources to determine compliance with all applicable Sections of the New Jersey Administrative Code (N.J.A.C. 7:27-1.1 et seq.). For black plumes, and for shades of gray, the shade or appearance (Ringlemann number) is applicable, and for all other plumes the opacity (per cent) is applicable.

7:27B-2.2 Procedures

(a) The certified observer shall stand at a distance sufficient to provide a clear view of the emissions. For per cent opacity readings, the sun shall be oriented in the quadrants to the observer's back. For Ringlemann number readings, the certified observer should be oriented with the sun in the quadrants to his back; however, where conditions do not permit, the sun need not be to the observer's back. Consistent with maintaining the above requirements, the observer shall, as much as possible, make observations from a position such that the observer's line of vision is approximately perpendicular to the plume direction.

(b) Per cent opacity, Ringlemann number observations and all other required data must be recorded on the Plume Observation Record (Form Air-14), or an equivalent form. (See Appendix 1.)

(c) Observations shall be made at the point of greatest percent opacity or greatest Ringlemann number. The observer shall not look continuously at the plume but instead shall look at the plume at 15-second intervals, except where consecutive second standards are prescribed (for example, N.J.A.C. 7:27-3.4 and 3.5).

1. Attached steam plumes: When condensed water vapor is present within the plume as it emerges from the emission outlet, per cent opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible.

2. Detached steam plumes: When water vapor in the plume condenses at a distance from the emission outlet, the per cent opacity of emissions may be evaluated at the emission outlet prior to the condensation of water vapor, that is, before the formation of a steam plume.

(d) Recording observations: Observations shall be recorded to the nearest five per cent increment on the Plume Observation Record (Appendix 1) or equivalent form. Each individual observation shall represent the opacity or shade or appearance of emissions for a 15-second time period, except where a consecutive second standard is prescribed (for example, N.J.A.C. 7:27-3.4 and 3.5).

7:27B-2.3 Calculations

(a) A summary of the observation record will be entered in the space provided on the Plume Observation Record (Appendix 1) or an equivalent form. Average values may not be used.

(b) Enter the total time during which the plume was observed to be in violation of the applicable section. Enter this value in units of minutes and portions thereof, or, if applicable, seconds, in the space provided.

7:27B-2.4 Certification

To be certified as an observer, a person must satisfactorily complete a training course in observing and recording the opacity (per cent) and shade or appearance (Ringlemann Number) of visible emissions from sources. In order to be certified, the person must assign readings in five per cent increments to 25 black plumes of varying Ringlemann Number and 25 white plumes of varying per cent opacity, with an error not to exceed 5.5 per cent in each category. The smoke generator used to qualify the observer must be equipped with a calibrated light transmission meter located in the smoke stack to determine the actual opacity and shade or appearance of emissions. An observer must be certified as having passed this test within an approximately six-month period immediately preceding an observation.

Editor's Note: In addition to the above Section, an Appendix 1, Plume Observation Record, was filed with these rules but, due to space limitations, is not reproduced herein.

An order adopting these rules was filed and effective March 20, 1975, as R.1975 d.76 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions in Construction And Practice Where Rules Do Not Govern

As Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1D-1 et seq., I, David J. Bardin, promulgated new rules of the Division of Water Resources (N.J.A.C. 7:9-4.1 et seq.). These rules establish-

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ing Surface Water Quality Standards replaced N.J.A.C. 7:9-4 through 7:9-7.37, except that 7:9-7.29 through 7:9-7.34 are now N.J.A.C. 7:9-8.38 through 7:9-8.43.

An order adopting these rules was filed November 18, 1974 as R.1974 d.310, to become effective December 2, 1974.

In accordance with the provisions of Section 303 of the Federal Water Pollution Control Act Amendments of 1972, the standards for all waters of the State were submitted to the U.S. Environmental Protection Agency for review and approval.

Gerald Hansler, Regional Administrator, Region II, U.S. Environmental Protection Agency, by letter dated March 3, 1975 approved the aforementioned Water Quality Standards except for the procedural provisions of subsections 7:9-4.2(b) and 7:9-4.3(a). These provisions are identical to those previously adopted on June 30, 1971.

However, upon reexamination, the aforementioned procedural provisions do not reflect the actual Departmental practice and the Departmental goal of having substantial public participation in the rule-making process.

The proposed revisions, known within the Department of Environmental Protection as Docket No. DEP 034-75-03, concern the deletion of the current text of N.J.A.C. 7:9-4.2, Construction, and 7:9-4.3, Practice where rules do not govern, and adopting new text therein.

Full text of the proposed new rules follows:

7:9-4.2 Construction and practice where rules do not govern

(a) These rules shall be liberally construed to permit the Department, the Division of Water Resources, and its various agencies to discharge its statutory functions.

(b) The Commissioner or the Director of the Division of Water Resources, acting pursuant to and in accordance with State law (N.J.S.A. 13:1D-1 et seq.) may, upon notice to interested parties and after public hearing, adopt, revise, amend or expand these rules, and such new rules shall be filed with the Secretary of State as provided by law.

(c) The Commissioner, the Director or the Assistant Director of the Division of Water Resources may exercise his discretion in respect to any other matters not governed by these rules.

7:9-4.3 (Reserved)

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before April 30, 1975, to:

Rocco D. Ricci
Assistant Commissioner
Division of Water Resources
P.O. Box 2809
Trenton, N.J.

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

CLEAN AIR COUNCIL

Notice of Public Hearing; Docket No. DEP 026-75-03

Take notice that the Clean Air Council of the Department of Environmental Protection will hold public hearing, pursuant to authority in N.J.S.A. 13:1D-7b and N.J.S.A. 26:2C-3.3, May 22, 1975 on the subject, "How Should New Jersey Develop Its Air Quality Maintenance Plans?".

N.J.S.A. 26:2C-3.3(h) requires the Council to hold public hearings at least once a year, and to report its recommendations thereon to the Commissioner of Environmental Protection.

Air Quality Maintenance Areas are those in which projected growth and/or other factors pose a potential threat to the achievement or maintenance of any national air quality standard during the July 1975 through June 1985 decade. In accordance with the Code of Federal Regulations (40CFR51.12(e)), the New Jersey Bureau of Air Pollution Control held public hearing September 25, 1974 on the geographic areas which it believes are in this category, and submitted its recommendations to the Administrator of the Environmental Protection Agency. The Bureau, in coordination with interested local, regional and other State agencies, must develop Implementation Plans containing appropriate control strategies for those areas which ultimately are designated by the EPA Administrator after review of the areas proposed for such designation. The Council solicits comments from interested parties to assist it in the preparation of appropriate recommendations to the Commissioner of Environmental Protection regarding such plans.

Although the Council wishes to receive any and all pertinent comments, it specifically poses the following questions:

a. What form shall these plans take?

b. How shall they deal with transportation, mobile sources, stationary sources and land use?

c. What shall be the roles of State, county and local government?

d. What legislation will be required, and by which levels of government?

The hearing will be held Thursday, May 22, 1975 from 9:00 A.M. until 5:00 P.M. at:

Gateway Downtowner Motor Inn
Raymond Boulevard and McCarter Highway
Newark, New Jersey

Counties which have been proposed by the Bureau of Air Pollution Control for designation as Air Quality Maintenance Areas are:

For Total Suspended Particulates:

Bergen, Essex, Hudson, Middlesex, Monmouth, Somerset, Union and Warren.

For Photochemical Oxidants:

Bergen, Burlington, Camden, Essex, Gloucester, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Salem, Somerset and Union.

No counties were proposed for maintenance area designation for sulfur dioxide, carbon monoxide or nitrogen dioxide.

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Background information on air quality maintenance planning and analysis is published in the Environmental Protection Agency's "Guidelines for Air Quality Maintenance Planning and Analysis", and will be available for inspection during normal office hours at:

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

Written comments may be submitted to and speaking time may be arranged with Patrick Zigrand, New Jersey Bureau of Air Pollution Control, P. O. Box 2807, Trenton, New Jersey 08625, telephone (609) 292-6720.

The record will be closed at the end of the hearing. This notice is published as a matter of public information.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Rule on Mussels

The Department of Environmental Protection, Division of Fish, Game and Shell Fisheries, with the advice of the Shell Fisheries Council, Atlantic Coast Section, pursuant to the authority of N.J.S.A. 50:1-5, proposes to adopt a regulation for the taking of mussels from the tidal waters of this State. Such regulation, when adopted, will be cited as N.J.A.C. 7:25-7.11. It is known within the Department of Environmental Protection as Docket No. DEP 032-75-03.

Copies of the proposed regulation have been prepared and a summary will be supplied to newspapers throughout the State. The proposed regulation prohibits the taking of mussels on Sunday or at any time before sunrise or after sunset. It is designed to make uniform the enforcement procedures practiced by the New Jersey Marine Police in regard to other shellfish (clams and oysters) as set forth in N.J.S.A. 52:2-11.

7:25-7.11 Mussels

(a) No person shall take mussels (Mytilus edulis) by any means whatsoever upon any of the lands lying under the tidal waters of this State before sunrise or after sunset or at any time on Sunday.

(b) "Person" as used in Section 1 of this proposed regulation shall include but not be limited to the captain or other person responsible for the operation of any vessel.

Interested persons may present statements relative to the adoption of the above regulation, in writing, on or before May 2, 1975, to:

Joseph A. Price
Shellfish Management Administrator,
P.O. Box 1809,
Trenton, New Jersey 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed List of Endangered Species

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2A-4, proposes to adopt a rule, known within the Department of Environmental Protection as Docket No. DEP 014-74.12, establishing a list of endangered species.

Take notice that such a rule was adopted as an exempt, procedural rule (R.1974 d.348) on December 19, 1974, and such Notice was published January 9, 1975, at 7 N.J.R.6(c) and the Department now wishes to propose the list as a normal rule and to invite comments thereon.

Full text of the proposed list follows:

SUBCHAPTER 11. ENDANGERED SPECIES

7:25-11.1 List of endangered species

(a) Section 23:2A-4 of the revised statutes provides that the Director of the Division of Fish, Game and Shellfisheries shall conduct investigations concerning wildlife in order to develop information relating to populations, distribution, habitat needs, limiting factors and other biological and ecological factors. On the basis of such investigations of wildlife and other available scientific and commercial data the Director may by regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies.

(b) In accordance therewith, the following list of species are hereby determined to be endangered:

1. Shortnose Sturgeon, Acipenser brevirostrum;
2. Blue-spotted Salamander, Ambystoma laterale;
3. Eastern Tiger Salamander, Ambystoma tigrinum;
4. Bog Turtle, Clemmys muhlenbergi;
5. Bald Eagle, Haliaeetus leucocephalus;
6. Peregrine Falcon, Falco peregrinus;
7. Osprey, Pandion haliaetus;
8. Cooper's Hawk, Accipiter cooperii;
9. Indiana Bat, Myotis sodalis;
10. Sperm Whale, Physeter catodon;
11. Blue Whale, Balaenoptera musculus;
12. Finback Whale, Balaenoptera physalus;
13. Sei Whale, Balaenoptera borealis;
14. Humpback Whale, Megaptera novaeangliae;
15. Right Whale, Eubalaena spp.

Interested persons may present statements or arguments in writing relevant to the proposed list on or before April 30, 1975, to:

Russell A. Cookingham, Director
Division of Fish, Game and Shellfisheries
Post Office Box 1390
Trenton, New Jersey 08625

The Department of Environmental Protection, Division of Fish, Game and Shellfisheries, upon its own motion or at the instance of any interested party, may thereafter adopt this

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rule substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Proposed Rules on Sewage Connection Bans

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:12-2 and N.J.S.A. 58:12-3, proposes to adopt the following regulations of the Department's Sewerage Connection Ban Program. These regulations specify conditions for imposing and lifting sewerage connection bans and set out procedures by which individuals may obtain relief for certain types of hardships caused by the imposition of the ban. The Department will initiate a ban on further connection to a sewerage system when the plant is receiving flows in excess of its design capacity and thereby allowing the waters of the State to receive improperly treated wastes. The Department will lift a ban when such situations are corrected. Such proposed rules are known within the Department of Environmental Protection as Docket No. DEP 027-75-03.

Full text of the proposed rules follows:

SUBCHAPTER 13. SEWERAGE CONNECTION BAN

7:9-13.1 Policy

(a) A continuing evaluation of all sewage treatment plants is an integral part of the water pollution control program of the New Jersey Department of Environmental Protection. This evaluation is necessary to protect the waters of the State from improperly treated sewage.

(b) All sewage treatment plants have a finite capacity for treating sewage. When a plant is receiving sewage in excess of its maximum treating capacity, the plant will discharge improperly treated wastes.

(c) Local government and sewage authorities should continuously monitor the issuance of building permits and sewerage connection permits to determine the future availability of adequate sewage treatment capacity and to take appropriate action where sewage plant capacity is being approached. The Department will issue an administrative order to ban further connections to a sewerage system when the State evaluation of the plant reveals a situation where a plant is receiving flows in excess of its ability to properly treat these wastes. The Department will issue an administrative order lifting a ban when such a situation is corrected.

(d) The goal of the Department's management program is to have all sewage treatment facilities within the State discharge without violating the water quality standards of the State, (N.J.A.C. 7:9-1.1 et seq.). As many primary and secondary sewage treatment plants are approaching or exceeding their capacity to adequately treat sewage and since such overloads will result in further degradation of stream quality, the Department will issue a ban on further connections to the sewerage system until inflow to the system has been reduced or the plant capacity has been upgraded according to the provisions of the procedures herein outlined.

(e) Many treatment plants' ability to properly treat their sewage will depend upon the completion of a regional facility although interim upgrading may be required by the Department until the completion of the regional facilities.

(f) An existing primary treatment plant will be required to upgrade to secondary treatment or an existing secondary treatment plant will be required to upgrade to a higher level of treatment as conditions of the National Pollution Discharge Elimination System Permit imposed by the Federal Water Quality Act Amendments of 1972 (P.L. 92-500) or as a requirement of an Administrative Order issued pursuant to N.J.S.A. 58:12-1 et seq. This required upgrading to secondary treatment for primary plants or from secondary treatment to higher treatment will not be the basis for a sewerage connection ban unless the discharge is threatening a potable water supply or unless, in the opinion of the Department, the effluent from the plant in question is threatening another critical water use.

(g) The sewerage connection ban will order the appropriate sewage authority or municipality to cease further connections to the sewerage facilities. The ordered parties are also expected to cease the issuance of building permits and notify all parties within their jurisdiction of the existence of the ban.

7:9-13.2 Definitions

"Applicant" means person, corporation or government body who makes a request for an exemption to the sewerage connection ban as provided for in Section 4 of these procedures.

"Department" means the New Jersey Department of Environmental Protection.

"Division" means the New Jersey Division of Water Resources.

"Permit to operate" means a permit issued by the Department of Environmental Protection which is required by New Jersey law before discharging into the waters of the State.

"Sewerage system" means any facility or extension thereof designed to provide for the collection or treatment of sewage.

"Waters of the State" means the ocean and its estuaries, all streams, springs and bodies of surface or ground water, whether natural or artificial within the boundaries of the State or subject to its jurisdiction.

7:9-13.3 Imposition and lifting of sewerage connection ban

(a) Pursuant to the authority of N.J.S.A. 58:12-3, the Division may issue an administrative order requiring a municipality, corporation, sewerage authority or other government body to cease further connections to a sewerage system when the Department has determined that the treatment plant is receiving flows in excess of its design capacity, either hydraulic or BOD loading, and thereby is allowing the waters of the State to receive inadequately treated sewage in violation of N.J.A.C. 7:9-1.1 et seq., or the effluent standards expressed in the permit to operate. The monthly average daily flows may be used in determining existing flows.

(b) The ordered party shall submit to the Division within 60 days from receipt of the order, a preliminary engineering report encompassing an abatement program. The specific requirements of this report shall be included in the Administrative Order issued by the Department. Unless otherwise stated in said Order, the engineering report shall include, at minimum, the following provisions:

1. A description of the existing treatment system and facilities with an evaluation of specific inadequacies;

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2. A description of proposed changes to existing units and any additional units needed to meet existing or proposed loading requirements and anticipated growth requirements for a minimum five-year period commencing on the date of the final installation of the proposed changes and any other conditions as the Division may require. Such description shall include sizing of units with supporting calculations;

3. A statement of the effluent quality and flow rates with supporting calculations for which the proposed installation shall be designed;

4. An estimate of the anticipated reduction in influent flow from proposed improvements to reduce infiltration;

5. An estimate of the cost of the proposed improvement program;

6. A schedule of implementation of said improvement program;

7. A commitment on the part of the ordered authority for funding the improvement program including resolution by the appropriate municipality or municipalities to cooperate with the funding of the improvement program;

8. A projected growth rate for all municipalities within the serviced area for a five-year period.

(c) After approval of this engineering report and work performance schedule, the Department shall modify the order to include approved abatement program and work performance schedule.

(d) All aggrieved parties are entitled to a Division hearing on the Administrative Order. A hearing will be held only if requested in writing within 15 days after receipt of said Order. Such request shall be directed to the State Department of Environmental Protection, Division of Water Resources, P.O. Box 2809, Trenton, New Jersey 08625, Attention: Assistant Director, Enforcement and Operations.

(e) The Division may lift a sewerage connection ban upon finding that:

1. Inflow to the sewerage facilities has been reduced so that flow into the facility is consistently below design capacity, (either hydraulic or BOD loading); or,

2. There has been sufficient upgrading, expansion or replacement of the sewerage facilities or improvement in treatment techniques so that effluent quality is in compliance with New Jersey Water Quality Standards (N.J.A.C. 7:9-1.1 et seq.) and the effluent requirements expressed in the permit to operate.

7:9-13.4 Exemptions for sewerage ban

(a) The Division shall consider certain exemptions to the sewerage connection bans in order to provide for relief for parties that suffer certain types of substantial harm due to the imposition of the sewerage connection ban, or when, in the opinion of the Department, there is a compelling public need for a proposed facility, provided that the applicant for the exemption proves to the satisfaction of the Division that he meets the criteria outlined below:

1. If a building permit or subdivision approval has been issued prior to the receipt of the Order, the construction covered by such permit or subdivision approval may be exempt. The applicant must show that, in reliance on this permit or subdivision approval, he has made substantial expenditures. The burden is on the applicant;

2. If a proposed construction will replace a building with an existing sewerage connection, the proposed construction is exempt only if the building with the existing connection was in use at the time the order was issued and if the new construction will create flow equal to or less than the old structure. The burden is on the applicant;

3. If an existing building with an individual underground disposal system such as a septic tank, cesspool and so forth, which was constructed prior to the date of the order, is certified by the local health authorities to be creating a potential health hazard due to overflow, contamination of potable water wells or other malfunction, an exemption may be allowed. The burden is on the applicant;

4. If an applicant, prior to the date of the order has sold or has contracted to sell his existing residence in anticipation of construction of a new dwelling for himself and family on property located in a community under order, and if said applicant can demonstrate that if no relief is granted, he will suffer severe hardship, an exemption may be granted. The burden is on the applicant;

5. If the applicant, prior to the effective date of the order, has made substantial expenditures for physical improvements to the property for which the application for exemption is being made, and if said applicant has made such improvements in reliance upon his continued ability to proceed; and if said applicant can demonstrate that because of the imposition of the sewerage ban order he will suffer irreparable harm unless relief is granted, an exemption may be granted. The burden is on the applicant;

6. If the application for the exemption is a request to allow the connection of a building for which there is a compelling public need, such as a school, hospital, fire or police station, an exemption may be granted if in the Division's opinion there exists a sufficient compelling need. The burden is on the applicant;

7. If an applicant can provide documentation of other types of severe personal hardship, above and beyond the normal hardship caused by his inability to use his land during the duration of the sewerage ban, and if in the Division's opinion the harm to be suffered by the individual outweighs the harm suffered by the community due to increased gallonage, an exemption may be granted. The applicant must prove to the satisfaction of the Division that he will suffer irreparable harm unless relief is granted. The burden is on the applicant.

(b) The applicant shall submit his request for an exemption along with appropriate documentation to the sewerage authority or the municipality under order. The ordered party shall forward this request along with a completed exemption request form (Form No. WR-000), which form can be obtained from the Division and which is attached hereto.

(c) After review of this application, the Division shall notify the ordered party and the applicant of the results of its review. Before making a decision, the Division may request that additional documentation be supplied.

(d) An exemption granted for a specific property is not transferable to any other property or owner without prior Division approval.

(e) The denial of any application entitles the applicant the right to request a formal hearing held by the Division provided such request is made within 15 days from receipt of the Division's preliminary decision. Request for such a hearing shall be sent to the Department of Environmental Protection, Division of Water Resources, P.O. Box 2809, Trenton, New Jersey 08625, Attention: Assistant Director Monitoring, Surveillance and Enforcement.

Note: An application form for exemption to sewerage connection ban was included in the above-proposed rules but is not reproduced herein due to space limitations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 9,

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1975 to the Department of Environmental Protection. Such statements should be addressed to:

Rocco D. Ricci,
Assistant Commissioner
Department of Environmental Protection
Division of Water Resources
P.O. Box 2809
Trenton, New Jersey 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Proposed Revisions on Shellfish Beds

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 24:2-1 and 24:14-1 et seq., proposes to revise the rules concerning the condemnation of certain shellfish beds. Such revisions, if adopted, will appear in Chapter 12 of Title 7 in the New Jersey Administrative Code and will replace all prior rules in these matters as of May 1, 1975.

Such proposed revisions are known within the Department of Environmental Protection as Docket No. DEP 029-75-03.

The revisions result from sanitary surveys, special investigations and reappraisal reports conducted by the Shellfish Control Unit in the Division of Water Resources.

The investigatory work consists of the collection and analysis of water samples, the inventory of actual and potential sources of pollution and hydrographic studies of flow patterns.

These surveys are conducted in accordance with applicable State and Federal Food and Drug Administration (FDA) guidelines and regulations. The FDA guidelines and regulations require every shellfish producing state to classify the shellfish growing waters within its jurisdictional limits. The FDA further requires that each state appraise every two years, the quality of those waters approved for the harvesting of shellfish. New Jersey conducts investigatory work and research and pursuant to N.J.S.A. 24:14-1 et seq. revises the regulations annually.

The adoption of these revised regulations will result in the reclassification of approximately 4,488 acres. Degraded water quality requires a classification downgrading for shellfishing of approximately 2,353 acres to condemned or seasonally condemned. This acreage is the total of six shellfish areas.

A change in the policy regarding seasonally approved areas results in the upgrading of approximately 1,300 acres. This allows the harvesting of shellfish from areas designated as seasonal between January 1 and April 30 of each year instead of November 1 and April 30 of each year.

This action will make available 1,300 additional areas to the shellfish industry during the winter months when the industry is under more severe economic conditions.

The remaining 850 acres upgraded through the adoption of these revised rules is a result of pollution abatement through actions taken by Cumberland County Health Office at the request of the Division of Water Resources.

The result of these reclassifications will be a net loss of 218 acres, the smallest loss in four years.

The following tables indicate the net change in shellfish growing area acreage and the total shellfish growing area acreage by designated classifications.

BAY AND ESTUARINE SHELLFISH GROWING AREA ACREAGES RECLASSIFIED

Year Proposed	Total Acres Downgraded	Total Acres Upgraded	Net Change
1974-75	2353	2135	− 218
1973-74	5018	885*	−4133
1972-73	5462	146	−5316
1971-72	2490	0	−2490
1970-72	2951	5511*	+2560

* represents acreage reclassified from condemned to special restricted

SHELLFISH GROWING AREA ACREAGE BY DESIGNATED CLASSIFICATIONS
BAY AND ESTUARINE AREAS

Year Proposed	Approved	Fully Closed	Special Restricted	Seasonal	Total
1974-75	281852	74230	27243	9527	392852
1973-74	284185	74012	27243	7412	392852
1972-73	289053	73464	25723	4612	392852
1971-72	293235	70930	23478	5209	392852
1970-71	295513	68592	23478	5209	392852
OCEAN WATER					
1975	144750	85650	—	—	230400

All relevant information will be available for inspection during normal working hours at the Division of Water Resources, 1474 Prospect Street, Trenton, New Jersey.

All interested persons are invited to submit written comment on these proposed regulations no later than May 1, 1975. Submittal should be addressed to:

Rocco D. Ricci, Assistant Commissioner
Department of Environmental Protection
Division of Water Resources
Post Office Box 2809
Trenton, New Jersey 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Revision on Solid Waste Facilities

On March 14, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency revision to N.J.A.C. 7:26-2.6(d)4., concerning the

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effective date of the rules regarding the handling of pesticides, hazardous wastes, chemical wastes, bulk liquids and semi-liquids. Within the Department of Environmental Protection, these revisions are known as Docket No. DEP 028-75-03.

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

7:26-2.6(d)4.

Beginning [March] **September** 15, 1975, no solid waste facility shall accept or receive for disposal on or in the lands of this State any pesticide (or contaminated containers), hazardous waste, chemical waste, bulk liquid or semi-liquid unless such facility has installed a system for the interception, collection and treatment of any and all leachate generated at the facility, and has obtained approval from the Department for the entire system. Requests for Department approval may be in the form of an addendum to the engineering design submitted under N.J.A.C. 7:26-2.2(c) and in accordance with N.J.A.C. 7:26-2.4, shall be prepared by a New Jersey licensed professional engineer, and shall include detailed engineering drawings and specifications of the proposed system. In addition, requests for Department approval shall specify the exact nature and quantity of each waste to be accepted at the facility, the method of handling and treating those wastes, and shall include proof that all necessary permits and licenses have been obtained for any discharge into the waters of the State.

During the time period prior to September 15, 1975, the Department will develop and propose the adoption of further amendments to N.J.A.C. 7:26-2.6(d)4. It is anticipated that these amendments will require operators of sanitary landfills falling within the scope of this regulation to:

i. Submit to the Department within a fixed period of time a definitive program and time schedule to be approved by the Department as sufficient to ensure compliance with this regulation.

ii. Post performance bonds pursuant to N.J.S.A. 13:1D-9(u) (L.1975, c.33) sufficient to further ensure adequate and timely compliance with said time schedules and program.

iii. Report to the Department on a periodic basis the types of waste received as well as sources, quantities, whether shipped in bulk or in containers, manner of disposal and any other data necessary to assist the Department in achieving the intent of this regulation.

It is further anticipated that the rules to be proposed will include similar reporting requirements for generators and collector-haulers of such wastes.

An order adopting this revision was filed effective March 14, 1975, as R.1975 d.66 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DELAWARE AND RARITAN CANAL COMMISSION

Bylaws of the Commission

On March 20, 1975, Benjamin J. Kirkland, Chairman of the Delaware and Raritan Canal Commission in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:13A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted bylaws of the Commission.

Full text of the adopted bylaws follows:

ARTICLE I. SCOPE AND GENERAL PROVISIONS

1.1 Name of the Commission

The name and title of this Commission shall be the "Delaware and Raritan Canal Commission".

1.2 Principal office

The principal office of the Commission shall be the Delaware and Raritan Canal House, 25 Calhoun Street, Trenton, New Jersey 08625. All communications to the Commission shall be addressed to the Commission, P.O. Box 1390, Trenton, New Jersey 08625, except as may be otherwise specified by rule or regulation.

1.3 Public inspection

All Commission proceedings shall be available for public inspection at the principal office of the Commission.

1.4 The Act

"The Act" as set forth hereinafter shall refer to "The Delaware and Raritan Canal State Park Law of 1974," N.J.S.A. 13:13A-1 et seq.

ARTICLE II. COMMISSION ORGANIZATION

2.1 Place of meeting

Meetings of the Commission shall be held at the Commission's principal office, unless a majority of the Commission agrees that such meetings be held at another location within the State of New Jersey.

2.2 Meetings of the Commission

Meetings of the Commission shall take place on the third Thursday of each month at 3:00 P.M. and on such days as the Commission may from time to time require. Prior to any regularly scheduled meeting of the Commission, the secretary of the Commission shall notify each Commission member in writing of said meeting. Twenty-four hours prior to any special meeting of the Commission, the secretary of the Commission shall notify each Commission member in writing of said meeting.

2.3 Quorum

A majority of the total authorized membership of the Commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the Commission at any meeting thereof by the affirmative

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vote of the majority of the members present and voting. However, an affirmative vote by the majority of the total authorized membership is required for the adoption of the master plan under N.J.S.A. 13:13A-11h and for the determination or modification of the review zone under N.J.S.A. 13:13A-14a. In addition, a vote of two-thirds of the total authorized membership is required prior to any final action on any matter to be submitted to the Legislature, pursuant to N.J.S.A. 13:13A-12g.

2.4 Officers of the Commission

In accordance with the Act, the officers of the Commission shall be:

A. The Chairman, designated by the Governor;

B. The vice chairman, selected annually by the Commission from among its members;

C. The treasurer, selected annually by the Commission from among its members; and

D. The secretary, who shall be the executive director employed by the Commission.

The vice chairman and treasurer shall each hold office for one year and until a successor shall have been duly chosen. Officers may be chosen to succeed themselves.

2.5 Chairman

The Chairman shall:

A. Preside at all meetings of the Commission;

B. Rule on all questions of order, subject to appeal to the Commission;

C. Jointly with the secretary execute all contracts;

D. Jointly with the treasurer sign all checks upon moneys of the Commission;

E. Have such other duties and powers as conferred upon him by these bylaws or any resolution adopted by the Commission.

2.6 Vice chairman

The vice chairman shall:

A. Have all the powers and duties of the Chairman in the absence of the Chairman;

B. Have such other duties and powers as conferred upon him by these bylaws and by any resolutions adopted by the Commission.

2.7 Treasurer

The treasurer shall:

A. Sign jointly with the Chairman all checks upon moneys of the Commission;

B. Keep the financial records of the Commission;

C. Provide for the custody of the funds and other property of the Commission.

2.8 Secretary

The secretary shall:

A. Act as a clerk of all meetings of the Commission;

B. Record, or cause to be recorded, all the proceedings of the meetings of the Commission, and cause such records to be kept in such a manner as to insure their permanence;

C. Give proper notice of all meetings as described herein;

D. Have custody of all the books and records of the Commission, except those kept by the treasurer;

E. Jointly with the Chairman execute all contracts;

F. Perform all other duties as conferred upon him by those bylaws or by any resolution adopted by the Commission.

2.9 Amendments

These bylaws may be altered, amended and/or repealed by a majority of the total authorized membership of the Commission at any meeting after 15 days prior written notice of such an intention by the secretary to each member of the Commission.

2.10 Effective date

These bylaws shall become effective on April 30, 1975.

An order adopting these bylaws was filed March 20, 1975, as R. 1975 d.73 (Exempt, Procedure Rule) to become effective April 30, 1975. Take notice that these bylaws are not subject to codification and **will not appear** in Title 7 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Rule on Oyster Seed Beds for 1975 Season

On March 19, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, 50:3-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, cited as N.J.A.C. 7:25-7.10, on oyster seed beds for the 1975 season, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 49(b). Within the Department of Environmental Protection, this is known as Docket No. DEP 018-75-1.

An order adopting this rule was filed March 20, 1975, as R.1975 d.74 to become effective May 19, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF PARKS AND FORESTRY

Amendment Concerning Charges

On March 19, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:8-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment, known within the Department of Environmental Protection as Docket No. DEP 008-74-9, to N.J.A.C. 7:2-2.13, concerning charges, as proposed in the Notice published October 10, 1974, at 6 N.J.R. 393(b).

An order adopting this amendment was filed and effective March 20, 1975, as R.1975 d.75.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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(a)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Condemnation of Certain Shellfish Beds in the Atlantic Ocean

On March 7, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 24:2-1, 24:14-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which condemned certain waters in the Atlantic Ocean for the harvesting of shellfish. Such rule is known within the Department of Environmental Protection as Docket No. DEP 025-75-03.

Full text of the adopted rule follows:

7:12-1.2(a)40. Atlantic Ocean

i. All of the ocean waters east of the waters of Lower Bay and south of the New York State line and extending to and following the New Jersey three mile jurisdictional limit in a southerly direction, until it intersects a line bearing approximately 225°T connecting Buoy (BW, "BA" Me (A) Whis) marking the separation zone of the Ambrose-Barnegat traffic land and Buoy (BW, Mo (A), Bell) marking the entrance to Shark River Inlet, then along that line to a point approximately one mile from the shoreline and continuing, in a southerly direction, one mile offshore, until it intersects a line bearing approximately 283°T, connecting Bouy ("2BH" F1 4 sec Bell), off Beach Haven Inlet and the southernmost tip of Long Beach Island then following that line and ending on the southernmost tip of Long Beach Island.

ii. All of the ocean waters inshore of a line beginning at the water tank located at 44th Street and Bay Shore Avenue, City of Brigantine with coordinates of latitude 39° 23′ 29″ and longitude 74° 23′ 47″ and bearing approximately 157°T to the sea buoy "1A" ("1A" F1 G 4 sec Gong) at the entrance to Absecon Inlet, then bearing approximately 272°T to the outermost tip of the Steel Pier, Atlantic City, then along that pier to the shore.

An order adopting this rule was filed and effective March 7, 1975, as R.1975 d.51 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Rules on 1975 Hospital Rate Review

On March 12, 1975, Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, to be cited as N.J.A.C. 8:31-14.1 et seq., on the 1975 hospital rate review, substantially as proposed in the Notice published February 6, 1975, at 7 N.J.R. 53(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

Full text of only the Sections of the rules which were affected by the substantive changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

8:31-14.9 Commissioners' Appeals Board

(a) Appeals [on matters of policy or] on unresolved matters remaining subsequent to administrative appeals shall be heard by a Commissioners' Appeals Board comprised of seven members acting in an advisory capacity, representing and making recommendations to the Commissioners of Health and Insurance.

(b) The board members shall be appointed by the Commissioners for a term sufficient to hear appeals from 1975 initial and final rate determinations and shall meet at least once a month while appeals are pending. **Five** members shall be appointed from the general community **and shall be representative of the consumers of hospital services** and shall be independent of the health care industry and the Departments of Health and Insurance. The public members **should** be knowledgeable in budgets and financial matters. **The sixth member shall be appointed from the health care industry in New Jersey, and preferably shall be a trustee on the governing board of a hospital.** The seventh member shall be appointed from the health care industry, and preferably shall not be directly involved in the State's health care delivery system. [At least three members shall be present for a hearing.] **At least four members, at least one of which shall be either the sixth or seventh member of the Commissioners' Appeals Board as described in the above description, shall be present for a hearing.**

8:31-14.10 Determination of final payment **rate**

(a) The information and reports furnished to the Commissioners, as outlined in Section 4 of this Subchapter, shall also be used to determine final payment rate as follows:

1. The final rate shall be determined retrospectively following adjustment of costs included in the original rate and comparison to certified actual costs for the budget year. **The original rate is either the initial rate or the revised initial rate, whichever has been accepted by the health care facility.** Adjustments shall be made for:

i. Volume variances;
ii. Actual measured inflation of supplies;
iii. Outpatient options elected;
iv. Statutory adjustments, if any;
v. Other items as may, in the judgment of the Department, be appropriate.

8:31-14.15 Commissioners' Appeals Board

Appeals [on matters of policy or] on unresolved matters remaining subsequent to administrative appeals pertaining to the final rate shall be heard by a Commissioner's Appeals Board as outlined in Section 9 of this Subchapter.

An order adopting these rules was filed and effective March 12, 1975, as R.1975 d.54.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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(a)

HEALTH

THE COMMISSIONER

Proposed 1975 State Plan for Hospitals And Related Health Care Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt the 1975 State Plan for Hospitals and Related Health Care Services covering all public and private institutions.

The proposed plan is an updating of the 1974 State Plan, which is now in effect and which is used by the State Health Planning Council, the Commissioner of Health and the Health Care Administration Board as guidelines for the issuance of Certificates of Need.

The proposed 1975 State Plan will be in effect for one year and will be updated on a quarterly basis. The updating procedure will consist of revising the inventory of beds to reflect: the results of the issuance of Certificates of Need; and, decreases in beds resulting from the removal of beds from service. The updating will also incorporate any adjustments to the calculated bed need which have been recommended by the State Health Planning Council and approved by the Health Care Administration Board. The quarterly updating of the Plan will be published in accordance with the Administrative Procedure Act, 52:14B et seq.

A copy of the 269 pages of the proposed 1975 State Plan is on file with the agencies listed below and available to anyone wishing to review it during business hours:

Comprehensive Health Planning Council
of Northern New Jersey, Inc.
265 A Route 46
Totowa, New Jersey 07512
Contact: Mr. A. Fiore

Hospital and Health Planning Council
of Metropolitan New Jersey, Inc.
2 Park Place
Newark, New Jersey 07102
Contact: Mr. J. Slavin

Central New Jersey Comprehensive Health
Planning Council, Inc.
104-5 Abbington Drive
Twin Rivers Mall
Hightstown, New Jersey 08520
Contact: Mr. E. Peloquin

Comprehensive Health Planning Agency
of Southern New Jersey
409 Delsea Drive
Westville, New Jersey 08033
Contact: Mr. M. Sedarat

New Jersey Department of Health
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625
Contact: Mr. L. Dileo

Such rules, if adopted, will be cited as N.J.A.C. 8:32-1.1 et seq. and will replace the current text of that Chapter 32.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Leonard D. Dileo
Chief, Health Facility Planning
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Revisions for Milk Products And Production and Handling of Milk

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:10-57 et seq., proposes to revise some of the rules concerning milk products and the production and handling of milk.

The proposed revisions concern the deletion in their entirety of the current text of Subchapters 4, Milk Products, and 5, Production and Handling of Milk, in Chapter 21 of Title 8 in the New Jersey Administrative Code and marking such Subchapters as (Reserved) with the exception that the current text of N.J.A.C. 8:21-4.43, Acidified Milk and Acidified Fluid Milk Products, is to be retained and the current citation of N.J.A.C. 8:21-4.43 is to be deleted and **this text** is then to be cited as N.J.A.C. 8:21-10.11.

A **summary** of the proposed revisions follows:

SUBCHAPTER 4. (Reserved)

SUBCHAPTER 5. (Reserved)

[8:21-4.43] **8:21-10.11** Acidified milk and acidified fluid milk products

(a) Acidified milk and acidified fluid milk products are milk and fluid milk products obtained by the addition of food grade acids to pasteurized cream, half and half, milk, low-fat milk or skim milk, resulting in a product acidity of not less than 0.20 per cent expressed as lactic acid, with or without one of the following optional ingredients — dry milk products, flavors, sweeteners, stabilizers, emulsifiers and acidifiers.

(b) The acidified product shall meet the chemical and bacterial standards for the basic product which has been acidified. Labeling of the finished product shall include the name of the product that has been made by acidification process followed by the phrase "(acidified process)" in letters not less than one half the size of letters in basic product name: that is, "SOUR CREAM (acidified process)", followed immediately by a prominent declaration of the specific names of each ingredient used in descending order of predominance.

(c) These products shall be processed in properly designed equipment having all necessary controls for pasteurization at the prescribed temperatures and times. Processing in ten-gallon cans or similar equipment without controls is prohibited.

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Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Calvin Tabler
Coordinator, Milk Control Program
State Department of Health
1911 Princeton Avenue
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Rules on Immunization Of Pupils in School

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to adopt a separate Chapter to the New Jersey State Sanitary Code (Chapter XIV) on the immunization of pupils in school. It is proposed that such rules, if adopted, will become effective September 1, 1975.

Full text of the proposed rules follows:

SUBCHAPTER 4. IMMUNIZATION OF PUPILS IN SCHOOL

8:57-4.1 Applicability

These regulations shall apply to all pupils attending any public or private school in New Jersey, including child care centers, nursery schools and kindergartens, except that the regulations shall not apply to pupils under one year of age.

8:57-4.2 Pupils not having proof of immunization

No principal or other person in charge of a school shall knowingly admit or retain any pupil who has not submitted acceptable evidence of immunization according to the schedule specified below, except when there are exemptions as noted in this Subchapter.

8:57-4.3 Immunizations which are medically contraindicated

(a) A pupil shall not be required to have any immunizations which are medically contraindicated.

(b) A written statement from any physician licensed to practice medicine or osteopathy in any jurisdiction in the United States that an immunization is medically contraindicated for a specified period of time, and the reasons for the medical contraindication, will exempt a pupil from the specific immunization requirements of this Subchapter for the period of time specified in the physician's statement.

(c) The physician's statement shall be maintained by the school as part of the immunization record of the pupil.

8:57-4.4 Exemptions; parent or guardian objections

(a) A pupil shall be exempted from mandatory immunization if the parent or guardian of the pupil objects thereto in a written statement signed by the parent or guardian upon the ground that the proposed immunization interferes with the free exercise of the pupil's religious rights.

(b) This statement will be kept by the school as part of the pupil's immunization record.

(c) This exemption may be suspended by the State Commissioner of Health during the existence of an emergency as determined by the State Commissioner of Health.

8:57-4.5 Provisional admission to school

(a) A pupil may be admitted to school on a provisional basis if a physician or health department indicates that immunization of the pupil has already been initiated and that the pupil is in the process of complying with all immunization requirements.

(b) Such provisional admission shall be for a reasonable length of time that is consistent with the immunization schedule set forth in Sections 10, 11, 12 and 13, but shall not exceed one year for completion of all immunization requirements.

8:57-4.6 Documents accepted as evidence of immunization

(a) The following documents will be accepted as evidence of a pupil's immunization history provided that the individual immunizations and the date when each immunization was administered is listed:

1. An official school record from any school indicating compliance with the immunization requirements of this Subchapter.

2. A record from any public health department indicating compliance with the immunization requirements of this Subchapter.

3. A certificate signed by a physician licensed to practice medicine or osteopathy in any jurisdiction in the United States indicating compliance with the immunization requirements of this Subchapter.

4. For pupils seven years of age or over, a written statement from a parent or guardian of a pupil indicating compliance with immunization requirements of this Subchapter will be acceptable only for the academic year 1975-1976. These records when entered into official school immunization records, shall be considered as adequate evidence of immunization throughout the remaining years of school attendance of such pupil.

8:57-4.7 Records required

(a) Every school shall maintain a record of immunization for every pupil which shall include the date of each individual immunization.

(b) A standard record of immunization shall hereafter be maintained by every school on forms supplied by the State Department of Health for all new school entrants under seven years of age and for pupils of all ages transferring from out-of-state schools.

(c) If a pupil transfers to another school, this record, or a copy thereof, shall be sent to the new school by the original school.

8:57-4.8 Reports to be sent to State Health Department

(a) A report of the immunization status of the pupils in every school shall be sent each year to the State Department of Health by the principal or other person in charge of a school.

(b) The form for this report shall be provided by the State Department of Health.

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(c) During the academic years 1975-1976 and 1976-1977, this report shall include all students and shall be submitted by February 1 of the respective academic year. Thereafter, the report shall be limited to the immunization of school entrants and transfer students and shall be submitted by December 1 of each academic year.

(d) A copy of this report shall be sent to the local board of health in whose jurisdiction the school is located.

8:57-4.9 Records available for inspection

The principal or other person in charge of a school shall make immunization records available for inspection by authorized representatives of the State Department of Health or the local board of health in whose jurisdiction the school is located.

8:57-4.10 Diphtheria and tetanus toxoids and pertussis vaccine

Every pupil shall have received four doses of diphtheria and tetanus toxoids and pertussis vaccine (DTP), and the last dose shall be administered not less than six months after the previous dose, except that pupils over six years of age who have not completed these requirements shall have received tetanus and diptheria toxoids, adult type (Td) instead of DTP. For pupils seven years of age and older who have not completed these requirements, any combination of three doses of either DTP or Td, provided that the last dose was administered not less than six months after the preceeding dose, shall be acceptable as adequate immunization with this vaccine series. Pupils who have not received any vaccines containing tetanus toxoid in ten years shall receive a booster dose of tetanus and diphtheria toxoids, adult type (Td).

8:57-4.11 Poliomyelitis vaccine

(a) Every pupil shall have received at least three doses of poliomyelitis vaccine, live, oral, trivalent and the last dose must have been administered not less than six months after the previous dose.

(b) If a pupil has received poliomyelitis vaccine, live, oral, type 1; poliomyelitis vaccine, live, oral, type 2; and poliomyelitis, live, oral, type 3; this will be accepted in lieu of the first two doses of poliomyelitis vaccine, live, oral trivalent.

8:57-4.12 Measles virus vaccine

(a) Every pupil shall have received one dose of measles virus vaccine, live, attenuated, or any vaccine combination containing measles virus vaccine, live, attenuated, administered after one year of age.

(b) Pupils receiving measles vaccine prior to one year of age shall be revaccinated.

(c) Pupils with a history of having had the disease measles (rubeola) shall not be required to receive measles vaccine.

8:57-4.13 Rubella vaccine

(a) Every pupil shall have received one dose of rubella virus vaccine, live, or any vaccine combination containing rubella virus vaccine, live.

(b) Rubella virus vaccine, live, shall not be required in pupils over 12 years of age.

8:57-4.14 Providing immunization

(a) A board of education may provide, at public expense, the necessary equipment, materials and services for immunizing pupils with the following immunizing agents, either singly or in combination:

1. Diphtheria toxoid;
2. Pertussis vaccine;
3. Tetanus toxoid;
4. Measles virus vaccine, live, attenuated;
5. Rubella virus vaccine, live;
6. Poliomyelitis vaccine, live, oral trivalent;
7. Other immunizing agents when specifically authorized to do so by the State Department of Health.

8:57-4.15 Effective date

These regulations shall become effective on September 1, 1975.

A public hearing respecting the proposed action will be conducted by the Public Health Council in accordance with the provisions of N.J.S.A. 26:1A-7 on Monday, April 21, 1975, at 10:00 A.M. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Dr. Ronald Altman
State Epidemiologist
State Department of Health
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Revisions for Persons Entitled to Fill Prescriptions

On March 11, 1975, Watson E. Neiman, Acting State Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 8:65-7.6, concerning persons entitled to fill prescriptions, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 56(a).

An order adopting these revisions was filed and effective March 12, 1975, as R.1975 d.55.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through last month. It is adjusted the month **following** the mailing of Code update pages.

Since the most recent update, the various State Departments have adopted the following rules — which have been printed in the Register but are not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

N.J.A.C. Citation		Document Citation	Adoption Notice (N.J.R. Citation)
CHIEF EXECUTIVE — TITLE 1			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R. 1974 d.33	6 N.J.R. 94(a)
1:6-1.1 et seq.	Revised rules on motor gasoline	R. 1974 d.86	6 N.J.R. 162(b)
1:6-3.1	Revised alternate day gas purchase program	R. 1974 d.75	6 N.J.R. 162(a)
AGRICULTURE — TITLE 2			
2:3-2.5	Requirements on equidae entering New Jersey	R. 1974 d.55	6 N.J.R. 130(a)
2:5-2.1(f)	Revisions for quarantining and branding of infectious anemia horses	R. 1974 d.256	6 N.J.R. 386(c)
2:5-2.2	Horses consigned from out-of-State to horse auction markets	R. 1974 d.255	6 N.J.R. 386(b)
2:7-1.1	Fees for inspections on State holidays	R. 1974 d.300	6 N.J.R. 462(a)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R. 1974 d.41	6 N.J.R. 96(a)
2:20-4.1	Subcoccinella viginliqualuorpunctata quarantine	R. 1974 d.153	6 N.J.R. 254(b)
2:22-1.1	Control of ceriferus (or Japanese) wax scale	R. 1974 d.130	6 N.J.R. 254(a)
2:33-1.1	Agricultural fairs	R. 1974 d.254	6 N.J.R. 386(a)
2:48-6.1 et seq.	Sale of milk in new container size	R. 1974 d.72	6 N.J.R. 166(b)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R. 1974 d.91	6 N.J.R. 166(c)
2:54-3.4	Amendment on handling of milk in New Jersey marketing areas	R. 1974 d.283	6 N.J.R. 422(a)
2:54-3.5	Amendment to milk handling order	R. 1975 d.44	7 N.J.R. 126(a)
2:67-1.1	Prompt settlement	R. 1974 d.42	6 N.J.R. 96(b)
BANKING — TITLE 3			
3:1-1.1	Revisions concerning interest rates	R. 1974 d.132	6 N.J.R. 255(b)
		R. 1974 d.140	6 N.J.R. 255(b)
3:1-1.1	Revised interest rate	R. 1974 d.247	6 N.J.R. 387(b)
3:1-1.1	Revisions concerning interest rates	R. 1975 d.21	7 N.J.R. 94(b)
3:1-2.26	Fees; conversion from mutual to capital stock association	R. 1974 d.298	6 N.J.R. 463(c)
3:1-4.1 et seq.	Revisions in governmental unit deposit protection	R. 1974 d.119	6 N.J.R. 218(b)
3:1-6.1 et seq.	Rules on fees	R. 1974 d.221	6 N.J.R. 342(a)
3:6-5.1 et seq.	Revisions concerning Federal funds transactions	R. 1974 d.27	6 N.J.R. 97(b)
3:6-8.1	Registrar and transfer agents filings	R. 1974 d.177	6 N.J.R. 297(a)
3:6-8.1	Rescind rule on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:7-2.1 et seq.	Revisions on safe and sound methods of banking	R. 1975 d.71	7 N.J.R. 128(d)
3:7-4.1 et seq.	Delete entire text and reserve	R. 1975 d.71	7 N.J.R. 128(d)
3:8-3.1	Revisions on reserves of banks not members of Federal Reserve	R. 1974 d.350	7 N.J.R. 45(b)
3:8-3.1(a)4.	Revision on required reserves for banks not members of Federal Reserve System	R. 1975 d.40	7 N.J.R. 128(c)
3:8-5.1	Revisions on reserve required by savings banks	R. 1974 d.357	7 N.J.R. 45(a)
3:8-5.1	Revisions on reserves required by savings banks	R. 1975 d.39	7 N.J.R. 128(b)
3:10-4.1 et seq.	Revisions in ratio of mortgage loan to appraised value	R. 1974 d.78	6 N.J.R. 168(a)
3:11-1.1	Revised listing of obligations	R. 1974 d.93	6 N.J.R. 168(b)
3:11-8.1	Investment securities; savings banks	R. 1974 d.145	6 N.J.R. 256(a)
3:12-1.1 et seq.	Rules on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:16-2.1	Revisions concerning pawnbroking service charges	R. 1974 d.7	6 N.J.R. 51(a)
3:18-8.1	Banking institution	R. 1974 d.135	6 N.J.R. 255(a)
3:18-9.1 et seq.	Interest rate regulation Number 1	R. 1974 d.199	6 N.J.R. 298(a)
3:18-9.1	Revised interest rate Regulation 2 for secondary mortgages	R. 1975 d.53	7 N.J.R. 128(a)

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CIVIL SERVICE — TITLE 4

4:1-17.24	Payments to State employees for unused sick leave	R. 1974 d.257	6 N.J.R. 388(a)
4:1-17.24 (h) & (i)	Retirees' payment concerning unused sick leave	R. 1975 d.2	7 N.J.R. 46(a)
4:1-17.24 (j)	Employees of A. Harry Moore School and unused sick leave payments	R. 1975 d.1	7 N.J.R. 45(c)

COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Revisions for construction and maintenance of hotels	R. 1974 d.206	6 N.J.R. 301(a)
5:10-19.4(c)	Revised exterior lighting requirements	R. 1974 d.14	6 N.J.R. 55(a)
5:10-19.4(l)	Revised heating requirements	R. 1974 d.14	6 N.J.R. 55(a)
5:13-1.1	Revise definitions of gross shelter rent and condominium	R. 1974 d.166	6 N.J.R. 256(b)
5:21-2.1(a)2.	Revisions to Uniform Standard Code for mobile homes	R. 1974 d.275	6 N.J.R. 427(b)
5:30-1.7	Implementation of Housing and Community Development Act of 1974	R. 1974 d.342	7 N.J.R. 2(c)

EDUCATION — TITLE 6

6:1-2.2	Revisions concerning regular meetings	R. 1974 d.38	6 N.J.R. 100(b)
6:8-1.1 et seq.	Repeal rules on nonpublic school secular education	R. 1974 d.246	6 N.J.R. 390(b)
6:20-4.1 et seq.	Revisions to rules concerning determination of tuition formula	R. 1974 d.241	6 N.J.R. 390(a)
6:20-6.1 et seq.	Purchase and loan of textbooks	R. 1974 d.240	6 N.J.R. 389(a)
6:21-1.4	Retirement of school buses	R. 1974 d.176	6 N.J.R. 302(c)
6:21-2.2	Registration revisions	R. 1975 d.5	7 N.J.R. 46(b)
6:21-2.6	Registration procedures	R. 1975 d.5	7 N.J.R. 46(b)
6:21-6.26	Revisions concerning bus mirror specifications	R. 1974 d.142	6 N.J.R. 258(b)
6:21-6.31(f)	Stanchions and guardrails	R.1975 d.6	7 N.J.R. 46(c)
6:21-11.3(d)	Revisions concerning bus driver procedures	R. 1974 d.141	6 N.J.R. 258(a)
6:21-8.2 et seq.	Revised rules concerning pupil transportation	R. 1974 d.90	6 N.J.R. 172(c)
6:21-18.25(3)	Stanchions and handrails	R. 1975 d.6	7 N.J.R. 46(c)
6:22-5.1(d)	Revised general provisions	R. 1975 d.7	7 N.J.R. 47(a)
6:22-9.1	Revisions on mechanical air supply	R. 1975 d.7	7 N.J.R. 47(a)
6:29-4.2	Revisions concerning testing for tuberculosis	R. 1974 d.154	6 N.J.R. 258(c)
		R. 1974 d.155	6 N.J.R. 258(c)
6:37-1.1 et seq.	Educational centers of research and demonstration	R. 1974 d.173	6 N.J.R. 301(e)
6:39-1.3(e)	Rescind rule on evaluation and interpretation of data	R 1974 d.304	6 N.J.R. 470(b)
6:43-2.6(d)	Vocational program services	R. 1974 d.168	6 N.J.R. 261(a)
6:47-1.2(h)	Vocational-management services	R. 1974 d.174	6 N.J.R. 301(c)
6:68-4.1 et seq.	State library assistance programs	R. 1974 d. 175	6 N.J.R. 302(a)
6:78-1.1 et seq.	Revisions concerning Marie H. Katzenbach School for the Deaf	R. 1974 d.167	6 N.J.R. 259(a)
6:78-1.3	Transportation revisions	R. 1974 d.70	6 N.J.R. 132(a)
6:79-1.8	Guidelines for free and reduced-price lunches	R. 1974 d.198	6 N.J.R. 302(e)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-3.5	Extension of emergency sulfur rules, Order 39	R. 1974 d.64	6 N.J.R. 134(a)
7:1-4.1 et seq.	Importation of solid and liquid waste from outside New Jersey	R. 1974 d.10	6 N.J.R. 58(a)
7:2-2.8 et seq.	Revisions concerning lands under Bureau of Parks	R. 1974 d.13	6 N.J.R. 60(a)
7:2-2.13	Revised charges at State parks	R. 1975 d.75	7 N.J.R. 151(b)
7:6-5.2	Repeal rule on registration for livery vessels	R. 1974 d.102	6 N.J.R. 178(a)
7:7A-1.1(a)14.	Extend wetland order to portions of Salem County	R. 1974 d.188	6 N.J.R. 306(a)
7:7A-1.1(a)15.	Extend Wetlands Order to parts of Cumberland County	R. 1975 d.32	7 N.J.R. 103(a)
7:7C-1.1 et seq.	Revised procedural rules concerning hearings	R. 1974 d.32	6 N.J.R. 101(c)
7:7C-1.1 et seq.	Rules on hearings under Coastal Area Facilities Review Act	R. 1974 d.26	6 N.J.R. 101(b)
7:7C-1.1 et seq.	Repeal of rules on hearings under Coastal Area Review Act	R. 1974 d.162	6 N.J.R. 263(c)
7:9-4.1 et seq.	Revise surface water quality standards	R. 1974 d.310	6 N.J.R. 470(c)
7:9-5.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-6.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-7.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-8.38 et seq.	Transfer treatment standard rules formerly cited as N.J.A.C. 7:9-7.29 - .34	R. 1974 d.310	6 N.J.R. 470(c)
7:9-11.1 et seq.	Allocation of waste loads to point source discharges	R. 1974 d.151	6 N.J.R. 263(b)
7:11-2.1 et seq.	Revised general rate schedule for Delaware and Raritan Canal water	R. 1974 d.362	7 N.J.R. 49(a)
7:11-3.1 et seq.	Revised rules on use of water from Delaware and Raritan canal	R. 1974 d.363	7 N.J.R. 50(a)
7:12-1.1 et seq.	Shellfish growing water classifications	R. 1974 d.99	6 N.J.R. 175(b)
7:12-1.2(a)39.	Condemn shellfish beds in portion of Atlantic Ocean	R. 1974 d.336	7 N.J.R. 6 (b)
7:12-1.2(a) 40	Condemnation of certain shellfish beds	R. 1975 d.51	7 N.J.R. 152(a)
7:12-1.2(a)39.	Revised condemnations of shellfish beds in Atlantic Ocean	R. 1975 d.18	7 N.J.R. 102(a)
7:12-1.3	Opening of certain shellfish beds	R. 1975 d.27	7 N.J.R. 102(c)
7:15-1.1 et seq.	Guidelines under N.J. Industrial Pollution Control Financing Law	R. 1974 d.268	6 N.J.R. 394(b)

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7:25-2.15	Revisions concerning controlled hunting	R. 1974 d.150	6 N.J.R. 263(a)
7:25-5.1 et seq.	1974-75 Game Code adopted	R. 1974 d.149	6 N.J.R. 262(c)
7:25-6.1 et seq.	1975 Fish Code	R. 1974 d.253	6 N.J.R. 394(a)
7:25-7.1 et seq.	Revisions in shellfish-growing water classification	R. 1974 d.44	6 N.J.R. 103(a)
7:25-7.1 et seq.	Delete current text and mark Subchapter as "Reserved"	R. 1974 d.99	6 N.J.R. 175(b)
7:25-7.7	Open shellfish beds; Fitney Bit bed	R. 1974 d.107	6 N.J.R. 228(a)
7:25-7.8	Conservation order opening certain oyster beds	R. 1974 d.124	6 N.J.R. 228(b)
7:25-7.9	Conservation order closing certain seal clam beds	R. 1974 d.139	6 N.J.R. 262(a)
7:25-7.10	Oyster seed beds for 1975 season	R. 1975 d.74	7 N.J.R. 151(a)
7:25-9.2	Revised Resolution No. 111; clams	R. 1974 d.148	6 N.J.R. 262(b)
7:25-11.1	List of endangered species	R. 1974 d.348	7 N.J.R. 6 (c)
7:26-1.1 et seq.	Revisions to rules of Bureau of Solid Waste Management	R. 1974 d.172	6 N.J.R. 305(c)
7:26-2.5 et seq.	Revisions on rules of Bureau of Solid Waste Management	R. 1974 d.234	6 N.J.R. 343(c)
7:26-2.6(d)4.	Revised effective date for solid waste facilities	R. 1975 d.66	7 N.J.R. 149(b)
7:27-12.6	Delete rule on powers of Director of Div. of Environmental Quality	R. 1974 d.125	6 N.J.R. 228(c)
7:27-15.1 et seq.	Revisions in emission inspection standards light-duty motor vehicles	R. 1974 d.169	6 N.J.R. 305(b)
7:27-15.4(b)	Postponement of Phase II of auto emission inspection standards	R. 1975 d.22	7 N.J.R. 102(b)
7:27B-1.1 et seq.	Sampling and analytical procedures	R. 1974 d.360	7 N.J.R. 48(a)
7:27B-2.1 et seq.	Procedures for visual determination of emissions from sources	R. 1975 d.76	7 N.J.R. 144(a)
7:29-1.1 et seq.	Noise control regulations	R. 1974 d.12	6 N.J.R. 59(b)
7:30-1.1 et seq.	Pesticides control	R. 1974 d.11	6 N.J.R. 59(a)

HEALTH — TITLE 8

8:2-1.1	Revisions for birth records of children born out of wedlock	R. 1974 d.104	6 N.J.R. 185(b)
8:8-1.2 et seq.	Revisions for processing, storage and distribution of blood	R. 1974 d.334	7 N.J.R. 7(a)
8:13-1.1 et seq.	Sanitation, handling, shipping and shucking of shellfish	R. 1974 d.185	6 N.J.R. 310(b)
8:21-2.38	Bacteriological standards for potentially hazardous foods	R. 1974 d.204	6 N.J.R. 311(a)
8:21-4.44	Expiration dates for fluid milk products	R. 1974 d.143	6 N.J.R. 264(a)
8:21-4.44	Amend rule on expiration dates for fluid milk products	R. 1974 d.361	7 N.J.R. 56(b)
8:21-9.3(a)	Delete exemption for wholesale handling of raw shellfish	R. 1974 d.184	6 N.J.R. 310(a)
8:25-1.1 et seq.	Standards concerning New Jersey Youth Camp Safety Act	R. 1974 d.156	6 N.J.R. 264(b)
8:30-5.1(a)1.	Revisions concerning nursing personnel	R. 1974 d.88	6 N.J.R. 185(a)
8:31-8.1(d)	Significant change in cost financing	R. 1974 d.65	6 N.J.R. 140(c)
8:31-10.1	Licensing of drug-related facilities	R. 1974 d.193	6 N.J.R. 310(c)
8:31-11.1	Voluntary discontinuance of regular service in any health care facility	R. 1974 d.195	6 N.J.R. 310(e)
8:31-14.1 et seq.	1975 hospital rate review	R. 1975 d.54	7 N.J.R. 152(b)
8:32-1.1 et seq.	1974-75 State Plan for hospitals and related health care services	R. 1974 d.196	6 N.J.R. 310(f)
8:32-1.18	Definition of rehabilitation services	R. 1975 d.77	7 N.J.R. 164(f)
8:32-3.1	Procedures for adjustment of State Plan for hospitals	R. 1974 d.260	6 N.J.R. 397(b)
8:32-3.1	Revisions for adjustment of State Plan	R. 1974 d.318	6 N.J.R. 472(d)
8:33-1.11	Skilled nursing and intermediate care beds	R. 1974 d.20	6 N.J.R. 63(b)
8:33-1.11	Continuation of mixing skilled nursing facilities and intermediate care beds, levels A and B	R. 1974 d.315	6 N.J.R. 472(a)
8:33-1.11	Revised policy on skilled nursing and intermediate care beds	R. 1974 d.317	6 N.J.R. 472(c)
8:33-1.11(b)	Revisions on extension of program of multiple levels of care	R. 1975 d.61	7 N.J.R. 164(e)
8:33-1.12	Processing of certificate of need applications	R. 1974 d.194	6 N.J.R. 310(d)
8:33-1.13	Scheduling and completing hearings for certificate of need applicants	R. 1974 d.269	6 N.J.R. 397(d)
8:35-1.1 et seq.	Revised criteria on mixed obstetric and gynecologic floors	R. 1975 d.60	7 N.J.R. 164(d)
8:37-1.1 et seq.	Manual of standards for intermediate care facilities	R. 1974 d.21	6 N.J.R. 63(c)
8:38-1.1 et seq.	Rules concerning HMOs	R. 1974 d.320	6 N.J.R. 473(a)
8:40-4.1 et seq.	Interim regulations for abortion facilities with temporary license	R. 1974 d.215	6 N.J.R. 345(c)
8:40-5.1	Reporting abortions performed in hospitals	R. 1974 d.316	6 N.J.R. 472(b)
8:43-1.1 et seq.	Boarding home for sheltered care	R. 1974 d.319	6 N.J.R. 472(e)
8:51-4.18	Compulsory rabies vaccination of dogs	R. 1974 d.54	6 N.J.R. 140(b)
8:57-1.1(a)	Add pertussis to list of reportable diseases	R. 1974 d.121	6 N.J.R. 241(c)
8:65-2.4(c)	Revisions concerning other security controls for nonpractitioners	R. 1974 d.261	6 N.J.R. 397(c)
8:65-2.5	Physical security controls for practitioners	R. 1974 d.103	6 N.J.R. 184(b)
8:65-6.8(a)4.	Amendment on persons entitled to fill order forms	R. 1975 d.56	7 N.J.R. 164(a)
8:65-7.3(c)	Amendment on persons entitled to issue prescriptions	R. 1975 d.58	7 N.J.R. 164(b)
8:65-7.6	Revisions on persons entitled to fill prescriptions	R. 1975 d.55	7 N.J.R. 155(a)
8:65-10.1	Revised schedules of controlled dangerous substances	R. 1974 d.2	6 N.J.R. 63(a)
8:65-10.1(a)4.	Extend emergency rule for mecloqualone on a permanent basis	R. 1974 d.106	6 N.J.R. 241(b)
8:65-11.1 et seq.	Narcotic treatment program	R. 1975 d.59	7 N.J.R. 164(c)

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HIGHER EDUCATION — TITLE 9

9:2-7.6(c)	Revised functions of Committee on Appeals	R. 1975 d.36	7 N.J.R. 104(a)
9:4-7.1 et seq.	Tenure guidelines for community colleges	R. 1974 d.210	6 N.J.R. 345(d)
9:9-1.12(a)d.	Student loans policies and procedures	R. 1974 d.50	6 N.J.R. 141(a)

INSTITUTIONS AND AGENCIES — TITLE 10

10:35-1.1 et seq.	Standards of the Division of Correction and Parole	R. 1973 d.349	6 N.J.R. 15(c)
10:35-7.4(b) et seq.	Revised standards	R. 1974 d.273	6 N.J.R. 432(b)
10:35-18.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-19.12	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-28.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.3(b)	Revised fee schedules	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.5	Waiver of payment by court order	R. 1974 d.356	7 N.J.R. 59(b)
10:35-63.1 et seq.	Inmate responsibility for personal property of substantial value	R. 1974 d.273	6 N.J.R. 432(b)
10:35-64.1 et seq.	Inmate marriages	R. 1974 d.273	6 N.J.R. 432(b)
10:35-65.1 et seq.	Volunteers in parole program	R. 1974 d.356	7 N.J.R. 59(b)
10:35-66.1 et seq.	Probable cause hearing	R. 1974 d.356	7 N.J.R. 59(b)
10:35-67.1 et seq.	Distribution of money and personal belongings of deceased inmates	R. 1974 d.356	7 N.J.R. 59(b)
10:35-68.1 et seq.	Inmates' personal savings accounts	R. 1974 d.356	7 N.J.R. 59(b)
10:37-6.1 et seq.	State aid, community mental health	R. 1974 d.69	6 N.J.R. 151(a)
10:49-1.18(b)13.	Amendment concerning provider participation	R. 1974 d.112	6 N.J.R. 245(c)
10:49-1.20	Multi-location providers	R. 1973 d.323	5 N.J.R. 420(b)
10:49-1.21	Dental providers	R. 1973 d.340	6 N.J.R. 14(d)
10:49-1.22	Prohibition on factoring	R. 1973 d.313	5 N.J.R. 415(b)
10:49-1.24	Pharmaceutical providers	R. 1973 d.249	5 N.J.R. 341(e)
10:50-1.1	Revised definitions in transportation manual	R. 1974 d.113	6 N.J.R. 245(d)
10:50-1.1 et seq.	Revision concerning transportation services	R. 1974 d.52	6 N.J.R. 150(a)
10:50-1.10	Revised loading charges	R. 1974 d.113	6 N.J.R. 245(d)
10:50-1.10(g)	Payment for legend drugs	R. 1974 d.19	6 N.J.R. 68(c)
10:51-1.1 et seq.	Revisions in pharmaceutical services	R. 1973 d.304	5 N.J.R. 384(a)
10:51-1.2	Definition of eligible pharmacies in New Jersey	R. 1974 d.297	6 N.J.R. 477(c)
10:51-1.10	Revisions concerning pharmacy providers	R. 1974 d.312	6 N.J.R. 478(c)
10:52-1.1 et seq.	Revised portions of hospital manual	R. 1974 d.201	6 N.J.R. 313(a)
10:52-1.2(a) 18.	Revisions on hospital services	R. 1974 d.296	6 N.J.R. 478(a)
10:52-1.4	Revisions in special provisions for general hospitals	R. 1974 d.339	7 N.J.R. 8(a)
10:54-1.1 et seq.	Revised physicians manual	R. 1974 d.68	5 N.J.R. 150(c)
10:54-1.2(f)	Revisions on long-term care facilities	R. 1975 d.42	7 N.J.R. 166(a)
10:54-1.19	Revisions concerning specialist recognition	R. 1974 d.201	6 N.J.R. 313(a)
10:54-1.19	Revisions concerning specialists	R. 1974 d.311	6 N.J.R. 478(b)
10:54-3.1 et seq.	Revised procedure codes	R. 1974 d.84	6 N.J.R. 195(c)
10:55-1.2	Revisions concerning eligible providers; prosthetic, orthotic manual	R. 1974 d.187	6 N.J.R. 312(e)
10:56-1.3	Procedures not requiring prior authorization	R. 1974 d.53	6 N.J.R. 150(b)
10:56.1.4	Procedures requiring prior authorization	R. 1974 d.53	6 N.J.R. 150(b)
10:56-1.29(h) et seq.	Revisions concerning dental services	R. 1974 d.114	6 N.J.R. 246(a)
10:56-1.42	Specialist referral	R. 1974 d.53	6 N.J.R. 150(b)
10:56-1.48	Recovery of payments correctly made	R. 1974 d.202	6 N.J.R. 313(b)
10:56-2.1(d)	Dental providers	R. 1974 d.203	6 N.J.R. 313(c)
10:57-1.1 et seq.	Revisions to Podiatry Manual	R. 1974 d.161	6 N.J.R. 266(a)
10:57-2.1 et seq.	Revisions on billing procedures	R. 1974 d.222	6 N.J.R. 351(c)
10:59-1.7(a)6.	Revised prior authorization and medical supply services	R. 1975 d.31	7 N.J.R. 105(b)
10:62-1.1 et seq.	Revisions to vision care manual	R. 1974 d.181	6 N.J.R. 312(c)
10:63-1.10(a)5.	Revisions on long-term care facilities	R. 1975 d.42	7 N.J.R. 166(a)
10:63-1.12	Skilled nursing facility requirements	R. 1974 d.29	6 N.J.R. 117(b)
10:63-1.13	Plans of correction of deficiencies	R. 1974 d.343	7 N.J.R. 9(a)
10:63-3.1 et seq.	Cost study for skilled facility services; instructions	R. 1974 d.43	6 N.J.R. 117(c)
10:64-1.2 et seq.	Revisions to hearing aid manual	R. 1975 d.14	7 N.J.R. 58(b)
10:65-1.2	Plans of correction for deficiencies	R. 1974 d.343	7 N.J.R. 9(a)
10:66-1.1 et seq.	Manual for independent clinic services	R. 1973 d.228	5 N.J.R. 339(b)
10:66-1.3	Out-of-State clinics	R. 1974 d.295	6 N.J.R. 477(b)
10:66-1.10	Revisions concerning podiatry services	R. 1974 d.144	6 N.J.R. 264(d)
10:66-1.12	Revisions concerning dental services	R. 1974 d.144	6 N.J.R. 264(d)
10:67-1.1 et seq.	Manual for psychological services	R. 1973 d.368	6 N.J.R. 68(a)
10:67-2.1 et seq.	Revised procedure for Administrative Code numbers	R. 1974 d.245	6 N.J.R. 399(b)
10:68-1.1 et seq.	Manual for chiropractic services	R. 1973 d.369	6 N.J.R. 68(b)

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10:81-1.1 et seq.	New Public Assistance Manual	R. 1975 d.29	7 N.J.R. 105(c)
10:81-3.3(i)	Revisions on noncontributory persons in a household	R. 1975 d.64	7 N.J.R. 167(b)
10:81-24.94	Eligibility for continued assistance	R. 1973 d.345	6 N.J.R. 15(b)
10:81-26.9(a)3.	Child born out of wedlock; assistance	R. 1974 d.22	6 N.J.R. 67(a)
10:81-26.52(d)	No denial of assistance	R. 1974 d.22	6 N.J.R. 67(a)
10:81-28.1	Noncontributing person(s) in the household	R. 1974 d.51	6 N.J.R. 149(a)
10:81-28.2	Citizenship and alien status	R. 1974 d.120	6 N.J.R. 246(b)
10:81-28.3	Recoupment of overpayments	R. 1974 d.287	6 N.J.R. 435(b)
10:81-28.4	Periodic notice to client	R. 1974 d.287	6 N.J.R. 435(b)
10:82-1.1	Revised definition of household	R. 1973 d.235	5 N.J.R. 340(a)
10:82-1.1	Revised definition of household	R. 1974 d.51	6 N.J.R. 149(a)
10:82-3.2	AFDC program	R. 1974 d.205	6 N.J.R. 312(b)
10:82-3.2(b)	Eligible unit	R. 1973 d.242	5 N.J.R. 341(b)
10:82-3.3	AFWP program	R. 1973 d.239	5 N.J.R. 340(e)
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10:82-11.28	Responsible relative's obligatory support to the eligible unit	R. 1973 d.244	5 N.J.R. 341(d)
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11:2-12.1 et seq.	Mass marketing of property and liability insurance	R. 1974 d.271	6 N.J.R. 408(a)
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13:2-21.30	Revisions concerning law enforcement officers	R. 1974 d.341	7 N.J.R. 13(a)
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13:33-1.13 et seq.	Revised rules for ophthalmic dispensers and technicians	R. 1974 d.66	6 N.J.R. 153(a)
13:33-1.38	Minimum standards and tolerances	R. 1974 d.262	6 N.J.R. 411(a)
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16:28-1.14	Revised rules on rates of speed on Route 33	R. 1975 d.17	7 N.J.R. 118(b)
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16:28-1.63	Revise rates of speed on Route U.S. 22	R. 1974 d.326	7 N.J.R. 32(c)
16:28-1.67	Revisions to rates of speed on parts of U.S. 202	R. 1974 d.325	7 N.J.R. 32(b)
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16:28-1.100	Revised speed limits on Route 439	R. 1975 d.50	7 N.J.R. 178(c)
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17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R. 1974 d.231	6 N.J.R. 361(b)
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17:9-2.15	Major medical; separate plans	R. 1975 d.68	7 N.J.R. 181(a)
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17:10-5.7	Revised employer disability application; employee notice	R. 1974 d.335	7 N.J.R. 34(a)
17:16-5.4	Revised demand group	R. 1975 d.11	7 N.J.R. 76(b)
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17:16-6.1(a)8.	Add Federal Financing Bank to approved list	R. 1974 d.323	6 N.J.R. 496(a)
17:16-7.3	Delete from revolving housing development grant fund	R. 1974 d.191	6 N.J.R. 328(b)
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17:16-32.9(b)	Revisions concerning admission date	R. 1974 d.35	6 N.J.R. 124(d)
18:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R. 1974 d.265	6 N.J.R. 416(b)
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18:12A-1.16	Electronic Data processing and tax assessment lists	R. 1974 d.242	6 N.J.R. 414(c)
18:22-7.6	Gross receipts from transactions; municipal electric supply operations	R. 1975 d.45	7 N.J.R. 180(a)
18:24-10.4	Acceptance in good faith	R. 1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R. 1974 d.244	6 N.J.R. 414(e)
18:24-11.2	Filing of monthly and quarterly returns	R. 1975 d.4	7 N.J.R. 77(a)
18:24-22.1 et seq.	Sales by floor covering dealers	R. 1974 d.123	6 N.J.R. 251(a)
18:24-23.1 et seq.	Rules on bad debts	R. 1974 d.96	6 N.J.R. 208(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R. 1974 d.252	6 N.J.R. 415(a)
18:26-8.10	Amendments concerning valuations	R. 1974 d.34	6 N.J.R. 124(c)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making of loans to mortgage lenders	R. 1974 d.233	6 N.J.R. 370(b)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R. 1974 d.251	6 N.J.R. 418(b)
19:3A-1	Indemnification for Meadowlands District	R. 1974 d.83	6 N.J.R. 209(b)
19:3A-1.2	Hackensack Meadowlands annual meeting	R. 1974 d.133	6 N.J.R. 281(a)
19:3A-2.1	Required land use and control meadows; flood insurance	R. 1974 d.213	6 N.J.R. 369(b)
19:3A-2.2	Securing coverage under National Flood Insurance Program	R. 1974 d.212	6 N.J.R. 361(d)
19:4-4.4 et seq.	Revised Hackensack Meadowlands zoning regulations	R. 1974 d.1	6 N.J.R. 87(b)
19:4-6.19	Appointment and operation of environmental design committee	R. 1974 d.82	6 N.J.R. 209(a)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R. 1974 d.214	6 N.J.R. 369(a)
19:7-1.1(g)	Revised Meadowland sanitary landfill rules	R. 1974 d.49	6 N.J.R. 158(d)
19:7-1.1(h)	Revisions concerning Meadowlands sanitary landfill	R. 1974 d.129	6 N.J.R. 280(c)

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(Continued from Page 31)

(a)

HEALTH

THE COMMISSIONER

Amendment on Persons Entitled to Fill Order Forms

On March 11, 1975, Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted N.J.A.C. 8:65-6.8 (a) 4., concerning persons entitled to fill order forms, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 55(a).

An order adopting this amendment was filed and effective March 12, 1975, as R.1975 d.56.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Amendment for Persons Entitled to Issue Prescriptions

On March 11, 1975, Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted N.J.A.C. 8:65-7.3(c), concerning persons entitled to issue prescriptions, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 54(a).

An order adopting this amendment was filed and effective March 12, 1975, as R.1975 d.58.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Rules on Narcotic Treatment Program

On March 11, 1975, Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, cited as N.J.A.C. 8:65-11.1 et seq., concerning the narcotic treatment program, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 50(c).

An order adopting these rules was filed and effective March 12, 1975, as R.1975 d.59.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Revised Criteria for Mixed Obstetric and Gynecologic Floors

On March 12, 1975, Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised criteria for mixed obstetric and gynecologic floors, to be cited as N.J.A.C. 8:35-1.1 et seq., as proposed in the Notice published February 6, 1975, at 7 N.J.R. 55(c).

An order adopting these revised criteria was filed and effective March 12, 1975, as R.1975 d.60.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(e)

HEALTH

THE COMMISSIONER

Revisions in Extension of Program Of Multiple Levels of Care in Skilled Nursing and Intermediate Care Facilities

On March 11, 1975, Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 8:33-1.11(b), concerning the extension of the program of multiple levels of care in skilled nursing and intermediate care facilities, as proposed in the Notice published February 6, 1975, as R.1975 d.61.

An order adopting these revisions was filed and effective March 12, 1975, as R.1975 d.61.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(f)

HEALTH

THE COMMISSIONER

Definition of Rehabilitation Services

On March 19, 1975, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule cited as N.J.A.C. 8:32-1.18, concerning the definition of rehabilitation services, as proposed in the Notice published December 5, 1974, at 6 N.J.R. 471(a).

An order adopting this rule was filed and effective March 20, 1975, as R.1975 d.77.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments on Noninstitutional Providers

Robert E. Mulcahy III, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise N.J.A.C. 10:49-1.17, concerning noninstitutional providers and the submission of pharmacy claims.

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

10:49-1.17 Noninstitutional providers

(a) All claims for payments for noninstitutional goods or service must be submitted no later than 90 days after the last date the goods or services are furnished.

(b) Pharmacy claims submitted to the contractor will be returned to the provider if they cannot be processed due to insufficient information. All such claims must be resubmitted to the contractor within 90 days from the date the pharmacy received the returned claims or they will be denied payment.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before April 30, 1975, to the Division of Medical Assistance and Health Services, 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 these amendments substantially as proposed without further notice.

Robert E. Mulcahy III
Acting Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed 1975 Cost Study and Instructions for Long-Term Care Facilities

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revised rules and instructions regarding Health Services Program reimbursement for long-term care facility services.

The proposed rules require financial data and other statistical information pertaining to the latest fiscal period for each nursing facility currently participating in the Health Services Program. The cost data will be projected for estimated increase in operating expenses through the middle month of the Health Services Program fiscal year (July 1, 1975, to June 30, 1976). It is anticipated that the projected cost data will be used to establish per diem reimbursement rates for the period of July 1, 1975, to June 30, 1976. These rules will replace the 1974 Cost Study now cited as N.J.A.C. 10:63-3.1 et seq.

Copies of the proposed cost study and instructions may be obtained from:

Chief, Bureau of Claims and Accounts
Division of Medical Assistance and Health Services
P. O. Box 2486
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, at the address above.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions on Six-Month Time Limitation on Claims by Long-Term Care Facilities

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revisions to establish a six-month time limitation on claims submitted by long-term care facilities.

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

10:49-1.17 **Claims submittal time limits** [Noninstitutional providers]

(a) Regarding noninstitutional providers, all claims for payments for institutional goods or services must be submitted no later than 90 days after the last date the goods or services are furnished.

(b) Claims for long-term care facility services and/or authorized therapies that are older than six billing months will be rejected.

1. The Division of Medical Assistance and Health Services will accept all legitimately authorized charges submitted within five months from the last day of the billing month in which services were initially provided.

2. For purposes of this time limitation, a claim is the submission of a properly completed transaction form(s) provided by the Division of Medical Assistance and Health Services indicating a request for reimbursement for authorized long-term care facility services and/or authorized therapy services provided to an eligible recipient and which has been submitted to the Bureau of Claims and Accounts, Division of Medical Assistance and Health Services, within the time limit specified.

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3. In the event an improperly submitted claim is rejected, a new five-month time limitation for resubmission of the rejected claim will begin after the last day of the month in which the claim was rejected.

4. In exceptional cases where it was beyond the control of the long-term care facility to claim reimbursement within the six-month period, a written request for payment may be submitted with documentation to the Bureau of Claims and Accounts, Division of Medical Assistance and Health Services. Retroactive claims will not be approved for payment in those instances where the claim could have been submitted or resubmitted within the time limitation as defined above.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before April 30, 1975, to: Division of Medical Assistance and Health Services, 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 these revisions substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions for Long-Term Care Facilities

On February 26, 1975, Ann Klein, 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 certain rules concerning long-term care facilities substantially as proposed in the Notice published January 9, 1975, at 7 N.J.R. 7(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Institutions and Agencies.

Full text of the adopted revised rules follows:

10:54-1.2

(f) When physician's services are provided to persons in a long-term care facility (skilled nursing facility or intermediate care facility), payment will not be made for any practitioner or therapy services rendered by an owner, partner, administrator, officer, stockholder of the company or corporation or who otherwise has a direct or indirect financial interest in the institution.

10:63-1.10(a)

5. Practitioner or therapy services furnished on a fee-for-service basis by an owner, officer, partner, administrator, stockholder or others having a direct or indirect financial interest in the skilled nursing facility and/or intermediate care facility.

An order adopting these revisions was filed and effective March 4, 1975, as R.1975 d.42.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Amendment to State Plan for Service Programs for Families and Children

On February 28, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency amendments to N.J.A.C. 10:123-4.1, concerning community planning in the State Plan for Service Programs for Families and Children.

Full text of the amended rule follows:

10:123-4.1 Community planning

(a) State and local agency leadership will be developed for participation in those community affairs which will result in the development of community resources necessary to achieve the program objectives of Title IV, Parts A and B.

(b) The Division of Youth and Family Services has established within its organization a Bureau of Resource Development which is charged with the responsibility of assuring the development and availability of community resources and services needed by families and children. Staff of the Bureau of Resource Development will be housed in regional offices. When services, presumably available, cannot be secured for a person, the social services worker will bring this information to the attention of the resource development staff for such interagency exploration as may be appropriate. When needed services are unavailable, or inadequate in scope, variety or quantity to meet the needs of families and children, the agency makes this information known to local planning bodies, works closely with them, and helps to establish such planning groups in communities where they do not exist, to the end that the needed services will be made available.

(c) In order to implement the above, the State agency will, as required, contract with State or local community coordinated child care organizations, State or local public agencies, private organizations or individuals, or comparable formally constructed committees to study, plan, develop and coordinate necessary and appropriate community and family service resources to more adequately meet the needs of families and children. When necessary, contracts will include a provision for funding in accordance with 45 CFR 220.61 and 226.1.

(d) The staffing pattern includes home finders, community resource developers and agency resource developers. Staff will be deployed to four regions as follows: Metropolitan, Northern, Central and Southern. The proportion of staff per region will be based on the distribution of clients per region. Estimated staff complement for the resource development function is 125 caseworkers and 21 assistant supervisors with the Metropolitan Region receiving 32 per cent; Northern

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receiving 22 per cent; Central receiving 25 per cent and Southern receiving 21 per cent.

An order adopting this amended rule was filed and effective March 12, 1975, as R.1975 d.57 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions for Procedure Code Numbers in Physicians Manual

On March 5, 1975, Ann Klein, 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 the procedure code numbers in the Physicians Manual in Chapter 54 of Title 10 of the New Jersey Administrative Code.

Such revisions involve the Code numbers relating to the EPSDT Program.

Full text of the adopted revisions may be obtained by writing to:

Administrative Analyst
Div. of Medical Assistance
and Health Services
Post Office Box 2486
Trenton, New Jersey 08625

An order adopting these revisions was filed and effective March 13, 1975, as R.1975 d.62 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions on Noncontributory Persons in a Household

On March 11, 1975, Ann Klein, 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 N.J.A.C. 10:81-3.15 concerning noncontributory persons in a household, substantially as proposed in the Notice published December 5, 1974, at 6 N.J.R. 476(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

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

10:81-3.15 Noncontributory persons in the household
clude:

(a) In most cases, all those noneligible persons who are part of a household, as defined in Section 111. of the [Financial Assistance Manual], **assistance standards handbook** will be counted in the number in the household when determining the basic allowance set forth in Section 115. **or 116. (Schedule I or II)** of the [Financial Assistance Manual] **assistance standards handbook.**

[When an applicant or recipient contends that a noneligible person (other than a step parent) who is living in the household should not be counted in the household for the purpose of determining the basic allowance, the recipient bears the burden of coming forward with evidence and proving to the county welfare board that the noneligible person does not and cannot contribute his/her share of the household expenses.]

(b) An explanation of the method for determining the noneligible person's share of household expenses (as described below) will be provided to the client. Should the client contend that the noneligible person other than a step parent does not contribute his/her share of household expenses, the client shall be given the opportunity of providing evidence to substantiate such claim. In addition, the client shall execute a sworn affidavit stating that the noneligible person does not contribute his/her share.

1. For the purposes of this Section, the noneligible **person's** [recipient's] **recognized** share of household expenses [means all or a substantial part of] **shall be approximately** the per capita **(one person's share)** [amount] **of the appropriate allowance standards** when the noneligible person is counted in the household size, as set forth in **Schedule I (AFDC) or II (AFWP)** in [Section 115 of the Financial Assistance Manual] **the assistance standards handbook.**

(c) When an applicant or recipient has brought forth evidence and established that the noneligible household member is not contributing his/her share of the household expenses, the noneligible household member shall not be counted in the "number in the household" for the purpose of arriving at the basic allowance. [set forth in Section 115. of the Financial Assistance Manual.]

(d) An applicant or recipient may establish that a noneligible household member [cannot] **does not** contribute his/her share of the household expenses by showing that:

1. The person is not employed and has no income; [and] **or**

[2. The person is not eligible for any other public assistance program, for example - SSI or General Assistance.]

2. The person cannot contribute his/her share of household expenses. Some ways that this may be established include but are not limited to:

i. Evidence clearly establishing that expenditures of the eligible unit do not exceed the income and resources known to be available to the recipient family; and

ii. Evidence clearly establishing that the noneligible individual's reasonable expenses equal or exceed his/her income and other resources.

An order adopting these revisions was filed March 13, 1975, as R.1975 d.64 to become effective April 15, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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(a)

INSURANCE

THE COMMISSIONER

Notice of Hearing and Statement Of Charges Regarding Sex and/or Marital Status Discrimination

Take notice that John G. Foley, Acting Commissioner of Insurance, has issued the following Notice of Hearing and Statement of Charges concerning a possible regulation on underwriting practices discriminating on the basis of sex and/or marital status.

Full text of the Notice follows:

TO ALL COMPANIES DOING THE BUSINESS OF INSURANCE IN THE STATE OF NEW JERSEY:

This matter having been opened to the Commissioner of Insurance, State of New Jersey, upon information indicating that some and/or all persons engaged in the business of insurance are engaging in this State in underwriting practices that discriminate on the basis of sex and/or marital status with respect to issuance, renewal or cancellation of policies of insurance and with respect to the kinds and scope of benefits offered, in violation of N.J.S.A. 17:29B-1 et seq. and/or N.J.S.A. 17B:30-1 et seq., because such underwriting practices are unfair and/or deceptive; the following are examples illustrative of the type of unfair and/or deceptive practices:

1. Offering females policies subject to waiting periods exclusions while offering males policies with shorter exclusion periods or none at all;
2. Offering males better benefit plans than females, as well as a more favorable definition of disability;
3. Offering males higher benefit levels than females;
4. Denying to females in certain occupations the same coverage available to males in the same occupations;
5. Females in certain occupations cannot obtain any coverage while males in the same occupations can obtain coverage;
6. Denying or offering reduced coverage to females gainfully employed at home while not denying or reducing such coverage for males gainfully employed at home;
7. Denying life insurance to married women if their husbands are not insured;
8. Providing issue ages for females that are often less favorable than those for males;
9. Requiring females to submit to a medical examination while not requiring such an examination for males as a condition of coverage;
10. Denying to females many options available to males, such as:
    (a) Guaranteed insurance;
    (b) Lifetime accident or partial disability benefits.
11. Denying to females the waiver of premium provisions that are available to males or offering such provisions to females only with respect to policy limits lower than those available to males;
12. Denying group coverage to groups that have a certain number of females in the group;
13. Denying automobile coverage for youthful female operators;
14. Females are more apt to be considered a moral hazard for certain activities than are males and;
15. Denying divorced or single females coverage sold to divorced or single men;

it appearing that a proceeding by the Commissioner of Insurance in respect to the preceding acts or practices would be in the interest of the public and that a hearing theron should be conducted; and further good cause appearing therefor

IT IS this 18th day of March, 1975,

ORDERED:

1. That pursuant to the provisions of N.J.S.A. 17:29B-9 and N.J.S.A. 17B:30-18 notice hereby is given that a hearing for the above described purposes will be held before me, or my duly appointed representative, at the office of the Department of Insurance, 201 East State Street, Trenton, New Jersey, on April 14, 1975, at 10:00 o'clock in the morning or as soon thereafter as the persons in interest may be heard, and on such subsequent consecutive days as are necessary to complete the matter.
2. Such hearing shall be conducted in accordance with the applicable provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.
3. A copy of this Statement of Charges and Notice of Hearing shall be served upon each person engaged in the business of insurance in this State by mailing a copy thereof by regular mail to each of such persons at least 21 days prior to the date of the hearing set forth above.
4. A copy of this Statement of Charges and Notice of Hearing shall be published in the New Jersey Register prior to the date of the hearing set forth above.
5. The hearing as set forth above shall provide an opportunity for all persons engaged in the business of insurance in this State to show cause why an order should not be made by the Commissioner of Insurance requiring such persons to cease and desist from the acts, methods and practices so complained of and thereafter I should not adopt and promulgate a regulation as set forth in the attached Appendix A.

APPENDIX A
NEW JERSEY DEPARTMENT OF INSURANCE

Proposed Regulation on Underwriting Practices Discriminating On The Basis of Sex And/Or Marital Status

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:29B-1 et seq., N.J.S.A. 17B:30-1 et seq. and N.J.S.A. 17:1C-6(e), proposes to adopt a rule regarding underwriting practices by persons engaged in the business of insurance in this State.

Full text of the proposed rule follows:

No person engaged in the business of insurance in the State of New Jersey shall refuse to issue any policy of insurance, or shall cancel or decline to renew such policy because of the sex and/or marital status of the applicant or policyholder.

A contravention of the preceding Section shall be deemed an unfair and/or deceptive practice in the conduct of the business of insurance in this State in violation of N.J.S.A. 17:29B-1 et seq. and/or N.J.S.A. 17B:30-1 et seq.

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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(a)

LABOR AND INDUSTRY

DIVISION OF WORKMEN'S COMPENSATION

Revisions to Division's Rules

On March 5, 1975, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:1A-3(e), 34:1A-12(b) and (c), 34:15-64 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules of the Division of Workmen's Compensation, substantially as proposed in the Notice published February 6, 1975, at 7 N.J.R. 61(b) but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Labor and Industry.

Such rules may be cited as N.J.A.C. 12:235-1.1 et seq.

An order adopting these revised rules was filed March 5, 1975, as R.1975 d.43 (Exempt, Exempt Agency) to become effective March 24, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY

THE COMMISSIONER

Revisions in Registration for Work and Claim for Benefits

On March 19, 1975, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions concerning registration for work and claim for benefits.

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

12:17-2.1(g)

During periods when unusual unemployment conditions prevail, the Division, through the Director, may, subject to the approval of the Federal Bureau of Employment Security, direct claimants to report **at such intervals not exceeding four weeks** [on a biweekly (fortnightly) basis], if and when it is for the best interests of all concerned.

An order adopting these revisions was filed March 20, 1975, as R.1975 d.72 (Exempt, Emergency Rule) to become effective April 7, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

Listing of Legislative Agents

On August 19, 1974, William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-22(h) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, released the Quarterly Report of Legislative Agents for the second quarter of 1974.

All notices of the agents' representation and reports are on file with the Attorney General and are available for public inspection during regular business hours (9:00 A.M. to 5:00 P.M.) in Room 219, State House Annex, Trenton, New Jersey.

(Listing of the first 68 registered legislative agents was in the Notice published December 8, 1971, at 3 N.J.R. 267(b); second listing of an additional 48 agents April 6, 1972, at 4 N.J.R. 72(c); third listing of 29 additional agents August 10, 1972, at 4 N.J.R. 190(b); fourth listing of 24 additional agents April 4, 1974, at 6 N.J.R. 152(b); and fifth listing of 18 additional agents December 5, 1974, at 6 N.J.R. 479(b).)

Following are 28 legislative agents who have subsequently registered, with their registration number, name and New Jersey address, whom they are representing and designation or title, if any:

No. 189. Aldrage B. Cooper Jr., 501 George Street, New Brunswick, N.J. 08903; Johnson & Johnson; manager of public affairs.

No. 190. Robert McAndrew, 180 Boyden Avenue, Maplewood, N.J. 07040; Transport of N.J.; administrative assistant.

No. 191. Dorothy D. Schoenwald, 45 Academy Street, Newark, N.J. 07102; American Civil Liberties Union of N.J.; legislative director.

No. 192. William Beren, Box 605, Teaneck, N.J. 07666; League for Conservation Legislation; environmental consultant.

No. 193. Edward R. Newhall, 200 South Street, Morristown, N.J.; Beneficial Management Corporation; public relations director.

No. 194. Robert W. Shafer, 33 Mountainside Drive, Wayne, N.J. 07470; Mid Atlantic Ice Cream Manufacturers Association, Inc; executive vice president.

No. 195. Edward McBride, 1498 Mt. Ephraim Avenue, Camden, N.J.; N.J. State Council of Bartenders, Culinary and Service Employees; union agent.

No. 196. James L. Disque, 556 Morris Avenue, Summit, N.J. 07901 and Frederick A. Kenworthy, 3460 Harrowgate Road, York, Penn. 17402; Pharmaceuticals Division, CIBA-GEIGY Corp.; manager of government affairs and health care representative.

No. 197. Albert G. Mercuri, 277 Park Avenue, New York, N.Y. 10017; Eli Lilly and Company; manager.

No. 198. Anthony Marino, Stockton State College, Pomona, N.J. 08240; Stockton Federation of Teachers; teacher.

No. 199. Clement F. Delahunt Jr., 31 Lantern Lane, Wethersfield, Conn. 06109; The Upjohn Company; government administrator.

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No. 200. Dan Wettline Jr., 33 West State Street, Trenton, N.J. 08618; N.J. Milk Industry Association, Inc. and N.J. Convenience Stores Association, Inc; associate executive.

No. 201. Theodore S. Russell, Harrison and High Streets, Millville, N.J. 08332; South Jersey Gas Company; assistant vice president.

No. 202. Thomas C. Daly, 126 E. Lincoln Avenue, Rahway, N.J. 07065; Merck & Company; public relations.

No. 203. Jeremiah F. O'Brien, Campbell Place, Camden, N.J. 08101; Campbell Soup Company; legislative agent.

No. 204. Daniel M. Minicucci, 235 E. 42nd Street, New York City, N.Y. 10017; Pfizer Pharmaceuticals; government relations representative.

No. 205. Jerome D. Winig, 2144 E. State Street, Trenton, N.J. 08607; Glenbrook Laboratories - Division of Sterling Drug, Inc.; vice president.

No. 206. Arnold Marcus, Bristol Myers Products, Hillside, N.J.; Bristol-Myers Products, Bristol-Myers Company, Inc.; associate director.

No. 207. William W. Bailey, Esq., 1700 Pennsylvania Avenue, Washington, D.C. 20006; The Proprietary Association; attorney.

No. 208. Burton H. Michael, 60 Orange Street, Bloomfield, N.J. 07003; Schering-Plough Corporation; consultant.

No. 209. LeRoy Duckworth, Madison Avenue at Punch Bowl Road, Morristown, N.J.; Jersey Central Power and Light Company; regional director.

No. 210. R. Bruck Gebhardt, 172 W. State Street, Trenton, N.J. 08608; N.J. State Bar Association; director of communications.

No. 211. William J. Flanagan, 9976 Sandy Road, Philadelphia, Penn. 19115; Wyeth Laboratories; assistant.

No. 212. Mark M. Neimeiser, 690 Whitehead Road, Trenton, N.J. 08638; Council #1, American Federation of State, County and Municipal Employees, AFL-CIO; associate director.

No. 213. Alfred Wurf, 690 Whitehead Road, Trenton, N.J. 08638; Council #1, American Federation of State, County and Municipal Employees, AFL-CIO; executive director.

No. 214. Robert F. Raven, 201 Tabor Road, Morris Plains, N.J. 07950; WARNER/CHILCOTT; manager.

No. 215. Edward Lloyd, Guy Calcerano, James Hely, 32 West Lafayette Street, Trenton, N.J. 08608; N.J. Public Interest Research Group.

No. 216. Lawrence Hacker, Lawrence Dolan, Grace Bartnett, David S. Rinsky, 1180 Raymond Boulevard, Newark, N.J. 07102; Greater Newark Chamber of Commerce.

These reports were filed March 17, 1975, as R.1975 d.69. Take notice that these listings are not subject to codification and will not appear in Title 13 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Revisions on Rules on Horse Racing

On February 10, 1975, John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revised rules on harness racing, as proposed in the Notice published January 9, 1975, at 7 N.J.R. 11(b).

Such rules may be cited as N.J.A.C. 13:71-1.1 et seq.

An order adopting these rules was filed and effective February 24, 1975, as R.1975 d.38.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Revisions to Rules on Harness Racing

On February 10, 1975, John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules concerning horse racing, as proposed in the Notice published January 9, 1975, at 7 N.J.R. 11(a).

Such revised rules may be cited as N.J.A.C. 13:70-1.1 et seq.

An order adopting these revised rules was filed and effective February 21, 1975, as R.1975 d.37.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

PUBLIC UTILITIES

OFFICE OF CABLE TELEVISION

Proposed Rules on Extension Of Cable Television Service

John P. Cleary, Director of the Office of Cable Television in the Department of Public Utilities, has issued the following Notice regarding the Director's inquiry into the need for the development of a State policy relative to extensions of cable television service. Within the Department of Public Utilities, such proposal is known as Docket No. 753C-6085. If such rules are adopted, they will appear in Subtitle D, Cable Television, of Title 14 in the New Jersey Administrative Code.

Full text of the Notice follows:

1. On February 8, 1973, the Acting Director of the Office of Cable Television (Office) gave public notice that, pursuant to the authority vested in him by the "Cable Television Act" (P.L. 1972, c 186; C.48:5A-1 et seq.) and in accordance with the requirements of the Administrative Procedure Act (P.L. 1968, c. 410; C.52:14B-1 et seq.), he proposed to promulgate rules and regulations concerning, among other things, extensions of service by cable television systems.

2. After reviewing written comments relative to the proposed rules and regulations, testimony at public hearings held on March 5 and 19, 1973, and discussion at an informal

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conference conducted on March 30, 1973, the Acting Director, with the approval of the Board, issued an order promulgating the Rules of Practice and Regulations governing cable television. That order, dated April 23, 1973, approved several substantive changes in the originally proposed regulations, the most extensive of which was the deletion of the entire regulation relative to extensions of service, § 509. The Acting Director, in the discussion, stated:

"Extensions of service, as required in 14:509, were the subject of many comments and much testimony. Many questions as to this section persist and, therefore, it does not seem appropriate to promulgate regulations in this area until further deliberations and study have been made. Any requests for extensions, denied by CATV company, prior to such promulgation shall be considered by the Office on an individual basis."

3. To date we have received several requests and, for the most part, we have found the cable television companies to be cooperative in their desire to provide service to prospective subscribers.

4. However, we note that many of the "grandfathered" and new municipal consents contained provisions for the mandatory extension of cable television service to areas with a minimum density of, perhaps, 50 or 60 homes per mile. Others require system construction throughout the municipality, but give no indication as to whether either the cable television system operator or the municipal governing body has given any consideration of the effect such a requirement may have on the continued provision of safe, adequate and proper service to all of the system's subscribers. What, for example, are the operator's responsibilities in terms of assumption of costs in areas which contain few potential subscribers? Should he extend the system at his expense even if such an extension could reduce his ability to continue the quality of service to his present subscribers? None of the consents or applications for consents, have dealt with these or similar questions.

5. We are now concerned about the lack of answers to these questions because "grandfathered" cable companies are now being given the authority to continue their construction while, at the same time, newly franchised companies are also getting under way. It is important, therefore, that the Office determine exactly what role it should play in obtaining the necessary answers. Moreover, if it is decided that the Office should take an active part in the development of a cable television line extension policy, then additional questions confront us relative to the form that policy should take.

6. The Office had, of course, received written comment and heard testimony regarding our original extension proposal which consisted of the Board's extension guidelines for telephone service. The New Jersey cable television industry, individually, and the New Jersey Cable Television Association, for its members, objected to the use of the telephone formula on the basis that cable television was not a utility but was, in fact, a nonessential service. Therefore, they contended that the telephone extension guideline, which requires 1,200 feet of free cable per subscriber, would be impractical if applied to the cable industry. The Association, at the informal conference, indicated its preference for a policy requiring extension at the operator's expense in any area in which there were 100 potential subscribers or 50 actual subscribers per system-mile. Other proposals submitted suggested a set free footage requirement, perhaps 100 feet, and a per-foot charge for the remaining distance of the extension.

7. We rejected all of these proposals because, as we believed then, and still believe today, a static policy, that is, 100 potential subscribers or 100 feet, is impractical in the State of New Jersey. The geography of this State is so varied and the population densities within many of its municipalities are so irregular that it is, we believe, more beneficial to allow the circumstances within a particular franchise area to govern any extension requirement.

8. We had originally contemplated the promulgation of our extension regulation as a guideline. Our responsibility, we feel, derives from two sections of the "Cable Television Act": §109 which gave the Director the authority to establish rules and regulations governing "Requirements for the reasonably prompt and complete exercise of the rights conferred by any certificate, . . ." § 48 which authorizes the Board to ". . . order a CATV company, 1) to construct and operate any reasonable extension of its existing CATV system within the certified territory, . . ."

9. It has been suggested, however, that we should not promulgate an extension policy ourselves, but merely determine the reasonableness of policies set forth by municipalities in their municipal consents. This interpretation is based upon the fact that § 23 e. of the "Cable Television Act" prohibits the granting of municipal consent or consents ". . . unless it or they contain, singly or in combination, provisions for the eventual extension of CATV service upon a reasonable time schedule, to all parts of the territory of the municipality".

10. More important, on April 15, 1974, the F.C.C. adopted its Clarification of Rules and Notice of Proposed Rule Making, F.C.C. 74-384, 48 F.C.C. 2nd 175 (1974), in which it was proposed that the section of its rules and regulations relative to line extensions, be amended. At that time, the Commission stated that local involvement was essential and that "it would be a mistake to attempt to specify a nationwide rule on this point. Indeed it might be very difficult to create any such rule even on a State by State level". In accordance with its notice, on December 17, 1974, the F.C.C. adopted an amendment to its rules and regulations ". . . relative to requiring additional assurance on the establishment of line extension provisions and franchises" . . .

11. The discussion accompanying the amended rule is bothersome to the Office because it seems to assume that the municipality is the sole franchising authority. While that may be the case in most states, it is not true in New Jersey. The Legislature here created a dual franchising authority in which a cable television company must have both a municipal consent and a Certificate of Approval in order to be considered "franchised".

Moreover, the F.C.C., before it issues its Certificate of Compliance, requires the filing of both the above documents as proof that that franchising authority has given its approval to the operator.

12. Therefore, in accordance with the foregoing discussion, the Director invites all interested parties to submit comments on or related to the following questions:

(1) What effect does the F.C.C. ruling relative to line extensions have on any action contemplated herein?

(2) Should a line extension policy be promulgated as a requirement in any situation that fits the parameters of the policy or should it be merely a guideline to determine reasonableness?

(3) If it is determined that the Office should not promulgate a regulation relative to line extension, should we, nevertheless, develop a standard of reasonableness by which to judge municipal extension policies or, in the alternative, should the Office merely review the procedural fairness of the municipal decision?

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(4) What effect would a determination by the Office not to promulgate an extension policy have on the ability of citizens in very rural or urban areas of the State to get cable television service at reasonable cost?

(5) If we determine that a formula is necessary, whether promulgated as official policy or not, what parameters should be "built into" it in order to make a practical judgment relative to the feasiblility of any proposed extension?

Comments should be concise and should contain sufficient substantive and/or empirical data for proper review and evaluation.

13. Authority for the rule making proceeding is contained in Section 9b. of the "Cable Television Act". All interested parties are invited to file written comments on or before April 30, 1975. Reply comments will be received until May 10, 1975. Such comments should be filed at the Office of Cable Television, 101 Commerce Street, Newark, New Jersey. Date and time for public hearing, if deemed necessary by the Director, will be published after consideration of all relevant data filed with the Office.

John P. Cleary
Director
Office of Cable Television
Department of Public Utilities

(a)

PUBLIC UTILITIES

OFFICE OF CABLE TELEVISION

Proposed Rules on Rates

John J. Cleary, Director of the Office of Cable Television in the Department of Public Utilities, has issued the following Notice regarding the Director's inquiry into the need for the amendment of the Office's rules relative to petitions for rate charges or increases. If any rules are adopted relevant to this matter, they will appear in Subtitle D, Cable Television, of Title 14 in the New Jersey Administrative Code.

Full text of the Notice follows:

1. On December 15, 1972, Governor William T. Cahill signed into law the "Cable Television Act" which declared, among other things, that it appeared that the rates of cable television companies in the State of New Jersey are affected with a public interest, that there should be fair regulation of these cable television companies in the interest of the public and that the objects of this regulation were, in part, ". . . . to provide just and reasonable rates and charges for cable television system services without unjust discrimination, undue preference or advantages, or unfair or destructive competitive practices".

2. In accordance with the above, the Director was required to establish rules and regulations governing the prohibition and prevention of the imposition of any unjust or unreasonable, unjustly discriminatory or unduly preferential individual or joint rate, charge or schedule for any service supplied or rendered by a CATV company within this State, or the adoption or imposition of any unjust or unreasonable classification in the making or as the basis of any individual or joint rate, charge, or schedule for any service rendered by a CATV company within this State. N.J.S.A. 48:5A-10b.

3. Section 11 of the "Cable Television Act" further requires that the Board, through the Office, prescribe the rate, charges and classification for services rendered by cable television systems and the manner in which the tariffs for these services shall be filed.

4. On February 8, 1973, the Acting Director of the Office of Cable Television (Office) gave public notice that, pursuant to the authority vested in him by the "Cable Television Act" and in accordance with the requirements of the Administrative Procedures Act (P.L.1968,c.410;C52; 14B-1 et seq.), he proposed to promulgate Rules and Regulations concerning, among other things, petitions for rate changes and increases. An Order dated April 23, 1973, was issued by the Acting Director and approved by the Board adopting, with some changes, the originally proposed rules. Rule 14:22-16 and 22-17 are of interest here.

5. To date we have received several petitions for rate changes or increases filed in accordance with N.J.A.C. 14:17-6.16 and 19. While the Office has not given its approvals based upon a traditional utility rate of return concept, we have, nevertheless, required the filing of considerable financial data to substantiate the need for the increase. The New Jersey Cable Television Association, for its members, has protested the necessity of the filing of this information on the basis that, by requiring it, we are indicating how strongly our cable television regulation is influenced, if not controlled by, classic public utility rate base — rate of return thinking. They suggest that rates for cable television service should be governed by, among other things, a comparative analysis, market conditions and general economic conditions. There is, in fact, concurrence with this position at the Federal level by both the Federal Communications Commission and the Cabinet Committee on Cable Communications. In 1974, that committee issued a report which stated:

Rate-of-return regulation of the rates which cable operators charge channel users should not be imposed by any level of government unless there is a clearly defined need for it. The need for such regulation may never arise, since the power of the operator to charge excessive rates for channel leasing would be held in check by the presence of competition from broadcasting stations, telephone companies or new technologies. More importantly, under the policy we have proposed, the cable operator would benefit most in the long run by encouraging wider and more extensive use of his cable capacity. This should bring about an industry pattern of expanding cable capacity, facilites and lowering rates to stimulate increased usage. In any event, if cable operators were to evidence a pattern of limiting capacity and charging high rates, public utility regulation could then be imposed by the State. Such regulation would necessarily include both rate-of-return regulation and a requirement that the system add channel capacity upon reasonable demand. As with rate-of-return regulation, the expansion of capacity should not be imposed until there is a clearly defined need for it.

6. We agree that public utility type regulation should not be applied to any area of cable television regulation. We have consciously attempted to avoid doing so. However, we are, in fact, nevertheless, confronted with the statutory requirement that we determine the reasonableness of any rate increases proposed. We will, therefore, request comment concerning the manner by which the Director may make such a determination and the information upon which he may base his decision.

7. There are, in addition to petitions for rate increases, a myriad of other rate petitions with which we have been faced. The addition of ancillary equipment necessary to provide required signals is a case in point. We have been requiring that

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companies which find it necessary to add converters to their operations file petitions for rate increases. We have also received petitions requesting emergency relief. We have recently initiated the authorization for those requiring emergency rate increases to file their petitions together with a proposed order pursuant to N.J.A.C. 14:17-6.5. Finally, we have received requests for interim rate relief by companies not faced with emergencies but still requiring rate relief in less time than it takes for the full processing of rate petitions.

8. It is most important to note that the Department of Public Advocate, Division of Rate Counsel is required, pursuant to N.J.S.A. 52:27E-19 to represent the citizens of New Jersey in all rate-making proceedings. We will therefore request comment concerning the manner by which the Director may implement amended rate-making procedures while not negating rate counsel's standing.

9. Based upon the above matters the Director invites all interested parties to submit comments on or related to the following:

1. How may the Director meet the statutory amendment to determine reasonableness of proposed rates?
2. What information should the Director require for such a determination?
3. Is there a "short form" which may be utilized by companies requesting rate increases?
4. How may the Director authorize rate changes required by the addition of ancillary equipment necessary to provide required signals without requiring a full rate proceeding?
5. How may the Director authorize interim rate changes and under what conditions shall such authorization be given?
6. What effect do the statutory requirements concerning the Division of Rate Counsel have on the promulgation of amended rules concerning the Office's rate-making requirements?
7. To what extent should the Office consider the quality of the cable operator's past performance as a factor in its determination of rate increase petitions?
8. How can the Office best assure input from affected subscribers?

Comments should be concise and should contain sufficient substantive and/or empirical data for proper review and evaluation.

10. Authority for the rule making proceeding is contained in Section 9b of the "Cable Television Act". All interested parties are invited to file written comments on or before April 30, 1975. Reply comments will be received until May 10, 1975. Such comments should be filed at the Office of Cable Television, 101 Commerce Street, Newark, New Jersey. Date and time for public hearing, if deemed necessary by the Director, will be published after consideration of all relevant data filed with the Office.

John P. Cleary
Director
Office of Cable Television
Department of Public Utilities

(a)

PUBLIC UTILITIES

OFFICE OF CABLE TELEVISION

Proposed Amendment to Regulations On Applications for Municipal Consent to Operate a CATV System

John P. Cleary, Director of the Office of Cable Television in the Department of Public Utilities, pursuant to authority of N.J.S.A. 48:5A-6, proposes to amend N.J.A.C. 14:18-11.1 concerning the application by cable television companies for municipal consent to construct and operate a cable television system.

Take notice that an initial proposal on this subject was published January 10, 1974, at 6 N.J.R. 22(a) and extensive comments were received, testimony taken and informal conferences held concerning this matter. However, since such rules were not adopted within one year, they are now being republished herein.

Copies of the full text of the approximately 17 pages of this proposed amendment (Docket No. 731-48TV) are available from:

Office of Cable Television
101 Commerce Street
Newark, New Jersey 07102

A public hearing respecting the proposed action will be held on May 6, 1975, at the above address.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to the Office of Cable Television at the above address.

The Director of the Office of Cable Television, with the approval of the Board of Public Utility Commissioners, upon his own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as proposed without further notice.

John P. Cleary
Director, Office of Cable Television
Department of Public Utilities

(b)

STATE

OFFICE OF THE SECRETARY OF STATE

Proposed Revision to Rules for Voter Registration by Mail

F. Joseph Carragher, Assistant Secretary of State, pursuant to authority of N.J.S.A. 19:31-69 et seq., proposes to revise the rules concerning voter registration by mail by deleting in its entirety Subchapter 1, Chapter 10 of Title 15 in the New Jersey Administrative Code and adopting new text therein.

Full text of the proposed, revised rules follows:

SUBCHAPTER 1. VOTER REGISTRATION BY MAIL

15:10-1.1 Availability of forms; reasonable quantity defined

(a) A bona fide organization or individual candidate for

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public office may request a reasonable quantity of voter registration forms from the Commissioner of Registration of each county. The number requested may be limited to two per cent of the total number of voter registration forms which the Commissioner of Registration has available at the time of such request. There shall be no limit as to the number of requests that such an organization or candidate may make. The Commissioner of Registration shall maintain a record of all organizations and individual candidates requesting 100 or more forms.

(b) An individual, who is not a candidate for public office, may request in person from the Commissioner of Registration of each county up to 25 voter registration forms, and shall be entitled to the forms. There shall be no limit as to the number of requests such an individual may make. An individual making such a request by telephone shall be entitled to at least two forms.

(c) The term "organization" shall be defined as broadly as possible for purposes of these rules.

15:10-1.2 Reordering forms; notification

When the supply of voter registration forms has reached a level of 25 per cent of the amount of such forms previously allocated to the county, the Commissioner of Registration of the county shall notify the Office of the Secretary of State, which will reorder sufficient voter registration forms to meet reasonably expected needs.

15:10-1.3 Acceptance of photocopies and reproductions of form

(a) The Commissioner of Registration of each county shall accept and validate legible photocopies and reproductions of voter registration forms, provided that such photocopied or reproduced forms comply with the provisions of these rules and applicable statutory requirements.

(b) Each Commissioner of Registration may adopt a numbering system or other method of identifying the supply of voter registration forms, but such system or method shall not prevent the acceptance and validation of other validly completed, but unnumbered voter registration forms.

(c) Any photocopies and reproductions must be true facsimiles of the official voter registration form.

15:10-1.4 Acceptance of registrants after the 29th day

(a) Any form not postmarked, but dated by the registrant on or before the 29th day of any election shall be deemed timely, provided that it is received by mail not later than four days after the close of registration.

(b) Any registrant whose timely voter registration form was rejected by the Commissioner of Registration on or before the 29th day prior to any election and whose validly completed form is received by the Commissioner of Registration at any time before the day of an ensuing election shall be entitled to vote in that election.

15:10-1.5 Completion of two sides of the form

(a) A registrant must complete, sign and have witnessed only one side of the voter registration form to be validly registered to vote. If only one side is completed by the voter, that side shall be posted or taped by the Commissioner of Registration onto the voter's duplicate permanent registration form. A photocopy shall be pasted or taped onto the voter's original permanent registration form.

(b) If a registrant completes, signs and has witnessed both sides of the voter registration form, one side shall be pasted or taped onto the permanent registration form and the other side shall be pasted or taped onto the duplicate permanent registration form.

(c) If a registrant completes, signs and has witnessed one side of the voter registration form, and has only partially completed, but signed and has witnessed, the other side, the Commissioner of Registration shall complete the second side. The side completed by the voter shall be pasted or taped onto the duplicate permanent registration form and the side completed by the Commissioner shall be pasted or taped onto the original permanent registration form.

(d) A registrant must complete at least one side of the voter registration form, as follows, in order to be validly registered:

1. Item 1 is validly completed by the entire last name and first initial. Failure to insert the whole first and/or middle name(s) or middle initial shall not render the form invalid.

2. Item 2 is validly completed by the street address, municipality and county. Failure to insert apartment number and/or zip code shall not render the form invalid.

3. Item 3 need not be completed if the data required by Item 2 is sufficient for mail from the Commissioner of Registration to be delivered or deliverable. Otherwise, Item 3 is validly completed by data sufficient for mail from the Commissioner of Registration to be delivered or deliverable.

4. Item 4 need not be completed. If it is completed, an innocent mistake shall not render the form invalid.

5. Item 5 is validly completed by "over 18 years" of age or words to that effect, or by a year of birth such that the registrant could only be over 18 years of age. If it appears that the registrant is 17 years of age, the entire birth date must be complete for item 4 to be validly completed.

6. Item 6 need not be completed. If it is in need of completion, it is validly completed by the entire last name, first initial, street address, municipality, county and State. Failure to insert the whole first and/or middle name(s), middle initial, State and/or zip code shall not render the form invalid.

7. Item 7 is validly completed by checking or filling in one of the boxes. Failure to insert the month, day, year, municipality and/or State of naturalization shall not render the form invalid.

8. Item 8 is validly completed by the first initial and signature of entire last name, and by insertion of a date. Failure to insert county, full first and/or middle names, or middle initial, or failure to use a pen shall not render the form invalid. If pencil is used for the signature, the registrant shall be requested to sign above the penciled signature in pen when he first appears to vote. If the registrant's legal "signature" is a form of printing, the printed name shall be valid.

9. Item 9 is validly completed by the first initial and entire last name of the witness being inserted and also signed, by an address sufficient for the Commissioner of Registration to locate the witness if the Commissioner so desires, and by a date. Failure to insert county, full first and/or middle names, middle initial or zip code shall not render the form invalid.

(e) The Commissioner of Registration may request a mail registrant to complete omitted items on the voter registration form when the registrant appears to vote for the first time.

15:10-1.6 Notification to registrant

(a) When the voter registration form is accepted or rejected, the attemped registrant shall be notified immediately by regular mail.

(b) If a voter registration form is rejected, the attempted registrant shall be notified in writing of the precise reason(s)

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for the rejection, and of the manner by which the reason(s) for the rejection may be cured or registration attempted anew. If the form is rejected because of an omission, the Commissioner of Registration shall mail the attempted registrant the original incomplete form; otherwise, the Commissioner shall send a blank voter registration form. If a form ultimately rejected was received by the Commissioner in accordance with N.J.A.C. 15:10-1.4 (a), the attempted registrant shall be notified in writing of the right to vote in the immediately ensuing election in accordance with N.J.A.C. 15:10-1.4(b).

(c) On the face of such notification in the upper left-hand corner shall be printed the words: "Do Not Forward. Return Postage Guaranteed. If not delivered in two days, return to the Superintendent of Elections." In those counties not having a Superintendent of Elections, the form is to be returned to the "Commissioner of Registration".

15:10-1.7 Signatures

(a) When a mail registrant appears to vote for the first time, such voter must sign his or her name on the reverse side of the permanent registration form maintained by the Commissioner of Registration of that county which is in the voter's election district.

(b) The signatures on the voter registration form and the reverse side of the permanent registration form must be completed before the voter will be allowed to vote.

15:10-1.8 Reimbursement to counties; limitations

(a) The counties shall be reimbursed at the rate of $0.50 for each voter added to the registration list, whether the registration is by mail or in person.

(b) The Commissioner of Registration shall accept and validate a voter registration form used as a notice of change in name or address, but such change in a voter's name or address, occurring within the limits of that same county, shall not entitle the county to the $0.50 reimbursement fee outlined in subsection (a) of this Section.

15:10-1.9 Sample and instruction ballots

(a) In election districts where the primary language of ten per cent or more of the registered voters is Spanish, the sample ballots for primary and general elections shall be printed bilingually in English and Spanish in their entirety, excepting names of candidates, including public questions, and mailed to each registered voter.

(b) In such election districts, ballots together with such sample instructions printed bilingually in English and Spanish shall be displayed prominently at all such polling places on election day.

(c) The official primary and general election ballots in the actual voting booth at the polling place need not be printed bilingually.

15:10-1.10 Out-of-office registration

(a) The statutory term "out-of-office registration" shall be defined as broadly as possible to include all registration conducted by the Commissioner of Registration at any location other than the Commissioner's office. Out-of-office registration facilities may be stationary or fixed vehicles or buildings, or mobile vehicles. The nature, number and location of such stationary or fixed facilities or the nature, number and route of any moving facilities shall be subject to approval by the Secretary of State.

(b) The place or places designated by the Commissioner of Registration for receiving registration, other than the Commissioner's office shall be publicized in a newspaper circulated in the municipality, containing such designated place or places. The publication shall include the addresses and dates and hours of operation of such designated place or places and shall be made pursuant to N.J.S.A. 19:12-7. Nothing in these rules shall prohibit any Commissioner from voluntarily publicizing the places designated more than is required by these rules.

(c) Whenever any individual or organization, other than the Commissioner of Registration or the Commissioner's duly authorized clerk, conducts registration activities, whether by door-to-door canvassing, mobile techniques or otherwise, there need be no publication whatsoever by the individual, organization or the Commissioner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

F. Joseph Carragher
Assistant Secretary of State
Department of State
State House
Trenton, New Jersey 08625

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

F. Joseph Carragher
Assistant Secretary of State
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions in Awarding of Contracts for Consultant Services

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6, proposes to adopt revisions to the rules concerning the award of contracts for consultant services. The proposed revisions concern the deletion in its entirety of the current text of Chapter 2, Award of Contracts for Professional Services, in Title 16 of the New Jersey Administrative Code, and the adoption of new text therein to be entitled "Awarding Contracts for Consultant Services".

Full text of the proposed revised rules follows:

CHAPTER 2. AWARDING CONTRACTS FOR CONSULTANT SERVICES

SUBCHAPTER 1. GENERAL PROVISIONS

16:2-1.1 Scope

These rules outline the provisions for awarding contracts for consultant services for agreements exempted from specific Department of Treasury requirements regarding the engagement of consultants as well as agreements requiring normal processing through the Department of Treasury.

16:2-1.2 Definitions

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

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"Agreement" means the legal instrument, such as a negotiated contract, defining the obligations and considerations of the signatory parties.

"Agreements exempted from Treasury requirements" mean agreements for projects which are exempted from Department of Treasury, Division of Budget and Accounting Circular Letter 75-1 and Division of Purchase and Property Circular Letters 3 and 4, and which are distinctly funded and concern planning, research, construction, design engineering, maintenance and acquisition of transportation facilities and/or equipment. These projects require unique skills familiar almost exclusively to the NJDOT and further these projects definitely have funds already approved by the Department of Treasury.

"Agreements requiring normal processing" mean agreements for projects requiring normal processing through the Department of Treasury, Division of Budget and Accounting and Division of Purchase and Property and regarding services which are not unique to the NJDOT and further may or may not have funds already budgeted.

"Consultant" means those colleges, universities, individuals, firms or business who, for a negotiated fee, render professional services directly connected with the research, development, planning, design, right of way appraisal, construction, maintenance and operations of public transportation systems, aeronautical systems and the State highway system, including, but not limited to, financial and administrative matters relating to the management of the NJDOT.

"Contract" shall be synonymous with "agreement".

"Funding source" means any source other than the NJDOT, to include but not limited to the Federal Aviation Administration (FAA), Urban Mass Transportation Administration (UMTA) and Federal Highway Administration (FHWA).

"NJDOT" means the New Jersey Department of Transportation.

16:2-1.3 Allowable use

The NJDOT shall utilize the services of consultants for work which is in excess of the workload which can be performed effectively by the NJDOT staff and/or work which is of such an unusual nature that the assistance of specialists is clearly required.

SUBCHAPTER 2. AWARDING CONTRACTS THROUGH THE DEPARTMENT OF TREASURY

16:2-2.1 Requirements

For agreements requiring normal processing through the Department of Treasury, the rules and regulations of the Division of Budget and Accounting and the Division of Purchase and Property, Department of Treasury shall apply to the engagement of consultants for the performance of services requested by the NJDOT.

16:2-2.2 Notification

Upon receipt of the contract from the Division of Purchase and Property, Department of Treasury, a representative of the NJDOT shall contact the consultant who has been awarded the contract.

SUBCHAPTER 3. AWARDING CONTRACTS EXEMPTED FROM DEPARTMENT OF TREASURY REQUIREMENTS

16:2-3.1 Requirements

For agreements exempted from Treasury requirements, the NJDOT shall engage the services of a consultant in compliance with all Federal and State requirements, as applicable.

16:2-3.2 Selection

The NJDOT consultant selection committee shall qualify, evaluate and select consultants for specific projects based on established criteria and shall recommend consultant selection for each project to the Commissioner of Transportation for approval.

16:2-3.3 Proposal

Upon approval of consultant selection by the Commissioner, a representative of the NJDOT shall arrange for the consultant selected to appear for discussions, at which time the scope of the work required will be presented and fully explained. During the discussions, the consultant will also be apprised of all applicable technical requirements and administrative controls including those of the funding sources. After the consultant has an understanding of the scope of the work involved, the consultant will be requested to submit a proposal outlining the scope of work to be performed and the fee for that work.

16:2-3.4 Negotiations

Upon completion of an audit evaluation of either or both the consultant firm and the proposal, if required, and a technical evaluation of the proposal, if necessary, negotiations will be concluded with the consultant as to fee and scope of work. These negotiations will be based on the results of the audit evaluation, the technical evaluation, an estimated fee for the work to be performed and comparable fees for similar work paid by the NJDOT or other agencies.

16:2-3.5 Award

(a) Upon acceptance of the proposal, an agreement will be prepared and forwarded to the consultant for approval and signature.

(b) Upon receipt of the consultant's signed copies of the agreement, the agreement will be forwarded to the Commissioner for approval and signature and a copy of the executed agreement will be distributed to the consultant.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to Robert R. Reed Jr., Administrative Practice Officer of the Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking on Various State Highways

Alan Sagner, Commissioner of Transportation, pursuant

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to authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposes to adopt new rules establishing no parking zones for no stopping or standing along certain portions of various State highways.

Full text of the proposed new rules follows:

16:28-3.63 No parking zones along Route 1 and 9 in Palisades Park Borough, Bergen County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 1 and 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing along the westbound side of Route 1 and 9:

i. From the easterly curb line of Broad Avenue to a point 200 feet easterly thereof;

ii. From the westerly curb line of Ruff Avenue to a point 100 feet westerly thereof.

16:28-3.64 No parking zones along Route 79 in the Borough of Matawan, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 79 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing:

i. Along the easterly side of Route 79 from the northerly curb line of Broad Street (Co. Rd. 516) to a point 100 feet northerly therefrom;

ii. Along the westerly side of Route 79 from the northerly curb line of New Brunswick Avenue (Co. Rd. 516) to a point 700 feet northerly therefrom.

16:28-3.65 No parking zones along Route 47 in Glassboro Borough, Gloucester County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 47 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing:

i. Along the easterly side of Route 47:

(1) From the southerly curb line of U.S. 322-High Street to a point 410 feet southerly therefrom;

(2) From U.S. 322-High Street to East Focer Street;

(3) From Market Place to Green Tree Road;

(4) From Briston Drive to Heston Road.

ii. Along the westerly side of Route 47:

(1) From the northerly curb line of U.S. 322-High Street to a point 100 feet northerly therefrom;

(2) From a point 250 feet north of the northerly curb line of U.S. 322-High Street to a point 220 feet northerly therefrom;

(3) From Heston Road to Green Tree Road;

(4) From Spencer Street to Market Place.

iii. Including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

16:28-3.66 No parking zones along Route 23 in Franklin Borough, Sussex County

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

1. No stopping or standing along both sides of Route 23 from the northerly curb line of Washington Avenue to the southerly curb line of Mitchell Avenue-Rutherford Avenue.

16:28-3.67 No parking zones along Route U.S. 206 in Chester Township, Morris County

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

1. No stopping or standing along both sides of Route U.S. 206 for the entire length within the corporate limits of Chester Township.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to Robert R. Reed, Jr., Administrative Practice Officer of the Department of Transportation at 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions on Rates Of Speed on Parts of Route 29

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise N.J.A.C. 16:28-1.77 concerning rates of speed on various parts of Route 29. The proposed revisions concern the deletion in its entirety of the current text of N.J.A.C. 16:28-1.77 and the adoption of new text therein.

Full text of the proposed new rule follows:

16:28-1.77 Route 29 in the City of Trenton, Ewing Township, and Hopewell Township, Mercer County; West Amwell Township, City of Lambertville, Delaware Township, Stockton Borough, Kingwood Township and Frenchtown Borough, Hunterdon County

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain part of State Highway Route 29 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. Zone 1: 50 mph beginning in the City of Trenton from

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South Warren Street (milepost 0.00) to Lee Avenue (milepost 2.7); thence

ii. Zone 2: 40 mph in the City of Trenton to Aberfeldy Drive (milepost 3.5); thence

iii. Zone 3: 55 mph in the City of Trenton extending into Ewing Township to the Route 175 overpass (milepost 6.2); thence

iv. Zone 4: 45 mph in Ewing Township extending into Hopewell Township to 600 feet south of Church Road (milepost 9.7); thence

v. Zone 5: 40 mph in Hopewell Township to Fiddlers Creek (milepost 10.1); thence

vi. Zone 6: 45 mph in Hopewell Township extending into West Amwell Township to the West Amwell Township - City of Lambertville corporate line (milepost 14.7); thence

vii. Zone 7: 40 mph in the City of Lambertville to Mount Hope Street (milepost 15.4); thence

viii. Zone 8: 25 mph in the City of Lambertville to Elm Street (milepost 16.1); thence

ix. Zone 9: 30 mph in the City of Lambertville extending into Delaware Township to Route US 202 (milepost 16.8); thence

x. Zone 10: 45 mph in Delaware Township to 1200 feet south of Brookville Hollow Road (milepost 18.2); thence

xi. Zone 11: 35 mph in Delaware Township extending into Stockton Borough to 1200 feet south of Bridge Street (milepost 18.9); thence

xii. Zone 12: 25 mph in Stockton Borough to Route 523 (milepost 19.2); thence

xiii. Zone 13: 35 mph in Stockton Borough extending into Delaware Township to 1500 feet north of Route 519 (milepost 20.1); thence

xiv. Zone 14: 50 mph in Delaware Township extending through Kingwood Township and into Frenchtown Borough to Washington Street (milepost 30.95).

Interested persons may present statements or arguments in writing relevant to the proposed revisions on or before April 30, 1975, to Robert R. Reed, Jr., 1035 Parkway Avenue, Trenton, N.J. 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.

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Revisions on Left Turns On Route U.S. 206 in Bedminster Township

On March 5, 1975, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 16:28-6.1, concerning left turns on Route U.S. 206 in Bedminster Township, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 72(b).

An order adopting these revisions was filed and effective March 6, 1975, as R.1975 d.48.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on Restricted Parking On Various State Highways

On March 5, 1975, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, cited as N.J.A.C. 16:28-3.51 through 16:28-3.62, concerning restricted parking on various State highways, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 72(a).

An order adopting these rules was filed and effective March 6, 1975, as R.1975 d.49.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Revisions to Rates of Speed on Route 439

On March 5, 1975, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 16:28-1.100, concerning rates of speed on Route 439, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 73(a).

An order adopting these revisions was filed and effective March 6, 1975, as R.1975 d.50.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Weight Limit Rules for Parts of Route 152 in Egg Harbor Township

On March 13, 1975, Frank S. Parker, Chief Engineer of

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Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 27:7-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning weight limits for certain portions of Route number 152 in Egg Harbor Township.

Full text of the emergency rule follows:

SUBCHAPTER 2. WEIGHT LIMITS

16:28-2.1 Route number 152 in Egg Harbor Township

In accordance with authority granted pursuant to N.J.S.A. 27:7-21 for the protection and use of the bridge along State Highway Route 152 over Broad Thorofare in Egg Harbor Township, there is hereby established a weight limit of 6,000 pounds gross weight.

An order adopting this rule was filed and effective March 13, 1975, as R.1975 d.63 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

TEACHERS' PENSION AND ANNUITY FUND

Proposed Revisions to Rules

The Teachers' Pension and Annuity Fund in the Division of Pensions of the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56, proposes to revise portions of its rules.

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

17:3-1.4(w)

Delegates and alternates will be reimbursed for actual travel expense incurred in connection with the convention at the rate of [$0.10] **$0.14** per mile for travel by auto, actual tax exempt fare for travel by bus or train, and meals not in excess of [$2.00] **$2.50** per day.

17:3-3.7 Survivor benefits

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

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

17:3-4.11(b)

3. The member has been dismissed or suspended from employment. In this event, such a member will be eligible to withdraw if he has formally resigned from his position or there is no legal action contemplated or pending and the dismissal has been adjudged final[.]**;**

4. A multiple member has not terminated employment in all covered positions.

17:3-5.4(a)

1. Up to ten years of out-of-State full-time teaching service rendered in a public school conducted under the order and superintendence, and wholly or partly at the expense of a State, local or district board of education, provided the member is not receiving nor is entitled to receive a retirement allowance for such service from any other public retirement system **and proof is received that he has withdrawn from such other system.** Federal service of service rendered outside of the [continental] United States is not creditable.

17:3-6.2

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

17:3-6.19 Maximum allowance prescribed

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

17:3-6.25 Medical examinations; physician

Where the statute prescribes that a physician be designated by the Fund to perform a medical examination, such physician shall be selected from the current membership directory of the New Jersey Medical Society; **however, in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the Fund.**

17:3-7.1(a)

5. This procedure would not apply where a member does not make a timely transfer in accordance with N.J.S.A. 43:2-1 et seq., or who has been granted a deferred retirement allowance by the Public Employees' Retirement System.

17:3-7.2(a)

7. This procedure would not apply where a member does not make a timely transfer in accordance with N.J.S.A. 43:2-1 et seq., **or who has been granted a deferred retirement allowance by another State-administered retirement system.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1975, to:

Division of Pensions
20 West Front St.
Trenton, N.J. 08625

The Department of the Treasury, upon its own motion or at

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the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

William J. Joseph
Director, Division of Pensions
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Rule for Gross Receipts from Municipal Electric Supply Operations

On February 28, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:29A-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, N.J.A.C. 18:22-7.6, concerning gross receipts derived from transactions with municipal electric supply operations, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 74(b).

An order adopting this rule was filed and effective March 6, 1975, as R.1975 d.45.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Revisions to Rules for County Boards of Taxation

On February 28, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 18:12A-1.6 through 18:12A-1.9, concerning County Boards of Taxation, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 74(c).

An order adopting these revisions was filed and effective March 6, 1975, as R.1975 d.46.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF PENSIONS

STATE HEALTH BENEFITS COMMISSION

Revisions on Local Employer Resolution

On February 7, 1975, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions of 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 revisions to N.J.A.C. 17:9-5.5 concerning the local employer resolution, as proposed in the Notice published December 5, 1974, at 6 N.J.R. 495(a).

An order adopting these revisions was filed and effective March 13, 1975, as R.1975 d.65.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TREASURY

STATE INVESTMENT COUNCIL

Rules on Collateralized Notes and Mortgages

On March 12, 1975, Clifford A. Goldman, Deputy State Treasurer, on behalf of the State Investment Council in the Department of the Treasury, 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 new rules concerning collateralized notes and mortgages.

Full text of the adopted rules follows:

SUBCHAPTER 39. COLLATERALIZED NOTES AND MORTGAGES

17:16-39.1 Permissible investments

(a) Subject to the limitations contained in this Subchapter, the Director may invest or reinvest the moneys of any pension and annuity group in securities which are fully collateralized by high quality marketable securities provided:

1. The obligor:

i. Is incorporated or chartered under the laws of the United States or any state thereof or the District of Columbia;

ii. Is not in default as to the payment of principal or interest upon any of its outstanding obligations.

2. The collateral:

i. Must be of the type that qualifies under State Investment Council regulations;

ii. Must be fully maintained and not under the direct control of the issuer of the obligation, but under the control of a trustee incorporated in the United States.

3. No amount in excess of one-third of any one issue may be purchased;

4. Not more than two per cent of the assets of any one fund at the time of purchase shall be invested in the obligations of any one company; and

5. The issue must be rated A or better by Standard & Poor's Corporation and Moody's Investors Service, Inc., excepting that one rating is sufficient if only one rating is available.

17:16-39.2 Legal papers

(a) Prior to any commitment to purchase obligations of the type described in this Subchapter, the Director shall have obtained:

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1. A prospectus or offering circular describing the issue; and

2. A certification signed by two members of the Division's staff and endorsed by the Director stating that each proviso enumerated under Section 1. of this Subchapter had been checked by them and that in their opinion the security under consideration qualified as a satisfactory investment as outlined by Section 1. of this Subchapter;

3. In the case of an issue not registered with the Securities and Exchange Commission, the Director shall obtain, in addition to the above:

i. Such other documents or opinions which the Attorney General may require; and

ii. A written approving opinion from the Attorney General to the effect that all such documents and opinions received by the Director are satisfactory as to form and substance.

An order adopting these rules was filed and effective March 14, 1975, as R.1975 d.67 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

STATE HEALTH BENEFITS COMMISSION

Revisions on Definition of Full-Time And Major Medical Separate Plans

On March 11, 1975, 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 revisions to the rule concerning the definition of full-time and major medical separate plans, substantially as proposed in the Notice published February 6, 1975, at 7 N.J.R. 76(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of the Treasury.

The substantive changes concern the text of N.J.A.C. 17:9-4.2(a) 5. and 6.

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

17:9-2.15 Major medical; separate plans

If the State or local employer adopts separate plans for all employees or for some portion of covered employees for prescription drug reimbursement, vision care or other health care benefits, largely duplicating or minimizing the benefits provided under the major medical program, such services or benefits for the participants of such separate plans will no longer be considered eligible for reimbursement under the major medical program.

17:9-4.2 State; full-time defined

(a) For purposes of State coverage, "full-time" shall mean:

1. The normal full-time weekly schedule for the particular class title, and in any case not less than 35 hours per week;

2. Employment for 12 months, except in the case of those employees engaged in activities where the regular and normal work schedule is ten months;

3. Sabbaticals where the compensation paid is 50 per cent or more of the salary granted just prior to the leave and the period of eligibility terminates with the end of the fiscal year;

4. Public defenders who are paid on the basis of an average 30-hour week work schedule, notwithstanding Section 4 of this Subchapter;

5. Employees of the New Jersey College of Medicine and Dentistry who **are** paid for a minimum of 20 hours per week, notwithstanding Section 4 of this Subchapter[.]**;**

6. Teaching assistants and graduate assistants at Rutgers, the State University, who are paid for a minimum of 15 hours, notwithstanding Section 4 of this Subchapter.

An order adopting these revisions was filed and effective March 14, 1975, as R.1975 d.68.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

OTHER AGENCIES

(b)

PORT AUTHORITY

TRANS-HUDSON CORPORATION

Rules of the Journal Square Transportation Center

On February 13, 1975, the Port Authority Trans-Hudson Corporation adopted rules and regulations concerning the Journal Square Transportation Center effective April 7, 1975.

Full text of the adopted rules follows:

RULES AND REGULATIONS

A. General

1. Any permission granted by PATH directly or indirectly, expressly or by implication, to any person or persons to enter upon or use the Journal Square Transportation Center (hereinafter called "the Center") or any part thereof, is conditioned upon acceptance of and compliance with these rules and regulations as from time to time changed, and entry upon or into the Center by any person shall be deemed to constitute an agreement by such person to comply with the said rules and regulations; provided, however, that the said rules and regulations will not apply to premises or space occupied or used under the provisions of a written agreement made with PATH unless provision is made therein for the application of the said rules and regulations.

2. The manager of the Center shall have authority to deny the use of the Center to any person violating the said rules and regulations or laws, ordinances or regulations of the United States, the State of New Jersey, or the City of Jersey City.

3. No person not assigned to duty therein shall enter without permission any area of the Center posted as being closed to the public.

4. No person shall abandon any property at the Center.

5. No person shall gamble or conduct or engage in any game of chance at the Center unless such game of chance is

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permitted by local, State and Federal law and has been approved by the manager.

6. No person shall post, distribute or display commercial signs, advertisements, circulars or printed or written material at the Center without permission.

7. All persons finding lost articles at the Center shall deliver them to the PATH police desk. Articles unclaimed by the owner or owners within three months after the finding thereof will be turned over to the finders.

8. No person shall deface, mark, break or otherwise damage any part of the Center or any property thereat.

9. No person shall create, or permit any vehicle or machine of which such person is in charge to create obnoxious odors, noxious gases, smoke or fumes in the Center. The creation of internal-combustion engine exhaust fumes by vehicles in the Center, so long as such vehicles are maintained, and are being operated, in a proper manner, shall not be an infraction of this regulation.

10. No person shall travel, or remain on or shall permit any vehicle of which such person has charge to travel, or remain on, any portion of the Center except upon the roadways, walks or other places or areas provided for the particular class of traffic. No person shall occupy or shall permit any vehicle of which such person has charge to occupy the walks, roadways, entrances, exits, waiting rooms or other areas of the Center in such a manner as to hinder or obstruct their use by others.

11. No person shall pass through the bus station portion of the Center except:

(a) Persons employed by or doing business with a carrier whose duties require such passage;

(b) Authorized representatives of PATH;

(c) Persons having permission;

(d) Persons intending to board buses or who have shortly earlier disembarked from buses.

12. Persons using public parking levels shall pay all parking charges as established and approved by PATH.

13. No person may make drawings or take still photographs or motion pictures within the Center without permission.

14. PATH shall have the right to deny use of the Center to any person or organization whose employees are involved in a labor dispute which would affect the operation of PATH at the Center or the operations of others thereat.

15. PATH may require that any payments made pursuant to these rules and regulations or to any tariff or schedule of charges duly adopted and applicable to the Center be supported by records and books of account which the user shall maintain in accordance with accepted accounting practices, to be subject to audit by PATH, its agents or employees, permitted at any time during ordinary business hours.

B. Safety

1. No person shall bring into or carry in the Center any firearms or other weapons except as authorized by local, State or Federal law.

2. No person shall bring into or carry in the Center any radioactive materials, explosives, acids, flammables, compressed gases or articles or materials having or capable of producing strong or offensive odors, or articles or materials likely to endanger persons or property, except with permission. No person shall bring or cause to be brought into or kept in the Center any signal-flare or any container filled with or which has been emptied or partially emptied of petroleum products, paint or varnish, except with permission. When permission is given to bring into or keep at the Center any such articles or materials it shall be conditioned upon the use of appropriate receptacles in rooms or areas approved therefor by the manager. Bringing in or keeping at the Center without special permission gasoline or other motor fuel contained in tanks permanently attached to vehicles and not contained under pressure shall not be an infraction of this regulation. Bringing into and keeping in the Center without special permission kerosene signal-flares in good condition, of the type required or permitted by U.S. Department of Transportation regulations and properly stowed in buses, shall not be an infraction of this regulation.

3. No person shall use flammable liquids for cleaning at the Center without permission.

4. No person shall do or permit to be done anything which may interfere with the effectiveness or accessibility of the fire protection, heating, lighting, electrical, sprinkler, drainage, alarm, telephone systems, public announcement and intercommunication system, plumbing system, air conditioning system, ventilation system, fire hydrants, hoses, fire extinguishers, PATH towing equipment or other mechanical system, facility or equipment installed or located at the Center; nor shall any person operate, adjust or otherwise handle or manipulate, without permission, any of the aforesaid systems or portions thereof, or any machinery, equipment or other devices installed or located at the Center. Tags showing date of last inspection attached to units of fire extinguishing and fire fighting equipment shall not be removed therefrom, except by authority.

5. All persons at the Center shall exercise the utmost care to avoid and prevent injury to persons and damage to property. Neither any inclusion in nor any omission from these rules and regulations shall be construed to relieve any person from exercising the utmost care to avoid and prevent injury to persons and damage to property.

6. No person shall enter any storage room, cashier's room, or baggage room at the Center except with permission.

7. No person shall make, continue, cause or permit to be made or continued any unauthorized noise in the Center.

8. Except with prior permission, no person shall operate or use any personal radio, television, phonograph, tape recorder, or other sound reproduction device in the Center in such a manner that the sound emanating from such sound reproduction device is audible to another person.

9. No person shall, without specific authorization from PATH, operate or use or cause to be operated or used any lighting or sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, sale or display of merchandise, or any commercial or business enterprise, in front or outside of any building, place or premises in the Center.

10. All persons doing business in the Center shall provide fire protection appliances and systems as required by applicable codes, National Fire Protection Association standards, and PATH.

C. Baggage and Express

1. No piece of baggage or express will be accepted for handling at the Center if in a leaking or loose condition. No piece of express will be accepted for handling if it is not properly packaged and marked.

2. No piece of express, baggage or manifest baggage will be accepted for handling at the Center if it has or is capable of producing an offensive odor or is likely to damage other express or baggage or to endanger persons or property or to make any portion of the Center untenantable; and the same

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shall be subject to immediate removal by PATH from the Center or to another location or locations within the Center, such removal to be at the risk and expense of the responsible party involved.

3. Express, baggage, and manifest baggage, subject to U.S. Department of Transportation regulations, will not be handled at the Center unless it complies with the said regulations in every respect, including, without limiting the generality of such regulations, proper condition for transportation, containers of adequate strength, packing, marking, labeling, description, certification and quantity and loading limitations.

D. Vehicles

1. The manager of the Center shall have authority to deny access to the Center to any bus or other vehicle not maintained, operated and registered in accordance with these regulations, or which is otherwise in violation of PATH rules and regulations or the laws, ordinances or regulations of the United States, of the State of New Jersey, or of the City of Jersey City; and shall have authority to require removal of any such vehicle from the Center on five minutes' notice. In the event the vehicle is not so removed, PATH may remove it under the provisions of Section 18 below.

2. No vehicle which, in the opinion of the manager, is loaded in such a manner, or with such materials, or which is so constructed, operated, equipped or maintained, as to endanger or to be likely to endanger persons or property, or to obstruct traffic, shall be permitted in or upon the Center.

3. No vehicle will be permitted in or upon the Center which has a weight or dimensions larger than the maximum herein established for buses or which utilizes any fuel not permitted as a source of motor power for buses, as defined in these regulations.

4. No motor vehicle shall be permitted in the Center which is not registered in accordance with the provisions of the laws of the State of New Jersey.

5. No person shall operate a motor vehicle in or upon any part of the Center except persons duly authorized to operate such a motor vehicle in the State of New Jersey.

6. Except when standing a bus in a space, the use of which has been licensed specifically to the operator of such bus by written agreement with PATH, drivers shall stand vehicles in the Center only at space designated for such vehicles by the manager or other authorized PATH representative. Where space is used in common by the buses of more than one carrier, the drivers will cause their buses to stand in the most forward portion of such space available upon arrival; will, except when passengers are actually boarding or leaving the bus, continually move their buses forward, toward, and to the most forward vacant portion of the space; and will, except when passengers are actually boarding or leaving the bus, move or remove the bus to avoid blocking egress of a bus ready for departure.

7. The driver of any vehicle involved in an accident within the Center resulting in injury or death to any person or damage to any property shall immediately stop such vehicle at the scene of the accident, render such assistance as may be needed, and give his name, address, the number of his driver's license, and the registration number of the vehicle to the person injured or to any police officer. The driver, operator, or owner of such vehicle shall make a report of such accident in accordance with the law of the State of New Jersey, and shall deliver a copy of said report to the manager within seven days of the occurrence.

8. No unauthorized person shall tamper with any vehicle, start the motor thereof, move the vehicle or otherwise interfere with the operation thereof at the Center.

9. Except to the extent specifically permitted in any written agreement between PATH and the carrier, no person shall fuel, defuel, lubricate, clean or repair a vehicle or any part thereof at the Center without permission.

10. Every driver who causes a vehicle to park or stand in the Center for three or more minutes shall turn off its motor.

11. Prolonged sounding of the horns of vehicles in the Center is forbidden.

12. No person shall leave a vehicle unattended in the Center without first having made sure that its motor is turned off and its parking brakes set.

13. Except for vehicles that are parked in designated public areas or are occupying a permanently assigned space, no vehicle shall remain in the Center for longer than the time necessary for permitted operations in connection therewith, and, unless a shorter time limitation is elsewhere imposed, no vehicle shall remain in the Center for longer than 30 minutes. The manager shall have authority to require, by five minutes, notice which may be given orally to the driver, the removal from the Center of any vehicle which shall have been standing or parked at the Center in excess of prescribed limits; in the event the vehicle is not so removed, PATH may remove it under the provisions of Section 18.

14. No person shall operate a vehicle in the Center in a careless and negligent manner or in disregard of the rights or safety of others, or without due caution, or at a speed in excess of speed limits posted in the area where the vehicle is being operated, or in any event at a speed in excess of 15 miles per hour, or at any speed or in any manner which endangers or is likely to endanger persons or property, or while under the influence of intoxicating liquor or any narcotic or habit-forming drug.

15. Drivers of vehicles in the Center must at all times comply with any traffic order, signal or direction given by voice or by hand, of an authorized representative of PATH. When traffic is controlled by traffic lights or signs or by mechanical or electrical signals, such lights, signs and signals shall be obeyed unless an authorized representative of PATH then directs otherwise.

16. Unless other provision for reports is expressly made, each driver of a bus of any carrier shall report to the manager or his representative immediately upon arrival at the Center, shall pay all fees required, shall give information of the expected time of departure, and shall immediately before departure check out at the office of the manager.

17. Unless other provision for the removal of disabled vehicles has been made by agreement, PATH shall have the right to require, by five minutes' notice which may be given orally to the driver, the removal from the Center (or to a different location in the Center) of any vehicle which has become disabled in the Center. In the event such vehicle is not so removed, PATH may remove it under the provisions of Section 18 below.

18. In the event PATH is empowered to remove any bus or other vehicle from the Center by any provision of these rules and regulations, such removal shall be at the risk of the owner or operator of such vehicle, and the cost thereof shall be for the account of such owner or operator and payable to PATH on demand.

E. Elevators, Escalators and Loading Docks

1. Elevators for freight handling service will be operated in accordance with a schedule established by the manager, un-

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less other arrangements are made with the manager for operation at other times.

2. Passenger elevators and escalators may not be used to carry freight.

3. The use of any escalator, elevator, private right-of-way or truck loading dock at the Center will be subject to the direct control of the manager.

4. No unauthorized person shall cause an elevator or escalator to stop by means of any emergency stopping device unless continued operation would appear to result in probable injury to a person or persons. Any such stopping should be reported immediately to the manager.

5. Truck loading docks located in the Center are designed to accomplish the immediate transfer of merchandise between the freight elevators and trucks. All persons will confine their use of the docks to such purpose as directed by the manager. No storage or holding of merchandise on the truck loading docks awaiting the arrival of trucks or awaiting transfer to premises or space at the Center will be permitted.

F. Trash Removal

All persons at the Center are responsible for providing for their own trash disposal to a compactor provided by the manager for this purpose. No other method of trash disposal is permitted without the express written consent of the manager.

G. Definitions

As used herein:

(a) "Bus" shall mean a self-propelled highway vehicle designed and constructed for the carriage of passengers for hire, employing as a source of motive power (either directly or by electrical transmission) a reciprocating or rotary internal-combustion or turbine engine (not including a jet-propulsion engine) utilizing as fuel, gasoline, diesel oil, or any other substance utilized by highway vehicles for fuel and permitted by the laws of New Jersey then in effect and having overall dimensions not in excess of the following: length, 45 feet; width, 102 inches; height, 12 feet, 8 inches; and having a maximum gross loaded weight not in excess of 35,000 pounds avoirdupois, distributed to provide no more than 20,000 pounds per axle; provided, however, that larger or heavier passenger-carrying vehicles may be operated at the station by prior mutual consent of PATH and the operator and each such shall be deemed, for the period of such operation by consent, a "bus".

(b) "Carrier" shall mean an operator of one or more vehicles for the transportation of passengers for hire.

(c) "Cost" shall mean and include:

(1) payroll costs of PATH, including contributions to the retirement system, or the cost of participation in other pension plans or systems, insurance costs, sick-leave, holiday, vacation and authorized-absence pay;

(2) cost of materials and supplies used;

(3) payments to contractors;

(4) any other direct costs; and

(5) 30 per cent of the sum of the foregoing.

(d) "Driver" shall mean the person who is in, or has present responsibility for actual physical control of a vehicle.

(e) "Express" shall mean and include property other than baggage, mail, manifest baggage and newspapers, transported or to be transported by a carrier in accordance with the published tariffs of any carrier, except that it shall not include animals, articles packed in wet ice or water, dangerous articles (including but not limited to acids, radioactive materials, live pathogenic organisms, explosives, gases, and flammable materials), intoxicating beverages, jewelry, lottery tickets, materials having or capable of producing offensive odors, meat, meat products, money, securities, watches, or wet batteries; provided, however, that by notice given within 60 days after the effective date of any reissue, revision or supplement of a tariff of any carrier, PATH may exclude from this definition any article, material or thing listed therein for the first time; and provided, further, that "express" shall not include any parcel or piece the overall dimensions of which are greater than 24 inches by 24 inches by 45 inches.

(f) "U.S. Department of Transportation regulations" shall mean regulations of the United States Department of Transportation as from time to time are in effect.

(g) "Manifest baggage" shall mean and include property checked through on the line of any carrier (or of a carrier connecting with any carrier) on a ticket or tickets for passenger transportation, in accordance with the applicable tariff of such carrier.

(h) "Parking" shall mean the halting of a vehicle on a roadway or other area while not actually engaged in receiving or discharging passengers, except when halted in obedience to traffic regulations, signs or signals, and without regard to the presence or absence of the driver.

(i) "Permission" shall mean permission granted by the manager except where otherwise specifically provided.

(j) "Person" shall mean any individual or natural person, and any firm, partnership, corporation or incorporated or unincorporated association, and shall include any assignee, receiver, trustee, executor, administrator or similar representative appointed by a court, and shall mean the United States of America or any department of the government thereof, any State or political subdivision thereof, any foreign government or political subdivision thereof, or the United Nations.

(k) "PATH" shall mean Port Authority Trans-Hudson Corporation.

(l) "JSTC rules and regulations" shall mean these rules and regulations and all amendments and supplements thereto, and all rules and regulations relating to PATH set forth in chapter 64 of the Laws of New Jersey, 1964, as the same may be hereafter amended or supplemented.

(m) "Stand" shall mean to halt a bus for the purpose of loading or unloading or for waiting in position for loading or unloading.

(n) "Manager of the Center" or "manager" shall mean the person or persons from time to time designated by PATH to exercise the powers and functions vested in the said manager by these rules and regulations, and shall mean the manager or acting manager of the Center for the time being or his duly designated representative or representatives.

(o) "Center" shall mean the entire area including roadways and structures which comprises the Journal Square Transportation Center.

(p) "Vehicle" shall mean and include automobiles, trucks, buses, tractors, trailers, semitrailers, and any other devices in or upon or by means of which any person or property is or may be transported, carried or drawn upon land only, except railroad rolling equipment or other devices designed to operate only on stationary rails or tracks.

(q) "Vehicular level" shall mean and include any floor or story at the Center designed for use by vehicles.

An order adopting these rules was filed March 6, 1975, as R.1975 d.47 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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(a)

TURNPIKE AUTHORITY

Deletion of Rule on Certain Vehicles on Turnpike

On February 27, 1975, the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, deleted N.J.A.C.19:9-1.9(a) 26, concerning certain vehicles on the Turnpike, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 77(c).

An order adopting this deletion was filed and effective February 28, 1975, as R.1975 d.41.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TURNPIKE AUTHORITY

Revised Schedule of Tolls For New Jersey Turnpike

On February 25, 1975, the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised schedule of tolls for the New Jersey Turnpike.

The 29 pages of revised tolls concern the six numbered vehicle classes at the Turnpike interchanges. The six numbered classes represent the Turnpike's present Vehicle Classes 1 through 6, except that all buses are now removed from their former Class 2 or 3 status and now are in Classes 2-A and 3-A categories.

On the Turnpike's two cash-barrier toll plazas, Interchange 6A and Interchange 17, the new toll rates are 25 cents for all vehicles falling in Turnpike Vehicle Class 1; 25 cents and 35 cents for the newly established Vehicle Classes 2-A and 3-A for all buses; and 50 cents per trip for all vehicles falling in Turnpike Classes 2 through 6.

The rules also revise tolls for all two- and three-axle buses. The revised tolls for vehicle classes 2-A and 3-A are identical with present tolls for vehicle classes 2 and 3, except for a five-cent increase for two-axle buses at Interchange 6A.

An order adopting these revised toll schedules was filed and effective March 18, 1975, as R.1975 d.70 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

WATERFRONT COMMISSION OF NEW YORK HARBOR

Revised Rule on Requests for Information

On February 27, 1975, the Commissioners of the Waterfront Commission of New York Harbor, pursuant to authority of Article IV, Section 7 of the Waterfront Commission Compact, New York Laws of 1953, c.882 and New Jersey Laws of 1953, c.202, revised Section 1-24 of Part I of its rules concerning requests for information.

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

1.24 Requests for information.

(a) Requests for **inspection,** searches **and copying** of commission records must be in writing and, to enable the commission to determine whether or not the information requested **may** [should)] be disclosed pursuant to Section 1.4, supra, **or other provision of law,** must specify [, in detail] the reason why such information is requested. [A fee of three dollars for each item requested and authorized to be disclosed by the commission shall be submitted. The commission may dispense with the requirement for such fee where the request is submitted by a person licensed or registered by the commission, his employer or duly authorized representative, for information pertaining to the said licensed or registered person.] **All such requests shall be made to the records access officer, secretary, Waterfront Commission of New York Harbor, at its main administrative offices, 150 William Street, New York, New York, 10038, and any request requiring a search by the commission of its records must be accompanied by a fee of $3.00 for each item to be searched, except that the commission may dispense with such fee where the request is submitted by a person licensed or registered by the commission, his employer or duly authorized representative, for information pertaining to the said licensed or registered person. The denial of any such request may be appealed to the executive director of the commission or his authorized representative.**

(b) Information made available pursuant to a request for inspection or copying shall be at the commission's main administrative offices during regular business hours on the commission's regular working days. A fee shall be charged for photocopies of information made available by the commission. Such fee shall be based upon the actual cost to the commission and may vary depending upon the size, quantity and complexity of reproduction of the copies requested.

An order adopting these revisions was filed March 10, 1975, as R.1975 d.52 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

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STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

INCREASE PREPAYMENT FOR CORPORATE BUSINESS TAX

Corporations filing business taxes with the State have been notified by Sidney Glaser, Director of the Division of Taxation in the State Treasury Department, that a recent legislative change increased the tax prepayment to 60 per cent of the tax due, rather than the previous 50 per cent.

Full text of the official notice is printed below as a matter of information:

On February 28, 1975, Section 15 of the Corporation Business Tax Act (N.J.S.A. 54:10A-15) was amended to increase the tax prepayment from 50 per cent to 60 per cent. The additional prepayment applies to all accounting periods ending on or after June 30, 1974. This means that for every taxpayer having a fiscal year ending June 30, 1974 and thereafter, such taxpayer is required to make a partial payment of its succeeding year's business tax equal to 60 per cent of its tax liability for the current tax year.

TAXPAYERS WHOSE 1974 CORPORATION BUSINESS TAX RETURN HAS NOT BEEN FILED

Since the 1974 corporation business tax return does not provide for the prepayment change in the law, the taxpayer is required to make the 60 per cent computation at Line 17 of the corporation business tax return (form CBT-100) and Line 4 of the corporation business tax return (form CBT-101 short form) in lieu of the 50 per cent computation thereon provided and remit the total balance due as shown at Line 22 and Line 9 of each respective return form.

TAXPAYERS WHOSE 1974 CORPORATION BUSINESS TAX RETURN HAS BEEN FILED

Taxpayers whose filed return based on accounting periods ending on and after June 30, 1974, which does not reflect computation of the prepayment at 60 per cent, will be billed by the State Tax Division for the additional tax prepayment. No penalty or interest charge will be incurred provided payment is made within 20 days from the date of billing.

FAILURE TO COMPLY

Penalty and interest charges will be incurred for failure to pay the additional tax. Penalty is five per cent of the unpaid balance and interest is at the rate of one per cent per month or fraction thereof computed from the due date to the date of payment.

$16 MILLION NEW LOANS, EXPANDED AUTHORITY FOR ECONOMIC DEVELOPMENT

Economic development loans totaling more than $16 million and creating over 1,000 new jobs were announced last month by Joseph A. Hoffman, Commissioner of the State Department of Labor and Industry, and chairman of the State's Economic Development Authority.

The low-interest loans made through sale of the Authority's tax-exempt bonds will go to 17 different firms for construction or expansion of business facilities in 11 counties.

The assistance will stimulate more than $21 million in direct business investment and will create approximately 500 construction jobs in addition to 1,077 new permanent jobs, Hoffman said.

The projects represent the third group of financings arranged by the Authority, an independent public corporation established by the Legislature last summer to help revive New Jersey's depressed economy.

The Authority has now arranged approximately $33 million in low-interest business loans, stimulated $45 million in new business investments in the State and created approximately 1,800 permanent job opportunities.

At the same time, Gov. Brendan Byrne signed two bills expanding the scope of the Authority.

One measure permits it to assist industries and businesses in financing pollution control facilities necessary to comply with State and Federal environmental control standards. It makes clear that the Authority has the power to finance the purchase of machinery and equipment for business and industry even when no construction or rehabilitation of a facility is taking place.

The other new law appropriates $10 million from the Unemployment Compensation Auxiliary Fund for use as a collateral reserve to guarantee project loans by the Economic Development Authority.

"In this time of high unemployment, it is essential that the State take whatever action possible to stimulate the economy and create new jobs," said Byrne. "These bills are intended to achieve those objectives."

The Governor pointed out that the $10 million appropriation will enable the Authority to guarantee a total of $50 million in new loans.

NEW LAW ON PERFORMANCE BONDS

Gov. Brendan T. Byrne has signed into law a bill which enables the State Department of Environmental Protection to require the posting of performance bonds by persons subject to the Department's orders.

The measure gives the Department the power to require the posting of performance bonds to insure compliance with its orders to correct violations of environmental protection standards. If the abatement schedule established by the Department is violated, the amount of the bond may be forfeited.

The bill provides that the amount of the bond need not be for the full cost to correct a violation, but may be an amount that will insure "good faith compliance" with an order. It prohibits the Department from requiring such bonds from public agencies.

GOVERNOR APPROVES BILL FOR STIFFER PENALTIES FOR DRUG PUSHERS

Gov. Brendan T. Byrne signed into law March 7 a bill which increases penalties for the possession and distribution of narcotics.

The measure was signed at a public ceremony in the Governor's office with the bill's chief sponsors, Senator Martin L. Greenberg and Assemblyman Richard J. Codey, both D-Essex.

"One of the greatest menaces to society and to effective law enforcement is the large-scale drug pusher," said Byrne. "This bill makes it clear to these drug pushers that they may be sentenced to life imprisonment."

He noted that the new law fulfills a pledge he made during his gubernatorial campaign.

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It provides for sentences of up to life imprisonment for pushers of hard drugs such as heroin or cocaine. The sentence could be imposed on persons convicted of manufacturing or distributing hard drugs in a quantity of one ounce or more, including at least 3.5 grams of the pure narcotic.

The penalty for persons convicted of manufacturing or distributing lesser amounts would remain at up to 12 years in prison.

The new law also increases the maximum penalty for possession of more than an ounce of hard drugs from five to seven years.

The bill is now effective, but does not affect sentencing of a person convicted of a violation which took place prior to the effective date.

GOVERNOR NAMES THREE-MAN PANEL TO STUDY S.C.I.

Joseph Weintraub, retired Chief Justice of the New Jersey Supreme Court, was named March 4 by Gov. Brendan T. Byrne to chair a three-man panel which will study the State Commission of Investigation. Also on the panel are Nathan L. Jacobs, retired Supreme Court Justice and Edward F. Broderick, retired judge of the Morris County Court.

The Governor said the panel will evaluate the statutory responsibilities of the Commission, the SCI's performance in relation to that statute and the Commission's structure. At completion of its study, the panel will make recommendations to Byrne on the future of the Commission.

Byrne had recently questioned the performance of the SCI; in addition, a bill to abolish the Commission has been introduced in the State Senate.

"While there has been considerable controversy and public debate over my comments and the proposed legislation, little light has been shed on the performance of the SCI," Byrne said.

"However, I am certain that an evaluation of the Commission by this distinguished panel of retired jurists ultimately will lead to an upgrading of law enforcement in New Jersey and will insure that our statutes provide us with a wide range of investigative powers. We must keep in mind that no branch of government, no individual, no agency, should be above scrutiny."

The Governor said the panel will begin its assignment with a review of reports made by the Commission.

Weintraub, 67, served on the Supreme Court from 1956 until his retirement in 1974. He served as Chief Justice for 17 years.

Jacobs, 70, was a Supreme Court Justice for 23 years prior to his retirement this year.

Broderick, 70, served on the Morris County Court from May, 1964 until his retirement in January, 1975.

SAGNER NAMES GOODKIND AS HIS TOP ASSISTANT

State Transportation Commissioner Alan Sagner has named Donald R. Goodkind of West Orange as Assistant Commissioner for highways. Goodkind, 53, resigned as board chairman of the consulting engineering firm of Goodkind and O'Dea, Clifton, to begin the new post March 17 at a $39,397 salary.

Sagner said Goodkind's responsibilities would include "two of major importance. He will be the Department's advocate and spokesman for highways and he will be concerned with the productivity of more than 4,000 employees engaged in the many varied aspects of highway construction and maintenance".

Goodkind is the son of the late Morris Goodkind, who was with the then State Highway Department for 33 years, retiring in 1955 after serving the last five years as director and chief bridge engineer.

As founder in 1955 of the firm of Goodkind and O'Dea, the younger Goodkind served for 20 years as its president and general manager. The firm grew to become one of the largest of its type in the nation with a staff of 250 professional and technical employees.

Goodkind, a native of New Brunswick, received a bachelor's degree in civil engineering from Cornell University and a master's degree from the University of Illinois.

He is co-author of "Highway Engineering", a handbook for civil engineers, and in 1968 was cited as "Construction Man of the Year" by Engineering News-Record. He holds professional engineer licenses in eight states.

Goodkind served on the West Orange Board of Education from 1969 to 1975 and as president in 1972-73. He was a founder and has served as president of the New Jersey Consulting Engineers Council and as a member of the Advisory Council for Civil Engineering at Newark College of Engineering.

BYRNE NAMES BONTEMPO GARDEN STATE PARKWAY HEAD

Gov. Brendan T. Byrne has designated Salvatore A. Bontempo of Florham Park as chairman of the New Jersey Highway Authority, the agency that runs the Garden State Parkway.

Bontempo, who served as chairman of the State Democratic Committee from 1969 to 1973, succeeds George M. Wallhauser Sr. as authority chairman. Wallhauser will continue to serve on the panel.

Bontempo, who was confirmed for authority membership in January, said, "I will make every effort to make the Parkway a better road".

Bontempo was graduated from Notre Dame University and John Marshall School of Law. He began his political career as a Newark city commissioner.

Gov. Robert B. Meyner appointed him State Commissioner of Conservation and Economic Development, a forerunner of the Department of Environmental Protection.

In 1961, Bontempo was appointed by President John F. Kennedy as Undersecretary of State in charge of Bureau of Security and Consular Affairs.

Bontempo is a former Air Force colonel. He served on the New Jersey Area Redevelopment Authority and the Meadowlands Regional Redevelopment Agency.

The Highway Authority is an exception to other authorities in the State in that the Governor names the chairman. In the others, the chairman is chosen by authority membership.

DR. REISS NEW HEALTH PLANNING AIDE

Dr. Joanne E. Finley, State Commissioner of Health, announced the appointment of Dr. John Barlow Reiss, 35, of Mays Landing as Assistant Commissioner in charge of planning, evaluation and rate-setting at a $26,800 salary.

He will report to Deputy Commissioner David A. Wagner.

Dr. Reiss formerly headed the economics program at Stockton State College. He holds a B.A. degree from Exeter University, England; an A.M. from Washington University, St.

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Louis, Missouri; and his Ph.D. also from Washington University. His major areas of study were environmental economics, governmental economics, public finance and money and banking.

He is studying law evenings at Temple University School of Law in Philadelphia.

He has been president of the Comprehensive Health Planning Agency of Southern New Jersey since 1973 and has responsibility to see that policy decisions of the board of directors are carried out. He has served on various ad hoc committees of the State Health Planning Council and is serving as the Council's representative on the Task Force for 1975 Rates, the body establishing reimbursement rates for Blue Cross and Blue Shield.

Dr. Finley said, "Dr. Reiss will bring to the Department expertise in planning and evaluation and will greatly strengthen the team that deals with the important work of rate setting".

Dr. Reiss' wife, Mary M. Reiss, is an attorney practicing in Atlantic City. The couple host a weekly half-hour television show in Atlantic City entitled "In the Public Interest", combining interviews and commentary.

GABY NAMED TO STATE BOARD OF EDUCATION

Daniel M. Gaby, president of the advertising and public relations firm of Keyes, Martin & Company, Springfield, was installed last month as a member of the State Board of Education.

Gaby will serve the remainder of the term of Paul J. Christiansen of East Orange who left the Board in January for personal reasons. Christiansen was serving a six-year term expiring June 30, 1976.

Gaby became president of Keyes, Martin & Company, the largest advertising agency in New Jersey, last year after being with the firm for 17 years. He is chairman of the Governor's Task Force on the Cities, a member of the Governor's Commission to Evaluate the Capital Needs of New Jersey, vice chairman of the board of directors for the Center for Urban Ethnic Affairs in Newark and communications advisor to the office of the Mayor of Newark.

CODE IMPROVEMENT IS AIM OF PRODUCTION CHANGE

A basic change in operations aimed at speeding up production of the New Jersey Administrative Code has been announced by Thomas F. Kistner, Director of the Divison of Administrative Procedure.

The Administrative Code, the 30-volume, loose-leaf set of official rules of all State Departments, was begun three years ago with an initial five volumes, Kistner said, and to date over 24,000 individual volumes have been sold, 85 per cent of these in full sets.

"Previously, we contracted with outside computer composition firms for the initial production of the Code," the Administrative Director explained, "and the change we are making is to perform our own computer composition".

"We anticipate that this will not only speed up production, but because of accelerating contract costs for such work, it should mean substantial dollar savings for the State," Kistner said.

He noted that two updates a year of the Code have previously been distributed and said the Division's goal is to increase such service by half again as much and issue three updates annually. Such updates now involve about 2,500 pages and are constantly growing as amendments to present rules or additional administrative rules are adopted, Kistner said.

Other advantages are possible with the new method, he feels. The time lag between adoption of rules and their distribution as part of the Code should be cut; and those Departments whose rules most closely affect the public — such as Taxation, Public Utilities, Environmental Protection and Education — will be given precedence for the printing of their particular rulings.

The Administrative Director pointed out that all rules upon adoption have the same legal effect as do laws passed by the State Legislature. The present Administrative Code has some 14,000 pages of such rules, he said.

Equipment to be used by the Administrative Procedure Division is the IBM Composer System, consisting of a magnetic type "Selectric" typewriter with composer console and reader.

Kistner added that immediate printing of rules as an interim service to Code subscribers will continue each month in this New Jersey Register, prior to their being incorporated into the Administrative Code.