

NEW JERSEY REGISTER



The State's Official Rules Publication

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(a)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Proposed Revisions Concerning Shell Eggs

The New Jersey State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.12 et seq., proposes to revise some of the rules on standards for quality for individual shell eggs.

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

2:71-1.23 Marketing of shell eggs

(a) Any eggs which are marketed to consumers, institutional consumers or retailers shall be edible and shall conform to the standards for Consumer Grades AA, A or B as published in the Federal Register Volume 20, No. 22, February 1, 1955, Part 56, Subpart C, known as the Code of Federal Regulations Governing the Grading of Shell Eggs and United States Standards Grades and Weight Classes for Shell Eggs, (7CFR Part 56, Subpart C) effective July 1, 1971, and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed to be the rules and regulations of the New Jersey State Board of Agriculture:

1. Exception: Restricted eggs may be marketed in accordance with the exemption provisions in the Federal Egg Products Inspection Act (Public Law 91-597) and the USDA Regulation Governing the Inspection eggs and egg products (7CFR Part 59) and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed to be the rules and regulations of the New Jersey State Board of Agriculture.

2:71-1.32 [Marketing wholesale grade

Containers of New Jersey eggs marketed by producers in accordance with a wholesale grade shall be sealed in a manner so that the eggs therein cannot be handled without breaking the seal.]

2:71-1.32 Sealing containers

Unless the eggs are produced by chickens in New Jersey owned by that packer, only those loose eggs in containers sealed with gummed tape at least 2 1/2 inches wide in a manner that the tape must be torn to open the

container and marked with the name and address of the New Jersey producer partly on the tape and partly on the container may be used for packing into New Jersey identified containers.

2:71-1.34 [Use of descriptive words] (Reserved)

[Words such as "nearby", "local", "farm", or "farms" used singularly or in combination to describe eggs shall be interpreted to mean that eggs are represented as "fresh" and are produced within the area in which they are being marketed but not in excess of 15 miles beyond the boundaries of New Jersey.]

2:71-1.36 [Packaging eggs] (Reserved)

[(a) Eggs shall be thoroughly cooled before being packaged.

(b) The use by any person of paper board eggs cases which have been held for at least 48 hours in an area having a temperature and humidity as required for keeping eggs are acceptable as sufficient protection for eggs in transit to a first receiver provided the time in transit does not exceed one hour and the destination does not exceed a radius of 20 miles from the point of packaging and provided further that the containers of eggs are shielded from sources of heat while in transit.]

2:71-1.40 Container defined

"Container" means a package of any description containing not more than 30 dozen eggs which is capable of being enclosed on all sides and in which eggs are transferred from person to person.

All other regulations in N.J.A.C. 2:71-1.1 to 2:71-1.29 now are superseded by the Federal Regulations 7CFR Part 56, Subpart C and Part 59 which were adopted by the New Jersey State Board of Agriculture on July 1, 1972.

Interested persons may comment orally or in writing 20 days after publication to:

Delmar K. Myers, Director
Division of Regulatory Services
P. O. Box 1888
Trenton, N.J. 08625
Telephone (609) 292-5575

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

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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(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Revisions on Vaccination Of Female Bovine Animals

On July 31, 1975, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:2-2.3(a)2. concerning the vaccination of female bovine animals as proposed in the Notice published July 10, 1975, at 7 N.J.R. 290(a).

An order adopting these revisions was filed and effective August 1, 1975, as R.1975 d.233.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revised Rules on Minimum Prices for Milk

On July 31, 1975, the New Jersey Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-22, as affirmed by the case of Garden State Farms v. Mathis (61 N.J. 406, 294A2d 713 (1972)) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules concerning the minimum prices for milk sold in New Jersey, effective August 1, 1975, of \$0.35½ per quart, \$0.66 per half-gallon and \$1.26 per gallon. Such revisions were adopted pursuant to findings of fact and determinations for Order 69-1 and the schedules developed pursuant thereto.

The current text of Subchapter 1 in Chapter 49 of Title 2 in the New Jersey Administrative Code is deleted and replaced with the new text below. **Full text** of the adopted rules follows:

2:49-1.1 Minimum price for resale of milk

(a) It is hereby ordered this day of May 19, 1969, that on and after the effective date hereof¹, the minimum prices to be charged for the resale of milk through stores and vending machines for off-premises consumption, and on home delivery routes shall be as follows:

1. In Area 1 (N.J.A.C. 2:48-4.1 (a)), the minimum resale prices shall be those set forth in Schedule 69-IN (N.J.A.C. 2:49-1.2), annexed hereto and made a part hereof;

2. In Areas 2 and 3 (N.J.A.C. 2:48-4.1 (b) (c)), the minimum resale prices shall be those set forth in Schedule 69-IS (N.J.A.C. 2:49-1.3), annexed hereto and made a part hereof.

¹By order of the New Jersey Supreme Court, Order 69-1 became effective September 18, 1972.

2:49-1.2 Schedule 69-IN; North Jersey

(a) Schedule 69-IN is as follows: minimum prices for fluid whole milk sold out-of-stores and vending machines for off-premises consumption and on home-delivery routes.

(cents per unit)

	1	2	3	4	5
M.A. Order	\$5.88	\$6.07	\$6.26	\$6.45	\$6.64
No. 2	to	to	to	to	to
Class I Price	\$6.06	\$6.25	\$6.44	\$6.63	\$6.82
Quart	\$0.26	\$0.26½	\$0.27	\$0.27½	\$0.28
Half-gallon	\$0.47	\$0.48	\$0.49	\$0.50	\$0.51
Gallon	\$0.88	\$0.90	\$0.92	\$0.94	\$0.96
	6	7	8	9	10
M.A. Order	\$6.83	\$7.02	\$7.21	\$7.40	\$7.59
No. 2	to	to	to	to	to
Class I Price	\$7.01	\$7.20	\$7.39	\$7.58	\$7.77
Quart	\$0.28½	\$0.29	\$0.29½	\$0.30	\$0.30½
Half-gallon	\$0.52	\$0.53	\$0.54	\$0.55	\$0.56
Gallon	\$0.98	\$1.00	\$1.02	\$1.04	\$1.06
	11	12	13	14	15
M.A. Order	\$7.78	\$7.97	\$8.16	\$8.35	\$8.54
No. 2	to	to	to	to	to
Class I Price	\$7.96	\$8.15	\$8.34	\$8.53	\$8.72
Quart	\$0.31	\$0.31½	\$0.32	\$0.32½	\$0.33
Half-gallon	\$0.57	\$0.58	\$0.59	\$0.60	\$0.61
Gallon	\$1.08	\$1.10	\$1.12	\$1.14	\$1.16
	16	17	18	19	20
M.A. Order	\$8.73	\$8.92	\$9.11	\$9.30	\$9.49
No. 2	to	to	to	to	to
Class I Price	\$8.91	\$9.10	\$9.29	\$9.48	\$9.67
Quart	\$0.33½	\$0.34	\$0.34½	\$0.35	\$0.35½
Half-gallon	\$0.62	\$0.63	\$0.64	\$0.65	\$0.66
Gallon	\$1.18	\$1.20	\$1.22	\$1.24	\$1.26
	21	22	23	24	25
M.A. Order	\$9.68	\$ 9.87	\$10.06	\$10.25	\$10.44
No. 2	to	to	to	to	to
Class I Price	\$9.86	\$10.05	\$10.24	\$10.43	\$10.62
Quart	\$0.36	\$0.36½	\$0.37	\$0.37½	\$0.38
Half-gallon	\$0.67	\$0.68	\$0.69	\$0.70	\$0.71
Gallon	\$1.28	\$1.30	\$1.32	\$1.34	\$1.36
	26	27	28	29	30
M.A. Order	\$10.63	\$10.82	\$11.01	\$11.20	\$11.39
No. 2	to	to	to	to	to
Class I Price	\$10.81	\$11.00	\$11.19	\$11.38	\$11.57
Quart	\$0.38½	\$0.39	\$0.39½	\$0.40	\$0.40½
Half-gallon	\$0.72	\$0.73	\$0.74	\$0.75	\$0.76
Gallon	\$1.38	\$1.40	\$1.42	\$1.44	\$1.46
	31	32	33	34	
M.A. Order	\$11.58	\$11.77	\$11.96	\$12.15	
No. 2	to	to	to	to	
Class I Price	\$11.76	\$11.95	\$12.14	\$12.33	
Quart	\$0.41	\$0.41½	\$0.42	\$0.42½	
Half-gallon	\$0.77	\$0.78	\$0.79	\$0.80	
Gallon	\$1.48	\$1.50	\$1.52	\$1.54	

Larger-than-gallon: The quart equivalent of the minimum price for gallon containers minus \$0.01 per quart multiplied by the number of quarts in the unit.

2:49-1.3 Schedule 69-IS South Jersey

(a) Schedule 69-IS is as follows: minimum price for fluid

whole milk sold out-of-stores and vending machines for off-premises consumption and on home-delivery routes.

(cents per unit)

	1	2	3	4	5
M.A. Order No. 4	\$6.32 to	\$6.51 to	\$6.70 to	\$6.89 to	\$7.08 to
Class I Price*	\$6.50	\$6.69	\$6.88	\$7.07	\$7.26
Quart	\$0.26	\$0.26½	\$0.27	\$0.27½	\$0.28
Half-gallon	\$0.47	\$0.48	\$0.49	\$0.50	\$0.51
Gallon	\$0.88	\$0.90	\$0.92	\$0.94	\$0.96
M.A. Order No. 4	\$7.27 to	\$7.46 to	\$7.65 to	\$7.84 to	\$8.03 to
Class I Price*	\$7.45	\$7.64	\$7.83	\$8.02	\$8.21
Quart	\$0.28½	\$0.29	\$0.29½	\$0.30	\$0.30½
Half-gallon	\$0.52	\$0.53	\$0.54	\$0.55	\$0.56
Gallon	\$0.98	\$1.00	\$1.02	\$1.04	\$1.06
M.A. Order No. 4	\$8.22 to	\$8.41 to	\$8.60 to	\$8.79 to	\$8.98 to
Class I Price*	\$8.40	\$8.59	\$8.78	\$8.97	\$9.16
Quart	\$0.31	\$0.31½	\$0.32	\$0.32½	\$0.33
Half-gallon	\$0.57	\$0.58	\$0.59	\$0.60	\$0.61
Gallon	\$1.08	\$1.10	\$1.12	\$1.14	\$1.16
M.A. Order No. 4	\$9.17 to	\$9.36 to	\$9.55 to	\$9.74 to	\$9.93 to
Class I Price*	\$9.35	\$9.54	\$9.73	\$9.92	\$10.11
Quart	\$0.33½	\$0.34	\$0.34½	\$0.35	\$0.35½
Half-gallon	\$0.62	\$0.63	\$0.64	\$0.65	\$0.66
Gallon	\$1.18	\$1.20	\$1.22	\$1.24	\$1.26
M.A. Order No. 4	\$10.12 to	\$10.31 to	\$10.50 to	\$10.69 to	\$10.88 to
Class I Price*	\$10.30	\$10.49	\$10.68	\$10.87	\$11.06
Quart	\$0.36	\$0.36½	\$0.37	\$0.37½	\$0.38
Half-gallon	\$0.67	\$0.68	\$0.69	\$0.70	\$0.71
Gallon	\$1.28	\$1.30	\$1.32	\$1.34	\$1.36
M.A. Order No. 4	\$11.07 to	\$11.26 to	\$11.45 to	\$11.64 to	\$11.83 to
Class I Price*	\$11.25	\$11.44	\$11.63	\$11.82	\$12.01
Quart	\$0.38½	\$0.39	\$0.39½	\$0.40	\$0.40½
Half-gallon	\$0.72	\$0.73	\$0.74	\$0.75	\$0.76
Gallon	\$1.38	\$1.40	\$1.42	\$1.44	\$1.46
M.A. Order No. 4	\$12.02 to	\$12.21 to	\$12.40 to	\$12.59 to	
Class I Price*	\$12.20	\$12.39	\$12.58	\$12.77	
Quart	\$0.41	\$0.41½	\$0.42	\$0.42½	
Half-gallon	\$0.77	\$0.78	\$0.79	\$0.80	
Gallon	\$1.48	\$1.50	\$1.52	\$1.54	

Larger-than-gallon: the quart equivalent of the minimum price for gallon containers minus \$0.01 per quart multiplied by the number of quarts in the unit.

*Including direct delivery differential pursuant to Section 1004.83 of Federal Order No. 4.

Note: copies of the findings of fact and determination for Order 69-1 are available at:

Department of Agriculture
John Fitch Plaza,
Trenton, N.J. 08625

An order adopting these revised rules was filed and effective August 1, 1975, as R. 1975 d.232 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

BANKING

THE COMMISSIONER

Notice Concerning Mortgage Loans in Disaster Areas

Take notice that, on July 24, 1975, Richard F. Schaub, Commissioner of Banking, has invoked the provisions of N.J.A.C. 3:10-3.1 et seq. which will remain in effect pursuant to its terms for one year.

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Revisions Concerning Exclusion from Liabilities of Controlling Corporation

On August 1, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-60 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:11-2.1 concerning the exclusion from liabilities of the controlling corporation as proposed in the Notice published July 10, 1975, at 7 N.J.R. 290(c).

An order adopting these revisions was filed and effective August 1, 1975, as R.1975 d.226.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Revisions on Excludable Loans

On August 18, 1975, William B. Lewis, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-168 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:27-5.3 concerning excludable loans as proposed in the Notice published July 10, 1975, at 7 N.J.R. 291(a).

An order adopting these revisions was filed and effective August 18, 1975, as R.1975 d.249.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

appear in Title 4 of the New Jersey Administrative Code.
Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Subpart 8-8.111 Of Personnel Manual (Local Jurisdictions)

On July 23, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 8-8.111 of the Civil Service Personnel Manual (Local Jurisdictions) concerning service credits schedule for volunteer firefighters.

Full text of the revised rules follows:

Subpart 8-8.111 Service Credits Schedule For Volunteer Firefighters

8-8.111a Subject

This subpart establishes a schedule to be used for assigning service credits for qualifying volunteer firefighters when competing in open-competitive examinations for permanent appointments to a paid fire department force.

8-8.111b Application

When a municipality has a volunteer fire company and paid positions are created, any volunteer firefighter who has actively served for at least two years is entitled to service credits in addition to his earned examination rating. Service credits are to be not less than three nor more than ten points. These provisions are stipulated in N.J.S.A. 40A:14-45.

8-8.111c Schedule

To a passing examination score additional points will be added based on the number of years service in accordance with the following:

1. For the minimum of two years service, three points will be awarded.
2. For three years service, four points will be awarded.
3. For four years service, five points will be awarded.
4. For five years service, six points will be awarded.
5. For six years service, seven points will be awarded.
6. For seven years service, eight points will be awarded.
7. For eight years service, nine points will be awarded.
8. For nine years service, ten points will be awarded.
9. Any service time in excess of nine years will be awarded the ten point maximum.

The highest possible examination score will be 90 per cent, prior to the additional possible ten point maximum service credit.

An order adopting these revisions was filed July 25, 1975, and R.1975 d.214 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Joint Resolution Concerning Payments State Employees for Unused Sick Leave

On July 25, 1975, the President of the New Jersey Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting, pursuant to authority of N.J.S.A. 11:14-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, jointly adopted a resolution concerning the administration of payments to State employees for unused sick leave.

Full text of the adopted resolution follows:

4:1-17.24(k) Supplement 1 and Supplement 2 of the joint regulations concerning the administration of payment to State employees for unused sick leave provided options to certain nonclassified employees. For purposes of this program, nonclassified employees to whom this option is available are defined as:

1. Those employees who have earned sick leave under terms and conditions similar to those in the classified service but who received a different vacation leave allocation and whose records of sick leave and vacation leave usage were recorded in a manner similar to those in the classified service.

An order adopting this resolution was filed and effective July 29, 1975, as R.1975 d.218 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules on Certification in Teaching English as a Second Language

The New Jersey State Board of Education, pursuant to authority of N.J.S.A. 18A:6-34 et seq. and 18A:35-15 et seq., proposes to adopt new rules on certification in teaching English as a second language.

Full text of the proposed new rules follows:

6:11-8.9 Teaching English as a second language

(a) This certificate is required for English as a second language in elementary and secondary schools;

(b) The requirements are as follows:

- i. A bachelor's degree based upon a four-year curriculum in an accredited college.

2. Successful completion of a college curriculum approved by the State Department of Education as the basis for issuing this certificate; or

3. Successful completion of a program of college studies including the following. Required areas of studies are starred (*).

i. A minimum of 45 semester-hour credits in general background courses distributed in at least four of the following fields.

- (1) English;
- (2) Social studies;
- (3) Science;
- (4) Fine arts;
- (5) Mathematics;
- (6) Foreign languages;
- (7) Philosophy and psychology;
- (8) Music.

ii. Fifteen credits in the field of professional education in accordance with New Jersey certification standards.

iii. Thirty credits, comprehensive field endorsement:

(1) Cultural and cross-cultural studies: A minimum of nine semester hour credits, in separate or integrated courses, including study in each of the starred areas, is required — designed to increase the understanding of cross-cultural variables affecting learning, including such courses as the following:

- (A) *Social psychology of the bilingual child; or
- (B) *Contemporary social problems (with emphasis on bilingual/bicultural child);
- (C) *Language and culture;
- (D) *Bilingual/bicultural field experiences;
- (E) Cultural anthropology;
- (F) Comparative cultures.

(2) Linguistics: Twelve semester hours. Courses in the starred areas are required.

- (A) *General linguistics;
- (B) *Phonology and structure of American English;
- (C) *Applied linguistics (including problems of second language experience);
- (D) Comparative linguistics;
- (E) Semantics;
- (F) Dialectology;
- (G) Sociolinguistics;
- (H) Psycholinguistics;
- (I) Grammar systems;
- (J) History and development of the English language.

(3) Theory and practice of teaching English as a second language: Six credits;

(4) Foreign language: Minimum of three credits;

(5) Evidence of native or near-native competency in English as determined by guidelines to be established by the State Department of Education.

iv. Approved student teaching in an English as a second language setting;

v. Physiology and hygiene.

(c) The holder of a standard New Jersey teacher's certificate may qualify for an endorsement to teach English as a second language by completing the 30-credit comprehensive field endorsement in N.J.A.C. 6:11-8.9(b) 3. iii.

(d) All English as a second language certification programs to be offered at New Jersey colleges and universities must be reviewed by the Department of Higher Education and approved by the State Department of Education.

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before September 24, 1975, to:

Lorraine Colavita
Administrative Practice Officer
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 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 Certification in Bilingual/Bicultural Education

The New Jersey State Board of Education, pursuant to authority of N.J.S.A. 18A:6-34 et seq. and 18A:35-15 et seq., proposes to adopt new rules on certification in bilingual/bicultural education.

Full text of the proposed new rules follows:

6:11-8.8 Bilingual/bicultural education

(a) This endorsement is required for teachers of bilingual/bicultural education in elementary and secondary schools.

(b) The requirements are as follows:

1. A bachelor's degree based upon a four-year program in an accredited college;

2. A regular New Jersey teaching certificate in another field;

3. Completion of 24 semester-hour credits in bilingual/bicultural education, including study in the following areas. Required areas of study are starred (*).

i. Cultural and cross-cultural studies: A minimum of 12 semester-hour credits, in separate or integrated courses, including study in each of the starred areas is required; each course should be designed to increase the understanding of cross-culture variables affecting learning, and include such courses as the following:

- (1) *Social psychology and the bilingual child
or

*Contemporary social problems (with emphasis on bilingual/bicultural child);

- (2) *Language and culture;
- (3) *Bilingual/bicultural field experiences;
- (4) Cultural anthropology;
- (5) Comparative cultures.

ii. Linguistics: Three credits in the starred area are required:

(1) *Applied linguistics: Courses stressing techniques of second language skills development.

iii. Other areas: A minimum of nine semester-hour credits in separate or integrated courses:

- (1) *Foundations of bilingual/multicultural education (rationale, history, survey of existing models)
- (2) *Theory and practice of teaching the bilingual child in content areas. If this requirement is fulfilled with coursework, then it should be taught in English and the other language being used as a medium of instruction.
- (3) *Theory and practice of teaching English as a second language.
 - iv. Demonstration of verbal and written proficiency in English and in one other language used also as a medium of instruction.
- (c) All bilingual/bicultural certification programs to be offered at New Jersey colleges and universities must be reviewed by the Department of Higher Education and approved by the State Department of Education.

Interested persons may present statements or arguments relevant to the proposed action in writing on or before September 24, 1975, to:

Lorraine Colavita
Administrative Practice Officer
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 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 Bilingual Education

The New Jersey State Board of Education, pursuant to authority of N.J.S.A. 18A:35-15 et seq., proposes to adopt new rules concerning bilingual education.

Full text of the proposed rules follows:

CHAPTER 31. BILINGUAL EDUCATION

FOREWORD

The purpose of these rules is to assist the Department of Education in administering elementary and secondary school programs designed to meet the special educational needs of persons of limited English speaking ability as provided for in Bilingual Education pursuant to Chapter 197, New Jersey Laws of 1974 (N.J.S.A. 18A:35-15 to 26).

SUBCHAPTER 1. GENERAL PROVISIONS

6:31-1.1 Definitions

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

"Bilingual/bicultural education program" means a process which uses a child's native language and culture as the principal source of instruction in all those courses or subjects which a child is required by law, rule or regulation to receive,

while at the same time systematically and sequentially teaching him English, as a second language, and the history and culture of the United States.

"Bilingual class" means a class for children of limited English speaking ability. Children are initially taught in their dominant language. The second language is gradually introduced and included as one of the languages of instruction.

"Certified bilingual teacher" means a person holding a valid New Jersey teacher's certificate in bilingual education, pursuant to N.J.S.A. 18A:6-34 et seq. and N.J.S.A. 18A:35-15 to 26.

"Children of limited English speaking ability" means children who come from environments where the native language is other than English and who have difficulty speaking and understanding instruction in the English language due to the language problem.

"Dominance" means the area of language proficiency. Example: an English speaking person with limited ability in Spanish is English dominant.

"Dominant language" with respect to the child means the language most relied upon for communication as determined by a test of language dominance.

"ESL teacher" means a person holding a valid New Jersey teacher's certificate in English as a second language, pursuant to N.J.S.A. 18A:6-34 et seq. and N.J.S.A. 18A:35-15 to 26.

"Learning centers" means activities which introduce or reinforce a definite concept or skill. The centers are located within a classroom and are designed to serve students of limited English speaking ability. Instruction for students of limited English speaking ability would be provided in their dominant language and in English, as a second language; instruction for English speaking students would be in English and a second language, that language being the dominant language of the students of limited English speaking ability. The centers may be designed bilingually or monolingually. As students gain proficiency they move from one center to another depending on individual needs. Regrouping occurs throughout the days' activities.

"Native language" means the first language learned by a child, usually the language commonly used in the home.

"Partner classrooms" means two classes at the same grade level: one class of students of limited English speaking ability, the other class (partner classroom) of English dominant students. Both classes will merge for instruction in subject areas which do not necessitate a high level of verbalization.

"Pure bilingual class" means a class which includes an equal number of students from two different language classifications, one of which must be English. Both groups are given instruction in their dominant language and second language as well as in the history and culture of both linguistic groups.

"Special educational needs" means the particular educational requirements of children of limited English speaking ability, the fulfillment of which will provide them with equal educational opportunity.

"Team teaching approach" means one class taught by a team of two teachers: a certified English-as-a-second-language teacher and a certified bilingual/bicultural teacher.

The "Act" refers to Chapter 197, PL 1974 (N.J.S.A. 18A:35-15 to 26).

"Ungraded bilingual class" means a group of pupils of limited English speaking ability with the same dominant language but of different age groups or educational levels.

6:31-1.2 Identification of eligible participants

(a) For compliance with the Act during the 1975-76 school year, all public school districts in New Jersey are required to use an examination in oral comprehension, speaking, reading and writing of English to identify children of limited English speaking ability.

1. The school district shall submit a copy of the proposed examination to the Bureau of Bilingual Education for approval prior to its administration.

(b) For the 1976-77 school year and each school year thereafter, each school district shall conduct a census not later than May 1 to determine the number of residents between the ages of five and 18 whose native language is other than English.

(c) Each school district shall ascertain each school year not later than June 1, under regulations prescribed by the Department of Education, the number of residents between the ages of five and 18 identified through their annual census who are of limited English speaking ability.

(d) As part of its program of first entrance, each school district under regulations prescribed by the Department of Education, shall screen for persons of limited English speaking ability.

6:31-1.3 Program

(a) When at the beginning of any school year there are within the schools of the district 20 or more pupils of limited English speaking ability in any one language classification, the board of education shall establish for each such classification a program in bilingual education for all the pupils therein, provided, however, that a board of education may establish a program in bilingual education for any language classification with less than 20 children therein.

(b) Children enrolled in a program of bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school district so combining shall ensure that the instruction given each child is appropriate to his or her level of educational attainment and the school districts shall keep adequate records of the educational level and progress of each child enrolled in a program.

(c) A program of bilingual education may make provision for the voluntary enrollment on a regular basis of a limited number of children whose dominant language is English in order that they may acquire an understanding of the cultural-heritage of the children of limited English speaking ability, for whom the particular program of bilingual education is designed.

(d) Residents five to 18 years old, not enrolled in any school shall be offered an opportunity to enroll in any bilingual program so established.

(e) The bilingual education program required by statute shall be provided by one or more of the following:

1. A bilingual class;
2. A pure bilingual class;
3. Team teaching approach;
4. Learning centers;
5. Partner classrooms;
6. An ungraded bilingual class.

(f) Every person employed as a teacher of bilingual education shall be a certified bilingual/bicultural or ESL teacher.

6:31-1.4 Supportive services

(a) Pupil's enrolled in bilingual education programs shall have full access to educational services available to other pupil's in the school district.

(b) It is highly recommended that school districts utilize full or part-time native speaking personnel to provide supportive services (such as counselling) to the students of limited English speaking ability.

6:31-1.5 Administration and supervision

(a) School districts shall take measures to ensure adequate administration and supervision of bilingual education programs.

(b) Personnel selected for administrative and/or supervisory positions in bilingual education programs shall provide evidence of specialized training and/or experience in bilingual/bicultural education.

(c) Persons holding such positions will be responsible for the following:

1. Pre-service orientation to define role and objectives of bilingual education and its relationship to total curriculum.
2. Inservice workshops throughout the academic year to facilitate planning, materials development or adaptation, and evaluation in keeping with prevailing local school district policy.

6:31-1.6 Approval procedures

(a) Each school district annually shall submit its plan for programs of bilingual education to the Commissioner of Education for approval in accordance with guidelines and forms distributed by the Commissioner.

(b) Plan submitted by the district for approval shall include information on the following elements:

1. Needs assessment process;
2. Objectives;
3. Activities and schedule of activities;
4. Processes to be implemented in carrying out the activities;
5. Staffing patterns;
6. Administration of program;
7. Parent participation.

6:31-1.7 Curriculum

(a) The bilingual curriculum shall include the full range of courses and activities offered on the same basis and under the same rules and regulations that apply to all pupils within the school district. In subjects and activities in which verbalization is not essential to understanding, including but not limited to art, music and physical education, pupils of limited English speaking ability shall participate fully with English speaking pupils in the regular class or activities provided.

(b) When integrating students of limited English speaking ability with English speaking students in subjects and activities in which verbalization is not essential to understanding, the number of students of limited English speaking ability will at no time be less than ten within a classroom. The curriculum taught in such classes will include content and activities that reflect the cultural background both of the students of limited English speaking ability and of the English speaking students.

6:31-1.8 Location

All bilingual programs shall be conducted within the school buildings of the district.

6:31-1.9 Participation

(a) Every school age child of limited English speaking ability not enrolled in existing private school systems shall be enrolled and participate in the bilingual education program, established for the classification to which he belongs by the school district in which he resides, for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English.

(b) An examination in the oral comprehension speaking, reading and writing of English, as prescribed by the State Department of Education, shall be administered annually to all children of limited English speaking ability enrolled and participating in a bilingual education program.

(c) No school district shall transfer a child of limited English speaking ability out of a bilingual program prior to his three years of enrollment unless the pupil has received a score on said examination, determined by the State Department of Education in consultation with the local school district, which reflects a level of English language skills appropriate to the pupil's grade level.

(d) A child of limited English speaking ability enrolled in a bilingual education program, who reflects a level of English language skills appropriate to his or her grade level, may at the discretion of the school district continue in that program for a period longer than three years.

(e) At the discretion of the districts, bilingual education programs may include children of English speaking ability, provided that no bilingual class contains a majority of students whose primary language is English.

6:31-1.10 Joint programs

Any two or more districts may provide bilingual education programs, facilities or transportation pursuant to this Act, and provisions of other applicable rules and regulations pertaining thereto, under the terms of an agreement adopted by resolutions of each of the boards of education concerned, setting forth the essential information concerning the program, facilities or transportation to be provided, the method of apportioning the cost among the districts, and any other matters deemed necessary to carry out the purpose of the agreement. No such agreements shall become effective until approved by the Commissioner of Education.

6:31-1.11 Notification

(a) No later than ten days after the enrollment of any child in a program in bilingual education, the district shall notify by mail the parents or legal guardian of the child that the child has been enrolled in a program in bilingual education. The notice shall contain a simple, non-technical description of the purposes, method and content of the program in which the child is enrolled. The notice shall be in English and the language in which the parents possess a primary speaking ability.

(b) School districts shall send progress reports to parents of children enrolled in bilingual education programs in the same manner and frequency as progress reports are sent to parents of other children enrolled in the school district. Such progress reports shall be written in English and the native language of the parents of children enrolled in the program.

6:31-1.12 Parent participation

(a) Each district shall provide for the maximum practicable involvement of parents of children of limited English-speaking ability in the development and review of program objectives and the dissemination of information to and from the local school districts and communities served by the bilingual education program within existing State law.

(b) Each school district operating a bilingual education program shall establish a parent advisory committee on bilingual education on which at least one more than a simple majority will be parents of children of limited English speaking ability. The remaining composition of the Committee should be comprised of teachers of bilingual education programs, community members and representatives of community organizations and businesses.

(c) The remaining members shall be selected by a designated parent committee appointed by the local district in conjunction with designated representatives of the school district. (Equal representation from both the parents of students of limited English speaking ability and the school district must exist for the selection process.)

(d) The majority of officers of the parent advisory committee shall be parents of students of limited English speaking ability.

6:31-1.13 Bureau of Bilingual Education

(a) There shall be established in the State Department of Education a Bureau of Bilingual Education.

(b) The Bureau shall be charged with at least the following responsibilities:

1. Assist the Departments of Education and Higher Education in the administration and enforcement of the provisions of this Chapter;

2. Develop guidelines and regulations to implement this Chapter;

3. Study, review and evaluate all available resources and programs of bilingual education;

4. Compile information about the theory and practice of bilingual education in New Jersey and elsewhere;

5. Develop information, resources and materials for dissemination and program improvement;

6. Encourage experimentation and innovation in the field of bilingual education;

7. Consult with other departments and agencies;

8. Make recommendations in the areas of teacher training, administration of bilingual education programs, curriculum and materials development, testing and other areas where needed;

9. Review and monitor annually each bilingual education program (including Federal programs) in New Jersey to determine if school district has complied with the provisions of the bilingual education laws and regulations;

10. Review bilingual education program plans of local districts for approval by the Commissioner of Education;

11. Recommend testing instruments for the annual state assessment of students of limited English speaking ability;

12. Convene the State Advisory Committee on Bilingual Education;

13. Provide technical assistance in the area of bilingual education;

14. Coordinate local and Federal programs geared toward meeting the educational needs of students of limited English speaking ability;

15. Assist in the review of applications and proposals for programs that are designed to meet the needs of students of limited English speaking ability;

16. Provide assistance to local districts in achieving maximum practicable involvement of parents of children of limited English speaking ability in planning, development and evaluation of bilingual education programs.

6:31-1.14 State Advisory Committee on Bilingual Education

(a) There shall be a State Advisory Committee on Bilingual Education composed of at least 15 but no more than 25 members appointed by the Commissioner of Education and Chancellor of Higher Education, one of whom shall be designated as Chairperson.

(b) Membership of the Advisory Committee shall include one or more representatives of each of the following:

1. Parents of children of limited English speaking ability;
2. Persons from institutions of higher education experienced in the training of teachers of bilingual/bicultural programs and English as a second language;
3. Classroom teachers experienced in bilingual and English-as-a-second-language teaching techniques;
4. Persons serving on local school boards of education operating bilingual education programs;
5. School administrators of bilingual education programs;
6. Laymen experienced in dealing with problems of children and other persons who are of limited English speaking ability, and/or knowledgeable in the field of bilingual education.

(c) The Director of the Bureau of Bilingual Education shall serve as the executive secretary of the Advisory Committee.

(d) The Committee shall advise the Department of Education and the Department of Higher Education in the formulation of policies and procedures relating to this Act.

Interested persons may present statements or arguments relevant to the proposed action in writing on or before September 24, 1975, to:

Lorraine Colavita
Administrative Practice Officer
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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions Concerning School Bus Body and Equipment Specifications

The New Jersey State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to adopt revisions to N.J.A.C. 6:21-6.24 (f) concerning school bus body and equipment specifications (strobe lamps).

The proposed revisions concern the deletion of the figures describing the identification and warning lamps on a school bus that appears in N.J.A.C. 6:21-6.24 (f), plus other revisions to certain paragraphs of that subsection.

sions to certain paragraphs of that subsection.

Full text of the latter follows (additions indicated in bold-face **thus**; deletions indicated in brackets [thus]):

6:21-6.24 (f)

1. Each school bus shall be equipped with eight [electric] **electronic strobe** warning lamps, four red and four amber, working in an automatic integrated system. The warning lamps shall be of a type approved by the Director of the Division of Motor Vehicles, Department of Law and Public Safety.

6:21-6.24 (f)

5. The four amber lamps shall be actuated by the driver approximately 300 feet prior to each school bus stop. The lamps shall be controlled by a foot switch located in front of the clutch pedal on the floor board. **In the case where automatic transmissions are used, the foot switch shall be located in front of where the clutch pedal would have been normally located.** Opening the entrance door shall turn off the amber [lights] lamps and turn on the red lamps. Closing the entrance door shall turn off the red lamps and recycle the system automatically for the next stop.

6. [A pilot light system shall be installed in a location where its operation shall be plainly visible to the driver. The pilot light system shall be on when the warning lamps are all functioning properly and shall go off when one or more warning lamps shall fail to operate.] **Each strobe warning lamp shall have a monitoring device which gives positive visual indication to the driver of lamp status at all times.**

[7. The housing of the warning lamps shall be National School Bus Chrome²⁹ in color. Hoods shall be of a minimum thickness of 20-gauge steel securely spot-welded to the housing or a minimum thickness of 0.100 inch plastic material securely bonded to the housing, as approved by the Director of the Division of Motor Vehicles, Department of Law and Public Safety. The hoods shall extend at least six inches in front of the lens and from the vertical center-line of the lamp shall measure 80 degrees along the perimeter from each side of the center, with the center-line of the hood coinciding with the top of the vertical center-line of the lamp housing.]

7. Description: An automatic integrated system consisting of:

i. **Eight Par 46 clear sealed-beam type strobe lamps. Lamps shall be equipped with four red and four amber, seven inch diameter 7/8" high-dome, plastic lenses. The lenses shall meet the requirements of the Society of Automotive Engineers Specification J578a for color requirements. Lens material shall comply with the requirements of the Society of Automotive Engineers Specification J576c. The exterior surfaces of the lenses shall be smooth to avoid entrapment of dirt and provide for ease of cleaning.**

ii. **Two independent dual-alternating capacitive discharge solid-state strobe power supplies, one front and one rear, shall provide the required electrical power to energize the sealed-beam flash tubes. The front power supply shall energize the front lamps at a combined alternating flash rate of 120-128 flashes per minute. The rear power supply shall energize the rear lamps at a combined alternating flash rate of 120-128 flashes per minute. Each power supply shall be fully enclosed in a metal environmental container (minimum metal wall thickness shall be 0.060 inch).**

iii. The front power supply shall be fully enclosed within the front bulkhead. The rear power supply shall be fully enclosed within the rear bulkhead.

8. Implementation date of January 1, 1976, for buses manufactured after January 1, 1976;

9. Permissive on buses manufactured prior to January 1, 1976.

Interested persons may present statements or arguments relevant to the proposed action in writing on or before September 24, 1975, to:

Lorraine Colavita
Administrative Practice Officer
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 revisions substantially as proposed without further notice.

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

(a)

EDUCATION

Notice of Printing Errors In Title 6 of the Code

Take notice that several printing errors occur in the current text of Title 6 of the New Jersey Administrative Code. The following are such corrections, which will be made in the next update of Title 6:

Paragraphs 2. and 3. in N.J.A.C. 6:21-8.2 (e) should be deleted in their entirety as was directed by R.1975 d.90, April 11, 1974. See: 6 N.J.R. 99(a), 6 N.J.R. 172(c).

Full text of deleted paragraphs follows:

6:21-8.2 (e)

[2. The color of all lettering shall be jet black, except the word STOP, which shall be a fluorescent red with 1/16 inch borders in black for the purpose of contrast.

Note: The fluorescent red paint should be covered by a clear sealer for protection and maximum fade resistance.

3. The size of the letters shall be as follows:

	Height	Width	Stroke
SCHOOL BUS	7 inches	2 inches	7/8 inch
STOP	8½ inches	5 inches	1½ inches
WHEN LOADING —UNLOADING	1½ inches	¾ inch	¼ inch]

In N.J.A.C. 6:21-11.1, the last line therein indicates that one must possess a valid bus driver's license "issued" by the Department of Law and Public Safety, Division of Motor Vehicles. The word "issued" should be changed to "approved".

The text of N.J.A.C. 6:21-11.3(d) should be deleted in its entirety and that subsection (d) marked as "Reserved".

Full text of the deletion follows:

6:21-11.3 (d) [The driver shall be in full charge of the bus at all times and shall be responsible for order; he shall never exclude a pupil from the bus, but, if unable to manage any pupil, shall report the unmanageable pupil to the principal of the school which he attends.

Note: No pupil may be excluded from the bus for disciplinary reasons unless he is simultaneously suspended from school.] (Reserved)

As amended, R.1974 d.141, effective June 12, 1974. See: 6 N.J.R. 172(b), 6 N.J.R. 258(a).

In N.J.A.C. 6:29-4.2(a)1., the text should read: "1. An intradermal tuberculin test shall be the sole basis for initial screening for evidence of tuberculosis infection in pupils."

In N.J.A.C. 6:29-4.2(a)2.ii on the fifth line, the word "fire" should be changed to read "Five".

In N.J.A.C. 6:29-4.2(a)5.ii. on the first line, the word "tuberlin" should be changed to read "tuberculin".

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

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Notice of Printing Error in the Code

Take notice that a printing error appears in N.J.A.C. 6:46-6.2(c)2. in the current edition of Title 6, Education, in the New Jersey Administrative Code.

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

6:46-6.2(c)2. The executive head of a correspondence school shall have the [administration of a correspondence school and that he will devote to the school the time necessary for efficient administration.] administrative assistance necessary for adequately manning the school and effectively coordinating the work of the teachers.

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Revisions for Special Education

On August 6, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pur-

suant to authority of N.J.S.A. 18A:46-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules on special education substantially as proposed in the Notice published June 5, 1975, at 7 N.J.R. 248(a), but with subsequent substantive changes not detrimental to the public, in the opinion of the Department of Education.

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

6:28-1.9 Parental notification and participation

(a) The identification, evaluation and classification procedures shall include provisions for parental notification and participation.

(b) The word "parent" shall hereinafter include parents, guardians, and parent surrogates:

1. **Identification:** The parent shall be notified in writing in the dominant language of the home when a child has been referred to a basic child study team for evaluation. Such notification shall state the reasons for the referral and shall contain a statement of the parent's rights to challenge the referral as set forth at N.J.A.C. 6:28-1.10 and 1.11.

2. **Evaluation:** The public school district shall request that the parent provide information to the basic child study team to be utilized as part of the evaluation data considered in the classification process.

3. **Classification, educational plan and program:** The chair-person of the basic child study team or designee shall inform the parent of the classification, educational plan and the recommended educational program at a conference prior to their implementation. A summary of the classification, educational plan and educational program shall also be provided the parent in writing in the dominant language of the home.

4. **Notification of right to mediation process and/or hearing:** At the conference and in writing the parent shall be informed of the right to dispute the classification, educational plan and educational program and to invoke the mediation process described in N.J.A.C. 6:28-1.11(c) or the hearing described in N.J.A.C. 6:28-1.11(d).

6:28-1.10 Parents' and pupils' rights

(a) All identified pupils shall be provided an evaluation by the basic child study team, to determine if the children are handicapped and in need of special education programs, as a prerequisite to any board of education action on exclusion from the public school.

(b) Parents of pupils attending public schools, who have been identified pursuant to N.J.A.C. 6:28-1.9(b), 1, shall be provided copies of the law and the regulations relating to the handicapped by the local school district and shall be fully informed of the procedures to seek redress for any issue arising under said law or regulations by which they feel aggrieved.

(c) Parents who challenge the findings of the child study team have the right to request an independent educational evaluation of their child from the Branch of Special Education and Pupil Personnel Services, State Department of Education. The Department of Education shall provide, without cost to the parent, all necessary professional evaluation services for this purpose.

6:28-1.11 Administrative review and hearings

(a) In addition to the situations described in N.J.A.C. 6:28-1.9, parents may invoke the procedures of this Section whenever their request that their child be classified, have his or her classification changed, or have his or her program or placement changed, is denied.

(b) The basic child study team or the chief school administrator may also invoke the procedures of this Section.

(c) An administrative review process may be made available to attempt to resolve disputes. Such process should consist of the following:

1. An informal conference between the parents and members of the child study team and such other professional staff member as may be appropriate and such representatives as the parent may reasonably wish to include;

2. An opportunity for the parent to meet with the local board of education;

3. Consultation with and review by special services personnel of the office of the county superintendent and regional child study teams or with the Branch of Special Education and Pupil Personnel Services, State Department of Education.

(d) In addition to this review process, a review shall be made available upon request to the local board of education and shall include the following:

1. A full hearing before an impartial hearing examiner, conducted at a time and place convenient for the parents, with a verbatim record of the hearing kept;

2. Full access by the parent to all records, findings and recommendations of the child study team reasonably in advance of the hearing;

3. The parent shall have a right to the presence of the legal counsel and other representatives;

4. An opportunity for the parent to be heard, to present witnesses, and to cross-examine witnesses appearing on behalf of the child study team or the chief school administrator or designee;

5. A decision shall be made promptly and in writing, be based solely upon the evidence presented at the hearing, and a copy shall be made available to the parent.

(e) Any party may appeal this decision to the Commissioner of Education.

(f) The decision of the Commissioner of Education may be appealed to the State Board of Education.

(g) The decision of the State Board of Education may be appealed to the New Jersey Superior Court, Appellate Division.

(h) No recommendation for placement, change in placement or exclusion from placement of a handicapped child shall be implemented before a hearing is held on a parental challenge to such recommendation and a decision entered; provided a request for a hearing is made within ten days of notification of such recommendation, except that such recommendation may be implemented if the chief school administrator demonstrates with clear and convincing proof that failure to effect such implementation will harm the child or other children.

(i) The decision entered after initial hearing shall be binding on all parties to the dispute and shall be implemented without delay. No stay of this decision, or of

any subsequent decision rendered on appeal, shall be granted pending appeal unless appellant demonstrates a likelihood of prevailing on appeal and that implementation will harm the child or other children. Application for a stay is to be made first to the body rendering the decision being appealed. If denied, such application may thereafter be made to the body to which an appeal is taken.

6:28-2.2(b) Where the Division of Youth and Family Services, New Jersey Department of Institutions and Agencies, has participated in the identification process, pursuant to N.J.A.C. 6:28-1.8 (b), and has made a request of the local board for evaluation and classification of a child, should the local board fail to provide for such examination within 30 days of the request, the Division may assume the classification responsibility using its own child study team and performing this function according to the procedures herein established.

[(b)] (c) Examination and classification shall include the following:

6:28-3.1 [Handicapped pupils] Educational programs

(a) Handicapped pupils shall be [assigned to] **afforded** educational programs according to how they can best achieve success in learning.

(b) Whenever possible handicapped pupils shall be grouped and/or participate with nonhandicapped children in activities that are part of their educational programs.

(c) **The chief school administrator or designee shall be responsible for the placement of handicapped pupils based on the recommendations of the basic child study team employed by the local board of education or the findings of a clinic or child evaluation center whose services are purchased by the local board of education. All placements shall be made only after consultation and agreement by the parents of the child.**

(d) The chief school administrator shall be responsible for the placement of handicapped pupils based upon the decision of the local hearing examiner when a parent has challenged the recommendations.

(e) All school districts shall provide a continuum of educational programs and services for handicapped children as deemed necessary by the basic child study team.

6:28-3.2 Educational program options

(a) All school districts shall provide a continuum of educational services including programs of instruction complementary to the regular classroom:

(b) Handicapped children shall be served in an educational program on any of the following basis but priority shall be given to the program which offers the student the least restrictive environment.

1. Instruction at school which complements regular class program:

- i. Supplementary instruction;
- ii. Resource room and/or learning center.
2. A special class program in the district;
3. A special program in:
 - i. The public schools of another district;
 - ii. A county vocational and technical school;
 - iii. A county special services district;
 - iv. An educational services commission;
 - v. A jointure commission.

4. Public school programs in hospitals, convalescent homes or other private institutions provided by agreement between one or more school districts;

5. A State of New Jersey operated program;

6. Sheltered workshops in conjunction with other educational programs in the local district on a part-time or full-time basis. Such sheltered workshops shall be approved by the New Jersey Rehabilitation Commission and the Branch of Special Education and Pupil Personnel Services;

7. Sending children capable of benefiting from a day school instructional program to privately operated day classes, in New Jersey or an adjoining state or a nearby state and within 400 miles of Trenton or, with the approval of the Commissioner, to meet particular circumstances at a greater distance from Trenton, the services of which are nonsectarian, whenever the judgment of the board of education with the consent of the Commissioner it is impractical to provide services pursuant to paragraphs 1, 2, 3, 4, 5 and 6 of this subsection;

8. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the Commissioner it is impractical to provide a suitable special education program for a child pursuant to paragraphs 1, 2, 3, 4, 5, 6 or 7 of this subsection.

[6:28-3.2] 6:28-3.3 Teachers for handicapped children

(a) Children classified as handicapped in **special class programs** shall be the primary instructional responsibility of a teacher certified to teach pupils so disabled. Such teachers shall provide instruction designed to correct or compensate for the disability as well as work cooperatively with other teachers to whom the handicapped child may be assigned for portions of his /her educational program.

(b) **In programs other than special class the instructional responsibility shall be shared between teachers holding general and special education certificates.**

[6:28-3.3] Placement

The placement of handicapped pupils shall be the responsibility of the chief school administrator, or his designated agent, acting for the board of education and shall be based on the recommendations of the basic child study team employed by the local board of education or the findings of a clinic or child evaluation center whose services are purchased by the local board of education.]

6:28-3.4 Classroom aides

Classroom aides, under the supervision of a principal, teachers of the handicapped, general education teacher or other personnel, appropriately certified, may assist the teacher in special class or other special programs according to N.J.A.C. 6:11-4.7.

Note: The current text of N.J.A.C. 6:28-3.4 is deleted in its entirety.

An order adopting these revisions was filed and effective August 18, 1975, as R.1975 d.253.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments Concerning Delineated Floodways in the Delaware Basin

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., proposes to amend Section II of N.J.A.C. Title 7, Chapter 13, Delineated Floodway. Such revisions are known within the Department of Environmental Protection as Docket No. DEP003-75-09.

The Department previously adopted Land Use Regulations, effective June 2, 1975, applicable to delineated floodways as published in the June issue of the New Jersey Register. Subsequently, the Water Policy and Supply Council pursuant to N.J.S.A. 58:16A-50 et seq., has, on the dates shown below, delineated additional floodways after public notice and hearing.

Now, therefore, I propose to amend N.J.A.C. 7:13-1.11 to add the aforesaid floodway delineations as items 17, 18, 19 and 20 in subsection (c):

	Council adoption date	Stream	Limits	Type
17.	7—14—75	Rancocas Creek	Centertyn Bridge to junction of North and South Branches	2
18.	7—14—75	North Branch of Rancocas Creek	Mouth of Pemberton Browns Mills Road	2
19.	7—14—75	South Branch of Rancocas Creek	Mouth of Millpond Dam at Vincentown	2
20.	7—14—75	Southwest Branch Rancocas Creek	Mouth to State Highway #70	2

Copies of the relevant data pertinent to these amendments may be inspected in the office of the Division of Water Resources at 1474 Prospect Street, Trenton, New Jersey.

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

Rocco D. Ricci, Assistant Commissioner
 Division of Water Resources
 P.O. Box 2809
 Trenton, N.J. 08625

The Department of Environmental Protection, upon our motion or on 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

Proposed Revisions Concerning Delineated Floodways in the Raritan Basin

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., proposes to amend Section 11 of N.J.A.C. Title 7, Chapter 13, Delineated Floodway. Such proposed revisions are known within the Department of Environmental Protection as Docket No. DEP 003-75-09.

The Department previously adopted land use regulations, effective June 2, 1975, applicable to delineated floodways as published in the June issue of the New Jersey Register. Subsequently, the Water Policy and Supply Council pursuant to N.J.S.A. 58:16A-50 et seq., has, on the dates shown below, modified previously delineated floodways after public notice and hearing.

Now, therefore, I propose to amend N.J.A.C. 7:13-1.11 items 3, 22 and 28 of subsection (d):

	Council adoption date	Stream	Limits	Type
7:13-1.11(d)				
3.	10—16—72	Greenbrook	Mouth to Confluence with Blue Brook	1
Amended				
11—20—72				
22.	6—18—73	McGelliards Brook	Plage G-1 Mouth to Gordon's Corner Road	1
Amended				
4—21—75				
28.	6—18—73	Pine Brook	Plate McG-1 Mouth to Route 9,	1
Amended				
9—23—74				
			Plates P-2 and P-3	

Copies of the report delineating these streams may be inspected in the office of the Division of Water Resources at 1474 Prospect Street, Trenton, New Jersey.

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

Rocco D. Ricci, Assistant Commissioner
 Division of Water Resources
 P.O. Box 2809
 Trenton, N.J. 08625

The Department of Environmental Protection, upon our motion or on 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 FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed Revisions Concerning Public Shooting and Fishing Grounds

The Department of Environmental Protection, Division of Fish, Game and Shellfisheries, with the advice of the Fish and Game Council and pursuant to authority of N.J.S.A. 23:7-9, proposes to revise Subchapter 2, Public Shooting and Fishing Grounds, of Chapter 25 in Title 7 of the New Jersey Administrative Code by deleting in its entirety the current text of that Subchapter and adopting new text therein. This proposal is known within the Department of Environmental Protection as Docket No. DEP-024-75-02.

Full text of the proposed new rules follows:

SUBCHAPTER 2. USE OF ALL LAND AND WATER AREAS UNDER THE CONTROL OF THE DIVISION OF FISH, GAME AND SHELLFISHERIES

FOREWORD

Section 23:7-9 provides that further regulations for use of these areas may be prescribed by the Division as may be required, and under penalties as prescribed therein (not less than \$50.00 nor more than \$100.00 for the first offense and not less than \$100.00 nor more than \$300.00 for any subsequent offense). In accordance therewith, the following regulations, in addition to those already outlined in that section, are hereby established and shall be enforced.

7:25-21 Cutting or damaging vegetation

Cutting or damaging in any manner any trees or other vegetation, except by authorized personnel is prohibited unless written permission has been granted by the Division.

7:25-2.2 All motor vehicles

(a) No person shall operate any motor vehicle on or over any established roads under the control of the Division unless the motor vehicle is properly registered and is displaying the proper and valid registration plates for the vehicle.

(b) All motor vehicles are restricted to established public roads or to designated parking areas. Motor vehicles shall not be operated at any time on or over any road designated by "closed" signs or barriers or on or over any cultivated or planted wildlife area, transmission line, survey line or in the woods or fields unless written permission is granted by the Division.

(c) No person shall operate snowmobiles, trail bikes or off-road motor vehicles on these areas at any time, except that on any tract so designated by the Division special permits may be so granted by the Division to organized motorcyclists to operate on an established course, under prescribed regulations, at a minimum fee of \$50.00, plus an additional charge of \$1.00 for each motorcycle.

7:25-2.3 Drugs and marijuana

(a) No person or persons shall use or possess any controlled dangerous or harmful drug or substance of any kind or

possess or use marijuana at any time in any land or water areas under the control of the Division of Fish, Game and Shellfisheries.

(b) The provisions of this Section shall not apply to duly licensed physicians, dentists, veterinarians or to law enforcement officers or other public officials who are in the actual performance of their duties requiring possession of these drugs while on Division controlled areas.

7:25-2.4 Alcoholic beverages

No person or persons shall consume or have in possession or control any intoxicating beverage or any beverage containing alcohol while in any land or water area under the control of the Division of Fish, Game and Shellfisheries except with special written permission from the Division.

7:25-2.5 Restricted areas and hours

No unauthorized person or persons shall enter upon in any manner any land or water areas controlled by the Division of Fish, Game and Shellfisheries between the hours of 9:00 P.M./5:00 A.M. (2100 and 0500 hours) EST or EDT as listed at Trenton, N.J., whichever is in effect on the given date, unless such person is actually engaged in lawful and proper hunting or fishing activity or other activities authorized by the Division and no person shall enter any area designated by the Division as "restricted" or "closed" without first obtaining written permission from the Division of Fish, Game and Shellfisheries.

7:25-2.6 Division fish hatcheries

No person shall take or attempt to take fish by any means, or feed, molest, disturb, kill, net or attempt to net any fish in or from the waters of State fish hatcheries.

7:25-2.7 Outboard motors

(a) Only electric motors are permitted on any fresh water area. On Prospertown Lake, only manually operated boats and canoes are permitted.

(b) This regulation does not affect tidal water areas.

7:25-2.8 Horseback riding

No person shall ride a horse in or on any land or water area controlled by the Division without first procuring a proper and valid permit. The riding of horses on or over any food area, dams, fireline, or field which has been cultivated or planted shall be unlawful at all times. On Wildlife management areas where such activity may be permitted, it shall be done only in designated areas and by permit. The fee for such permit for horseback riding on wildlife management areas shall be \$15.00 per year. Horseback riding permits will expire on December 31 of each year. The prospective permittee shall maintain public liability and property damage insurance for the period of authorized use, with an insurance company recognized to do business in the State of New Jersey in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage, or \$300,000 aggregate. Certificates of such coverage shall be submitted with each application before a permit is issued.

7:25-2.9 Swimming

Swimming and bathing are prohibited on all areas except those designated by the Division where a lifeguard is on duty. No wading is permitted except for the purpose of hunting, trapping or fishing.

7:25-2.10 Camping

Camping is prohibited on all Division controlled areas except in areas designated by the Division. To legally camp in the designated areas, a person or persons shall first secure a permit from the area manager at the prescribed fee. The camping fee shall be \$3.00 per night for a unit up to six persons with an additional fee of \$0.25 for each additional person. "Camping" means any temporary shelter such as a tent, trailer, recreation vehicle, sleeping bag, hut or other lodging place that a person or persons use as a sleeping, resting or living quarters during any hour of the day or night.

7:25-2.11 Picnicking

Picnicking is prohibited on all Division controlled areas except in areas designated by the Division for that purpose. These designated picnic areas will be marked with signs around the area perimeter. In certain of the designated picnic areas it will also be necessary to secure a written permit from the area manager. Areas where written permission is required for picnicking will be so designated by signs. Picnicking means the eating and/or drinking of any food or beverage by groups of two or more persons.

7:25-2.11 Target practice

No target practice of any kind is permitted except written permission of the Division and in designated areas only.

7:25-2.12 Daily use permit

From May 30 through Labor Day, on designated areas, a charge of \$1.00 per passenger car, plus an additional \$0.25 per person; \$5.00 for each bus, plus \$0.25 for each person shall be charged.

7:25-2.13 Field trials

Permits for use of wildlife management areas for running of field trials may be granted by the Division in accordance with Regulation No. 5.

7:25-2.14 Rental of clubhouses

(a) Use of clubhouses or designated areas for outings, trap shoots, or other events will be authorized at a fee of \$20.00 a day; use for meeting purposes will be permitted at a \$10.00 daily fee. Permittee shall be responsible and liable for any damage which may occur.

(b) The prospective permittee shall maintain public liability and property damage insurance for the period of authorized use, with an insurance company recognized to do business in the State in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage. Certificates of such coverage shall be submitted with each application before a permit is issued.

7:25-2.15 Revocation

The Division may revoke any permit issued hereunder for violation of any provision set forth herein, whether or not prosecution is brought as provided in N.J.S.A. 23:7-9.

7:25-2.16 Securing permits

Information on securing any of the permits above prescribed may be obtained by writing to:

Division of Fish, Game and Shellfisheries
P.O. Box 1809
Trenton, N.J. 08625
Telephone (609) 292-2965.

Interested persons may present statements relative to the adoption of the above regulation, in writing, on or before September 25, 1975, to:

Russell A. Cookingham, Director
Division of Fish, Game and Shellfisheries
P.O. Box 1809
Trenton, N.J. 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 these revisions substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES FISH AND GAME COUNCIL

Proposed Rule on Field Trial Activities

The Department of Environmental Protection, Division of Fish, Game and Shellfisheries, with the advice of the Fish and Game Council and pursuant to authority of N.J.S.A. 23:4-26 and 23:7-9, proposes to adopt a revised rule concerning field trial activities which, if adopted, will replace the current rule on that subject. Such proposal is known within the Department of Environmental Protection as Docket No. DEP-024-75-02.

Full text of the proposed new rule follows:

7:25-2.13 Field trial activities

(a) Permits for use of public shooting and fishing grounds for running of field trials may be granted by the Division in accordance with this regulation.

(b) A permit for a field trial, as required by N.J.S.A. 23:4-26, shall be issued to a club that is properly organized and officially recognized as a field trial club.

(c) Application for a permit for all field trials is to be made on a standard form secured from the Division of Fish, Game and Shellfisheries and is to be signed by the secretary or other officer of the club.

(d) Application for holding of a spring field trial on State-owned lands, accompanied by proper fee and certificate of insurance as herein outlined, must be made no later than January 1, and application for a fall field trial must be made no later than August 1. A fee of \$20.00 per day shall be charged for all field trials. Bird dog trials may purchase game birds from the Division at the following prices:

1. Spring trials:
 - i. Quail \$3.00;
 - ii. Pheasant \$7.00.
2. Fall trials:
 - i. Quail \$2.00;
 - ii. Pheasant \$5.00.

(e) Field trials will be permitted only during the period of February 15 to April 30 and September 1 to October 31 on State areas. Retriever trials on wetlands may be authorized by the Director with the approval of the Council.

(f) These regulations are not intended to prohibit the running of coonhound trials utilizing a laid trail and live raccoon placed in a tree at the end of the chase, if properly licensed under the game breeder's law for possession of the raccoon.

(g) The maximum number of birds allotted to a bird dog field trial by the Division shall be 25 birds per day. No birds will be supplied by the Division for retriever trials.

(h) No bird liberations are to be made for stakes in which puppies participate.

(i) Only birds in excellent physical condition shall be liberated for any bird dog or retriever trial. Birds with clipped wings or otherwise mutilated shall not be liberated. Birds are not to be mishandled, handled cruelly, or injured at the time of liberation. The club is responsible for the liberation of the birds.

(j) The prospective permittee shall maintain public liability and property damage insurance for the requested period of use, with an insurance company recognized to do business in the State, in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage. Certificate for such coverage shall be submitted with the application for field trial permit.

(k) American Kennel Club licensed retriever trials may be authorized on wildlife management areas by the Director with the approval of the Council. A.K.C. licensed bird dog trials where retrieving is required will be restricted to Colliers Mills wildlife management area or other wildlife management areas designated by the Director with the approval of the Council, and limited to a section of the tract not to exceed ten acres in size. At A.K.C. licensed bird dog trials where retrieving is required, a deputy conservation officer will be employed at the club's expense to supervise the activities of the trial, liberation and tagging of game.

(l) At all A.K.C. licensed trials, only pen-reared game birds and domestic mallards may be used by special permit. Each bird will be tagged with a seal secured from the Division at a fee of \$0.20 each.

(m) All individuals shooting must be properly licensed.

(n) All clubs must guard against fire on the land being used for the trial or in the buildings made available for their use. In case of fire during a trial, the club must assume the responsibility of the conflagration.

(o) If damage occurs to State-owned property during the holding of a trial, the club sponsoring the trial shall pay for the damage.

(p) On State-owned lands, the club sponsoring the trial shall leave the grounds, clubhouse, kennels and stables in a clear and orderly condition.

Interested persons may present statements relative to the adoption of the above regulation, in writing, on or before September 25, 1975 to:

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES FISH AND GAME COUNCIL

Proposed Rule on Use of Conibear Traps

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, with the advice of the Fish and Game Council and pursuant to authority of N.J.S.A. 23:4-38.2 and 23:4-38.3, proposes to adopt a new rule, known within the Department of Environmental Protection as Docket No. DEP 049-75-08, concerning the use of Conibear or killer type traps.

Full text of the proposed rule follows:

7:25-5.26 Use of Conibear traps

Conibear or other killing type traps, when set in tide waters, must be completely covered by water at normal high tide. Conibear or other killing type traps set in nontidal streams, ponds, or lakes, must be completely covered by water when the water is at normal level.

Interested persons may present statements relative to the proposed adoption of the above regulation, in writing, on or before September 25, 1975, to:

Russell A. Cookingham, Director
Division of Fish, Game and Shellfisheries
Post Office 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

THE COMMISSIONER

Extension of Wetlands Order To Portions of Atlantic County

On July 25, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq. and in accordance with applicable provisions of the Administration Procedure Act of 1968, adopted an extension of the Wetlands Order to portions of Atlantic County as proposed in the Notice published May 8, 1975, at 7 N.J.R. 204(b).

Such extension may be cited as N.J.A.C. 7:7A-1.1(a)16. and is known within the Department of Environmental Protection as Docket No. DEP 037-75-04.

An order adopting this extension was filed and effective July 28, 1975, as R.1975 d.216.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

(JOINT ADOPTION)

HEALTH

INSURANCE

THE COMMISSIONERS

Rules on 1975 Hospital Rate Review Program Guidelines

On August 11, 1975, and August 15, 1975, respectively, Dr. Joanne E. Finley, Commissioner of Health, and James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 26:2H-1 et seq., 17:48-7, with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on the 1975 hospital rate review program guidelines.

These adopted rules are substantially the same rules on the subject which were jointly adopted, as emergency rules, by the Commissioner of Health and the Commissioner of Insurance, and were filed and became effective May 5, 1975, as R.1975 d.117. See: 7 N.J.R. 262(a) in the June 5, 1975, issue of the New Jersey Register for the prior Notice of Adoption.

However, there were substantive changes made to these finally adopted rules and such changes concern the addition of rate schedules and worksheets in the rules, the addition of physicians expenses to the rules on cost centers, and other minor changes.

Such rules may be cited as N.J.A.C. 8:31-14.1 et seq. and N.J.A.C. 11:10-1.1 et seq.

An order by the Commissioner of Health adopting these rules was filed and effective August 11, 1975, as R.1975 d.240. An order by the Commissioner of Insurance ratifying the adoption of these rules was filed August 18, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

(JOINT ADOPTION)

HEALTH

INSURANCE

THE COMMISSIONERS

Rules on Method by which 1974 Final Hospital Rates are Determined

On August 13, 1975, and August 15, 1975, respectively, Dr. Watson E. Neiman, Acting Commissioner of Health, and James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 26:2H-1 et seq., 17:1-8.1, 17:1C-6(e), with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Adminis-

trative Procedure Act of 1968, adopted new rules concerning the method by which 1974 final hospital rates are determined as proposed in the Notice published July 10, 1975 at 7 N.J.R. 311(b).

Such rules may be cited as N.J.A.C. 8:31-19.1 et seq.

An order by the Commissioner of Health adopting these rules was filed and effective August 14, 1975, as R.1975 d.244. An order by the Commissioner of Insurance ratifying the adoption of these rules was filed August 18, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Proposed Guidelines for 1976 Hospital Rate Review Program

Dr. Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new guidelines for the 1976 hospital rate review program. Such rules, if adopted, will be cited as N.J.A.C. 8:31-21.1 et seq.

The proposed rules concern the authority, scope of rules, definitions, time tables, general methodology, computational techniques, reasonableness tests for global budget, peer comparison, volume increases, increases due to economic factors, intensity increases, outpatient and physician compensation, peer groupings used, appeals and retroactive adjustments.

Copies of the full text of the 23 pages of the proposed rules may be obtained from:

Dr. John B. Reiss
Assistant Commissioner
Health Planning and Resources Development
State Department of Health
Post Office Box 1540
Room 603
Trenton, N.J. 08625

A public hearing respecting the proposed action will be held at 10:00 A.M. on September 11, 1975, at the War Memorial Building in Trenton, New Jersey. Requests from persons wishing to present statements at this hearing should be sent to the above address before September 10, 1975

Interested persons may present statements or arguments relevant to the proposed action in writing on or before September 24, 1975, to the Department of Health at the above address.

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

Dr. Watson E. Neiman
Acting Commissioner
Department of Health

(a)

(b)

HEALTH

DIVISION OF COMMUNITY HEALTH SERVICES

Proposed Revisions Concerning Wholesale Licensing Fees

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:15-13 et seq., proposes to revise the rule concerning the licensing of food and cosmetic manufacturing and wholesale establishments and license fees related thereto.

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

8:21-9.5 License fees

(a) The Department shall collect from each applicant for a license, under the provisions, of these regulations an annual fee in the following amounts:

1. For each wholesale food or cosmetic establishment having an annual gross business of less than \$25,000, [\$15.00] **\$25.00**;

2. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$25,000 but not in excess of \$50,000, [\$25.00] **\$40.00**;

3. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$50,000 but not in excess of \$100,000, [\$40.00] **\$50.00**;

4. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$100,000 but not in excess of \$500,000, [\$50.00] **\$75.00**;

5. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$500,000 but not in excess of \$1,000,000, [\$100.00] **\$150.00**;

6. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$1,000,000, [\$200.00] **\$250.00**.

The proposed effective date of this rule will be May 1, 1976.

Interested persons may present statements or arguments relevant to the proposed action in writing on or before September 24, 1975, to:

Francis A. Timko
Bureau Chief
Food and Milk Program
Consumer Health Services
1911 Princeton Avenue
Lawrenceville, N.J. 08648

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

HEALTH

THE COMMISSIONER

Rules on Standard Hospital Accounting and Rate Evaluation System

On August 8, 1975, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the standard hospital accounting and rate evaluation system (SHARE) substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 312(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Summary of those changes follows:

1. Form C-3, "Other Cost Details", and instructions have been amended to include current physician cost data regarding electrocardiology, electroencephalography and electromyography. For each of these services, we are requesting the following: average physician cost per procedure, estimated 1975 volume, basis for physician compensation and whether this compensation is a cost to the hospital (included in Blue Cross reimbursement).

2. Corrections made to Form G, "Other Rate Components", to comply with Blue Cross are as follows:

i. Self Insurance: This calculation is to be made using total net covered inpatient operating costs plus Rider J costs.

ii. Rider J: This calculation is to be made using N.J. Blue Cross Rider J visits where the hospital received less than the cost per visit.

iii. Outside collection costs: This calculation is to be made using outside collection costs applicable to N.J. Blue Cross inpatients and allowable bad debts for N.J. Blue Cross inpatients.

3. Form H-1, "Employee Data", and instructions for the reporting of base salary rates per hour have been changed as follows:

i. For the average base salary rate per hour for the current year, we were requesting that hospitals report averages taken from their payroll records that included July 1, 1975. We are now requesting that these averages be reported from hospital payroll records that include August 15, 1975.

ii. For the beginning base salary rate per hour we were requesting that these rates be reported as of July 1, 1975. We are now requesting that these rates be reported as of August 15, 1975.

4. The following addenda have been made to Section B, Definitions:

i. All gains or losses on disposal of fixed assets should be reported as depreciation in the plant cost center.

ii. The cost of operating student dormitories should be reported in education and research cost center.

5. The following addenda have been made to Section D, Statistics:

i. We have specified that cafeteria average meal price be reported for lunch.

ii. The definitions for relative value units to be reported for diagnostic radiology and laboratory have been amended to include the following:

(1) We have requested that hospitals adjust for seasonal variations (due to mix and other factors) in the sampling process, where the hospitals think that it is appropriate to do so.

(2) For the laboratory we are requesting that hospitals use the 1974 CAP supplement in addition to the 1972 edition specified in the instructions. We have also added the instruction that hospitals should report laboratory RVU's through the use of "Manual" values for the recording of tests, regardless of equipment used and how tests are performed.

6. The following changes have been made to Section E, Reporting:

i. "Pass Throughs" to be reported on Form A have been changed as follows:

(1) We are requesting that hospitals report as "Pass Throughs" the following items: plant depreciation, plant facilities interest, total utilities cost and malpractice insurance costs.

(2) Form A, "Medicare Carve Out", references Blue Cross as the source. This reference has been changed to **Hospital**.

(3) Instructions for Form C-4 have been amended to include cost differences that are the result of hospital's elections, in addition to Blue Cross non-allowable costs.

(4) On Form L-3, "Cash Flow", the instructional reference that "Non-Operating Revenues" should agree with amounts shown on Form L-2, "Estimated Revenues and Expenses" has been deleted.

7. Corrections have been made to sample data in Section E, Reporting, which affected the following Forms: A, B-2a, C page 12, F, K-1, K-2 and K-3.

Such rules may be cited as N.J.A.C. 8:31-17.1 et seq.

An order adopting these rules was filed and effective August 11, 1975, as R.1975 d.239.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Rules for Experimental Medical and Financial Management Reporting Systems

On August 13, 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 for experimental medical and financial management reporting systems as proposed in the Notice published July 10, 1975, at 7 N.J.R. 313(a).

Such rules may be cited as N.J.A.C. 8:31-18.1 et seq.

An order adopting these rules was filed and effective August 14, 1975, as R. 1975 d.245.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Interim Rules for the Construction And Licensure of Ambulatory Care Facilities, Public Health Centers, Health Maintenance Organizations And Rehabilitation Facilities

On August 18, 1975, Dr. 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 interim rules for the construction and licensure of ambulatory care facilities, public health centers, health maintenance organizations and rehabilitation facilities substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 312(b), but with subsequent substantive changes not detrimental to the public, in the opinion of the Department of Health.

Such rules may be cited as N.J.A.C. 8:43B-1.1 et seq.

An order adopting these rules was filed and effective August 18, 1975, as R.1975 d.256.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Rules on Maximum Student Loan Limits For Graduate or Professional Education

On July 25, 1975, Ralph A. Dungan, Chancellor of Higher Education and Secretary to the State Board of Higher Education, and William C. Nester, Director and Secretary to the Higher Education Assistance Authority, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning the maximum student loan limits for graduate or professional education.

Full text of the new rules follows:

SUBCHAPTER 4. POLICY GOVERNING DIRECT PUBLIC LOANS

9:9-4.1 Objectives

(a) The objectives are:

1. To assist eligible students to obtain maximum loan benefits under provisions of the guaranteed student loan program;

2. When necessary to make loans to qualified students who have not yet reached permissible loan maximums.

9:9-4.2 Qualifications for eligibility

(a) Qualifications for eligibility are:

1. Residents of New Jersey for at least six months prior to filing application for student loan;
2. Enrolled or accepted for enrollment as at least a half-time student in a post-secondary educational institution qualified to participate in the guaranteed student loan program;
3. First-time applicant must exhaust the possibility of using commercial lenders first by providing documented evidence of loan denial by three eligible lending institutions;
4. Applicant who has previously borrowed under the guaranteed student loan program must provide documented evidence that previous lender will not grant an additional loan;
5. Request assistance in obtaining loan from NJHEAA.

9:9-4.3 Loan amount

(a) Students unable to obtain the amount of loan needed to defray educational costs may apply for the difference between the amount granted by a commercial lender and the current maximum permitted.

(b) The entire loan amount, not to exceed current maximums, may be obtained from NJHEAA or its agent when circumstances warrant.

9:9-4.4 Terms Of Loan

Loans shall be governed by the procedures and policies of the guaranteed student loan program in effect at the time the loan is made.

9:9-4.5 Repayment

(a) Repayment shall be in accord with that provided by the manual of policy and procedures of the guaranteed student loan program.

(b) NJHEAA shall endeavor to consolidate all loans of student under the guaranteed student loan program with one lender so that student can make all repayments to one source.

SUBCHAPTER 5. POLICY GOVERNING GRADUATE INSURED LOANS

9:9-5.1 Objectives

(a) The objectives are:

1. To assist eligible students to obtain a loan in excess of the Federally insured maximum (currently \$2,500 per year or \$10,000 cumulative);
2. This is an extension of the guaranteed student loan program, not a substitute.

9:9-5.2 Qualifications for eligibility

(a) The qualifications for eligibility are:

1. Permanent resident of New Jersey for at least six months prior to filing application;
2. Enrolled or accepted for enrollment as a full-time student pursuing a graduate or professional degree beyond the baccalaureate level or attending a school approved by NJHEAA for medicine, osteopathy, dentistry or veterinary medicine;
3. Have exhausted the provisions of the guaranteed student loan program.

9:9-5.3 Loan amount

(a) The maximum loan amount shall not exceed \$3,750 annually from both sources (guaranteed student loan and graduate insured loan) for full-time students.

(b) The total cumulative amount of loans for undergraduate; graduate or professional work shall not exceed \$15,000.

9:9-5.4 Terms of loan

(a) Loans shall be governed by the appropriate policies and procedures of the student loan program in effect at the time the loan is made.

(b) The interest rate shall be seven per cent simple, per annum.

(c) The borrower shall be responsible for payment of interest, beginning with the disbursement of funds, in accord with a schedule agreed to with the lender.

9:9-5.5 Repayment

(a) Repayment shall be in accord with that provided by the manual of policy and procedures of the student loan program.

(b) Repayment shall commence following a grace period of nine months after withdrawal or graduation from school.

(c) In cases which involve multiple lenders, simultaneous amortization is required; payments shall be prorated among lenders involved.

(d) The borrower shall be provided at least five, but no longer than ten, years following the grace period to repay, providing that the annual repayment to all lenders involved be not less than \$360 (principal and interest).

An order adopting these rules was filed and effective July 29, 1975, as R.1975 d.217 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Approval By Individual Diagnosis Program

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the approval by individual diagnosis program for hospital services.

Full text of the rule follows:

10:52-1.16 Approval by individual diagnosis program

(a) The New Jersey Health Services (Title 19 Medicaid) Program proposes to reduce the number of approved medical and surgical days in the Manual of Approval by Individual Diagnosis (A.I.D., Second Revision) for the top 50 diagnoses from the 83rd percentile to the 75th percentile, effective October 1, 1975.

(b) The proposal excludes maternity and any assigned A.I.D. days which are five days or less. The proposal will be

applicable to eligible Medicaid patients who receive medical and/or surgical services in a hospital facility.

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

Administrative Analyst
Division of Medical Assistance
and Health Services
324 East State Street
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Pharmaceutical Services Not Eligible for Payment

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the rule concerning pharmaceutical services not eligible for payment.

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

10:51-1.8 Pharmaceutical services not eligible for payment

(a) The following classes of prescription drugs will not be honored for payment:

1. Drugs for which adequate literature, that is, package inserts, and so forth, and price catalogues are not readily available;

2. Experimental drugs;

3. Telephone ordered refills;

4. Drugs directly furnished by practitioner;

5. Preventive drugs [and biologicals] provided without charge through programs of other public or voluntary agencies (that is, New Jersey State Department of Health, New Jersey Heart Association and so forth): (See Appendix A, Section 209):

i. Exceptions: Instances where preventive drugs [and biologicals] are not available at the listed distributing stations and prior authorization to provide these items is obtained from the local medical assistance unit.

6. Medications prescribed for use by hospital inpatients;

7. [Prescribed nonlegend (OTC) drugs for patients in long term medical care facilities (that is skilled nursing facilities, infirmary sections of a home for the aged or public medical institutions):

i. Exceptions:

(1) Insulin;

(2) All vitamins, minerals, vitamin/mineral combinations listed in Appendix B as allowable for recipients in long term medical care facilities.

NOTE: Recipients in long term medical care facilities (that is skilled nursing facilities, infirmary section of homes for the aged or public medical institutions) must be identified in the appropriate section of the Claim Form (MC-6).

The above does not apply to recipients residing in boarding homes.]

Nonlegend (OTC) drugs:

i. **Exceptions:**

(1) **Insulin;**

(2) **Contraceptive supplies listed in Appendix B.**

8. Medication prescribed for a Title XIX (Medicaid) covered person who is receiving benefits under Part A of Title XVIII (Medicare) as a patient in a skilled nursing facility (SNF).

[9. Prescribed nonlegend drugs unless specifically listed in Appendix B (Allowable nonlegend drugs).

(Appendix B is furnished separately as a loose-leaf section of the New Jersey Blue Cross Code Register and should be inserted by the pharmacist into the Register.)]

[10.]9. Prescriptions written and dispensed with non-specific directions;

[11.]10. Food supplements, milk modifiers, infant formula and therapeutic diets;

[Exceptions: Protein replacements — See Section 205.]

[12.]11. Methadone or any prescriptions containing Methadone, that is, tablets, capsules, liquid, injectables or powder;

[13.]12. Drugs for which final orders have been published by the Food and Drug Administration, withdrawing the approval of their new drug application (NDA);

13. Injectable Drugs:

i. **Exceptions:**

(1) **For patients in long term care facilities;**

(2) **Parenteral FDA approved anti-neoplastic drugs;**

(3) **Gammaglobulin when not available from the Department of Health or other agency; Prior authorization must be obtained by the prescriber;**

(4) **Measles, mumps, rubella as a combined vaccine when not available from the Department of Health or other agencies. Prior authorization must be obtained by the prescriber;**

(5) **Drugs to be administered to a patient by other than the prescriber or an employee of the prescriber. Prescriber must obtain prior authorization and the written prescription must include the statement, "For Self Administration";**

(6) **Insulin.**

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

Administrative Analyst
Division of Medical Assistance
and Health Services
324 East State Street
Trenton, N.J. 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

Proposed Rule on Timely Submission of Hospital Claims

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a rule concerning the timely submission of hospital claims.

Full text of the proposed rule follows:

10:52-2.11 Timely submission of hospital claims

(a) Effective January 1, 1976, the following time limitation will apply:

1. All claims for inpatient and outpatient hospital services rendered to eligible Medicaid recipients must be received by the contractor (Blue Cross of New Jersey, or, Prudential Life Insurance Company) within 12 months from the date of the day of discharge (inpatient) or the last date of service billed (outpatient). Thus, a claim with a date of discharge (inpatient) or the last date of service billed (outpatient) of June 13, 1975, must be submitted to the contractor by June 13, 1976.

2. Please be advised that the decline code "69" appearing on the reverse side of your "statement of claim payments" is in the process of being revised and the statement which now reads: "services rendered more than two years prior to the date received", is no longer applicable.

3. In view of the above, it is essential that in order to receive reimbursement for claims beyond January 1, 1975, such claims be submitted to the contractor by January 1, 1976.

4. All claims not submitted timely will be automatically sent for review by your contractor (Prudential or Blue Cross) to the office of the Director, Division of Medical Assistance and Health Services. Claims in this category will not be approved for payment in those instances where it is demonstrated that the claim could have been submitted or resubmitted within the time limitation as defined above.

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

Administrative Analyst
Division of Medical Assistance
and Health Services
324 East State St.
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Revised Manual of Standards for Shelters Accepting Juveniles Awaiting Court Disposition

On July 29, 1975, Joseph DeJames, Director of the Task Force on the Juvenile Code in the Department 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 revised manual of standards for shelters accepting juveniles awaiting court disposition as proposed in the Notice published June 5, 1975, at 7 N.J.R. 265(a).

The adopted rules replace the current text in Chapter 124 of Title 10 in the New Jersey Administrative Code.

An order adopting these rules was filed and effective July 30, 1975, as R.1975 d.219.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DEVELOPMENTAL DISABILITIES COUNCIL

1976 State Plan Annual Revision

On July 30, 1975, Catherine Rowan, Executive Director of the New Jersey Developmental Disabilities Council in the Department of Institutions and Agencies, pursuant to authority of Executive Orders No. 20 of 1971 and No. 49 of 1973 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1976 State Plan Annual Revision as proposed in the Notice published July 10, 1975, at 7 N.J.R. 315(a).

Such revision will be included in Chapter 140 of Title 10 in the New Jersey Administrative Code.

An order adopting this Plan revision was filed and effective July 31, 1975, as R.1975 d.220.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Concerning Dispensing Fees

On July 31, 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 rule concerning noninstitutional pharmacy dispensing fees substantially as proposed in the Notice published July 10,

1975, at 7 N.J.R. 317 (c), but with subsequent substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

The substantive changes mainly concern the advancement of the implementation date from September 1, 1975, to August 1, 1975. Also, in the Notice of Proposal, it was incorrectly stated that such revisions would be located in Chapter 49 of Title 10 in the New Jersey Administrative Code whereas they will be in Chapter 51 of Title 10.

Full text of the adopted rule follows:

10:51-1.10(d) Pharmacies with retail permits: The "dispensing fee" for legend drugs provided under the New Jersey Health Services Program as outlined in this manual shall be \$1.80. In addition, if the pharmacy provider has a 24-hour per day, 365 days per year, available prescription service and has made this service known to the public and so certified to the Division of Medical Assistance and Health Services by completing Form FD-70, ten cents may be added, making the dispensing fee \$1.90.

An order adopting these revisions was filed and effective August 1, 1975, as R. 1975 d.223.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions on Independent Laboratory Services

On July 31, 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 rules concerning independent laboratory services substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 317(a), but with subsequent changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

The adopted rules below replace the current text of Subchapter 1, Chapter 61, in Title 10 of the New Jersey Administrative Code.

Full text of the adopted rules follows:

SUBCHAPTER 1. GENERAL PROVISIONS

10:61-1.1 Introduction

The conditions for coverage of services of independent laboratories and related policies set forth herein, which reflect the regulations of the Department of Health, Education and Welfare, state the specific requirements that must be met by an independent laboratory in order for its services to qualify for reimbursement under the New Jersey Health Services Program (Medicaid). The services of a qualified independent laboratory for which reimbursement may be made relate only to diagnostic tests performed in a laboratory which is independent of a physician's office, a participating hospital or other facility. Diagnostic laboratory tests, for purposes of this Section, do not include diagnostic X-ray tests.

10:61-1.2 Definitions and qualifications

(a) Independent laboratory services means professional and technical laboratory services ordered by a physician or other licensed practitioner within the scope of his practice as defined by the laws of the state in which he practices.

(b) To qualify for participation as an independent laboratory under the New Jersey Health Services Program, the following requirements must be met:

1. Licensure and/or approval by the State Department of Health and the State Board of Medical Examiners. This includes meeting certificate of need and licensure requirements, when required, and all applicable laboratory provisions of the State Sanitary Code;

2. Certification as an independent laboratory under the Title XVIII Medicare program;

3. Approval for participation as an independent laboratory provider by the New Jersey Health Services Program.

(c) Medicare-Medicaid relationship rules are:

1. Upon approval as an independent laboratory provider for Title XIX Medicaid participation and reimbursement, the requirements for independent laboratory services under the Title XVIII Medicare program are to be followed.

2. A laboratory approved for Medicaid participation shall only provide services and be reimbursed for the specialties and subspecialties specifically approved for Medicare participation.

(d) State, county and municipal laboratories do not qualify for Medicaid reimbursement.

(e) The laboratory a physician maintains for performing diagnostic tests in connection with his own practice is exempt from these regulations, but if the physician runs a laboratory which performs diagnostic work referred by other physicians, such a laboratory would then be subject to these regulations. Services furnished by out-of-hospital laboratories under the direction of a physician, such as a pathologist, are considered to be subject to the conditions where the physician holds himself and the facilities of his office out to other physicians as being available primarily for the performance of diagnostic tests. Diagnostic tests furnished by out-of-hospital physicians, whose primary practice is directly attending patients and/or consultation, even though conducted partly through diagnostic procedures, are considered physician's services rather than independent clinical laboratory services. As such, the office in which these services are provided is exempt from the conditions.

(f) A service laboratory is a laboratory meeting the requirements stipulated in subsection (b) of this Section and which performs specific tests on the laboratory's own premises.

(g) A reference laboratory is a laboratory meeting the requirements stipulated in subsection (b) of this Section and which performs specific tests at the request of another approved certified laboratory.

10:61-1.3 Limitations on laboratory services

(a) Tests performed by a nonapproved laboratory are not reimbursable and it is the billing laboratory's responsibility to verify approved status.

(b) Additional payment will not be made to a laboratory for obtaining specimens, except in long term care facilities and home visits.

(c) A laboratory shall perform only those tests that are within the categories stated in its Medicare certification and by the State Department of Health, when required, or its counterpart in the case of out-of-state laboratories.

10:61-1.4 Scope of services

(a) Each laboratory shall provide the New Jersey Health Services Program with a listing of tests and profiles actually performed on its premises (address to be identified) and a current price list, including discounts, with an update as capabilities change.

(b) All requests for laboratory services shall require a definitive order personally signed by the attending physician requesting services and shall be on file with the billing laboratory and available for review by Medicaid representatives along with the results of the tests billed.

(c) All files of service and reference laboratories shall be maintained for a period of seven years.

10:61-1.5 Basis of laboratory payment

(a) Reimbursement shall be on the basis of the lowest professional charge, not to exceed an allowance determined reasonable by the Commissioner of Institutions and Agencies, and further limited by Federal policy relative to payment of practitioners and other individual providers. In no event shall the charge to Medicaid for a laboratory functioning as a service laboratory exceed the lowest charge to other providers for the specific service.

(b) Where tests are referred to an approved laboratory by another approved laboratory, the actual charges by the reference laboratory must be indicated on the claim form. Reimbursement will be limited to the actual charge of the reference laboratory, which shall not exceed the lowest professional charge of the reference laboratory.

(c) The sum of any number of the components of a cluster of tests may not exceed the total charged for the group offering (profile), whether done by automation or bench testing and whether or not the equipment is available in the facility. Where clusters constitute a profile, they must be billed in that manner. A cluster of tests is considered those components of a test or series of tests which, when combined mathematically or otherwise, comprise a finished identifiable laboratory study or studies. Examples:

1. The components of an SMA 12/60 or other automated laboratory study;
2. Inclusive of an MCH, MCV and so forth, as a component of a C.B.C.;
3. Inclusive of all ova and parasites in a stool examination.

10:61-1.6 Laboratory rebates

Rebates by reference laboratories, service laboratories, physicians or other utilizers or providers of laboratory service are prohibited under the Medicaid program. This refers to rebates in the form of refunds, discounts or kick-backs, whether in the form of money, supplies, equipment or other things of value. This provision prohibits laboratories from renting space or providing personnel or other considerations to a physician or other practitioner whether or not a rebate is involved.

10:61-1.7 Out-of-State laboratories

Out-of-State laboratories must meet all applicable standards of the state in which located, including state licensure, if applicable, and certification under the Title XVIII Medicare and Title XIX Medicaid programs.

10:61-1.8 Right of inspection

The New Jersey Health Services Program shall have the

right to require the keeping of records and the right to inspect all records, files and documents of in-State and out-of-State service and reference laboratories which provide laboratory tests and services for reimbursement for eligible New Jersey Medicaid recipients.

An order adopting these revisions was filed and effective August 1, 1975, as R.1975 d.224.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Adopt Temporary Fee Reduction Concerning Medicaid

On July 31, 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 a rule on the temporary fee reduction concerning Medicaid, substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 317(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 rule follows:

10:49-1.25 Temporary fee reduction concerning Medicaid

Because of the projected budget deficit in the New Jersey Health Services (Medicaid) Program, a reduction of ten per cent in certain provider's reimbursement will become effective for all services performed on or after August 1, 1975. This will apply to all physicians, dentists, optometrists, opticians, podiatrists, chiropractors, psychologists, prosthetic and orthotic suppliers, medical suppliers, hearing aid dealers and transportation providers.

An order adopting this rule was filed and effective August 1, 1975, as R. 1975 d.225.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(Continued on page 34)

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 in the month during which a mailing of

Code update pages is being made.

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)
AGRICULTURE — TITLE 2			
2:2-2.3(a)2.	Revisions on vaccination of female bovine animals	R. 1975 d.233	7 N.J.R. 399(a)
2:3-2.5	Revisions on equidae entering New Jersey	R. 1975 d.83	7 N.J.R. 190(d)
2:3-2.11	Revisions on quarantine of imported breeding swine	R. 1975 d.80	7 N.J.R. 190(a)
2:3-3.6	Revisions on quarantine of imported feeder swine	R. 1975 d.80	7 N.J.R. 190(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)
2:33-1.1	Agricultural fairs	R. 1974 d.254	6 N.J.R. 386(a)
2:48-6.3	Sales of milk in three-quart containers	R. 1975 d.82	7 N.J.R. 190(c)
2:49-1.1 et seq.	Revised rules on minimum prices for milk	R. 1975 d.232	7 N.J.R. 399(b)
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)
2:54-3.6	Milk handling order for various New Jersey areas	R. 1975 d.125	7 N.J.R. 246(b)
2:69-1.11	Revised commercial values	R. 1975 d.188	7 N.J.R. 290(b)
2:71-5.1 et seq.	Revisions on marking open and closed packages of potatoes	R. 1975 d.81	7 N.J.R. 190(b)
2:71-5.7(b)	Amend rule on interpretation of persons	R. 1975 d.126	7 N.J.R. 247(a)
BANKING — TITLE 3			
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)
3:1-2.27	Officially recognized data sources	R. 1975 d.155	7 N.J.R. 292(a)
3:1-6.1 et seq.	Rules on fees	R. 1974 d.221	6 N.J.R. 342(a)
3:1-7.1 et seq.	Miscellaneous fees	R. 1975 d.120	7 N.J.R. 247(c)
3:1-8.1	Required information for loan applications	R. 1975 d.146	7 N.J.R. 291(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)
3:7-4.1 et seq.	Rules on notice of maturity on long-term time deposits	R. 1975 d.165	7 N.J.R. 292(b)
3:7-5.1 et seq.	Rules on statements of interest	R. 1975 d.185	7 N.J.R. 293(c)
3:8-3.1	Revisions on reserves of banks not members of Federal Reserve System	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)
3:11-2.1	Revisions on exclusion from liabilities of controlling corporation	R. 1975 d.226	7 N.J.R. 400(b)
3:11-7.7	Exclusion of time balances on deposit from ten per cent limitation	R. 1975 d.115	7 N.J.R. 247(b)
3:12-1.1 et seq.	Rules on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:17-6.1 et seq.	Revisions to small loan law regulations	R. 1975 d.147	7 N.J.R. 291(c)
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)
3:19-1.6	License number	R. 1975 d.148	7 N.J.R. 291(d)
3:27-5.1 et seq.	Revisions on limitations and excludable loans	R. 1975 d.106	7 N.J.R. 198(a)
3:27-5.3	Revisions on excludable loans	R. 1975 d.249	7 N.J.R. 400(c)
3:30-1.3	Notice of maturity of fixed-term savings accounts	R. 1975 d.169	7 N.J.R. 293(a)
3:40-1.1 et seq.	Rules of State Cemetery Board	R. 1975 d.184	7 N.J.R. 293(b)

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)
4:1-17.24 (k)	Unused sick leave payments to nonclassified employees	R. 1975 d.218	7 N.J.R. 401(b)

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)
5:21-2.1(a)2.	Revisions to Uniform Standard Code for mobile homes	R. 1974 d.275	6 N.J.R. 427(b)
5:21-3.3 et seq.	Revisions in Uniform Standards Code of Mobile Homes	R. 1975 d.166	7 N.J.R. 305(a)
5:30-1.7	Implementation of Housing and Community Development Act of 1974	R. 1974 d.342	7 N.J.R. 2(c)
5:30-1.8	Emergency resolutions exceeding three per cent limitation	R. 1975 d.168	7 N.J.R. 306(a)
5:30-13.3	Tax sale certificates for unpaid municipal liens	R. 1975 d.107	7 N.J.R. 201(b)
5:71-1.1 et seq.	Rules on county offices on aging	R. 1975 d.192	7 N.J.R. 355(a)

EDUCATION — TITLE 6

6:3-1.1	Amendment on acting administrators	R. 1975 d.98	7 N.J.R. 203(a)
6:3-1.3	Delete in its entirety and mark Reserved	R. 1975 d.124	7 N.J.R. 251(b)
6:3-2.1 et seq.	New rules on pupil records	R. 1975 d.124	7 N.J.R. 251(b)
6:4-1.1 et seq.	Equality in educational programs	R. 1975 d.137	7 N.J.R. 252(a)
6:8-1.1 et seq.	Repeal rules on nonpublic school secular education	R. 1974 d.246	6 N.J.R. 390(b)
6:11-12.7	Revisions for professional librarians	R. 1975 d.198	7 N.J.R. 359(a)
6:11-12.21	Educational media specialist	R. 1975 d.123	7 N.J.R. 251(b)
6:11-12.22	Associate educational media specialist	R. 1975 d.123	7 N.J.R. 251(b)
6:11-12.23	Policies governing issuance of certificates in educational media	R. 1975 d.123	7 N.J.R. 251(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)
6:20-4.1 et seq.	Revisions on nonpublic school tuition	R. 1975 d.196	7 N.J.R. 358(b)
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)
6:21-6.31(f)	Stanchions and guardrails	R.1975 d.6	7 N.J.R. 46(c)
6:21-18.25(3)	Stanchions and handrails	R. 1975 d.6	7 N.J.R. 46(c)
6:22-2.9	New rule on master plans	R. 1975 d.197	7 N.J.R. 358(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)
6:28-1.9 et seq.	Revisions on special education	R. 1975 d.253	7 N.J.R. 407(c)
6:37-1.1 et seq.	Educational centers of research and demonstration	R. 1974 d.173	6 N.J.R. 301(e)
6:39-1.2 and			
6:39-1.3	Revisions to educational assessment program	R. 1975 d.122	7 N.J.R. 251(a)
6:39-1.3(e)	Rescind rule on evaluation and interpretation of data	R 1974 d.304	6 N.J.R. 470(b)
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)
6:79-1.1 et seq.	Revised policies for free and reduced-price meals and/or free milk	R. 1975 d.161	7 N.J.R. 307(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

7:2-2.13	Revised charges at State parks	R. 1975 d.75	7 N.J.R. 151(b)
7:2-14.1 et seq.	Revised rules on Round Valley and Spruce Run Reservoirs	R. 1975 d.134	7 N.J.R. 261(c)
7:2-15.1 et seq.	Delete entire current text and mark Subchapter as Reserved	R. 1975 d.134	7 N.J.R. 261(c)
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)
7:7A-1.1(a)16.	Extend wetlands order to parts of Atlantic County	R. 1975 d.216	7 N.J.R. 413(b)
7:9-4.1 et seq.	Revise surface water quality standards	R. 1974 d.310	6 N.J.R. 470(c)
7:9-4.2	Revised rules on construction and practice where rules do not govern	R. 1975 d.132	7 N.J.R. 261(a)
7:9-4.3	Delete current text and mark this Section as Reserved	R. 1975 d.132	7 N.J.R. 261(a)
7:9-4.8(d)6iv.	Delete text on tidal portions of Morses Creek	R. 1975 d.200	7 N.J.R. 360(c)
7:9-4.9	New rules on tidal portions of Morses Creek	R. 1975 d.200	7 N.J.R. 360(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)

7:11-2.1 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	Revised rules on shellfish beds	R. 1975 d.116	7 N.J.R. 260(a)
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)
7:13-1.1 et seq.	Land use rules applicable to all delineated floodways	R. 1975 d.105	7 N.J.R. 206(b)
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)
7:20-6.1	Criteria for floodway and flood hazard area delineation	R. 1975 d.104	7 N.J.R. 207(a)
7:25-5.1 et seq.	1975-76 Game Code	R. 1975 d.178	7 N.J.R. 310(c)
7:25-6.1 et seq.	1975 Fish Code	R. 1974 d.253	6 N.J.R. 394(a)
7:25-7.10	Oyster seed beds for 1975 season	R. 1975 d.74	7 N.J.R. 151(a)
7:25-7.11	Rule on mussels	R. 1975 d.133	7 N.J.R. 261(b)
7:25-11.1	List of endangered species	R. 1974 d.348	7 N.J.R. 6 (c)
7:25-11.1	List of endangered species	R. 1975 d.164	7 N.J.R. 311(a)
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)
7:26-2.5	Amend effective date of rule	R. 1975 d.190	7 N.J.R. 360(b)
7:26-2.6(d)4.	Revised effective date for solid waste facilities	R. 1975 d.66	7 N.J.R. 149(b)
7:26-4.1 et seq.	Revised fee schedule	R. 1975 d.136	7 N.J.R. 259(a)
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-1.1 et seq.	Emissions from particles from manufacturing processes	R. 1975 d.136	7 N.J.R. 261(d)
7:27B-2.1 et seq.	Procedures for visual determination of emissions from sources	R. 1975 d.76	7 N.J.R. 144(a)
7:27B-3.1 et seq.	Emissions of solid particle from combustion of fuel	R. 1975 d.135	7 N.J.R. 261(d)
7:35-1.1 et seq.	Rules on tax exemption on real property owned by certain nonprofit corporations	R. 1975 d.179	7 N.J.R. 310(b)

HEALTH — TITLE 8

8:2-1.1	Revisions on birth certificates	R. 1975 d.194	7 N.J.R. 362(c)
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	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)
8:31-10.1	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)
8:31-14.1	1975 hospital rate review program guidelines	R. 1975 d.240	7 N.J.R. 414(a)
8:31-16.1	Hospital long range plans	R. 1975 d.201	7 N.J.R. 362(d)
8:31-17.1 et seq.	Standard hospital accounting and rate evaluation system (SHARE)	R. 1975 d.239	7 N.J.R. 415(b)
8:31-18.1 et seq.	Rules for experimental medical and financial management reporting systems	R. 1975 d.245	7 N.J.R. 416(a)
8:31-19.1 et seq.	Methods of determining final 1974 hospital rates	R. 1975 d.244	7 N.J.R. 414(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)
8:32-1.1 et seq.	1975 State Plan for hospitals and related health care services	R. 1975 d.183	7 N.J.R. 314(a)
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	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)
8:34-1.18(a)3	Delete part of rule on refusal of licenses	R. 1975 d.193	7 N.J.R. 362(b)
8:35-1.1 et seq.	Revised criteria on mixed obstetric and gynecologic floors	R. 1975 d.60	7 N.J.R. 164(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)
8:43B-1.1 et seq.	Interim rules on construction and licensure of various health facilities	R. 1975 d.256	7 N.J.R. 416(b)
8:57-4.1 et seq.	Immunization of pupils in school	R. 1975 d.121	7 N.J.R. 264(a)
8:64-3.1	Definition of soap	R. 1975 d.103	7 N.J.R. 211(b)
8:65-2.4(c)	Revisions concerning other security controls for nonpractitioners	R. 1974 d.261	6 N.J.R. 397(c)

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 et seq.	Revised schedules of controlled dangerous substances	R. 1975 d.209	7 N.J.R. 363(a)
8:65-11.1 et seq.	Narcotic treatment program	R. 1975 d.59	7 N.J.R. 164(c)

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)
9:9-4.1 et seq.	Policy governing direct public loans	R. 1975 d.217	7 N.J.R. 416(c)
9:9-5.1 et seq.	Policy governing graduate insured loans	R. 1975 d.217	7 N.J.R. 416(c)

INSTITUTIONS AND AGENCIES — TITLE 10

10:35-1.1 et seq.	Revised standards	R. 1975 d.108	7 N.J.R. 272(a)
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)
10:35-69.1 et seq.	Revised rules on administrative segregation	R. 1975 d.108	7 N.J.R. 272(a)
10:46-4.3	Application for admission; delinquent minor	R. 1975 d.158	7 N.J.R. 328(b)
10:47-1.1 et seq.	Manual of standards for private licensed institutions for mentally retarded	R. 1975 d.203	7 N.J.R. 364(a)
10:49-1.17	Claim submittal time limits	R. 1975 d.151	7 N.J.R. 329(c)
10:49-1.17(c)	Amendment concerning noninstitutional providers	R. 1975 d.150	7 N.J.R. 328(d)
10:49-1.25	Temporary fee reduction concerning Medicaid	R. 1975 d.225	7 N.J.R. 421(a)
10:49-1.26	Reduction in reimbursement for laboratory services	R. 1975 d.206	7 N.J.R. 365(a)
10:51-1.1 et seq.	Revisions to Pharmacy Manual	R. 1975 d.182	7 N.J.R. 333(b)
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)
10:51-1.10(d)	Revised dispensing fee	R. 1975 d.223	7 N.J.R. 419(d)
10:51-1.10(g)	Revisions on legend drugs	R. 1975 d.163	7 N.J.R. 329(b)
10:51-1.11(a)3	Revisions on institutional pharmacies	R. 1975 d.156	7 N.J.R. 328(a)
10:52-1.1 et seq.	Revised rules on sterilization procedures	R. 1975 d.206	7 N.J.R. 364(c)
10:52-1.1 et seq.	Revised portions of hospital manual	R. 1974 d.201	6 N.J.R. 313(a)
10:52-1.1 et seq.	Revisions on physicians services	R. 1975 d.229	7 N.J.R. 431(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)
10:52-1.15	Reimbursement of third-party claims	R. 1975 d.204	7 N.J.R. 364(b)
10:52-3.1 et seq.	Rules on teleprocessing	R. 1975 d.230	7 N.J.R. 431(b)
10:53-1.1 et seq.	Revised rules on sterilization procedures	R. 1975 d.205	7 N.J.R. 364(c)
10:54-1.1	Define office visits	R. 1975 d.86	7 N.J.R. 226(d)
10:54-1.1 et seq.	Revisions to the Physicians Manual	R. 1975 d.227	7 N.J.R. 430(a)
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)
10:54-1.20	Sterilization procedures	R. 1975 d.205	7 N.J.R. 364(c)
10:54-1.21	Rule on portable X-ray services	R. 1975 d.228	7 N.J.R. 430(b)
10:54-4.1 et seq.	Revised physicians fee schedule	R. 1975 d.231	7 N.J.R. 431(c)
10:55-1.2	Revisions concerning eligible providers; prosthetic, orthotic manual	R. 1974 d.187	6 N.J.R. 312(e)
10:56-1.48	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)
10:57-1.4	Revisions on noncovered services	R. 1975 d.162	7 N.J.R. 329(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)
10:61-1.1 et seq.	Revised rules on independent laboratory services	R. 1975 d.224	7 N.J.R. 420(a)
10:63-1.15	Rule on portable X-ray services	R. 1975 d.228	7 N.J.R. 430(b)
10:63-3.1 et seq.	1975 cost study and instructions long-term care facilities	R. 1975 d.149	7 N.J.R. 328(c)
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)
10:63-1.13	Plans of correction of deficiencies	R. 1974 d.343	7 N.J.R. 9(a)
10:63-1.14	Skilled nursing and intermediate care services	R. 1975 d.87	7 N.J.R. 227(a)
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)
10:66-1.3	Out-of-State clinics	R. 1974 d.295	6 N.J.R. 477(b)
10:66-1.20	Sterilization procedures	R. 1975 d.205	7 N.J.R. 364(c)
10:66-1.21	Rule on portable X-ray services	R. 1975 d.228	7 N.J.R. 430(b)
10:67-2.1 et seq.	Revised procedure for Administrative Code numbers	R. 1974 d.245	6 N.J.R. 399(b)
10:81	Revise effective date to August 1, 1975	R. 1975 d.208	7 N.J.R. 365(b)
Appendix D			
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)
10:81-28.3	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)
10:81	Rules on child support and paternity program	R. 1975 d.180	7 N.J.R. 329(d)
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10:82-1.1 et seq.	Assistance Standards Handbook	R. 1975 d.93	7 N.J.R. 227(b)
10:82-3.2	AFDC program	R. 1974 d.205	6 N.J.R. 312(b)
10:82-10.1	Overpayments, underpayments	R. 1974 d.287	6 N.J.R. 435(b)
10:82-11.14	Revisions concerning expenses of employment in AFDC	R. 1974 d.285	6 N.J.R. 434(a)
10:82-11.16(d)	Revisions concerning disregard of earned income	R. 1974 d.286	6 N.J.R. 435(a)
10:84-1.1 et seq.	Delete entire Chapter and mark it Reserved	R. 1975 d.29	7 N.J.R. 105(c)
10:85-11.6(a)	Revisions in payments to hospitals	R. 1974 d.288	6 N.J.R. 436(a)
10:109-1.1 et seq.	Revisions concerning public assistance staff development program	R. 1974 d.179	6 N.J.R. 312(e)
10:109-1.6(a)	Revisions concerning educational leave stipends	R. 1974 d.248	6 N.J.R. 399(a)
10:109-2.1 et seq.	Ruling Number 11; classification and compensation plan	R. 1974 d.211	6 N.J.R. 351(a)
10:121-3.1 et seq.	Adoption complaint investigation fees	R. 1975 d.15	7 N.J.R. 58(c)
10:122-2.1 et seq.	AFDC foster care plan	R. 1975 d.99	7 N.J.R. 227(c)
10:123-1.1 et seq.	Revised State Plan for services to families and children	R. 1974 d.232	6 N.J.R. 351(b)
10:123-1.1 et seq.	Revised State Plan for families and children	R. 1974 d.355	7 N.J.R. 59(a)
10:123-1.14	Establishing paternity and securing support for AFDC children	R. 1975 d.35	7 N.J.R. 105(a)
10:123-4.1	Amendment concerning community planning	R. 1975 d.57	7 N.J.R. 166(b)
10:123-5.3(a)4	Revise maximum income level eligibility	R. 1975 d.181	7 N.J.R. 333(a)
10:124-1.1 et seq.	Revised manual of standards for juvenile shelters awaiting court disposition	R. 1975 d.219	7 N.J.R. 419(b)
10:140-1.1 et seq.	1976 State Plan annual revision	R. 1975 d.220	7 N.J.R. 419(c)

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11:1-2.1 et seq.	Amend rules on filings regarding property liability insurance	R. 1975 d.34	7 N.J.R. 115(a)
11:1-4.2	Sex and/or marital status discrimination	R. 1975 d.128	7 N.J.R. 276(b)
11:1-5.1	Deduction of exhaustion of Motor Vehicle Liability Security Fund	R. 1974 d.237	6 N.J.R. 351(d)
11:1-5.2	New Jersey Special Joint Underwriting Association	R. 1974 d.259	6 N.J.R. 407(a)
11:1-5.2(e)	Establishing means of proving coverage and eligibility for protection	R. 1974 d.274	6 N.J.R. 436(b)
11:1-5.3	Special Joint Underwriting Association charge	R. 1975 d.210	7 N.J.R. 369(b)
11:1-6.1	Property-Liability Insurance Guaranty Association charge	R. 1975 d.170	7 N.J.R. 334(b)
11:2-1.3(f)	Ticket-selling insurance agents' education requirements	R. 1974 d.327	7 N.J.R. 10(a)
11:2-12.1 et seq.	Mass marketing of property and liability insurance	R. 1974 d.271	6 N.J.R. 408(a)
11:2-13.1 et seq.	Group coverage discontinuance and replacement	R. 1974 d.274	6 N.J.R. 409(a)
11:2-13.1 et seq.	Revisions on life and accident and health insurance policies and contracts	R. 1975 d.109	7 N.J.R. 276(a)
11:2-13.1	Revisions on certain insurance policies and contracts	R. 1975 d.129	7 N.J.R. 276(c)
11:2-15.1	Cancellation of property and liability policies; insolvent insurers	R. 1974 d.190	6 N.J.R. 323(a)
11:2-16.1	Guaranteed arrest bond certificates of automobile club undertaking	R. 1974 d.282	6 N.J.R. 437(a)
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11:3-9.2	Private passenger automobile rating class; revoked or suspended operators	R. 1975 d.130	7 N.J.R. 276(d)
11:4-8.1 et seq.	Rules on charitable annuities	R. 1974 d.258	6 N.J.R. 399(c)
11:4-10.1	Reporting of expense experience	R. 1975 d.211	7 N.J.R. 370(a)
11:5-1.2	Amendment concerning salesmen applications	R. 1974 d.307	6 N.J.R. 478(e)
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11:5-1.27	Amendment concerning educational requirements	R. 1974 d.307	6 N.J.R. 478(e)
11:7-1.1 et seq.	Rules on insurance of municipal bonds	R. 1975 d.212	7 N.J.R. 370(b)
11:10-1.1 et seq.	1975 hospital rate review program guidelines	R. 1975 d.240	7 N.J.R. 414(a)

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12:15-1.3	Revised maximum weekly benefits rates	R. 1974 d.236	6 N.J.R. 352(b)
12:15-1.3	Revised maximum weekly benefits	R. 1975 d.250	7 N.J.R. 432(b)
12:15-1.4	Taxable wage base; unemployment compensation	R. 1975 d.251	7 N.J.R. 432(c)
12:17-2.1(g)	Revisions on registration for work and benefit claims	R. 1975 d.72	7 N.J.R. 169(b)
12:17-9.1 et seq.	Procedures for wage benefit conflicts	R. 1975 d.142	7 N.J.R. 335(a)
12:18-3.1(f) and (g)	Revisions of fees under State Plan for temporary disability benefits	R. 1974 d.284	6 N.J.R. 437(b)
12:100-1.1 et seq.	Withdraw State Plan for occupational safety and health	R. 1975 d.101	7 N.J.R. 231(a)
12:122-1.1 et seq.	Repeal rules on local exhaust systems	R. 1974 d.136	6 N.J.R. 267(a)
12:146-1.1 et seq.	Repeal rules on machinery with rolls	R. 1974 d.138	6 N.J.R. 267(c)
12:171-1.1 et seq.	Repeal rules on short-rise material handling lifts	R. 1974 d.137	6 N.J.R. 267(b)
12:195-1.1 et seq.	Rules on carnival-amusement rides	R. 1975 d.189	7 N.J.R. 370(c)
12:235-1.1 et seq.	Revised rules of the Division of Workmen's Compensation	R. 1975 d.43	7 N.J.R. 169(a)

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13:2-13.3 et seq.	Revisions on licensees	R. 1975 d.237	7 N.J.R. 436(b)
13:2-21.30	Revisions concerning law enforcement officers	R. 1974 d.341	7 N.J.R. 13(a)
13:2-31.1	Revised schedule of retail prices filed with the Director	R. 1974 d.349	7 N.J.R. 13(b)
13:2-31.3 et seq.	Revisions to retail and wholesale prices and extension of credit	R. 1975 d.238	7 N.J.R. 436(c)
13:2-31.8	Revised trading areas for malt alcoholic beverages	R. 1974 d.349	7 N.J.R. 13(b)
13:2-31.9	Revised inspection of price schedules	R. 1974 d.349	7 N.J.R. 13(b)
13:2-34.2	Revisions concerning schedule filing dates and contents	R. 1974 d.239	6 N.J.R. 410(b)
13:2-37.1	Revised definitions	R. 1974 d.239	6 N.J.R. 410(b)
13:20-28.6	Revisions on new car decals	R. 1975 d.174	7 N.J.R. 343(b)
13:20-28.8	Revisions on new car evidence of compliance	R. 1975 d.174	7 N.J.R. 343(b)
13:27-3.13	Board of architects revised fee schedule	R. 1975 d.171	7 N.J.R. 342(a)
13:27-3.13	Revised fees for architects	R. 1975 d.171	7 N.J.R. 342(a)
13:29-1.7(b)	Revisions on conditional credit	R. 1975 d.33	7 N.J.R. 115(d)
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13:33-1.41	Fee schedules	R. 1974 d.309	6 N.J.R. 487(a)
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13:35-3.6	Board of Medical Examiners fee schedule	R. 1975 d.172	7 N.J.R. 343(a)
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13:35-6.10	Countersigning of orders and prescriptions of unlicensed physicians	R. 1974 d.337	7 N.J.R. 12(a)
13:35-6.11	Prohibiting kickbacks or rebates for services not rendered	R. 1974 d.280	6 N.J.R. 451(a)
13:36-1.6	Revised fees and charges	R. 1974 d.281	6 N.J.R. 451(b)
13:37-12.1	Fee schedule; Board of Nursing	R. 1974 d.189	6 N.J.R. 324(b)
13:38-2.10	Minimum standards for eyeglasses	R. 1975 d.19	7 N.J.R. 115(b)
13:38-5.1	Fee schedule	R. 1975 d.23	7 N.J.R. 115(c)
13:39-9.16	Fee schedules	R. 1974 d.305	6 N.J.R. 486(a)
13:41-3.1	Use of the terms planners or planning	R. 1975 d.102	7 N.J.R. 236(b)
13:44-4.1	Revised fees for veterinarians	R. 1975 d.173	7 N.J.R. 342(b)
13:44-4.1	Veterinary medical examiners fee schedule	R. 1975 d.173	7 N.J.R. 342(b)
13:46-4.6(c)	Revised license fee	R. 1974 d.331	7 N.J.R. 12
13:47A-1.1(a) 3.	Revised fee for application for registration	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-3.1(c)	Revised fee for application	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-5.2	Revised fee for application renewal	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-6.1	Revisions on qualification of issue	R. 1974 d.278	6 N.J.R. 450(c)
13:47A-9.1	Repeal rule on requirements for qualification	R. 1974 d.277	6 N.J.R. 450(b)
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13:47A-18.1	Revisions concerning prefiling materials and contents	R. 1974 d.351	7 N.J.R. 13(c)
13:70-1.1 et seq.	Revised rules on horse racing	R. 1975 d.37	7 N.J.R. 170(a)
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14:5-7.1 et seq.	Revisions on electrical inspection authorities	R. 1975 d.12	7 N.J.R. 62(b)
14:10-4.1 et seq.	Revised rules on residential telephone underground extensions	R. 1975 d.243	7 N.J.R. 437(b)
14:11-5.4	Revisions on accident reporting	R. 1975 d.8	7 N.J.R. 62(a)

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15:10-1.1 et seq.	Revisions on voter registration by mail	R. 1975 d.114	7 N.J.R. 278(a)

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16:3-1.1 et seq.	Uniform patent policy	R. 1975 d.160	7 N.J.R. 345(b)
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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)
16:28-1.25 et seq.	Revise rules on rates of speed along certain State highways	R. 1974 d.197	6 N.J.R. 325(a)
16:28-1.35	Revised speed limits on portions of Route 18	R. 1974 d.340	7 N.J.R. 32(d)
16:28-1.36	Revised speed limits on parts of Route 24	R. 1975 d.17	7 N.J.R. 118(a)
16:28-1.51	Revised speed limits on parts of Route 55	R. 1975 d.167	7 N.J.R. 346(a)
16:28-1.51	Revised speed limits for parts of Route 55	R. 1975 d.254	7 N.J.R. 439(b)
16:28-1.61	Rates of speed on parts of Route 22 Freeway	R. 1975 d.241	7 N.J.R. 439(a)
16:28-1.63	Revise rates of speed on Route U.S. 22	R. 1974 d.326	7 N.J.R. 32(c)
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16:28-1.76	Revised speed limits on parts of Route 15	R. 1974 d.354	7 N.J.R. 73(c)
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16:28-1.111	Speed limits on Route 179 in Hunterdon County	R. 1974 d.249	6 N.J.R. 414(a)
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17:9-2.3	Revisions on annual enrollment period	R. 1974 d.228	6 N.J.R. 360(c)
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17:9-5.10	Retroactive premiums; payment due	R. 1975 d.159	7 N.J.R. 349(b)
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17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities — industrial obligations	R. 1974 d.321	6 N.J.R. 495(b)
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17:16-13.5	Revisions on legal papers	R. 1975 d.236	7 N.J.R. 442(b)
17:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R. 1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R. 1974 d.264	6 N.J.R. 416(a)
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17:21-1.4(b)	Revisions on special lotteries	R. 1974 d.224	6 N.J.R. 360(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)
18:16-1.1 et seq.	Revisions in realty transfer fee law	R. 1975 d.84	7 N.J.R. 240(b)
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INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Physicians Manual

On July 31, 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 various Sections of the Physicians Manual in Chapter 54 of Title 10 in the New Jersey Administrative Code concerning the portable x-ray services, codes and fees, injection policy and other minor corrections as proposed in the Notice published July 10, 1975, at N.J.R. 315(b).

An order adopting these revisions was filed and effective August 1, 1975, as R.1975 d.227.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revised Rules Concerning Portable X-Ray Services

On July 31, 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 revised rules concerning portable x-ray services substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 315(c), with only inconsequential structural or language changes, in the opinion of the Department of Institutions and Agencies.

Such rules may be cited as N.J.A.C. 10:54-1.21, 10:63-1.15 and 10:66-1.21 in the Physicians Skilled Nursing Homes and Independent Clinic Manuals respectively.

An order adopting these rules was filed and effective August 1, 1975, as R.1975 d.228.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

19:8-1.1	Garden State Arts Center defined	R. 1975 d.145	7 N.J.R. 350(d)
19:8-1.13	Traffic control on Garden State Parkway	R. 1975 d.222	7 N.J.R. 447(b)
19:8-2.11	Rules on Garden State Arts Center	R. 1975 d.145	7 N.J.R. 350(d)
19:8-3.1(b)	Revised toll schedule for new Union County interchange	R. 1974 d.290	6 N.J.R. 496(c)
19:9-1.1	Revised Turnpike definitions	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.9	Revised limitations on use of Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.9(a)26.	Delete rule 19:9-1.9 (a) 26.	R. 1975 d.41	7 N.J.R. 185(a)
19:9-1.18	Noise limits on Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.18(e) and (f)	Revised citations for noise limit rules	R. 1975 d.25	7 N.J.R. 122(d)
19:9-3.1	Schedule of towing charges for Turnpike	R. 1975 d.221	7 N.J.R. 447(c)
19:11-1.6	Revisions in number of copies to be filed	R. 1974 d.347	7 N.J.R. 36(a)
19:11-1.13	Revisions concerning intervention	R. 1974 d. 346	7 N.J.R. 35(d)
19:11-2.7	Rule on election eligibility lists	R. 1974 d.344	7 N.J.R. 35(b)
19:12-1.1	Revisions in filing of notice of impasse	R. 1974 d.347	7 N.J.R. 36(a)
19:12-1.1 et seq.	Negotiations and impasse procedures	R. 1975 d.10	7 N.J.R. 78(a)
19:12-2.1	Revisions in invocation of fact-finding	R. 1974 d.347	7 N.J.R. 36(a)
19:12-3.1	Revisions concerning arbitration	R. 1974 d.345	7 N.J.R. 35(c)
19:13-1.1 et seq.	Scope of negotiations proceedings	R. 1975 d.10	7 N.J.R. 78(a)
19:14-1.1 et seq.	Unfair practice proceedings	R. 1975 d.10	7 N.J.R. 78(a)
19:14A-1.1 et seq.	Hearings	R. 1975 d.10	7 N.J.R. 78(a)
19:14-1.5 et seq.	Revisions concerning processing of unfair practice cases	R. 1975 d.89	7 N.J.R. 243(a)
19:14-9.1 et seq.	Interim relief	R. 1975 d.90	7 N.J.R. 242(a)
19:25-1.1 et seq.	Initial rules of Election Law Enforcement Commission	R. 1974 d.267	6 N.J.R. 418(a)
19:30-1.1 et seq.	Administrative rules of Economic Development Authority	R. 1974 d.332	7 N.J.R. 34(c)
19:30-2.1	Revised application fees	R. 1975 d.26	7 N.J.R. 122(c)
19:30-2.2	Delete text on fees	R. 1975 d.26	7 N.J.R. 122(c)
19:35-1.1	Rules on FM noncommercial radio stations	R. 1975 d.118	7 N.J.R. 285(a)

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions on Physicians Services

On July 31, 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 N.J.A.C. 10:52-1.1, 10:52-1.6, 10:52-2.3(b)1., 10:52-2.8(e), 10:53-1.1, 10:53-1.5, 10:53-2.3(c), 10:53-2.13(c), 10:54-1.1 and 10:54-1.6(g) concerning physician services as proposed in the Notice published July 10, 1975, at 7 N.J.R. 318(c).

An order adopting these revisions was filed and effective August 1, 1975, as R.1975 d.229.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Hospital Manual on Teleprocessing

On July 31, 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 a new Hospital Manual on Teleprocessing, to be cited as N.J.A.C. 10:52-3.1 et seq., as proposed in the Notice published July 10, 1975, at 7 N.J.R. 316(b).

An order adopting this manual was filed and effective August 1, 1975, as R.1975 d.230.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Physicians Manual

On July 31, 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 revised rules concerning physicians fee schedule in the Physicians Manual substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 327(a), with only inconsequential structural

or language changes, in the opinion of the Department of Institutions and Agencies.

Such rules may be cited as N.J.A.C. 10:54-4.1 et seq.

An order adopting these revised rules was filed and effective August 1, 1975, as R.1975 d.231.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSURANCE

THE COMMISSIONER

Proposed Rule Concerning Property-Casualty License Fees for Disabled Veterans

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17:22-6.6, proposes to adopt a new rule concerning property-casualty license fees for disabled veterans.

Full text of the proposed rule follows:

11:2-1.4 Property-casualty license fees for disabled veterans

(a) N.J.S.A. 17:22-6 provides for waiver of license fees for certain disabled veterans and substitution of certificates of certain classes of schools for educational requirements prescribed under N.J.S.A. 17:22-6.6(c). Because certain classes of schools (such as those approved by the Department of Insurance) were not contemplated on the effective date of N.J.S.A. 17:22-6 (1952), an arbitrary discrimination has arisen among disabled veterans with respect to waiver of fees which this rule seeks to remove.

(b) All citizens of this State who have served in the military or naval forces of the United States in any war, have been honorably discharged, and who have been wounded or disabled in line of duty shall receive property-casualty insurance broker, agent and solicitor licenses without cost.

(c) This rule applies only to individual licenses, not partnership or corporation licenses.

(d) Veterans to whom this rule applies shall include only those with compensable disability as of the date of the most recent government certificate issued to them.

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

Naomi LaBastille, Hearing Officer
Department of Insurance
201 East State Street
Trenton, N.J. 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Proposed Modification of Private Passenger Automobile Rating Systems

James J. Sheeran, Commissioner of Insurance, pursuant to the authority of N.J.S.A. 17:29A-1 et seq., proposes to revise all private passenger automobile rating systems to include the following:

Changes in Private Passenger Automobile Rating System

(a) Revoked or Suspended Operator: Within the context of any private passenger automobile classification-rating system, an individual whose automobile operators license is under revocation or suspension shall not be considered an operator of the vehicle. In the event such revocation or suspension terminates and the license is restored, premium adjustments reflecting such operator's rating criteria for the current policy period may be made on a pro rata basis. (This modification was previously adopted as rule N.J.A.C. 11:3-9.2.)

(b) Premium changes resulting from changes in age classes: Whenever a private passenger automobile classification-rating system provides that a rate reduction, which results from the attained age of an operator during the policy period, be delayed until the renewal date of the policy, such classification-rating system shall also provide that any additional premium that results from the addition of an operator whose age produces a rate increase must not be reflected until the renewal date of the policy.

(c) Definitions of owner, applicant and insured: Whenever a private passenger automobile classification-rating system uses the terms owner, applicant, or insured in the rating of the policy, such terms shall be construed to mean respectively owner-operator of the automobile, applicant-operator of the automobile or insured-operator of the automobile.

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

Philipp K. Stern, Actuary
Department of Insurance
201 East State Street
Trenton, N.J. 08625

The Commissioner of Insurance, upon his own motion, may thereafter order this modification substantially as proposed without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(b)

LABOR AND INDUSTRY

THE COMMISSIONER

Maximum 1976 Weekly Unemployment Insurance and State Plan Temporary Disability Benefit Amounts

On August 18, 1975, Joseph A. Hoffman, Commissioner of

Labor and Industry, pursuant to authority of N.J.S.A. 43:21-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised rule, replacing the current text of N.J.A.C. 12:15-1.3, concerning the 1976 maximum weekly unemployment insurance and State plan temporary disability benefit amounts.

Full text of the adopted rule follows:

12:15-1.3 Maximum weekly benefit rates

(a) In accordance with the provisions of the Unemployment Compensation Law, the maximum weekly benefit rate for benefits under the Unemployment Compensation Law and the maximum weekly benefit amount for State Plan benefits under the Temporary Disability Benefits Law is hereby promulgated as being \$96.00 per week.

(b) These maximum benefits shall be effective for the calendar year 1976 on benefit years and periods of disability commencing on or after January 1, 1976.

An order adopting this revised rule was filed August 18, 1975, as R.1975 d.250 (Exempt, Procedure Rule) to become effective January 1, 1976.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

EMPLOYMENT SECURITY AGENCY

1976 Taxable Wage Base Under Unemployment Compensation Law

On August 18, 1975, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-7(b) (3) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the 1976 taxable wage base under the Unemployment Compensation Law.

Full text of the adopted rule follows:

12:15-1.4 Taxable wage base under Unemployment Compensation Law for 1976

(a) In accordance with the provisions of N.J.S.A. 43:21-7(b) (3), the "wages" of any individual with respect to any one employer for the purpose of contributions under the Unemployment Compensation Law shall include the first \$5,400 paid during the calendar year 1976.

(b) This wage base shall be effective for the calendar year 1976 and thereafter until the Commissioner of Labor and Industry supersedes this promulgation.

An order adopting this rule was filed and effective August 18, 1975, as R.1975 d.251 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LABOR AND INDUSTRY

DIVISION OF WORKMEN'S COMPENSATION

Workmen's Compensation Benefit Rates for 1976

On August 18, 1975, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-12(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted workmen's compensation benefit rates.

Full text of the adopted rule follows:

In accordance with the provisions of Chapter 126, Laws of 1966, the maximum workmen's compensation benefit rate for temporary total disability, permanent total disability and dependency is hereby promulgated as being \$128.00 per week.

This maximum compensation shall be effective as to injuries occurring in the calendar year 1976.

An order adopting this rule was filed August 18, 1975, as R.1975 d.252 (Exempt, Exempt Agency) to become effective January 1, 1976. Take notice that this rule is not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rules On Licensing of Motor Vehicle Reinspection Centers

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 39:8-2 proposes to adopt a new regulation concerning the licensing of motor vehicle reinspection centers:

Full text of the proposed regulation follows:

SUBCHAPTER 32. MOTOR VEHICLE REINSPECTION CENTERS

13:20-32.1 License required; license classes

(a) Reinspection centers shall be licensed by the Director prior to engaging in the service of certifying that vehicles initially rejected at a State motor vehicle inspection station have been adjusted, corrected or repaired so as to conform to the standards established by law or regulation.

(b) Reinspection centers shall be licensed in the following classes;

1. Class I licenses shall be issued to reinspection centers to engage in the certification of passenger automobiles, trucks registered for not more than 6,000 pounds, and buses, except school buses and buses subject to the jurisdiction of

the Department of Public Utilities.

2. Class II licenses shall be issued to owners or lessees of fleets of 50 or more vehicles (except school buses and buses subject to the jurisdiction of the Department of Public Utilities) which are subject to annual state inspection.

3. Class III licenses shall be issued to reinspection centers to engage in the certification of motorcycles only.

13:20-32.2 Service limits

(a) Class I licenses may be issued to provide "full service" in all vehicle rejection categories or "limited service" in one or more of the following categories:

1. Engine emissions;
2. Brake system;
3. Exhaust system;
4. Steering, suspension, tires and wheels;
5. Glass (windshield, windows);
6. Electrical: All switches, signals, wipers, lenses and lights, including headlight installation and alignment;
7. Miscellaneous: Any rejected item not in other categories.

(b) Class II licenses authorize certification in all vehicle rejection categories, but limited to vehicles owned or operated by the licensee.

(c) Class III licenses authorize certification in all motorcycle rejection categories.

13:20-32.3 Facilities and equipment

(a) Licensed reinspection centers must be housed in a building having a garage-type entrance and one or more service bays.

(b) An engine emissions analyzer, approved by the Department of Environmental Protection, must be available on the premises of all Class I "full service" centers, all Class II centers, and all Class I "limited service" centers licensed to certify repairs in the engine emission and exhaust system categories.

(c) A vehicle lift or heavy duty floor jack must be available on the premises of all Class I "full service" centers, all Class II centers, and all Class I "limited service" centers licensed to certify repairs in the brake, steering and suspension system categories.

(d) Headlight aiming equipment, for example, a photoelectric cell aimer, a mechanical aimer or an aiming chart, must be available on the premises of all Class I "full service" centers, all Class II centers, all Class III centers and all Class I "limited service" centers licensed to certify repairs in the electrical category.

(e) Brake testing equipment, for example, a drive-on horizontal scale or roller-type tester, must be available on the premises of all Class I "full service" centers, all Class II centers, all Class III centers and all Class I "limited service" centers licensed to certify repairs in the brake system category. Provided, however, that this brake testing equipment requirements shall be waived where the licensee intends to road test brake repairs.

(f) A tire tread depth gauge calibrated in 32nds of an inch shall be available on the premises of Class I "full service" centers, Class II centers, Class III centers and Class I "limited service" centers licensed to certify repairs in the steering, suspension, tires and wheels category.

13:20-32.4 Applicant qualifications

(a) An applicant must, in the Director's discretion, be a proper person to hold a reinspection center license.

(b) In assessing whether an applicant is a proper person, the Director may consider the character and responsibility of the individual applicant (if natural person), of the individual partners (if partnership) or of the officers and other controlling individuals (if corporation) or anyone else employed by or otherwise associated in business with the applicant.

(c) An applicant must have legal capacity to contract, to be sued and to be liable for all debts.

(d) No applicant shall be entitled to licensure who is under 18 years of age.

(e) The applicant or someone in his employ shall have:

1. At least three years of paid experience in general automotive repair and service, or if applying for a limited service license, in the applicable rejection categories; or

2. Have completed a course in automotive repair at an approved vocational school and at least one year of applicable experience; or

3. Have been certified as a general mechanic, or in the applicable categories, by the National Institute for Automotive Service Excellence.

13:20-32.5 Insurance required

(a) Every licensee is required to maintain liability insurance coverage in the following minimum amounts:

1. For damage to property in any one occurrence: \$50,000;

2. For injury to, or death of any one person in any one occurrence: \$100,000;

3. For injury to, or death of two or more persons in any one occurrence: \$300,000.

(b) An applicant shall file, together with his application, proof of insurance coverage in the form of a certificate issued by the carrier containing a clause that ten days prior notice will be given to the Division of any cancellation or termination of the policy.

(c) Failure to maintain such insurance coverage shall be cause for immediate suspension of license.

13:20-32.6 License application, form, content and fee

(a) Applications for licenses shall be made on forms provided by the Division, consisting of two parts, principal and supplementary.

1. The principal application shall elicit information bearing upon the nature and location of the applicant's business, the experience of the applicant and his employees, and the nature of the reinspection license sought by the applicant.

2. The supplementary application shall cover the background of the owner and each partner of an unincorporated business and each principal executive officer and controlling individual of a corporation or association and shall be filed by each such owner, partner, controlling individual or officer.

(b) A non-refundable fee of \$10.00 paid by check or money order payable to "New Jersey Division of Motor Vehicles" shall be submitted with the application.

(c) Any qualified person may file application for and be licensed in both Class I (full or limited service) and Class III in which case the fee shall be \$10.00 for each class.

(d) When a person licensed in Class I "limited service" makes application to amend the license so as to add rejection categories, a fee of \$10.00 shall be paid with the application.

13:20-32.7 License, display of; content

(a) A current reinspection center license certificate shall be conspicuously displayed in the licensee's place of business.

(b) License certificates shall describe the class and rejection categories to which the reinspection center is limited.

13:20-32.8 Identifying mark; reinspection center

(a) An identifying mark bearing the logogram of the Division of Motor Vehicles shall be issued to each licensee except Class II.

(b) Said mark shall be conspicuously displayed on the outside of the reinspection center.

(c) The licensee shall post a sign beneath said mark describing the services offered which shall correspond to the class and limits set forth in the license.

(d) Each licensee shall affix the center's license number in the space provided on the mark.

13:20-32.9 Reinspection approval stickers

(a) The approval sticker shall be composed of two parts, as follows:

1. A base sticker indicating the calendar year validity and sticker serial number; and

2. A registration renewal and inspection month number in the form of an insert which is to be applied to the base sticker.

(b) Base stickers may be purchased by a licensee, by mail or in person, from the Division of Motor Vehicles, Certificate of Ownership Bureau, Licensing Section, 137 East State Street, Trenton, N.J. 08666.

(c) Base stickers shall be purchased at \$0.50 per sticker in quantities of 50 or more.

(d) Registration renewal and inspection month inserts shall be provided to licensees at no charge.

(e) Upon the return of base stickers which are not used during the applicable calendar year, a credit of \$0.50 per sticker shall be given the licensee toward the purchase of current base stickers.

(f) Base stickers shall be secured in a locked place of limited access, such as a safe, cabinet or desk drawer. The licensee is solely responsible for the security of the base stickers. Failure to take necessary security precautions to protect the stickers against loss or theft shall be cause for suspension or revocation of the license.

(g) Base stickers shall be placed on a vehicle only after reinspection has been completed.

(h) When defects detected at State inspection have been repaired or adjusted by the licensee or by an employee on the licensee's payroll, the licensee shall insure, prior to placement of an approval sticker on the vehicle, that the individual who performed the repair or adjustment work has signed his name on the State inspection rejection card next to the applicable rejection category. When defects detected at State inspection have been repaired by someone other than the licensee or employees on the payroll of the licensee, the licensee shall insure, prior to placement of an approval sticker, that the person or persons who reinspect the vehicle have signed the state inspection rejection card at the bottom of its reverse side.

(i) State inspection rejection cards shall be kept separate and apart from the base stickers and shall be kept in a locked place of limited access, such as a safe, desk drawer or cabinet.

(j) The serial number of the base sticker and the date of issue shall be recorded upon the corresponding state inspection rejection card.

(k) Base stickers shall be used in numerical sequence.

(l) Defective and voided stickers shall be returned to the Division of Motor Vehicles within two business days of discovery.

(m) Upon discovering that base stickers have been stolen or are otherwise unaccounted for, the licensee shall notify the Licensing Section within one business day of discovery.

(n) Upon discontinuation of the reinspection certification service by the licensee, all unused base stickers and registration renewal and inspection month inserts shall be forwarded to the Division of Motor Vehicles within 24 hours of discontinuance. In such case, fees paid for unused base stickers will be refundable.

(o) Licensees shall be solely accountable for the base stickers and inserts issued to them by the Division of Motor Vehicles.

13:20-32.10 Records

(a) State inspection rejection cards shall be maintained by the licensee in order corresponding to the base sticker serial number recorded thereon and the date on which the base sticker was issued.

(b) Class I and III licensees shall maintain repair orders and invoices (bills for parts and labor) in the form required by the deceptive automotive repair work and advertising practices regulation (N.J.A.C. 13:45A-1.1 et seq.).

(c) The repair order and invoice number or numbers shall be transcribed onto the state inspection rejection card.

(d) Records required to be maintained by this Section shall remain on file in the licensee's place of business for a period of two years from the date of issuance of the base sticker.

(e) Records required to be maintained by this Section shall be made available by the licensee for examination by employees of the Division of Motor Vehicles at any time during regular business hours. Investigators and other Division of Motor Vehicles personnel shall be granted access to the licensee's property during regular business hours.

(f) Failure to permit investigators and other Division of Motor Vehicles personnel on the premises of the licensee during regular business hours for purposes of conducting reasonable investigations shall be cause for suspension. Such investigations shall include, but shall not be limited to, discussions with customers, examination of machinery, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this regulation and the provisions of Title 39, Chapter 8.

13:20-32.11 Certification of reinspection

(a) Each licensed reinspection center shall have the authority to reinspect vehicles covered by the particular center's license and to certify that specific items for which a vehicle was rejected at State inspection have been corrected to conform with the technical standards set forth in the "Manual on Procedures and Standards for Use by Licensed Reinspection Centers". Provided, however, that Class I "limited service" centers may reinspect and certify vehicles only when all of the items for which the vehicle was rejected at state inspection are within the categories enumerated on the center's "limited service" license.

(b) No licensee shall certify that items for which a vehicle was rejected at State inspection have been corrected unless the licensee or an employee on the payroll of the licensee has inspected the vehicle and has determined that all defects detected at State inspection have been corrected to conform with the technical standards set forth in the "manual".

(c) Certification shall be evidenced by the affixation of a reinspection approval sticker on the vehicle in the place

specified in the "manual" and by stamping a reinspection approval imprint on the reverse side of the vehicle's registration certificate. Each licensee shall possess a stamp for the purpose of effecting said reinspection approval imprint. Failure to take necessary security precautions to protect the stamp against loss or theft shall be cause for suspension or revocation of the license.

(d) Certification of a vehicle by the licensee or his employee shall constitute the licensee's representation that the licensee or any employee on the licensee's payroll has inspected the vehicle and has determined that the defects detected at State inspection have been corrected to conform with the standards set forth in the "manual".

(e) Class I licensees, upon being presented with a vehicle for repair or adjustment of defects detected at State inspection and for certification, may occasionally opt to "farm out" part of the repair or adjustment work; that is, to have the repair or adjustment work performed with the equipment or by the employees of another firm. Provided, however, that Class I "limited service" centers may exercise said "farming out" option only when all of the items for which the vehicle was rejected at State inspection are within the categories enumerated on the center's "limited service" license. Provided, also, that Class I centers licensed to reinspect glass may always "farm out" their glass repair work.

(f) Repair or adjustment work performed under this "farming out" option shall be deemed to be work performed under the direction of the Class I licensee. Exercise of this option shall not relieve the licensee of his ultimate duty, as set forth in subsections (b), (c) and (d) above, to have the sufficiency of all adjustments or repairs inspected by the licensee or by an employee on the licensee's payroll prior to certification of the vehicle.

(g) Licensees who elect to exercise said "farming out" option may be held vicariously liable, in any subsequent license revocation proceeding, for any unconscionable practice perpetrated on the consumer by the party to whom the work was "farmed out".

(h) The fee which a Class I or III licensee may charge the consumer for affixing a certification sticker shall not exceed \$1.00.

(i) The fee which a Class I or III licensee may charge for reinspection of items rejected after State inspection and which have been repaired by the vehicle owner or someone not under the direction of licensee shall not exceed that portion of the licensee's established hourly labor charge for repair service as specified in the "manual" to be the average time required to reinspect a particular rejected item. The consumer shall be notified in advance that the licensee's charge for such reinspection shall not exceed that portion of the labor hourly rate.

(j) Every licensee, other than Class II, shall conspicuously display a schedule of reinspection charges at his place of business and shall file a copy thereof with the Licensing Section of the Certificate of Ownership Bureau. The displayed schedule shall be no smaller than one square foot.

13:20-32.12 Denial, suspension and revocation of license

(a) The Director may deny, suspend or revoke a reinspection center license or refuse renewal thereof for cause, including but not limited to one or more of the following:

1. Violation of any provision of N.J.S.A. 39:8-2 et seq. or of any regulation adopted thereunder, including a finding of guilt made pursuant to Section 10 of the Act;

2. Fraud, or misrepresentation in securing the license or in the conduct of the licensed activity;

- 3. Making reinspection service charges in excess of those posted in the licensed premises and filed with the Director;
- 4. Conviction of a crime involving moral turpitude;
- 5. Violation of the Consumer Fraud Act, P.L. 1967, c. 301 (C.56:8-1 et seq.) or of any regulation adopted thereunder;
- 6. Other good cause.

(b) The Director may deny, suspend, revoke or refuse renewal of a reinspection center license for a violation of the provisions of N.J.S.A. 39:8-2 et seq., the provisions of these regulations or for other good cause pursuant to the Administrative Procedure Act, P.L. 1968, c.40 (C.52:14D-1 et seq.).

(c) Upon suspension or revocation of a reinspection license, the licensee shall forthwith surrender to the Director the reinspection center license, the reinspection approval stamp, all unused reinspection approval stickers, all state inspection rejection cards, and the reinspection center identification mark.

13:20-32.13 Advertising

Advertising of reinspection service shall include a description of the class and rejection categories in which the center is licensed.

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

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

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

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

(a)

LAW AND PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

Listing of Legislative Agents

On February 17, 1975, 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 fourth 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); fifth listing of 18 additional agents, December 5, 1974, at 6 N.J.R. 479(b); sixth listing of 28 additional agents, April 10, 1975, at 7 N.J.R. 169(c); and

seventh listing of seven additional agents, July 10, 1975, at 7 N.J.R. 341(b).

Following are three 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. 224, American Lung Association of New Jersey, Carol Ann Wolff, Joseph Furnari, 2441 Route 22 West, Union, N.J. 07083, program assistant, managing director.

No. 225, New Jersey Dental Hygienists Association, Mary Cosaboon, Betty Jane Dolan, Loretta Rummel, Box 303 RD 3, Stokes Road, Medford, N.J. 08055, New Jersey Dental Hygienists Association.

No. 226, John P. Greeley, 101 Crescent Boulevard, Collingswood, N.J., South Jersey Labor Council, chairman.

These reports were filed August 1, 1975, as R.1975 d.234. 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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Revisions on Employment by Licensees of Persons Failing to Qualify as Licensees

On August 1, 1975, Leonard Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to several Sections in Subchapter 13, Chapter 2 of Title 13 in the New Jersey Administrative Code concerning licensees as proposed in the Notice published July 10, 1975, at 7 N.J.R. 336(a).

An order adopting these revisions was filed and effective August 8, 1975, as R.1975 d.237.

Thomas F. Kistner
 Director of Administrative Procedure
 Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Revisions on Minimum Consumer Resale Prices, Wholesale Prices and Extension Of Credit to Retail Licensees

On August 1, 1975, Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to various Sections in Subchapter 31, 34 and 37 in Chapter 2,

Title 13, in the New Jersey Administrative Code concerning minimum consumer resale prices, wholesale prices and extension of credit to retail licensees substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 336(a), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

An order adopting these revisions was filed August 8, 1975, as R.1975 d.238 to become effective September 2, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Revisions Concerning Separation and Protection Of Conductors Buried in Earth

On July 17, 1975, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 14:5-1.2(b)3.i. concerning the separation and protection of conductors buried in earth as proposed in the Notice published June 5, 1975, at 7 N.J.R. 277(a).

An order adopting these revisions was filed and effective July 31, 1975, as R.1975 d.215.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rules on Underground Extensions

On February 20, 1975, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules on residential electric and telephone underground extensions, cited as N.J.A.C. 14:5-4.1 et seq. and 14:10-4.1 et seq., as proposed in the Notice published January 9, 1975, at 7 N.J.R. 29(a).

An order adopting these revised rules was filed and effective August 14, 1975, as R.1975 d.243.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions Concerning Highway Safety Lighting

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6, proposes to adopt revisions to the rules concerning highway safety lighting.

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

16:26-3.1 Definitions

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

"Reimbursed highway safety lighting" means the commitment of State funds to counties and municipalities for the maintenance of street lighting. It shall be considered only for **potential problem** [hazardous] locations along the State highway system, such as intersections of roadways, railroad crossings, dangerous curves and headwalls.

16:26-3.4 State Aid participation basis

(a) **The rate of reimbursement to county and local government shall be based on the preceding fiscal year appropriations for this program and the number and type of lighting units in the program.**

1. **Incandescent units will be reimbursed at an approximate rate equal to 0.45 times that for the 7,000 lumen mercury vapor source.**

2. **11,000 mercury vapor lamps will be reimbursed at a rate approximately 1.7 times that for a 7,000 lumen mercury vapor source.**

3. **20,000 lumen mercury vapor lamps will be reimbursed at a rate of approximately 2.5 times that of the 7,000 lumen mercury vapor source.**

(b) **Reimbursement for each lamp shall not exceed 80 per cent of the total cost of the lighting to the county or municipality.**

(c) **To be eligible for reimbursement, lighting units must be at least 4,000 lumen intensity. After July 1, 1979, approved lighting units must be at least 7,000 lumen intensity and be of the arc discharge type.**

(d) **Incandescent lighting units will be approved for reimbursement until December 31, 1978. Units not converted to the arc discharge type lamp of at least 7,000 lumen intensity prior to January 1, 1979, will be eliminated from reimbursement agreements for calendar year 1979 and thereafter.**

[(a) The reimbursement rates for counties shall not exceed 50 per cent of the maintenance cost of an approved lighting unit. State contribution will be allowed up to a maximum of 50 per cent of the established utility rate of a 21,000 lumen lamp.

(b) The established utility rate of a 2,500 lumen lamp shall be the maximum amount allowable to municipalities for maintenance of reimbursed safety lighting for the illumination at or in excess of 4,000 lumens. Maintenance costs of safety

lighting for intensities of illumination less than 4,000 lumens are not reimbursable.]

16:26-3.6 Approval of Agreement

(a) The Electrical Bureau of the Division of Transportation Operations and Local Aid shall not enter into any contract obligations with utility companies on reimbursed safety lighting agreements.

(b) Upon approval of a safety lighting location and lamp size, an agreement and copy of a form of resolution is prepared by the Electrical Bureau for execution and adoption by the local government. One copy of the properly executed agreement is returned to the local government, indicating the number of lighting units and the amount of the State's participation in the cost of maintaining these units with the local government.

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before September 24, 1975, to:

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

The Department of Transportation, upon its own 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

Proposed Revisions on Speed Limits On Parts of Route 48

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise N.J.A.C. 16:28-1.107 concerning speed limits along parts of Route 48. The proposed revisions concern the deletion in its entirety of the current text of N.J.A.C. 16:28-1.107 and the adoption of new text therein.

Full text of the proposed new rule follows:

16:28-1.107 Route 48 in Penns Grove Borough and Upper Penns Neck Township in Salem County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 48 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

1. Penns Grove Borough: 30 mph between Route U.S. 130 and Penns Grove Borough — Upper Penns Neck Township Line: Mileposts 0.0 to 0.25.
2. Upper Penns Neck Township:
 - i. 30 mph between the Penns Grove Borough — Upper Penns Neck Township Line and Miller Avenue: Mileposts 0.25 to 0.3;

- ii. 40 mph between Miller Avenue and DuPont Road: Mileposts 0.3 to 0.6;
- iii. 50 mph between DuPont Road and Route U.S. 40: Mileposts 0.6 to 4.3.

Interested persons may present statements or arguments relevant to the proposed action in writing on or before September 24, 1975, to:

Robert R. Reed, Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Ave.
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

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions in No-Parking Zones Along Various State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposes to revise the current text of N.J.A.C. 16:28-3.42 and adopt new rules, to be cited as N.J.A.C. 16:28-3.84 through 16:28-3.89, if adopted, concerning no parking zones along portions of various State highways.

Below are the State highways affected, with the NJDOT Code and the N.J.A.C. citation for each regulation proposed to be either rescinded and/or adopted:

Route No.	NJDOT Code		N.J.A.C.
	Rescinded	Adopted	
N.J. 33	RP—74—42	RP—75—23	16:28—3.42
N.J. 28	—	RP—75—24	16:28—3.84
U.S. 9	—	RP—75—25	16:28—3.85
N.J. 28	—	RP—75—26	16:28—3.86
N.J. 35	—	RP—75—27	16:28—3.87
N.J. 204	—	RP—75—28	16:28—3.88
N.J. 24	—	RP—75—29	16:28—3.89

Copies of the full text of 14 pages or parts thereof may be obtained from:

Robert J. Nolan
Chief, Bureau of Traffic Engineering
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1975, to Robert R. Reed Jr., Administrative Practice Officer, Department of Transportation, at the above address.

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

Rules on Rates of Speed On Portions of Route 20 Freeway

On August 6, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on rates of speed on portions of the Route 20 Freeway as proposed in the Notice published July 10, 1975, at 7 N.J.R. 343(c).

Such rules may be cited as N.J.A.C. 16:28-1.161.

An order adopting these rules was filed and effective August 12, 1975, as R.1975 d.241.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Revised Speed Limits on Parts of Route 55

On August 13, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to N.J.A.C. 16:28-1.51 concerning speed limits on parts of Route 55. These emergency revisions delete in their entirety the current text of N.J.A.C. 16:28-1.51 and adopt new text therein.

Full text of the adopted rule follows:

16:28-1.51 Route 55 in Maurice River Township, City of Millville and the City of Vineland, Cumberland County; Franklin Township, Gloucester County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 55 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: 55 mph for the entire length of the route except as follows:

i. Maurice River Township, for both directions of traffic: 50 mph between Route 47 and the beginning of the center median (approximately 3700 feet north of Route 47).

ii. City of Vineland, for southbound traffic only: 35 mph between one mile south of Landis Avenue and Sherman Avenue.

An order adopting these revisions was filed and effective August 18, 1975, as R.1975 d.254 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Rule on One-Way Traffic Along Parts of Route U.S. 202

On August 12, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, cited as N.J.A.C. 16:28-4.4, concerning one-way traffic along parts of Route U.S. 202 as proposed in the Notice published July 10, 1975, at 7 N.J.R. 344(a).

An order adopting this rule was filed and effective August 18, 1975, as R.1975 d.255.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF TAXATION

Proposed Rules on Imposition of Penalties and Interest

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1, proposes to adopt new rules concerning the imposition of penalties and interest under the State Tax Uniform Procedure Law, Subtitle 9 of the Revised Statutes of New Jersey.

Full text of the proposed rules follows:

SUBCHAPTER 2. PENALTIES AND INTEREST

18:2-2.1 Application

This regulation is applicable to penalty and interest impositions made on and after October 1, 1975, pursuant to P.L. 1975, c. 177, approved August 4, 1975. Said law amended the State Tax Uniform Procedure Law to provide for such impositions. Various State tax laws were amended by P.L. 1975, c. 177 so that the imposition of penalties and interest provisions contained in said State tax laws now provide "as provided in the State Tax Uniform Procedure Law, Subtitle 9 of Title 54 of the Revised Statutes".

18:2-2.2 Tax laws affected

(a) The following tax laws will be governed by the new penalty and interest impositions:

1. Corporation Franchise Tax - C. 54:10A-1 et seq.;
2. Financial Business Tax Act - C. 54:10B-1 et seq.;
3. Savings Institution Tax Act - C. 54:10D-1 et seq.;

4. Corporate Net Income Tax - C. 54:10E-1 et seq.;
5. Business Personal Property Tax - C. 54:11A-1 et seq.;
6. Unincorporated Business Tax - C. 54:11B-1 et seq.;
7. Gross Receipts Tax on Retail Store Sales - C. 54:11C-1 et seq.;
8. Domestic Insurance Companies Tax - C. 54:16A-1 et seq.;
9. Tax on Domestic and Foreign Assessment Insurance Companies - C. 54:18A-1 et seq.;
10. Tax on Railroads - C. 54:29A-1 et seq.;
11. Sales Tax - C. 54:32B-1 et seq.;
12. Motor Fuels Tax - R.S. 54:39-1 et seq.;
13. Cigarette Tax - C. 54:40A-1 et seq.;
14. Alcoholic Beverage Tax - R.S. 54:41-1 et seq.;
15. Emergency Transportation Tax Act - N.J.S.A. 54:8A-1 et seq.;
16. Transportation Benefits Tax - N.J.S.A. 54:8A-58 et seq.;

(b) With respect to all other tax laws such as the transfer, inheritance tax and the public utility franchise and gross receipts taxes, the imposition of interest and penalties are governed by the specific tax law.

18:2-2.3 Failure to file return on time

(a) Any taxpayer failing to file a return within the time prescribed by the Act imposing a particular tax shall be liable for the following:

1. A late filing penalty of \$2.00 for each day that the return is delinquent; plus
2. A penalty of five per cent per month or fraction thereof of the total tax liability not to exceed 25 per cent of such tax liability.

18:2-2.4 Failure to pay on time

(a) Any taxpayer failing to pay a tax within the time prescribed by the Act imposing a particular tax shall pay, in addition to the tax, the following:

1. Interest on said tax at the rate of 1½ per cent for each month or fraction thereof that the same remains unpaid, to be calculated from the date the tax was originally due until the date of actual payment.

2. A sum equivalent to five per cent of the tax shall be added to the amount of the tax as a penalty.

(b) Examples include the following:

1. Taxpayer failed to pay a tax that was due on April 15, 1975. On October 15, 1975, the Division imposed interest and penalty charges for such failure. Interest will be calculated from April 15, 1975, to the date of payment (October 15, 1975) at the rate of 1½ per cent for each month or fraction thereof that the tax remained unpaid, plus five per cent of the tax.

2. In example 1. above, if taxpayer also failed to file his return (due April 15, 1975) until October 15, 1975, he would be subject to additional penalties set forth in Section 3. of this Subchapter.

3. On May 1, 1975, the Division assessed the taxpayer for additional taxes due and at the same time imposed additional interest charges at the rate of one per cent per month. On November 1, 1975, taxpayer offers to pay his unpaid taxes. Additional interest shall be calculated from May 1 to October 1, 1975, at the rate of one per cent per month or fraction thereof, and from October 1, 1975, to November 1, 1975, (the date of payment) at the rate of 1½ per cent per month. In addition, a five per cent penalty may be imposed.

18:2-2.5 Extensions of time to file

(a) Where an extension of time to file a return has been granted, taxpayer will be liable for interest on the unpaid tax at the rate of nine per cent per annum from the date that such tax was originally due to the date of actual payment.

1. An example is: Taxpayer filed a tentative return and paid his tax on July 15, 1975, the due date of the return, and obtained a three month extension in which to file his final return. He filed his final return on time but owed an additional amount of tax. The additional amount of tax bears interest at the rate of nine per cent per annum from July 15, 1975, the date the tax was originally due, to November 1, 1975, the date of payment.

18:2-2.6 Additional assessment of tax

(a) Upon audit or investigation of a return that has been filed, where it is determined that there is a deficiency with respect to the payment of any tax due, the additional taxes shall be assessed together with penalties of five per cent of the tax and interest at the rate of 1½ per cent per month or fraction thereof from the date the tax was originally due to the date of payment. The taxpayer shall be given notice of such assessment and a demand made upon him for payment.

1. An example is: On June 15, 1974, taxpayer filed a return. On November 15, 1975, the taxpayer was notified of an additional assessment and a demand was made upon him for payment. The additional tax bears interest at the rate of 1½ per cent per month or fraction thereof from the date the tax was originally due to the date of payment. In addition, taxpayer is subject to penalties of five per cent of the tax.

18:2-2.7 Remission or waiver of penalty and interest

If the failure to pay any tax when due is explained to the satisfaction of the Director, he may remit or waive the payment of the whole or any part of any penalty, and may remit or waive the payment of any interest charge in excess of the rate of 3/4 of one per cent per month, (N.J.S.A. 54:49-11). The Director will take no action under this Section unless the taxpayer submits a full and complete satisfactory explanation as to the reason why the tax was not paid when due.

18:2-2.8 Criminal penalties

The State Tax Uniform Procedure Law contains criminal penalties for any person who fails to file any report or shall file or cause to be filed with the Director any false or fraudulent report or who shall aid or abet another in the filing with the Director of any false or fraudulent report or statement with the intent to defraud or evade the payment of any tax, fee, penalty or interest or any part thereof (N.J.S.A. 54:52-1). The act also contains criminal penalties for false swearing (N.J.S.A. 54:52-2) and for the false or fraudulent maintenance of books, records or accounts.

18:2-2.9 Effective date

These regulations shall take effect on October 1, 1975, and shall be applicable with respect to all impositions of penalties and interest made on and after said date with respect to taxes covered by the State Tax Uniform Procedure Law, except as otherwise herein stated.

Interested persons may present statements or arguments

relevant to the proposed action in writing, orally in person or by telephone on or before September 25, 1975, to:

Division of Taxation
Taxation Building
West State and Willow Streets
Trenton, N.J. 08625
Attention: Jack Silverstein
Phone: (609) 292-5995

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

Sidney Glaser, Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules on Allowance of Home Improvement Exemptions

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1975, c. 104, sec. 7 and N.J.S.A. 54:50-1, proposes to adopt new rules concerning the allowance of home improvement exemptions under P.L. 1975, c. 104.

SUBCHAPTER 6. ALLOWANCE OF HOME IMPROVEMENT EXEMPTIONS

18:12-6.1 Purpose and scope

Chapter 104, Laws of 1975 was designed to halt the incursion of blight by encouraging property owners to rehabilitate their property if located in a "qualified municipality" by providing that increases in value of residential properties directly resulting from home improvements shall enjoy a specified tax exemption for a period up to five years. These regulations are supplemental to and not in derogation of existing tax laws.

18:12-6.2 Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the content clearly indicates otherwise:

"Assessor" means the assessor, board of assessors or any other official or body of a taxing district charged with the duty of assessing real property for the purpose of general taxation.

"Completion" means substantially ready for the use for which it was intended.

"Dwelling" means any building used, to be used or held for use, in whole or part, as the home or residence of one or more families, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof.

"Home improvement" means the improvement of a dwelling which neither changes its size nor its permitted use, except that a garage may be enlarged to the extent necessary to accommodate a modern automobile, and shall include the modernization, rehabilitation, renovation, alteration or repair of a dwelling.

"Qualified municipality" means any municipality in which residential neighborhoods have been declared by the county

planning board or the Commissioner of the Department of Community Affairs to be endangered by blight, pursuant to Section 3 of this Act.

"Application" means a written request for the exemption filed with the local tax assessor on forms devised by the Director of the Division of Taxation.

"Blighted area" means a determination by the county planning board or the Commissioner of the Department of Community Affairs that a residential community is endangered by blight.

"Full and true value of home improvements" means that portion of any increased value of real property which directly resulted from improvements made, thereon.

"Dwelling unit" means one or more buildings or separate residential living areas, not in excess of four, which is a constituent part of a "single property", as defined, herein.

"Single property" means one separate line item appearing on the official tax list which is commonly stated in the terms, 'Block __, Lot __' or 'Line __, Page __'.

"Exemption" means that amount to be deducted from the "assessor's full and fair value of home improvements".

18:12-6.3 Eligible real property

(a) Real property must meet the following qualifications in order to gain the exemption:

1. It must be located in an area designated "blighted" as determined by the county planning board or the Commissioner of the Department of Community Affairs.

2. It must contain a building or buildings which were constructed more than 20 years prior to the time of application for the exemption and is used or being held for use, in whole or part, as a home or residential dwelling, which is a constituent part of the real property.

(b) This application must be filed with the assessor within 30 days, including Saturdays and Sundays, following the completion of the improvements. (See Section 2 of this Subchapter.)

18:12-6.4 Application procedures

(a) The following conditions shall apply to all claims for the exemption at the time of application:

1. Claims for the exemption shall be in writing upon forms prescribed by the Director of the Division of Taxation and must be filed with the local tax assessor within 30 days following completion of the home improvement.

2. Each taxing district subject to the provisions of this Act is required to provide copies of the prescribed application form for the use of claimants. Taxing districts which require only a small quantity of the application for exemption forms may obtain them from one of the companies which specializes in supplying forms for municipal use.

3. When required by the assessor, claimants for the exemption must submit such data in support of their claim as he might request. In the case of rental properties a claimant may be required to submit income statements, current or prospective.

4. Additional claims for the exemption may be submitted with regard to dwellings where the previous amount deducted for the home improvement exemption did not exceed \$4,000 with respect to a "single dwelling".

18:12-6.5 Procedures upon allowance of exemption

(a) Every application for exemption of one or more improvements, which qualify shall be approved and allowed by the assessor, but in no case may the exemption exceed

\$4,000 for any "single property".

1. Examples include:

i. Claimant completes improvements upon each portion of his two-family dwelling which is situated upon a single lot as appears on the official tax list. The assessor's determination of the "full and true value of the improvement" amounts to \$6,000. The total amount of exemption which may be deducted from the full and true value of the improvements, is \$4,000, the maximum allowable for a "single property". Where the value of the home improvement is \$3,000, the amount allowable as a deduction shall be \$3,000.

ii. Claimant completed improvements upon his four-unit apartment building situated upon a single lot. The assessor's determination of the true and fair value of the improvements amounted to \$17,000. The amount of exemption which may be deducted from the full and fair value of the improvements is \$4,000, the maximum allowable upon a "single property".

(b) Claim for the exemption, once filed on the prescribed form and allowed by the assessor, shall continue in force for a period of five years following January 1 of the year in which the exemption was allowed, or until otherwise terminated in accordance with the provisions of this Act. (See: Subsection (d) below.)

(c) Upon approval of the claim for exemption the assessor shall record the exemption in his permanent records and enter it under the appropriate columns on the official tax list.

(d) Upon the sale of a dwelling for which the exemption has been allowed the exemption shall terminate, immediately, and the assessor shall adjust his records to reflect the true value of the premises. In the event such property is sold it is the duty of the owner to inform the local assessor of the change in status.

(e) No sale of a dwelling which has been subject to the exemption shall be classified as a "nonusable" sale for sales ratio study purposes solely on the basis that the exemption was allowed upon said dwelling.

18:12-6.6 Effective date

These regulations shall take effect with respect to added assessments made on and after May 29, 1975, and with respect to assessments for the tax year 1976 and thereafter.

Interested persons may present statements or arguments relevant to the proposed action in writing, orally in person or by telephone on or before September 25, 1975 to:

Division of Taxation
Taxation Building
West State and Willow Streets
Trenton, N.J. 08625
Attention: J. Henry Ditmars
Phone: (609) 292-7844

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

PRISON OFFICERS' PENSION FUND

Revisions to Fund Rules

On July 18, 1975, Anthony P. Ferrazza, Secretary of the Prison Officers' Pension Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:7-19 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:7-1.9, 17:7-2.8, 17:7-3.10, 17:7-3.11 and the Foreword to Chapter 7 in Title 17 of the New Jersey Administrative Code as proposed in the Notice published May 8, 1975, at 7 N.J.R. 238(b).

An order adopting these rules was filed and effective July 24, 1975, as R.1975 d.213.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Revisions Concerning Commercial Paper

On August 5, 1975, David T. Beale, Acting Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to a rule of the State Investment Council concerning commercial paper.

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

17:16-13.5 Legal papers

Prior to any commitment to purchase commercial paper, the Director shall obtain a certificate or other evidence that such commercial paper is rated [P-1 by "Moody's Commercial Paper Division" and] A-1 by "Standard and Poor's Commercial Paper Division" [, except that if an issuer of commercial paper has not requested a rating from both services and has not been refused a rating by either service, then the rating of one service will be accepted].

An order adopting these revisions was filed and effective August 6, 1975, as R.1975 d.236 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Revisions on Realty Transfer Fees

On August 13, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 46:15-11, P.L. 1975, c.176, sec. 4(b) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to some of the rules concerning realty transfer fees.

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

18:16-1.1 Words and phrases defined

"Blind person" means a person whose vision in his better eye with proper correction does not exceed 20/200 as measured by the Snellen chart, or a person who has a field defect in his better eye with proper correction in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20°.

"Disabled person" means any resident of this State who is permanently and totally disabled, unable to engage in gainful employment, and receiving disability benefits or any other compensation under any Federal or State law.

"New construction" means any conveyance or transfer of property upon which there is an entirely new improvement not previously occupied or used for any purpose.

"Senior citizen" means any resident of this State of the age of 62 years or over.

18:16-2.1(a) 3. A fee at the rate of **\$1.75** [\$0.50] for each \$500.00 of consideration or fractional part thereof (which shall be in addition to the recording imposed by P.L. 1965, Chapter 123, Section 2 (R.S. 22A:4-4.1) shall be paid to the county recording officer at the time the deed is offered for recording. Every deed subject to the additional fee required by this Act, which is in fact recorded, shall be conclusively deemed to have been entitled to recording, notwithstanding that the amount of the consideration shall have been incorrectly stated, or that the correct amount of such additional fee, if any, shall not have been paid, and no such defect shall in any way affect or impair the validity of the title conveyed or render the same unmarketable; but the person or persons required to pay said additional fee at the time of recording shall be and remain liable to the county recording officer for the payment of the proper amount thereof.

4. A completed Form RTF-1, Affidavit of consideration or exemption, is attached to such deeds with respect to which exemption is claimed, pursuant to N.J.A.C. 18:16-5.1(a).

Note: Delete current text of N.J.A.C. 18:16-2.2(b) 2 and replace with following new text.

18:16-2.2(b) 2. Example 2: A deed which states "one dollar and love and affection" may not be recorded unless there is

annexed thereto an affidavit of consideration **or exemption** setting forth the actual and full consideration paid or to be paid for the transfer.

18:16-2.2(b) 3. Example 3: A deed which states "one dollar and love and affection" may not be recorded unless there is annexed thereto an affidavit of consideration **or exemption** setting forth the actual and full consideration paid or to be paid for the transfer.

18:16-2.3 Statutory Reference

As to when an alternative affidavit of consideration **or exemption** is required, see Section 5 of this Subchapter.

18:16-2.5 Affidavit of consideration **or exemption** when required

Statutory Reference

As to the use of an affidavit of consideration **or exemption** see N.J.S.A. 46:15-6.

Cross Reference

As to the form for the affidavit of consideration **or exemption**, see Section 8.14 of this Chapter. As to the definition of "consideration" see Section 1.1 of this Chapter.

18:16-2.6 (c) An affidavit of consideration or exemption is required to be attached to any deed with respect to which claim is made for exemption from payment of the \$1.25 portion of the \$1.75 fee where such claim is made for any one of the following reasons:

1. Conveyance of a one or two-family residence owned and occupied by a "senior citizen," "blind person" or "disabled person";
2. Sale of property upon which there is "new construction."

Statutory Reference

As to which deeds are exempt from the realty transfer fee, see N.J.S.A. 46:15-10, as amended.

Cross Reference

As to the procedure for claiming in exemption by reason of the fact that the consideration is under \$100.00, see Section 2.7 of this Chapter.

As to definition of "senior citizen," "blind person," "disabled person" and "new construction," see 18:16-1.1.

18:16-2.7 Exemption from the \$1.25 portion of the \$1.75 fee

(a) If a deed is claimed to be exempt from the \$1.25 portion of the \$1.75 fee on the ground that it is a conveyance by a senior citizen, blind or disabled person or that the conveyance entails new construction, the following conditions shall apply:

1. Claimants shall complete Form RTF-1, affidavit of consideration or exemption, setting forth the reason for which the claim is made and attesting to the verity of the claim;
2. Where claim for exemption is based upon the sale of property upon which there is new construction, claimant should be able to offer proof that the new construction bears a reasonable relationship to the highest and best use of the real property upon which it is erected.

[18:16-2.7] 18:16-2.8 [Reserved] Exemption where consideration is less than \$100.00

(a) If a deed is claimed to be exempt from the fee on the ground that the consideration is less than \$100.00, the amount of consideration to be recited in the deed and acknowledgment or the affidavit of consideration **or exemption**, as the case may be, shall include, in addition to all other consideration passing between the parties, the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title.

(b) Where it appears to the satisfaction of the recording officer that the deed and acknowledgment or proof of the execution thereof properly show that the consideration for the deed was less than \$100.00, no affidavit of consideration **or exemption** will be required to accompany the deed.

(c) Failure to include any prior existing mortgage or lien or any other element of compensation in the statement of consideration recited in the deed or acknowledgment or in an affidavit of consideration **or exemption** constitutes a false recital of the consideration in violation of the law.

18:16-3.1 Cross Reference

As to which deeds are exempt from the realty transfer fee, see Section 5.1 and 5.2 of this Chapter.

18:16-4.2 Fee schedule

(a) The fee imposed by the Act is at the rate of **\$1.75** [\$0.50] for each \$500.00 of consideration or fractional part thereof.

(b) The realty transfer tax guide is as follows:

Realty Transfer Tax Guide*

Consideration		Tax
over	to	
\$ 0.	\$ 99.	\$ 0
100.	500.	1.75
500.	1,000.	3.50
1,000.	1,500.	5.25
1,500.	2,000.	7.00
2,000.	2,500.	8.75
2,500.	3,000.	10.50
3,000.	3,500.	12.25
3,500.	4,000.	14.00
4,000.	4,500.	15.75
4,500.	5,000.	17.50
5,000.	5,500.	19.25
5,500.	6,000.	21.00
6,000.	6,500.	22.75
6,500.	7,000.	24.50
7,000.	7,500.	26.25
7,500.	8,000.	28.00
8,000.	8,500.	29.75
8,500.	9,000.	31.50
9,000.	9,500.	33.25
9,500.	10,000.	35.00
10,000.	10,500.	36.75
10,500.	11,000.	38.50
11,000.	11,500.	40.25
11,500.	12,000.	42.00
12,000.	12,500.	43.75
12,500.	13,000.	45.50
13,000.	13,500.	47.25
13,500.	14,000.	49.00

Consideration	Tax
over \$ 14,000.	\$ 50.75
14,500.	52.50
15,000.	54.25
15,500.	56.00
16,000.	57.75
16,500.	59.50
17,000.	61.25
17,500.	63.00
18,000.	64.75
18,500.	66.50
19,000.	68.25
19,500.	70.00
20,000.	71.75
20,500.	73.50
21,000.	75.25
21,500.	77.00
22,000.	78.75
22,500.	80.50
23,000.	82.25
23,500.	84.00
24,000.	85.75
24,500.	87.50
25,000.	89.25
25,500.	91.00
26,000.	92.75
26,500.	94.50
27,000.	96.25
27,500.	98.00
28,000.	99.75
28,500.	101.50
29,000.	103.25
29,500.	105.00
30,000.	106.75
30,500.	108.50
31,000.	110.25
31,500.	112.00
32,000.	113.75
32,500.	115.50
33,000.	117.25
33,500.	119.00
34,000.	120.75
34,500.	122.50
35,000.	124.50
35,500.	126.00
36,000.	127.75
36,500.	129.50
37,000.	131.25
37,500.	133.00
38,000.	134.75
38,500.	136.50
39,000.	138.25
39,500.	140.00
40,000.	141.75
40,500.	143.50
41,000.	145.25
41,500.	147.00
42,000.	148.75
42,500.	150.50
43,000.	152.25
43,500.	154.00
44,000.	155.75
44,500.	157.50
45,000.	159.25

45,500.	46,000.	161.00
46,000.	46,500.	162.75
46,500.	47,000.	164.50
47,000.	47,500.	166.25
47,500.	48,000.	168.00
48,000.	48,500.	169.75
48,500.	49,000.	171.50
49,000.	49,500.	173.25
49,500.	50,000.	175.00

*Based on \$3.50 per \$1,000 of consideration

18:16-4.2(b) Example 1: The full consideration is \$20,000. The fee to be paid at the time of recording is **\$20.00** [\$70.00].

(b)2. Example 2: The full consideration is \$24,500. The fee to be paid at the time of recording is **\$85.75** [\$24.50].

3. Example 3: The full consideration is \$25,330. The fee to be paid at the time of recording is **\$89.25** [\$25.50].

18:16-5.2 Exemption from payment of \$1.25 portion of \$1.75 fee

(a) **A conveyance of a one or two-family residence is not subject to payment of the \$1.25 portion of the \$1.75 fee when the grantor qualifies under one or more of the following categories:**

1. "Senior citizen";
2. "Blind person";
3. "Disabled person"; or where
4. **The conveyance entails property upon which there is new construction.**

(b) Examples include the following:

1. Example 1: A husband and wife sell their dwelling house, which they own as tenants by the entirety, for a total consideration of \$30,000. The husband is 63 years old; his wife is 55. Would the recording of the deed transferring this property be subject to the increased amount of the realty transfer fee?

The realty transfer fee to be collected upon recording of the deed is \$30.00. Chapter 176, Laws of 1975, provides for an exemption of \$1.25 of the \$1.75 fee where either the husband or wife as owners of the property being sold is a senior citizen (62 years or over, for purposes of this Act).

Three individuals, not related, own and occupy a residential property which they are selling. One of the sellers is blind, another is disabled. The third individual is not a senior citizen, or blind, or disabled. Are they subject to the increased realty transfer fee upon recording of the deed transferring the property?

Yes, because one of the owners of the jointly owned property is not a senior citizen, blind person or disabled person; the exception to which would apply only to a husband and wife.

2. Example 2: A husband and wife are selling a residential property which they have owned for 20 years and in which they resided for the first 15 years. However, the home has been rented to another party for the past five years. The husband is blind. Are they subject to the increased realty transfer fee upon recording of the deed transferring the property?

Yes. Although the husband is blind, the couple does not meet the requirement of occupancy of the property at the time of sale.

18:16-5.2(b)3. Example 3: Two brothers, one of whom is blind and the other disabled, own a one-story structure con-

sisting of a store, which they rent to another party, and a small apartment behind the store in which they reside. They are selling the property, which is listed on the tax rolls as a commercial property. Are they subject to payment of the increased realty transfer fee upon recording of the deed transferring the property?

Yes, because one of the stipulations for exemption from the increased fee is that the property be a "residential premise."

4. Example 4: The last home to be sold in a new development is the one which had been used as a model home. Would the recording of the deed on the transfer of this home be subject to the increased realty transfer fee?

Yes, because in order to qualify for exemption as "new construction" the property must be "an entirely new improvement not previously occupied or **used for any purpose.**"

Cross Reference

For exceptions respecting exemptions accorded "senior citizens," "blind" or "disabled" persons or "new construction" see Section 6.1 of this Chapter.

Editor's Note: The current rules cited as N.J.A.C. 18:16-5.2 through 18:16-5.11 are now to be cited as N.J.A.C. 18:16-5.3 through 18:16-5.12 without changes made to their substantive text.

18:16-5.13 Sale of jointly owned residence by a senior citizen, blind person or disabled person

The exemption accorded to a sale by a senior citizen, blind person or disabled person, as set forth in Section 2 of this Subchapter, shall not apply if the property being sold is jointly owned unless each owner is a senior citizen, blind person or disabled person, except in the case of a sale by a husband and wife.

18:16-8.1(a)3. A fee at the rate of [\$0.50] **\$1.75** for each \$500.00

18:16-8.1(a) **4. A completed Form RTF-1, affidavit of consideration or exemption, is attached to such deeds with respect to which exemption is claimed, pursuant to N.J.A.C. 18:16-5.1(a).**

18:16-8.2

COUNTY OF
CONSIDERATION
REALTY TRANSFER FEE
DATE BY

* Use symbol "C" to indicate that fee is exclusively for county use.

Statutory Reference

As to the requirement of the recording fee, see N.J.S.A. 46:15-7. As to the power of the director to promulgate rules and regulations, see N.J.S.A. 46:15-11.

18:16-8.3 Notation of exemption on deed and affidavit

(a) The recording officer receiving the deed for first recording shall note on the deed the granting of the exemption by writing "Exempt" on the line captioned "Realty Transfer Fee" on the endorsement imprint prescribed in Section 8.2 (Endorsement) of this Chapter.

(b) If the deed is accompanied by an affidavit of consideration or exemption or any other affidavit in support of the claim for exemption, he shall also note the granting of the exemption on such affidavit by writing "Exempt" on the line captioned "Realty Transfer Fee" in the block on the affidavit designated "FOR RECORDER'S USE ONLY".

Statutory Reference

As to the affidavit of consideration or exemption, see N.J.S.A. 46:15-6. As to the requirement of a recording fee, see N.J.S.A. 46:15-7, as amended. As to the power of the Director to promulgate rules and regulations, see N.J.S.A. 46:15-11.

18:16-8.6(a) A county recording officer may not record a deed in a second or subsequent recording without payment of the fee unless there appears on the deed and on the affidavit of consideration, or exemption, if any, accompanying the same, an endorsement showing the amount of "Realty Transfer Fee" previously paid or exemption therefrom, made by the recording officer of the county in which the deed was previously recorded.

18:16-8.8 Reproduction of endorsements

Every county recording officer shall cause the contents of any endorsement upon a deed or affidavit of consideration or exemption, if any, accompanying the same, showing the amount of fee received or exemption therefrom to appear on each reproduction of the document in the public records of the county.

18:16-8.11 Transmittal of deed abstract and affidavit of consideration or exemption to county board of taxation

(a) Every county recording officer shall as soon as practicable forward to the county board of taxation an abstract of every deed recorded in his office with a copy of the affidavit of consideration or exemption accompanying the same, if any.

Editor's Note: Delete current text of N.J.A.C. 18:16-8.12 in its entirety and replace it with new text below.

18:16-8.12 Transmittal of duplicate copy of affidavit of consideration or exemption to realty transfer fee section. Local property and public utility branch

Where exemption is claimed from the \$1.25 portion of the \$1.75 fee, the county recording officer shall forward to the realty transfer fee section a duplicate copy of each affidavit of consideration or exemption along with the payments to be made to the State Treasurer on the tenth day of each month following the month of collection.

18:16-8.13 Disposition of realty transfer fees

(a) The proceeds of the fees collected by the county recording officer, as authorized by this Act (Chapter 176, Laws of 1975) shall be accounted for and remitted to the county treasurer.

(b) The realty transfer fees collected on the recording of deeds subject to the normal realty transfer fee but exempt from the increased fee shall be retained by the county treasurer for the use of the county.

(c) Of the realty transfer fees collected on the recording of deeds subject to both the normal realty transfer fee and the increased fee, an amount equal to 28.6 per

cent of the proceeds so collected shall be retained by the county treasurer for the use of the county and the balance (71.4 per cent) shall be paid to the State Treasurer for the use of the State; such payments to be made to the State Treasurer on the tenth day of each month following the month of collection.

Statutory Reference

As to accounting for the disposition of the proceeds of the fees, see N.J.S.A. 46:15-8.

An order adopting this rule was filed August 13, 1975, as R.1975 d.242 (Exempt, Emergency Rule) to become effective September 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

Revisions Concerning General Administration

On July 30, 1975, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:1-1.8, 17:1-1.11, 17:1-1.21, 17:1-4.28, 17:1-4.29, 17:1-5.3, 17:1-8.9 and 17:1-8.11 concerning general administration as proposed in the Notice published July 10, 1975, at 7 N.J.R. 346(b).

An order adopting these revisions was filed and effective August 1, 1975, as R.1975 d.235.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Revisions Concerning Use of Certificate of Capital Improvement For Sales Tax Purposes

On August 14, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 18:24-5.16(f) concerning the use of the certificate of capital improvement for sales tax purposes as proposed in the Notice published July 10, 1975, at 7 N.J.R. 347(a).

An order adopting these revisions was filed and effective August 15, 1975, as R.1975 d.246.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Revisions on Release of Safe Deposit Box Contents

On August 14, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 18:26-11.20, 18:26-11.21 and 18:26-11.26 concerning the release of safe deposit box contents as proposed in the Notice published July 10, 1975 at 7 N.J.R. 348(a).

An order adopting these revisions was filed and effective August 15, 1975, as R.1975 d.247.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

OTHER AGENCIES

(b)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Rules on Traffic Control

On July 31, 1975, the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-5, 27:12B-17, 27:12B-18, 27:12B-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on traffic control on the Garden State Parkway as proposed in the Notice published July 10, 1975, at 7 N.J.R. 350(c).

Such rules may be cited as N.J.A.C. 19:8-1.13.

An order adopting these rules was filed and effective July 31, 1975, as R.1975 d.222.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TURNPIKE AUTHORITY

Schedule of Towing Rates

On July 30, 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 schedule of towing rates for

removing disabled vehicles on the Turnpike.

The schedule may be cited as N.J.A.C. 19:9-3.1.

An order adopting this schedule was filed July 31, 1975, as R.1975 d.221 to become effective August 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

LIST OF STATE ACCEPTANCE DATES IS REPORTED BY BUILDING DIVISION

Another monthly listing of "final completion" dates on State projects was issued by the Division of Building and Construction, Department of the Treasury.

By statute, a subcontractor or material supplier must file a claim with the contractor's surety at any time during the contract, but not later than 80 days after date of "final completion" and acceptance of the project by the State, or be forever barred against the surety. The creditor's right against the contractor directly is not affected, however, by this statute.

Listed below for the period July 16, 1975, to August 13, 1975, are project numbers, description, location, acceptance date, the trade and the contractor.

DBC 8146, DOT maintenance facility, Freehold, July 29, plumbing, M & R Mechanical Contractors, Inc.

DBC 7757, fencing, Hunterdon State School, August 7, fencing, U.S. Steel Supply, Cyclone Fence Sales.

DBC 7146-3, humanities building, Trenton State College, August 12, electrical, Lighting Electric Co.

DBC 1549, extend floor, computer room, Labor and Industry building, August 12, general, Architectural Reps., Inc.

DBC 1539, gas tank and pump unit, William Paterson College, August 12, general, Meridian Construction, Inc.

DBC 1440, reduce vibration, cooling tower, CMDNJ Rutgers, August 12, plumbing, J & B Mechanical Corp.

DBC 7899, access road lighting, Montclair State College, July 10, electrical, Gayle Electric, Inc.

DBC 7875, Correctional Institution for Women, Clinton, August 11, plumbing, Elling Brothers.

DBC 1184, replace roof, Cottage 6, NJTS Totowa, August 7, roofing, Endless Gutter Co.

DBC 6125, fire detection system, School for Deaf, August 7, electrical, Sentry Security Corp.

DBC 8366, DOT maintenance facility, Wall Township, August 5, general, Hall Construction Co., Inc.

DBC 1201, 1202, replace roofs, Warren County Day Care Center, August 4, roofing, J. Strober & Sons.

DBC 4967-1, alterations War Veterans Nursing Facility, Menlo Park, August 4, plumbing, Township Plumbing & Heating.

DBC 8814, Child Welfare building, Trenton, August 4, roofing, Aetna Supply, Inc.

DBC 8745, masonry repairs and new retaining wall, High Point State Park, August 1, masonry, Miller & Nelson, Inc.

DBC 1059, student cottages, Skillman Training School, August 1, H & V, W. F. Hindley Co., Inc.

DBC 8507, lighting paddle tennis area, Montclair State College, August 1, electrical, Gayle Electric, Inc.

DBC 4734-3, kitchen facility, Vineland Memorial Home, August 1, electrical, R. Smith Electrical Contractors, Inc.

DBC 7143-1, maintenance building, Glassboro State College, August 1, general, M & R Construction Corp.

DBC 7302-9, roof repairs, Montclair State College, July 31, general, Abbey Roofing & Supply.

DBC 7505, stage renovation, Trenton State College, July 30, electrical, J. Mulhern Electric Co.

DBC 5706, State Police, West Trenton, July 30, electrical, A. Neri, Inc.

DBC 6750-12, athletic facilities, Stockton State College, July 30, plumbing, San-Temp, Inc.

DBC 6545, Craig House restoration, Monmouth Battlefield, July 30, general, Hahr Construction Co.

DBC 8848, repair roofs, Trenton State College, July 29, roofing, A. F. Callen Co., Inc.

DBC 1349, football bleachers, Trenton State College, July 29, general, Atkins & Co., Inc.

DBC 6844/7573-7, new toilet and refrigeration, Bordentown Youth Institution, July 28, general, C. C. Home Improvement Co.

DBC 6750-4, phase 1 construction, Stockton State College, August 1, plumbing, Superior Consolidated Contractors.

DBC 1099, alterations, Paterson Boys Community Center, July 17, general, Janssen Brothers Construction Co.

DBC 1227, roofing, Washington Crossing State Park, July 17, roofing, Abbey Roofing & Supply Co.

DBC 6492, Center for Occupational Education, Newark, July 17, plumbing, James F. Smith & Sons, Inc.

DBC 6750-4, phase 1 construction, Stockton State College, July 16, electrical, Jack Adler, Inc.

DBC 1516, chain link fence, DOT maintenance, Elizabeth, July 16, fencing, U.S. Steel Supply, Cyclone Fence Sales.

DBC 7116, day care facilities, Monmouth, July 16, plumbing, C-K Air Conditioning, Inc.

DBC 7147-2, science classroom building, Jersey City State College, July 16, prefabricated rooms, Hotpack Corp.

DBC 8863, Fernwood records building, DOT Ewing Township, July 16, plumbing, Edward F. Grant Co., Inc.

DBC 1151, 1251, new roof and gutters, Jamesburg School for Boys, July 16, roofing, Park Roofing Co.

DBC 8907, replace roof, Johnstone T & R Center, July 16, roofing, Stinson Roofing.

DBC 7859-6, sanitary facilities, Belleplain State Forest, July 16, electrical, Paul Chamings, Inc.

DBC 8146, DOT maintenance facility, Freehold, August 6, general, Hall Construction Co., Inc.

ECONOMIC DEVELOPMENT LOANS CREATE 1,400 JOBS IN STATE

Joseph A. Hoffman, Chairman of the State Economic Development Authority and Commissioner of the Department of Labor and Industry, announced the granting of 15 economic development loans, totaling \$14.9 million and creating 600 permanent jobs and another 800 construction jobs.

The low-interest loans, backed by sale of the Authority's tax-exempt bonds, will go to 15 firms for construction or expansion of industrial facilities in 11 counties.

The Authority assistance will stimulate more than \$26 million

in direct business investment, will assist 12 existing New Jersey firms will attract three out-of-State businesses into the State, Hoffman said.

Included in the projects are the construction of a \$2.4 million distribution facility for the B. Manischewitz Company in Jersey City, acquisition by a California firm of a defunct food processing facility in Camden and construction of a \$2.7 million research complex for NL Industries, Inc., in Hightstown.

This latest financing raises the Authority's total loan assistance to business and industry in the State beyond the \$100 million mark, according to Hoffman.

"I am particularly pleased at the confidence in New Jersey's future indicated by the decisions of such large multi-national firms to invest in expanded facilities here," he said.

ANOTHER ECONOMIC DEVELOPMENT LOAN

The State Economic Development Authority recently provided \$150,000 for Architectural Products, Inc. of Philadelphia for acquisition of a new manufacturing facility in Camden. The 25,000 square-foot-building will be used for manufacturing and fabricating metal windows and ornamental iron work for commercial and public buildings.

According to Joseph J. Hoffman, Commissioner of the Department of Labor and Industry and Authority Chairman, the financing will enable the company to relocate into a much larger and efficient working area and to create 45 jobs in the City of Camden.

The Authority's tax-exempt bonds to finance the project were purchased by the Heritage Bank of Cherry Hill at an interest rate of 6 1/4 per cent for seven years.

Hoffman said the Authority to date has arranged \$98 million in low-interest loans, stimulating approximately \$109 million in new capital investment in the State and creating 3,550 permanent job opportunities and an additional 3,000 construction jobs.

STATEWIDE EMERGENCY MEDICAL SYSTEM PLANNED

State Health Commissioner Dr. Joanne E. Finley announced that the State has received a \$235,000 grant from the U.S. Department of Health, Education and Welfare for a feasibility study and planning project to develop a Statewide emergency medical services system.

Purpose of the study is "the rapid improvement of emergency medical care for acutely ill or injured patients in the State of New Jersey." The study will focus on the feasibility of planning for regionalized emergency medical services systems in the State.

Among the emergency medical services to be developed are emergency transport and communications systems, emergency physician and nurse training, designation of specialized emergency care centers, financial coverage for necessary emergency care and other public safety activities, including police and fire services where they act as "first responders" to emergencies.

The study will be coordinated by the New Jersey Emergency Medical Services Planning Coalition, an 11-member board made up of representatives of government agencies, professional and technical organizations and associations, and consumer groups.

The State Department of Health will serve as fiscal agent and will also provide professional staff.

FEDERAL HIGHWAY AID GUIDELINES FOR JULY RAINSTORM DISASTER AREAS

State Transportation Commissioner Alan Sagner advises county and municipal officials in the 12 disaster area counties to keep complete records of road repair work if they want full Federal reimbursement for that work.

"We want to be sure that those counties and municipalities which have suffered damage to roads not on Federal systems are able to obtain the 100 per cent reimbursement available to them for repairing the damage," Sagner said.

The reimbursement will be provided only if the necessary records are kept of labor, equipment and materials used.

Reporting forms are available from the Department of Transportation and from the disaster field office of the Federal Disaster Assistance Administration. Assistance in preparing the proper reports can be obtained from the Bureau of State Aid district offices in Teaneck, Freehold, Malaga and Chester.

The 12 counties eligible for the assistance are Bergen, Burlington, Cumberland, Essex, Mercer, Middlesex, Morris, Passaic, Salem, Somerset, Sussex and Union.

NEW CORPORATION BUSINESS TAX REQUIREMENTS OUTLINED BY GLASER

A summary to familiarize financial businesses with their obligations and requirements under the new legislation which makes them subject to the Corporation Tax Act was issued last month to such businesses by Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury.

This summary follows in full:

TAXATION OF FINANCIAL BUSINESS

Under legislation enacted on August 4, 1975 (P. L. 1975, c.171), corporations doing a "financial business" become subject to the Corporation Business Tax Act (P. L. 1945, c.162). The new law applies to such corporations whose accounting periods end after December 31, 1974.

Thus, calendar-year financial business corporations will be subject to the corporation business tax and will be obligated to file their first returns under the new Act on or before April 15, 1976. Such returns will reflect net worth as of December 31, 1975, and net income earned or accrued during the calendar year 1975. (See schedule of due dates for fiscal companies.) The net income tax rate is 7.5 per cent and the net worth is two mills per dollar (.002).

BUSINESS PERSONAL PROPERTY TAX

Financial businesses operating in a corporate capacity will be subject to the business personal property tax act and will be required to file a return thereunder and pay taxes due on or before February 15, 1976. These returns will reflect original cost of tangible personal property used or held for use in business as of October 1, 1975.

DISTRIBUTION OF TAX

There is no change in the distribution of the tax. Counties will receive 1/4 of the tax, municipalities 1/4 of the tax and the State 1/2 of the tax. The first distribution under the Act will be made on November 1, 1976. As in the case of banks, each financial business corporation will pay no less in the years 1976, 1977 and 1978 than the amount of tax it paid under the Financial Business Tax Act in 1975.

SCHEDULE OF DUE DATES:

February 15, 1976 — Business personal property tax return and payment due.

April 15, 1976 — Corporation returns due for calendar year financial corporations.

November 1, 1976 — Director determines tax, penalty and interest attributable to places of business located in each district, apportions the tax and certifies apportionment to State Treasurer.

November 10, 1976 — Treasurer draws and transmits warrant in favor of counties for amounts allotted.

December 15, 1976 — County treasurers pay over amount allotted to respective municipalities.

On and after January 1, 1976 — Fiscal corporations will file return and pay tax on or before the 15th day of the 4th month following the close of its fiscal period. Where fiscal period ends in 1975, on or before May 31, 1975, taxpayer will have until October 15, 1975 to file. Tax will be prorated based upon the period of its fiscal year in 1975.

Note: A financial business which operates in a non-corporate capacity will remain subject to the Financial Business Tax Law.

MAJOR WATER SUPPLY PIPELINE DUE FOR ROUND VALLEY RESERVOIR

Governor Brendan Byrne announced that the State will receive bids Sept. 17 on the construction of the Round Valley release pipeline.

The call for bids followed Byrne's directive of July 31 that Commissioner David J. Bardin of the Department of Environmental Protection move ahead swiftly to develop alternatives to the Tocks Island dam.

"The pipeline is expected to provide up to 80 million gallons of water per day for the Raritan and Passaic River basins," Byrne said, "and thus becomes a key initial step in developing available water supply projects within the state."

It is estimated the line will require 24 months to complete.

The Round Valley and Spruce Run Reservoir system holds enough water to provide a sustained supply of 160 million gallons per day for diversion at Bound Brook on the Raritan River. Of that amount, only 80 million gallons per day is currently utilized because of the lack of adequate release facilities at Round Valley Reservoir.

The new facility will be located in Clinton and Readington Townships, Hunterdon County, and extend 3.7 miles from the north dam of the reservoir to the vicinity of Whitehouse Station, generally paralleling the main line of the Central Railroad of New Jersey. The new pipeline will discharge water into the south branch of Rockaway Creek, which flows into the Raritan River.

JERSEY SIGNS NEW POSTCARD VOTERS

Almost 250,000 new voters have registered since the State began postcard voter registration a year ago.

Secretary of State J. Edward Crabel reported that 244,783 new voters have been added to the election rolls, including 127,555 who registered in person and another 117,228 voters who used the new option of sending in a registration form by mail.

Crabel noted that under the postcard registration law each county gets 50 cents for every new voter it enrolls. The new registrations meant payments of \$122,405, Crabel said.

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AGRICULTURAL WRITER AND EDITOR RETIREES AFTER 25-YEAR CAREER

Amanda G. Zich of 76 Franklin Corner Road, Lawrenceville, retired on August 1 after more than 25 years of government service as a public information communicator on agriculture, horticulture and the food industry.

Mrs. Zich's retirement was announced by State Secretary of Agriculture Phillip Alampi, upon whose staff she had served since 1957, retiring with the rank of coordinator of information.

A 1942 graduate of Douglass College, Rutgers University, Mrs. Zich majored in journalism, starting soon after college as copywriter for the Department of Agriculture.

GOVERNOR'S CONFERENCE TO STUDY EASING OF MARIJUANA PENALTIES

At the urging of Governor Brendan Byrne, the National Governor's Conference will undertake a major study of the potential effect of easing the penalties for possession, use and sale of marijuana.

Byrne said the Center for Policy Research and Analysis, an arm of the National Governor's Conference, will apply to the Federal Law Enforcement Assistant Administration to fund the study. He said the study will not duplicate research efforts into the scientific, historical and social aspects of the marijuana problem.

"Its aim is to collect and organize available data in a form specifically oriented toward state government," he said.

As chairman of the National Governor's Conference Committee on Crime Reduction and Public Safety, Byrne has been pressing the executive committee to authorize the study for almost six months.

"In many states, including New Jersey, legislation is already pending to 'decriminalize' marijuana and governors are being called upon to take a position. We want a reading on how either harsh or liberal drug penalties in one state can affect drug traffic in neighboring states," the Governor said.

ALAMPI REELECTED PRESIDENT OF EASTERN EXPORT COUNCIL

State Secretary of Agriculture Phillip Alampi was reelected president of the Eastern U.S. Agricultural and Food Export Council at the organization's third annual meeting held recently in Harrisburg, Pa.

The new vice president is Leo O'Brien, Jr., Vermont Commissioner of Agriculture. John S. Dyson, New York Commissioner of Agriculture and Markets, was elected secretary-treasurer, and Maynard C. Dollop, Maine Commissioner of Agriculture, was named a member of the executive committee.

The Export Council was organized in 1973 to increase the export of farm commodities from the northeastern states. Its headquarters are in the World Trade Center in New York City. Members of the Council are the departments of agriculture in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

DR. LAWRENCE FRYMIRE ELECTED PRESIDENT OF EEN

Dr. Lawrence T. Frymire, Executive Director of New Jersey Public Broadcasting, has been elected president of the Eastern Educational Network for the 1975-76 term.

Dr. Frymire, a member of EEN's Board of Trustees for four years, will also serve as chairman of the Executive Committee for the noncommercial cooperative network that is operated by public television stations along the eastern seaboard from Maine to Virginia.

At the annual Public Broadcasting Service membership meeting in Houston, Dr. Frymire was elected to serve a third term on the Executive Committee of the Boards of Governors and Managers.

In addition, he was appointed to the Joint Committee of Technology, a PBS, Corporation for Public Broadcasting and Ford Foundation group studying the feasibility of the use of a domestic satellite in public broadcasting.

Dr. Frymire and his wife reside in Ewing Township, New Jersey.

STATEWIDE IN-SCHOOL TV BEGINS SEPTEMBER 22

New Jersey Public Broadcasting launches its fifth season of educational television programming on Sept. 22. Each weekday from 9 a.m. to 4 p.m., new and old series for classroom instruction will be telecast on Channels 23, 50, 52 and 58.

According to Mary Jane Phillips, director of educational services, 18 new series will be offered and 53 series repeated.

Among the new programs are "When I Grow Up", focusing on career guidance, "We the People", an examination of the American political system for secondary school students, "Minorities", a look at their special problems, and "Human Relations and School Discipline", a new series for teachers and adults.

A preview of some of the programs will be aired during "Television for Learning Week", September 15 through 19.



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