

NEW JERSEY REGISTER



The State's Official Rules Publication

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(a)

AGRICULTURE

DIVISION OF PLANT INDUSTRY

Proposed Rules Governing Movement Of Tomato Transplants into New Jersey

The State Department of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.1 et seq., proposes to adopt new rules governing the movement into New Jersey of tomato transplants.

Full text of the proposed rules follows:

SUBCHAPTER 6. TOMATO TRANSPLANTS

2:17-6.1 Movement into New Jersey of tomato transplants

(a) In order to prevent the movement into New Jersey of diseased, insect-infested or substandard quality tomato plants, the State Board of Agriculture does hereby declare such plants to be a nuisance and prescribes the following conditions for the entry of tomato plants into New Jersey.

(b) All tomato plants shipped into the State of New Jersey must be certified to have been grown under an official certification program of the state of origin, or to have been inspected and certified to be apparently free from injurious insects, nematodes and plant diseases, based on an inspection no more than three days prior to removal from the soil.

(c) All plants certified as prescribed above must be accompanied by an official certificate so stating attached to each included crate, basket or other container. Also, each such package must be labeled as to variety and number of transplants per container.

(d) Imported tomato transplant standards include the following:

1. Stem length six to eleven inches from soil line to growing point with a minimum stem diameter of 3/16 inch;
2. Good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority:
 - i. Not too soft or hard (over-mature);
 - ii. Not excessively heated;
 - iii. Free from excessive wilting;
 - iv. Free from excessive physical injury by insects, diseases, hail or other factors;
 - v. Not severely clipped;
 - vi. Free from excessive cold injury;
 - vii. Free from excessive nutrient deficiencies;
 - viii. Straight stems.

3. Free of noxious weeds;

4. Free of fruit and excessive bloom: At least 80 per cent of all the tomato plants in each container must conform to the above standards (additional to apparent freedom from injurious insects, nematodes and plant diseases).

5. Plant count as stated on the container: Failure to comply with the regulations will result in destruction or rejection of all or part of violating tomato transplant shipments into New Jersey.

(e) If the inspecting authority is notified of agreement between the plant producer and plant purchaser, plant size standards may be altered.

(f) Complaints or dissatisfaction with shipments must be received by the inspecting authority prior to planting within 24 hours of arrival in New Jersey.

Interested persons may present statements or arguments orally, in person or in writing relevant to the proposed action on or before January 28, 1976, to:

William M. Cranstoun
Director, Division of Plant Industry
Post Office Box 1888
Trenton, New Jersey 08625
Telephone: (609) 292-5440

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Revisions in License Fees And Use of Seal of Quality

On December 1, 1975, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:10-19 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:73-2.5(f) and 2:73-2.7 concerning the use of the Seal of Quality and license fees, as proposed in the Notice published November 6, 1975, at 7 N.J.R. 494(a).

An order adopting these revisions was filed on December 3, 1975, as R.1975 d.356 to become effective July 1, 1976.

J. Edward Crabiell
Secretary of State

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 REGULATORY SERVICES

Revisions Concerning Shell Eggs

On December 5, 1975, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.22 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to some of the rules concerning standards for quality for individual shell eggs, substantially as proposed in the Notice published September 4, 1975, at 7 N.J.R. 398(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Agriculture.

Take notice that, the Department of Agriculture and the State Board of Agriculture did not adopt the proposed revisions concerning N.J.A.C. 2:71-1.32. Such revisions to that particular Section are still being considered and have not yet been adopted.

The remaining revisions appearing in the aforementioned Notice of Proposal have been adopted with the exception of the substantive changes made to N.J.A.C. 2:71-1.40 which deleted some of the words in the proposed revisions.

Full text of that adopted Section follows (deletions indicated in brackets [thus]):

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.

Note: 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.

An order adopting these revisions was filed December 8, 1975, as R.1975 d.358 to become effective January 1, 1976.
J. Edward Crabiel
Secretary of State

(b)

AGRICULTURE

STATE SOIL CONSERVATION COMMITTEE

New Rules of the Committee

On December 9, 1975, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:24-3, Chapter 251, Laws of 1975 and in accordance with applicable provisions of the Administrative Procedure Act, adopted procedural rules and regulations concerning the State Soil Conservation Committee.

Full text of the adopted rules follows:

SUBTITLE I.
STATE SOIL CONSERVATION COMMITTEE
CHAPTER 90.
STATE SOIL CONSERVATION COMMITTEE

SUBCHAPTER 1. GENERAL PROVISIONS

2:90-1.1 Purpose

These rules and regulations are to implement P.L. 1975, Chapter 251, N.J.S.A. 4:24-39 et seq., hereinafter referred to as the Act, to secure timely decisions by the Soil Conservation Districts on application for development as defined therein, to assure adequate public notice of procedures thereunder and to continue effective administration of the law.

2:90-1.2 Definitions

All definitions in Chapter 251, Laws of 1975, are incorporated in these regulations. The following specific words and terms, when used in this Subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Appeal" means a request for review of district function.

"Hearing body" means the State Soil Conservation Committee.

2:90-1.3 Standards

(a) The State Soil Conservation Committee adopts as standards for soil erosion and sediment control those standards presently published in the Standards for Soil Erosion and Sediment Control in New Jersey, specifically pages 3.11 to 3.94 (vegetative standards) and 4.11 to 4.101 (engineering standards) as adopted September 9, 1974 by the Committee. Copies are available at the following locations:

1. Conservation Districts:

	Name	Address & Telephone
i.	Burlington	Cramer Building Rt. 38, Mt. Holly 08060 609-267-7410
ii.	Camden	152 Ohio Avenue Clementon 08021 609-767-3977 or, 784-1001
iii.	Cape-Atlantic	Atlantic Co. Office Bldg. 1200 W. Harding Highway Mays Landing 08330 609-625-2203 or, 625-9400
iv.	Cumberland	P.O. Box 148, Rt. 77 Seabrook 08302 609-451-2144
v.	Freehold (Monmouth & Middlesex County)	20 Court Street Freehold 07728 201-462-1079
vi.	Gloucester	Gloucester Co. Office Bldg. Clayton 08312 609-881-0240
vii.	Hunterdon	Route 6, Box 49 Flemington 08822 201-782-3915 or, 782-6701
viii.	Mercer	930 Spruce St. Trenton 08638 609-695-5415 or, 989-8000
ix.	Morris	Court House Morristown 07960 201-538-1552 or, 538-1810
x.	Northeast (Bergen, Essex, Hudson & Passaic Counties)	355 Main Street Hackensack 07601 201-646-2979, 201-538-1552
xi.	Ocean	Ocean County Ag. Center Whitesville Road Toms River 08753 201-349-1007 or, 244-7048
xii.	Salem	1000 East, Rt. 40, Box 37 Woodstown 08098 609-769-1124

- xiii. Somerset-Union 308 Milltown Road
Somerset County 4-H Center
Somerville 08876
201-725-3848 or, 526-2701
- xiv. Sussex R.D. 1, Box 13
Newton 07860
201-383-3800 or, 852-5450
- xv. Warren Stiger Street
Hackettstown 07840
201-852-5450 or, 852-2579

2. State Soil Conservation Committee:

P.O. Box 1888, Trenton, New Jersey 08625,
Tel.: 609-292-5540

2:90-1.4 Application

Applicants shall submit their plans to the district, accompanied by an application form as prescribed by the Committee. Such application shall indicate the information required to make a decision on certification of plans. Application forms are available at locations listed in Section 3 of this Subchapter.

2:90-1.5 Procedure

(a) The district shall carry out the provisions of Sections 5 through 7 of the Act.

(b) No project shall be undertaken by any person, partnership or corporation, or other private or public agency unless the applicant has submitted to the district with local jurisdiction a plan for soil erosion and sediment control for such project, and the plan has been certified by the district as conforming to the standards promulgated by the Committee. The plan shall provide for the control of soil erosion and sedimentation and utilize the standards for soil erosion and sediment control adopted by the Committee.

(c) Approval by a municipal officer or agency for an application for development for any project shall be conditioned upon certification by the district for a plan for soil erosion and sediment control.

(d) The district shall review all soil erosion and sediment control plans submitted with a complete application and provide the applicant with a written notice indicating that:

1. The plan was certified;
2. The plan was certified subject to the attached conditions; or
3. The plan was denied certification with the reasons for the denial stated.

(e) The district shall furnish the municipal planning board a copy of the certification or denial including all conditions and statements.

(f) The district shall grant or deny certification within 30 days from submission of a complete application. The district may be granted an additional 30-day review period through mutual written agreement with the applicant. Failure of the district to grant or deny certification within such period or such extension thereof shall constitute certification.

(g) The district shall require a new submission of the plan and application when a major revision is made.

2:90-1.6 Appeal process

(a) The Committee may, on its own motion or at the request of any person aggrieved of any action by the district, review the decision of any soil conservation district and make whatever determinations it deems appropriate. Any person aggrieved of any decision of a soil conservation district shall have ten days to appeal to the Committee, which shall schedule a hearing and make a determination with 45 days of the petition for review. Any person against whom a stop-construction order is issued

by any district shall also have the right to appeal to the Committee. Requests for appeal shall be addressed to:
Secretary, State Soil Conservation Committee
P.O. Box 1888
Trenton, New Jersey 08625

(b) The Committee shall appoint and utilize the hearing office procedures of the Department of Agriculture for fact-finding and recommendations to the Committee.

(c) The Committee shall send a written notice to the appellant of hearing stating:

1. The application number;
2. Details of how decision aggrieves appellant;
3. Date, time and place of hearing.

2:90-1.7 Municipal ordinances

(a) Municipalities may adopt soil erosion and sediment control ordinances conforming to the standards promulgated by the Committee within 12 months of their promulgation.

(b) Such ordinances adopted by municipalities may provide for the review and certification of plans by the district in accordance with these rules and regulations. In all such cases, there shall be written contracts with the municipalities requesting review, and certification and fees shall be charged in accordance with the established district fee schedule.

(c) Municipalities shall obtain the approval of such ordinance by the Committee before being exempt from the provisions of this Act.

(d) The Committee shall secure review and comment by the district on municipal ordinances submitted to it. The district may recommend approval or disapproval to the Committee. Written notification of approval or disapproval shall be sent to the district and municipality by the Committee within 60 days.

(e) Municipalities having a soil erosion and sediment control ordinance presently in effect who wish to be exempt from this Act shall submit such ordinance to the Committee for approval. Upon written notification of approval, the municipality shall be exempt from Sections 5 through 9 of the Act.

(f) Districts shall annually review for compliance all soil erosion and sediment control ordinances enacted by municipalities within the district. The district shall inform the Committee in writing of the results of this review by February 15 of each year. If at any time during the year, the district determines and so notifies the Committee that any municipality is not enforcing its soil erosion and sediment control ordinance, the Committee shall give written notice to the municipality that it is no longer exempt from Sections 5 through 9 of the Act.

2:90-1.8 Fees

Reasonable fees shall be set by the districts based on cost. The fee schedule proposed by each district shall be approved by the Committee before it is adopted by the district. Any person aggrieved of the set fee may appeal to the Committee as outlined in Section 6 of this Subchapter.

2:90-1.9 Enforcement

(a) Inspection of projects to determine execution in accordance with the certified plan shall be carried out by the district in close coordination with the municipal engineer and building inspector.

(b) The district shall determine whether or not the provisions of the certified plan are being followed by the applicant.

(c) The district shall inform the applicant in writing of observed deviation from the certified plan and request immediate compliance with the plan.

(d) The district or the municipality may issue a stop-

construction order if the applicant takes no action to comply with the provisions of the certified plan.

(e) When a stop-construction order is issued no further construction activity may take place until the applicant is in compliance with all provisions of the certified plan.

(f) The municipality shall not issue a certificate of occupancy for a project unless there has been compliance with the provisions of the certified plan for permanent measures. The district shall provide the municipality with a report of compliance upon completion of the project.

2:90-1.10 Changes

Changes in the certified plan must be submitted to the district for reevaluation and approval.

2:90-1.11 Reports

The districts shall submit quarterly reports to the committee giving number of applications, number of certifications, denials and number of reviews.

An order adopting these rules was filed December 10, 1975, as R.1975 d.360 (Exempt, Procedure Rule) to become effective on January 1, 1976.

Comments respecting these rules may be made in writing for 90 days after January 1, 1976, to:

Secretary
State Soil Conservation Committee
P.O. Box 1888
Trenton, N.J. 08625

J. Edward Crabiel
Secretary of State

(a)

AGRICULTURE

STATE SOIL CONSERVATION COMMITTEE

Rule on Municipal Ordinances for Soil Erosion and Sedimentation Control

On December 12, 1975, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:24-3, Chapter 251, Laws of 1975 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a rule on municipal ordinances for soil erosion and sedimentation control.

Full text of the adopted rule follows:

2:90-1.12 Municipal ordinances for soil erosion and sedimentation control

In order to protect the public interest and welfare and to enable the orderly continuance of municipal government in this State, the State Soil Conservation Committee hereby approves all municipal ordinances for soil erosion and sedimentation control adopted before January 1, 1976, until the Committee adopts permanent regulations to implement Chapter 251 Laws of 1975, which shall be after the period provided for public comment on the regulations procedurally adopted and published in this January 8, 1976 issue of the Register at R.1975 d.360.

An order adopting this rule was filed on December 15, 1975, as R.1975 d.366 (Exempt, Procedure Rule) to become effective January 1, 1976.

J. Edward Crabiel
Secretary of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revisions to Minimum Milk Prices

On December 8, 1975, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:49-1.1(b) concerning minimum milk prices whereby the current text of that subsection is deleted and new text adopted therein.

Full text of the adopted revisions follows:

2:49-1.1(b) Effective January 1, 1976, minimum milk prices under Order 69-1 will be 40 cents per quart, 75 cents per half-gallon and \$1.44 per gallon. This amendment shall be effective from and after January 1, 1976.

An order adopting these revisions was filed on December 11, 1975, as R.1975 d.361 (Exempt, Procedure Rule) to become effective January 1, 1976.

J. Edward Crabiel
Secretary of State

(c)

BANKING

THE COMMISSIONER

Proposed New Procedural Rules

Richard F. Schaub, Commissioner of the Department of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 et seq., proposes to delete in its entirety the current text of Subchapter 2, Procedural Rules, in Chapter 1, Title 3 of the New Jersey Administrative Code and adopt new procedural rules in place thereof.

Full text of the proposed new rules follows:

SUBCHAPTER 2. PROCEDURAL RULES

3:1-2.1 Applications; acceptance

(a) All branch applications shall include the following before they will be accepted by the Department:

1. A completed current application form;
2. The required application filing fee;
3. A certified copy of the resolution authorizing the application;
4. Indicia of title for the proposed site (that is, lease, option to lease or purchase, contract of sale, deed, and so forth); and
5. Any and all other documentation the applicant wishes the Department to consider.

(b) Every applicant for a bank, savings bank or savings and loan association charter is required to file with the Department the following data in addition to the statutorily required certificate of incorporation and affidavits:

1. An economic feasibility study delineating the proposed trade area to be served by the applicant, as well as yearly deposit estimates for the first five years of operation;
2. A pro forma profit and loss statement which shall project the net income or loss of the bank, savings bank or

savings and loan association on an annual basis for a period of five years and shall indicate the anticipated break-even date;

3. Each incorporator of a bank, savings bank or savings and loan association shall submit a personal data form containing such biographical information and in such form as the Commissioner of Banking may from time to time prescribe;

4. The required application filing fee;

5. Indicia of title for the proposed site; and

6. Each incorporator of a bank, savings bank or savings and loan association applying for a charter shall submit a financial report containing such information and in such form as the Commissioner may from time to time prescribe. Matters contained on the financial reports of incorporators are not automatically to be construed as evidential and/or materially relevant at any hearings which might be conducted before a departmental hearing officer.

(c) Applications which satisfy the provisions of subsections (a) or (b) of this Section shall be accepted. Branch or relocation applications which do not comply with the provisions of subsection (a) of this Section will be returned to the applicant; except that the Department will hold branch and relocation applications pending the filing and acceptance of indicia of title, or the submission of more detailed data as requested by the Department. A charter application will be held pending the filing and acceptance of the data and information required to be submitted under subsection (b) of this Section.

(d) The application filing fee shall not be refundable.

3:1-2.2 Notice; publication

(a) When an application is accepted, the Department shall send written notice thereof to the New Jersey Bankers Association, the Savings Banks' Association of New Jersey and the New Jersey Savings League. Each notice shall contain the following:

1. The name of the applicant;
2. A brief statement of the nature of the application;
3. The precise location of the site involved in the particular application; and
4. The date the application was accepted by the Department.

(b) Notice prescribed by subsection (a) of this Section shall be published in the weekly applications' bulletins of the New Jersey Bankers Association, Savings Banks' Association of New Jersey, and New Jersey Savings League in the week next following acceptance thereof. The publication of notice shall also include the following statement:

"You are hereby advised that an individual, bank, savings bank or savings and loan association may object to any of the aforesaid applications and request that a formal hearing be conducted if in writing and if filed within ten days of the date of this bulletin. Individuals or financial institutions interested in perfecting an objection or hearing request should immediately consult the Department's procedural rules for guidance."

3:1-2.3 Objection and request for hearing; time for filing; content

(a) An objection to an application by a bank, savings bank or savings and loan association must be received by the Department within ten calendar days of publication in the trade association bulletins, as required by N.J.A.C. 3:1-2.2. If an objector desires a hearing to be held on a full branch office application, a Section 25 or 27 branch office application or a relocation application, or desires to make an appearance at a charter hearing, the objection shall also contain a specific request for a formal hearing or, in the case of charter applications, a request for permission to appear at the formal hearing.

(b) Every objection shall:

1. Be in writing;

2. Disclose in detail the grounds therefore;

3. Disclose whether the objector intends to file a more comprehensive detailing of the factual and legal bases of objection (hereinafter referred to as comprehensive objection) within 30 calendar days of the date of publication in the applications' bulletins, or within 20 days after receipt of copies of the application form and supportive data filed by an application, whichever occurs later;

4. If the objector is requesting a hearing on a full branch office, a Section 25 or section 27 branch office, or a relocation of an existing office, it shall disclose an intent to file detailed, factual and legal bases for the need therefore within 30 calendar days of the date of publication of the notice in the bulletins, or within 20 days after receipt of copies of the application form and supportive data filed by an applicant, whichever occurs later; and

5. Be forwarded to the applicant as well as the Department.

(c) If a hearing is requested, a hearing fee of \$100.00 payable to the Department of Banking shall accompany the request for hearing or notice of intent to appear at a charter hearing. If it is later determined that a hearing will not be held pursuant to N.J.A.C. 3:1-2.4, the hearing fee will be returned to each of the objectors requesting a hearing.

(d) Each comprehensive objection must set forth the following:

1. A detailing of the factual and legal bases for objection, specifically referring to the portions of the application to which the objector objects and/or has reason to dispute, together with any factual or legal support therefore.

2. Deposit totals (including a time/demand breakdown) for all offices of the objector which will be affected by the application. These deposit totals shall represent the year-end deposit aggregates for five preceding years, as well as for the most recent semi-annual reporting period; and

3. Any other factual, legal or judgmental matters which the objector deems necessary for the Department to render an appropriate statutory finding.

(e) If the objector requests a hearing and discloses in tent to file a subsequent memorandum in support thereof, said supplemental request shall contain a statement of all the reasons, both factual and legal, why the objector believes that a formal hearing is necessary and warranted with regard to the application.

(f) If the objector fails to comply with any of the provisions of subsection (b) or (d) of this Section, the Department shall dismiss the objection and/or the comprehensive objection.

3:1-2.4 Copies of application

Upon receipt of notice that an objection has been filed, an applicant shall immediately forward and deliver copies of the application and all supportive data submitted in conjunction therewith. Proof of delivery to and receipt by an objector shall be filed immediately with the Department.

3:1-2.5 Hearing granted or denied

(a) The Department may grant a hearing request on a full branch application, a Section 25 or section 27 association branch or relocation only if:

1. The objector requesting the hearing has filed a prior objection, comprehensive objection and hearing request; and

2. The objector requesting the hearing has presented reasons which substantiate that a hearing is necessary and warranted.

(b) A hearing shall be held on all charter applications. Only those objectors who comply with all of the rules

relating to objections to charter applications shall be permitted to appear at the hearing.

(c) There shall be no formal hearings on mini-branch, communication terminal branch, auxiliary or limited facility branch offices.

(d) If a formal hearing is denied, the Department shall give the objector a brief statement of the reasons therefore.

(e) Notwithstanding the foregoing, the Department may schedule a hearing on any application if deemed necessary or warranted under the circumstances.

3:1-2.6 Charter applications; publication of hearing dates

(a) Within ten days after the Department schedules the formal hearing dates for any charter application, the applicant shall publish notice of the application once a week for four successive weeks in one newspaper designated by the Commissioner, which is published and circulated in the municipality in which said charter is proposed to be established, or if there be no such newspaper, then in a newspaper of general circulation in the municipality.

(b) Said notice shall contain:

1. The names of the incorporators;
2. The name of the applicant;
3. The location of its principal office;
4. The amount of capital stock and surplus or the amount of capital deposits, whichever is applicable; and
5. The hearing dates.

(c) Notice in the form prescribed by subsection (b) of this Section shall also be forwarded to every banking institution having an office within five miles of the proposed location and to such other offices as the Commissioner shall designate.

3:1-2.7 Insufficiency of data in support of application; hearing

In any matter where the Commissioner, deputy commissioner or hearing officer shall find that the applicant or objector has not filed sufficient data, information or material in support of or in opposition to the application, the applicant or objector may be required to file supplementary data, information or material.

3:1-2.8 Notice of hearing

(a) If a hearing is to be held, the Commissioner, deputy commissioner or hearing officer shall notify the applicant and objector, if any, of the date, time, place and nature of the hearing; of the legal authority and jurisdiction under which the hearing is to be held; of the particular sections of the statutes and rules involved; and of the matters asserted or issues involved. The notice of hearing may be combined with the notice granting the request for a hearing.

(b) Hearings will be scheduled shortly after the receipt of the comprehensive objection and/or the request for hearing.

3:1-2.9 Hearing officer; public hearings; conduct

(a) Any hearing pursuant to this Subchapter may be held before the Commissioner, or before any deputy commissioner, hearing officer or any employee of the Department authorized by the Commissioner.

(b) Every hearing shall be open to the public unless the Commissioner shall determine that a private hearing would be in the public interest.

3:1-2.10 Failure to party requesting hearing to appear at the hearing

When the party requesting the hearing or an intent to appear at a charter hearing fails to appear at a scheduled hearing without sufficient reason therefore, such failure to appear shall be treated as a withdrawal of the objection and/or the request for a hearing. The Commissioner, deputy commissioner or hearing officer may dispense with

the hearing or adjourn the hearing to a future date, or take such action as may be just and proper under the circumstances.

3:1-2.12 Prehearing

(a) Prior to any hearing, the hearing officer may, in his discretion, direct all parties and counsel to appear before him for a pre-hearing conference for any or all of the following purposes:

1. Simplification and clarification of the issues;
2. Admission and stipulations of fact and of the contents and authenticity of documents; and
3. Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

(b) Such conference, in the discretion of the hearing officer, need not be recorded, but the hearing officer shall enter in the record an order signed by the parties which recites the results of the conference. Such order, a copy of which shall be furnished to each party, shall include the hearing officer's rulings upon matters considered at the conference, together with appropriate directions, if any, to the parties; and such order shall control the subsequent course of the proceedings unless notified at the hearing for good cause shown by appropriate order of the hearing officer.

3:1-2.13 Hearing procedure

(a) Applicants and objectors shall have an opportunity to be heard, to introduce exhibits in evidence and to present and cross-examine witnesses.

(b) Both applicant and objector may raise issues and present evidence only if same has been affirmatively raised in the application, the objection, or the comprehensive objection. All other matters will be excluded unless the person conducting the hearing rules otherwise, and then only for good cause shown.

(c) All studies, reports or the like may be introduced only if previously submitted to the Department and other interested persons pursuant to the hearing officer's direction.

(d) The applicant and objectors shall bear a pro-rata share of the transcript costs for the transcripts required by the Department and all other regulatory agencies requesting same.

3:1-2.14 Priority

(a) If more than one application is filed for the same municipality or a similar location, the application which was first accepted will receive priority of processing and decision, all other things being equal.

(b) The Department may waive the application of N.J.A.C. 3:1-2.14(a):

1. If such waiver is deemed in the interest of the public, or
2. If circumstances indicate that an application should lose its priority.

(c) Applications with substantially similar trade areas accepted on the same date shall be considered jointly, neither application receiving priority of filing.

3:1-2.15 Hearing officer's report and recommendation

In any case where a deputy commissioner or any other person is authorized by the Commissioner to sit as a hearing officer, the hearing officer shall submit a written report of his findings and conclusions to the Commissioner together with a recommendation as to the disposition of the matter, unless the Commissioner directs otherwise.

3:1-2.16 Submission of report to Commissioner and parties; exception; reply

The hearing officer's report and recommendation shall be submitted to the Commissioner and by certified mail, return receipt requested, to all parties participating in the hearing. The parties to the hearing shall have ten days from the receipt of such report to file written exceptions thereto with the Commissioner. The party filing an exception shall, at the time of filing, send by certified mail, return receipt requested, a copy of the exception to all other parties participating in the hearing. Replies to an exception shall be in writing and filed with the Commissioner within five days from receipt of the exception. The party filing a reply shall at the time of the filing send by certified mail, return receipt requested, a copy of the reply to all other parties participating in the hearing. The Commissioner need not consider any exception or reply which is not filed within the time limitations set forth in this Section.

3:1-2.17 Final determination

Upon receipt of the report and recommendation, exceptions and replies, if any, within the time limitations in Section 16 (Submission of report to Commissioner and Parties; exception; reply) of this Subchapter, the Commissioner shall issue a final determination adopting, modifying or rejecting the report and recommendation. This action by the Commissioner shall constitute the final determination by the Department in the matter.

3:1-2.18 Relaxation or dispensation of requirement of Subchapter

In any instance where the Commissioner shall determine that the foregoing requirements or procedures of this Subchapter shall be unwarranted, inapplicable, unreasonable, unnecessary or not required, he may relax or dispense with the requirements of procedures established herein.

3:1-2.19 Population

In determining the population of a municipality for the purpose of the branching requirements contained in N.J.S.A. 17:9A-19B(3) and N.J.S.A. 17:12B-26, Census of Population and Housing, U.S. Bureau of the Census, and Population Estimates for New Jersey, prepared by the New Jersey Department of Labor and Industry, Division of Planning and Research, Office of Business Economics, shall be the sole authorities accepted by the Department of Banking. For the years 1980, 1990 and 2,000 the official U.S. Bureau of Census figures will be the only source accepted.

3:1-2.20 Fees; conversion from mutual to capital stock association

A filing fee of \$1,500 shall accompany every application for the conversion of a mutual association to a capital stock association. This Section effective October 29, 1974.

3:1-2.21 Officially recognized data sources

(a) The Department will take official notice of one or more of the following data sources when testing the accuracy of data submitted in conjunction with applications and objections, when resolving factual discrepancies and when weighing the accuracy, reasonableness and applicability of documentary and oral evidence before it.

1. U.S. Department of Commerce. Bureau of the Census. Census of Housing. (published decennially);
2. U.S. Department of Commerce. Bureau of the Census. Census of Population. (published decennially);
3. U.S. Department of Commerce. Bureau of the Census. Census of Business. (published every five years);
4. U.S. Department of Commerce. Bureau of the Census. Census of Manufacturers. (published every five years);
5. Population Estimates for New Jersey—Official State Estimates. New Jersey Department of Labor and Industry. (published annually);

6. U.S. Department of Commerce. Bureau of the Census. Construction Review. (published monthly);

7. New Jersey Department of Community Affairs. Division of Local Government Services. Annual Report. (published annually);

8. New Jersey Department of Labor and Industry. Division of Planning and Research. State of New Jersey—Residential Construction Authorized by Building Permits. (published annually and available also on a monthly basis);

9. U.S. Department of Commerce. Bureau of the Census. Current Population Reports. (published monthly);

10. U.S. Internal Revenue Service. Statistics of Income. (published annually);

11. New Jersey Department of Community Affairs. Division of Local Services. U.S. Census Data for New Jersey Townships. (provides tables of statistical information from the 1970 U.S. Census paralleling those available for non-townships in printed census reports);

12. New Jersey Industrial Directory. (published annually);

13. Local zoning ordinances and master plans;

14. Federal Deposit Insurance Corporation. Operating Banking Offices. (published annually);

15. Federal Deposit Insurance Corporation. Bank Operating Statistics. (published annually);

16. Federal Deposit Insurance Corporation. Changes Among Operating Banks and Branches. (published annually);

17. Federal Deposit Insurance Corporation. Summary of Deposits in All Commercial and Mutual Savings Banks. (published annually);

18. Federal Home Loan Bank Board. Summary Savings Accounts by Geographic Area. (published annually);

19. R. L. Polk & Co. Polk's World Bank Directory. (published semi-annually);

20. Department of Agriculture. Soil Conservation Series Studies and Reports;

21. New Jersey Department of Labor and Industry. Division of Employment Security. Covered Employment Trends (published annually and available on a monthly basis);

22. Various County Planning Board Reports, for example, population studies and projections, employment trends, industrial-commercial development studies and so forth;

23. New Jersey Department of Banking. Division of Banking. Annual Report;

24. New Jersey Department of Banking. Division of Savings and Loan Associations. Annual Report.

(b) Other officially noticeable data will be considered when applicable and relevant.

(c) Any applicant or objector(s) shall, simultaneously with the filing of an application or objection, indicate which of the foregoing sources they object to and detail in writing their reasons for objecting.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to:

Clifford F. Blaze
Deputy Commissioner
Division of Administration
Department of Banking
Trenton, N.J. 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(a)

BANKING

CONSUMER CREDIT BUREAU

Proposed Revisions Concerning Applications for Licenses

The Department of Banking, pursuant to authority of N.J.S.A. 17:10-3 and 17:10-5(b), (b) proposes to adopt revisions to its rules on small loans concerning applications for licenses.

The proposed revisions concern the deletion in its entirety of the current text of N.J.A.C. 3:17-2.2, Number of applications allowed, with that Section being marked as Reserved, plus the adoption of two new rules concerning exceptions and change of ownership by sale of stock.

Full text of the proposed new rules follows:

3:17-2.4 Exception to N.J.A.C. 3:17-2.3(b)

Compliance with N.J.S.A. 17:10-5(b), (b) shall not be presumed in the processing of a regular small loan application which is filed in a municipality in which a former licensee, after having transferred its loans receivable to one or more of its affiliates, has closed its office and in so doing voluntarily surrenders its license to the Department.

3:17-2.5 Change of ownership by sale of stock

When the stockholders of a corporate licensee relinquish control by selling in excess of 50 per cent of their stock to an outside party or new stock is sold to any such party in excess of the amount of issued and outstanding capital stock of the corporation, the licensee shall submit to the Department, at least 30 days prior to the sale of any such stock, the name and resident and business address of the party to whom such stock is to be sold. At that time the licensee shall also submit to the Department a notarized statement signed by the principals of the present licensee stating that said licensee has not sold or transferred more than 20 per cent of its small loan accounts receivable to some other licensee, an affiliate or otherwise, during the preceding 12-month period.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
Trenton, N.J. 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(b)

BANKING

CONSUMER CREDIT BUREAU

Notice of Public Hearing on Legal Fees

Take Notice that, the State Department of Banking will hold a public hearing on Wednesday, February 4, 1976, at

10:00 A.M. in the Senate Chambers, State House, West State Street, Trenton, New Jersey 08625, to solicit comments concerning proposals to regulate and limit the legal fees charged by a secondary mortgage loan licensee, pursuant to N.J.S.A. 17:11A-46(h), at the time of the execution of a secondary mortgage loan.

In particular, the Banking Commissioner is interested in the kind and amount of services provided by attorneys to licensees in connection with making such loans.

Persons desiring to be heard are requested to register not later than January 28 at the office of Clifford F. Blaze, Deputy Commissioner, Department of Banking, 36 West State Street, Trenton, New Jersey 08625.

Presentations must be prepared in writing and an original and four copies filed with the hearing officer at the hearing.

This Notice is published as a matter of public information.
J. Edward Crabel
Secretary of State

(c)

BANKING

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Rules on Conversion of a Mutual Association to a Capital Stock Association

On November 24, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 3:32-1.1 et seq., concerning the conversion of a mutual association to a capital stock association, substantially as proposed in the Notice published March 6, 1975, at 7 N.J.R. 92(c), with only inconsequential structural or language changes, in the opinion of the Department of Banking.

An order adopting these rules was filed November 24, 1975, as R.1975 d.352 to become effective on January 1, 1976.

(d)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Revisions for Construction and Maintenance of Hotels and Multiple Dwellings

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27-21 and 55:13A-6(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, proposes to amend the regulations for the Construction and Maintenance of Hotels and Multiple Dwellings. This amendment encompasses changes in Article I, Administration and Enforcement, Article 2, Definitions, and Article 19, Maintenance (Chapter 10 of Title 5 in the New Jersey Administrative Code).

A copy of the complete text of the 19 pages of proposed amendments is available upon application to the Division of Housing and Urban Renewal, Bureau of Housing Inspection, P.O. Box 2768, Trenton, New Jersey 08625.

A public hearing on the proposed action will be held at 10:00 A.M. Tuesday, January 27, 1976, at the Department of Community Affairs, 363 West State Street, Trenton, New Jersey. Interested persons may present statements relevant to the proposed action at that hearing.

Interested persons may also present statements in writing relevant to the proposed action on or before January 31, 1976, to the Department at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments on Instructional Certificates And Standards for Approval of Teacher Education

The State Board of Education, pursuant to authority of N.J.S.A. 18A:1-1 et seq., proposes to amend two of its rules concerning endorsements on the instructional certificate (N.J.A.C. 6:11-6.2(c)) and New Jersey instructional supplement to standards for State approval of teacher education (N.J.A.C. 6:11-8.3(e)).

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

6:11-6.2(c) Teachers with English endorsements are authorized to teach reading. **This regulation applies only to those teachers currently holding English certification and who are now employed as teachers of reading.**

6:11-8.3(e) Teachers with English endorsements are authorized to teach reading. **This regulation applies only to those teachers currently holding English certification and who are now employed as teachers of reading.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to:

Ms. 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 amendments substantially as proposed without further notice.

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Amendment to Certification by Examination

On December 3, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:50-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment, to be cited as N.J.A.C. 6:44-6.4(c), concerning certification by examination, substantially as proposed in the Notice published November 6, 1975, at 7 N.J.R. 498(a), with only inconsequential structural or language changes, in the opinion of the Department of Education.

An order adopting this amendment was filed and became effective on December 15, 1975, as R.1975 d.369.

J. Edward Crabiel
Secretary of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions on Shellfish Growing Water Classifications

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 13:2-1 and 24:14-1 et seq., proposes to revise the rules concerning the condemnation of certain shellfish beds. Such revisions are known within the Department of Environmental Protection as Docket No. DEP 059-75-12.

SUMMARY

The adoption of these revised regulations will result in the reclassification of approximately 7,007 acres. The names of the waterways and the number of acres proposed for reclassification are listed below in general terms:

Mullica River—Approximately 500 acres of the Mullica River is downgraded from approved to condemned. This downgrading is based on a reappraisal report.

Great Egg Harbor Bay—Approximately 93 acres of Great Egg Harbor Bay is downgraded from fully approved to seasonally approved. This downgrading is based on a reappraisal report.

Delaware Bay—Approximately 1,164 acres of the Delaware Bay off Dennis Creek is downgraded from approved to condemned. This closure includes the waters of Goshen Creek, Dennis Creek and West Creek and is based on a special investigation report.

Delaware Bay—All of Fishing Creek, consisting of approximately 100 acres, is downgraded from approved to condemned. This action is based on a sanitary survey report.

The following two changes in water classification are the result of the recently developed ocean monitoring system of the shellfish control unit and are based on sanitary survey reports. These ocean waters were previously not classified. The proposed actions, therefore, do not represent a change in water quality but an initial classification.

Atlantic Ocean—Approximately 2,550 acres of the Atlantic Ocean off Great Egg Harbor Inlet is downgraded from approved to condemned.

Atlantic Ocean—Approximately 2,600 acres of the Atlantic Ocean off Hereford Inlet is downgraded from approved to condemned.

The overall result of these reclassifications will be a net loss of 7,007 acres. The increase over the net loss of last year is caused primarily by the areas in the ocean being classified under the recently developed ocean monitoring system as required by the Federal government.

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

Editor's Note: In addition to the text below, six application forms included in this proposal are not reproduced herein. Further information on these forms may be obtained from the address listed below.

7:12-1.1 Definitions

"Seasonal area" means waters condemned for the harvest of oysters, clams and mussels from May 1 through December 31 of each year and approved for harvest from January 1 through April 30 of each year except in Delaware Bay where the waters are condemned for the harvest of shellfish from May 1 through October 31 of each year and approved for harvest from November 1 through April 30 of each year.

"Transfer" means the movement of shellfish from leased land located in a condemned area to leased land located in an approved area for purposes of propagation and/or purification.

7:12-1.2 (c) Application for said permits shall be submitted on forms supplied by the Department, as follows: 1. Bait permit application (WR-002), 2. Depletion permit application (WR-003); 3. Depuration permit application (WR-004); 4. Relaying permit application (WR-005); 5. Transfer permit application (WR-006); 6. Transplant permit application form (WR-007). Copies of these applications are appended hereto.

7:12-1.3(a) 23.i. Delete this section as currently described and insert the following: All of the Mullica River and tributaries, thereof, upstream from a straight line beginning at the northern-most point of land on Akimbo Point and bearing approximately 70° T to the southernmost point of land on Doctor Point.

7:12-1.3(a) 28. vii. Delete this section as currently described and insert the following: Seasonal—all that portion of Great Egg Harbor Bay, Ship Channel, Great Egg Harbor River and Middle River contained within a line beginning at the range marker on the northwest shore of Shooting Island and bearing approximately 335° T to flashing light #1 (Fl "1"), then bearing approximately 266° through the southside base of the second electric tower in the bay to the northern point at the mouth of the Tuckahoe River, then along the western shoreline of Great Egg Harbor River in a northwesterly direction to Middle River, then along the south shore of Middle River to the tributary leading to Swan Pond, then directly across Middle River and along that shore to Great Egg Harbor River, then continuing along the shore of Great Egg Harbor River to the point of land across Great Egg Harbor River from the mouth of English Creek, then bearing approximately 329° T across Great Egg Harbor River to the mouth of English Creek, then along the eastern shore of Great Egg Harbor River in a downstream direction to the mouth of Patcong Creek, then across the line marking the mouth of Patcong Creek,

described in paragraph 28 iv above, then along the north shore of Great Egg Harbor Bay and ship channel, across the mouth of Bass Harbor and continuing on to Anchorage Point, then bearing approximately 210° T to the southeasterly end of an unnamed island, then along that island to its opposite end, then bearing approximately 190° T to the largest of the Rainbow Islands, then along the shore of that island to the Ocean City-Somers Point Bridge, then southeast along that bridge to the next island, then along the shore of that island to its southwest extremity, then to flashing red light #6 (Fl R "6"), just off that point, then bearing approximately 218° T to flashing red light #16 (Fl R "16"), then along the island shore to the northern tip of Shooting Island, then along the northwest shore of Shooting Island to its origin at the range marker and terminating.

7:12-1.3(a) 28. xiii. All of Rainbow Thorofare northeast from the Ocean City-Somers Point Bridge.

7:12-1.3(a) 37. iv. Delete this section as currently described and insert the following: All that portion of Delaware Bay east northeast of a line beginning at the Cox's range tower southeast of Moores Beach and bearing approximately 138° T to the mainland south of Goshen Creek and terminating.

(A) Goshen Creek—all of Goshen Creek and tributaries thereof.

(B) Dennis Creek—all of Dennis Creek and tributaries thereof.

(C) East Creek—all of East Creek and tributaries thereof.

(D) West Creek—all of West Creek and tributaries thereof.

7:12-1.3(a) 37. v. [East Creek—all of East Creek and tributaries thereof] Riggins Ditch—all of Riggins Ditch and tributaries thereof.

[7:12-1.3(a) 37 vii] becomes 7:12-1.3(a) 37 vi

[7:12-1.3(a) 37 viii] becomes 7:12-1.3(a) 37 vii

[7:12-1.3(a) 37 ix] becomes 7:12-1.3(a) 37 viii

[7:12-1.3(a) 37 x] becomes 7:12-1.3(a) 37 ix

[7:12-1.3(a) 37 xi] becomes 7:12-1.3(a) 37 x—Fishing Creek—all of Fishing Creek and tributaries thereof.

7:12-1.3(a) 39 ii—All of the ocean waters, inshore of a line beginning at the water tank at Forty-Fourth Street and Bayshore Ave., City of Brigantine with coordinates of latitude 39° [23' 29"] 23.29' N and longitude 74° [23' 47"] 23.47' W and bearing approximately 157° T to the sea buoy "1A" (1A Fl G4 sec GONG) at the entrance to Absecon Inlet, then bearing approximately 272° T to the outer-most tip of Steel Pier, Atlantic City, then along that pier to the shore and terminating. (This condemnation adjoins the closure defined in paragraph 26 i above);

7:12-1.3(a) 39 iii. All of the ocean waters inshore of a line beginning at the standpipe located at North Benson Avenue between Winchester Avenue and Monmouth Avenue, City of Margate, with coordinates of latitude 39° 19.49' N and longitude 74° 30.92' W and bearing approximately 168° T to the sea buoy BW "GE" (BW "GE" Mo (A) Bell) at the entrance to Great Egg Harbor Inlet, then bearing approximately 268° T to the water tank located at Haven Avenue between Seventh Street and Eighth Street, Ocean City, with coordinates of latitude 39° 16.89' N and longitude 74° 34.61' W and terminating. (This condemnation adjoins the closure defined in paragraph 28 i above.)

7:12-1.3(a) 39 iv. All of the ocean waters inshore of a line beginning at the American Legion building (the old Coast Guard station) located at the corner of Second Avenue and One Hundred and Seventeenth Street, Borough of Stone Harbor, with coordinates of latitude 39° 02.37' N and longitude of 74° 46.19' W and bearing approximately 168° T to

the sea buoy (R, Fl R4 sec "8" whistle) at the entrance to Hereford Inlet, then bearing approximately 233° T towards the 30 foot flashing light "7M" at the end of the east jetty at Cape May Inlet for a distance of two nautical miles, then bearing approximately 312° T to the standpipe located on the corner of New Jersey Avenue, City of Wildwood, with coordinates of latitude 38° 59.54' N and longitude of 74° 48.82' W and terminating. (This condemnation adjoins the closure defined in paragraph 35 i above.)

[7:12.1.3(a) 39 iii] becomes 7:12-1.3(a) 39 v

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

All interested persons are invited to submit written comment on the proposed regulations no later than January 28, 1976 to:

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

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF PARKS AND FORESTRY

BUREAU OF PARKS

Proposed Revisions Concerning Special Permits For Island Beach State Park

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(3), 13:1B-3e and 13:8-20, proposes to revise the rules concerning special permits for Island Beach State Park. The proposed revisions concern the deletion of the current text of Subchapter 2, Chapter 16 in Title 7 of the New Jersey Administrative Code and adoption of new text therein. Such revisions are known within the Department of Environmental Protection as Docket No. DEP 058-75-12.

Full text of the proposed new rules follows:

SUBCHAPTER 16. SPECIAL PERMITS FOR ISLAND BEACH STATE PARK

7:2-16.1 Special permits; Island Beach State Park

(a) The rules concerning special permits for Island Beach State Park are:

1. The operation of four-wheel drive beach buggies for the purpose of fishing on the open beach is allowed within designated locations and designated hours provided a beach buggy permit has first been obtained.

2. Beach buggy permits are available for a calendar year or a three-day period. Calendar-year permits are limited to a total of 700 per year and three-day permits are limited to a total of 50 in effect at any one time. Specific fees are charged for these permits.

3. Calendar-year permits are issued as a result of application and a lottery type drawing procedure initiated by mail or at the Park. The permit grants entry for the specified licensed vehicle and listed driver without further charge. All other occupants are required to adhere to admission fee policy.

4. Three-day permits are available only by request and payment of fee at the Island Beach gatehouse, up to a limit of 50 in effect at any one time. Three-day permits expire at midnight on the third full day after the day of issue. Three-day permits may be renewed only after a 24-hour waiting period. They are issued to a specific licensed vehicle and individual and are nontransferable and nonrefundable.

5. Maximum speed limit for vehicles operating with permits is 15 mph while on the beach or access (sand) roads.

6. A beach buggy permit may be revoked by the superintendent of the park for the remainder of the calendar year of issue and the right to apply for a permit for an additional period of three full calendar years may be revoked by the Director, Division of Parks and Forestry, for violation of park regulations or New Jersey statute law. In addition a permittee is also subject to prosecution for said violations. No refunds are permitted when revocation occurs.

7. Lessees who have no other means of access to their leased sites may drive a vehicle by the most direct designated route between the hard-surfaced road and the site without a beach buggy permit.

8. Calendar-year annual fishing permits are available by application and payment of specific fee at the park office or by mail. This permit grants entry for the specified individual and vehicle at all times when the park is open, except when filled to capacity.

9. All fishing is restricted to the ocean side of the park and/or to designated areas.

10. Island Beach State Park will be closed to all persons excepting beach buggy permit holders, fishermen and lessees from 12 midnight to 4:00 A.M. during the period May 15 to September 15.

i. Residents and persons on official business are exempt from this exclusion. Leaseholders, however, are restricted to their leased premises during these hours. Beach buggy permit holders and fishermen are required, during these hours, to register with Park officials and park in a designated location.

ii. During the remainder of the year, fishermen and beach buggy permit-holders not actively engaged in the act of fishing, between the hours of 12 midnight and 4:00 A.M., must also register with Park officials and park in a designated location.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 31, 1976, to:

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

The Commissioner of Environmental Protection, upon his 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 BOAT REGULATION COMMISSION

Proposed Rules on Power Vessels

The Boat Regulation Commission in the Department of Environmental Protection, pursuant to authority of N.J. S.A. 12:7-34.36 et seq., the requirements of the Federal Safe Boating Act of 1971 (46 USC 1451 et seq.) and its related regulations thereunder (33 CFR 173.1 et seq.) and with the approval of David J. Bardin, Commissioner of Environmental Protection, proposes to adopt rules concerning power vessels.

Such rules are known within the Department of Environmental Protection as Docket No. DEP 056-75-12 and are designed to bring New Jersey regulations into conformity with Federal regulations as is required by N.J.S.A. 13:7-34.49.

The most significant areas concerning these rules include the requirement of two validation stickers after January 1, 1977, the revision of certain rules regarding livery vessels and a clarification of siren vessel alarms.

Such rules, if adopted, will replace the current text of Subchapter 1, Chapter 6 in Title 7 of the New Jersey Administrative Code.

Copies of the full text of 25 pages of the proposed rules may be obtained from:

Captain B. R. Henry
Chief, New Jersey Marine Police
Post Office Box 1889
Trenton, New Jersey 08625
Telephone: (609) 292-2894

Interested persons may present statements or arguments in writing or by telephone relevant to the proposed action on or before January 30, 1976, to the Department of Environmental Protection at the above address.

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

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Notice Concerning Planning for Energy Facilities in New Jersey

Take notice that, David J. Bardin, Commissioner of Environmental Protection, has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 057-75-12, concerning planning for energy facilities in New Jersey. In addition to the text below, it includes a map and eight pages of a questionnaire for submission of information filed with this Notice, which are not reproduced herewith.

Remaining portion of the text of the Notice follows:

REQUEST FOR THE SUBMISSION OF INFORMATION FOR COASTAL PLANNING FOR ENERGY FACILITIES IN NEW JERSEY

I. The Department of Environmental Protection (DEP) requests that energy industries, governmental agencies and other organizations with knowledge of energy industry needs, plans and opportunities submit information on future types of energy facilities and the expansion of existing facilities in New Jersey's coastal zone, including territorial waters. DEP needs this information to guide its coastal planning program. In the absence of such information, DEP would be forced to rely too much on its own estimates as the basis for coastal planning. New Jersey prefers to base its coastal planning, instead, on realistic principles, criteria and hard facts regarding energy facilities.

II. Pursuant to N.J.S.A. 13:19-16, N.J.S.A. 13:9A-1 et seq., and N.J.S.A. 12:3-1 et seq., DEP is preparing a series of management strategies for the coastal zone of New Jersey, including that area defined by the Coastal Area Facility Review Act (CAFRA) of 1973 (N.J.S.A. 13:19-1 et seq.) from the Delaware Memorial Bridge to Raritan Bay, and by the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.). The attached map shows the area covered by CAFRA. It also defines the portions of the State potentially affected by the Federal Coastal Zone Management Act, 17 of New Jersey's 21 counties. The geographic scope of this request includes these 17 counties.

III. N.J.S.A. 13:19-16 outlines the DEP's planning responsibility for the coastal area generally as follows:

By September 19, 1975, prepare and submit to the Governor and the Legislature an environmental inventory of existing facilities and land uses within the designated State coastal area. (This inventory has been completed and submitted as required.)

By September 19, 1976, develop from this inventory and submit alternate long-term management strategies for the coastal area, which preserve environmental values as well as recognize the legitimate goals of economic and residential growth in this area.

By September, 1977, select and submit a final management strategy for the coastal area, which shall include, among other elements, the designation of areas appropriate for the development or expansion of industrial facilities, including energy and energy-related facilities. Further, under CAFRA, developers of new energy facilities in the coastal area and those who wish to alter or expand existing facilities must obtain a construction permit from DEP.

IV. DEP must consider the specific requirements that energy and energy-related facilities may place on the coastal zone, so that sites which may be needed for new energy facilities are not committed to incompatible uses in DEP's management strategy for the coastal zone. Wholly apart from the requirements of any particular projects, DEP must also consider the criteria, general physical requirements and other characteristics that render any area suitable for an energy facility.

V. DEP must also determine the critical areas in the coastal zone from which some or all types of energy facilities should be excluded.

VI. Consideration of energy facility needs is made more timely by proposals for: (a) locating future electric power generating plants within the State's coastal zone and territorial waters, (b) leasing lands on the continental shelf for oil and gas exploration and production, and (c) constructing deep-water ports and liquified natural gas (LNG) terminals. Further, facilities to serve energy needs should be planned so as to minimize adverse impacts and where possible to maximize beneficial impacts on the environment and economy of the State.

VII. During July, 1975, DEP published and widely circulated a proposed version of this request for information. Extensive comments and suggestions were received from energy and energy-related industries, government agencies and others. DEP has significantly revised this request in light of these comments and suggestions.

VIII. By March 1, 1976, DEP requests Federal, State or local agencies, industry associations, individual energy or energy-related industries or any other interested persons to submit (a) principles, requirements and criteria, and (b) specific plans, analyses or other recommendations as to sites for the location or expansion of energy or energy-related facilities within the coastal zones defined by State or Federal law. DEP requests that the information submitted be entered on the attached questionnaire for the convenience of both respondents and DEP.

IX. Also by March 1, 1976, DEP requests agencies, organizations and others to submit criteria by which, or sites from which, one or more types of energy or energy-related facilities should be excluded from the coastal area.

X. DEP has established procedures for safeguarding submitted information that has been mutually agreed by respondents and the DEP to be confidential. Such information may include items such as trade secrets which may jeopardize an organization's competitive position if publicly released. Such information will not be subject to public scrutiny under any current "right to know" statutes. Individuals who may submit such information are requested to contact DEP by February 1, 1976, so that provisions as to the confidentiality and safeguards for such information will be clear to all parties before the information is actually submitted. Any published aggregation of the information received will protect confidentiality.

XI. DEP will review and aggregate or summarize the information received, and intends to publish an estimate of the energy facility demands on the coastal zone. Any publication will be made available for public review. It will also incorporate relevant information obtained from studies underway or already completed by the Mid-Atlantic Governors' Coastal Resources Council, the Congressional Office of Technology Assessment, the Department of the Interior, the American Petroleum Institute and other published sources.

XII. Respondents should submit, as appropriate, the following kinds of information for the various types of energy and energy-related facilities:

A. The type(s) of facilities, specifically those identified in the questionnaire and any other energy-related facilities, including the expansion or significant alteration of existing facilities.

B. Physical requirements of or recommendations or criteria for the physical requirements for each energy and energy-related facility.

C. An analysis of possible alternate locations or recommendations for such locations.

D. An estimate of the potential beneficial and adverse environmental and economic impacts of the facility on the municipality, county and region of the State in which the facility is to be located.

E. An indication of the employment created by both the construction and operation of the facility.

F. Status of land acquisition for the facility.

G. Where appropriate for public safety reasons, requirements for exclusion zones or incompatible uses of adjacent land.

H. Where appropriate for health, ecological or other environmental reasons, criteria or sites from which certain types of energy facilities should be prohibited.

I. Any additional information that a respondent believes would aid DEP in its coastal planning for energy facility siting.

XIII. Information in response to this request should be submitted to:

David N. Kinsey, Chief
Office of Coastal Zone Management
Division of Marine Services
Department of Environmental Protection
P.O. Box 1889
Trenton, New Jersey 08625

This Notice is published as a matter of public information.

J. Edward Crabiel
Secretary of State

(a)

ENVIRONMENTAL PROTECTION DIVISION OF FISH, GAME AND SHELLFISHERIES

Rule on Scallop Season Designation

On December 11, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule, known within the Department of Environmental Protection as Docket No. DEP 055-75-12, concerning the designation of the beginning of the scallop season.

Full text of the adopted rule follows:

7:25-9.4 Designation of scallop season

Pursuant to authority of N.J.S.A. 50:1-5, the date for the beginning of the scallop season as indicated in Resolution Number 99 of the Shellfisheries Council dated November 25, 1968, is hereby designated as December 15, 1975.

An order adopting this rule was filed and became effective on December 15, 1975, as R.1975 d.365 (Exempt, Emergency Rule).

J. Edward Crabiel
Secretary of State

(b)

ENVIRONMENTAL PROTECTION DIVISION OF FISH, GAME AND SHELLFISHERIES

Revisions Concerning Hard Clams

On December 14, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a revised rule, to be cited as N.J.A.C. 7:25-9.3, concerning hard clams, as proposed in the Notice published July 10, 1975, at 7 N.J.R. 309(a).

This rule is known within the Department of Environmental Protection as Docket No. DEP 046-75-06.

An order adopting this revised rule was filed and became effective on December 15, 1975, as R.1975 d.367.

J. Edward Crabiel
Secretary of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendment on Floodway Delineation For Main Stem of the Delaware River

On December 18, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:16A-52 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment, known within the Department of Environmental Protection as Docket No. DEP 003-74-09, concerning the floodway delineation for the main stem of the Delaware River.

Full text of the adopted amendment follows:

7:13-1.11(c)21. Council Adoption Date	Stream Delaware River	Limits Calhoun Street Bridge to Tocks Island
12-15-75		

An order adopting this amendment was filed and became effective on December 18, 1975, as R.1975 d.376.

J. Edward Crabiel
Secretary of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Rules on Control and Prohibition of Air Pollution By Volatile Organic Substances

On December 18, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 26:2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules on the control and prohibition of air pollution by volatile organic substances, known within the Department of Environmental Protection as Docket No. DEP 011-74-10, substantially as proposed in the Notice published February 6, 1975, at 7 N.J.R. 47(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such rules may be cited as N.J.A.C. 7:27-16.1 et seq.

Copies of the complete text of these rules and a discussion of the substantive changes made to these rules as it appears in the public hearing report may be obtained from:

Herbert Wortreich, Chief
Bureau of Air Pollution Control
Department of Environmental Protection
Post Office Box 2807
Trenton, New Jersey 08625

An order adopting these rules was filed December 18, 1975, as R.1975 d.377 to become effective on March 1, 1976.

J. Edward Crabiel
Secretary of State

(c)

HEALTH

COMMUNITY HEALTH SERVICES

Proposed Rules on Cosmetic Product Warning Statements

The State Department of Health, pursuant to authority of N.J.S.A. 24:2-1, proposes to adopt new rules concerning cosmetic product warning statements.

Full text of the proposed rules follows:

8:21-1.25 Cosmetic product warning statements

(a) As used in these regulations, the following terms shall have the following meanings:

"Commissioner" means the State Commissioner of Health.

"Department" means the State Department of Health.

"Cosmetic" means "cosmetic" as defined in N.J.S.A. 24:1-h.

"Label" means "label" as defined in N.J.S.A. 24:1-1j.

"Labeling" means "labeling" as defined in N.J.S.A. 24:1-k.

(b) Rules concerning the establishment of warning statements are:

1. The label of a cosmetic product shall bear a warning statement whenever necessary or appropriate to prevent a health hazard that may be associated with the product.

2. The Commissioner either on his own initiative or on behalf of an interested person who has submitted a petition, may publish a proposal to establish or amend subsection (d) of this Section, a regulation prescribing a warning for a cosmetic. Any such petition shall include an adequate factual basis to support the petition, and will be published for comment if it contains reasonable grounds for the proposed regulation.

(c) Rules on the conspicuousness of warning statements are:

1. A warning statement shall appear on the label prominently and conspicuously as compared to other words, statements, designs or devices, and in bold type on contrasting background to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, but in no case may the letters and/or numbers be less than 1/16 inch in height, unless an exemption pursuant to this Section is established.

2. If the label of any cosmetic package is too small to accommodate the information as required by this Section, the Commissioner may establish by regulation an acceptable alternative method.

(d) Rules on the labeling of cosmetic products for which adequate substantiation of safety has not been obtained are:

1. Each ingredient used in a cosmetic product and each finished cosmetic product shall be adequately substantiated for safety prior to marketing. Any such ingredient or product whose safety is not adequately substantiated prior to marketing is misbranded unless it contains the following conspicuous statement on the principal display panel:

"Warning: The safety of this product has not been determined."

2. An ingredient or product having a history of use in or as a cosmetic may at any time have its safety brought into question by new information that in itself is not conclusive. The warning required by paragraph 1. above is not required for such an ingredient or product if:

i. The safety of the ingredient or product had been adequately substantiated prior to development of the new information;

ii. The new information does not demonstrate a hazard to human health; and

iii. Adequate studies are being conducted to determine expeditiously the safety of the ingredient or product.

3. Paragraph 2. of this subsection does not constitute an exemption to the adulteration provisions of Title 24, N.J.S.A. or to any other requirement in Title 24, N.J.S.A., or this regulation.

(e) Rules on cosmetics in self-pressurized containers are:

1. The label of a cosmetic packaged in a self-pressurized container and intended to be expelled from the package under pressure shall bear the following warning:

"Warning: Avoid spraying in eyes. Contents under pressure. Do not puncture or incinerate. Do not store at temperature above 120°F. Keep out of reach of children."

2. In the case of products intended for use by children, the phrase "except under adult supervision" may be added at the end of the last sentence in the warning required by paragraph 1. of this subsection.

3. In the case of products packaged in glass containers, the word "break" may be substituted for the word "puncture" in the warning required by paragraph 1. of this subsection.

4. The words "avoid spraying in eyes" may be deleted from the warning required by paragraph 1. of this subsection in the case of a product not expelled as a spray.

5. In addition to the warning required by paragraph 1. of this subsection, the label of a cosmetic packaged in a self-pressurized container in which the propellant consists in whole or in part of a halocarbon or a hydrocarbon shall bear the following warning:

"Warning: Use only as directed. Intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal."

6. The warning required by paragraph 5. of this subsection is not required for the following products:

i. Products expelled in the form of a foam or cream, which contain less than ten per cent propellant in the container;

ii. Products in a container with a physical barrier that prevents escape of the propellant at the time of use;

iii. Products of a net quantity of contents of less than two ounces that are designed to release a measured amount of product with each valve actuation;

iv. Products of a net quantity of contents of less than one-half ounce.

(f) All products labeled after September 3, 1976, and all products introduced into intrastate commerce after September 3, 1977, shall comply with these regulations. No person shall distribute or sell, or have in his possession with intent to distribute or sell any cosmetic product after September 3, 1977, unless all labeling is in compliance with this regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to:

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

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. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Rule Concerning Long-Term Care Facilities

On December 10, 1975, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-12, with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted a rule concerning long-term care facilities, to be cited as N.J.A.C. 8:31-12.1, as proposed in the Notice published November 6, 1975, at 7 N.J.R. 500(c).

An order adopting this rule was filed on December 15, 1975, as R.1975 d.368 to become effective on January 9, 1976.

J. Edward Crabel
Secretary of State

(b)

HEALTH

HEALTH CARE ADMINISTRATION BOARD

Bylaws of Health Care Administration Board

On December 17, 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, adopted bylaws of the Health Care Administration Board.

Full text of the adopted bylaws follows:

CHAPTER 43D. HEALTH CARE ADMINISTRATION BOARD

SUBCHAPTER 1. BYLAWS

8:43D-1.1 Creation of membership

(a) There shall be in the State Department of Health, a Health Care Administration Board, which shall consist of 13 members, 11 of whom shall be appointed by the Governor with the advice and consent of the Senate, and representative of medical and health care facilities and services, labor, industry and the public at large, and two of whom shall be ex-officio members.

(b) The State Commissioner of Health and the State Commissioner of Insurance, or their designated representatives, shall serve as ex-officio voting members of the Board during their respective terms of office.

8:43D-1.2 Terms of office of appointed members

(a) Board members shall be appointed for terms of four years.

(b) Any vacancy occurring in the membership of the Board shall be filled for the unexpired term only.

8:43D-1.3 Compensation and expenses

The appointed members of the Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

8:43D-1.4 Meetings of the Board

(a) Quorum and voting requirements at all meetings are:
1. Seven members of the Board shall constitute a quorum.

2. A quorum shall be present to take a vote for action on the Board. If less than a quorum is present, the meeting shall be adjourned.

3. All action of the Board shall require the majority vote of the members present and voting.

4. An absence shall count as a vote.

5. All members of the Board except the Commissioner of Health and the Commissioner of Insurance shall appear in person at the meeting in order to vote on any action.

6. No appointed member shall vote by proxy.

(b) Frequency and place of meetings rules are:

1. There shall be an annual meeting of the Board each year in May, at which time the Board shall elect its chairperson and vice-chairperson.

2. In the event that neither the chairperson nor the vice-chairperson is present at a meeting of the Board, and provided that a quorum is present, the Board shall then elect a chairperson pro tempore for that meeting.

3. The Board shall meet in the offices of the Department of Health at Trenton, or at such place as the Board shall designate, on the first Thursday of each month that is a regular working day.

4. The chairperson shall have the authority to suspend a regular monthly meeting upon approval of the majority of the Board, or in consultation with the Commissioner of Health.

(c) Special meetings rules are:

1. The Commissioner of Health or the chairperson shall have the authority to call a special meeting of the Board upon giving all members a ten-day written or verbal notice or such meeting, or in case of an emergency, less than a ten-day notice if a quorum can be secured.

2. The Commissioner of Health or the chairperson shall give, with the notice of such special meeting, the reason and purpose for the meeting, the matters to be discussed, and the time and place of such meeting.

3. Board business at special meetings shall not exceed matters given in the notice.

8:43D-1.5 Attendance requirements for regular meetings

(a) The Commissioner of Health and the Commissioner of Insurance, or their designated representatives, shall attend all meetings of the Board.

(b) Any appointed member who is absent, without reasonable cause, from two consecutive regular meetings on two occasions within a 12-month period, shall have his/her name brought to the attention of the Governor for any action the Governor deems appropriate.

8:43D-1.6 Election and removal of officers

(a) The Board shall elect from its appointed membership a chairperson and vice-chairperson at the annual meeting of the Board.

(b) No fewer than two members shall be nominated for each position.

(c) Votes for election of officers shall be by secret, written ballot.

(d) Officers shall hold office for 12 months.

(e) If officers are not elected at the annual meeting, officers who are presently serving shall serve until elections are held.

(f) There are no limitations as to the number of terms an officer may serve.

(g) Any officer may be removed from office by secret, written ballot.

8:43D-1.7 Duties of officers

(a) Chairperson's duties include:

1. Shall consult with the Department of Health in the preparation of the agenda and shall preside over the agenda at Board meetings.

2. Shall, with discretion, present the order of business in a reasonable and orderly fashion.

3. Shall call special meetings.

4. Shall have authority to suspend a regular monthly meeting upon approval of the Board or in consultation with the Commissioner of Health.

(b) The vice-chairperson shall perform the duties of the chairperson when the chairperson is absent or when requested by the chairperson.

(c) The chairperson pro tempore shall perform the duties of the chairperson in the absence of both the chairperson and the vice-chairperson.

8:43D-1.8 Duties of the Board

(a) The Board shall approve all rules and regulations prior to their final adoption by the Commissioner of Health for the purpose of carrying out the provisions of Health Care Facilities Planning Act (N.J.S.A. 26:2H-1 et seq.):

1. Shall provide consultation and advice to the Commissioner of Health in matters of policy affecting the administration of N.J.S.A. 26:2H-1 et seq.

2. Shall review and make recommendations with respect to such rules, regulations and minimum standards necessary to implement N.J.S.A. 26:2H-1 et seq.

(b) The Board shall make a final determination on all denied Certificates of Need in accordance with Article 9 of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1 et seq.).

(c) The Board shall have the authority to request formal, legal opinions from the Attorney General's office on matters relating to N.J.S.A. 26:2H-1 et seq., or on matters as the Board deems appropriate.

(d) Opinions from the Attorney General's office and memoranda from the Department of Health affecting the functions and procedures of this Board shall be identified and appended to the bylaws.

8:43D-1.9 Limitations of participation at Board meetings

(a) Board members, through the chair, have the right to recognize nonmembers of the Board for clarification and/or advice on any issue before the Board that is not before the courts or a hearing examiner.

(b) No member of the public shall discuss at a Board meeting any matters pertaining to a certificate of need denial.

(c) No Board member shall discuss any matter pertaining to a certificate of need application that is not contained in the hearing record or in the hearing examiner's report.

8:43D-1.10 Conflict of interest

(a) All members of the Board are subject to those sections of the law pertaining to Conflicts of Interest (N.J.S.A. 52:13D et seq.) and a summarization of the appropriate sections is contained in Addendum A-1. Also see the letter, dated August 21, 1975, from the Director of the Executive Commission on Ethical Standards which appears as Addendum A-2, attached hereto.

(b) Any appointed member shall refrain from the discussion and voting, and shall leave the meeting of the Board while a final vote is taken, on any matter which puts such member in conflict with subsection (a) of this Section.

8:43D-1.11 Board business

(a) Any business matter brought before the Board by the Commissioner of Health shall be considered within two consecutive regular meetings of the Board or as the Commissioner of Health shall direct.

(b) Any business matter brought before the Department of Health by the Board shall be considered within two consecutive regular meetings of the Board.

(c) Any amendment to the bylaws presented to the Board shall be considered for adoption at the Board's next regular meeting.

(d) The Department of Health shall supply the Board with secretarial services.

8:43D-1.12 Relationship with other health agencies

(a) The Board may elect a representative from among its members to consult with the State Health Planning Council, and to attend the Council's meetings, in order to establish better communications between the two health agencies.

(b) The State Health Planning Council is permitted to have a representative to consult with the Health Care Administration Board, and to attend the Board's meetings, in order to establish better communications between the two health agencies.

8:43D-1.13 Enactment and adoption of bylaws

(a) The Board may enact, and from time to time may amend, its bylaws in relation to its meetings and the transaction of its business.

(b) The Health Care Administration Board bylaws are hereby effective November 6, 1975, and said bylaws shall be published in the New Jersey Register.

(c) All members of the Board shall be given a copy of the bylaws, including all addenda, upon appointment to the Board.

ADDENDUM A-1

Conflicts of Interest

Summarization of Appropriate Sections of N.J.S.A. 52:13D et seq.

52:13D-14 You may not accept, yourself or through any member of your family or business associates, any gift, favor or employment which you have reason to believe is an attempt to influence you in the performance of your official duties.

52:13D-16 Neither you nor your firm, or any partner or employee thereof, may represent, appear for or negotiate on behalf of any party other than the State in connection with any matter pending before the particular office, bureau, board, council, commission, authority, agency, fund or system in which you hold office.

52:13D-17 You may not, subsequent to the termination of your present position represent, appear for or negotiate on behalf of any party other than the State in connection with any matter in which you have been substantially or directly involved while serving in this position, nor may you act through a firm, partner, associate or business associate in connection with such a matter.

52:13D-20 You may not act as an officer or agent for any State agency, for the transaction of any business with yourself or with any firm in the profits of which you have an interest.

52:13D-24 You may not solicit or receive, or agree to receive, any compensation, employment or gift from any source except the State of New Jersey for any service, advice or assistance related to your official duties or position.

You are permitted, however, to receive a reasonable fee for a speech or a published work relating to your official duties, as well as reimbursement of actual travel and subsistence expenses if not reimbursed by the State of New Jersey. The State indicates through extant travel regulations those situations in which reimbursement for such expenses must be made by the State and the procedure

to be followed strictly in securing reimbursement. It is to be noted that under the Executive Commission guidelines, you may not receive travel and subsistence expenses from people, organizations, or corporations which you license, regulate or control in your official position.

52:13D-25 You may not disclose to any person any information not generally available to the public which you acquire in the course of your official duties, and you may not use such information for direct or indirect financial gain.

ADDENDUM A-2

Dear _____

Thank you for your letter to the Executive Commission on Ethical Standards requesting advice on whether there is any conflict of interest between your position as a member of the Health Care Administration Board and Chairman of the Board of the _____ Medical Center.

Having considered all the information submitted, the Commission has determined that there is no conflict of interest between your dual positions; however, you are cautioned, as a member of the Health Care Administration Board, to refrain from any discussion or action on matters which directly concern the _____ Medical Center alone.

Although at present there is no statutory regulation mandating the composition of the Health Care Administration Board, the Commission has expressed its concern over the fact that the majority of the members of the Board, to refrain from any discussion or action on matters the Board representing health care consumers.

The Commission has written to the Governor requesting legislative changes be enacted to affect the occupational composition of this and other boards, requiring that the majority of its members should be representatives of the consumer public. The Chairman of the Health Care Administration Board, Malcolm Borg, will be notified immediately when any legislation on this matter is enacted.

Very truly yours,
Elaine B. Goldsmith
Director

An order adopting these bylaws was filed and became effective on December 18, 1975, as R.1975 d.372 (Exempt, Procedure Rule).

J. Edward Crabiel
Secretary of State

(a)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Proposed Revisions to Comprehensive Social Services Plan

Alan J. Gibbs, Deputy Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, proposes to revise portions of the State Comprehensive Social Services Plan. The proposed revisions involve the deletion of the current text of N.J.A.C. 10:125-1.2(d)11. and 13. and the adoption of new text therein, plus additional revisions to charts and schedules included in the Plan.

(Continued on page 35)

1975 CUMULATIVE REGISTER INDEX

For Vol. 7 — Cited 7 N.J.R. 1-580

(Index for Vol. 6 is in January, 1975 Register)

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INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through last month. It is adjusted in the month during which a mail-

ing 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

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Adoption Notice (N.J.R. Citation)</u>
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)
2:49-1.1 et seq.	Revised rules on minimum prices for milk	R.1975 d.232	7 N.J.R. 399(b)
2:49-1.1(b)	Revised minimum milk prices	R.1975 d.272	7 N.J.R. 454(a)
2:49-1.1(b)	Revised minimum milk price	R.1975 d.303	7 N.J.R. 494(c)
2:49-1.1(b)	Revised minimum milk prices	R.1975 d.361	8 N.J.R. 5(b)
2:71-1.23 et seq.	Revisions on shell eggs	R.1975 d.358	8 N.J.R. 3(a)
2:73-2.5(f)	Revisions on use of Seal of Quality	R.1975 d.356	8 N.J.R. 2(b)
2:73-2.7	Revised license fees	R.1975 d.356	8 N.J.R. 2(b)
2:90-1.1 et seq.	Rules of State Soil Conservation Committee	R.1975 d.360	8 N.J.R. 3(b)
2:90-1.12	Municipal ordinances for soil erosion and sedimentation control	R.1975 d.366	8 N.J.R. 5(a)
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3:1-2.27	Officially recognized data sources	R.1975 d.155	7 N.J.R. 292(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)
3:7-4.1 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 in required reserve	R.1975 d.325	7 N.J.R. 539(c)
3:11-2.1	Revisions on exclusion from liabilities of controlling corporation	R.1975 d.226	7 N.J.R. 400(b)
3:17-6.1 et seq.	Revisions to small loan law regulations	R.1975 d.147	7 N.J.R. 291(c)
3:19-1.6	License number	R.1975 d.148	7 N.J.R. 291(d)
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)
3:30-1.3	Revised effective date of savings account rule	R.1975 d.265	7 N.J.R. 454(b)
3:32-1.1 et seq.	Conversion of mutual association to capital stock association	R.1975 d.352	8 N.J.R. 9(c)
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5:30-1.9	Implementation of Housing and Community/Development Act	R.1975 d.287	7 N.J.R. 497(b)
5:71-1.1 et seq.	Rules on county offices on aging	R.1975 d.192	7 N.J.R. 355(a)
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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)
6:11-8.8	Certification in bilingual/bicultural education	R.1975 d.306	7 N.J.R. 498(d)
6:11-8.9	Certification in teaching English as a second language	R.1975 d.297	7 N.J.R. 498(c)
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6:11-12.21	Educational media specialist	R.1975 d.123	7 N.J.R. 251(b)
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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)
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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)
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6:31-1.1 et seq.	Rules on bilingual education	R.1975 d.296	7 N.J.R. 498(b)
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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)
6:44-6.4(c)	Amendment on certification by examination	R.1975 d.369	8 N.J.R. 10(b)
6:47-1.2(h)	Vocational-management services	R.1974 d.174	6 N.J.R. 301(c)
6:68-1.1 et seq.	Revised rules on State library aid	R.1975 d.275	7 N.J.R. 460(a)
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)

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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 rules formerly cited 7:9-7.29 - .34	R.1974 d.310	6 N.J.R. 470(c)
7:9-13.1 et seq.	Rules on sewerage connection bans	R.1975 d.302	7 N.J.R. 499(e)
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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)
7:13-1.11(c)21	Main stem of Delaware River delineated	R.1975 d.376	8 N.J.R. 15(a)
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)
7:25-2.1 et seq.	Revisions for public shooting and fishing grounds	R.1975 d.292	7 N.J.R. 499(c)
7:25-2.14	Field trial activities	R.1975 d.291	7 N.J.R. 499(b)
7:25-2.15	Revisions on controlled hunting	R.1975 d.281	7 N.J.R. 464(b)
7:25-5.1 et seq.	1975-76 Game Code	R.1975 d.178	7 N.J.R. 310(c)

7:25-5.26	Special pheasant and quail stamp required	R.1975 d.277	7 N.J.R. 464(a)
7:25-5.27	Use of conibear traps	R.1975 d.290	7 N.J.R. 499(a)
7:25-6.1 et seq.	1975 Fish Code	R.1974 d.253	6 N.J.R. 394(a)
7:25-6.1 et seq.	1976 Fish Code	R.1975 d.301	7 N.J.R. 499(d)
7:25-7.10	Oyster seed beds for 1975 season	R.1975 d.74	7 N.J.R. 151(a)
7:25-7.11	Rules on mussels	R.1975 d.133	7 N.J.R. 261(b)
7:25-9.3	Hard Clams	R.1975 d.367	8 N.J.R. 14(b)
7:25-9.4	Designation of scallop season	R.1975 d.365	8 N.J.R. 14(a)
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 in 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)
7:26-2.6(d)4	Revised effective date of solid waste rule	R.1975 d.271	7 N.J.R. 463(b)
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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)
8:21-4.1 et seq.	Delete text of Subchapter 4	R.1975 d.320	7 N.J.R. 503(b)
8:21-4.44	Amend rule on expiration dates for fluid milk products	R.1974 d.361	7 N.J.R. 56(b)
8:21-5.1 et seq.	Revise acidified milk and fluid milk products rules	R.1975 d.320	7 N.J.R. 503(b)
8:21-9.3(a)	Delete exemption for wholesale handling of raw shellfish	R.1974 d.184	6 N.J.R. 310(a)
8:21-9.5	Revised wholesale licensing fees	R.1975 d.299	7 N.J.R. 501(a)
8:21-10.11	Delete entire text of Subchapter 5	R.1975 d.320	7 N.J.R. 508(b)
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)
8:31-12.1	Long-term care facilities	R.1975 d.368	8 N.J.R. 16(a)
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)
8:31-14.9	Revisions on hospital rate review appeals board	R.1975 d.321	7 N.J.R. 503(c)
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 reporting systems	R.1975 d.271	7 N.J.R. 463(b)
		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)
8:31-20.1 et seq.	1977 hospital rate review rules	R.1975 d.312	7 N.J.R. 501(b)
8:31-20.1 et seq.	Guidelines for 1976 hospital rate review program	R.1975 d.314	7 N.J.R. 502(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)
8:31-21.1 et seq.	Guidelines for submission of certificate of need applications	R.1975 d.315	7 N.J.R. 503(a)
8:33-1.11	Continuation of mixing skilled nursing facilities 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)
8:34-1.2	Define responsible administrative positions	R.1975 d.313	7 N.J.R. 502(a)
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)
8:43D-1.1 et seq.	Bylaws of Health Care Administration Board	R.1975 d.372	8 N.J.R. 16(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

9:2-2.27	Revise salary rate for adjunct faculty at State colleges	R.1975 d.257	7 N.J.R. 464(c)
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

10:34-1.1 et seq.	Minimum standards for county correctional facilities	R.1975 d.300	7 N.J.R. 506(c)
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 mentally retarded institutions	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)
10:51-1.8	Revised pharmaceutical services not eligible for payment	R.1975 d.317	7 N.J.R. 507(b)
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)
10:52-1.2(a)	Sterilization rule revised	R.1975 d.373	8 N.J.R. 38(a)
10:52-1.4	Revisions in special provisions for general hospitals	R.1974 d.339	7 N.J.R. 8(a)
10:52-1.7(a)	Sterilization rule revised	R.1975 d.373	8 N.J.R. 38(a)
10:52-1.15	Reimbursement of third-party claims	R.1975 d.204	7 N.J.R. 364(b)
10:52-2.11	Timely submission of hospital claims	R.1975 d.316	7 N.J.R. 507(a)
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)
10:53-1.2(a)	Sterilization rule revised	R.1975 d.373	8 N.J.R. 38(a)
10:53-1.6(a)	Sterilization rule revised	R.1975 d.373	8 N.J.R. 38(a)
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)
10:54-1.20(b)	Sterilization rule revised	R.1975 d.373	8 N.J.R. 38(a)
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)

10:56-1.16	Revisions on dental services	R.1975 d.262	7 N.J.R. 466(a)
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)
10:60-1.1 et seq.	Revisions on home health care services	R.1975 d.354	8 N.J.R. 37(b)
10:60-1.16	Timely submission of hospital claims	R.1975 d.316	7 N.J.R. 507(a)
10:61-1.1 et seq.	Revised rules on independent laboratory services	R.1975 d.224	7 N.J.R. 420(a)
10:62-1.1 et seq.	Revisions to vision care manual	R.1974 d.181	6 N.J.R. 312(c)
10:62-2.2(a)2	Revisions on reimbursable vision care services	R.1975 d.261	7 N.J.R. 465(b)
10:62-2.3(j)	Curtailment of reimbursable vision care services	R.1975 d.261	7 N.J.R. 465(b)
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)
10:63-1.15	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)
10:64-1.2 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)
10:66-1.20(b)	Sterilization rule revised	R.1975 d.373	8 N.J.R. 38(a)
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		R.1975 d.280	7 N.J.R. 467(a)
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)
10:81-6.13(a)	Revisions on fair hearings	R.1975 d.280	7 N.J.R. 467(a)
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)
Appendix D			
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)
10:86-6.12(c)	Revisions on fair hearings	R.1975 d.280	7 N.J.R. 467(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)
10:123-1.1 et seq.	Revised State Plan for individuals and families	R.1975 d.283	7 N.J.R. 467(c)
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 standards for juvenile shelters awaiting disposition	R.1975 d.219	7 N.J.R. 419(b)
10:125-1.1 et seq.	Comprehensive social services plan	R.1975 d.220	7 N.J.R. 467(b)
10:126-1.1 et seq.	State training plan under Title XX of Social Security Act	R.1975 d.298	7 N.J.R. 506(b)
10:140-1.1 et seq.	1976 State Plan annual revision	R.1975 d.282	7 N.J.R. 419(c)

INSURANCE — TITLE 11

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 providing 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)
11:1-6.1	Property-Liability Insurance Guaranty Association charge	R.1975 d.319	7 N.J.R. 507(d)
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	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)
11:3-6.3(b)5.iv.	Revisions concerning temporary identification cards	R.1974 d.208	6 N.J.R. 322(b)
11:3-9.2	Private automobile rating class; revoked or suspended	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)
11:5-1.3	Amendment concerning broker applications	R.1974 d.307	6 N.J.R. 478(e)
11:5-1.10(b)	Payment of commissions to terminated salesmen	R.1975 d.260	7 N.J.R. 469(c)
11:5-1.23(e)	Transmittal of offers	R.1975 d.260	7 N.J.R. 469(c)
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)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised maximum weekly benefit 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)
12:175-1.1 et seq.	Emergency rules on ski lifts	R.1975 d.371	8 N.J.R. 42(a)
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)

LAW AND PUBLIC SAFETY — TITLE 13

13:1-4.1(a)3	Revisions on police officer certification—basic training	R.1975 d.370	8 N.J.R. 48(a)
13:2-13.3 et seq.	Revisions on licensees	R.1975 d.237	7 N.J.R. 436(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)
13:2-34.8	Revisions on wholesale prices	R.1975 d.263	7 N.J.R. 482(c)
13:2-34.14(d)	Amendment on wholesale prices of alcoholic beverages and returns	R.1975 d.353	8 N.J.R. 47(c)
13:18-8.1	Rule on overhang standards	R.1975 d.285	7 N.J.R. 483(a)
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)
13:21-18.1 et seq.	Rules on snowmobile registration	R.1975 d.289	7 N.J.R. 508(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)
13:30-8.1	Fee schedules	R.1975 d.259	7 N.J.R. 482(b)
13:35-3.6	Board of Medical Examiners fee schedule	R.1975 d.172	7 N.J.R. 343(a)
13:35-3.6	Revised fees for medical examiners	R.1975 d.172	7 N.J.R. 343(a)
13:36-3.6	Examination review procedure	R.1975 d.309	7 N.J.R. 509(a)
13:42-1.1	Examination review procedure	R.1975 d.310	7 N.J.R. 510(a)
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)

PUBLIC UTILITIES — TITLE 14

14:1-10.11	Rule on hearing procedures	R.1974 d.313	6 N.J.R. 487(b)
14:3-3.1 et seq.	Revision on home insulation program	R.1975 d.305	7 N.J.R. 510(b)
14:5-1.2(b)	Revisions on separation and protection of conductors buried in earth	R.1975 d.215	7 N.J.R. 437(a)
14:5-4.1 et seq.	Revised rules on residential electrical underground extensions	R.1975 d.243	7 N.J.R. 437(b)
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)

STATE — TITLE 15

15:10-1.1 et seq.	Voter registration by mail	R.1974 d.270	6 N.J.R. 412(b)
15:10-1.1 et seq.	Revisions on voter registration by mail	R.1975 d.114	7 N.J.R. 278(a)

TRANSPORTATION — TITLE 16

16:3-1.1 et seq.	Uniform patent policy	R.1975 d.160	7 N.J.R. 345(b)
16:26-3.1 et seq.	Revisions on highway safety lighting	R.1975 d.288	7 N.J.R. 521(b)
16:28-1.10	Revised speed limits on parts of U.S. 46	R.1975 d.95	7 N.J.R. 237(b)
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)
16:28-1.67	Revisions to rates of speed on parts of U.S. 202	R.1974 d.325	7 N.J.R. 32(b)
16:28-1.68	Revised rates of speed on parts of Route 17	R.1975 d.153	7 N.J.R. 344(d)
16:28-1.76	Revised speed limits on parts of Route 15	R.1974 d.354	7 N.J.R. 73(c)
16:28-1.77	Revised rates of speed on parts of Route 29	R.1975 d.144	7 N.J.R. 344(c)
16:28-1.96	Revise rates of speed on Route N.J. 45	R.1974 d.326	7 N.J.R. 32(c)
16:28-1.100	Revised speed limits on Route 439	R.1975 d.50	7 N.J.R. 178(c)
16:28-1.107	Revised speed limits on parts of Route 48	R.1975 d.294	7 N.J.R. 521(c)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R.1974 d.249	6 N.J.R. 414(a)
16:28-1.122	Revisions to rates of speeds on U.S. 1, 9 and 46	R.1974 d.291	6 N.J.R. 493(a)
16:28-1.148	Revised speed limits on Route I-295	R.1975 d.24	7 N.J.R. 118(c)
16:28-1.157	Rates of speeds on Route 173	R.1974 d.291	6 N.J.R. 493(a)
16:28-1.158	Speed limits on Route 87 in Atlantic City	R.1974 d.249	6 N.J.R. 414(a)
16:28-1.159	Rates of speed on parts of Route 33	R.1975 d.17	7 N.J.R. 118(b)
16:28-1.160	Speed limits on portions of Route I-78	R.1974 d.340	7 N.J.R. 32(d)
16:28-1.162	Speed limits on Route 33 Freeway	R.1975 d.274	7 N.J.R. 488(a)
16:28-2.1	Weight limit along Route 152 in Egg Harbor Township	R.1975 d.63	7 N.J.R. 178(d)
16:28-3.77	Rules on restricted parking along certain State highways	R.1974 d.216	6 N.J.R. 359(b)
16:28-3.20 et seq.	Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130	R.1974 d.226	6 N.J.R. 359(d)
16:28-3.24	Route number U.S. 40	R.1974 d.226	6 N.J.R. 359(d)
16:28-3.25	Route number 47	R.1974 d.292	6 N.J.R. 493(b)
16:28-3.26	No parking; Route 35	R.1974 d.292	6 N.J.R. 493(b)
16:28-3.27	No parking; Route 27	R.1974 d.359	7 N.J.R. 74(a)
16:28-3.28	Restricted parking rules on various State highways		
through 16:28-3.41		R.1975 d.16	7 N.J.R. 117(a)
16:28-3.42	Restricted parking along certain State highways		
through 16:28-3.50		R.1975 d.49	7 N.J.R. 178(b)
16:28-3.51	Rules on restricted parking on various State highways		
through 16:28-3.62		R.1975 d.143	7 N.J.R. 344(b)
16:28-3.63	Rules on restricted parking on various State highways		
through 16:28-3.67		R.1975 d.154	7 N.J.R. 345(a)
16:28-3.68	Rules on restricted parking on various State highways		
through 16:28-3.71		R.1975 d.202	7 N.J.R. 387(c)
16:28-3.72	Rules on restricted parking on certain State highways		
through 16:28-3.76			
16:28-3.77	Rules on restricted parking along certain State highways	R.1975 d.269	7 N.J.R. 487(c)
through 16:28-3.83			
16:28-3.84 through	Revised rules on no-parking zones along various State highways	R.1975 d.295	7 N.J.R. 522(a)
16:28-3.89			
16:28-4.1 et seq.	One-way street regulations	R.1974 d.225	6 N.J.R. 359(c)

16:28-4.3	One-way traffic along Route 79	R.1974 d.293	6 N.J.R. 493(c)
16:28-4.4	One-way traffic on parts of Route U.S. 202	R.1975 d.255	7 N.J.R. 439(c)
16:28-5.1	Designation of stop intersections	R.1974 d.250	6 N.J.R. 414(b)
16:28-6.1	No left turn rules on parts of Route U.S. 206	R.1974 d.324	7 N.J.R. 32(a)
16:28-6.1	Revisions on left turns on Route U.S. 206 in Bedminster Township	R.1975 d.48	7 N.J.R. 178(a)
16:28-7.1	Lane usage on Route 35	R.1975 d.375	8 N.J.R. 50(b)
16:41-1.1 et seq.	Revised fees for highway access permits	R.1975 d.13	7 N.J.R. 73(b)
16:41-2.3 et seq.	Revised fee schedules	R.1975 d.207	7 N.J.R. 387(d)
16:50-2.6	Rule on emergency hearings	R.1975 d.199	7 N.J.R. 387(b)
16:51-4.1 et seq.	Delegation of powers for seniors half-fare bus program	R.1975 d.113	7 N.J.R. 280(b)
16:54-6.1 et seq.	Take-off or landing by balloons	R.1974 d.308	6 N.J.R. 494(a)
16:54-6.1 et seq.	Revised rules on ballooning	R.1975 d.131	7 N.J.R. 281(a)
16:65-2.1 et seq.	Revisions on distribution of standard specifications	R.1975 d.195	7 N.J.R. 387(a)

TREASURY-GENERAL — TITLE 17

17:1-1.8 et seq.	Revisions on general administration	R.1975 d.235	7 N.J.R. 446(a)
17:1-1.15(e)	Compliance with endorsement requirements	R.1974 d.219	6 N.J.R. 360(a)
17:1-1.17	Revisions on administrative expenses and their proration	R.1975 d.30	7 N.J.R. 122(a)
17:2-1.13 et seq.	Revisions on Public Employees' Retirement System	R.1974 d.230	6 N.J.R. 361(a)
17:3-1.4 et seq.	Revise rules of teachers' pension and annuity fund	R.1975 d.140	7 N.J.R. 349(a)
17:4-1.4 et seq.	Revisions to rules of Police and Firemen's Retirement System	R.1975 d.191	7 N.J.R. 393(a)
17:7-1.9 et seq.	Revise parts of Prison Officers' Pension Fund rules	R.1975 d.213	7 N.J.R. 442(a)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R.1974 d.231	6 N.J.R. 361(b)
17:9-2.3	Revisions on annual enrollment period	R.1974 d.228	6 N.J.R. 360(c)
17:9-2.15	Major medical; separate plans	R.1975 d.68	7 N.J.R. 181(a)
17:9-4.2	Revised definition of State; full time	R.1975 d.68	7 N.J.R. 181(a)
17:9-5.4	Revisions on local employer payment of dependent charges	R.1974 d.229	6 N.J.R. 360(d)
17:9-5.5	Revisions concerning local employer resolution	R.1975 d.65	7 N.J.R. 180(c)
17:9-5.6	Health maintenance organization premiums	R.1974 d.228	6 N.J.R. 360(c)
17:9-5.10	Retroactive premiums; payment due	R.1975 d.159	7 N.J.R. 349(b)
17:9-6.3	Amend retired coverage limitations	R.1975 d.159	7 N.J.R. 349(b)
17:10-3.1	Revised computation of benefits	R.1974 d.335	7 N.J.R. 34(a)
17:10-5.7	Revised employer disability application; employee notice	R.1974 d.335	7 N.J.R. 34(a)
17:16-5.4	Revised demand group	R.1975 d.11	7 N.J.R. 76(b)
17:16-5.5	Revised temporary reserve group	R.1975 d.362	8 N.J.R. 51(a)
17:16-5.5	Revised temporary reserve group	R.1975 d.278	7 N.J.R. 490(a)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R.1974 d.192	6 N.J.R. 328(c)
17:16-6.1(a)8.	Add Federal Financing Bank to approved list	R.1974 d.323	6 N.J.R. 496(a)
17:16-6.1	Revised rules on U.S. Treasury and government agency obligations	R.1975 d.97	7 N.J.R. 241(a)
17:16-7.3	Delete from revolving housing development grant fund	R.1974 d.191	6 N.J.R. 328(b)
17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities	R.1974 d.321	6 N.J.R. 495(b)
17:16-9.1(a)5.	Revision concerning finance companies—senior debt	R.1974 d.322	6 N.J.R. 495(c)
17:16-11.1	Revisions on applicable funds	R.1975 d.363	8 N.J.R. 51(b)
17:16-13.5	Revisions on legal papers; commercial paper	R.1974 d.218	6 N.J.R. 361(c)
17:16-13.5	Revisions on legal papers	R.1975 d.236	7 N.J.R. 442(b)
17:16-29.1	Revised definition for FHA mortgages	R.1975 d.364	8 N.J.R. 51(c)
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)
17:16-38.1 et seq.	Common Pension Fund C	R.1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R.1974 d.263	6 N.J.R. 415(b)
17:16-39.1 et seq.	Collateralized notes and mortgages	R.1975 d.67	7 N.J.R. 180(d)
17:20-5.10	Revise agent's compensation rule	R.1974 d.329	7 N.J.R. 33(b)
17:21-1.4(b)	Revisions on special lotteries	R.1974 d.224	6 N.J.R. 360(b)
17:21-2.3 et seq.	Revised rules concerning weekly lottery	R.1974 d.329	7 N.J.R. 33(b)
17:21-6.1	Delete rules on daily lottery	R.1975 d.374	8 N.J.R. 52(a)
through 17:21-6.6			
17:21-6.9	Final drawings for daily lottery	R.1975 d.374	8 N.J.R. 52(a)
17:21-11.1 et seq.	1776 Instant Lottery rules	R.1975 d.318	7 N.J.R. 525(a)

TREASURY-TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R.1974 d.182	6 N.J.R. 328(a)
18:2-2.1 et seq.	Rules on imposition of penalties and interest	R.1975 d.284	7 N.J.R. 490(b)
18:5-3.10(d)	Revised rule on decalomania revenue stamps on cigarettes	R.1975 d.28	7 N.J.R. 122(b)
18:6-1.1	Revised definition of cost of doing business	R.1974 d.243	6 N.J.R. 414(d)
18:12A-1.6 et seq.	Revisions concerning County Boards of Taxation	R.1975 d.46	7 N.J.R. 180(b)
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)
18:16-1.1 et seq.	Revisions on realty transfer fees	R.1975 d.242	7 N.J.R. 443(a)
18:16-2.2(b) et seq.	Revisions of realty transfer fee law rules	R.1975 d.286	7 N.J.R. 490(c)
18:22-7.6	Gross receipts from transactions; municipal electric supplies	R.1975 d.45	7 N.J.R. 180(a)
18:24-1.14	Effective date of exemption organization permit	R.1975 d.187	7 N.J.R. 350(b)
18:24-5.16(f)	Revisions on use of certificate of capital improvement for sales tax	R.1975 d.246	7 N.J.R. 446(b)
18:24-10.4	Acceptance in good faith	R.1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R.1974 d.244	6 N.J.R. 414(e)
18:24-11.2	Filing of monthly and quarterly returns	R.1975 d.4	7 N.J.R. 77(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R.1974 d.252	6 N.J.R. 415(a)
18:26	Revised list of district supervisors and investigators	R.1975 d.270	7 N.J.R. 489(b)
Appendix A			
18:26-6.16	No fault insurance rules	R.1975 d.186	7 N.J.R. 350(a)
18:26-8.7	Preaudit payment of inheritance tax	R.1975 d.85	7 N.J.R. 240(c)
18:26-8.7	Revisions on preaudit payment of inheritance tax	R.1975 d.348	7 N.J.R. 578(c)
18:26-8.25	Certificates of deposits, savings certificates and special savings	R.1975 d.177	7 N.J.R. 349(c)
18:26-11.20	Revisions on release of safe deposit box contents	R.1975 d.247	7 N.J.R. 447(a)
18:26-11.21	Revised conditions for opening safe deposit box	R.1975 d.247	7 N.J.R. 447(a)
18:26-11.26	Revisions on box rented by corporation	R.1975 d.247	7 N.J.R. 447(a)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making loans to mortgage lenders	R.1974 d.233	6 N.J.R. 370(b)
19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1975 d.311	7 N.J.R. 528(a)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R.1974 d.251	6 N.J.R. 418(b)
19:3A-2.1	Required land use and control meadows; flood insurance	R.1974 d.213	6 N.J.R. 369(b)
19:3A-2.2	Securing coverage under National Flood Insurance Program	R.1974 d.212	6 N.J.R. 361(d)
19:4-6.25	Revisions on Hackensack Meadowland appeals	R.1975 d.355	8 N.J.R. 52(c)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R.1974 d.214	6 N.J.R. 369(a)
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)
19:25-7.8	Revision on use of funds by political committees	R.1975 d.359	8 N.J.R. 52(b)
19:25-12.2	Revisions on political testimonial affairs	R.1975 d.359	8 N.J.R. 52(b)
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)

(Continued from page 18)

Full text of the proposed revisions follows:

10:125-1.2(d) 11. For legal services, the State is limiting eligibility to a range of levels varying between 47 per cent and 65 per cent of the State's median income for different family sizes. Legal service providers have documented the fact that they are unable to serve clients above the poverty level with their present resources. They have also argued that since legal fees do not generally vary in frequency or amount with family size, it is logical to set eligibility levels higher for smaller families than for large ones. Although the State does not condone reduction of eligible service populations as a matter of overall policy, it is forced to make this adjustment so that legal services agencies can adequately meet the needs of those to whom justice is most frequently denied. The following details income levels which correspond to eligibility percentages for each family size:

Eligibility for Legal Services

Family Size	Income Cut-Off	Per cent of Median
1	\$5,322	65
2	6,423	60
3	7,538	57
4	8,344	53
5	9,131	50
6	9,768	47
Add for each additional family member	\$ 500	

10:125-1.2(d) 13. The Department will extend eligibility for adult day care for two client groups, the developmentally disabled and the mentally ill, to 90 per cent of the median on February 8, 1976. Eligibility for work activities services for the developmentally disabled will also rise to 90 per cent on February 8, 1976. Eligibility for adult day care programs serving all other client groups will remain at 80 per cent of the median. The Department is making the above extensions of eligibility in implementation of its policy of preventing unnecessary institutionalization of New Jersey residents. Eligibility for services to certain classes of individuals considered to be at high risk of institutionalization will continue to be extended as the Department develops more precise information on the financial resources of such individuals.

Note: Recapitulation of Eligibility Levels Chart is to be amended to read as follows:

Services Eligible for FFP* up to "X" per cent of New Jersey Median Income (Effective 2/8/75)

47-65 per cent: Legal services (see separate chart).

80 per cent: Adult day care services for all groups except the developmentally disabled and the mentally ill.

- Big Brother-Big Sister services.
- Casework management.
- Child day care for family sizes of three or larger.
- Chore services.
- Companionship services.
- Counseling services.
- Education and training services.
- Home-delivered food and meals.
- Homemaker-Home Health services.
- Housing-related services.
- Recreational services.
- Social group services.

- Transportation services, except where provided in connection with services for which eligibility is higher than 80 per cent.
- 90 per cent: Family planning, including transportation.
- Adult day care services for the developmentally disabled and the mentally ill, including transportation.
- Work activities services, including transportation.
- 92 per cent: Child day care for two-person families, including transportation.
- 115 per cent: Parole supervision, including transportation.
- Placement services, including transportation.
- Nonexempt protective services, including transportation.
- No Income
- Considerations: Information and referral.
- Protective services, including transportation.
- *Federal financial participation.

Eligibility Changes from Original Comprehensive Services Plan:

- (1) Legal services formerly 60 per cent for all family sizes now varies from 65 per cent for small families to 47 per cent for large families.
- (2) All adult day care services were to be extended to 90 per cent January 1; eligibility extended to 90 per cent for adult care for the developmentally disabled and mentally ill only.
- (3) Homemaker-Home Health services were to be extended to 90 per cent January 1; eligibility remains at 80 per cent.
- (4) Work activities services extended to 90 per cent as projected.

Note: "Fee Schedules for Title XX Services", Section 2, to read:

Per Cent of Median Income	Fee
80-92	\$2.00 week
80	\$0

Add new Section 4 as follows:

4. Adult Day Care Services for Developmentally Disabled and Mentally Ill Individuals and Work Activities Services

Per Cent of Median Income	Fee
80-90	\$1.00 year
80	\$0

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to:

Lorenzo Littles
 Director, Social Services Planning Unit
 Department of Institutions and Agencies
 116 West State St.
 Trenton, N.J. 08625
 Telephone: (609) 292-1947 or
 (800) 792-8820

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.

Alan J. Gibbs
 Deputy Commissioner
 Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Rules Concerning Emergency Fair Hearings

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt new rules concerning emergency fair hearings.

Full text of the proposed rules follows:

10:81-6.17 Emergency fair hearings

(a) An emergency fair hearing for purposes of expediting the fair hearing procedure will be scheduled when:

1. The fair hearing request results from denial by the county welfare board of a request for emergency assistance made in accordance with the provisions of Section 530.3 of the assistance standards handbook, and the recipient family contends they are without funds or resources; and

2. The State Division of Public Welfare determines that there exists a threat to the health and physical safety of the recipient family sufficiently compelling and imminent to require acceleration of the fair hearing procedure.

(b) When the State Division of Public Welfare determines that an emergency fair hearing is warranted, the hearing shall be scheduled to be held within three working days of the date the request is received, orally or in writing, by the Division of Public Welfare. Notice of time, date and place of hearing shall be transmitted to all parties by telephone or mailgram.

(c) The Director of the Division of Public Welfare shall render an interim decision by 12 noon of the first work day following the day on which the fair hearing was held. Such interim decision will be based on facts presented in a verbal report by the presiding hearing officer and shall be communicated immediately to the county welfare board by telephone.

(d) The hearing officer shall, within two working days of the date of the hearing, prepare a written report summarizing testimony and evidence presented at the hearing with recommendation as to the final decision. Such report shall be filed and mailed to the client in accordance with Section 12 of this Subchapter, except that written exceptions by interested parties must be submitted within eight days from the mailing date of the hearing officer's report.

(e) The final decision by the Director of the Division of Public Welfare shall be rendered, in writing, within 15 working days of the date the hearing was held. Such decision may adopt, reject or modify the recommendation of the hearing officer, and shall be final and binding upon the parties involved.

(f) Emergency fair hearings will be processed in accordance with the procedures delineated in this Section, which take precedence over Section 7 of this Subchapter pertaining to scheduling and Section 12 of this Subchapter regarding dates for mailing and review of the hearing officer's report. All other provisions of this Subchapter shall be observed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to:

Division of Public Welfare
Box 1627
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

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Rules on Purchase from Private Adoption Agencies of Services For Hard-to-Place Children

James G. Kagen, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4C-4 and 30:4C-37, proposes to adopt new rules concerning the purchase from private adoption agencies of adoption services for hard-to-place children under the jurisdiction of the Division of Youth and Family Services.

Full text of the proposed rules follows:

SUCHAPTER 2. PRIVATE ADOPTION AGENCIES SERVICES

10:120-2.1 Purchase of services; hard-to-place children

(a) In accordance with N.J.S.A. 30:4C-4(g), (h), (i) and 30:4C-37, the following rules and regulations are established as a basis of payment for adoption services to privately sponsored agencies, which are approved for such purposes in accordance with the provisions of R.S. 9:3-17 et seq. or can demonstrate that they meet the standards of R.S. 9:3-17 et seq. for providing adoption services with respect to certain children identified below who are under the care, custody, or guardianship of the Division of Youth and Family Services.

(b) Observance of these rules and regulations establishes a right to payment for services as limited below, but does not determine the amount of such payment with respect to a particular child or children.

(c) Adoption services, for purposes of these rules and regulations, are defined as those services resulting in the actual placement of a child or children for adoption and the services essential during the period of supervision prior and post consummation of the adoption as required by law.

(d) The Division of Youth and Family Services will purchase such services only for those children under its immediate supervision who are determined by the Bureau of Resource Development to be "hard-to-place". The "hard-to-place" child is defined as any child whom the Division of Youth and Family Services has the statutory right and responsibility to place for adoption, who has been classified by the Bureau of Resource Development as available for adoption, for whom a suitable home has not been located within a reasonable period of time by the Bureau and who is therefore referred for such services by listing on the adoption resource exchange.

(e) In order to be eligible to receive referrals of children for adoption services and to receive for such services what-

ever amount of payment may be otherwise authorized, an adoption agency shall demonstrate to the satisfaction of the Division of Youth and Family Services, through such methods and procedures as the Division may prescribe, that it complies with each of the following rules and regulations, which shall be interpreted as constituting minimum standards only:

1. Placement procedure:

i. The placing agency shall provide the Division of Youth and Family Services with the name and address of the family being considered for placement of the child and provide any other information deemed necessary by the Division;

ii. Both the placing agency and the Division of Youth and Family Services must agree on the placement selected for the child being placed for adoption.

2. Agency policy and practice:

i. The placing agency shall, through policy and practice, provide service to children, natural parents and adoptive parents without regard to race, color or national origin;

ii. The placing agency shall demonstrate a willingness to review, evaluate, expand and change, as necessary, its policies, practices and services in accordance with community needs;

iii. The placing agency shall demonstrate, through its policies and practices, a willingness to cooperate with other approved agencies to assure that all clients in need receive service. This shall include, but shall not be limited to, the study of homes for children not under the agency's care and the sharing of all information, with the client's permission, where appropriate.

3. Accountability:

i. The placing agency shall maintain records on each child and family and shall furnish such records or reports on the child's adjustment and progress or on other factors as the Division of Youth and Family Services may require;

ii. When and as required by the Division of Youth and Family Services, all data relating to costs of the placing agency operations shall be made available to the Division or its authorized representative;

iii. Payments by the Division shall not exceed the net cost of providing the service by the placing agency. The adoptive applicant shall be informed of the agency's cost of service and how it is met.

4. Payment for service: The Division of Youth and Family Services will establish the rate of payment based on the actual cost of each case not to exceed the average cost to the Division of maintaining a child in foster care for one year. Payment for service shall be made in accordance with policies and procedures established by the Division of Youth and Family Services which shall provide for partial payment at the time of the placement and final payment after the adoption is granted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to

Fred Sigafos, Chief
Bureau of Resources Development
Division of Youth and Family Service
Box 510
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.

James G. Kagen, Director
Division of Youth and Family Services
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Manual of Standards for Residential Child Care Facilities

The Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, 30:1-14 through 30:1-16, 30:4C-4 and Administrative Order 1:15 of the Department of Institutions and Agencies, proposes to adopt a new manual of standards for residential child care facilities.

Such rules, if adopted, will be cited as N.J.A.C. 10:127-1.1 et seq. The proposed rules cover the introduction, legal authority and basis for standards, organization and administration, finance, program services, staffing requirements, physical care of children, physical facility requirements, leasing and rental requirements and transportation.

Copies of 84 pages of the full text of the proposed rules may be obtained or are available for review from:

Carl S. Epstein
Chief, Bureau of Residential Services
Division of Youth and Family Services
Department of Institutions and Agencies
One South Montgomery Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to the Division of Youth and Family Services at the above address.

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

James G. Kagen, Director
Division of Youth and Family Services
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Concerning Home Health Care Services

On November 19, 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, adopted revisions to the rules concerning home health care services, substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 318(b), with only inconsequential structural or language changes, in the opinion of the Department of Institutions and Agencies.

The revised rules replace the current text of N.J.A.C. 10:60-1.1 through 10:60-1.15.

An order adopting these revisions was filed November 26, 1975, as R.1975 d.354 to become effective December 1, 1975.

J. Edward Crabiell
Secretary of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions on Sterilization

On December 9, 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, adopted revisions to N.J.A.C. 10:52-1.2(a)19.iv., 10:52-1.7(a)14.iv., 10:53-1.2(a)19.iv., 10:53-1.6(a)14.iv., 10:54-1.20(b)4. and 10:66-1.20(b)4. concerning sterilization, as proposed in the Notice published November 6, 1975, at 7 N.J.R. 506(a).

An order adopting these revisions was filed and became effective on December 18, 1975, as R.1975 d.373.

J. Edward Crabiell
Secretary of State

(b)

INSURANCE

THE COMMISSIONER

Proposed Rules on Standards for Prompt, Fair And Equitable Settlement of Motor Vehicle Physical Damage Claims

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:29B-1 et seq., proposes to adopt new rules concerning standards for prompt, fair and equitable settlement of motor vehicle physical damage claims.

Take notice that previous rules were proposed on this subject and appeared in the August 7, 1975, issue of the Register at 7 N.J.R. 365(c). Due to further proposed changes, the proposed standards are now being republished.

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

SUBCHAPTER 10. AUTO PHYSICAL DAMAGE CLAIMS

11:3-10.1 Application

This regulation is applicable to claims arising under motor vehicle collision and comprehensive coverages.

11:3-10.2 Definitions

The following words and terms, when used in this [Section] Subchapter shall have the following meanings.

"Actual cash value" unless otherwise specifically defined by law or policy, means the lesser of the amounts for which the insured or the designated representative can reasonably be expected to:

1. Repair the motor vehicle to its condition immediately prior to the loss; or
2. Replace the motor vehicle with a substantially similar vehicle. Such amount shall include all moneys paid or payable as sales taxes on the motor vehicle repaired or replaced. This shall not be construed to prevent an insurer from issuing a policy where the amount of damages to be paid in the event of a total loss is a specified dollar amount.

"Agreed price" or "figure" means the amount agreed to by the insurer and the insured, or their representatives,

as the reasonable cost to replace the motor vehicle or to repair damages to the [automobile] motor vehicle resulting from the loss, without considering any deductible or deductions.

"Designated representative" means a person designated by the insured to represent [him] the insured in negotiations with the insurer in an attempt to settle the claim. Such designated representative may be any person [named] authorized by the insured [or claimant to legally act] who may act legally in his or her behalf.

["Automobile" or "auto" shall have the meaning ascribed in N.J.S.A. 39:6A-2.]

"Motor vehicle" shall have the meaning ascribed in N.J.S.A. 39:1-1.

"Substantially similar [auto] vehicle" means [an auto] a vehicle of the same make, model, year and condition, including all major options of the insured [auto] vehicle. Mileage must not exceed that of the insured vehicle by more than 4000 miles. Mileage differences of more than 4000 miles may, at the option of the insured, be exchanged for the presence or absence of options.

["Auto repairer" means the incorporated business or unincorporated individual repairing the damaged automobile.]

11:3-10.3 Adjustment of partial losses

(a) If the insurer intends to exercise its right to inspect, or cause to be inspected by an independent appraiser, damages prior to repair, it shall have seven [calendar] working days following receipt of notice of loss to inspect the insured's damaged vehicle, which is available for inspection, at a place and time reasonably convenient to the insured; commence negotiations; and make a good faith offer of settlement. [In addition, negotiations will commence and a good faith offer or settlement shall be made within the aforesaid seven-day period]

(b) Negotiations must be conducted in good faith, with the basic goal of promptly arriving at an agreed price. Early in negotiations, the insurer must inform and confirm in writing to the insured or [his] the insured's designated representative, all deductions that will be made from the agreed price [..], including the amount of applicable deductible.

(c) If the insurer inspects the damaged vehicle or causes it to be inspected, it shall promptly upon completing the inspection furnish the insured or [his] the designated representative of the insured with a detailed written estimate of the cost of repairing the damage resulting from the loss, specifying all appropriate deductions.

(d) The insured may use any repairer of his or her own choice. [The insurer shall promptly furnish the insured, at the express request of the insured] If the insured requests, the insurer must furnish the insured with the name and address of a qualified [automobile] repairer, at a location reasonably convenient to the insured, who will repair the damaged [automobile] motor vehicle at the insurer's estimated cost of repairs.

Note: Subsection (e) deleted in full.

(e) All estimates, including revisions and adjustments, prepared by any repairer, estimator or appraiser must be included in each claim file.

(f) If the insured's [automobile] vehicle is repaired at a repair shop whose name is [recommended] required to be furnished by the insurer under N.J.A.C. 11:3-10.3(d) for a sum estimated by the insurer as the reasonable cost to repair the vehicle, the insurer:

1. Shall select a repair shop that issues written guarantees that any work performed in repairing damaged [automobiles] vehicles meets generally accepted standards for safe and proper repairs;

2. [Shall if the repair shop it recommended does not replace the damaged automobile in accordance with generally accepted standards for a safe and proper repair, the insurer] Shall cause the damaged [automobile] vehicle to be restored to the condition it was in prior to the loss, at no additional cost to the insured and within a reasonable time, if the repair shop as recommended above does not repair the damaged vehicle in accordance with generally accepted standards for a safe and proper repair.

(g) Whenever an insurer elects to repair its insured's [automobile] vehicle, that is, physically take the vehicle and have it repaired, the election must be in writing addressed to the insured, and contain a reasonable estimate of the time period within which the [auto] vehicle will be repaired. The insurer shall guarantee, in writing, that the work performed meets generally accepted standards for safe and proper repairs.

(h) Deductions for betterment and/or depreciation are permitted only for parts normally subject to repair and replacement [—tires and batteries—] during the useful life of the [insured's automobile] insured motor vehicle. Deductions for betterment and/or depreciation shall be limited to the lesser of an amount equal to the proportion that the expired life of the part to be repaired or replaced bears to the normal useful life of that part, or the amount which the resale value of the [automobile] vehicle is increased by the repair or replacement. Calculations for betterment, depreciation, and normal useful life must be included in the insurer's claim file.

(i) Deductions for previous damage or prior condition of the [automobile] vehicle must be measurable, discernible, itemized and specific as to the dollar amount, and such deductions must be [detailed] included in the insurer's claim file. Such deductions shall be limited to the amount by which the resale value of the [automobile] motor vehicle is increased by the elimination of the previous damage or the correction of the prior condition.

(j) The insurer must mail or hand deliver to the insured or [his] the designated representative its proof of loss or payment within five working days after the insured has accepted the insurer's offer.

(k) The insured shall have the right to receive the proceeds of any settlement in accordance with policy provisions. For example, in the absence of a specific policy provision so requiring, the insurer may not insist on making settlement proceeds jointly payable to the insured and the vehicle repairer.

(1) The insured may elect to have the insurer pay the repairer directly in order to expedite recovery of the [automobile] motor vehicle. The insured must make this election in writing.

Note: N.J.A.C. 11:3-10.3(1) 1. and 2. and (m) and (n) are deleted entirely.

11:3-10.4 Adjustment of total losses

(a) If the insurer elects to make a cash settlement, it must bear in mind at all times that insured's position is that of a retail consumer and the settlement value arrived at must be reasonable and fair for a person in that position. If the insurer elects to make a cash settlement, its offer, subject to applicable deductions, must be one of the following plus applicable sales tax:

1. The average of the retail values for a substantially similar [automobile] motor vehicle as listed in the current editions of the two valuation manuals [current at the date of loss and] approved by [this Department] the Commissioner. The average figure arrived at may be reduced [when] by considering all factors, [such as] including, but not limited to mileage tables [,] and presence or absence of extras [and so forth]. Manuals approved for use on and after January 1, 1976 are the "Redbook", published by

National Market Reports, Inc. and the "N.A.D.A. Official Used Car Guide" published by the National Automobile Dealers Association Used Car Guide Company. The use of other manuals may be approved by [this Department] the Commissioner upon demonstration of need, suitability and accuracy.

Note: Paragraph 2. deleted in full.

[3] 2. A quotation obtained by the insurer for a substantially similar [available auto] motor vehicle, obtained from a [qualified] dealer or individual located within a reasonable distance from the principal place of garagement of the insured vehicle. The insured must be able to purchase the substantially similar [auto] vehicle at the quoted [dealer] location for the insurer's cash offer plus applicable deductions.

[4] 3. If it is not possible to value the damaged [automobile] vehicle by using alternative methods [1 through 3] paragraphs 1. or 2. above, the insurer must determine the retail value by the best available method and must fully explain in writing to the insured how its offer was calculated.

(b) If the insurer elects to replace the [auto] vehicle, [the insured must be given the option to accept a replacement or money value. The] the replacement [auto] vehicle must be immediately available, substantially similar [auto] vehicle that is both furnished and paid for by the insurer, subject to the deductible, if any [.] , and including applicable sales tax.

(c) If the insured [auto] vehicle is a private passenger automobile of the current model year, meaning that it has not been superseded in the market place by an officially introduced succeeding model, the insurer shall utilize one of the following methods in the settlement of the loss, [except where the method used would be detrimental to the interests of the insured as compared with utilization of the methods described in this Section] unless the utilization of subsections (a) or (b) above, is more favorable to the consumer.

1. Either the insurer shall pay the insured an amount equal to the reasonable purchase price [to the insured] on the date of loss of a new identical [auto] vehicle, less any applicable deductible and an allowance for depreciation in accordance with the schedule below; or

2. The insurer shall [furnish] provide the insured with a new identical replacement [auto] vehicle, [and charge] charging the insured for any applicable deductible and for depreciation in accordance with the schedule below:

Depreciation Schedule

Purchase Price	Depreciation Per Mile
\$2,101 - \$2,750	5¢
2,751 - 3,700	6½¢
3,701 - 5,000	9¢
5,001 - 6,500	11½¢
6,501 - 10,000	16½¢
more than \$10,000	20¢

Note: [(2) deleted entirely]

(d) In the event of a total loss, any parts of the insured [auto] vehicle included in its valuation which are removed by the insured or [his] the designated representative shall have their value deducted from the final settlement figure.

(e) [All applicable provisions of Section 3 of this Subchapter]

The following provisions of N.J.A.C. 11:3-10.3 (Adjustment of partial losses) also shall apply to the adjustment of total losses, except that the insurer shall [be allowed] have a total of [12 calendar] 14 working days to comply with the requirements of [Section 2 of this Subchapter] subsection

(a) of N.J.A.C. 11:3-10.3, 11:3-10.3(a), 11:3-10.3(b), 11:3-10.3(c), 11:3-10.3(h), 11:3-10.3(i), 11:3-10.3(j), 11:3-10.3(k).

(f) This Section (N.J.A.C. 11:3-10.4) does not prohibit an insurer from issuing a stated value policy insuring against physical damage, where the amount of damages to be paid in the event of a total loss is a specified dollar amount.

(g) If the insurer, in the process of adjusting a total loss makes a deduction for the salvage value of the insured vehicle, the insurer must furnish the insured with the name and address of a salvage dealer who will purchase the salvage for the amount deducted.

11:3-10.5 Unreasonable delay

(a) Unless a clear justification exists, it is expected that physical damage claims [must] will have a maximum payment period of [25] 30 calendar days. A payment period is the period between the date of the receipt of the notice of loss by the insurer and:

1. The date the settlement check is mailed; or
2. The date on which the damaged vehicle is returned to use when the insurer elects to repair or have repaired the insured vehicle; or
3. The date on which the damaged [automobile] vehicle is replaced by the insurer.

(b) If any element of a physical damage claim remains unresolved more than [25] 30 calendar days from the date of receipt of notice of loss by the insurer, the insurer shall provide the insured with a written explanation of the specific reasons for delay in the claim settlement. An updated letter of explanation shall be sent again every 30-calendar days thereafter until all elements of claim are either honored or rejected.

(c) Any letter of explanation, [or] rejection, or acceptance of any element of a claim shall contain in the upper right hand corner, the date of receipt of notice of loss by the insurer and be identified as such. [This] The letter shall also contain the identity and claim processing address of the insurer, and the insured's policy number and claim number.

Paragraph 1. deleted in its entirety.

(d) A copy of the second update letter sent 60 days after the date of receipt of notice of loss, and all thereafter sent to any New Jersey insured, shall be mailed simultaneously to the insured and the [Assistant Commissioner for Consumer Services] Consumer Services Division, New Jersey Department of Insurance, 201 E. State Street, Trenton, New Jersey 08625.

Note: 11:3-10.6 Repair estimates—deleted in the entirety.

11:3-10.6 Loss of use

In the event of the theft of the entire vehicle, it shall be the duty of the insurer at the time of notification of loss to advise the insured of his or her right under the policy to be reimbursed for transportation expenses. Such notification must be confirmed in writing immediately after receipt of notice of theft. All conditions and benefits related to this coverage as stated in the policy must be contained in the notification to the insured.

[11:3-10.7 Loss of Use—deleted in the entirety]

11:3-10.7 Subrogation agreements

(a) Where an insured has received payment under his or her physical damage coverage that is subject to a deductible, the insured shall share, pro rata, with the insurer any net recovery received by the insurer from third parties.

(b) Net recovery shall be the total recovery less the insurer's allocated loss adjustment expenses attributable to such recovery. The formula for computing net recovery and the insured's share of recovery of the deductible may be stated as follows:

1. TOTAL RECOVERY — ALLOCATED LOSS ADJUSTMENT EXPENSES = NET RECOVERY.

DEDUCTIBLE X NET RECOVERY = INSURED'S TOTAL LOSS SHARE OF RECOVERY.

2. Application of Formula: Assume a loss of \$500.00 subject to a \$100.00 deductible with \$50.00 in allocated loss adjustment expenses:

i. If there is full recovery of \$500.00: computation of net recovery: \$500.00 — \$50.00 = \$450.00

Computation of insured's share of recovery:
\$100.00 X \$450.00 = \$90.00
\$500.00

ii. If there is a partial recovery of \$300.00: computation of net recovery: \$300.00 — \$50.00 = \$250.00

Computation of insured's share of recovery:
\$100.00 X \$250.00 = \$50.00
\$500.00

(c) Unless the insurer returns its insured's full deductible, it shall attempt to effect full recovery in clear liability cases and shall not enter into any inter-company agreements that provide for the acceptance of lesser amounts on a formula basis.

(d) If an insurer has paid a physical damage claim that is subject to a deductible and it elects not to pursue its subrogation claim where the probability of recovery exists, the insurer shall so notify its insured in writing within 60-calendar days after it has paid the claim, except that the notification shall be given at least 30 days prior to the running of any applicable statute of limitations or period required for notice of claim. If an insurer does not notify its insured within the time periods prescribed above and the statute of limitations or period required for notice of claim has expired, the insurer shall forthwith remit to its insured the full amount of the insured's deductible.

11:3-10.8 Repair estimates

If the insurer requires that its insured obtain more than one estimate of motor vehicle damage, the cost of such additional estimates, if any, shall be borne by the insurer.

11:3-10.9 Referral of insured to the at-fault party

There shall be no attempt to discourage an insured from filing a physical damage claim nor shall an insurer encourage its insured to assert a claim against a third party in lieu of filing a physical damage claim under the insured's policy.

11:3-10.10 Examinations by the New Jersey Insurance Department

To insure compliance with this regulation, the Department of Insurance personnel will [review the files] investigate the market performance of insurers. To enable Department personnel to reconstruct an insurer's activities pursuant to the provisions of this regulation, each insurer must maintain a complete file on each claim settled pursuant to this regulation. The claim file shall contain all communications, transactions, notes and work papers relating to the claim. All papers in the file must be accurately dated by the insurer.

Interested persons may present statements or arguments in writing relevant to the proposed amended rules on or before January 30, 1976, to:

Naomi LaBastille 201 East State Street
Hearing Officer Trenton, New Jersey 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

Proposed Revisions on Boiler Construction and Inspection

Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:1-47, 34:1A-3(e) and on behalf of the Board of Boiler, Pressure Vessel and Refrigeration Rules, proposes to revise the rules concerning boiler construction and inspection.

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

12:90-3.1 Compliance with standards

(a) No steam boiler shall be installed or used in this State unless it conforms to such rules, regulations and standards as are from time to time adopted by the Board of Boiler, Pressure Vessel and Refrigeration Rules, and approved by the Commissioner.

(b) The New Jersey Board of Boiler, Pressure Vessel and Refrigeration Rules has adopted by reference the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for design, construction, inspection and installation purposes.

(c) All Sections become mandatory six months after approval by ASME Council as do published addenda and Code Cases unless specific exception is taken by the Bureau administratively subject to confirmation by the Board.

(d) Nonmandatory or recommended rules adopted by reference may be declared mandatory by the Bureau subject to confirmation by the Board.

(e) The New Jersey Boiler and Pressure Vessel Law and the rules and regulations promulgated and published thereunder shall govern in the event of any conflict, implied or expressed, with any rule adopted by reference.

12:90-3.2 Construction standards

(a) All steam or hot water boilers or similar equipment covered by this Chapter (and N.J.S.A. 34:7-14 et seq.) must be constructed and installed in accordance with New Jersey approved standards.

(b) To meet these requirements, the boiler should be constructed and installed in accordance with the American Society of Mechanical Engineers Code and stamped either New Jersey Standard, New Jersey Approved, A.S.M.E. or National Board.

(c) Vessels used in electrically heated thermal stored energy systems shall be designed, constructed, inspected and stamped as required by Section 1, Power Boilers or Section IV, Low Pressure Heating Boilers of the ASME Code, depending upon pressure and temperature design conditions. For inspection and operating purposes such vessels shall be considered as included under the provisions of Sections 34:7-1 and 34:7-14(a) of the Revised Statutes.

(d) In the absence of applicable rules, "New Jersey Special" construction and stamping may be requested.

12:90-3.5 Existing low pressure boilers

(a) Boilers installed prior to the effective date of statutory regulations remain valid while the Bureau is in receipt of favorable and current inspection reports.

(b) Such boiler installations shall be converted, as soon as practicable, to conform, insofar as appliances, auxiliaries and safety devices are concerned, to Section IV of the A.S.M.E. Code entitled "Heating Boilers".

(c) Each automatically fired hot water boiler subject under the provisions of Section 34:7-14(a) shall have an automatic low-water fuel cutoff which has been designed for hot water boiler service.

(d) When low pressure boilers are connected to a common header, the connections from each boiler having a manhole opening shall be fitted with two stop valves having ample free-blow drains between them:

1. One of these valves shall be placed as near the boiler nozzle as practicable and the other placed where the interconnection joins the common header.

2. Where such protection has not been provided in existing installations or where such may be omitted optionally on hot water boilers where full open internal inspection is less frequently performed, no entry shall be made through the manway for any purpose until all system boilers have been depressurized and vented.

12:90-3.7 Boiler and pressure vessel installations

(a) Whenever possible, boilers or similar equipment potentially capable of producing steam, shall be installed above grade or at street level; provided, however, if installed in a basement or below grade or street level, there shall be ample ventilation, egresses, space and insulation against fire hazards. Reference should also be made to local authorities and other agencies.

(b) Clearances will be provided as follows:

1. Where passageways are provided adjacent to or between boilers or pressure vessels, an absolute clearance of three feet on each side and seven feet overhead shall be provided.

2. Such clearance shall be maintained exclusive of the area occupied by any equipment located in the passageway.

3. Where such clearance is not provided, passage shall be barricaded except for essential maintenance which, in turn, shall be treated under the rules for work in confined spaces.

12:90-3.8 National Board Inspection Code

The National Board Inspection Code, published by and available from the National Board of Boiler and Pressure Vessel Inspectors [1155 N. High St., Columbus, Ohio 43201]. Uniformity Plaza, 1055 Crupper Avenue, Columbus, Ohio 43229, has been adopted by the Board of Boiler, Pressure Vessel and Refrigeration Rules. Specific attention is called to the recommended rules for repairs to boilers and pressure vessels, which should be made in accordance with Chapters IV and VI as applicable. Inspectors who have been issued a certificate of competency by the Mechanical Inspection Bureau should also be guided by Chapters III, V and VII.

12:90-3.14 [Inspection of repairs] Boiler and pressure vessel installation and repairs

(a) [Repairs to a boiler or its connected piping must be satisfactory to an authorized boiler inspector employed by an insurance company or the State and performed under his guidance in accordance with National Board recommended rules for repairs.] Installation and repair of boilers and pressure vessels shall be made as follows:

1. Repairs to high and low pressure boilers shall be performed by a contractor possessing a valid and appropriate ASME Code Symbol Stamp or National Board or New Jersey Repair Authorization.

2. For installation and repair purposes, the Code validity of piping shall be maintained to the boundaries defined in ASME Section 1, Power Boilers, for high pressure boilers and to the first stop valve connection for low pressure heating boilers.

3. All repairs to boilers or connected piping must be satisfactory to a New Jersey authorized boiler inspector employed by an insurance company or the State and performed under his guidance in accordance with National Board Recommended Rules for Repairs. A record of welded repairs shall be filed with the Bureau.

(b) [A record of welded repairs should be filed with the Bureau.] Authorized repair firms shall be qualified as follows:

1. Repairs to boilers and other vessels complying with original construction standards under these rules may be performed by New Jersey authorized repair firms.

2. Repair firms may be issued evidence of authorization after successful completion of the following procedure:

i. Letter of application shall be addressed to the Bureau by a responsible officer of the firm requesting repair authorization and shall include evidence that an authorized inspection agency has agreed to provide inspection service as required.

ii. Review of the firm's facilities and quality control system shall be conducted jointly by an inspection specialist of the Bureau's staff and a representative of the authorized inspection agency. The assigned shop inspector shall be present during the review.

iii. The Bureau shall authorize the repair firm and, in conjunction with the authorized inspection agency of record, monitor the firm's repair activities in accordance with established administrative policy.

iv. Administrative policy guidelines shall be made available to applicants, users, inspection agencies and other interested parties.

v. Repairs performed by an authorized repair firm under the provisions and procedures implemented by this rule shall be deemed to preserve intact the validity of the original construction standard of the boiler or other pressure vessel upon which the work was performed.

vi. Statutory inspection fees within the limits approved by the Commissioner shall be charged for the Bureau's activities in connection with shop reviews as shall travel expenses similarly set forth in the statutes.

vii. Nothing herein is intended to prohibit repair by an appropriately qualified ASME authorized shop nor to require additional qualification of such shop under these rules.

viii. Alterations or modifications altering the original design must be performed by an appropriately qualified ASME symbol holder.

ix. Repair firms may add nozzles no larger than an unreinforced nozzle size.

12:90-3.19 [Penalty] Relief device settings

[Any owner, lessee or operator of any steam or hot water boiler or similar equipment specified in this Subchapter who shall use, cause or allow to be used such steam or hot water boiler or similar equipment specified in this Subchapter in violation of any provision hereof shall be liable to a penalty of not less than \$50.00 nor more than \$100.00 for each first offense and not less than \$100.00 nor more than \$500.00 for each subsequent offense, to be collected by a civil action or, in the Commissioner's discretion, to be imposed by the Commissioner as a compromise.]

All boilers and other pressure vessels shall have primary relief devices set to discharge at a pressure not in excess of the stamped maximum allowable working pressure.

12:90-3.20 Penalty

Any owner, lessee or operator of any steam or hot water boiler or similar equipment specified in this Subchapter who shall use, cause or allow to be used such steam or hot water boiler or similar equipment specified in this Subchapter in violation of any provision hereof shall be liable to a penalty of not less than \$50.00 nor more than \$100.00

for each first offense and not less than \$100.00 nor more than \$500.00 for each subsequent offense, to be collected by a civil action or, in the Commissioner's discretion, to be imposed by the Commissioner as a compromise.

12:90-4.4 State inspection; fee

(a) The owner or user may request State inspection.

(b) A fee, based on the size of the system, shall be paid to the State inspector as follows:

- 1. Over three and under 25 tons [\$10.00] \$15.00
- 2. [Over 25 tons of refrigerating capacity 15.00] Twenty-five tons and over, but less than 300 tons of refrigerating capacity 25.00
- 3. Three-hundred tons and over 35.00

(c) In addition to the inspection fee, the travel expense of the inspector must be paid at the time of inspection.

A public hearing respecting this proposed action will be held on January 13, 1976, at 10:00 A.M. in Room 1308, Department of Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to:

John L. Sullivan, Deputy Director
Mechanical Inspection Bureau
Department of Labor and Industry
Trenton, New Jersey 08625

The Board of Boiler, Pressure Vessel and Refrigeration Rules, by Joseph A. Hoffman, Commissioner of Labor and Industry, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Joseph A. Hoffman
Commissioner
Department of Labor and Industry

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

Adopt Emergency Rules on Ski Lifts

On December 16, 1975, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:4A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning ski lifts.

Full text of the adopted rules follows:

CHAPTER 175. SKI LIFTS

SUBCHAPTER 1. GENERAL PROVISIONS

12:175-1.1 Title and citation

This regulation shall be known and may be cited as Chapter 175, Ski Lifts, of Title 12 of the New Jersey Administrative Code.

12:175-1.2 Purpose

Purpose of this Chapter is to provide reasonable standards for the design, construction and operation of passenger tramways used in skiing for the safety of the public.

12:175-1.3 Scope

This Chapter shall apply to passenger tramways used in skiing subject to the Ski Lift Safety Act, N.J.S.A. 34:4A-1 et seq.

12:175-1.4 Effective date

This Chapter shall take effect immediately.

12:175-1.5 Validity

Should any Section, paragraph, sentence or word of this Chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this Chapter.

12:175-1.6 Existing installations

This Chapter shall apply to the operation of all passenger tramways after October 15, 1975. Passenger tramways in existence and actually operated on or before October 15, 1975, may continue to operate without registration until final action is taken by the Commissioner upon the initial application for registration thereof pursuant to Section 5 of the Act.

12:175-1.7 Compliance

(a) Every operator and the public using a passenger tramway shall comply with this Chapter.

(b) A passenger tramway which is not in compliance with this Chapter shall not be used or occupied, except as provided in subsection (c) of this Section.

(c) Where individual units of a passenger tramway, such as cars, seats or other carriers, are defective and not in compliance with this Chapter, such units shall be taken out of service and clearly marked with a sign reading "Out of Service"; provided, however, such defects do not jeopardize the safety of the entire passenger tramway.

(d) The Division shall order in writing a temporary cessation of operation of a passenger tramway if it has been determined after inspection to be hazardous or unsafe. Operation shall not be resumed until such conditions are corrected.

12:175-1.8 Registration

(a) A passenger tramway shall not be operated unless it has been registered by the Commissioner.

(b) Within a reasonable time after October 15, 1975, the effective date of the Act, but on or before October 1 of each year thereafter, every operator of a passenger tramway shall apply to the Commissioner, on forms supplied by him, for registration of the passenger tramway or tramways which such operator owns or manages or the operation of which he directs. The application shall contain such information as the Commissioner may reasonably require in order for him to determine whether the passenger tramways sought to be registered comply with the intent of the Act and this Chapter.

(c) The Commissioner shall without delay issue to the applying operator registration certificates for each passenger tramway for which such registration is sought, when he is satisfied:

1. That the facts in the application are sufficient to enable him to fulfill his duties under the Act; and

2. That each such passenger tramway sought to be registered complies with this Chapter.

(d) In order to satisfy himself that the conditions described in N.J.A.C. 12:175-1.7(c) 1. and 2. have been fulfilled, the Commissioner may cause to be made such inspections as he may reasonably deem necessary.

(e) When an operator installs a passenger tramway subsequent to October 15 of any year, such operator shall file a supplemental application for registration of such passenger tramway. Upon receipt of such supplemental application the Commissioner shall proceed immediately to initiate proceedings leading to the registration or rejection of registration of such passenger tramway.

(f) Each registration shall expire on October 14 next following the date of issue.

(g) Each operator shall cause the registration certificate for each passenger tramway thus registered to be displayed prominently at the place where passengers are loaded thereon. The registration certificate shall be encased in such a manner as to be protected from weather conditions.

12:175-1.9 Inspection fee

(a) An inspection fee for the purpose of registration shall be charged at the rate of \$50.00 per day per inspector or for any part of any day. No other fees shall be charged for any other inspections performed.

(b) After inspection, if the passenger tramway is found to comply with this Chapter, the Division shall authorize the passenger tramway for use by the public by issuing a registration certificate. Such certificate shall not be issued until the inspection fee has been paid.

12:175-1.10 Filing of notice of intent to operate

The operator of a new passenger tramway or the operator of a passenger tramway which changes the structure, mechanism, classification or capacity or changes the physical spacing between rides shall file with the Division a notice of his intentions.

12:175-1.11 Maintenance and inspection records

(a) The operator shall retain at all times up-to-date maintenance and inspection records for each passenger tramway.

(b) These records shall contain the following information:

1. Date and nature of all inspections, whether by the Division or the operator;

2. Any violation of the rules and type of action taken to rectify the violation;

3. All breakdowns or repairs of any major mechanical part.

(c) These maintenance and inspection records shall be available for inspection by the Division.

12:175-1.12 Serious injury or death of the public

(a) No passenger tramway that directly or indirectly results in a death to the public shall be permitted to resume operation until the passenger tramway has passed a full mechanical and safety inspection made by the Division.

(b) All serious injuries or fatalities incurred during the operation of any ski lift shall be immediately reported to the Division by the operator on a form provided by the Division.

12:175-1.13 Submittal of plans

(a) Before constructing a new or altering an existing passenger tramway the operator or prospective operator shall submit plans and specifications to the Commissioner. The Commissioner may make recommendations relative to the safety of the layout and equipment, but such recommendations shall not relieve the operator or prospective operator of his primary responsibility as set forth in Section 2 of the Act.

(b) One set of plans shall be filed with the Department of Labor and Industry, Division of Workplace Standards, P.O. Box 709, Trenton, New Jersey 08625.

(c) Prints of drawings shall be sealed by professional engineers and shall comply with the requirements of the State Board of Professional Engineers and Land Surveyors.

(d) Plans shall be titled, stating name or owner and tenant, location of work by street number and municipality, date of drawing, drawing number and all revisions thereto.

(e) Plans shall be drawn to scale to produce good legibility.

(f) Plans required by subsection (a) of this Section shall include the following information:

1. A plot plan of the area within 150 feet of the passenger tramway to scale or with appropriate distances indicated

on the plot plan, showing on-site and off-site buildings, structures, property lines, required site improvements or structures, principal access or egress points, driveways and parking areas.

2. Design and details of foundations or supports for all passenger tramways; the foundation drawing to include a description of the soil and allowable soil pressure based on investigation of the professional of record.

3. A schematic, isometric or plan drawing of the entire system; this drawing to include all equipment, parts, safety devices, material, instrumentation and electrical systems for both power and light necessary to evaluate the safe operation of the system.

4. Appropriate information on fire protection facilities at the site and available public fire services.

(g) When projects are of a repetitive nature, such as those involving standard components or previously approved packaged units, standard drawings may be utilized.

(h) All drawings and documents shall include notation of any and all revisions with date of change noted.

SUBCHAPTER 2. DEFINITIONS

12:175-2.1 Definitions

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

“Act” means Ski Lift Safety Act, N.J.S.A. 34:4A-1 et seq.

“Approved” means acceptable to the Commissioner. Any product certified, classified, labeled or listed by a nationally recognized testing agency may be deemed to be acceptable, unless specifically banned by order of the Commissioner.

“Commissioner” means the Commissioner of the Department of Labor and Industry, or any officer or employee of the Department assigned by him to carry out any of the functions, duties and powers conferred or imposed upon him by the Act.

“Division” means the Division of Workplace Standards, New Jersey Department of Labor and Industry, P.O. Box 709, Trenton, New Jersey 08625.

“Nationally recognized testing agency” means a laboratory, such as the Underwriters’ Laboratories, Inc., or the Factory Mutual Engineering Corporation or any similar testing organization acceptable to the Commissioner.

“N.J.A.C.” means New Jersey Administrative Code.

“Operator” means a person who owns, manages or directs the operation of a passenger tramway, and includes the State or any political subdivision or instrumentality thereof.

“Passenger tramway” means a device used to transport passengers uphill, on skis or in cars on tracks or suspended in the air, by the use of steel cables, chains or belts or by ropes, and usually supported by trestles or towers with one or more spans, and includes among others aerial passenger tramways, multicar aerial passenger tramway, skimobile, chairlift, J-bar, T-bar, pomalift, platter pull and rope tow.

“Professional engineer” means a person licensed to practice professional engineering in New Jersey by the Board of Professional Engineers.

“Professional of record” means the professional engineer who accepts the responsibility for the design of a project to assure compliance with the legal requirements of the Department.

“Serious injury” means an accident to the public for conditions requiring treatment by a doctor, such as a fracture, or conditions requiring admittance to a hospital for at least 24 hours.

“Shall” means a mandatory requirement.

“Ski lift” means aerial passenger tramway or passenger tramway.

SUBCHAPTER 3. STANDARDS ADOPTED BY REFERENCE

12:175-3.1 Aerial passenger tramways, ANSI B77.1-1976

(a) The standards prescribed by Aerial Passenger Tramways, ANSI B77.1-1976 are adopted as safety standards under the Act and shall apply according to the provisions thereof, except that:

1. Sections 1.1 and through 1.5; 3.6.4; and 5 of Aerial Passenger Tramways, ANSI B77.1-1976 shall not apply.

(b) Each operator engaged in ski lift operations shall protect the public by complying with the standards prescribed in subsection (a) of this Section.

(c) Only technical standards relating to public safety are adopted by any incorporation by reference as prescribed in subsection (a) of this Section. Other standards relating to administration and reporting procedures are not adopted. Compliance with administrative and reporting standards shall be achieved by communication with the appropriate officials and offices of the Division.

(d) Where any conflict occurs between the standards prescribed in subsection (a) of this Section and these rules, these rules shall prevail.

APPENDIX A

AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN N.J.A.C. 12:175

A.1 AVAILABILITY OF CHAPTERS 110 THROUGH 210 OF TITLE 12, N.J.A.C.

Chapters 110 through 210 of Title 12, N.J.A.C. are available in accordance with the last page of this publication.

A.2 AVAILABILITY OF ALL OTHER STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER.

A copy of each of the other standards and publications referred to in this Chapter is on file and may be inspected at the following office of the Division between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

Department of Labor and Industry
Division of Workplace Standards, Room 1103C
Trenton, New Jersey

Copies of the referenced standards and publications may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning and are the organizations issuing the standards and publications listed.

ANSI American National Standards Institute
1430 Broadway
New York, New York 10018

No. and Edition: ANSI B77.1-1976.

Title: Safety Requirements for Aerial Passenger Tramways.

An order adopting these rules was filed and became effective on December 17, 1975, as R.1975 d.371 (Exempt, Emergency Rule).

J. Edward Crabiel
Secretary of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

Proposed Revisions in Requirements for Candidates for Registered Municipal Accountant's License

Ralph W. Newkirk, President of the State Board of Certified Public Accountants in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 40:4-7 and 45:2A-6, proposes to revise the rules concerning the requirements for candidates for a registered municipal accountant's license.

The proposed revisions concern the adoption of a new rule, to be cited as N.J.A.C. 13:29-1.12 if adopted, as well as the deletion in its entirety of the current text of Subchapter 2 in Chapter 29 of Title 13 in the New Jersey Administrative Code and the adoption of new text therein.

Full text of the proposed new rules follows:

13:29-1.12 Public school accountant's license

(a) The holder of a valid certified public accountant's certificate shall, upon application to the Board for a license as a public school accountant, and payment of a \$5.00 fee, receive a public school accountant's license which shall be effective for one year, provided that the applicant subscribes to the following declaration:

1. That he is fully acquainted with the laws governing the fiscal affairs of school districts of New Jersey and is a competent and experienced auditor; and

2. That he will honestly and faithfully audit the books and accounts of any school district when engaged to do so, and report any error, omission, irregularity, violation of law, discrepancy or other nonconformity to the law, together with his recommendations, to the board of education of such school district.

(b) The cancellation of a public school accountant's license by the Board shall not affect the accountant's right to practice as a certified public accountant.

13:29-2.1 Applications; requirements

(a) Every applicant for a license as registered municipal accountant shall present to the Board a written application on a form to be provided by the Board, together with the fee of \$25.00, a photograph (two-inch by two-inch in size, bust picture, front view without a hat, taken within 30 days prior to application) and satisfactory proof of the following:

1. That the applicant is of good moral character, furnished by three persons, in duplicate and legal affidavit form;

2. That the applicant is a bona fide resident of this State or maintains an office for the practice of public accounting in this State or is employed in this State by a registered municipal accountant, public school accountant, certified public accountant or firm of certified public accountants, having an established office and performing services within this State;

3. That the applicant has a baccalaureate degree or its equivalent as determined by the Department of Higher Education, including 60-semester hours in liberal arts and 60-semester hours in professional courses as follows:

- i. At least 24-semester hours credit in accounting;
- ii. At least six-semester hours credit in business law;

- iii. At least six-semester hours credit in finance;
- iv. At least six-semester hours credit in economics;
- v. At least 18-semester hours in business electives.

4. That the applicant has had two years' experience in municipal accounting and auditing acceptable to the Board with a public accounting firm engaged in New Jersey municipal accounting and auditing, furnished in duplicate and legal affidavit form.

(b) In lieu of the experience requirements in subsection (a)4. of this Section, the Board shall accept a New Jersey certified public accountant's certificate.

(c) In lieu of the experience requirements in subsection (a)4. of this Section, the Board may in its discretion consider the experience of an applicant who has had ten years' experience doing municipal accounting in a county or municipality, in a supervisory capacity. The experience must be comparable to that required under subsection (a)4. of this Section.

(d) In lieu of the experience requirements in subsection (a)4. of this Section, the Board may in its discretion, consider the experience of an applicant who has had two years' experience in accounting and auditing as an employee of the Division of Local Government of the State of New Jersey.

(e) Any applicant who is being reexamined must qualify under the provisions of this Chapter in existence at the time of filing such supplemental application.

13:29-2.2 Examinations

(a) Examinations will be held in May and November of each year, at a place designated by the Board.

(b) After the application has been approved an admission card will be mailed to the applicant, which must be used for admittance to the examination room. This card must be kept in the possession of the applicant during examinations and handed to a proctor at the conclusion.

(c) Examination shall be in writing, but this shall not be construed to bar additional examinations of such other nature as the Board may deem necessary.

(d) Examination papers are the property of the Board and must be left with a proctor.

(e) Examination papers shall remain in the office of the secretary for a period of six months after each examination, and during the six months any applicant may review his examination papers.

(f) Applicants for examination shall be given a number for identification purposes and this number only shall be used on all papers.

(g) Examinations will include questions on the following:

1. Theory of municipal and public school accounts and problems in municipal and public school accounting;
2. Municipal and public school law and finance; and
3. Auditing.

(h) To pass examination, applicant must receive 75 points in each subject.

13:29-2.3 Licenses

(a) At the time the applicant subscribes to the oath a fee of \$5.00 shall be paid by check or money order to the State Board of Certified Public Accountants.

(b) A license of a registered municipal accountant, in good standing, will be renewed annually upon the payment of a fee of \$5.00.

(c) The failure to renew a registered municipal accountant's license for a period of two years from the last expiration date will require the applicant to sit for a new examination.

(d) Where the holder of a registered municipal accountant's license allows his license to expire and then in the second year seeks a renewal, the Board requires such

holder to pay the fee for the intervening year as well as for the year for which the license is requested.

(e) The Board may, by unanimous vote, revoke any license for sufficient cause shown at a hearing before said Board, due notice of which shall be given to the license holder.

(f) When a registered municipal accountant's license has been revoked a new license can only be issued, at the discretion of the Board, after filing a new application and passing another examination.

(g) Applicants who have complied with all foregoing provisions and passed the examination must present themselves to the character committee upon request. This committee will pass on the applicant's moral character and fitness and determine whether or not the applicant has a thorough knowledge of the rules of professional conduct promulgated by the State Board of Certified Public Accountants.

13:29-2.4 Public school accountant's license

(a) The holder of a valid registered municipal accountant's license shall, upon application to the Board for a license as a public school accountant, and payment of a \$5.00 fee, receive a public school accountant's license which shall be effective for one year, provided that the applicant subscribes to the following declaration:

1. That he is fully acquainted with the laws governing the fiscal affairs of school districts of New Jersey and is a competent and experienced auditor; and

2. That he will honestly and faithfully audit the books and accounts of any school district when engaged to do so, and report any error, omission, irregularity, violation of law, discrepancy or other nonconformity to the law, together with his recommendations, to the board of education of such school district.

(b) The cancellation of a public school accountant's license by the Board shall not affect the accountant's right to practice as a registered municipal accountant.

Interested persons may present statements or arguments by letter, orally in person or by telephone relevant to the proposed action on or before January 28, 1976, to:

Ralph W. Newkirk, President
Board of Certified Public Accountants
1100 Raymond Boulevard, Room 507A
Newark, New Jersey 07102
Telephone (201) 648-3240

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

Ralph W. Newkirk, President
Board of Certified Public Accountants
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Proposed Revisions in Standards For Examination and Licensure

Dr. John J. McGuire, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant

to authority of N.J.S.A. 45:9-2, proposes to revise the rules concerning standards for examination and licensure.

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

13:35-3.2 Endorsement; Federation Licensing Examination

(a) The Board shall grant a license to practice medicine and surgery to [such] any person who shall furnish proof to the Board that [he can fulfill] fulfills the requirements demanded in N.J.S.A. 45:9-1 et seq., relating to applicants for admission by examination, and [furthermore provide] further provides with the application satisfactory evidence that [such person] he has been licensed to practice medicine and surgery in a sister state by a FLEX licensing examination, with a FLEX weighted grade of 75 or [over] better or that he has successfully passed the FLEX Examination in another state or Canada with a FLEX weighted average of 75 or better.

(b) Individual state licensing examinations, other than FLEX, will not be accepted for endorsement in the State of New Jersey if taken after December 31, 1972.

13:35-3.7 Endorsement; first two parts of National Boards of Medical Examiners or Osteopathic Examiners and third part of FLEX

The Board shall grant a license to practice medicine and surgery to such person who shall furnish proof that he satisfies the requirements demanded in N.J.S.A. 45:9-1 et seq., relating to applicants for admission by examination, and provided the application is accompanied by certification of either the National Board of Medical Examiners or Osteopathic Examiners certifying that the applicant has attained a passing score in the first two parts of his National Boards, and the third part of the FLEX examination in another state, provided further that the third part of the FLEX examination was passed with a score of 75 or better. Such license herein granted shall be a FLEX examination license.

13:35-3.8 Examination; third part of FLEX and first two parts of National Boards of Medical Examiners and Osteopathic Examiners

The Board shall grant approval to an applicant who has passed the first two parts of either National Board examination and who satisfies the requirements demanded in N.J.S.A. 45:9-1 et seq., relating to applicants for admission by examination to take the third part of the FLEX examination. If the applicant has a passing score of 75 or better in the FLEX examination and furthermore has provided certification of either the National Board of Medical Examiners or Osteopathic Examiners certifying that the applicant has attained a passing score in the two parts of the respective National Board, a license to practice medicine and surgery shall be granted. Such license herein granted shall be a FLEX examination license.

Interested persons may present statements or arguments in writing, orally, in person or by telephone relevant to the proposed action on or before January 31, 1976, to:

Dr. John J. McGuire, Secretary
State Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4843

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

Dr. John J. McGuire, Secretary
State Board of Medical Examiners
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Proposed Rule on Major and Minor Surgery

Dr. Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to adopt a new rule concerning major and minor surgery.

Full text of the proposed rule follows:

SUBCHAPTER 7. SURGERY

13:35-7.1 Major and minor surgery

(a) Major operations are those surgical procedures with an unusual hazard to the life, health and welfare of a patient. Major surgical procedures shall include operations involving the opening of the abdominal cavity or the thoracic cavity, the spinal and central nervous systems and major operations on the neck and the extremities.

(b) In accordance with the provisions of the Medical Practice Act, N.J.S.A. 45:9-1 et seq., major surgical procedures shall only be performed by a duly qualified surgeon with a duly qualified assisting physician, or a duly qualified surgical resident in a training program approved by the Educational Council of the American Medical Association or the American Osteopathic Association, except in matters of dire emergency.

(c) A duly qualified surgeon, duly qualified assisting physician, and duly qualified resident shall be determined by the hospital credentials committee in conjunction with the chairman or chief of the appropriate department or division.

(d) Failure to comply with this rule may subject the physician to suspension or revocation of his license to practice medicine and surgery in this State, pursuant to N.J.S.A. 45:9-16(g), and/or may subject any other person, association, corporation or institution to the sanctions and remedies set forth in N.J.S.A. 45:9-22, N.J.S.A. 45:9-26, and N.J.S.A. 45:9-27.1.

Interested persons may present statements or arguments in writing or by telephone relevant to the proposed action on or before January 31, 1976, to:

Dr. Edwin H. Albano, President
State Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4843

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

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

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Revisions to Rules On Horse Racing

John J. Reilly, executive director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to revise the rules concerning horse racing which now appear in Chapter 70 of Title 13 in the New Jersey Administrative Code.

The proposed, revised rules of approximately 25 pages will amend and supplement the current text of Chapter 70 in Title 13 of the New Jersey Administrative Code and concern general rules, definitions, racing associations, licensing, declarations and scratches, appeals, objections, protests, illegal practices, racing officials, stewards, starters, Racing Secretary, other officials, trainers, owners, authorized agents, disciplinary actions, steeplechasing, dead heats, vendors, mutual rules and rules governing initial track applications.

Copies of the full text of the proposed revisions may be obtained from or are available for review by contacting the Racing Commission at the address below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 31, 1976, to:

New Jersey Racing Commission
404 Abbingdon Drive
Twin Rivers Town Center
East Windsor, New Jersey 08520

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

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Amendment on Wholesale Prices Of Alcoholic Beverages and Returns

On November 26, 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, adopted an emergency amendment to N.J.A.C. 13:2-34.14(d) concerning wholesale prices of alcoholic beverages and returns.

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

13:2-34.14(d) 1. Notwithstanding the provisions of the preceding paragraph, a retailer may return to a manufacturer or wholesaler, and a manufacturer or wholesaler may accept from a retailer the return of alcoholic beverages for

credit or replacement, without prior permission of the Director, provided such alcoholic beverages were delivered by mistake to a retailer not more than two business days prior to the date of actual return to the manufacturer or wholesaler from whom the alcoholic beverages were purchased, and such alcoholic beverages were not delivered on either of the last two business days of any month, and further provided that not later than 24 hours after such return such manufacturer or wholesaler shall mail to the Director a copy of both the original invoice to the retailer and the credit memorandum or invoice showing the return in question, together with a statement specifying the reason for the return.

An order adopting this amendment was filed and became effective on November 26, 1975, as R.1975 d.353 (Exempt, Emergency Rule).

J. Edward Crabiell
Secretary of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CRIMINAL JUSTICE

POLICE TRAINING COMMISSION

Revisions to Commission's Rules

On November 17, 1975, William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:17B-71 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:14.1(a)3. of the Police Training Commission's rules, substantially as proposed in the Notice published August 7, 1975, at 7 N.J.R. 384(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 and became effective on December 15, 1975, as R.1975 d.370.

J. Edward Crabiell
Secretary of State

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Through Streets

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140, proposes to adopt new rules designating certain New Jersey State highways for their entire lengths in certain counties as "through streets".

Full text of the proposed rules follows:

SUBCHAPTER 10. THROUGH STREETS

16:28-10.1 Through street designation of New Jersey State highway routes

(a) In accordance with the provisions of N.J.S.A. 39:4-140 (as amended), these State highway routes, for their entire lengths, in the counties as described herein, shall be and hereby are designated and established as "Through streets" where "Stop" or "Yield" signs shall be installed on the near right side of each intersecting roadway:

Route Numbers	Counties
1. U.S. 1	Mercer, Middlesex, Union, Essex, Hudson and Bergen;
2. U.S. 1 alt.	Mercer;
3. U.S. 1 business	Hudson;
4. U.S. 1 truck	Essex and Hudson;
5. 3	Passaic, Bergen and Hudson;
6. 4	Passaic and Bergen;
7. 5	Bergen;
8. 7	Hudson, Bergen and Essex;
9. U.S. 9	Cape May, Atlantic, Burlington, Ocean, Monmouth, Middlesex, Union, Essex, Hudson and Bergen;
10. U.S. 9 truck	Essex and Hudson;
11. U.S. 9W	Bergen;
12. 10	Morris and Essex;
13. 12	Hunterdon;
14. 13	Ocean;
15. 15	Morris and Sussex;
16. 17	Bergen;
17. 18	Middlesex and Monmouth;
18. 20	Bergen and Passaic;
19. U.S. 21	Essex, Passaic and Bergen;
20. 22	Warren, Hunterdon, Somerset, Union and Essex;
21. U.S. 22 alt.	Warren;
22. 23	Essex, Passaic, Morris and Sussex;
23. 24	Morris, Essex and Union;
24. 26	Middlesex;
25. 27	Mercer, Middlesex, Somerset and Union;
26. 28	Somerset, Middlesex and Union;
27. 29	Mercer and Hunterdon;
28. U.S. 30	Atlantic and Camden;
29. 31	Mercer, Hunterdon and Warren;
30. 32	Middlesex;
31. 33	Mercer, Middlesex and Monmouth;
32. 34	Monmouth and Middlesex;
33. 35	Ocean, Monmouth, Middlesex and Union;
34. 36	Monmouth;
35. 37	Ocean;
36. 38	Camden, Burlington and Monmouth;
37. U.S. 40	Salem, Gloucester and Atlantic;
38. 41	Gloucester, Camden and Burlington;
39. 42	Gloucester and Camden;
40. 44	Gloucester;
41. 45	Salem and Gloucester;
42. U.S. 46	Warren, Morris, Essex, Passaic and Bergen;
43. 47	Cape May, Cumberland, Gloucester and Camden;
44. 48	Salem;
45. 49	Salem, Cumberland, Atlantic and Cape May;
46. 50	Cape May and Atlantic;
47. 52	Cape May and Atlantic;
48. 53	Morris;
49. 54	Atlantic;
50. 55	Cumberland and Gloucester;
51. 57	Warren;
52. 58	Essex and Hudson;
53. 59	Union;
54. 63	Bergen;
55. 64	Mercer;
56. 66	Monmouth;
57. 67	Bergen;
58. 68	Burlington;

Route Numbers	Counties
59. 70	Camden, Burlington, Ocean and Monmouth;
60. 71	Monmouth;
61. 72	Burlington and Ocean;
62. 73	Atlantic, Camden and Burlington;
63. I-76	Camden;
64. 77	Cumberland, Salem and Gloucester;
65. I-78	Warren, Hunterdon, Somerset, Union, Essex and Hudson;
66. 79	Monmouth;
67. I-80	Warren, Morris, Essex, Passaic and Bergen;
68. 82	Union;
69. 83	Cape May;
70. 87	Atlantic;
71. 88	Ocean;
72. 91	Middlesex;
73. 93	Bergen;
74. 94	Warren and Sussex;
75. I-95	Mercer, Middlesex and Bergen;
76. 109	Cape May;
77. 124	Essex and Union;
78. 129	Mercer;
79. U.S. 130	Salem, Gloucester, Camden, Burlington, Mercer and Middlesex;
80. 147	Cape May;
81. 151	Camden;
82. 152	Atlantic;
83. 153	Hudson;
84. 154	Camden;
85. 156	Mercer;
86. 157	Atlantic;
87. 159	Morris and Essex;
88. 161	Passaic;
89. 163	Warren;
90. 165	Hunterdon;
91. 166	Ocean;
92. 167	Atlantic and Burlington;
93. 168	Camden and Gloucester;
94. 169	Hudson;
95. 170	Burlington;
96. 171	Middlesex;
97. 172	Middlesex;
98. 173	Warren and Hunterdon;
99. 179	Hunterdon;
100. 180	Ocean;
101. 181	Morris and Sussex;
102. 182	Warren;
103. 183	Morris and Sussex;
104. 184	Middlesex;
105. I-195	Mercer, Monmouth and Ocean;
106. U.S. 202	Hunterdon, Somerset, Morris and Passaic;
107. U.S. 206	Atlantic, Burlington, Mercer, Somerset, Morris and Sussex;
108. 208	Bergen and Passaic;
109. I-278	Union;
110. I-280	Essex, Hudson and Morris;
111. 284	Sussex;
112. I-287	Somerset, Morris and Middlesex;
113. I-295	Salem, Gloucester, Camden, Burlington and Mercer;
114. U.S. 322	Gloucester and Atlantic;
115. 324	Gloucester;
116. 439	Union;
117. 440	Middlesex and Hudson;
118. 444 Garden State Pkwy.	Cape May, Middlesex and Union;

Route Numbers	Counties
119. I-495	Hudson;
120. I-676	Camden.

(b) This action supersedes all previously adopted orders, regulations, ordinances and resolutions which cover or are inconsistent with the provisions of this regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976 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 motion or at the instance of any interested party, may thereafter adopt these rules without further notice.

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions on No Parking Zones Along Various State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt revisions to the rules establishing legal no parking zones along various State highways. The proposed revisions concern deletion of the current text of N.J.A.C. 16:28-3.85 and adoption of new text therein, plus two new proposed rules.

Full text of the proposed new rules follows:

16:28-3.85 Route U.S. 9 in Howell Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing:

i. Along the northbound side of Route U.S. 9 from the southerly curb line of Locust Avenue to a point 130 feet south of the southerly curb line of Locust Avenue.

2. Along the southbound side of Route U.S. 9:

i. From a point 550 feet north of the northerly curb line of Bergenville Road-Casino Drive to the northerly curb line of Bergenville Road-Casino Drive;

ii. From the prolongation of the southerly curb line of Locust Avenue to a point 215 feet south of the prolongation of the southerly curb line of Locust Avenue;

iii. Along both sides of Route U.S. 9 from the northerly curb line of Shady Lane to the southerly curb line of Salem Hill Road.

16:28-3.101 Route 38 in Wall Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway Route 38 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing along both sides of Route 38 within the entire corporate limits of Wall Township, includ-

ing all ramps and connections under the jurisdiction of the Commissioner of Transportation.

16:28-3.102 Route U.S. 9 in Middle Township, Cape May County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing along both sides of Route U.S. 9:

i. From the southerly curb line of Romney Place to the southerly curb line of Orbit Drive.

ii. From a point 150 feet south of the southerly curb line of Brooks Avenue to a point 450 feet north of the northerly curb line of Brooks Avenue.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976 to Robert R. Reed Jr., 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions to Speed Limits On Portions of Routes 29 and 93

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise N.J.A.C. 16:28-1.44 by adding a new subsection (b) therein, and N.J.A.C. 16:28-1.121 by deleting the current text entirely and adopting new text therein. The proposed revisions affect portions of Routes 29 and 93.

Full text of the proposed new rules follows:

16:28-1.44(b) In accordance with the provisions of N.J.S.A. 39:4-98, regulation LS-70-14 is hereby amended to establish a 25 mph speed limit for the Roosevelt Grammar School zone, during recess or while children are going to or leaving school, during opening or closing hours, along Route 27 in the City of Rahway, Union County.

16:28-1.121 Route 93 in Bergen County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State highway Route 93 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. Ridgefield Borough: | Mileposts |
| i. Zone 1: 40 mph from Route U.S. 1 and 9 to Maple Avenue. | 0.0 to 0.6 |
| 2. Ridgefield, Palisades Park and Leonia Boroughs: | |
| i. Zone 2: 35 mph from Maple Avenue in Ridgefield Borough extending through Palisades Park Borough and Leonia Borough (to | 0.6 to 3.1 |

the Leonia Borough-Englewood Borough line, at Route I-95 overpass)

- 3. Englewood Borough:
 - i. Zone 3: 30 mph

3.1 to 3.4

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 18, 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 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

Rule on Lane Usage on Portions of Route 35

On December 17, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-7.1, concerning lane usage along certain portions of Route 35, as proposed in the Notice published November 6, 1975, at 7 N.J.R. 520(a).

An order adopting this rule was filed and became effective on December 18, 1975, as R.1975 d.375.

J. Edward Crabiel
Secretary of State

(c)

TREASURY

DIVISION OF PENSIONS

CONSOLIDATED POLICE AND FIREMEN'S PENSION FUND

Proposed Revisions on Survivor Benefits and Medical Examinations

The Consolidated Police and Firemen's Pension Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16-7 et seq., proposes to revise its rules concerning survivor benefits and medical examinations.

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

17:6-3.3 Survivor benefits

[(a) Payment of benefits to eligible survivors shall become effective as follows:

1. No partial or fractional part of a monthly pension allowance will be made due to the death of the beneficiary within such month. A surviving widow who is found eligible for continuing benefits due to the death of a retired member will receive her regular monthly pension for the full month in which the member died.

2. A widow eligible for pension due to the death of an active member will receive a full monthly allowance for the month following the member's death.]

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

(b) In the instance of survivors of members who die in service, the initial pension payment will be for the month following the month in which the member died, and the last payment will cover the month immediately preceding the month the survivor dies or ceases to qualify for the continuance of benefits.

(c) No partial or fractional part of a monthly pension allowance will be paid due to the death of the beneficiary within such month.

17:6-3.9 Medical examinations; physicians

Where the statute prescribes that a physician shall be designated by the Fund to perform medical examination, such physician shall be selected from the current membership directory of the New Jersey Medical Society; however, in order to expedite the processing of what appears to be terminal cases, the Fund may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the Fund.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 28, 1976, to:

Division of Pensions
20 West Front St.
Trenton, N.J. 08625

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

Clifford A. Goldman
Deputy State Treasurer
Department of the Treasury

(a)

TREASURY

STATE INVESTMENT COUNCIL

Revisions on Classification of Funds

On December 8, 1975, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:16-5.5 concerning the temporary reserve group regarding classification of funds.

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

17:16-5.5 Temporary reserve group

(a) The temporary reserve group shall include:

1. College of Medicine and Dentistry of New Jersey;

- [1] 2. General Investment Fund;
- [2] 3. General Revenue Sharing Fund;
- [3] 4. General Trust Funds;
- [4] 5. Higher Education Buildings Construction Fund (Act of 1971);
- [5] 6. Housing Assistance Fund;
- [6] 7. New Jersey Educational Facilities Authority;
- [7] 8. New Jersey Housing Finance Agency;
- [8] 9. 1964 Higher Education Construction Fund;
- [9] 10. Pension Increase Fund;
- [10] 11. Public Buildings Construction Fund;
- [11] 12. School Building Aid—Capital Reserve Fund;
- [12] 13. State Facilities for Handicapped Fund;

- [13] 14. State Health Benefits Fund;
- [14] 15. State Lottery Fund—Investment;
- [15] 16. State of New Jersey—Alternate Benefit Program;
- [16] 17. State 1964 Institution Construction Fund;
- [17] 18. State Recreation and Conservation Land Acquisition Fund;
- [18] 19. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
- [19] 20. State Transportation Fund;
- [20] 21. State Water Development Fund;
- [21] 22. Transportation Benefit Fund;
- [22] 23. Transportation Fund;
- [23] 24. Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund);
- [24] 25. Water Conservation Fund.

An order adopting these revisions was filed and became effective on December 11, 1975, as R.1975 d.362 (Exempt, Procedure Rule).

J. Edward Crabiel
Secretary of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Revisions on New Jersey State and Municipal General Obligations

On December 8, 1975, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:16-11.1 concerning applicable funds regarding New Jersey State and municipal general obligations.

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

17:16-11.1 Applicable funds

The Director may invest and reinvest moneys of any pension and annuity group fund and the **Unemployment Compensation Auxiliary Fund** in the obligations of the State of New Jersey or any municipal or political subdivision of this State provided that such obligations are legal investments for savings banks in this State.

An order adopting these revisions was filed and became effective on December 11, 1975, as R.1975 d.363 (Exempt, Procedure Rule).

J. Edward Crabiel
Secretary of State

(c)

TREASURY

STATE INVESTMENT COUNCIL

Revised Definition

On December 8, 1975, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:16-29.1 concerning the definition of Federal Housing Administration insured multi-family construction mortgages.

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

17:16-29.1 Definitions

(a) As used in this Subchapter, a "Federal Housing Administration Insured Multi-Family Construction Mortgage" (hereinafter referred to as a "construction mortgage") shall mean a mortgage on a multi-family dwelling insured or to be insured by the Federal Housing Administration as authorized under Title II of the National Housing Act and more specifically described under the following Sections:

1. 207;
2. 220;
3. 221D3;
4. 221D4 [.] ;
5. 236.

An order adopting these revisions was filed and became effective on December 11, 1975, as R.1975 d.364 (Exempt, Procedure Rule).

J. Edward Crabiel
Secretary of State

(a)

TREASURY

STATE LOTTERY COMMISSION

Revisions of Rules for Daily Lottery

On December 16, 1975, Henry N. Luther III, executive director of the Sate Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the Commission's rules which involve the deletion in their entirety of the current text of N.J.A.C. 17:21-6.1 through 17:21-6.6 concerning the Daily Lottery, to be effective January 1, 1976, and the adoption of a new rule concerning final drawings of the Daily Lottery.

Full text of the adopted revisions follows:

Note: N.J.A.C. 17:21-6.1 through 17:21-6.6 are to be deleted and each Section therein marked "Reserved", with such changes effective January 1, 1976.

17:21-6.9 Final drawings

(a) The final qualifier drawing will be held on December 31, 1975.

(b) All qualifiers will be given one year to register for the final grand drawing.

(c) The final grand drawing will be held as soon after December 31, 1976 as possible.

(d) The prize structure and the agent's bonus for the final grand drawing will be increased by six per cent.

(e) The final grand drawing will be held even if fewer than 3.6 million daily tickets are sold.

An order adopting these revisions was filed and became effective on December 18, 1975, as R.1975 d.374 (Exempt, Emergency Rule).

J. Edward Crabiel
Secretary of State

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OTHER AGENCIES

(b)

ELECTION LAW

ENFORCEMENT COMMISSION

Revisions on Use of Funds by Political Committees and Testimonial Affairs

On December 4, 1975, David F. Norcross, Executive Director of the Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6(b) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 19:25-7.8 and 19:25-12.2 concerning use of funds by political committees and testimonial affairs, as proposed in the Notice published November 6, 1975, at 7 N.J.R. 527(a).

An order adopting these revisions was filed and became effective on December 9, 1975, as R.1975 d.359.

J. Edward Crabiel
Secretary of State

(c)

HACKENSACK MEADOWLANDS

DEVELOPMENT COMMISSION

Revisions Concerning Appeals

On November 26, 1975, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 19:4-6.25 concerning appeals, as proposed in the Notice published November 6, 1975, at 7 N.J.R. 527(b).

An order adopting these revisions was filed and effective on December 1, 1975, as R.1975 d.355.

J. Edward Crabiel
Secretary of State