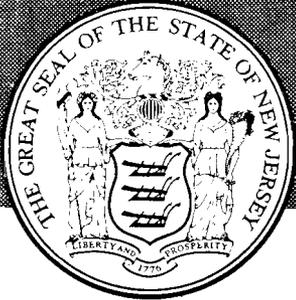


NEW JERSEY REGISTER



The State's Official Rules Publication

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

OFFICE OF THE GOVERNOR

Notice of Reorganization Plan for the Bureau of Financial Regulation Assistance and the Local Finance Board

Take notice that, on February 19, 1976, Governor Brendan T. Byrne issued the following reorganization plan concerning the Bureau of Financial Regulation and Assistance, and the Local Finance Board, in the Division of Local Government Services in the Department of Community Affairs.

REORGANIZATION PLAN OF THE DIVISION OF LOCAL GOVERNMENT SERVICES

The Bureau of Financial Regulation and Assistance in the Division of Local Government Services in the Department of Community Affairs, together with all its functions, powers and duties, and the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs, together with all its functions, powers and duties, are hereby transferred to the Department of the Treasury.

The Bureau of Financial Regulation and Assistance, as presently organized, reviews and certifies all municipal budgets, is responsible for post-audit review of municipal and county government, and provides financial guidance to local governments. The Local Finance Board approves fiscal transactions of municipalities in, or in danger of falling into, unsound fiscal condition, and has jurisdiction over municipalities which are insolvent.

Placing these local budgeting and financing functions in the Department of the Treasury will assure more effective oversight of municipal and county finance. The problems of local finance have changed to such a degree that a new organization of State oversight and advisory functions is necessary. The transfer proposed by the reorganization plan will enable the State to coordinate better its own financings with the borrowing schedules of local governments. Also a merger of governmental budgeting and financing functions will promote a greater sharing of expertise of the officials of State government concerned with State and local finance. In addition, this proposed transfer enables the Bureau of Financial Regulation and Assistance and the Local Finance Board to work more effectively with the Division of Investment to improve local investment and debt management practices.

In accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14c-2), I find and declare that this transfer and reorganization is necessary:

(1) To promote the more effective management of the Executive Branch;

(2) To reduce expenditures and promote economy to the fullest extent practicable;

(3) To increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;

(4) To group, coordinate and consolidate agencies and functions of the Executive Branch, as nearly as practicable, according to major purposes;

(5) To eliminate overlapping and duplication of effort.

All Acts and parts of Acts inconsistent with any of the provisions of this reorganization plan are superseded to the extent of such inconsistencies. All transfers directed by this reorganization plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

Any provisions of this plan which conflict with Federal law are null and void.

This Notice is published as a matter of public information.
G. Duncan Fletcher
Director of Administrative Procedure
Department of State

OFFICIAL NOTICE

SPECIAL CODE MAILING MADE OF LATEST EDUCATION RULES

With the adoption in January of final "thorough and efficient" administrative rules by the State Education Department, a special mailing of these and their other rules adopted through January 15, 1975 was made in late February to Administrative Code subscribers.

The interim Code Index in the center pages of this issue has been adjusted to reflect issuance of this one-Title update.

The new T & E rules constitute a new Chapter 8 in the two volumes of Title 6—Education, which are currently received by 2,615 subscribers, according to G. Duncan Fletcher, the new Director of the Division of Administrative Procedure.

This mailing followed one in January of updates for seven other Departments, namely: Title 1—Chief Executive, Title 2—Agriculture, Title 3—Banking, Title 4—Civil Service, Title 5—Community Affairs, Title 9—Higher Education and Title 13—Law and Public Safety.

If Code subscribers have not received all mailings by March 22, they should get in touch with the Division, at 10 North Stockton Street, Trenton, N.J. 08608. Phone: (609) 292-6060.

NEW JERSEY REGISTER

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

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(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Revisions Concerning Negative Reaction of Cattle and Goats to Tuberculosis and Brucellosis Tests

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-2, 4:5-19 and 4:5-93.22, proposes to revise N.J. A.C. 2:3-2.3 concerning the negative reaction of cattle and goats to tuberculosis and brucellosis tests.

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

2:3-2.3 Negative reaction of cattle and goats to tuberculosis and brucellosis tests

(a) Cattle and goats **six** [eight] months of age and over shall be negative to a tuberculosis test within 30 days of entry.

(b) All cattle and goats over **six** [eight] months of age shall be negative to a test for brucellosis within 30 days of entry, except that officially brucellosis-vaccinated dairy heifers under 20 months of age and heifers of the beef breeds under 24 months of age need not be tested.

(c) Vaccination tag, **tattoo** [tatto] or date of vaccination must be recorded on the official interstate health certificate.

(d) All cattle and goats that originate in a county not modified certified shall originate in herds negative to the blood test within 12 months prior to entry and shall be negative to a test for brucellosis within 30 days of entry.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before March 24, 1976, to:

Dr. C. K. Jewell, Director
Division of Animal Health
Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary of State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Notice of Hearing

Take notice that, pursuant to P.L. 1941, Chapter 274, as amended, (N.J.S.A. 4:12A-1, et seq.), and particularly Section 25, the Division of Dairy Industry will conduct a public hearing jointly and concurrently with the United States Department of Agriculture, to be held at the Hotel Commodore, 42nd Street and Lexington Avenue, New York, New York, beginning at 1:30 P.M. on February 17, 1976,

with an additional session to be held also at the Sheraton Inn, 7 North Street and Electronics Parkway, Syracuse, New York, beginning at 10:00 A.M. on February 23, 1976, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area, said order being a joint order of the United States Department of Agriculture and the Division of Dairy Industry, State Department of Agriculture as said order applies to the State of New Jersey.

Purpose of the hearing is to consider evidence on proposals which would provide for payment by producers of the transportation cost associated with moving milk from the farm to the plant; provide for interest payment by dealers on amounts due the producer settlement fund; change the procedure for allocating milk purchased from other markets to Class I or Class II; and provide for recognition of New York Department of Agriculture State orders in allocating producer milk to Class I or Class II.

Notice of the hearing was published on January 14, 1976, in Volume 41 of the Federal Register, beginning at page 2092. Copies of this Notice and of the Notice of the United States Department of Agriculture which contains the specific proposal may be reviewed at the office of the Division of Dairy Industry, Department of Agriculture, John Fitch Plaza, Trenton, N.J., or will be supplied upon request.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF PLANT INDUSTRY

Rules Governing Movement of Tomato Transplants into New Jersey

On January 30, 1976, the New Jersey State Department of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules governing the movement of tomato transplants into New Jersey, substantially as proposed in the Notice published January 8, 1976, at 8 N.J.R. 2(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Agriculture.

Full text of the adopted rules follows (substantive changes made are indicated in boldface thus):

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 in 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 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. Apparently free from injurious insects, nematodes and plant diseases;
2. Plant count as stated on the container;
3. Free of fruit and excessive bloom;
4. Free of noxious weeds;
5. Good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority. At least 80 per cent of all the tomato plants in each container must conform to the following standards:
 - 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;
 - ix. Stem length six to eleven inches from soil line to growing point with a minimum stem diameter of 3/16 inch. If the inspecting authority is notified of agreement between the plant producer and plant purchaser, plant size standards may be altered.

(e) Failure to comply with the regulations will result in destruction or rejection of all or part of violating tomato transplant shipments into New Jersey.

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

An order adopting these rules was filed and became effective on January 30, 1976, as R.1976 d.30.

J. Edward Crabiell
Secretary of State

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revisions to Minimum Milk Prices

On February 9, 1976, 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, adopted revisions to N.J.A.C. 2:49-1.1(b) concerning minimum milk prices.

Full text of the adopted revisions follows:

2:49-1.1(b) Effective March 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 March 1, 1976.

An order adopting these revisions was filed February 17, 1976, as R.1976 d.45 (Exempt, Procedure Rule) to become effective on March 1, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendment to Application of Rules

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq., proposes to adopt an amendment to its rule concerning the application of rules.

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

4:1-1.6 Application of rules

(a) Except as otherwise specified in any particular rules, these rules shall apply to positions and employment in the classified service.

(b) Whenever any particular rule, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

Joseph Lavery
Administrative Practice Officer
Department of Civil Service
201 East State St.
Trenton, N.J. 08625

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

William Druz
Chief Examiner and Secretary
Department of Civil Service

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Rule on Awarding Counsel Fees

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq., proposes to adopt a new rule concerning the awarding of counsel fees.

Full text of the proposed rule follows:

4:1-5.16 Awarding counsel fees

(a) The Civil Service Commission may award counsel fees only when an employee has been exonerated from a charge and is awarded back pay with mitigation. However, in cases where a municipal police officer has been exonerated from a charge, counsel fees will be awarded pursuant to the provisions of N.J.S.A. 40A:14-155 (Defense for members or officers . . .).

(b) When the Civil Service Commission awards counsel fees, settlement on the amount to be paid is to be determined by agreement between the attorney for the appointing authority and the attorney for the exonerated employee.

(c) If a settlement cannot be agreed upon, the employee or his representing attorney may request, in writing, a Commission hearing for settlement. Along with such hearing request the petitioner must:

1. Submit affidavits of services; and
2. Place on the record sufficient evidence to permit the Commission to make a determination as to what fees were necessarily incurred.

(d) The Commission will notify the opposing party of the request for hearing. The opposing party, within 20 days of receipt of such notice, may forward to the Commission objections to the amount of award.

(e) The Commission will determine whether it will grant a hearing or issue appropriate orders or directives to effectuate its determination without a hearing based on documents submitted and mail true copies thereof to the petitioner and other affected parties.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

Joseph Lavery
Administrative Practice Officer
Department of Civil Service
201 East State St.
Trenton, N.J. 08625

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

William Druz
Chief Examiner and Secretary
Department of Civil Service

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Various Subparts Of State Service Personnel Manual

On January 29, 1976, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to various Subparts of the Civil Service Personnel Manual (State Service) concerning hearings and various leaves.

Full text of the revised rules follows:

Subpart 5-10.102 Conduct of departmental hearings

5-10.102a Purpose

The contents of this Subpart are set forth in order to ensure that all parties involved in a departmental hearing as prescribed by N.J.A.C. 4:1-5.15 are afforded due process during the course of the hearing.

5-10.102b Regulation

In all disciplinary hearings the burden of proof shall be on the appointing authority except in those cases where an employee has been released at the end of his or her working test period. In such cases, the burden of proof shall be on the employee to demonstrate the action was taken in bad faith.

5-10.102c Conduct of hearing

All hearings shall be conducted in an informal manner, without reference to any formal rules of evidence, but subject to the following principles:

1. The hearing officer shall admit all testimony having reasonable probative value, but may exclude immaterial, irrelevant or unduly cumulative testimony.

2. Direct and cross-examination of witnesses shall be allowed.

3. The petitioning employee shall not be required to testify, but if he or she does testify voluntarily, he or she may be cross-examined upon any matter relevant to the hearing.

4. No person shall serve as a hearing officer where he or she is the one who preferred the respective charges.

5-10.102d Findings and decision

1. The hearing officer shall issue a decision within 30 days of the hearing unless a later or earlier date is mutually agreed upon by the parties.

2. The decision shall include:

(1) A short statement of the nature of the proceedings.

(b) Discussion of any testimony or evidence which merits special analysis.

(c) Specific finding of fact, noted as such.

(d) Specific conclusion and decision based on findings of fact and applicable laws and rules.

5-10.102e Witnesses

1. Departmental policies regarding the procedural steps to be taken in requesting witnesses shall be followed.

2. It shall be within the discretion of the hearing officer presiding to determine the necessity of specific witnesses on the basis of whether the testimony to be elicited from such witnesses would be immaterial, irrelevant or unduly cumulative.

5-10.102f Time off

All appellants and witnesses in payroll status at the time of the hearing shall be given time off during their normal working hours.

Special note: This rescinds the previous Subpart issued July 11, 1972, regarding administrative leave.

Subpart 17-8.102 Administrative leave

17-8.102a Subject

This Subpart includes the regulations of the Department of Civil Service governing the granting and use of administrative leave pursuant to C.74, Laws of 1972.

17-8.102b Procedure

1. Effective July 1, 1972, all employees in the classified service with not less than six months service shall be granted an allowance of 1½ days administrative leave for the remainder of the current calendar year and on January 1, 1973 shall be granted the yearly allowance of 3 days administrative leave.

2. For the current calendar year (1972), all employees in classified service with less than six months service and those hired after July 1, 1972 shall be granted ½ day of administrative leave for each calendar month of service after July 1, 1972 to a maximum of 1½ days.

3. All employees in classified service hired on or after January 1, 1973, shall be granted ½ day of administrative leave after each full calendar month of employment to a maximum of 3 days during the remainder of that calendar year and 3 days administrative leave in each calendar year thereafter.

4. Administrative leave shall not be cumulative and any such leave credit remaining unused by an employee at the end of the calendar year or upon separation shall be cancelled. Unlike other leave, when an employee separates, there shall be no reduction or repayment of funds for days already used in the calendar year of separation.

5. Administrative leave may be scheduled in units of ½ days or multiples thereof.

6. Requests for administrative leave of absence must be approved in advance by the appointing authority. Priority in granting such requests shall be:

- (1) Emergencies.
- (2) Observation of religious or other days of celebration, but not public holidays.
- (3) Personal business.
- (4) Other personal affairs.

However, requests for religious observances shall be granted on the days and hours required insofar as the absence will not interfere with the proper conduct of State business.

7. Administrative leave may be taken in conjunction with other types of paid leave.

17-8.102c Administrative leave for employees employed on a part-time basis

1. Definition

"Part-time employee" means any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

2. Regulation

Temporary, provisional and permanent part-time employees who meet the definition as set forth in #1 and accordingly are in the classified service shall be granted administrative leave credit on a proportionate basis.

PART 17-9 DISABILITY LEAVE--SICK LEAVE INJURY

Subpart 17-9.101 Employment disability report (Form CS40)

17-9.101a Subject

This Subpart will describe the preparation and use of the employment disability report (CS40).

17-9.101b Purpose

This form shall be a request by the agency for the Department of Civil Service to approve a leave of absence with pay (SLI sick leave injury) for an employee due to a disability either through injury or illness as a result of, or arising from employment.

17-9.101c Procedures

This form shall be prepared by the appointing authority and submitted in accordance with the instructions printed on the form.

If no SLI is immediately involved, it will NOT be necessary to forward the form to Civil Service. However, if the injury or illness is subsequently the cause of time lost, the form should be forwarded and item 17 must be checked "supplemental report" and a note made in that space: "original not submitted--no time lost".

A supplemental form should be submitted whenever additional approval time is necessary, including the return of the employee in every case where the return of the employee is subsequent to the "through date" approved by Civil Service. Whenever a supplemental report is made, the terminal date of the previous approval shall be indicated in item #18.

As stated on the form, SLI is limited to the period required for possible recovery from specific disability, or the period of one year from the date of accident, whichever period ends first.

17-9.101d Limitations

(1) SLI is a privilege provided all full-time employees and permanent part-time employees who are disabled by injury or illness as a direct result, or arising out of, or in

the course of employment. The determination of the causal relationship of the accident or illness to employment is essentially the responsibility of the appointing authority. Reporting the accident or injury to one's superior with a minimum of delay is the responsibility of the employee and undue delay in such reporting may cause disapproval of SLI.

(2) If the employee has unused, accrued sick leave and/or earned vacation sufficient to cover the anticipated leave period, the appointing authority may withhold submission of an original-time cost CS40 form until the employee has returned to work, except that no forms shall be withheld more than 30 days from the date of commencement of time lost. Unless the employee has returned when the form is submitted, the form should be marked "indefinite" in item #16.

(3) If the employee has (a) been obviously injured on the job, (b) exhausted all accrued sick leave and/or earned vacation, and (c) filed an accident report, he may be paid for a period of SLI not to exceed one pay period prior to return of an approved CS40. This situation is conditional upon: (a) the appointing authority being satisfied that the injury is job incurred, and (b) the subsequent submission of a CS40. If the SLI, in such a case, should be denied for any reason, a subsequent adjustment will be made in the employee's pay.

17-9.101e Sick leave injury for employees employed on a part-time basis:

1. Definition

A part-time employee is any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

2. Regulation

Temporary, provisional and permanent part-time employees who meet the definition as set forth in #1 and accordingly are in the classified service shall be granted SLI credit on a proportionate basis, but such benefits will in no way prolong or alter provisional or temporary status at the time of legitimate termination.

PART 17-10 LEAVE BENEFITS OF PART-TIME EMPLOYEES

Subpart 17-10.101 Vacation leave for employees employed on a part-time basis

17-10.101a Subject

This Subpart will describe the extent to which part-time employees will be permitted to accrue vacation leave.

17-10.101b Definition

"Part-time employee" means an employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

17-10.101c Regulation

Temporary, provisional and permanent part-time employees who meet the definition as set forth in 101b and accordingly are in the classified service shall be granted vacation leave credit on a proportionate basis. (See attached chart for computation guide.)

Editor's Note: Two vacation credit charts were adopted with these revisions but, due to space limitations, are not reproduced herein. For further information on these charts, contact the Department of Civil Service.

Subpart 17-16.102 Sick leave for employees employed on a part-time basis

17-16.102a Subject

This Subpart will describe the extent to which part-time employees will be permitted to accrue sick leave.

17-16.102b Definition

"Part-time employee" means any employee who, by arrangement regularly works a constant percentage of the

regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

17-16.102c Regulation

Temporary, provisional and permanent part-time employees who meet the definition as set forth in 102b and accordingly are in the classified service shall be granted sick leave credit on a proportionate basis. (See attached chart for computation guide.)

SICK TIME CREDITS

Prorated for 1 day per month and 1/4 days per month

Percentage of Full-Time Position	8 Hours/Day Position (Hours/Month)	12 Days/Year (1st Year) (Hours/Year)	15 Days/Year (Hours/Year)	7 Hours/Day Position (Hours/Month)	12 Days/Year (1st Year) (Hours/Year)	15 Days/Year (Hours/Year)
20	1.60	19	24	1.40	17	21
25	2.00	24	30	1.75	21	26
30	2.40	29	36	2.10	25	31.5
40	3.20	38.5	48	2.80	33.5	42
50	4.00	48	60	3.50	42	52.5
60	4.80	57.5	72	4.20	50.5	63
70	5.60	67	84	4.90	59	73.5
75	6.00	72	90	5.25	63	79
80	6.40	77	96	5.60	67	84
90	7.20	86.5	108	6.30	75.5	94.5

Example: If a part-time employee works 40 per cent of the normal 8-hour per day position (40 hours per week), that person should be credited with sick leave at the rate of 3.2 hours per month. For every month of the first calendar year of employment this would be a total of 38.5 hours sick leave credit. For every year thereafter, a total of 48 hours per year would be credited.

Subpart 18-3.101 Holiday leave for employees employed on a part-time basis

18-3.101a Subject

This Subpart will describe the extent to which part-time employees will be permitted holiday leave.

18-3.101b Definition

"Part-time employee" means any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

18-3.101c Regulation

Temporary, provisional and permanent part-time employees who meet the definition as set forth in 101b and accordingly are in the classified service shall be granted holiday leave credit on a proportionate basis.

To calculate holiday leave credits for the year, multiply the appropriate "Hours/Month" figure times the number of holiday days in the year. To round off tenths of a number the following guide should be used: .1 to .3 should be dropped, .4 to .6 should be .5, and for .7 to .9 increase to the next whole number.

An order adopting these revisions was filed February 5, 1976, as R.1976 d.37 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

HOLIDAY LEAVE CREDITS

Percentage of Full-Time Position	Prorated	
	8 Hours/Day Position (Hours/Month)	7 Hours/Day Position (Hours/Month)
20	1.60	1.40
25	2.00	1.75
30	2.40	2.10
40	3.20	2.80
50	4.00	3.50
60	4.80	4.20
70	5.60	4.90
75	6.00	5.25
80	6.40	5.60
90	7.20	6.30

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Local Jurisdiction Personnel Manual Concerning Leave Benefits of Part-Time Employees

On January 29, 1976, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subparts 17-10.101 and 17-10.102 of the Civil Service Personnel Manual (Local Jurisdictions) concerning vacation and sick leave for employees employed on a part-time basis.

Full text of the revised rules follows:

Subpart 17-10.101 Vacation leave for employees employed on a part-time basis

17-10.101a Subject

This Subpart will describe the extent to which part-time employees will be permitted to accrue vacation leave.

17-10.101b Definition

"Part-time employee" means any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

17-10.101c Regulation

Permanent part-time employees who meet the definition as set forth in 101b and accordingly are in the classified service shall accrue vacation leave credit on a proportionate basis. (See attached chart for computation guide). The appointing authority has the option of granting vacation leave credit to temporary and provisional part-time employees as it deems appropriate.

VACATION CREDITS

Prorated

Percentage of Full-Time Position	8 Hours/Day Position (Hours/Month)	12 Days/Year (1-10 Years)	15 Days/Year (10-20 Years)	20 Days/Year (20 Years +)
20	1.60	19	24	32
25	2.00	24	30	40
30	2.40	29	36	48
40	3.20	38.5	48	64
50	4.00	48	60	80
60	4.80	57.5	72	96
70	5.60	67	84	112
75	6.00	72	90	120
80	6.40	77	96	128
90	7.20	86.5	108	144

Example: If a part-time employee works 40 per cent of the normal 8-hour per day position (40 hours per week), that person should be credited with vacation credit at the rate of 3.2 hours per month. For the first ten years this would be a total of 38.5 hours vacation credit per year.

Subpart 17-10.102 Sick leave for employees employed on a part-time basis

17-10.102a Subject

This Subpart will describe the extent to which part-time employees will be permitted to accrue sick leave.

17-10.102b Definition

"Part-time employee" means any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency;

and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

17-10.102c Regulation

Permanent part-time employees who meet the definition as set forth in 102b and accordingly are in the classified service shall accrue sick leave credit on a proportionate basis. (See attached chart for computation guide.) The appointing authority has the option of granting sick-leave credit to temporary and provisional part-time employees as it deems appropriate.

SICK LEAVE CREDITS

Prorated for 1 day per month and 1¼ days per month

Percentage of Full-Time Position	8 Hours/Day Position (Hours/Month)	12 Days/Year (1st Year) (Hours/Year)	15 Days/Year (Hours/Year)	7 Hours/Day Position (Hours/Month)	12 Days/Year (1st Year) (Hours/Year)	15 Days/Year (Hours/Year)
20	1.60	19	24	1.40	17	21
25	2.00	24	30	1.75	21	26
30	2.40	29	36	2.10	25	31.5
40	3.20	38.5	48	2.80	33.5	42
50	4.00	48	60	3.50	42	52.5
60	4.80	57.5	72	4.20	50.5	63
70	5.60	67	84	4.90	59	73.5
75	6.00	72	90	5.25	63	79
80	6.40	77	96	5.60	67	84
90	7.20	86.5	108	6.30	75.5	94.5

Example: If a part-time employee works 40 per cent of the normal 8-hour day position (40 hours per week), that person should be credited with sick leave at the rate of 3.2 hours per month. For every month of the first calendar year of employment this would be a total of 38.5 hours sick leave credit. For every year thereafter, a total of 48 hours per year should be credited.

An order adopting these revisions was filed February 5, 1976, as R.1976 d.38 (Exempt, Procedure Rule). These revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions Concerning Promotional Examinations

On February 3, 1976, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 4:1-8.6 concerning promotional examinations, substantially as proposed in the Notice published October 9, 1975, at 7 N.J.R. 454(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Civil Service.

The substantive changes involve the addition of new words in parentheses to the proposed text of N.J.A.C. 4:1-8.6(a)3.viii.

Adopted text of the subparagraph reads:

4:1-8.6(a)3.viii. Is on leave without pay to fill elective (for local government services only).

An order adopting these revisions was filed and became effective on February 18, 1976, as R.1976 d.51.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions in Examinations and Vacation Leave

On February 6, 1976, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 4:1-8.8, 4:1-9.6(a)5. and 4:1-17.11 concerning examinations and vacation leave, as proposed in the Notice published July 10, 1975, at 7 N.J.R. 296(a).

Take notice that the proposed revisions concerning N.J.A.C. 4:1-5.16, Counsel fees, and 4:1-17.16, Sick leave, are still being considered and have not been as yet adopted.

An order adopting these revisions was filed and became effective on February 18, 1976, as R.1976 d.52.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions on Examinations, Eligible Lists and Appointments

On February 6, 1976, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in

accordance with applicable provisions of the Administrative Procedure Act, adopted revisions affecting N.J.A.C. 4:1-8.21, Make-up examinations, 4:1-9.13, Additions to eligible lists, and 4:1-10.2, Appointments based on examinations in noncompetitive and labor divisions, as proposed in the Notice published July 10, 1976, at 7 N.J.R. 295(a).

An order adopting these revisions was filed and became effective on February 18, 1976, as R.1976 d.53.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions Concerning Appeals

The State Board of Education, pursuant to authority of N.J.S.A. 18A:6-9, 18A:6-10 et seq. and 18A:29-14, proposes to revise its rules on appeals. The proposed revisions would repeal in its entirety the current text of Chapter 24 in Title 6 of the New Jersey Administrative Code and adopt new text therein.

Full text of the proposed new rules follows:

CHAPTER 24. APPEALS

SUBCHAPTER 1. GENERAL PROVISIONS

6:24-1.1 Definitions

"Commissioner" as used in these rules, unless a different meaning appears from the context, shall mean the Commissioner of Education or the Assistant Commissioner of Education assigned to hear and determine controversies and disputes, or a hearing officer assigned to conduct the proceedings in any case.

"Interested person(s)" shall be defined as person(s) having a direct and substantial interest in the subject matter of a controversy before the Commissioner and whose rights, status or legal relations will be affected by a determination thereof.

6:24-1.2 Filing and service of petition of appeal

To initiate a proceeding before the Commissioner to determine a controversy or dispute arising under the school laws, a petitioner shall file with the Commissioner the original copy of the petition, together with proof of service of a copy thereof on the respondent or respondents. Such petition must be filed within 90 days after receipt of the notice by the petitioner of the order, ruling or other action concerning which the hearing is requested. Petitions are to be mailed to the Assistant Commissioner of Education, Division of Controversies and Disputes, New Jersey Department of Education, 225 West State Street, Trenton, New Jersey 08625.

6:24-1.3 Format of petition of appeal

(a) The petition must include the name and address of each petitioner, the name and address of or a description sufficient to identify each party respondent and a statement of the specific allegation(s) and essential facts supporting them which have given rise to a dispute under the school laws, and must be verified by oath. The petition should also cite, if known to petitioner, the section or sections of the school laws under which the controversy has arisen and should be presented in substantially the following form:

(NAME OF PETITIONER(S)), :
PETITIONER(S)), :
V.
(NAME OF RESPONDENT(S)), :
RESPONDENT(S)). :

BEFORE THE COMMISSIONER OF
EDUCATION OF NEW JERSEY
PETITION OF APPEAL

Petitioner, residing at
....., hereby requests the Commissioner
of Education to consider a controversy which has arisen
between petitioner and respondent whose address (or other
identification) is, pursuant to the authority
of the Commissioner to hear and determine controversies
under the school law (N.J.S.A. 18A:6-9), by reason of the
following facts:

1. (Here set forth in appropriate paragraphs the specific
allegation(s), and the facts supporting them, which con-
stitute the basis of the controversy.)

WHEREFORE, petitioner requests that (here set forth
prayer for the relief desired).

.....
Signature of Petitioner or
His/Her Attorney

.....
Date

....., of full age, being duly sworn
(Name of Petitioner)
upon his/her oath according to law deposes and says:

- 1. I am the petitioner in the foregoing matter.
- 2. I have read the petition and aver that the facts con-
tained therein are true to the best of my knowledge
and belief.

.....
(Signature)

Sworn and subscribed to before
me this day of,
19.....

.....
(Signature)

6:24-1.4 Filing and service of answer

(a) The respondent(s) shall serve an answer upon the
petitioner within 20 days after service of the petition upon
them, which answer shall state in short and plain terms
the respondent(s) defenses to each claim asserted and
shall admit or deny the allegation(s) of the petition. Such
time may be extended by the Commissioner upon written
application to him.

(b) Respondent(s) may not generally deny all the alle-
gations, but shall make their denials as specific denials
which meet the substance of designated allegations or
paragraphs of the complaint.

(c) Allegations in any answer setting forth an affirmative
defense shall be taken as denied.

(d) The original copy of the answer shall be filed with
the Commissioner, together with proof of service of a copy
thereof upon petitioner(s).

6:24-1.5 Stay of local board action

(a) Where a petition of appeal is filed seeking to prevent
a particular course of action by a local school board, there
may be included in the petition an application for a stay
of that action pending the Commissioner's decision on
the petition.

(b) Any party opposing such an application shall so indi-
cate as part of the answer to the petition filed pursuant to
N.J.A.C. 6:24-1.4.

6:24-1.6 Amendment of petition and answer

The Commissioner may order the amendment of any peti-
tion or answer or any petitioner may amend his/her peti-
tion, and any respondent may amend his/her answer, at
any time and in any manner which the Commissioner
deems fair and reasonable.

6:24-1.7 Permission to intervene

The Commissioner may allow any person upon a showing
that he/she may be substantially and specifically affected
by the proceeding to intervene as a party in the whole or
any portion of the proceeding, and may allow any other
interested person to participate by presentation of argu-
ment, orally or in writing, or for any other limited purpose,
as the Commissioner may order.

6:24-1.8 Appearance pro se

Any person may appear pro se or may be represented by
an attorney at law admitted and authorized to practice in
this State.

6:24-1.9 Conference of counsel

(a) After an answer has been filed or the time for doing
so has expired, the Commissioner may summon the counsel
for parties or the parties pro se to appear before him at a
conference for the purpose of eliminating or simplifying
issues, obtaining admissions of fact or of documents that
will avoid unnecessary proof, arriving, if possible, at an
agreement of facts, and otherwise expediting the deter-
mination of the controversy. The Commissioner may re-
quire the parties to submit written statements, verified by
oath, as to the facts involved in any controversy or dis-
pute, and may further require the submission of certified
copies of all documents necessary to a full understanding
of the question. In addition to the aforementioned items, the
conference shall include, but not be limited to, such mat-
ters as discovery procedures, interlocutory proceedings,
subpoena requirements, witnesses, pupil witnesses and
their sequestration, submission of briefs or memoranda of
law, order of proceedings and other matters which may
be pertinent.

(b) For failure to appear at such conference or to par-
ticipate therein or to take action required by the Com-
missioner by authority of this rule, the Commissioner in
his discretion may make such order with respect to the
continued prosecution of the matter, including dismissal
of a petition or of an objection thereto, as he deems just
and proper.

6:24-1.10 Dismissal of appeal

At any time following such conference the Commissioner,
in his discretion, may dismiss the appeal on the grounds
that no sufficient cause for determination has been ad-
vanced, lack of jurisdiction, failure to prosecute or other
good reason.

6:24-1.11 Hearing

(a) If the parties and the Commissioner are unable to
agree upon a statement of the material facts, the Com-
missioner shall issue an order or directive fixing the date,
time and place at which the hearing will be held, and shall
give at least five business days' notice to the parties by
serving copies of such order or directive upon them per-
sonally or by regular mail, or give such other notice as
may be agreed upon and requested by all parties. At such
a hearing, the parties shall be afforded opportunity for
submission of oral testimony and documentary evidence.

(b) In hearings before the Commissioner, any postpone-
ment therein requested by one of the parties may be
granted if the Commissioner determines that the request
is based on good and sufficient reasons and accompanied
by timely notice. "Good and sufficient reasons" may in-
clude, but are not limited to:

1. Unavoidable appearance by the attorneys or either party before any court of this State or of the United States;

2. Illness of the petitioner, the respondent or their attorneys, evidenced by a doctor's certificate of illness, and/or an affidavit from the parties or their attorneys, at the discretion of the Commissioner.

6:24-1.12 Authority of Commissioner

The Commissioner shall have authority to administer oaths and affirmations, examine witnesses and receive evidence, issue subpoenas, rule upon offers of proof, take or cause depositions to be taken whenever the ends of justice would be served thereby, regulate the course of the hearing and dispose of procedural requests or similar matters.

6:24-1.13 Subpoenas

Subpoenas, including subpoenas duces tecum, may be issued in the discretion of the Commissioner upon request of any party. Any witnesses summoned may request the Commissioner to vacate or modify a subpoena, whereupon the Commissioner shall give notice of such request to the party in whose interest the subpoena was issued. After such investigation as the Commissioner considers appropriate, he may grant the request in whole or in part upon a finding that the testimony or the evidence whose production is required does not relate with reasonable directness to any matter in question or that a subpoena for the attendance of a witness or the production of evidence is unreasonable or oppressive, or has not been issued a reasonable period in advance of the time when the evidence is requested.

6:24-1.14 Evidence

All evidence, including any records, investigations, reports and documents in the possession of the Commissioner of which he desires to avail himself in making a decision, shall be offered and made a part of the record in the proceeding, and no other factual information or evidence shall be considered except that the Commissioner may take official notice or any fact which may be judicially noticed by the courts, and in addition, may take official notice of general, technical or scientific facts within his specialized knowledge. Parties shall be notified of the material so noticed, and they shall be afforded a fair opportunity to refute the facts so noticed. The requirements of this rule shall not apply to cases in which the truth of the particular fact or matter is admitted, or to a determination of appropriate relief.

6:24-1.15 Stenographic transcript

Where there is available a stenographic transcript of proceedings before a local board of education or before any other official or body whose action is called into question before the Commissioner, either party may, if at least three days' notice of intention to do so has been given to opposing parties of counsel therefor, offer the transcript of testimony of any witness or witnesses named in said notice in lieu of producing said witness or witnesses at the hearing. In such event, any opposing party may subpoena such witness or witnesses to appear personally and any party may produce any additional relevant or material evidence, oral or documentary, at the hearing. The parties may agree, or the Commissioner may require, that the controversy be presented solely upon such stenographic transcript.

6:24-1.16 Summary judgment

(a) If a statement of the material facts has been agreed upon by the parties and the Commissioner, or if the

controversy is submitted solely upon a stenographic transcript or proceedings with the approval, or at the direction, of the Commissioner, or if for any other reason there are no issues of fact to be heard, the Commissioner shall require all parties to submit briefs on the matter. Such briefs shall be submitted within the time fixed by the Commissioner. The Commissioner shall thereupon determine the matter on the basis of the total record before him.

(b) At any time any party may move for summary judgment, which motion shall be decided by the Commissioner on the basis of conference stipulations, affidavits and briefs. The parties must submit said affidavits and briefs within the times fixed by the Commissioner.

(c) Unless otherwise ordered by the Commissioner, there shall be no oral argument in connection with a summary judgment action. If the Commissioner grants oral argument, it shall be limited to 30 minutes for each party and shall not include testimony of witnesses.

6:24-1.17 Written decision

(a) Every determination of a controversy or dispute under the school law, or of charges against a school district employee under tenure, shall be made by the Commissioner, who may designate a hearing examiner to hear the matter and prepare recommended findings of fact and/or conclusions of law. Every such determination shall be embodied in a written decision which shall set forth the findings of fact and conclusions of law and an appropriate order:

1. Such written decision and appropriate order shall be filed in the office of the Commissioner and copies thereof shall be served on or mailed to the parties of record affected thereby or their attorneys of record.

(b) Whenever a determination of a controversy or dispute shall incorporate findings of fact and/or conclusions of law prepared by a hearing examiner appointed by the Commissioner, copies of the report of the recommended findings of fact and/or conclusions of law shall be delivered or mailed to all parties to the controversy or dispute who may, concurrently within 15 days of such delivery or mailing, file written exceptions, objections or replies thereto with the Commissioner.

(c) The Commissioner shall adopt, reject or modify the report of the hearing examiner and shall thereafter make a final determination with respect to such controversy.

(d) Such final determination shall be embodied in a written decision which shall set forth the report of the hearing examiner, the Commissioner's adoption, rejection or modification of the hearing examiner's report, and an appropriate order.

(e) Such written decision and appropriate order shall be filed in the office of the Commissioner and copies thereof shall be served or mailed to the parties of record affected hereby or their attorneys of record.

6:24-1.18 Waiving of rules

Any of the provisions of these rules relating to the presentation of his/her case or argument may be waived by any party or his/her attorney.

6:24-1.19 Relaxing of rules

The rules herein contained shall be considered general rules of practice to govern, expedite and effectuate the procedure before, and the actions of, the Commissioner in connection with the hearing and determination of controversies and disputes under the school laws. They may be relaxed or dispensed with by the Commissioner, in his discretion, in any case where a strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice.

SUBCHAPTER 2. SPECIAL RULES APPLYING TO DECLARATORY RULINGS

6:24-2.1 Petition for declaratory rulings

Pursuant to N.J.S.A. 52:17A-4(b) and (e), any interested person(s) may petition the Commissioner for a declaratory ruling with request to the applicability to any person, property or state of facts or any statute or regulation enforced or administered by the Commissioner. The determination to entertain such petitions for declaratory judgments shall be within the sole discretion of the Commissioner. If such request is granted, the matter shall proceed in accordance with these regulations as they pertain to petitions or appeal. A declaratory judgment shall be binding upon the Commissioner and all parties to the proceedings on the specific statement of facts set forth therein.

6:24-2.2 Format of petition for declaratory rulings

(a) The format of petition for declaratory rulings is as follows:

CAPTION : BEFORE THE COMMISSIONER OF
: EDUCATION OF NEW JERSEY
: PETITION FOR DECLARATORY
: JUDGMENT

Petitioner,, residing at
....., hereby requests the Commissioner to render a declaratory judgment concerning the application of (N.J.S.A. 18A:...., N.J.A.C. 6:....) to the controversy which has arisen between petitioner and respondent who resides at, by reason of:

1. (Here set forth in appropriate paragraphs the specific allegations, and the facts supporting them, which constitute the basis of the controversy.)

WHEREFORE, petitioner respectfully prays that the Commissioner shall construe the provisions of and determine and declare

.....
Signature of Petitioner or His/Her Attorney

Date:

....., of full age, being duly sworn (Name of Petitioner),

upon his/her oath according to law deposes and says:

- 1. I am the petitioner in the foregoing matter.
- 2. I have read the petition and aver that the facts contained therein are true to the best of my knowledge and belief.

.....
(Signature)

Sworn and subscribed to before me this day of, 19.....

.....
(Signature)

SUBCHAPTER 3. ORDER TO SHOW CAUSE

6:24-3.1 Commissioner order to show cause

(a) If in the course of supervising the schools, and following investigation, the Commissioner should become aware of statutory violation(s) in local school districts which if true would entitle him to impose a sanction on his own initiative, he may accord the local district an opportunity to present its views preliminary to imposing such sanction, by issuing an order directing such board to show cause why such sanction should not be imposed. A statement of the factual details and investigative findings supporting the charge shall accompany the order. This pro-

cedure shall be appropriate in the following circumstances, although it is not to be deemed limited thereto:

- 1. Ordering alteration or abandonment of a school building (N.J.S.A. 18A:20-36);
- 2. Withholding State aid for unsuitable facilities (N.J.S.A. 18A:33-2);
- 3. Withholding salaries of: (i) A county superintendent (N.J.S.A. 18A:7-4) and (ii) Any teaching staff member (N.J.S.A. 18A:29-4) who neglects or refuses to perform any duty lawfully imposed upon him until such time as he complies;
- 4. Suspending teachers' certificates for wrongful cessation of duties (N.J.S.A. 18A:26-10);
- 5. Withdrawing approval of a vocational school (N.J.S.A. 18A:54-4), of a private school (N.J.S.A. 18A:69-3, 69-5), of a private correspondence school (N.J.S.A. 18A:69-13).

(b) If in the course of a pending matter any party defaults, without consent, in a procedural obligation imposed by these regulations, the Commissioner may direct such party to show cause why the relief urged by the opposing party should not be granted. If good cause be shown for the default, the Commissioner may then relax the rules to permit its cure.

SUBCHAPTER 4. SPECIAL RULES APPLYING TO APPEALS UNDER THE TEACHERS' MINIMUM SALARY ACT

6:24-4.1 Withholding salary increment

An appeal by a teacher against the action of a board of education in withholding a salary increment pursuant to N.J.S.A. 18A:29-14 shall follow the general rules of procedure of Subchapter 1 (General Provisions) of this Chapter.

SUBCHAPTER 5. SPECIAL RULES APPLYING TO CHARGES UNDER THE TENURE EMPLOYEES' HEARING ACT

6:24-5.1 Filing of written charges and certificate of determination

In a case of charges preferred against an employee of a board of education pursuant to the Tenure Employees' Hearing Act which are to be brought before the Commissioner, N.J.A.C. 6:24-1.2 (Filing and service of petition of appeal) shall not apply. In place of the usual petition of appeal, the board of education shall file the written charges and the required certificate of determination with the Commissioner together with proof of service upon the employee.

6:24-5.2 Format of certificate of determination

(a) The certificate of determination which accompanies the written charges shall contain a certification by the board secretary:

- 1. That the board of education has determined that the charges and the evidence in support of the charges are sufficient, if true in fact, to warrant dismissal or a reduction in salary;
- 2. Of the date, place and time of the meeting at which such determination was made;
- 3. That such determination was made by a majority vote of the whole number of members of the board;
- 4. In the case of a charge of inefficiency, that the employee was given at least 90 days' prior written notice of the nature and particulars of the alleged inefficiency.

SUBCHAPTER 6. SPECIAL RULES APPLYING TO CONTESTED SCHOOL ELECTIONS

6:24-6.1 Request for recount or investigation

(a) Request for recount of the ballots cast or for an investigation of the procedures at a school election shall be in compliance with N.J.S.A. 18A:14-63.1 et seq. and need

not conform with N.J.A.C. 6:24-1.2 (Filing and service of petition of appeal).

(b) When any defeated candidate at any school election shall have reason to believe that an error has been made in counting the vote or declaring the vote for the office to which he/she seeks election, the candidate may, within ten days following the announcement or declaration of the result of the voting, apply to the Commissioner for a recount of the votes cast at the election, whether by paper ballots or by voting machine. Such requests shall be in letter form addressed to the Commissioner and shall set forth with particularity the grounds on which the election results are contested.

(c) When ten voters at any school election or the board of education for the school district in which the election was held shall have reason to believe that an error has been made in counting or declaring the vote on any question, proposition or referendum, such voters or such board may, within ten days following the announcement or declaration of the result of the voting, apply to the Commissioner for a recount of the votes cast at the election, whether by paper ballot or by voting machine, as the case may be, on such question, proposition or referendum. Such requests shall be in letter form addressed to the Commissioner and shall set forth with particularity the grounds on which the election results are contested.

(d) Upon written request within five days of the announcement of the result of an election by any defeated candidate or, in the case of a question, proposition or referendum, upon petition of ten qualified voters at any school election, the Commissioner or his authorized representative shall inquire into alleged violations of statutorily prescribed procedures for school elections, to determine if such violations occurred and if they affected the outcome of the election.

6:24-6.2 Cost of recounts

(a) In districts in which voting machines were used at the election, any applicant or group of applicants for a recount shall, upon application, simultaneously deposit with the Commissioner a sum of \$2.00 per voting machine to be rechecked, as security for the payment of the cost and expenses of the recount.

(b) In districts where paper ballots were used, any applicant or group of applicants, as the case may be, for a recount, upon applying therefor, shall deposit with the Commissioner such sum of money proportioned to the number of votes to be counted, but not exceeding \$25.00 for any one school district recount, as the Commissioner may order, as security for the payment of the cost and expenses of the recount.

(c) If it appears as a result of the recount that error or errors have occurred which alter the result of the election, or that the difference between the negative and affirmative announced result of any public question is altered so as to change the result of the election, the Commissioner shall order the cost and expenses of the recount to be paid by the school district in and for which the election was held, as other election expenses are paid.

(d) If no error shall appear sufficient to alter the result of the election, the cost and expenses of the recount shall be paid from the security deposit made by the party or parties making the application. If no such error shall appear in districts in which voting machines were used, the Commissioner upon completion of the recount shall promptly forward the security deposit of the applicant or applicants for a recount to the county superintendent of elections or the county board of elections, as the case may be, for deposit in the county treasury. In districts in which paper ballots have been used, the security deposit of the applicant or applicants for a recount may be applied

by the Commissioner to offset expenses, other than those of the Commissioner, in conducting a recount.

6:24-6.3 Subpoenas

In any school election recount initiated pursuant to this act, the Commissioner shall have the power to subpoena necessary witnesses to testify and to produce books, papers, documents and other objects designated in the subpoena.

6:24-6.4 Continuation of recheck

In districts where election machines have been used, the Commissioner shall ascertain from the party or parties applying for a recount which voting machines shall be rechecked. In the event that it shall appear during the course of the recheck that there has been a sufficient change in the tally of the votes cast to alter the result of the election, any candidate who appears then to have been defeated, or, in the event of a question, proposition or referendum, the parties in interest who may be affected adversely, may, within five days, apply to the Commissioner to continue the recheck on his behalf upon the same terms and conditions under which the original recheck was held.

6:24-6.5 Finding of error/relief

Where the Commissioner finds as a result of a recount that an error has occurred which alters the result of the election, he shall order such relief as is appropriate.

SUBCHAPTER 7. BUDGET HEARING REGULATIONS

6:24-7.1 Authority

Unless otherwise expressly noted, all provisions of these regulations governing appeals by a school board from its governing body's decision to reduce a school budget have been prescribed by the Commissioner and approved by the State Board of Education pursuant to N.J.S.A. 18A:6-9, N.J.S.A. 18A:6-10 et seq. and Bd. of Ed., E. Brunswick Tp. v. Tp. Council, E. Brunswick, 48 N.J. 94 (1966).

6:24-7.2 Time of taking an appeal

An appeal by a school board from the decision of its governing body to certify a tax rate less than that deemed necessary by the board to insure a thorough and efficient educational program shall be taken no later than ten days after the second regular school board meeting following the governing body's decision, or, if a board meeting is canceled, no later than ten days after the second regular board meeting would normally have been held.

6:24-7.3 Format and documentation of petition of appeal

(a) The format of the appeal shall be the same as that set forth in N.J.A.C. 6:24-1.3.

(b) The board shall attach to its petition a copy of a resolution adopted by a majority of its members authorizing the filing of such a petition and setting forth its reasons for doing so.

6:24-7.4 Filing and service of answer

The governing body shall file an answer with the Commissioner not later than 15 days after receiving the board's petition.

6:24-7.5 Documentation of answer

(a) The governing body shall submit with its answer the following documents:

1. The amount certified for each of the major accounts.
2. Line item budget stating recommended specific economies together with supporting reasons.

6:24-7.6 Conference of parties with county superintendent

(a) Following receipt of the petition and answer, the

Commissioner will schedule a conference to be attended by representatives of the board and the governing body and to be conducted by the county superintendent of schools who, acting on behalf of the Commissioner, may require the materials and follow the procedures set forth in N.J.A.C. 6:24-1.9.

(b) If the board and governing body reach an agreement at the conference as to the tax rate to be certified to the county board of taxation, the board shall submit a consent order reflecting the elements of that agreement to the Commissioner not later than ten days after the prehearing conference is concluded.

6:24-7.7 Prehearing conference of counsel

(a) The Commissioner may at his discretion summon the counsel for the parties or the parties pro se to appear before him at a conference for the purposes set forth in N.J.A.C. 6:24-1.9, and particularly for the purpose of expediting discovery proceedings and an agreement upon a statement of the material facts.

6:24-7.8 Hearing

(a) If the parties are unable to agree upon a statement of the material facts at the prehearing conference, the Commissioner shall schedule a hearing in the matter upon reasonable notice to all parties as defined in N.J.S.A. 52:14B-9.

(b) At least ten days before the hearing the board shall supply both the hearing examiner and the governing body with the following documents:

1. A complete line item budget listing each item by code and line description, including actual expenditures for the previous school year, actual budgeted amount for the current school year, proposed budgeted amount for the next school year (as submitted to the voters), amount reduced by the governing body, and revised budgeted amount for the next school year. This budget should be accompanied by written testimony, approved by the board, as to why each of the amounts in dispute are necessary to provide a "thorough and efficient" system of education;

2. Staff, numbers of, professional and nonprofessional, during the current school year and projected staff for the next school year. Note reasons for increase or decrease;

3. Pupil enrollment by grade for the district as of June 30 preceding, September 30 preceding and that projected for September of the next school year;

4. Salary schedules for all employees;

5. Number of schools and classrooms in each;

6. Costs for nonaided transportation for the previous school year and projected for the current school year and the next school year;

7. Tuition received or paid during the previous school year and anticipated for the current school year and the next school year;

8. Advertised budget for the next school year.

(c) At least five days before the hearing the governing body shall respond to the documentation submitted by the board pursuant to subsection (b) of this Section, where deemed necessary.

(d) The hearing procedure shall be as follows:

1. Questions to parties by hearing examiner based on documentation previously submitted;

2. Cross-examination by governing body based on the board's written documentation;

3. Oral testimony by witnesses for the board, which testimony must not duplicate written documentation or information which could have been submitted in written form;

4. Cross-examination of the board's witnesses;

5. Cross-examination by the board based on the governing body's written documentation;

6. Oral testimony by witnesses for the governing body,

which testimony must not duplicate written documentation or information which could have been submitted in written form;

7. Cross-examination of the governing body's witnesses.

6:24-7.9 Authority of Commissioner

In conducting the hearing the Commissioner shall have the powers set forth in N.J.A.C. 6:24-1.12, 1.13 and 1.14.

6:24-7.10 Briefs

(a) The school board may submit a brief not later than ten days after the hearing.

(b) The governing body may submit a reply brief no later than ten days after receiving the board's brief.

6:24-7.11 Decision

The Commissioner's decision shall be prepared and served upon the parties in the manner set forth in N.J.A.C. 6:24-1.17 (Written decision).

6:24-7.12 Waiving or relaxing rules

The foregoing regulations may be waived or relaxed pursuant to N.J.A.C. 6:24-1.18 (Waiving of rules) and N.J.A.C. 6:24-1.19 (Relaxing of rules).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 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 revisions substantially as proposed without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions on Meetings

On February 4, 1976, the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to its rules concerning regular and special meetings. These revisions were adopted in order to comply with the provisions of Chapter 231, Laws of 1975 (Open Public Meetings Act).

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

6:1-2.2 [Regular meetings] Reserved

[Regular meetings of the Board shall be held each month on dates set by the Board at its June meeting each year. The meetings shall begin at 1:00 P.M. At least five days' notice of any regular meeting shall be given to each member.]

6:1-2.3 Special meetings

Special meetings may be called by the president at any time and shall be called by him/her at the request of any three members. Three days' notice of any special meeting

shall be given to each member. Public notice of such special meeting shall be made pursuant to law and regulation.

An order adopting these revisions was filed and became effective on February 4, 1976, as R.1976 d.34 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Amendments on Instructional Certificates And Standards for Approval of Teacher Education

On February 4, 1976, the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:11-6.2(c) and 6:11-8.3(e) concerning the endorsement on the instructional certificate and New Jersey instructional supplement to standards for State approval of teacher education, as proposed in the Notice published January 8, 1976, at 8 N.J.R. 10(a).

An order adopting these amendments was filed and became effective on February 4, 1976, as R.1976 d.33.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on Delineated Floodways In the Delaware Basin

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq., as amended, and 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11 concerning delineated floodways in the Delaware Basin. The proposed amendments are known within the Department of Environmental Protection as Docket No. DEP 001-76-02.

Full text of the proposed amendments follows:

Council Adoption Date	Stream	Limits	Type
7:13-1.11(e)37. 10/20/75	Holland Brook	Mouth to Route #523	1
7:13-1.11(e)38. 10/20/75	Holland Brook, tributary A	Mouth to private bridge 2,780 feet upstream	1

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

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

Rocco D. Ricci, Deputy Commissioner
Division of Water Resources
P.O. Box 2809
Trenton, New Jersey 08625

The Department of Environmental Protection, upon its 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

(c)

ENVIRONMENTAL PROTECTION

COASTAL AREA REVIEW BOARD

Notice of Appointment

Take notice that the Coastal Area Review Board in the Department of Environmental Protection has issued the following Notice concerning the appointment of the new Secretary to the Board:

Be it hereby resolved that, effective February 1, 1976, Edward Jay Linky, Office of Coastal Zone Management, Division of Marine Services, Department of Environmental Protection, is appointed secretary to the Coastal Area Review Board and he shall exercise all the functions, powers and duties pertinent thereto.

I, Robert L. Solan, secretary of the Coastal Area Review Board, hereby certify that the above resolution was unanimously passed by the Coastal Area Review Board at its regular monthly meeting of January 20, 1976, the full board being present.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revised Rules on Power Vessels

On January 31, 1976, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 12:7-34.36 et seq., on behalf of the New Jersey Boat Regulation Commission and in accordance with applicable provisions of the Administrative Procedure Act, adopted revised rules concerning power vessels, substantially as proposed in the Notice published January 8, 1976, at 8 N.J.R. 13(a), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 056-75-12.

The revised rules replace the current text in Subchapter 1 of Chapter 6 in Title 7 of the New Jersey Administrative Code and may be cited as N.J.A.C. 7:6-1.1 et seq.

An order adopting these rules was filed on February 4, 1976, as R.1976 d.32 to become effective on March 30, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions on Shellfish-Growing Water Classification

On February 8, 1976, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 24:2-1 et seq., 24:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions on shellfish-growing water classification, substantially as proposed in the Notice published January 8, 1976, at 8 N.J.R. 10(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The revisions are known within the Department of Environmental Protection as Docket No. DEP 059-75-12.

Full text of the adopted revisions follows, with the exception that six application forms adopted with this text are not reproduced herein. Additions are indicated in bold-face thus; deletions indicated in brackets [thus]:

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 Permits for condemned or otherwise restricted areas

(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 not reproduced but are available.)

7:12-1.3 Growing water condemnations

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

7:12-1.3(a) 28. vii. Delete this paragraph 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 317° T to the southwest tip of Drag Island, the bearing approximately 266° T 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. xiii. below, 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 subparagraph 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 Moore's 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 44th Street and Bayshore Avenue, 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 outermost 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 117th 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 R 4 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 and Maple 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.

An order adopting these revisions was filed and became effective on February 18, 1976, as R.1976 d.54.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Notice Concerning Controlled Dangerous Substance Schedules

Take notice that the following are the revised schedules of controlled substances located in Subchapter 10 of Chapter 65 in Title 8 of the New Jersey Administrative Code, adopted pursuant to authority of N.J.S.A. 24:21-3d and in accordance with applicable provisions of the Administrative Procedure Act of 1968:

SUBCHAPTER 10. CONTROLLED DANGEROUS SUBSTANCE SCHEDULES

Authority

Unless otherwise expressly noted, all revised schedules of this Subchapter were adopted pursuant to authority of N.J.S.A. 24:21-3, and the full text thereof was filed and became effective January 17, 1973, as R.1973 d.23. See 5 N.J.R. 42(b). Revised schedules of this Subchapter were also adopted, and the full text thereof was filed, and became effective January 2, 1974, as R.1974 d.2. See 6 N.J.R. 63(a). Additionally, revised schedules were adopted, and the full text thereof was filed, on July 23, 1975, as R.1975 d.209, to become effective August 1, 1975. See: 7 N.J.R. 363(a).

8:65-10.1 Controlled dangerous substances schedules

(a) Following are schedules listing the controlled dangerous substances by generic, established or chemical name and their respective code numbers:

8:65-10.1(a)1. Schedule I is as follows:

SCHEDULE I CONTROLLED DANGEROUS SUBSTANCES

Criteria:

A. The drug or other substance has high potential for abuse.

B. The drug or other substance has no currently accepted medical use in treatment in the United States.

C. There is lack of accepted safety for use of the drug or other substance under medical supervision.

D. OPIATES

Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

Generic/Established or Chemical Name	CDS Code
Acetylmethadol	9601
Allylprodine	9602
Alphacetylmethadol	9603
Alphameprodine	9604
Alphamethadol	9605
Benzethidine	9606
Betacetylmethadol	9607
Betameprodine	9608
Betamethadol	9609
Betaprodine	9611
Clonitazene	9612
Dextromeramide	9613
Dextrorphan	9614
Diampromide	9615
Diethylthiambutene	9616
Dimenoxadol	9617
Dimepheptanol	9618
Dimethylthiambutene	9619
Dioxaphetylbutyrate	9621
Dipipanone	9622
Ethylmethylthiambutene	9623
Etonitazene	9624
Etoxidine	9625
Furethidine	9626
Hydroxypethidine	9627
Ketobemidone	9628
Levomoramide	9629
Levophenacymorphan	9631
Morpheridine	9632
Noracymethadol	9633
Norlevorphanol	9634
Normethadone	9635
Norpipanone	9636
Phenadoxone	9637
Phenamipromide	9638
Phenoperidine	9641
Piritramide	9642
Proheptazine	9643
Proporidine	9644
Racemoramide	9645
Trimeperidine	9646
Phenomorphane	9647

Note 1: The Commissioner of Health raises no objection to the inclusion of PROPIRAM within Schedule I of the Federal Controlled Substance Act of 1970. An order on the placement of PROPIRAM in Schedule I of the Federal

Controlled Substance Act was published in the Federal Register, Vol. 37, No. 20, dated January 29, 1972.

Now, therefore, the Commissioner of Health pursuant to the provisions of N.J.S.A. 24:21-3c orders that PROPPIRAM, CDS #9649, shall be subject to the provisions of N.J.S.A. 24:21-1 et seq. and included as a Schedule I substance, as an Opiate, effective 30 days after January 29, 1972, the date the Federal order was published in the Federal Register.

Note 2: The Commissioner of Health raises no objection to the placement of DIFENOXIN in Schedule I of the Federal Controlled Substance Act of 1970. A final order placing DIFENOXIN in Schedule I was published in the Federal Register, Vol. 40, No. 89, dated May 7, 1975.

Now, therefore, the Commissioner of Health orders that DIFENOXIN, CDS #9168, be placed in Schedule I, Section D, OPIATES, and be subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from May 7, 1975, the date the final order was published in the Federal Register.

E. OPIUM DERIVATIVES

Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Generic/Established or Chemical Name	CDS Code
Acetorphine	9319
Acetyldihydrocodeine (Acetylcodeine)	9051
Benzylmorphine	9052
Codeine methylbromide	9070
Codeine-N-Oxide	9053
Cyprenorphine	9054
Desomorphine	9055
Dihydromorphine	9145
Etorphine (Except Hydrochloride Salt)*	9056
Heroin	9200
Hydromorphinol	9301
Methyldesorphine	9302
Methyldihydromorphine	9404
Morphine Methylbromide	9305
Morphine Methylsulfonate	9306
Morphine-N-Oxide	9307
Myrephine	9308
Nicocodeine	9309
Nicomorphine	9312
Normorphine	9313
Pholcodine	9314
Thebacon	9315

*See F.R., Vol. 39, No. 62, 3/29/74

Note 1: The Commissioner of Health raises no objection to the inclusion of DROTEBANOL within Schedule I of the Federal Controlled Substance Act of 1970. An order to the placement of DROTEBANOL in Schedule I of the Federal Controlled Substance Act was published in the Federal Register, Vol. 38, No. 127, dated July 3, 1973.

Now, therefore, the Commissioner of Health pursuant to the provisions of N.J.S.A. 24:21-3c orders that DROTEBANOL, CDS #9335, shall be subject to the provisions of N.J.S.A. 24:21-1 et seq. and included as a Schedule I substance, as an Opium derivative, effective 30 days after July 3, 1973, the date the Federal order was published in the Federal Register.

F. HALLUCINOGENIC SUBSTANCES

Unless specifically excepted or unless listed in another schedule, any material compound, mixture or preparation

which contains any quantity of the following hallucinogenic substances or which contains any of its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation (or purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

Generic/Established or Chemical Name	CDS Code
3,4-methylenedioxy amphetamine	7400
5 - methoxy - 3,4-methylenedioxy amphetamine	7401
3,4,5-trimethoxy amphetamine	7390
Bufotenine	7433
*3 - (B-Dimethylaminoethyl) 5 - hydroxyindole;	
*3 - (2 - dimethylaminoethyl) 5 - indolol;	
*N,N - dimethylserotonin;	
*5-hydroxy - N - dimethyltryptamine;	
*mappine	
Diethyltryptamine	7434
*N,N-Diethyltryptamine;	
*DET	
Dimethyltryptamine	7435
*DMT	
4-methyl-2,5 dimethoxyamphetamine	7395
*4-methyl - 2,5 - dimethoxy-methylphenethylamine;	
*"DOM";	
*"STP"	
Ibogaine	7260
*7 - Ethyl - 6,6,7,8,9,10,12,13-octahydro - 2 - methoxy-6,9-methano-5H-pyrido (1',2': 1,2 azepino 4,5-b) indole;	
*tabernanthe iboga	
Lysergic acid diethylamide	7315
Marihuana	7360
Mescaline	7381
N-ethyl-3-piperidyl benzilate	7482
N-methyl-3-piperidyl benzilate	7484
Psilocybin	7437
Psilocyn	7438
Tetrahydrocannabinols	7370
*Indicates chemical name or trade name.	

Note 1: The Commissioner of Health raises no objection to the inclusion of

- 2, 5-dimethoxyamphetamine
- 4 - Bromo - 2,5 - Dimethoxyamphetamine
- 4 - methoxyamphetamine

within Schedule I of the Federal Controlled Substance Act of 1970. An order on the placement of the above referenced substances in Schedule I of the Federal Controlled Substance Act was published in the Federal Register Vol. 38, No. 183, dated September 21, 1973.

Now, therefore, the Commissioner of Health pursuant to the provisions of N.J.S.A. 24:21-3c order that

- 2, 5-dimethoxyamphetamine CDS #7396
- 4 - Bromo - 2,5 - Dimethoxyamphetamine CDS #7391
- 4 - methoxyamphetamine CDS #7411

shall be subject to the provisions of N.J.S.A. 24:21-1 et seq. and included as a Schedule I substance as a hallucinogenic substance, effective 30 days after September 21, 1973, the date the Federal order was published in the Federal Register.

- 2,5-dimethoxyamphetamine 7396
- Some trade or other names:
- 2,5 - Dimethoxy-a-methylphenethylamine;
- 2,5-DMA.

- 4 - bromo-2,5-dimethoxyamphetamine 7391
Some trade or other names:
4-bromo - 2,5-dimethoxy-a-methylphenethylamine; 4 - bromo-2,5-DMA.
- 4-methoxyamphetamine 7411
Some trade or other names:
4-methoxy-a-methylphenethylamine;
paramethoxyamphetamine; PMA.

Note 2: The Commissioner of Health raises no objection to the amending statement concerning TETRAHYDROCANNABINOLS, a substance in Schedule I of the Federal Controlled Substance Act of 1970. An amending statement concerning TETRAHYDROCANNABINOLS was published in the Federal Register, Vol. 36, No. 86, dated April 24, 1971.

Now, therefore, the Commissioner of Health pursuant to the provisions of N.J.S.A. 24:21-3c orders that the amending statement, as follows:

Tetrahydrocannabinols

New synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

- *1
cis or trans tetrahydrocannabinol, and their optical isomers.
- *6
cis or trans tetrahydrocannabinol, and their optical isomers.
- *3,4
cis or trans tetrahydrocannabinol, and its optical isomers.

*Indicates chemical name or trade name.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

be included to amend the substance TETRAHYDROCANNABINOLS, a substance subject to the provisions of N.J.S.A. 24:21-1 et seq., and listed in Schedule I as a hallucinogenic substance. Said amending statement shall be effective 30 days after April 24, 1971, the date the amending statement was published in the Federal Register.

Note 3: On December 28, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted on a permanent basis the rule concerning the control of mecloqualone, CDS 2572, which was adopted as an emergency rule on November 20, 1973, as R.1973 d.325.

Full text of the rule, cited as N.J.A.C. 8:65-10.1(a)4., was published in the December 6, 1973, issue of the New Jersey Register at 5 N.J.R. 413(b) as well as the notice of a public hearing on the emergency rule to be held on December 28, 1973.

The findings of fact respecting the control of mecloqualone as a Schedule I substance provided the Commissioner of Health with sufficient data to make the emergency rule concerning the control of mecloqualone issued November 20, 1973, a final order, effective December 28, 1973, placing mecloqualone in Schedule I of the New Jersey Controlled Dangerous Substances Act. The final order adopted the text of the emergency rule without any changes.

An order extending the emergency rule on a permanent basis was filed May 1, 1974, as R.1974 d.106.

Note 4: The Commissioner of Health raises no objection to an amendatory statement defining PEYOTE a substance in Schedule I of the Federal Controlled Substance Act of 1970. The amendatory statement defining PEYOTE, CDS

#7415, was published in the Federal Register, Vol. 40, No. 82, dated April 28, 1975, effective April 28, 1975.

Now, therefore, the Commissioner of Health adopts the amendatory statement concerning

PEYOTE CDS #7415

“Meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant; its seeds or extracts.”, a substance in Schedule I, as a hallucinogenic substance, Section F, and orders that statement be subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days after April 28, 1975, the date the final order was published in the Federal Register.

8:65-10.1(a)2. Schedule II is as follows:

SCHEDULE II

CONTROLLED DANGEROUS SUBSTANCES

Criteria:

- A. The drug or other substance has a high potential for abuse.
- B. The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- C. Abuse of the drug or other substance may lead to severe psychological or physical dependence.

D. SUBSTANCES, VEGETABLE ORIGIN OR CHEMICAL SYNTHESIS

Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate.

Generic/Established or Chemical Name	CDS Code	Generic/Established or Chemical Name	CDS Code
Raw opium	9600	Codeine	9050
Opium extracts	9610	Ethylmorphine	9190
Opium fluid extracts	9620	Hydrocodone	9133
Powdered opium	9639	Hydromorphone	9194
Granulated opium	9640	Metopon	9620
Tincture of opium	9630	Morphine	9300
Apomorphine	9030	Oxycodone	9143
		Oxymorphone	9652
		Thebaine	9333

Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1) of this paragraph except that these substances shall not include the isoquinoline alkaloids of opium.

Opium poppy and poppy straw, CDS #9650.

Coca leaves (9040) and any salt, compound, derivative or preparation is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ecgonine (9180).

Note 1: The Commissioner of Health raises no objection to the removal of NALOXONE HYDROCHLORIDE from Schedule II of the Federal Controlled Substance Act of 1970. A final order removing NALOXONE HYDROCHLORIDE from control was published in the Federal Register, Vol. 36, No. 189, dated September 29, 1971.

Now, therefore, the Commissioner of Health pursuant to the provisions of N.J.S.A. 24:21-3c orders that the substance NALOXONE HYDROCHLORIDE be removed from control and not subject to N.J.S.A. 24:21-1 et seq. Said order shall be effective 30 days after September 29, 1971, the date the removal order was published in the Federal Register.

Section D of Schedule II is amended to read as follows:

**SUBSTANCES, VEGETABLE ORIGIN OR
CHEMICAL SYNTHESIS**

Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

Note 2: The Commissioner of Health raises no objection to the removal of NALTREXONE from Schedule II of the Federal Controlled Substance Act of 1970. A final order removing NALTREXONE from control was published in the Federal Register, Vol. 40, No. 45, dated March 6, 1975.

Now, therefore, the Commissioner of Health pursuant to the provisions of N.J.S.A. 24:21-3c orders that the substance NALTREXONE be removed from control and not subject to N.J.S.A. 24:21-1 et seq. Said order shall be effective 30 days after March 6, 1975, the date the removal order was published in the Federal Register.

Section D of Schedule II is amended to read as follows:

**SUBSTANCES, VEGETABLE ORIGIN OR
CHEMICAL SYNTHESIS**

Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate, excluding naloxone hydrochloride, and excluding Naltrexone and its salts, but including the following:

Note 3: The Commissioner of Health raises no objection to the transfer of ETORPHINE HYDROCHLORIDE from Schedule I to Schedule II of the Federal Controlled Substance Act of 1970. A final order authorizing such transfer was published in the Federal Register, Vol. 39, No. 62, dated March 29, 1974.

Now, therefore, the Commissioner of Health pursuant to the provisions of N.J.S.A. 24:21-3c orders that the substance ETORPHINE HYDROCHLORIDE, CDS #9059, be transferred to Schedule II, as a substance, vegetable origin or chemical synthesis, and subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days after March 29, 1974, the date the transferring order was published in the Federal Register.

Note 4: The Commissioner of Health raises no objection to the control of the CONCENTRATE of POPPY STRAW in Schedule II of the Federal Controlled Substance Act of 1970. A final order controlling the CONCENTRATE of POPPY STRAW was published in the Federal Register, Vol. 40, No. 32, dated February 14, 1975.

Now, therefore, the Commissioner of Health pursuant to the provisions of N.J.S.A. 24:21-3c orders that CONCENTRATE of POPPY STRAW, CDS #9670, (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy), be controlled as a substance of vegetable origin or chem-

ical synthesis in Schedule II, and subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order shall be effective 30 days from February 14, 1975, the date the controlling order was published in the Federal Register.

E. OPIATES

Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

Generic/Established or Chemical Code	CDS Code	Generic/Established or Chemical Code	CDS Code
Alphaprodine	9010	Pethidine	9230
Anileridine	9020	Pethidine-Intermediate-A,	
Bezitramide	9800	4-cyano-1-methyl-4-	
Dihydrocodeine	9120	phenylpiperidine	9232
Diphenoxylate	9170	Pethidine-Intermediate-B,	
Fentanyl	9801	ethyl-4-phenylpiperidine-	
Isomethadone	9226	4-carboxylate	9233
Levomethorphan	9210	Pethidine-Intermediate-C,	
Levorphanol	9220	1-methyl-4-phenylpiperi-	
Metazocine	9240	dine-4-Carboxylic	
Methadone	9250	acid	9234
Methadone-Intermediate,		Phenazocine	9715
4-cyano-2-dimethylamino,		Piminodine	9730
4,4 - diphenyl		Racemethorphan	9732
butane	9254	Racemorphan	9733
Moramide-Intermediate,			
2-methyl-3-morpholino-1,			
1-diphenylpropane-			
carboxylic acid	9802		

F. STIMULANTS

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

Amphetamine, its salts, optical isomers and salts of its optical isomers	1,100
Methamphetamine, its salts, isomers and salts of its isomers	1,105
Phenmetrazine and its salts	1,630
Methylphenidate	1,726

G. DEPRESSANTS

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

METHAQUALONE - CDS 2565

i. Any material, compound, mixture or preparation which contains any quantity of the following substance having a depressant effect on the central nervous system: methaqualone, its salts, derivatives or salts of its derivatives.

R.1973 d.147, eff. June 5, 1973.

See: 5 N.J.R. 106(b), 5 N.J.R. 222(d).

ii. Pursuant to the authority of N.J.S.A. 24:21-3, the State Commissioner of Health hereby orders, effective immediately, that certain provisions of an order issued June 5, 1973, concerning methaqualone be revised; specifically, that section of the order which provided a period of six months to comply with regulations concerning packaging and labeling requirements, be extended to April 15, 1974; and that section of the order which provided a period of six months to comply with regulations concerning the use of order forms be effective on November 5, 1973.

As amended, R.1973 d.359, eff. December 18, 1973.

See: 5 N.J.R. 375(a), 6 N.J.R. 10(c).

In the Federal Register, Vol. 38, No. 192, dated October 4, 1973, a final order concerning METHAQUALONE, #2565, controlled this substance, placing it in Schedule II of the Federal Controlled Substance Act of 1970, and subject to the provisions of such Act, effective date of publication.

Note 1: The Commissioner of Health raises no objection to the transfer of AMPHETAMINE and METHAMPHETAMINE, and their salts, optical isomers and salts of their optical isomers from Schedule III to Schedule II of the Federal Controlled Substance Act of 1970. A final order transferring these substances, their salts, isomers and salts of their optical isomers was published in the Federal Register, Vol. 36, No. 130, dated July 7, 1971.

Now, therefore, the Commissioner of Health orders that AMPHETAMINE, CDS 1100, and METHAMPHETAMINE, CDS 1105, their salts, isomers, and salts of their optical isomers be transferred to Schedule II, as STIMULANTS, Section E, and be subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order shall be effective 30 days from July 7, 1971, the date the transferring order was published in the Federal Register.

N.B. Said orders referenced above reserved a decision to transfer Biphphetamine, Biphphetamine-T and Fetamine from Schedule III to Schedule II pending a review by Federal authorities to petition for exception to the original proposal. Until such time that such review is completed, these products are controlled as Schedule III substances.

Note 2: The Commissioner of Health raises no objection to the transfer of

Biphphetamine
Biphphetamine - T
Fetamine

from Schedule III to Schedule II of the Federal Controlled Substance Act of 1970. Said order was published in the Federal Register, Vol. 36, No. 142, dated July 23, 1971.

Now, therefore, the Commissioner of Health orders that

Biphphetamine
Biphphetamine - T
Fetamine

be transferred to Schedule II, as stimulant substances, subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from July 23, 1971, the date the transferring order was published in the Federal Register.

Note 3: The Commissioner of Health raises no objection to the transfer of PHENMETRAZINE, and its salts, and METHYLPHENIDATE from Schedule III to Schedule II of the Federal Controlled Substance Act of 1970. A final order transferring these substances was published in the Federal Register, Vol. 36, No. 208, dated October 28, 1971.

Now, therefore, the Commissioner of Health orders that PHENMETRAZINE, CDS 1630, and its salts, and METHYLPHENIDATE, CDS 1726, be transferred to Schedule II, as STIMULANTS, Section F, and be subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from October 28, 1971, the date the transferring order was published in the Federal Register.

Note 4: The Commissioner of Health raises no objection to transfer of

AMOBARBITAL
SECOBARBITAL
PENTOBARBITAL, and their salts,

from Schedule III to Schedule II, of the Federal Controlled Substance Act of 1970; and an amendatory statement excluding these substances in suppository form, or in combination with one or more other active medicinal ingredients. A final order transferring these substances to Schedule II was published in the Federal Register, Vol. 38, No. 218, dated November 13, 1973.

Now, therefore, the Commissioner of Health orders that

AMOBARBITAL CDS 2125
SECOBARBITAL CDS 2315
PENTOBARBITAL CDS 2270

and their salts be transferred to Schedule II, Section G, as DEPRESSANTS, and be subject to N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from November 13, 1973, the date the transferring order was published in the Federal Register.

8:65-10.1(a)3. Schedule III is as follows:

SCHEDULE III

CONTROLLED DANGEROUS SUBSTANCES

Criteria:

A. The drug or other substance has a potential for abuse less than the drugs or other substances in Schedules I and II.

B. The drug or other substance has a currently accepted medical use in the United States.

C. Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

D. STIMULANTS (RESERVED)

Note 1: The Commissioner of Health raises no objection to an amendatory statement and the placement of the following substances in Schedule III of the Federal Controlled Substance Act of 1970:

BENZPHETAMINE CDS 1230
CHLORPHENTERMINE CDS 1645
CHLORTERMINE CDS 1647
MAZINDOL CDS 1605
PHENDIMETRAZINE CDS 1620

The final order and amendatory statement was published in the Federal Register, Vol. 38, No. 115, dated June 15, 1973.

Now, therefore, the Commissioner of Health adopts the amendatory statement and orders:

BENZPHETAMINE CDS 1230
CHLORPHENTERMINE CDS 1645
CHLORTERMINE CDS 1647
MAZINDOL CDS 1605
PHENDIMETRAZINE CDS 1620

be placed in Schedule III, as stimulants in Section D, and subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days after June 15, 1973, the date the final order was published in the Federal Register.

The amendatory statement and substance listing follows:

(b) Stimulants.—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric), and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances 1405
- (2) Benzphetamine 1230
- (3) Chlorphentermine 1645
- (4) Clortermine 1647
- (5) Mazindol 1605
- (6) Phendimetrazine 1620

E. DEPRESSANTS

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of:	Lysergic acid	7300
	Lysergic acid amide	7310
	Methyprylon	2575
	Phencyclidine	7471
Barbituric Acid	Sulfondiethylmethane	2600
2100		
Chlorhexadol	Sulfonethylmethane	2605
2510		
Glutethimide	Sulfonmethane	2610
2550		

Note 1: The Commissioner of Health raises no objection to an amendatory statement which excluded Amobarbital, Secobarbital and Pentobarbital suppository dosage forms, and those substances and their salts in combination with one or more other active medicinal ingredients, from the controls of the provisions of Schedule II.

Said order placing suppository forms and combinations in Schedule III was published in Federal Register, Vol. 38, No. 218, dated November 13, 1973.

Now, therefore, the Commissioner of Health orders that:

(1) Any compound, mixture or preparation containing Amobarbital, Secobarbital, Pentobarbital or any salt thereof and one or more active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing Amobarbital, Secobarbital, Pentobarbital or any salt of these drugs and approved by the Food and Drug Administration for marketing only as a suppository, be substances placed in Schedule III as depressants, Section E, and subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from November 13, 1973, the date these amendatory statements were published in the Federal Register.

F. NALORPHINE 9400
G. NARCOTIC DRUGS

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:

ITEM	CDS CODE
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.	9803
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.	9804
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.	9805
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.	9806
(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.	9807
(6) Or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.	9808

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9809

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts. 9810

8:65-10.1(a)4. Schedule IV is as follows:

SCHEDULE IV

CONTROLLED DANGEROUS SUBSTANCES

Criteria:

A. The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.

B. The drug or other substance has a currently accepted medical use in treatment in the United States.

C. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

D. Section D (RESERVED)

Note 1: The Commissioner of Health raises no objection to an amendatory statement and order placing FENFLURAMINE in Schedule IV of the Federal Controlled Substance Act of 1970. Said order was published in the Federal Register, Vol. 38, No. 115, dated June 15, 1973.

Now, therefore, the Commissioner of Health adopts the amending statement and orders that FENFLURAMINE, CDS #1670, be placed in Schedule IV, Section D - Stimulants, and be made subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from June 15, 1973, the date the order was published in the Federal Register.

Section D, Schedule IV is as follows:

D. STIMULANTS

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Fenfluramine	1670
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Note 2: The Commissioner of Health raises no objection to the placing of

**DIETHYLPROPION
PHENTERMINE**

in Schedule IV of the Federal Controlled Substance Act of 1970. Said order was published in the Federal Register, Vol. 38, No. 129, dated July 6, 1973.

Now, therefore, the Commissioner of Health orders that

DIETHYLPROPION	CDS 1610
PHENTERMINE	CDS 1640

be placed in Schedule IV, Section D, STIMULANTS, and be made subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from July 6, 1973, the date the order was published in the Federal Register.

Note 3: The Commissioner of Health raises no objection to the placement of

PEMOLINE

in Schedule IV of the Federal Controlled Substance Act of 1970. A final order placing Pemoline in Schedule IV was published in the Federal Register, Vol. 40, No. 19, dated January 28, 1975.

Now, therefore, the Commissioner of Health orders that PEMOLINE (Including organometallic complexes and chelate thereof) . . . CDS 1530 be placed in Schedule IV, Section D, Stimulants, and be subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from January 28, 1975, the date the final order was published in the Federal Register.

E. **DEPRESSANTS**
having a depressant effect on the central nervous system:

Generic/Established or Chemical Name	CDS Code
Barbital	2145
Chloral Betaine	2460
Chloral Hydrate	2465
Ethchlorvynol	2540
Ethinamate	2545
Meprobamate	2820
Methohexital	2264
Methylphenobarbital	2250
Paraldehyde	2585
Petrichloral	2591
Phenobarbital	2285

Note 1: The Commissioner of Health raises no objection to a depressant amendatory statement and the placement of MEBUTAMATE in Schedule IV of the Federal Controlled Substance Act of 1970. A final order containing the amendatory statement and placing MEBUTAMATE in Schedule IV was published in the Federal Register, Vol. 40, No. 21, dated January 20, 1975.

Now, therefore, the Commissioner of Health adopts the amendatory statement and orders that MEBUTAMATE, CDS #2800, be placed in Schedule IV and be subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from January 20, 1975, the date the Federal order was published in the Federal Register.

Note 2: The Commissioner of Health raises no objection to the placement of

CHLORDIAZEPOXIDE
CLONAZEPAM
CLORAZEPATE
DIAZEPAM
FLURAZEPAM
OXAZEPAM

in Schedule IV of the Federal Controlled Substance Act of 1970. A final order placing these substances in Schedule IV was published in the Federal Register, Vol. 40, No. 108, date June 4, 1975.

Now, therefore, the Commissioner of Health orders that:

CHLORDIAZEPOXIDE	CDS 2744
CLONAZEPAM	CDS 2737
CLORAZEPATE	CDS 2768
DIAZEPAM	CDS 2765
FLURAZEPAM	CDS 2767
OXAZEPAM	CDS 2835

be placed in Schedule IV as Depressants in Section E and subject to the provisions of N.J.S.A. 24:21-1 et seq. Said order to be effective 30 days from June 4, 1975, the date the final order was published in the Federal Register.

The above order, issued by the United States Drug Enforcement Agency, concerning Chlordiazepoxide was amended, by publication in the Federal Register Vol. 40, No. 123, dated June 25, 1975, on order to reserve controls on LIBRAX and MENRIUM as excepted compounds pending final disposition of a petition to grant exemption from control to Librax and Menrium.

8:65-10.1(a)5. Schedule V is as follows:

SCHEDULE V

CONTROLLED DANGEROUS SUBSTANCES

Criteria:

A. The substance has a low potential for abuse relative to the substances listed in Schedule IV.

B. The substance has currently accepted medical use in treatment in the United States.

C. The substance has limited physical dependence or psychological dependence liability relative to the substances listed in Schedule IV.

NARCOTIC DRUGS CONTAINING NONNARCOTIC ACTIVE MEDICINAL INGREDIENTS

Any compound, mixture or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium or any of its salts per 100 milliliters or per 100 grams.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Revisions Concerning Health Maintenance Organizations

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2J-1 et seq., proposes to revise a portion of the rules concerning Health Maintenance Organizations.

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

8:38-1.2(a)1. [xii. House calls when medically indicated.]

[xiii.] xii. Out-of-area health services when indicated for accidental injury or emergency illness;

[xiv.] xiii. Diagnostic laboratory services;

[xv.] xiv. Short-term (not to exceed 20 visits) out-patient evaluative and crisis intervention mental health services.

2. Institutional services:

i. Inpatient hospital care, including semi-private room accommodation and other inpatient hospital services, medications as appropriately ordered by the physician(s) responsible and supplies that are usually provided by the hospital;

- ii. Skilled nursing facility services (a minimum of 30 benefit days during any benefit year);
- iii. Home-health services; [and] (a minimum of 60 home-care visits during any benefit year);
- iv. Emergency and out-of-area hospital services when indicated for injury or emergency illness.

3. Supportive services:

[i. Ambulance services when ordered by a member of the staff for emergency services;]

i. Ambulance services when medically necessary;

[ii. Health education services, including nutrition services;]

ii. Health education services; education in the appropriate use of health services and in the contribution each member can make to the maintenance of his own health (instruction in personal health care measures and information about its services including recommendations on generally accepted medical standards for use and frequency of such service;

iii. Nutritional education and counseling.

[iii. Medical social services;]

[iii.] iv. Medical social services which shall include appropriate assistance in dealing with the physical, emotional and economic impact of illness and disability through services such as pre- and post-hospitalization planning, referral to services provided through community health and social welfare agencies, and related family counseling.

[iv.] v. Preventive health services (including voluntary family planning services, infertility services [preventive dental care for children] and children's eye examinations conducted to determine the need for vision correction).

(b) Supplemental health services: Additional health services that are not considered under basic health services. These may include, but are not limited to:

i. Vision care not included as a basic health service;

[ii. Dental services not included as a basic health service;]

ii. Dental health services;

iii. Mental health services not included as a basic health service;

iv. The provision of long-term physical medicine and rehabilitative services (including physical therapy);

v. Podiatry services;

vi. Provision of prescription drugs, corrective lenses or prostheses;

vii. Services of facilities for intermediate and long-term care;

viii. Extension of home care or extended care not included as a basic health service.

8:38-2.6 Enrollee removal

(a) An enrollee may not have his or her membership in an HMO cancelled except for the following reasons:

1. Failure to pay the charge for such coverage.

2. Failure to abide by rules and regulations of the HMO.

(b) Before an enrollee can be terminated for failure to abide by the rules and regulations, the HMO must document such violations and present this documentation to the Commissioner of Health for review and approval.

SUBCHAPTER 3.

ISSUANCE OF CERTIFICATE OF AUTHORITY

8:38-3.1 Scope

(a) Prior to issuance of a certificate of authority, both the Commissioner and, [if applicable,] the Commissioner of Insurance must be satisfied that several conditions have been met. Among these are:

1. That the Health Maintenance Organization is financially sound and may reasonably be expected to meet its obligations to enrollees and prospective enrollees; and

2. That the organization's arrangements for health care services and the schedule of charges to enrollees used in connection therewith are financially sound.

(b) The following [three] two Sections will serve as minimum standards for determining such financial soundness.

[8:38-3.2 Definitions

(a) Standards will vary depending on whether or not the Health Maintenance Organization is "doing an insurance business".

(b) A Health Maintenance Organization will be considered to be doing an insurance business if more than 20 per cent of its payments to providers, based on reasonable actuarial assumptions, may be expected to be made directly from funds of the organization on a "fee for service" basis.

(c) Payments will not be considered as having been made from funds of the organization if:

1. Reimbursement for such payment is made by an insurance company or hospital or medical service corporation licensed to operate in New Jersey pursuant to a contract filed by the Commissioner of Insurance and in force at time of application; or

2. The organization's liability for payment to providers is limited to a reasonable proportion of its capitation revenues by means of an insurance arrangement with such insurance company or hospital or medical service corporation.

(d) "Capital and surplus" of a Health Maintenance Organization means the excess of its assets over its liabilities as calculated according to generally accepted accounting practices applicable to regulated insurance companies.]

8:38-[3.3] 3.2 Protection against insolvency

(a) Enrollees of a Health Maintenance Organization will be deemed protected against financial loss [resulting from insolvency] provided that the Health Maintenance Organization has deposited with the Commissioner, as of the beginning of each calendar [year] quarter, cash or a form of guaranty or security in an amount equal to [25 per cent of] the anticipated payments to providers of health services during the calendar [year] quarter then beginning. Only those payments to providers from funds of the organization which vary directly with the volume of services provided (that is, "fee-for-service" payments) need be considered: salaries to physicians, [or] "capitation" to providers from funds of the organization which vary directly with the volume of services provided (that is, "fee-for-service" payments) need be considered: salaries to physicians [or] "capitation" to providers [where those providers have agreed to provide whatever services are required for enrollees,] or payments to providers by insurance companies, hospital or medical service corporations, or other corporations, need not be considered. Furthermore, whenever a provider has agreed by contract to look solely to the Health Maintenance Organization for payment for any health services rendered to the enrollee, these payments may be disregarded in computing the deposit. However, that deposit may not thereby be reduced to less than 25 per cent of anticipated "fee-for-service" payments to providers from funds of the organization for the calendar quarter then beginning. At time of initial authorization by the Commissioner, the deposit must be based on anticipated payments in the next full calendar [or fiscal year] quarter.

1. These deposits may be treated as assets of the organization, to the extent that they would be assets if actually held by the organization, and any investment return on the assets will be credited to the organization. However, in the event of insolvency of the organization, these de-

posits will be applied by the Commissioner, [at his discretion, to pay for otherwise unreimbursed costs of services provided or due to enrollees] **initially for the protection of enrollees in the Health Maintenance Organization, and only after all such costs have been satisfied may the balance, if any, of the deposit be applied to meet obligations to other creditors of the organization.**

[(b) The deposit described in the preceding paragraph will]

2. This deposit may be waived or reduced by the Commissioner of Health at such time as he is satisfied that the assets of the organization or its contracts with insurers, hospital or medical service corporations, governments or other organizations are sufficient to reasonably assure the performance of its obligations. If any Health Maintenance Organization is unable to meet any payment owed by the organization, the Health Maintenance Organization must notify the Commissioner within 30 days after payment is due. [For a Health Maintenance Organization which is "doing an insurance business", as defined above, satisfaction of this requirement will be demonstrated by maintenance of capital and surplus of at least \$100,000 or ten per cent of anticipated yearly capitation revenues, if greater. For a Health Maintenance Organization which is not "doing an insurance business", as defined above, satisfaction of this requirement will be demonstrated by maintenance of capital and surplus of at least \$25,000 or five per cent of anticipated yearly capitation revenues, if greater.]

(b) Quarterly financial reports, on forms prescribed by the Commissioner, shall be submitted to both Health and Insurance Departments.

8:38-[3.4]3.3 Charges to enrollees

In order for charges to enrollees to be considered financially sound, [provided] they [are] must be accompanied by certification of a qualified actuary which would state that [they] the charges make adequate provision for claim costs, operating expenses and maintenance of at least the [minimum capital and surplus] required deposit. Details as to assumptions and methods of calculation must accompany certification.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

John R. Reiss
Assistant Commissioner
Health Resources Planning and Development
Health-Agriculture Building
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Standards for Licensure Of Ambulatory Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-12 and with the approval of

the Health Care Administration Board, proposes to adopt new standards for licensure of ambulatory care facilities. Such standards, if adopted, will be cited as N.J.A.C. 8:43A-1.1 et seq.

The proposed standards concern an introduction, definitions, licensure procedure, general requirements, auspices, administration, organization and delivery of health services and medical care services, staffing patterns, patient flow, continuity of care medical records, patient care statistics, financial data, audit and evaluation, dental services, family planning services, prenatal and postpartum services, comprehensive pediatric services, surgical services, drug abuse treatment services and physical plant.

Copies of the 68 pages of full text of the proposed standards may be obtained from or made available for review from:

Mrs. Wanda Schorn
Coordinator, Standards, Licensing,
Certification and Standards
State Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to the State Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

COMMUNITY HEALTH SERVICES

Proposed Rules on Drugs in Dispensers Pressurized by Gaseous Propellants For Over-the-Counter Sale

The Department of Health, pursuant to authority of N.J. S.A. 24:2-1, proposes to adopt new rules concerning drugs in dispensers pressurized by gaseous propellants for over-the-counter sale.

Full text of the proposed rules follows:

8:21-1.26 Drugs in dispensers pressurized by gaseous propellants for over-the-counter sale

(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.

"Drug" means "drug" as defined in N.J.S.A. 24:1-1e.

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

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

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

1. The warning herein shall appear prominently and conspicuously, but in no case may the letters be less than 1/16 inch in height.

2. If the label of any package is too small to accommodate the warnings, the Commissioner may establish by regulation an acceptable alternative method.

(c) Rules on drugs in self-pressurized containers are:

1. The label of a drug 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 packaged in glass containers, the word "break" may be substituted for the word "puncture".

3. The words "Avoid spraying in eyes" may be deleted from the warning in the case of a product not expelled as a spray, or that is intended to be used in the eyes.

4. In addition to the above warning, the label of a drug packaged in a self-pressurized container in which the propellant consists in whole or in part of a halocarbon or 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."

5. The warning required by paragraph 4. 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.

(d) All products labeled after November 30, 1976, and all products introduced into intrastate commerce after November 30, 1977 shall comply with these regulations. No person shall distribute or sell, or have in his possession with intent to distribute or sell any over-the-counter drug product after November 30, 1978 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 March 24, 1976, to:

Donald J. Foley
Chief, Drugs, Devices and Cosmetics
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

COMMUNITY HEALTH SERVICES

Proposed Rule on Training Homemaker-Home Health Aides

The State Department of Health, pursuant to authority of N.J.S.A. 26:1A-97, proposes to adopt a new rule concerning the training of homemaker-home health aides.

Full text of the proposed rule follows:

8:49-5.10(b) The Department requires that all homemaker-home health aides satisfactorily complete a standard training course recommended and approved by the Department.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

Mrs. Cleora Wheatley
Division of Community Health Services
State Department of Health
Room 703A
Health-Agriculture Building
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

COMMUNITY HEALTH SERVICES

Rules on Cosmetic Product Warning Statements

On February 11, 1976, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18 and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules, to be cited as N.J.A.C. 8:21-1.25, on cosmetic product warning statements, substantially as proposed in the Notice published January 8, 1976, at 8 N.J.R. 15(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

A summary of the substantive changes follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

8:21-1.25(a) "Cosmetic" means "cosmetic" as defined in N.J.S.A. [24:1-h] **24:1-1h.**

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

8:21-1.25(f) All products labeled after November 30, 1976, and all products introduced into intrastate commerce after November 30, 1977 shall comply with these regulations. No person shall distribute or sell any cosmetic product after [September 3, 1977] **November 30, 1978**, unless all labeling is in compliance with this regulation.

An order adopting these rules was filed and became effective on February 18, 1976, as R.1976 d.50.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Proposed Rules to Implement Assembly Bill Number 328

The Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq., proposes to adopt rules and guidelines to implement Assembly Bill No. 328, L.1973 c.163, N.J.S.A. 18A:60-6 et seq. for the New Jersey State Colleges.

This is a republication of the notice of proposed rules; the first publication appeared in the January 10, 1974, issue of the New Jersey Register. Such rules, if adopted, will be included in the new Chapter 6 of Title 9 in the New Jersey Administrative Code.

The substance of the proposed rules and guidelines is set forth in a document entitled "Report of the Committee to Implement A-328," which report relates to academic rank for nonteaching personnel, contracts for professional staff and career development.

Copies of the full text of 23 pages of the report together with 11 pages of proposed guidelines may be obtained from:

Richard Hale
Assistant Chancellor
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

Public hearings on the proposed guidelines have already been held. Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to the above address.

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

Ralph A. Dungan
Chancellor of Higher Education
Secretary, State Board of Higher Education

(b)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Proposed Revisions In State Aid Under Community Mental Health Services Act

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:9A-10, proposes to revise a portion of the rules governing State aid under the Community Mental Health Services Act.

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

10:37-6.3 Definitions

["Precare and aftercare" means services focusing on pre-hospitalization and post-hospitalization needs of mentally ill individuals.

1. Precare is defined as a service provided prior to the admission of a patient to any part of the community mental health center. The service includes evaluation, screening of the patient and assessment of factors surrounding the referral. Services may also include home visits. This element is primarily designed for placement of the patient in the proper program or facility of the mental health center.

2. Aftercare is defined as a service specifically to meet the needs of patients previously hospitalized in any psychiatric hospital or a psychiatric unit of a general hospital. It involves as a very minimum a psychiatrist, social worker and mental health aides. It may include psychiatric nurses, psychologist and rehabilitation counselors. The service must insure that the patient has access to medication resources.]

"Transitional services" mean those services, including prescreening, patient predischarge planning and programming, advocacy, diagnostic, medication, transitional housing, day activities and functional education, placement, and other related services, which are intended to prevent unnecessary institutionalization and return inappropriately institutionalized individuals to their proper communities. These services must address the needs of institutionalized patients in State and county institutions.

Delete the current text of N.J.A.C. 10:37-7.3 and replace it with the following new text:

10:37-7.3 System of per capita allocation

(a) The dollar per capita should be utilized in the following manner:

1. At a minimum, 15 cents of the one dollar per capita is to be utilized for transitions services as defined in N.J.A.C. 10:37-6.3. The agency may utilize more than the 15 cents minimum by allocating portions of the remaining 85 cents to this purpose.

2. The agency may utilize up to 85 cents of the one dollar per capita for the following elements:

- i. Outpatient;
- ii. Inpatient;
- iii. Partial hospitalization;
- iv. Emergency;
- v. Consultation; and
- vi. Education as recommended by the county mental health board.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

Office of Community Mental Health
and Social Services
Department of Institutions and Agencies
167 West Hanover St.
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions on 1976 Cost Study And Instructions for Long-Term Care Facilities

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

The proposed rules require financial data and other statistical information pertaining to the latest fiscal period for each nursing facility currently participating in the Health Services Program. The cost data will be projected for estimated increase in operating expenses through the middle month of the Health Services Program fiscal year (July 1, 1976, to June 30, 1977). It is anticipated that the projected cost data will be used to establish per diem reimbursement rates for the period of July 1, 1976, to June 30, 1977. These rules will replace the 1975 cost study filed under N.J.A.C. 10:63-3.1 et seq.

Copies of the full text of 34 pages of the proposed cost study and instructions may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to the address above.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules on Shared Health Care Facilities

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning shared health facilities. Such rules, if adopted, will be cited as N.J.A.C. 10:49-9.1 et seq.

The proposed rules concern definitions, application of item, registration of shared health care facilities, prohibited practice, administrative requirements and quality of care requirements.

Full text of the five pages of the proposed rules may be obtained by writing to:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to the Division of Medical Assistance and Health Services at the above address.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules on Procedure for Involuntary Transfer of Patients

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4d-1 et seq., proposes to adopt rules concerning the procedures for involuntary transfer of patients.

Full text of the proposed rules follows:

10:49-1.31 Involuntary transfer of patients

(a) The Division of Medical Assistance and Health Services proposes to implement the following procedural guidelines which affect the involuntary transfer of Medicaid patients from a long-term care facility to another long-term care facility for other than medical reasons:

1. That the Medicaid provider agreement with the long-term care facility not be amended during the period of the agreement unless the facility is able to present to the Division a documented case of hardship which would cause irreparable harm to both the facility and the patients therein. In such instances, the Division would require the facility to present such evidence before a Division hearing officer.

2. That in the event, following such hearing, the Division approves a change in the Medicaid provider agreement which would necessitate the involuntary removal of patients from the facility, all patients and/or their family or legal guardian would be provided notice of the proposed change and would be afforded an opportunity for a hearing with the Division before any transfer of the patient is initiated. The purpose of affording such a hearing to the patient would be to ascertain whether or not their transfer from the facility would be abnormally detrimental to their well-being.

3. That in the event the relocation of patients is a final Division determination, the Division will afford to the maximum extent possible relocation counselling for all prospective transferees in order to reduce as much as possible the impact of transfer trauma.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976 to:

Administrative Analyst
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may

thereafter adopt these rules substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Revisions for Administrative Hearings in Contested Cases

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt new rules concerning administrative hearings in contested cases in the Division of Youth and Family Services. The proposed revisions would delete in its entirety the current text of Subchapter 1 in Chapter 120 in Title 10 of the New Jersey Administrative Code and adopt new text therein.

Full text of the proposed new rules follows:

SUBCHAPTER 1. ADMINISTRATIVE HEARINGS

10:120-1.1 Statutory authority and scope of rules

Pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-3(2), the following rules shall constitute the practice and procedure and shall govern all contested cases as defined by the Administrative Procedure Act, N.J.S.A. 52:14B-2(b), before the Division of Youth and Family Services, where any statute, rule or regulation affecting the Division is at issue. These rules shall not govern either fair hearings mandated by the Social Security Act, as amended, or employee personnel matters.

10:120-1.2 Subject matter jurisdiction

The jurisdiction of the Division shall extend to all contested cases arising under any statute, rule or regulation affecting the Division.

10:120-1.3 Construction

These rules shall be liberally construed to allow the Division to discharge its statutory functions. The Director or his representative may, upon notice to all parties, relax the application of these rules where the interests of justice and considerations of due process will be furthered thereby.

10:120-1.4 Director's discretion

The Director may rescind, amend or expand these rules from time to time, provided the same is effected in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. In any matter not expressly controlled by these rules or by statute, the Director may exercise his discretion.

10:120-1.5 Definitions

"Business days" mean the five working days of a week other than Saturday, Sunday and State-declared holidays.

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

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

"Complainant" means any party, including the Division, charging a respondent with a violation of any statute, rule or regulation affecting the Division.

"Respondent" means any party charged with a violation of any statute, rule or regulation affecting the Division, or

the Division when its action is being contested by a petitioner.

"Petitioner" means any party who has requested a hearing to contest any Division action.

"Hearing officer" means any individual designated by the Director to conduct any hearing pursuant to any statute, rule or regulation affecting the Division.

10:120-1.6 Notice of hearing and complaint

(a) Whenever it shall appear that a violation of any statute, rule or regulation affecting the Division has occurred, is occurring or may occur, or whenever the validity of a statute, rule or regulation, or Division action in relation thereto is questioned, and it shall appear that the matter warrants a formal administrative hearing, the Division, upon its own initiative or at the request of any person interested in or affected by the matter, shall issue a notice of hearing.

(b) A respondent shall be served a notice of hearing and complaint a minimum of ten business days prior to the date of the hearing. Should the Director, in his discretion, determine that an immediate hearing is necessary due to the serious nature of a complaint then a notice of hearing and complaint shall be served a minimum of three business days prior to the date of the hearing.

(c) A petitioner or complainant shall be served a notice of hearing a minimum of five business days prior to the date of the hearing, except when complainant is the Division.

(d) A notice of hearing shall contain:

1. A statement of the time, place and nature of the hearing;

2. A statement of the legal authority pursuant to which the hearing is to be held;

3. A statement that the party may present evidence personally or through an attorney or other authorized representative;

4. A statement that should the party fail to appear, a default may be entered.

(e) A notice of hearing and complaint shall contain:

1. The provisions of subsection (d) of this Section;

2. A reference to the particular sections of the statute, regulation or rule alleged to have been violated;

3. A concise statement of the facts giving rise to the alleged statutory, regulatory or rule violation. Should the complainant not have details sufficient to state the facts at the time notice is served, a statement of issues involved is sufficient until details are available but a statement of facts must be served upon respondent a minimum of five business days prior to the date of hearing, in a manner prescribed by N.J.A.C. 10:120-1.7;

4. A statement of the relief sought by the complainant.

10:120-1.7 Service of notice of hearing and notice of hearing and complaint

(a) Where a party, other than the Division, is an individual, service is effective either:

1. Upon mailing a copy of the notice of hearing or notice of hearing and complaint, by certified mail, return receipt requested, to the last known place of business, residence or abode, within or without this State of such party from whom said receipt is requested, except that no default shall be entered for failure to appear unless service is effected under another provision of this subsection, or unless a return receipt requested is received with the appropriate signature;

2. Upon personal delivery of the notice;

3. By leaving a copy thereof at such person's dwelling house or usual place of abode with a competent member of his household of the age of 14 years or over then residing therein; or

4. By delivering a copy thereof to a person authorized by appointment or by law to receive service of process on his behalf.

(b) Where a party, other than the Division, is a corporation, service is effective either:

1. Upon mailing a copy of the notice of hearing or notice of hearing and complaint by certified mail, return receipt requested, to any person authorized by appointment or by law to receive service of process on behalf of the corporation at the registered office or principal place of business of the corporation in charge thereof, except that no default shall be entered for failure to appear unless service is effected under another provision of this subsection, or unless a return receipt requested is received with the appropriate signature;

2. Upon personal delivery of the notice on either an officer, Director, trustee, or managing or general agent;

3. Upon personal delivery thereof on any person authorized by appointment or by law to receive service of process on behalf of the corporation;

4. Upon personal delivery of the notice on the person at the registered office of the corporation in charge thereof; or

5. Upon personal delivery of the notice on any servant of the corporation within this State acting in the discharge of his duties.

(c) If personal service cannot be effectuated after due diligence and an addressee refuses to claim or accept delivery of certified mail, service may be made by ordinary mail addressed to him, after the Director or his representative is convinced through investigation that the refusing addressee is the addressee intended to be served and submits an affidavit indicating the facts supporting the averment that personal service or service by certified mail has been attempted with due diligence but has failed.

10:120-1.8 Conduct of hearings

The conduct of all hearings shall conform to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

10:120-1.9 Hearing officer

All hearings shall be conducted by a hearing officer designated by the Director. The hearing officer shall have the authority to administer oaths and affirmations and the authority and discretion to control the order of proceedings, to rule on any procedural or evidentiary motion or objection, to make such rulings as may be necessary to conduct a fair hearing, to examine witnesses and to render a recommended decision on any matter brought pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The hearing officer may permit the submission of written memoranda of law and proposed findings of fact.

10:120-1.10 Evidence

(a) The hearing officer shall receive all evidence relevant to the matter before him except that he may in his discretion exclude any evidence if he finds that its probative value is substantially outweighed by the risk that its admission will either result in undue consumption of time or create substantial danger of undue prejudice or confusion.

(b) All evidence shall be received without regard to formal rules of evidence. Every party has a right to submit his case by oral and documentary evidence, to submit rebuttal evidence and to conduct cross examinations.

(c) Notice may be taken of judicially noticeable facts and of generally recognized technical or scientific facts within the Division's specialized knowledge. The parties shall be advised of the facts noticed and shall be given an opportunity to object thereto.

10:120-1.11 Time and place of hearing

Hearings shall be held at a time and place designated by the Director, or his representative. The Director or his representative in his discretion and for good cause shown, may postpone a hearing upon application by any party to the action. Upon granting a postponement, the Director or his representative shall ensure that all interested parties receive timely notice thereof and may, upon notice by certified mail, return receipt requested, reschedule the hearing for any time thereafter.

10:120-1.12 Appearances

The complainant in any hearing held hereunder shall first present the evidence in support of the complaint. The petitioner shall first present the evidence in support of his grievance. Thereafter, the respondent may cross-examine any witness giving testimony and present evidence either through his attorney, an authorized representative of a corporation or the Division, or pro se.

10:120-1.13 Failure to appear

If the respondent without good cause fails to appear at the scheduled hearing, the hearing officer may render his recommended decision forthwith, except that no recommended decision may be based upon failure to appear unless service is made in accordance with the provisions of N.J.A.C. 10:120-1.7(a), (b) or (c).

10:120-1.14 Record of the hearing

All hearings shall be recorded on standard sound equipment. Upon request a party shall be entitled to stenographic transcription by a certified shorthand reporter, the expense of such to be borne by the requesting party. The hearing officer's report and recommended decision, together with the sound recording and stenographic transcription, when requested, and all evidence properly admitted during the hearing shall constitute the record of all hearings before the Division. All sound recordings shall be stored in a secure place for a period of time equivalent to the statute of limitations for appeal of the Director's final decision or, when appeal is taken, a period of time covering the disposition of all appeals thereof. Subject to relevant statutes pertaining to freedom of information, access to such sound recordings shall be limited to authorized personnel designated by the Director.

10:120-1.15 Issuance of hearing officer's report and recommended decision

(a) The hearing officer shall render his report and recommended decision not later than 20 business days following the conclusion of the hearing or the receipt of written memoranda of law or proposed findings of fact submitted subsequent to the hearing.

(b) The hearing officer's report and recommended decision shall be in writing and shall include findings of fact and conclusions of law separately stated. If a party has submitted proposed findings of fact the hearing officer shall rule upon each proposed finding of fact in his report and recommended decision.

(c) The hearing officer's report and recommended decision shall be either served on the parties by personal service or sent to the parties by certified mail, return receipt requested, not later than five business days following the rendering of such report; service shall be effective upon personal service, or upon receipt of the report and recommended decision by the parties as evidenced by the return receipt.

(d) If an addressee refuses to claim or accept delivery of certified mail, service may be made by ordinary mail addressed to him, after the Director or his representative is convinced through investigation that the refusing addressee is the addressee intended to be served.

10:120-1.16 Objections or exceptions

Upon receipt of the hearing officer's report and recommended decision, all parties, within ten business days, may submit any objections, corrections or proposed modifications concerning the report and recommended decision to the Director for consideration in his review of the proceedings. For good cause the hearing officer may specify in the recommended report a shorter or longer period of time during which objections may be filed.

10:120-1.17 Director's review and final decision

(a) Upon receipt of the hearing officer's report and recommended decision and any objections thereto submitted by any party, the Director shall review the record and issue the final decision determining the controversy.

(b) The Director may make such modifications and changes in the findings of fact and conclusions of law based upon the record as he deems necessary and appropriate to conform to his final decision.

(c) The Director's final decision shall be rendered not later than 15 business days after the deadline for filing objections. Service shall be either by personal service or by sending a copy of the decision, by certified mail, return receipt requested, to the last known address of the party and, where applicable, to counsel no later than five business days following the rendering of such decision. Service shall be effective upon personal service, or upon receipt of the decision by the parties as evidenced by the return receipt.

(d) If an addressee refuses to claim or accept delivery of certified mail, service may be made by ordinary mail addressed to him, after the Director or his representative is convinced through investigation that the refusing addressee is the addressee intended to be served.

10:120-1.18 Appeal of final decision

The Director's decision shall be the final determination concerning the subject matter of the hearing. Any appeal of such decision shall be solely to the Appellate Division of the Superior Court within time limits allowed by New Jersey court rules.

10:120-1.19 Reopening of proceedings

The Director may in his sole discretion reopen the proceedings upon good cause shown by a petitioner or respondent.

10:120-1.20 Validity of rules if any portion declared invalid

If any rule, Section, paragraph or sentence of these rules shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these rules.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

Division of Youth and Family Services
Department of Institutions and Agencies
324 East State Street
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Rules on Purchase from Private Adoption Agencies Of Services for Hard-to-Place Children

On January 30, 1976, James G. Kagen, Director of the Division of Youth and Family Services, pursuant to authority of N.J.S.A. 30:4C-4, 30:4C-37 and in accordance with applicable provisions of the Administrative Procedure Act, adopted 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, substantially as proposed in the Notice published January 8, 1976, at 8 N.J.R. 36(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

Full text of the adopted rules follows:

SUBCHAPTER 2. PRIVATE ADOPTION AGENCIES' SERVICES

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

(a) In accordance with statute 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 N.J.S.A. 9:3-17 et seq. or can demonstrate that they meet the standards of N.J.S.A. 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 whatever 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.

iii. 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.

iv. 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.

An order adopting these rules was filed and became effective on January 30, 1976, as R.1976 d.31.

J. Edward Crabiell
Secretary of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Amendments on Designation of Stepparents as Essential Persons

On January 27, 1976, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, amended N.J.A.C. 10:82-1.3(a)2.ii. concerning the designation of stepparents as essential persons, as proposed in the Notice published December 4, 1975, at 7 N.J.R. 567(a).

An order adopting these amendments was filed on January 28, 1976, as R.1976 d.27 to become effective on February 1, 1976.

J. Edward Crabiell
Secretary of State

(b)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Revisions to Comprehensive Social Services Plan

On February 18, 1976, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:125-1.2(d) regarding the Comprehensive Social Services Plan, as proposed in the Notice published January 8, 1976, at 8 N.J.R. 18(a).

An order adopting these revisions was filed and became effective on February 18, 1976, as R.1976 d.49.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSURANCE

REAL ESTATE COMMISSION

Proposed Revisions Concerning Sale of Interstate Properties

W. P. Comerford, assistant director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-16.3 et seq., proposes to revise N.J.A.C. 11:5-1.25 by deleting in its entirety the current text of that Section and adopting new text concerning the sale of interstate properties.

Full text of the proposed new rules follows:

11:5-1.25 Sale of interstate properties

(a) Rules concerning documents are:

1. All registrations received by this Commission shall be bound, referenced and properly indexed with the exception of those registrations received from the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C.

2. A document to be filed with the Commission shall be typewritten on one side of the paper only. One copy of each exhibit or document shall be submitted, unless the Commission requires more than one copy. A document shall be reduced to a size not to exceed 8½ by 14 inches. All papers filed pursuant to these rules shall become part of the Commission's records.

3. The use of verified photographs as part of documentation is permitted, except that the photographs shall not be permitted in lieu of proper legal descriptions of real property or other required written documents.

4. The use of verified copies of original documents is permitted.

5. An affidavit or affirmation as prescribed in the Commission's forms shall be executed for each of the following documents:

- i. Statement of record, partial statement of record;
- ii. Consolidation registration;
- iii. Registration amendment;
- iv. Annual registration renewal;
- v. Partner, officer, director of principal disclosure;
- vi. Consent to service of process; and
- vii. Broker's application.

6. The Commission shall require that all financial statements submitted in a registration be audited financial statements by certified public accountants.

(b) Rules concerning the designation of brokers are:

1. The subdivider must designate an original broker-of-record with the initial registration. The subdivider may thereafter substitute another broker for the one initially designated. The initially designated broker or any subsequent substitute must join in the execution of all documents, affidavits and so forth, as prescribed by the Commission.

2. The subdivider may designate in addition to the broker-of-record other additional brokers who may join in the disposition of the property covered by the registration subject to filing the proper application with the Commission and the payment of the necessary fees.

(c) Rules concerning fees are:

1. The fee for substitution of, or additional, New Jersey broker or brokers as authorized representatives of the subdivider shall be \$100.00. All additionally designated New Jersey brokers shall pay an annual, nonrefundable renewal fee of \$100.00.

2. Should the subdivider fail to renew his registration within 30 days after his annual anniversary date, the registration will be cancelled in the manner provided under N.J.S.A. 45:15-16.3, Subsection 6.b. In order to reinstate the registration, it shall then be treated as a new registration and fees will be charged in accordance with N.J.S.A. 45:15-16.3, Subsection 6.a.(1).

3. The Commission will furnish to the public, upon request, a copy of the statement of record of any development at a cost of 25 cents per page.

4. The date of filing shall be considered as the date when all fees are paid to include the fee for inspection.

(d) Rules concerning inspections are:

1. The Commission at its discretion shall make on-site inspections of all offerings submitted under this Act.

2. The Commission shall at its discretion conduct annual renewal on-site inspections.

(e) The official address of the Real Estate Commission for delivery and receipt of all mail, telegrams, information, filing registrations, fees and other material required by the Act or these rules is:

New Jersey Real Estate Commission
Bureau of Subdivided Land Sales Control
201 East State Street
Trenton, New Jersey 08625

(f) If in the advertising of any common promotional endeavor, a home builder mentions in his promotional material a lot or subdivision situated outside the State of New Jersey, he must register in compliance with N.J.S.A. 45:15-16.3.

(g) All unfair acts and deceptive practices, as set forth in the Federal Interstate Land Sales Full Disclosure Act (82 Stat. 590; 15 USC 1701 et seq.), may subject the registrant to rejection or cancellation of his registration.

(h) Rules concerning advertising and sales promotions are:

1. General standards:

i. Claims and representations contained in advertising shall be accurate and provable.

ii. Advertising shall not misrepresent facts or create misleading impressions.

iii. Advertising shall not contain a statement which, though true, implies a nonexistent fact.

iv. Advertising shall not make a derogatory or unfair reference to competitive developments, subdivisions or properties.

v. Advertising shall not reprint published material unless information contained in the reprint is representative, truthful, relevant and pertinent to the property being offered.

vi. Advertising shall not contain a statement, photograph or sketch portraying the use to which land can be put unless the land can be put to such use without unreasonable cost.

vii. Advertising shall not contain an asterisk or any other reference symbol as a means of contradicting or substantially changing a previously made statement, or as a means of obscuring a material fact.

viii. Advertising shall not use a name or trade style which implies that the advertiser is a nonprofit research organization or public bureau or group, when such is not true. Advertising of such an organization is prohibited when the true nature of the plan of sale or ownership is misrepresented or concealed.

ix. Maps, plats or representations shall clearly indicate the date that the development will be completed. If completion dates are over a period of years, then a series of shadings, outlines or coding may be used to indicate dates for completion.

x. Any use of the word "investment" must be qualified, substantiated and properly justified.

2. In reviewing any advertising submitted by an applicant, the Commission shall determine whether it makes a full and fair disclosure, or is false and misleading within the intent and meaning of the Act and these rules, by examining the form, language and content of the advertising and supporting data and any other available information to ascertain whether the express and implied representation therein are true and make a full and fair disclosure. If it appears that the representations are not true and do not make a full and fair disclosure as to all subdivided lands to which the filing relates, the Commission will enter an order of rejection or take such other action as it considers necessary. All advertisements must be submitted by the subdivider or the agent to the Commission 30 days prior to use for approval or disapproval.

(i) An instrument evidencing sale or disposition of an interest in a subdivision shall be executed in a recordable form in accordance with the laws of the state where the land is located. An applicant has the burden of an affirmative showing of this compliance.

(j) A subdivision or a part thereof on which construction of a promised improvement for public use, convenience or necessity has not been completed, shall not be registered for disposition. However, an uncompleted improvement does not constitute an objection if completion of the improvement is assured by substantial completion, bond or similar undertaking posted with a public authority and acceptable to the Commission, or by adequate reserves established and maintained in a trust or escrow account. In determining adequacy of the account, the Commission will be guided by the facts and circumstances of each individual case, but the account shall comply with the following:

1. Funds shall be kept and maintained in an account separate and apart from the owner's personal funds.

2. The account shall be established in a bank or trust company doing business in this State, or another state where the account is required to be maintained there by the laws of that state and approved by the Commission.

3. Monthly statements shall be furnished to the Commission for a new account for the first six months and in the Commission's discretion, quarterly or semi-annually thereafter.

(Continued on page 43)

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 following that in

which a mailing of update pages has been completed.

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)
2:17-16.1	Tomato transplants moved into New Jersey	R.1976 d.30	8 N.J.R. 95(c)
2:20-3.2	Red Pine quarantine in parts of Bergen and Passaic Counties	R.1976 d.16	8 N.J.R. 54(c)
2:49-1.1 et seq.	Revised rules on minimum prices for milk	R.1975 d.232	7 N.J.R. 399(b)
2:49-1.1(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)	Revise minimum milk prices	R.1975 d.340	7 N.J.R. 539(b)
2:49-1.1(b)	Revised minimum milk prices	R.1975 d.361	8 N.J.R. 5(b)
2:49-1.1(b)	Revise minimum milk prices	R.1976 d.9	8 N.J.R. 54(b)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.45	8 N.J.R. 96(a)
2:71-1.23 et seq.	Revisions on shell eggs	R.1975 d.358	8 N.J.R. 3(a)
2:71-5.5	Revisions on potato labeling	R.1975 d.381	8 N.J.R. 54(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)
BANKING — TITLE 3			
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)
3:8-3.1(a)3.	Revisions on required reserves	R.1976 d.15	8 N.J.R. 55(a)
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)
3:40-1.1 et seq.	Rules of State Cemetery Board	R.1975 d.184	7 N.J.R. 293(b)
CIVIL SERVICE — TITLE 4			
4:1-8.6	Revisions on promotional examinations	R.1976 d.51	8 N.J.R. 101(a)
4:1-8.8	Qualifications of applicants for open competitive examinations	R.1976 d.52	8 N.J.R. 101(b)
4:1-8.21	Make-up examinations	R.1976 d.53	8 N.J.R. 101(c)
4:1-9.6	Tie scores on examinations	R.1976 d.52	8 N.J.R. 101(b)
4:1-9.13	Additions to eligible lists	R.1976 d.53	8 N.J.R. 101(c)
4:1-10.2(c)	Revisions on appointments based on examinations in noncompetitive and labor divisions	R.1976 d.53	8 N.J.R. 101(c)
4:1-17.11	Amount of vacation leave	R.1976 d.52	8 N.J.R. 101(b)
4:1-17.24(k)	Unused sick leave payments to nonclassified employees	R.1975 d.218	7 N.J.R. 401(b)

COMMUNITY AFFAIRS — TITLE 5

5:21-3.3 et seq.	Revisions in Uniform Standards Code of Mobile Homes	R.1975 d.166	7 N.J.R. 305(a)
5:22-1.1 et seq.	Rules on tax abatement on added assessments	R.1975 d.327	7 N.J.R. 540(b)
5:30-1.8	Emergency resolutions exceeding three per cent limitation	R.1975 d.168	7 N.J.R. 306(a)
5:30-1.9	Implementation of Housing and Community/Development Act	R.1975 d.287	7 N.J.R. 497(b)
5:30-1.10	Contracts; expenditures	R.1975 d.322	7 N.J.R. 540(a)
5:71-1.1 et seq.	Rules on county offices on aging	R.1975 d.192	7 N.J.R. 355(a)
5:80-2.1	Equity syndication, agency-financed limited-dividend housing projects	R.1975 d.258	7 N.J.R. 459(a)

EDUCATION — TITLE 6

6:1-2.2	Delete rule on regular meetings	R.1976 d.34	8 N.J.R. 106(a)
6:1-2.3	Revisions on special meetings	R.1976 d.34	8 N.J.R. 106(a)
6:3-1.19	Evaluation of nontenured teaching staff	R.1976 d.13	8 N.J.R. 62(a)
6:3-1.20	Procedure for appearance before local board of education	R.1976 d.13	8 N.J.R. 62(a)
6:11-3.31	Repeal rule on certification appeals	R.1976 d.14	8 N.J.R. 62(b)
6:11-6.2(c)	Amendment on endorsement of instructional certificate	R.1976 d.33	8 N.J.R. 107(a)
6:11-8.3(e)	Amendment on instructional supplement to standards	R.1976 d.33	8 N.J.R. 107(a)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1C-1.1 et seq.	Rules on 90-day construction permits	R.1975 d.347	7 N.J.R. 548(a)
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)
7:6-1.1 et seq.	Revised rules on power vessels	R.1976 d.32	8 N.J.R. 107(d)
7:7A-1.1(a)14.	Extend wetland order to portions of Salem County	R.1974 d.188	6 N.J.L. 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)
7:7D-1.1 et seq.	Appeals procedures: Coastal Area Review Board	R.1975 d.345	7 N.J.R. 551(a)
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)
7:11-2.1 et seq.	Revised general rate schedule for Delaware and Raritan Canal water	R.1974 d.362	7 N.J.R. 49(a)
7:11-3.1 et seq.	Revised rules on use of water from Delaware and Raritan canal	R.1974 d.363	7 N.J.R. 50(a)
7:12-1.1 et seq.	Revisions on shellfish-growing water classification	R.1976 d.54	8 N.J.R. 108(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)
7:12-1.3(a)5.ii.	Revisions condemning certain shellfish beds	R.1975 d.341	7 N.J.R. 547(b)
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)
7:25-12.1	Size limitations on sea clams	R.1975 d.384	8 N.J.R. 63(a)
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)
7:25-12.1	Size limitations on sea clams	R.1975 d.384	8 N.J.R. 63(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)
7:26-4.1 et seq.	Revised fee schedule	R.1975 d.136	7 N.J.R. 259(a)
7:27-2.1 et seq.	Revised rules on control of open burning	R.1975 d.326	7 N.J.R. 547(c)
7:27-15.4(b)	Postponement of Phase II of auto emission inspection standards	R.1975 d.22	7 N.J.R. 102(b)
7:27-15.4(b)	Revisions on control of air pollution from light-duty motor vehicles	R.1976 d.12	8 N.J.R. 62(c)
7:27-16.1 et seq.	Volatile organic substances	R.1975 d.377	8 N.J.R. 15(b)
7:27B-1.1 et seq.	Sampling and analytical procedures	R.1974 d.360	7 N.J.R. 48(a)
7:27B-1.1 et seq.	Emissions from particles from manufacturing processes	R.1975 d.136	7 N.J.R. 261(d)
7:27B-2.1 et seq.	Procedures for visual determination of emissions from sources	R.1975 d.76	7 N.J.R. 144(a)
7:27B-3.1 et seq.	Emissions of solid particle from combustion of fuel	R.1975 d.135	7 N.J.R. 261(d)
7:35-1.1 et seq.	Rules on tax exemption on real property of nonprofit corporations	R.1975 d.179	7 N.J.R. 310(b)

HEALTH — TITLE 8

8:2-1.1	Revisions on birth certificates	R.1975 d.194	7 N.J.R. 362(c)
8:7-1.4	Board of Examiners licensure of persons for public health positions	R.1976 d.1	8 N.J.R. 65(a)
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)
8:21-1.24	Labeling of feminine deodorant sprays	R.1976 d.19	8 N.J.R. 65(b)
8:21-1.25	Cosmetic product warning statements	R.1976 d.50	8 N.J.R. 118(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)
8:31-22.1 et seq.	Doctors' office owned and/or sponsored by health care facilities	R.1976 d.20	8 N.J.R. 65(c)
8:31-23.1 et seq.	Parking garages owned and/or sponsored by health care facilities	R.1976 d.25	8 N.J.R. 66(e)
8:31-24.1 et seq.	Design and construction of interns, residents and nurses housing facilities	R.1976 d.21	8 N.J.R. 66(a)
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)
8:43B-3.1(d)	Amend building standards	R.1976 d.23	8 N.J.R. 66(c)
8:43B-10.2	Revisions to manual of standards for hospital facilities	R.1976 d.22	8 N.J.R. 66(b)

8:43B-13.3(d)	Delete rule on long-term care units in general acute hospitals	R.1976 d.24	8 N.J.R. 60(d)
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)
8:65-7.8(e)	Amend rule on requirements of schedule II prescriptions	R.1975 d.349	7 N.J.R. 556(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)
9:9-1.31	Revisions on late charges	R.1976 d.17	8 N.J.R. 66(f)
9:9-1.33(d)	Revised procedure for filing claims	R.1976 d.17	8 N.J.R. 66(f)
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)
10:49-1.28	Medicaid payments to hospitals	R.1975 d.383	8 N.J.R. 70(b)
10:49-1.29	Eliminate certain Medicaid program services	R.1975 d.380	8 N.J.R. 70(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)
10:54-1.13 et seq.	Revisions on generic dispensing	R.1975 d.339	7 N.J.R. 567(c)
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)
10:56-1.36 et seq.	Revision on generic dispensing	R.1975 d.339	7 N.J.R. 567(c)
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)
10:57-1.14 et seq.	Revision on generic dispensing	R.1975 d.339	7 N.J.R. 567(c)
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)	Curtailement 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)
10:69-1.1 et seq.	Reimbursement to pharmaceutical consultants in long-term care facilities	R.1976 d.6	8 N.J.R. 70(c)
10:81			
Appendix D	Revise effective date to August 1, 1975	R.1975 d.208	7 N.J.R. 365(b)
10:81-1.1 et seq.	New Public Assistance Manual	R.1975 d.29	7 N.J.R. 105(c)
10:81-3.3(1)	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)
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10:82-1.1 et seq.	Assistance Standards Handbook	R.1975 d.93	7 N.J.R. 227(b)
10:82-1.3(a)	Amendment on designation of stepparents as essential parents	R.1976 d.27	8 N.J.R. 124(a)
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.78	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)
10:87-1.1 et seq.	New food stamp manual	R.1975 d.350	7 N.J.R. 567(d)
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.	Rule Number 11: classification and compensation plan	R.1974 d.211	6 N.J.R. 351(a)
10:109-2.1 et seq.	Revisions to classification and compensation plan	R.1975 d.336	7 N.J.R. 567(b)
10:109-3.1 et seq.	Revision to time and leave regulations	R.1975 d.336	7 N.J.R. 567(b)
10:120-2.1	Purchase of services; hard-to-place children	R.1976 d.31	8 N.J.R. 123(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)
10:125-1.2(d)	Revise portion of comprehensive social services plan	R.1976 d.49	8 N.J.R. 124(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)
11:2-1.4	Property-casualty license fees for disabled veterans	R.1975 d.344	7 N.J.R. 569(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.229	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)
11:3-10.1 et seq.	Rules on standards for prompt, fair and equitable settlement of motor vehicle physical damage claims	R.1976 d.46, R.1976 d.47	8 N.J.R. 136(b)
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(c)	Revision on prompt delivery of instruments	R.1976 d.10	8 N.J.R. 70(e)
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)
11:5-1.29(a)	Revisions on fingerprinting	R.1976 d.10	8 N.J.R. 70(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

13:1-3.4(a)4	Amendment on firearms instruction	R.1976 d.35	8 N.J.R. 137(a)
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)
13:4-8.3(a)	Delete text on interrogatory default procedure	R.1975 d.346	7 N.J.R. 571(b)
13:18-8.1	Rule on overhang standards	R.1975 d.285	7 N.J.R. 483(a)
13:20-7.1	Revisions on automobile inspection adjustments	R.1975 d.335	7 N.J.R. 571(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)
13:20-32.1 et seq.	Rules on licensing of motor vehicle reinspection centers	R.1975 d.333	7 N.J.R. 570(c)
13:20-33.1 et seq.	Standards and procedures used by licensed reinspection centers	R.1975 d.334	7 N.J.R. 570(d)
13:21-15.4	Revisions for rejection, suspension or revocation of motor vehicle dealer license	R.1976 d.4	8 N.J.R. 83(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)
13:30-8.1	Revised fee schedules for dentists	R.1976 d.11	8 N.J.R. 84(a)
13:35-3.2	Endorsement; Federation Licensing Examination	R.1976 d.48	8 N.J.R. 137(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)
13:35-3.7	Encorsement; first two parts of National Board of Medical Examiners or Osteopathic Examiners and third part of FLEX Examination; third part of FLEX and first two parts of National Boards of Medical Examiners and Osteopathic Examiners	R.1976 d.48	8 N.J.R. 137(b)
13:35-3.8	Examination; third part of FLEX and first two parts of National Boards of Medical Examiners and Osteopathic Examiners	R.1976 d.48	8 N.J.R. 137(b)
13:44-4.1	Revised fees for veterinarians	R.1975 d.173	7 N.J.R. 342(b)
13:44-4.1	Veterinary medical examiners fee schedule	R.1975 d.173	7 N.J.R. 342(b)
13:45A-12.1 et seq.	Rules on sale of animals	R.1975 d.351	7 N.J.R. 571(c)

PUBLIC UTILITIES — TITLE 14

14:1-6.20	Revisions of transcript expenses	R.1976 d.26	8 N.J.R. 137(c)
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)
14:18-11.9 et seq.	Applications for municipal consent to operate CATV system	R.1976 d.18	8 N.J.R. 84(b)

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)
16:27-1.6	Limitations on use of Parkway	R.1975 d.342	7 N.J.R. 577(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)
16:28-1.26	Revised speed limits on parts of Route U.S. 206	R.1976 d.43	8 N.J.R. 139(e)
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)
16:28-1.70 et seq.	Revise speed rates on certain State highways	R.1976 d.379	8 N.J.R. 85(b)
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)
16:28-1.106	Revised speed limits on parts of Route 31	R.1976 d.43	8 N.J.R. 139(e)
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)
16:28-1.128	Revise speed limits on parts of Route 88	R.1975 d.329	7 N.J.R. 576(c)
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			
16:28-3.90	No-parking zones on portions of Route 31	R.1975 d.338	7 N.J.R. 577(a)
16:28-3.91	Restricted parking on parts of Routes 70, 79 and U.S. 206	R.1975 d.378	8 N.J.R. 85(a)
through 16:28-3.93			
16:28-3.94	Restricted parking along portions of various State highways	R.1976 d.42	8 N.J.R. 139(d)
through 16:28-3.100			
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)
16:28-5.2	Stop intersections on parts of Route 440	R.1976 d.44	8 N.J.R. 140(a)
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)
16:28-6.2	Restricted left turns on portions of Route 24	R.1975 d.337	7 N.J.R. 576(d)
through 16:28-6.3			
16:28-6.4	No-left turns along parts of Route 35	R.1976 d.41	8 N.J.R. 139(c)
16:28-6.5	No-left turns along parts of Route U.S. 40	R.1976 d.41	8 N.J.R. 139(c)
16:28-7.1	Lane usage on Route 35	R.1975 d.375	8 N.J.R. 50(b)
16:28-8.1	Yield intersection on Route 71	R.1976 d.39	8 N.J.R. 139(a)
16:28-9.1	Emergency stopping only on parts of Route 55	R.1976 d.40	8 N.J.R. 139(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	Revisions on endorsements	R.1975 d.385	8 N.J.R. 88(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)
17:1-2.20	Base or contractual salary	R.1976 d.36	8 N.J.R. 140(d)
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)
17:16-5.5	Revised temporary reserve group	R.1976 d.29	8 N.J.R. 140(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)
17:21-11.5 et seq.	Revised rules on 1776 Instant Lottery	R.1975 d.330	7 N.J.R. 578(b)

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)
AppendixA			
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)
19:1-1.4 et seq.	Revisions on requests for loans and allocation and award of loans	R.1975 d.324	7 N.J.R. 579(c)
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)

(Continued from page 33)

4. The trust or escrow agreement shall state that its purpose is to protect the purchaser or prospective purchaser in case the owner fails to complete construction of promised improvements or to satisfy any obligations or liens encumbering the purchaser's title by reason of the construction.

5. The Commission, by its director, shall execute an acknowledgment on the face of each agreement. This acknowledgment indicates approval of the form and content of the agreement, but shall not be construed to make the Commission a party thereto.

(k) A subdivision or a part thereof on which construction of a promised improvement not for public use, convenience or necessity is represented or implied and the improvement has not been completed, shall not be registered for disposition to the public. However, the uncompleted improvement shall not constitute an objection if completion is assured by:

1. An adequate plan of development, including financial resources committed to carry out the plan as provided in subsection (l) of this Section, which plan is subject to the Commission's continuing review and approval.

2. In case of failure of a developer to establish an adequate plan or to adhere to the plan once established, the Commission may require the establishment of a trust or escrow account.

(1) The Commission may accept surety bonds, escrow accounts, irrevocable bank letters of credit or any other

financial security which it considers adequate in assuring that a plan of development has adequate safeguards and assurances. In determining the security required, the Commission shall examine the status of improvements, the over-all cost of improvements, the terms of purchasers' contracts, the financial condition of the subdivider and such other data as it considers necessary. The Commission shall consider whatever financial security has been posted with other governmental authorities in making its determination.

(m) Street identification must be made and at every 1,000 feet identifying lot stakes must be placed designating lot and block. Further, the property should be traversable by roads sufficiently improved to handle traffic of the average vehicle.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

W. P. Comerford
Assistant Director
Real Estate Commission
201 East State St.
Trenton, N.J. 08625

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

W. P. Comerford
Assistant Director
Real Estate Commission
Department of Insurance

19:8-1.1 et seq.	Revision on motorcycles on Parkway	R.1975 d.332	7 N.J.R. 579(b)
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)
19:8-2.12	Emergency service on Parkway	R.1975 d331	7 N.J.R. 579(a)
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)

(a)

INSURANCE

REAL ESTATE COMMISSION

Proposed Revisions in Salesman's Commissions

W. P. Comerford, assistant director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq., proposes to revise N.J. A.C. 11:5-1.10(b) concerning salesman's commissions.

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

11:5-1.10(b) Every licensed broker must promulgate a policy for the payment of commissions to salesmen on their termination. Such policy must prescribe the rate of commission to be paid on such termination. [and] The licensed broker must obtain the written signature of each salesman licensed under such broker as soon as such employment or association is established, indicating that such salesman agrees to such policy:

1. Upon termination of employment, the employing broker shall make a complete accounting in writing of all commissions due to said salesman.

2. In the event any commission so accounted for is not in accord with the established commission schedule, the employing broker shall give a complete and comprehensive written explanation of any difference.

3. Such accounting shall be made not later than 30 days after the termination of employment of said salesman.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

W. P. Comerford
Assistant Director
Real Estate Commission
201 East State St.
Trenton, N.J. 08625

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

W. P. Comerford
Assistant Director
Real Estate Commission
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

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

On February 9, 1976, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:29B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning standards for prompt, fair and equitable settlement of motor vehicle physical damage claims, substantially as proposed in the Notices published August 7, 1975, at 7 N.J.R. 365(c) and on January 8, 1976, at 8 N.J.R.

38(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

Such rules may be cited as N.J.A.C. 11:3-10.1 et seq.

A summary of the pertinent parts of the Sections affected by the above-mentioned substantive changes follows:

11:3-10.2 Definitions

"Substantially similar vehicle" means a vehicle of the same make, model, year and condition including all major options of the insured vehicle. Mileage must not exceed that of the insured vehicle by more than 4,000 miles. Mileage differences of more than 4,000 miles may, at the option of the insured, be exchanged for the presence or absence of options or a cash adjustment.

11:3-10.3(d) The insured may use any repairer of his or her own choice. The insurer must make all reasonable efforts to obtain an agreed price with this shop. The insurer may recommend, and, if the insured requests, must recommend a qualified repairer at a location reasonably convenient to the insured motor vehicle, who will repair the damaged motor vehicle at the insurer's estimated cost of repairs, but in either event the provisions of subsection (1) of this Section apply.

11:3-10.8 Repair estimates

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

Orders adopting these rules were filed February 17, 1976, as R.1976 d.40 and R.1976 d.47 to become effective on May 1, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MARRIAGE COUNSELOR EXAMINERS

Proposed Rule on Examination Review Procedure

Dr. John S. Zane, chairman of the Board of Marriage Counselor Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:8B-13, proposes to adopt a new rule concerning examination review procedure.

Full text of the proposed new rule follows:

13:34-1.2 Examination review procedure

An unsuccessful candidate may apply to the Board for a review of his or her examination papers. Such application must be submitted to the Board secretary in writing within three months following notification of examination results, and the secretary shall subsequently arrange a mutually convenient date for the candidate to review his or her examination papers and grades in the Board office with an examiner.

Interested persons may present statements or arguments

in writing, orally in person or by telephone relevant to the proposed action on or before March 31, 1976, to:

Dr. John S. Zane, Chairman
Board of Marriage Counselor Examiners
1100 Raymond Boulevard
Newark, New Jersey 07102
Telephone (201) 648-3849

The Board of Marriage Counselor 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. John S. Zane
Chairman, Board of
Marriage Counselor Examiners
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CRIMINAL JUSTICE

POLICE TRAINING COMMISSION

Amendment Concerning Firearms Instruction

On January 13, 1976, 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 an amendment to the rules of the Police Training Commission concerning firearms instructions, as proposed in the Notice published December 4, 1975, at 7 N.J.R. 570(b).

Such amendment may be cited as N.J.A.C. 13:1-3.4(a)4.

An order adopting this amendment was filed and became effective on February 4, 1976, as R.1976 d.35.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Revisions in Standards for Examination and Licensure

On February 11, 1976, 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 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revised standards for examination and licensure, as proposed in the Notice published January 8, 1976, at 8 N.J.R. 46(a).

These revisions may be cited as N.J.A.C. 13:35-3.2, 13:35-3.7 and 13:35-3.8.

An order adopting these revisions was filed and became effective on February 18, 1976, as R.1976 d.48.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Amendments Concerning Transcripts Expenses

On January 19, 1976, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedural rule which amended N.J.A.C. 14:1-6.20 concerning transcripts expenses.

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

14:1-6.20 Transcripts expenses

(a) In addition to the requirements set forth in Sections 1 and 19 of this Subchapter, every petitioner seeking affirmative relief where a hearing is held shall furnish the Board with a copy of the transcript required by N.J.A.C. 14:1-10.10 at the petitioner's cost and expense within 14 days of the date of hearing unless a different period is ordered by the hearing officer. Respondents to an order to show cause or investigative order initiated by the Board shall furnish the Board with a copy of the transcript required by N.J.A.C. 14:1-10.10 at the respondent's cost and expense within 14 days of the date of hearing unless a different period is ordered by the hearing officer.

(b) The party responsible for providing the Board with a copy of the transcript as set forth above shall also be responsible for the daily appearance fee charged by the Board-designated court reporter, which fee must be satisfied within 14 days of the date of hearing unless a different period is ordered by the hearing officer.

(c) The Board may waive or modify the application of this rule at any time for good cause shown.

An order adopting these amendments was filed and became effective on January 22, 1976, as R.1976 d.26 (Exempt, Procedure Rule).

J. Edward Crabiel
Secretary of State

(d)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Federal Grant Program to Provide Transportation Services to Elderly and/or Handicapped People

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6, proposes to adopt new rules concerning the Federal grant program to provide transportation services to elderly and/or handicapped people.

Full text of the proposed rules follows:

CHAPTER 52. FEDERAL GRANT PROGRAM TO PROVIDE TRANSPORTATION SERVICES TO ELDERLY AND/OR HANDICAPPED PEOPLE

SUBCHAPTER 1. GENERAL PROVISIONS

16:52-1.1 Purpose

The purpose of this Chapter is to provide a mechanism by which the State of New Jersey, acting by and through the New Jersey Department of Transportation (NJDOT), may apply for, accept and expend those grants which have been authorized by the Secretary of Transportation of the United States and Section 16 of the Urban Mass Transportation Act of 1964, as amended. These grants will be made to meet the special transportation needs of the elderly and/or handicapped people for whom such mass transportation services are unavailable, insufficient or inappropriate.

16:52-1.2 Definitions

"Elderly people" means those people 62 years of age or older.

"Handicapped person" means any individual who, by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as people who are not so affected.

"Urban area" means a municipality having a population of not less than 5,000 people according to the latest census data.

16:52-1.3 Requirement

The "Federal Grant Program to Provide Transportation Services to Elderly and/or Handicapped People" shall comply with the UMTA Act of 1964, its amendments and all related Federal regulations.

16:52-1.4 Eligible participant organizations

Any private, nonprofit corporation and/or association which provides transportation services which meet the special needs of the elderly and/or handicapped people may apply for participation in this Federal grant program.

16:52-1.5 Advertising of program

The NJDOT shall advertise the program early enough to allow sufficient time for any interested, private, nonprofit corporation to obtain, complete and return the application before an established deadline. The program shall be advertised by means of a legal notice in three or more newspapers of general circulation published in New Jersey.

16:52-1.6 Distribution and filing of applications

Upon request, the Division of Commuter Services-NJDOT shall supply all interested, private, nonprofit corporations with applications to be executed and returned.

16:52-1.7 Eligibility requirements for the private, nonprofit corporation

(a) Certification of incorporation or a copy from the Department of State shall accompany each application.

(b) Private, nonprofit organizations applying for participation must provide service within a recognized urban area.

(c) Applicant organizations must comply with the Office of Management and Budget Circular No. A-95 (revised) relative to established project notification and review system procedures pursuant to Federal regulations:

1. The details of the aforementioned material are specified in the application.

16:52-1.8 Information required by NJDOT in the application of the private, nonprofit organization

(a) The private, nonprofit corporation shall submit:

1. A project description consisting of the number and cost of each passenger vehicle.

2. A project budget for purchase of vehicles with related

equipment must clearly indicate the equipment that is necessary to undertake the proposed project. The applicant must submit and explain the basis of the cost estimate for each item.

3. A project justification statement including a description of the benefits to be derived from the project, benefits to the individual user and benefits to the community must be submitted. Present transportation services for the elderly and handicapped people that are being provided by the applicant shall also be included.

4. A statement showing the estimated net project cost along with a breakdown between Federal grant funds requested and local contribution shall be submitted.

5. A fiscal and managerial capability statement from the private, nonprofit corporation's auditing firm or agency must be attached to the application certifying that the organization ultimately using the equipment or facilities has the requisite fiscal and managerial capability to implement the project.

6. A use of project equipment statement shall be submitted describing the arrangements which exist or will be made to insure satisfactory continuing control over the operation or use of the vehicle and/or equipment.

7. An applicant's operating statement shall also be submitted.

8. A document titled "Assurance of Compliance with Title VI of the Civil Rights Act of 1964 (Department of Transportation)" signed by the president, chairman of the board or comparable authorized official of the private, nonprofit corporation shall be submitted.

9. A letter to the private nonprofit corporation from a local transit operator supporting and substantiating the necessity to supplement the transit operator's regularly scheduled transportation service for the needs of the elderly and handicapped people must be submitted.

10. A copy of the project notification and review system (PNRS) letter of intent shall be submitted by the applicant.

11. A resolution by area-wide A-95 review agency recommending approval of the application of the private, nonprofit corporation shall be submitted.

(b) The details of the above mentioned required information are specified in the application.

16:52-1.9 Selection of applications

(a) An interdepartmental committee consisting of members from the Departments of Transportation, Institutions and Agencies and Community Affairs will evaluate and select the most promising applications.

(b) This evaluation will be made by the following UMTA approved criteria:

1. Applicant's ability to provide designated service as determined by information from applicant's operating statement;

2. Experience of applicant organization in providing transportation to its clientele group;

3. The degree of coordination among applicant organizations submitting a proposal in attempting to provide transportation services to elderly and/or handicapped people;

4. Compatibility and relevance of proposed service with other government programs and policies.

16:52-1.10 Submission and acceptance of New Jersey State application

The Commissioner of the NJDOT shall submit the New Jersey State Applications, which includes selected applications of the interested, private, nonprofit corporations, to the capital assistance branch of UMTA on or before the prescribed date. Once approval comes from the Secretary of the U.S. Department of Transportation, the Division of Commuter Services shall initiate action for NJDOT proceedings.

16:52-1.11 Agreement

After program approval, the NJDOT will enter into a lease agreement with the selected, private, nonprofit corporations for the purpose of leasing vehicles. The title of each vehicle will remain with the NJDOT to ensure proper use and continuing control of the vehicles for the purpose of protecting Federal and State interests in those vehicles.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

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

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION
THE COMMISSIONER

Rule on Yield Intersection on Route 71

On February 11, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-8.1, concerning a yield intersection on a portion of Route 71, as proposed in the Notice published December 4, 1975, at 7 N.J.R. 575(b).

An order adopting this rule was filed and became effective February 13, 1976, as R.1976 d.39.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION
THE COMMISSIONER

Rule on Emergency Stopping
Only on Parts of Route 55

On February 11, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-9.1, concerning emergency stopping only on parts of Route 55, as proposed in the Notice published December 4, 1975, at 7 N.J.R. 576(a).

An order adopting this rule was filed and became effective on February 13, 1976, as R.1976 d.40.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION
THE COMMISSIONER

Rules on No-Left Turns
Along Routes 35 and U.S. 40

On February 11, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules on no-left turns along portions of Routes 35 and U.S. 40, to be cited as N.J.A.C. 16:28-6.4 and 16:28-6.5, as proposed in the Notice published December 4, 1975, at 7 N.J.R. 575(a).

An order adopting these rules was filed and became effective on February 13, 1976, as R.1976 d.41.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION
THE COMMISSIONER

Rules on Restricted Parking Along
Portions of Various State Highways

On February 11, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.94 through 16:28-3.100, concerning restricted parking along portions of Routes 29, 27, U.S. 22 Alt., 10, 77, U.S. 202-206 and 5, as proposed in the Notice published December 4, 1975, at 7 N.J.R. 575(c).

An order adopting these rules was filed and became effective on February 13, 1976, as R.1976 d.42.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

TRANSPORTATION
THE COMMISSIONER

Revisions in Rates of Speed
On Parts of Routes 31 and U.S. 206

On February 10, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-1.26 and 16:28-1.106 concerning rates of speed along certain portions of Routes U.S. 206 and 31, as proposed in the Notice published December 4, 1975, at 7 N.J.R. 573(a).

An order adopting these revisions was filed and became effective on February 13, 1976, as R.1976 d.43.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION THE COMMISSIONER

Rule on Designation of Stop Intersections Along Route 440

On February 11, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-5.2, concerning the designation of stop intersections along portions of Route 440, as proposed in the Notice published December 4, 1975, at 7 N.J.R. 576(b).

An order adopting this rule was filed and became effective on February 13, 1976, as R.1976 d.44.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Proposed Revisions Concerning Endorsements

The Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to revise the text of N.J.A.C. 17:1-1.15(b) concerning endorsements and court appointed guardians, conservators or committees.

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

17:1-1.15(c) In cases where a member or beneficiary is mentally or physically incompetent, the appointment of a legal guardian, conservator or committee will be required. The Division must be supplied with a copy of the legal document and the guardian's signature must be registered with the Division on a signature card. In cases where an incompetent retired member or beneficiary is confined to a [public] State institution in New Jersey (under Department of Institutions and Agencies) in lieu of guardianship, his or her retirement allowance may be continued upon court order (N.J.S.A. 30:4-67 et seq.) directing the retirement system to make payment to the chief administrative officer for the use and care of said member or beneficiary during the period of confinement.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

Division of Pensions
Department of the Treasury
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

(c)

TREASURY

STATE INVESTMENT COUNCIL

Revisions to Temporary Reserve Group Concerning Classification of Funds

On January 21, 1976, the State Investment Council in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:16-5.5 concerning the temporary reserve group regarding classification of funds.

Full text of the portions affected by these revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

- 17:16-5.5(a)20. State Recreation and Conservation
Land Acquisition and Development Fund;
[20] 21. State Transportation Fund;
[21] 22. State Water Development Fund;
[22] 23. Transportation Benefit Fund;
[23] 24. Transportation Fund;
[24] 25. Veterans' Loan Guaranty and Insurance Fund
(Veterans' Guaranteed Loan Fund);
[25] 26. Water Conservation Fund.

An order adopting these revisions was filed and became effective on January 28, 1976, as R.1976 d.29 (Exempt, Procedure Rule).

J. Edward Crabiell
Secretary of State

(d)

TREASURY

DIVISION OF PENSIONS

Rule on Base or Contractual Salary Regarding Alternate Benefit Programs

On January 28, 1976, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule concerning base or contractual salary in the alternate benefits program, substantially as proposed in the Notice published December 4, 1975, at 7 N.J.R. 578(a), with only inconsequential structural or language changes, in the opinion of the Department of the Treasury.

Full text of the adopted rule follows:

17:1-2.20 Base or contractual salary

Since the statute provides that only base or contractual salary be subject to salary deductions or reductions or group life coverage, payments related to a division of faculty practice moneys shall not be included in such base salary.

An order adopting this rule was filed and became effective on February 5, 1976, as R.1976 d.36.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules on Capital Gains And Other Unearned Income Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1975 c. 172, proposes to adopt new rules concerning the capital gains and other unearned income tax.

The new rules, upon adoption, will be included in a new Chapter 30 in Subtitle L of Title 18—Treasury-Taxation of the New Jersey Administration Code.

Full text of the proposed rules follows:

SUBTITLE L. CAPITAL GAINS AND OTHER UNEARNED INCOME TAX

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FOREWORD

The tax on capital gains and other unearned income referred to as the "Act" or the "Law" was enacted into law on August 4, 1975 (P.L. 1975, c. 172) and rendered thereby six specific categories of income subject to tax. Those are interest, dividends, capital gains, royalties, income from an interest in an estate or trust, and certain compensation from a partnership or corporation.

The Act imposes the tax at graduated rates from 1½ per cent on the first \$1,000 of unearned income to 8 per cent on amounts in excess of \$25,000. The tax is made retroactive to items of unearned income earned, received or constructively accrued or credited to the taxpayer on and after January 1, 1975.

A New Jersey resident is subject to tax upon all of his unearned income irrespective of where it is earned. A nonresident is subject to tax only upon his capital gains derived from sales or exchanges of real or tangible personal property located in New Jersey.

These regulations are designed to implement the statute. In particular, they are intended to carry out the legislative intent which appears on numerous occasions in the Act in such phrases as "by regulation of the director which shall be consistent with definitions prescribed for Federal Income Tax purposes". Section 19 of the Act provides for general regulatory powers.

These regulations will be amended from time to time as deemed necessary.

SUBCHAPTER 1. PERSONS SUBJECT TO TAX AND TAX RATES

18:30-1.1 Persons subject to tax

(a) The "Tax on Capital Gains and Other Unearned Income" is imposed upon individual New Jersey residents on all their unearned income, as defined in the law, and upon individual nonresidents only on their capital gains derived from sales and exchanges of real or tangible personal property located in New Jersey. Under certain circumstances, a fiduciary appointed by a court (whether corporate or otherwise), to conduct the business or conserve the assets of any taxpayer is subject to the tax to the same extent as the individual taxpayer. As to who are taxpayers, see N.J.S.A. 54:8B-2.

(b) Partnerships as such are not subject to tax. However, persons who are partners are liable only in their individual capacities in the same manner that individuals are liable for partnership income under the Federal Internal Revenue Code but only with respect to unearned income as defined in the law.

(c) In general, an estate or trust is not subject to the tax. However, see Subchapters 8 and 14 with respect to the liability of beneficiaries, estates, fiduciaries and so forth. As to estates and trusts, see N.J.S.A. 54:8B-6, 7 and 8.

18:30-1.2 Certain persons exempt

(a) Any taxpayer and spouse whose Federal adjusted gross income, as modified (see subsection (c) of this Section), is less than \$15,000, or in the case of an individual taxpayer is less than \$7,500, shall not be required to file a return or pay any tax under the Act.

(b) A taxpayer whose modified Federal adjusted gross income exceeds the amounts set forth in subsection (a) of this Section need not file a return or pay tax if his only items of unearned income are interest and dividends and the sum of his interest and dividends does not exceed his personal exemptions.

(c) "Federal adjusted gross income, as modified," means adjusted gross income as reported for Federal income tax purposes under Section 62 of the Internal Revenue Code plus: interest on all government obligations excluded from Federal adjusted gross income; and Long-term capital gain deduction allowed by Section 1202 of the Internal Revenue Code otherwise excluded from taxpayer's Federal adjusted gross income.

Example: Taxpayer's adjusted gross income for Federal Income Tax purposes for the tax year totalled \$14,000; interest on New Jersey State bonds was \$500; and taxpayer had a long-term capital gain deduction of \$1,000. Taxpayer is required to file a return since for filing purposes all three items must be totalled. In computing New Jersey tax, however, the interest on New Jersey bonds will be excluded.

18:30-1.3 Rate of tax

(a) The amount of tax on capital gains and other unearned income shall be determined in accordance with the following rate schedule:

Note: Interest and dividends are subject to tax at one-half the rates set forth in the above table. (See Subchapter 11 for method of computing the tax where dividends and interest are involved.)

As to tax rates, see N.J.S.A. 54:8B-3.

IF TAXABLE UNEARNED INCOME IS:

THE TAX IS:

Not over \$1,000	1.5% of the taxable unearned income
Over \$ 1,000 but not over \$ 3,000	\$ 15 plus 2.0% of excess over \$ 1,000
Over 3,000 but not over 5,000	55 plus 2.5% of excess over 3,000
Over 5,000 but not over 7,000	105 plus 3.0% of excess over 5,000
Over 7,000 but not over 9,000	165 plus 3.5% of excess over 7,000
Over 9,000 but not over 11,000	235 plus 4.0% of excess over 9,000
Over 11,000 but not over 13,000	315 plus 4.5% of excess over 11,000
Over 13,000 but not over 15,000	405 plus 5.0% of excess over 13,000
Over 15,000 but not over 17,000	505 plus 5.5% of excess over 15,000
Over 17,000 but not over 19,000	615 plus 6.0% of excess over 17,000
Over 19,000 but not over 21,000	735 plus 6.5% of excess over 19,000
Over 21,000 but not over 23,000	865 plus 7.0% of excess over 21,000
Over 23,000 but not over 25,000	1,005 plus 7.5% of excess over 23,000
Over 25,000	1,155 plus 8.0% of excess over 25,000

SUBCHAPTER 2. DEFINITIONS; GENERAL

18:30-2.1 Definitions

"Unearned income" means:

1. Interest (Subchapter 4);
2. Dividends (Subchapter 5);
3. Gains from the sale or exchange of capital assets (Subchapter 6);
4. Royalties (Subchapter 7);
5. Income from an interest in an estate or trust (Subchapter 8); and
6. Compensation derived from a partnership or corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for personal services actually rendered (Subchapter 9).

"Resident individual" means:

1. General: An individual may be a resident of New Jersey for unearned income tax purposes, and taxable as a resident, even though he would not be deemed a resident for other purposes. As used in these regulations, the term "resident individual" includes all persons domiciled in this State, subject to the exceptions set forth in paragraph 2. of this subsection, and any individual, other than a member of the Armed Forces of the United States during an induction period, who is not domiciled in this State but who maintains a permanent place of abode in the State and spends in the aggregate more than 183 days of the taxable year in the State. (See Subchapter 17 for change of residence and rules for days within and without the State.)

2. Certain persons not deemed residents although domiciled in New Jersey: Any person domiciled in New Jersey is a resident for unearned income tax purposes for a specific taxable year, unless for that year he satisfies all three of the following requirements:

- i. He maintains no permanent place of abode in this State during such year;
- ii. He maintains a permanent place of abode elsewhere during such entire year; and
- iii. He spends in the aggregate not more than 30 days of the taxable year in this State.

Example: An individual, although retaining his New Jersey domicile for legal reasons (such as for voting purposes), may maintain his only permanent place of abode in Maryland where he is employed. As long as he continues to meet all three of the conditions stated above, he will be a nonresident of New Jersey for unearned income tax purposes. However, if for any taxable year he fails to meet any one of these three conditions, he is subject to tax as a resident for that year. Where an individual domiciled in New Jersey claims to be a nonresident for any taxable year, the burden is upon him to show that during that year he satisfied all three of the requirements set forth above.

"Nonresident individual" means for tax purposes, anyone who is not a resident as defined in this Subchapter. Except where these regulations specifically provide otherwise, all references to nonresidents are equally applicable to nonresident aliens.

"Taxable year" means the same accounting period as the taxpayer's taxable year for Federal income tax purposes or that portion of such year as commences after December 31, 1974.

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

SUBCHAPTER 3. UNEARNED INCOME

18:30-3.1 Unearned income of a resident individual; taxable from all sources

(a) A resident individual is subject to tax on all his unearned income regardless of whether it is derived within New Jersey or outside of New Jersey:

1. An example follows:
 - i. A resident individual receives interest from a savings account located in New York. The interest received by the resident individual from the savings account is subject to tax.
 - ii. A resident individual receives dividend income from his investment in the stock of a California corporation. The dividend income received from the stock investment is subject to tax.
 - iii. A resident individual derives a gain from the sale or exchange of securities. The securities were sold through a New York broker. The gain derived from the sale or exchange of the securities is subject to tax.
 - iv. A resident individual derives a gain from the sale of real property located in Pennsylvania. The gain derived from the sale of the real property is subject to tax.
 - v. A resident individual receives royalties from mineral deposits located in Utah. The royalties derived from the mineral deposits are subject to tax.

18:30-3.2 Unearned income of nonresident individual

(a) The unearned income of a nonresident individual shall consist only of capital gains derived from sales or exchanges of real or tangible personal property located in New Jersey:

1. An example follows:
 - i. "A", a nonresident, had a capital gain from the sale of real property located in New Jersey on February 15, 1975. The capital gain is subject to tax, assuming that "A" meets the "adjusted gross income" requirements.
 - ii. Same facts as in i. of this paragraph, except that the real property was located in Ohio. The capital gain is not subject to tax inasmuch as "A" was a nonresident at the time of the sale and the real estate was not located in New Jersey.

18:30-3.3 Losses; offsets against other categories of unearned income not allowed

(a) Losses within one category of unearned income may be used to offset income or gains only within the same category of unearned income, but such offsets may not reduce gains to less than zero. Losses in one category of unearned income may not be used to offset income or gains in another category of unearned income:

1. Example: "A" has capital gains of \$10,000 and capital losses of \$15,000. He has dividends of \$6,000. The capital losses may only be used to offset the capital gains. The excess of capital losses over capital gains of \$5,000 may not be used to offset the dividends of \$6,000.

18:30-3.4 Constructive receipt of income

(a) General rule: Income although not actually reduced to a taxpayer's possession is constructively received by him in the taxable year during which it is credited to his account, set apart for him, or otherwise made available so that he may draw upon it at any time, or so that he could have drawn upon it during the taxable year if notice of intention to withdraw had been given. However, income is not constructively received if the taxpayer's control of its receipt is subject to substantial limitations or restrictions.

(b) Amounts payable with respect to interest coupons which have matured and are payable but which have not been cashed are constructively received in the taxable year during which the coupons mature, unless it can be shown that there are no funds available for payment of the interest during such year. Dividends on corporate stock are constructively received when unqualifiedly made subject to the demand of the shareholder. However, if a dividend is declared payable on December 31 and the corporation followed its usual practice of paying the dividends by checks mailed so that the shareholders would not receive them until January of the following year, such dividends are not considered to have been constructively received in December.

18:30-3.5 Dealers in securities and financial businesses

Unearned income shall not include interest and dividends of a person who is regularly engaged, as a merchant, in purchasing stock or debt obligations and selling them to customers with a view to the gains and profits which may be derived therefrom, or of any business enterprise which employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange, making of or dealing in secured or unsecured loans and discounts; or investing and reinvesting marketable obligations evidencing indebtedness in the form of bonds, notes or debentures or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them.

SUBCHAPTER 4. INTEREST

18:30-4.1 Interest defined

"Interest" means that interest taxable for Federal income tax purposes, except that it shall not include interest which the State is prohibited from taxing under the Constitution or the statutes of the United States or on obligations of the State of New Jersey or its political subdivisions. Interest on obligations of other governments or political subdivisions thereof are subject to tax.

18:30-4.2 Additions to Federal taxable interest; Interest exempt from Federal income tax, but taxable for New Jersey tax purposes

(a) The following types of interest are to be added to in-

terest taxable for Federal income tax purposes in computing the total interest income of a taxpayer:

1. Interest income on obligations of any state, other than New Jersey, or of a political subdivision of any such other state, unless created by compact or agreement to which this State is a part:

i. Example: Interest received by a resident individual on bonds of the State of California is taxable although it is not taxable for Federal income tax purposes. Other examples of interest subject to New Jersey tax are interest from obligations of the following: Turnpike Authority of New York, New York State Power Authority, Chicago Transit Authority, City of Cincinnati and the like.

2. Interest on obligations of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from Federal income tax but not from State income taxes.

18:30-4.3 Subtractions from Federal taxable interest

(a) Interest subject to Federal income tax, but exempt for New Jersey tax purposes. The following types of interest are to be subtracted from interest taxable for Federal income tax purposes in computing the total interest income of the taxpayer:

1. Interest income on obligations of the United States and its possessions, to the extent includable in gross income for Federal income tax purposes:

i. Example: Interest on United States Series "E" and Series "H" savings bonds, Treasury bills and Treasury notes is subject to Federal income tax but not to State tax. The amount of such interest should, therefore, be subtracted from interest taxable for Federal income tax purposes in computing the taxpayer's total interest income.

2. Interest on obligations of any authority, commission or instrumentality of the United States, to the extent includable in gross income for Federal income tax purposes but exempt from State income taxes under the laws of the United States:

i. Example: Interest on obligations of the Home Owners' Loan Corporation should be subtracted from interest taxable for Federal income tax purposes in computing the total interest income of a taxpayer as an act of Congress exempts this interest from State income taxation but not from Federal income taxation.

18:30-4.4 Taxation of interest at one-half the rate

Interest income is subject to tax at one-half the rates set forth in Subchapter 1. of this Chapter. For computation of tax see Subchapter 11. of this Chapter.

SUBCHAPTER 5. DIVIDENDS

18:30-5.1 Dividends defined

(a) "Dividends" means those dividends taxable for Federal income tax purposes without regard to the Federal dividend exclusion:

1. Example: Husband and wife filed a joint return for Federal income tax purposes. They reported dividends of \$2,000 on securities jointly owned. Although for Federal tax purposes they were allowed to exclude \$200.00 of this amount, they must report and pay tax for New Jersey tax purposes on the full \$2,000 of dividends.

(b) In computing the total dividend income of a resident individual, dividends derived from securities of any authority, commission or instrumentality of the United States shall be added or deducted, as the case may be, in accordance with the same rules as set forth for the additions and subtractions to and from interest as provided in Subchapter 4.

(c) All dividends paid or payable to a resident are subject to tax irrespective of the location of the security and of the payor.

(d) Dividends payable to a nonresident are not subject to tax.

(e) As a rule, a stock dividend or stock right distributed is not taxable. However, there are situations where such distributions are subject to tax. These occur generally when the distribution does not bear equally upon shareholders.

18:30-5.2 Taxation of dividends at one-half rate

Dividends are subject to tax at one-half the rates set forth in Subchapter 1. of this Chapter. For computation of the tax, see Subchapter 11. of this Chapter.

18:30-5.3 Tax option (Subchapter S corporation)

(a) Taxable income is taxed directly to the shareholders of a corporation which has elected under Subchapter S of the Internal Revenue Code not to pay any corporate tax on its income but instead, to have the shareholders pay taxes thereon. The tax to the shareholders arises whether or not the corporation makes any distribution.

(b) Distributions out of current earnings are taxable to the shareholders as dividends. Thus, they are taxable at one-half the rates set forth in Section 3a. of the Act. However, to the extent that distributions are treated as capital gains for Internal Revenue purposes they shall be treated as short-term gains for New Jersey tax purposes.

(c) A stockholder in a tax option corporation which sustained a net operating loss during a taxable year may not deduct a pro rata share of the loss on his return for the taxable year:

1. Example: An individual is a stockholder in two Subchapter S corporations. In Subchapter S corporation "A" there is a net operating loss for the taxable year. In Subchapter S corporation "B" the shareholder realizes dividend income of \$5,000 and also has undistributed taxable income of \$5,000, for a total of \$10,000 which would be reported as dividend income for unearned income tax purposes. The stockholder's share of the net operating loss from Subchapter S corporation "A" may not be applied against the dividend income reportable from Subchapter S corporation "B".

(d) Where a tax option corporation does not actually distribute all of its taxable income during the course of its taxable year, the undistributed taxable income shall be treated as if it were distributed on the last day of the corporation's taxable year.

18:30-5.4 DISC income

DISC income which is deemed to be distributed to shareholders is treated as dividends to the stockholders for New Jersey unearned income tax purposes.

SUBCHAPTER 6. GAINS FROM THE SALE OR EXCHANGE OF CAPITAL ASSETS

18:30-6.1 Gains from the sale or exchange of capital assets

(a) "Unearned income" includes "gains from the sale or exchange of capital assets".

(b) "Gains from the sale or exchange of capital assets," defined. "Gains from the sale or exchange of capital assets" means net gains as reported for Federal income tax purposes, and shall make due allowance for losses and holding periods, except that in such computation, all gains shall be considered to be short-term gains.

(c) Nonrecognition of gains for Federal income tax purposes shall be allowed.

(d) No deduction shall be allowed for losses carried over from years prior to 1975.

(e) No deduction shall be allowed in any taxable year for losses carried over from any prior year.

(f) A taxpayer reporting capital gains on the installment

basis for Federal income tax purposes need not include in his unearned income gains from installments, except for interest, derived from transactions completed before January 1, 1975. Where completed after December 31, 1974, and taxpayer elects and qualifies to report gains on the installment basis for Federal income tax purposes, gains may be reported for New Jersey tax purposes on the same installment basis. In general, the installment method of reporting may be used in the case of a casual sale or other casual disposition of personal property exceeding \$1,000 or any sale or other disposition of real property, where the seller receives no payments or payments of 30 per cent or less of the selling price during the year of sale. The income reported in any taxable year is that part of the payments received in the taxable year from installment sales which total profit is of the total contract price of such sales during the year.

(g) In the case of an installment sale, except in the case of a dealer, "unstated" interest shall be deemed to be included in each installment payment. This applies where no provision for the payment of interest is made or where provision is made for an interest rate of less than 4 per cent per annum simple interest. In such events, interest must be computed at 5 per cent per annum compounded semi-annually. Before the "unstated" interest rule shall apply, the following conditions must be met: (a) The sale must have occurred after June 30, 1963; (b) The sales price must exceed \$3,000; (c) One or more of the payments must be due more than one year after the date of sale and (d) The foregoing interest conditions must be met.

18:30-6.2 Nonrecognition of gains or loss

(a) In general, any gain from the sale or exchange of capital assets which is treated as a nonrecognized gain for Federal income tax purposes, shall also be treated as a nonrecognized gain for New Jersey tax purposes.

(b) The following types of sales and exchanges are specifically not recognized:

1. Exchange of property held for productive use or investment (IRC, sec. 1031), involuntary conversions (IRC, sec. 1033), sale or exchange of residence to the extent not recognized for Federal income tax purposes (IRC, sec. 1034), certain exchanges of insurance policies (IRC, sec. 1035), stock of same corporation (IRC, sec. 1036), and sale or exchange of agricultural animals.

18:30-6.3 Gains from sales or exchanges

Capital gains and losses include gains and losses treated as such for Federal income tax purposes.

18:30-6.4 Exemption allowed senior citizens from gain from sale of principal residence

(a) Every husband and wife, and any person, described as a taxpayer under the law shall, in addition to the exemptions otherwise allowed under the law, be allowed an exemption and deduction from the amount of gains from the sale or exchange of capital assets for any taxable year which are subject to the tax imposed in the amount of any gain for such taxable year included in net gains from the sale or exchange of capital assets for Federal income tax purposes, arising from the sale of a residence in such taxable year, but only if either of such spouses or both, or said other person, had attained the age of 65 years on the date of such sale and had owned and used such residence as principal residence for at least five years of the eight years immediately preceding the date of such sale and said gain is the first such gain for such taxpayer with respect to the sale of such a residence on or after January 1, 1975. This is a complete exemption and is not subject to the \$20,000 adjusted sales price rule contained in the Internal Revenue Code.

(b) If the exemption provided for in subsection (a) of this Section hereof is availed of by a taxpayer in or for any taxable year, no such exemption shall be allowed with respect to such taxpayer or a spouse thereof in any subsequent taxable year.

(c) For the purposes of this Section, the word "sale" means a "sale", "exchange", "transaction", or "event" through which the taxpayer is divested of all interest in his residence:

1. Example: A senior citizen who met all requirements received a full Federal exemption on the gain of his residence in 1970. In 1976, he again sold a residence which he acquired in late 1970. Such person may obtain a one-time complete exemption for New Jersey tax purposes provided that he complies with all prerequisites for the exemption. This applies although he no longer qualifies for the exemption for persons 65 years of age or over under Section 121 of the Internal Revenue Code.

18:30-6.5 Sale of a principal residence

A tax on a portion or all of the gain from the sale of a principal residence may be deferred. The entire gain realized on the sale or exchange of a principal residence is not taxed at the time of sale if within 18 months before or 18 months after the sale of another principal residence is purchased and occupied, the cost of which equals or exceeds the adjusted sales price of the old residence. A deferment is also allowed if construction of a new residence is begun within 18 months before or 18 months after the date of sale and taxpayer occupies it as his residence not later than 24 months after the date of sale. These rules apply also in the case of purchase of a cooperative apartment or a condominium.

18:30-6.6 Deferral of gain

A taxpayer who has elected to take the exemption allowed to a person 65 years or over under Section 5 of the law, may nevertheless elect to defer the gain in accordance with Section 5 of this Subchapter.

18:30-6.7 Capital gain distributions from mutual fund or other regulated investment companies

Capital gain distributions received from a mutual fund or other regulated investment company shall be taxable to the same extent that such distributions are treated as capital gains for Federal income tax purposes except that all such gains shall be treated as short-term gains.

18:30-6.8 Basis of property for determining gain or loss

(a) The adjusted basis to the taxpayer shall be the same as his adjusted basis for Federal income tax purposes.

1. Example:

i. A New Jersey resident purchased securities for \$1,000 in 1972 and sold them in 1975 for \$1,200. The basis for determining gain or loss is the cost of \$1,000, since this would also be his basis for Federal income tax purposes. The total gain subject to tax would be \$200.00, since all gains are treated as short-term gains.

ii. A nonresident sold a parcel of land located in New Jersey for \$15,000. The land was purchased by the nonresident in 1970 for \$10,000. The basis of the land for determining the nonresident's gain or loss for Federal income tax purposes is its cost. Therefore, the gain which is subject to tax in New Jersey is \$5,000 (\$15,000 minus \$10,000).

Note: For purposes of illustration, the above examples use cost as the basis. Actually, taxpayers for such purpose will use cost, as adjusted (adjusted basis).

18:30-6.9 Capital loss carryovers

Capital losses may be used to offset capital gains during the taxable year that such capital gains and losses occurred. A capital loss may not be used as a carryover to another taxable year.

18:30-6.10 Gains from sales, exchanges and involuntary conversions under Section 1231 of the Internal Revenue Code

Any net "Section 1231" gain resulting from sales, exchanges and involuntary conversions of real or depreciable property used in a trade or business (or held for the production of rents or royalties) and from involuntary conversions of capital assets, held for more than six months, which are reported as capital gains for Federal income tax purposes shall also be treated and reported as capital gains for New Jersey unearned income tax purposes (all gains shall be treated as short-term gains).

18:30-6.11 Lump sum distributions from pension plans

Lump-sum distributions received from pension plans which are reported and treated as capital gains for Federal income tax purposes are not subject to tax. Such distributions are considered to be deferred compensation and not unearned income.

18:30-6.12 Stock options

Where an option is permitted to expire, the same shall be treated as a capital loss. Where the option has been exercised, the price paid for it shall be added to the cost basis of the stock. Where the option is sold, it shall be regarded as a capital gain or loss, as the case may be.

SUBCHAPTER 7. ROYALTIES

18:30-7.1 Royalties defined

(a) In general: "Royalties" mean gross royalties less deductions allowed which are attributable to property held for the production of the royalties.

(b) Royalties include royalties received from oil, gas or mineral properties, and from copyrights and patents, including payments of any kind as consideration for the use of, or the right to use, copyrights of literary, artistic, or scientific works, motion picture films or films or tapes used for radio or television broadcasting, patents, designs, models, plans, secret processes or formulae, trademarks or other like property or rights, or knowledge, experience or skill (know-how).

18:30-7.2 Expenses

Expenses attributable to property which is held for the production of royalties are deductible. These deductions include for example, interest, taxes, depreciation and so forth. Property held for the production of royalties includes intangible as well as tangible property, so that depreciation on a patent, copyright and so forth, may be deducted. Thus, an operating owner, lessee, sublessor or sublessee, purchaser of royalty interests and so forth, can deduct his share of a depletion allowance on natural resources.

SUBCHAPTER 8. INCOME FROM AN INTEREST IN AN ESTATE OR TRUST

18:30-8.1 Income from an interest in an estate or trust

(a) In general, an estate or trust as such is not subject to tax. However, under certain circumstances an estate or trust may be liable for tax. See subsection (b) and (d) of this Section.

(b) Any guardian, receiver, referee, trustee, assignee or other fiduciary, or any officer or agent appointed by any court to conduct the business or conserve the assets of any taxpayer, shall be subject to the tax imposed by this Act in the same manner and to the same extent as a taxpayer hereunder. Such person shall be required to report unearned income and pay the tax whether or not acting in a corporate capacity.

(c) Any pledgee, assignee, receiver, referee, trustee, conservator, guardian or other fiduciary, whether or not court appointed, shall report any funds which are tax-

able under the Act but said funds shall be taxed to the beneficiary or equitable owners hereof, when received or when the right to receipt accrues. Such persons shall be required to file a copy of Schedule K-1, Federal form 1041 for each beneficiary which shall set forth the name and address of the beneficiary or equitable owner and the amount of unearned income paid or payable and the nature of such income.

(d) The estate of each deceased person who last dwelt in the State shall be subject to the taxes imposed by the Act, upon all unearned income, actually or constructively received by such person in the year of his death, upon which taxes are due and have not already been paid under the Act. (See Section 2 of this Subchapter.)

18:30-8.2 Beneficiaries

(a) Beneficiaries of an estate or trust are subject to tax on unearned income derived from an estate or trust. In general, a beneficiary is required to report the unearned income derived from an estate or trust in the same year that he is required to report such income for Federal income tax purposes. He shall attach to his return a copy of Schedule K-1, Federal form 1041.

(b) Distributions of unearned income made by an estate or trust prior to January 1, 1975, are not required to be reported or included as taxable unearned income even if such income is required to be reported or included in the beneficiary's 1975 Federal income tax return:

1. Accumulation Distributions. Accumulation distributions made on and after January 1, 1975, are subject to tax to the extent that such distributions represent distributions of unearned income from an estate or trust. Such distributions are taxable only to the beneficiary and only in the year that the distribution is required to be reported for Federal income tax purposes. Distributions attributable to income accumulated prior to January 1, 1969, are not subject to tax.

18:30-8.3 Pass-through principle; beneficiaries

Income derived by a beneficiary from an estate or trust retains the character it had when paid to the estate or trust. Thus, income received by an estate or trust from interest and dividends is taxable at the one-half tax rate on interest and dividends when distributable or distributed to the beneficiary.

18:30-8.4 Pensions and annuities

Income derived from pensions and annuities are not considered to be income derived from an interest in an estate or trust and are not, therefore, subject to tax. However, interest received on a return of contributions from a pension fund is subject to tax if such interest is paid as a result of a withdrawal from a pension plan or if paid to a beneficiary as part of the return of the contributions because the employee's death occurred prior to the time that the pension benefits could become operative.

SUBCHAPTER 9. CERTAIN COMPENSATION DERIVED FROM A PARTNERSHIP OR CORPORATION

18:30-9.1 Excess compensation from a partnership or corporation

(a) "Unearned income" includes compensation derived from a partnership or corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for personal services actually rendered.

(b) "Unearned income" shall not include wages, salaries or professional fees, and other amounts received as compensation for personal services actually rendered but that part of such compensation which represents a distribution of earnings or profits rather than a reasonable allowance

as compensation for personal services actually rendered shall be subject to tax as follows:

1. Where personal services are a material income producing factor, an individual who is a partner or a stockholder shall not be deemed to have derived excess compensation for personal services performed unless such person performs little or no service.

2. Where little or no personal services are performed, the amount which shall be considered as excess compensation for personal services by an individual shall be the amount in excess of 50 per cent of his share of the net profits of the partnership or 50 per cent of the amount received by such stockholder in the case of a corporation.

3. With respect to determining excess compensation under this Section, in no event shall any amount less than \$25,000 be considered unearned income.

SUBCHAPTER 10. PERSONAL EXEMPTIONS

18:30-10.1 Personal exemptions; general

For each individual taxpayer required to pay the tax imposed under this Act, there shall be allowed an exemption of \$1,000 provided, if such individual has attained the age of 65 years on or before the last day of the taxable year there shall be allowed an additional exemption of \$1,000 and, provided further, if any individual is blind, there shall be allowed an additional exemption of \$1,000. On a single return filed for husband and wife jointly, the amount of the exemption taken on such return shall be the sum of the exemptions.

18:30-10.2 Blindness defined

For purposes of this Subchapter, an individual is blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

18:30-10.3 Determination of marital status

(a) For the purposes of this Subchapter: 1. The determination of whether an individual is married shall be made as of the close of his taxable year; except that if his spouse dies during his taxable year such determination shall be made as of the time of such death; and 2. An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

18:30-10.4 Personal exemptions allowed on joint and separate returns

(a) The amount of the New Jersey exemption allowable to a husband and wife who file a joint New Jersey return shall be the sum of their combined exemptions. (If a joint return is filed for Federal income tax purposes, a joint return must also be filed for New Jersey unearned income tax purposes. (See Subchapter 15, of this Chapter.)

(b) If a husband and wife file separate New Jersey returns, each of them is entitled to a New Jersey exemption for which he or she is separately entitled to on a single or separate basis. (If a husband and wife file separate returns for Federal income tax purposes, they must also file separate returns for New Jersey unearned income tax purposes. (See Subchapter 15 of this Chapter.)

SUBCHAPTER 11. COMPUTATION OF TAX

18:30-11.1 Manner of computing tax

(a) For the purpose of computing the tax, the personal exemptions described in Subchapter 10, shall first be deducted from the total unearned income subject to tax to arrive at taxable income. A tentative tax on the amount of taxable income shall then be computed by applying the tax rate schedule in Subchapter 1. The tentative tax shall

then be reduced by the deduction for the tax on interest and dividends, if any, and such remainder shall constitute the actual tax liability.

(b) There is allowed as a deduction from the amount of tax computed on taxable income, the tax on interest and dividends at one-half the rates set forth in Subchapter 1.

(c) The amount of the tax deduction may be expressed by the following formula:

1. $Deduction = \frac{1}{2} (\text{Interest} + \text{Dividends}) \div \text{Total Unearned Income multiplied by the Tentative Tax.}$

(Tentative tax is the amount of tax computed on taxable income by applying the tax rate schedule. The deduction for the tax on interest and dividends is subtracted from the tentative tax. When there is no income from interest and dividends, the tentative tax is the tax liability.)

2. Examples:

The law provides that there shall be deducted from the amount of tax so determined the tax on interest and dividends at one-half the rates set forth. When the tax on the taxpayer's interest and dividends is computed, together with other unearned income, it is necessary to determine the relationship of the dividends and interest to his total unearned income in order to arrive at the deduction. This is done by dividing 50 per cent of the dividends and interest by the total unearned income and multiplying that percentage by the tentative tax.

The amount of the tax deduction may be expressed by the following formula:

$Deduction = \frac{1}{2} (\text{Interest} + \text{Dividends}) \div \text{Total Unearned Income multiplied by the Tentative Tax.}$

Thus, in Example "D" below 50 per cent of Interest & Dividends = \$1,250 (\$2,500 x .50)

Total Unearned Income = \$5,000

$$\frac{\$1,250}{\$5,000} = .25 \times \$55.00 = \$13.75 \quad \text{Special tax deduction for interest and dividends}$$

In the example, \$13.75 is deducted from the Tentative Tax of \$55.00 resulting in a net tax liability of \$41.25.

Assume a taxpayer and his spouse meet the requirements of the modified "adjusted gross income test", their tax would be computed as follows:

(A) The taxpayer had interest of \$1,000 and dividends of \$1,500 (2 exemptions)?

Interest	\$1,000
Dividends	1,500
Total Unearned Income	\$2,500
2 Exemptions (@ \$1,000)	-2,000
Taxable Income	\$ 500
Tentative Tax	\$ 7.50†
Tax Due (50% x \$7.50)	\$ 3.75

Interest and dividends are taxed at ½ the rates set forth in the Tax Table.

†See Tax Table.

Note: If taxpayer's only unearned income consisted of interest and dividends, no return would be required to be filed if their interest and dividends did not exceed \$2,000.

(B) The taxpayer and his spouse have a long term capital gain of \$1,500 from the sale of securities. The capital gain must be reported in full. (Under the law, the Federal income tax deduction of 50 per cent of long term capital gains is not permitted.)

Capital Gain	\$1,500
2 Exemptions (@ \$1,000)	-2,000
Taxable Income	-0-
Tax Due	-0-

Taxpayers must file but there is no tax due because the exemption exceeds the unearned income.

(C) Same circumstances as in (B) except that the capital gain is \$5,000.

Capital Gain	\$5,000
2 Exemptions (@ \$1,000)	-2,000
Taxable income	\$3,000
Tax Due	\$55.00†

†See Tax Table

(D) Assume that the taxpayer and his spouse have unearned income as follows: Capital gains—\$2,500; dividend income before Federal dividend exclusion—\$1,500; and interest income from savings account—\$1,000.

Capital Gain	\$ 2,500
Dividend Income	1,500
Interest Income	1,000**
Total Unearned Income	\$ 5,000
2 Exemptions (@ \$1,000)	-2,000
Taxable Income	\$3,000
Tentative Tax	\$55.00†

Deduction for Special Provision applicable to interest & dividends \$13.75***
Tax Due \$41.25

*Long-term capital gain deductions are not permitted.

**Interest on U.S. obligations. New Jersey State, County and Municipal Bonds are exempt.

***Interest and dividends are taxed at ½ the rates set forth in the Tax Table.

†See Tax Table.

(E) Where the taxpayer (two exemptions) had capital gains of \$7,000, interest of \$4,200 and dividends of \$2,700, their tax would be computed as follows:

Capital Gain	\$ 7,000
Interest	4,200
Dividends	2,700
Total Unearned Income	\$13,900
2 Exemptions (@ \$1,000)	-2,000
Taxable Income	\$11,900
Tentative Tax	\$355.50†
Deductions for Special Provision applicable to interest & dividends	88.24
Tax Due	\$267.26

†See Tax Table.

SUBCHAPTER 12. ACCOUNTING PERIODS AND METHODS

18:30-12.1 Accounting periods

(a) The New Jersey Capital Gains and Unearned Tax, like the Federal income tax, is computed on the basis of taxable income for each taxable year. The taxable year of every taxpayer required to make a tax return under this New Jersey law, whether resident or nonresident, must be the same as his taxable year for Federal income tax purposes. The taxable year may be a calendar year or a fiscal year consisting of 12 consecutive months. However, under certain circumstances, the period may be less than 12 months (for example, in case of death, change of accounting period, or change of resident status), or it may be a 52-53 week year. For special rules with respect to change of resident status, see Subchapter 17.

(b) A taxpayer who is not required to file a Federal income tax return but is required to file a New Jersey tax return shall report on the calendar year basis unless the Director authorizes the use of a different taxable period. This rule shall not apply, however, in a case where a taxpayer had for a previous year filed a Federal income tax return and his taxable year for Federal income tax purposes for the last such year, in respect of which a

Federal income tax return was filed, was other than the calendar year. Thus, if the last Federal income tax return filed by a taxpayer was on the basis of a fiscal year ending June 30, and he is not required to file a Federal income tax return for the subsequent taxable year but is required to file a New Jersey tax return, his taxable period for New Jersey purposes for such year and thereafter shall be a fiscal year ending June 30. If a taxpayer not required to file a Federal income tax return is subsequently required to file a Federal income tax return and the taxable period for Federal purposes is different from the taxable period established for New Jersey tax purposes, his New Jersey taxable period shall be changed to conform to the Federal period.

18:30-12.2 Change of accounting periods

A taxpayer may not change his taxable year unless a similar change has been made for Federal income tax purposes, except where a change is authorized by the Director with respect to a taxpayer not required to file a Federal income tax return. If a taxpayer's taxable year is changed for Federal income tax purposes, his taxable year for purposes of the New Jersey Capital Gains and Other Unearned Income Tax shall be similarly changed.

18:30-12.3 Method of changing accounting period

(a) If a taxpayer changes his accounting period by reason of a change in his Federal income tax accounting period, he shall file with his first New Jersey tax return for the new accounting period either a copy of the consent of the Commissioner of Internal Revenue to change the basis of his return for Federal income tax purposes, or if no consent is required a statement to that effect referring to the particular provision of the Internal Revenue Code or regulations authorizing the change.

(b) If a taxpayer is not subject to Federal income tax but is subject to the New Jersey Capital Gains and Other Unearned Income Tax, he must obtain the consent of the Director before changing his accounting period. His request for such change must state the reasons therefor and must be made on or before the last day of the month following the close of the short period for which a return is required to effect the change of accounting period. If the Director approves the change of accounting period, he will advise the taxpayer as to the effective date of such change and as to any short period returns required as the result thereof.

18:30-12.4 Short taxable periods resulting from a change in accounting period

(a) If a short taxable period for Federal income tax purposes results from a change in the taxpayer's accounting period, the taxpayer shall also file a New Jersey tax return for such short taxable period. His New Jersey income shall be computed on the basis of the period for which the return is made and in accordance with the rules applicable to the determination of New Jersey unearned income generally, except that the personal exemptions shall be allowed only to the following extent:

1. The amount of allowable personal exemptions shall be reduced to the amount which bears the same ratio to the full amount for such exemptions as the number of months in such short period bears to 12 months:

i. Example: A resident individual had been filing the Federal and New Jersey tax returns on the basis of a fiscal year ending September 30. He changes to a calendar year basis and files a Federal income tax return for the short taxable period October 1 to December 31. He is entitled to one personal exemption for the short taxable

period. His personal exemption for the short taxable period is computed as follows:

Personal exemption—\$1,000 x 3/12 . . . \$250.00. Computation of income threshold where short period return is filed.

2. For the purpose of determining whether an individual is subject to tax and required to file a return under the Federal adjusted gross income rule as set forth in Sub-chapters 1 and 15, the Federal adjusted gross income shall be modified for the short tax period and such modified adjusted gross income shall be adjusted as follows:

Multiply the modified Federal adjusted gross income for the short period by 12 and divide the product by the number of months in the short period return. A short period return shall be required only if such adjusted Federal adjusted gross income, as modified, is at least \$15,000 in the case of a husband and wife filing jointly or \$7,500 in the case of a single return.

18:30-12.5 Accounting methods

(a) A taxpayer must employ the same method of accounting in determining his New Jersey income as he uses for Federal income tax purposes. The term method of accounting refers not only to the overall method of accounting (such as cash, or accrual), but also to the accounting treatment of particular items of income, gain, loss or deduction, such as depreciation and research and experimental expenditures.

(b) Rules on absence of Federal method of accounting are:

1. In the event a taxpayer does not have a Federal method of accounting, he must compute New Jersey income on the accounting basis regularly used in keeping his books. If such method does not clearly reflect his income, the computation of unearned income shall be made in a manner which, in the opinion of the Director clearly reflects his unearned income.

2. A method of accounting which consistently applies generally accepted accounting principles in a particular trade or business, in accordance with recognized conditions or practices, will ordinarily be regarded as clearly reflecting income, provided all items of income, gain, loss and deduction are treated consistently from year to year.

3. A taxpayer may compute his New Jersey income under any method of accounting which is permissible for Federal income tax purposes, for example, cash, accrual, installment or long-term contract basis, or any combination thereof which clearly reflects unearned income. See Section 446 of the Internal Revenue Code and its applicable regulations.

18:30-12.6 Change of accounting methods

(a) A taxpayer may not change his method of accounting for New Jersey tax purposes unless a similar change has been made for Federal income tax purposes, except where a taxpayer does not have a Federal method of accounting.

(b) If a taxpayer's method of accounting is changed for Federal income tax purposes, his method of accounting for New Jersey tax purposes shall be similarly changed, without application by him to the Director, but a copy of the consent of the Commissioner of Internal Revenue to the change must be annexed to the taxpayer's first New Jersey tax return filed under the new method.

(c) Where a taxpayer does not have a Federal method of accounting, an application for permission to change a method of accounting shall be made within 90 days after the beginning of the taxable period to which the proposed change will relate. Such application shall be accompanied by a statement specifying the nature of the taxpayer's business, his present method of accounting, the method to

which he desires to change, the taxable year in which the change is to be effected, the classes of items to receive different treatment under the new system, and all items which would be duplicated or omitted as a result of the proposed change. If such a taxpayer later adopts a Federal method of accounting and such method differs from his method under the New Jersey tax law, the taxpayer must conform his New Jersey method of accounting to the Federal method.

SUBCHAPTER 13. PARTNERSHIPS

18:30-13.1 Partnership defined

(a) The term "partnership" means and shall include an individual, association, syndicate, group, pool, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on and which is not a corporation or a trust or estate within the meaning of the Internal Revenue Code.

(b) A partnership as such is not subject to tax. However, persons who are partners are liable in their individual capacities on any unearned income derived from a partnership in the same manner that individuals are liable for partnership income under the Federal Internal Revenue Code. A partnership is required to report and file information returns as required by the Director with respect to the unearned income of the partners, whether distributed or not. (See section 3 of this Subchapter.)

(c) Each item of partnership income or gain shall have the same character to a partner as it had for Federal income tax purposes. Where an item is not characterized for Federal income tax purposes, it shall have the same character as it realized directly from the source from which realized by the partnership.

(d) Unearned income derived from a partnership shall be required to be reported in the same taxable year that such income is required to be reported by the partner for Federal income tax purposes.

18:30-13.2 Different taxable year

(a) Where a partner's taxable year differs from that of the partnership, the partner's share of the taxable unearned income to be reported by the partner shall be based upon the income of the partnership for any taxable year of the partnership ending with or within the partner's taxable year:

1. Example: Where a partner's calendar year ends December 31, 1975 and the partnership's fiscal year ends June 30, 1975, the partner reports his share of unearned income derived from the partnership for the partnership taxable year ended June 30, 1975, on his 1975 return.

18:30-13.3 Duties of partnership

Partnerships are required to make available to the individual partners Schedule K-1, Federal form 1065, and file a copy thereof with the Division of Taxation on or before the date for filing its Federal Tax Return form 1065. Such form shall show the partner's share of interest, dividends, capital gains and royalties derived from the partnership, if not otherwise shown.

18:30-13.4 Report of partners

(a) Partners shall report their partnership items of unearned income whether or not distributed. They shall attach to their returns Schedule K-1, Federal form 1065.

(b) As to reporting excess compensation by a partnership, see Subchapter 9.

SUBCHAPTER 14. ESTATES AND TRUSTS

18:30-14.1 Estates and trusts not subject to tax; in general

In general, an estate or trust is not subject to tax. However, as provided in Subchapter 8, any guardian, receiver,

referee, trustee, assignee or other fiduciary, or any officer or agent appointed by any court to conduct the business or conserve the assets of any taxpayer, shall be subject to the tax imposed on capital gains and other unearned income to the same extent as the individual taxpayer. This would include a corporation appointed in such a capacity by any court to conduct the business or conserve the assets of any taxpayer.

18:30-14.2 Decedent's estates

The estate of a deceased person who had last dwelt in New Jersey shall be subject to tax upon all unearned income, actually or constructively received by the deceased in the year of death, upon which taxes are due and have not been paid.

18:30-14.3 Fiduciaries

Any pledgee, assignee, receiver, referee, trustee, conservator, guardian or other fiduciary whether or not court appointed, shall report any funds which are taxable under the Act, but such funds shall be taxed to the beneficiary or equitable owners thereof, when received or when the right to receipt occurs.

18:30-14.4 Income of an estate or trust

The income of a trust or estate shall be reportable by the beneficiary to the same extent as for Federal income tax purposes. Trust distributions shall retain the same characteristic in the hands of the beneficiaries as in the trust. The beneficiaries of an estate or trust are taxable with respect to the distributions of or on the distributable capital gains and other unearned income which is includible for Federal income tax purposes, to the same extent that individual taxpayers are subject to tax under the Act. Individual beneficiaries shall attach to their annual return form a copy of Schedule K-1, Federal form 1041.

18:30-14.5 Residency

The residency or nonresidency of an estate or trust shall be determined by the domicile of the decedent or the settlor or the person of whose property the trust consists, the residency or nonresidency of the beneficiaries who are taxable on the distributions to them is to be determined as provided for individual taxpayers in Subchapter 2.

18:30-14.6 Taxable years of trust and beneficiary

(a) Where the taxable year of the trust and the beneficiary are the same, then any taxable distribution to the beneficiary should be reported by him in the same taxable year that it is paid, credited or becomes payable, whichever occurs first.

(b) Where the taxable years differ, any taxable distribution in the trust's year must be reported by the beneficiary in his taxable year in which the trust's taxable year ends:

1. Example:

"A" on a 1975 calendar year basis receives taxable income during 1975. Such income need not be reported until 1976 where the trust's fiscal year ended January 31, 1976.

SUBCHAPTER 15. RETURNS AND LIABILITIES

18:30-15.1 Returns and liabilities; general provisions

In general, the rules and tests described in the Federal Internal Revenue Code and its applicable regulations with respect to the requirements for filing income tax returns and liabilities for payment of tax of any individual, also apply in determining the filing requirements and tax liabilities for the tax on capital gains and other unearned income.

18:30-15.2 Who must file a capital gains and other unearned income tax return

(a) Each resident taxpayer must file who has unearned

income and whose adjusted gross income for Federal income tax purposes, plus interest on government obligations and long term capital gains otherwise excluded, is \$7,500 or more for a single taxpayer or \$15,000 or more for a married couple filing jointly.

(b) Nonresident taxpayers must also file if they have capital gains from the sale or exchange of real or tangible personal property located in New Jersey and meet the Federal adjusted gross income requirements as described in subsection (a) above.

(c) A taxpayer is not excused from making a return merely because he does not receive a copy of the return from the Division of Taxation. Copies of the prescribed forms will, so far as possible, be furnished to taxpayers by the Division, but a taxpayer who does not receive these forms should make an application to the Division of Taxation in ample time to have his return prepared and filed on or before the due date.

18:30-15.3 Persons not required to file a capital gains or other unearned income tax return

(a) A taxpayer is not required to file a return where the adjusted gross income for Federal income tax purposes plus interest on government obligations and long-term capital gains, otherwise excluded is less than \$7,500 for a single taxpayer or less than \$15,000 for a married couple filing jointly.

(b) In addition, a taxpayer meeting the adjusted gross income requirements, as modified, whose unearned income consists only of interest and dividends which is equal to or less than the sum of his personal exemptions allowed is not required to file a return:

1. Example: Taxpayer and spouse filed a Federal joint income tax return showing adjusted gross income for Federal income tax purposes of \$20,000 of which \$1,800 consists of interest and dividends. They have no other items of unearned income. No New Jersey return need be filed inasmuch as their only items of unearned income consists of interest and dividends which are less than their personal exemptions of \$2,000. A return would be required to be filed if taxpayers had capital gains.

(c) A taxpayer meeting the adjusted gross income requirements, as modified, must file a return where unearned income consists of the following: capital gains, royalties, income from an interest in an estate or trust or compensation derived from a partnership or corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for personal services.

18:30-15.4 Returns by or for minors

For tax purposes, a minor is a taxpayer and is subject to the same requirements for making New Jersey returns as are other individuals. If the minor is unable to make his return his parent, guardian or other person charged with the care of his person or property must make and file the return for him.

18:30-15.5 Claims for refunds or credit; return required

Every taxpayer who claims a refund or credit of tax from estimated tax paid during the year, must file a return to obtain any such refund or credit, even though he would not otherwise be obliged to do so.

18:30-15.6 Returns of military personnel

Persons in the United States armed forces are subject to the same requirements for filing New Jersey tax returns as any other taxpayers.

18:30-15.7 Returns for short taxable periods

If a taxpayer has a short taxable period due to a change in accounting periods, a return must be filed if he meets

the adjusted gross income test as modified and would otherwise be required to file a return if a complete reporting year were involved. (See Subchapter 12 for method of computing modified Federal adjusted gross income for short taxable periods.)

18:30-15.8 Returns of husband and wife

(a) If a husband and wife file separate Federal returns, they must also file separate New Jersey returns.

(b) The Federal rules for determining whether a husband and wife qualify for filing a joint return also apply for New Jersey tax purposes. If a husband and wife file a joint Federal return they must file a joint New Jersey tax return, in which event their tax liabilities will be joint and several and each will be liable for the entire tax on such joint return, even though one spouse has no income.

18:30-15.9 Returns for decedents

The same rules for filing returns apply to a decedent as in the case of any other taxpayer. The executor or administrator of the estate of a taxpayer who died during the taxable year, or any other person charged with the property of such a decedent, must make and file a return for him which would have been appropriate had he lived. For the decedent's taxable year which ends with the date of his death, the return shall cover the period during which he was alive.

18:30-15.10 Joint return after death

(a) Where one or both spouses die during the year and would have been entitled to file a joint New Jersey return had they lived, a joint New Jersey return may be filed if:

1. A joint Federal return was made for the taxable year;
2. The taxable year of both decedents or if the decedent and the surviving spouse (as the case may be) began on the same day and ended on different days only because of the death of either or both;
3. Neither taxpayer was reporting for a fractional part of a year as a result of a change in accounting periods; and
4. The surviving spouse did not remarry before the end of the taxable year.

(b) Generally, the executor and administrator and the surviving spouse must unite in making a joint return. However, where the surviving spouse, alone, is authorized by the Internal Revenue Code and regulations to make a joint Federal return for himself and deceased spouse, he may also make a joint New Jersey return for both.

18:30-15.11 Individuals under a disability.

(a) The return required for an individual who is unable to make a return by reason of minority, insanity or other disability shall be made and filed by his guardian, committee, fiduciary or other person charged with the care of his person or property (other than a receiver in possession of only a part of his property) or by his duly authorized agent.

(b) In such a case, the fiduciary or other person charged with the care of his person or property shall be liable for the tax.

18:30-15.12 Joint fiduciaries

If two or more fiduciaries are acting jointly for any individual under disability or for any estate or trust, the return required to be filed may be made and filed by any one of them.

18:30-15.13 Information return of unearned income; interest, dividends and so forth

(a) Every person, co-partnership, corporation, fiduciary or any other individual or entity who makes payments of interest or dividends in excess of \$250.00 during any calendar year, or of any other item of unearned income, as

defined in Subchapter 3. of these regulations, in excess of \$600.00 during a calendar year, to any resident of this State including a person acting in a fiduciary capacity for a resident of this State shall, for the calendar year 1976 and thereafter, make a return according to forms prescribed by the Director which shall set forth the aggregate of such payments, the name of the person to whom paid, and any other information which the Director may require. Until such forms are prescribed by the Director, such payor shall file a copy of the appropriate information return filed for Federal income tax purposes (Federal form 1087, 1096, 1099 or other appropriate form).

(b) Nothing in this Section shall be construed to limit the requirement of partnerships, fiduciaries, corporations or any other person or entity from filing a copy of Schedule K-1, Federal form 1041, 1965 or 1120S.

18:30-15.14 Preparation of returns

(a) Each taxpayer should carefully prepare his return so as to fully and clearly set forth the data required to be stated therein. Incomplete or incorrect returns will not ordinarily be accepted as meeting the requirements of the Act.

(b) A written statement filed by a taxpayer which fully and clearly discloses all items even though not made on the prescribed form, may be accepted as a tentative return sufficient to relieve the taxpayer from liability for the penalties imposed for delinquent filing, provided that it is filed within the prescribed time and is accompanied by full payment of any tax shown to be due and that it is replaced without unnecessary delay by a return made on the prescribed form.

(c) The Division of Taxation will permit, under prescribed conditions and upon compliance with official specifications, the reproduction of certain tax forms.

SUBCHAPTER 16. TIME AND PLACE FOR FILING RETURNS AND PAYMENT OF TAX

18:30-16.1 Time for filing returns

(a) The return of individuals required to be made under these regulations shall be filed on or before the 15th day of the fourth month following the close of the taxable year at which time such taxpayer shall make full payment of the tax due and payable:

1. A taxpayer on a calendar year basis shall file a return on or before April 15 following the close of the calendar year.

2. A taxpayer on a fiscal year basis shall file a return on or before the 15th day of the fourth month following the close of the fiscal year.

3. Taxpayers whose fiscal years end prior to December 31, 1975 are granted an extension to April 15, 1976 in which to file their returns for the 1975 taxable year.

(b) The words "close of the taxable year" referred to in subsection (a) of this Section have the same meaning for New Jersey tax purposes as when used for Federal tax purposes.

18:30-16.2 Due date

The due date for filing of a return is the last day upon which the return is required to be filed in accordance with these regulations, or the last of the period covered by an extension of time allowed.

18:30-16.3 Last day on a Saturday, Sunday or legal holiday

When the last day prescribed in these regulations (including the last day covered by an extension of time) for filing a return, making a tax payment, or performing any act falls on a Saturday, Sunday, or a day which is a legal holiday in the State of New Jersey, the performance of such act will be considered timely if it is performed on the

next succeeding day which is not a Saturday, Sunday or legal holiday.

18:30-16.4 Mailing of returns

If a return is placed in the mails, it must be properly addressed, postage paid, and posted in ample time to reach, under ordinary handling of the mails, the prescribed office of the Division of Taxation on or before the due date.

Payments should be made by check or money order—made payable to State of New Jersey—TUI and mailed with the tax return to the Division of Taxation, P.O. Box 1478, Trenton, N.J. 08625.

SUBCHAPTER 17. RESIDENCE - DOMICILE; CHANGE OF RESIDENT STATUS DURING YEAR

18:30-17.1 Change of residence

(a) A resident taxpayer who changes his status to a nonresident taxpayer during a taxable year shall be required to file a tax return for the full taxable year and include therein all taxable income earned, received or constructively accrued or credited during the taxable year as follows:

1. Capital gains and other unearned income as defined in Subchapter 3 during the period of residency. (Note: Special accruals are required when a resident changes his status to a nonresident. See N.J.A.C. 18:30-17.2.)

2. Capital gains derived from the sale or exchange of real or tangible personal property located in New Jersey as defined in Subchapter 6 for the period of nonresidency.

(b) A nonresident taxpayer who changes his status to a resident taxpayer during a taxable year shall be required to file a tax return for the full taxable year and include therein all taxable income earned, received or constructively accrued or credited during the taxable year as follows:

1. Capital gains derived from the sale or exchange of real or tangible personal property located in New Jersey as defined in Subchapter 6 for the period of nonresidency.

2. Capital gains and other unearned income as defined in Subchapter 3 during the period of residency.

(c) A nonresident who has not been subject to tax who changes his residence to New Jersey during a taxable year, shall become liable and be required to file a return for all capital gains and other unearned income received, accrued or credited on and after the date of change of residence to New Jersey.

18:30-17.2 Special accruals

(a) If an individual changes his status from resident to nonresident, he must, regardless of the method of accounting he normally employs, accrue and include in his New Jersey return for the portion of the year prior to such change, any items of income or gain, accruing prior to the change if not otherwise properly includible for New Jersey unearned income tax purposes for such portion of the taxable year or for a prior taxable year. That is, in computing his New Jersey taxable income for that period, he must include all the items of unearned income he would be required to include if he were filing a Federal return for the same period on the accrual basis, together with any other accruals such as deferred gain on installment obligations which are not otherwise includible for Federal or New Jersey unearned income tax purposes either for such period or for a prior taxable period.

(b) For example, if a taxpayer realizes a capital gain in New Jersey, under a contract whereby the purchase price is to be paid in installments, and later changes his status from resident to nonresident, he must accrue the entire amount of the gain remaining unpaid from such

installment obligations, regardless of the method of accounting he normally uses in reporting his transactions. Likewise, where a beneficiary of an estate or trust changes his status during the taxable year from resident to non-resident, he must accrue on his New Jersey return for the resident period any estate or trust income credited, distributable, payable or required to be distributed to him as of the date of his change of residence.

18:30-17.3 Domicile

(a) Domicile, in general, is the place which an individual intends to be his permanent home—the place to which he intends to return whenever he may be absent.

(b) A domicile once established continues until the person in question moves to a new location with the bona fide intention of making his fixed and permanent home there. No change of domicile results from a removal to a new location if the intention is to remain there only for a limited time; this rule applies even though the individual may have sold or disposed of his former home. The burden is upon any person asserting a change of domicile to show that the necessary intention existed. In determining an individual's intention in this regard, his declarations will be given due weight, but they will not be conclusive if they are contradicted by his conduct. The fact that a person registers and votes in one place is important but not necessarily conclusive, especially if the facts indicate that he did this merely to escape taxation in some other place.

(c) An immigrant who has permanently established his home in New Jersey is domiciled here regardless of whether he has become a United States citizen or has applied for citizenship. However, a United States citizen will not ordinarily be deemed to have changed his domicile by going to a foreign country unless it is clearly shown that he intends to remain there permanently. For example, a United States citizen domiciled in New Jersey who goes abroad because of an assignment by his employer or for study, research or recreation, does not lose his New Jersey domicile unless it is clearly shown that he intends to remain abroad permanently and not to return.

(d) If he has two or more homes, his domicile is the one which he regards and uses as his permanent home. In determining his intentions in this matter, the length of time customarily spent at each location is important but not necessarily conclusive. As noted in Subchapter 2, a person who maintains a permanent place of abode in this State and spends more than 183 days of the taxable year in this State is taxable as a resident even though he may be domiciled elsewhere.

(e) Ordinarily a wife's domicile follows that of her husband, but if they are separated in fact she may under some circumstances acquire her own separate domicile, even though there be no judgment or decree of separation. Likewise, a child's domicile ordinarily follows that of his father, or of his mother after the father's death, until he reaches the age of self-support and actually establishes his own separate domicile. The domicile of a child for whom a guardian has been appointed is not necessarily determined by the domicile of the guardian.

(f) A permanent place of abode means a dwelling place permanently maintained by the taxpayer, whether or not owned by him, and will generally include a dwelling place owned or leased by his or her spouse. However, a mere camp or cottage, which is suitable and used only for vacations, is not a permanent place of abode. Also, a place of abode, whether in this State or elsewhere, is not deemed permanent if it is maintained only during a temporary stay for the accomplishment of a particular purpose. For example, an individual domiciled in another state may be assigned to his employer's New Jersey office for a fixed and limited period, after which he is to return to his

permanent location. If such an individual takes an apartment in New Jersey during this period, he will not be deemed a resident, even though he spends more than 183 days of the taxable year in New Jersey, because his place of abode here is not permanent. He will, of course, be taxable as a nonresident on his capital gains derived from sales and exchanges of real or tangible personal property located in this State. However, if his assignment to his employer's New Jersey office is not for a fixed or limited period, his New Jersey apartment will be deemed a permanent place of abode and he will be a resident for tax purposes if he spends more than 183 days of the year in New Jersey. In the case of a person domiciled in New Jersey, the maintenance of a permanent place of abode in this State is alone sufficient to make him a resident for tax purposes, even though he remains outside the State for the entire year; the 183-day rule applies only to taxpayers who are not domiciled in New Jersey.

(g) In counting the number of days spent within and without this State, presence within the State for any part of a calendar day constitutes a day spent within the State except that such presence within the State may be disregarded if it is solely for the purpose of boarding a plane, ship, train or bus for travel to a destination outside of the State, or while traveling through the State to a destination outside the State. Any person domiciled outside the State who maintains a permanent place of abode within the State during any taxable year and claims to be a nonresident must keep and have available for examination by the Director adequate records to substantiate the fact that he did not spend more than 183 days of such taxable year within the State.

SUBCHAPTER 18. EXTENSIONS OF TIME

18:30-18.1 Extensions of time

(a) General provisions. The Division may grant a reasonable extension of time for filing any return or for payment of tax (or any installment) on such terms and conditions as it may require. A taxpayer granted an extension of time to file his Federal income tax return may also obtain an extension for State tax purposes, provided a tentative New Jersey return is filed and a payment is made for the full amount of estimated tax due. Such tentative return and estimated payment must be submitted on or before the regular due date for filing.

18:30-18.2 Form of application and place of filing

Where an extension to file a tax return is sought, the application should be made on the form prescribed by the Director. All forms and estimated payments for extensions of time must be filed with the Division on or before the regular filing date.

SUBCHAPTER 19. REQUIREMENTS CONCERNING RETURNS, NOTICES, RECORDS AND STATEMENTS

18:30-19.1 Permanent books of account or record

(a) Every person subject to tax or liable for the collection thereof, and any person required to file a return of information with respect to income, shall keep permanent books of account or records, with respect to unearned income, as are sufficient to establish the amount of taxable income, and other matters required to be shown by the person in any return of such tax information.

(b) The Division of Taxation is authorized to prescribe the contents and form of returns and statements and may require the inclusion in a return, document, or statement of any information it deems necessary for the proper enforcement of the Tax on Capital Gains and Other Unearned Income Act.

18:30-19.2 Forms of records

No particular form is required for keeping the records, but systems of accounting shall be used as will enable the Division of Taxation to ascertain whether liability for tax or return of information is incurred and, if so, the correctness of the amounts required to be reported in any return of tax or information.

18:30-19.3 Notice by Division of Taxation requiring returns, statements, or the keeping of records

The Division of Taxation may require any person, by notice served upon him, to make returns, render statements, furnish copies of Federal income tax returns and of Federal audit determinations, or keep specific records as the Division of Taxation may deem necessary to verify whether or not the person is complying or has complied with the Tax on Capital Gains and Other Unearned Income Act.

18:30-19.4 Copies of returns, schedules and statements

Every person who is required by these regulations or by instructions applicable to any form prescribed herein to keep a copy of any return, schedule, statement or other document, shall keep the copy as a part of his records.

18:30-19.5 Place for keeping records

The books and records required by these regulations shall be kept at locations accessible to the representatives of the Division of Taxation, and shall be made available for inspection by its representatives.

18:30-19.6 Retention of records

The books and records required to be kept by these regulations shall be retained for a period of five years from the date that such books and records are used for filing returns or reports due under the Act.

18:30-19.7 Power to require other information returns

The Division of Taxation may, in its discretion, require the filing of information returns at any time, so long as the information may become material in the administration of the Tax on Capital Gains and Other Unearned Income Act.

SUBCHAPTER 20. REPORT OF CHANGE IN FEDERAL TAXABLE INCOME

18:30-20.1 Report of change in Federal taxable income

(a) If a taxpayer's taxable unearned income is decreased or decreased because his Federal taxable income is changed or corrected by the United States Internal Revenue Service or other competent authority, or as the result of a renegotiation of a contract or subcontract with the United States, the taxpayer shall report the change or correction to the Division of Taxation within 90 days after the final determination of the change, correction, or renegotiation and shall concede the accuracy thereof or state wherein it is erroneous.

(b) The report may be required at any other time if the Director deems it necessary.

18:30-20.2 Reporting procedure.

(a) The report referred to in N.J.A.C. 18:30-20.1 must be accompanied by a copy of the final Federal determination or renegotiation agreement as well as any other pertinent data in all cases in which a refund based on the final determination or renegotiation agreement is claimed.

(b) When additional tax is due, the taxpayer may in lieu of a copy of the final determination of renegotiation agreement, give full details of the changes on such form as may be prescribed by the Director. The report shall be accompanied by full payment of any tax shown to be due and shall be forwarded separately from, and not as part of, any other report or return.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

Jack Silverstein
Tax Counselors Section
Division of Taxation
West State and Willow Streets
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 rules substantially as proposed without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions Concerning Imposition of Penalties and Interest

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J. S.A. 54:50-1, proposes to revise N.J.A.C. 18:2-2.4 through 18:2-2.7 and 18:2-2.9 concerning the imposition of penalties and interest under the State Tax Uniform Procedure Law, Subtitle 9 of the Revised Statutes of New Jersey.

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

18:2-2.4 Failure to pay on time

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

1. Interest on said tax at the rate of [1½%] **one per cent** for each month or fraction thereof that the same remains unpaid, to be calculated from the date the tax was originally due until **October 1, 1975, and at the rate of 1½ per cent per month or fraction thereof from October 1, 1975, to the date of actual payment.**

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

(b) Examples include the following:

1. Taxpayer failed to pay a tax that was due on April 15, 1975. On [October 15, 1975] **January 15, 1976**, the Division imposed interest and penalty charges for such failure. Interest will be calculated from April 15, 1975, to **October 1, 1975, and [the date of payment (October 15, 1975)] at the rate of 1½ per cent for each month or fraction thereof that the tax remained unpaid[,] from October 1, 1975, to the date of payment, plus a penalty of five per cent of the balance of tax due.**

2. In example "1.", if taxpayer also failed to file his return (due April 15, 1975) until [October 15, 1975,] **January 15, 1976**, he would be subject to additional penalties set forth in Section 3 of this Subchapter.

3. On May 1, 1975, the Division assessed the taxpayer for additional taxes due and at the same time imposed additional interest charges at the rate of one per cent per month. On [November 1, 1975,] **February 15, 1976**, taxpayer offers to pay his unpaid taxes. Additional interest shall be calculated from [May 1] **April 15, 1975, to October 1, 1975**, at the rate of one per cent per month or fraction thereof,

and from October 1, 1975, to [November 1, 1975] **February 15, 1976**, (the date of payment) at the rate of 1½ per cent per month or fraction thereof. In addition, a five per cent penalty may be imposed on the balance of tax due.

18:2-2.5 Extensions of time to file

Where an extension of time to file a return has been granted, taxpayer will be liable for interest on the unpaid tax at the rate of [9%] **six per cent per annum** from the date that such tax was originally due to **October 1, 1975**, and at the rate of **nine per cent** from **October 1, 1975** to the date of actual payment.

An example is: Taxpayer filed a tentative return and paid his tax on July 15, 1975, the due date of the return, and obtained a three-month extension in which to file his final return. He filed his final return on time but owed an additional amount of tax. The additional amount of tax bears interest at the rate of [9%] **six per cent per annum** from July 15, 1975, the date the tax was originally due, to **October 1, 1975**, and at the rate of **nine per cent per annum** from **October 1, 1975**, to **October 15, 1975**, the date of payment.

18:2-2.6 Additional assessment of tax

(a) Upon audit or investigation of a return that has been filed, where it is determined that there is a deficiency with respect to the payment of any tax due, the additional taxes shall be assessed together with penalties of five per cent of the additional tax and interest at the rate in effect **immediately prior to October 1, 1975**, and at the rate of 1½ per cent per month or fraction thereof from **October 1, 1975**, [the date the tax was originally due] to the date of payment. The taxpayer shall be given notice of such assessment and a demand made upon him for payment:

1. An example is: On June 15, 1974, a taxpayer filed a return. On [November 15, 1975,] **February 15, 1976**, the taxpayer was notified of an additional assessment and demand was made upon him for payment. The additional tax bears interest at the rate of [1½%] **one per cent per month or fraction thereof** from the date the tax was originally due to **October 1, 1975**, and at the rate of **1½ per cent per month or fraction thereof** from **October 1, 1975**, to the date of payment. In addition, taxpayer is subject to penalties of five per cent of the additional tax.

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

If the failure to pay any tax when due or the failure to file any return is explained to the satisfaction of the Director, he may remit or waive the payment of the whole or any part of any penalty, and may remit or waive the payment of any interest charge in excess of the rate of ½ of **one per cent per month from the due date to October 1, 1975**, and ¾ of one per cent per month[,] from **October 1, 1975**, to the date of payment (N.J.S.A. 54:49-11). The Director will take no action under this Section unless the taxpayer submits a full and complete satisfactory explanation as to the reason why the tax was not paid when due.

18:2-2.9 Effective date

These regulations shall take effect on **October 1, 1975**, and shall be applicable with respect to all impositions of penalties and interest made on and after said date with respect to taxes covered by the State Tax Uniform Procedure Law, except as otherwise herein stated. The amendments herein shall take effect with respect to impositions of interest and penalties imposed by the Division of Taxation on and after **February 10, 1976**.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action, on or before **March 25, 1976**, to:

Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625
Attn: Jack Silverstein
Telephone: 609-292-5995

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.

Sidney Glaser, Director
Division of Taxation

(a)

TREASURY

DIVISION OF BUILDING AND CONSTRUCTION

Proposed Revisions for Facilities For Physically Handicapped in Public Buildings

The Department of the Treasury, pursuant to authority of Chapter 220, Laws of 1975, proposes to adopt new rules concerning facilities for the physically handicapped in public buildings. The proposed rules are intended to replace, in its entirety, the current text of Chapter 19A in Title 17 of the New Jersey Administrative Code.

The proposed rules concern purpose, scope, appeals, definitions, substantial repairs and alterations, site development, buildings, additional requirements for apartment buildings and dormitories, and wheel chairs and crutches.

Copies of the full text of 46 pages of proposed rules may be obtained from or made available for review by contacting:

Director
Division of Building and Construction
Office of the State Architect
Division of Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before **March 24, 1976**, to the Division of Building and Construction at the above address.

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

(b)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Rules for Central Purchasing and Sales of Surplus Personal Property

The New Jersey Highway Authority, pursuant to author-

ity of N.J.S.A. 27:12B-1 et seq., proposes to adopt new rules concerning central purchasing and sales of surplus personal property.

Full text of the proposed rules follows:

SUBCHAPTER 5. CENTRAL PURCHASING

19:8-5.1 Purpose and objective

(a) The purpose of these regulations is to establish and prescribe uniform general rules and procedures which are the minimum standards to be observed by, and binding upon all Departments and Divisions of the New Jersey Highway Authority in purchasing or hiring equipment, goods, materials, supplies or services. No purchase shall be made unless accomplished in accordance with the regulations contained herein.

(b) The objective of these regulations is to enable the Authority to accomplish its procurements equitably and expeditiously at the least possible cost.

19:8-5.2 Departmental responsibility

(a) The Division of Central Purchasing shall have jurisdiction over all acquisitions, with the exception of the following:

1. The Engineering Department, which shall have jurisdiction over acquisitions involving construction, reconstruction, repair and installment work performed by contractors in situations where the Department, or any engineer(s) or engineering firm retained under its supervision, provides the specifications and drafts the applicable contract.

2. Acquisitions by emergency purchase orders shall be the responsibility of the acquiring units in accordance with Section 6 of this Subchapter, however, the Division of Central Purchasing will process emergency purchase orders, and will have the responsibility of determining the propriety of such procurements under these regulations.

3. Acquisitions by limited purchase orders shall be the responsibility of the acquiring units. Such procurements shall be processed by the Finance Department under procedures promulgated by the comptroller.

(b) Forms and procedures supplementing and consistent with these regulations may be issued by the Division of Central Purchasing, Engineering Department and Finance Department relative to their particular procurement activities.

19:8-5.3 Purchases involving \$2,500 and over (excluding professional services)

(a) All purchases of personal property or services, where the aggregate cost, contract price or amount involved is \$2,500 or over, as anticipated by the Director of Central Purchasing, shall be made only after public advertisement for competitive bids, unless the Authority specifically waives the requirement of public advertising as to a particular transaction.

(b) Advertisements for competitive bids shall be placed in appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published not less than seven calendar days preceding the date upon which the proposals are to be received and opened. All advertisements must contain:

1. A brief description of the supplies, materials, equipment or services to be furnished or performed;

2. Notice of the place where quotation forms, specifications, terms and conditions may be obtained;

3. The place, date and time when the sealed bids shall be publicly opened.

(c) All advertisements shall be approved by the chairman, or his designee, and the general attorney.

(d) In addition to advertising, bids shall be solicited from all known interested parties by mail. Such solicitations

shall provide prospective bidders with at least the same information contained in the public advertisement.

(e) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the opening of the bids. If such notice is given orally, it shall be timely confirmed in writing.

(f) Where the Authority has waived advertisement, the purchase shall be made in the manner directed by the Authority.

(g) When the requisitioning unit specifies either the source or the brand name (or names) of personal property or services of a value of \$2,500 or more to be acquired, the Department or Staff Division head* of the requisitioning unit shall file with the Division of Central Purchasing a memorandum with a copy to the comptroller, stating the basis and reasons for the particular selection. Such acquisition shall be made only upon the concurring recommendation of the Director of Central Purchasing and the approval of the Chairman, or his designee. Upon such concurrence and approval the source or brand name designation shall apply to all succeeding purchases until changed by appropriate action, or until a period of two years has elapsed from the memorandum date, whichever first occurs.

*Whenever in these regulations the term "Division head" is used, the same shall be understood to mean a Division head who reports directly to the Commissioners.

(h) Awards involving acquisitions where the aggregate cost, contract price or amount involved is equal to or exceeds \$15,000 shall be made only after written recommendation by the Director of Central Purchasing and approved by the Authority.

(i) Awards involving \$2,500 or more, may be made to other than the lowest bidder for valid reason. Action of this nature shall be taken only on receipt by, and acceptable to, the Director of Central Purchasing a written recommendation from the head of the acquiring Department or Division, approved by the chairman, or his designee, with copies directed to the general attorney and the comptroller.

19:8-5.4 Purchases under \$2,500 (excluding professional services)

(a) In the case of purchases where the aggregate cost, contract price or amount involved is equal to or exceeds \$1,000, but is less than \$2,500, written bids shall be solicited by mail from all known interested vendors. Where only one vendor is available, such fact shall be indicated on the related purchase order. Bids shall be solicited on the proper quotation form before the time fixed for the public opening.

(b) Where the acquisition involves less than \$1,000, bids may be solicited by telephone. Whenever feasible, at least three sources of supply shall be so contacted, and a record of all such telephone solicitations shall be maintained. Additionally, to the extent possible, written confirmation of all such bids shall be obtained.

(c) When the requisitioning unit specifies:

1. Initially the source or brand name (or names) of personal property of a value of from \$1,000 to \$2,500 to be acquired, the Department or Division head of the requisitioning unit shall file with the Division of Central Purchasing a memorandum, with a copy to the comptroller, stating the basis and reasons for the particular selection. Such memorandum must bear the concurring recommendation of the Director of Central Purchasing and the approval of the chairman, or his designee. Upon such concurrence and approval the source or brand name designation shall apply to all succeeding purchases until changed by appropriate action, or until a period of two years has elapsed

from the memorandum date, whichever first occurs. The date of such memorandum shall be stated on the related purchase order, excluding vendor's copies. A memorandum shall not be required when attachments, parts, or supplies are requested for a unit of equipment which can be supplied by only one vendor.

2. The preferred source of services of a value of from \$1,000 to \$2,500 to be acquired, a memorandum as described in this Section, shall be required for the initial and succeeding purchases, if any.

(d) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the changes shall be given to all prospective bidders at least three days prior to the opening of the bids. If such notice is given orally, it shall be timely confirmed in writing by the Director of Central Purchasing with a copy to the comptroller.

(e) Awards involving \$1,000 to \$2,500 may be made to other than the lowest bidder for valid reason. Action of this nature shall be taken only on receipt by and acceptable to the Director of Central Purchasing a written recommendation from the head of the acquiring Department or Division approved by the chairman, or his designee, with copies directed to the general attorney and the comptroller.

19:8-5.5 Repeat purchases

In the case of personal property which is procured repeatedly, awards may be made at various times to the successful bidder (whose bid was secured in accordance with these regulations) at the same prices as those in the original award for a period of six months from the date of the bid opening, or until \$2,500 of such personal property shall be acquired from such bidder, whichever event shall first occur. If the prices charged by the successful bidder differ from those in the original award, such acquisitions shall be in accordance with these regulations.

19:8-5.6 Emergency purchases

(a) Whenever an emergency occurs of a nature requiring the immediate acquisition of personal property or services, the rules and procedures otherwise applicable, which are inconsistent with those contained in this Section, shall not apply. In such cases the unit requiring the procurement shall immediately notify the Division of Central Purchasing of the situation, giving a complete description of the required acquisition. Upon determining that a true emergency exists on the basis of the reported facts, the Division of Central Purchasing shall forthwith by telephone solicitation of known sources obtain whatever is necessary to meet the emergency on the most advantageous terms possible in the circumstances. If, at the time of the emergency, the services of the Division of Central Purchasing are unavailable, the acquiring unit may accomplish the procurement on its own initiative from the best source available to it.

(b) Immediately following the emergency purchase, documentation will be prepared and processed in a manner similar to other acquisitions.

(c) Relative to any emergency purchase involving an expenditure of \$1,000 or more, the Department or Division head of the acquiring unit shall direct to the Division of Central Purchasing a confirming memorandum certifying the existence and cause of the emergency and advancing the reasons the immediate acquisition was necessary, with a copy to the comptroller. Such memorandum shall bear the approval of the chairman, or his designee. If the expenditure is \$2,500 or over, the purchase shall be submitted by the Director of Central Purchasing to the Commissioners for ratification at the next regularly scheduled Authority meeting.

(d) When an emergency purchase involves less than

\$1,000, an appropriate notation of the necessity for the immediate acquisition and of the existence and cause of the emergency shall be made on the purchase request by the party initiating same.

(e) Instances of lack of compliance with the provisions of this Section, emergency purchases, shall be promptly reported in writing by the Director of Central Purchasing to the persons concerned with a copy directed to the comptroller. Persistent violations shall be reported in a memorandum by the Director of Central Purchasing to the chairman, or his designee, with a copy directed to the comptroller.

19:8-5.7 Purchases on limited purchase orders

Purchases of materials, supplies or services of a value not exceeding \$35.00 may be made on limited purchase orders directly by employees so authorized in writing by the chairman, or his designee, under procedures promulgated by the comptroller. The limited purchase order is to be used to expedite the procurement of required minor items, and shall not be used to evade or avoid other Sections of these regulations, or to procure equipment. Also, except in extraordinary circumstances, materials and supplies stocked at central stores shall not be procured on limited purchase orders. To assure that such minor items are obtained advantageously, the Director of Central Purchasing shall furnish such guidance with respect to sources of supply and possible quantity purchases of repeat items as is necessary.

19:8-5.8 Purchases pursuant to price agreements

(a) The Director of Central Purchasing is authorized to make purchases pursuant to written price agreements entered into with vendors with reference to materials, supplies and services which are regularly required in undeterminable quantities. Such price agreements shall fix unit prices for a specified period of time.

(b) The procedures to be followed in obtaining bids for price agreements shall be the same as for other acquisitions under these regulations depending and determined by the estimated total expenditures to be made under the agreement. In estimating expenditures, due consideration will be given to past experience, the current price level, and/or the opinion of the head of the acquiring Department, if requested. Price agreements shall not be invalidated by reason of the fact that actual expenditures exceeded estimated expenditures to such an extent as would have required other procedures in obtaining bids.

(c) Price agreements involving estimated expenditures of \$15,000 or over shall be approved by and executed in the manner specified by the Authority. In the absence of any specific direction by the Authority, the chairman, or his designee, will execute all price agreements involving estimated expenditures of less than \$15,000, except that the Director of Central Purchasing may execute all price agreements involving estimated expenditures of less than \$2,500.

19:8-5.9 Receipt and opening of bids

(a) All bids solicited by advertising or by mail must be submitted in sealed envelopes on the appropriately signed quotation forms before the time fixed for the public opening. Any bids received after the bidding has been closed shall be returned unopened.

(b) The bidder, item description, applicable purchase request or contract number if any, bid opening date and time shall be designated on the face of each sealed envelope submitted.

(c) The Division of Central Purchasing shall maintain locked boxes for the purpose of receiving bids.

(d) The chairman, or his designee, shall designate a responsible party, who is not a member of the Division of

Central Purchasing, to retain custody of the keys to all the unit's locked boxes. In turn, the party so designated shall make suitable provision during periods of absence for the proper custody of the keys.

(e) The chairman, or his designee, shall designate responsible parties, who are not members of the Division of Central Purchasing, to witness the opening of bids.

(f) When sealed envelopes containing bids are received in the office of the Division of Central Purchasing, they shall be dated, time-stamped and deposited (unopened) in the appropriate locked boxes.

(g) On the appropriate date and at the appropriate time and place, a representative of the Division of Central Purchasing shall open and publicly read the bids. Following the opening and reading of the bids, each bid page shall be signed by the party opening and reading same.

(h) For valid reason in the interests of the Authority, the party responsible for conducting the particular purchase may at any time prior to the scheduled public opening postpone the receipt and opening of bids for a reasonable period. Appropriate notice of such postponement shall be given to all prospective bidders, and, if possible, the prior approval of the chairman, or his designee, shall be obtained. (The provisions of Sections 3 and 4 of this Subchapter shall not apply to bid opening postponements.)

(i) Simultaneously with the public reading of the bids, a member of the Division of Central Purchasing shall prepare a summary of all bids timely submitted on a bid summary form. The original bid summary form shall be signed by the preparer, and the bid opener. A photocopy of the original bid summary shall be given to the audit division at the conclusion of the bid opening. The required typed copies of the bid summary form shall be signed and certified to by the Director of Central Purchasing.

(j) The bid summary form shall record all bids timely received whether complying with all formalities or not. Due note shall be made on the bid summary form with respect to any bid which did not comply with formalities.

(k) A copy of the bid summary shall be forwarded to the requisitioning unit before award is made where the acquisition involves \$2,500 or more, and a copy shall accompany the related purchase documents when forwarded for processing.

19:8-5.10 Rejection of bids

(a) When in the best interests of the Authority, any or all bids relative to an acquisition may be rejected in the following manner:

1. Where the expenditure involved is \$15,000 or more, the Authority on the written recommendation of the Director of Central Purchasing may reject bids.

2. Where the expenditure involved is \$2,500 but less than \$15,000, the chairman may reject bids. In such case a memorandum acceptable to the Director of Central Purchasing, shall be filed, authorizing the rejection and signed by the chairman, or his designee.

3. Where the expenditure involved is less than \$2,500, the chairman, or his designee, may reject bids. In such case a memorandum acceptable to the Director of Central Purchasing, shall be filed, authorizing the rejection and signed by the chairman, or his designee.

(b) In situations where bids obviously do not comply with specifications, the Director of Central Purchasing (or the party conducting the particular acquisition) may summarily reject them. Where, however, some doubt exists as to whether specifications have been met, such rejection may be made only upon receipt by the Director of Central Purchasing of a written advice and consent from the head of the acquiring Department or staff division, acceptable to the Director of Central Purchasing and approved by

the chairman, or his designee, with copies directed to the general attorney and the comptroller.

(c) When in the best interests of the Authority, minor irregularities in bids or in the required formalities may be waived by the chairman, or his designee. Such action is to be accomplished by memorandum of the Director of Central Purchasing bearing the approval of the chairman, or his designee, with copies thereof to the general attorney and the comptroller.

19:8-5.11 Bid guarantees

(a) All bids submitted relative to acquisitions involving expenditures of \$2,500 or more shall be accompanied by security amounting to not less than either ten per cent of the total bid price or any fixed amount which may be established. At the discretion of the Director of Central Purchasing, deposits may be required for bids amounting to less than \$2,500. The guarantee shall be submitted in the form of a certified check payable to the Authority, but cashier's checks, money orders, surety corporation bid bonds or other good and valuable security may also be accepted. Failure to submit a bid deposit when required shall result in rejection of the bid.

(b) In the event any bidder fails to accept an award in accordance with his bid, the security submitted shall be immediately forfeited.

(c) All bid guarantees shall be returned to bidders as soon as possible after the opening of bids. The guarantees furnished by successful bidders shall be returned after the delivery of the property, the performance of the services or the furnishing of a performance bond. The guarantees furnished by unsuccessful bidders shall be returned after determining that the bids do not warrant awards.

19:8-5.12 Terms and conditions applicable to submission of bids

(a) All bids are to be submitted in sealed envelopes on quotation forms provided in accordance with applicable instructions on or before the time fixed for the public opening.

(b) All bids must be properly signed and executed.

(c) Any correction of an entry made on the quotation form should be initialed by the party signing the bid.

(d) Bidders may withdraw, or withdraw and resubmit, bids at any time prior to the public opening, but not thereafter. Bids may be withdrawn only on written request received prior to the public opening and signed by a duly authorized representative of the bidding firm. Bids so withdrawn shall be returned to the bidders unopened.

(e) With respect to bids submitted, the Authority retains the right to reject any or all of them, to waive informalities and minor irregularities and to make awards at any time within 30 calendar days of the public opening. If an award is not made within 30 calendar days of a public opening, written extensions of time should be obtained from bidders whose bids remain under consideration.

(f) In the case of inconsistencies or errors in unit prices, extensions and totals the Authority shall have sole discretion to make determinations with regard to same.

(g) Unless contrary to the nature of the procurement, or unless otherwise instructed, bidders shall be permitted to submit partial bids. The Authority reserves the right to accept any item or group of items of any kind.

19:8-5.13 Purchase orders and contracts

(a) All purchase orders must bear the approval signature of Department head or staff division head of the appropriate requisitioning unit. However, the executive director may in writing authorize any employee to sign in place of his Department head or Division head.

(b) In addition to the signatures required in subsection (a) above, all purchase orders involving expenditures of

\$1,000 or more must bear the approval signature of the chairman, or his designee.

(c) Except as otherwise authorized by the Authority, all contracts are to be executed by at least five of the seven Commissioners for contracts involving \$15,000 or more, while those involving less than \$15,000 will be executed by the chairman, or his designee.

(d) Purchase orders may be revised, reduced, increased, canceled or otherwise amended by purchase order supplements prepared by the Director of Central Purchasing. Purchase order supplements may be issued to reduce a purchase order to any extent, but may not increase a related purchase order more than \$50.00.

19:8-5.14 Late deliveries and late performance of services

If requested in writing by the Department head concerned, a provision relating to cancellation of a purchase order or contract and/or a charge for late delivery of property or late performance of services may be included in the terms of the acquisition with the written concurrence of the chairman, or his designee. Such provision shall be approved by the general attorney in writing.

19:8-5.15 Purchases under New Jersey State contracts

When it is deemed advisable and in the best interest of the Authority, the Director of Central Purchasing may recommend that equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State. In such event, the Director of Central Purchasing will submit a memorandum to the chairman which shall set forth the details of the proposed acquisition and shall state the reasons for proceeding under such State contract. No such acquisition shall be accomplished without the prior written approval of the chairman, or his designee.

SUBCHAPTER 6. SALE OF SURPLUS PERSONAL PROPERTY

19:8-6.1 Purpose and objective

(a) The purpose of these regulations is to establish and prescribe uniform general rules and procedures for the sale of surplus personal property after it has formally been declared surplus and a determination has been made by the Director of Central Purchasing for its sale in accordance with Resolution 1960-46. No such sale shall be made unless accomplished in accordance with the regulations contained herein.

(b) The objective of these regulations is to establish an orderly and equitable procedure for the sale of Authority surplus personal property at its highest possible price.

19:8-6.2 Bids

(a) All sales of surplus personal property, where the aggregate anticipated proceeds are \$2,500 or over, as determined by the Director of Central Purchasing, shall be made only after public advertisement for competitive bids, unless the Authority specifically provides by resolution that the requirement of public advertising be waived as to a particular transaction. Any such public advertisement for competitive bids shall be approved in advance by the chairman, or his designee. The concurrence of the general attorney shall also be required in writing. Where the anticipated aggregate proceeds are between \$200.00 and \$2,500, public advertising is not required and the Director of Central Purchasing may solicit sealed bids from known interested parties. Where the anticipated aggregate proceeds are less than \$200.00, bids may be solicited by telephone in which event the successful bidder shall confirm same in writing. The Director of Central Purchasing's

determination as to the anticipated proceeds from any sale of surplus personal property shall be given to the chairman, or his designee, by memorandum with copies thereof to the general attorney and the comptroller.

(b) Advertisements for competitive bids shall be placed in an appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published in sufficient time to allow inspection of the items being sold preceding the date upon which the bids are to be received and opened. All advertisements must contain:

1. A brief description of the supplies, materials or equipment to be sold;
2. Notice of the place where quotation forms, terms and conditions may be obtained;
3. The place, date and time when the sealed bids shall be publicly opened.

(c) In addition to advertising when required, bids shall be solicited from known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

(d) Employees may bid on surplus personal property being sold. Notices containing listings of adequately described items offered for sale shall be distributed to all Department and Division heads who shall circulate such notices to the employees under their supervision. Notices shall also be posted on all Authority bulletin boards. Employees or the immediate family of the Division of Central Purchasing are excluded from submitting bids. Employees or the immediate family of the motor pool section are excluded from bidding on vehicles when offered for sale.

(e) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the scheduled opening of the bids. If such notice is given orally, it shall be timely confirmed in writing.

19:8-6.3 Invitation to bid and receipt and opening of bids

(a) Bids shall be requested on the invitation to bid form and submitted on signed quotation form before the time fixed or public opening. Any bids received after the bidding has been closed shall be returned unopened.

(b) All bids are to be submitted in sealed envelopes in accordance with applicable instructions.

(c) The bidder's name, nature of items offered for sale, due date and time shall be shown on the face of each sealed envelope submitted.

(d) The Division of Central Purchasing shall maintain locked boxes for the purpose of receiving bids.

(e) The chairman, or his designee, shall designate, in writing, an employee of the Finance Department to retain custody of the keys to all the Division of Central Purchasing's locked boxes. In turn, the party so designated shall make suitable provision during period of absence for opening of bids and for proper custody of the keys.

(f) When sealed envelopes containing bids are received in the office of the Division of Central Purchasing, they shall be dated, time-stamped and deposited in the appropriate locked boxes. Such bid envelope shall be signed by the person who stamped and deposited the envelope in the bid box.

(g) On the appropriate date and at the appropriate time and place, the Division of Central Purchasing shall open and publicly read the bids. Following the opening and reading of the bids, each page of the quotation form and the invitation to bid form shall be signed and dated by the party opening and reading same.

(h) For valid reason in the interest of the Authority, the

Director of Central Purchasing may, with the written approval of the chairman, or his designee, at any time prior to the scheduled public opening, postpone the receipt and opening of bids. Appropriate and timely notice of such postponements shall be given to all prospective bidders, if possible.

(i) Simultaneously with the public reading of the bids, a member of the Division of Central Purchasing shall prepare a summary of all bids timely submitted on a bid summary form. A member of the Audit Division of the Finance Department shall also be present to witness the preparation. The original bid summary form shall be signed by the preparer, the bid opener and the witness who has verified the accuracy of the recorded read information. A photocopy of the original bid summary shall be given to the Audit Division witness at the conclusion of the bid opening. The required typed copies of the bid summary form shall be signed and certified to by the Director of Central Purchasing.

(j) The bid summary form shall record all bids timely received whether complying with all formalities or not. Due note shall be made on the bid summary form with respect to any bid which did not comply with formalities.

(k) The sale of surplus personal property to the highest acceptable bidder shall not be confirmed without the prior written approval of the chairman, or his designee. A photocopy of this approval shall be given to the Audit Division.

19:8-6.4 Failure to receive bids or more than one bid

In the event that no bids are received or only one bid is received on items offered for sale, the Director of Central Purchasing shall determine, with the written approval of the chairman, or his designee, whether the offered property shall be awarded, reoffered for sale, traded in or scrapped.

19:8-6.5 Withdrawal of items from offer to sell after bid opening and prior to award

(a) With approval of the chairman, or his designee, and when in the best interests of the Authority, one or more items may be withdrawn from the offer to sell. In such cases, a memorandum authorizing the withdrawal, approved by the chairman, or his designee, shall be sent to the Division of Central Purchasing with copies directed to the Audit Division.

(b) Under such circumstances, the Director of Central Purchasing shall determine, with the written approval of the chairman, or his designee, whether such items shall be reoffered for sale, traded in, scrapped or retained for use.

19:8-6.6 Bid deposits

(a) Gross bids amounting to \$1,000 or more shall be accompanied by a bid deposit amounting to not less than ten per cent of the total bid price. However, at the discretion of the Director of Central Purchasing, deposits may be required for gross bids amounting to less than \$1,000. When required, such deposit shall be submitted in the form of a certified check payable to the Authority; however, cashier's checks, money orders or cash may also be accepted. Failure to comply with this provision shall result in rejection of the bid unless specifically waived in writing by the chairman, or his designee.

(b) All bid deposits of unsuccessful bidders shall be returned to them promptly by certified mail, return receipt requested. The deposits furnished by successful bidders

shall be retained and applied toward payment of the total bid price.

(c) The balance of the bid price is due within ten calendar days after the award. If such balance is in the amount of \$100.00 or more, payment shall be by certified check or cash unless specifically waived in writing by the chairman, or his designee. Failure to pay such balance or to pick up the awarded property within the ten-day period shall entitle the Authority to retain the bid deposit as liquidated damages and not as a penalty. Under such circumstances, with the approval of the chairman, or his designee, the Director of Central Purchasing may make the award to the next highest bidder. This action is to be accomplished by a memorandum of the Director of Central Purchasing bearing approval of the chairman, or his designee, with copies to the general attorney and the comptroller.

19:8-6.7 General terms and conditions

(a) Any correction of an entry made on the invitation to bid form or quotation form shall be initialed by the party signing the bid.

(b) Bidders may withdraw or withdraw and resubmit bids at any time prior to the public opening. Bids may be withdrawn only on written request received prior to the public opening and signed by the bidder or a duly authorized representative of the bidder. Bids so withdrawn shall be returned to the bidders unopened.

(c) With respect to bids submitted, the Authority retains the right to reject any or all bids and to waive informalities and minor irregularities. Such action is to be accomplished by memorandum of the Director of Central Purchasing bearing the approval of the chairman, or his designee, with copies thereof to the general attorney and the comptroller.

(d) The property upon which bids are invited is for sale only "As Is" and "Where Is" and the Authority makes no representation, express or implied, as to the condition of said property.

(e) Tie high bids shall be broken either by agreement of all tie bidders or by lot at the bid opening. Such tie-breaking shall be noted on the bid summary.

(f) Where there is a minimum price for an item or items offered for sale below which bids will not be accepted by the Authority, all prospective bidders shall be so advised by proper notation on the related quotation form.

(g) Qualified bids or any portion thereof may be summarily rejected in writing by the chairman, or his designee, with copies thereof directed to the general attorney and the comptroller where such qualification adversely affects the Authority's best interest.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 24, 1976, to:

Martin Kravarik
General Attorney
Garden State Parkway
Woodbridge, N.J. 07095

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

John P. Gallagher
Executive Director
Highway Authority

