

NEW JERSEY REGISTER



The State's Official Monthly Rules Publication

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NJ

NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

(Joint Proposal)

AGRICULTURE

THE SECRETARY

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Approval of Standards For Soil Erosion and Sediment Control

Take notice that, Phillip Alampi, Secretary of Agriculture, and David J. Bardin, Commissioner of Environmental Protection, jointly approved as standards for soil erosion and sediment control those standards presently published in the Standards for Soil Erosion and Sediment Control in New Jersey, specifically pages 3.11 to 3.94 (vegetative standards) and 4.11 to 4.101 (engineering standards) as adopted September 9, 1974, by the State Soil Conservation Committee.

Take notice that this Notice of Approval was filed on January 3, 1977, as a Notice not subject to codification. It is printed as a matter of public information and will not be published in either Title 2 or Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

(Joint Adoption)

AGRICULTURE

DIVISION OF RURAL RESOURCES

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules on Farmland Preservation Demonstration Project Adopted

On January 26, 1977, the Departments of Agriculture and of Environmental Protection, pursuant to authority of

N.J.S.A. 4:1B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, each adopted new rules concerning the farmland preservation demonstration project, substantially as proposed in the Notice published November 4, 1976, at 8 N.J.R. 506(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Departments of Agriculture and of Environmental Protection.

Such rules may be cited both as N.J.A.C. 2:85-1.1 et seq. and 7:1D-1.1 et seq. The rules are also known within the Department of Environmental Protection as Docket No. DEP 022-76-10.

An order adopting these rules was filed and became effective on January 26, 1977, as R.1977 d.20.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY

Proposed Rules on Rent Increases and Income Limits

The Housing Finance Agency in the Department of Community Affairs, pursuant to authority of N.J.S.A. 55:14J-34(f), proposes to adopt new rules concerning increased rent or carrying charges and increased income limits of eligible tenants.

Full text of the proposed new rules follows:

SUBTITLE H. HOUSING FINANCE AGENCY

CHAPTER 80. GENERAL PROVISIONS

SUBCHAPTER 1. INCREASE RENT OR CARRYING CHARGES

5:80-1.1 Application

(a) Applications for increases in rental or carrying charges shall be verified and submitted by the sponsor or by an Agency management representative, on his own motion, in triplicate to the director of management of the Agency. Such applications shall set forth the following information:

1. Name of housing corporation, location of development, date of organization, number of apartments and number of rooms;
2. Dates of completion and occupancy;

NEW JERSEY REGISTER

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

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 31-volume, loose-leaf compendium of all State administrative rules are available on request, based on the Departmental coverage desired.

OFFICIAL NOTICE

**1,200 UPDATED PAGES MAILED
FOR TEN MORE CODE TITLES**

As of this month, additional rules for ten more Departmental Titles in the Administrative Code have been newly mailed to subscribers.

The two mailings include over 1,200 pages of new or amended rules updatings, including all rules adopted through either October or November of last year.

The first mailing included the following six Titles: 2—Agriculture, 3—Banking, 4—Civil Service, 5—Community Affairs, 16—Transportation and 19—Other Agencies.

The second mailing last week covered 9—Higher Education, 10—Human Services, 13—Law and Public Safety, and 17—Treasury-General.

Human Services is the new Departmental title for the former Department of Institutions and Agencies. The Corrections Department, which was split off from I. and A., has not subsequently adopted any rules.

Because of the increase in the number of Health Department rules, a third loose-leaf binder to house these rules was likewise mailed last week.

If Administrative Code subscribers do not receive these updates by the end of this month, please inform the Division for follow-up (address and phone below).

The interim index for the Code in the center pages of this issue has been adjusted to reflect the distribution for these Titles, together with all other State rules adopted through last month.

Rules proposed and/or adopted in the interim between various updatings of any Title are printed monthly in this New Jersey Register, which like the Code is published on a subscription basis by the Division of Administrative Procedure.

-
3. Tax exemption status;
 4. Present rent/carrying charge schedule and average rent per room;
 5. Present non-dwelling income;
 6. Capitalization, authorized and actual;
 7. Status of dividend payments;
 8. Assessed valuation—land and land improvements;
 9. The reasons for the need to raise the rents or carrying charges;
 10. Such other information or data as may be pertinent;
 11. Request for a specific increase in rent or carrying charges.

(b) In the event that the increase in rent requested shall be equal to the percentage established by the Consumer Price Index published by the United States Department of Labor for the preceeding month or five per cent or less of the current rental per dwelling unit, whichever is greater, then the increase, upon the written approval of the Agency, shall be automatic and the tenants shall not be entitled to a hearing on such increase.

5:80-1.2 Schedules and exhibits

(a) The application shall have annexed to it the following schedules and exhibits:

1. An annual projection of operations on an actual basis;
2. Schedule of future replacement requirements;

3. An annual projection of operations on a cash flow basis;

4. An annual projection of operations reflecting the rent or carrying charge increase requested, on an accrual basis;

5. An annual projection of operations reflecting the rent or carrying charge increase requested on a cash flow basis;

6. Statistical data in support of each of the above.

5:80-1.3 Revisions; additional data

The Agency may require further information on any of the matters listed above, or on any other matters relating to the application, and may request an amended or superseding application. Such additional information or application shall be verified and filed in triplicate within the time stated by the Agency.

5:80-1.4 Notice of consideration by agency to tenants/cooperators

If, upon preliminary examination, it shall appear that the application for an increase warrants consideration by the Agency, the sponsor will be directed to notify in writing by a notice approved by the Agency, each tenant/cooperator of the filing of the application. Such notice shall inform the tenant/cooperator of the right to a hearing on the proposed increase in rental or carrying charges pursuant to these regulations.

5:80-1.5 Notice of increase

Within 30 days of the notice of the Agency to the sponsor that the request for an increase is under consideration, the Agency will make its decision with respect to the application, and within 15 days thereafter will notify the sponsor in writing of its decision, and if an increase is approved, the amount and effective date of the increase. In the event that a hearing on the increase is scheduled, the Agency will issue its decision of the increase within 30 days after the filing of a recommended report and decision by the hearing officer. If an increase is ordered or approved, notice thereof shall be served by the sponsor as directed by the Agency on each tenant/cooperator affected.

5:80-1.6 Aggrieved persons

Any person, association or corporation aggrieved by any proposed increase in rental or carrying charges shall be entitled to a hearing before the executive director or his duly authorized representative.

5:80-1.7 Application for hearing

(a) The application for a hearing must be filed with the executive director within 15 days of the receipt by the applicant thereof of the notice of the increase in rental or carrying charges as provided in Section 5 of this Subchapter.

(b) No hearing will be granted if the annual increase in rental or carrying charges is five per cent or less per dwelling unit or equal to the percentage established for the preceeding month by the Consumer Price Index published by the U.S. Department of Labor, whichever is greater.

5:80-1.8 Appointment of hearing officer

Upon receipt of an application for a hearing, the executive director shall appoint a hearing officer, who may be an employee of the Agency, who shall designate a time and place for the hearing.

5:80-1.9 Time of hearing

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

5:80-1.10 Conduct of hearing and evidence

(a) Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of facts. The parties shall not be bound by rules of evidence whether statutory, common law or adopted by the rules of court. All relevant evidence is admissible except as otherwise provided herein. The hearing officer 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 necessitate undue consumption of time or create substantial danger of undue prejudice or confusion.

(b) The hearing officer shall give affect to the rules of privilege recognized by law.

(c) Notice may be taken of judicially noticeable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Agency's specialized knowledge. The Agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence (parties shall be afforded an opportunity to contest material facts of which judicial notice is taken).

5:80-1.11 Hearing officer; powers

The hearing officer shall have the power to administer oaths, examine witnesses and shall have the power to issue subpoenas and compel attendance of witnesses and the production of all necessary reports, books, papers, documents, correspondence and other evidence.

5:80-1.12 Record

The record or determination of any action or proceeding under these regulations shall be public records and reasonably available for public inspection. Any party to a proceeding may transcribe the hearing provided said party bears the costs of such transmission and further provided that a copy of the transmission is provided to the Agency.

5:80-1.13 Recommended report and decision; exceptions

The hearing officer shall issue a recommended report and decision within 30 days after the completion of any hearing, a copy of which shall be filed with the executive director and mailed to all parties of record. Each party of record shall be afforded 15 days in which to file exceptions, objections, and replies thereto with the executive director. Within 15 days thereafter, the executive director shall issue an order which adopts, rejects, or modifies the recommended report and decision, a copy of which shall be served on all parties of record. Pending the determination of the executive director, and upon application therefor, the executive director may grant a stay of any ruling, action, order or notice complained of. The order of the executive director shall be considered as a final administrative determination.

5:80-1.15 Agency order for increase

An increase in rent or carrying charges shall become effective on the first date of the month following the first full month after the date of notification of approval. Proof of the notification of the increase shall be submitted to the Agency prior to the institution of any increase in rent or carrying charges.

5:80-1.15 Agency order for increase

the Agency from authorizing an increase in rental or carrying charges pursuant to these regulations without a prior application for said increase from the housing sponsor.

SUBCHAPTER 3. INCOME LIMITS

5:80-3.1 Maximum gross aggregate family income

Pursuant to N.J.S.A. 14J-19(a), the maximum gross aggregate family income for eligibility for admission to any housing project financed by the New Jersey Housing Finance Agency shall be \$26,850.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

William L. Johnston
Acting Executive Director
Housing Finance Agency
P.O. Box 417
Trenton, N.J. 08603

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

Richard L. Kadish
Deputy Executive Director
Housing Finance Agency
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Notice of Additional Comment

Concerning Proposed Rules

On Change Orders and Open-End Contracts

Take notice that, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-32 and 40A:11-37 et seq., proposes to adopt new rules concerning change orders and open-end contracts.

The proposed rules are substantially the same as those proposed in the Notice published August 5, 1976, at 8 N.J.R. 371(c). Purpose of this Notice is to afford an additional opportunity for comment.

The Local Finance Board will accept oral and written comments respecting the proposed action for meetings to be held by the Board on February 8, 1977, and February 22, 1977. It is intended by the Board that the proposed rules become effective on March 15, 1977.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State St.
Trenton, N.J. 08625

Full text of the proposed rules follows:

5:30-14.4 Change orders and open-end contracts

(a) The Local Finance Board and the Division of Local Government Services bear the responsibility for the provision of technical assistance and the regulation of local financial systems and procedures (that is, N.J.S.A. 40A:11-37 and 52:27BB-32 et al.), and are particularly concerned with assuring full propriety in all matters involving the expenditure of public funds. Both the Board and the Division are aware that change orders are a necessary element of contract administration, but also recognize that abuse of change orders can undermine the spirit and intent of the Local Public Contracts Law and can lead to

local misunderstandings and fiscal irregularities. Further, there is a need to clarify certain procedures related to open-end contracts. Therefore, the Local Finance Board acting under its authority by virtue of N.J.S.A. 52:27BB-32 and its other powers, plans to adopt mandatory procedures which shall be followed by all local units which are subject to the provisions of the Local Government Supervision Act of 1947, as amended (N.J.S.A. 52:27BB-1 et seq.) or the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).

(b) Definitions include the following:

1. A change order is defined as a lawfully-prepared and properly-authorized document which directs and authorizes a contractor, consultant or other vendor performing work for or supplying materials and supplies to a local unit pursuant to a contract to change the work, service or materials to be performed, rendered or furnished, from that originally specified or estimated and to correspondingly change the payment due therefor.

2. Open-end contracts are contracts for which price bids were solicited on a unit basis because exact quantities needed were not known at the time bids were sought. Examples would include blacktopping and recreation supplies. Such contracts, when advertised and awarded, must include a maximum number of units that can be ordered for each item under the contract. Orders placed under such open-end contracts shall not be considered as change orders for purposes of this regulation, but shall be subject to the requirements specified in subsection (g) of this Section.

(c) No changes in quantities, work performed, services rendered, materials, supplies or equipment delivered or provided shall be authorized, permitted or accepted except by the procedures established herein. All change orders shall be subject to the following:

1. Each change order shall be in writing and shall be numbered consecutively (beginning with number one) for each project or contract.

2. Change orders which result in payment reduction below the originally contracted price may be made by locally established procedure, provided that any change orders increasing cost on the same contract shall include reference to such reductions.

3. Quantities of items or work shall not be changed in such a manner as to nullify the effect of the competitive determination of lowest responsible price which was made at the time of contract award, provided that at said time the changes could have been reasonably foreseen.

4. Responsibility required by this regulation to be exercised specifically by the governing body may not be delegated. In those instances in which authority is to be exercised by some administrative official, the authority, responsibility and required procedures should be clearly spelled out in advance, preferably by ordinance.

(d) Professional and/or consultant contract change orders rules are:

1. Changes should be within the scope of activities of the original contract, and not for the purpose of undertaking new or different work or projects. Changes in payments for activities within the scope of activities of the contract shall be in accordance with a schedule of specific charges or rates contained in the contract and shall be effectuated by a written change order authorized by the appropriate administrative officer. If such a schedule is not included in the contract, the contract should be amended to provide for same.

2. If the change is not within the scope of activities of the original contract:

i. If the contract was awarded without competitive bidding being required by law or regulation, any change

beyond the original scope of activities may be made by amendatory contract.

ii. If the contract was required by law to be subject to competitive bidding, any change beyond the original scope of activities should be by new contract based on new bidding.

3. Before authorizing any change order increasing costs, availability of funds should be certified by the financial officer.

4. An amendatory contract may be effectuated by the same method required for the authorization of the original contract.

(e) Change orders for contracts for materials, supplies and equipment rules are:

1. Change orders may be used to change the number of units or items originally advertised and contracted for, provided that:

i. Unit prices were sought at the time of advertising and included in the contract, and

ii. The advertising and the contract included a provision that the unit prices could be so used.

2. Change orders may not be used to substantially change the quality or character of the items to be provided, inasmuch as such factors would have been a factor in the original bidding.

3. Such changes should not cause the originally awarded contract price to be exceeded cumulatively by more than twenty percent net.

4. Before authorizing any change orders increasing costs, availability of funds should be certified by the financial officer.

5. Changes may be effectuated by the official authorized to serve as contracting agent, subject to such controls or approval requirements as the governing body, chief executive or other administrative officer may lawfully impose.

6. Change orders for materials, supplies and equipment items which are part of a contract which is primarily a construction contract shall be handled in accordance with the regulations governing construction contracts. Road paving (blacktopping) contracts which were awarded on a unit price basis as an open-end contract shall be handled under the section dealing with open-end contracts. (Contracts awarded for the paving, construction or reconstruction of specifically described streets or sections shall be treated as construction contracts, however.)

7. Change orders may be authorized by the contracting agent for price adjustment for petroleum products, provided:

i. There has been a determination by the local attorney that such a price adjustment is authorized by law.

ii. That the original bidding specifications and contract so authorize, and

iii. That an objective price benchmark not under the direct control of the supplier is utilized to establish the price changes, and that the changes are not for the purpose of correcting asserted bidding errors, and

iv. That adequate funds have been certified as being available.

(f) Change orders for construction, reconstruction and major repair contracts rules are:

1. Change orders should be limited to the following types:

i. Emergency occurrences affecting health, safety or welfare;

ii. Unforeseeable problems;

iii. Minor modifications to effect economies, improve service or resolve minor problems with affected property owners.

2. Change orders should not be made for the following:

i. Changes that materially expand upon the size, na-

ture or scope of the project as it was originally described in the bid specifications;

ii. Extra work that could reasonably be effectuated by a separately bid contract without unduly disrupting the basic work or imposing adverse cost consequences.

3. Procedure:

i. The governing body shall be required to authorize all change orders except:

(1) When an emergency condition requires immediate action, the contracting agent designated by the governing body to handle emergency purchases per N.J.S.A. 40A:11-6 may authorize the necessary actions to be taken, but only to the extent necessary to meet the emergency.

In such cases, the action taken shall be reported promptly to the governing body, which shall then act to ratify the action and authorize payment. The procedures prescribed in subparagraph ii. of this paragraph shall be utilized.

(2) Minor field (site) modifications, to the extent normally permitted (method is at local option) by the governing body and appropriate administrative officials, provided that they do not affect the overall scope of work of the contract, may be authorized by the contracting agent (e.g., additional fill stone needed, modifications of footings, additional rock blasting). However, if these change orders will result in an inability to complete the full contracted scope of services without increasing the contracted price, the governing body must approve in advance.

(3) If the awarded contract includes a sum for contingencies, said sum should be encumbered against the appropriation at the outset, and charges against that amount may be authorized by the contracting agent, provided that the sum so included does not exceed 20 per cent of the overall contract.

ii. Governing body approval process:

(1) The chief executive officer or other authorized administrative officer of the governmental unit shall file with the governing body a request for the change order, stating the facts involved and indicating that the proposed change order may be allowed under these regulations. If the request and justification are prepared by other than an official of the governmental unit, it must be countersigned by the chief executive officer or other designated official.

(2) The governing body shall take such steps as it may find appropriate to assure that a change is necessary and that it will actually be carried out.

(3) The governing body shall be assured that adequate appropriations are available in accordance with N.J.A.C. 5:30-1.10 (Rule on contracts and expenditures).

(4) The governing body shall then pass a resolution authorizing written amendatory contract to be entered into covering the change(s) to be made. The exact form of this amendatory contract shall be at the discretion of the local attorney.

(5) The resolution described above should be passed promptly, and change order authorizations should not wait until the completion of the entire project.

(g) Open-end contracts rules are:

1. The issuance of purchase orders pursuant to an open-end contract shall be considered to be the carrying out of the contract and not a change order. The following requirements shall apply:

i. Orders under open-end contracts may not be used for purposes such as changing the quality or character of items to be provided, nor to exceed the maximum number(s) of items or units provided for in the original specifications and contract. (Such changes would constitute a change order.)

ii. The contract may not be for a period longer than the

one year requirement of the Local Public Contracts Law, unless specifically authorized by law.

iii. The Certificate of Availability of Funds required by N.J.A.C. 5:30-1.10 shall be executed at each time an order is placed, covering the amount of the order unless the local unit wishes to commit and certify the full amount at the outset. Note that the point at which the Certificate must be executed is just before the local unit incurs a contractual liability on its part.

iv. Orders may be placed by the official authorized to serve as contracting agent, subject to such controls or approval requirements as the governing body, chief executive or other administrative officer may lawfully impose.

(h) This regulation shall take effect on March 15, 1977, and shall apply to all contracts, agreements, purchase orders or other actions which are entered into, authorized, executed, reviewed or extended on or after that date.

(i) Every governing body and chief executive officer shall take all steps necessary so that all officials and employees shall be aware of and comply with the requests of this regulation.

(j) Any person knowingly failing to discharge the responsibilities enumerated above shall be subject to the misdemeanor penalties prescribed by N.J.S.A. 52:27BB-52 in addition to such other sanctions as may pertain.

Comments respecting the proposed action may be sent to:

Local Finance Board
Department of Community Affairs
363 West State Street
Post Office Box 2768
Trenton, New Jersey 08625

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

H. L. Mathews
Secretary, Local Finance Board
Department of Community Affairs

(a)

EDUCATION

BOARD OF EDUCATION

Proposed Revisions for Athletic Coaches

The Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to revise its rule concerning athletic coaches.

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

6:11-3.12 Athletic coaches

(a) No person not certified as a teacher and not in the employ of a board of education shall be permitted to organize public school pupils during school time or during any recess in the school day for purposes of instruction; or coaching or for conducting games, events or contests in physical education or athletics.

(b) Every person appointed subsequent to June 1, 1960, to coach, teach, or train individual pupils or school teams for interschool athletic competition shall be a certificated member of a school faculty in that same school district and shall be employed full-time during the regular school day when classes are in session. He/she shall be officially designated by the district board of education for the duties for which he/she is to be held responsible, except

as expressly provided in [6:29-6.3] subsections (c), (d) and (e) of this Section.

(c) School districts shall be permitted to employ certified, full-time employees of their constituent or sending districts, or of a vocational school within the same county as designated in N.J.S.A. 18A:54-11, to work on a part-time basis in the interscholastic program, providing the superintendent of schools of the receiving district certifies an emergency exists to the county superintendent, upon whose approval the individual may be employed for one year.

(d) School districts shall be permitted to employ certified and qualified, full-time teaching staff members of other New Jersey school districts to work on a part-time basis in the co-curricular interscholastic athletic program provided that:

1. The employing district can demonstrate annually to the county superintendent that an emergency situation exists;

2. The part-time position has been properly advertised within the district;

3. Both local boards of education are in agreement regarding such part-time employment;

4. Approval of the county superintendent shall be obtained prior to such employment by the local board of education.

(e) In addition, school districts shall also be permitted to employ holders of New Jersey certification not presently employed in a school district provided that:

1. The employing district can demonstrate annually to the county superintendent that an emergency situation exists;

2. That the part-time position has been properly advertised within the district;

3. The district superintendent will provide a letter to the county superintendent attesting to the prospective employee's knowledge and experience in the sport which he/she will coach;

4. Approval of the county superintendent shall be obtained prior to such employment by the local board of education.

The 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, Board of Education

(a)

EDUCATION

BOARD OF EDUCATION

Proposed Amendments for Athletics Personnel

The Board of Education, pursuant to authority of N.J. S.A. 18A:35-5 et seq. proposes to amend its rule concerning athletics personnel.

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

6:29-6.3 Athletics personnel

(a) No person not certified as a teacher and not in the employ of a board of education shall be permitted to organize public school pupils during school time or during

any recess in the school day for purposes of instruction; or coaching or for conducting games, events or contests in physical education or athletics.

(b) Every person appointed subsequent to June 1, 1960, to coach, teach or train individual pupils or school teams for interschool athletic competition shall be a certified member of a school faculty in that same school district and shall be employed full-time during the regular school day when classes are in session. He/she shall be officially designated by the district board of education for the duties for which he/she is to be held responsible.

(c) School districts shall be permitted to employ certified, full-time employees of their constituent or sending districts, or of a vocational school within the same county as designated in N.J.S.A. 18A:54-11, to work on a part-time basis in the interscholastic program, providing the superintendent of schools of the receiving district certifies an emergency exists to the county superintendent, upon whose approval the individual may be employed for one year, except as expressly provided in subsections (d) and (e) of this Section.

(d) School districts shall be permitted to employ certified and qualified, full-time teaching staff members of other New Jersey school districts to work on a part-time basis in the co-curricular interscholastic athletic program provided that:

1. The employing district can demonstrate annually to the county superintendent that an emergency situation exists;

2. The part-time position has been properly advertised within the district;

3. Both local boards of education are in agreement regarding such part-time employment;

4. Approval of the county superintendent shall be obtained prior to such employment by the local board of education.

(e) In addition, school districts shall also be permitted to employ holders of New Jersey certification not presently employed in a school district provided that:

1. The employing district can demonstrate annually to the county superintendent that an emergency situation exists;

2. That the part-time position has been properly advertised within the district;

3. The district superintendent will provide a letter to the county superintendent attesting to the prospective employee's knowledge and experience in the sport which he/she will coach;

4. Approval of the county superintendent shall be obtained prior to such employment by the local board of education.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State St.
Trenton, N.J. 08625

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

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

(a)

EDUCATION

BOARD OF EDUCATION

Repeal of Portion of Rule On Regular Certificates

On January 5, 1977, Fred G. Burke, Commissioner of Education and Secretary of 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, deleted the current text of N.J.A.C. 6:11-4.1(b) concerning regular certificates in its entirety, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 457(a) and on November 4, 1976, at 8 N.J.R. 505(a).

An order deleting this subsection was filed and became effective on January 7, 1977, as R.1977 d.6.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments in Nondegradation Water Quality Standards for Pine Barrens Area

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and Section 303 of P.L. 92-500, proposes to adopt amendments and new rules concerning nondegradation water quality standards for the Pine Barrens area. Such proposed amendments are known within the Department of Environmental Protection as Docket No. DEP 002-77-01.

The proposed amendments to the surface water quality standards will upgrade prevailing FW-3 and TW-1 surface water class definitions and quality criteria for selected areas by substituting a FW-Pine Barrens and TW-Pine Barrens classification. The new ground water quality standards established a GW-Pine Barrens classification with appropriate use classification and criteria.

The proposed standards will protect 760 square miles of the Pine Barrens in Atlantic, Burlington, Camden and Ocean Counties. In the future, the Department of Environmental Protection intends to consider possible extension of similar protection to waters of the adjacent coastal Pine Barrens areas.

If adopted, the proposed amendments will affect N.J.A.C. 7:9-4.4, 7:9-4.6, 7:9-4.8 and will involve a new Subchapter, N.J.A.C. 7:9-14.1 et seq., regarding ground water quality standards.

Copies of the 17 pages of the full text of the proposed amendments may be obtained from:

Robert K. Tassan
Bureau of Water Quality Planning and Management
Department of Environmental Protection
Post Office Box 2809
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held on March 15, 1977, at 7:00 P.M. at Stockton State College, Pomona, New Jersey, and on March 17, 1977, at

1:00 P.M. at Burlington County Vocational-Technical College, Mount Holly, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to the Department of Environmental Protection at the above address.

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

David J. Bardin
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Discharges of Petroleum and Other Hazardous Substances

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of P.L. 1976, c. 141 and N.J.S.A. 13:1D-1 et seq., proposes to adopt new rules to implement the Spill Compensation and Control Act. This statute establishes a financial protection program for those persons damaged by a discharge of petroleum and other hazardous substances. It also gives the Department of Environmental Protection the primary responsibility for cleanup and removal of such discharges and allows that Department to require major facilities handling petroleum and other hazardous substances to submit various discharge prevention and cleanup plans and procedures to the Department for approval.

The proposed rules concern the definition of various key terms, including "hazardous substance"; procedures for notifying the Department of a discharge and the Department's response to that notification; Department recognition and rating of discharge cleanup organizations; plans for the prevention and containment of a discharge and its cleanup and removal; and certain special discharge prevention requirements for vessels and pipelines.

Such rules, if adopted, will be cited as N.J.A.C. 7:1E-1.1 et seq. and are known within the Department of Environmental Protection as Docket No. DEP 004-77-01.

Copies of the full text of 52 pages of these proposed rules may be obtained from or made available for review by contacting:

Steven J. Picco
Administrative and Legislative Review
Department of Environmental Protection
Post Office Box 1390
Trenton, New Jersey 08625

Public hearings respecting the proposed action will be held on February 15, 1977, at 10:00 A.M. in the State Museum, West State Street, Trenton, N.J. A public hearing will be held for the sole purpose of discussing the definition of "hazardous substance". On March 9 and 10, 1977, public hearings on the full proposal will be held at 10:00 A.M. in the State Museum in Trenton.

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

March 18, 1977, to the Department of Environmental Protection at the above address.

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

David J. Barden
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Control and Prohibition Of Spray-On Asbestos Surface Coatings

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to adopt new rules, known within the Department of Environmental Protection as Docket No. DEP 001-77-01, concerning the control and prohibition of spray-on asbestos surface coatings.

Full text of the proposed new rules follows:

SUBCHAPTER 17. CONTROL AND PROHIBITION OF SPRAY-ON ASBESTOS SURFACE COATINGS

7:27-17.1 Definitions

"Department" means the Department of Environmental Protection.

7:27-17.2 General requirements

No person shall cause, suffer, allow or permit surface coating by spraying on asbestos or asbestos containing materials.

7:27-17.3 Tests

Any person responsible for the manufacture, application or use of any coating shall, when requested by the Department, conduct such tests as are necessary in the opinion of the Department to determine the presence of, the amount and/or kinds of asbestos in the coating. Such tests shall be conducted in a manner approved by the Department and shall be made at the expense of the person responsible.

A public hearing respecting the proposed action will be held on March 14, 1977, at 9:00 A.M. at the Herrmann Labor Education Center, Ryders Lane, Rutgers University, New Brunswick, New Jersey. This hearing will be held in accordance with the Air Pollution Control Act (1954), as amended by Chapter 106, P.L. 1967 (N.J.S.A. 26:2C-1 et seq.).

Copies of the proposal and basis therefor as well as information concerning the sites within the State where documents relating to this proposal may be inspected may be obtained from:

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

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

March 21, 1977, to the Department of Environmental Protection at the above address.

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

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions Concerning Condemnation of Certain Shellfish Beds

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 24:2-1 et seq. and 24:14-1 et seq., proposes to revise the rule concerning condemnation of certain shellfish beds. The proposed revisions are known within the Department of Environmental Protection as Docket No. DEP 003-77-01.

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

7:12-1.3 (a) 39. [a] i. All the ocean water east of a line connecting the northernmost point of Sandy Hook and the southwesternmost point of Rockaway point [the waters of Lower Bay] and south of the New York State line and extending to and following the New Jersey 3 nautical mile jurisdictional limit in a southerly direction, until it intersects a line bearing approximately 225°T connecting Buoy (BW, "BA", MO (A) Whis) marking the separation zone of the Ambrose-Barnegat traffic lane and Buoy (BW Mo (A), Bell) marking the entrance to Shark River Inlet, then along that line to a point approximately one nautical mile from the shoreline and continuing, in a southerly direction, one nautical mile offshore, until it intersects a line bearing approximately 146°T from the water tank located on Lake Avenue, Borough of Bay Head, with coordinates of latitude 40° [06.86'] 04.12' N., longitude 74° [04.56] 02.74' W., then proceeding in a southwesternmost point of Rockaway point [the waters of 1.4 nautical miles until it intersects a line at coordinates of latitude 40° [02.67'] 01.62' N., longitude 74° [03.73'] 00.50' W., bearing approximately [146°] 56° T from the water tank located on Normandy Way in the Normandy Beach section of Dover Township, with coordinates of latitude 39° [99.83'] 59.90' N., longitude 74° [06.33'] 03.80' West. This point of intersection is approximately 2 nautical miles from the shoreline and approximately 102° T from the 10 foot x 10 foot sign stating "DANGER - SUBMERGER OUTFALL" at the end of Princeton Avenue, Borough of Mantoloking with coordinates of latitude 40° [03.47'] 02.08' N., longitude 74° [05.14'] 03.08' West. The line then continues, bearing approximately 236° T from the point of intersection towards the above noted water tank in Normandy Beach for approximately 1.4 nautical miles until it is approximately one (1) nautical mile from the shoreline and then continuing, in a southerly direction, one (1) nautical mile offshore, until it intersects a line at coordinates of latitude 39° 51.07' N., longitude 74° 03.80' W., bearing approximately 96° T from the first ocean

bath house and concession building from the entrance of Island Beach State Park (approximately 3.3 statute miles south of the Park's entrance) with coordinates of latitude 39° 51.18' N. longitude 74° 05.20' W., then proceeding in a westerly direction along that line to the shore and terminating.

7:12-1.3 (a) 39. ii. All of the ocean waters inshore of a line beginning at the Long Beach Island Surf Fishing Club (the old Coast Guard Station) located at Six East Cape May Avenue, Borough of Harvey Cedars, with coordinates of latitude 39° [31.43'] 41.43' N., longitude 74° [11.40'] 08.60' W., and bearing approximately 120° T to a point approximately one nautical mile from the shoreline with coordinates of latitude 39° 40.91' N., longitude 74° [12.60'] 07.40' W., thence along the shoreline, in a southerly direction, one nautical mile offshore, until it intersects a line bearing approximately 283° T, connecting Buoy "2BH" Fl 4 sec Bell, off Beach Haven Inlet and southernmost tip of Long Beach Island then following that line and terminating on the southernmost tip of Long Beach Island.

- Note: N.J.A.C. 7:12-1.3(a) 39. ii. becomes 39. iii.
- N.J.A.C. 7:12-1.3(a) 39. iii. becomes 39. iv.
- N.J.A.C. 7:12-1.3(a) 39. iv. becomes 39. v.
- N.J.A.C. 7:12-1.3(a) 39. v. becomes 39. vi.

The proposed revisions more accurately delineate the areas reclassified under the emergency order filed November 23, 1976. No changes to acreages upgraded or downgraded are intended by this revision.

All interested persons are invited to submit written comment on this proposed regulation no later than March 3, 1977. Submittal should be addressed to:

William J. Eisele, Jr.
Department of Environmental Protection
Division of Water Resources
P.O. Box 2309
Trenton, N.J. 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Abandoned Vessels

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of P.L. 1975 c. 369, proposes to adopt new rules concerning abandoned vessels. Such proposed rules are known within the Department of Environmental Protection as Docket No. DEP 005-77-01.

Full text of the proposed rules follows:

SUBCHAPTER 6. ABANDONED VESSELS

7:6-6.1 Purpose and authority

These rules and regulations implement P.L. 1975, Chapter 369, by providing procedures for the acquisition of titles to abandoned vessels by certain persons and prescribing penalties for willful abandonment of such vessels.

7:6-6.2 Definition

Unless the context clearly indicates otherwise, the following terms have the meanings indicated below:

"Vessel" means a boat or watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water, except a boat or watercraft which is subject to the provisions of P.L. 1969, c. 264 (C. 122:7C-1 et seq.).

"Owners" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the uses or possession of a vessel subject to an interest of another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

"Lienholder" means any person holding a security interest.

"Security interest" means an interest which is reserved or created by an agreement which secures payment or performance of an obligation and is valid against third parties generally.

"Department" means the Department of Environmental Protection.

"Waters of this State" mean all waters within the jurisdiction of this State, both tidal and nontidal, and the marginal sea adjacent to this State.

"Removal cost" means any or all costs associated with the removal or destruction of any vessel from land or water and shall include the reimbursement of any or all costs incurred by the applicant in the course of acquiring title to an abandoned vessel.

"Applicant" means any person desiring to acquire title to an abandoned vessel who has submitted a prescribed application to the department.

"Application" means N.J.D.E.P. application form LFA-001.

"Registered mail" means a letter registered with a serial number by the U.S. Postal Department and requiring a returned signed receipt from the person to whom addressed (i.e. Certified Mail Service with return receipt service available thru the U.S. Postal system).

7:6-6.3 General provisions

(a) It is unlawful for any person to willfully abandon any vessel to or upon public land or waters of this State or to or upon any private property or the water immediately adjacent thereto without the consent of the official designated by law to have jurisdiction over such public land or waterway, or the owner or other person in charge of the private property. A vessel which has remained moored, grounded or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than six months shall be considered abandoned.

(b) A landowner, his lessee, or his agent, may acquire title to any vessel on his land or the water immediately adjacent thereto which has been deemed abandoned according to the provisions of these rules and regulations.

(c) All costs incurred in receiving title to a vessel under these regulations shall be borne by the applicant.

7:6-6.4 Procedures and requirements to acquire title

(a) Rules concerning the determination of ownership are:

1. If the abandoned vessel or vessels have New Jersey boat registration numbers, the applicant must furnish such information in writing to the Department of Motor Vehicles (DMV), 25 South Montgomery Street, Trenton, N. J. 08625 and request that the name and address of the registered owner of the abandoned vessel(s)

be furnished to him. The written request must be accompanied by a \$5.00 processing fee payable to the Treasurer of the State of New Jersey for each abandoned vessel. The processing fee must be in the form of a check or money order.

2. If the abandoned vessel does not have a New Jersey boat registration number or other obvious means of owner identification (papers of identification aboard, etc.), a search should be made for a vessel documentation number on the main beam of the vessel. If such is found, it should be forwarded to the Commandant (GMV-82), U.S. Coast Guard, Washington, D.C. 20590, with a request for information as to ownership of the vessel.

3. Upon receipt of a copy of the boat registration certificate from the DMV or other evidence of ownership for the abandoned vessel, the applicant must notify the owner by registered letter to the owner's last known address, and the lienholder, if applicable, by registered letter to the address appearing on the department's boat certificate, that if ownership is not claimed and the vessel removed within 30 days of the date of receipt of the registered letter, title will be applied for in the applicant's name. Should the DMV registered owner respond that the vessel was sold or transferred to another person, the applicant must then redirect the prescribed registered letter to the new owner and later note such circumstances under paragraph 2 of the application form required by subsection (c) of this Section. If any vessel's owner cannot be identified or his address ascertained, or no lienholder appears on the records of the department, the registered letter(s) need not be sent.

(b) In addition to actions taken under subsection (a) of this Section, the applicant must also concurrently place a notice in a newspaper of general circulation published in the county or city where the vessel is located, describing the vessel, the location of apparent abandonment, its identifying number, if any, and stating that if the vessel is not claimed and removed within 30 days after the application date of the notice, the applicant will apply for title to the vessel in the applicant's name. This public notice of intent must be accomplished in every case.

(c) At the end of the 30 day period after return of the registered letter receipts and the publication of notice in a newspaper, as prescribed in subsection (a) and (b) of this Section, the applicant may apply to the department for such title, as follows:

1. Prepare and submit a formal, notarized application for title on NJDEP Form LFA-001 supplied by the department, which are obtainable at any state Motor Vehicle Agency. A separate application is required for each abandoned vessel.

2. Each completed application, with its notarized attachments and a \$10.00 title fee in the form of a check or money order payable to the Treasurer of the State of New Jersey, must then be submitted to the Director or Marine Services, Department of Environmental Protection, P.O. Box 1889, Trenton, N.J. 08625.

(d) Rules concerning action by the Department are:

1. After receipt and review of the submitted application, and provided all procedures and requirements of these regulations are fulfilled, title of ownership will be issued to the applicant by the Division of Marine Services on behalf of the department. Such title will divest any other person of any interest in the vessel.

2. The department may also receive title to any vessel abandoned on any of the waters of this State or on any land owned by this State or any of its political subdi-

vision by proceeding in the same manner as a landowner, his lessee, or his agent, as set forth in these regulations.

7:6-6.5 Requirements subsequent to acquiring title

(a) After receiving title, if the new owner desires to remove an abandoned vessel from his land or the water immediately adjacent thereto, or to destroy such vessel, the removal costs shall be borne by the previous owner of said vessel, provided that such owner shall have been identified pursuant to section 4 of this Subchapter. To recover such costs, the new owner may initiate legal action against the previous owner through a civil suit.

(b) After receiving title, if the new owner destroys or otherwise disposes of the vessel, he shall report all details thereof in writing, within 15 days, to the Department of Motor Vehicles, 25 South Montgomery Street, Trenton, N. J. 08625.

7:6-6.6 Penalties

(a) Any person who willfully abandons a vessel as described in section 3 of this Subchapter, shall be subject to a fine of not less than \$500.00 and not more than \$1,000, to be recovered in a summary proceeding instituted by the Commissioner of Environmental Protection in the name of the State in accordance with the "Penalty Enforcement Law" (N.J.S. 2A:58-1 et seq.).

(b) Any person who obtains or attempts to obtain title to a vessel under the provisions of these regulations through fraudulent means is guilty of a disorderly persons offense and upon conviction shall be subject to a fine of not more than \$200.00.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

Donald T. Graham
Director, Division of Marine Services
Department of Environmental Protection
P.O. Box 1889
Trenton, N.J. 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions on Condemnation Of Certain Shellfish Beds

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 24:2-1 et seq. and 24:14-1 et seq., proposes to revise several rules concerning the condemnation of certain shellfish beds. The proposed revisions are known within the Department of Environmental Protection as Docket No. DEP 031-76-12.

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

7:12-1.1 Definitions

"Depuration/controlled purification" means the process of removing contamination from whole live shellfish taken from areas other than approved by means other than

purification in natural approved areas (relaying). One such method currently in use is depuration which involves the placing of contaminated shellfish in tanks containing waters controlled to create optimum conditions for purification.

“Special restricted areas” means certain waters meeting specified sanitary standards as set forth by the National Shellfish Sanitation Program. Application for removal of shellfish to be used for human consumption from areas classified as special restricted will be considered for transplant, transfer, relaying, and depuration/controlled purification.

7:12-1.2(b) Said permits may be issued to persons making application for purposes of transplanting, relaying, depletion, bait harvesting, depuration/controlled purification, research or other purposes approved by the Department.

7:12-1.2(c) Application for said permits shall be submitted on forms supplied by the Department as follows:

1. Bait permit application (WR-002);
 2. Depletion permit application (WR-003);
 3. Depuration/controlled purification (WR-004);
 4. Relaying permit application (WR-005);
 5. Transfer permit application (WR-006);
 6. Transplant permit application [from] (WR-007); (WR-008).
7. Possession and/or processing permit application

7:12-1.3(a) 10.i. Delete the current text of this paragraph and insert the following:

7:12-1.3(a) 10. Island Beach area; Bay Head to Berkley Township: All that portion of Barnegat Bay and tributaries north and east of a line beginning at Flashing Red light #10 (Fl R, R“10”) off Perch Hole Point at the southern end of the Point Pleasant Canal, then running in a southerly direction to Flashing Red light #12, (Fl R, R“12”) then to Flashing Red light #14 (Fl R“14”) then to the northwest tip of Herring Island, continuing along the eastern shore of Herring Island to its southernmost tip, then bearing approximately 185°T to inland waterway marker #23, then following the east side of the inland waterway channel to can buoy (C“27”), then bearing approximately 215°T to the most westerly point of land on “Curtis Point”, then bearing approximately 186°T to the most westerly point of land (Dutchman’s Point) just south of “Mantoloking Shores”, then bearing approximately 213°T to Flashing Red light #2 (Fl R“2”) off “Normandy Beach”, then bearing approximately 169°T to the nearest island to the south, then along the shore of that island to its southeastern point, then bearing approximately 177°T to the east tip of the two islands off “Ocean Beach” continuing along the east shore of that island to its southernmost point, then bearing approximately 200°T to Fl G “11” off West Point Island, then bearing approximately 190°T to the westernmost tip of the next (unnamed) island to the south, then bearing approximately 209°T to the westernmost point of land on Pelican Island, then bearing approximately 130°T to Flashing Green light #3 (Fl G #3) off Seaside Heights, then bearing approximately 170°T to the southwest corner of the bulkhead west of the Berkeley Yacht Basin, then bearing 174°T to the western end of the municipal pier off 5th Avenue in Seaside Park, then bearing approximately 210°T to the western end of the municipal pier off 14th Avenue in the Seaside Park, then bearing approximately 186°T to the next point of land, then bearing approximately 178°T and terminating at the next point of land at Island Beach State Park.

[7:12-1.3(a) 10. ii.]—Delete this section entirely.

[7:12-1.3(a) 10. iii.]—Delete this section entirely.

[7:12-1.3(a) 11. Barnegat Bay—Dover Township area from Kettle Creek to Toms River]: Delete all of this section including subsections i, ii, iii, and iv and insert the following:

7:12-1.3(a) 11. Barnegat Bay—Brick Township area and Dover Township from the Metedeconk River to Toms River:

7:12-1.3(a) 11.i. All those waters of the small cove located immediately north and west of Swan Point, west of a line connecting the points of land at its mouth;

7:12-1.3 (a) 11.ii. All those waters of the small unnamed creek just north of Havens Cove, west from a straight line across the mouth of said creek beginning at the point of land on the south bank (forming its mouth) and bearing approximately 33°T toward the mouth of a small lagoon along the north bank;

7:12-1.3 (a) 11.iii. All of Kettle Creek and tributaries north and west from a straight line beginning at Seaweed Point and bearing approximately 241°T to Andrew Point at Green Island;

7:12-1.3 (a) 11.iv. All those waters of Silver Bay lying north of a line beginning at the southernmost point of Andrew Point (on Green Island) and bearing 263°T to the mouth of a small lagoon complex located between the southern terminus of Lagoon Drive East and the eastern terminus of Bay Stream Drive, then all those waters lying west of a line from the above lagoon mouth and bearing approximately 180°T to a point of land on the southern bank of Silver Bay, then those waters of the small cove formed by the above point, south from a line beginning at said point and bearing approximately 128°T and terminating on a small section of old bulkhead on the opposite bank;

7:12-1.3 (a) 11.v. All those waters of Shelter Cove west from a straight line connecting the points of land at its mouth, then all those waters west and north of a line from the southernmost point of land at the mouth of Shelter Cove and bearing approximately 154°T to Fl R8 ft. “40”, then bearing approximately 181°T toward Good Luck Point and terminating at its point of intersection with the Mathis Bridge connecting the mainland with Pelican Island; the southern boundary of this condemned area shall follow said bridge in a westward direction and terminate at its connection with the mainland shore. The bridge is a common boundary line with 7:12-1.3 (a) 12.

7:12-1.3 (a) 12. Toms River area — delete this section and insert the following:

7:12-1.3 (a) 12. Toms River area: All of Toms River and tributaries west from a straight line beginning at Good Luck Point and bearing approximately 353°T toward the most easterly point of land at “Windsor Park” (north of the Mathis Bridge), and terminating at its point of intersection with the Mathis Bridge; the northern boundary of this condemned area shall follow said bridge in a westward direction and terminate at its connection with the mainland shore.

7:12-1.3 (a) 14. Cedar Creek (Lanoka Harbor and Laurel Harbor Area)—delete this section and insert the following:

7:12-1.3 (a) 14. Cedar Creek (Lanoka Harbor and Laurel Harbor area):

7:12-1.3 (a) 14.i. Cedar Creek and Stouts Creek area (Lanoka Harbor, Laurel Harbor and Sunrise Beach area): All that area, including Cedar Creek and its tributaries, west of a line beginning at Can buoy #63 (C "63") and bearing 193°T to Flashing Red light #64 (Fl R 8 ft. "64") then bearing 197°T to a marker designating the northern end of the measured mile ("Measured course 5,280 feet—on Nautical Chart 12324) then bearing 296°T and terminating on the point of land on the southern bank of a cove which just intersects the line joining the two northern measured mile markers at Laurel Harbor.

7:12-1.3 (a) 14.ii. All those waters west (upstream) from a line beginning at the southern on-shore marker locating the southern terminus of the measured course 5,280 feet as illustrated on Nautical Chart 12324, January 1976, Edition 14, off Sunrise Beach, and bearing approximately 340°T to the northeasternmost telephone/electric pole on Capstan Drive (Sunrise Beach community), then from this pole, across the mouth of Stouts Creek, bearing approximately 352°T and terminating at the small point of land on the west bank of a small unnamed creek along the opposite (northern) shore of the creek.

7:12-1.3 (a) 15. — Delete this section as described and insert the following:

7:12-1.3 (a) 15. Forked River and Barnegat Bay; Forked River to Barnegat (Double Creek) area: All those waters west from a line beginning at Fl R "2" off the mouth of Forked River and bearing approximately 347°T to a point of land north of Forked River; also beginning at the same light the line bears approximately 219°T to Fl "3" marking the entrance channel to Oyster Creek, then bearing approximately 204°T thru special purpose buoy "1" to special purpose buoy "2" located approximately 4/10 of a nautical mile east of Fl R "2" marking the entrance to Waretown Creek, then bearing approximately 194°T thru special purpose buoys "3" and "4" to special purpose buoy "5" located approximately one-half nautical mile east of Fl G "1" marking the entrance to Lochiel Creek and the Pebble Beach Lagoon complex, then bearing approximately 180°T thru special purpose buoy "6" and terminating at the range markers located on Conklin Island. (In the above area the special purpose buoys and the range marker on Conklin Island are provided by this Department for the specific purpose of delineating the condemned waters described above.) Coves and creeks within the Double Creek complex to include those waters west of a line formed by an extension of the 180°T line created through the alignment of the range marker on Conklin Island and continuing until junction is made with a line indicating a latitude of 39° 44' N, then all those waters within the Double Creek complex north of this latitude.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

William J. Eisele Jr.
Supervisor, Shellfish Control Unit
Division of Water Resources
P.O. Box 2809
Trenton, N.J. 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions in Control And Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to revise the rules concerning the control and prohibition of air pollution from gasoline-fueled motor vehicles. Such proposed revisions are known within the Department of Environmental Protection as Docket No. DEP 032-76-12.

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

SUBCHAPTER 15. CONTROL AND PROHIBITION OF AIR POLLUTION FROM [LIGHT- DUTY] GASOLINE-FUELED MOTOR VEHICLES

7:27-15.1 Definitions

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

"Administrator" means the administrator of the United States Environmental Protection Agency.

"Agency" means the United States Environmental Protection Agency.

"Air pollution control device" means system of components designed by the manufacturer to control air contaminants as required by federal legislation.

"Air pump" means a specific air pollution control device which introduces air in the exhaust manifold to control air contaminants.

"Approved decal" means a preprinted label for recording values of the New Jersey emission inspection test and related information, the design of which is on file with the Commissioner.

"Approved exhaust gas analytical system" means a device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle. For purposes of this Subchapter this shall mean analyzing devices of the nondispersive infrared type sensitized to measure carbon monoxide at the 4.74 micron band expressed as percent carbon monoxide [in air] and to measure hydrocarbons as [hexane] total carbon at [the 3.41 micron band] a band passage of 3.25 to 3.41 microns expressed as [parts per million of] percent hydrocarbons [hexane in air] as total carbon or equivalent parts per million hydrocarbons expressed as hexane. The device shall be of a design meeting "Specifications for Exhaust Gas Analytical System" on file with the [State] Commissioner [of Environmental Protection] and approved for use in accordance with the [manufacturer's] Department's recommended procedures for calibration and the manufacturer's recommended procedures for [calibration and] maintenance.

"Carbon monoxide" means a [non-irritating] colorless, odorless, tasteless gas at standard conditions [which has the] having a molecular [form of CO] composition of one carbon atom and one oxygen atom.

"Certified automobile emission mechanic" means any person who has completed a training program as stipulated by the Department.

"Commissioner" means the State Commissioner of Environmental Protection.

"Correlative test" means a short vehicle emission test cycle which is statistically related to the official federal test procedure.

"Crankcase emissions" means substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

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

"Exhaust emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

"Expressed as total carbon" means a basis of hydrocarbon measurement in which the hydrocarbon sample is determined by the total number of hexane molecules.

"Expressed as hexane" means a basis of hydrocarbon measurement in which the hydrocarbon sample is determined by the total number of hexane molecules.

"Federal test procedure" means the official vehicle emission test cycle employed by EPA to determine compliance of vehicles with Federal standards.

"Fuel economy sticker" means a Federally required decal affixed to the left rear window which specifies the EPA measured fuel economy range of a newly purchased vehicle model.

"Gasoline-fueled motor vehicle" means any motor vehicle, other than diesel, originally equipped or modified to be powered by a hydrocarbon fuel.

"Heavy-duty" means any motor vehicle designed primarily for transportation of persons or property and registered in excess of 6,000 pounds gross weight.

"High-cruise" means a driving mode of a New Jersey prescribed inspection test procedure for heavy-duty vehicles.

"Hydrocarbons" means compounds whose molecules consist of atoms of hydrogen and carbon only.

"Idle" means the vehicle test mode of a New Jersey prescribed test procedure.

"Idle emission specification" means the carbon monoxide and hydrocarbon emission levels at normal idle RPM as determined and published by the manufacturer.

"Light-duty" means any motor vehicle designed primarily for transportation of persons or property and registered at 6,000 pounds gross weight or less.

"Model year of vehicle" means the production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines shall mean the 12-month period beginning January of the year in which production begins.

"Motor vehicle" [means] includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"New motor vehicle" means a newly-manufactured motor vehicle registered in New Jersey, prior to delivery to the ultimate purchaser.

"New motor vehicle dealer" means a sales agency, [his] its employees, and/or agents licensed pursuant to N.J.S.A. 39:10-19 to sell new motor vehicles.

"Person" [means] includes corporations, companies, associations, societies, firms, partnerships and joint stock companies, as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

"Pre-delivery checklist" means a schedule of items and procedures which a new motor vehicle dealer is required or requested by a manufacturer to check or follow prior to delivery of a new motor vehicle to the ultimate purchaser.]

"Self-inspection record" means a listing of inspection requirements to be performed by new motor vehicle dealers as required by the Division of Motor Vehicles.

"Smoke" means small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

"Ultimate purchaser" means any person, other than a motor vehicle dealer purchasing in his capacity as a motor vehicle dealer, who in good faith purchases a motor vehicle for purposes other than for resale as a motor vehicle dealer.

"Waiver of compliance" means a declaration of exemption issued by the Department.

"Warranty" means required maintenance service for emission control and/or proper vehicle performance as specified by the vehicle manufacturer.

"Weight class" means a classification of motor vehicles by gross weight as defined and utilized by the Division of Motor Vehicles.

7:27-15.2 Public highway standard

(a) No person shall operate any [light-duty] gasoline-fueled motor vehicle or permit such vehicle which he owns to be operated upon the public highways of the State if the vehicle emits visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds.

[(b) The provisions of this Section shall become effective July 1, 1973.]

(b) No person shall operate any light-duty gasoline-fueled motor vehicle or permit such vehicle which he owns to be operated upon the public highways of the State if the vehicle emits HC or CO in excess of standards as set forth in Table 2.

(c) No person shall operate any heavy-duty gasoline-fueled motor vehicle or permit such vehicle which he owns to be operated upon the public highways of the State if the vehicle emits HC or CO in excess of standards as set forth in Table 3.

7:27-15.3 New motor vehicle dealer inspection compliance standard

(a) Any light-duty, gasoline-fueled new motor vehicle subject to inspection by any new motor vehicle dealer in accordance with regulations promulgated by the New Jersey Division of Motor Vehicles shall, prior to delivery by the new motor vehicle dealer to the ultimate purchaser, conform to [the emission specifications prescribed by the manufacturer and/or such specifications as may be prescribed by the manufacturer in the new motor vehicle pre-delivery checklist to assure proper functioning of emission control devices.] manufacturers' idle emissions specifications for CO and HC or, if none, to the standards as set forth in Table I.

(b) [Whenever emission specifications are not prescribed, the inspection standards as set forth in Section 15.4(b) (Motor Vehicle Inspection Standard) of this Chapter shall apply to such new motor vehicles.] The exhaust emission test results expressed as percent CO and parts per million of HC shall be recorded on the new motor vehicle self-inspection record for such vehicle prior to delivery to the ultimate purchaser, and shall be recorded on an approved decal to be affixed to the side window adjacent to the fuel economy sticker.

[(c) The provisions of this section shall become effective July 5, 1972.]

TABLE I

Exhaust Emission Standards for Newly Manufactured Vehicles Subject to Inspection by New Car Dealers

Model Year	CO%	Tolerance	HCppm	Tolerance
1975-77				
(Air-Pump Equipped)	0.5	+0.5	50	+25
1975-77				
(Non-Air Pump Equipped)	1.0	+0.5	100	+50

PRESCRIBED INSPECTION TEST PROCEDURE

STEP 1: All measurements are to be made after engine has been operating a sufficient period of time to attain normal operating temperature.

STEP 2: With the vehicle in neutral gear, all accessories off, handbrake secured, accelerate engine and observe for continuous visible smoke in the crankcase emissions after vehicle has reached a steady state condition.

STEP 3: With the engine running at idle, insert sampling probe of gas analytical system into the engine exhaust outlet. The steady state levels measured as percent carbon monoxide and parts per million of hydrocarbons in the exhaust gas shall be the inspection test result.

7:27-15.4 [Motor vehicle inspection standards]

Light-duty motor vehicle inspection standard

(a) Any light-duty, gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. 39:8-1 et seq., as a condition of compliance with said inspection, shall not emit visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds when using the prescribed inspection test procedure.

(b) Any light-duty, gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. 39:8-1 et seq., as a condition of compliance with said inspection, shall not emit carbon monoxide (CO) and/or hydrocarbons (HC) in the exhaust emissions in excess of standards set forth in Table 2, when measured using an approved exhaust gas analytical system and the prescribed inspection procedure.

[(c) The provisions of this Section shall become effective July 5, 1972, subject to the exception set forth in Section 15.5 (Exceptions) of this Chapter.]

Editor's Note: The current text of TABLE I, INSPECTION STANDARDS, is proposed to be deleted and is replaced with TABLE 2, below. (See adoption notice of emergency revisions appearing subsequently in this issue of the Register as R.1977 d.1.)

TABLE 2
Exhaust Standards for Light-Duty Vehicles
Subject to Inspection by the Division
of Motor Vehicles
and/or
Licensed Reinspection Centers

Model Year	Alternate A—Phase II	
	Effective Date Aug. 1, 1975	
	CO(%)	HC(ppm)
Pre-1968	8.5	1400
1968-1969	7.0	700
1970-1974	5.0	500
1975-1978	3.0	300
1979 & Later*	—	—

Alternate B—Adjusted Phase III

Model Year	Effective Date Jan. 1, 1978	
	CO(%)	HC(ppm)
Pre-1968	7.5	1200
1968-1969	6.0	600
1970-1974	4.0	400
1975-1978	2.0	200
1979 & Later*	—	—

Alternate C—Optimized Phase III

Model Year	Weight Class CO(%)**		Weight Class HC(ppm) (HC(%))	
	#1	#2 and #3	#1	#2 and #3
Pre-1968	9.5	7.5	1300 (1.56)	950 (1.14)
1968-1969	6.0	5.5	500 (0.60)	450 (0.54)
1970-1974	5.5	4.0	450 (0.54)	350 (0.42)
1975-1978	2.0	1.5	200 (0.24)	150 (0.18)
1979 & Later	—	—	—	—

Prescribed Inspection Test Procedure

STEP 1: All measurements are to be made after engine has been operating a sufficient period of time to attain normal operating temperature.

STEP 2: With the vehicle in neutral gear, all accessories off, handbrake secured, accelerate engine and observe for continuous visible smoke in the crankcase emissions after vehicle has reached a steady state condition.

STEP 3: With the engine running at idle, insert sampling probe of gas analytical system into the engine exhaust outlet. The steady state levels measured as percent carbon monoxide and parts per million of hydrocarbons in the exhaust gas shall be the inspection test result.

7:27-15.5 [Exceptions] Heavy duty motor vehicle inspection standard

(a) Any heavy-duty, gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. 39:8-1, as a condition of compliance with said inspection, shall not emit visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds when using the prescribed inspection test procedure.

(b) Any heavy-duty gasoline-fueled motor vehicle which is subject to self-inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. 39:8-1, as a condition of compliance with said inspection, shall not emit carbon monoxide (CO) and/or hydrocarbons (HC) in the exhaust emissions in excess of standards set forth in Table 3, when measured using an approved exhaust gas analytical system and the prescribed inspection procedure. The exhaust emission test results expressed as percent carbon monoxide (CO) and parts per million of hydrocarbons (HC) in the exhaust emissions shall be recorded on an approved decal and affixed to a side window. Such exhaust emission test shall be conducted at least once every three months in accordance with applicable regulations of the Division of Motor Vehicles.

(c) Any heavy-duty, gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. 39:8-1, as a condition of compliance with said inspection, shall not emit carbon monoxide (CO) and/or hydrocarbons (HC) in the exhaust emissions in excess of standards set forth in Table 3, when measured using an approved exhaust gas analytical system and the prescribed inspection procedure.

TABLE 3
Exhaust Emission Standards for Heavy-Duty Vehicles
Subject to Self-Inspection by Private Fleet Operators
and/or
Inspection by the Division of Motor Vehicles

Model Year of Vehicle	Idle		High Cruise CO(%)
	CO(%)	HC(ppm hexane)	
1970 & Earlier	7.5	700	3.0
1971-1978	4.0	400	2.0
1979*			

*To be promulgated at a later date.

Prescribed Inspection Test Procedure

STEP 1: All measurements are to be made after engine has been operating a sufficient period of time to attain normal operating temperature.

STEP 2: With the vehicle in neutral gear, all accessories off, hand brake secured, insert the sampling probe of the exhaust gas analyzer into the engine exhaust outlet. Accelerate the engine to high cruise (highest speed possible, but 2500 rpm maximum) and observe for visible smoke in the exhaust emissions after the vehicle has reached a steady state condition.

STEP 3: With the vehicle continuing to operate at high cruise, insert sampling probe of gas analytical system into the engine exhaust outlet. The steady state levels measured as percent carbon monoxide and parts per million of hydrocarbons in the exhaust gas shall be the inspection test result.

STEP 4: Decelerate and allow the engine to operate at idle. The steady state levels measured as percent carbon monoxide and parts per million hydrocarbons in the exhaust gas shall be the inspection results at idle.

7:27-15.6 [Variances] Mechanic certification

(a) In order to be approved as a certified automobile emissions mechanic, an applicant must complete a training course and pass qualification tests developed and approved by the Department relating to automobile emission control.

(b) The provisions of this subsection shall not become effective until the Commissioner, by administrative order, publishes an effective date.

1. Such date shall be at least 180 days after publication by the Department of a list of approved training courses.

7:27-15.7 Operation of emission control systems

(a) No person shall knowingly disconnect, deactivate, or otherwise render inoperable any air pollution control device which has been installed by the manufacturer on any automobile.

(b) No person shall operate on any highway in this State any motor vehicle in which any air pollution control device installed on such automobile has been disconnected, deactivated, or otherwise rendered inoperable.

7:27-15.8 Warranty performance

(a) Whenever a motor vehicle is rejected for emissions and if such model vehicle classification is not in compliance with a correlative test as determined by the Administrator of the Environmental Protection Agency, the cost of repair of such vehicle shall be borne by the manufacturer if the owner has complied by the manufacturer's warranty requirements for emission control.

7:27-15.9 [15.5] Exceptions

[(a) Noncompliance with standards set forth in Section 15.4 (Motor vehicle inspection standard) of this Subchapter by any motor vehicle during the period July 5, 1972 to June 30, 1973, shall not be cause for rejection or reinspection.]

(a) [(b)] The provisions of Sections 15.3 [(New motor vehicle dealer inspection compliance standard)] and 15.4 [(Motor vehicle inspection standard)] of this Subchapter shall not apply to motorcycles or to motor vehicles with an engine displacement of less than 50 cubic inches.

(b) [(c)] Nothing in this Subchapter is intended to limit or deny the inspection of motor vehicles for exhaust systems in accordance with regulations established pursuant to N.J.S.A. Title 39:8-1[.], 39:8-2, 39:3-70, 39:3-76 and 39:10-26.

7:27-15.10 [15.6] Variances

[(a) Whenever the Director, Division of Motor Vehicles, has reason to believe that any model year of vehicle (or classification of light-duty gasoline-fueled vehicles) up to and including 1967 cannot comply with the emission standards as set forth in Section 15.4 he shall so advise the Commissioner, Department of Environmental Protection, stating the manufacturer, model, year and classification of such vehicles. After consultation with the Commissioner, Department of Environmental Protection, the Director, Division of Motor Vehicles, may waive any inspection standards for such motor vehicles.]

(a) Whenever the Commissioner has reason to believe that any model year vehicle cannot comply with emission standards set forth in Sections 15.3, 15.4, and 15.5 of this Subchapter, he shall consult with the Director, Division of Motor Vehicles, stating the manufacturer, model year, and classification of such vehicle. The Commissioner, after determining that compliance with emission standards as set forth above is not possible, may waive any emission inspection standard for such vehicle or establish alternative standards for such vehicle. Such waiver or alternative standards may apply to any specific classification deemed necessary, be it by manufacturer, model year, engine displacement, etc.

(b) Whenever the estimated cost of emission compliance for reinspection exceeds \$100.00 for a vehicle ten years or older, the owner of such vehicle may apply to the Department for a waiver of compliance presenting the vehicle repair cost estimate from a licensed reinspection center. Such application must include vehicle license, make, year, date, reinspection center and mechanic's name.

Public hearings respecting the proposed action will be held on March 29, 1977, at 9:00 A.M. at the Gateway Downtowner Inn, Raymond Boulevard and McCarter Highway, Newark, New Jersey, and on March 30, 1977, at 9:00 A.M. at the State Museum Auditorium, State Cultural Center, West State Street, Trenton, New Jersey. Written and/or oral testimony respecting the proposed action will be received at such public hearings.

These public hearings will be held in accordance with the provisions of the Air Pollution Control Act (1954), as amended by Chapter 106, P.L. 1967 and Title 40, Section 51.4 of the Code of Federal regulations as a revision to the State Implementation Plan to Meet National Ambient Air Quality Standards.

Interested persons may present written statements or arguments relevant to the proposed action or obtain copies of this proposal and the basis therefor prior to April 29, 1977, by contacting:

John Elston, Supervisor
Mobile Source Control
Bureau of Air Pollution Control
Department of Environmental Protection
Post Office Box 2807
Trenton, New Jersey 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice after the close of the hearing record. Such rules would then become effective 180 days thereafter.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Notice of Nominations for Geographic Areas of Particular Concern

Take notice that, the Department of Environmental Protection has issued the following Notice concerning nominations for geographic areas of particular concern.

Pursuant to the program development requirements of the Federal Coastal Zone Management Act, P.L. 92-583, 16 U.S.C. 1451 et seq., the Department of Environmental Protection must identify Geographic Areas of Particular Concern within the coastal zone of New Jersey.

Such Geographic Areas of Particular Concern are areas:

Of unique, scarce, fragile or vulnerable natural habitat, physical features, historical significance, cultural and scenic importance,

Of high natural productivity including fish, and wildlife, of substantial recreational value,

Where development is dependent on access or utilization of coastal waters,

Of urban concentration where shoreline and water uses are highly competitive,

Of significant hazard if developed due to storms, floods, erosion or the like,

Needed to protect, maintain or replenish coastal lands or resources.

Examples of such geographic areas include but are not limited to:

- Coastal Waters and Bays.
- Rivers, Streams and Lakes.
- Wetlands.
- Barrier Islands.
- Flood Prone Land.
- Prime Agricultural Land.
- Residential and Allied Areas.
- Urban Economic Centers.
- Barrier Beaches.
- Shoreline and Beaches.
- Prime Forest Areas.
- Sloped Land.
- Historic Sites.
- Depressed Urban Areas.
- Urban Infill/Extension.

The New Jersey Office of Coastal Zone Management encourages public involvement in all phases of its program development activities. Therefore, the Office of Coastal Zone Management invites all interested persons to submit nominations for Geographic Areas of Particular Concern. Such nominations should be near coastal waters and identified as specifically as possible with respect to area type and location.

Nominations may be submitted on or before March 31, 1977 to:

David N. Kinsey
Department of Environmental Protection
Office of Coastal Zone Management
P.O. Box 1889
Trenton, N.J. 08625

This notice is being published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Revisions for Preservation of Sea Clam Resources

On December 22, 1976, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of P.L. 1975, c.398, N.J.S.A. 50:1-5, 50:2-6.1 et seq., 13:1B-42, 13:1D-4, 13:1D-9 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 7:25-12.1, known within the Department of Environmental Protection as Docket No. DEP 025-76-10, concerning the preservation of sea clam resources, substantially as proposed in the Notice published November 4, 1976, at 8 N.J.R. 508(b), but with substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The substantive changes concern changes from a daily to a weekly catch limit, the addition of a gallonage/bushel conversion figure for those persons who shuck their catch at sea and the clear enunciation of a 250,000-bushel harvest for the season.

An order adopting these revisions was filed on December 22, 1976, as R.1976 d.427 to become effective on December 27, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Emergency Revisions on Control And Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles

On December 30, 1976, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency revision to Table I in N.J.A.C. 7:27-15.4, concerning the control and prohibition of air pollution from gasoline-fueled motor vehicles. The effect of the adopted revisions is to delete the date of January 1, 1977, from the heading of the last column in that Table.

These revisions are known within the Department of Environmental Protection as Docket No. DEP 032-76-12.

Take notice that there appears, prior to this point in this issue of the New Jersey Register, a Notice of Proposed Revisions that, if adopted, will further affect the contents of Subchapter 15 of Chapter 27 in Title 7 of the New Jersey Administrative Code.

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

7:27-15.4

TABLE I
INSPECTION STANDARDS
Vehicles Subject to Inspection
by the Division of Motor Vehicles
(Reference N.J.S.A. Titles 39:8-1)

Model Year of Vehicle	Effective July 5, 1972	
	CO(%)	HC(ppm)
Up to and including 1967	10.0	1600
1968-1969	8.0	800
1970-1974	6.0	600
1975-1976		
1977 & Later**		

PRESCRIBED INSPECTION TEST PROCEDURE

STEP 1: With the vehicle in neutral gear, all accessories off, handbrake secured, accelerate engine and observe for visible smoke in the exhaust emissions and crankcase emissions.

STEP 2: With the engine running at idle, insert sampling probe of gas analytical system into the engine exhaust outlet. The steady state levels measured as percent carbon monoxide and parts per million of hydrocarbons in the exhaust gas shall be the inspection test result.

Note: All measurements are to be made after engine has been operating a sufficient period of time to attain normal operating temperature.

*Effective October 1, 1975.

**To be promulgated at a later date.

An order adopting these revisions was filed and became effective on January 3, 1977, as R.1977 d.1 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

**DIVISION OF FISH, GAME
AND SHELLFISHERIES**

**Rule on Marking of Leased Tidal
Grounds in the Delaware River and Bay**

On January 25, 1977, Rocco D. Ricci, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, 50:1-23, 50:3-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 7:25-13.1, and known within the Department of Environmental Protection as Docket No. DEP 027-76-11, concerning the marking of leased tidal grounds in the Delaware River and Bay, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 547(b).

An order adopting this rule was filed and became effective on January 26, 1977, as R.1977 d.16.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

Effective Aug. 1, 1975		Effective [Jan. 1, 1977]	
CO(%)	HC(ppm)	CO(%)	HC(ppm)
8.5	1400	7.5	1200
7.0	700	5.0	600
5.0	500	4.0	400
3.0*	300*	2.0	200

(b)

HEALTH

THE COMMISSIONER

**Proposed Revisions Concerning
Material and Newborn Services**

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to revise N.J.A.C. 8:43B-8.3(d) concerning operation standards for maternal and newborn services in the standards for licensure of hospitals.

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

8:43B-8.3(d) Observation rules are:

1. An infant shall be placed promptly in observation under the following circumstances:

- i. If born to a mother having diarrhea;
- ii. If the infant has been exposed to a potential source of infection;
- iii. If the infant has been born outside the labor-delivery suite;

[iv. When the infant has been removed temporarily from the obstetrical and newborn services;]

[v.] iv. When the infant is suspected of but not diagnosed as having diarrhea or some communicable condition.

2. An infant shall be removed from observation and placed in the newborn nursery only on the order of the attending physician.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

Wanda J. Schorn
Coordinator, Standards
Department of Health
P.O. Box 1540
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 Amendment Concerning Prazepam

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to amend the Control Dangerous Substance Schedule IV to include Prazepam therein.

Full text of the proposed amendment follows:

8:65-10.1(a) 4. Note 3.

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

PRAZEPAM

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. 41, 244, dated December 27, 1976 and became effective December 17, 1976.

Now, therefore, the Commissioner of Health orders that:

PRAZEPAM CDS 2764

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.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

Donald J. Foley
Chief, Drug, Device and Cosmetic
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 this amendment substantially as proposed without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Policy Manual for Planning And Certificate of Need Reviews of Health Care Facilities and Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes for adoption the Policy Manual for Planning and Certificate of Need Reviews of Health Care Facilities and Services within the State of New Jersey. Such rules, if adopted, may be cited as N.J.A.C. 8:43E-1.1 et seq.

The regulation proposes to establish general policies for the planning and certification of need of health care facilities and services as well as minimum standards and guidelines to be applied to the planning and review

of Certificate of Need applications of hospital facilities and services.

Copies of the 24 pages of the proposed policy manual may be obtained from or made available for review by contacting:

John C. Scioli
Consultant
Health Plan Development Services
Department of Health
Room 802
Post Office Box 1540
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Standards and General Criteria For Planning and Certification of Need For Regional Hemophilia Care Centers

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes for adoption standards and general criteria for the planning and certification of need for regional hemophilia care centers.

The regulation proposes to establish minimum standards and general criteria to be applied to the planning and review of certificate of need applications for regional hemophilia care centers. Such rules, if adopted, will be cited as N.J.A.C. 8:33-4.1 et seq.

Copies of the 17 pages of full text of the proposed new standards and general criteria may be obtained from or made available for review by contacting:

John C. Scioli
Consultant
Health Plan Development Services
Department of Health
Room 802
Post Office Box 1540
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Rule on Standards for Licensure Of Ambulatory Care Facilities And Health Maintenance Organizations

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning health maintenance organization services in the standards for licensure of ambulatory care facilities.

Full text of the proposed new rule follows:

8:43A-1.68 Health Maintenance Organization services

(a) Definitions include the following:

1. "Enrollee" means an individual who has been enrolled with a health maintenance organization (N.J.S.A. 26:2J-1 et seq.).

2. "Health Maintenance Organization" means any person which directly or through contracts with providers furnishes at least basic comprehensive health care services on a prepaid basis to enrollees in a designated geographical area (N.J.S.A. 26:2J-1 et seq.).

3. "Medical Director" means a physician authorized to practice medicine in the State of New Jersey pursuant to N.J.S.A. 49:9-1 et seq.

(b) A health maintenance organization shall provide services in accordance with Sections 1.0 (excluding 1.7, 1.12), 2.0, 6.0 (excluding 6.1.3, 6.2.4, 6.8.2), 7.0, 8.0 (excluding 8.6), 9.0 (excluding 9.5), 10.0, 11.0, 12.0, 13.0, 15.0 (excluding 15.1, 15.2.1.1), 16.0 (excluding 16.1, 16.2.4, 16.3.1.1), 7.0 (excluding 17.1, 17.2.1), and 18.0 (excluding 18.1, 18.2.1) of this document and with the following:

1. The facility shall meet all Federal and State regulations regarding health maintenance organizations and shall possess a valid certificate of authority issued by the Commissioner of Health.

2. The facility shall provide either directly or through written agreement primary care including, but not limited to, health and medical services for adults and children and prenatal, postpartum and gynecological care.

3. The governing authority of the facility shall be responsible for the holding of meetings at least annually, and for documentation of such meetings through minutes, including a record of attendance.

4. The facility shall function on both an appointment and walk-in basis for its enrollees.

(c) The staffing patterns of the facility shall reflect the range of services offered to enrollees. Staffing patterns shall adhere to the standards listed in Section 7.0 and provide the functions and services listed for single modalities of care (Sections 15.0, 16.0, 17.0, 18.0) in this document.

1. A registered nurse may be utilized in more than one modality of service, provided he/she has training in the areas to which assigned.

(d) A health maintenance organization housing its physicians in a centralized location and providing health services at that common location shall maintain at a minimum the following emergency equipment:

1. Oxygen;
2. Defibrillator;
3. Meperidine hydrochloride (injectable);
4. Sodium amobarbital (injectable);
5. 50 per cent glucose (parenteral);
6. Syrup of ipecac;
7. Splints;
8. Cardiac arrest board;
9. I.V. poles;
10. Scissors;
11. Syringes;
12. I.V. cutdown tray;
13. Multi-sized catheters;
14. Ambu bag and mask;
15. Epinephrine;
16. Lidocaine;
17. Diazepam (injectable);
18. Aminophyllin;
19. Tourniquets;
20. Betadine and vaseline gauze;
21. Extension cord;
22. Suction equipment with catheter tip;
23. Needles;
24. I.V. solution;
25. Intubation tubes;
26. Airway.

(e) The facility shall establish a system of referrals and linkages with all relevant sources of ambulatory and inpatient care so as to ensure continuity of care.

(f) Information concerning patient care shall be collected as stated in Section 11.0. In addition the health maintenance organization shall include in the reporting system the number of patients terminated from the organization.

(g) All health maintenance organization facilities shall comply with the physical plant requirements contained in Section 30.0 of this document.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

Wanda J. Schorn
Coordinator, Standards
Department of Health
P.O. Box 1540
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

THE COMMISSIONER

Notice of Error in Amendments on Fire Detection Systems in Hospital Facilities

Take notice that, in the Notice of Adoption concerning amendments on fire detection systems in hospital facilities published January 6, 1977, at 9 N.J.R. 18(c), there appears an incorrect reference therein concerning the filing date of such amendments. The last paragraph of that Notice incorrectly stated that such amendments were

filed on December 6, 1976, which should have read on December 16, 1976.

Correct text of the last paragraph of that Notice of Adoption should have read as follows:

An order adopting these amendments was filed on December 16, 1976, as R.1976 d.419 to become effective on January 1, 1977.

This Notice is published as a matter of public information in order to clarify any confusion caused by such typing error.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Adopt Rule Concerning Ownership or Operation of Health Care Facilities

On January 13, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:31-26.1, concerning the ownership or operation of health care facilities, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 549(a).

An order adopting this rule was filed and became effective on January 26, 1977, as R.1977 d.21.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Revisions Concerning Occupancy Limits in Campgrounds

On January 24, 1977, Michael S. Kachorsky, chairman of the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 8:22-1.13 concerning occupancy limits in campgrounds, substantially as proposed in the Notice published June 10, 1976, at 8 N.J.R. 279(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Full text of the substantive changes follows:

8:22-1.13(b) From November 1 to April 1, the occupancy of any one campsite shall be restricted to a period not to exceed 21 days during any 30-day period.

An order adopting these revisions was filed and became effective on January 26, 1977, as R.1977 d.22.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HIGHER EDUCATION

ASSISTANCE AUTHORITY

Proposed Amendments for Change of Lenders

The Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10, proposes to amend N.J.A.C. 9:9-1.10 concerning change of lenders.

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

9:9-1.10 Change of lenders

A student should obtain all loans from the same lender. If a student wishes to borrow from a different lender, the new lender must agree in writing to the Authority to purchase the prior loan. The note must be assigned and forwarded with the duplicate application to the new lender. After this transaction has been completed, the Authority should be notified by the purchaser. In a case where a student has a loan outstanding for a prior academic year and the lender holding that note is **unwilling to grant a loan under the limits prescribed by law or has discontinued participation in the student loan program**, the student may obtain a new loan from any lender of his choice without the new lender being required to purchase the prior loan.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

Higher Education Assistance Authority
Department of Higher Education
225 West State St.
Trenton, N.J. 08625

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

William C. Nester, Director
Higher Education Assistance Authority
Department of Higher Education

(d)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Revisions Concerning Placing of Purchase Orders for State-Supported County Colleges

On January 21, 1977, Ralph A. Dungan, Chancellor of Higher Education and Secretary to the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to the rules concerning placing of purchase orders for State-supported county colleges.

The revisions concern the deletion of the current text of N.J.A.C. 9:4-3.24 in its entirety and the reserving of that Section. The revisions also concern the deletion of the current text of N.J.A.C. 9:4-3.20(a)1. and 2. and the adoption of new text therein.

Full text of the new text of N.J.A.C. 9:4-3.20(a)1. and 2. follows, as well as the text deleted in N.J.A.C. 9:4-3.24 (deletions indicated in brackets [thus]):

9:4-3.20 Placing of purchase orders

(a) Purchases, once approved by the Department head, must follow provisions of the New Jersey Local Public Contracts Law:

1. Where the amount involved does not require bids or approval by the board of trustees, quotations must be obtained from three or more vendors. These quotations are then forwarded to the accounting department where the availability of funds, account code numbers and extensions are verified. After verification the purchase requisition is forwarded to the purchasing department for issuance of a purchase order;

2. Where the amount involved so requires, advertisements for bids must be published. When proper bids are obtained, the accounting department verifies the availability of funds, account code and extensions. Upon verification by the accounting department, the board of trustees approves the purchase and awards the contract. The approved purchase requisition is then forwarded to the purchasing department for issuance of a purchase order.

Note: N.J.A.C. 9:4-3.20(a)3. remains as is.

9:4-3.24 [Approval by board of trustees] (Reserved)

[When the board of trustees approves the annual budget for the college, it is authorizing the responsible officials to spend the amounts budgeted. It should not be necessary thereafter to burden the board of trustees or the president with the additional administrative task of authorizing the placement of each and every purchase order. Department heads approving purchase requisitions are responsible for ascertaining that the requested purchase was contained in their original budget requests and that the amount is still available in their budget. Under the recommended procedures, the accounting department will also verify that funds are available in the approved budget for the purchase. Approvals at these two levels of management by persons who are in constant association with the every day activities and administrative details of the college are more significant, from the standpoint of internal and budgetary control, than an approval by the board of trustees. As the colleges grow and the number of purchase orders increases, the approval of purchase orders by a board of trustees becomes a time-consuming and unnecessary administrative detail with little controlling value.]

An order adopting these revisions was filed and became effective on January 25, 1977, as R.1977 d.15 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Hospital Services Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise

several rules in Chapter 52 of Title 10 in the New Jersey Administrative Code concerning the Hospital Services Manual.

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

10:52-1.1 Definitions

"Approved hospital"

1. An approved hospital means one which is:

i. Licensed as a general hospital by the [New Jersey Department of Institutions and Agencies] State of New Jersey (when only a specific identifiable part of a multi-service institution is licensed, only the section licensed is considered a qualified provider; and is . . .

10:52-1.4(a) 8. Hospital benefits for physical rehabilitation treatment in an approved general hospital: The following procedures apply to physical rehabilitation services provided to Medicaid patients in general hospitals and are similar to procedures required in special class B rehabilitation hospitals:

i. Length of stay: Reimbursement for inpatient care for physical rehabilitation services is based upon the medical necessity of the admission and requires prior authorization from the Local Medical Assistance Unit if the stay exceeds 21 days.

ii. Prior authorization:

(1) The inpatient recertification form (MC-2) shall be used to request prior authorization from medical consultant of the local medical assistance unit after the first 21 days of inpatient hospitalization. Initial or subsequent authorization shall not exceed 30 calendar days. Section 2 of MC-2 must include a treatment plan in sufficient detail to support the authorization request. The request must be signed by the patient's attending physician and must specify the actual number of days for which the authorization is being requested. See Subchapter 2 of this Chapter for the proper disposition of the MC-2 form.

(2) Failure to obtain prior authorization will result in nonpayment of hospital's claim for all days beyond the 21st day and all physicians claims for the corresponding period will also be denied for payment.

10:52-2.7(e) Rules on the disposition of copies of completed forms MC-2 when used for prior authorization request for rehabilitation services are:

1. Hospitals which provide rehabilitation services in a rehabilitation unit must utilize the MC-2 as a request for prior authorization for inpatient services beyond the 21st day;

2. The completed original, second and third copies are forwarded to the Local Medical Assistance Unit for review. The fourth copy will be forwarded to the provider's utilization review committee. If the local medical assistance unit has authorized the additional days, it will be indicated by signature on the original and third copy, specifying the additional days allowed and the expiration date. The hospital must forward the original copy (MC-2) to the appropriate contractor together with the claim for payment.

* Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

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

The Department of Human Services, 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 Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed List of Allowable Mental Health Treatment Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt amendments establishing eight treatment modalities reimbursable to Medicaid-approved independent mental health clinics.

Full text of the proposed amendments follows:

10:66-1.13(d) The list of allowable mental health treatment services reimbursable to Medicaid-approved independent mental health clinics follows:

- | | Maximum Allowance |
|--|-------------------|
| 1. Psychotherapy, (individual): Verbal, drug-augmented, or other therapy methods provided by a psychiatrist or a professional counsellor under the direction of a psychiatrist in a personal involvement with one patient to the exclusion of other patients and/or duties. A minimum of 50 minutes personal involvement with the patient is required. This includes a prescription visit where necessary: | \$16.00; |
| 2. Prescription visit: A visit with a physician for review and evaluation of the medication history of the patient and the writing or renewal of prescriptions as necessary: | \$ 4.50; |
| 3. Family therapy: Therapy with the patient and with one or more family members present. Verbal or other therapy methods are provided by a psychiatrist or a professional counsellor under the direction of a psychiatrist in personal involvement with the patient and the family to the exclusion of other patients and/or duties. A minimum session of 1½ hours is required with a minimum of 80 minutes personal involvement with the patient and the family and up to ten minutes for the recording of data. The clinic may bill only for the patient and not for other family members: | \$22.50; |
| 4. Family conference: Meeting(s) with the family of the patient or other significant persons to interpret and explain medical, psychiatric or psychological examinations, procedures, and other accumulated data, and advice to the family or other significant person(s) on how to assist the patient. A minimum session of 50 minutes of personal involvement with the family is required. The clinic may bill only for the patient and not for other family members: | \$15.00; |
| 5. Complete psychological testing: This includes five hours of psychometric and/or projective tests with a written report: | \$75.00; |

- 6. Group therapy: Verbal or other therapy methods provided by a psychiatrist or a professional counsellor under the direction of a psychiatrist in a personal involvement with two or more patients, with a maximum of eight patients. A minimum session of 1½ hours is required: (per person) \$ 4.00;
- 7. Partial hospitalization half day: \$ 7.50;
- 8. Partial hospitalization full day: A psychiatric service whose primary purpose is to provide a planned program of milieu therapy and other treatment modalities for nonresidential patients. A half day of partial hospitalization is a minimum of three hours; a full day is a minimum of five hours: \$15.00.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Transportation Services Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to delete the current text of Subchapter 1 in Chapter 50 of Title 10 in the New Jersey Administrative Code concerning the Transportation Services Manual and adopt new text therein.

Full text of the proposed new Subchapter follows:

SUBCHAPTER 1. GENERAL PROVISIONS; TRANSPORTATION

10:50-1.1 Introduction

This manual describes the policies and procedures of the New Jersey Medicaid Program for reimbursement of providers of transportation services. Questions about this Manual may be directed to any local medical assistance unit listed in this Chapter or to the Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, N.J. 08625.

10:50-1.2 Definitions

"Transportation" means the use of an approved carrier to move the sick, injured or disabled person from place to place when considered medically necessary. Prior authorization is required except where specifically stated:

- 1. Each transportation carrier must be individually approved by the New Jersey Department of Human Services,

(Continued on page 27)

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 January 26. It is adjusted the month following that in

which a mailing of update pages has been completed.

Since the most recent updates, 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>
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AGRICULTURE — TITLE 2

2:34-1.1	Revisions on breeder award levels	R.1976 d.379	8 N.J.R. 2(a)
2:48-1.1 et seq.	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:85-1.1 et seq.	Farmland preservation demonstration project	R.1976 d.20	9 N.J.R. 62(b)

(Rules in print in the Administrative Code for Title 2 include all adoptions to Nov. 15, 1976—Transmittal Sheet #9.)

BANKING — TITLE 3

(Rules in print in the Administrative Code for Title 3 include all adoptions to Nov. 16, 1976—Transmittal Sheet #8.)

CIVIL SERVICE — TITLE 4

(Rules in print in the Administrative Code for Title 4 include all adoptions to Nov. 16, 1976—Transmittal Sheet #9.)

COMMUNITY AFFAIRS — TITLE 5

5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	8 N.J.R. 10(a)
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(Rules in print in the Administrative Code for Title 5 include all adoptions to Nov. 22, 1976—Transmittal Sheet #7.)

EDUCATION — TITLE 6

6:3-3.1 et seq.	Rules on withdrawal from limited purpose regional school districts	R.1976 d.286	8 N.J.R. 458(a)
6:11-8.9	Amendments on teaching English as a second language	R.1976 d.288	8 N.J.R. 459(a)
6:11-8.9	Amendments on bilingual bicultural education	R.1976 d.289	8 N.J.R. 459(b)
6:11-12.24	Teacher-coordinator of cooperative vocational-technical program	R.1976 d.294	8 N.J.R. 459(c)
6:20-7.1 et seq.	Rules on debarment in contract administration	R.1976 d.388	8 N.J.R. 13(a)
6:21-1.3(a)	Revised definition of remote from the schoolhouse	R.1976 d.342	8 N.J.R. 546(b)
6:21-6.24(f)	Amendment on identification and warning lamps	R.1976 d.387	8 N.J.R. 12(c)
6:21-19.1	School bus warning lamps (strobe)	R.1976 d.386	8 N.J.R. 12(b)
6:24-1.1 et seq.	Revised rules on controversies and disputes	R.1976 d.308	8 N.J.R. 505(b)
6:26-3.1 et seq.	Approved public elementary summer schools	R.1976 d.365	8 N.J.R. 546(c)
6:27-3.1 et seq.	Revisions on approved secondary school summer sessions	R.1976 d.366	8 N.J.R. 546(d)

(Rules in print in the Administrative Code for Title 6 include all adoptions to Aug. 13, 1976—Transmittal Sheet #8.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1D-1.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	R.1976 d.318	8 N.J.R. 510(c)
7:7A-1.13(a)	Extend wetlands order to Middlesex and Monmouth Counties	R.1976 d.364	8 N.J.R. 548(c)
7:9-4.6 et seq.	Revise surface water quality standards	R.1976 d.349	8 N.J.R. 548(a)
7:12-1.3(a)39.	Revised rules on condemnation of shellfish beds	R.1976 d.372	8 N.J.R. 548(b)
7:13-1.11(d)9.	Amendment on delineated floodways in Raritan Basin	R.1976 d.317	8 N.J.R. 510(b)
7:25-5.27	Limitation on use of shotgun shells containing lead pellets	R.1976 d.307	8 N.J.R. 509(b)
7:25-7.12	Restricted access to Lake Musconetcong	R.1976 d.348	8 N.J.R. 547(c)
7:25-12.1	Revisions in preservation of seaclam resources	R.1976 d.427	9 N.J.R. 77(b)
7:25-13.1	Marking of leased tidal grounds in the Delaware River and Bay	R.1977 d.16	9 N.J.R. 78(a)
7:26-2.5 et seq.	Revision on sanitary landfills	R.1976 d.303	8 N.J.R. 509(a)
7:26-4.1 et seq.	Revised fees of the Bureau of Solid Waste Management	R.1976 d.327	8 N.J.R. 510(d)
7:27-15.4	Emergency revisions in automobile air pollution controls	R.1977 d.1	9 N.J.R. 77(c)

(Rules in print in the Administrative Code for Title 7 include all adoptions to Sept. 27, 1976—Transmittal Sheet #7.)

HEALTH — TITLE 8

8:22-1.13	Revisions on occupancy limits in campgrounds	R.1977 d.22	9 N.J.R. 81(b)
8:30-12.2(f)	Amendments on fire detection systems in nursing homes	R.1976 d.420	8 N.J.R. 18(d)
8:31-26.1	Ownership or operation of health care facilities	R.1977 d.21	9 N.J.R. 81(a)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	8 N.J.R. 18(a)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(b)
8:43B-3.2(i)	Amendments on fire detection systems in hospitals	R.1976 d.419	8 N.J.R. 18(c)
8:43A-1.10(r)	Rules on emergency and disaster procedures	R.1976 d.357	8 N.J.R. 551(a)
8:43A-1.67	Rules on facilities providing family practice	R.1976 d.358	8 N.J.R. 551(b)
8:65-9.1 et seq.	Delete and mark Subchapter Reserved	R.1976 d.376	8 N.J.R. 17(b)

(Rules in print in the Administrative Code for Title 8 include all adoptions to Nov. 1, 1976—Transmittal Sheet #6.)

HIGHER EDUCATION — TITLE 9

9:1-1.18(c)	Standards for courses offered in secondary schools	R.1976 d.389	8 N.J.R. 19(a)
9:4-3.20	Revisions on spacing of purchase orders	R.1977 d.15	9 N.J.R. 81(d)
9:4-3.24	Delete and Reserve Section	R.1977 d.15	9 N.J.R. 81(d)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	8 N.J.R. 18(e)

(Rules in print in the Administrative Code for Title 9 include all adoptions to Dec. 1, 1976—Transmittal Sheet #7.)

HUMAN SERVICES — TITLE 10

10:49-1.25	Revisions on temporary fees reduction regarding Medicaid	R.1977 d.12	9 N.J.R. 91(a)
10:51-1.4 et seq.	Revisions on Federally required prescription information	R.1976 d.414	8 N.J.R. 23(f)
10:51-1.10(d)	Revisions on pharmacy dispensing fees	R.1977 d.11	9 N.J.R. 90(c)
10:59-1.9(c)	Ownership of durable medical equipment	R.1977 d.14	9 N.J.R. 91(b)
10:81-2.2 et seq.	Revisions concerning pregnant women	R.1976 d.408	8 N.J.R. 23(c)
10:81-7.40 et seq.	Revisions on fraudulent receipt of assistance	R.1977 d.9	9 N.J.R. 90(b)
10:82-1.2 et seq.	Revisions on determination of household size	R.1976 d.406	8 N.J.R. 23(a)
10:82-1.3(a)2.	Revision concerning eligible unit	R.1976 d.407	8 N.J.R. 23(b)
10:82-2.19	Institutionalized child returning temporarily to home	R.1976 d.409	8 N.J.R. 23(d)
10:82-4.2	Revisions on self-employed	R.1976 d.410	8 N.J.R. 23(e)
10:82-5.11	Revisions on expenses incident to training	R.1976 d.405	8 N.J.R. 22(b)

(Rules in print in the Administrative Code for Title 10 include all adoptions to Dec. 8, 1976—Transmittal Sheet #7.)

INSURANCE — TITLE 11

11:1-5.3	Withdrawal of rule on surcharge	R.1977 d.17	9 N.J.R. 93(a)
11:1-7.1 et seq.	Service and placement fees	R.1976 d.266	8 N.J.R. 422(b)
11:1-8.1 et seq.	Property-casualty agents	R.1976 d.267	8 N.J.R. 423(a)
11:1-12.1 et seq.	Corporate and partnership licensee requirements	R.1976 d.412	8 N.J.R. 24(b)
11:3-8.1(g)	Rule on consent to nonrenewal of private passenger automobile coverage	R.1976 d.328	8 N.J.R. 516(e)
11:3-8.1	Revisions on nonrenewals	R.1976 d.413	8 N.J.R. 24(c)
11:3-10.4	Revisions on auto physical damage claims	R.1976 d.371	8 N.J.R. 559(c)
11:4-11.1 et seq.	Rules on life insurance solicitations	R.1976 d.329	8 N.J.R. 517(a)
11:5-1.15(e)	Area advertising	R.1976 d.276	8 N.J.R. 482(a)
11:5-1.10(b)	Revisions on salesmen's commissions	R.1976 d.254	8 N.J.R. 422(a)
11:5-1.25(a)	Revisions on sales of interstate properties	R.1976 d.275	8 N.J.R. 516(d)
11:10-1.1	Rule on final hospital payment rates; cost review	R.1977 d.18	9 N.J.R. 93(b)

(Rules in print in the Administrative Code for Title 11 include all adoptions to Aug. 13, 1976—Transmittal Sheet #7.)

LABOR AND INDUSTRY — TITLE 12

(Rules in print in the Administrative Code for Title 12 include all adoptions to Oct. 25, 1976—Transmittal Sheet #6.)

LAW AND PUBLIC SAFETY — TITLE 13

13:27-3.4	Revisions on licensing	R.1976 d.423	8 N.J.R. 41(b)
13:30-8.2	Additional dental hygiene functions	R.1976 d.353	8 N.J.R. 561(a)
13:30-8.3	Rule on use of general anesthesia by dentists	R.1976 d.367	8 N.J.R. 561(b)
13:30-8.4	Announcement of practice in special area of dentistry	R.1976 d.370	8 N.J.R. 562(a)
13:30-8.5	Complaint review procedure	R.1976 d.422	8 N.J.R. 41(a)
13:31-1.10	Rule on electrical contracting	R.1976 d.369	8 N.J.R. 563(a)
13:35-8.24	Rule concerning fee schedules	R.1977 d.7	9 N.J.R. 94(c)
13:37-1.1	Revised definition of professional nursing	R.1976 d.368	8 N.J.R. 575(a)
13:37-9.6	Waivered practical nurses licensure by examination	R.1976 d.411	8 N.J.R. 26(c)
13:45A-2.1 et seq.	Revisions on motor vehicle advertising rules	R.1976 d.362	8 N.J.R. 563(b)
13:47E-2.1	Retention of public or certified weighing records	R.1976 d.421	8 N.J.R. 26(d)
13:57-1.1 et seq.	Rules on uniform crime reporting systems	R.1976 d.397	8 N.J.R. 26(b)
13:70-4.1 et seq.	Revisions to harness and thoroughbred racing rules	R.1977 d.8	9 N.J.R. 94(d)

(Rules in print in the Administrative Code for Title 13 include all adoptions to Nov. 8, 1976—Transmittal Sheet #8.)

PUBLIC UTILITIES — TITLE 14

(Rules in print in the Administrative Code for Title 14 include all adoptions to Aug. 13, 1976—Transmittal Sheet #6.)

STATE — TITLE 15

15:10-2.1 et seq.	Rules on voter declaration of political party	R.1976 d.119	8 N.J.R. 253(a)
15:10-3.1 et seq.	Rules on all election district maps	R.1976 d.375	8 N.J.R. 42(b)

(Rules in print in the Administrative Code for Title 15 include all adoptions to June 30, 1974—Transmittal Sheet #7.)

TRANSPORTATION — TITLE 16

16:28-1.33	Revised speed zones on Route 41	P.1976 d.380	8 N.J.R. 42(c)
16:28-1.49	Revise speed zones on parts of Route 35	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.66	Revised speed zones on Route 175	R.1976 d.380	8 N.J.R. 42(c)
16:28-1.70 et seq.	Revise speed rates on certain State highways	R.1976 d.379	8 N.J.R. 85(b)
16:28-1.132	Revise speed zones on parts of Route 47	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.133	Delete and mark reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.134	Delete and mark reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-3.91	Restricted parking on parts of Routes 70, 79 and U.S. 206	R.1976 d.141	8 N.J.R. 312(b)
through 16:28-3.93		R.1975 d.378	8 N.J.R. 85(a)
16:28-3.123	Restricted parking on parts of Routes 24, U.S. 202 and 27	R.1976 d.352	8 N.J.R. 582(b)
through 16:28-3.127			
16:28-3.128	Restricted parking on Routes 82, 28 and U.S. 9	R.1976 d.382	8 N.J.R. 43(a)
through 16:28-3.130			
16:28-3.131 through 16:38-3.134	Restricted parking on various State highways	R.1977 d.4	9 N.J.R. 99(c)
16:28-3.135 and 16:28-3.136	Restricted parking on various State highways	R.1977 d.2	9 N.J.R. 99(a)
16:28-6.14	No left turns on Route 35 in Matawan Township	R.1976 d.381	8 N.J.R. 42(d)
16:28-6.15	Left turns on parts of Route 171	R.1977 d.3	9 N.J.R. 99(b)
16:28-11.1	Drawbridge use on Route 52	R.1977 d.5	9 N.J.R. 99(d)
16:28-12.1 et seq.	No right turns on red signal on various State roads	R.1977 d.10	9 N.J.R. 100(a)
16:41-8.4	Revised general restrictions	P.1976 d.350	8 N.J.R. 581(b)
16:41-8.6	Revised standard requirements	R.1976 d.350	8 N.J.R. 581(b)

(Rules in print in the Administrative Code for Title 16 include all adoptions to Nov. 8, 1976—Transmittal Sheet #7.)

TREASURY-GENERAL — TITLE 17

17:1-1.21	Rules for pensioners' group health insurance plan	R.1976 d.338	8 N.J.R. 586(b)
through 17:1-1.23			
17:2-1.3	Revisions concerning officers and committees	R.1976 d.383	8 N.J.R. 48(a)
17:12-6.1 et seq.	Rules on debarment, suspension and disqualification of persons	R.1976 d.377	8 N.J.R. 47(a)
17:12-7.1 et seq.	Rules on bid and performance bonds	R.1976 d.378	8 N.J.R. 47(b)
17:16-5.5	Revised temporary reserve group; classification of funds	R.1977 d.13	9 N.J.R. 100(d)
17:16-7.4	Revised rule on legal papers	R.1976 d.401	8 N.J.R. 46(a)
17:16-8.2	Revised rule on legal papers	R.1976 d.402	8 N.J.R. 46(b)

(Rules in print in the Administrative Code for Title 17 include all adoptions to Oct. 25, 1976—Transmittal Sheet #7.)

TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq.	Instructions on homestead tax rebate claims	R.1976 d.333	8 N.J.R. 582(c)
18:12-7.11	Extension of filing date	R.1976 d.339	8 N.J.R. 586(c)
18:30-2.1 et seq.	Revisions for capital gains and unearned income tax	R.1976 d.399	8 N.J.R. 49(a)
18:30-15.13	Delete and mark Reserved	R.1976 d.398	8 N.J.R. 48(b)
18:30-15.13	New rule on information furnished at source	R.1976 d.400	8 N.J.R. 48(c)
18:35-1.1	Summer payment plan; gross income tax	R.1976 d.415	8 N.J.R. 52(a)
18:35-1.2	Clergymen and gross income tax	R.1976 d.424	8 N.J.R. 52(b)
18:35-1.3	Declaration of 1976 estimated tax	R.1976 d.425	8 N.J.R. 52(c)
18:35-1.5	Information furnished at source; payers other than interest	R.1977 d.19	9 N.J.R. 101(a)

(Rules in print in the Administrative Code for Title 18 include all adoptions to Aug. 13, 1976—Transmittal Sheet #7.)

OTHER AGENCIES — TITLE 19

19:8-1.9	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:8-3.1	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:30-2.2	Loan and bond guarantee fees	R.1976 d.171	8 N.J.R. 359(a)

(Rules in print in the Administrative Code for Title 19 include all adoptions to Nov. 1, 1976—Transmittal Sheet #7.)

(Continued from page 23)

Division of Medical Assistance and Health Services as a provider before it can be reimbursed for transportation services rendered to Medicaid-eligible persons.

2. Prerequisite for a New Jersey based ambulance or invalid coach service for Title XIX (Medicaid) approval is possession of a certificate of need and license issued by the New Jersey Department of Health (when required) and the stipulation if any, that transportation services be limited to the area covered by the certificate of need. Ambulance carriers must also be approved by the Title XVIII (Medicare) Program before they will be considered eligible for Medicaid reimbursement. Transportation carriers in states other than New Jersey must be approved by their state's Medicaid Program and by the Medicare Program if they desire reimbursement for ambulance services. All vehicles must meet the specifications described in this Section.

3. Provider application (form FD-20) and provider agreement (form FD-62) forms may be obtained from the Medical Administration Division, Prudential Insurance Company of America, P.O. Box 471, Millville, New Jersey 08332 or from the Assistant Director for Medical Care Administration, Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, New Jersey 08625.

4. For Medicaid approval the completed provider application and agreement forms are to be submitted to:

Assistant Director for
Medical Care Administration
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, N.J. 08625

"Ambulance service" means the professional transportation of the sick, injured, infirm or otherwise disabled person from place to place in a vehicle specifically designed and equipped for such transportation, and operated by trained personnel. "Operated by trained personnel" means that at least one member of the ambulance crew is in possession of a current certificate of completion of the advanced Red Cross first aid courses or equivalent, for example, emergency medical technician (EMT) course. The medical condition is to be such that one normally would expect the need for the medical assistance of a second person within the ambulance after the patient has been placed into the vehicle:

1. The vehicle utilized to provide the ambulance service and the personnel whose duties involve care of the individual to be transported must meet the requirements specified in the definition stated above and the standards for ambulances set by "The American College of Surgeons and the Federal Highway Act".

"Other medically indicated transportation service" means a form of transportation of sick, infirm or otherwise disabled persons, who are under the care and supervision of a physician, and who require transportation from place to place for medical purposes and whose use of a lesser form of transportation, that is, cab, bus, or private vehicle would create a serious risk to life or health. For purposes of this manual, the invalid coach is defined as a vehicle for nonemergency, supervised health care transportation, which provides a driver compartment and a patient compartment which can accommodate an ambulatory, wheelchair or litter patient, which carries equipment and supplies as listed and which is designed and constructed to afford maximum safety and comfort to avoid aggravation of the patient's condition and exposure to complications. The patient's medical con-

dition is to be such that one normally would not expect the need for the medical assistance of a second skilled person or more than one person in attendance once the patient has been placed into the vehicle:

1. Prior authorization is required for all invalid coach services (except as defined under Section 5 of this Subchapter).

2. The following are the equipment, supplies, personnel and vehicle requirements for invalid coach:

i. Equipment and supplies: Walk-in type van equipped and supplied as follows:

(1) Padded interior roof with sufficient head clearance for wheel chair patient;

(2) Floor and/or wall locks with safety straps for wheel chair;

(3) Two exterior amber signal lights mounted on the back of the roof and wired in conjunction with the four-way flashing hazard warning light signal system;

(4) Rear view truck type mirror on each side of vehicle;

(5) Aspirator;

(6) First aid kit;

(7) A fire extinguisher having a laboratory reading of 5BC or more;

(8) Approved oxygen tank of sufficient supply to provide one-half hour's oxygen with pin-indexed oxygen regulator;

(9) Litter locks;

(10) Ramp or lift for wheel chair patients;

(11) Exterior identification of vehicle as a carrier of invalid persons.

ii. Personnel requirements:

(1) Uniformed driver-attendant;

(2) Driver-attendant to have certified advanced first aid training by the American Red Cross or equivalent, for example, emergency medical technician (EMT) course;

(3) Driver-attendant to have current motor vehicle operator's license issued by the New Jersey Division of Motor Vehicles or a valid nonresident driver's license meeting the requirements of that State.

iii. Other vehicle requirements:

(1) Vehicle currently licensed by the New Jersey Division of Motor Vehicles;

(2) Vehicle be maintained in safe operating condition and have a current New Jersey Motor Vehicle inspection sticker;

(3) Vehicle be equipped with heater and air conditioning unit to maintain a constant temperature of approximately 72°F.;

(4) Vehicle to be of sufficient size to accommodate a one-man litter or stretcher as may be required;

(5) Vehicle and occupants be covered by liability and other insurance in adequate amounts.

3. Helicopters or aircraft, under extenuating circumstances, may be used as a carrier to transport the sick, injured or disabled Medicaid eligible patient. (See Section 202.3)

"Emergency condition" means an illness or injury of such magnitude and gravity as to constitute an imminent threat to life or limb or where there may be intractable pain.

1. The invalid coach is limited to carrying no more than four patients at any one time. (Exception: See Section 5 of this Subchapter) Ambulance to be limited to one patient per trip, except in extreme emergency situations.

2. Prior authorization may be given for more than one trip on a single physician's prescription when in the opinion of the local medical consultant the diagnosis is such that multiple trips would be required in a short period of time and the condition set forth would adapt itself to reasonable controls and the failure to be able to provide multiple authorizations on a basis of a single prescription would result in undue hardship to all concerned. A single authorization is limited to a maximum time period of 30 days. Such authorizations require an attending physician's request and verification of duration and time involved and number of pick-ups required and the reason.

10:50-1.3 General policies

(a) If a transportation service is operated by an organization which has established a policy of providing service without cost for a specific class of individual, or individuals living within a given area, then it shall be understood that such service is also available without cost to patients falling within such category who are covered under the New Jersey Medicaid Program.

(b) Ambulance service is reimbursable only under the following conditions:

1. When the use of any other method of transportation is medically contraindicated; or

2. When such service is not free in the community (See Subsection (a) of this Section).

(c) Reimbursement is restricted to the emergency condition where transportation by air is medically considered the only acceptable form of travel and the conditions are such so that its implementation is feasible. The Division of Medical Assistance and Health Services retains the option to utilize this form of transportation in such situations where, at its discretion, it could represent a significant cost of savings factor when compared to ambulance or invalid coach service involving trips covering similarly long distances.

(d) Services not reimbursable by the Health Services Program includes transportation by taxi, train, bus and other public conveyances. Inquiry should be made to the county welfare board for reimbursement in accordance with the following excerpt from the Public Welfare Financial Assistance Standards Handbook, Part V, Section 513, page 5 (Travel cost for health care):

"Provision for transportation necessary for eligible persons to secure and use health services and resources, when payment for such transportation is not available under Medicaid, shall be recognized as a service. Such service, if not provided by the agency as an in-house service or by volunteer arrangements, may be purchased by the agency, or purchased by the client with prior authorization by the agency, at the most reasonable rate obtainable. Payment for such service shall be made from the administrative/service account."

(e) The Division of Medical Assistance and Health Services retains the right to consider on an individual basis other modes of transportation as the needs occur.

(f) Eligible transportation cost for covered persons who are required to make regular visits to medical facilities outside the immediate community are reimbursable only if the required services are not available within the community.

1. The licensed attending physician or a licensed physician knowledgeable about the case must recommend the mode of transportation to be used, and certify the special circumstances.

10:50-1.4 Prior authorization

(a) Prior authorization from the patient's local medical assistance unit is required for transportation except in emergency conditions and for Invalid Coach Services to and from Renal Dialysis Treatment facilities.

1. Procedures for obtaining prior authorization (See pertinent prior authorization procedure throughout this Chapter):

i. Submit an ambulance and transportation claim MC-12-C2 together with a certification of medical necessity (prescription) from the prescribing physician or practitioner. Upon receipt of this information, the local medical assistance unit medical consultant will review the data submitted, check the mode of transportation (ambulance or invalid carrier) and if authorized will sign the MC-12-C2 in item 11. If denied, however, the medical consultant will indicate in the provided space, the reason for the denial. The local medical assistance unit will retain the third copy for its files and forward the contractor and provider copies to the provider. After rendering the authorized service, the provider will forward the completed claim (contractor's copy) within 60 days to the contractor for payment. (See Subchapter 2 Billing Procedures of this Chapter).

ii. If time does not allow for a written authorization the provider or attending physician should call the patient's local medical assistance unit, explain the circumstances (for example, medical reason requiring this mode of transportation, patient's diagnosis, destination, and so forth) and request a verbal authorization. If authorization is granted the provider may perform the authorized service, but must then submit the MC-12-C2 and practitioner's certification (prescription) to the local medical assistance unit for written authorization as in subparagraph i. of this paragraph.

Note: For combination Medicare/Medicaid patients refer to the note under Subchapter 2 of this Chapter.

iii. When communication between the provider and the LMAU could not be established (for example, weekend, holiday, evening, and so forth) and the provision of the service should not have been delayed, the provider may render the service and request retroactive authorization. This is not to be confused with medical emergencies as described in Section 2 of this Subchapter. In such instances the request for retroactive authorization must be submitted to the LMAU within five calendar days after the service is provided. If a verbal authorization is obtained under these circumstances, confirming written documentation must follow. The service rendered must be medically necessary and will be evaluated in the same way as a prior authorization request by the medical consultant.

10:50-1.5 Basis of payment

(a) "Transportation charge" is an all-inclusive sum to cover the placing and removal of a patient into and out of the vehicle (ambulance or invalid coach) at the point of origin and the point of destination. This is not related to the medical condition of the patient. It is the medical state of the patient which determines the type of transportation required, that is, ambulance or invalid coach and not the number of persons required to place or remove a patient into or out of a vehicle at his point of origin and the point of destination. By definition it also covers the time and expense involved in the pick-up by the transportation carrier as well as the time and expense in returning him to the ambulance or invalid coach and from there to his point of origin. It shall include a waiting period at the pick-up point and/or the destination, that is, hospital, emergency room, X-ray department,

and so forth, of up to 30 minutes per patient. It does not cover mileage based on a loaded mile.

(b) "Loaded mile" is mileage accrued when vehicle actually is carrying patient.

(c) "Waiting time" is that period of actual time in increments of 15 minutes and beyond 30 minutes following delivery of the patient to his destination, that is, hospital, X-ray department, long term care facility, emergency room, doctor's office, and so forth, which may be considered as an added charge. There will be no reimbursement for waiting time on round trips and it is limited to a maximum of one hour on one way trips. An explanation of the need for waiting time must be attached to the MC-12-C2 claim form.

(d) Ambulance service shall be reimbursed on the basis of customary charge, not to exceed the following maximums:

1. Transportation charge—One way: \$24.00;
2. Transportation charge—Round trip: \$48.00.

i. A carrier when performing round trip services shall be responsible for completing each round trip obligation by honoring the return trip if occurring within 24 hours from the original pick-up time. This responsibility is interpreted to include the carrier's guarantee that if he does not perform the return trip himself that arrangements are to be made with another transportation company to do so with no additional expense to the Medicaid program.

3. Mileage—\$.80 per loaded mile;

4. Waiting time: \$8.00 per hour maximum waiting time is payable only on one way trips and only after 30 minutes has elapsed. It is payable in ¼ hour increments, for example, ¼ hour \$2.00, ½ hour \$4.00, ¾ hour \$6.00 and one hour \$8.00.

(e) Invalid coach service shall be reimbursed on the basis of customary charge not to exceed the following maximums: Except as defined in this Section:

1. Transportation charges:

i. Transportation charge—One way, one patient: \$17.00;

ii. Transportation charge—Round trip, one patient: \$34.00;

iii. Transportation charge—One way, multiple patients: \$12.00 per patient;

iv. Transportation charge—Round trip, multiple patients: \$24.00 per patient;

v. The limit as to the number of patients being carried at one time is three. A carrier when performing round trip services shall be responsible for completing each round trip obligation by honoring the return trip if occurring within 24 hours from the original pick-up time. This responsibility is interpreted to include the carrier's guarantee that if he does not perform the return trip himself that arrangements are to be made with another transportation company to do so with no additional expense to the Medicaid program.

2. Mileage: \$.80 per loaded mile:

i. Charges when multiple loading occurs are limited to the mileage incurred by the patient whose point of origin and point of departure represents the greatest distance. No mileage charges are permitted for patients whose distance traveled lies in between these two points.

3. Waiting time: \$4.00 per hour maximum waiting time is payable only on one way trips and only after 30 minutes has elapsed. It is payable in ¼ hour increments, for example, ¼ hour (\$1.00), ½ hour (\$2.00), ¾ hours (\$3.00) and one hour (\$4.00). One hour is the maximum reimbursable waiting time. Waiting time is not payable for patients receiving dialysis services.

(f) Aircraft transportation service shall be reimbursed on the basis of negotiated rate not to exceed the charge made to noneligible recipients for the same service.

(g) If the patient is admitted to the hospital, the ambulance charges are billed as part of the inpatient hospital service. If the patient is not admitted the ambulance charge is billed as a hospital outpatient service.

(h) If the carrier is owned by the Medicaid participating LTC facility, and the service is required by an inpatient of that LTC facility, reimbursement is considered as part of the per diem rate. No further reimbursement is allowed.

(i) No additional payment is made for the use of medical supplies and/or equipment. Exception: Oxygen may be reimbursed on the basis of customary charge, not to exceed an allowance deemed reasonable by the Health Services Program.

(j) The Medicaid Program has special all-inclusive maximum allowances for invalid coach services for patients receiving dialysis treatments who require medical transportation:

1. Transportation charges:

i. Transportation charge—Round trip: \$22.00 per patient;

ii. Transportation charge—One way: \$11.00 per patient.

2. The Medicaid Program does not pay for mileage and/or waiting time for patients receiving dialysis treatments. The above fees are all-inclusive:

i. Prior authorization is not required for invalid coach services for patients receiving dialysis treatments;

ii. The Program limits the number of persons in a multiple load for dialysis treatments to four;

iii. A carrier when performing round trip services shall be responsible for completing each round trip obligation by honoring the return trip if occurring within 24 hours from the original pick-up time. This responsibility is interpreted to include the carrier's guarantee that if he does not perform the return trip himself that arrangements are to be made with another transportation company to do so with no additional expense to the Medicaid Program.

3. Mileage: None;

4. Waiting time: None.

10:50-1.6 Transportation services; maximum allowable fees

(a) The following procedure codes, description and maximum allowances are recognized for reimbursement by the New Jersey Medicaid Program:

Description	Maximum Allowance
Ambulance—One-Way	\$24.00
Ambulance—Round-Trip	\$48.00
Invalid Coach—One-Way, Single Patient	\$17.00
Invalid Coach—Round-Trip, Single Patient	\$34.00
*Invalid Coach—One-Way, Multiple Patients	per patient \$12.00
Invalid Coach—Round-Trip, Multiple Patients	per patient \$24.00
Mileage—Ambulance	per loaded mile \$.80
*Mileage—Invalid Coach	per loaded mile \$.80
Dialysis Trip One-Way (All-Inclusive)	per person \$11.00
Dialysis Trip Round-Trip (All-Inclusive)	per person \$22.00
Waiting Time—Invalid Coach (one way trip only)	
¼ hour	\$ 1.00
½ hour	\$ 2.00
¾ hour	\$ 3.00
1 hour	\$ 4.00

Waiting Time—Ambulance (one-way trip only)

¼ hour	\$ 2.00
½ hour	\$ 4.00
¾ hour	\$ 6.00
1 hour	\$ 8.00

*Maximum of four patients for invalid coach at one time. Medicaid will pay mileage for only one patient in a multiple load from the farthest location to the destination (and back if a round-trip). Provider must submit all claims for multiple load patients together and certify on the claim forms that they are charging mileage only for the one patient who is being transported the farthest distance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

Administrative Practice Officer
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, N.J. 08625

The Department of Human Services, 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 Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

**Proposed Revisions to Appendix D
Of the Public Assistance Manual**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise portions of Appendix D of the Public Assistance Manual concerning enumeration and the Child Support and Paternity Program (Title IV-D of the Social Security Act) in relation to Aid to Families of Dependent Children.

Copies of the 21 pages of full text of the proposed revisions may be obtained from the:

Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to the Division of Public Welfare at the above address.

The Department of Human Services, 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 Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

**Revisions Concerning Fraudulent
Receipt of Assistance**

On January 17, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-7.40, 10:81-7.42, 10:81-7.44 and 10:81-7.47 concerning fraudulent receipt of assistance, substantially as proposed in the Notice published May 6, 1976, at 8 N.J.R. 230(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these revisions was filed on January 18, 1977, as R.1977 d.9 to become effective on March 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

Revise Pharmacy Dispensing Fees

On January 13, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 10:51-1.10(d), concerning dispensing fees of pharmacies with retail permits.

Effect of these revisions is to rescind the temporary fee reduction of Medicaid dispensing fees to pharmacies and restore those fees in effect before the reduction was adopted.

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

10:51-1.10 (d) Regarding pharmacies with retail permits, the "dispensing fee" for legend drugs provided under the New Jersey Health Services Program as outlined in this manual shall be [~~\$1.80~~] **\$2.05**. In addition, if the pharmacy provider has a 24-hour per day, 365 days per year, available prescription service and has made this service known to the public and so certified to the Division of Medical Assistance and Health Services by completing form FD-70, ten cents may be added, making the dispensing fee [~~\$1.90~~] **\$2.15**.

An order adopting these revisions was filed and became effective on January 19, 1977, as R.1977 d.11 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions in Temporary Fee Reductions Regarding Medicaid

On January 13, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 10:49-1.25 concerning temporary fee reductions under Medicaid.

The emergency revisions concern the rescission of the temporary fee reduction in certain providers' reimbursements under Medicaid, but the reduction of ten per cent concerning transportation providers' reimbursements still remains in effect.

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

10:49-1.25 Temporary fee reduction concerning Medicaid; transportation providers only

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

An order adopting these revisions was filed and became effective on January 19, 1977, as R.1977 d.12 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendment on Ownership of Durable Medical Equipment

On January 6, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment, to be cited as N.J.A.C. 10:59-1.9(c), concerning ownership of durable medical equipment, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 467(a).

An order adopting this amendment was filed and became effective on January 24, 1977, as R.1977 d.14.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSURANCE

REAL ESTATE COMMISSION

Proposed Revisions Concerning Rental Location Operations

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 its rule concerning rental location operations.

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

11:5-1.32 Rental location operations

(a) Every licensee involved in the business of referring prospective tenants to possible rental units or locations shall enter into a written contract with the prospective tenant and give such person a copy of the contract. The licensee must disclose the manner in which the listings or units had been obtained. Any fee charged in excess of \$10.00 shall be repaid or refunded to the prospective tenant if the prospective tenant, after bona fide effort, does not obtain a rental, conforming to his specifications, through the listings furnished by the licensee. [All contracts must contain a provision to this effect.] If the information concerning rentals furnished by the licensee is not current or accurate in regard to the type of rental desired, the full fee shall be repaid or refunded to the prospective tenant upon demand.

(b) No licensee shall refer a prospective tenant to:

1. A nonexistent address;
2. Property which was not for lease or rent.

(c) This rule must be included in all contracts or a certification in ten-point bold type or larger placed directly above the space provided for the signature of the prospective tenant that a copy of the rule has been provided.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

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.

Edward J. Howell, President
Real Estate Commission
Department of Insurance

(d)

INSURANCE

REAL ESTATE COMMISSION

Proposed Amendments Concerning Advertising

The Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq., proposes to amend two of its rules concerning advertising and advertising practices.

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

11:5-1.15(a) All advertising of any licensed individual, firm or corporation shall include the name under which that individual, firm or corporation is licensed to do business. Where a real estate broker inserts advertisements in a newspaper or any other publication to make an offer to sell, buy, exchange or rent real property, or any interest therein, such advertisement, after the licensee's regular business name, shall clearly indicate to the reader that the advertisements have been placed by a person engaged in the real estate brokerage business. Examples of permissible language shall include, but are not limited to, "Realtor", "Realtist", (except as proscribed in N.J.S.A. 45:15-17(j)) "Real Estate Broker", "Broker" or "Agency". This provision shall not apply where the word "Agency" appears in the advertisement as a part of the broker's regular business name or where the broker has legal or equitable ownership of the property.

11:5-1.16(b) No free offering of any kind shall be made in any advertisements or promotional material, except as provided in paragraphs 1. and 2. of this subsection. Nothing herein contained shall be construed as prohibiting the use of such words as "included" or "included in the purchase price".

1. This subsection shall not be construed as prohibiting advertising or other promotional material containing an offer to provide transportation to the site of the property offered for sale to a prospective purchaser, together with room and board for a period not to exceed three days and two nights, or to offer to pay to any prospective purchaser the equivalent of the cost of such transportation, room and board, or any lesser amount, in cash. Any advertising which offers such transportation, room and board or the equivalent in cash shall clearly define the terms of the offering and shall clearly state that such transportation, room and board or the equivalent is offered in consideration for the purchaser traveling to the site of the property offered for sale. Any such offer shall not obligate the prospective purchaser or respondee. A record of all responses shall be maintained for inspection and verification by the Commission. The record shall include the name, home address, dates of visit, and what was accepted by the respondee either in cash or the equivalent.

2. Any advertisement or other promotional material of a subdivider, or his agent, as defined in N.J.S.A. 45:15-16.3, offering to provide transportation, room and board or the equivalent in cash may be published within New Jersey only after the filing of a copy of such proposed advertising or other material with the Commission 30 days prior to proposed use and only after approval by the Commission (as proscribed by N.J.A.C. 11:5-1.25(h)2). Proposed advertising material which offers the equivalent in cash of the cost of transportation, room and board or a lesser amount shall provide satisfactory evidence that the value of such equivalent in cash does not exceed the cost of transportation to the site of the property offered for sale and room and board. The term "cash" as used herein shall include United States savings bonds or any other cash equivalent as shall be determined by the Commission.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

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 amendments substantially as proposed without further notice.

Edward J. Howell, President
Real Estate Commission
Department of Insurance

(a)

INSURANCE

REAL ESTATE COMMISSION

Proposed Amendments Concerning Prohibited Advertising Practices

The Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq., proposes to amend N.J.A.C. 11:5-1.16 concerning prohibited advertising practices.

Full text of the proposed new amendments follows:

11:5-1.16(d) Any use of an insignia, emblem, logo, trade name or other form of identification in any advertising or other public utterance, either by a single licensee or any group of licensees, which tends to indicate or otherwise imply common ownership or common management among such licensees, shall be prohibited, except in the case of branch offices controlled by a single broker licensee. Where any licensee uses the name of a franchisor as a part of or as the entire operating name under which the individual, firm or corporation is licensed to do business, then the licensee shall clearly indicate in such advertising the individual, firm or corporation using such franchise name, and that it is independently owned and operated. Nothing herein provided is intended to preclude or inhibit the use, advertising, or display of any insignia, logo, emblem or trade name of any bona fide trade association by any licensee provided only that such licensee is a member of such trade association.

1. The intent of this subsection is to further promote the general purpose of the New Jersey Real Estate License Act by insuring that the operating real estate licensee is clearly identified as the individual, firm or corporation which is the licensed broker and which is the individual, firm or corporation financially and otherwise responsible to the consuming public for its real estate brokerage activities. It is not the intent of this subsection to limit or otherwise inhibit the operation of branch offices as set forth in N.J.S.A. 45:15-12 and N.J.A.C. 11:5-1.18 and N.J.A.C. 11:5-1.19 pursuant thereto, nor is it the intent of this subsection to prevent the franchising of any group of licensees provided such franchising or other association is not inconsistent with the purpose of the New Jersey Real Estate License Act as expressed herein.

A public hearing respecting the proposed action will be held on Wednesday, February 23, 1977, at 10:00 A.M. in the Embassy Room, Holiday Inn, Route 46, Parsippany, N.J.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to:

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 amendments substantially as proposed without further notice.

Edward J. Howell, President
Real Estate Commission
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Revisions Concerning Withdrawal Of Rule Concerning Surcharge

On January 25, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a withdrawal of the current text of N.J.A.C. 11:1-5.3 concerning the New Jersey Special Joint Underwriting Association surcharge, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 559(a).

The effect of the withdrawal is to discontinue the New Jersey Joint Underwriting Association surcharge of one quarter of one per cent for all policies having an inception date of January 1, 1977 or any date subsequent thereto.

An order adopting this withdrawal was filed and became effective on January 26, 1977, as R.1977 d.17.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Revisions on Determination of 1974 Final Hospital Payment Rates

On January 25, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 26:24-1 et seq., 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act, adopted a revised rule concerning the final hospital payment rates, specifically cost review procedures, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 559(b).

Take notice that in the Notice of Proposal, it was indicated that this rule on cost review was to be cited as N.J.A.C. 8:31-19.4. Since this was a jointly proposed rule of both the Departments of Health and of Insurance, the text of this adopted rule of the Department of Insurance will also be cited as N.J.A.C. 11:10-1.1.

An order adopting this revised rule was filed and became effective on January 26, 1977, as R.1977 d.18.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Notice Concerning Rules On Life Insurance Solicitation

Take notice that, James J. Sheeran, Commissioner of Insurance, has issued the following notice concerning the rules on life insurance solicitation:

On October 14, 1976, James J. Sheeran, Commissioner of Insurance, adopted new rules to be cited as N.J.A.C. 11:4-11.1 et seq., concerning life insurance solicitation. The following is intended to provide clarification on one portion of this rule and to alleviate an inconvenience encountered by some insurers in the rules' implementation.

Effective Date:

11:4-11.8 reads as follows:

With respect to the Buyer's Guide, this rule shall apply to all solicitations of life insurance which commence on or after February 1, 1977; with respect to the Policy Summary, this rule shall apply to all solicitations of life insurance entailing level premiums and level death benefits which commence on or after July 1, 1977; otherwise, this rule shall apply to all solicitations of life insurance which commence on or after January 1, 1978.

It has been pointed out that the final phrase of this Section is somewhat ambiguous. Insurer representatives have suggested that those portions of the regulation not directly related to the policy summary or Buyer's Guide, such as the general rules (11:4-11.6) and unconditional refund provision alternative (11:4-11.5), might not be applicable until January 1, 1978.

It was, and remains, the intention of the Department of Insurance that the effective date for the regulation be February 1, 1977, and that the delayed effective dates (July 1, 1977 and January 1, 1978) apply only to various kinds of policy summaries, whose preparation necessitates a reasonable amount of "lead time".

Effect of Severe Winter on Buyer's Guide Publication:

It has been pointed out that most companies affected by this regulation have ordered the Buyer's Guide from a single publisher, located in Cincinnati, Ohio. The publisher informs us that the severe winter and extreme cold temperatures have made it impossible for him to deliver all Buyer's Guide orders by February 1, 1977. For those companies so affected, we will expect compliance with requirements for delivering the Buyer's Guide as soon as possible after February 1.

In any event, companies unable to comply by March 1, 1977 should write to the Department of Insurance, with particulars as to their problems, and obtain specific approval for further postponement of the implementation date if, in the opinion of the Commissioner of Insurance, such further delay is warranted.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Revision of Division's Rules

Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority contained in N.J.S.A. 33:1-25 and 33:1-39, proposes to revise the current rules in Chapter 2, Division of Alcoholic Beverage Control, Title 13 of the New Jersey Administrative Code.

The proposed revisions concern the form, contents and procedure for the application, issuance, extension and renewal of licenses and permits; substantive rules regarding the regulation and control of the manufacture, sale and distribution of alcoholic beverages and the enforcement of the provisions of N.J.S.A. Title 33; procedural rules regarding hearings within the Division.

General purpose of the revision as a whole is to keep the Division rules abreast with current needs and to simplify and clarify those rules where experience has shown this would be desirable.

Copies of the full text of 93 pages of the proposed revisions may be obtained by writing to:

Joseph H. Lerner, Director
Division of Alcoholic Beverage Control
25 Commerce Drive
Cranford, N.J. 07016

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 7, 1977, to the Director at the above address.

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

Joseph H. Lerner
Director
Division of Alcoholic Beverage Control
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRY

Proposed Amendment on Minimum Eye Examination and Record of Conditions

Vincent D'Alessandro, President of the Board of Optometry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-4, proposes to amend the rule concerning minimum eye examination and record of conditions.

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

13:38-2.1(a) 17. Before and during the fitting of contact lenses, the optometrist shall do a slit lamp (biomicroscopic) examination and record the findings.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before March 4, 1977, to:

Vincent D'Alessandro, President
Board of Optometry
29 Lopatcong Drive
Trenton, N.J. 08628

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

Vincent D'Alessandro
President
Board of Optometry
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

HEARING AID DISPENSERS EXAMINING COMMITTEE

Adopt Rule Concerning Fee Schedules

On January 11, 1977, Hector R. Giancarlo, President of the Hearing Aid Dispensers Examining Committee, and Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 13:35-8.24, concerning hearing aid dispensers fee schedules, as proposed in the Notice published September 9, 1976, at 8 N.J.R. 425(a).

An order adopting this rule was filed and became effective on January 17, 1977, as R.1977 d.7.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Revisions for Thoroughbred And Harness Racing Licenses

On December 17, 1976, John J. Reilly, executive director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:70-4.1, 13:71-7.1 and 13:71-7.13 concerning thoroughbred and harness racing licenses, substantially as proposed in the Notice published November 4, 1976, at 8 N.J.R. 531(c), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

Such changes added new text, to be cited as N.J.A.C. 13:71-7.1(a)10., which establishes a \$10.00 fee for authorized agents in harness racing.

An order adopting these revisions was filed and became effective on January 17, 1977, as R.1977 d.8.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Repeal of Rule on One-Way Traffic Along Portions of Route 79

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1, proposes to repeal the current text of N.J.A.C. 16:28-4.3 concerning one-way traffic along portions of Route 79 in Matawan Borough.

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

16:28-4.3 [Route number 79 in Matawan Borough in Monmouth County] (Reserved)

[(a) In accordance with the provisions of N.J.S.A. 39:4-85.1, the certain parts of State highway Route 79 described way traffic:

1. From Route 34 to New Brunswick Avenue - Broad Street (County Road 516) in a southbound direction.]

Interested persons may present relevant statements or arguments in writing on the proposed action on or before March 2, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking on Routes 166 and 28

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning no parking zones along portions of Routes 166 and 28.

Full text of the proposed rules follows:

16:28-3.137 Route 166 in the Township of Dover, Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 166 described herein below shall be, and hereby are, designated

and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 166 from a point 150 feet north of the northerly curb line of Old Freehold Road to Route 37.

16:28-3.138 Route 28 in the Borough of Roselle Park, Union County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 28 described herein below shall be and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited for cleaning purposes during certain designated days and hours except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing 9:00 A.M. - 11:00 A.M. on Wednesday along the north side of Route 28 within the entire corporate limits.

2. No stopping or standing 9:00 A.M. - 11:00 A.M. on Thursday along the south side of Route 28 within the entire corporate limits.

Interested persons may present relevant statements or arguments in writing on the proposed action on or before March 2, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, New Jersey 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

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Limited Access Prohibition Along Route 208

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1, proposes to adopt new rules concerning limited access prohibition on portions of Route 208 in Bergen and Passaic Counties.

Full text of the proposed rules follows:

SUBCHAPTER 13. LIMITED ACCESS PROHIBITION

16:28-13.1 Route 208

(a) It has been found and determined that the health, safety and welfare of the public require that the use of N.J. Route 208, a limited access highway, situate in the Boroughs of Fair Lawn, Glen Rock, Franklin Lakes and Oakland, and the Township of Wyckoff in the County of Bergen and the Borough of Hawthorne in the County of Passaic be limited to certain classes of traffic.

(b) Therefore, in accordance with the provisions of N.J.S.A. 39:4-94.1, the use of the aforesaid sections of highway by the following classes of traffic is prohibited:

1. Pedestrians;
2. Animals led, ridden or driven;
3. Bicycles;

4. Nonmotorized vehicles;
5. Motorized bicycles;
6. Tractors, rollers, and agricultural or construction machinery, self-propelled or towed, unless a permit therefor has been obtained in advance from the State Transportation Commissioner.

Interested persons may present relevant statements or arguments in writing on the proposed action on or before March 2, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendment on No-Right Turns On Red on Parts of Route 23

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to adopt an amendment to N.J.A.C. 16:28-12.16(a) concerning the prohibition of right turns on red traffic signals on portions of Route 23 in Sussex Borough.

Full text of the proposed amendment follows:

16:28-12.16(a)5. County Road 565 (Loomis Avenue — Main Street in Sussex Borough):

- i. South on Route 23 (Mill Street) to west on County Road 565;
- ii. East on County Road 565 to south on Walling Street;
- iii. North on Walling Street to east on Route 23 (Loomis Avenue).

Interested persons may present relevant statements or arguments in writing on the proposed action on or before March 2, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking Along Various State Highways

Alan Sagner, Commissioner of Transportation, pursuant

to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning no parking zones along portions of Routes 173, 24, US 202 and US 71.

Full text of the proposed rules follows:

16:28-3.139 Route 173 in the Township of Bethlehem, Hunterdon County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 173 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing along both sides of Route 173 for the entire length within the corporate limits of Bethlehem Township.

16:28-3.140 Route 24 in Maplewood Township, Essex County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway 24 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing:

i. Along the westbound side of Route 24 within the corporate limits of Maplewood Township.

ii. Along the eastbound side of Route 24:

(1) From the Union County-Essex County line to a point 100 feet east of the easterly curb line of Laurel Avenue;

(2) From a point 30 feet west of the westerly curb line of Oregon Street to a point 100 feet east of the easterly curb line of Oregon Street;

(3) From a point 105 feet west of the westerly curb line of Indiana Street to a point 30 feet east of the easterly curb line of Indiana Street;

(4) From a point 105 feet west of the westerly curb line of Prospect Street to a point 40 feet east of the easterly curb line of Prospect Street;

(5) From a point 30 feet west of the westerly curb line of Princeton Street to a point 285 feet east of the easterly curb line of Princeton Street;

(6) From a point 30 feet west of the westerly curb line of Rutgers Street to a point 100 feet east of the easterly curb line of Rutgers Street;

(7) From a point 30 feet west of the westerly curb line of Wellesley Street to a point 100 feet east of the easterly curb line of Wellesley Street;

(8) From a point 105 feet west of the westerly curb line of Tuscan Street to a point 30 feet east of the easterly curb line of Tuscan Street;

(9) From a point 105 feet west of the westerly curb line of Vermont Street to a point 50 feet east of the easterly curb line of Vermont Street;

(10) From a point 200 feet west of the westerly curb line of Burnett Avenue to a point 250 feet east of the easterly curb line of Burnett Avenue;

(11) From a point 320 feet west of the westerly curb line of Boyden Avenue to a point 190 feet east of the easterly curb line of Chancellor Avenue.

16:28-3.141 Route US 202, in Morris Township, Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route US 202 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing:

i. Along the northbound side of Route U.S. 202:

(1) From a point 170 feet south of the center line of Mill Road, to the center line of Kennedy Road;

(2) From the center line of Gregory Avenue to the center line of East Hanover Avenue.

ii. Along the southbound side of Route US 202:

(1) From the center line of West Hanover Avenue to the center line of Fairchild Avenue;

(2) From the center line of Sherman Avenue to a point 170 feet south of the center line of Mill Road.

2. No stopping or standing 4:00 P.M. to 6:00 P.M.:

i. Along the northbound side of Route US 202 from the center line of Kennedy Road to the center line of Gregory Avenue.

ii. Along the southbound side of Route US 202 from the center line of Sherman Avenue to a point 150 feet north-erly therefrom.

16:28-3.142 Route 71 in the Borough of Bradley Beach, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 71 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing along the easterly side of Route 71 from the southerly curb line of Lake Terrace to a point 150 feet southerly therefrom.

Interested persons may present relevant statements or arguments, in writing, on the proposed action on or before March 2, 1977, to Michael Miller, Administrative Practice Officer, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions on Reduced-Fare Transportation Program

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-68, amended, proposes to revise Subchapter 4 of Chapter 51 in Title 16 of the New Jersey Administrative Code and also adopt new rules to be included in Subchapters 1 through 3 of Chapter 51 concerning the reduced-fare transportation program.

Full text of the proposed new rules for Subchapters 1 through 3 and the proposed revisions in Subchapter 4 follows (additions in Subchapter 4 indicated in boldface thus; deletions therein indicated in brackets [thus]):

CHAPTER 51.

REDUCED FARE TRANSPORTATION PROGRAM

SUBCHAPTER 1. INTRODUCTION

16:51-1.1 Definitions

(a) The following words and terms, as used herein, shall

have the following meanings unless the content clearly indicates otherwise.

"Commissioner" means the Commissioner of Transportation, or his designee.

"Intrastate" means points within the State of New Jersey (State).

"Interstate" means between points in this State and points in adjacent states.

"Motor bus" means "autobus" as defined in R.S. 48:4-1, and includes those autobuses, commonly called jitneys, as defined in N.J.S.A. 48:16-23.

"Handicapped citizen" 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 persons who are not so affected, and who meets the criteria as set forth by the Commissioner at N.J.A.C. 16:51-2.2.

"Senior citizen" means any individual 62 years of age or over.

"Offpeak times" mean the hours from 9:30 A.M. to 4:00 P.M. and from 7:00 P.M. to 6:00 A.M. during the weekdays, and all day on Saturdays, Sundays, and holidays.

"Established routes" mean all regular intrastate routes of the participating carriers authorized by the Board of Public Utility Commissioners, the Commuter Operating Agency, or a municipality and interstate routes between this State and points in adjacent states authorized by the Interstate Commerce Commission.

"Carrier" means any individual, copartnership, association, corporation, joint stock company, public agency or public authority, trustee or receiver operating or controlling motor buses or rail passenger service on established routes within the State or between points in this State and points in adjacent states.

"Reduced fare" means one-half of the regular adult one-way fare as set forth in the tariffs of the Carrier filed with the Board of Public Utility Commissioners, Commuter Operating Agency, or Interstate Commerce Commission.

16:51-1.2 Purpose

The reduced fare transportation program is designed to provide intrastate and interstate motor bus and rail passenger service for handicapped and senior citizens during off peak times on regular routes of the participating carriers at one-half of the regular adult one-way fare as set forth in the tariffs of the carrier filed with the Bureau of Public Utility Commissioners, Commuter Operating Agency, or Interstate Commerce Commission.

16:51-1.3 Exclusions

(a) Handicapped and senior citizens are not permitted to ride at a reduced fare on: 1. Intrastate and interstate school, charter, demand activated, special or excursion motor bus or rail passenger services; and 2. That portion of a trip which is on a regularly scheduled route for which a transfer is used.

SUBCHAPTER 2. REGISTRATION

16:51-2.1 Registration of senior citizen for identification card

(a) In order to participate in the reduced fare transportation program, the prospective senior citizen must complete an application form for a reduced fare identification card. These applications are available at most banks, savings and loan associations or county offices on aging.

(b) Bring the following information to any participating bank, savings and loan association or county office on aging:

1. Proof of age; for example, driver's license, birth certificate, high school diploma, passport, military discharge papers (DD214), or any other valid legal document.

(c) Authorized personnel of the participating local bank or county office on aging will examine the required documents and application. The participating bank or the county office on aging will then forward the completed application to the New Jersey Department of Transportation (NJDOT) for processing.

(d) The NJDOT will process the application, and mail an authorized reduced fare card to the senior citizen.

16:51-2.2 Registration of handicapped persons for identification cards

(a) Persons must write or call Special Programs, New Jersey Department of Transportation. They will be sent a physician application.

(b) Physician application must be completed by a registered physician or doctor of osteopath. The applicant must be within the handicapped criteria as set forth below. Final decision on eligibility within the criteria will be made by the Commissioner.

(c) The criteria is as follows:

1. Nonambulatory handicapped: Any person whose incapacity or disability will not allow that person to walk, even with the assistance of devices, but with or without the assistance of an attendant, has the personal mobility and independence in a wheel chair that use of appropriate public transportation services is a reasonable expectation.

2. Semi-ambulatory handicapped: Any person whose incapacity or disability will not allow that person to walk without the assistance of walkers, crutches, canes, braces, artificial legs, or other such adaptive device, and for whom appropriate public transportation services is a reasonable expectation.

3. Ambulatory handicapped: Any person whose handicap relates to a degree of visual, audio, physiological, mental or psychological disability or impairment as specified below, and for whom private personal transportation poses an unreasonable difficulty or danger, including, but not limited to the following:

- i. Cerebrovascular accident (stroke);
- ii. Pulmonary disability;
- iii. Cardiac disability;
- iv. Sight disability: Those persons whose vision in the better eye after correction is 20/200 or less; and those persons whose visual field is contracted (commonly known as tunnel vision) to ten degrees or less from a point of fixation, or so the widest diameter subtends an angle no greater than 20 degrees;
- v. Hearing: Loss is 90 dba or greater in the 500, 1000, 2000 Hz ranges;
- vi. Faulty coordination from brain, spinal, peripheral nerve injury or arthritic condition;
- vii. Epilepsy: petit and gran mal;
- viii. Autism;
- ix. Cerebral palsy;
- x. Mental retardation or mental illness:

(1) Mental retardation is a state of significant sub-normal intellectual development with reduction of social competence in a minor or adult person.

(2) Mental illness is a mental disease to such extent that a person so afflicted requires care and treatment

for his own welfare or the welfare of others or the community.

(d) The NJDOT will process the application, and mail an authorized reduced fare card to the handicapped person.

16:51-2.3 Identification cards

(a) The handicapped or senior citizen must present a properly validated identification card to the motor bus or rail passenger operation as proof of being qualified to participate in the "Reduced Fare Transportation Program". Presentation of a validated identification card is all that is required for rail passenger travel.

(b) The identification card, which is not transferable, may be used only by the person to whom it is issued, and must be kept in that person's possession during the entire ride.

(c) If the identification card is lost or stolen, an application for a replacement card may be made as prescribed in Sections 1 and 2 of this Subchapter.

16:51-2.4 Reduced fare tickets

(a) In order to use motor bus services, the handicapped or senior citizen must present to the motor bus operator one reduced fare ticket and a valid identification card for each ride.

(b) To obtain a book of reduced fare tickets, the handicapped or senior citizen will complete an application for one book of reduced fare tickets at a participating bank or county office on aging and present the application with a valid identification card. An authorized person will examine the application and issue a book of reduced fare tickets.

(c) The New Jersey reduced fare ticket book and the tickets therein are nontransferable, and may be used only by the person to whom it is issued. The unauthorized transfer of reduced fare tickets is fraudulent and will be prosecuted in accordance with the laws of the State of New Jersey.

SUBCHAPTER 3. AGREEMENTS WITH CARRIERS FOR SERVICE AND PAYMENT

16:51-3.1 Operating contracts with carriers

(a) The NJDOT shall enter into contractual agreements with any carrier which desires to participate in the reduced fare transportation program. Each contract shall contain conditions, terms and provisions as the Commissioner may require, including but not limited to provisions permitting or relating to:

1. Terms and method of payment;
2. Auditing and settlement of payments;
3. Data and recordkeeping;
4. Service to be performed pursuant to the contract;
5. Applicable tariffs and schedules;
6. Any such other matters as the Commissioner deems to be in the public interest.

16:51-3.2 Method of payments to carriers

Reimbursement to the participating carriers shall be an amount equal to the difference between the regular adult fare and the handicapped/senior citizen reduced fare multiplied by the number of eligible trips by handicapped or senior citizens participating in the reduced fare transportation program, provided that the total payments to the carrier does not exceed the total appropriation for this program. Eligible trips are determined by the number of reduced fare tickets submitted by bus carriers and special tickets provided by the rail carriers under their existing tariff rules.

SUBCHAPTER 4. [Delegation of powers for senior citizens half-fare bus program] DELEGATION OF POWERS FOR SENIOR CITIZENS AND HANDICAPPED CITIZENS REDUCED FARE INTRASTATE AND INTERSTATE MOTOR BUS AND RAIL TRANSPORTATION PROGRAM

16:51-4.1 [General provisions] Motor bus transportation Service

[Pursuant to the authority delegated by N.J.S.A. 27:1A-65a, the Assistant Commissioner for Public Transportation is hereby authorized to exercise all the powers and duties conferred upon the Commissioner of Transportation by N.J.S.A. 27:1A-64 to 72 (L. 1973, c. 126), entitled "An act authorizing the Commissioner of Transportation to establish a program to provide motor bus transportation services to senior citizens at reduced fares, and making an appropriation therefor".]

Pursuant to the authority delegated by N.J.S.A. 27:1A-65(a), the Assistant Commissioner for Public Transportation is hereby authorized to exercise all the powers and duties conferred upon the Commissioner by N.J.S.A. 27:1A-64 et seq. (L. 1973 c. 126 as amended by L. 1975, c. 271) with regard to senior citizens and handicapped citizens reduced fare intrastate and interstate motor bus transportation services.

16:51-4.2 Rail transportation services

Pursuant to the authority delegated by N.J.S.A. 27:1A-65(a), the Commuter Operating Agency of the Department of Transportation is hereby authorized to exercise all the powers and duties conferred upon the Commissioner by N.J.S.A. 27:1A-69 et seq. (L. 1973, c. 126 as amended by L. 1975, c. 271) with regard to senior citizens and handicapped citizens reduced fare intrastate and interstate rail transportation services.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N. J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Revisions on Restricted Parking Along Various State Highways

On January 5, 1977, 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 revisions to N.J.A.C. 16:28-3.46, concerning restricted parking on parts of Route U.S. 9 and adopted new rules, to be cited as N.J.A.C. 16:28-3.135 and 16:28-3.136, concerning restricted parking on parts of Routes 94 and 35, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 580(a).

An order adopting these revisions and new rules was filed and became effective on January 6, 1977, as R.1977 d.2.
G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Rule on Left Turns on Parts of Route 171

On January 5, 1977, 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 a new rule, to be cited as N.J.A.C. 16:28-6.15, concerning left turns on portions of Route 171, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 580(b).

An order adopting this rule was filed and became effective on January 6, 1977, as R.1977 d.3.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Rules on Restricted Parking On Three State Highways

On January 5, 1977, 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. 16:28-3.131 through 16:28-3.134, concerning restricted parking along portions of Routes U.S. 9, 33, 88 and U.S. 9, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 579(a).

An order adopting these rules was filed and became effective on January 6, 1977, as R.1977 d.4.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Rule on Drawbridge Usage Along Route 52

On January 5, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-11.1, concerning drawbridge usage along portions of Route 52, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 575(c).

An order adopting this rule was filed and became effective on January 6, 1977, as R.1977 d.5.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Rules on No-Right Turns at Red Lights On Various State Highways

On January 18, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the prohibition of right turns at red traffic signals along portions of various State highways. Such rules may be cited as N.J.A.C. 16:28-12.1 et seq.

Copies of the full text of 247 pages of the adopted rules may be obtained from or made available for review by contacting:

Michael Miller
Administrative Practice Officer
State Department of Transportation
Bureau of Management Systems
1035 Parkway Avenue
Trenton, New Jersey 08625

An order adopting these rules was filed and became effective on January 18, 1977, as R.1977 d.10 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

TEACHERS' PENSION AND ANNUITY FUND

Proposed Revisions Concerning Medical Examinations and Physicians

The board of trustees of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56, proposes to revise its rule on medical examinations and physicians.

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

17:3-6.25 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the fund to perform a medical examination, such physician shall be selected from the current membership directory of the [New Jersey] Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the fund.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, 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
Acting State Treasurer
Department of the Treasury

(c)

TREASURY

DIVISION OF TAXATION

Corrections in Prior Notice of Adoption Concerning Required Information

Take notice that, in the Notice appearing at 9 N.J.R. 48(b) in the January 6, 1977, issue of the New Jersey Register concerning information returns of payers of interest or dividends (R.1976 d.398), a bracket, indicating words to be deleted, should have appeared before subsection (a) to signify that the entire, current text of N.J.A.C. 18:30-15.13 was to be deleted and that section is now marked as Reserved.

Take further notice that, in the Notice appearing at 9 N.J.R. 48(c) in the January 6, 1977, issue of the New Jersey Register concerning information furnished at source, the incorrect citation of N.J.A.C. 18:30-15.13 appeared therein. The adopted rule pertains to the gross income tax and therefore the correct citation should have read N.J.A.C. 18:35-1.4. The text of the rule as it appeared in the January 6, 1977, Register remains unchanged; only the citation should be changed as indicated.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TREASURY

INVESTMENT COUNCIL

Revisions Concerning Classification of Funds

On January 17, 1977, Clifford A. Goldman, Acting State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the Investment Council in the Department of the Treasury 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 and classification of funds.

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

17:16-5.5 Temporary reserve group

(a) The temporary reserve group shall include:

1. Clean Waters Fund;

[1] 2. College of Medicine and Dentistry of New Jersey—Self Insurance Reserve Fund #110;

- [2] 3. General Investment Fund;
- [3] 4. General Revenue Sharing Fund;
- [4] 5. General Trust Funds;
- [5] 6. Higher Education Buildings Construction Fund (Act of 1971);
- [6] 7. Housing Assistance Fund;
- 8. Institutions Construction Fund;
- 9. Mortgage Assistance Fund;
- [7] 10. New Jersey Educational Facilities Authority;
- [8] 11. New Jersey Housing Finance Agency;
- [9] 12. Pension Increase Fund;
- [10] 13. Public Buildings Construction Fund;
- [11] 14. School Building Aid—Capital Reserve Fund;
- [12] 15. State Facilities for Handicapped Fund;
- [13] 16. State Health Benefits Fund;
- [14] 17. State Lottery Fund—Investment;
- [15] 18. State of New Jersey—Alternate Benefit Program;
- [16] 19. State 1964 Institution Construction Fund;
- [17] 20. State Recreation and Conservation Land Acquisition Fund;
- [18] 21. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
- [19] 22. State Recreation and Conservation Land Acquisition and Development Fund;
- [20] 23. State Transportation Fund;
- [21] 24. State Water Development Fund;
- [22] 25. Transportation Benefit Fund;
- [23] 26. Transportation Fund;
- [24] 27. Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund);
- [25] 28. Water Conservation Fund.

An order adopting these revisions was filed and became effective on January 21, 1977, as R.1977 d.13 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Rule on Information Furnished At the Source Regarding Payers Other Than Interest and Dividends

On January 26, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:8-6(c) and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning information furnished at the source regarding payers other than interest and dividends.

Full text of the adopted rule follows:

18:35-1.5 Information furnished at the source; payers other than interest and dividends

(a) In addition to the information required to be furnished under N.J.A.C. 18:35-1.4, all payers, including those who are required to file Federal Internal Revenue Form 1099 or any of the Form 1099 designations, shall file a copy thereof with the Division of Taxation, P.O. Box 1848, Trenton, N. J. 08625, on or before March 15, 1977, in the same form and under the same conditions as provided for in N.J.A.C. 18:35-1.4 where the amount paid is \$1,000 or more.

(b) Payers shall include lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this State, or of any municipal corporation or political subdivision of this State, having the control, receipt, custody, disposal or payment of interest, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable gains, profits or income, except interest coupons payable to bearer.

An order adopting this rule was filed and became effective on January 26, 1977, as R.1977 d.19 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

OTHER AGENCIES

(b)

WATERFRONT COMMISSION OF NEW YORK HARBOR

Revisions to Commission's Regulations

On December 13, 1976, the Waterfront Commission of New York Harbor, pursuant to authority of Article IV, Section 7, of the Waterfront Commission Compact between New York and New Jersey, adopted revisions to several of its Regulations.

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

2.11(c) Every pier superintendent referred to in section 2.11(b) above shall immediately supply the Commission with a copy of the first report of accident concerning any longshoreman or checker who claims to have been injured (1) where the pier superintendent has reason to believe that the longshoreman or checker has made or may be making a false claim for compensation benefits or (2) where the longshoreman or checker does not work because of his claimed injuries for 14 days or more.

3.11 Cargo theft and loss report; report of compensation claims. (a) Every licensed stevedore shall, within ten days after the end of each calendar quarter-year, on forms furnished by the Commission, file a report for each pier or waterfront terminal at which it performs any stevedore services of all thefts and losses of waterborne freight occurring under suspicious circumstances and such other information as the Commission may require.

(b) Every licensed stevedore shall immediately supply the Commission with a copy of the first report of accident concerning any longshoreman or checker who claims to have been injured (1) where the stevedore has reason to believe that the longshoreman or checker has made or may be making a false claim for compensation benefits or (2) where the longshoreman or checker does not work because of his claimed injuries for 14 days or more.

4.11 False compensation claims prohibited. No person registered by the commission shall make a false statement for the purpose of obtaining any benefit or payment under any state workmen's compensation law or under the Federal Longshoremen and Harbor Workers Compen-

sation Act. Any violation of this regulation shall be deemed by the Commission, in the case of a checker, to constitute an act which is inconsistent with the possession of good character and integrity under section 5-n of the Waterfront Commission Act, and, in the case of a longshoreman, to constitute the longshoreman a danger to the public peace or safety under article VIII of that Act.

An order adopting these revisions was filed on December 20, 1976, as R.1976 d.426 (Exempt, Exempt Agency). Take notice that these revisions are not subject to codification and will not appear in the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Proposed Rules on Public Financing

Of General Elections for Office of Governor

The Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 et seq., proposes to adopt new rules concerning the public financing of general elections for the office of Governor.

Full text of the proposed rules follows:

SUBCHAPTER 15. PUBLIC FINANCE

19:25-15.1 Scope of Subchapter

The provisions of this Subchapter shall be applicable to the general election campaign for election to the office of Governor of New Jersey in November, 1977, and every such campaign held thereafter, except that the provisions shall not apply to any general election campaign for the office of Governor for which the Legislature fails to make an appropriation for public funding.

19:25-15.2 Definitions

The words and terms used in this Subchapter are used as defined herein or in N.J.A.C. 19:25-1.7.

19:25-15.3 Person defined

"Person" includes corporations, labor unions and associations, except that it does not include any insurance corporation or association prohibited from making political contributions under Section 34-32 of Title 19 (N.J.S.A. 19:34-32), and it does not include any corporation (for example, a bank or public utility) or any majority stockholders of such corporation prohibited from making political contributions under Section 34-45 of Title 19 (N.J.S.A. 19:34-45). For purposes of this Subchapter, person does not include a political committee or a political party committee. A spouse of any person is deemed to be a separate person.

19:25-15.4 Candidate defined

(a) "Candidate" means anyone who has filed a nominating petition or filed a form D-1 with the Commission or solicited contributions or made or incurred expenditures, or allowed others to do these things for him.

(b) For purposes of this Subchapter, "candidate" means candidate for election to the office of Governor of New Jersey in the general election in November, 1977, and in every such general election thereafter for which the Legislature makes an appropriation for public funding.

19:25-15.5 Qualified candidate defined

(a) "Qualified candidate" means:

1. Any candidate for election to the office of Governor whose name appears on the general election ballot and who has deposited and expended \$40,000 pursuant to Section 32 of the Act (N.J.S.A. 19:44A-32); or

2. Any candidate for election to the office of Governor whose name does not appear on the general election ballot, but who has deposited and expended \$40,000 pursuant to Section 32 of the Act (N.J.S.A. 19:44A-32).

19:25-15.6 Political party committee defined

"Political party committee" includes every state, county or municipal committee of a political party, as described in Chapter 5 of Title 19 (N.J.S.A. 19:5-1 et seq.), and any permanent political club described in Section 19:25-4.6 of these regulations, except that no committee shall be deemed to be a state committee, county committee or municipal committee of a political party for purposes of the public finance portion of the Act (N.J.S.A. 19:44A-27 et seq.) unless constituted and existing in accordance with Chapter 5 of Title 19 (N.J.S.A. 19:5-1 et seq.).

19:25-15.7 Allocated contribution defined

(a) "Allocated contribution" for purposes of this Subchapter means:

1. Any contribution to the campaign treasurer or deputy campaign treasurer of a state committee where it is the expressed or implied intention of the contributor or of the state committee, at the time the contribution is made, that the contribution be in aid of the candidacy of or in behalf of a candidate for election to the office of Governor, and the contributor or the state committee making or receiving the contribution knows or has reason to know of that fact; or

2. The portion of any unallocated contribution to the campaign treasurer or deputy campaign treasurer of a state committee, which, in an amount not in excess of \$600.00, is allocated by the state committee to the candidate; or

3. Any contribution to a candidate, his campaign treasurer or deputy campaign treasurer.

19:25-15.8 Contribution defined

"Contribution" is used as defined in N.J.A.C. 19:25-1.7 and includes loans, except that a loan in the ordinary course of business by a bank under Section 44 of the Act is not a contribution.

19:25-15.9 Contribution eligible for match defined

"Contribution eligible for match" means allocated contributions from each single contributor delivered to the Commission by a candidate or a state committee to be matched on a two-for-one basis. It does not include a bank loan under Section 44 of the Act (N.J.S.A. 19:44A-44) or a contribution which is to be repaid, or a contribution by any county or municipal political party committee. "Delivered" shall mean deposited in the bank account established by the Commission as the account for the candidate.

19:25-15.10 Own funds defined

"Own funds" means funds in legal and beneficial control or in beneficial control of a person. Contributions from a joint account by one owner of the account are not attributed to other owners of the account. Contributions by children under the age of 18 shall be attributed to the

parent who is responsible for the contribution, unless the decision to contribute is solely that of the child, the funds are controlled by the child and the funds are not the proceeds of a gift made to enable the contribution to be made.

19:25-15.11 Independent expenditure defined

"Independent expenditure" is an expenditure in aid of a candidate which is not made with the cooperation or prior consent of, or in consultation with or at the request or suggestion of, the candidate or any person or committee acting on behalf of the candidate.

19:25-15.12 Who may or may not contribute; general

(a) No person or political committee, otherwise eligible to make political contributions, shall make any allocated contribution or contributions to a candidate, his campaign treasurer or deputy campaign treasurer, a state committee, county committee or municipal committee of any political party or to any other person or committee, in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election, in the aggregate in excess of \$600.00, except as provided by these regulations and by Section 29 of the Act (N.J.S.A. 19:44A-29). Any such contribution in excess of \$600.00 must be returned to the contributor.

(b) Subject to the expenditure limitations of Section 7 of the Act, nothing contained in the Act or in these regulations shall be deemed to prohibit an expenditure in any amount by a candidate from his own funds in aid of the candidacy of or in behalf of such candidate, but all such expenditures shall be made through the campaign treasurer or deputy campaign treasurer of such candidate and shall be subject to all of the disclosure requirements of the Act.

(c) Subject to the limitations contained in these regulations and the Act, any person may contribute to more than one candidate.

19:25-15.13 Contributions eligible for match; general

(a) Only contributions in cash or by check, money order or negotiable instrument shall be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of \$600.00 and the overall expenditure limit contained in Section 7 of the Act.

(b) Every contribution eligible for match must be accompanied by a written statement which shall identify the individual making the contribution by full name and mailing address (and residence address if different from mailing address), the name of the candidate, the amount and date of the contribution, and shall bear the signature of the contributor. The requirement of such written statement will be deemed to be satisfied in the case where a contribution is made by means of a check, money order or other negotiable instrument payable on demand and to the order of, or specially endorsed without qualification to, the candidate or to his campaign committee, if such check, money order or instrument contains all of the foregoing information.

19:25-15.14 Contributions eligible for match; checks and instruments

(a) In the case of a check drawn on a joint checking account, the contributor shall be deemed to be the owner whose signature appears on the check. The check will not be attributed equally or otherwise to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner and information identifying the amount of contribution of each such owner. In the absence of specific instructions, the contribution will be allocated equally

among all owners whose signatures appear on the instrument.

(b) In the case of a check drawn on an escrow or trust account, the contribution will be that of the person who is the beneficial owner of the account, and must bear the signature of such beneficial owner.

(c) In the case of a check drawn on a partnership account or on the account of an unincorporated association or business, the check will be deemed to be the contribution of the individual whose signature appears on the check unless specific identification as to the contribution by other partners or members is contained on the check or other accompanying written instrument and the check is signed by each partner or member who is a contributor.

19:25-15.15 Limitation on contributions eligible for match

Contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value (such as a watch) or in the form of the purchase price paid for a chance to participate in a raffle, lottery or similar drawing for valuable prizes, or in the form of the purchase price paid for the admission to any activity that primarily confers private benefits to the contributor in the form of entertainment (such as a concert, motion picture or theatrical performance) shall be contributions eligible for match and for purposes of the \$600.00 limitation, only to the extent of the value of the contribution in excess of the fair market value of the item or benefit conferred on the contributor. Contributions in the form of the purchase price paid for admission to a testimonial affair as defined in N.J.A.C. 19:25-1.7 shall be contributions eligible for match and for purposes of the \$600.00 limitation.

19:25-15.16 Contributions to and expenditures by a state committee of a political party

(a) A state committee shall create an account in a national or state bank, authorized to do business in the State of New Jersey, in behalf of any candidate the committee intends to or does assist for election to the office of Governor in a general election. It shall deposit in such account all monies allocated in aid of the candidacy of or in behalf of such candidate, and shall report to the Commission, at the times called for under N.J.A.C. 19:25-15.22, all of the information required under N.J.A.C. 19:25-15.20(d), (e) 1. (e) 2. and (f). with respect to contributions received by it. No contributions other than allocated contributions shall be deposited in such account. All expenditures on behalf of the candidate shall be made from such account and all such expenditures shall be separately identified in pre-election and post-election reports required to be filed under the Act.

(b) A state committee shall forward to the Commission for match all allocated contributions on behalf of such candidate, except that the state committee may retain some or all of monies allocated by it under N.J.A.C. 19:25-15.7(b) to be expended by it on behalf of the candidate.

(c) All allocated contributions, except funds retained by the state committee to be expended by the state committee on behalf of the candidate, shall be delivered to the Commission for deposit in the account of such candidate. "Delivered" shall mean deposited in the bank account established by the Commission as the account for such candidate. Immediately after such deposit the campaign treasurer or deputy campaign treasurer of the candidate may transfer some or all of such monies to the candidate's nonpublic fund campaign bank account.

(d) A state committee may make expenditures in furtherance or in aid of the candidacy of such candidate; provided, however, that no state committee shall make expenditures from allocated contributions as defined in N.J.A.C. 19:25-15.7(a), or from contributions of money or

other thing of value pledged or received in a year when there is no election for the office of Governor, or in an amount in the aggregate in excess of \$600.00 from any single contributor; and further provided, that the total amount of expenditures (including election day expenditures reasonably and properly allocated to such candidate) authorized or incurred on behalf of such candidate by the candidate or any other person or political committee or organization (including the state committee), shall not exceed the limitation of expenditures set forth in Section 7 of the Act.

(e) Every state committee which assists a candidate for election to the office of Governor shall give written notice

1. To the candidate of every allocated contribution as defined in N.J.A.C. 19:25-15.7(a) which it receives for such candidate, and

2. To the candidate and the contributor of every allocation as described in N.J.A.C. 19:25-15.7(b), which it has made for from unallocated contributions.

(f) Such notice shall be given within 48 hours after receipt or allocation of such contribution, and shall include the name and address of the contributor and the amount and date of such contribution or allocation.

19:25-15.17 Contributions to and expenditures by a county or municipal committee of a political party

(a) No person, candidate or political committee otherwise eligible to make political contributions shall make any contribution or contributions to a county or municipal committee in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in the general election in the aggregate (including all allocated contributions by such contributor) in excess of \$600.00, except as provided by these regulations and Section 29 of the Act (N.J.S.A. 19:44A-29).

(b) No county or municipal committee shall accept any contribution of the kind described in subsection (a) of this Section, which in the aggregate (including all allocated contributions by such contributor) exceeds \$600.00. Any such contribution in excess of \$600.00 must be returned to the contributor.

(c) Any county or municipal committee which receives a contribution of the kind described in subsection (a) of this Section not in excess of \$600.00 shall not deposit such contribution in its committee account but shall immediately forward such contribution to the campaign treasurer or deputy campaign treasurer of the state committee of such political party. Such transferred contribution shall be deposited by the state committee as an allocated contribution as defined in N.J.A.C. 19:25-15.7 and shall be forwarded to the Commission for match.

(d) Contributions by a county or municipal committee of unallocated funds forwarded to the state committee shall not constitute contributions eligible for match and shall not be deposited in the state committee account on behalf of such candidate and shall not be forwarded to the Commission or deposited in any bank account of such candidate and shall not be expended by the state committee on behalf of such candidate.

(e) Any county or municipal committee may make an expenditure from funds, other than allocated contributions, in aid of a candidate or in furtherance of the candidacy of a candidate, except that no county or municipal committee may transfer any funds to any candidate or the campaign treasurer or deputy campaign treasurer of any candidate, and

1. The total amount of such expenditures (including election day expenditures reasonably and properly allocated to such candidate) shall not, together with those of all other

county and municipal committees in the same county, exceed \$10,000 in the aggregate; and

2. The total of all expenditures of such county and municipal committees, together with those of all other county and municipal committees in the state, shall not exceed \$100,000; and

3. The total of all expenditures by such county or municipal committees, together with all expenditures by any other person, political committee, political party committee, including the state committee and all other county and municipal committees on behalf of the candidate, shall not exceed the expenditure limitations of Section 7 of the Act.

(f) The candidate or his campaign treasurer shall determine the exact amount that the individual county committees or municipal committees may expend in aid of the candidacy or in behalf of such candidate and shall file a report of such determination with the Commission no later than the 7th day prior to the general election being funded, and shall make available at the same time a copy of said report to each county committee and municipal committee of his political party which has reported to him respecting expenditures. Every county and municipal committee which has made any expenditure in aid or furtherance of the candidacy of a candidate for the office of Governor shall provide the candidate, on or before the close of business on the 11th day preceding the general election, a statement of the amounts expended or to be expended by such committee in aid or furtherance of his candidacy.

19:25-15.18 Time of contributions

(a) Contributions, otherwise lawful, in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election may be made at any time, except that no contribution which is received on or before the date of the primary election immediately preceding the general election campaign being funded by or on behalf of any candidate for use in the general election campaign being funded and not deposited in the bank account established by the Commission on behalf of the candidate for match in accordance with Section 32 of the Act (N.J.S.A. 19:44A-32) on or before such primary election may be utilized or expended by or in behalf of such candidate or any other candidate in the general election campaign being funded. Such a contribution shall be returned to its contributor.

(b) No state committee shall make a contribution or contributions in aid of the candidacy of or in behalf of any candidate of monies or other thing of value pledged or received prior to January 1 of the year of the election for the office of Governor.

19:25-15.19 Funds or materials remaining from primary campaign

(a) Funds remaining from the primary campaign may not be transferred to the general election campaign, but shall be returned to the contributors pro rata, or transferred to a political party committee or otherwise lawfully disposed of; provided, however, that an amount not in excess of \$600.00 from each single contributor, deposited prior to the date of the primary election in the bank account established by the Commission as the account for such candidate, may thereafter be used as a contribution to the general election campaign. All such contributions will count toward the \$600.00 contribution limit and will constitute contributions eligible for match. Funds transferred to a political party committee pursuant to this section must be placed in an account other than the separate segregated campaign account of

such political party committee, and no part of such transferred funds may be used on behalf of the candidate. Contributions by a candidate to his own primary campaign do not constitute his own funds once they are contributed to the primary campaign, and must be treated as any other remaining campaign funds, except that repayment to a candidate of a bona fide loan by him to his primary campaign becomes his own funds.

(b) Materials such as campaign literature, buttons and office supplies remaining from the primary campaign may not be transferred to the general election campaign but may be purchased by the general election campaign for cost or other reasonable value.

(c) The general election campaign committee and campaign accounts of every candidate shall be separate from primary election campaign committee and campaign accounts of such candidate and shall be separately designated in reports required to be filed under the Act. Funds in general election campaign accounts shall not be commingled with funds in primary election campaign accounts.

19:25-15.20 Matching of funds

(a) Every candidate seeking to qualify for public funding shall so notify the Commission in writing on or before August 1 immediately preceding the general election being funded; except that a person who becomes a candidate after August 1 shall notify the Commission on or before the 15th day after becoming a candidate. A candidate who wilfully and knowingly accepts a contribution for the general election in excess of \$600.00 from any contributor after the effective date of these regulations shall be deemed to have elected not to seek to qualify for public funding. A candidate who has accepted a contribution in excess of \$600.00 from any contributor prior to the effective date of these regulations, and who has not returned the amount of such contribution in excess of \$600.00 to the contributor within 10 days after the effective date of these regulations, shall be deemed to have elected not to seek to qualify for public funding.

(b) On receipt of the letter in accordance with subsection (a) of this Section, the Commission shall create an account in a national or a state bank in Trenton in behalf of such candidate for election to the office of Governor in a general election. The campaign treasurer or deputy campaign treasurer of a candidate or the state committee shall deliver to the Commission by depositing in the bank account established by the Commission as the account for such candidate, funds to be matched in aid of the candidacy of or in behalf of such candidate. Such deposit shall be made promptly and prior to the date on which the general election for the office of Governor is held, and shall include only moneys received in accordance with these regulations and Section 29 and 32 of the Act (N.J.S.A. 19:44A-29).

(c) A candidate seeking to become eligible to receive matching funds shall certify to the Commission in a written statement signed by the candidate that he is a candidate for Governor in the general election, he or the state committee has received and deposited into the designated depository lawful contributions eligible for match of at least \$40,000 from persons each of whose contributions in the aggregate (including in-kind contributions, but excluding voluntary services) do not exceed \$600.00, and that at least \$40,000 from such contributions have been expended. "Expended" for this purpose shall mean disbursed or irrevocably committed by

legally binding commitment for expenditure in the campaign and to be ultimately disbursed.

(d) The statement shall include a typed or printed alphabetical list of contributors showing each contributor's full name and mailing address (and residence address if different from mailing address), the date of receipt of each contribution by the candidate or state committee and of the deposit into the designated campaign depository, the dollar amount of each contribution submitted for match, and the total amount of all contributions submitted for match. The statement shall also include a typed or printed alphabetical list of contributors of contributions not eligible for match, (for example, in-kind contributions or contributions intended to be repaid) showing each contributor's full name and mailing address (and residence address if different from mailing address), the date of receipt of each such contribution by the candidate or state committee and the dollar amount of each such contribution.

(e) The statement shall include a certification by the candidate and his campaign treasurer that:

1. The submission includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or the recipient to be refunded or repaid at any time;

2. No contribution by any county committee or municipal committee of any political party is included in the submission; and

3. The receipt by the candidate from the fund for general election campaign expenses of an amount equal to twice the amount of lawful contributions deposited to be matched will not result in the candidate's exceeding the expenditure limitations of Section 7 of the Act (N.J.S.A. 19:44A-7).

(f) The certification shall include a photocopy of all sides or pages of each check or other written instrument as described in N.J.A.C. 19:25-15.13(b) for each contribution which the candidate submits to receive matching funds. The photocopies shall be segregated alphabetically by deposit and shall be accompanied by copies of the relevant deposit slips.

(g) The initial certification shall include photocopies of checks, receipted bills, contracts of the like, as proof of the expenditure of at least \$40,000.

(h) Once eligibility has been established, subsequent statements and certifications shall be submitted in accordance with subsections (a), (b), (c), (d), (e) and (f) of this Section.

19:25-15.21 Time of submission

a) Statements and certifications may be submitted by candidates on or before 12 o'clock noon of every other Monday following the date of the primary election until September 1 and every Monday thereafter up to and including the Monday immediately preceding the general election being funded. In the event that a date for submission shall fall on a holiday, then the submission may be on the next succeeding business day which is not a holiday. The Commission shall promptly approve the certification submitted by the candidate or so much of it as the Commission deems to be proper. In the event that all the submission is not approved for match, the Commission will promptly so notify the candidate.

(b) Nothing herein contained shall relieve any candidate or committee from the pre-election or post-election reporting requirements contained in Sections 8 or 16 of the Act.

19:25-15.22 Certification by state committee

Every state committee shall, on the same time schedule as is followed by the qualified candidates supported by such state committee, file with the Commission a statement certified by its campaign treasurer setting forth all of the information required under N.J.A.C. 19:25-15.20(d), (e)1., (e)2. and (f) with respect to contributions received or allocated by it.

19:25-15.23 Disbursement of public funds; general

The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a general election shall promptly receive in behalf of such qualified candidate from the fund for general election campaign expenses moneys in an amount equal to twice the amount of each contribution deposited in such qualified candidate's Commission bank account, except that no payment shall be made to any candidate from such fund for general election campaign purposes for the first \$40,000 deposited in such qualified candidate's Commission bank account.

19:25-15.24 Disbursement of public funds; limitation

No public funds shall be deposited by the Commission in the account of any candidate on or before the date of the primary election, or when such deposit represents an unreasonable risk that the ultimate disbursement of public funds would not be equitable or proportional with respect to all qualified candidates.

19:25-15.25 Special candidate account for public funds

Every candidate shall maintain a separate segregated campaign account for public funds. All public funds received by him out of the General Treasury of the State shall be promptly deposited by him into such separate segregated campaign account. No funds other than such public funds shall be deposited in such separate segregated campaign account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

19:25-15.26 Disbursement of public funds; procedure

The Commission shall certify to the Treasurer of New Jersey the amount to be disbursed to the Commission for the account of each candidate. The Treasurer shall then deliver such amount to the Commission, out of the General Treasury of the State from the fund for campaign expenses for the general election to the office of Governor. Delivery to the Commission shall be by deposit in the public fund bank account established by the Commission as the account for such qualified candidate. The Treasurer shall notify the Commission of such delivery.

19:25-15.27 Disclosure of information

The statements and certifications submitted by a candidate or state committee in accordance with N.J.A.C. 19:25-15.16(a) and 19:25-15.20 shall not be public records and shall not be available for public inspection; provided however the Commission shall from time to time publish a listing which shall contain the information included in the statements and certifications for each contribution approved for match except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$100.00 or less.

19:25-15.28 Use of Public funds

(a) Public funds received on behalf of a qualified candidate from the fund for general election campaign expenses shall be deposited by the candidate in a separate segregated account and the use of such funds shall

be strictly limited to the following purposes:

1. Purchase of time on radio and television stations;
2. Purchase of rental space on outdoor signs or billboards;
3. Purchase of advertising space in newspapers and regularly published magazines and periodicals;
4. Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;
5. Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of the candidate.

(b) Contributions, other than public funds, received by or in behalf of any candidate for election to the office of Governor (including contributions eligible for match) shall not be subject to the limitations of subsection (a) of this Section, but may be expended for any lawful purpose in furtherance or aid of the candidacy of the candidate.

19:25-15.29 Compliance costs

Reasonable and necessary expenses of compliance with the reporting and certification requirements imposed by the public finance provisions of the Act shall not be deemed to be expenditures within the meaning of Section 7 of the Act. Such expenses shall be specifically identified as such in all reports required under the Act.

19:25-15.30 Limitation of expenditures

For the limited purpose of computation of the expenditure limit contained in Section 7 of the Act, the amount of the expenditure in aid or furtherance of the candidacy of a candidate relating to a testimonial affair as defined in N.J.A.C. 19:25-1.7 may, at the option of the candidate, be computed by using the smaller of:

1. The total amount of such expenditure as shown by the report of the candidate; or
2. The total amount of such expenditure less the reasonable value of food and beverages to the persons who attended such affair and for whom a contribution in excess of the reasonable value of such food and beverages is reported.

19:25-15.31 Independent expenditures

(a) Independent expenditures shall not be deemed to be expenditures within the meaning of Section 7 of the Act, but all such expenditures shall be subject to all of the reporting and disclosure requirements of the Act. Every person making independent expenditures shall include in the reports required under the Act a sworn statement on a form provided by the Commission that such independent expenditure was not made with the cooperation or prior consent or, or in consultation with or at the request or suggestion of, the candidate or any person or committee acting on behalf of the candidate.

(b) Any advertisement which is an independent expenditure shall include a clear and conspicuous statement that the advertisement is not authorized by any candidate and shall state the name and address of the person or organization making the expenditure.

19:25-15.32 Borrowing of funds; repayment

(a) Any candidate, his campaign treasurer or deputy campaign treasurer, may borrow funds from any national or state bank, provided that no person or political committee other than the candidate himself or the state committee of any political party, may in any way endorse or guarantee such loan. The amount so borrowed shall not at any one time in the aggregate exceed \$50,000 and must be repaid in full by such candidate or his campaign treasurer or deputy campaign treasurer from

moneys accepted or allocated pursuant to Section 29 of the Act not later than 30 days prior to the general election for the office of Governor. Certification of such repayment shall be made by the borrower to the Commission not later than 25 days prior to the date of the general election. In the event of the failure of the borrower to repay timely the full amount of the loan or to properly certify such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the Act to prohibit the expenditure by the candidate of moneys received from the fund and any other moneys received by him in aid of his candidacy in such general election.

(b) A loan other than as provided in subsection (a) of this Section is a contribution, and is subject to the \$600.00 limitation on contributions.

19:25-15.33 Prepared statement on behalf of candidate

(a) Each candidate shall be entitled to have a statement submitted by him to the Commission printed and mailed by each county clerk with the sample ballot to each registered voter in the county, together with a short explanation from the Commission that such statements are provided pursuant to the Act and these regulations to assist the voters in making a determination among the candidates for the office of Governor.

(b) Each candidate who wishes such a statement mailed on his behalf shall submit to the Commission, on forms to be provided by the Commission, his proposed statement which shall not exceed 500 words in length. The statement shall be submitted to the Commission on or before the 60th day prior to the date on which the general election is to be held.

(c) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall supply each county clerk with the text of the statement received from each candidate for election for the office of Governor.

(d) The cost of printing and mailing such statements shall be paid for in the same manner and as part of the costs of printing and mailing the sample ballots and shall not be considered an expenditure within the meaning of Section 7 of the Act.

19:25-15.34 Maintenance of records

The campaign treasurer or deputy campaign treasurer of every state committee shall retain all written instruments, checks, bank statements and all other records of contributions and expenditures, including originals or photocopies of all documents and instruments submitted to the Commission, relating to the election.

A public hearing respecting the proposed action will be held on February 15, 1977, at 10:00 A.M. in the Assembly Chamber, State House, Trenton, N. J. It is requested that persons wishing to testify at the hearing contact Neil Upmeyer in the Election Law Enforcement Commission office, Suite 1114, National State Bank Building, Trenton, N. J. 08605, Telephone: (609) 292-8700.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 2, 1977, to the Election Law Enforcement Commission at the above address.

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

Lewis B. Thurston III
Executive Director
Election Law Enforcement Commission

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

BUSINESS PROPERTY TAX AMENDED

Governor Brendan Byrne on January 17 signed two bills relating to the Business and Personal Property Tax.

A-1766, sponsored by Assemblyman Steven Perskie, amends the law to provide that machinery or equipment acquired on or after January 1, 1977 will not be subject to assessment or taxation.

S-1705, sponsored by Senator Joseph P. Merlino, guarantees that municipalities will lose no revenues as a result of the repeal of the business property tax.

GOVERNOR NAMES ASSISTANT COUNSEL

Governor Brendan Byrne recently appointed Teel Oliver Rhett, 40, of Princeton, to serve as Assistant Counsel in his office. Ms. Rhett previously was an Assistant Deputy Public Defender in the Office of the Public Advocate.

A graduate of Rollins College, Winter Park, Fl., Ms. Rhett received her law degree from Seton Hall Law School, where she was an editor of the Law Review. She served her legal clerkship under N.J. Chief Justice Richard J. Hughes and also worked as a secretary for former President Lyndon B. Johnson while he was majority leader of the U.S. Senate and vice president.

She has two daughters, Kathryn, 14 and Cecily, 11.

NEW BANKING CONSUMER OFFICE

Governor Brendan Byrne announced that an Office of Consumer Affairs has been created within the Department of Banking.

"This new consumer unit is an example of an expanded commitment to consumer protection by the Department of Banking", the Governor said.

"The office will investigate complaints, answer questions, recommend ways the banking industry can improve its service to the public and generally help consumers protect their rights under banking and credit laws".

Consumers with complaints or inquiries about a State-chartered financial institution or practice should write to the Office of Consumer Affairs, Department of Banking, 36 West State Street, Trenton, N.J. 08625 or call (609) 292-9782.

HEALTH DEPARTMENT MEETINGS

In accordance with provisions of the Open Public Meetings law, the Department of Health last month released a listing of all public meetings scheduled for 1977 by its seven boards and commissions covered by the law.

The date, time and location of each meeting is included, and while meetings of "advisory committees" were not listed the public may obtain information on any of them, also, by writing the Department at P.O. Box 1540, Trenton, N.J. 08625 or by calling (609) 292-7834.

UNEMPLOYMENT TAX INCREASES

The maximum amount of wages subject to the New Jersey payroll tax for unemployment and disability insurance purposes has been increased to \$5,800 for 1977, according to John J. Horn, Acting Commissioner of the Department of Labor and Industry.

He noted that the taxable wage base is now geared to the average weekly wage paid to workers protected by the law. This average weekly wage for 1975 was set at \$206.48, producing a maximum weekly benefit amount of \$104 and the taxable \$5,800 rate for 1977.

SEEK JOBS FOR WELFARE PEOPLE

The National Alliance of Businessmen and the New Jersey Work Incentive (WIN) program are undertaking a joint Statewide effort to develop jobs for public assistance recipients, John J. Horn, Acting Commissioner of the Department of Labor and Industry, announced.

Horn said employers may take advantage of two incentives offered by the WIN program to encourage the hiring of public assistance recipients. Under an on-the-job training agreement, the employer can be reimbursed one half of the worker's salary for a stipulated training period, and in addition any employer hiring a WIN participant is eligible for a tax credit equal to 20 per cent of the recipient's wages the first year of employment.

Horn said it is anticipated that a closer working relationship between the NAB with its contacts in the business community, and WIN, a Federally-funded program aimed at reducing welfare dependency, will bring about increased employment opportunities from this segment of the population.

FIVE MORE PARKS FINANCED THROUGH STATE GREEN ACRES FUNDS

Governor Byrne recently announced approval of five Green Acres development projects totaling over \$1 million in Somerset, Monmouth, Atlantic, Middlesex and Mercer counties.

The Department of Environmental Protection will provide matching State funds of more than \$500,000 from the 1974 Green Acres bond issue for development of the five park and sports sites.

Bridgewater Township (Somerset): A \$169,000 grant for development of Harry Ally Memorial Park on Finderne Avenue to include baseball and football fields; tennis, basketball and handball courts; sitting areas and playground equipment.

Middletown Township (Monmouth): \$161,000 for an environmental education center at Poricy Park on Oak Hill Road, with a nature study building and outdoor classroom areas.

Atlantic City (Atlantic): \$95,000 for improvement of Westside Park, adjacent to the Westside Neighborhood Facility Center, to include basketball and street hockey courts, tot lots and a sitting area with game tables.

Woodbridge Township (Middlesex): \$108,000 for improvement of Avenel Park on Tappan Street, with lighted tennis courts, picnic area, baseball field and comfort station.

Lawrence Township (Mercer): \$22,000 for a lighted soccer field at Central Park on Eggerts Crossing Road.

1976 REGISTER BOUND VOLUME AGAIN AVAILABLE AT \$14

Orders are being accepted from subscribers for the annual bound volume of 1976 issues of the New Jersey Register.

In addition to the 12 issues, the 600-page volume contains an index of all rules adopted during the year—and of rules proposed but not yet adopted at year-end. A similar cumulative index for 1975 is included.

Price is \$14 per copy, payable in advance, with shipment postpaid. Similar bound volumes for preceding years are available at the same price.

Checks should be made out to, and orders placed with: Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608.

STATE RELEASES WILD TURKEYS

The Department of Environmental Protection's Division of Fish, Game and Shellfisheries last month took the first step in its attempt to restore the wild turkey to suitable habitat in New Jersey by liberating 11 wild trapped birds near Layton in Sussex County.

The restoration program is being made possible through the cooperation of Vermont Governor Thomas P. Salmon and Director Edward F. Kehoe of the Vermont Fish and Game Department.

Wildlife biologists from New Jersey, with the cooperation of turkey biologists from the Pennsylvania Game Commission, early last year completed a study which revealed that New Jersey does have sufficient, suitable habitat to support a population of wild turkeys.

BOOK ON STATE'S ETHNIC GROUPS

DUE AS MEMENTO OF BICENTENNIAL

As a lasting reminder of last year's 200th birthday observance, the State Bicentennial Commission has commissioned a book on the history of the State's varied ethnic groups, which former Gov. Robert B. Meyner, chairman of the Commission, terms "a salute to New Jersey's rich ethnic heritage".

The Commission plans to distribute copies to libraries throughout the State following publication early next year. The book will update and expand the pioneering study by Rudolph J. Vecoli, "The People of New Jersey", which received its impetus from the New Jersey Tercentary Commission in 1964.

As part of the new project, approximately 25 ethnic groups will submit short chapters on their particular ethnic heritages. Editor of the book is Barbara Cunningham of Ewing Township, an honor graduate of Douglass College with a Master's degree from Rutgers and currently a candidate for a doctoral degree there.

The project is financed through a \$20,000 grant from the American Revolution Bicentennial Administration in Washington to develop programs recognizing contributions by ethnic groups to the 200 years of American history.