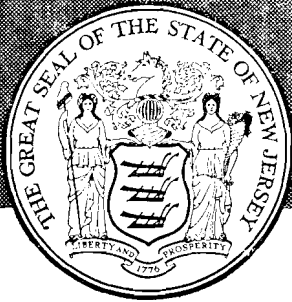


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NEW JERSEY REGISTER



The State's Official Monthly Rules Publication

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure

John K. Barnes, Editor

Peter J. Gorman, Rules Analyst

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

UPDATING FOR CODE COVERS SIX MORE TITLES

A mailing last month of updated administrative rules covered six of the 19 Titles in the New Jersey Administrative Code. The late August mailing followed one for 11 other Titles made in June.

The latest update covers all rules adopted up until March 23 this year for the following Departments: Title 4—Civil Service, 5—Community Affairs, 8—Health, 9—Higher Education, 15—State, and 17—Treasury's general rules.

If Code subscribers have not received this mailing please contact the Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608, or phone (609) 292-6060.

The Administrative Code, like the Register, is published by the Division on a subscription basis. All rules proposed or adopted since those now in print in the Code are reported each month in this Register. A cumulative index of rules not yet distributed in the Code appears as a regular feature in the center pages.

How New Departments Are Now Being Reported

The first rules adopted by the new Energy Department of the State Government are included in this issue of the Register, constituting a new Title 14—Energy. This Title had previously been designated Public Utilities Commission; the PUC has become part of the new Energy Department.

A second new Department, Corrections, has existing rules which are contained currently in Title 10, as previously. That Title is now designated as Human Services; it was previously Institutions and Agencies.

The order in which administrative rules are printed in the Register follows the sequence of Title numbers, not a straight alphabetical order which was possible previously. Thus, the new Energy Department (Title 14) rules appear following those of Law and Public Safety Department (Title 13).

The same sequence will be followed in printing the New Jersey Administrative Code.

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted 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. Issued monthly since September, 1969.

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 32-volume, regularly-updated set of all State administrative rules are available on request, based on Departmental coverage desired.

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Rule On Swine Pseudorabies Vaccination

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 through 17 and 4:5-106 through 106.20, proposes to adopt a new rule concerning swine pseudorabies vaccination.

Full text of the proposed rule follows:

2:2-4.40 Swine pseudorabies vaccination

(a) No person shall vaccinate swine for pseudorabies unless a permit has been issued by the Department. Permits may be granted only to veterinarians licensed in the State for the vaccination of swine in infected or high risk herds.

(b) No person or firm shall sell, distribute or give away any pseudorabies vaccine unless they have received permission from the Department.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Kathryn A. Clark
Chief, Hearings and Administrative Practices
Department of Agriculture
John Fitch Plaza
Trenton, N.J. 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Rule on Confidentiality Of Certain Reports

The Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et

seq., proposes to adopt a new rule concerning the confidentiality of reports by dealers, processors, subdealers and stores.

Full text of the proposed rule follows:

SUBCHAPTER 4. REPORTS

2:48-4.1 Confidentiality of reports by dealers, processors, subdealers and stores

(a) All records and reports of dealers, processors, subdealers and stores containing commercial or financial information of a sort not customarily disclosed to the public and which disclosure would be likely to result in placing the person submitting the information at a competitive disadvantage shall be deemed to be confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq. (Chapter 73, P.L. 1963).

(b) The confidential reports and records referred to herein include, but shall not be limited to, financial data submitted in support of license applications, records and reports of purchases and sales of milk and milk products, prices at which such products are sold, the cost of processing and distributing such milk and milk products, audit work papers and audit reports, and any list of accounts served.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before September 28, 1977, to:

Woodson W. Moffett Jr., Director
Division of Dairy Industry
Department of Agriculture
P.O. Box 1999
Trenton, N.J. 08625
Telephone: (609) 292-5646

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

Woodson W. Moffett Jr., Director
Division of Dairy Industry
Department of Agriculture

(a)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Revisions Concerning Commercial Values

On July 27, 1977, the Department of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 2:69-1.11 concerning commercial values.

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

2:69-1.11 Commercial values

(a) The State Board of Agriculture, pursuant to N.J.S.A. 4:9-15.26, determines the commercial values of primary plant nutrients to be:

1. Nitrogen: \$3.10 per unit;
2. Water insoluble nitrogen: [\$7.50] \$9.10 per unit;
3. Available phosphoric acid: \$2.25 per unit;
4. Soluble potash: \$1.40 per unit.

(b) These values shall be effective from July 27, 1977, through June 30, 1978 and are adopted as an exempt procedural rule.

An order adopting these revisions was filed and became effective on July 27, 1977, as R.1977 d.266 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revised Minimum Milk Prices

On August 15, 1977, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revised minimum milk prices which replace the current text of N.J.A.C. 2:53-1.1(b).

Full text of the revised rule follows:

2:53-1.1(b) Effective September 1, 1977, minimum milk prices under Order 69-1 will be 39½ cents per quart, 74 cents per half-gallon and \$1.42 per gallon. This amendment shall be effective from and after September 1, 1977.

An order adopting these revisions was filed on August 16, 1977, as R.1977 d.294 (Exempt, Procedure Rule) to become effective on September 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Rules on Application of Minimum Price Regulations To Sale of Milk to Consumers by Producer-Dealer

On August 19, 1977, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 2:52-7.1 et seq., concerning the application of minimum price regulations to the sale of milk to consumers by producer-dealers, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 250(b).

An order adopting these rules was filed on August 19, 1977, as R.1977 d.303 to become effective on August 25, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revisions on Required Reports

On August 22, 1977, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 2:52-1.6(a)2.vi. concerning required reports, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 250(a).

An order adopting these revisions was filed and became effective on August 22, 1977, as R.1977 d.310.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Proposed Rules on Restrictions On Loans Involving Affiliated Persons

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to adopt new rules concerning restrictions on loans involving affiliated persons.

Full text of the proposed rules follows:

SUBCHAPTER 11. RESTRICTIONS ON LOANS INVOLVING AFFILIATED PERSONS

3:1-11.1 Definitions

"Institution" means a bank as defined in N.J.S.A. 17:9A-1(1) and a State association as defined in N.J.S.A. 17:12B-5(1).

"Affiliated person" means the following:

1. A director, manager or senior officer of an institution;
2. A spouse of a director, manager or senior officer of an institution;
3. A member of the immediate family of a director, manager or senior officer of an institution or an affiliate of an institution;
4. Any corporation or organization of which a director, manager or senior officer of such institution is an officer or partner or is, directly or indirectly either alone or with his spouse, the owner of ten per cent or more of any class of equity securities or the owner with other directors, managers and senior officers of such institution and their spouses of 25 per cent or more of any class of equity securities; and
5. Any trust or other estate in which a director, manager or senior officer of such institution or the spouse of such person has a substantial beneficial interest or as to which such person or his spouse serves as trustee or in a similar fiduciary capacity.

"Immediate family" of any natural person means the following (whether by the full or half blood or by adoption):

1. Such person's spouse, father, mother, children, brothers, sisters and grandchildren;

2. The father, mother, brothers and sisters of such person's spouse; and

3. The spouse of a child, brother or sister of such person.

"Senior officer" means the president, any vice-president (but not an assistant vice-president, second vice-president or other vice-president having authority similar to an assistant or second vice-president), the secretary, the treasurer, the comptroller, and any other person performing similar functions with respect to any bank, savings bank or State association.

3:1-11.2. Prohibition

No institution or affiliate thereof may, either directly or indirectly, make a loan to any affiliated person of such institution, or purchase any such loan, unless the terms and conditions of the loan (including but not limited to interest rate, maturity and collateral) are comparable to those terms and conditions then prevailing for a comparable loan to a non-affiliated person.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Virginia Long
Commissioner
Department of Banking
36 West State St.
Trenton, N.J. 08625

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

Virginia Long
Commissioner
Department of Banking

(c)

BANKING

THE COMMISSIONER

Proposed Rules on Restrictions On Real Property Transactions In New Charter and Branch Applications

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, 17:9A-11D(1) et seq. and 17:12B-20(a) et seq., proposes to adopt new rules concerning the restrictions on real property transactions in new charter and branch applications.

Full text of the proposed rules follows:

SUBCHAPTER 10. RESTRICTIONS ON REAL PROPERTY TRANSACTIONS IN NEW CHARTER AND BRANCH APPLICATIONS

3:1-10.1 Definitions

"Institution" means a bank as defined in N.J.S.A. 17:9A-1(1), a savings bank as defined in N.J.S.A. 17:9A-1(13) and a State association as defined in N.J.S.A. 17:12B-5(1).

"Affiliated person" means the following:

1. A director, manager or senior officer of an institution;
2. A spouse of a director, manager or senior officer of an institution;
3. A member of the immediate family of a director, manager or senior officer of an institution or an affiliate of an institution;

4. Any corporation or organization of which a director, manager or senior officer of such institution is an officer or partner or is, directly or indirectly either alone or with his spouse, the owner of ten per cent or more of any class of equity securities or the owner with other directors, managers and senior officers of such institution and their spouses of 25 per cent or more of any class of equity securities; and

5. Any trust or other estate in which a director, manager or senior officer of such institution or the spouse of such person has a substantial beneficial interest or as to which such person or his spouse serves as trustees or in a similar fiduciary capacity.

"Immediate family" of any natural person means the following (whether by the full or half blood or by adoption):

1. Such person's spouse, father, mother, children, brothers, sisters and grandchildren;

2. The father, mother, brothers and sisters of such person's spouse; and

3. The spouse of a child, brother or sister of such person.

"Senior officer" means the president, any vice-president (but not an assistant vice-president, second vice-president or other vice-president having authority similar to an assistant or second vice-president) the secretary, the treasurer, the comptroller and any other person performing similar functions with respect to any bank, savings bank or State association.

3:1-10.2. Prohibition

(a) The Department of Banking will deny each new charter, branch, mini-branch, limited facility branch, branch relocation or auxiliary application when the applying bank, savings bank or State association, or subsidiary thereof, has either directly or indirectly purchased or leased any interest in real property in the proposed site from an affiliated person of such institution, except as follows:

1. When the proposed site was sold or leased, or under contract or option to sell or lease, to the institution before September 8, 1977;

2. When the proposed site is leased, or under option to be leased, from an affiliated person when the site to be leased is in a shopping center or office complex and the institution will lease no more than 15 per cent of the space leased; and

3. When the price paid by the institution for the purchase of the site does not exceed the price paid by the affiliated person plus the actual expenses in the purchase and maintenance of the property.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Virginia Long
Commissioner
Department of Banking
36 West State St.
Trenton, N.J. 08625

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

Virginia Long
Commissioner
Department of Banking

(a)

BANKING

THE COMMISSIONER

Notice of Approved Investment in State of Israel Fifth Development Investment Issue

Take notice that, on August 11, 1977, Virginia Long, Commissioner of Banking, under the provisions of N.J. A.C. 3:11-8.2, approved the State of Israel Fifth Development Investment Issue as an acceptable investment by savings banks.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Notice of License Revocation

Take notice that, Virginia Long, Commissioner of Banking, revoked the home repair contractor license of Lor-Lyn Holding Corporation, 631 Morris Avenue, Springfield, New Jersey 07081 on July 22, 1977.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 3 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF ADMINISTRATION AND OPERATIONS

Rules on Home Mortgage Disclosures

On August 22, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:16F-11 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 3:1-9.1 et seq., concerning home mortgage disclosures, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 303(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

An order adopting these rules was filed and became effective on August 22, 1977, as R.1977 d.308.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Deletion of Portion of Rule Concerning Makeup Examinations

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq., proposes to delete a portion of its rule concerning makeup examinations.

Full text of the proposed deletion follows (deletions indicated in brackets [thus]):

4:1-8.21 [(g) Candidates who are denied the opportunity for a make-up examination will be so notified and advised of their rights of appeal.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Joseph Lavery
Administrative Practice Officer
Department of Civil Service
201 East State Street
Trenton, New Jersey 08625

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

S. Howard Woodson, Jr., President
Civil Service Commission
Department of Civil Service

sex, race, ancestry or national origin of the applicants or eligibles. Unless a bona fide occupational qualification on the basis of sex or national origin exists as determined by the Chief Examiner and Secretary, all examinations shall be open to members of both sexes and all national origins and certification therefrom shall be without regard to sex or national origin.

12-7.101c Procedure:

Appointing authorities may request and submit documentary evidence that the person performing the duties of the particular position must be limited to one sex or national origin for the safe and efficient operation of the governmental enterprise. This justification will be evaluated by the Division of Local Government Services with technical assistance from the Career Development staff. A recommendation will be made by the Director of Local Government Services to the Chief Examiner and Secretary who will make a determination. (See Subpart 6-3.104 Determination of Bona Fide Occupational Qualifications.) The appointing authority and the Director of Examinations will be advised of this determination. Copies of the determination will be forwarded to the Civil Service Commission for recording purposes.

Based on this determination, appropriate certification actions will be taken.

An order adopting these revisions was filed on July 22, 1977, as R.1977 d.258 (Exempt, Procedure Rule). Take notice that these revisions are not subject to modification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Local Jurisdictions Personnel Manual Concerning Certification Without Regard to Sex

On July 18, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Part 12-7 in the Civil Service Personnel Manual (Local Jurisdictions) concerning certification without regard to sex.

Full text of the adopted revisions follows:

PART 12-7 CERTIFICATION WITHOUT REGARD TO SEX

Subpart 12-7.101 Requests from appointing authorities regarding selective certification based on the sex or national origin of eligibles

12-7.101a Subject:

This subpart deals with the Civil Service procedures regarding requests for selective certification based on the sex or national origin of eligibles.

12-7.101b Policy:

It is the policy of the Department of Civil Service to announce tests and certify from eligible lists without regard to the political or religious opinions or affiliations,

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to State Services Personnel Manual Concerning Certification Without Regard to Sex

On July 18, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Part 12-7 in the Civil Service Personnel Manual (State Service) concerning certification without regard to sex.

Full text of the adopted revisions follows:

PART 12-7 CERTIFICATION WITHOUT REGARD TO SEX

Subpart 12-7.101 Requests from appointing authorities regarding selective certification based on the sex or national origin of eligibles

12-7.101a Subject:

This subpart deals with the Civil Service procedures regarding requests for selective certification based on the sex or national origin of eligibles.

12-7.101b Policy:

It is the policy of the Department of Civil Service to announce tests and certify from eligible lists without regard to the political or religious opinions or affiliations, sex, race, ancestry or national origin of the applicants

or eligibles. Unless a bona fide occupational qualification on the basis of sex or national origin exists as determination by the Chief Examiner and Secretary, all examinations shall be open to members of both sexes and all national origins and certification therefrom shall be without regard to sex or national origin.

12-7.101c Procedure:

Appointing authorities may request and submit documentary evidence that the person performing the duties of the particular position must be limited to one sex or national origin for the safe and efficient operation of the governmental enterprise. This justification will be evaluated by the Director of the Division of Classification and Compensation with technical assistance from the Career Development staff. A recommendation will be made by the Director of the Division of Classification and Compensation to the Chief Examiner and Secretary who will make a determination. (See Subpart 6-3.103 Determination of Bona Fide Occupational Qualifications.) The appointing authority and the Director of Examinations will be advised of this determination. Copies of the determination will be forwarded to the Civil Service Commission for record-keeping purposes.

In anticipation of future vacancies, the appointing authority may supply the Director of Classification and Compensation with a list containing the position title, the position number and supportive documentation of Bona Fide Occupational Qualification (BFOQ). In the event there are two or more vacancies for identical titles that have identical functions, the same documentation may suffice for all, but each position must be identified.

For positions which have already been granted BFOQs, it is required that a copy of the letter from the Director of Classification and Compensation, granting such action, along with the position number be forwarded to the Director of the Division of Examinations. This is necessary to establish precise files which will afford complete protection under Equal Employment Opportunity Commission Guidelines.

Based on this determination, the Director of Examinations will take appropriate certification actions.

An order adopting these revisions was filed on July 22, 1977, as R.1977 d.259 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to State Service Manual Concerning Appeals for Departmental Hearing

On July 18, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subpart 5-15.103 in the Civil Service Personnel Manual (State Service) concerning appeals for departmental hearing.

Full text of the adopted revisions follows:

Subpart 5-15.103 Appeal for Departmental Hearing

5-15.103a Subject:

This subpart prescribes the regulation to be followed by an employee who receives a disciplinary penalty enumerated in N.J.A.C. 4:1-5.15 and desires a departmental hearing.

5-15.103b Regulation:

1. Any permanent employee who receives a penalty as described in N.J.A.C. 4:1-5.15 must appeal within ten days of receipt of notice of discipline in order to be granted a departmental hearing.

2. Employees who fail to appeal within the ten days prescribed above shall not be entitled to a departmental hearing; nevertheless, such employees may appeal their penalty to the Civil Service Commission.

An order adopting these revisions was filed on July 22, 1977, as R.1977 d.260 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to State Service and Local Jurisdictions Manual Concerning Determination Of Bona Fide Occupational Qualifications

On July 18, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subpart 6-3.103 in both the Civil Service Personnel Manuals (State Service and Local Jurisdictions) concerning the determination of bona fide occupational qualifications.

Full text of the adopted revisions as they appear in both manuals follows:

Subpart 6-3.103 Determination of bona fide occupational qualifications

6-3.103a Subject:

This subpart deals with the procedure by which a bona fide occupational qualification is to be determined for class titles in the classified service.

6-3.103b Policy:

In seeking admission to the classified service, no person shall be discriminated against because of political or religious opinions or affiliations nor because of sex, race, ancestry or national origin as specified in N.J.A.C. 4:1-21.2. The principles of nondiscrimination require individuals be considered on the basis of individual capacities and not on the basis of any qualities generally attributed to a group. As indicated in Subpart 6-3.101, the general policy of the Department of Civil Service shall be to use neuter class titles and to eliminate discrimination in employment in the classified service.

The Department of Civil Service shall, however, permit the practice of employing individuals on the basis of that person's sex or national origin in instances where sex or national origin is a bona fide occupational qualification

reasonably necessary to facilitate the normal operation of a function of the appointing authority. Upon request for such a qualification restriction, the Director of the Division of Classification and Compensation in consultation with the Career Development Unit will evaluate the qualification. A recommendation will be made by the Director of Classification and Compensation to the Chief Examiner and Secretary who will make a determination. Copies of the determination will be forwarded to the Civil Service Commission for recording purposes. The burden of proof that the qualification restriction is a bona fide occupational requirement lies with the appointing authority. Such a restriction is to be strictly interpreted.

Appeals from the determination of the Chief Examiner and Secretary may be made to the Civil Service Commission. Such appeals must be submitted within 20 days of notice of the Chief Examiner and Secretary's determination.

6-3.103c Authority:

This subpart is based on the provisions of Title VII of the Federal Civil Rights Act of 1964, as amended. No State statute, local ordinance, or local resolution shall cause the Department of Civil Service to discriminate on the basis of sex or national origin. Only in instances where a bona fide occupational requirement is reasonable and necessary will the Department of Civil Service approve the employment of an individual on the basis of sex or national origin. Each case will be decided on its own merit.

6-3.103d Illustrations:

The following shall NOT warrant the application of a bona fide occupational qualification:

(1) If the request is based on faulty assumptions such as comparative employment characteristics of women in general (for example, the turnover rate among women is higher than among men);

(2) If the request is based on stereotyped characterizations of the type of work performed (for example, men are less capable of assembling intricate equipment than women; women are less capable of aggressive behavior);

(3) If the request is based on anticipated or existing preference of co-workers, supervisors, clients or customers;

(4) If the request is based on the quality or quantity of work (for example, females are excluded from jobs (a) requiring lifting or carrying items exceeding certain weight limits, (b) scheduled during certain hours of the night, or (c) scheduled for more than a specific number of hours per day or week).

The following SHALL warrant the application of a bona fide occupational qualification:

(1) If the request is based on the need to protect the interests to privacy of institutionalized inmates, where the normal responsibilities of the position require the employee to perform pat frisks of inmates and/or supervision in living quarters where it would be necessary to observe the inmates unclothed.

An order adopting the revisions to the State Service Manual was filed on July 22, 1977, as R.1977 d.261 (Exempt, Procedure Rule). An order adopting the revisions to the Local Jurisdictions Manual was filed on July 22, 1977, as R.1977 d.262 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manuals Concerning Unemployment Compensation For Public Employees

On July 18, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subparts 16-1.101 in both of the Civil Service Personnel Manuals (State Service and Local Jurisdictions) concerning unemployment compensation for State, county and municipal employees.

Full text of the revisions appearing in the State Service Manual follows (the revisions adopted for the Local Jurisdictions Manual are in essence identical):

PART 16-1 INFORMATION SUBPART

Subpart 16-1.101 Unemployment Compensation for State, county, and municipal employees (special unemployment assistance program (Title II))

16-1.101a Subject:

Under the "Emergency Jobs and Unemployment Assistance Act of 1974" Title II establishes a temporary Federal program of special unemployment assistance for individuals who become unemployed during this period of aggravated unemployment and who would not otherwise be eligible for unemployment allowance under any other law or program. This program is to be administered, for this state, by the New Jersey Department of Labor and Industry and is subject to State unemployment compensation law.

Unemployment assistance, for qualified individuals, will be benefits of up to \$90 per week for a maximum of 26 weeks.

16-1.101b Procedure:

- (1) In order to receive benefits a public employee must:
 - a. File a claim for Special Unemployment Assistance at a local Unemployment Insurance Claims Office;
 - b. Be totally or partially unemployed;
 - c. Be able and available for work and seeking work and not subject to disqualifications under the law;
 - d. Have received earnings of at least \$30 in each of 20 weeks or have earned a minimum of \$2,200 or more during the 52 weeks immediately preceding the date of filing a claim;
 - e. Register for employment with the State Employment Service;

(2) If a public employee becomes unemployed he/she should immediately report to the nearest Unemployment Insurance Claims Office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

16-1.101c Distribution of information:

A copy of this subpart must be forwarded to every employee separated from public service along with the employees copy of the CS-22 Report of Separation Form.

16-1.101d State unemployment law applicable:

The terms and conditions of State unemployment compensation law apply to all claims for assistance under the Special Unemployment Assistance Program.

16-1.101e Termination date of program:

Notwithstanding any other provisions of Title II, no payment of assistance shall be made to any individual for any week of unemployment ending after June 30, 1978; and no individual shall be entitled to any compensation with respect to any initial claim for assistance or waiting period credit made after December 31, 1977.

NOTE: This subpart is solely for the purpose of providing the above information. The Department of Civil Service has no jurisdiction over administration of the program.

An order adopting the revisions regarding the State Service Manual was filed on August 4, 1977, as R.1977 d.280 (Exempt, Procedure Rule). An order adopting the revisions regarding the Local Jurisdictions Manual was filed on August 4, 1977, as R.1977 d.281 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Revisions to the Building Subcode

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c.217, as amended, proposes to revise the Building Subcode of the Uniform Construction Code, presently cited as N.J.A.C. 5:23-3.4. It is intended that these revisions will become effective on October 1, 1977.

Full text of the proposed revisions follows:

The Building Subcode of the State Uniform Construction Code is amended to adopt the 1976 supplement of the BOCA Basic Building Code effective October 1, 1977, with the following modifications:

1. Section 100.0 (S1-76) to and including Section 122.1 is to be deleted in its entirety.

2. The following amendment is made to Section 201.0 (S23-76).

i. Delete from "add the following definitions" to, "or roof/ceiling".

3. Section 316.0 (S54-76) to and including Section 316.5 "interior access" is deleted in its entirety.

4. The following amendment is made to Article 4 "Fire Prevention Code".

i. Section 403.1 is amended to delete "Fire Prevention Code Listed in Appendix B" and in lieu thereof substitute "Fire Protection Subcode" on line 4.

ii. Section 403.1 is amended to delete "Conduct of Fire Drills and Fire Brigades"

iii. Section 407.4.4 delete "Mechanical Code listed in appendix B" and in lieu thereof substitute "Mechanical Subcode" on line 3.

5. The following amendments are made to article 6 "Means of Egress".

i. Section 606.1.1 insert "Subcode" between "Building" and "Official" on line 3.

ii. Section 606.1.1 insert "Subcode" between "Building" and "Official" on line 4.

iii. Section 612.5.2 delete "Fifteen (15)" and in lieu thereof substitute "Eight (8)" on line 5.

6. The following amendment is made to Article 8 "Materials and Tests".

i. Section 872.4.1 delete "code listed in Appendix B" and in lieu thereof substitute "Subcode" on line 6.

7. The following amendments are made to Article 15 "Electric wiring and Equipment".

i. Section 1506.0 (S261-76) and 1506.5 is deleted in its entirety.

8. The following amendment is made to Article 16 "Elevator, Dumbwaiter and Conveyor Equipment".

i. Section 1605.0 (S263-76) and 1605.21 is deleted in its entirety.

9. The following amendment is made to Article 17 entitled "Plumbing, Drainage and Gas Piping".

i. Article 17 Comprising Section 1700.0 through 1706.2 is deleted in its entirety.

10. The following amendment is made to Article 21 entitled "Energy Conservation".

1. Article 17 Comprising Sections 2100.0 through Section 2103.0 is deleted in its entirety.

11. The following amendment is made to Appendix B entitled "Accepted Engineering Practice Standards".

i. Delete the entire subheading "Energy Conservation".

ii. Under the subheading "Heating" the terms "Basic Mechanical Code - BOCA 1975 - 1976 Supplement - BOCA - 1976/ Basic Plumbing Code BOCA - 1975 1976 Supplement BOCA - 1976 are deleted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Department of Community Affairs
Construction Code Enforcement
P.O. Box 2768
Trenton, N.J. 08625

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Rules on Evictions

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 311, P.L. 1971, c. 362 and P.L. 1967 c. 79, proposes to adopt new rules concerning evictions under Section 2g of N.J.S.A. 2A:18-61.1.

The proposed rules concern the causes of eviction, notice, requirements of the landlord, requirements of governmental agencies and other areas. Such rules, if adopted, will be cited as N.J.A.C. 5:11-1.8.

A copy of the seven pages of the complete text of the proposed regulations is available from the Department of Community Affairs, Bureau of Housing, P.O. Box 2768, Trenton, N.J. 08625.

A public hearing on the proposed regulations will be held on Friday, September 16, 1977, at 10:00 A.M. in the local finance board room, Room 105, of the Department of Community Affairs, 363 West State Street, Trenton.

Persons interested in testifying should call (609) 292-6434 for a time to speak. Written statements should accompany oral testimony and are to be submitted at the time of testimony. A time limit may have to be imposed on each speaker in order to accommodate all speakers.

Interested persons may also present statements in writing relevant to the proposed action on or before September 30, 1977, to the Department at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Rules on Tenant-Landlord Relations And Conversion to Condominiums and Cooperatives

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 311, proposes to adopt new rules on tenant-landlord relations and conversion to condominiums and cooperatives. Such rules, if adopted, will be cited as N.J.A.C. 5:24-1.1 et seq.

The proposed rules concern the introduction, notices, full plans, engineering survey outline, eviction procedures and obligations of tenants and landlords.

A copy of the 22 pages of complete text of the proposed regulations is available from the Department of Community Affairs, Bureau of Housing, P.O. Box 2768, Trenton, N.J. 08625.

A public hearing on the proposed regulations will be held on Friday, September 23, 1977, at 10:00 A.M. in the second floor conference room of the Department of Community Affairs, 363 West State Street, Trenton.

Persons interested in testifying should call (609) 292-6434 to arrange for a time to speak. Written statements should accompany the oral testimony and are to be submitted at the time of testimony. A time limit may have to be imposed upon each speaker in order to accommodate all speakers.

Interested persons may also present statements in writing relevant to the proposed action on or before September 30, 1977, to the Department at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Revisions to Energy Subcode

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119 et seq., proposes to revise portions of the Energy Subcode in the

Uniform Construction Code. Such revisions, if adopted, are intended to take effect on January 1, 1978.

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

5:23-2.6(a)2.i.(5) Inspections for the energy subcode shall include but not be limited to:

- (a) Insulation;
- (b) Sealing of exterior joints;
- (c) Mechanical systems equipment;
- (d) Electrical and lighting systems.

[5] (6) Any inspections required by any subcode of the regulations.

[6] (7) Special inspection schedule: . . .

5:23-3.3(b)5. Responsibility for enforcement of specific provisions of the energy subcode shall be as follows:

i. Articles 3 and 4 shall be enforced exclusively by the building subcode official;

ii. Article 5 shall be enforced exclusively by the plumbing subcode official;

iii. Article 6 and Standard EMS-1 shall be enforced exclusively by the electrical subcode official;

iv. Plan review functions of Article 7 shall be enforced by the Department of Community Affairs;

v. Construction inspection functions for structures submitted under Article 7 shall be reserved to the respective subcode officials as delineated above;

vi. The construction official shall coordinate the plan review and construction inspection functions of the subcode officials.

5:23-3.8 Energy subcode

(a) Rules concerning subcode adopted are:

1. Pursuant to authority of P.L. 1975, c. 217 as amended, the Commissioner hereby adopts the model code of the Building Officials and Code Administrators International, Inc., known as the "BOCA Basic Energy Conservation Code/1977", including all subsequent revisions and amendments thereto, as well as the Illuminating Engineering Society's Standard known as "EMS-1, Lighting Power Budget Determination Procedure", including all subsequent revisions and amendments thereto.

i. Copies of the "BOCA Basic Energy Conservation Code/1977" may be obtained from the sponsor at: BOCA, 1313 East 60th Street, Chicago, Illinois 60637.

ii. Copies of "EMS-1, Lighting Power Budget Determination Procedure" may be obtained from the sponsor at: IES, 345 East 47th Street, New York, New York 10017.

2. The model code and standard listed above, including (where appropriate) all subsequent revisions and amendments thereto, may be known and cited as the "Energy Subcode".

3. One- and two-family homes may comply with the Energy Subcode by meeting the requirements, adhering to calculation procedures and employing the reference data contained in the "Small Dwelling Energy Subcode Compliance Manual" which is available from the Construction Code Enforcement Office, Department of Community Affairs.

(b) The following chapters or articles of the Energy Subcode are amended as follows:

1. The following amendments are made to Article 2 of the Energy Subcode, entitled "Definition", Section 201—General Definitions:

i. Add the definition of the term "Bin, Degree Day Methods means—Simplified methods for calculating the heating or cooling load on a building. The heating or cooling load is treated as an instantaneous function of the

difference between indoor and outdoor temperatures. The Degree Day method uses the actual temperature difference while the bin method categorizes these differences into "bins" covering a range of five degrees (for example, from 20-25° difference)";

ii. Add the definition of the term "Boiler Capacity means—The rate of heat addition in BTU/hr (watts) measured at the boiler outlet at design temperature and pressure and rated input";

iii. Add the definition of the term "Building Envelope means—The walls, roof, and floor of a building through which heat may be transferred to or from the exterior or from nonconditioned spaces. The above elements are to be considered as comprising a building envelope for all conditioned spaces that they enclose";

iv. Add the definition of the term "Cut on Temperature means—The temperature at which a piece of mechanical equipment will automatically begin operation";

v. Add the definition of the term "Design Parameters means—The conditions of temperature and humidity which form the basis for the mechanical system design";

vi. Add the definition of the term "Dry Bulb Temperature means—The atmospheric temperature as indicated by an ordinary thermometer";

vii. Add the definition of the term "Dual Duct/Multi-Zone Systems means—Mechanical systems in which the entering air is divided into two flows. The first is heated to the highest temperature required in the building. The other stream is cooled to the lowest temperature anywhere in the building. These two air streams are then mixed in varying proportions to provide the correct air temperature for each zone of the building";

viii. Add the definition of the term "Economizer Cycle means—The use of uncooled outside air for cooling purposes. When it will result in an energy savings";

ix. Add the definition of the term "Enthalpy means—The amount of internal energy (heat) in a mixture of air and water vapor";

x. Add the definition of the term "Fenestration means—The window area of the wall";

xi. Add the definition of the term "Heated Space means—Space within a building which is provided with heat input from a heating system to maintain an air temperature of 50°F (10°C) or higher";

xii. Add the definition of the term "Latent Heat means—Heat which does not change the temperature of a Substance but which changes its state. That is, latent heat addition could change a solid to a liquid to a gas. Latent heat removal could change a gas to liquid or a liquid to a solid";

xiii. Add the definition of the term "New Energy means—Energy which has not been recovered from mechanical systems within the building and is used for heating or cooling. This energy might be electrical, solar, or result from combustion of fuels";

xiv. Add the definition of the term "97½ per cent temperature means—The hourly temperature which is exceeded 97½ per cent of the time during a year. That is, it is colder than this only 2½ per cent of the time";

xv. Add the definition of the term "Overall Thermal Transmittance Value (OTTV) means—A measure of heat transmission for cooling purposes. Measured in units of BTU/hr transferred through a one square foot area of a substance in the cooling season";

xvi. Add the definition of the term "Part Load Profile means—The compilation of operating characteristics of a piece of mechanical equipment when operated over the range from zero to full load";

xvii. Add the definition of the term "Power Factor means—The proportion of total power in an electric circuit which is available as usable energy";

xviii. Add the definition of the term "Recooling Systems means—Mechanical systems which heat all entering air to the highest temperature required anywhere in the building. The air is then re-cooled to the temperatures necessary for other parts of the building";

xxiv. Add the definition of the term "Spill Light means—Light which illuminates an area for which it is not intended or needed";

xxv. Add the definition of the term "Standby Loss means—The amount of energy lost from a system over a period of time when there is no demand placed on it for energy";

xxvi. Add the definition of the term "TDEQ (Equivalent Temperature Difference means—A temperature to be utilized in calculating the design load for cooling systems. It is designed to account for the lag in wall temperature use due to the mass of the walls. Heavier walls heat up and cool down more slowly";

xxvii. Add the definition of the term "2½ per cent Temperature means—The hourly temperature which is exceeded 2½ per cent of the time during a year. That is, it is cooler than this 97½ per cent of the time";

xxviii. Add the definition of the term "Veiling Reflection means—a reflected glare which obscures vision and reduces the ability to see details";

xxix. Add the definition of the term "Wet Bulb Temperature means—A temperature which reflects the amount of moisture which may be evaporated into the atmosphere. When the relative humidity is 100 per cent the dry bulb temperature is equal to the wet bulb temperature. When the relative humidity is lower, moisture can evaporate into the atmosphere, cooling a thermometer. The greater the difference between the wet and dry bulb temperatures, the dryer the air".

5:23-4.3(c)4.i.(18) Coordinate the activities of the subcode officials in enforcement of the provisions of the energy subcode.

5:23-4.8(d)3.viii. The fee for plan review by the Department for compliance under Article 7 of the energy subcode is as follows:

\$100 for one- and two-family homes and light commercial structures having the indoor temperature controlled from a single point, and \$500 for all other structures.

(Ed. Note: These regulations are adopted with administrative sections not originally published in 9 N.J.R. 356(b) added. The additions are not detrimental to the public interest in the Department's determination.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Department of Community Affairs
Construction Code Enforcement Office
P.O. Box 2768
Trenton, N.J. 08625

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF STATE AND REGIONAL PLANNING

Proposed Guidelines Regarding Notice And the Municipal Land Use Law

Richard A. Ginman, Director of the Division of State and Regional Planning in the Department of Community Affairs, pursuant to the authority of P.L. 1975, c.291; P.L. 1966, c.293; P.L. 1961, c.47 and in accordance with the Administrative Procedure Act of 1968, proposes to adopt guidelines regarding notice to the director of said Division pursuant to section 7.1 of the "Municipal Land Use Law", P.L. 1975, c.291, s.7.1 (C.40:55D-12).

SUBCHAPTER 1. MUNICIPAL LAND USE

FOREWORD

The purposes of the Municipal Land Use Law (C.40:55D-1 et seq.) include, among others, the appropriate use or development of all lands in this State and the appropriate locations of residential and other uses and the encouragement of planned unit development and senior citizen community housing construction.

Because of the regional impact in applications for large developments, referral to the State agency charged with comprehensive planning is advisable and required by law.

5:45-1.1 Applications for development subject to filing procedures

A "development" which is the subject of these regulations is a development of property which exceeds 150 acres or 500 dwelling units on which notification of a public hearing is required to be given to the Director of the Division of State and Regional Planning. (C.40:55D-12(g), 10b and 3 "application for development").

5:45-1.2 Filing applications for development with Division of State and Regional Planning

(a) N.J.S.A. 40:55D-12(g) of the Municipal Land Use Law requires that notice be given by personal service or certified mail to the Director of the Division of State and Regional Planning of a hearing on an application for development if property which exceeds 150 acres or 500 dwelling units. As a minimum, notice is to include a copy of the maps or documents requiring municipal approval as set forth in the Law. Notice should be delivered by the applicant to the Director of the Division at time of filing the same with the municipal official designated in the ordinance. Notice of receipt of application will be given, by the Director of the Division of State and Regional Planning, to the applicant and the municipal board.

(b) The list below establishes the areas to be covered in the maps, documents and other information to be included as part of notice to the Division pursuant to N.J.S.A. 40:55D-12(g), regardless whether such information is or is not submitted to the municipalities.

1. Site plan or subdivision:

i. Widths, grades and locations of streets in the subdivision or land development;

ii. Drainage, including the removal of surface water or groundwater by drains, grading or other means, control of runoff to minimize erosion and sedimentation during and after construction or development and means neces-

sary for water supply preservation or prevention or alleviation of flooding;

iii. Water supply, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;

iv. Size, shape and location for any area reserved for public use on the municipal master plan or official map;

v. Any areas subject to flooding as designated in the zoning ordinance;

vi. Information reasonably required to determine consistency with the requirements of the zoning ordinance;

vii. Where required, the arrangements for maintenance and conservation of common open space, and the amount, location and purpose of the common open space; and

viii. Where required, provisions for off-tract water, sewer, drainage, and street improvements which are necessitated by a subdivision or land use development.

(Source: C.40:55D-4; C.40:55D-38; and C.40:55D-39.)

2. Site plan: In addition to the information required under paragraph 1. above the following site plan information will also be submitted.

i. The existing and proposed conditions, including topography, vegetation, flood plains, marshes and waterways;

ii. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, landscaping, structures and signs, lighting, screening.

iii. Any other information reasonably required in order to make an informed determination pursuant to the municipal site plan ordinance.

(Source: C.40:55D-7.)

3. Planned development: In addition to the information required under paragraph 1. above the following planned development information will also be submitted.

i. Statement regarding any departures from the zoning regulations otherwise applicable to the subject property and information demonstrating the conformance to the zoning ordinance standards for planned development; and

ii. Statement regarding the timing of development among the various types of uses and subgroups thereunder and, where applicable, whether some nonresidential uses are required to be built before, after or at the same time as the residential uses.

(Source: C.40:55D-39 and C.40:55D-45.)

4. Variances:

i. For all variances, the gist of the argument that the variance can be granted without substantial detriment to the public good or impairment of the intent and purpose of the zone plan and zoning ordinance.

ii. For zoning variances which do not involve allowing a structure or use in a district restricted against such structure or use indicate the: (1) Extraordinary and exceptional situation or condition of the property and the zoning requirement or requirements that would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of the property; and (2) Relief requested to relieve such difficulties or hardships.

iii. For zoning variances to allow a structure or use in a district restricted against such structure or use indicate the: (1) Zoning requirements to be varied; (2) Use or structure to be permitted by the variance; and (3) Special reasons justifying the grant of the variance or variances.

(Source: C.40:55D-70.)

5. Conditional uses: For conditional uses, the gist of the

argument that the proposed use in the proposed location will comply with the conditions and standards for the location or operation of such use as contained in the municipal zoning ordinance.

(Source: C.40:55D-3.)

6. Buildings or structures: For proposed buildings or structures in areas reserved for public use on municipal official maps, the gist of the argument that the land cannot yield a reasonable return to the owner unless a building permit is granted and that the proposed building or structure will as little as practicable increase the cost of future public acquisition and use or tend to cause a minimum change of the official map.

(Source: C.40:55D-34.)

(c) The Director of the Division, after review of the application for development, may make comments and recommendations thereon, orally or in writing, at the hearing or otherwise, to the municipal planning board or zoning board of adjustment, with informational copies to the landowner or developer, or any other person or body who shall request such comments.

Interested persons may present statements in writing relevant to the proposed action on or before October 31, 1977, to Richard A. Ginman, Director, Division of State and Regional Planning, P.O. Box 2768, Trenton, N.J. 08625.

The Division of State and Regional Planning, upon its own motion or at the instance of any interested party, may thereafter adopt these guidelines substantially as proposed without further notice.

Richard A. Ginman
Director, Division of State and
Regional Planning
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF STATE AND REGIONAL PLANNING

Proposed Rules on Master Plans

Richard A. Ginman, Director of the Division of State and Regional Planning in the Department of Community Affairs, pursuant to the authority of P.L. 1975, c.291; P.L. 1966, c.293; P.L. 1961, c.47 and in accordance with the Administrative Procedure Act of 1968, propose to adopt the following guidelines regarding statements required to be included in municipal master plans, concerning the relationship of such plans to the comprehensive guide plan prepared by the Division of State and Regional Planning.

SUBCHAPTER 2. MASTER PLANS

FOREWORD

The Municipal Land Use Law (C.40:55D-1 et. seq.) requires that "The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located and (3) any comprehensive guide plan pursuant to section 15 of P.L. 1961, c.47 (C.13:1B-15.52).

In specific reference to point (3) above it is noted that:

1. The Division of State and Regional Planning, Depart-

ment of Community Affairs, is responsible for preparing the comprehensive guide plan; and

2. The Division of State and Regional Planning has prepared such a plan which is available for inspection at the Division Office, 329 West State Street, Trenton, New Jersey 08625.

5:45-2.1 Reviewing master plans

(a) In order to determine compliance with this portion of the Municipal Land Use Law of 1975, the Division of State and Regional Planning will review and provide comments on pertinent material submitted by municipal planning boards, as indicated below:

1. Upon the request of the municipal planning board and submission of a copy of the proposed or adopted municipal master plan, the Division will review the content of such plan and advise such board of the relationship of the proposed development of the municipality as developed in the municipal master plan to the State Comprehensive Guide Plan and as to any necessary corrections or additions to the statement in the municipal master plan concerning such relationship.

2. The Director of the Division of State and Regional Planning or his designee will provide written notice to the planning board of the findings of the Division's review within 30 days of request for review or submission of the master plan.

Interested persons may present statements in writing relevant to the proposed action on or before October 31, 1977, to Richard A. Ginman, Director, Division of State and Regional Planning, P.O. Box 2768, Trenton, N.J. 08625.

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

Richard A. Ginman
Director, Division of State and
Regional Planning
Department of Community Affairs

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Amendment to Uniform Construction

Code on Licensing of Code Enforcement Officials

On August 22, 1977, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c.217, as amended, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:23-5.1 et seq., concerning the licensing of code enforcement officials, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 257(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

An order adopting these rules was filed on August 22, 1977, as R.1977 d.304 to become effective on October 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Revisions on Construction and Maintenance Of Hotels and Multiple Dwellings

On August 22, 1977, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27-21, 55:13A-6(a) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to portions of Subchapters 2 and 19 in Chapter 10, Title 5, of the New Jersey Administrative Code concerning rules on the construction and maintenance of hotels and multiple dwellings, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 257(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

An order adopting these revisions was filed on August 22, 1977, as R.1977 d.305 to become effective on September 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Amendments Concerning Plan Reviews

On August 22, 1977, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, as amended, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:23-4.9(a)2. concerning plan reviews, substantially as proposed in the Notices published April 7, 1977, and July 7, 1977, at 9 N.J.R. 164(a) and 9 N.J.R. 306(b), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Community Affairs.

Full text of the adopted amendments follows:

5:23-4.9(a)2.iii. The requirement for a department plan review and release shall be waived and a local enforcing agency shall be permitted to issue a construction permit without a Departmental release but only if the plan has been reviewed and has been certified to be in compliance with the requirements of the code and these regulations by a person or firm which had, prior to January 1, 1977, customarily provided such reviews and certifications to municipal building code enforcement agencies. Such a waiver shall only be effective if each of the following conditions is met.

(1) The person certifying the plans or the person certifying the plans on behalf of a firm shall be a professional engineer or an architect licensed or registered to practice engineering or architecture in the State of New Jersey and he or she shall affix his or her seal to the certification in evidence thereof.

(2) No person or firm providing plan review and certification services shall accept any payment for said services except from the local enforcing agency to which the plan is certified and no municipality shall charge any special or additional fee or surcharge to any applicant in connection with the plan review and certification.

(3) Any person or employee or officer of a firm certifying a plan to a local enforcing agency shall do so upon each sheet of the plan reviewed and shall affix his seal thereto.

(4) Any person or firm certifying a plan to a local enforcing agency shall notify the Department in writing that a plan has been certified. The notification shall include the name and address of the owner, the location of project, the use of structure, the height, area, and construction type of the structure, and the date on which the plan was certified. Such notice shall be filed with the Department not more than five working days after certification of the plan and copies of the notice shall be furnished to the owner and to the local enforcing agency.

iv. The waiver provided in subparagraph iii. herein shall expire upon the action of the Department upon the application for licensure, pursuant to Subchapter 5 of these regulations, of such person or any member of the staff of such firm herein permitted to certify plans, or upon the expiration of 14 days after the effective date of Subchapter 5 without an application for licensure having been submitted by said person or employee.

An order adopting these amendments was filed and became effective on August 22, 1977, as R.1977 d.306.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions Concerning Approval Of Private Secondary Schools

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:4-23, proposes to revise portions of N.J.A.C. 6:27-2.1 concerning approval of private secondary schools, independent and parochial, and related conditions.

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

6:27-2.1 Conditions

(a) A private secondary school located in New Jersey may, upon the request of its governing authority, be registered by the State Board of Education as an approved secondary school if, after inspection by a representative of the Commissioner of Education, it shall be found to comply with the following conditions:

1. It is under the management of a board of trustees or other responsible body of control;

2. It provides instruction in regularly organized classes;

3. It meets standards equivalent to those prescribed by the State Board of Education for public high schools. A private school by statement of purpose may limit the kind and number of pupils for which it intends to provide education[.], except that no pupil may be denied admission on the basis of race, color or national origin.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Notice of Printing Error Concerning Proposed Revisions Regarding Assistant Superintendent in Charge of Business

Take notice that, in the Notice of Proposed Revisions concerning assistant superintendent in charge of business rules that appeared in the August 4, 1977, issue of the New Jersey Register at 9 N.J.R. 358(b), there was a printing error regarding the text of N.J.A.C. 6:11-10.11(a) 3.ii. (4) and (5).

In that Notice the text for item (4) therein was deleted in error and the text for item (5) therein was erroneously cited as item (4). The Department of Education had intended to still require school business administration as one of the required items but such reference was deleted from the Notice in error.

In order to clarify the situation, the full text of the proposed revisions concerning assistant superintendent in charge of business, follows:

6:11-10.11 Assistant superintendent [in charge of] for business

(a) The requirements for an assistant superintendent [in charge of] for business are:

1. A [bachelor's] master's degree [based upon a four-year curriculum in an accredited college. The requirement of a master's degree does not apply to this endorsement.] in business, public, or school administration from an accredited or approved institution.

2. Experience in one of the following:

i. Three years of successful teaching experience; or
ii. Three years of experience as secretary of a board of education or school business administrator under a school business administrator's certificate.

[2.] 3. Successful completion of one of the following:

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

ii. Thirty-two semester-hour graduate or undergraduate credits in the following fields. These credits must be in addition to those required for the [standard teacher's] regular instructional certificate and must include work in each of the starred (*) areas. This work may be in separate or integrated courses:

- (1) *Administration of public education;
 - (2) *Supervision of instruction in the public schools;
 - (3) *The curriculum of the public schools;
 - (4) *School business administration;
 - (5) *School buildings—including planning, construction and maintenance;
 - (6) *School finance;
 - (7) *School law;
 - (8) *Accounting;
 - (9) Electives related to the field.
4. These changes shall be effective July 1, 1978.

Note: Current regulations remain in effect through June 30, 1978.

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rule on Approval of Secondary Schools Operated by Other State, County or Local Agencies

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-23 and 18A:4-15, proposes to adopt a new rule concerning the approval procedure regarding secondary schools operated by other State, county or local agencies.

Full text of the proposed new rule follows:

6:27-7.1 Approval procedure

A secondary school operated by any State, county or local agency, except any school subject to approval under N.J.A.C. 6:27-1.1 et seq., may, upon the request of that agency, be registered by the State Board of Education as an approved secondary school if, after inspection by a representative of the Commissioner of Education, said school shall be found to meet standards equivalent to those prescribed by the State Board of Education for public high schools operated by local district boards of education.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions on School and Classroom Practices

On August 3, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:36-20 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:4-1.5(d) and (e) concerning school and classroom practices, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 307(b).

An order adopting these revisions was filed and became effective on August 3, 1977, as R.1977 d.274.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

6:29-4.2(a)5.iii. All positive tuberculin reactors ([Mantoux confirmed,] as defined in paragraph 3.ii. and iii. of this subsection) shall be required to have [a] an initial chest X-ray. If the chest X-ray is negative for evidence of [active] tuberculosis, the employee shall be strongly urged to take preventive treatment with isoniazid (INH) for one year. [If unable or unwilling to do so, or if failing to complete the year of chemoprophylaxis, the employee shall be required to have an annual chest X-ray.] An employee documented as a positive tuberculin reactor, whose initial chest X-ray was negative for evidence of tuberculosis, shall present a certificate from a licensed physician showing that a physical examination has been made prior to December 1 of each school year.

An order adopting these revisions was filed and became effective on August 3, 1977, as R.1977 d.276.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Revisions on Final Plans Approvals

On August 3, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule cited as N.J.A.C. 6:22-2.5(e), deleted the current text of N.J.A.C. 6:22-3.28 and adopted revisions to N.J.A.C. 6:22-3.27 and 6:22-7.6 concerning final plans approvals, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 307(c).

An order adopting these revisions was filed and became effective on August 3, 1977, as R.1977 d.275.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Revisions on Testing for Tuberculosis

On August 3, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:16-2, 18A:40-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:29-4.2 concerning testing for tuberculosis, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 308(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

The substantive changes were made to the text of N.J.A.C. 6:29-4.2(a)5.iii. Full text of that adopted rule follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

(d)

EDUCATION

STATE BOARD OF EDUCATION

Emergency Revisions on Limit of Apportionment of State Aid

On August 3, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, 18A:7A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 6:21-7.1 concerning the limit of apportionment of State aid.

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

6:21-7.1 Limit of apportionment of State aid

[State aid apportionment by a county superintendent for the purchase of a school bus by a board of education shall not exceed \$6,750, nor shall it exceed \$4,500 for the purchase of a Type II van nor shall it exceed \$3,000 for the purchase of Type II vehicles, other than vans; except with the specific approval of the Commissioner of Education.]

(a) The Commissioner of Education shall establish by January 15 of each year the maximum State aid allowable for:

1. Salaries of district transportation personnel;
2. New vehicles purchased for the transportation of pupils.

(b) The Commissioner of Education shall issue a report of established rates to the State Board of Education in February of each year applicable to the fiscal year beginning July 1 next.

An order adopting these rules was filed and became effective on August 3, 1977, as R.1977 d.277 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions on Program Requirements

On August 3, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:33-1 et seq., 18A:40-12.2, 18A:54-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:43-1.2(e) concerning program requirements regarding vocational and technical education, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 455(b).

An order adopting these revisions was filed and became effective on August 3, 1977, as R.1977 d.278.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Rules on Vocational Education Safety Standards

On August 3, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:33-1 et seq., 18A:40-12.2, 18A:54-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning vocational education safety standards, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 457(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

Take notice that, these adopted rules may be cited as N.J.A.C. 6:53-1.1 et seq. rather than as N.J.A.C. 6:55-1.1 et seq. as was indicated in the previous Notice of Proposal in 1976.

An order adopting these rules was filed and became effective on August 3, 1977, as R.1977 d.279. Take notice that portions of these adopted rules have different effective dates as specified in the timetables of the text of these rules.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments to Proposal On Pine Barrens Critical Area Designation

Rocco D. Ricci, Commissioner of the Department of Environmental Protection, hereby proposes an addition to the boundary of the proposed Pine Barrens critical

area designation, published on July 7, 1977 at 9 N.J.R. 311(a), in order to bring that boundary into conformance with that of the proposed water quality standards for the Pine Barrens area.

The addition adds the Wading River and all tributaries downstream from head of tide to the Route 542 bridge, and the Mullica River and its tributaries downstream from head of tide to the Lower Bank Bridge at Lower Bank, and the Bass River and its tributaries upstream of the Route 9 bridge.

Full text is as follows (additions to previous proposals indicated in boldface thus):

7:9-10.1(a) The critical area for sewerage purposes shall include all those areas in Monmouth, Ocean, Atlantic and Cape May Counties, and those portions of Burlington County adjoining the Mullica River and its tributaries, lying between any tidal waterway and elevation ten feet above the mean sea level datum of 1929.

(b) The critical area for sewerage purposes shall also include the Pine Barrens area which is defined as:

i. The Mullica River and all tributaries [upstream from head of tide] **upstream of Lower Bank Bridge at Lower Bank.**

ii. The Cedar Creek and tributaries upstream from head of tide.

iii. All fresh waters west of the Garden State Parkway bounded by the Mullica River and Cedar Creek watersheds.

iv. The Toms River watershed:

(1) Davenport Branch and tributaries upstream from Route 530;

(2) Michael's Branch and tributaries upstream from the east crossing of Penn Central Railroad.

v. The Rancocas Creek watershed:

(1) South Branch Rancocas and tributaries upstream from Route 206;

(2) Jade Run and tributaries upstream from Route 206.

vi. The Wading River and all tributaries **upstream of the Route 542 bridge.**

vii. The Bass River and all tributaries **upstream of the Route 9 bridge.**

Take notice that, the Department of Environmental Protection hereby supplements the notices contained in the July 7 and August 4 issues of the New Jersey Register, Docket No. DEP 036-77-06, by the addition of a third public hearing to be held on September 29, 1977 at the Volunteer Fire Department, Fire House No. 2, White Horse Pike, Hammonton, New Jersey, beginning at 7 P.M. Interested persons may present statements at that hearing.

Purpose of this hearing will be to provide the opportunity for public comment on the amended boundary and the studies, reports, data and maps utilized by the Department in its determination to propose the designation of certain regions of the Pine Barrens as a critical area. These studies, reports, data and maps include the following areas of information: water quality data, soil surveys, groundwater conditions, population densities and projected growth trends, and other ecological studies relevant to the proposed designations.

This hearing is in addition to the previously scheduled hearings on July 28, 1977 at the Mercer County Community College, Trenton, New Jersey, and the August 30, 1977 hearing at Chatsworth Elementary School, Chatsworth, New Jersey.

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

before November 30, 1977, to:

Donald Brown
Office of Regulatory Affairs
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 revised rules substantially as proposed without further notice.

Rocco D. Ricci
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Notice of Closing of Certain Shellfish Seed Beds

Take notice that, Rocco D. Ricci, Commissioner of Environmental Protection, has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 042-77-07, concerning the closing of certain natural seed beds.

Full text of the Notice follows:

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection and the Maurice River Cove Shellfisheries Council, with the advice of an advisory committee appointed by the Director of the Division of Fish, Game and Shellfisheries, has ordered the closing of the natural seed beds above what is commonly known as the Southwest Line in Delaware Bay for the taking of seed oysters. This closure, which took place June 24, 1977, pursuant to N.J.S.A. 50:1-5 and N.J.A.C. 7:25-7.10 is necessary for the preservation and improvement of the shellfish industry.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Extension of Wetlands Order for Salem, Cape May and Ocean Counties

On July 26, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an extension of the Wetlands Order concerning Salem, Cape May and Ocean Counties, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 168(a).

Such extension may be cited as N.J.A.C. 7:7A-1.13(a)3., 6. and 8. and is known within the Department of Environmental Protection as Docket No. DEP 015-77-03.

An order adopting this extension was filed on July 27, 1977, as R.1977 d.267 to become effective on August 5, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Amend Water Pollution Control Act

On July 27, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:10A-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:14-1.1 et seq. and known within the Department of Environmental Protection as Docket No. DEP 029-77-05, concerning the Water Pollution Control Act, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 259(a), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

An order adopting these rules was filed and became effective on July 27, 1977, as R.1977 d.268.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION DIVISION OF FISH, GAME AND SHELLFISHERIES

Rules on Crab Dredging

On July 26, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, known within the Department of Environmental Protection as Docket No. DEP 024-77-05, concerning crab dredging, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 261(a).

Such rules may be cited as N.J.A.C. 7:25-9.5.

An order adopting these rules was filed and became effective on July 27, 1977, as R.1977 d.269.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Emergency Temporary Revisions Concerning Sea Clam Harvest Area Opening

On August 5, 1977, Rocco D. Ricci, Commissioner of

Environmental Protection, pursuant to authority of N.J. S.A. 50:2-63 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to the rules concerning the preservation of sea clam resources. These revisions, known within the Department of Environmental Protection as Docket No. DEP 043-77-07, involve the opening of certain State waters for the period between August 8, 1977, through August 31, 1977.

Therefore, these revisions are treated as temporary rules not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

Full text of the revised rule follows:

The area to be opened will be directly affected by the discharge from the Ocean County Sewage Authority's Southern Regional Wastewater Treatment Plant and will be condemned for the harvest of shellfish when the plant is in full operation. In the interest of the sea clam industry, and to minimize the waste of the sea clam resource in the area to be condemned, harvest of as many clams as possible in the time remaining before closure will be permitted, subject to all provisions of the rule for the preservation of the sea clam resource as adopted December 27, 1976, and amended May 20, 1977, except that:

1. The area in which sea clams may be taken is limited to that enclosed within the following two described areas:
39 degrees 40.9 minutes North
74 degrees 07.4 minutes West, 120 degrees T
d. 1 nautical mile to
39 degrees 40.4 minutes North
74 degrees 06.3 minutes West 211 degrees T
d. 2.2 nautical miles to
39 degrees 38.57 minutes North
74 degrees 07.71 minutes West 300 degrees T
d. 1 nautical mile to
39 degrees 39.05 minutes North
74 degrees 08.80 minutes West 31 degrees T
d. 2.2 nautical miles to start
and in an area of ocean waters defined as follows:
39 degrees 38.15 minutes North
74 degrees 09.55 minutes West 120 degrees T
d. 1 nautical mile to
39 degrees 37.65 minutes North
74 degrees 08.45 minutes West 211 degrees T
d. 1.4 nautical miles to
39 degrees 36.3 minutes North
74 degrees 09.5 minutes West 300 degrees T
d. 1 nautical mile to
39 degrees 36.8 minutes North
74 degrees 10.5 minutes West 31 degrees T
d. 1.4 nautical miles to start.
2. The season for the taking of sea clams from the areas described in paragraph 1. above is limited to August 8 through August 31, 1977, and
3. There shall be no limit on the number of bushels of sea clams that may be taken.

An order adopting these revisions was filed on August 5, 1977, as R.1977 d.282 (Exempt, Emergency Rule) to become effective August 8, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Amendments on Condemnation Of Certain Waters to Shellfish Harvesting

On August 5, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 24:2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 7:12-1.3(a)39.i.(1) concerning the condemnation of certain waters to shellfish harvesting.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 044-77-07.

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

7:12-1.3(a)39.i.(1) 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°41.43'N., longitude 74°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°07.40'W., thence along the shoreline, in a southerly direction, one nautical mile offshore, until it intersects a line bearing approximately 120°T from the water tank located on 813 Boulevard, Borough of Surf City, with coordinates of latitude 39°39.63'N., longitude 74°10.08'W., then proceeding in a easterly direction along that line for approximately one nautical mile to a point approximately two nautical miles from the shoreline with coordinates of latitude 39°38.57'N., longitude 74°07.71'W., thence along the shoreline, in a southerly direction, two nautical miles offshore, until it intersects a line bearing approximately 120°T from the water tank located on 112 West 17th Street, Borough of Ship Bottom with coordinates of latitude 39°38.70'N., longitude 74°10.75'W., then proceeding in a westerly direction along that line for approximately one nautical mile until it is approximately one nautical mile from the shoreline, thence along the shoreline, in a southerly direction, one nautical mile offshore, until it intersects a line bearing approximately 283°T, connecting Buoy "2BH" F14 sec Bell, off Beach Haven Inlet and, the southernmost tip of Long Beach Island then following that line and terminating on the southern most tip of Long Beach Island.

An order adopting these amendments was filed and became effective on August 5, 1977, as R.1977 d.283 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions on Air Pollution Control

On August 5, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 26:2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subchapters 3, 4, and 5 in Chapter 27 of Title 7 in the New Jersey Administrative Code concerning the control and prohibition of smoke from the combustion of fuel, the control and prohibition of particles from the combustion of fuel and the prohibition of air pollution, substantially as proposed in the Notice published August 5, 1976, at 8 N.J.R. 375(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The substantive changes are discussed in the evaluation of testimony section of the report of the public hearing issued by the Department of Environmental Protection. Copies of this report are available from:

Herbert Wortreich
Chief, Bureau of Air Pollution Control
P.O. Box 2807
Trenton, New Jersey 08625

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 018-76-07.

An order adopting these revisions was filed on August 5, 1977, as R.1977 d.284 to become effective on October 12, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Revisions Concerning Condemnation of Certain Shellfish Beds

On August 17, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 24:2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions, known within the Department of Environmental Protection as Docket No. DEP 045-77-08, which deleted the current text of N.J.S.A. 7:12-1.3(a)14. concerning the condemnation of certain shellfish beds and adopted new text therein.

Full text of the revised rule follows:

7:12-1.3(a)14. Cedar Creek (Lanoka Harbor and Laurel Harbor area): All that area, including Cedar Creek and its tributaries, west of a line beginning at Can buoy #63 (C'63") and bearing approximately 193°T to Flashing Red light #64 (Fl R 8 ft. "64") then bearing approximately 197°T to the Special Purpose buoy off Laurel Harbor, Lacey Township, then bearing approximately 296°T and terminating on the point of land on the southern bank of the small cove immediately south of Laurel Harbor.

An order adopting these revisions was filed and became effective on August 18, 1977, as R.1977 d.300 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Revisions Condemning Certain Shellfish Beds

On August 17, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 24:2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 7:12-1.3(a)39.i., known within the Department of Environmental Protection as Docket No. DEP 046-77-08, concerning the condemnation of certain shellfish beds.

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

7:12-13(a)39.i. All the ocean water east of a line connecting the northernmost point of Sandy Hook and the southwesternmost point of Rockaway Point 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-Barne-gat 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 that begins at the water tank located on 605 Woodland Avenue, Borough of Avon-By-The-Sea, with coordinates of latitude 40°11.62'N., longitude 74°01.36'W., and bearing approximately 117°T through buoy (BW, Mo (A), Bell) marking the entrance to Shark River Inlet, then proceeding from that point of intersection, in a easterly direction, along that line to a point approximately 1.5 nautical miles from the shoreline with coordinates of latitude 40°10.61'N., longitude 73°58.75'W., then along the shoreline, in a southerly direction, 1.5 nautical miles offshore until it intersects a line beginning at the water tank located on 509 Monmouth Avenue, Borough of Spring Lake, with coordinates of latitude 40°08.75'N., longitude 74°02.15'W., and bearing approximately 84°T through the dome of the Essex-Sussex Hotel, 700 Ocean Avenue, Borough of Spring Lake, with coordinates of latitude 40°08.80'N., longitude 74°01.47'W., then proceeding from that point of intersection, in a westerly direction, along that line towards the above noted dome 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 bearing approximately 146°T from the water tank located on Lake Avenue, Borough of Bay Head, with coordinates of latitude 40°04.12'N., longitude 74°02.74'W., then proceeding in a southeasterly direction along that line for approximately 1.4 nautical miles until it intersects a line at co-

ordinates of latitude 40°01.62'N., longitude 74°[00.50'] 00.50'W., bearing approximately 56°T from the water tank located on Normandy Way in the Normandy Beach section of Dover Township, with coordinates of latitude 39° 59.90'N., longitude 74°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-SUBMERGED OUTFALL" at the end of Princeton Avenue, Borough of Mantoloking with coordinates of latitude 40°02.80'N., longitude 74°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 nautical mile from the shoreline and then continuing, in a southerly direction, one 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;

An order adopting these revisions was filed and became effective on August 18, 1977, as R.1977 d.301 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revised Effective Dates on Planning Categories In Solid Waste Management Districts

On August 22, 1977, Rocco D. Ricci, 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 a procedure rule which revised the effective dates concerning the planning categories in the rules on the solid waste management districts in N.J.A.C. 7:26-1.10(c). Such revisions were made necessary by a recent decision of the New Jersey Supreme Court.

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 027-77-05.

Full text of the adopted revisions follows:

Group I (Including Bergen, Essex, Hudson, Passaic and Union Counties and the Hackensack Meadowlands District) July 29, 1977

Group II (Including Burlington, Gloucester, Mercer, Middlesex, Monmouth, Ocean and Somerset Counties) January 30, 1978

Group III (Including Atlantic, Cape May, Cumberland, Hunterdon, Morris, Salem, Sussex and Warren Counties) July 31, 1978

An order adopting these revisions was filed and became effective on August 22, 1977, as R.1977 d.311 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Proposed Addition to List of Therapeutic Agents To be Carried on Mobile Intensive Care Units

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2K-1 through 6, proposes to amend N.J.A.C. 8:31-25.1(a) by adding three generic therapeutic agents to be carried on mobile intensive care units to be administered by certified paramedics.

Full text of the proposed amendments follows:

8:31-25.1(a) 20. Dopamine HCL;
21. Procainamide HCL;
22. Normal saline.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

William J. Harris
Director, Emergency Medical Services
Department of Health
1911 Princeton Ave.
Trenton, N.J. 08648

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Revisions Concerning Records For New Boarding Homes for Sheltered Care

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 a portion of the Manual of Standards for Licensure of New Boarding Homes for Sheltered Care concerning record maintenance.

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

8:43-4.7(c) All records shall be maintained for a period of [five] ten years after discharge of a resident from the home.

Interested persons may present statements or arguments

(Continued on Page 28)

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 August 22. It is adjusted in the month in which a mailing of update pages will be completed.

An update mailing last month affects the contents of the index below (see Page 2 story).

Since these 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 the Code:

RULES NOT YET PRINTED IN CODE

N.J.A.C. CITATION

DOCUMENT CITATION ADOPTION NOTICE (N.J.R. CITATION)

AGRICULTURE — TITLE 2

2:2-9.2	Bovine leukemia glycoprotein immunodiffusion test (BL-G1D); fee	R.1977 d.109	9 N.J.R. 206(b)
2:3-2.12	Imported breeding swine; not infected with pseudorabies	R.1977 d.108	9 N.J.R. 206(a)
2:17-6.1(d)5.	Revisions on tomato transplants	R.1977 d.87	9 N.J.R. 158(a)
2:17-7.1	Pepper transplants	R.1977 d.88	9 N.J.R. 158(b)
2:48 through 2:53	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.31	9 N.J.R. 110(b)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.161	9 N.J.R. 251(a)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.123	9 N.J.R. 206(c)
2:52-1.6(a)	Revisions on required reports	R.1977 d.310	9 N.J.R. 404(a)
2:52-7.1 et seq.	Rules on application of minimum price regulations in sale of milk	R.1977 d.303	9 N.J.R. 403(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.204	9 N.J.R. 302(b)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.242	9 N.J.R. 354(a)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.294	9 N.J.R. 403(b)
2:54-3.7	Revisions on milk handling in various marketing areas	R.1977 d.209	9 N.J.R. 302(c)
2:54-3.9	Rule on handling of milk in N.Y.-N.J. marketing area	R.1977 d.97	9 N.J.R. 159(a)
2:69-1.11	Revisions on commercial values	R.1977 d.266	9 N.J.R. 403(a)
2:85-1.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
2:85-1.1 et seq.	Ratify prior adoption of rules on farmland preservation	R.1977 d.33	9 N.J.R. 110(c)
2:85-1.5	Amendment (jointly) on farm land preservation demonstration project	R.1977 d.218	9 N.J.R. 302(a)

(Rules in the Administrative Code for Title 2 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 10.)

BANKING — TITLE 3

3:1-9.1 et seq.	Rules on home mortgage disclosures	R.1977 d.308	9 N.J.R. 405(c)
3:8-3.1(c)1.	Revisions on required reserves	R.1977 d.111	9 N.J.R. 207(b)
3:8-5.1	Revisions on required reserves	R.1977 d.111	9 N.J.R. 207(b)
3:10-2.2	Delete rule on savings bank authorization and mark Reserved	R.1977 d.157	9 N.J.R. 252(c)
3:10-4.3	Delete rule on appraisal ratio for savings banks and mark Section Reserved	R.1977 d.156	9 N.J.R. 252(b)
3:10-7.1 et seq.	Rules on secondary mortgage loans	R.1977 d.232	9 N.J.R. 355(a)
3:11-3.1 et seq.	Revisions on small business investment companies	R.1977 d.23	9 N.J.R. 112(c)
3:11-8.2	Approved foreign obligations	R.1977 d.238	9 N.J.R. 355(b)
3:18-6.1 through 3:18-6.3	Repeal rules on solicitation of business	R.1977 d.221	9 N.J.R. 304(b)
3:19-1.2(b)	Amendments on licensing of home repair salesmen	R.1977 d.174	9 N.J.R. 253(a)
3:19-1.6	Amendments on license numbers	R.1977 d.175	9 N.J.R. 253(b)
3:27-2.7(a)	Revisions on filed statements	R.1977 d.248	9 N.J.R. 355(c)
3:27-5.1, 5.3	Revisions on limitations and excludable loans	R.1977 d.220	9 N.J.R. 304(a)
3:28-1.7	Revisions on specific reserve	R.1977 d.248	9 N.J.R. 355(c)

(Rules in the Administrative Code for Title 3 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)

CIVIL SERVICE — TITLE 4

(Rules in the Administrative Code for Title 4 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 10.)

COMMUNITY AFFAIRS — TITLE 5

5:10-2.1 et seq.	Revisions on construction and maintenance of hotels and multiple dwellings	R.1977 d.305	9 N.J.R. 414(a)
5:23-1.1 et seq.	Revisions to Uniform Construction Code	R.1977 d.256	9 N.J.R. 358(a)
5:23-4-9(a)	Amendments on plan reviews	R.1977 d.306	9 N.J.R. 414(b)
5:23-5.1 et seq.	Licensing of code enforcement officials	R.1977 d.304	9 N.J.R. 413(b)
5:30-14.1 to 14.3	Rules on local public contracts	R.1977 d.128	9 N.J.R. 212(a)
5:30-14.5	Certification of funds and accounting for contracts	R.1977 d.127	9 N.J.R. 211(a)
5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	9 N.J.R. 10(a)
5:30-16.1 et seq.	Tenants' property tax rebate program	R.1977 d.241	9 N.J.R. 357(b)
5:90-1.1 et seq.	Urban Loan Authority's procedure manual	R.1977 d.244	9 N.J.R. 357(c)
(Rules in the Administrative Code for Title 5 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 8.)			

EDUCATION — TITLE 6

6:3-2.1	Revised definition of parent	R.1977 d.68	9 N.J.R. 167(a)
6:3-2.5(d)	Revisions on access to pupil records	R.1977 d.68	9 N.J.R. 167(a)
6:3-4.1	Use of school buses for transportation of senior citizens' groups	R.1977 d.129	9 N.J.R. 212(b)
6:4-1.5	Revisions on school and classroom practices	R.1977 d.274	9 N.J.R. 416(a)
6:8-1.1, 3.4, 3.8	Revisions on thorough and efficient system of public schools	R.1977 d.199	9 N.J.R. 310(a)
6:11-3.12	Revisions on athletic coaches	R.1977 d.70	9 N.J.R. 167(c)
6:11-4.6	Revisions on two-month certificates	R.1977 d.26	9 N.J.R. 114(a)
6:21-7.1	Revisions on limit of apportionment of State aid	R.1977 d.277	9 N.J.R. 416(d)
6:22-2.5(e), 7.6 3.27, 3.28	Revisions on final plans approvals	R.1977 d.275	9 N.J.R. 416(b)
6:22-2.9	Revisions on master plans	R.1977 d.236	9 N.J.R. 359(b)
6:22-13.13	Asbestos surface coatings	R.1977 d.158	9 N.J.R. 258(c)
6:27-3.1	Revisions on approved secondary school summer sessions	R.1977 d.28	9 N.J.R. 114(c)
6:29-4.2	Revisions on testing for tuberculosis	R.1977 d.276	9 N.J.R. 416(c)
6:29-6.3	Amendments on athletics personnel	R.1977 d.69	9 N.J.R. 167(b)
6:39-1.2(g)	Revisions on dissemination of information	R.1977 d.27	9 N.J.R. 114(b)
6:39-1.4	Minimum levels of pupil proficiency	R.1977 d.198	9 N.J.R. 309(a)
6:43-1.2(e)	Revisions on program requirements	R.1977 d.278	9 N.J.R. 417(a)
6:53-1.1 et seq.	Vocational education safety standards	R.1977 d.279	9 N.J.R. 417(b)
(Rules in the Administrative Code for Title 6 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)			

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	R.1977 d.20	9 N.J.R. 62(b)
7:1C-1.2	Note: Amend definition of construction permit; 90- day construction permit rules	R.1977 d.200	9 N.J.R. 321(a)
7:1D-1.5	Amendment (jointly) on farmland preservation demonstration project	R.1977 d.218	9 N.J.R. 302(a)
7:1E-1.1 et seq.	Discharge of petroleum and other hazardous substances	R.1977 d.115	9 N.J.R. 217(c)
7:2-7.5 et seq.	Revisions on lands, waters and facilities under jurisdiction of Bureau of Parks	R.1977 d.145	9 N.J.R. 218(e)
7:2-16.2(e) et seq.	Revisions on special permits at Island Beach State Park	R.1977 d.146	9 N.J.R. 219(a)
7:7A-1.13(a)	Extend Wetlands Order for parts of Salem, Cape May and Ocean Counties	R.1977 d.267	9 N.J.R. 418(b)
7:7D-2.1 et seq.	CAFRA rules	R.1977 d.121	9 N.J.R. 218(a)
7:12-1.1 et seq.	Revisions on condemnation of certain shellfish beds	R.1977 d.74	9 N.J.R. 169(b)
7:12-1.3(a) 14.	Revisions on condemnation of certain shellfish beds	R.1977 d.300	9 N.J.R. 420(b)
7:12-1.3(a)39.	Revisions on condemnation of certain shellfish beds	R.1977 d.73	9 N.J.R. 169(a)
7:12-1.3(a)39.i.	Revisions on condemnation of certain shellfish beds	R.1977 d.301	9 N.J.R. 420(c)
7:12-1.3(a)39i.(1)	Amendments on condemnation of certain shellfish harvesting waters	R.1977 d.283	9 N.J.R. 419(a)
7:13-1.11	Amendment; delineated floodways in the Rahway River	R.1977 d.144	9 N.J.R. 218(d)
7:13-2.1	Determining stream encroachment lines	R.1977 d.142	9 N.J.R. 218(b)
7:14-1.1 et seq.	Rules on the Water Pollution Control Act	R.1977 d.268	9 N.J.R. 418(c)
7:21-7.1 et seq.	Stream encroachment applications in the Central Passaic Basin	R.1977 d.107	9 N.J.R. 217(b)
7:25-1.6	Shellfish license revocation schedule	R.1977 d.147	9 N.J.R. 219(b)
7:25-7.9	Revised rule continuing closure of certain sea clam beds	R.1977 d.197	9 N.J.R. 320(a)
7:25-7.10	Oyster seed beds; 1977 season	R.1977 d.166	9 N.J.R. 264(a)
7:25-9.5	Rules on crab dredging	R.1977 d.269	9 N.J.R. 418(d)
7:25-11.2 through 7:25-11.4	Criteria for possession of endangered wildlife	R.1977 d.39	9 N.J.R. 118(c)
7:25-12.1(k)	Revisions on preservation of sea clam resources	R.1977 d.176	9 N.J.R. 265(a)
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)

7:25-14.1 et seq.	Crab pots in Delaware Bay waters	R.1977 d.196	9 N.J.R. 319(b)
7:25-15.1	Relay of hard clams	R.1977 d.167	9 N.J.R. 264(b)
7:26-1.10(c)	Revisions to effective dates of categories of solid waste districts	R.1977 d.311	9 N.J.R. 421(a)
7:27-3.1 et seq.	Revisions on control and prohibition of smoke from combustion of fuel	R.1977 d.284	9 N.J.R. 420(a)
7:27-4.1 et seq.	Revisions on control and prohibition of particles from combustion	R.1977 d.284	9 N.J.R. 420(a)
7:27-5.1 et seq.	Revisions on prohibition of air pollution	R.1977 d.284	9 N.J.R. 420(a)
7:26-1.10	Planning designation of solid waste districts	R.1977 d.257	9 N.J.R. 361(b)
7:27-6.1 et seq.	Revisions on air pollution control	R.1977 d.95	9 N.J.R. 170(c)
7:27-17.1 et seq.	Control and prohibition of spray on asbestos surface coatings	R.1977 d.207	9 N.J.R. 321(b)
7:29-2.1 et seq.	Rules on noise control of vessels and watercraft	R.1977 d.177	9 N.J.R. 266(a)
Temporary	Amend 1976-1977 Game Code concerning muskrat trapping	R.1977 d.85	9 N.J.R. 170(a)
Temporary	Extension of commercial shooting preserve season	R.1977 d.86	9 N.J.R. 170(b)
Temporary rule	1977-78 Game Code	R.1977 d.219	9 N.J.R. 322(a)

(Rules in the Administrative Code for Title 7 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

HEALTH — TITLE 8

8:21-1.27	Cosmetic package principal display panel	R.1977 d.192	9 N.J.R. 269(b)
8:21-1.28	Cosmetic product identity labeling	R.1977 d.193	9 N.J.R. 269(c)
8:30-12.2(f)	Amendments on fire detection systems in nursing homes	R.1976 d.420	8 N.J.R. 18(d)
8:31-8.1 et seq.	Standards for planning and certification of perinatal services	R.1977 d.182	9 N.J.R. 269(a)
8:31-26.1	Standards and criteria; Regional hemophilia care centers	R.1977 d.139	9 N.J.R. 221(c)
8:31-26.1	Amendment on licensure standards for health care facilities	R.1977 d.181	9 N.J.R. 268(e)
8:31A-10.6	Time-phased plan	R.1977 d.312	9 N.J.R. 429(a)
8:33-1.5, 2.5	Revised guidelines and criteria for submissions of applications for certificates of need	R.1977 d.223	9 N.J.R. 322(d)
8:34-1.1 et seq.	Revisions on licensing of nursing home administrators	R.1977 d.172	9 N.J.R. 268(b)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	9 N.J.R. 18(a)
8:39-1.1 et seq.	Manual of standards for licensure of nursing homes	R.1977 d.222	9 N.J.R. 322(c)
8:41-1.1 et seq.	Rules on planning and application for designation of cardiac diagnostic facilities	R.1977 d.179	9 N.J.R. 268(c)
8:41-2.1 et seq.	Rules on planning and certification of need of regional cardiac centers	R.1977 d.180	9 N.J.R. 268(d)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(d)
8:43A-1.10(r)	Rules on emergency and disaster procedures	R.1976 d.357	8 N.J.R. 551(a)
8:43A-1.15, 1.35, 1.43	Revisions for licensure of ambulatory care facilities	R.1977 d.253	9 N.J.R. 366(c)
8:43A-1.66(g)	Revisions concerning ambulatory care facilities	R.1976 d.357	8 N.J.R. 551(a)
8:43A-1.68	Standards for licensure of ambulatory care facilities and health maintenance organizations	R.1977 d.140	9 N.J.R. 222(a)
8:43B-3.2(i)	Rules on emergency and disaster procedures	R.1976 d.357	8 N.J.R. 551(a)
8:43B-3.2(i)	Amendments on fire detection system in hospitals	R.1976 d.419	9 N.J.R. 18(c)
8:43E-1.1 et seq.	Policy manual for planning and certificate of need reviews of health care facilities	R.1977 d.138	9 N.J.R. 221(b)
8:53-1.1	Revisions in implementation of Local Health Services Act	R.1977 d.141	9 N.J.R. 222(b)
8:53-1.3(b)	Revisions on implementing local Health Services Act	R.1977 d.239	9 N.J.R. 366(b)
8:65-9.1 et seq.	Delete and mark subchapter Reserved	R.1976 d.376	9 N.J.R. 17(b)
8:65-10.1(a)4	Control of dextropropoxyphene	R.1977 d.151	9 N.J.R. 268(a)
Note 4			
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.355	8 N.J.R. 550(c)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.418	9 N.J.R. 18(b)

(Rules in the Administrative Code for Title 8 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 7.)

HIGHER EDUCATION — TITLE 9

9:1-1.18(c)	Standards for courses offered in secondary schools	R.1976 d.389	9 N.J.R. 19(a)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	9 N.J.R. 18(e)
9:9-1.3(b)	Revisions on loan amounts	R.1977 d.249	9 N.J.R. 366(d)
9:9-1.10	Amendments on change of lenders	R.1977 d.216	9 N.J.R. 331(a)
9:9-1.21 et seq.	Revisions to policies and procedures concerning student loans	R.1977 d.104	9 N.J.R. 173(c)
9:9-8.1 et seq.	Policy governing institution of higher education loan act	R.1977 d.217	9 N.J.R. 331(b)
9:14-1.3	Revised definition of institution or eligible institution	R.1977 d.255	9 N.J.R. 367(a)

(Rules in the Administrative Code for Title 9 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 8.)

HUMAN SERVICES — TITLE 10 CORRECTIONS

10:49-1.1 through 10:49-6.1 et seq. 10:49-1.18	Revisions on administration and general information; Health Services Program Debarment, suspension and disqualification of providers in Medicaid	R.1977 d.213 R.1977 d.64	9 N.J.R. 342(c) 9 N.J.R. 176(b)
10:49-1.25 10:49-1.25 10:49-1.31 10:49-1.33 10:49-9.1 et seq. 10:51-1.1 et seq. 10:51-1.4, 1.5 10:51-1.7	Revisions on temporary fees reduction regarding Medicaid Medicaid reimbursement for abortions Procedures for involuntary transfer of patients New Jersey Medicaid Formulary Shared health care facilities Revisions concerning pharmaceutical services Revisions on Federally required prescription information Revisions to various Manual concerning elimination of certain prior authorization requirements	R.1977 d.12 R.1977 d.243 R.1977 d.62 R.1977 d.36 R.1977 d.65 R.1977 d.215 R.1976 d.414 R.1977 d.38	9 N.J.R. 91(a) 9 N.J.R. 370(e) 9 N.J.R. 126(e) 9 N.J.R. 125(c) 9 N.J.R. 176(c) 9 N.J.R. 343(b) 9 N.J.R. 23(f) 9 N.J.R. 125(d)
10:51-1.10(d) 10:51-2.1 et seq. 10:51-3.1 et seq.	Revisions on pharmacy dispensing fees Revised pharmacy billing procedures Pharmaceutical services for recipients in Medicaid approved long-term facilities	R.1977 d.11 R.1977 d.313 R.1977 d.132	9 N.J.R. 90(c) 9 N.J.R. 435(c) 9 N.J.R. 237(a)
10:51-4.1 et seq. 10:52-1.1, 1.4 and 2.7 10:56-1.48, 10:57-1.4, 1.22 10:59-1.9(c) 10:63-4.1 et seq. 10:63-5.1 et seq. 10:66-1.13(d) 10:81-2.2, 3.8 10:81-2.8, 3.18, 5.9 10:81-3.15 10:81-4.14 10:81-6.5 10:81-6.13(d) 10:81-7.32(b) 10:81-7.40 et seq. 10:81-7.44 10:81 Appendix D 10:82-1.1 et seq. 10:82-1.2(c)2 10:82-1.3(a)2. 10:82-1.4 10:82-2.11(a)3. 10:82-2.15, 2.16 10:82-2.19 10:82-3.2 10:82-3.2(b) 10. 10:82-4.2 10:82-4.6 10:82-4.6, 4.7 10:82-4.11(c) 10:82-4.12 10:82-5.8 10:82-5.11 10:82-5.12(a) 10:85-3.1(a), 10:85-5.3(b), 5.4(a) 10:85-3.3(e)5.v. 10:85-5.21(f) 10:87-1.15 10:87-3.18(a)2. 10:87-4.8 and 4.9 10:87-6.41(a) 10:87-8.1 et seq. 10:94-4.31(a) 10:94-4.41 10:109-1.1 et seq.	Consultant pharmacist services Revisions to hospital services manual Revisions on injectables policy for podiatrists and dentists Ownership of durable medical equipment Rules on medical day care services Rules on interim billing procedures List of allowable mental health treatment services Revisions concerning pregnant women Revisions on WIN registration program Delete rule on noncontributing person(s) in household Revisions on recipient's right to a fair hearing Revisions on clients' right during pendency of fair hearing Revisions on fair hearing decisions Revisions on report of court testimony Revisions on fraudulent receipt of assistance Revisions on cases involving fraudulent receipt of assistance Revisions on child support and paternity program Revised Assistance Standards Handbook Revisions on determination of household size Revision concerning eligible unit Disregard of scholarships and grants for eligible persons attending school or college Revisions on shelter payments by stepparents Recoupment of overpayments Institutionalized child returning temporarily to home Revisions on exempt resources Revisions on personal loan exemptions Revisions on self-employed Revisions on value of home produce Revisions on \$30 incentive payment to AFWP clients in CETA Revisions on earned income Revisions on determination of household size Revisions on payments to homes for unwed mothers Revisions on expenses incident to training Amendments on emergency assistance Revisions on medical payments to health practitioners Amendments on personal loans as exempt income Revisions on hospitalization costs in the General Assistance Program Suits filed against county welfare agency Revisions to Food Stamp Manual and work registration exemptions Revision on food stamp eligibility Revisions on repayment of food stamp overissuances Fiscal procedures in food stamp program Amendment on eligible persons Amendment on eligible persons Revisions to Ruling 11	R.1977 d.214 R.1977 d.159 R.1977 d.302 R.1977 d.14 R.1977 d.133 R.1977 d.133 R.1977 d.67 R.1976 d.408 R.1977 d.226 R.1977 d.212 R.1977 d.290 R.1977 d.289 R.1977 d.227 R.1977 d.191 R.1977 d.9 R.1977 d.230 R.1977 d.307 R.1977 d.211 R.1976 d.406 R.1976 d.407 R.1977 d.75 R.1977 d.188 R.1977 d.55 R.1976 d.409 R.1977 d.56 R.1977 d.229 R.1976 d.410 R.1977 d.56 R.1977 d.190 R.1977 d.137 R.1976 d.406 R.1977 d.135 R.1976 d.405 R.1977 d.299 R.1977 d.168 R.1977 d.291 R.1977 d.134 R.1977 d.189 R.1977 d.136 R.1977 d.58 R.1977 d.59 R.1977 d.288 R.1977 d.57 R.1977 d.57 R.1977 d.293	9 N.J.R. 343(a) 9 N.J.R. 277(d) 9 N.J.R. 435(a) 9 N.J.R. 91(b) 9 N.J.R. 238(a) 9 N.J.R. 238(a) 9 N.J.R. 176(d) 9 N.J.R. 23(c) 9 N.J.R. 370(a) 9 N.J.R. 342(b) 9 N.J.R. 434(b) 9 N.J.R. 434(a) 9 N.J.R. 370(b) 9 N.J.R. 278(e) 9 N.J.R. 90(b) 9 N.J.R. 370(d) 9 N.J.R. 435(b) 9 N.J.R. 342(a) 9 N.J.R. 23(a) 9 N.J.R. 23(b) 9 N.J.R. 177(a) 9 N.J.R. 278(b) 9 N.J.R. 125(e) 9 N.J.R. 23(d) 9 N.J.R. 126(a) 9 N.J.R. 370(c) 9 N.J.R. 23(e) 9 N.J.R. 126(a) 9 N.J.R. 278(d) 9 N.J.R. 238(e) 9 N.J.R. 23(c) 9 N.J.R. 238(c) 9 N.J.R. 22(b) 9 N.J.R. 434(e) 9 N.J.R. 278(a) 9 N.J.R. 434(c) 9 N.J.R. 238(b) 9 N.J.R. 278(c) 9 N.J.R. 238(d) 9 N.J.R. 126(c) 9 N.J.R. 126(d) 9 N.J.R. 433(c) 9 N.J.R. 126(b) 9 N.J.R. 126(b) 9 N.J.R. 434(d)

10:122-2.3	Revisions for child care licensing	R.1977 d.24	9 N.J.R. 125(b)
10:122-2.4, 2.5, 2.6	Revisions on child care licensing	R.1977 d.225	9 N.J.R. 369(a)
10:128-1.1 et seq.	Manual of Standards for Group Homes	R.1977 d.287	9 N.J.R. 433(b)

(Rules in the Administrative Code for Title 10 include all adoptions prior to Dec. 8, 1976—Transmittal Sheet No. 7.)

INSURANCE — TITLE 11

11:1-5.3	Withdrawal of rule on surcharge	R.1977 d.17	9 N.J.R. 93(a)
11:1-5.4	FAIR Plan surcharge	R.1977 d.231	9 N.J.R. 371(b)
11:1-7.1 et seq.	Revise rules on service and placement fees	R.1977 d.186	9 N.J.R. 279(a)
11:2-17.1	Rules requiring 30 days' notice of fire and casualty coverage cancellation	R.1977 d.185	9 N.J.R. 282(b)
11:3-1.25	Revisions on New Jersey Automobile Insurance Plan Manuals	R.1977 d.114	9 N.J.R. 239(a)
11:3-6.2(b)	Revisions on reduction of size and weight of insurance identification cards	R.1977 d.184	9 N.J.R. 282(a)
11:3-8.1(e)11.	Revision on consent to nonrenewal of private passenger auto coverage	R.1977 d.100	9 N.J.R. 178(b)
11:4-11.8	Revised effective date; life insurance solicitation rules	R.1977 d.187	9 N.J.R. 283(a)
11:4-12.1	Solicitation of student life insurance	R.1977 d.254	9 N.J.R. 372(a)
11:4-13.1 et seq.	Group student health insurance	R.1977 d.309	9 N.J.R. 438(d)
11:5-1.15(a)	Amendment on advertising rules	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.16(b)	Amendment on prohibited advertising practice	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.25(h)	Amendments on sales of interstate properties	R.1977 d.35	9 N.J.R. 127(b)
11:5-1.25(h)	Revisions on sale of interstate properties	R.1977 d.292	9 N.J.R. 438(c)
11:5-1.32	Revisions on rental location operations	R.1977 d.83	9 N.J.R. 177(d)
Temporary	Rule on final hospital payment rates; cost review	R.1977 d.18	9 N.J.R. 93(b)

(Rules in the Administrative Code for Title 11 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised 1978 maximum weekly benefit rates	R.1977 d.297	9 N.J.R. 439(b)
12:15-1.4	Revised 1978 taxable wage base under unemployment compensation	R.1977 d.298	9 N.J.R. 439(c)
Temporary	Revised 1978 workers' compensation benefit rates	R.1977 d.296	9 N.J.R. 439(a)

(Rules in the Administrative Code for Title 12 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

LAW AND PUBLIC SAFETY — TITLE 13

13:27-3.13(a)	Revised fees, Board of Architects	R.1977 d.164	9 N.J.R. 290(b)
13:28-1.3 et seq.	Revisions to rules of Board of Beauty Culture	R.1977 d.34	9 N.J.R. 129(a)
13:30-8.3	Revisions on use of general anesthesia	R.1977 d.206	9 N.J.R. 346(a)
13:33-1.13(c)	Rule on candidates' review of examination	R.1977 d.99	9 N.J.R. 186(b)
13:33-1.25	Revisions on temporary addresses	R.1977 d.42	9 N.J.R. 129(b)
13:37-6.2	Amendments on intravenous therapy	R.1977 d.66	9 N.J.R. 179(b)
13:37-3.8	Revisions on language comprehension examinations	R.1977 d.251	9 N.J.R. 373(a)
13:37-8.1 et seq.	Revisions on schools of practical nursing	R.1977 d.273	9 N.J.R. 440(b)
13:40-5.1	Preparation of land surveys	R.1977 d.160	9 N.J.R. 290(a)
13:42-1.2	Fees; Board of Psychological Examiners	R.1977 d.165	9 N.J.R. 290(c)
13:43-1.1 et seq.	Delete and reserve chapter	R.1977 d.98	9 N.J.R. 186(a)
13:43-1.1 et seq.	Revisions concerning shorthand reporters	R.1977 d.98	9 N.J.R. 186(a)
13:43A-1.1 et seq.	Rules on shorthand reporting	R.1977 d.98	9 N.J.R. 186(a)
13:44-1.1, 1.2	Revisions on applications for examinations and examination grades	R.1977 d.183	9 N.J.R. 290(d)
13:44-1.1 et seq.	Revisions to rules on veterinarians	R.1977 d.252	9 N.J.R. 373(b)
13:44-2.9	Temporary permits	R.1977 d.285	9 N.J.R. 441(a)
13:45-1.1 et seq.	Revisions on procedures on administrative complaints	R.1977 d.93	9 N.J.R. 184(a)

(Rules in the Administrative Code for Title 13 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)

ENERGY — TITLE 14 (Including Public Utilities Commission)

14:1-1.7, 4.3, 6.5, 8.4, 8.5, 9.4, 10.1	Revisions on communications	R.1977 d.263	9 N.J.R. 442(a)
14:5-7.1 et seq.	Delete entire text of Subchapter	R.1977 d.37	9 N.J.R. 139(a)
14:5-7.1 et seq.	Delete rules on electrical inspection authorities	R.1977 d.37	9 N.J.R. 139(a)
14:6A-1.1 et seq.	Oil distribution utilities	R.1977 d.210	9 N.J.R. 346(b)
14:11-2.22(e)	Amendments on identification	R.1977 d.240	9 N.J.R. 373(c)
14:18-11.19, 11.21	Revisions on required information	R.1977 d.295	9 N.J.R. 443(a)
14:20-1.1 et seq.	Adopt P.U.C. rules of practice by reference	R.1977 d.264	9 N.J.R. 442(b)

(Rules in the Administrative Code for Title 14 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

STATE — TITLE 15

15:10-1.4(b), 1.11	Amend mail voter registration rules	R.1977 d.271	9 N.J.R. 443(b)
15:10-3... et seq.	Rules on all election district maps	R.1976 d.375	9 N.J.R. 42(b)
15:10-4.1	Printing absentee ballot applications	R.1977 d.205	9 N.J.R. 346(c)

(Rules in the Administrative Code for Title 15 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 9.)

TRANSPORTATION — TITLE 16

16:28-1.126	Revised speed zones on parts of Route 47	R.1977 d.120	9 N.J.R. 241(b)
16:28-1.166 and 1.167	Revised speed zones on parts of Route U.S. 9 and N.J. 181	R.1977 d.120	9 N.J.R. 241(b)
16:28-2.2	Route 179; weight limits	R.1977 d.246	9 N.J.R. 385(b)
16:28-3.102	Revisions on restricted parking on parts of Route U.S. 9	R.1977 d.119	9 N.J.R. 241(a)
16:28-3.137	Restricted parking on Route 166	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.70	Revisions on restricted parking on parts of Route 23	R.1977 d.194	9 N.J.R. 294(b)
16:28-3.138	Restricted parking on Route 28	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.139	Restricted parking along Routes 173, 24, U.S. 202 and U.S. 71	R.1977 d.80	9 N.J.R. 190(e)
through 16:28-3.142			
16:28-3.143 through	Restricted parking on parts of Routes U.S. 9 and N.J. 29 and 23	R.1977 d.118	9 N.J.R. 240(b)
16:28-3.145			
16:28-3.146 through	Restricted parking on parts of Routes 57, 47 and 27	R.1977 d.119	9 N.J.R. 241(a)
16:28-3.148			
16:28-3.149, 3.150	Restricted parking on parts of Routes 154 and U.S. 22	R.1977 d.234	9 N.J.R. 384(b)
16:28-4.3	Repeal rule on one-way traffic on parts of Route 79	R.1977 d.76	9 N.J.R. 190(a)
16:28-6.15	Revisions on no left turns on parts of Route 171	R.1977 d.195	9 N.J.R. 294(c)
16:28-7.3	Center, left-turn only; portions of Route 33	R.1977 d.247	9 N.J.R. 385(c)
16:28-12.1 et seq.	Revisions on no-right turns on parts of Routes U.S. 1, U.S. 1 and 9, N.J. 5, 22 and 28	R.1977 d.153	9 N.J.R. 293(c)
16:28-12.10 et seq.	Revise no right turns on red on Routes 13, 24, 34, 168, I-280 and 173	R.1977 d.235	9 N.J.R. 385(a)
16:28-12.13 et seq.	Amendments on no right turns on red on Routes 18, 28, U.S. 30, 70, 71 and U.S. 1 and 9	R.1977 d.233	9 N.J.R. 384(a)
16:28-12.16(a) et seq.	Revisions on no-right turns on red on parts of Routes 23, 24, 35 and 57	R.1977 d.152	9 N.J.R. 293(b)
16:28-12.16(a)5.	Amendment on no-right turns on red on parts of Route 23	R.1977 d.79	9 N.J.R. 190(d)
16:28-13.1	Limited access prohibition on parts of Route 208	R.1977 d.78	9 N.J.R. 190(c)
16:28-13.2	Limited access to parts of Routes 444 and U.S. 9	R.1977 d.154	9 N.J.R. 293(d)
16:28-13.3	Interstate Route 78; limited access prohibition	R.1977 d.171	9 N.J.R. 294(a)
16:28-14.1	Speed limits on State highways under construction or repair	R.1977 d.60	9 N.J.R. 142(a)
16:51-1.1 et seq.	Revisions on Reduced-Fare Transportation Program	R.1977 d.224	9 N.J.R. 349(a)
16:55-1.1 et seq.	Revised rules on aeronautical activities	R.1977 d.52	9 N.J.R. 141(a)

(Rules in the Administrative Code for Title 16 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

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)
17:1-10.1 et seq.	Rules on the State prescription drug program	R.1977 d.117	9 N.J.R. 243(a)
17:2-1.1(a), 17:2-6.15, 17:2-6.26	Revisions on board meetings, compulsory retirement and medical examinations	R.1977 d.148	9 N.J.R. 295(a)
17:7-2.1, 3.3, 3.10	Revisions to Prison Officers' Pension Fund rules	R.1977 d.250	9 N.J.R. 392(b)
17:10-5.2	Revisions on effective dates; Judicial Retirement System	R.1977 d.228	9 N.J.R. 392(a)
17:12-2.4 through 17:12-2.7	Rules on term contract bidding procedures	R.1977 d.170	9 N.J.R. 295(e)
17:12-6.1	Revised definition for bid security	R.1977 d.169	9 N.J.R. 295(d)
17:12-6.1 et seq.	Rules on bid and performance bonds	R.1976 d.377	9 N.J.R. 47(a)
17:13-1.1 through 17:13-7.1	Repeal current text in its entirety	R.1977 d.122	9 N.J.R. 244(a)
17:16-5.4	Revised demand group; classification of funds	R.1977 d.124	9 N.J.R. 244(b)
17:16-7.4	Revised rule on legal papers	R.1976 d.401	9 N.J.R. 46(a)
17:16-8.2	Revised rule on legal papers	R.1973 d.402	9 N.J.R. 46(b)
17:16-31.1 et seq.	Revised rules on State Cash Management Fund	R.1977 d.173	9 N.J.R. 296(a)
17:16-32.8(b)5.	Revisions on valuation of units; Common Pension Fund A	R.1977 d.125	9 N.J.R. 244(c)
17:16-36.8(b)	Revisions on valuation of units; Common Pension Fund B	R.1977 d.126	9 N.J.R. 244(d)
17:19-3.1 et seq.	Recodified rules on debarment, suspension and disqualification of person(s)	R.1976 d.239	9 N.J.R. 294(e)

(Continued from Page 21)

in writing relevant to the proposed action on or before September 28, 1977, to:

Mrs. Wanda J. Schorn
Coordinator, Standards Program
Department of Health
501 John Fitch Way
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 Revisions on Sterilization of Cooking And Drinking Utensils and Receptacles

Dr. Joanne E. Finley, Commissioner of Health, pursuant

to authority of N.J.S.A. 24:2-1, proposes to repeal the regulations governing the Sterilization of Cooking and Drinking Utensils and Receptacles, N.J.A.C. 8:21-2.31, adopted for wholesale food establishments.

This regulation is outdated and the terminology not applicable to current concepts of equipment cleaning and sanitizing. The Commissioner proposes to replace this section pursuant to the authority of N.J.S.A. 24:2-1 with N.J.A.C. 8:24-5.4 and 8:24-5.5, which currently applies to retail food establishments. N.J.A.C. 8:24-5.4 - 5.5 describes the current methods utilized for the sanitizing of equipment and utensils and upon adoption would be applicable to all wholesale food establishments.

Copies of the full text of the changes may be obtained from:

Joseph W. Prince, Chief
Food and Milk Program
Consumer Health Services
1911 Princeton Avenue
Trenton, N.J. 08648
(609) 392-1180

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

17:19A-1.1 et seq.	Revised rules on barrier free designs; facilities for the physically handicapped in public buildings	R.1977 d.286	9 N.J.R. 447(a)
17:26-1.1 et seq.	Interim rules for processing damage claims under the Spill Compensation and Control Act	R.1977 d.116	9 N.J.R. 241(d)

(Rules in the Administrative Code for Title 17 include all adoptions prior to March 23, 1977—Transmittal Sheet No. 8.)

TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq.	Revisions on assessors, collectors and county tax board secretaries	R.1977 d.130	9 N.J.R. 245(a)
18:12-7.11	Revisions on extension of filing date; homestead rebates	R.1977 d.90	9 N.J.R. 199(b)
18:12A-1.16(h), (i)	Amendments on tax assessment lists and duplicates (EDP)	R.1977 d.131	9 N.J.R. 245(b)
18:14-1.1 et seq., 18:14 2.1 et seq. and 18:14-3.1 et seq.	Revisions on senior citizen property tax deductions	R.1977 d.150	9 N.J.R. 295(c)
18:24-9.12 et seq.	Revisions to rules on Sales and Use Tax Act	R.1977 d.29	9 N.J.R. 147(b)
18:35-1.5	Information furnished at source payers other than interest	R.1977 d.19	9 N.J.R. 101(a)
18:35-1.6	Treatment of capital gains and losses pursuant to P.L. 1976, c.47	R.1977 d.94	9 N.J.R. 199(c)
18:35-1.7	Accelerated returns and payment of certain employees' withheld taxes	R.1977 d.149	9 N.J.R. 295(b)

(Rules in the Administrative Code for Title 18 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1977 d.53	9 N.J.R. 152(a)
19:4-2.2, 4.28 and 6.28	Revisions to Hackensack Meadowlands zoning regulations	R.1977 d.237	9 N.J.R. 394(a)
19:4-6.28	Revisions to Hackensack Meadowlands zoning map	R.1977 d.155	9 N.J.R. 297(b)
19:6-1.2 et seq.	Revisions concerning Meadowlands District building code	R.1977 d.25	9 N.J.R. 150(a)
19:8-1.1	Revised definitions concerning motorcycles	R.1977 d.113	9 N.J.R. 246(a)
19:8-1.8	Revisions on Garden State Parkway commuter parking	R.1977 d.270	9 N.J.R. 448(b)
19:8-1.9(b)3.	Revised definitions concerning motorcycles on Parkway	R.1977 d.113	9 N.J.R. 246(a)
19:9-1.1 et seq.	Revisions on control of traffic on the Turnpike	R.1977 d.63	9 N.J.R. 203(a)
19:9-4.1 et seq.	Rules on inspection and obtaining of Turnpike Authority records	R.1977 d.265	9 N.J.R. 448(d)
19:10-1.1 et seq.	Revised rules on PERC	R.1977 d.272	9 N.J.R. 448(a)
19:25-15.1 et seq.	Rules on public financing of general elections for Governor	R.1977 d.72	9 N.J.R. 201(a)
19:25-15.35 through 19:25-15.37	Public financing of elections for office of Governor	R.1977 d.208	9 N.J.R. 349(b)

(Rules in the Administrative Code for Title 19 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

these revisions substantially as proposed without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Rules on Time-Phased Plan Regarding Expenditure Reductions

On August 22, 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 rules on the time-phased plan regarding expenditure reductions, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 267(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Full text of the adopted rules follows:

8:31A-10.6 Time-phased plan

(a) This provision establishes the procedure to arrive at a time-phased plan which will enable the hospital to eliminate expenditures subject to minimum base period and base challenges which expenditures actually are being incurred by the hospital. Thus it does not apply to budgeted but unfilled positions, annualization, or similar situations. Where the above defined actual expenditures are to be reduced, the following procedures shall apply for 1977:

1. All such expenditures incurred by the hospital prior to receiving the administrative payment rate (APR), or prior to the passage of this regulation, whichever comes later, shall be included in the 1977 budget.

2. Following receipt of the APR, with respect to minimum base period and base period challenges which the hospital does not intend to appeal, the hospital shall submit a detailed plan which is designed to lead to the elimination of the challenged expenditure within a reasonable period of time. Such plans shall set forth in detail the costs which will necessarily be incurred in eliminating the challenged expenditure within the time period set forth.

3. A time-phased plan may be substituted for any issues made the subject of appeal by a hospital. Where such a substitution is made for all minimum base period and base period challenges made the subject of appeal, the following procedure shall apply:

i. Notice that such a plan will be substituted for all minimum base period and base period challenges made the subject of appeal shall be made to the analyst and the hearing officer no later than 15 days following the effective date of this regulation.

ii. Such plan shall be submitted to the analyst no later than September 15, 1977.

iii. No later than 15 working days following the receipt of such plan, the analyst shall submit a written recommendation with respect thereto, together with said plan, to the Director of Health Economics Services (HES). A copy of said recommendation shall be made available to the hospital.

iv. Upon agreement by the Director of Health Economics Services that the proposed plan, the time period and the costs are all reasonable and necessary to the elimination

of the challenged expenditure, the plan shall be made a part of the hospital's rate file, appropriate adjustment to the APR shall be made and all such expenditures shall be removed from the budget base for all succeeding years. A determination by the Director of HES shall be made within 15 working days following receipt of the recommendation and plan and timely notice with respect to said determination given the hospital. Where the interests of concerned parties may be served, a meeting between the analyst, the Director and representatives of the institution may be held in order to resolve differences as to reasonableness.

v. The submission of such a plan by an institution shall extinguish a right of appeal with respect to minimum base period and base period challenges, however, failure to agree on a reasonable plan in whole or in part shall constitute a subject of appeal with respect to any unresolved issues as to reasonableness. Such appeals shall be heard no later than 30 working days following notice of the determination to be made in Section 4 above.

vi. During the pendency of the procedure outlined above, the hospital shall make reasonable efforts to eliminate the actual expenditures intended for elimination consistent with its proposed time phased plan. However, such remaining, reasonable expenditures incurred in good faith by the hospital shall be included in the 1977 budget.

vii. Failure to implement the plan agreed upon or approved by the hearing officer shall be treated by the Department of Health in succeeding years as if said plan had been implemented, and compensation for any sums approved in order to give effect to said plan made through an appropriate retroactive adjustment.

4. A time phased plan may be substituted for any issues made the subject of appeal by a hospital. Where such a substitution is made for some but not all minimum base period and base period challenges made the subject of appeal, the following procedure shall apply:

i. Notice that such a plan will be substituted for certain minimum base period and base period challenges made the subject of appeal, together with notice as to those issues remaining on appeal, shall be made to the analyst and the hearing officer no later than 15 days following the effective date of this regulation or five working days prior to the scheduled hearing, whichever shall come first.

ii. A time-phased plan covering the substituted issues shall be submitted no later than September 15, 1977.

iii. No later than 15 working days following the receipt of such plan, analyst shall submit a written recommendation with respect thereto, together with said plan, to the Director of Health Economics Services. A copy of said recommendation shall be made available to the hospital.

iv. Upon agreement by the Director of Health Economics Services that the proposed plan, the time period and the costs are all reasonable and necessary to the elimination of the challenged expenditure, the plan shall be made a part of the hospital's rate file, appropriate adjustment to the APR shall be made and all such expenditures shall be removed from the budget base for all succeeding years. A determination by the Director of HES shall be made within 15 working days following receipt of the recommendation and plan and timely notice with respect to said determination given the hospital. Where the interests of concerned parties may be served, a meeting between the analyst, the Director and representatives of the institution may be held in order to resolve differences as to reasonableness.

v. The submission of such a plan shall extinguish a right of appeal with respect to the issues covered thereby, however, failure to agree on a reasonable plan in whole or in

part shall constitute a subject of appeal with respect to any unresolved issues as to reasonableness. Such appeals shall be heard no later than 30 working days following notice of the determination to be made in Section 4 above, and where possible, shall be consolidated with any remaining appealable issues.

vi. During the pendency of the procedure outlined above, the hospital shall make reasonable efforts to eliminate the actual expenditures intended for elimination consistent with its proposed time phased plan. However, such remaining, reasonable expenditures incurred in good faith by the hospital shall be included in the 1977 budget.

vii. Where the hearing officer finds against the hospital with respect to a minimum base period or base period challenge made the subject of appeal he shall approve a time phased plan designed to lead to the elimination of the actual expenditure within a reasonable period of time. He shall notify the hospital with respect to an adverse determination within ten days of the hearing and shall approve such plan within 20 days of the notice. The 1977 budget shall include costs actually incurred up to the date of hearing where such appeals involve colorable issues and are taken in good faith; however, whenever it shall appear that noncolorable issues have been pursued not in good faith, a time phased plan shall be approved by the hearing officer designed to lead to the elimination of the actual expenditure as if such a plan had been submitted by the hospital in good faith in a timely fashion following receipt of the APR pursuant to paragraphs 3 and 4 above. Said plan shall be made a part of the formal record, an appropriate adjustment to the FAR shall be made giving due consideration to both base period and minimum base period challenges and all such expenditures shall be removed from the budget base for all succeeding years.

viii. Failure to implement the plan agreed upon or approved by the hearing officer shall be treated by the Department of Health in succeeding years as if said plan had been implemented and compensation for any sums approved in order to give effect to said plan made through an appropriate retroactive adjustment.

5. Where an institution elects not to substitute a time-phased plan for any issue made the subject of appeal, the following procedure shall apply.

i. With respect to any and all base period and minimum base period challenges where the hearing officer finds in favor of the hospital, such costs shall be allowed in the final administrative rate (FAR).

ii. Where the hearing officer finds against the hospital with respect to a minimum base period or base period challenge made the subject of appeal he shall approve a time phased plan designed to lead to the elimination of the actual expenditure within a reasonable period of time. He shall notify the hospital with respect to an adverse determination within ten days of the hearing and shall approve such plan within 20 days of the notice. The 1977 budget shall include costs actually incurred up to the date of hearing where such appeals involve colorable issues and are taken in good faith; however, whenever it shall appear that noncolorable issues have been pursued not in good faith, a time phased plan shall be approved by the hearing officer designed to lead to the elimination of the actual expenditure as if such a plan had been submitted by the hospital in good faith in a timely fashion following receipt of the APR pursuant to paragraphs 3 and 4 above. Said plan shall be made a part of the formal record, an appropriate adjustment to the FAR shall be made giving due consideration to both base period and minimum base period challenges and all such expenditures

shall be removed from the budget base for all succeeding years.

iii. Failure to implement the plan agreed upon or approved by the hearing officer shall be treated by the Department of Health in succeeding years as if said plan had been implemented and compensated for any sums approved in order to give effect to said plan made through an appropriate retroactive adjustment.

6. In situations where the passage of time shall have rendered the procedures set forth above inapplicable, considerations of equity shall dictate and upon notice by the institution that a time phased plan may be substituted for any or all issues heard prior to the effective date of this regulation, the hearing officer shall reopen the formal record for a reasonable period of time to accommodate both the submission of a plan and the analyst's recommendation with respect thereto. Such notice shall be made prior to receipt of the hearing officer's report. Upon notice, the hearing officer shall set forth a time schedule specifying submission dates, supplementary hearings if any, and a date for his final approval of a reasonable plan. Any remaining issues shall be determined upon evidence already submitted at the appeal.

An order adopting these rules was filed and became effective on August 22, 1977, as R.1977 d.312.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

EDUCATIONAL OPPORTUNITY FUND

Proposed Revisions to Financial Aid Guidelines For Graduate and Undergraduate Students

The Board of Directors of the Educational Opportunity Fund in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33, proposes to revise N.J.A.C. 9:11-1.1 et seq. concerning financial aid guidelines for graduate and undergraduate students.

The proposed revisions concern student eligibility, student residency, foreign nationals, dependent/independent student definitions, financial eligibility for undergraduate grants and graduate grants, duration of student eligibility, matching funds, transfer of grants, student notification, discontinuance of E.O.F. grants, liability, grant utilization, operational provisions for undergraduate grants and establishment of an E.O.F. graduate program.

Copies of the 15 pages of full text of the proposed revisions may be obtained from or made available for review by contacting:

Educational Opportunity Fund
1474 Prospect Street
Post Office Box 1417
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to the Educational Opportunity Fund at the above address.

The Department of Higher 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 Wilkes
Director, Educational Opportunity Fund
Department of Higher Education

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Definition of Podiatry Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the definition of "podiatry services" in N.J.A.C. 10:57-1.1 in compliance with N.J.S.A. 45:5-7, as amended by S-720 and signed into law by Governor Byrne on May 9, 1977.

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

10:57-1.1 "Podiatry services" means those services performed within the scope of practice as defined by the laws of New Jersey [N.J.S.A. 45:5] (N.J.S.A. 45:5-7) and which are within the scope of the services covered by the New Jersey Health Services Program.

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

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments Concerning General Exclusions

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:49-1.5 concerning general exclusions.

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

10:49-1.5(a) 12. Services billed for which the corresponding health care records do not adequately document all required elements of the procedure described or procedure code utilized by the billing provider, as specified in the Provider Manual. Payment will be made only for the procedure code which is actually documented in the health care record. The difference in payment between the procedure billed and the procedure documented will be recouped from the provider.

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

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Dental Services Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to delete in its entirety the current text of Chapter 56 in Title 10 of the New Jersey Administrative Code and adopt new text therein concerning the Manual for Dental Services.

The proposed new rules concern dental services definitions, program policies, scope of services, provider instructions for requesting authorization and payment for dental services, general policies and use of procedure codes.

Copies of the 78 pages of the proposed new Dental Services Manual may be obtained from or made available for review by contracting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to the Division of Medical Assistance and Health Services 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

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions on Exemption of Payments Received Under Experimental Housing Assistance Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise a rule within the Assistance Standards Handbook concerning the exemption of payments received under the experimental housing assistance program.

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

10:82-3.2(b)7.viii.(5) Payments made through Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), [and Volunteers in Service to America (VISTA)] and payments made under Title I of P.L. 93-113 (for example, Volunteers in Service to America (VISTA)).

(6) Payments received under the Experimental Housing Assistance Program (EHAP) made under annual contributions contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
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 Concerning Sponsors Of Aliens as Potential Resources

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to revise portions of the General Assistance Manual concerning sponsors of aliens as potential resources.

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

10:85-3.1(a)2. Citizen/alien status: Eligibility for general assistance is not related to citizenship. No inquiry about citizenship need be made except for purposes of obtaining support from the sponsor of an alien admitted for permanent residence in accordance with N.J.A.C. 10:85-3.4(b)1.

10:85-3.3(e)1. Definition: Unearned income includes net income from roomers, roomer-boarders (except as in subsection (c) of this Section), table-boarders, rental of apartments or housekeeping units, returns from capital investments such as dividends and interest, benefits and pensions, annuities, contributions from relatives or others, compensation payments and so forth.

10:85-3.4(b)1. Each alien admitted for permanent residence is required to have a sponsor who has certified that he/she will provide support to prevent the alien from becoming a public charge. Therefore, an alien admitted for permanent residence shall supply the name and address of his/her sponsor to the MWD or, if unable to do so, must cooperate in the agency's efforts to obtain the information from the Immigration and Naturalization Service (INS). The alien shall also cooperate in the agency's efforts to obtain support from the sponsor.

i. Aliens other than those admitted for permanent residence do not have sponsors and are not subject to this section.

ii. Communication between the MWDs and the INS for purposes other than obtaining support for an alien admitted for permanent residence is permitted only to the extent authorized in Subchapter 1 of this Chapter.

10:85-9.1(d) The MWD will seek voluntary support from the sponsor of an alien in compliance with the sponsorship document. In instances where the sponsor fails to provide full support, MWD shall request and comply with instructions from INS.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
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

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to 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 certain portions of the Public Assistance Manual concerning independent medical assessments pending a fair hearing, the reduction of time allowed to parties in interest to respond to the hearing officer's report, and reduction of the time allowed the local agency to implement fair hearing decisions.

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

10:81-6.10 Hearings involving medical issues

When the hearing involves medical issues, such as those concerning a diagnosis or an examining physician's report or the Medical Review Team's decision, a medical assessment other than that of the person or persons involved in making the original decision will be obtained at a reasonable expense to the agency from a source satisfactory to the client and made part of the record if the hearing officer [or the appellant] considers it necessary.

10:81-6.12(d) If the parties in interest wish to take exception to the hearing officer's report, such exception must be submitted in written form to the Bureau of Administrative Review and Appeal, State Division of Public Welfare and to all concerned parties and, to be considered, must be received by the State Division no later than [10] 7 working days after the mailing date of the hearing officer's report.

10:81-6.13(e) The State Division of Public Welfare will take such steps as may be necessary to assure that the decision has been carried out. Corrective or remedial measures ordered by a hearing decision, unless otherwise directed in the decision, will be implemented by the local agency [within a fifteen day period after] immediately upon receipt of the fair hearing decision. [The Director of the State Division of Public Welfare will be assured by designated Divisional staff unit(s) that the decision has been implemented within the required time period.]

10:81-6.13(f) Final administrative agency action on fair hearing decisions shall be implemented by the local agency within 90 days of the date of the request.

10:81-6.14 Responsibilities of county welfare [boards] agencies in processing hearing requests

10:81-6.14(a)7. Submitting reports on implementation of State fair hearing decisions [within 15 days of the date the decision is mailed] as soon as such action is taken; and

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
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 General Assistance Manual Concerning Financial Eligibility and Support

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to revise portions of the rules in the General Assistance Manual concerning financial eligibility and acceptable forms of support.

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

10:85-3.3(e)4. i. Shelter: When shelter is provided without charge to an applicant/recipient but is not part of his/her wages as described in Section 333.3, it shall be recognized as income-in-kind. An amount equal to 25 per cent of the applicable allowance standard shall be deducted as un-earned income. When utilities are included, the amount shall be 30 per cent of the allowance standard. These percentage deductions apply even though an in-kind payment by an LRR (N.J.A.C. 10:85-9.5(c)) and/or the dollar credit to the LRR's contribution may be in a different amount.

10:85-3.3(e)5. iv. Foster care payments: The regular monthly payment and clothing allowance paid by DYFS for care of children shall be considered as equal to the

cost of providing the care. Extra payments for special services shall, however, be considered as earned income from self-employment.

10:85-3.3(e)5. [iv.] v. Occasional gifts and contributions of nominal amount or value, such as those received on birthdays, Christmas or other holidays.

10:85-9.5(c) When an LRR who has a capacity to support is providing shelter and household needs, whether in his/her own home or elsewhere, and payment for such arrangement is neither made directly to the client nor stipulated by court order to be made in an identifiable cash amount to a third party, the monthly monetary value to be credited to the LRR's contribution shall be determined according to Schedule VI. However, the value thus established shall not exceed the LRR's evaluated capacity.

1. Note that deductions of in-kind contributions from grants shall, nonetheless, be in accordance with N.J.A.C. 10:85-3.3.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
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

(b)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Manual of Standards for Group Homes

On August 9, 1977, David Einhorn, Acting Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12, 30:1-14, 30:1-15, 30:1-16, 30:4C-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted the Manual of Standards for Group Homes, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 277(c).

Such manual may be cited as N.J.A.C. 10:128-1.1 et seq.

An order adopting these rules was filed and became effective on August 9, 1977, as R.1977 d.287.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments to Food Stamp Manual Concerning Fiscal Procedures

On August 8, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and

in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 10:87-8.1 et seq., to the Food Stamp Manual concerning fiscal procedure in the food stamp program, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 277(b).

An order adopting these amendments was filed on August 10, 1977, as R.1977 d.288 to become effective on September 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions Concerning Fair Hearings

On August 8, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-6.5 concerning the advising of clients of their rights during the pendency of a fair hearing, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 270(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these revisions was filed on August 10, 1977, as R.1977 d.289 to become effective on September 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions In Recipient's Right to a Fair Hearing

On August 8, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-4.14 concerning recipient's right to a fair hearing, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 271(a).

An order adopting these revisions was filed on August 10, 1977, as R.1977 d.290 to become effective on September 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Personal Loans as Exempt Income

On August 8, 1977, Ann Klein, Commissioner of Human

Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 10:85-3.3(e)5.v., concerning personal loans as exempt income, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 277(a).

An order adopting these amendments was filed on August 10, 1977, as R.1977 d.291 to become effective on September 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions to Ruling 11 on Classification And Compensation Plan and Leave

On August 10, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to various Sections in Chapter 109 of Title 10 in the New Jersey Administrative Code concerning Ruling 11 and classification and compensation plan and leave, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 339(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these revisions was filed and became effective on August 11, 1977, as R.1977 d.293.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Emergency Assistance

On August 16, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 10:82-5.12(a) concerning emergency assistance.

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

10:82-5.12(a) "Emergency assistance" is hereby established as any extra or additional payment(s), authorized in accordance with subsections (b) and (c) of this Section during the period of 30 consecutive days immediately following the occurrence of an emergency as defined in subsection (c) of this Section, issued to or for an eligible unit otherwise receiving continuing assistance.

1. In addition, these regulations apply to an emergency (as described in subsection (c) of this Section which oc-

curred within the seven calendar days immediately prior to application for AFDC if the applicant is determined eligible at the time of application under established procedures and standards.

An order adopting these amendments was filed and became effective on August 17, 1977, as R.1977 d.299 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Concerning Injectable Policy for Podiatrists and Dentists

On August 15, 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 revisions to N.J.A.C. 10:56-1.48, 10:57-1.4 and 10:57-1.22 concerning the injectables policy for podiatrists and dentists, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 333(a).

An order adopting these revisions was filed on August 8, 1977, as R.1977 d.302 to become effective on October 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions to Appendix D of Public Assistance Manual

On August 18, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Appendix D of the Public Assistance Manual in Chapter 81 of Title 10 in the New Jersey Administrative Code concerning enumeration and the child support and paternity program, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 90(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 August 22, 1977, as R.1977 d.307 to become effective on September 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Concerning Pharmacy Billing Procedures

On August 17, 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 revisions to N.J.A.C. 10:51-2.1 et seq. concerning pharmacy billing procedures, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 332(a).

An order adopting these revisions was filed and became effective on August 22, 1977, as R. 1977 d.313.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Proposed Amendments on Nonrenewal of Automobile Insurance for Private Passenger Cars

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 1C-6(e) and 39:6A-3 proposes to adopt the following amendments to N.J.A.C. 11:3-8.1 concerning the nonrenewal of automobile insurance for private passenger cars.

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

11:3-8.1 General provisions

FOREWORD

Scope: This rule applies to all private passenger automobiles as defined in N.J.S.A. 39:6A-2a which are required to have P.I.P. coverage, including those owned by business entities and fleets, effective October 1, 1977.

(a) Every insurer shall make an offer to the insured named in a policy providing the coverage required by the New Jersey Automobile Reparation Reform Act to renew such policy upon its expiration date unless a valid notice of nonrenewal has been sent by the insurer to the insured in accordance with this regulation. Such renewal offer shall be in the usual form of either a renewal policy, a certificate, or a renewal bill and shall offer coverage at least as favorable to the insured as the expiring policy and at the same limits and terms including duration of contract of the policy as apply to the expiring policy subject to changes approved by the Commissioner that had become effective since the commencement of the current policy period. Payment by the insured in accordance with the terms stated in the billing notice or in accordance with terms agreed to with the company or producer shall constitute acceptance of the offer by the insured. The words "same limits" shall not preclude the insurer from offering physical damage coverage with a higher deductible than that in the expiring policy provided the insurer is informed that a lower deductible is available at an appropriate rate.

11:3-8.1(e)11.: "N.J.S.A. 29C:7" is corrected to read "N.J.S.A. 17:29C-7".

A public hearing respecting the proposed action will be held on September 28, 1977 at 10:00 A.M. in the Department of Insurance hearing room, 201 East State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977 to:

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

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

John G. Foley
Deputy Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Proposed Rules on Educational Program Requirements for Title Insurance Agent Applicants

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:46B-30 and 17:22-6.6, proposes to adopt new rules concerning educational program requirements for title insurance agent applicants.

Full text of the proposed rules follows:

11:2-1.5 Educational prerequisites for examinations for title insurance agents

(a) The following courses of study are established:

Subject Areas	Hours of Classroom Instruction
1. Agents; responsibilities	5 hours
i. Educational requirements for first-time applicants; application and examination for a license; maintenance of books and records and vouchers; comingling prohibited; replies to inquiries by Commissioner; certain names prohibited; biennial licensing expiration 6-30; lending institutions not permitted to act as agent.	
ii. Commissions permitted to licensees; other payments prohibited.	
iii. Rebates or reduced fees prohibited.	
Examination of records.	
iv. False or misleading information.	
v. Penalties; additional penalties.	
vi. Permitted division of fees.	
vii. Personal and controlled insurance.	
viii. Enforcement.	
2. New Jersey practice; abstract and titles:	
i. Estates in land:	
(1) Land defined.	
(2) Fee simple and tail.	
(3) Conditional and limited estates.	
(4) Life estates.	
(5) Co-ownership.	
(6) Miscellaneous estates.	2½ Hours

ii. Acquisition of title:	
(1) Mode of acquisition.	
(2) Capacity to acquire.	1 hour
iii. Describing land:	
(1) Plotting.	
(2) Drawing descriptions.	1 hour
iv. Title insurance:	
(1) Making of contract.	
(2) The policy and its effect.	1 hour
v. Conveyances:	
(1) Capacity to convey.	
(2) Particular deeds.	
(3) Forms and contents of deeds—parties; consideration; recitals.	
(4) Forms and contents of deeds—descriptions; estate; restrictions.	
(5) Forms and contents of deeds—covenants, executive.	
(6) Acknowledgments.	
(7) Alteration of deeds.	
(8) Lost deeds.	
(9) Closing title.	
(10) Descent.	
(11) Wills—capacity and execution.	
(12) Wills—probate.	
(13) Wills—content and sufficiency.	
(14) Wills—operation and effect.	15 hours
vi. Mortgages and other encumbrances:	
(1) Mortgages—contents, transfer, discharge.	
(2) Mortgages—record, notice, priority.	
(3) Lis Pendens (suit pending).	
(4) Judgments.	
(5) Mechanics liens.	
(6) Recognizances, attachments, bonds, sequestrations, and institutional liens.	
(7) Miscellaneous encumbrances.	8 hours
vii. Tax liens and titles:	
(1) Municipal tax liens.	
(2) Municipal tax sales.	
(3) Perfection of title under municipal tax sales.	
(4) State inheritance tax lien.	
(5) Federal tax lien.	4 hours
viii. Assignments for benefit of creditors:	
(1) Making and operation of assignment for benefit of creditors.	½ hour
ix. Records and abstracts:	
(1) Instruments recordable.	
(2) Record books.	
(3) Index books.	
(4) Abstracting.	
(5) Examining abstracts.	4½ hours
x. Questionable titles and possible remedies:	
(1) Marketable title.	
(2) Adverse possession.	
(3) Quieting, determining and confirming title to realty.	2½ hours
xi. Income tax; considerations and real property:	
(1) Federal income tax—ownership and maintenance of real property.	
(2) Federal income tax—transfer or sale of real property.	
(3) Liquidations, reorganizations and other particular situations.	2 hours
3. Review all material.	8 hours
TOTAL	50 hours

A public hearing respecting the proposed action will be held on September 28, 1977 at 10:30 A.M. in the Department of Insurance hearing room, 201 East State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

David W. Price, C.L.U.
Assistant Chief, License Division
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

John G. Foley
Deputy Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Proposed Amendments on Insurance Licensing Of Financial Institutions and their Affiliates

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6.6a and 17B:22-8 proposes to amend the rules concerning insurance licensing of financial institutions and their affiliates.

Full text of proposed rules and revisions follows (additions indicated in boldface thus):

SUBCHAPTER 10. INSURANCE LICENSING OF FINANCIAL INSTITUTIONS AND THEIR PARENT COMPANIES, SUBSIDIARIES, AFFILIATES, SERVICE CORPORATIONS OR MEMBER BANKS.

11:1-10.1 Definitions

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

An "affiliate" of, or person "affiliated" with a specific person, is a person who:

1. Directly or indirectly controls or is controlled by, or is under common control with; or
2. Is a related or subordinate party to; or
3. Shares office space as a co-tenant with; or
4. Is a business partner with; or
5. Is an employee of; or
6. Pays or receives for the referral of business any fee or remuneration of any kind to the person specified.

"Control", "controlling", "controlled by" or "under common control with" means possession of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities or otherwise. The commissioner will presume control exists if any person, directly or indirectly, owns, controls, holds the power to vote, or holds proxies representing 10 per cent or more of the voting securities of any other person. This presumption may be rebutted by showing that control does not exist in fact. The commissioner may determine that control exists in fact notwithstanding the presence or absence of a presumption to that effect.

A "person" is a "co-tenant" with another if that person:

1. Shares rental, real estate or other administrative or operating expenses for particular office space with another person; or
2. Maintains a desk, business records or other office supplies or equipment in office space rented, owned or occupied by another; or
3. Has use of office space or equipment used or occupied by another; or
4. Shares with, or has access to use of office space occupied by another which has been designated by the titleholder of that space as a single rental unit; or
5. Shares with another office space which can be entered by a common doorway or other passage, or
6. Occupies space which is arranged in such a way that a person of ordinary intelligence would believe that the person shares the same office with another.

"Credit health insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction of ten years or less duration other than an isolated transaction on the part of the insurer not related to an agreement or plan for insuring debtors of the creditor, while the debtor is disabled as defined in the policy.

"Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transactions of ten years or less duration other than an isolated transaction on the part of the insurer not related to an agreement or plan of insuring debtors of the creditor.

"Financial institution" means any State or Federal banking institution or savings and loan association which regularly accepts deposits from New Jersey residents not regularly employed by said lending institutions or its affiliates or bank holding company; finance company (except any finance company affiliated with an insurance company); mortgage loan company; credit union; or any other institution whose principal business is the lending of money; or any parent company, subsidiary, affiliates, service corporation or member bank of the foregoing institutions. As used in this definition, the term "finance company" includes premium finance companies.

"Group mortgage cancellation health insurance" means group insurance or disability benefit coverage on group credit life insurance policies on the life or health of a mortgagor issued to creditors on a term plan pursuant to, in connection with, and limited by a mortgage loan transaction not exceeding the sum of \$30,000.

"Group mortgage cancellation life insurance" means group insurance on the life of a mortgagor pursuant to, in connection with, and limited by a mortgage loan transaction not exceeding the sum of \$30,000 issued to creditors on a term plan.

A person "indirectly" controls or is controlled by another when, through one or more intermediaries, the power to direct or cause the directions of the management or policies of a person, whether through voting securities or otherwise, can be exercised.

"Person" includes any individual, insurer, company, association, organization, society, partnership, syndicate, trust, business trust, corporation and every legal entity.

"Related or subordinate party" of a person is:

1. A spouse living with that person;
2. A father, mother, issue, brother or sister of that person;
3. An employee of a person;
4. A corporation or any employee of a corporation of which the person is in control.

11:1-10.2 Limitation of authority

No individual, partnership or corporation or other entity shall act as an insurance agent, broker or solicitor without first procuring a license in conformance with N.J.S.A. 17B:22-1 et seq., or 17:22-1, et seq. All insurance agents' and brokers' licenses not limited to credit life insurance, credit health insurance, group mortgage cancellation life insurance or group mortgage health insurance presently held by any financial institution as defined herein are subject to this Subchapter.

11:1-10.3 Disqualification from licensing

No insurance agent's, broker's or solicitor's license shall be issued to or renewed for any financial institution as defined in this subchapter or any parent company, subsidiary, service corporation or member bank thereof, or any person who owns or is affiliated with any such financial institution. Nothing in this Section precludes issuance or renewal of an insurance agent's, broker's or solicitor's license to any officer or employee of a financial institution PROVIDED that the licensee conducts no insurance business during the normal business hours of the financial institution.

A public hearing respecting the proposed action will be held on September 28, 1977, at 2:00 P.M. in the Department of Insurance hearing room, 201 East State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

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

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

John G. Foley
Deputy Commissioner
Department of Insurance

(a)

INSURANCE

REAL ESTATE COMMISSION

Proposed Revisions Concerning Disciplinary Action and Restitution

The Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 et seq., proposes to revise its rule concerning penalty for violation and disciplinary action and restitution.

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

11:5-1.1 [Penalty for violation] Disciplinary action; restitution

(a) Violation of any of these rules and regulations, or of any real estate statute, shall be sufficient cause for any disciplinary action permitted by statute.

(b) In accordance with the provisions of N.J.S.A. 45:15-9 and N.J.S.A. 45:15-17, the Commission in appropriate circumstances will exercise its authority to impose restitution of monies owed others as a condition to the issuance of a

license or to the reinstatement of a license after revocation or suspension.

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

(b)

INSURANCE

THE COMMISSIONER

Notice of Revision to Exportables List

Take notice that, on the exportables list, effective June 1, 1977, and published in the June 9, 1977, New Jersey Register at 9 N.J.R. 281(a), the word "hospitals" should be deleted from item number 29 therein.

Commissioner James J. Sheeran has found that hospital professional liability coverage is now readily available for hospitals under the Medical Malpractice Liability Insurance Act.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSURANCE

REAL ESTATE COMMISSION

Revisions Concerning Sale Of Interstate Properties

On August 9, 1977, Joan Haberle, Secretary-Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-10, 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 11:5-1.25(h) concerning the sale of interstate properties, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 281(b).

An order adopting these revisions was filed and became effective on August 10, 1977, as R.1977 d.292.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

INSURANCE

THE COMMISSIONER

Rules on Group Student Health Insurance

On August 22, 1977, John G. Foley, Deputy Commissioner

of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:27-49 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 11:4-13.1 et seq., concerning group student health insurance, substantially as proposed in the Notice published July 7, 1977, at 9 N.J.R. 343(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

An order adopting these rules was filed and became effective on August 22, 1977, as R.1977 d.309.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LABOR AND INDUSTRY

DIVISION OF WORKERS' COMPENSATION

Revised 1978 Workers' Compensation Benefit Rates

On August 5, 1977, John J. Horn, Acting Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-12(a) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions concerning the 1978 workers' compensation benefit rates.

Full text of the revised rule follows:

In accordance with the provisions of Chapter 126, Laws of 1966, the maximum workers' compensation benefit rate for temporary total disability, permanent total disability, and dependency is hereby promulgated as being \$146.00 per week.

This maximum compensation shall be effective as to injuries occurring in the calendar year 1978.

An order adopting these revisions was filed on August 17, 1977, as R.1977 d.296 (Exempt, Exempt Agency) to become effective on January 1, 1978. Take notice that these revisions are not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY

THE COMMISSIONER

Revised Maximum Weekly Unemployment Insurance and State Plan Temporary Disability Benefits

On August 5, 1977, John J. Horn, Acting Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which revised the maximum weekly unemployment insurance and State plan temporary disability benefit amounts for 1978.

Such revisions replace the current text of N.J.A.C. 12:15-1.3.

Full text of the adopted revisions follows:

12:15-1.3 Maximum weekly benefit rates

(a) In accordance with the provisions of the unemployment compensation law, the maximum weekly benefit rate for benefits under the unemployment compensation law and the maximum weekly benefit amount for State plan benefits under the temporary disability benefits law is hereby promulgated as being \$110.00 per week.

(b) These maximum benefits shall be effective for the calendar year 1978 on benefit years and periods of disability commencing on or after January 1, 1978.

An order adopting these revisions was filed on August 17, 1977, as R.1977 d.297 (Exempt, Procedure Rule) to become effective on January 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

THE COMMISSIONER

Revised 1978 Taxable Wage Base Under Unemployment Compensation Law

On August 5, 1977, John J. Horn, Acting Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-7(b)(3) and in accordance with applicable provisions of the Administrative Procedure Act, adopted a revised 1978 taxable wage base under the unemployment compensation law.

The revised rule replaces the current text of N.J.A.C. 12:15-1.4.

Full text of the revised rule follows:

12:15-1.4 Taxable wage base under unemployment compensation law

In accordance with the provisions of N.J.S.A. 43:21-7(b)(3) (Chapter 86, Laws of 1974), the "wages" of any individual with respect to any one employer for the purpose of contributions under the unemployment compensation law shall include the first \$6,200 paid during the calendar year 1978.

An order adopting these revisions was filed on August 17, 1977, as R.1977 d.298 (Exempt, Procedure Rule) to become effective on January 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY MEDICAL EXAMINERS

Proposed Rescission of Rule on Pending Emergency Cases

Silvio Fittipaldi, President of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs

of the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:16-1 et seq., hereby proposes to rescind in its entirety the rule on pending emergency cases.

Full text of the proposed rescission follows (deletions indicated in brackets [thus]):

13:44-2.10 [Pending emergency cases] (Reserved)

[(a) Every practicing veterinarian and every veterinary establishment and/or practice shall arrange to provide professional emergency service, whether from his/her/its own staff or by arrangement with other practicing veterinarians, and/or veterinary establishments and/or practices. Willful failure to provide emergency service may constitute gross neglect in the practice of veterinary medicine.

(b) Rendering of emergency treatment shall not be construed to include extensive, protracted, costly or time-consuming treatment. Following institution of emergency treatment, a full assessment of the situation shall be commenced to determine the type of further treatment, if any, to be rendered. Such evaluation may include but shall not be limited to: the financial capabilities of the owner or individual responsible for the care of the animal; the willingness of such individual to bear the financial burden; the well being of the animal; humane consideration of the animal; the nature and extent of treatment anticipated; the possibility of euthanasia.

(c) Nothing contained within these rules shall be construed to exempt an animal owner from responsibility for payment of reasonable fees associated with emergency care rendered, regardless of whether such emergency care was expressly authorized at time of treatment.

(d) Nothing contained within these rules shall require a veterinarian to render treatment where the veterinarian does not possess the equipment, materials, or expertise necessary to effect the treatment required. However, such veterinarian shall refer such emergency to probable sources of assistance.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 30, 1977, to:

Board of Veterinary Medical Examiners
Room 503, 1100 Raymond Boulevard
Newark, New Jersey 07102

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

Silvio Fittipaldi
Department of Law and Public Safety
President, Board of Veterinary Medical Examiners

(a)

LAW AND PUBLIC SAFETY

Notice of State Plan of Operations For Donations of Federal Surplus Personal Property

Take notice that Public Law 94-519 amending Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) becomes effective October 17, 1977. The Act, previously authorizing the donation of Federal surplus personal property only for purposes of health, education and civil defense, including nonprofit, tax-exempt health and educational activities, has been amended to

authorize donation of Federal surplus personal property through the designated State Agency for Surplus Property (SASP) within each State.

(a) Any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, recreation, public health and public safety; or

(b) Nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, museums attended by the public, and libraries serving free all residents of a community, district, State or region, which are exempt from taxation under Section 501 of the Internal Revenue Code of 1954, for purposes of education or public health (including research for any such purpose).

Before property may be transferred to any State Agency for Surplus Property, such State must develop, according to State law, a detailed plan of operation, developed in conformity with the provisions of subsection 203(j) of the Act, as amended, and as further defined in Federal Property Management Regulations (FPMR) 1 01-44 (41 CFR 101-44) promulgated by the General Services Administration (GSA).

The State of New Jersey would adopt these Federal regulations and the definitions contained therein, and proposes to add to these requirements standards and general criteria for the planning, certification, compliance, and administration of the State program for distribution of Federal surplus personal property in accordance with said Federal regulations.

Copies of the full text of the proposed State Plan of Operations for Donation of Federal Surplus Personal Property may be obtained from or made available for review by contacting:

Patrick C. Sharpe, Chief
Bureau of Federal Aid Programs (Civil Defense)
Department of Law and Public Safety
P.O. Box 979
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed Plan on or before October 10, 1977 to the above address.

Patrick C. Sharpe, Chief
Bureau of Federal Aid Programs (Civil Defense)
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF NURSING

Revisions Concerning Schools of Practical Nursing

On July 20, 1977, Richard E. David, Executive Director of the Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d)(19) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:37-8.1 et seq. concerning schools of practical nursing, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 285(a).

An order adopting these revisions was filed and became effective on August 2, 1977, as R.1977 d.273.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY MEDICAL EXAMINERS

Adopt Rule on Temporary Permits

On July 22, 1977, Selvio Fittipaldi, President of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, cited as N.J.A.C. 13:44-2.9, concerning temporary permits, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 239(b).

An order adopting this rule was filed and became effective on August 8, 1977, as R.1977 d.285.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

(A new State Department)

ENERGY

THE COMMISSIONER

Office Rules on Sale of Motor Gasoline Notice of Recodification of State Energy

Take notice that, the rules of the State Energy Office on Sale of Motor Gasoline, currently cited as N.J.A.C. 1:6-1.1 et seq., is now transferred to Subtitle E of Title 14 of the New Jersey Administrative Code and will now be cited as N.J.A.C. 14:25-1.1 et seq.

These and all of the rules of the newly-established Department of Energy, including the rules of the Board of Public Utility Commissioners, will be officially printed in Title 14 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENERGY

THE COMMISSIONER

Proposed Rules of Practice and Procedure

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of P.L. 1977, c. 146, proposes to adopt rules of practice and procedure for the Department of Energy. Such rules, if adopted, will be cited as N.J.A.C. 14:20-1.1 et seq.

The proposed rules concern general provisions, definitions, appearance and practice before the Department, parties, pleadings, petitions, answers and replies, motions,

intervention, hearings, pre-hearing conferences, discovery procedures, presiding officer, evidence, proposed findings, conclusions of parties and briefs, reopening of hearings, rehearing, reargument or reconsideration and Department decisions and recommendations.

Copies of the 38 pages of full text of the proposed rules may be obtained from or made available for review by contacting:

Ms. Mary Patricia Keefe
Administrative Practice Officer
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to the Department of Energy at the above address.

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

Joel R. Jacobson
Commissioner
Department of Energy

(d)

ENERGY

OFFICE OF CABLE TELEVISION

Proposed Amendments Concerning Municipal Hearings and Procedures

John P. Cleary, Director of the Office of Cable Television in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-1 et seq., proposes to adopt amendments to the rules concerning records of municipal hearings and procedures during those hearings.

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

14:18-11.7(a) The presiding officer shall call the proceeding for hearing and cause the appearances to be entered on the record. The presiding officer must determine the order in which applicants may be heard. Any person giving testimony shall do so under oath.

14:18-11.10 Record of hearing

The municipal governing body will cause to be made a record of all public hearings conducted pursuant to the requirements of N.J.S.A. 48:5A-23, which record with all papers filed in the proceeding and, if applicable, the report of citizens' committee referred to hereinabove shall constitute the record for decision. Such record shall be a stenographic record made by a court reporter certified in this State.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Office of Cable Television
101 Commerce Street
Newark, N.J. 07102

The Director of the Office of Cable Television, with the approval of the Board of Public Utility Commissioners, upon his own motion or at the instance of any interested party, may thereafter adopt these amendments substantially as proposed without further notice.

John P. Cleary
Director, Office of Cable Television
Department of Energy

(a)

ENERGY

BOARD OF PUBLIC UTILITY COMMISSIONERS

Revisions Concerning Communications

On July 14, 1977, the Board of Public Utility Commissioners in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 14:1-1.7(a) and (b), 14:1-4.3, 14:1-6.5(a) and (b), 14:1-8.4, 14:1-8.5, 14:1-9.4 and 14:1-10.1 concerning communications, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 137(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Energy.

Full text of the adopted revisions follows:

14:1-1.7(a) All pleadings, correspondence and other papers should be addressed to the Secretary, Board of Public Utility Commissioners, 1100 Raymond Boulevard, Room 208, Newark, New Jersey 07102. Copies of such correspondence should be directed to the hearing examiner and parties of record in formal matters.

14:1-1.7(b) All such pleadings and correspondence shall be deemed to be officially received when delivered at the office of the Board, but a Commissioner or the Secretary or an Assistant Secretary of the Board may in his discretion receive papers and correspondence for filing.

14:1-4.3 Designation of other than parties

Persons opposing petitions or tariff schedules filed by public utilities shall be styled "objectors" unless permitted to intervene. Participation by "objectors" shall be limited to a statement of position under oath or affirmation which may be subject to cross-examination by the parties. Objectors shall not be entitled to notices of hearing and copies of pleadings and other documents as a matter of right.

14:1-6.5(a) If a petitioner seeks ex parte action granting emergency relief pending full hearing, it shall particularize the necessity for emergent action. The petition must be supported by affidavits sufficient to make a prima facie case. An ex parte petition will only be considered by the Board where the public interest is subject to irreparable harm.

14:1-6.5(b) The petitioner shall present a draft of the proposed order. The order shall state the terms upon which it may be dissolved. Where the method of giving notice is not already provided for in these rules, notice in advance of filing shall be given if practical or otherwise required by these regulations for any party affected. There must be an attempt to communicate with any other interested party by telephone. The petitioner must certify by affidavit at the time of the application that other interested parties were served copies of the petition and draft order by certified mail.

14:1-8.4 Motions

All motions shall comply with the requirements of N.J.A.C. 14:1-5.1. In addition, copies of the motion shall be sent directly to the hearing examiner. The moving party is responsible for serving the motion on all parties.

14:1-8.5 Denial of motions

All motions shall be deemed denied if not decided within 60 days after the filing thereof, whether referred to the Board or to be decided by the examiner. The Board or the hearing examiner may waive this rule on their own motion or for good cause shown by a party.

14:1-9.4 Copies of pleadings and documents

An intervenor shall receive copies of any exhibits presented at any hearings when the intervenor or his counsel is present at that hearing.

14:1-10.1 Place, time and adjournments of hearings

(a) Notice in writing will be given by the Board to parties or their attorneys of record of the place, date and hour of the initial hearing at least ten (10) days before the time set therefor, unless the Board shall find that public necessity requires a hearing to be held at an earlier date or on consent of all parties.

(b) Hearings shall be held as ordered by the Board as scheduled by its Secretary or pursuant to authorized adjournments thereof.

(c) Where the hearing is presided over by a hearing examiner, he shall not adjourn a matter for more than 45 days without the approval of the Board or its designee.

(d) In any proceeding the Board may require a party to give notice of the hearing and its scope to persons who may be affected by the proceeding, which may include publication and posting of notice of hearing, at such party's expense, in such manner and for such time and in such newspapers as the Board may designate.

(e) Adjournments of scheduled hearings may be granted prior to the hearing by the hearing examiner if the applying party specifies that there is no objection by any party to the proceeding. In the event an objection is noted, the hearing examiner shall determine whether or not good cause exists for the requested adjournment.

(f) No adjournment shall be granted on the hearing date except for extraordinary reasons. When an adjournment is granted on a hearing date, the examiner shall state on the record the name of the person requesting the adjournment and the reason why the adjournment was requested. Costs resulting from an adjournment requested on the day of hearing may at the Board's discretion be assessed against the party requesting the adjournment.

An order adopting these revisions was filed and became effective on July 25, 1977, as R.1977 d.263.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENERGY

THE COMMISSIONER

Emergency Adoption by Reference Of Department's Rules of Practice

On July 19, 1977, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of P.L. 1977, c. 146, and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which adopted by reference the current rules of practice of the Board of Public Utility Commissioners, currently cited as N.J.A.C. 14:1-1.1 et seq., to apply to the entire Department of Energy.

Such rules of practice will apply to the entire Department of Energy until such time as the Department may amend, modify or adopt further rules.

The notice of this adoption by reference will be included in a new Chapter 20 in the new Subtitle E of Title 14 of the New Jersey Administrative Code. Subsequent revisions or new rules of practice for the Department of Energy, if adopted, will be cited as N.J.A.C. 14:20-1.1 et seq.

An order adopting these rules of practice by reference was filed and became effective on July 25, 1977, as R.1977 d.264 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENERGY

OFFICE OF CABLE TELEVISION

Revisions Concerning Required Information

On August 12, 1977, John P. Cleary, Director of the Office of Cable Television in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to portions of the rules concerning required information, substantially as proposed in the Notice published June 9, 1977 at 9 N.J.R. 291(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Energy.

Take notice that, these revisions affect N.J.A.C. 14:18-11.19 and 14:18-11.21, rather than N.J.A.C. 14:18-11.27 and 14:18-11.29, as was indicated in the Notice of Proposal.

Full text of the adopted revisions follows:

14:18-11.19(a) Any company receiving a municipal consent to operate a cable television system shall, within ten days of final passage, accept in writing the terms and conditions of the consent. Within 30 days of the date of acceptance by the company, a petition for a certificate of approval and any information required by N.J.A.C. 14:18-11.21 shall be filed with the Office in accordance with the provision of N.J.A.C. 14:17-6.6 unless specific approval is given by the Director for filing at a later date.

(b) A petition for a certificate of approval filed pursuant to N.J.S.A. 48:5A-17(d) shall be filed within 30 days of the date of adoption of a final ordinance by a municipality.

14:18-11.21(a) At the time of filing of a petition for a certificate of approval, the successful applicant(s) shall file with the Office on standardized forms, where applicable, information including, but not necessarily limited to, the following:

An order adopting these revisions was filed and became effective on August 16, 1977, as R.1977 d.295.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

STATE

OFFICE OF THE SECRETARY

Emergency Rules on Mail Voter Registration

On July 29, 1977, Donald Lan, Secretary of State, pursuant to authority of N.J.S.A. 19:31-6.9 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules which amended N.J.A.C. 15:10-1.4(b) and adopted a new rule concerning the purpose of mail voter registration.

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

15:10-1.4(b) Any registrant whose timely voter registration form was rejected by the commissioner of registration or Secretary of State on or before the 29th day prior to any election and whose validly completed form is received by the commissioner of registration at any time before the day of an ensuing election shall be entitled to vote in that election.

15:10-1.11 For purposes of mail registration

(a) The Secretary of State shall be an agent of each county commissioner of registration. Completed voter registration forms may be returned to the office of the Secretary of State, State House, Trenton, New Jersey 08625. The Secretary of State shall cause such forms to be immediately forwarded to the appropriate commissioner of registration.

(b) The Secretary of State may reject any voter registration form if the county of residence is not ascertainable from the form and in such case shall notify registrant pursuant to section 6 of this Subchapter with instructions to the voter to return the corrected form directly to the appropriate commissioner of registration.

(c) For forms received by the Office of the Secretary of State, the time forms are received by the Secretary of State shall be the time received for purposes of section 4 of this Subchapter.

An order adopting these rules was filed and became effective on July 29, 1977, as R.1977 d.271 (Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on Violations Relating to Permits

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6, proposes to adopt a new rule concerning violations relating to permits.

Full text of the proposed rule follows:

16:41-10.9 Violations

Any person guilty of violating a provision of this subchapter shall be liable to a fine not to exceed \$100.00

for each such day of violation and the cost of prosecution to be recovered by a civil action in the name of the State before any court of competent jurisdiction, by the Commissioner of Transportation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 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 this rule substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions In Classification Of Contractors and Contracts

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6, proposes to adopt revisions to portions of the rules concerning the classification of contractors and contracts.

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

16:65-1.1 Definitions

"Prequalification committee" means a committee appointed by the Commissioner of Transportation to perform the duties indicated in this Subtitle, to be composed of:

1. Director of Engineering and Operations, Chairman—State Highway Engineer;
2. Deputy Attorney General;
3. [Director of Fiscal Management;]
Director of Accounting and Auditing;
4. [Assistant] Chief Engineer, Construction and Maintenance;
5. Chief, Bureau of Contract Administration;

16:65-1.2(e)8. If the applicant is a corporation or a partnership, a statement setting forth the names and addresses of all stockholders in such corporation or all partners in such partnership who own a ten per cent or greater interest therein, as the case may be. If one or more such stockholder or partner is itself a corporation or partnership, then the statement shall also indicate the stockholders holding ten per cent or more of that corporation's stock, or the individual partners owning a ten per cent or greater interest in the partnership, as the case may be.

i. The disclosure shall be continued until the names and addresses of every noncorporate stockholder, and every individual partner, exceeding the ten per cent ownership criteria has been listed.

16:65-4.2(a) N.J.S.A. 27:7-29 specifies, "The advertisement shall be by public notice published for at least three weeks before bids on the contract may be received, [the contract may be awarded,] at least once a week in each of two newspapers printed in the county or counties where the roads are located, and in one other newspaper in

Trenton, and may be inserted in one or more American engineering periodicals".

16:65-5.1(h) The presiding officer or the narrator shall then make the following announcement: "All documents accompanying the bid proposals of all bidders shall be checked for completeness and the mathematical calculations of each proposal will be checked to determine the correct total price and necessary corrections made to determine the correct total amount. Proposal guarantees submitted with bid proposals will be returned to all except the two lowest responsible bidders within three working days after such bids are received. [the actual lowest and next lowest bidders after all bids have been checked and corrections made.] The Commissioner reserves the right to reject any or all bids in accordance with the provisions of N.J.S.A. 27:7-30".

16:65-5.1(i)4. He shall also ascertain that the [certified check required by N.J.S.A. 27:7-31, and that the] proposal bond required by 1.2.7. of the standard specifications, is of adequate amount.

i. The furnishing of proposal bonds by surety companies on Department projects must comply with the following requirements:

(1) U.S. Treasury Department Circular 570, dated July 8, 1976, and as issued annually thereafter, shall be used as the list of companies acceptable as sureties on proposal bonds covering contracts for New Jersey Department of Transportation projects and the underwriting limitations for any one risk.

(2) The company must be authorized to transact surety business in the State of New Jersey.

(3) Two or more companies may be accepted as sureties on any contract, the penal sum of which does not exceed the limitation prescribed of their aggregate qualifying power. Each company shall limit its liability, upon the face of the bond or policy, to a definite specified amount within its underwriting limitations. Such obligation shall be executed by the principal and sureties jointly and severally.

(4) Reinsurance shall not be acceptable in furnishing proposal bonds on New Jersey Department of Transportation contracts.

16:65-5.5(d) The [certified check,] proposal bond and financial questionnaire of all but the lowest and next lowest bidders shall be returned by the Bureau of Contract Administration within three working days after the bids are received.

16:65-5.5(d)2. The contractor's financial and equipment statement and the plant and equipment questionnaire for engineering construction of the second lowest bidder together with their [certified check and] proposal bond shall be retained until the contract has been properly signed.

16:65-6.2(b) If the contractor returns the executed contract and bond within the specified time, the Bureau of Contract Administration shall return the proposal guarantees which were tendered by the low bidder. At this time the proposal guarantees of the second low bidder shall also be returned.

1. The furnishing of performance bonds by surety companies on Department projects must comply with the following requirements:

i. U.S. Treasury Department Circular 570, dated July 8, 1976, and as issued annually thereafter, shall be used as the list of companies acceptable as sureties on performance bonds covering contracts for construction and

maintenance projects and the underwriting limitations for any one risk.

ii. The company must be authorized to transact business in the State of New Jersey.

iii. Two or more companies may be accepted as sureties on any contract, the penal sum of which does not exceed the limitation prescribed of their aggregate qualifying power. Each company may limit its liability, in terms upon the face of the bond, to a specified amount which shall be within the limitations prescribed. Such obligation shall be executed by the principal and sureties jointly and severally.

iv. Reinsurance shall not be acceptable on Department contracts.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Michael Miller
Administrative Practice Officer
Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions on Exemptions From Sales and Use Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to revise several rules regarding the sales and use tax concerning exemptions on machinery, apparatus or equipment and on tangible personal property which is serviced in New Jersey and delivered out of the State.

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

18:24-4.1 Scope of Subchapter

(a) This Subchapter is intended to clarify the application of the Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.) to:

1. Manufacturing, processing, assembling and refining industries[.] ; and

2. Services performed on real or tangible personal property.

18:24-4.4 Purchase, rental, lease or use of machinery, apparatus or equipment directly in production exempt from tax

(a) The purchase, rental, lease or use of machinery, apparatus or equipment for use or consumption directly and primarily in the production of tangible personal property by manufacturing, processing, assembling or refining is exempt from tax on or after January 1, 1978.

(b) Production is limited to those operations commencing with the introduction of raw materials into a

systematic series of manufacturing, processing, assembling, or refining operations, and ceases when the product is in the form in which it will be sold to the ultimate consumer, and does not include any activities which are distributive in nature. For example, a machine which packs a product into shipping cases after the product is in the form in which it will be purchased by the ultimate consumer is not considered to be used in production.

(c) Machinery, apparatus, or equipment is considered to be directly used in production only when it is used to initiate, sustain or terminate the transformation of raw materials into finished products. In determining whether property consisting of machinery, apparatus or equipment is "directly" used, consideration must be given to the following factors:

1. The physical proximity of the property in question to the production process in which it is used;

2. The proximity of the time of use of the property in question to the time of use of other property used before and after it in the production process; and,

3. The active causal relationship between the use of the property in question and the production of a product. The fact that particular property may be considered essential to the conduct of manufacturing, processing, assembling or refining because its use is required either by law or practical necessity does not, of itself, mean that the property is used directly in manufacturing, processing, assembling or refining. For example, property used to prevent accidents, which may be required by law, is not considered directly used.

(d) Concerning primary use, where a single unit of machinery, apparatus or equipment is put to use in two different activities, one of which is a "direct use" and the other of which is not, the property is not exempt from tax unless the manufacturer, processor, assembler or refiner makes use of the property more than 50 per cent of the time directly in manufacturing, processing, assembling or refining operations, except in those cases where such machinery, apparatus or equipment is rented, leased, or used by persons other than the purchaser.

1. For example:

i. A manufacturer purchases a machine for self-use in two activities, one of which is a direct use in a manufacturing operation and the other use is distributive in nature. Sixty per cent of the time the machine is used in production and forty per cent of the time it is used in a loading activity. Since the machine will be used directly in production over fifty per cent of the time, it qualifies for exemption.

ii. Same facts as in Example 1., except that thirty per cent of the time the machine is used in production and seventy per cent of the time it is used in a loading activity. The machine is taxable as it is not used directly in production over fifty per cent of the time.

iii. A manufacturer purchases a machine for self-use ten hours a week. The machine is rented or leased for thirty hours a week. The rental or lease of a machine is not deemed a self-use activity. Therefore, where the manufacturer uses the machine for more than five hours a week directly in production, it is used over fifty per cent of the time for purposes of qualifying for exemption. Where the machine is used five hours or less directly in production, the purchase of it does not qualify for exemption and the purchase of the machine is taxable.

iv. The lessee of the machine under Example 3. above uses the machine directly in production for more than fifteen hours a week. Since the machine is used more than fifty per cent of the time directly in production, the rental

or lease charges are not subject to tax. If the machine is used for fifteen hours a week or less directly in production, it does not qualify for exemption and the rental or lease charges are subject to tax.

(e) Delivery for the purpose of these rules means the taking of possession by the purchaser at his location in New Jersey.

1. Where a written agreement has been entered into for the purchase of machinery, apparatus or equipment, and such machinery, apparatus or equipment qualifies for an exemption as provided for in this Section, the date of delivery shall be the criterion for determining the right to exemption from tax. For example, a written agreement is entered into on May 1, 1977, for purchase of a machine which will be used directly in production. The machine is picked up by a contract or common carrier and delivery takes place at the manufacturer's location in New Jersey on January 2, 1978. Since delivery is made on or after January 1, 1978, the receipts from the sale of the machine are not subject to tax.

2. In cases of partial delivery of machinery, apparatus or equipment for use directly in production where the partial delivery is made to the purchaser's location in New Jersey prior to January 1, 1978, and delivery of the remainder is made on or after January 1, 1978, the exemption will apply, provided, however, that the partially delivered machinery, apparatus or equipment is not capable of operation in production prior to January 1, 1978.

(f) Under a written agreement entered into prior to January 1, 1978, for the rental or lease of machinery, apparatus or equipment used directly in production, the periodic rental payments due on or after January 1, 1978, are exempt from tax. A lease is distinguishable from an executed or completed sale. The lease is not considered to be a single and completed transaction at the time that the tangible personal property was first leased to the lessee. It is, rather, an agreement for a series of transactions to be completed thereafter. The right to the continued use and possession of the personal property is conditioned upon subsequent payment of rental charges and performance of other covenants. Each rental period relates to a period of possession and the tax becomes chargeable as each rental payment becomes due. Rent which is due before January 1, 1978, is subject to tax irrespective of the period of possession. The payments for each rental period are thus treated as severable portions of the contract. Such a lease agreement differs from an ordinary sale of property since it is not completely executed until the term expires and all of its conditions are fulfilled. For example, on January 1, 1976 a unit of machinery was leased for use directly in production. The lease was for a term of five years (termination date, December 31, 1980) and rental payments are to be made in advance on the first day of each month. Each monthly rental payment for the rental period up to December 31, 1977, is subject to tax. The monthly rental payments due on and after January 1, 1978 are not subject to tax.

1. For use of leased machinery, apparatus or equipment in two different activities, see Subsection (c) of this Section.

18:24-4.7 Services [exempt from] not subject to tax

(a) The following services are not subject to tax:

1. [(a)] Services performed on a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises;

2. [(b)] Services performed in interior cleaning and maintenance, performed on a regular contractual basis for

a term of not less than 30 days, which, for the purposes of this Subchapter shall mean interior janitorial services, and which shall not include maintenance services whose purpose is to preserve or increase the useful life of assets;

3. [(c)] Services performed involving only garbage removal or sewer services, performed on a regular contractual basis for a term of not less than 30 days.

4. Services otherwise taxable under Section 6. of this Subchapter are not subject to the taxes imposed under the provisions of N.J.S.A. 54:32B-3(b)(1) and N.J.S.A. 54:32B-3(b)(2) where the tangible personal property upon which such services were performed is delivered on or after April 5, 1977, to the purchaser outside this State for use outside this State.

i. "Delivery" outside this State means the tangible personal property upon which the services have been performed has been delivered to a purchaser by the person performing the services in the vendor's vehicle or by common or contract carrier.

ii. Delivery to a purchaser or to his representative or designee in this State for immediate transportation outside this State is subject to tax. Examples of the foregoing are:

(1) A nonresident firm sends a New Jersey printer various forms upon which the firm's name and address are to be printed. The forms when completed are delivered by the printer in his truck to the customer outside of New Jersey. The printing services are not subject to tax.

(2) A nonresident individual purchases lumber outside New Jersey and has a cabinetmaker in New Jersey construct a bookcase for him. The work is completed on March 31, 1977. The bookcase is delivered outside New Jersey on April 7, 1977. The charges for the production service performed in New Jersey is not subject to tax in New Jersey.

(3) Same facts as item (2) above except that the individual picks up the finished bookcase in New Jersey himself on April 7, 1977. The charge for the service is subject to tax because the tangible personal property was delivered in New Jersey.

(4) A nonresident individual brings his car into New Jersey for repair. Upon completion, delivery is made to him by the mechanic outside New Jersey on April 4, 1977. The charge for the service is subject to tax since the vehicle was delivered prior to April 5, 1977, the effective date of the amendment (P.L. 1977, c. 54).

(5) Same facts as in item (4) above except that the vehicle is delivered outside New Jersey on or after April 5, 1977. The charge for the service is not subject to tax.

(6) Same facts as in item (4) above except that the nonresident after the repairs are made picks up the vehicle in New Jersey on or after April 5, 1977, and returns to his state of residence. Since delivery is made in New Jersey, the service is subject to tax.

(7) A New Jersey advertising agency performs advertising services for a nonresident purchaser not for use directly and primarily for publication in newspapers and magazines. Delivery is made on or after April 5, 1977. The charges for these services are subject to tax under N.J.S.A. 54:32B-3(b)(5) and do not fall within the exclusion provided for services under N.J.S.A. 54:32B-3(b).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 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.

Sidney Glaser, Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF BUILDING AND CONSTRUCTION

Revised Rules In Barrier-Free Design for Facilities for the Physically Handicapped

On July 15, 1977, S. Leonard DiDonato, Director of the Division of Building and Construction in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:32-4 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions which replaced N.J.A.C. 17:19A-1.1 et seq. concerning barrier-free designs for providing facilities for the physically handicapped in public buildings.

The revised rules concern purpose, scope, enforcement, appeals, definitions and use group classifications, remodeling, substantial repairs, alterations and additions, site development, buildings and requirements for residential occupancy.

Copies of the 64 pages of full text of the revised rules may be obtained from, or questions relating to these rules may be addressed to:

Barrier-Free Design Office
c/o Director S. Leonard DiDonato
Division of Building and Construction
Post Office Box 1243
Trenton, New Jersey 08625

An order adopting these revised rules was filed and became effective on August 8, 1977, as R.1977 d.286 (Exempt, Emergency Rule). Take notice that the rules in Subchapter 6, Requirements for residential occupancy, of these revised rules will become effective on September 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Other Agencies)

(b)

ELECTION LAW ENFORCEMENT COMMISSION

Proposed Revisions Concerning Reporting of Expenditures

The Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6(b) et seq., proposes to revise

its rule on the reporting of expenditures. The proposed revisions concern the adoption of new text, to be cited as N.J.A.C. 19:25-12.1(b), and the remaining subsections (b) through (e) therein will then be cited as subsections (c) through (f).

Full text of the proposed new subsection (b) follows:

19:25-12.1(b) Expenditures in the form of payments to workers involved in election day efforts, including "street money" or payments to workers involved in get-out-the-vote drives or as challengers or poll watchers, or other payments related to election day efforts are expenditures on behalf of candidates and must be properly allocated among the candidates for whose benefit they are made or incurred, and must be reported in accordance with the provisions of the Act and of these regulations. The treasurer or deputy treasurer for a candidate or political committee (or a political party committee in a general election) which distributes funds to county or municipal chairpersons of political party committees or other political party leaders or other persons for payments to workers involved in election day efforts must maintain accurate records with respect to payment to such workers and the appropriate pre-election or post-election reports submitted by such treasurer must include the name and address of every intermediary payee and of each such election day worker or other ultimate recipient, the date and amount of payment and a brief statement of the purpose or purposes of the payment or other expenditures; provided, however, if the distribution of funds from the treasurer to the county or municipal chairperson or political party leader or other person (the initial payee) shall not in the aggregate exceed \$100, then the identity of the ultimate recipient of such payment, the date and amount of payment and the foregoing statement of purpose need not be included in the reports submitted by the treasurer. Checks, receipts or other evidence supporting each expenditure must be maintained by the treasurer, whether or not required to be included in the pre-election or post-election reports.

Editor's Note: The text of the current subsections (b) through (e) of this Section will, if this proposal is adopted, be cited as subsections (c) through (f) of this Section.

A public hearing respecting the proposed action will be held on September 19, 1977, at 10:00 A.M. in the Assembly Chambers of the State House, West State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 28, 1977, to:

Lewis B. Thurston III
Executive Director
Election Law Enforcement Commission
National State Bank Building
Suite 1114
Trenton, N.J. 08605

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

Lewis B. Thurston III
Executive Director
Election Law Enforcement Commission

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Revisions to Commission's Rules

On August 2, 1977, the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to its rules, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 298(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Public Employment Relations Commission.

Take notice that, the proposed Subchapter 5, Certification Without Election, in Chapter 11 of Title 19 of the New Jersey Administrative Code was not adopted herein. A new Subchapter 5, Description Of Organization, was adopted in Chapter 10 of Title 19 in the New Jersey Administrative Code, which briefly describes the general structure of the Commission. Other changes made in this adoption concern gender references and correction of typographical errors.

Such revised rules will be included in Subtitle F of Title 19 in the New Jersey Administrative Code.

An order adopting these revised rules was filed and became effective on August 2, 1977, as R.1977 d.272.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Revisions on Commuter Parking

On July 28, 1977, F. Joseph Carragher, Executive Director of the Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 19:8-1.8(e) and (h) concerning commuter parking, as proposed in the Notice published July 7, 1977, at 9 N.J.R. 349(c).

An order adopting these revisions was filed and became effective on July 28, 1977, as R.1977 d.270.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TURNPIKE AUTHORITY

Rules on Inspection and Obtaining Authority Records

On July 22, 1977, the Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:9-4.1 et seq., concerning the inspection and obtaining of Authority rec-

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ords, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 247(a).

An order adopting these rules was filed and became effective on July 25, 1977, as R.1977 d.265.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State