

# NEW JERSEY REGISTER



Official Publication of the State of New Jersey

WILLIAM T. CAHILL, Governor  
John K. Rafferty, Director of Administrative Procedure  
Peter J. Gorman, Rules Analyst  
John K. Barnes, Editor

**VOLUME 5 • NUMBER 11**  
Nov. 8, 1973 • Indexed 5 N.J.R. 361-400

## IN THIS ISSUE

### AGRICULTURE

- Proposed Egg Labeling Rule ..... 5 N.J.R. 362(a)
- Proposed Contract Settlement Rule ..... 5 N.J.R. 363(a)
- Adopt Appraisal Method Revisions ..... 5 N.J.R. 363(b)

### BANKING

- Proposed Mortgage Revisions ..... 5 N.J.R. 363(c)
- Proposed Bank Office Protection ..... 5 N.J.R. 364(a)
- Proposed Financial Report Repeal ..... 5 N.J.R. 364(b)
- Adopt Business Solicitation Rules ..... 5 N.J.R. 364(c)
- Amend Bank Incorporator Reports ..... 5 N.J.R. 364(d)
- Adopt Rule on Mortgage Loan Ads ..... 5 N.J.R. 365(a)

### CIVIL SERVICE

- Revise Local, State Personnel Manuals ..... 5 N.J.R. 365(b)

### COMMUNITY AFFAIRS

- Proposed Local Activities Changes ..... 5 N.J.R. 366(a)
- Proposed Fiscal Assistance Changes ..... 5 N.J.R. 368(a)
- Revise Building Definitions ..... 5 N.J.R. 369(a)

### ENVIRONMENTAL PROTECTION

- Proposed Solid Waste Revisions ..... 5 N.J.R. 369(b)
- Proposed Fish Code Amendment ..... 5 N.J.R. 369(c)
- Adopt Controlled Hunting Rules ..... 5 N.J.R. 370(a)
- Adopt Well Sealing Rules ..... 5 N.J.R. 370(b)
- Adopt Solid Waste Practice Rules ..... 5 N.J.R. 370(c)
- Open Certain Oyster Beds ..... 5 N.J.R. 370(d)
- Adopt Fishing Sieve Change ..... 5 N.J.R. 371(a)
- Amend Shellfish Resolution ..... 5 N.J.R. 371(b)
- Issue Administrative Order 38 ..... 5 N.J.R. 371(c)
- Notice of Hoboken Public Hearing ..... 5 N.J.R. 372(a)

### HEALTH

- Proposed Dialysis Licensing Rules ..... 5 N.J.R. 372(b)
- Proposed Hospital Service Criteria ..... 5 N.J.R. 372(c)
- Proposed Security Control Changes ..... 5 N.J.R. 373(a)
- Proposed Boarding Home Revisions ..... 5 N.J.R. 374(a)
- Proposed Need Certification Criteria ..... 5 N.J.R. 374(b)
- Proposed Methaqualone Revisions ..... 5 N.J.R. 375(a)
- Proposed Hospital Reporting Rules ..... 5 N.J.R. 375(b)
- Revise Certified Health Rules ..... 5 N.J.R. 375(c)
- Revise Certified Health Manual ..... 5 N.J.R. 375(d)

### HIGHER EDUCATION

- Adopt College Standards ..... 5 N.J.R. 376(a)
- Revise Community College Rules ..... 5 N.J.R. 376(b)

### INSTITUTIONS AND AGENCIES

- Proposed Intermediate Care Changes ..... 5 N.J.R. 376(c)
- Proposed Dental Provider Rule ..... 5 N.J.R. 377(a)
- Proposed Administration Manual Changes ..... 5 N.J.R. 377(b)
- Proposed Fair Hearing Changes ..... 5 N.J.R. 377(c)
- Proposed Public Assistance Changes ..... 5 N.J.R. 378(a)
- Proposed Welfare Grant Revisions ..... 5 N.J.R. 378(b)
- Revise Family Service Rules ..... 5 N.J.R. 379(a)
- Revise Child Care Rules ..... 5 N.J.R. 379(b)
- Revise Pharmaceutical Manual ..... 5 N.J.R. 384(a)

### INSURANCE

- Proposed Insurance Advertising Rules ..... 5 N.J.R. 384(b)
- Revise Examination Rules ..... 5 N.J.R. 388(a)

### LAW AND PUBLIC SAFETY

- Proposed Ophthalmology Rule Changes ..... 5 N.J.R. 388(b)
- Proposed Breath Testing Revisions ..... 5 N.J.R. 390(a)
- Adopt Uninsured Fund Rule ..... 5 N.J.R. 390(b)
- Adopt Motor Fuels Tax Rule ..... 5 N.J.R. 390(c)
- Adopt Automobile Repair Rules ..... 5 N.J.R. 390(d)
- Adopt Tire Dealer Sales Rules ..... 5 N.J.R. 390(e)

### TRANSPORTATION

- Revise Construction Unit Rules ..... 5 N.J.R. 391(a)

### TREASURY

- Proposed Data Processing Rules ..... 5 N.J.R. 391(b)
- Proposed Material Purchase Changes ..... 5 N.J.R. 392(a)
- Revise State Health Benefits ..... 5 N.J.R. 393(a)
- Revise Agricultural Use Rule ..... 5 N.J.R. 393(b)
- Revise ABC License Rules ..... 5 N.J.R. 393(c)
- Revise ABC Tax Rules ..... 5 N.J.R. 393(d)
- List Inheritance Tax Supervisors ..... 5 N.J.R. 393(e)
- Notice on Revised Tax Forms ..... 5 N.J.R. 394(a)

### HACKENSACK MEADOWLANDS

#### DEVELOPMENT COMMISSION

- Adopt Zoning Revisions ..... 5 N.J.R. 394(b)

### NEW JERSEY HIGHWAY AUTHORITY

- Adopt Purchasing Rules ..... 5 N.J.R. 396(a)

### PORT AUTHORITY OF NEW YORK

#### AND NEW JERSEY

- Revise Auto Parking Rates ..... 5 N.J.R. 397(a)
- Rule on Series Z Note Maturity ..... 5 N.J.R. 398(a)

### ADMINISTRATIVE CODE INTERIM INDEX—Page 20

Public Interest News Items—Pages 38-40

NOTE: EARLY RULES FILING DEADLINE—Nov. 20

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE DIVISION OF REGULATORY SERVICES

#### Proposed Rule to Regulate Labeling of Eggs

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:10-5 and N.J.S.A. 4:3-11.22, proposes to adopt a new rule concerning labeling of eggs.

Full text of the proposed new rule follows:

2:71-1.39 Use of the New Jersey map symbol on egg packages and in advertising

(a) "Map symbol" as used in this regulation shall mean any reasonable reproduction of the geographic outline of the State of New Jersey.

(b) The New Jersey Department of Agriculture has approved the use of the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 as an official emblem for identifying New Jersey-produced eggs.

(c) Only those persons, firms, partnerships, corporations or associations licensed to use the map symbol shall be permitted to attach or have it imprinted upon a panel of the container in which the eggs are to be marketed or to employ it in advertising or in any manner whatsoever. Layout of proposed containers to be used for the marketing of map symbol eggs shall be submitted for approval to the Division of Regulatory Services, New Jersey Department of Agriculture, in advance of their manufacture and use.

(d) Any person, firm, partnership, corporation or association wishing to employ the map symbol to be used in marketing New Jersey produced eggs shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be in writing on a form provided by the Department for this purpose. The application shall reveal such information as is deemed necessary for enforcement of the map symbol program. Information given in the application shall be held confidential.

(e) All applications approved for issuance of license shall have the license granted for the period of one year commencing July 1, upon payment of a fee of \$20.00 at the

time of application. Licenses shall be renewed annually upon application filed with the Department 60 days prior to July 1, and be accompanied by a fee of \$20.00 which shall not be refunded in the event the license is denied for any reason.

(f) All eggs to be packaged in cartons or containers bearing the map symbol shall be those produced on farms within the State of New Jersey.

(g) All license holders, or packers designated by them, shall maintain accurate and up-to-date records of the names and addresses of the egg producers from whom they obtain eggs for purposes of packaging in containers bearing the map symbol. Accurate records of all eggs received and those eggs packaged in containers bearing the map symbol shall be maintained and available for examination at reasonable hours on a normal work day by any representative of the New Jersey Department of Agriculture.

(h) In the event the licensee permits the distribution of map symbol eggs to be performed by persons other than himself, it shall be necessary that he file with the Department of Agriculture the names and addresses of those who perform such distribution.

(i) When a license holder discontinues use of the map symbol or fails to renew his license when required, he shall be prohibited from its use in any manner including stationery, forms, advertising on billboards or other signs or on trucks or car panels.

(j) Misuse of the map symbol shall subject the violator to the provisions of N.J.S.A. 4:10-5.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action, on or before November 28, 1973, to:

Delmar K. Myers  
Division of Regulatory Services  
New Jersey Department of Agriculture  
John Fitch Plaza  
Trenton, New Jersey 08625  
Telephone: (609) 292-5575

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

## NEW JERSEY REGISTER

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

Material published in the New Jersey Register is the property of the State of New Jersey. It may be copied, reprinted, reproduced or republished by any person for any purpose whatsoever without the permission of the Director of Administrative Procedure. However, no such copy, reprint, reproduction or republication shall bear the legend "New Jersey Register" or "Official" without the written permission of the Director of Administrative Procedure.

The New Jersey Register is published the first Thursday after the first Monday of each month by the Division of Administrative Procedure of the Department of State, 10 North Stockton Street, Trenton, New Jersey 08608. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$8.00, monthly back issue when available, 90 cents. Make checks payable to: Treasurer, State of New Jersey.

Subscriptions to the official New Jersey Administrative Code containing all State rules in loose-leaf, updated volumes are also available from the Division or by using the official order form on the last page.

(a)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE

#### DIVISION OF REGULATORY SERVICES

##### Proposed Rule On Prompt Settlement And Settlement Payment Agreements

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-11, 4:11-26 and 4:11-19, proposes to adopt a new rule defining prompt settlement in absence of a contract and requiring copies of contracts to the contrary.

Full text of the proposed rule follows:

#### CHAPTER 67. ADMINISTRATION

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 2:67-1.1 Prompt settlement

Prompt settlement in the absence of any contract to the contrary shall be ten days from the date of delivery of the agricultural commodities. Copies of all such contracts shall be furnished with application for license submitted pursuant to N.J.S.A. 4:11-19.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action, on or before November 28, 1973, to:

Delmar K. Myers, Director  
Division of Regulatory Services  
Department of Agriculture  
P.O. Box 1888  
Trenton, New Jersey 08625  
Telephone: (609) 292-5575

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 ANIMAL HEALTH

#### Revisions in Method of Appraisal For Indemnity Purposes

On October 24, 1973, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-10 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rule concerning the method of appraisal for indemnity purposes, as proposed in the Notice published October 4, 1973, at 5 N.J.R. 326(b).

Such revisions will be included in N.J.A.C. 2:2-4.34(a)1.i. An order adopting these revisions was filed and effective October 25, 1973, as R.1973 d.305.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(c)

## BANKING

### DIVISION OF BANKING

#### Proposed Revisions On Secondary Mortgage Loan Act Regulations

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-54(a), proposes to revise a portion of the rules concerning the Secondary Mortgage Loan Act regulations.

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

##### 3:18-5.4 Prior notice to borrower; final disclosure of specific dollar amounts

(a) Any licensee who requires any or all of its borrowers to pay a legal fee shall, at least four days prior to the closing of the loan, inform the borrower in writing of such requirement.

(b) A statement by the licensee of all legal and other expenses to be paid by the borrower must be provided at the closing.

(c) Each separate expense item, including an itemized statement of legal expenses, shall be followed by the corresponding dollar amount charged for the performance of said service when the total fee exceeds \$100.00.

(d) Proof of compliance with this Section must be included in the licensee's loan file.

Statutory Reference  
N.J.S.A. 17:11A-46h

##### 3:18-7.3 [Legal fees] Reserved

[Any licensee who requires any or all of its borrowers to pay a legal fee at the time a loan is executed shall so state in all of its advertising, verbal, written or visual. Any such written or visual statement shall be no smaller than the main body of the other printed matter.]

Take notice that a Notice was published in the August 9, 1973, issue of the New Jersey Register at 5 N.J.R. 257(d) concerning N.J.A.C. 3:18-5.4. Since the Department of Banking has added substantive wording to that initial proposal regarding N.J.A.C. 3:18-5.4, it is republishing the proposed text for that Section as indicated above and the above proposal supersedes the text for that Section as published in the August 9, 1973, issue of the New Jersey Register.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
Department of Banking  
Trenton, New Jersey 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

(a)

## BANKING

### DIVISION OF BANKING

#### Proposed Revisions On Banking Offices Protection

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-19 et seq. and 17:108-1, proposes to adopt revisions to N.J.A.C. 3:6-7.1 concerning banking offices protection. These proposed revisions concern the deletion of the entire current text of N.J.A.C. 3:6-7.1 and adoption of new text.

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

#### 3:6-7.1 ["Has" defined] Banking offices protection

[For the purposes of determining the time when principal office or branch office protection attaches to a municipality under the provisions of N.J.S.A. 17:9A-19B(3), the term "has", as used therein between the words "institution" and "its", shall mean operational.]

(a) A branch office of a bank or savings bank shall be deemed to be "located" in a municipality from the time when such office is first opened for transaction of business with the public.

(b) A bank or savings bank shall be deemed to "maintain" its principal office in a municipality from the time when such office is first opened for the transaction of business with the public.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
Department of Banking  
Trenton, New Jersey 08625

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

Roger F. Wagner  
Acting Commissioner  
Department of Banking

(b)

## BANKING

### DIVISION OF BANKING

#### Proposed Deletion of Rule On Confidential Nature of Financial Report

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-1 et seq., proposes to delete in its entirety the current text of N.J.A.C. 3:1-2.13 (a) concerning the confidential nature of financial reports. If this proposed deletion is adopted, the text of the current N.J.A.C. 3:1-2.13(b) (See: Notice of Adoption regarding R.1973 d.281 in this issue of the New Jersey Register) will be renumbered and cited as N.J.A.C. 3:1-2.13(a).

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

13:1-2.13 [Confidential nature of financial reports]

#### Financial reports

[(a) The financial report required to be filed under N.J.A.C. 3:1-2.12 is for the confidential use of the Commissioner of Banking and is not to be considered a part of the public files.]

[(b)] (a) This rule is not intended to indicate that any and/or all matters contained on the financial reports of bank incorporators are evidential and/or materially relevant at any hearings which might be conducted before a departmental hearing officer.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Phillip A. Kerner  
Deputy Commissioner  
Division of Administration  
Department of Banking  
Trenton, New Jersey 08625

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

Roger F. Wagner  
Acting Commissioner  
Department of Banking

(c)

## BANKING

### DIVISION OF BANKING

#### CONSUMER CREDIT BUREAU

##### Rules on Solicitation of Business

On September 25, 1973, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-54(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning the solicitation of business, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 182(c).

Such rules will constitute a new Subchapter 6 in Chapter 18 of Title 3 in the New Jersey Administrative Code and may be cited as N.J.A.C. 3:18-6.1 et seq.

An order adopting these rules was filed and effective September 26, 1973, as R.1973 d.280.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(d)

## BANKING

### DIVISION OF BANKING

#### Amendment On Financial Reports Of Bank Incorporators

On September 25, 1973, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to N.J.A.C. 3:1-2.13 concerning financial reports of bank incorporators, substantially as proposed in the Notice published August 9, 1973, at 5 N.J.R. 257(b) with only inconsequential, structural or language changes.

Such amendment may be currently cited as N.J.A.C. 3:1-2.13(b). However, take notice that, in this month's

issue of the New Jersey Register, the Department of Banking is proposing to delete in its entirety the current text of N.J.A.C. 3:1-2.13(a). If such proposed deletion is adopted, the text of N.J.A.C. 3:1-2.13(b) will be then cited as N.J.A.C. 3:1-2.13(a).

An order adopting this amendment was filed and effective September 26, 1973, as R.1973 d.281.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

## BANKING

### DIVISION OF BANKING

#### Rule on Verbal Advertisements For Secondary Mortgage Loans

On September 25, 1973, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-46L(5) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule on verbal advertisements for secondary mortgage loans, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 256(c).

Such rule may be cited as N.J.A.C. 3:18-7.6.

An order adopting this rule was filed and effective September 26, 1973, as R.1973 d.282.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to Both Local Jurisdictions and State Service Personnel Manuals Concerning Military Leave

On September 20, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subparts 17-3.101, Leave to attend National Guard or Reserve Drills, and 17-3.102, Compensation for certain leaves of absence for military duty, in the Civil Service Personnel Manual (Local Jurisdictions).

Full text of the revised subparts in both manuals follows:

Subpart 17-3.101 Leave to attend National Guard or Reserve drills

17-3.101a Subject:

This subpart shall detail the mandatory treatment of employees who are required to attend drills of the National Guard or any of the branches of the Reserves. It shall also recommend standard treatment where not required by law. This policy is effective September 6, 1973.

17-3.101b Definitions:

1. A drill, as used in this subpart, is defined as inactive duty training on a regular periodic basis.

2. A reservist, for the purpose of this subpart, is a member of a reserve component of the United States Army, Navy, Air Force, Marine Corps or Coast Guard.

17-3.101c Stipulations:

1. Members of the National Guard

Employees who are members of the National Guard

must be given time off with full pay to attend required drills. Such time off shall be in addition to vacation, sick and administrative leave.

An appointing authority may, however, reschedule an employee's hours and days of work in order to enable an employee to attend drills and still fulfill all employment responsibilities without the need for additional time off.

2. Reservists

Employees who are members of a reserve component of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard need not be given time off to attend drills; however, pursuant to State law these employees are entitled to full reinstatement in the event of discharge or suspension because of a Reserve obligation. An appointing authority is obligated only to pay the Reservist-employee for days and hours actually worked.

An appointing authority may reschedule an employee's hours and days of work in order to enable an employee to attend drills and still fulfill all the employment responsibilities.

Although it is not obligatory, the Department of Civil Service recommends that appointing authorities treat members of the Reserve and the National Guard similarly regarding time off or rescheduling for drills.

Subpart 17-3.102 Compensation for certain leaves of absence for military duty

17-3.102a Subject:

This subpart will set forth the conditions under which employees in the classified service are to be granted certain leaves of absence for military duty and whether the employee must be compensated for such leaves, effective September 6, 1973.

17-3.102b Definitions:

1. Active Duty—full-time duty in the active military service, other than active duty for training.

2. Active Duty For Training—full-time duty in the active military service for training purposes. This may be indicated on military orders as "ADT" (Active Duty For Training), "FTTD" (Full Time Training Duty), or "AT" (Annual Training).

3. Annual Training—a period of full-time training duty (FTTD) required to be performed each calendar year under Federal statutes. This duty is usually performed at summer encampments and may include field exercises and maneuvers. This is indicated on military orders as "AT".

4. Field Training—only that training which consists of participation in unit training in field operations. This may be indicated on military orders as "AT" (Annual Training); however, as noted above "AT" sometimes refers to other than field training.

5. Full-Time Training Duty—full-time training or duty, with or without pay, including but not limited to "AT" (Annual Training), attendance at service schools, attendance at military conferences or other similar duty. This is indicated on military orders as "AT" or "FTTD".

6. Other Duty Ordered By The Governor—any type of duty other than the above ordered by the Governor. This duty is not limited to training in the field or even to training duty nor is it limited to the performance of duties as part of the unit.

17-3.102c Compensation:

Compensation for leaves granted for the above purposes should be as indicated under 17-3.102d for permanent, provisional, and temporary employees. This compensation is not to be offset by military wages earned while absent.

An employee shall not be compensated for the initial period of service which is required to be performed upon entrance into the National Guard or United States Reserve.

17-3.102d Conditions for Payment; duration of leave, and amount of pay:

UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS OR COAST GUARD RESERVE

Type of Employee	Type of Duty	Military Designation	Duration of Leave	Pay
Permanent	Field Training	"AT"	No limitation	Full
Temporary or provisional with one year or more of service	Field Training	"AT"	30 days per year	Full

NATIONAL GUARD

Type of Employee	Type of Duty	Military Designation	Duration of Leave	Pay
Permanent	Active Duty	ACTIVE DUTY	90 days per year	Full
	Active Duty for Training	"ADT"; "FTTD"; "AT"	90 days per year	Full
	Other Duty Ordered by Governor	various may include any of the above	No limitation	Full
Temporary or provisional with one year or more of service	Field Training	"AT"	30 days per year	Full

NOTE:

The military designations shown above are only a guide for making determinations regarding military leaves. The key factor to be considered is whether the employee is being ordered to the type of duty specified and defined in the regulation.

17-3.102e Leaves for military duty:

Leaves granted under the provisions of 17-3.102d, or extensions of such leave, shall be recorded as military leave. Employees who are required to perform involuntary military duty with the National Guard or a reserve component of any of the armed forces of the United States shall be entitled to a leave of absence without pay for periods of absence which do not come under the provisions of 17-3.102d. However, at the discretion of the employee, vacation leave, administrative leave or other accrued compensable leave may be used for such absences.

17-3.102f Limitations:

Although this subpart applies to employees in the classified service, the statutes, on which these policies are based are applicable to all State, county, municipal and school district employees.

Neither the two manuals nor the revisions indicated above will be codified or printed in Title 4 of the New Jersey Administrative Code.

Orders adopting these revisions were filed September 21,

1973, as R.1973 d.276 and R.1973 d.277 (Exempt, Procedure Rules).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

**COMMUNITY AFFAIRS**

**THE COMMISSIONER**

**Proposed Rules Concerning State Aid for Planning Local Effectiveness Program**

Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, proposes to adopt new rules concerning State aid for planning local effectiveness program. The proposed new rules will constitute a new Chapter 35 in Title 5 and will replace the current rules in Chapter 41. Chapter 41 in Title 5 will be marked "Reserved" if the proposed rules are adopted.

Full text of the proposed new rules follows:

**CHAPTER 35. STATE AID FOR PLANNING LOCAL EFFECTIVENESS PROGRAM**

**SUBCHAPTER 1.**

**INTRODUCTION AND GENERAL PROVISIONS**

5:35-1.1 Background of program

(a) The State aid for planning local effectiveness program is a modification of the continuing planning assistance program which has made state aid appropriations available to local units of government for planning purposes for a number of years. The program is henceforth referred to as the STAPLE Program.

(b) The program is administered by the Division of Local Government Services in the New Jersey Department of Community Affairs, through the local planning assistance unit of the Bureau of Local Management Services. All correspondence and inquiries should be addressed to the Division of Local Government Services, Department of Community Affairs, 363 West State Street, Trenton, New Jersey 08625.

5:35-1.2 Definitions

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

"Department" means the New Jersey Department of Community Affairs.

"Division" means the Division of Local Government Services.

"Director" means the Director of the Division of Local Government Services.

"Jurisdiction" means the area included within the boundaries of the county or municipal governing bodies.

"Planning" means such professional activities and services intended primarily to guide governmental policy for the assurance of the orderly and coordinated development of county and municipal land areas.

"STAPLE" or "Program" means the State Aid for Planning Local Effectiveness program.

5:35-1.3 Previously executed contracts

Contracts which have previously been executed under the provisions of N.J.A.C. 5:41-1.1 through 5:41-3.7 shall continue under such regulations as were in effect at the time of the execution of contract. Henceforth, all grant contracts to be issued for purposes covered by the former continuing

planning assistance program and the impact planning program shall be made in accordance with and subject to the following regulations.

#### 5:35-1.4 Purpose

(a) The purpose of the STAPLE program is to assist county and municipal governments:

1. In the implementation and expansion of the planning process in order to promote the orderly growth and development of these jurisdictions consistent with sound local planning principles;

2. In strengthening those central management functions and capabilities which are necessary for the effective control and implementation of local planning efforts;

3. In providing special financial assistance for the planning and related management actions necessary for counties and municipalities to respond effectively to the impact of impending state or federal construction, action, or development or the removal or change thereof.

### SUBCHAPTER 2. REQUIREMENTS AND DETERMINATIONS

#### 5:35-2.1 Eligible applicants

Eligible applicants are county and municipal governments acting through their chief executive officer with the approval of the governing body. Where appropriate, the participation of the local planning board shall be required.

#### 5:35-2.2 Eligible activities

(a) The following activities are eligible for funding subject to the periodic establishment of priorities and budgetary limitations by the Director:

1. Revising and updating previously adopted master plans and implementing ordinances so as to conform with state or federal requirements or for specific purposes which can be demonstrated to be necessary and useful;

2. Development of planning or related management staff capabilities for the effective control and direction of local growth and development;

3. Special planning studies or activities which will contribute to the solution of local problems and which may have applicability in other local jurisdictions;

4. Development and implementation of local planning and management systems of an innovative or essential nature;

5. Planning activities necessitated in order to effectively meet problems or opportunities resulting from the impact of state or federal developments, actions, construction, or the removal thereof.

#### 5:35-2.3 Ineligible activities

(a) The following activities are not eligible for financial participation under this program:

1. Routine attendance at planning or zoning board meetings;

2. Review of specific subdivision proposals, site plan reviews, and zoning variance applications, or other activities of a routine or ongoing nature;

3. Activities fundable through other state or federal programs;

4. Detailed environmental studies or impact statements, detailed housing plans, engineering studies, architectural designs, accounting activities, routine management activities, legal services or general administrative overhead expenses, or acquisition of real property or equipment;

5. Activities inconsistent with state plans, programs or objectives;

6. Feasibility studies of a speculative nature related to economic development or industrial promotion;

7. Such other activities as may from time to time be deemed inappropriate for funding by the Division.

#### 5:35-2.4 Financial limitations

(a) Grants made under this program shall be subject to the following limitations:

1. Limitations necessitated by the State budget and by the availability of allocated appropriation balances.

2. Grants may be made for a period of one year. Under special circumstances, contracts may be executed for up to three years. Such multi-year contracts shall be subject to annual renegotiation or modification or cancellation at the option of the Division. The specific form of the contract shall be as may be advisable and necessary to meet state requirements.

3. The grant shall not exceed 50 per cent of the total project cost. The maximum annual grant shall not exceed \$15,000, provided, however, that the Director may periodically establish the actual limits at or below the \$15,000 limitation in accordance with need and budgetary limitations.

### SUBCHAPTER 3. SUBMISSION OF APPLICATION

#### 5:35-3.1 Application procedure

(a) Preliminary inquiry rules include the following:

1. Preliminary inquiry should be made by the local chief executive officer who should contact the Division at 363 West State Street, Trenton, New Jersey 08625. At this stage, it is not necessary to prepare a detailed written application, nor to secure consultant assistance.

2. A meeting will be held with the local chief executive or another local officer representing him at which time the STAPLE program and procedures will be outlined. Discussion will center on an identification of problems, alternative solutions, description of proposed work elements and an estimation of anticipated costs. The applicant will be advised at or shortly after the preliminary meeting whether to submit a formal application.

(b) Formal application rules include the following:

1. Formal application must be made in an original and five copies on forms provided. Forms will only be provided following the preliminary meeting.

2. The Division will provide assistance in completing and filing the formal application. Where necessary, guidelines for filing will be issued by the Division and will be updated periodically.

### SUBCHAPTER 4. PROCESSING AND REVIEW OF APPLICATION

#### 5:35-4.1 Application processing

The formal application will then be reviewed internally within the Department of Community Affairs in accordance with Department-wide standard contract processing procedures. If a contract is offered, a specific time period will be established within which the grantee may execute the offered contract. Failure to execute contract within the specified time period shall automatically terminate the offer.

#### 5:35-4.2 Review procedure

(a) In the review of the formal application, the Division will consider the following factors:

1. Professional staff of the local planning assistance unit in the Bureau of Local Management Services will review the application for conformity with application procedures and shall evaluate the application according to need and relative importance.

2. Priorities may be periodically established in order to maximize the effectiveness of the available appropriations.

3. Those applications which, if approved, would be most likely to produce measurable results and to contribute to local planning effectiveness will be given preference.

- 4. Priority consideration shall be given to applications which relate harmoniously to State priorities or objectives.
- 5. Activities which would have potential applicability for other jurisdictions will be given special consideration.

**SUBCHAPTER 5. METHOD OF PERFORMANCE**

**5:35-5.1 Conduct of work**

(a) The actual work to be performed under this program may be carried out by several means:

- 1. State staff may perform the work if such staff is available at the time.
- 2. Local staff may be established or existing local staff may be utilized.
- 3. Qualified consultants may be utilized, subject to prior written approval of the proposed contract by the Division. Such approval will be solely at the discretion of the Division and will be based on an evaluation of such factors as relevant prior experience, compliance with applicable licensing laws, financial and staffing ability to successfully complete the project, present workload, cost and such other factors as may be deemed relevant.

**SUBCHAPTER 6. GRANT EVALUATION**

**5:35-6.1 Monitoring**

All grants shall be subject to periodic monitoring and evaluation by staff of the Division. As a condition of the grant, all records and activities conducted under or in relationship to the grant, shall be subject at all reasonable times to review and analysis by representatives of the Division. Payments made shall be based upon finding of successful completion of contractual responsibilities, and the Division retains the right to terminate a contract or withhold payments when any improper activities or failure to comply with contractual responsibilities is found.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Director  
 Division of Local Government Services  
 363 West State Street  
 Trenton, New Jersey 08625

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.

Lawrence F. Kramer  
 Commissioner  
 Department of Community Affairs

(a)

**COMMUNITY AFFAIRS**

**LOCAL FINANCE BOARD**

**Proposed Form of Resolution Requesting Change In Priorities of State and Local Fiscal Assistance Act of 1972 Entitlement Period Allotments**

The Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10, proposes to adopt a form of resolution requesting change in priorities of State and Local Fiscal Assistance Act of 1972 entitlement period allotment(s) budgeted and reserved.

Full text of the proposed rule follows:

**5:30-13.2 Form of resolution; State and Local Fiscal Assistance Act of 1972 entitlement period**

(a) All changes in the priorities of the planned use of entitlement period allotments regarding the State and Local Fiscal Assistance Act of 1972 that have been budgeted must be advertised and must be approved by the Director of the Division of Local Government Services on the form prescribed by the Division of Local Government Services, as attached:

**FORM OF RESOLUTION REQUESTING CHANGE IN PRIORITIES OF STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972 ENTITLEMENT PERIOD ALLOTMENT(S) BUDGETED AND RESERVED**

Whereas, the rules and regulations adopted by the United States Department of Treasury regarding the State and Local Fiscal Assistance Act of 1972 allows for changes in the priorities of the planned use of entitlement period allotments and,

Whereas, the Local Finance Board has promulgated that such changes made after entitlement period allotments have been budgeted, must be advertised and approved by the Director,

Now, Therefore, Be It Resolved that in accordance with the above provisions, the ..... hereby requests the Director of the Division of Local Government Services to make the following corrections in the "Reserve for State and Local Fiscal Assistance Act of 1972" by entitlement period and priorities:

Be It Further Resolved that the foregoing change in the entitlement period allotment priority is in the opinion of the governing body warranted, and is necessary for the most advantageous utilization of such funds for the reasons herein set forth:

Be It Further Resolved, that this resolution, in accordance with the provisions of the Division of Local Government Services, be published in the ..... (name of newspaper)

in the issue of ..... (date)

Adopted this ..... day of ..... 19 .., and certified as a true copy of an original.

Trenton, New Jersey  
 Approved ....., 19 ..

Director, Division of Local Government Services

NOTE: No resolution will be considered or approved unless filed in duplicate and manually certified by the municipal clerk.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

John Laezza  
 Chairman, Local Finance Board  
 363 West State Street  
 Trenton, New Jersey 08625

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

John Laezza  
 Chairman, Local Finance Board  
 Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Revisions in Definitions of Building and Multiple Dwelling

On October 26, 1973, Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 13:1B-7, 52:27C-54, 52:27D-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the definitions of building and multiple dwelling in N.J.A.C. 5:10-2.2, substantially as proposed in the Notice published August 9, 1973, at 5 N.J.R. 259(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

The substantive changes affect only the definition of building which in the adopted rule reads "a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure and support of individuals, animals, or property of any kind which is enclosed within exterior walls on all sides".

An order adopting these revisions was filed and effective October 26, 1973, as R.1973 d.310.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY BUREAU OF SOLID WASTE MANAGEMENT

#### Proposed Revisions to Rules of Bureau of Solid Waste Management

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and Chapter 39 of the Public Laws of 1973, proposes to revise the rules of the Bureau of Solid Waste Management by deleting in their entirety Subchapters 1 and 2 of Chapter 26 in Title 7 of the New Jersey Administrative Code and adopting in place thereof four new Subchapters to be cited as the new Subchapters 1, 2, 3 and 4 of Chapter 26 in Title 7.

Take notice that the current Subchapter 3, Installation of Sewage Facilities in Critical Areas, of Chapter 26 has been transferred to Chapter 9 of Title 7 and is now cited as Subchapter 10, Chapter 9 of Title 7.

The proposed new Subchapters concern the general provisions of the Bureau and the rules of the Bureau concerning disposal, collection and haulage, and fees. The specific Sections proposed concern the scope of rules, construction, practices where rules do not govern, definitions, repeal of regulations, provisions held invalid, variance, out-of-State waste, dumps prohibited, registration, domestic refuse, submission of engineering designs, sanitary landfill operational requirements, disrupted landfill requirements,

smoking, smoldering or burning landfill, termination or change of ownership of a landfill, submission of operating reports, general operational requirements for incinerators, transfer stations, processing facility, reclamation centers and recycling facilities, guidelines and criteria for preparation of an engineering design, improper collection or haulage prohibited, registration, domestic refuse, collection and haulage system design, collector-hauler requirements, smoking, smoldering or burning solid waste in collection or haulage vehicles, submission of operating reports, guidelines and criteria for the preparation of a collection and haulage system design, payment of fees and fee schedules.

Full text of the 59 pages of the proposed new rules may be reviewed at the offices of the Division of Environmental Quality, Department of Environmental Protection, John Fitch Plaza, Trenton, New Jersey, during normal business hours.

Interested persons may present statements orally or in writing relevant to the proposed action at public hearings to be held as follows:

Tuesday, December 11, 1973, at 10:00 A.M.  
Newark State College (now known as Kean College)  
Downs Hall  
Morris Avenue  
Union Township, New Jersey

and

Thursday, December 13, 1973, at 10:00 A.M.  
Rider College  
College Theater  
U.S. Route 206  
Lawrence Township, New Jersey

Written comments regarding the proposed regulations may be filed on or before January 11, 1973, with the Department of Environmental Protection, Division of Environmental Quality, P.O. Box 1390, Trenton, New Jersey 08625.

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

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

#### Proposed Amendment to 1974 Fish Code Concerning Natural Trout Fishing Areas

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt an amendment to the 1974 Fish Code concerning natural trout fishing areas.

Full text of the proposed amendment follows:

7:25-6.15 Natural trout fishing areas

(a) The following stretch of water is hereby designated as a "Natural trout fishing area":

1. Mulhockaway Creek, Hunterdon County—the stretch of water extending from the Norton Road bridge downstream to Spruce Run Reservoir, a distance of approximately 0.3 miles, and the State-owned portions of tributaries thereto.

(b) The following regulations apply to the above-designated "Natural trout fishing area":

1. No bait or lures of any kind may be used except artificial flies with barbless hooks; such flies are expressly limited to dry flies, wet flies, bucktails, nymphs and streamers. Expressly prohibited are metal, plastic or wooden lures, plugs, spinners and flies with spinners attached or any multiple-hook device.

2. Expressly prohibited are spinning reels or any type of angling whereby the fly is cast directly from the reel.

3. No person may have in possession while engaged in angling on the waters designated as natural trout fishing areas any natural bait, live or preserved.

4. No person shall kill or have in possession while fishing any trout less than 12 inches in total length.

5. No person shall have in possession while engaged in angling on the waters designated as natural trout fishing areas any more than one dead, creeled or otherwise appropriated trout, except that additional fish may be caught providing they are returned to the water unharmed.

6. Daily starting time is 5:00 A.M. and closing time is 9:00 P.M.

A public hearing concerning the proposed action will be held Tuesday, November 13, 1973, at 7:30 P.M. at the office of the Division, Room 702, State Labor and Industry Building, Trenton. Interested persons may also present statements in writing relevant to the proposed action on or before November 28, 1973, to the Fish and Game Council, P.O. Box 1809, Trenton, New Jersey 08625.

The Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as proposed without further notice.

Russell A. Cookingham, Director  
Division of Fish, Game and Shellfisheries  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

##### Rules for Controlled Hunting in Certain Areas

On October 9, 1973, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries and on behalf of the Fish and Game Council in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning controlled hunting on the Black River, Assunpink and Port Republic Fish and Wildlife Management areas, as proposed in the Notice published September 6, 1973, at 5 N.J.R. 304(a).

Such rules may be cited as N.J.A.C. 7:25-2.15.

An order adopting these rules was filed and effective October 15, 1973, as R.1973 d.293.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### Rules on Standard Specifications For Sealing Abandoned Wells

On October 18, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 53:4A-4.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on standard specifications for sealing abandoned wells, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 185(b).

Such rules may be cited as N.J.A.C. 7:9-9.1 et seq.

An order adopting these rules was filed and effective October 23, 1973, as R.1973 d.299.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### BUREAU OF SOLID WASTE MANAGEMENT

##### Rules of Practice and Procedures

On October 18, 1973, Richard D. Goodenough, Director of the Division of Environmental Quality in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules of practice and procedures of the Bureau of Solid Waste Management.

Such rules of practice and procedures may be cited as N.J.A.C. 7:26-5.1 et seq.

The adopted rules concern definitions, general provisions, administrative orders, administrative hearings, penalties and rebates, stipulations and consent orders, test facilities and reports and renewal of approved registration.

Copies of the full text of the 14 pages of these rules may be reviewed at the office of the Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey or at the office of the Division of Environmental Quality, John Fitch Plaza, Trenton, New Jersey, during normal business hours.

An order adopting these rules was filed and effective October 23, 1973, as R.1973 d.300 (Exempt, Procedure Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(d)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Conservation Order Opening Certain Oyster Beds

On October 18, 1973, Richard J. Sullivan, 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 of 1968, adopted an emergency conservation order opening certain oyster beds in Reef Bed.

Full text of the adopted rule follows:

**7:25-7.6 Conservation order opening certain oyster beds in Reef Bed**

(a) It is hereby ordered that the following bed in the Atlantic Coast Section be opened for the taking of shellfish, beginning November 1, 1973 at 7 A.M. and remain open until further notice, not to exceed November 30, 1973:

**1. REEF BED.**

(b) It is further ordered that this bed shall be opened daily from 7 A.M. until 3 P.M., Eastern Standard Time, except any time on Sunday.

(c) Nothing in this order shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(d) This order shall take effect November 1, 1973, at 7:00 A.M.

An order adopting this conservation order was filed October 23, 1973, as R.1973 d.301 (Exempt, Emergency Rule) to become effective November 1, 1973.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

**(a)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH, GAME AND SHELLFISHERIES**

#### **MAURICE RIVER CODE SHELLFISHERIES COUNCIL**

##### **Resolution Concerning Deck Screens and Sieves**

On September 19, 1973, the Maurice River Code Shellfisheries Council in the Division of Fish, Game and Shellfisheries in the Department 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 of 1968, adopted an emergency resolution concerning deck screens and sieves.

Such resolution will be included in a new Subchapter 10 of Chapter 25 in Title 7 of the New Jersey Administrative Code.

Full text of the emergency resolution follows:

**7:25-10.1 Resolution dated September 19, 1973**

Whereas, there now exists a resolution, numbered One, and dated December 7, 1973 requiring that "each licensed oyster boat working on leased grounds in the Maurice River Cove shall be equipped with a deck screen or sieve under each dredge roller, and of sufficient size to receive the catch from a full dredge; and

Whereas, such deck screens or sieves now being used have proven to be impractical, inconvenient, costly, dangerous and ineffectual, and

Whereas, the Maurice River Cove Council in due exercise of its said duties and powers deems it necessary for the oyster industry of the Maurice River Cove to institute a change in its policy;

Therefore, the Maurice River Cove Council at its regular monthly meeting held September 19, 1973 at the Bivalve

office resolves that the use of deck screens or sieves shall no longer be required. The Council further resolves that Resolution Number One shall be rescinded.

This resolution shall take effect immediately.

An order adopting this resolution was filed and effective October 23, 1973, as R.1973 d.302 (Exempt, Emergency Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

**(b)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH, GAME AND SHELLFISHERIES**

#### **Rescission of Portions of Prior Resolution**

On October 18, 1973, Richard J. Sullivan, 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 of 1968, adopted an emergency resolution of the Shellfisheries Council of the Atlantic Coast Section in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection which rescinded portions of a prior resolution adopted by the Council.

Full text of the emergency rule follows:

7:25-9.1(h) Therefore be it resolved by the Shellfisheries Council, Atlantic Coast Section, in regular session in Manahawkin, New Jersey on September 24, 1973, that it rescinds the first, second, third, fourth, fifth and sixth amendments to Resolution No. 59 (N.J.A.C. 7:25-9.1(c)).

An order adopting this emergency rule was filed and effective October 23, 1973, as R.1973 d.303 (Exempt, Emergency Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

**(c)**

## **ENVIRONMENTAL PROTECTION**

### **THE COMMISSIONER**

#### **Notice of Issuance of Administrative Order Number 38**

Take notice that Richard J. Sullivan, Commissioner of Environmental Protection, has issued the following Administrative Order Number 38:

Whereas, as State Commissioner of Environmental Protection is charged by the Air Pollution Control Act (1967), N.J.S.A. 26:2C-29, and the Environmental Protection Act (1970), N.J.S.A. 13:1D-7, with responsibility to inform the Governor of a determination at any time that air pollution in any county, locality, place or other area in the State constitutes an unreasonable and emergency risk to the health of those present within said area of the State:

Therefore, I do hereby order the Director, Division of Environmental Quality, to inform me when air pollution levels in any such area equal or exceed the criteria set forth in attached Table 1 and when lowering or termination of a proclaimed episode level is warranted in accordance with the criteria set forth in attached Table 2.

Administrative Order Number 17, dated January 27, 1972, is rescinded.

This Order shall take effect immediately.

Note: Included in the text of this Administrative Order were Table 1., Emergency Air Quality Control Criteria, and Table 2., Attenuation Criteria, but, due to space limitations, such tables cannot be reproduced herein.

This Notice is published as a matter of public information.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

**(a)**

## **ENVIRONMENTAL PROTECTION**

### **THE COMMISSIONER**

#### **Notice of Public Hearing—Hoboken**

Take notice that the New Jersey Department of Environmental Protection, Office of Environmental Review, will hold a public hearing on the application of Cosmopolitan Terminal, Inc., for a bulk storage oil terminal in the City of Hoboken, Township of Weehawken, Hudson County, New Jersey.

The hearing is authorized and will be held in accordance with N.J.S.A. 13:1D-9e.

The applicant has submitted an Environmental Impact Report in support of the application. Copies may be inspected at:

- 1) Public Information Office  
Department of Environmental Protection  
Room 805, Labor and Industry Building  
John Fitch Plaza  
Trenton, New Jersey
- 2) Hoboken Free Public Library  
500 Park Avenue  
Hoboken, New Jersey
- 3) Weehawken Free Public Library  
49 Hauxhurst Avenue  
Weehawken, New Jersey

Interested persons may present statements orally or in writing relevant to the proposed project at the public hearing:

Tuesday, December 11, 1973, 8 P.M.  
Seminar Room, Stevens Center Building  
Stevens Institute of Technology  
Hoboken, New Jersey

This Notice is published as a matter of public information.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

**(b)**

## **HEALTH**

### **THE COMMISSIONER**

#### **Proposed Rules On Standards for Licensure Of Intermediate Dialysis Facilities**

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to

adopt standards for the licensure of intermediate dialysis facilities.

Such rules, if adopted, will constitute a new Chapter 36 in Title 8 of the New Jersey Administrative Code.

The proposed rules concern definitions, compliance with Federal, State and local laws, administrative management, patient care policies, physician services, nursing services, pharmaceutical services, utilization (PEER) review or patient care evaluation, dietary services, clinical records, transfer agreement, laboratory services, physical environment and building, sanitation and housekeeping, emergency procedures, equipment, disaster and fire plan, and dental services.

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

Arthur E. Brown  
Assistant Commissioner for Health Facilities  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to the Department of Health at the above address.

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

James R. Cowan  
Commissioner  
Department of Health

**(c)**

## **HEALTH**

### **THE COMMISSIONER**

#### **Proposed Criteria for Discontinuance Of a Regular and Continuing Service In Private General Hospitals**

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt recommended criteria for discontinuance of a regular and continuing service in private general hospitals.

Full text of the proposed criteria follows:

#### **SUBCHAPTER 6. CRITERIA FOR DISCONTINUANCE OF A REGULAR AND CONTINUING SERVICE IN PRIVATE GENERAL HOSPITALS**

8:31-6.1 Recommended criteria for discontinuance of a regular and continuing service in private general hospitals

(a) The recommended criteria for discontinuance of a regular and continuing service in private general hospitals are as follows:

1. Assurance that an adequate regular and continuing service will be readily accessible to all people in the area.
2. Assurance that the affected members of the medical staff of the hospital will be afforded the opportunity of staff appointments to other hospitals in the area. Such appointments will be contingent on meeting criteria for appointments to the medical staff of the other hospitals.
3. The areawide Planning Council and/or the "B" Agency for Comprehensive Health Planning must be afforded an opportunity to review and comment on the proposal to

discontinue a regular and continuing service. In its review, the Planning Council will receive comments from the affected hospitals.

4. Once the approval has been given by the Health Care Administration Board to close a particular service, the hospital will be notified of the closing date, after which the facility will not be permitted to render the service in question.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Arthur E. Brown  
Assistant Commissioner for Health Facilities  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 08625

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

James R. Cowan  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions Concerning Physical Security Controls for Nonpractitioners and Storage Areas

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to revise the rules concerning physical security controls for nonpractitioners and storage areas.

Full text of the proposed, revised rule follows:

#### 8:65-2.2 Physical security controls for nonpractitioners; storage areas

(a) Raw materials, bulk materials awaiting further processing and finished products which are controlled substances listed in Schedule I or II shall be stored in one of the following secure storage areas:

1. Where small quantities permit, a safe or steel cabinet:
  - i. The safe or steel cabinet shall have the following specifications or the equivalent: 30 man-minutes against surreptitious entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation and 20 man-hours against radiological techniques.
  - ii. This safe or steel cabinet, if it weighs less than 750 pounds, shall be bolted or cemented to the floor or wall in such a way that it cannot be readily removed; and
  - iii. The safe or steel cabinet, if necessary depending upon the quantities and type of controlled substances stored, shall be equipped with an alarm system which upon attempted unauthorized entry shall transmit a signal directly to a central protection company or a local or State police agency which has a legal duty to respond, or a 24-hour control station operated by the registrant, or such other protection as the Director may approve.
2. A vault constructed before, or under construction on September 1, 1971, which is of substantial construction with a steel door, combination or key lock, and an alarm system; or
3. A vault constructed after September 1, 1971:
  - i. The walls, floors, and ceilings of which vault are con-

structed of at least eight inches of reinforced concrete or other substantial masonry, reinforced vertically and horizontally with ½-inch steel rods tied six inches on center, or the structural equivalent to such reinforced walls, floors, and ceilings;

ii. The door and frame unit of which vault shall conform to the following specifications or the equivalent: 30 man-minutes against surreptitious entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation and 20 man-hours against radiological techniques.

iii. Which vault, if operations require it to remain open for frequent access, shall be equipped with a "day-gate" which is self-closing and self-locking, or the equivalent, for use during the hours of operation in which the vault door is open;

iv. The walls or perimeter of the vault shall be equipped with an alarm, which upon unauthorized entry shall transmit a signal directly to a central station protection company or a local or State police agency which has a legal duty to respond, or a 24-hour control station operated by the registrant, or such other protection as the Bureau may approve, and, if necessary, holdup buttons at strategic points of entry to the perimeter area of the vault;

v. The door of the vault shall be equipped with contact switches; and

vi. The vault shall have one of the following: complete electrical lacing of the walls, floor and ceilings; sensitive ultrasonic equipment within the vault; a sensitive sound accumulator system; or such other device designed to detect illegal entry as may be approved by the Bureau.

(b) Raw materials, bulk materials awaiting further processing, and finished products which are controlled substances listed in Schedules III, IV, and V shall be stored in one of the following secure storage areas:

1. Where small quantities permit, a safe which complies with the requirements set forth in paragraph (a) (1) of this Section;

2. A vault which complies with the requirements set forth in either paragraph (a) (2) or (3) of this Section; or

3. A building or area located within a building, which building or area:

i. Has walls or perimeter fences of sufficient height and construction to provide security from burglary;

ii. Has substantial doors which may be securely locked during nonworking hours by a multiple-position combination or key lock;

iii. Is equipped with an alarm which upon unauthorized entry shall transmit a signal directly to a central station protection company or local or State police agency which has a legal duty to respond, or a 24-hour control station operated by the registrant, or such other protection as the Bureau may approve; and

iv. In which all controlled substances are segregated from all other merchandise and kept under constant surveillance during normal business hours.

(c) Where several types or classes of controlled substances are handled separately by the registrant or applicant for different purposes (such as returned goods or goods in process), the controlled substances may be stored separately, provided that each storage area complies with the requirements set forth in this Section.

(d) The controlled substances storage areas shall be accessible only to an absolute minimum number of specifically authorized employees. When it is necessary for employee maintenance personnel, nonemployee maintenance personnel, business guests or visitors to be present in or pass through controlled substances storage areas the registrant shall provide for adequate observation of the area by an employee specifically so authorized in writing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Donald J. Foley  
Chief, Drug Program  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 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.

James R. Cowan  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions to Standards For Boarding Homes for Sheltered Care

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt revised standards for boarding homes for sheltered care.

Full text of the revised standards follows:

#### SUBCHAPTER 7. MANUAL OF STANDARDS FOR BOARDING HOMES FOR SHELTERED CARE

8:31-7.1 General provisions

(a) Standards for boarding homes for sheltered care include the following:

1. A comprehensive automatic sprinkler system is to be provided.

2. All floors above the first level are to be subdivided into two sections by a one-hour fire resistant wall and doors equipped with magnetic hold open devices, connected to smoke detectors. A means of egress that leads directly to an outside place of refuge must be provided from each subdivision.

3. Facilities with occupancy above the third floor are to provide two means of egress of Class "B" construction from each subdivision that leads directly to an outside place of refuge.

All interior stairways, determined not to be an acceptable means of egress to the outside, are to be protected on all floor levels with Class "B" construction. Doors in this construction are to be equipped with magnetic holder connected to smoke detectors.

4. All exposed wood construction in the basement is to be protected with one-hour fire resistant materials.

5. Illuminated signs are to be provided at all approved exits in the building.

6. Emergency lighting is to be available at all times, in hallways, corridors and stairways, to enable residents to make their way out of the facility in the event of an emergency. An automatic standby generator is preferred, but self-charging battery type emergency lights are acceptable.

(b) All facilities with resident occupancy above the second floor must comply with the recommended regulations within six months after adoption by the Department of Health.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before November 28, 1973, to:

Arthur E. Brown  
Assistant Commissioner for Health Facilities  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 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.

James R. Cowan  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Criteria for Evaluation Of Certificate of Need (Termination Of Significant Change in Cost)

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt criteria for evaluation of certificate of need (termination of significant change in cost).

Full text of the proposed criteria follows:

#### SUBCHAPTER 8. CRITERIA FOR EVALUATION OF CERTIFICATE OF NEED (TERMINATION OF SIGNIFICANT CHANGE IN COST)

8:31-8.1 General provisions

(a) Whenever a public or private health care institution as defined in N.J.S.A. 26:2H-2(a) (Health Care Facilities Planning Act) possessing a valid certificate of need finances its capital costs through the New Jersey Health Care Facilities Financing Authority or other similar agency, the requirement for a debt service reserve as defined in the General Health Care Facilities bond resolution of the New Jersey Health Care Facilities Financing Authority, adopted October 15, 1973, or similar requirement of another financing agency shall be excluded from evaluation as to whether or not the project is in compliance with certificate of need criteria. Also excluded will be fees as assessed by the State Commissioner of Health or by the New Jersey Health Care Facilities Financing Authority or other similar agency, bond counsel fees, trustee bank fees, or other costs related to the sale of the bonds eligible to be capitalized under N.J.S.A. 26:21-3 et seq. (Health Care Facilities Financing Authority Act) or other similar legislation and/or financing programs.

(b) All projects receiving a certificate of need under N.J.S.A. 26:2H-1 et seq. (Health Care Facilities Planning Act), prior to the inclusion of a 20 per cent contingency for increases in total project costs, shall be evaluated for compliance within the term "significant change" as if the 20 per cent contingency for increased costs had been included in the original application and certificate of need.

(c) Effective immediately upon the final adoption and approval of the above two criteria related to construction costs whether approved with or without a 20 per cent contingency for increased costs, all projects shall be limited to the 20 per cent contingency and any increase above the 20 per cent allowance shall be considered to be a "significant change" in the total project cost.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before November 28, 1973, to:

Arthur E. Brown  
Assistant Commissioner for Health Facilities  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 08625

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

James R. Cowan  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions Concerning Methaqualone

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3, proposes to revise N.J.A.C. 8:65-10.1(a)3, which concerns methaqualone.

The proposed revisions specify that the Section of the Order adopted June 5, 1973 (See: 5 N.J.R. 106(b) and 5 N.J.R. 222(d)), which provided a period of six months to comply with regulations concerning packaging and labeling requirements, be extended to April 15, 1974, and that Section of the same Order which provided a period of six months to comply with regulations concerning the use of order forms now be effective on November 5, 1973.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Donald J. Foley  
Chief, Drug Program  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 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.

James R. Cowan  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule for Uniform Financial and Statistical Reports for New Jersey Hospitals

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt a new rule concerning uniform financial and statistical reports for New Jersey hospitals. Take notice that a similar proposal was published in the October 4, 1973, issue of the New Jersey Register at 5 N.J.R. 337(c) but since that notice did not indicate that the reports involved were for the 1972 fiscal operations, the Department of Health is republishing the proposal herein with the revised references.

Full text of the proposed rule follows:

8:32-3.43 Uniform financial reports and uniform statistical reports for New Jersey hospitals

(a) The uniform financial report is to be used by all hospitals in New Jersey, with the exception of the State psychiatric hospitals, to report their 1972 fiscal year operations.

(b) The 1972 uniform financial report is to be certified by the hospital's independent auditor.

(c) The 1972 uniform financial report is to be submitted to the State Department of Health no later than May 31, 1973.

(d) The total expenses reported on the uniform financial report covering the fiscal operations for 1972 must agree with Line A, Schedule III-B of the Hospital Service Plan of New Jersey's report of formula for calculating average cost per inpatient day.

(e) No adjustment to payment rates made by HSPNJ will be made on final cost appeals for the year 1972 unless a satisfactory uniform financial and uniform statistical report are on file with the Department of Health covering the hospital's operations for the year 1972.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Arthur E. Brown  
Assistant Commissioner for Health Facilities  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 08625

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

James R. Cowan  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Revisions to Rules for Certified Health Services Personnel and Program Standards

On September 28, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2F-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules for certified health services personnel and program standards, as proposed in the Notice published September 6, 1973, at 5 N.J.R. 304(c).

Such revisions will be included in Subchapters 1 and 2 of Chapter 49 in Title 8 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective October 4, 1973, as R.1973 d.288.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### LOCAL HEALTH SERVICES

#### Revisions to Administrative Manual For Certified Health Services

On September 28, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2F-1 et seq.

and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the administrative manual concerning certified health services, as proposed in the Notice published September 6, 1973, at 5 N.J.R. 305(a).

Such revisions will be included in Subchapter 1 of Chapter 48 in Title 8 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective October 4, 1973, as R.1973 d.289.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Facilities Planning Standards and Approval Procedures for New Jersey Public Colleges and Universities

On October 10, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted facilities planning standards and approval procedures for New Jersey public colleges and universities, substantially as proposed in the Notice published August 9, 1973, at 5 N.J.R. 263(b), with only inconsequential structural or language changes, in the opinion of the Department of Higher Education.

The current text of Subchapters 1 and 2 of Chapter 3 in Title 9 of the New Jersey Administrative Code is hereby deleted and replaced with these new standards and procedures. The latter may be cited as N.J.A.C. 9:3-1.1 et seq.

An order adopting these standards and procedures was filed and effective October 11, 1973, as R.1973 d.292.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## HIGHER EDUCATION

### STATE BOARD OF HIGHER EDUCATION

#### Revised Regulations and Standards For New Jersey Community Colleges

On September 28, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised regulations and standards for New Jersey Community Colleges, substantially as proposed in the Notice published July 5, 1973, at 5 N.J.R. 223(c), with only inconsequential structural or language changes, in the opinion of the Department of Higher Education.

These revised rules supersede current Subchapters 1 and 2 in Chapter 4 of Title 9 of the New Jersey Administrative Code and may be cited as N.J.A.C. 9:4-1.1 et seq.

An order adopting these rules was filed and effective October 3, 1973, as R.1973 d.287.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions to Manual of Standards For an Intermediate Care Facility

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise portions of the Manual of Standards for an Intermediate Care Facility in Chapter 65 of Title 10 of the New Jersey Administrative Code.

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

#### GENERAL STATEMENT

The New Jersey Health Services program proposed to implement and intermediate care facility program effective January 1, 1974, with reimbursement by two levels of care under the Title 19 Medicare program. For this purpose, the Manual of Standards for an Intermediate Car Facility, as adopted in the New Jersey Register effective July 1, 1973, will represent the lower level of care with 1.25 hours of nursing coverage per patient per day. For designation purposes, the lower level will be known as "Level B." The higher level of care will be the same as currently utilized for skilled nursing facilities, 2.5 hours of nursing coverage per patient per day. For designation purposes, the higher level will be known as "Level A."

The reassessment of Medicaid patients presently in skilled nursing facilities and eligible Medicaid patients in existing intermediate care facilities will begin on December 1, 1973, with reimbursement to an approved facility in the Medicaid program being made for the patients in keeping with their assessed level of care, effective January 1, 1974.

Reimbursement to facilities in accord with the level of care, indicated by patient assessment will be made without any requirement for the facility to designate any fixed distribution of beds for classification purposes through June 30, 1974. The New Jersey Health Service program anticipates that all patient assessments will be completed by June 30, 1974, and that as of July 1, 1974 each approved facility participating for reimbursement under the Medicaid program will be in a position to identify specific beds for the level of care provided.

The criteria to be utilized for determining the level of care in an intermediate care facility for reimbursement under the Title 19 Medicaid program will be as indicated in the "Criteria for Level of Care" as noted below in the amendment to the Manual of Standards for an Intermediate Care facility.

#### PROPOSED CHANGES

1. Delete Appendix A, pages A-1 through A-4, and replace with the criteria for level of care for admission to and continuing stay in an intermediate care facility - Criteria for Level of Care. Copies are available from the Chief, Medical Car Administrator, Division of Medical Assistance and Health Services, 324 East State Street, Trenton, New Jersey, 08625.

10:65-14.1(d). There shall be, on duty, no less than one registered professional nurse or licensed practical nurse for eight hours on the day shift, [and for] eight hours on the evening shift, and eight hours on the night shift, seven days a week. There shall also be at least one aide on

duty for a span of eight hours on each shift (regardless of the size of census of the facility) for the purpose of giving direct resident care or supervision.

Purpose of this amendment is to provide licensed nursing coverage in the lower level (B) ICF, 24 hours per day, seven days per week, as a minimum requirement for nursing coverage.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Chief, Medical Care Administrator  
Division of Medical Assistance and Health Services  
324 East State Street  
Trenton, New Jersey 08625

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rule Concerning Dental Providers

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a new rule concerning dental providers and partial payment for dental services and/or appliances in the New Jersey Health Service Program.

Full text of the proposed rule follows:

10:49-1.21 Dental providers; partial payment

(a) The Division of Medical Assistance and Health Services proposes to establish the following rule governing reinforcement for authorizing dental services and/or appliances which are not completed or delivered due to circumstances beyond the control of the provider (such as death of patient, patient moving out of the State, and the like).

(b) If these circumstances involving an eligible recipient, over which the provider has no control, preclude completion of a service and/or an authorized appliance, the New Jersey Health Services program contractor may reimburse the provider of services an amount consistent with the stage of completion of the authorized service and/or appliance, as determined by the program's consultant.

(c) Reimbursement for an appliance completed but not delivered to the recipient because of circumstances beyond the control of the provider may be authorized by the New Jersey Health Services program.

(d) An amount equivalent to the professional component for inserting and adjusting the appliance will be deducted from the total reimbursement for such appliances.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Administrative Analyst  
Division of Medical Assistance and Health Services  
324 East State Street  
Trenton, New Jersey 08625

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Parts II And III of the Manual of Administration

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to replace Parts II and III of the Manual of Administration and adopt a Public Assistance Manual in place thereof. The new Public Assistance Manual, if adopted, will constitute a new Chapter 109 in Title 10 of the New Jersey Administrative Code.

The proposed Public Assistance Manual concerns public assistance in New Jersey, the application process, establishing program eligibility in ADC and AFWP, methods of payment, continuing eligibility, complaints and fair hearings, other agency responsibilities, other governmental programs, glossary of terms and appendices.

Copies of the full text of approximately 200 pages of the proposed Public Assistance Manual may be obtained from:

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to the Division of Public Welfare at the above address.

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Manual of Administration Regarding Fair Hearings

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise the Manual of Administration, Sections 2910, 2911 and 2900, as well as Appendix VI, relative to fair hearings. Such revisions will be included in Chapter 81 of Title 10 of the New Jersey Administrative Code.

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

2910. Notice of county welfare board decision

.1 Legal requirements

The law requires that the county welfare board shall notify the applicant promptly of any decision in writing. Where the decision relates to suspension, termination or

reduction of financial or medical assistance, the notice must be sent no later than [15] ten calendar days prior to the effective date of the proposed action. In addition to the specific items set forth below, all notices shall bear the name, address and phone number of the legal services office to the community.

2911.1-a 4) A statement that the individual will receive advance notification of at least [15] ten calendar days of any decision affecting his future eligibility or amount of assistance.

2911.1-b 4) A statement that the individual will receive advance notification of at least [15] ten calendar days of any decision affecting his future eligibility or amount of assistance.

2911.3-b 1) Timely notice, in fact and confirmed in writing, and in no case mailed less than [15] ten calendar days before the date on which the individual would otherwise reasonably expect to receive the next regular payment, setting forth the specific reason(s) for the decision to reduce the amount of such regular payments in accordance with the requirements of 2911 and stating the proposed effective date of reduction which shall be not less than 15 calendar days from the date of mailing of the notice.

4) A statement that he may have the right is continued assistance at an unreduced level if he requests a Fair Hearing within [15] ten calendar days of the mailing date of the notice of reduction, [and there is presented an issue of fact or judgment.]

[7) A statement that he may, when the issue presented is one of agency policy, be entitled to request to be heard in a group fair hearing with other similarly situated recipients.]

2911.3-c a) Timely notice, in fact and confirmed in writing, and in no case mailed less than [15] ten calendar days before the date on which the individual would otherwise reasonably expect to receive the next regular payment, setting forth the specific reason(s) for the decision to terminate the amount of such regular payments in accordance with the requirements of 2911., and stating the proposed effective date of termination which shall be not less than 15 calendar days from the day of mailing of the notice.

2911.8

[.8 Continuation of assistance at an unreduced level

Upon receipt of a timely request for Fair Hearing, the State Agency shall direct the local agency to continue payment of financial or medical assistance at an unreduced level unless it determines that the issue is one of State Agency policy, and not one of fact or judgment relating to the individual case — including a question of whether the State Agency rules and regulations were correctly applied. In all cases the State Agency will promptly notify the complainant and the local agency of its determination whether financial or medical assistance will remain unreduced.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

### Proposed Revisions to Ruling 11, Part III, Public Assistance Staff Development Program

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Ruling 11, Part III, Public Assistance Staff Development Program.

These proposed revisions concern objectives of the program, personnel and program, education leave committee, definitions, status while on educational leave, stipends, grants-in-aid, tuition and reimbursable items, procedures toward participating in educational leave programs and forms.

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

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to the Division of Public Welfare at the above address.

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

### Proposed Revisions In Initial Grant And Overpayments and Underpayments

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise portions of the Financial Assistance Manual concerning initial grant and overpayments or underpayments.

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

10:82-5.3 Initial grant

(a) When eligibility has been determined according to the appropriate procedure, [the initial assistance grant shall be computed as follows:] **an initial assistance payment shall be authorized. If eligibility is not immediately established, such determination and authorization shall be forthcoming within 45 days and the initial grant made effective no later than 30 days from date of application.**

(b) **The initial grant shall be computed as follows:**

1. When the grant is effective on the first through the 10th day of the month, the full public assistance allowance shall be used in determining the amount of the initial grant, and all income available from the date of the grant until the end of the month shall be considered.

2. When the grant is effective on the 11th through the 20th day of the month, two-thirds of the public assistance allowance shall be used in determining the amount of the initial grant, and all income available from the date of the grant until the end of the month shall be considered.

3. When the grant is effective after the 20th day of the month, a per diem amount of the appropriate public assistance allowance for the number of days remaining in the month shall be used in determining the amount of the grant, and all income available from the date of the grant until the end of the month shall be considered.

[(b)] 4. In determining the amount of the initial grant, the appropriate disregards shall be applied to earned income [(See Section 330.)].

#### 10:82-10.1 Overpayments; underpayments

(a) In situations where an administrative error or failure of a member of an eligible unit to inform the county welfare board of a change in income or resources results in an overpayment or underpayment in the monthly grant, the county welfare board shall proceed as follows:

1. Immediately upon discovery of the overpayment or underpayment inform the eligible unit, in writing, that such error in payment has occurred, its amount, and that it will be taken into consideration in issuing the next payment of assistance. [if any, subject to subsection b.-1) below.]

2. [The county welfare board shall] Correct the monthly grant for the period of assistance next following the discovery of the overpayment or underpayment, unless in the case of an underpayment an immediate additional payment is issued pursuant to Section 252.-b., and in addition, proceed as follows:

i. Overpayment; when there has been overpayment of \$10.00 or more in the amount of the monthly grant, the county welfare board shall effect recoupment of the total amount overpaid in the following manner:

(1) Deduct from the amount of the grant a dollar amount equivalent to 10 per cent of the allowance standard as determined from Schedules I and/or II; and

(2) In addition, if there is earned income to the eligible unit, deduct from the amount of the grant a dollar amount equivalent to 20 per cent of the total gross earnings; or

(3) If the client requests a greater deduction for the purpose of satisfying the overpayment, deduct such amount so long as it is clearly evident that the greater deduction will not cause undue hardship to the family.

(4) Deductions as specified in this Section shall be continued until the entire amount of overpayment has been recouped by the county welfare board.

(A) In the event assistance is terminated, the client shall be advised that the overpayment constitutes a collectible debt; the county welfare board will continue to make every effort to complete recoupment.

(5) Recoupment shall be limited to overpayments made during the 12 months immediately preceding the month in which overpayment is discovered, except in situations where evidence clearly establishes that the client willfully withhold information about his income and resources.

ii. Underpayment procedures shall be as follows:

(1) When underpayment was due to failure of a member of the eligible unit to provide appropriate information, the next regular payment shall reflect the corrected grant for that payment period and the amount necessary to correct the payment for the period immediately preceding.

(2) When underpayment was due exclusively to administrative error by the agency, corrective payment shall be made retroactively to that month, within the [six] 12 months immediately preceding the discovery of the underpayment, in which the administrative error first occurred.

(3) Such retroactive adjustment shall be made as an additional payment as promptly as possible but in no event later than the time of the next regular payment.

[When administrative error occurred earlier than within the preceding six months, a report of all relevant facts and recommendation for corrective action shall be submitted to the State office. Corrective payment for any period greater than six months shall not be issued without approval and authorization by the State office.]

(4) For purposes of determining continuing eligibility or the amount of assistance, retroactive corrective payments shall not be considered as income or resource to the eligible unit either in the month paid or in the next following month.

iii. No further or subsequent adjustments in the grant are authorized to account for the overpayment or underpayment.

3. In all situations of overpayments, the facts and circumstances in each case shall be evaluated and, where indicated, action taken as appropriate in accordance with regulations pertaining to fraudulent receipt of assistance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Revised Rules On Staff Development In State Plan For Services to Families and Children

On September 26, 1973, Frederick A. Schenck, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules concerning staff development regarding the State Plan for Services to Families and Children, as proposed in the Notice published September 6, 1973, at 5 N.J.R. 306(a).

Such rules may be cited as N.J.A.C. 10:123-1.1 et seq.

An order adopting these rules was filed and effective September 26, 1973, as R.1973 d.279.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Revisions Concerning Child Care Centers

On October 9, 1973, Frederick A. Schenck, Director of the Division of Youth and Family Services in the Department of State, adopted revised rules concerning child care centers, as proposed in the Notice published October 9, 1973, at 5 N.J.R. 379(a).

(Continued on Page 24)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly index is a special service for subscribers to the New Jersey Administrative Code, providing an up-to-date check-list of new rules adopted by the various State Departments.

The index is current, and will be adjusted the month following the mailing to Code subscribers of update pages for Titles.

First publication and update services have been distributed for all 19 Departmental Titles except Title 10—Institutions and Agencies.

Since the most recent update, for rules adopted through March 31, 1973, these 18 Departments have adopted the following additional rules not yet included in current pages of the Code:

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Notice of Adoption N.J.R. Citation</u>
<b>AGRICULTURE — TITLE 2</b>			
2:2-2.10	Times established for Brucellosis tests	R.1973 d.273	5 N.J.R. 327(c)
2:2-2.15(b)	Indemnification for brucellosis	R.1973 d.64	5 N.J.R. 102(b)
2:2-3.3	Times established for tuberculin tests	R.1973 d.274	5 N.J.R. 327(d)
2:2-3.6	Indemnification for tuberculosis	R.1973 d.65	5 N.J.R. 102(c)
2:2-4.34(a)	Method of appraisal for indemnity purposes	R.1973 d.305	5 N.J.R. 363(b)
2:2-9.1	Fees; immunodiffusion test	R.1973 d.57	5 N.J.R. 102(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R.1973 d.233	5 N.J.R. 327(a)
2:17-4.2(c)	Special exemption for Florida tomato plants	R.1973 d.101	5 N.J.R. 135(a)
2:32-1.1	Sire stakes program	R.1973 d.154	5 N.J.R. 214(b)
2:53-2.1	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-2.3	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:54-3.2	Suspension of portions of Milk Marketing Order	R.1973 d.257	5 N.J.R. 327(b)
2:69-1.11	Revisions concerning commercial values	R.1973 d.198	5 N.J.R. 255(c)
2:71-1.38	Labeling of eggs	R.1973 d.275	5 N.J.R. 328(a)
2:73-2.2 et seq.	State Seal program for eggs	R.1973 d.88	5 N.J.R. 134(c)
<b>BANKING — TITLE 3</b>			
3:1-1.1	Interest rate	R.1973 d.191	5 N.J.R. 258(b)
3:1-2.1(b)	Amend population estimate rules	R.1973 d.229	5 N.J.R. 328(b)
3:1-2.9 et seq.	Revise procedural rules	R.1973 d.217	5 N.J.R. 298(a)
3:1-2.13	Financial reports of bank incorporators	R.1973 d.202	5 N.J.R. 258(e)
3:1-2.13(b)	Financial reports	R.1973 d.281	5 N.J.R. 364(d)
3:1-5.1 et seq.	Mortgage applicant's birth control practices	R.1973 d.166	5 N.J.R. 216(b)
3:6-7.1	Banking offices notation	R.1973 d.201	5 N.J.R. 258(d)
3:8-3.1	Required reserve	R.1973 d.252	5 N.J.R. 328(e)
3:8-5.1	Required reserve; savings banks	R.1973 d.251	5 N.J.R. 328(d)
3:10-1.1	Limitation on mortgage loans	R.1973 d.174	5 N.J.R. 258(a)
3:10-6.1 et seq.	Out-of-State mortgages	R.1973 d.200	5 N.J.R. 258(c)
3:11-1.1	Approval to exceed ten per cent limitation	R.1973 d.116	5 N.J.R. 136(b)
3:11-6.3	Approval of investment in Student Loan Marketing Association	R.1973 d.250	5 N.J.R. 328(c)
3:11-7.1 et seq.	Limitation on liability to a bank	R.1973 d.58	5 N.J.R. 103(b)
3:18-6.1 et seq.	Solicitation of business	R.1973 d.280	5 N.J.R. 364(c)
3:18-7.1 et seq.	Advertising rules	R.1973 d.133	5 N.J.R. 183(a)
3:18-7.6	Verbal advertisement	R.1973 d.282	5 N.J.R. 365(a)
3:31-2.1	Minimum requirements	R.1973 d.124	5 N.J.R. 183(b)
<b>COMMUNITY AFFAIRS — TITLE 5</b>			
5:10-2.2	Revised definitions of building and multiple dwelling	R.1973 d.310	5 N.J.R. 369(a)
<b>EDUCATION — TITLE 6</b>			
6:11-12.3	Vocational-technical coordinator; co-op industrial education	R.1973 d.269	5 N.J.R. 333(c)
6:21-5.11	Color; school bus	R.1973 d.123	5 N.J.R. 185(a)
6:21-6.9	Color; school bus body	R.1973 d.123	5 N.J.R. 185(a)
6:21-6.24 et seq.	Lamps, signals, seats and drills	R.1973 d.73	5 N.J.R. 104(c)
6:21-6.31(e)	Stanchions and guard rails	R.1973 d.267	5 N.J.R. 333(a)
6:21-7.1	Limit of apportionment of State aid	R.1973 d.267	5 N.J.R. 333(a)
6:21-11.1	Requirements for drivers of school buses	R.1973 d.161	5 N.J.R. 220(a)
6:21-11.2	Requirements for drivers of small vehicles	R.1973 d.180	5 N.J.R. 260(a)
6:21-11.6	Procedures at railroad grade crossings	R.1973 d.98	5 N.J.R. 139(a)
6:21-18.25	Stanchions and guard rails	R.1973 d.267	5 N.J.R. 333(a)
6:24-1.16	Additional revisions concerning written decisions	R.1973 d.266	5 N.J.R. 332(b)
6:24-1.16	Written decisions	R.1973 d.232	5 N.J.R. 332(a)

6:27-1.4	Graduation	R.1973 d.268	5 N.J.R. 333(b)
6:27-1.13	Definitions	R.1973 d.268	5 N.J.R. 333(b)
6:29-6.3(c)	Revisions concerning athletic personnel	R.1973 d.223	5 N.J.R. 298(b)
6:39-1.1 et seq.	Statewide assessment	R.1973 d.72	5 N.J.R. 104(b)
6:46-4.1 et seq.	Private vocational schools	R.1973 d.71	5 N.J.R. 104(a)
6:68-2.10 et seq.	Revisions to library incentive grant programs	R.1973 d.99	5 N.J.R. 139(b)

#### ENVIRONMENTAL PROTECTION — TITLE 7

7:2-16.1	Special permits for Island Beach State Park	R.1973 d.138	5 N.J.R. 187(a)
7:6-1.38	Lifesaving devices	R.1973 d.271	5 N.J.R. 337(b)
7:6-5.1 et seq.	Hull identification numbers	R.1973 d.136	5 N.J.R. 186(c)
7:7A-1.1(a)6	Extension of wetlands order to portions of Cape May County	R.1973 d.81	5 N.J.R. 106(a)
7:7A-1.1(a)7	Wetlands order; Atlantic County	R.1973 d.134	5 N.J.R. 186(a)
7:7A-1.1(a)8	Wetlands order; Burlington County	R.1973 d.135	5 N.J.R. 186(b)
7:7A-1.1(a)9	1973-74 Game Code	R.1973 d.164	5 N.J.R. 221(b)
7:7A-1.1(a)10	Extension of wetlands order to Mercer County	R.1973 d.167	5 N.J.R. 222(a)
7:7A-1.1(a)11	Extension of wetlands order to Camden County	R.1973 d.168	5 N.J.R. 222(b)
7:9-9.1 et seq.	Sealing abandoned wells	R.1973 d.299	5 N.J.R. 370(b)
7:25-1.5	Extension of Wetlands Order to Gloucester County	R.1973 d.204	5 N.J.R. 261(c)
7:25-2.15	Rules for controlled hunting in certain areas	R.1973 d.293	5 N.J.R. 370(a)
7:25-5.1 et seq.	Field trials	R.1973 d.75	5 N.J.R. 105(c)
7:25-5.20(f)	Great Swamp National Wildlife Refuge hunting	R.1973 d.226	5 N.J.R. 304(b)
7:25-5.27	Waterfowl hunting	R.1973 d.263	5 N.J.R. 336(b)
7:25-5.28	Use of conibear traps	R.1973 d.263	5 N.J.R. 336(b)
7:25-6.1 et seq.	1974 Fish Code	R.1973 d.265	5 N.J.R. 337(a)
7:25-6.14	Amend 1973 Fish Code	R.1973 d.264	5 N.J.R. 336(c)
7:25-7.3	Conservation order (March 28, 1973)	R.1973 d.85	5 N.J.R. 140(b)
7:25-7.4	Conservation order effective May 14, 1973	R.1973 d.86	5 N.J.R. 141(a)
7:25-7.5	Conservation order; Mullica River	R.1973 d.102	5 N.J.R. 141(c)
7:25-7.6	Conservation order; reef bed	R.1973 d.301	5 N.J.R. 370(d)
7:25-9.1(g)	Opening of shellfish beds	R.1973 d.94	5 N.J.R. 141(b)
7:25-9.1(h)	Rescind portions of prior resolution	R.1973 d.303	5 N.J.R. 371(b)
7:25-10.1	Resolution dated September 19, 1973	R.1973 d.302	5 N.J.R. 371(a)
7:26-1.5	Waste collected out-of-State	R.1973 d.245	5 N.J.R. 336(a)
7:26-5.1 et seq.	Rules of practice & procedure of Bureau of Solid Waste Management	R.1973 d.300	5 N.J.R. 370(c)
7:27A-1.1 et seq.	Bureau of Air Pollution Control's rules of practice	R.1973 d.165	5 N.J.R. 221(c)

#### HEALTH — TITLE 8

8:21-7.2 et seq.	Definitions and standards of frozen desserts	R.1973 d.74	5 N.J.R. 107(b)
8:21-9.1 et seq.	Definitions of regulations, food and cosmetic manufacturing	R.1973 d.89	5 N.J.R. 143(a)
8:31-4.1 et seq.	Expediting certificate of need in transfer of ownership	R.1973 d.69	5 N.J.R. 107(a)
8:31-4.3 et seq.	Guidelines for certificate of need in transfer of ownership	R.1973 d.184	5 N.J.R. 263(a)
8:31-5.1	Schedule of filing fees	R.1973 d.129	5 N.J.R. 188(a)
8:31-5.2	Annual licensure fees for health care facilities	R.1973 d.150	5 N.J.R. 222(e)
8:33-1.11	Policy on skilled nursing and intermediate care beds	R.1973 d.246	5 N.J.R. 337(d)
8:33-2.2(a)	Revise part V in table	R.1973 d.90	5 N.J.R. 143(b)
8:35-1.1	Revise criteria for mixed obstetric and gynecologic floors	R.1973 d.152	5 N.J.R. 223(b)
8:35-1.1 et seq.	1973 State plan for hospitals and related health care facilities	R.1973 d.151	5 N.J.R. 223(a)
8:48-1.1 et seq.	Revised administrative policies	R.1973 d.289	5 N.J.R. 375(d)
8:49-1.1 et seq.	Administration and supporting services	R.1973 d.288	5 N.J.R. 375(c)
8:49-2.1 et seq.	Environmental sanitation	R.1973 d.288	5 N.J.R. 375(c)
8:65-10.1(a)3	Addition of methaqualone as controlled dangerous substance	R.1973 d.147	5 N.J.R. 222(d)

#### HIGHER EDUCATION — TITLE 9

9:2-8.10	Health requirements for admission to New Jersey state colleges	R.1973 d.78	5 N.J.R. 108(a)
9:2-9.1 et seq.	Tenure policies in State Colleges	R.1972 d.239	5 N.J.R. 8(e)
9:2-9.1 et seq.	Tenure policies for State Colleges	R.1973 d.208	5 N.J.R. 265(a)
9:2-4.1	Alternate benefit program	R.1973 d.175	5 N.J.R. 263(e)
9:3-1.1 et seq.	Standards and approval procedures	R.1973 d.282	5 N.J.R. 376(a)
9:4-1.1 et seq.	Revised regulations and standards for Community Colleges	R.1973 d.287	5 N.J.R. 376(b)
9:4-3.55 et seq.	Revisions to manuals for State-supported county colleges	R.1973 d.160	5 N.J.R. 223(d)
9:4-3.70 et seq.	Cost distribution to programs	R.1973 d.79	5 N.J.R. 109(a)
9:4-6.1 et seq.	Tenure policies for Community Colleges	R.1973 d.209	5 N.J.R. 265(b)
9:9-1.1 et seq.	Student loans	R.1973 d.77	5 N.J.R. 107(d)
9:2-10.1	Code of Ethics; Department of Higher Education	R.1973 d.190	5 N.J.R. 265(c)
9:2-10.2 et seq.	Guidelines on outside employment	R.1973 d.189	5 N.J.R. 264(a)
9:11-1.1 et seq.	Financial aid guidelines	R.1973 d.121	5 N.J.R. 188(b)

(Continued on next page)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

(Continued from previous page)

## INSURANCE — TITLE 11

11:1-1.1	Organization of Department (Chart)	R.1973 d.195	5 N.J.R. 282(c)
11:1-2.1 et seq.	Format of filings	R.1973 d.120	5 N.J.R. 190(b)
11:2-1.1(a)	Educational requirements	R.1973 d.141	5 N.J.R. 229(c)
11:3-6.2(b)	Identification insurance cards	R.1973 d.140	5 N.J.R. 229(b)
11:3-6.2(b)4.viii.	Amend rules on insurance identification cards	R.1973 d.247	5 N.J.R. 350(b)
11:3-9.1	Rating information on automobile insurance for private cars	R.1973 d.206	5 N.J.R. 282(b)
11:4-7.1 et seq.	Consent to higher rate filings	R.1973 d.82	5 N.J.R. 113(b)
11:5-1.2	Salesman's age regarding licenses	R.1973 d.214	5 N.J.R. 316(a)
11:5-1.5	Examination rules	R.1973 d.306	5 N.J.R. 388(a)
11:5-1.6	Examinations; failures	R.1973 d.306	5 N.J.R. 388(a)

## LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Maximum weekly benefit rates	R.1973 d.219	5 N.J.R. 316(c)
-----------	------------------------------	--------------	-----------------

## LAW AND PUBLIC SAFETY — TITLE 13

13:1A-4.1 et seq.	Implementation of Emergency Services Act of 1972	R.1973 d.203	5 N.J.R. 284(a)
13:2-1.1 et seq.	Revised rules of the Division	R.1973 d.234	5 N.J.R. 356(a)
13:13-10.1	Repeal rule on notification of interstate securities offerings	R.1973 d.230	5 N.J.R. 356(b)
13:18-1.5(c)	Revised fees for overdimensional or overweight vehicles	R.1973 d.261	5 N.J.R. 357(a)
13:18-1.16	Permits for overdimensional or overweight vehicles	R.1972 d.210	4 N.J.R. 277(b)
13:18-2.1	Uninsured's current financial status	R.1973 d.278	5 N.J.R. 390(b)
13:18-4.1 et seq.	Administration of and compliance with Motor Fuels Tax Act	R.1973 d.215	5 N.J.R. 317(b)
13:18-4.15	Exceptions for motor fuels use tax	R.1973 d.291	5 N.J.R. 390(c)
13:18-6.1	Insurance coverage termination	R.1973 d.62	5 N.J.R. 120(b)
13:18-7.1 et seq.	Bus excise tax	R.1973 d.188	5 N.J.R. 290(e)
13:19-10.9	Delete rule on financial responsibility	R.1973 d.63	5 N.J.R. 119(b)
13:21-17.1 et seq.	Special road crossing permits	R.1973 d.103	5 N.J.R. 166(a)
13:22-4.1(d)	Safety belts	R.1973 d.131	5 N.J.R. 195(b)
13:22-5.2(d)	Vehicle equipment	R.1973 d.131	5 N.J.R. 195(b)
13:22-8.1 et seq.	Snowmobile events	R.1973 d.131	5 N.J.R. 195(b)
13:22-9.1 et seq.	Reports	R.1973 d.131	5 N.J.R. 195(b)
13:22-10.1 et seq.	Special age provisions	R.1973 d.131	5 N.J.R. 195(b)
13:30-1.1 et seq.	Examinations for licensure	R.1973 d.194	5 N.J.R. 291(c)
13:30-1.5(b)	Foreign dentistry graduates	R.1973 d.114	5 N.J.R. 166(c)
13:30-2.1 et seq.	Examinations for licensure to practice dental hygiene	R.1973 d.193	5 N.J.R. 291(b)
13:32-1.4(b)	Interest protected by plumber bond	R.1973 d.170	5 N.J.R. 239(c)
13:35-1.1 et seq.	Repeal of certain rules	R.1973 d.192	5 N.J.R. 291(a)
13:36-1.8 et seq.	Record-keeping and itemizing funeral expenses	R.1973 d.119	5 N.J.R. 195(a)
13:36-2.1 et seq.	Revisions concerning trainees and mortuaries	R.1973 d.181	5 N.J.R. 290(c)
13:37-9.2(c)	Education requirements for practical nursing	R.1973 d.177	5 N.J.R. 290(b)
13:37-10.5	Language comprehension examinations	R.1973 d.143	5 N.J.R. 239(a)
13:39-6.3 et seq.	Prescriptions and pharmacies	R.1973 d.59	5 N.J.R. 120(a)
13:39-6.7	Copies of prescriptions	R.1973 d.255	5 N.J.R. 356(e)
13:39-7.19	Requirements for permit for pharmacy in facilities not hospitals	R.1973 d.254	5 N.J.R. 356(d)
13:39-7.20	Guidelines for use of drug-dispensing devices	R.1973 d.255	5 N.J.R. 356(e)
13:39-8.4	Change of ownership	R.1973 d.253	5 N.J.R. 356(c)
13:39-8.14	Pharmacist-in-charge	R.1973 d.253	5 N.J.R. 356(c)
13:39-9.14	Permits for prescription departments	R.1973 d.115	5 N.J.R. 166(b)
13:45-4.3(b)	Time and place of Consumer Affairs hearing	R.1973 d.207	5 N.J.R. 291(d)
13:45-5.1(b)	Hearing examiner's decision	R.1973 d.207	5 N.J.R. 291(d)
13:45A-1.1 et seq.	Deceptive mail order practices	R.1973 d.176	5 N.J.R. 290(a)
13:45A-2.1 et seq.	Motor vehicle advertising practices	R.1973 d.183	5 N.J.R. 290(d)
13:45A-3.1 et seq.	Retail sales of meat	R.1973 d.169	5 N.J.R. 239(b)
13:45A-4.1 et seq.	Banned hazardous products	R.1973 d.222	5 N.J.R. 317(c)
13:45A-5.1 et seq.	Deceptive practices in delivery of household furniture, furnishings	R.1973 d.262	5 N.J.R. 357(b)
13:45A-7.1 et seq.	Automobile repair work and advertising practices	R.1973 d.307	5 N.J.R. 390(d)
13:45A-8.1 et seq.	Deceptive practices by tire distributors or dealers	R.1973 d.309	5 N.J.R. 390(e)
13:75-1.12 et seq.	Violent Crimes Compensation Board revisions	R.1973 d.137	5 N.J.R. 195(c)

## PUBLIC UTILITIES — TITLE 14

14:2-2.2	Public movers certificates	R.1973 d.186	5 N.J.R. 292(a)
14:3-5.3	Emergency telephone numbers	R.1973 d.187	5 N.J.R. 292(b)

14:3-9.6	Rates different than the filed tariffs	R.1973 d.157	5 N.J.R. 240(a)
14:4-6.1 et seq.	Reimbursement of student fares to autobus operators	R.1973 d.185	5 N.J.R. 291(e)
14:5-4.1 et seq.	Electrical inspection authorities	R.1973 d.106	5 N.J.R. 167(a)
14:9-4.2	Property, equipment and facilities	R.1973 d.270	5 N.J.R. 357(d)
14:17-1.1 et seq.	Rules of practice; cable television	R.1973 d.117	5 N.J.R. 200(a)
14:18-1.1 et seq.	Regulations; cable television	R.1973 d.117	5 N.J.R. 200(a)

### TRANSPORTATION — TITLE 16

16:6-1.1 et seq.	Relocation assistance	R.1973 d.256	5 N.J.R. 358(a)
16:13-1.1 et seq.	Revisions for local government aid	R.1973 d.56	5 N.J.R. 94(a)
16:25-1.1 et seq.	Utility accommodation policy	R.1973 d.205	5 N.J.R. 292(c)
16:26-1.1 et seq.	Transportation operations	R.1973 d.76	5 N.J.R. 123(c)
16:38-2.2	Responsibility	R.1973 d.283	5 N.J.R. 391(a)
16:40-1.1 et seq.	Snow and ice control	R.1973 d.283	5 N.J.R. 391(a)
16:41-1.1 et seq.	Permits	R.1973 d.283	5 N.J.R. 391(a)
16:27-1.1 et seq.	Traffic engineering	R.1973 d.76	5 N.J.R. 123(c)
16:41-8.1 et seq.	Outdoor advertising on interstate system	R.1973 d.100	5 N.J.R. 167(b)
16:42-1.1 et seq.	Road equipment rental agreements	R.1973 d.283	5 N.J.R. 391(a)

### TREASURY GENERAL — TITLE 17

17:1-1.1	Foreword, Chapter 1	R.1973 d.258	5 N.J.R. 358(b)
17:1-2.13 et seq.	Alternate benefit program	R.1973 d.171	5 N.J.R. 294(a)
17:1-6.1 et seq.	Delete entire Subchapter	R.1973 d.258	5 N.J.R. 358(b)
17:2-1.4	Election of member-trustees	R.1973 d.118	5 N.J.R. 204(a)
17:3-1.1 et seq.	Revisions to Teachers' Pension and Annuity Fund	R.1973 d.49	5 N.J.R. 95(b)
17:3-1.4(b)	Election of Teachers' Pension member trustees	R.1973 d.196	5 N.J.R. 294(d)
17:7-1.1 et seq.	Revisions to Prison Officers' Pension Fund	R.1973 d.45	5 N.J.R. 95(a)
17:8-1.1 et seq.	Revisions to supplemental annuity collective trusts	R.1973 d.46	5 N.J.R. 95(c)
17:9-3.3 et seq.	Revisions in administration of Health Benefits Program	R.1973 d.285	5 N.J.R. 393(a)
17:9-2.14	Effective date of maternity benefits	R.1973 d.148	5 N.J.R. 247(b)
17:16-5.2 et seq.	Amendments concerning classification of funds	R.1973 d.158	5 N.J.R. 247(c)
17:16-5.3	Static group fund classifications	R.1973 d.70	5 N.J.R. 126(b)
17:16-13.5	Legal papers	R.1973 d.125	5 N.J.R. 204(b)
17:16-17.1 et seq.	Revisions concerning permissible investments	R.1973 d.44	5 N.J.R. 94(b)
17:16-35.9	Admission date	R.1973 d.126	5 N.J.R. 204(c)
17:20-5.10	Agent's compensation	R.1973 d.179	5 N.J.R. 294(c)
17:20-10.1	Consignment or sale of lottery tickets to agent	R.1973 d.178	5 N.J.R. 294(b)
17:20-5.10	Agent's compensation	R.1973 d.80	5 N.J.R. 124(a)
17:21-1.4	Provision for special lotteries	R.1973 d.227	5 N.J.R. 322(a)
17:21-10.1 et seq.	Clover Club reservation plan	R.1972 d.94	4 N.J.R. 142(b)

### TREASURY TAXATION — TITLE 18

18:3-1.1 et seq.	Revisions concerning Alcoholic Beverage Tax Law	R.1973 d.297	5 N.J.R. 393(d)
18:4-1.1 et seq.	Revisions concerning retail licenses and Alcoholic Beverage Tax Act	R.1973 d.296	5 N.J.R. 393(c)
18:5-3.2	Types of stamps available	R.1973 d.54	5 N.J.R. 96(a)
18:5-3.4	Purchase of stamps	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.7	Wholesale dealer's license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.10	Retail dealer's vending machine license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.17	Duplicate and amended license	R.1973 d.54	5 N.J.R. 96(a)
18:12-5.1 et seq.	Property tax appeals time extension	R.1973 d.144	5 N.J.R. 247(a)
18:15-6.1 et seq.	Revise definitions on agricultural use	R.1973 d.295	5 N.J.R. 393(b)
18:16-4.7	Calculation of fee where transfer is subject to construction mortgage	R.1973 d.54	5 N.J.R. 96(a)
18:17-1.5	Review of examination procedures	R.1973 d.109	5 N.J.R. 171(a)
18:24-4.4	Repeal of rule on purchase of machinery	R.1973 d.139	5 N.J.R. 246(b)
18:24-21.1 et seq.	Accounting procedures	R.1973 d.60	5 N.J.R. 126(a)
18:26-5.4	Classification of property as real or personal	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.14	Federal pensions	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.15	State pensions	R.1973 d.224	5 N.J.R. 321(b)
18:26 Appendix A	Revised list of inheritance tax supervisors	R.1973 d.298	5 N.J.R. 393(e)

### OTHER AGENCIES — TITLE 19

19:2-1.1 et seq.	Rules of Atlantic City Expressway	R.1973 d.42	5 N.J.R. 96(b)
19:2-7.1 et seq.	Purchasing regulations of Expressway Authority	R.1973 d.284	5 N.J.R. 0000
19:7-1.1	Sanitary landfill requirements in Hackensack Meadowlands	R.1973 d.220	5 N.J.R. 322(c)

(Continued on next page)

(Continued from Page 19)

ment of Institutions and Agencies, pursuant to authority of N.J.S.A. 18:20A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rules concerning the physical facilities of child care centers.

The revised rules govern the establishment and operation of certain privately-operated child care centers serving more than five children between the ages of two and five years and which charge a tuition, fee or other form of compensation. The revisions concern the revisions of subsection (a) and the deletion of the current subsection (b) and replacing the latter with new text.

Full text of the revised rules follows:

#### 10:122-1.2 Physical facilities

(a) All child care center facilities as defined in N.J.S.A. 18A:70-1 shall be located on the street floor of a building. Applicants seeking to locate a center in other than a ground floor location must have prior written approval of the Division of Youth and Family Services of the Department of Institutions and Agencies and must meet safeguards as determined and approved by the Division to protect the health, safety and well being of the occupants.

(b) Street floor shall be defined as a floor, usually the principal entrance floor, that is not more than one-half story above or below grade at the location from which egress is provided to the street.

An order adopting these revisions was filed and effective October 10, 1973, as R.1973 d.290 (Exempt, Emergency Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Revised Manual for Pharmaceutical Services

On September 6, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised manual for pharmaceutical services, substantially as proposed in the Notice published

August 9, 1973, at 5 N.J.R. 266(a) with only inconsequential structural or language changes in the opinion of the Department of Institutions and Agencies.

Such revised rules will be included in Chapter 51 of Title 10 in the New Jersey Administrative Code.

An order adopting the revised rules was filed October 24, 1973, as R.1973 d.304 to become effective March 1, 1974.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rules Concerning Advertisement of Insurance

Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules concerning the advertisement of insurance.

Full text of the proposed rules follows:

#### SUBCHAPTER 4. ADVERTISEMENTS OF INSURANCE

##### 11:1-4.1 Purpose

(a) The purpose of these rules is to assure truthful and adequate disclosure of all material and relevant information in the advertising of insurance.

(b) This purpose is intended to be accomplished by the establishment of, and adherence to, certain minimum standards and guidelines of conduct in the advertising of insurance in a manner which prevents unfair competition among insurers and is conducive to the accurate presentation and description to the insurance-buying public of a policy of insurance offered through various advertising media.

##### 11:1-4.2 Applicability

(a) These rules shall apply to any insurance "advertisement", as that term is hereinafter defined, intended for presentation, distribution or dissemination in this State when such presentation, distribution or dissemination is made either directly or indirectly by or on behalf of an insurer, agent, broker or solicitor as those terms are defined in the Insurance Codes of this State and these rules.

(b) Every insurer shall establish and at all times main-

## INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

(Continued from previous page)

19:8-1.9	Amend limitations on use of Parkway	R.1973 d.140	5 N.J.R. 247(e)
19:9-1.9(a)23.	Amend limitations on use of Turnpike	R.1973 d.145	5 N.J.R. 247(d)
19:9-2.1 et seq.	Procedures for prequalification and award on construction contracts	R.1973 d.173	5 N.J.R. 295(b)
19:11-1.10	Posting of notice of PERC petitions	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.13	Intervention, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.15	Timeliness of petitions, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:13-1.1 et seq.	Delete entire Chapter of PERC rules	R.1973 d.248	5 N.J.R. 358(c)

### IN ADDITION —

First publication—but no update service as yet—has been completed for all but Title 10—Institutions and Agencies.

Rules since adopted by this one Department are not included in this index; they will be added following initial updating of this Title 10.

tain a system of control over the content, form and method of dissemination of all advertisements of its policies. All such advertisements, regardless by whom written, created, designed or presented, shall be the responsibility of the insurer whose policies are so advertised.

#### 11:1-4.3 Definitions

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

An "advertisement" for the purpose of these rules shall include:

1. Printed and published material, audio visual material, and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio scripts, TV scripts, billboards and similar displays; and

2. Descriptive literature and sales aids of all kinds issued by an insurer, agent or broker for presentation to members of the insurance buying public, including but not limited to circulars, leaflets, depictions, illustrations, and form letters; and

3. Prepared sales talks, presentations and material for use by agents, brokers and solicitors.

"Policy" shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement which provides benefits whether on an indemnity, reimbursement service or prepaid basis.

"Insurer" shall include any individual corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds, fraternal benefit society, health maintenance organization, hospital, medical and dental service corporations, and any other legal entity which is defined as an "insurer" in the Insurance Codes of this State and is engaged in the advertisement of a policy as "policy" is herein defined.

"Exception" shall mean any provision in a policy whereby coverage for a specified hazard is entirely eliminated; it is a statement of a risk not assumed under the policy.

"Reduction" shall mean any provision which reduces the amount of the benefit; a risk of loss is assumed but payment upon the occurrence of such loss is limited to some amount or period less than would be otherwise payable had such reduction not been used.

"Limitation" shall mean any provision which restricts coverage under the policy other than an exception or a reduction.

#### 11:1-4.4 Method of disclosure of required information

All information required to be disclosed by these rules shall be set out conspicuously and in close conjunction with the statements to which such information relates or under appropriate captions of such prominence that it shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the context of the advertisement so as to be confusing or misleading.

#### 11:1-4.5 Form and content of advertisements

(a) The format and content of an advertisement shall be sufficiently complete and clear to avoid deception or the capacity or tendency to mislead or deceive. Whether an advertisement has a capacity or tendency to mislead or deceive shall be determined by the Commissioner of Insurance from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.

(b) Advertisements shall be truthful and not misleading in fact or in implication. Words or phrases, the meaning of which is clear only by implication or by familiarity with insurance terminology, shall not be used.

#### 11:1-4.6 Advertisements of benefits payable, losses covered or premiums payable

(a) Rules concerning deceptive words, phrases or illustrations prohibited include:

1. No advertisement shall omit information or use words, phrases, statements, references or illustrations if the omission of such information or use of such words, phrases, statements, references or illustrations has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of any policy benefit payable, loss covered or premium payable. The fact that the policy offered is made available to a prospective insured for inspection prior to consummation of the sale or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.

2. No advertisement shall contain or use words or phrases such as "all"; "full"; "complete"; "comprehensive"; "unlimited"; "up to"; "as high as"; or similar words and phrases in a manner which exaggerates any benefits beyond the terms of the policy.

3. No advertisement of a benefit for which payment is conditional upon confinement in a hospital or similar facility shall use words or phrases such as "tax free"; "extra cash"; "extra income"; "extra pay"; or substantially similar words or phrases because such words and phrases have the capacity, tendency or effect of misleading the public into believing that the policy advertised will, in some way, enable them to make a profit from being hospitalized.

4. No advertisement shall advertise that the amount of the benefit is payable on a monthly or weekly basis when, in fact, the amount of the benefit payable is based upon a daily pro rata basis. When the policy contains a limit on the number of days of coverage provided, such limit must appear in the advertisement.

5. An advertisement shall not contain descriptions of a policy limitation, exception, or reduction, worded in a positive manner to imply that it is a benefit, such as, describing a waiting period as a "benefit builder", or stating "even pre-existing conditions are covered after two years". Words and phrases used in an advertisement to describe such policy limitations, exceptions and reductions shall fairly and accurately describe the negative features of such limitations, exceptions and reductions of the policy offered.

6. An advertisement of a direct response insurance product shall not imply that because "no insurance agent will call and no commissions will be paid to agents" that it is "a low-cost plan", or use other similar words or phrases because the cost of advertising and servicing such policies is a substantial cost in the marketing of a direct response insurance product.

(b) Exceptions, reductions and limitations include the following:

1. When an advertisement refers to either a dollar amount or a period of time for which any benefit is payable, or the cost of the policy, or specific policy benefit, or the loss for which such benefit is payable, it shall also disclose those exceptions, reductions and limitations affecting the basic provisions of the policy without which the advertisement would have the capacity or tendency to mislead or deceive.

2. When a policy contains a waiting, elimination, probationary or similar time period between the effective date of the policy and the effective date of coverage under the policy or a time period between the date a loss occurs and the date benefits begin to accrue for such loss, an advertisement which is subject to the requirements of the preceding paragraph shall disclose the existence of such periods.

3. An advertisement shall not use the words "only"; "just"; "merely"; "minimum"; or similar words or phrases to describe the applicability of any exceptions and reductions, such as: "This policy is subject to the following minimum exceptions and reductions."

(c) Rules concerning pre-existing conditions are:

1. An advertisement which is subject to the requirements of Section 6-B shall, in negative terms, disclose the extent to which any loss is not covered if the cause of such loss is traceable to a condition existing prior to the effective date of the policy. The use of the term "pre-existing condition" without an appropriate definition or description shall not be used.

2. When a policy does not cover losses resulting from pre-existing conditions, no advertisement of the policy shall state or imply that the applicant's physical condition or medical history will not effect the issuance of the policy or payment of a claim thereunder. This rule prohibits the use of the phrase "no medical examination required" and phrases of similar import, but does not prohibit explaining "automatic issue". If an insurer requires a medical examination for a specified policy, the advertisement shall disclose that a medical examination is required.

3. When an advertisement contains an application form to be completed by the applicant and returned by mail for a direct response insurance product, such application form shall contain a question or statement which reflects the pre-existing condition provisions of the policy immediately preceding the blank space for the applicant's signature. For example, such an application form shall contain a question substantially as follows:

Do you understand that this policy will not pay benefits during the first two years after the issue date for a disease or physical condition for which you were medically advised or treated in the past? ( ) Yes

Or substantially the following question:

Do you understand that the policy applied for will not pay benefits for any loss incurred during the first year after the issue date for any sickness, disease or physical condition which was medically advised or treated or manifested within one year prior to the issue date? ( ) Yes

(d) An advertisement of mass marketed life insurance and any application form accompanying said advertisement must contain a statement that replacement of existing life insurance is not intended.

#### 11:1-4.7 Necessity for disclosing policy provisions relating to renewability, cancellability and termination

When an advertisement refers to either a dollar amount or a period of time for which any benefit is payable, or the cost of the policy, or specific policy benefit, or the loss for which such benefit is payable, it shall disclose the provisions relating to renewability, cancellability and termination and any modification of benefits, losses covered or premiums because of age or for other reasons, in a manner which shall not minimize or render obscure the qualifying conditions.

#### 11:1-4.8 Testimonials of endorsements by third parties

(a) Testimonials used in advertisements must be genuine, represent the current opinion of the author, be applicable to the policy advertised and be accurately reproduced. The insurer in using a testimonial makes as its own all of the statements contained therein, and the advertisement, including such statement, is subject to all the provisions of these rules.

(b) If the person making a testimonial, an endorsement or an appraisal has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee or otherwise, such fact shall be disclosed in the advertisement. If a person is compensated for making a testimonial,

endorsement or appraisal, such fact shall be disclosed in the advertisement by language substantially as follows: "Paid Endorsement". This rule does not require disclosure of union "scale" wages required by union rules if the payment is actually for such "scale" for TV or radio performances. The payment of substantial amounts, directly or indirectly, for "travel and entertainment" for the filming or recording of TV or radio advertisements remove the filming or recording from the category of an unsolicited testimonial and require disclosure of such compensation.

(c) An advertisement shall not state or imply that an insurer or a policy has been approved or endorsed by any individual group of individuals, society, association or other organizations, unless such is the fact, and unless any proprietary relationship between an organization and the insurer is disclosed. If the entity making the endorsement or testimonial has been formed by the insurer or is owned or controlled by the insurer or the person or persons who own or control the insurer, such fact shall be disclosed in the advertisement.

(d) When a testimonial refers to benefits received under a policy, the specific claim data, including claim number, date of loss and other pertinent information shall be retained by the insurer for inspection for a period of four years or until the filing of the next regular report on examination of the insurer, whichever is the longer period of time.

#### 11:1-4.9 Use of statistics

(a) An advertisement relating to the dollar amounts of claims paid, the number of persons insured, or similar statistical information relating to any insurer or policy shall not use irrelevant facts, and shall not be used unless it accurately reflects all of the relevant facts. Such an advertisement shall not imply that such statistics are derived from the policy advertised unless such is the fact and when applicable to other policies or plans shall specifically so state.

(b) An advertisement shall not represent or imply that claim settlements by the insurer are "liberal" or "generous", or use words of similar import, or that claim settlements are or will be beyond the actual terms of the contract. An unusual amount paid for a unique claim for the policy advertised is misleading and shall not be used.

(c) The source of any statistics used in an advertisement shall be identified in such advertisement.

#### 11:1-4.10 Identification of plan or number of policies

(a) When a choice of the amount of benefits is referred to, an advertisement shall disclose that the amount of benefits provided depends upon the plan selected and that the premium will vary with the amount of the benefits selected and the age of the covered member.

(b) When an advertisement refers to various benefits which may be contained in two or more policies, other than group master policies, the advertisement shall disclose that such benefits are provided only through a combination of such policies.

#### 11:1-4.11 Disparaging comparisons and statements

An advertisement shall not directly or indirectly make unfair or incomplete comparisons of policies or benefits or comparisons of non-comparable policies of other insurers, and shall not disparage competitors, their policies, services or business methods, and shall not disparage or unfairly minimize competing methods of marketing insurance.

#### 11:1-4.12 Jurisdictional licensing and status of insurer

(a) All advertisements shall contain a statement identifying those territories in which the insurer is licensed.

(b) An advertisement shall not create the impression directly or indirectly that the insurer, its financial condi-

tion or status, or the payment of its claims, or the merits, desirability or advisability of its policy forms or kinds or plans of insurance are approved, endorsed or accredited by any division or agency of this State or of the United States Government.

#### 11:1-4.13 Identity of insurer

(a) The name of the actual insurer and the form number or numbers advertised shall be identified and made clear in all of its advertisements. An advertisement shall not use a trade name, any insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol or other device which without disclosing the name of the actual insurer would have the capacity and the tendency to mislead or deceive as to the true identity of the insurer.

(b) No advertisement shall use any combination of words, symbols or physical materials which by their content, phraseology, shape, color or other characteristics are so similar to the combination of words, symbols or physical materials used by agencies of the Federal government or of this State, or otherwise appear to be of such a nature, that it tends to confuse or mislead prospective insureds into believing that the solicitation is in some manner connected with an agency of the municipal, State, or Federal government.

#### 11:1-4.14 Group or quasi-group implications

An advertisement of a particular policy shall not state or imply that prospective insureds become group or quasi-group members covered under a group policy and as such enjoy special rates or underwriting privileges, unless such is the fact.

#### 11:1-4.15 Introductory, initial or special offers

(a) An advertisement of an individual policy shall not directly or by implication represent that a contract or combination of contracts is an introductory, initial or special offer, or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless such is the fact. An advertisement shall not contain phrases describing an enrollment period as "special", "limited", or similar words or phrases when the insurer uses such enrollment periods as the usual method of advertising.

(b) An enrollment period during which a particular insurance product may be purchased on an individual basis shall not be offered within this State unless there has been a lapse of not less than three months between the close of the immediately preceding enrollment period for the same product and the opening of the new enrollment period. The advertisement shall indicate the date by which the applicant must mail the application which shall be not less than 10 days and not more than 40 days from the date that such enrollment period is advertised for the first time. This rule applies to all advertising media, that is, mail, newspapers, television, magazines and periodicals, by any one insurer. It is inapplicable to solicitations of employees or members of a particular group or association which otherwise would be eligible under specific provisions of the Insurance Codes for group blanket or franchise insurance. The phrase "any one insurer" includes all the affiliated companies of a group of insurance companies under common management or control.

(c) This rule prohibits any statement or implication to the effect that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy, unless such is the fact.

(d) The phrase "a particular insurance product" in paragraph (2) of this Section means an insurance policy

which provides substantially different benefits than those contained in any other policy. Different terms of renewability, an increase or decrease in the dollar amounts of benefits, an increase or decrease in any elimination period or waiting period from those available during an enrollment period for another policy shall not be sufficient to constitute the product being offered as a different product eligible for concurrent or overlapping enrollment periods.

(e) An advertisement shall not offer a policy which utilizes a reduced initial premium rate in a manner which over-emphasizes the availability and the amount of the initial reduced premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, the advertisement shall not display the amount of the reduced initial premium either more frequently or more prominently than the renewal premium, and both the initial reduced premium and the renewal premium must be stated in juxtaposition in each portion of the advertisement where the initial reduced premium appears.

#### 11:1-4.16 Statements about an insurer

An advertisement shall not contain statements which are untrue in fact or by implication misleading with respect to the assets, corporate structure, financial standing, age or relative position of the insurer in the insurance business. An advertisement shall not contain a recommendation by any commercial rating system unless it clearly indicates the purpose of the recommendation and the limitations of the scope and extent of the recommendation.

#### 11:1-4.17 Enforcement procedures

(a) Each insurer shall maintain at its home or principal office a complete file containing every printed, published or prepared advertisement of its individual policies and typical printed, published or prepared advertisements of its blanket, franchise and group policies hereafter disseminated in this or any other state whether or not licensed in such other state, with a notation attached to each such advertisement which shall indicate the manner and extent of distribution and the form number of any policy advertised. Such file shall be subject to regular and periodical inspection by this Department. All such advertisements shall be maintained in said file for a period of either four years or until the filing of the next regular report on examination of the insurer, whichever is the longer period of time.

(b) Each insurer required to file an annual statement which is now or which hereafter becomes subject to the provisions of these rules must file with this Department with its annual statement a certificate of compliance executed by an authorized officer of the insurer wherein it is stated that to the best of his knowledge, information and belief the advertisements which are disseminated by the insurer during the preceding statement year complied or were made to comply in all respects with the provisions of these rules and the insurance laws of this State as implemented and interpreted by these rules.

#### 11:1-4.18 Severability provision

If any Section or portion of a Section of these rules, or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the rules, or the applicability of such provision to other persons or circumstances, shall not be affected thereby.

#### 11:1-4.19 Filing for prior review

(a) Where there is advertising to be used in marketing a new policy submitted for filing, said advertising shall accompany the policy together with the other information required for review of the policy.

(b) If the Department determines that a company's advertising or any part thereof is any way unfair, deceptive or misleading the company shall be notified within 30 days of those sections in violation and will be required to correct same before distribution is begun.

(c) Compliance with this Regulation for all other advertising is the responsibility of the insurer.

#### 11:1-4.20 Penalties

Any person, persons, or corporation violating any of the provisions of this regulation shall be liable to a penalty not exceeding \$2,000 for the first offense and not exceeding \$5,000 for each succeeding offense to be recovered in a summary proceeding.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

W. Morgan Shumake  
Deputy Commissioner  
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.

Richard C. McDonough  
Commissioner  
Department of Insurance

(a)

## INSURANCE

### NEW JERSEY REAL ESTATE COMMISSION

#### Revisions Concerning Examinations

On October 25, 1973, Frederick A. Organ, 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 of 1968, adopted revisions to the rules concerning examinations, as proposed in the Notice published October 4, 1973, at 5 N.J.R. 350(a).

Such revisions will be included in N.J.A.C. 11:5-1.5(a)4. and 11:5-1.6.

An order adopting these revisions was filed and effective October 25, 1973, as R.1973 d.306.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

#### Proposed Changes in Rules

Robert Hart, Secretary of the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.9, proposes to amend N.J.A.C.

13:33-1.13 and 13:33-1.36 of the rules of the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, and to adopt as N.J.A.C. 13:33-1.37 through 1:40 certain new rules of the Board.

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

#### 13:33-1.13 Reexamination

No applicant shall be permitted to take an examination more than three times.]

#### 13:33-1.13 Examinations

(a) An apprentice dispenser who has served as a registered apprentice of not less than four calendar years' full-time employment is required to apply for the first examination after the completion of his four calendar years' full-time employment, but may be granted an extension of application to the next succeeding examination for good cause such as illness or extreme emergency. If candidate is unsuccessful in passing three consecutive examinations, he must return his permit. However, such individual may not be denied the right to continue to take any examination for licensure for which he qualifies.

(b) An apprentice technician who has served as a registered apprentice of not less than two calendar years' full-time employment is required to apply for the first examination after the completion of his two calendar years' full-time employment, but may be granted an extension of application to the next succeeding examination for good cause such as illness or extreme emergency. If candidate is unsuccessful in passing three consecutive examinations, he must return his permit. However, such individual may not be denied the right to continue to take any examination for licensure for which he qualifies.

#### 13:33-1.36 Limits on numbers of apprentices

[(a) A licensed ophthalmic dispenser or licensed ophthalmic technician employed full-time at an optical establishment, or a physician or optometrist duly licensed to practice medicine or optometry in the State of New Jersey who is qualified to train apprentices, shall not be permitted to employ, supervise, or train more than two registered apprentices at any given time.

(b) If, however, a licensed ophthalmic dispenser or a licensed ophthalmic technician or a physician or optometrist duly licensed to practice medicine or optometry in the State of New Jersey shall have more than two such registered apprentices in his employ or under his supervision on April 3, 1968, he shall be permitted to continue to employ, supervise, and train such registered individuals until the expiration of their apprenticeship term.]

(a) A licensed ophthalmic dispenser or licensed ophthalmic technician employed full time at an optical establishment or a physician or optometrist duly licensed to practice medicine or optometry in the State of New Jersey who is qualified to train apprentices shall not be permitted to employ, supervise, or train more than two registered apprentices at any given time.

(b) However, where a licensed ophthalmic dispenser or licensed ophthalmic technician qualifies as a college-approved preceptor in a work-study program, he shall be permitted to supervise additionally a maximum of two work-study students. The work-study time accumulated by students will not be credited to apprenticeship time required by statute to qualify for licensure.

(c) A work-study program is defined as that activity which places students enrolled in the ophthalmic science curriculum of any school approved by the State Department of Higher Education into the optical field on a limited basis

under the supervision of a college-approved preceptor for the purpose of gaining college-supervised practical experience. A college-approved preceptor is an individual licensed in New Jersey as an ophthalmic dispenser or ophthalmic technician who meets the conditions established by the college in the development of its work-study program.

The full text of the proposed new rules follows:

13:33-1.37 Limited licenses of ophthalmic technicians

(a) Consistent with the provisions of N.J.S.A. 52:17B-41.5, the Board may issue limited apprentice technician permits to those individuals who will work in specific areas within the field of ophthalmic technicianry, as follows: 1, Selector of blanks; 2, Blocker, glass or plastic - cleaning and removing blocks; lap cutter and tool maintenance man; 3, Glass and/or plastic cylinder machine operator - grinding and/or polishing; hand rougher; 4, Glass and/or plastic sphere machine operator - grinding and/or polishing; 5, Blocker for edging, removing and cleaning; pattern maker; 6, Heat-chemical hardener and drop ball tester; 7, Assembler; inserter - zyl and metal frames.

(b) Each of the seven categories listed above shall require a separate limited apprentice technician permit. A limited apprentice technician may not be registered for more than one location nor be trained for more than one category at a time. Upon approval of application and a \$500 fee, a limited apprentice technician permit shall be issued for no less than a six-month period and until the first examination for which the limited apprentice technician is eligible.

(c) For each limited category, candidates for examination shall be required to pay an examination fee of \$10.00, and shall have filed their applications with the secretary of the Board no later than a month prior to examination. A \$10.00 fee shall be paid to the Board with the application for license, and the license renewal fee shall be \$15.00 for two years.

(d) A licensed limited technician may supervise and train limited apprentice technicians in each or any of the categories for which he is licensed - the number of trainees to be based on, and equal to, but not to exceed the number of categories in which the limited technician is licensed.

(e) A licensed ophthalmic technician may supervise and train a maximum of seven limited apprentice technicians or two ophthalmic technician apprentices.

(f) No branch office limited technician licenses shall be issued.

13:33-1.38 Minimum standards and tolerances

(a) Every prepared pair of lenses, spectacles, eyeglasses or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists duly licensed to practice their profession, or duplication, replacements, reproductions or repetitions, must conform to the following minimum standards and tolerances:

PHYSICAL QUALITY AND APPEARANCE	TOLERANCE
Surface imperfections	No pits, scratches, grayness, or water-marks shall be acceptable.
Glass defects	No bubbles, striae and inclusions shall be acceptable.
Localized power errors	Waves found by visual inspection shall be passable if no deterioration in image quality is found when the

Refractive powers	0.0 to 6.00 + or - 0.06, 6.25 to 12.00 1 percent of power. Above 12.00 + or - 0.12. Maximum cylinder power variation + or - 0.12. + or - 0.12D.
Refractive power addition Cylinder Axis	0.12 to 0.37 + or - 3 degrees. 0.50 to 1.00 + or - 2 degrees. 1.12 on up + or - 1 degree.
Prism power and location of specified optical center	Vertical + or - 0.25 triangle for each lens or 0.25 triangle imbalance. Horizontal + or - 0.25 triangle for each lens or 0.50 triangle imbalance.
Segment size	+ or - 0.5mm. Pair must be symmetrical upon visual inspection. Trifocal intermediate vertical dimension shall be + or - 0.25mm singly or within + or - 0.25mm paired.
Segment location Thickness	As specified within + or - 0.5mm. As specified within + or - 0.2mm.
Lens size: Rimless	+ or - 0.5mm.
Bevel, for plastic frames	+ or - 0.5mm.
Bevel, for metal frames	To fit standard specified frame.
Heat-treated industrial safety eyewear	Lens shape must match. Edges must be straight and smooth and sharp edge must be removed. Tolerance for power, size, and the like shall be as above, except minimum thickness edge or center 3.0mm. Shall meet the requirements of American Standard Z2.1-1959.
Heat-treated dress eyewear	Unmounted lens shall withstand an impact test of a steel ball dropped 50 inches as follows: Notched or drilled-ball size - 1/2 inch. Beveled-ball size - 5/8 inch.

13:33-1.39 Permits; registration

(a) Any employer, before he permits a new employee to start work as a temporary ophthalmic dispenser, temporary ophthalmic technician, ophthalmic dispenser apprentice, ophthalmic technician apprentice or limited technician apprentice, is responsible for registering said employee under the applicable permit.

(b) Registration is defined as filing a completed and notraized application with Board and receiving acknowledgment of same.

(c) Notice to this effect shall be posted conspicuously in all optical establishments.

13:33-1.40 Full calendar year; week

A full calendar year shall consist of 12 months of at least four weeks each. A week shall consist of no less than 32 working hours.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before November 28, 1973, to:

New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians  
269 Morris Avenue  
Springfield, New Jersey 07081  
Telephone: (201) 376-6528

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

Robert Hart, Secretary  
New Jersey State Board of Examiners  
of Ophthalmic Dispensers and  
Ophthalmic Technicians  
Division of Consumer Affairs  
Department of Law & Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF STATE POLICE

#### Proposed Revisions in Chemical Breath Testing Rules

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 39:4-50.3, proposes to revise portions of N.J.A.C. 13:51-3.5, which is a rule of the Division of State Police governing chemical breath testing.

The proposed revisions concern the removal of the Harger drunkometer from the approved list of breath testing instruments. It is specifically proposed that subsections (a) and (b) of N.J.A.C. 13:51-3.5 be repealed in their entirety and the remaining subsections (c), (d) and (e) be renumbered as subsections (a), (b) and (c) respectively. The text of these latter subsections is to remain as is.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1973, to:

Col. David B. Kelly, Superintendent  
New Jersey Division of State Police  
Post Office Box 68  
West Trenton, New Jersey 08625

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

George F. Kugler Jr.  
Attorney General  
State of New Jersey

(b)

## LAW AND PUBLIC SAFETY

### UNSATISFIED CLAIM AND JUDGMENT FUND BOARD

#### Rule on Uninsureds Current Financial Status

On September 20, 1973, Sal E. Capozzi, manager of the Unsatisfied Claim and Judgment Fund Board in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:6-64.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the new rule concerning uninsureds current financial status, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 289(c).

Such rule may be cited as N.J.A.C. 13:18-2.1.  
An order adopting this rule was filed and effective September 25, 1973, as R.1973 d.278.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Rule on Motor Fuels Use Tax

On October 4, 1973, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 54:39A-8, 54:39A-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning exceptions and the inability of fuel users to purchase motor fuel in bulk due to the fuel shortage, as proposed in the Notice published September 6, 1972, at 5 N.J.R. 317(a).

Such rule may be cited as N.J.A.C. 13:18-4.15.

An order adopting this rule was filed and effective October 11, 1973, as R.1973 d.291.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Rules on Deceptive Automobile Repair Work and Advertising Practices

On October 25, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on deceptive automobile repair work and advertising practices, substantially as proposed in the Notice published October 4, 1973, at 5 N.J.R. 351(b), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

Such rules may be cited as N.J.A.C. 13:45A-7.1 et seq.

An order adopting these rules was filed October 26, 1973, as R.1973 d.307 to become effective January 1, 1974.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(e)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Rules on Deceptive Practices By Tire Distributors or Dealers

On October 25, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968,

adopted rules on deceptive practices by tire distributors or dealers, as proposed in the Notice published October 4, 1973, at 5 N.J.R. 354(a).

Such rules may be cited as N.J.A.C. 13:45A-8.1 et seq.

An order adopting these rules was filed October 26, 1973, as R.1973 d.309 to become effective December 1, 1973.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

## TRANSPORTATION THE COMMISSIONER

### Revisions to Rules of Construction and Maintenance Unit

On September 27, 1973, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subtitle G of Title 16, Transportation, in the New Jersey Administrative Code concerning the rules of the construction and maintenance unit, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 203(a).

Such revisions will be included in portions of Chapters 38, 40, 41 and 42 of Title 16, Transportation, in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective September 27, 1973, as R.1973 d.283.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY DIVISION OF TAXATION

### Proposed Rules for Data Processing

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 adopt new rules concerning data processing.

Full text of the proposed rules follows:

#### SUBCHAPTER 22. DATA PROCESSING

##### 18:24-22.1 General provisions

(a) In general, the Sales Tax Act provides for the imposition of the sales tax on all sales of tangible personal property (N.J.S.A. 54:32B-3(a)) unless specifically exempted, and for the imposition of the sales tax on certain enumerated services (N.J.S.A. 54:32B-3(b)).

(b) This section is intended to clarify the application of the Sales and Use Tax Act to sales made by and to persons in the business of using automatic and electronic data processing hardware and software to manipulate data.

##### (c) Definitions:

"ADP - Automatic data processing" means the general term pertaining to data processing equipment such as electrical accounting machines and electronic data processing equipment.

"Data processing equipment" includes, but is not limited to, computers, electro-mechanical machines, input-output devices, storage devices and peripheral equipment.

"Document" means medium and the data recorded on it for human use, for example, a report sheet.

"ERP - Electronic data processing" means the general term used to define system for data processing by means of machines utilizing electronic circuitry at electronic speed, as opposed to electro-mechanical equipment.

"Hardware" means the term applied to the electro-mechanical and electronic equipment used to process data.

"Input" means information transferred into the internal storage of a data processing system, including data to be processed or information to help control the process.

"Media" means the material, or configuration thereof, on which data are recorded, such as punched cards, disks, magnetic tape and microfilm.

"Output data" means data delivered from a device or program, usually after processing, and usually in the form of tangible personal property.

"Program" means the complete plan for the solution of a problem; more specifically, the complete sequence of machine instructions and routines necessary to solve a problem, including the media on which instructions and routines are recorded.

"Fabrication of media" means the incorporation of bits of intelligence into media by means which include, but are not limited to, processing, printing or imprinting; and as a result of which incorporation a medium is given value which it did not previously possess.

"Service bureau" means any organization which processes data for others, or, leases or rents ADP or EDP equipment, or charges for the use of such equipment by others. Among other activities, service bureaus are engaged in the fabrication of media, and the production of output data.

"Software" means the term applied to the tangible personal property used to guide or control hardware and to cause the hardware to function. Software includes, but is not limited to, a set of programs, procedures and possibly associated documentation concerned with the operation of a data processing system.

"Source document" means the original records on which are recorded the details of a transaction.

"Time sharing" means a method of using a computing system that allows a number of users to execute programs concurrently and to interact with the programs during execution.

##### 18:24-22.2 ADP and EDP transactions

(a) Rules concerning taxable transactions include the following:

1. Where a service bureau supplies the medium and also processes data, the agreement is deemed to be for the purchase of fabricated tangible personal property. Where the customer supplies the medium and the transfer of data by the service bureau is to the customer's medium, the transaction is deemed to be for the rendition of processing, printing or imprinting services.

2. The sale or lease of data processing equipment is taxable, except where the equipment is leased or purchased with the intention of reselling or sub-leasing it. Equipment which is leased with the intention to sub-lease it is taxable to the sublessee on the charges made to such sub-leases. Incidental use of the equipment made by the lessee is subject to the use tax, based upon the same rate charges as those charged to a sub-lessee.

3. Agreements which stipulate that a service bureau will access its data processing equipment (that is, computer time and/or time sharing) to a customer are considered to be agreements for the rental of the equipment and the charges therefore are taxable.

4. Charges for the storing of data by a service bureau are deemed to be charges for the use or rental of tangible personal property and are therefore subject to tax.

5. Agreements providing for keypunching, keypunching and key stroke verification or keypunching with a proof list and/or verification of data provided, are regarded as contracts for fabricated tangible personal property. However, where these processes are applied to media belonging to the customer, the charges are for fabricating tangible personal property.

6. Sales of pre-written programs are deemed to be sales of tangible personal property.

7. Custom designed programs:

i. Charges for the formulation of a program to fit the specific needs of a customer are deemed to be charges for the purchase of taxable tangible personal property where the medium on which the finished program supplied to the customer is furnished by the service bureau.

ii. However, where the medium on which the finished program supplied to the customer is furnished by the customer, the charges are taxable as charges for the fabrication of tangible personal property.

8. Modification of existing programs.

i. Charges for a program developed through substantial modification of an existing program to meet a customer's specific need are deemed to be receipts from the sale of tangible personal property where the medium is not furnished by customer.

ii. However, where the medium on which the modified program is to be fabricated is furnished by the customer, the charges are taxable as charges for the fabrication of tangible personal property.

9. Fabrication of media.

i. An agreement to process input data or to transfer stored data to result in fabricated media in the form of punched cards, tapes, disks, microfilm or documents is deemed to be an agreement for the sale of tangible personal property.

ii. New Jersey residents who receive fabricated media from an out-of-State service bureau which does not hold a New Jersey Sales Tax Certificate of Authority are required to pay the use tax on the entire charge for such tangible personal property. If the out-of-State service bureau possesses a valid New Jersey Sales Tax Certificate of Authority, it becomes its responsibility to collect and remit the sales tax.

10. The charges for maintaining and updating stored data for a customer on punched cards, tapes, disks, microfilm or other media are deemed to be charged for the sales of tangible personal property. Where the media maintained and updated belong to the customer, the charges are for the rendition of services.

11. Examples of taxable transactions:

The sale of addressed labels purchased by a customer for use in soliciting business, mailing advertisements or any other similar purpose;

Sales of computer-prepared mailing lists;

The charges for additional copies of records, reports, tabulations, and the like which are prepared by re-running the original program;

Delivery of output data by a service bureau to an out-of-State customer, where the media is furnished by the customer;

ADP and EDP equipment manufacturers, service bureaus and data processing educational centers are deemed to be the consumers of tangible personal property which is used in training others. They are required to pay the tax on their purchases of such property; training aids

which they purchase for resale, however, are taxable to the ultimate users.

(b) Rules concerning non-taxable transactions are as follows:

1. The following are deemed to be professional services and are, therefore, not subject to Sales and/or Use Tax:

i. Feasibility studies;

ii. Consulting services;

iii. Technical instruction.

2. Where a New Jersey service bureau supplies and delivers media or output data to a point outside the State the sale is deemed to have been consummated at the client's location and therefore, no tax is due.

3. Where the output resulting from data processing services is received by an out-of-State client through the medium of a telephone or telegraph transmission device at an out-of-State location the charges for such data processing services are taxable to the out-of-State client.

4. The Sales and/or Use Tax is not applicable to the fabrication of a program by a non-service bureau company's employees for the exclusive use of their employer in connection with the employer's business.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Jay G. Destribats  
Tax Counselor Section  
Division of Taxation  
State and Willow Streets  
Trenton, New Jersey 08625

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Revisions Concerning Purchase of Materials and Supplies by Contractors

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 N.J.A.C. 18:24-5.3 concerning the purchase of materials and supplies by contractors.

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

18:24-5.3 Purchase of materials and supplies by contractors

(a) For the purposes of sales and use taxes, sales of materials and supplies to contractors for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others are deemed to be retail sales.

(b) Except as hereinafter provided, contractors purchasing materials and supplies must pay the sales tax at the time of purchase. This Subchapter does not apply where:

1. The purchase of materials and supplies is made for exclusive use in the fulfillment of a contract with an exempt organization;

2. For the purpose of subsection (b)1.) above, "exclusive use" means that the supplies purchased will be entirely consumed in use or lack any residual utility after use and the supplies will not be used on jobs performed for non-exempt organizations either prior to, simultaneously with or after completion of the exempt organization job; or [2.] 3. The contractor holds a valid Direct Payment Permit (Form ST-6).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1973, to:

Francis J. Mahon  
Tax Counselor  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08625

The Division of Taxation, 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

### STATE HEALTH BENEFITS COMMISSION

#### Revisions in Administration of State Health Benefits Program

On September 28, 1973, William J. Joseph, Secretary of the State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:9-3.3, 17:9-4.3, 17:9-5.5 and 17:9-5.8 concerning the State health benefits program, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 243(a).

An order adopting these revisions was filed and effective October 2, 1973, as R.1973 d.285.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF TAXATION

#### Revisions in Definitions of Actively Devoted to Agricultural or Horticultural Use, Evidence of Anticipated Yearly Gross Sales and Rollback

On October 15, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-23.21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the definitions of actively devoted to agricultural or horticultural use, evidence of anticipated yearly gross sales and rollback, as proposed in the Notice published September 6, 1973, at 5 N.J.R. 318(a).

Such revisions will become portions of Subchapter 6 of Chapter 15 of Title 18 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective October 17, 1973, as R.1973 d.295.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF TAXATION

#### Revisions to Rules for Alcoholic Beverage Tax Act—Retail Licenses

On October 15, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:41-1.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to certain portions of Chapter 4 in Title 18 of the New Jersey Administrative Code concerning the Alcoholic Beverage Tax Act and retail licensees, as proposed in the Notice published September 6, 1973, at 5 N.J.R. 321(a).

An order adopting these revisions was filed and effective October 17, 1973, as R.1973 d.296.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### DIVISION OF TAXATION

#### Revisions Concerning Alcoholic Beverage Tax Law

On October 15, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:41-1.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions substantially as proposed in the Notice published September 6, 1973, at 5 N.J.R. 319(a) with only inconsequential structural or language changes.

The inconsequential changes include only commas and catchlines which were omitted in the proposed Notice and do not represent changes in the substantive text of the rules.

Such revisions will be included in certain portions of Chapter 3 in Title 18 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective October 17, 1973, as R.1973 d.297.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(e)

## TREASURY

### DIVISION OF TAXATION

#### Revised List of District Supervisors of Inheritance Tax

On October 18, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised list of supervisor of inheritance tax.

This list will be included in Appendix A of Chapter 26 in Title 18 of the New Jersey Administrative Code.

Full text of the list follows:

CHAPTER 26.

APPENDIX A

DISTRICT SUPERVISORS—INHERITANCE TAX

Atlantic—Patrick T. McGahn Jr.,  
1421 Atlantic Avenue, Atlantic City 08401, 609-345-3261  
Bergen—Thomas F. Foley,  
Administrative Bldg., Hackensack 07601, 201-646-2060  
Burlington—James C. Ayer  
515 High Street, Burlington 08016, 609-386-4720  
Camden—Donald Palese,  
614 Haddonfield Rd., Cherry Hill, 609-662-4727  
Cape May—James O'Neill,  
217 East Pine Avenue, Wildwood 08260, (no phone)  
Cumberland—Harold Horwitz,  
123 W. Broad Street, Bridgeton 08302, 609-451-7884  
Essex—William Abruzzese,  
605 Broad Street, Newark 07102, 201-623-6249  
Gloucester—John S. Holston, Jr.,  
62 North Broad Street, Woodbury, 609-848-5858  
Hudson—Malcolm J. Robbins,  
921 Bergen Avenue, Jersey City 07306, 201-653-3633  
Hunterdon—Sanford N. Groendyke,  
38 Main Street, High Bridge 08829, 201-638-8233  
Mercer—Donald R. Bryant,  
28 W. State Street, Rm. 707, Trenton 08608, 609-882-1422  
Middlesex—Peter J. Selesky, County Administrative Bldg.,  
New Brunswick 08901, 201-246-6214  
Monmouth—Norman Dorfman,  
710 Mattison Avenue, Asbury Park 07712, 201-774-3636  
Morris—R. Wayne Stickel,  
229 Main Street, Chatham 07928, 201-635-5200  
Ocean—Henry L. Gertner,  
256 Second Street, Lakewood 08701, 201-363-1122  
Passaic—Harry C. Peterson,  
404 Clifton Avenue, Clifton 07011, 201-546-0515  
Salem—Charles H. Smith,  
49 S. Main Street, Woodstown 08098, 609-769-0177  
Sussex—Gilbert L. Hand,  
222 Newton-Sparta Road, Sparta 07871, 201-729-6458  
Somerset—A. Dix Skillman, County Administrative Bldg.,  
Somerville 08876, 201-725-4700  
Union—Harold Simon,  
272 N. Broad Street, Elizabeth 07208, 201-355-1782  
Warren—Harold A. Searles,  
301 Mill Street, Belvidere 07823, 201-475-2701

An order adopting this list was filed and effective October 18, 1973, as R.1973 d.298 (Exempt, Procedure Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Notice Concerning Revised Forms

Take notice that Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, has issued the following statement concerning revised forms:

The Division of Taxation has just released revised forms to be used by veterans and senior citizens in applying for

their tax deductions under the law. Sample forms have been forwarded to county tax board commissioners and secretaries, all assessors and collectors, as well as publishers of municipal forms. Assessors have been urged to initiate immediately such administrative procedures as may be necessary to obtain a sufficient supply of the revised forms at the earliest possible date for use by applicants claiming the tax deduction for the year 1974 and thereafter. A new application form for a widow of a disabled veteran was also promulgated.

The revised forms are as follows:

1. Form V.E. (veterans deduction application)
2. Form W.E. (widow of a veteran application)
3. Form D.V.E. (disabled veteran application)
4. Form W.D.V.E. (widow of disabled veteran application)
5. Form SC-65A (senior citizen deduction application)
6. Form SC-65.4 (annual post-tax year statement)
7. Form SC-65.2 (senior citizens' notice of disallowance)

This Notice is published as a matter of public information.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

### Proposed Revisions to Zoning Regulations

William D. McDowell, Executive Director and Secretary of the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to revise portions of the rules concerning the zoning regulations of the Hackensack Meadowlands Development Commission.

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

#### 19:4-4.4 Bulk regulations

(a) In these rules, bulk regulations are expressed in terms of maximum structural height, minimum lot coverage, maximum floor coverage, maximum floor ratio, minimum open space ratio, **minimum final finished floor elevation** and . . .

(b) 2. . . . **Minimum final finished floor elevations shall meet the requirements applicable in each zone.**

#### 19:4-4.29(a) 1. Minimum lot area and maximum density:

- [i. Single-family dwellings: 5,000 square feet;
- ii. Duplexes and two-family dwellings: 10,000 square feet;
- iii. Multiple-family: lot area one acre; density 20 units per acre;
- iv. Other permitted uses and special exceptions: 10,000 square feet.]
  - i. Single-family and two-family: 5,000 square feet;**
  - ii. Multiple family: 2,000 square feet per dwelling unit;**
  - iii. Other permitted uses and special exceptions: 10,000 square feet.**

#### 2. Minimum lot width:

- [i. Single-family dwellings: 50 feet;
- ii. Duplex and two-family dwellings: 100 feet.]
  - i. Single-family and two-family dwellings: 50 feet;**
  - ii. Other permitted uses and special exceptions: 100 feet.**
  - iii. Other permitted uses other than multiple-family and special exceptions: 100 feet.]
3. Minimum lot depth: 100 feet.

19:4-4.30 Low density residential zone; bulk regulations  
(a) Bulk regulations in the low density residential zone include:

1. Lot coverage:
    - i. Single-family dwellings: 25 per cent;
    - ii. Duplex and two-family dwellings: 25 per cent;
    - iii. Multiple-family dwellings: 20 per cent.]
  - i. Single-family and two-family dwellings including detached garages: 30 per cent;
  - ii. Multiple-family dwellings: 25 per cent;
  - [iv] iii. Other permitted uses and special exceptions: 25 per cent.
- [2. Minimum open space for multiple-family dwellings: 35 per cent.]

2. Minimum open space:

- i. Single- and two-family dwellings: 50 per cent;
- ii. Multiple-family dwellings: 35 per cent.

3. Yards:

- i. Minimum front yard: 25 feet.
- ii. Minimum side yards: single-family dwellings: six feet; duplex and two-family dwellings: ten feet; multiple-family: 20 feet; and all other permitted uses and special exceptions: 25 feet.

iii. Minimum rear yard: Single-family dwellings, duplexes, and two-family dwellings: 15 per cent of lot depth, but not less than 15 feet; multiple-family dwellings and all other permitted uses and special exceptions: 25 feet.

4. Maximum structure height for multiple-family dwellings: two and one-half stories measured from final grade.]

i. Minimum front yard: 25 feet, except in those cases where the Office of the Chief Engineer determines that the average prevailing setbacks of existing adjacent dwellings are substantially less than 25 feet, the minimum front yard may be reduced to not less than 20 feet;

ii. Minimum side yards: single-family dwellings and two-family dwellings: five feet; multiple-family: 20 feet; and all other permitted uses and special exceptions: 20 feet.

iii. Minimum rear yard: Single-family and two-family dwellings: 20 feet; multiple-family dwellings and all other permitted uses and special exceptions: 30 feet.

4. Maximum structure height: 35 feet measured from final grade.

19:4-4.30(a) 5. Minimum final finished floor elevation for dwelling units: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.32 Low density residential zone; environmental performance standards; buffer requirements

(c) Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

19:4-4.39(a) 5. Minimum final finished floor elevation for all places of public accommodation and dwelling units: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.49(a) 7. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.59(a) 5. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.69(a) 5. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.78(a) 5. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.88(a) 5. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.98(a) 5. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.107(a) 5. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.117(a) 4. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data. This shall not apply, however, to runways, aprons, helicopter land pads and off-street parking.

19:4-4.129(a) 4. Minimum final finished floor elevation: ten feet mean sea level based on U.S. Coast and Geodetic data.

19:4-4.133 Zoning certificates

(a) Unless a zoning certificate issued under these regulations shall first have been obtained from the Office of the Chief Engineer:

1. The construction, moving, remodeling or reconstruction of any structure or addition thereto shall not be commenced.

2. The improvement of land, the placement of fill, or storage thereof, shall not be commenced, except that this section shall not apply to a permitted sanitary landfill site operating pursuant to the HMDC sanitary landfill regulations.

3. Building permits shall not be issued by any official of the Commission.

(b) Any zoning certificate issued in conflict with the provisions of this resolution shall be null and void.

19:4-4.142(d) The Office of the Chief Engineer shall select a reasonable time and place at which to hold a public hearing in accordance with Subchapter 6 of this Chapter. Notwithstanding the provisions of this Section, in cases of variances from the area and bulk requirements of these regulations, the Office of the Chief Engineer shall give notice, as required by law, but a public hearing on the matter shall not be required; provided, however, that comments in writing, relative to an application may be submitted to the Office of the Chief Engineer within ten days of the receipt of notice. The Office of the Chief Engineer may, in its discretion, call a public hearing on any matter it deems of sufficient importance and shall call a public hearing on any matter on which there has been any adverse comment filed relative thereto which requests a public hearing.

19:4-5.10(a) 2. i. Plans showing the exact location, use, height and bulk of existing and proposed buildings. Final finished floor elevations shall be no less than ten feet mean sea level, based on U.S. Coast and Geodetic data;

19:4-5.12 Commencement of construction and completion of development

(a) Until all technical documents have been approved:

1. The construction, moving, remodeling, or reconstruction of any structure or addition thereto, unless otherwise provided in Section 7 of this Subchapter, shall not be commenced.

2. The improvement of land, the placement of fill or storage thereof shall not be commenced, except that this section shall not apply to a permitted sanitary landfill site operating pursuant to the HMDC sanitary landfill regulations.

3. Building permits shall not be issued by any official of the Commission.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 23, 1973, to:

William D. McDowell

Executive Director and Secretary

Hackensack Meadowlands Development Commission

1099 Wall Street West

Lyndhurst, New Jersey 07071

The Hackensack Meadowlands Development Commission

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

William D. McDowell  
Executive Director and Secretary  
Hackensack Meadowlands Development Commission

(a)

## NEW JERSEY EXPRESSWAY AUTHORITY

### ATLANTIC CITY EXPRESSWAY

#### Rules On Purchasing Regulations

On August 23, 1973, the New Jersey Expressway Authority, pursuant to authority of N.J.S.A. 27:12C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules concerning purchasing regulations.

Full text of the adopted rules follows:

#### SUBCHAPTER 7. PURCHASING REGULATIONS

##### 19:2-7.1 General provisions

(a) All contracts of the Authority entered into for the doing of any work, or any purchases, or hiring of personal property, services, supplies, equipment or goods shall be as prescribed in these regulations and procedures. The objective of these regulations is to enable the Authority to accomplish its procurement equitably and expeditiously at the least possible cost.

(b) Contracts entered into for the furnishing or performing of services of a professional nature, or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey shall not be subject to these regulations.

##### 19:2-7.2 Purchases involving \$2,500 or more

(a) Rules concerning advertising and awards of bids include:

1. All purchases of personal property or services where the aggregate cost is \$2,500 or more, shall be made only after public advertisement for competitive bids.

2. Advertisements for competitive bids shall be placed in appropriate newspapers or journals having a large circulation in the State. All advertisements shall be approved by the Executive Director. Such advertisements shall be published not less than seven calendar days preceding the date upon which the proposals are to be received and opened. All advertisements must contain:

i. A brief description of the supplies, materials, equipment or services to be furnished or performed;

ii. Notice of the place where quotation forms, specifications, terms and conditions may be obtained;

iii. The place, date and time when the sealed bids shall be publicly opened.

3. In addition to advertising, bids shall be solicited from all known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

4. In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the opening of the bids. If such notice is given orally, it shall be timely confirmed in writing.

5. When the requisitioning unit specifies either the source or the brand name of personal property or services with

a value of \$2,500 or more, the related Department head shall file with the comptroller a memorandum stating the basis or reasons for the particular selection; the memorandum shall be approved by the Executive Director prior to submission to the Commissioners.

6. Prior to the award of any contract or order, the comptroller and Executive Director shall forward their recommendations to the Commissioners. All awards of contracts or orders shall be made by the Commissioners.

7. For valid reasons, the Commissioners may award the contract or order to a person other than the lowest bidder.

(b) Rules concerning terms and conditions applicable to submission of bids include:

1. All bids are to be submitted in sealed envelopes on quotation forms provided in accordance with applicable instructions on or before the time fixed for the public opening.

2. All bids must be properly signed and executed.

3. Any correction of an entry made on the quotation form should be initialed by the party signing the bid.

4. Bidders may withdraw, or withdraw and resubmit bids at any time prior to the public opening and signed by a duly authorized representative of the bidding firm. Bids so withdrawn shall be returned to the bidders unopened.

5. With respect to bids submitted, the Authority retains the right to reject any or all of them, to waive informalities and minor irregularities and to make awards at any time within 30 calendar days of the public opening. If an award is not made within 30 calendar days of a public opening, written extensions of time should be obtained from bidders whose bids remain under consideration.

6. In the case of inconsistencies or errors in unit prices, extensions and totals, the Authority shall have sole discretion to make determinations with regard to same.

7. Unless contrary to the nature of the procurement, or unless otherwise instructed, bidders shall be permitted to submit partial bids. The Authority reserves the right to accept any item or group of items of any bid.

(c) Rules concerning receipt and opening of bids include:

1. All bids solicited by advertising or by mail must be submitted in sealed envelopes on the appropriately signed quotation forms before the time fixed for the public opening. Any bids received after the bidding has been closed shall be returned unopened.

2. The bidder, item description, applicable purchase request or contract number, if any, bid opening date and time shall be designated on the face of each sealed envelope submitted.

3. The purchasing supervisor shall maintain a locked box for the purpose of receiving bids. When sealed envelopes containing bids are received in the office of the purchasing division, they shall be dated, time-stamped and deposited (unopened) in the appropriate locked boxes.

4. On the appropriate date and at the time and place announced in the invitation to bid or in the advertisement, that person, designated by the Executive Director, shall open and publicly read the bids.

5. Simultaneously with the public reading of the bids, the bids shall be recorded on a bid summary. The original copy of such summary shall be signed by the reader. A copy of the summary shall be forwarded to the Commissioners for their action thereon.

6. The bid summary form shall record all bids timely received whether complying with all formalities or not. Due note shall be made on the bid summary form with respect to any bid which did not comply with formalities.

(d) Rules concerning bid guarantees include:

1. Except when specifically waived by the Authority, all bids submitted relative to acquisitions wherein the total bid price aggregates \$2,500 or more, shall be accompanied

by a bid guaranty in an amount not less than \$500.00 or 10 per cent of the bid, whichever is greater. However, no bidder shall be required to make a deposit in excess of \$20,000.

2. In the event any bidder fails to accept an award in accordance with his bid, the security submitted shall be forfeited.

3. All bid guarantees shall be returned to bidders as soon as possible after the opening of bids.

(e) Rules concerning security for faithful performance include:

1. Where the aggregate cost of all purchases of personal property or services is \$2,500 or more, the successful bidder simultaneously with his delivery of the executed contract to the Authority in addition to all of the foregoing requirements may be required to furnish a surety bond or bonds as security for faithful performance of the goods and services to be furnished in accordance with the bid quotations and for the payment of all persons performing labor on the project and furnishing materials in connection therewith as specified in the general conditions covering the submission of bids and the furnishing of personal property and services.

2. The surety on such bonds shall be a duly authorized surety company satisfactory to the Authority.

(f) Rule concerning dispensing with bids when emergency exists include:

1. When the Commissioners deem that the safety or protection of its or other public property, or the public convenience requires or the exigency of the Authority's service will not allow sufficient time to advertise and award bids according to the requirements of these regulations, the Commissioners may waive the requirement of public bidding.

2. If the Commissioners shall find that in one of the emergencies, as set forth in paragraph 1. above, exists, they shall, by resolution passed by an affirmative vote of a majority of the members of the Commission, declare an emergency to exist and set forth in the resolution the nature thereof, the approximate duration and the approximate amount to be expended during the duration of such emergency.

#### 19:2-7.3 Purchases under \$2,500

(a) In the case of purchases of personal property or services where the aggregate cost or amount involved is equal to or exceeds \$500.00, but is less than \$2,500, written bids shall be solicited by mail from qualified vendors.

(b) Where the acquisition is less than \$500.00, informal bids should be solicited from qualified vendors.

(c) Awards of bids may be to other than the lowest bidder for valid reasons, if specifically approved by the Executive Director and upon the written recommendations of the Department head.

(d) When the requisitioning unit specifies either the source of supply or a name brand, the related Department head shall file with the comptroller a memorandum stating the basis and reasons for the selection; the memorandum shall be approved by the Executive Director should the acquisition be \$500.00 or more.

(e) The award of the contract or order shall be made by the comptroller with the approval of the Executive Director.

(f) The procedures set forth in this Section 3 of this Subchapter shall not be used as a means to evade or avoid the requirements for public advertising set forth in Section 2 of this Subchapter.

#### 19:2-7.4 Limited purchase orders

(a) Purchases of personal property and services of a

value not exceeding \$100.00 may be made on limited purchase orders directly by employees so authorized in writing by the Executive Director under procedures promulgated by the comptroller.

(b) The limited purchase order is to be used to expedite the procurement of small or minor items and shall not be used to evade or avoid the other Sections of these regulations.

#### 19:2-7.5 Purchase orders and contracts

(a) All purchase orders shall be signed and approved by the Department head of the requisitioning unit.

(b) All purchase orders shall be approved by the Executive Director.

(c) The purchase orders may be revised, reduced, increased, cancelled or otherwise amended by purchase order supplements. Purchase order supplements may be issued to reduce a purchase order to any extent but may not increase an order more than \$100.00.

#### 19:2-7.6 Purchases under New Jersey State contracts

(a) When it is deemed advisable and in the best interest of the Authority, the supervisor of purchasing may recommend that equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State.

(b) In such event, the supervisor of purchasing will submit a memorandum to the Chairman which shall set forth the details of the proposed acquisition and shall state the reasons for proceeding under such State contract.

(c) No such acquisition shall be accomplished without the prior written approval of the Chairman or his designee.

#### 19:2-7.7 Waiver of requirements for bids and advertising

(a) If the Commissioners deem it appropriate that the provisions of N.J.A.C. 19:2-7.2(a)1. be waived insofar as said provisions relate to the acquisition of personal property and such waiver of bids shall not be contrary to law, the Commissioners may waive the requirements of 19:2-7.2(a)1. by resolution passed by an affirmative vote of the majority of the members of the Commission.

(b) Such resolution shall set forth the reasons the Commissioners deem it appropriate that the requirements of bidding and advertising contained in 19:2-7.2(a)1. shall be waived.

An order adopting these rules was filed and effective September 28, 1973, as R.1973 d.284 (Exempt, Procedure Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions to Rules On Designation of Public Wharves And Schedule of Charges for Vehicular Parking

On August 29, 1973, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to its rules concerning the designation of public wharves and the schedule of charges for vehicular parking at the consolidated passenger ship terminal Pier 40.

Full text of the adopted revisions follows:

Resolved, that the vehicular parking rates for Pier 40, consolidated passenger ship terminal, adopted by the Committee, at its meeting on August 10, 1972 (appearing at page 20 of the committee minutes of that date), be and the same are hereby revised, effective October 1, 1973, as follows:

Monthly parking permit	\$29.50
Monthly parking permit for persons employed at Pier 40	17.00
Non-boat days - per day or part	2.00
Boat days - per day or part	2.50
10-coupon booklet for lessees, operators or persons working at Pier 40, each coupon good for one day's parking within one year of issuance	12.50
10-coupon booklet for general public, each coupon good for one day's parking within one year of issuance	17.50
20-coupon booklet for lessees or operators at Pier 40, each coupon good for two hours parking or \$.50 toward daily parking charge	10.00
Cruise parking (vehicle storage) per day or part	2.00

Note: All rates include six per cent city sales tax.

Resolved, that The Port Authority of New York and New Jersey hereby designates as "public wharves", effective on the dates indicated, the following piers at Port Authority marine terminals:

- Brooklyn-Port Authority Marine Terminal**  
Piers 1, 2, 6 and 8, effective October 1, 1973
- Piers 4, 5, 9A and 9B, effective January 1, 1974
- Hoboken-Port Authority Marine Terminal**  
Piers A, B and C, effective December 1, 1973

An order adopting these revisions was filed October 3, 1973, as R.1973 d.286 (Exempt, Exempt Agency).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions Concerning Series Z Notes

On September 26, 1973, the Port Authority of New York and New Jersey Board of Commissioners adopted revisions concerning their consolidated notes, Series Z.

Full text of the adopted revisions follows:

Resolved, that subject to the agreement of banks located in New York and New Jersey to make available to the Authority a loan in the amount of \$100,000,000 for purposes of capital construction in connection with the World Trade Center, and subject to the board having authorized the Authority to obtain such loan at its meeting scheduled for October 11, 1973, the board hereby authorizes payment prior to maturity of Consolidated Notes, Series Z, to each of those banks participating in the loan as are holders of such Notes, at the price of par plus interest accrued to the date such Notes are actually surrendered to the Authority by such holders, which date shall be on or after a date to be fixed by the acting executive director; and be it further

Resolved, that the acting executive director be and he hereby is authorized to fix the first date for surrender prior

to maturity of Consolidated Notes, Series Z, in accordance with the foregoing resolution, provided, however, that such date shall be no earlier than the day following the date of receipt by the Authority of the proceeds of sale of \$100,000,000 Consolidated Bonds, Forty-first Series, First Installment, due 2008.

An order adopting these revisions was filed October 16, 1973, as R.1973 d.294 (Exempt, Exempt Agency).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### CAHILL ORDERS DEPARTMENTS TO ISSUE ENVIRONMENTAL IMPACT STUDIES

Gov. William T. Cahill last month ordered all State Departments to file environmental impact studies for all major projects they plan to undertake.

The Governor issued an executive order requiring the studies whenever construction costs exceed \$1 million, "or where the project has the potential for substantial adverse environmental impact".

The requirements also extend to projects of local, county or regional governments or agencies where the State provides the funds.

Such reports are already required for any project utilizing Federal money, and the action by the Governor merely extends this environmental action to the State level, including the Sports Authority and the New Jersey Turnpike Authority.

"In this, the most densely populated state in the nation," said Gov. Cahill, "it is absolutely essential that we take all possible steps to protect and preserve our environment, and I believe the State must set the example for all others."

Departments or agencies proposing projects must submit descriptions and brief identifications of environmental impact to the Department of Environmental Protection before completion of preliminary engineering designs.

Cahill said these reports must cover the project's impact on water quality and demand, air quality, area plant and animal life, regional growth development and historic or aesthetically important sites.

The DEP will have four weeks in which to review the draft statement and either approve it or make recommendations on the project's design or location to reduce any environmental damage. The Department may also request a full environmental impact statement, which must be reviewed also within four weeks.

If the Department does not meet its time schedule, the proposed projects are automatically approved.

The executive order appoints the State Planning Task Force to reconcile differences between the DEP and the proposing agency.

The environmental reports may be prepared either by the agency or Department involved, or by an outside consulting firm.

Gov. Cahill had pledged last January in his State of the State message to enact such a regulation.

## CHARLES GARRITY NAMED AS PUC'S NEW DEPUTY DIRECTOR

The State Board of Public Utility Commissioners last month announced the appointment of Charles J. Garrity of Union City, Hudson County, as the PUC's new Deputy Director.

Garrity, who had served as press secretary to Gov. William T. Cahill, assumed the new position the first of this month at a \$25,325 salary.

As Deputy Director, Garrity will coordinate and supervise the personnel, fiscal, office management, public information and service inspection units of the PUC. He assists the Executive Director, Dr. Arthur A. Schoenwald, and will substitute for him in his absence.

Garrity, 50, received a Bachelor of Science degree from St. Peter's College in Jersey City and a Master of Arts from Seton Hall University, South Orange, later doing graduate work at Fordham and Columbia Universities in New York.

He served in the U.S. Air Force during World War II and won the Distinguished Flying Cross and five air medals. In 1946 he began a career as a journalist for the Dispatch in Union City and later the Newark Star-Ledger. In 17 years at the Star-Ledger, Garrity was night city editor, chief of the copy desk, and head of the State House news bureau. He was appointed Press Secretary to Governor Cahill in August, 1972.

Garrity and his wife, Elizabeth Doris, have two daughters, Mary-Elizabeth and Holly Ann.

## PUC GRANTS RATE HIKE TO ELIZABETHTOWN GAS

After 25 years with out a rate increase, the Elizabethtown Gas Company last month was granted a rate hike of \$1,307,958—or 2.9 per cent—by the New Jersey Board of Public Utilities Commission. The firm serves 183,000 customers in Union, Middlesex, Morris, Hunterdon, Warren, Sussex and Mercer Counties.

Elizabethtown Gas originally requested \$5,490,000 in September, 1972, so the PUC's decision represents approval of less than one quarter of Elizabethtown's request.

Elizabethtown divides service into four districts and charges customers in each district a different rate for gas service. Thus, the average monthly increase in residential bills will be up from 25 to 32 cents per 50 therms of gas.

Commissioners William E. Ozzard, Anthony J. Grossi and George M. Wallhauser Jr. believe the decision is in keeping with the PUC's policy of holding the line on inflation while allowing utilities to have funds they need to continuously improve service to the public.

Elizabethtown had stated that, because its last rate increases occurred 25 years ago, it had experienced an erosion in earnings over the last few years due to nationwide inflation. The utility also argued that it needed expenses associated with its compliance to directives issued by the PUC concerning safety improvements.

## CABLE TELEVISION OFFICE ISSUES FIRST CERTIFICATE FOR "GRANDFATHER" SYSTEM

The Office of Cable Television in the Department of Public Utilities last month issued its first certificate of approval for the operation of a cable television system. It went to the Atlantic Coast Television Cable Corp. for the continuation of construction, operation and extension of its CATV system in Atlantic City and Brigantine.

The Office ruled that only that portion of the CATV system under physical construction or in actual operation on the filing date would be covered by the certificate.

The order approved by the PUC goes on to state that the company "shall not be authorized to exercise any rights or engage in any other activities with relationship to those areas excluded from this certificate without prior express approval from this office".

This is in accordance with the so-called "grandfather clause" of the Cable Television Act. There are currently 38 "grandfather" applications pending before the Office of Cable Television covering some 135 communities.

CATV Director John P. Cleary says that the remaining applications will be acted on quickly now that the guidelines have been determined.

## \$18 MILLION IN "EXCESS" TAXES RETURNED LOCALLY

As of Nov. 1, New Jersey's municipalities received a multi-million dollar surprise.

At that time the State Division of Taxation distributed to all but two municipalities \$18,120,922 in "excess" revenues derived from four State taxes imposed in 1968 to replace the locally-collected business personal property tax. This year's excess is four times greater than last year's.

According to Sidney Glaser, Tax Division Director, the four taxes in the 12-month period ended Oct. 1 yielded a total of \$124,956,110, which was \$17,946,031 more than is needed to give each municipality a guaranteed sum as reimbursement for the revenues lost when their power to tax business personal property was taken away.

The law passed in 1968 not only provides that the State guarantee reimbursement but it also mandates that any excess be distributed to the municipalities on a formula basis.

Glaser, who attributed the increased revenue to an improved business climate and a stepped-up audit and enforcement program, noted that this year is only the second time since the law went into effect that there has been an excess. The first was last year when the excess was \$4,318,445.

Newark, the State's largest city, also received the greatest share of this year's excess—\$1,664,310, or \$1,240,358 more than last year.

Two municipalities, Shrewsbury Township and Interlaken, received none of the excess revenue because of their lack of any commercial and industrial property. Distribution of the excess is determined solely by the ratio of a municipality's commercial-industrial property to the total of such property in the State.

Other small, mostly residential communities will receive proportionately low payments that will have no effect in reducing the local tax rate or adding municipal services.

## WILDLIFE MANAGEMENT GUIDE AGAIN AVAILABLE

A revised and expanded edition of "Guide to Wildlife Management Areas" is now available, the New Jersey Division of Fish, Game and Shellfisheries announced.

The guide is over 100 pages of articles and maps in three colors. Descriptions of the 50 wildlife management areas include locations and hunting and fishing information, as well as data on parking, camping and access roads.

Maps illustrate the boundaries, wooded areas, fields, lakes, streams and marshlands. Also depicted are roads

(Continued from previous page)

and highways leading into each management area.

The guide may be purchased by sending check or money order for \$3.00 to: Wildlife Management Guide, Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, New Jersey 08625.

## A FULL-CODE INDEX IS NOW AVAILABLE

A new one-volume Code Index is being sent automatically to all subscribers to the full Code, but is also now available for separate sale. It has been published as the result of a survey which indicated major interest by present and potential subscribers in such a unique addition to a code.

The Full-Code Index of 588 pages supplements the present indexes for each Title and will be updated as new rules are adopted to keep it more useful and timely. It is cross-indexed for all Departments.

Subscriptions to the Index alone may be placed by using the back-page order form, accompanied by payment. Rate is \$10 on subscription plus \$20 for the first year's updating; subsequent annual updates will be billed later at \$20.

When future growth of the Code requires another volume, a price adjustment will have to be made.

## COMPLETE LIST OF CODE TITLES

Titles now available in the New Jersey Administrative Code include all 17 State Departments, with Treasury broken into two Titles for Taxation and General rules.

Eight Department's Titles involve such a number of rules as to require two or three volumes, with price based on a per-volume, rather than Title, basis.

Subscriptions may be for either the full 29-volume Set, for individual Titles, or for only the Code Index, which is included in the price for Set subscriptions. Payment must accompany all orders, using the form below.

1. CHIEF EXECUTIVE (Reserved)
2. AGRICULTURE
3. BANKING
4. CIVIL SERVICE
5. COMMUNITY AFFAIRS—In 2 Volumes
6. EDUCATION—2 Volumes
7. ENVIRONMENTAL PROTECTION—2 Volumes
8. HEALTH—2 Volumes
9. HIGHER EDUCATION
10. INSTITUTIONS AND AGENCIES—3 Volumes
11. INSURANCE
12. LABOR AND INDUSTRY—3 Volumes
13. LAW AND PUBLIC SAFETY—3 Volumes
14. PUBLIC UTILITIES
15. STATE
16. TRANSPORTATION
17. TREASURY-GENERAL
18. TREASURY-TAXATION—2 Volumes
19. OTHER AGENCIES

## Official Order Blank For 29 Volumes of the State's Administrative Code

<p><b>ADMINISTRATIVE CODE SUBSCRIPTION FORM</b></p> <p>Full Set—\$75 plus \$125 for one year's updating initially; \$125 a year thereafter for updating services. Includes Index.</p> <p>Individual Titles—\$6 per volume plus \$12 for one year's updating initially; \$12 a year thereafter.</p> <p>Full Code Index (sold separately) \$10 plus \$20 for one year's updating; \$20 a year thereafter.</p> <hr style="border-top: 1px dashed black;"/> <p>I hereby contract for Sets, Titles or Index as indicated.</p> <div style="text-align: center; margin: 10px 0;"> </div> <p>Make out check or money order to: Division of Administrative Procedure, 10 North Stockton Street, Trenton, N.J. 08608.</p> <p>Telephone: (609) 292-6060</p>	<p><b>YOUR MAILING ADDRESS:</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Number of Full Sets..... (Enclose \$200 each)</p> <p>Departmental Titles:</p> <p>.....</p> <p>.....</p> <p>No. Vol's ..... Full Code Index..... (Enclose \$18 per volume) (Enclose \$30)</p> <p>Total Enclosed      Signed.....</p> <p>\$.....      Title.....</p> <p><b>Signature and prepayment are required</b></p>
--	--