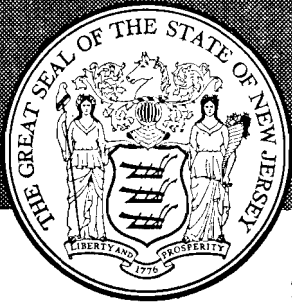


# NEW JERSEY REGISTER



*The State's Official Monthly Rules Publication*

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure

John K. Barnes, Editor

Peter J. Gorman, Rules Analyst

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(Includes all rules filed through July 21)

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(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Revised Minimum Milk Prices

On July 11, 1977, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted revised minimum milk prices which replace the current text of N.J.A.C. 2:53-1.1(b).

Full text of the revised rule follows:

2:53-1.1(b) Effective August 1, 1977, minimum milk prices under Order 69-1 will be 39 cents per quart, 73 cents per half-gallon and \$1.40 per gallon. This amendment shall be effective from and after August 1, 1977.

An order adopting these revisions was filed on July 12, 1977, as R.1977 d.242 (Exempt, Procedure Rule) to become effective on August 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Proposed Revisions Concerning Certificates of Grade for Eggs

The Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.12, proposes to revise N.J.A.C. 2:71-1.30 concerning certificates of grade.

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

2:71-1.30 Certificates of grade

For the inspection or classification of shell eggs and the issuance of a certificate of the grade or other classification of such product, the fee shall be computed at the rate of [\$7.20] \$14.72 per hour and shall include time required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate. When these services are rendered on Saturdays, Sundays or government-authorized holidays the fee shall be computed at the rate of [\$10.80] \$19.44 per hour. Information on government-authorized holidays is available from the supervisor.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

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

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

Phillip Alampi  
Secretary of Agriculture  
Secretary, Board of Agriculture

(c)

## BANKING

### THE COMMISSIONER

#### Notice of Extension of Time for Proposed Rules on Secondary Mortgages

Take notice that, Virginia Long has issued the following notice regarding an extension of time for comments from interested persons concerning the proposed rules on secondary mortgages:

Virginia Long, Commissioner of Banking, has extended the period for submission of statements or arguments in writing on the new rules concerning the unsuitability of the terms or denial of alternative financing concerning secondary mortgage loans, proposed 3:18-10.1, (which appeared in the New Jersey Register on Thursday, July 7, 1977) from July 27, 1977 to September 8, 1977.

## NEW JERSEY REGISTER

*The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September, 1969.*

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*The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 32-volume, regularly-updated set of all State administrative rules are available on request, based on Departmental coverage desired. (In this issue, a listing of Departmental Titles and an order form may be found on the back page.)*

Interested persons may now present statements or arguments in writing relevant to the proposed rules on or before September 8, 1977 to:

Virginia Long  
Commissioner of Banking  
36 West State Street  
Trenton, New Jersey 08625

In addition, a public hearing respecting the proposed rules will be held September 8, 1977 at 10:00 A.M. in the Department of Banking's conference room, 36 West State Street, Trenton, New Jersey. Persons intending to testify must present their prepared statement in triplicate to C. F. Blaze, Deputy Commissioner, at the same address prior to the commencement of the hearing.

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

Virginia Long  
Commissioner  
Department of Banking

(a)

## BANKING

### DIVISION OF BANKING

#### Rules on Secondary Mortgage Loans

On June 30, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-25.2, 17:9A-25.3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning secondary mortgage loans, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 251(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

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

#### SUBCHAPTER 7 SECONDARY MORTGAGE LOANS

##### 3:10-7.1. Expansion of authority

Banks may make secondary mortgage loans on the same terms and conditions under which national banks may make such loans pursuant to Federal law.

##### 3:10-7.2. Interest rate limitation

In no case shall a bank make a secondary mortgage loan at a rate in excess of the rate set by the Commissioner under the provisions of N.J.S.A. 17:9A-53C.

##### 3:10-7.3. Exemption provision

A secondary mortgage loan shall not be deemed a mortgage loan within the meaning of section 181 and Article 14 of the Banking Act of 1948, as amended, (N.J.S.A. 17:9A et seq.).

##### 3:10-7.[3]4. Parity provision

The Commissioner deems it necessary to adopt this Subchapter which is directed toward the creation and maintenance of a substantial parity between banks and national banks.

An order adopting these rules was filed and became effective on July 1, 1977, as R.1977 d.232.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## BANKING

### DIVISION OF BANKING

#### Rule on Approved Foreign Obligations

On July 6, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:2-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule on approved foreign obligations, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 251(c), but with subsequent substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Full text of the adopted rule follows:

##### 3:11-8.2 Approved foreign obligations

(a) Pursuant to N.J.S.A. 17:2-10, savings banks are authorized to invest in the development bonds of foreign governments and obligations of international development banks provided:

1. The principal and interest of the individual issue is payable in United States dollars;

2. The aggregate total of all such investments made pursuant to this subchapter shall not exceed five per cent of the institution's capital deposits, surplus and reserves; and

3. Such obligations are approved by the Comptroller of the Currency for investment by national banks.

(b) A list of obligations approved for such investment shall be kept on file in the office of the Commissioner of Banking and will be available upon written request.

An order adopting this rule was filed and became effective on July 7, 1977, as R.1977 d. 238.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## BANKING

### DIVISION OF SAVINGS AND LOAN ASSOCIATION

#### Revisions Concerning Mortgage Loan Participations

On July 12, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-197 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 3:27-2.7(a) and 3:28-1.7 concerning mortgage loan participations, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 252(a).

An order adopting these revisions was filed and became effective on July 15, 1977, as R.1977 d.248.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSIONER

#### Revisions to State Service Personnel Manual On Reclassification of Positions

On July 8, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subpart 6-5.102, Reclassification of positions, in the Civil Service Personnel Manual (State Service).

Full text of the adopted revisions follows:

#### Subpart 6-5.102 Reclassification of positions

##### 6-5.102a Subject:

The joint reclassification committee has approved a more liberal policy governing departmental initiated reclassification actions. This subpart contains the policy as approved concerning the reclassification of positions.

##### 6-5.102b Authority:

Under N.J.A.C. 4:1-6 et seq., the Department of Civil Service has the authority to determine the classification and reclassification of any position at any time.

##### 6-5.102c Policy:

The Department of Civil Service determines the following:

1. Those categories of reclassification actions which require a substantive study and submission to the joint reclassification committee prior to approval.
2. Those categories of reclassification actions which may be accomplished on a CS-21 form, subject to a post-audit.

##### 6-5.102d Procedure:

1. For each of the following types of reclassification actions, the requesting department or agency shall submit CS-241 and CS-44 forms to the director of classification and compensation at least 45 days prior to the biweekly payroll date on which reclassification is to be effective. These reclassifications require a substantive pre-audit, written analysis and submission to the joint reclassification committee. CS-21 forms are not submitted until the department or agency receives notification of disposition of requests.

a. Reclassifications to benchmark titles (the benchmark title listing will be provided and periodically revised by the division of classification and compensation).

b. Reclassifications exceeding four ranges.

c. Reclassifications where title is skipped in series.

d. Reclassifications to Range A29 and above.

2. Reclassifications not falling into the categories in 1a through d above and the following reclassification actions are not subject to the procedure described in item number 1 and can be accomplished as follows:

The requesting department or agency shall submit a CS-21 form, CS-44 form, affirmative statement by appointing authority and a detailed written analysis. CS-21 forms must be received by the Department of Civil Service at least 14 days prior to the biweekly payroll on which actions are to be effective. No retroactive effective date shall be approved.

a. Reclassifications based on the qualifications of the incumbents;

b. Reclassifications to implement an approved organizational survey;

c. Reclassifications of clerical positions that are, although upward, to the same level, that is, principal clerk to principal clerk typist;

d. Other exceptions approved by the chief examiner and secretary.

Note: Evaluated job content is the determining factor whether or not a reclassification is upward and if four ranges are exceeded. (Reference may be made to Subpart 7-3.109.)

##### 6-5.102e Conditions:

By July 1, 1978 and each year thereafter, each department and agency shall submit to the director of classification and compensation a listing of all reclassification actions accomplished during the preceding year. A form will be provided for this and the information will be reviewed by the joint reclassification committee.

If a post-audit of a reclassified position reveals that it is not properly classified, the Department of Civil Service, after notice to the appointing authority, shall initiate remedial action to classify properly the position.

The Department of Civil Service reserves the right to revoke or suspend authority for pre-audit reclassification actions entirely or in limited areas if it is determined that there is misuse or abuse of such authority.

An order adopting these revisions was filed on July 14, 1977, as R.1977 d.245 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Energy Subcode of the Uniform Construction Code

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, C. 217, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, proposes the adoption of the Energy Subcode in the Uniform Construction Code.

In light of comment received at public hearing, the Department has reconsidered its proposal to adopt by reference the energy standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers, ASHRAE Standard 90-75; Energy Conservation in New Building Design, as was proposed in 9 N.J.R. 164(b).

The Department intends to adopt by reference two documents: The BOCA Basic Energy Conservation Code of the Building Officials and Code Administrators International, Inc., and the Illuminating Engineering Society, IES Standard EMS-1: Lighting Power Budget Determination Procedure. Such adoptions, when effected, will be included in Chapter 23, Title 5 of the New Jersey Administrative Code.

Since the technical content of these two documents is substantially the same as that in ASHRAE Standard

90-75, no further public hearings will be held on the adoption of an Energy Subcode. However, interested persons may present statements in writing relevant to the proposed action on or before August 24, 1977, to the Department of Community Affairs, Construction Code Enforcement Office, P.O. Box 2768, Trenton, New Jersey 08625.

The BOCA Basic Energy Conservation Code and IES Standard EMS-1 will, subject to public comment, be adopted after August 24, 1977 to become effective October 1, 1977.

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Revision on Conflicts of Interest

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, as amended, proposes to revise the rule on conflicts of interest.

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

5:23-4.3(c)6. Conflict of interest:

i. No person employed by an enforcing agency as a construction or subcode official, assistant to the construction or subcode official, trainee, inspector or plan reviewer, shall engage in, or otherwise be connected directly or indirectly for purposes of economic gain, with any business or employment furnishing labor, materials, [appliances] **products** or services for the construction, alteration, demolition [or maintenance] of buildings or structures within the [State] municipality in which he is employed, and in any municipality adjacent to the municipality in which he is employed. The application of this paragraph to adjacent municipalities shall not take effect until July 1, 1978.

ii. Further rules are:

(1) Persons subject to paragraph i, hereof, shall report any income or benefits received from any business furnishing materials, products, labor or sources for work subject to the regulations to the municipal governing body. For persons appointed prior to the effective date of this amendment, such reporting shall commence not later than one year following the date of their appointment. For persons appointed after the effective date of this amendment, such reporting shall commence not later than 30 days after the date of their appointment. Such reporting shall be upon forms provided by the Department.

(2) Nothing herein shall prohibit a municipality from establishing by ordinance a more restrictive code covering conflict of interest.

[ii] iii. This section shall not apply to:

(1) The ownership of stock or other investment instrument in any corporation listed on any national stock exchange;

(2) Any such business or employment outside the State;

(3) Dual employment by two or more enforcing agencies;

(4) Any business or employment which is not subject to the regulations:

[iii.] [The limitation on outside business of employment described in subparagraph i of this paragraph shall, for a period of 18 months from the effective date of this Subchapter, apply only to such business or employment within the jurisdiction in which the persons described in subparagraph i of this paragraph are employed as code officials. Thereafter the application of subparagraph i of this paragraph shall extend throughout the State.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

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

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

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(b)

## COMMUNITY AFFAIRS

### DIVISION OF LOCAL GOVERNMENT SERVICES

#### Rules on Tenants' Property Tax Rebate Program

On July 8, 1977, John Laezza, Director of the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of Chapter 81, Laws of 1977, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:30-16.1 et seq., concerning tenants' property tax rebate program, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 257(c), with only inconsequential structural or language changes, in the opinion of the Department of Community Affairs.

An order adopting these rules was filed and became effective on July 8, 1977 as R.1977 d.241.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## COMMUNITY AFFAIRS

### URBAN LOAN AUTHORITY

#### Adopt Rules on Procedure Manual

On July 6, 1977, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-71 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted the Urban Loan Authority's Procedure Manual, to be cited as N.J.A.C. 5:90-1.1 et seq., as proposed in the Notice published May 5, 1977, at 9 N.J.R. 210(c).

An order adopting these rules was filed and became effective on July 13, 1977, as R.1977 d.244.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Revisions to Uniform Construction Code

On July 20, 1977, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975 c. 217, as amended, and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to various portions of Chapter 23 in Title 5 of the New Jersey Administrative Code concerning the Uniform Construction Code, substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 164(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

An order adopting these revisions was filed on July 20, 1977, as R.1977 d.256 to become effective on August 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions Concerning Assistant Superintendent in Charge of Business

The State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to revise its rules concerning assistant superintendents in charge of business.

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

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

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

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

2. Experience in one of the following:

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

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

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

ii. Thirty-two semester-hour graduate or undergraduate

credits in the following fields. These credits must be in addition to those required for the [standard teacher's] regular instructional certificate and must include work in each of the starred (\*) areas. This work may be in separate or integrated courses.

(1) \*Administration of public education;

(2) \*Supervision of instruction in the public schools;

(3) \*The curriculum of the public schools;

(4) \*School buildings—including planning, construction and maintenance;

(6) \*School finance;

(7) \*School law;

(8) \*Accounting;

(9) Electives related to the field.

4. These changes shall be effective July 1, 1978.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

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

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

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

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions Concerning Archives And History and Records Management

The State Board of Education, pursuant to authority of N.J.S.A. 18A:73-35(e) and 47:3-15 et seq., proposes to revise N.J.A.C. 6:66-1.12 and 6:66-1.19 concerning management.

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

6:66-1.12 Permanent preservation in State Archives

[Consideration should be given to the transfer of] [a] Archival records must be transferred to the Bureau of Archives and History for permanent preservation.

6:66-1.19 Notice to Bureau of Archives and History of installation of a permanent microfilm project

State agencies considering the installation of a permanent microfilm project shall notify the Bureau of Archives and History in order to obtain approval as to the feasibility of purchasing microfilm equipment or instituting such a project. Additional purchases of equipment will also require the approval of the Bureau.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

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

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Amendments on Bookkeeping And Accounting in Local School Districts

The State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-1 et seq., proposes to amend N.J.A.C. 6:20-2.3 concerning bookkeeping and accounting in local school districts.

Full text of the proposed new text follows:

6:20-2.3(c) The Commissioner shall prepare directions to be used by school officials in the preparation of a program-oriented budget which will relate appropriations to the goals and objectives of the district as established pursuant to N.J.S.A. 18A:7A-1 et seq.

(d) Local boards of education may adopt, by board resolution, the approved program-oriented budget format for the fiscal year 1979-80 budget, or for the fiscal year 1980-81 budget. All local boards of education shall adopt the approved program-oriented format for the fiscal year 1981-82 budget.

(e) The budget and cost distribution records of all districts that adopt a program-oriented system of budget preparation shall include, but not be limited to, the following classifications and such other classifications and subitems as the Commissioner may prescribe:

1. Regular instructional programs;
2. Special instructional programs;
3. Adult/continuing instructional programs;
4. Summer programs;
5. Instructional support;
6. Pupil support;
7. Operational support;
8. Community services;
9. Nonprogram charges;
10. Special projects.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

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

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter

adopt these amendments substantially as proposed without further notice.

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

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions on Master Plans

On July 6, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:22-2.9 concerning master plans, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 258(b).

An order adopting these revisions was filed and became effective on July 6, 1977, as R.1977 d.236.

Take notice that the text of the adopted revisions specify varying effective dates for certain portions of the adopted rules and such effective dates will prevail for those specific sections.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rule on Design Drought for Determination of Maximum Dependable Yields of Surface Water Supplies

Rocco D. Ricci, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., 13:1A-9, 13:1B-50 and 58:1-10 proposes to adopt a new regulation, known within the Department of Environmental Protection as Docket No. 040-77-07, establishing a design drought for use in the determination of the maximum dependable yields of surface water supply systems, and in order to establish a uniform basis for planning and administration of surface water resources of the State. The design drought will be used in setting appropriate maxima for water diversions, to guarantee adequate reserves in case of drought.

The new rule would read as follows:

7:21-2.4 Design drought

(a) The design drought, for use in determining the maximum dependable yield of surface water supply systems, will be based on three criteria:

1. The recurrence of the most severe drought of record to which the water supply system has been or would be subject.
2. Utilization of 100 per cent of any and all available reservoir storage of the water supply system.
3. Full utilization of all available streamflow at or above the point of impoundment or diversion, subject to the penalty provisions of N.J.S.A. 58:2-2 for depletion

of minimum streamflow, except where mandatory streamflow requirements have been established by statute.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 3, 1977, to:

Dirk C. Hofman  
Acting Deputy Director  
Division of Water Resources  
P.O. Box 2809  
Trenton, N.J. 08625

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Revisions on Boating In Round Valley Recreation Area

Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(3), 13:1B-3e and 13:8-20, proposes to revise a portion of the rules concerning boating at the Round Valley recreation area.

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

7:2-14.7(e) All boating on the reservoirs is to be discontinued when the wind reaches or exceeds a velocity of 25 miles per hour. [The Marine police will display a yellow flag or flashing light when wind velocity reaches 20 miles per hour and a red flag or flashing light when wind velocity reaches 25 miles per hour.]

1. A red flag and/or red flashing light will be displayed when the wind velocity reaches 25 miles per hour. All boats must then clear the water or land at the nearest shoreline and remain off the reservoir until the wind velocity drops.

2. A yellow flashing light will be displayed at Round Valley as a caution signal when the wind reaches a velocity of 15 miles per hour.

7:2-14.7(n) All occupants of watercraft are required to wear USCG approved PFD's of Type I, II or III at all times while operating on Round Valley Reservoir.

7:2-14.7(o) All boats or vessels under ten feet in length, all rubber rafts (excepting those used in conjunction with approved skin or scuba diving permits) and all other types of floatable devices are prohibited at all times on Round Valley Reservoir.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 31, 1977, to:

Alfred T. Guido, Acting Director  
Division of Parks and Forestry  
Department of Environmental Protection  
P.O. Box 1420  
Trenton, N.J. 08625

The Department of Environmental Protection, upon

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Second Public Hearing on Proposed Rules for Pine Barrens Area

Take notice that, the Department of Environmental Protection hereby supplements the notice contained in the July 7, 1977, issue of the New Jersey Register, Docket No. DEP 036-77-06, by the addition of a second public hearing to be held pertaining to proposed revision of the rules designating certain regions of the Pine Barrens within Atlantic, Burlington, Camden and Ocean Counties as a critical area regarding the installation of sewerage facilities.

The second public hearing will be August 30, 1977, at the Chatsworth Elementary School, multi-purpose room, Second Street, Chatsworth, New Jersey, beginning at 6:30 P.M. Interested persons may present oral statements at that time.

This hearing is in addition to the one previously scheduled on July 28, 1977 at 10:00 A.M. at the Mercer County Community College, 1200 Old Trenton Road, Trenton, New Jersey, in Room AV-107.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before September 26, 1977, to:

Donald A. Brown  
Office of Regulatory Affairs  
Division of Water Resources  
P.O. Box 2809  
Trenton, New Jersey 08625

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

Roco D. Ricci  
Commisisoner  
Department of Environmental Protection

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

#### Proposed Amendment to Game Code

The Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-29 et seq. and 23:1-1 et seq., proposes to adopt an amendment, known within the Department of Environmental

Protection as Docket No. DEP 038-77-07, to the 1977-78 Game Code.

Take notice that, this proposed amendment as well as the entire Game Code is considered to be a temporary rule, not subject to codification, and will not appear in Title 7 of the New Jersey Administrative Code, if adopted.

Full text of the proposed amendment follows:

**7:25-5.27 Special regulation limiting use of shotgun shells containing lead pellets**

(a) No person shall use in hunting waterfowl and coot or any snipe, rail or gallinules after the season for hunting waterfowl commences any shotgun shells containing lead shot or lead pellets in the following designated area of New Jersey.

1. The designated area where the use or possession of shotgun shells containing lead shot or pellets is banned for hunting waterfowl and coot is that portion of Atlantic County east of the Garden State Parkway.

2. Only shotgun shells containing steel pellets will be permitted to be used for hunting waterfowl in the designated area of Atlantic County.

(b) Any person found in this area hunting for, pursuing, taking, or attempting to take waterfowl, coot or any snipe, rail or gallinule after the waterfowl season commences with any shotgun shells containing lead shot or pellets in his possession shall be subject to the penalties provided therefore in this title.

(c) The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-30 and 23:4-12 et seq.

A public hearing respecting this proposed action will be held on September 13, 1977, at 8:00 P.M. at the office of the Division of Fish, Game and Shellfisheries, 363 Pennington Avenue, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 13, 1977, to:

Fish and Game Council  
Division of Fish, Game and Shellfisheries  
P.O. Box 1809  
Trenton, N.J. 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.

Harry McGarrigel Jr.  
Acting Chairman, Fish and Game Council  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

#### Proposed 1978 Fish Code

The Fish and Game Council in 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 the 1978 Fish Code. Upon adoption, the 1977 Fish Code (R.1977 d.316) will be replaced by this 1978 Fish Code. This proposal is known

within the Department of Environmental Protection as Docket No. DEP 039-77-07.

Take notice that, the 1978 Fish Code, if adopted, will be a temporary rule not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

Copies of the proposed 1978 Fish Code have been prepared and a summary supplied to newspapers throughout the State. The proposed Code states when, by what means, in what amounts, at what size and what type of fish may be caught, taken, killed or had in possession.

Copies of the 20 pages of full text of the proposed 1978 Fish Code may be obtained from:

Division of Fish, Game and Shellfisheries  
Post Office Box 1809  
Trenton, New Jersey 08625

A public hearing respecting this proposed action will be held on September 13, 1977, at 8:00 P.M. at the offices of the Division of Fish, Game and Shellfisheries, 363 Pennington Avenue, Trenton, New Jersey. Interested persons may present oral or written statements relevant to the proposed action at that hearing.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before September 13, 1977, to:

Fish and Game Council  
Division of Fish, Game and Shellfisheries  
P.O. Box 1809  
Trenton, N.J. 08625

The Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the 1978 Fish Code substantially as proposed without further notice.

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

(b)

## ENVIRONMENTAL PROTECTION

### SOLID WASTE ADMINISTRATION

#### Adopt Rule on Planning Designations Of Solid Waste Districts

On July 20, 1977, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 7:26-1.10 and known within the Department of Environmental Protection as Docket No. DEP 027-77-05, concerning planning designations of solid waste districts, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 261(b).

An order adopting this rule was filed and became effective on July 21, 1977, as R.1977 d.257.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Standards for Planning and Certification Of Need of Megavoltage Radiation Oncology Units in Health Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes for adoption standards and general criteria for the planning and certification of need of megavoltage radiation oncology units in health care facilities. Such rules, if adopted, will be cited as N.J.A.C. 8:31-27.1 et seq.

The regulation proposes to establish minimum standards and general criteria to be applied to the planning of additional or replacement megavoltage equipment and to the operation of megavoltage radiation oncology units.

Copies of the 24 pages of full text of the proposed standards and general criteria may be obtained from or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977 to the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Standards for Planning and Certification Of Need for Regional End-Stage Renal Disease Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes for adoption standards and general criteria for the planning and certification of need for regional end stage renal disease services. Such rules, if adopted, will be cited as N.J.A.C. 8:36A-1.1 et seq.

The Federal government published final regulations for "Renal Disease: Implementation of Coverage of Suppliers of End-Stage Services" in the Federal Register June 3, 1976 (Vol. 41, No. 108). These regulations became effective on September 1, 1976.

The State of New Jersey would adopt these Federal regulations and the definitions contained therein and proposes to add to these requirements standards and general criteria for the planning and certification of need

for regional end-stage renal disease services identified within the proposed regulation.

Copies of the 16 pages of full text of the proposed standards and general criteria may be obtained from or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions Concerning Cosmetic Labels

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18.1, proposes to revise N.J.A.C. 8:21-1.19 concerning labeling of cosmetics and misrepresentations, by deleting the current text of that Section and adopting new text therein.

Full text of the proposed new rule follows:

8:21-1.19 Name and place of business of manufacturer, packer, or distributor

(a) The label of a cosmetic in package form shall specify conspicuously the name and place of business of the manufacturer, packer or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer or distributor shall be deemed to be satisfied in the case of a corporation only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company", "Incorporated", and so forth, may be used and "The" may be omitted. In the case of an individual, partnership or association, the name under which the business is conducted shall be used.

(c) Where the cosmetic is not manufactured by the person whose name appears on the label the name shall be qualified by a phrase that reveals the connection such person has with such cosmetic; such as, "Manufactured for \_\_\_\_\_", "Distributed by \_\_\_\_\_", or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and Zip code; however, the street address may be omitted if it is shown in a current city or telephone directory. The requirement for inclusion of the Zip code shall apply only to consumer commodity labels developed or revised after the effective date of this Section. In the case of nonconsumer packages, the Zip code shall appear either on the label or the labeling (including the invoice).

(e) If a person manufactures, packs or distributes a cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such cosmetic was manufactured or packed or is to be distributed, unless such statement would be misleading.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

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

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule Concerning Reports to Relate Ancillary Service Charges with Hospital Case-Mix

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning reports to relate ancillary service charges with hospital case-mix.

Full text of the proposed rule follows:

8:31-16.17 Reports to relate ancillary service charges with hospital case-mix

(a) Effective October 1, 1977, each hospital included under the provisions of N.J.S.A. 26:2H-1 et seq. shall submit to the Department of Health, for each patient discharged, a record of the total charges incurred by the patient in each ancillary service, as those ancillary services are defined by the Standard Hospital Accounting and Rate Evaluation (SHARE) Manual for costs, total routine charges, total miscellaneous charges and total charges.

(b) Subject to determination by the Department, hospitals shall submit such charges in a computer processable input medium and format on a quarterly basis within 60 days of the end of a quarter, with the first report being submitted by February 28, 1978.

(c) By September 15, 1977 each hospital shall submit to the Department a record of the individual charge items which are included within each ancillary service definition. A detailed list of any changes, additions or deletions in items or procedures charged for, or the ancillary service classification within which an item or procedure is reported, excluding price changes, shall be submitted previous to the quarter for which such changes will be made.

(d) Hospitals shall have the option of expanding their medical abstract reporting format to incorporate the required billing information. By September 15, 1977 each hospital electing this option shall so inform the Commissioner.

(e) Patient charge records must include a patient number, a hospital number and patient's date of discharge identical to that provided on the medical abstract data, in order to allow for computer linkage of the two data bases, as required by N.J.A.C. 8:31-20.2(h).

(f) At its September, 1977 meeting the Health Care Administration Board shall consider a report by the Commissioner on the progress to date of the Experiment on Case-Mix Reimbursement in developing a cost per case and the reasonableness of implementing case-mix reimbursement in mid-1979 for New Jersey hospitals. Following the report a vote shall be taken on the regulation set forth above and, upon an affirmative vote, said regulation shall become effective, as of October 1, 1977.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

John B. Reiss  
Assistant Commissioner  
Health Planning and Resources Development  
Department of Health  
John Fitch Plaza  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Guidelines for Submission of Applications for Certificates of Need

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt amendments to the rules concerning guidelines for submission of applications for certificates of need.

Full text of the proposed amendments follows:

8:33-1.5(i) Criteria for demonstration or research project are:

1. Implementation of any unique demonstration or research project requiring a certificate of need, but for which criteria and standards for licensure have not been established, shall follow the administrative review process as outlined on page D-12, Section X.

2. Applications approved for demonstration or research projects should incur only minimal costs for physical plant construction and/or renovation until the completion of the demonstration period and until criteria and standards for licensure have been developed.

8:33-3.11 Demonstration or research project

(a) Applications for a demonstration or research project as defined in Section B-IX, may be obtained from:

Alternative Health Systems Program  
State Department of Health  
P.O. Box 1540  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, New Jersey 08625  
(609) 292-4314

and filed with:

Review and Comment Program  
State Department of Health  
P.O. Box 1540  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, New Jersey 08625  
(609) 292-6552

(b) Minimum information required are:

1. Applications developed by the Alternative Health Systems Program will be distributed.

(c) Review process rules are:

1. Simultaneously with the filing of an application with the review and comment program, a copy shall be sent to the H.S.A. in which the project is located. The H.S.A. will forward its recommendation to the Commissioner within 30 days after receipt of the application.

2. The advisory selection committee, whose membership is comprised of Department of Health personnel (Alternative Health Systems Program, Community Health Services, Health Plan Development Service and Health Resources Development Service); a representative of each of the H.S.A.'s and the Health Planning and Coordinating Council will forward their recommendation directly to the Commissioner within 30 days after receipt of the application.

(d) The Commissioner will act on the project within 45 days after receipt of the application.

(e) Evaluation period rules are:

1. An approved certificate of need for a demonstration or research project shall be issued conditionally for a one-year period. During the conditional period, the Alternative Health Systems Program will monitor the project for its effectiveness and impact and submit quarterly evaluation reports to the Commissioner. Project evaluation reports will be solicited from the H.S.A. in which the project is located and a copy of all Department evaluation reports will be forwarded to the H.S.A.

2. Upon completion of the demonstration period a complete written report detailing its effectiveness and impact will be submitted to the Commissioner and made available to all the H.S.A.'s.

3. An unfavorable evaluation concerning the demonstration period may be cause for the revocation of the certificate of need by the Commissioner.

4. After the demonstration period, if the project has been determined successful, the State Licensing, Certification and Standards Service will be requested to develop criteria and standards for licensure.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

Leonard D. Dileo  
Director, Health Resources Development Service  
Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions to Standards For Licensure of Home Health Agencies

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to revise a rule concerning standards for licensure of home health agencies.

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

8:42-1.18(f) [If other services are provided, the] The registered nurse or professional staff member shall make a supervisory visit to the patient's residence, [as needed,] either when the homemaker-home health aide is present to observe and assist or when the homemaker-home health aide is absent, to assess relationships and determine whether goals are being met.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

Wanda Schorn  
Coordinator, Health Facilities  
Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Revised Rules on Childhood Lead Poisoning

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to adopt revised rules concerning childhood lead poisoning.

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

#### SUBCHAPTER 7. CHILDHOOD LEAD POISONING

##### FOREWORD

The State Sanitary Code is composed of regulations organized into appropriate chapters. The chapters have been promulgated by the Public Health Council of the State Department of Health after public hearing, pursuant to statute (N.J.S.A. 26:1A-7).

The provisions of the Code have the force and effect of law. They are enforceable by the Department of Health, local boards of health, local police authorities and other enforcement agencies.

N.J.S.A. 26:1A-10 provides that each violation of any provision of the Code shall constitute a separate offense and each such violation shall be punishable by a penalty of not less than \$25.00 nor more than \$100.00.

The names of persons on the Public Health Council will be given to any person on request. Members of the Council receive no remuneration for their services.

Many persons have primary need for specific chapters of the Code rather than in its entirety. Separate chapters of the Code have been printed to meet such requests and to preclude the necessity of reprinting the entire Code when individual chapters are revised.

#### 8:51-7.1 Definitions

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

"An unequivocal case of lead poisoning" exists when a child has a confirmed—two successive determinations—blood lead equal to or greater than 80 micrograms per 100 milliliters whole blood with or without symptoms; or when a child has a blood lead equal to or greater than 80 micrograms per 100 milliliters whole blood and an erythrocyte protoporphyrin determination equal to or greater than 190 micrograms per 100 milliliters whole blood with or without symptoms.

"High risk of lead intoxication" exists when a child has a confirmed—two successive determinations—blood lead equal to or greater than 40 micrograms per 100 milliliters whole blood; or when a child has a blood lead equal to or greater than 40 micrograms per 100 milliliters whole blood and an erythrocyte protoporphyrin determination equal to or greater than 110 micrograms per 100 milliliters whole blood.

#### 8:51-7.2 Investigation of cases of elevated blood lead levels

(a) The local board of health shall make an epidemiologic investigation of children showing [blood lead levels of 60 micrograms per hundred grams] either high risk of lead intoxication or unequivocal lead poisoning. Other siblings should be referred for diagnosis and/or treatment is necessary.

(b) The family of the case shall be notified that a hazard may exist in the dwelling unit, counseled on preventive measures and requested to do their part in preventing children from chewing on painted surfaces and in sweeping up chips and flakes of paint.

#### 8:51-7.3 Determination of lead in dwelling units.

(a) Paint samples shall be collected from each suspect room which would include a windowsill and door or door frame. In addition, samples should also be collected from other highly suspect areas, such as crib railings, playpen railings, toys, stairs or banisters and surfaces with loose paint. Preferred locations to be sampled should include surfaces which have been chewed or eaten, suspected of having been chewed or eaten, or areas which are peeling or flaking. All interior sampling should generally be limited to that part of the surface which may eventually be required to be removed.

(b) Methods for determination of lead in surface coverings are:

1. The chemical determination of the lead content in paint by the quantitative measurements of samples of surface coverings shall be made in laboratories certified by the Department of Health. Lead content in paint in excess of 1.0 percent by dry weight shall be in violation.

2. The physical determination of the lead content of paint may be made by nondestructive measurements using radioisotope X-ray fluorescent analyzers (X-R-F) or other instruments approved by the Department of Health. Lead content in excess of two mgs. per square centimeter of paint surface when tested by this method shall be in violation.

#### 8:51-7.4 Standards for repair on premises containing lead paint

(a) Exterior-lead paint on any exterior surface that is readily accessible to children and determined by the local board of health to be causing a hazard to the occupants or anyone coming in contact with such surfaces shall be removed to the base surface or covered with a durable material approved by the Commissioner.

(b) Interior—loose lead paint including cracked, chipped, blistered, peeling or flaking paint shall be removed to the base surface whenever found.

(c) Tight lead paint shall be removed to the base surface in the following areas as indicated:

1. Windowsills—complete removal.
2. Windows and frames below four-foot level—complete removal on exposed surfaces.
3. Doors below four-foot level—removal four inches back on hinge and latch edges and other sharp edges.
4. Door frames below four-foot level—complete removal.
5. Hand rails—complete removal.
6. Spindles "balusters"—removal on surfaces adjacent to walking areas.

7. Stair treads—removal four inches back from lip on top of tread and from lip to riser on bottom side.

8. Any other surface presenting a chewable surface below four-foot level—removal four inches back from edge.

(d) Tight lead paint surfaces not requiring removal:

1. Walls in good condition without broken areas.
2. Baseboards.
3. Skirtboards on staircases.
4. Step risers.
5. Any surface below the four-foot level not presenting a chewable surface.

(e) In lieu of removal of the lead paint as specified above, surfaces shall be covered with plasterboard, wall-board, wood panelling or similar durable material approved by the Commissioner, to a height of four-feet above the floor.

(f) Any condition, such as a plumbing leak, causing peeling of paint or loosening of plaster shall be repaired prior to any of the repairs specified above.

(g) Upon completion of repair and prior to repainting an inspection shall be made by the local board of health to determine if the hazard has been satisfactorily eliminated. All repairs may be finished with a suitable non-lead paint or other hard nonlead surface.

(h) When an owner has been notified to comply with regulations relating to the removal of lead paint, the local board of health shall provide the owner of such dwelling units with safety standards to be used when removing the lead paint.

#### 8:51-7.5 Reporting

(a) All laboratories shall immediately report, on the forms provided by the State Department of Health, results of laboratory examinations indicating blood lead levels [in excess of 40] in children equal to or greater than 30 micrograms per 100 milliliters of whole blood, to the State Department of Health, to the local board of health and to the physician submitting the specimen.

(b) Local boards of health shall report monthly to the Commissioner all violations under the act and the status

of enforcement procedures against owners of properties designated as public nuisance.

(c) Local boards of health not using the State Health Department's laboratories for blood lead and/or paint analysis shall provide the State Department of Health with a monthly statistical tabulation of such results.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

Jule M. Erdie  
Executive Assistant  
Office of the Commissioner  
Department of Health  
Room 805  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Proposed Rules Regulating Recombinant DNA Research

The Public Health Council pursuant to authority of N.J.S.A. 26:1A-7 proposes to adopt regulations regarding artificial recombinant DNA research, levels P-3 and P-4, as defined by the National Institutes of Health in the Federal Register, dated Wednesday, July 7, 1976. There is also further discussion relative to environmental health impact statements contained in the Federal Register, dated Thursday, September 9, 1976, as they relate to P-3 and P-4 laboratories.

The regulation proposed requires that groups or individuals within the State of New Jersey planning on conducting artificial recombinant DNA research at the P-3 or P-4 level submit details of plans and programs to the Public Health Council and further that they will present these plans at a public hearing and discuss the public health implications, if any.

A public hearing concerning the proposed regulations will be held on September 12, 1977 at 10:00 A.M. in the auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Persons wishing to make comments, suggestions or be present at the public hearing may do so at that time, or in writing to Jule M. Erdie, Executive Assistant, Office of the Commissioner, Department of Health, P.O. Box 1540, Trenton, New Jersey 08625.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Revisions to Rules Implementing Local Health Services Act

On June 29, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:3A2-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions, to be cited as N.J.A.C. 8:53-1.3(b), concerning the implementation of the Local Health Services Act, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 266(b).

An order adopting these revisions was filed and became effective on July 7, 1977, as R.1977 d.239.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Revisions to Standards for Licensure Of Ambulatory Care Facilities

On July 18, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 8:43A-1.15, 8:43A-1.35 and 8:43A-1.43 concerning the standards for licensure of ambulatory care facilities, substantially as proposed in the Notice published May 5, 1977, at 9 N.J.R. 220(b), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these revisions was filed on July 20, 1977, as R.1977 d.253 to become effective on August 4, 1977.

Director of Administrative Procedure  
G. Duncan Fletcher  
Department of State

(d)

## HIGHER EDUCATION

### HIGHER EDUCATION ASSISTANCE AUTHORITY

#### Emergency Revisions Concerning Loan Amounts

On July 13, 1977, William C. Nester, Director of the Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 9:9-1.3(b) concerning loan amounts.

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

9:9-1.3(b) The maximum amount a part-time student may borrow for one academic year shall not exceed [\$800.00] \$1,250 for undergraduate study or \$2,500 for graduate study.

An order adopting these revisions was filed and became effective on July 18, 1977, as R.1977 d.249 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HIGHER EDUCATION

### STATE BOARD OF HIGHER EDUCATION

#### Emergency Revisions to Definition Of Eligible Institution or Institution

On July 18, 1977, James M. Rosser, Acting Chancellor of Higher Education and executive secretary for the State Board of Higher Education, pursuant to authority of N.J. S.A. 18A:72B-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 9:14-1.3 concerning the definition of institution or eligible institution.

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

#### 9:14-1.3 Definitions

"Eligible institution" or "institution" means "only those private institutions of higher education located in New Jersey which, by virtue of law or charter or license, are nonprofit educational institutions empowered to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt and continuation of regional accreditation by the Middle States Association of Colleges and Secondary Schools, and which normally enroll 500 or more full-time undergraduate students and are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey". [Accredited institutions which plan to attain an enrollment of 500 students within the terms of the contract written pursuant to these regulations shall also be eligible.]

An order adopting these revisions was filed and became effective on July 20, 1977, as R.1977 d.255 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendment Concerning Persons Eligible for General Assistance

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend the General Assistance Manual concerning SSI recipients and

children in foster placement as countable in the household size.

Full text of the proposed new text follows:

10:85-3.1(b)2. ii. Recipients of SSI who are not roomers, roomer-boarders or table-boarders are counted in the household size even though not includable in the eligible unit.

iii. Children in foster placement or otherwise under supervision of the Division of Youth and Family Services for whom payments are received by a member of the household are counted in the household size but not in the eligible unit. (See this Subchapter for consideration of the DYFS payments.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

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

David Einhorn  
Acting Commissioner  
Department of Human Services

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Public Assistance Manual To Conform to P.L. 1977, c. 127

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise certain sections of the Public Assistance Manual in conformance with Senate Bill 1612 (now cited as P.L. 1977, c. 127).

The proposed revisions concern public assistance programs in New Jersey, the application process, establishing program eligibility in AFDC, method of payment, continuing eligibility and other agency responsibilities.

Copies of the 44 pages of full text of the proposed revisions may be obtained from or made available for review by contacting:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to the Division of Public Welfare, at the above address.

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments to Public Assistance Manual Concerning Lawful Strikes

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend the Public Assistance Manual concerning the eligibility of applicants or recipients who participate in an illegal strike.

Full text of the proposed amendment follows:

**10:81-3.18(1) An individual participating in a lawful strike has the same right to apply for public assistance for him/herself and dependents as any other needy individual. Participation in such lawful strike shall not be considered as refusing to work without good cause.**

**1. Participation in unlawful or "sympathy" strikes or walkouts shall not be considered good cause for refusal to work. Under such conditions, a parent's refusal to work or accept employment shall render the entire family ineligible for assistance.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

G. Thomas Riti  
Director, Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

**10:87-5.8(b)2. i. (1) Union dues are not an allowable deduction in cases where the client is on strike, unemployed or receiving unemployment benefits.**

**10:87-5.8(e)1. i. Certain educational expenses: Educational expenses for things such as, but not limited to, books (unless such cost cannot be separated from the cost of tuition and mandatory fees), school supplies, [and] transportation[;] , expenses associated with attendance at school less than half time, attendance at an institution not academically recognized or in a course or program not directly related to the acquisition of employment.**

**10:87-5.8(e)2. Number and types of degrees: There is no limit to the number and types of degrees or certifications a student may pursue and continue to be allowed educational deductions, provided he/she meets the foregoing criteria.**

**10:87-5.8(f) Court-ordered support and alimony payments, or support payments which are being made to PA recipients by an LRR upon direction from the county welfare [board] agency or Division of Youth and Family Services, shall be deductible.**

**1. Excess support: The amount of payments made in excess of either a court order, or the LRR's evaluated capacity to support, shall not be deductible.**

**2. Out-of-State institutions: LRR payments made toward the support of a child in an out-of-state institution shall be deductible.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

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

David Einhorn  
Acting Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Food Stamp Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to revise certain portions of the Food Stamp Manual concerning union dues, educational deductions and children in out-of-state institutions.

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

**10:87-5.8(b)2. Mandatory payroll deductions (MPD): Payments (which are not at the option of the employee) for local, State or Federal income tax withholding payments, Social Security taxes, retirement payments and union dues shall be deductible in the correct amount.**

**i. Union dues: In all cases, the payment of union dues shall be considered a mandatory deduction.**

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Food Stamp Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to adopt revisions to the Food Stamp Manual covering notification requirements and public access to hearing decisions.

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

**10:87-6.9(a)1. If certification is denied, the county welfare [board] agency shall immediately provide the household with a written notice which includes the applicable manual citation and clearly explains the basis for such denial. Along with the notice of denial, the county welfare [board] agency shall provide a copy of form PA-196, entitled "Information About Complaints and Fair Hearings". (See sample form letter in Appendix C.)**

#### 10:87-6.10 Notice of adverse action

(a) The county welfare [board] agency shall provide written notification of any adverse action which would become effective prior to the expiration of the certification period. The county welfare [board] agency shall insure that such notification is provided to the recipient at least ten calendar days prior to the effective date of the action.

1. The adverse action notice shall cite the applicable manual citation and clearly explain the reasons for the proposed action, and the circumstances under which program participation may be continued, should a hearing be requested (see Section VII, Item 730). Along with the notice of adverse action, the county welfare [board] agency shall include a copy of PA-196, entitled "Information About Complaints and Fair Hearings". (See sample form letter in Appendix C.)

#### 10:87-7.24 Public access to hearing decisions

The State agency shall arrange publication of [summary editions] a synopsis of all decisions, [with appropriate deletions] edited to insure confidentiality, which shall be forwarded to [the] each county welfare [board] agency and all persons who receive this Division's circular letters. [Such editions shall be available for inspection, by the public, for a period of one year.] Copies of fair hearing decisions, edited to insure client confidentiality, will be available for perusal at the Division office for a period of one year and for distribution to anyone requesting a copy at the cost of printing and handling.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

G. Thomas Riti  
Director, Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Revisions on Child Care Licensing

On June 20, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 18A:70-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J. A.C. 10:122-2.4, 10:122-2.5 and 10:122-2.6 concerning child care licensing, substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 176(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

A summary of the pertinent, substantive changes follows:

1. Proposed revisions to Paragraphs 1 and 2 under Physical Facilities, Resting Facilities, and Paragraph 7 under Health Care:

(a) Paragraph 1 changed to read, "There shall be an

opportunity for a mid-session rest and/or sleep period in programs where children are in attendance for more than four hours."

(b) Paragraph 3b will read, "The floor shall be cleaned on a regular basis, as appropriate (washed, vacuumed, etc.);" In addition, b will be changed to c, c will be changed to d, and d will become e and will read as follows: "Floor mats shall be stored to prevent the sleeping-surface side of one mat to come into contact with the floor-surface side of another mat, and to prevent the sleeping-surface sides of two mats coming into contact with each other. Thus, mats may be stored in the following manner:

(1) Mats may be stacked if a protective covering is placed between each mat (sheets, blankets, cardboard, or other suitable covering may be used; however, this covering cannot then be used as bed linen or a bed covering for the sleeping or resting child without first being thoroughly cleaned and sanitized);

(2) Mats may be stacked by folding the sleeping-surface side in half and then placing the outer surface (floor side) on top of each other;

(3) Mats may be hung vertically, as long as they do not come into contact with each other.

(4) Beds, cots and mats shall be equipped with clean, washable covers. It is suggested that a pillow-case like covering be used for mats so that the entire mat is enveloped.

(5) Each child shall be provided with clean, sanitary bed linens and a blanket or other suitable covering which is cleaned or replaced as frequently as needed when wet or soiled. Bed linens shall be changed at least once a week.

(6) Each bed, cot or mat should be individually labeled with the child's name. It should be placed in the same physical space each day to promote the child's sense of security and personal space.

(7) At no time shall two or more children share the same bed, cot or mat during the same sleep or rest period; similarly, at no time shall one child sleep on the same sleeping equipment surface that another child has occupied without a change of linen."

2. Proposed revisions to Paragraph 8 under Health Care—Food Program and Nutrition Requirements:

(a) Change 1a to read as follows: "Children shall be provided meals and snacks prepared from food from approved sources that has been stored, prepared, and served in accordance with provisions of the New Jersey Department of Health, State Sanitary Code, Chapter 12, Construction, Operation and Maintenance of Retail Food Establishment".

(b) Change 1b to read as follows: "Water supplied from an on-site well shall be approved and operated in compliance with provisions of the "Standards for the Construction of Water Supply Systems for Realty Improvements" under N.J.S.A. 58:199 enforced by state and local health authorities for semi-public water supplies. If more than 25 individuals per day are served by the water supply for a maximum of 60 days per year, the water supply shall be termed a "Noncommunity Water System" and shall be operated in compliance with the requirements of the Federal Safe Drinking Water Law (PL 93-523)".

An order adopting these revisions was filed and became effective on June 23, 1977, as R.1977 d.225.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions to Public Assistance Manual Concerning WIN Program

On June 24, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-2.8, 10:81-3.18 and 10:81-5.9 concerning the WIN registration program, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 223(b).

An order adopting these revisions was filed on June 27, 1977, as R.1977 d.226 to become effective on July 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions on Fair Hearing Decisions

On June 24, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-6.13(d) concerning fair hearing decisions, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 222(c).

An order adopting these revisions was filed on June 27, 1977, as R.1977 d.227 to become effective on July 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions Concerning Exemption Of Personal Loans

On June 24, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions, to be cited as N.J.A.C. 10:82-3.2(b)10., concerning exemptions of personal loans as resources, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 222(d).

An order adopting these revisions was filed on June 29, 1977, as R.1977 d.229 to become effective on July 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions on Cases Involving Fraudulent Receipt of Assistance

On June 24, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-7.44 concerning cases involving fraudulent receipt of assistance, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 223(a).

An order adopting these revisions was filed on June 29, 1977, as R.1977 d.230 to become effective on July 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Emergency Rule on Medicaid Reimbursement for Abortions

On July 11, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning Medicaid reimbursement for abortions.

Full text of the adopted rule follows:

10:49-1.25 Medicaid reimbursement for abortions

(a) Payments for abortions are reimbursable under the New Jersey Health Services Program (Medicaid) only when performed in a licensed hospital by a licensed physician who determines that it is medically necessary to preserve the woman's life.

(b) In no event shall any payment be made to any physician performing the abortion and/or the hospital wherein the procedure is performed unless the performing physician submits a written report with the respective physician's and/or hospital's claim stating in detail the reasons for finding it necessary to terminate the pregnancy to preserve the woman's life.

An order adopting this rule was filed on July 13, 1977, as R.1977 d.243 (Exempt, Emergency Rule) to become effective after August 15, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rule on Required Notice Concerning Expense Exhibits

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 1C-6(e) and 29A-5, proposes to adopt the following rule concerning insurance expense exhibits for use in property-casualty rate making.

Full text of the proposed rule follows:

#### 11:4-10.2 Notice required

Any company that is currently compiling or intends to compile for the ensuing year for use in rate making in New Jersey insurance expense data in greater detail as to state, classification group or line of insurance than provided in the Insurance Expense Exhibit shall notify the Commissioner of this fact each year on or before September 15. This requirement applies to all expense categories set forth in the instructions for uniform classification of expenses of fire and casualty insurance on file with this Department in accordance with N.J.A.C. 11:4-10.1, except commissions and allocated loss adjustment expenses.

Interested persons may appear at the hearing at 10:00 A.M. on August 29, 1977, at the below address or present statements or arguments in writing relevant to the proposed action on or before August 29, 1977, to:

Philipp K. Stern, Chief Actuary  
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 this rule substantially as proposed without further notice.

James J. Sheeran  
Commissioner  
Department of Insurance

(b)

## INSURANCE

### THE COMMISSIONER

#### Rules on FAIR Plan Surcharge

On June 30, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:37A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules on the FAIR Plan surcharge, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 278(f), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Insurance.

Full text of the adopted rules follows:

#### 11:1-5.4 FAIR plan surcharge

(a) On April 30, 1977, the Commissioner of Insurance ascertained and determined that the net value of the New

Jersey Insurance Development Fund, as of December 31, 1977, will be less than 5 per cent of the premiums written on essential property insurance in New Jersey in calendar year 1976.

(b) Application of surcharge rules are:

1. A two per cent surcharge shall be imposed on premiums of the following policies and endorsements effective on or after July 1, 1977:

i. All fire, extended coverage and other allied lines coverage (property damage and time element) written under the fire policy, except for fire policies issued on private dwelling property not over four families;

ii. All burglary and theft policies except for policies providing coverage for personal theft;

iii. Commercial multiple peril policies, except those issued under the homeowners policy program. For the purpose of this computation, 65 per cent of the commercial multiple peril premium shall constitute the premium subject to the surcharge, except that on individual risks where such percentage appears unreasonable, a company may use actual division by line provided the company maintains a separate record on those risks.

2. The surcharge shall apply to all new and renewal policies effective on or after July 1, 1977, and to the additional premiums on all endorsements effective on or after July 1, 1977. There will be a 45 day grace period on enforcement sanctions.

3. Policies written for a term longer than one year with an effective date on or after July 1, 1977, shall be charged in accordance with the above sections. For such term policies with effective dates prior to July 1, 1977, the charge shall be applied only if such policies are subject to raterating after the effective date of this regulation and then only as of the effective date of such raterating.

4. Return of surcharge is permitted on policy activity effective July 1, 1977 and thereafter (endorsements decreasing premium and cancellations).

5. For policies with effective date on or after July 1, 1977 which are subject to audit, the surcharge shall be based on the audited premium.

6. The surcharge shall be charged in full. Rounding to the nearest whole dollar is not permitted.

7. Commissions and premium taxes shall not be payable thereon, and the insurer is prohibited from absorbing such surcharge as an inducement for insurance or for any other reason.

(c) The surcharge shall be collected by each insurer and paid over to the State Treasurer of New Jersey, not later than March 1, and September 1, of each year.

(d) Rules concerning the method of billing are:

1. The surcharge shall be a separate charge to the insured in addition to the premium to be paid and shall be shown separately or combined with the Guaranty Association charge.

2. When the surcharge is combined with the Guaranty Association charge, it shall be identified as "Surcharges" and when it is shown separately, it shall be identified as "Surcharge".

An order adopting these rules was filed on June 30, 1977, as R.1977 d.231 to become effective on July 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Rule on Student Life Insurance Solicitation

On July 19, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17B:30-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 11:4-12.1, concerning the solicitation of student life insurance, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 280(a).

An order adopting this rule was filed on July 20, 1977, as R.1977 d.254 to become effective on November 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

##### Proposed Revisions Concerning Disclosure Of Certain Information When Advertising Price of Prescription Eyeglasses

Robert Troast, President of the Board 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-41.13, proposes to revise N.J.A.C. 13:33-1.35(a) concerning the disclosure requirement of certain information when advertising the price of prescription eyeglasses.

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

13:33-1.35(a) It shall be lawful for an ophthalmic dispenser or ophthalmic technician to advertise; provided, however, that [no mention shall be made, either directly or indirectly by any means whatsoever, of a discount, any definite or indefinite price or credit terms on corrective ophthalmic lenses, frames, complete prescription or corrective glasses; and provided, that] such ophthalmic dispenser or ophthalmic technician does not advertise in any manner that would tend to mislead or deceive the public or that would in any manner discredit others in the eye care field [.] , and provided that:

1. Any advertisement, placed on or in newspapers, magazines, radio, television, flyers, on-premise signs, off-premise signs, and the like, which contains the price of corrective lenses, frames or complete corrective eyeglasses must, for each stated price:

i. Specify exactly the type of lenses being offered, such as single vision, bifocal, trifocal, or any other category; tints, colorations; standard size or oversize; glass, plastic or other material.

ii. Specify exactly the type of frame such as metal, zyl, rimless, or any other category, together with brand name; where precious metals such as silver or gold have been used in the manufacture of the frame, advertising must conform to FTC Rules applicable to the jewelry industry; and, if a discontinued frame, this characteristic must be stated.

2. Where delivery time is advertised, any restrictions imposed upon such delivery shall be in type equal to the size of the indicated delivery time or shall be placed adjacent to indicated delivery time.

3. Where warranties and guarantees are advertised, all conditions attendant upon such warranty or guarantee shall be listed.

4. Those providers who advertise prices of lenses, frames, or complete corrective eyeglasses are required to answer telephone inquiries on the availability and the prices of the advertised ophthalmic goods.

5. The advertising and marketing practices regulations of the Division of Consumer Affairs, N.J.A.C. 13:45A-9.1 et seq., shall apply to the advertisement of corrective lenses, frames and complete eyeglasses.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 31, 1977, to:

Robert Troast, President  
Board of Ophthalmic Dispensers  
and Ophthalmic Technicians  
1100 Raymond Boulevard  
Room 324  
Newark, N.J. 07102

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

Robert Troast, President  
Board of Ophthalmic Dispensers  
and Ophthalmic Technicians  
Department of Law and Public Safety

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Proposed New Rule Concerning Termination of Pregnancy

Edwin H. Albano, M.D., President of the State Board of Medical Examiners in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:9-1 et seq., proposes to adopt the following rule concerning termination of pregnancy.

Full text of the proposed new rule follows:

13:35-7.2 Termination of Pregnancy

The termination of a pregnancy is a medical procedure which may only be performed by a physician licensed to practice medicine and surgery in the State of New Jersey.

Termination of pregnancy on patients with a gestation beyond the 12th week as determined by the physician responsible for such termination shall be performed only in a licensed hospital on an inpatient basis.

Failure to comply with this rule may subject the physician to suspension or revocation of his license to

practice medicine and surgery in this state, pursuant to N.J.S.A. 45:9-1 et seq., and/or may subject any person, association, corporation or institution to the sanctions and remedies set forth in N.J.S.A. 45:9-22, N.J.S.A. 45:9-26 and N.J.S.A. 45:9-27.1.

Interested persons may present statements or arguments by letter or other written form relevant to the proposed new rule on or before August 30, 1977 to:

State Board of Medical Examiners  
28 West State Street  
Trenton, New Jersey 08625

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

Edwin H. Albano, M.D.  
President  
New Jersey State Board of  
Medical Examiners  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF NURSING

##### Revisions Concerning Language Comprehension Examinations

On July 13, 1977, Richard E. David, Executive Director of the Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d)(19) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:37-3.8 concerning language comprehension examinations, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 284(b).

An order adopting these revisions was filed and became effective on July 20, 1977, as R.1977 d.251.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF VETERINARY MEDICAL EXAMINERS

##### Rules Concerning Veterinarians

On June 7, 1977, Arthur F. North Jr., President of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to various rules in Chapter 44 of Title 13 of the New Jersey Administrative Code concerning veterinarians, substantially as proposed in the Notice published August 5, 1976, but with subsequent,

substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

An order adopting these revised rules was filed and became effective on July 20, 1977, as R.1977 d.252.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Amendments Concerning Identification

On June 30, 1977, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:4-2.1a and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the rules concerning identification, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 138(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Utilities.

Full text of the adopted amendments follows:

14:11-2.22 (e) Subsections (a) through (c) of this Section do not include limousine or van-type buses limited to 11 passengers as they will be identified by a PUC-LIM license plate furnished by the Division of Motor Vehicles.

An order adopting these amendments was filed and became effective on July 7, 1977, as R.1977 d.240.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rule on Restricted Parking on Portions of Route 57

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt a new rule concerning restricted parking on portions of Route 57 in Warren County.

Full text of the proposed rule follows:

16:28-3.155 Route 47 in the Township of Greenwich, Warren County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 57 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 57 from the westerly curb line of Beacon Street to a point 200 feet westerly therefrom.

(Continued on Page 28)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through July 21. It is adjusted in the month in which a mailing of

update pages will be completed.

Since these most recent updates, the various State Departments have adopted the following rules—which have been printed in the Register but are not yet included in the Code:

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>AGRICULTURE — TITLE 2</b>			
2:2-9.2	Bovine leukemia glycoprotein immunodiffusion test (BL-G1D); fee	R.1977 d.109	9 N.J.R. 206(b)
2:3-2.12	Imported breeding swine; not infected with pseudorabies	R.1977 d.108	9 N.J.R. 206(a)
2:17-6.1(d)5.	Revisions on tomato transplants	R.1977 d.87	9 N.J.R. 158(a)
2:17-7.1	Pepper transplants	R.1977 d.88	9 N.J.R. 158(b)
2:48 through	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:53			
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.31	9 N.J.R. 110(b)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.161	9 N.J.R. 251(a)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.123	9 N.J.R. 206(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.204	9 N.J.R. 302(b)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.242	9 N.J.R. 354(a)
2:54-3.7	Revisions on milk handling in various marketing areas	R.1977 d.209	9 N.J.R. 302(c)
2:54-3.9	Rule on handling of milk in N.Y.-N.J. marketing area	R.1977 d.97	9 N.J.R. 159(a)
2:85-1.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
2:85-1.1 et seq.	Ratify prior adoption of rules on farmland preservation	R.1977 d.33	9 N.J.R. 110(c)
2:85-1.5	Amendment (jointly) on farm land preservation demonstration project	R.1977 d.218	9 N.J.R. 302(a)

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

## BANKING — TITLE 3

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

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

## CIVIL SERVICE — TITLE 4

(Rules in the Administrative Code for Title 4 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 9.)

## COMMUNITY AFFAIRS — TITLE 5

5:23-1.1 et seq.	Revisions to Uniform Construction Code	R.1977 d.256	9 N.J.R. 358(a)
5:30-8.9	Unbudgeted school aid refunds per P.L. 1977, c.15	R.1977 d.81	9 N.J.R. 165(a)
5:30-14.1 to 14.3	Rules on local public contracts	R.1977 d.123	9 N.J.R. 212(a)
5:30-14.4	Change order procedures for local public contracts	R.1977 d.82	9 N.J.R. 166(a)
5:30-14.5	Certification of funds and accounting for contracts	R.1977 d.127	9 N.J.R. 211(a)
5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	9 N.J.R. 10(a)
5:30-16.1 et seq.	Tenants' property tax rebate program	R.1977 d.241	9 N.J.R. 357(b)
5:80-1.1 et seq.	Rules on increase rent or carrying charges; increase income limits	R.1977 d.71	9 N.J.R. 164(c)
5:90-1.1 et seq.	Urban Loan Authority's procedure manual	R.1977 d.244	9 N.J.R. 357(c)

(Rules in the Administrative Code for Title 5 include all adoptions prior to Nov. 22, 1976—Transmittal Sheet No. 7.)

## EDUCATION — TITLE 6

6:3-2.1	Revised definition of parent	R.1977 d.68	9 N.J.R. 167(a)
6:3-2.5(d)	Revisions on access to pupil records	R.1977 d.68	9 N.J.R. 167(a)
6:3-4.1	Use of school buses for transportation of senior citizens' groups	R.1977 d.129	9 N.J.R. 212(b)
6:8-1.1, 3.4, 3.8	Revisions on thorough and efficient system of public schools	R.1977 d.199	9 N.J.R. 310(a)
6:11-3.12	Revisions on athletic coaches	R.1977 d.70	9 N.J.R. 167(c)
6:11-4.6	Revisions on two-month certificates	R.1977 d.26	9 N.J.R. 114(a)
6:22-2.9	Revisions on master plans	R.1977 d.236	9 N.J.R. 359(b)
6:22-13.13	Asbestos surface coatings	R.1977 d.158	9 N.J.R. 258(c)
6:27-3.1	Revisions on approved secondary school summer sessions	R.1977 d.28	9 N.J.R. 114(c)
6:29-6.3	Amendments on athletics personnel	R.1977 d.69	9 N.J.R. 167(b)
6:39-1.2(g)	Revisions on dissemination of information	R.1977 d.27	9 N.J.R. 114(b)
6:39-1.4	Minimum levels of pupil proficiency	R.1977 d.198	9 N.J.R. 309(a)

(Rules in the Administrative Code for Title 6 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	R.1977 d.20	9 N.J.R. 62(b)
7:1C-1.2	Note: Amend definition of construction permit; 90- day construction permit rules	R.1977 d.200	9 N.J.R. 321(a)
7:1D-1.5	Amendment (jointly) on farmland preservation demonstration project	R.1977 d.218	9 N.J.R. 302(a)
7:1E-1.1 et seq.	Discharge of petroleum and other hazardous substances	R.1977 d.115	9 N.J.R. 217(c)
7:2-7.5 et seq.	Revisions on lands, waters and facilities under jurisdiction of Bureau of Parks	R.1977 d.145	9 N.J.R. 218(e)
7:2-16.2(e) et seq.	Revisions on special permits at Island Beach State Park	R.1977 d.146	9 N.J.R. 219(a)
7:7D-2.1 et seq.	CAFRA rules	R.1977 d.121	9 N.J.R. 218(a)
7:12-1.1 et seq.	Revisions on condemnation of certain shellfish beds	R.1977 d.74	9 N.J.R. 169(b)
7:12-1.3(a)39.	Revisions on condemnation of certain shellfish beds	R.1977 d.73	9 N.J.R. 169(a)
7:13-1.11	Amendment; delineated floodways in the Rahway River	R.1977 d.144	9 N.J.R. 218(d)
7:13-2.1	Determining stream encroachment lines	R.1977 d.142	9 N.J.R. 218(b)
7:21-7.1 et seq.	Stream encroachment applications in the Central Passaic Basin	R.1977 d.107	9 N.J.R. 217(b)
7:25-1.6	Shellfish license revocation schedule	R.1977 d.147	9 N.J.R. 219(b)
7:25-7.9	Revised rule continuing closure of certain sea clam beds	R.1977 d.197	9 N.J.R. 320(a)
7:25-7.10	Oyster seed beds; 1977 season	R.1977 d.166	9 N.J.R. 264(a)
7:25-11.2 through 7:25-11.4	Criteria for possession of endangered wildlife	R.1977 d.39	9 N.J.R. 118(c)
7:25-12.1(k)	Revisions on preservation of sea clam resources	R.1977 d.176	9 N.J.R. 265(a)
7:25-13.1	Marking of leased tidal grounds in the Delaware River and Bay	R.1977 d.16	9 N.J.R. 78(a)
7:25-14.1 et seq.	Crab pots in Delaware Bay waters	R.1977 d.196	9 N.J.R. 319(b)
7:25-15.1	Relay of hard clams	R.1977 d.167	9 N.J.R. 264(b)
7:26-1.10	Planning designation of solid waste districts	R.1977 d.257	9 N.J.R. 361(b)
7:27-6.1 et seq.	Revisions on air pollution control	R.1977 d.95	9 N.J.R. 170(c)
7:27-17.1 et seq.	Control and prohibition of spray on asbestos surface coatings	R.1977 d.207	9 N.J.R. 321(b)
7:29-2.1 et seq.	Rules on noise control of vessels and watercraft	R.1977 d.177	9 N.J.R. 266(a)
Temporary	Amend 1976-1977 Game Code concerning muskrat trapping	R.1977 d.85	9 N.J.R. 170(a)
Temporary	Extension of commercial shooting preserve season	R.1977 d.86	9 N.J.R. 170(b)
Temporary rule	1977-78 Game Code	R.1977 d.219	9 N.J.R. 322(a)

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

## HEALTH — TITLE 8

8:7-1.1 et seq.	Revisions on licensure of persons for certain public health positions	R.1977 d.103	9 N.J.R. 173(a)
8:21-1.27	Cosmetic package principal display panel	R.1977 d.192	9 N.J.R. 269(b)
8:21-1.28	Cosmetic product identity labeling	R.1977 d.193	9 N.J.R. 269(c)
8:22-1.13	Revisions on occupancy limits in campgrounds	R.1977 d.22	9 N.J.R. 81(b)
8:30-12.2(f)	Amendments on fire detection systems in nursing homes	R.1976 d.420	8 N.J.R. 18(d)
8:31-6.1	Determination of health care facilities	R.1977 d.43	9 N.J.R. 119(a)
8:31-8.1 et seq.	Standards for planning and certification of perinatal services	R.1977 d.182	9 N.J.R. 269(a)
8:31-9.1 et seq.	Standards for planning computerized axial tomography units	R.1977 d.44	9 N.J.R. 120(a)
8:31-16.16	Patient origin studies data	R.1977 d.45	9 N.J.R. 120(b)
8:31-22.1	Revisions on doctors' offices owned and/or sponsored by and serving health care facilities	R.1977 d.46	9 N.J.R. 120(c)
8:31-23.1(a)	Revisions on parking garages of health care facilities	R.1977 d.47	9 N.J.R. 120(d)
8:31-24.1(a)	Revisions in construction of interns, residents and nurses housing	R.1977 d.48	9 N.J.R. 120(e)
8:31-26.1	Standards and criteria; Regional hemophilia care centers	R.1977 d.139	9 N.J.R. 221(c)
8:31-26.1	Amendment on licensure standards for health care facilities	R.1977 d.181	9 N.J.R. 268(e)
8:31A-10.4	Rule on distribution of net worth or surplus	R.1977 d.49	9 N.J.R. 120(b)

8:33-1.5, 2.5	Revised guidelines and criteria for submissions of applications for certificates of need	R.1977 d.223	9 N.J.R. 322(d)
8:33-4.1 et seq.	Ownership or operation of health care facilities	R.1977 d.21	9 N.J.R. 81(a)
8:34-1.1 et seq.	Revisions on licensing of nursing home administrators	R.1977 d.172	9 N.J.R. 268(b)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	9 N.J.R. 18(a)
8:39-1.1 et seq.	Manual of standards for licensure of nursing homes	R.1977 d.222	9 N.J.R. 322(c)
8:41-1.1 et seq.	Rules on planning and application for designation of cardiac diagnostic facilities	R.1977 d.179	9 N.J.R. 268(c)
8:41-2.1 et seq.	Rules on planning and certification of need of regional cardiac centers	R.1977 d.180	9 N.J.R. 268(d)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(d)
8:43A-1.10(r)	Amendments on fire detection system in hospitals	R.1976 d.419	9 N.J.R. 18(c)
8:43A-1.15, 1.35, 1.43	Revisions for licensure of ambulatory care facilities	R.1977 d.253	9 N.J.R. 366(c)
8:43A-1.66(g)	Revisions concerning ambulatory care facilities	R.1976 d.357	8 N.J.R. 551(a)
8:43A-1.67	Rules on emergency and disaster procedures	R.1977 d.50	9 N.J.R. 121(a)
8:43A-1.68	Standards for licensure of ambulatory care facilities and health maintenance organizations	R.1977 d.140	9 N.J.R. 222(a)
8:43B-3.2(a)	Amendments concerning fire protection and safety	R.1977 d.51	9 N.J.R. 121(b)
8:43B-3.2(i)	Rules on facilities providing family practice	R.1976 d.358	8 N.J.R. 551(b)
8:43B-3.3(d)	Revisions on maternal and newborn services	R.1977 d.92	9 N.J.R. 172(c)
8:43E-1.1 et seq.	Policy manual for planning and certificate of need reviews of health care facilities	R.1977 d.138	9 N.J.R. 221(b)
8:53-1.1	Revisions in implementation of Local Health Services Act	R.1977 d.141	9 N.J.R. 222(b)
8:53-1.1 et seq.	Rules on implementing the Local Health Services Act	R.1977 d.91	9 N.J.R. 172(b)
8:53-1.3(b)	Revisions on implementing local Health Services Act	R.1977 d.239	9 N.J.R. 366(b)
8:65-9.1 et seq.	Delete and mark subchapter Reserved	R.1976 d.376	9 N.J.R. 17(b)
8:65-10.1(a)4.	Addition of prazepam as a controlled dangerous substance	R.1977 d.101	9 N.J.R. 172(d)
8:65-10.1(a)4 Note 4	Control of dextropropoxyphene	R.1977 d.151	9 N.J.R. 268(a)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.355	8 N.J.R. 550(c)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.418	9 N.J.R. 18(b)
Temporary	1976-1977 State Medical Facilities Plan	R.1977 d.103	9 N.J.R. 173(b)

(Rules in the Administrative Code for Title 8 include all adoptions prior to Nov. 1, 1976—Transmittal Sheet No. 6.)

## HIGHER EDUCATION — TITLE 9

9:1-1.18(c)	Standards for courses offered in secondary schools	R.1976 d.389	9 N.J.R. 19(a)
9:4-3.20	Revisions on spacing of purchase order	R.1977 d.15	9 N.J.R. 81(d)
9:4-3.24	Delete and Reserve section	R.1977 d.15	9 N.J.R. 81(d)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	9 N.J.R. 18(e)
9:9-1.3(b)	Revisions on loan amounts	R.1977 d.249	9 N.J.R. 366(d)
9:9-1.10	Amendments on change of lenders	R.1977 d.216	9 N.J.R. 331(a)
9:9-1.21 et seq.	Revisions to policies and procedures concerning student loans	R.1977 d.104	9 N.J.R. 173(c)
9:9-8.1 et seq.	Policy governing institution of higher education loan act	R.1977 d.217	9 N.J.R. 331(b)
9:14-1.3	Revised definition of institution or eligible institution	R.1977 d.255	9 N.J.R. 367(a)

(Rules in the Administrative Code for Title 9 include all adoptions prior to Dec. 1, 1976—Transmittal Sheet No. 7.)

## HUMAN SERVICES — TITLE 10

10:49-1.1 through 10:49-6.1 et seq.	Revisions on administration and general information; Health Services Program	R.1977 d.213	9 N.J.R. 342(c)
10:49-1.18	Debarment, suspension and disqualification of providers in Medicaid	R.1977 d.64	9 N.J.R. 176(b)
10:49-1.25	Revisions on temporary fees reduction regarding Medicaid	R.1977 d.12	9 N.J.R. 91(a)
10:49-1.25	Medicaid reimbursement for abortions	R.1977 d.243	9 N.J.R. 370(e)
10:49-1.31	Procedures for involuntary transfer of patients	R.1977 d.62	9 N.J.R. 126(e)
10:49-1.33	New Jersey Medicaid Formulary	R.1977 d.36	9 N.J.R. 125(c)
10:49-9.1 et seq.	Shared health care facilities	R.1977 d.65	9 N.J.R. 176(c)
10:51-1.1 et seq.	Revisions concerning pharmaceutical services	R.1977 d.215	9 N.J.R. 343(b)
10:51-1.4, 1.5	Revisions on Federally required prescription information	R.1976 d.414	9 N.J.R. 23(f)
10:51-1.7	Revisions to various Manual concerning elimination of certain prior authorization requirements	R.1977 d.38	9 N.J.R. 125(d)
10:51-1.10(d)	Revisions on pharmacy dispensing fees	R.1977 d.11	9 N.J.R. 90(c)
10:51-3.1 et seq.	Pharmaceutical services for recipients in Medicaid approved long-term facilities	R.1977 d.132	9 N.J.R. 237(a)
10:51-4.1 et seq.	Consultant pharmacist services	R.1977 d.214	9 N.J.R. 343(a)
10:52-1.1, 1.4 and 2.7	Revisions to hospital services manual	R.1977 d.159	9 N.J.R. 277(d)

10:59-1.9(c)	Ownership of durable medical equipment	R.1977 d.14	9 N.J.R. 91(b)
10:63-4.1 et seq.	Rules on medical day care services	R.1977 d.133	9 N.J.R. 238(a)
10:63-5.1 et seq.	Rules on interim billing procedures	R.1977 d.133	9 N.J.R. 238(a)
10:66-1.13(d)	List of allowable mental health treatment services	R.1977 d.67	9 N.J.R. 176(d)
10:81-2.2, 3.8	Revisions concerning pregnant women	R.1976 d.408	9 N.J.R. 23(c)
10:81-2.8, 3.18, 5.9	Revisions on WIN registration program	R.1977 d.226	9 N.J.R. 370(a)
10:81-3.15	Delete rule on noncontributing person(s) in household	R.1977 d.212	9 N.J.R. 342(b)
10:81-6.13(d)	Revisions on fair hearing decisions	R.1977 d.227	9 N.J.R. 370(b)
10:81-7.32(b)	Revisions on report of court testimony	R.1977 d.191	9 N.J.R. 278(e)
10:81-7.40 et seq.	Revisions on fraudulent receipt of assistance	R.1977 d.9	9 N.J.R. 90(b)
10:81-7.44	Revisions on cases involving fraudulent receipt of assistance	R.1977 d.230	9 N.J.R. 370(d)
10:82-1.1 et seq.	Revised Assistance Standards Handbook	R.1977 d.211	9 N.J.R. 342(a)
10:82-1.2(c)2	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(a)
10:82-1.3(a)2.	Revision concerning eligible unit	R.1976 d.407	9 N.J.R. 23(b)
10:82-1.4	Disregard of scholarships and grants for eligible persons attending school or college	R.1977 d.75	9 N.J.R. 177(a)
10:82-2.11(a)3.	Revisions on shelter payments by stepparents	R.1977 d.188	9 N.J.R. 278(b)
10:82-2.15, 2.16	Recoupment of overpayments	R.1977 d.55	9 N.J.R. 125(e)
10:82-2.19	Institutionalized child returning temporarily to home	R.1976 d.409	9 N.J.R. 23(d)
10:82-3.2	Revisions on exempt resources	R.1977 d.56	9 N.J.R. 126(a)
10:82-3.2(b) 10.	Revisions on personal loan exemptions	R.1977 d.229	9 N.J.R. 370(c)
10:82-4.2	Revisions on self-employed	R.1976 d.410	9 N.J.R. 23(e)
10:82-4.6	Revisions on value of home produce	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.6, 4.7	Revisions on \$30 incentive payment to AFWP clients in CETA	R.1977 d.190	9 N.J.R. 278(d)
10:82-4.11(c)	Revisions on earned income	R.1977 d.137	9 N.J.R. 238(e)
10:82-4.12	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(c)
10:82-5.8	Revisions on payments to homes for unwed mothers	R.1977 d.135	9 N.J.R. 238(c)
10:82-5.11	Revisions on expenses incident to training	R.1976 d.405	9 N.J.R. 22(b)
10:85-3.1(a),			
10:85-5.3(b), 5.4(a)	Revisions on medical payments to health practitioners	R.1977 d.168	9 N.J.R. 278(a)
10:85-5.21(f)	Revisions on hospitalization costs in the General Assistance Program	R.1977 d.134	9 N.J.R. 238(b)
10:87-1.15	Suits filed against county welfare agency	R.1977 d.189	9 N.J.R. 278(c)
10:87-3.18(a)2.	Revisions to Food Stamp Manual and work registration exemptions	R.1977 d.136	9 N.J.R. 238(d)
10:87-4.8 and 4.9	Revision on food stamp eligibility	R.1977 d.58	9 N.J.R. 126(c)
10:87-6.41(a)	Revisions on repayment of food stamp overissuances	R.1977 d.59	9 N.J.R. 126(d)
10:94-4.31(a)	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:94-4.41	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:122-2.3	Revisions for child care licensing	R.1977 d.24	9 N.J.R. 125(b)
10:122-2.4, 2.5, 2.6	Revisions on child care licensing	R.1977 d.225	9 N.J.R. 369(a)

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

## INSURANCE — TITLE 11

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

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

## LABOR AND INDUSTRY — TITLE 12

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

## LAW AND PUBLIC SAFETY — TITLE 13

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

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

## PUBLIC UTILITIES — TITLE 14

14:5-7.1 et seq.	Delete entire text of Subchapter	R.1977 d.37	9 N.J.R. 139(a)
14:5-7.1 et seq.	Delete rules on electrical inspection authorities	R.1977 d.37	9 N.J.R. 139(a)
14:6A-1.1 et seq.	Oil distribution utilities	R.1977 d.210	9 N.J.R. 346(b)
14:11-2.22(e)	Amendments on identification	R.1977 d.240	9 N.J.R. 373(c)

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

## STATE — TITLE 15

15:10-3.1 et seq.	Rules on all election district maps	R.1976 d.375	9 N.J.R. 42(b)
15:10-4.1	Printing absentee ballot applications	R.1977 d.205	9 N.J.R. 346(c)

(Rules in the Administrative Code for Title 15 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 8.)

## TRANSPORTATION — TITLE 16

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

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

## TREASURY-GENERAL — TITLE 17

17:1-1.18	Revisions on general administration	R.1977 d.32	9 N.J.R. 147(c)
17:1-1.21	Rules for pensioners' group health insurance plan	R.1976 d.338	8 N.J.R. 586(b)
17:1-10.1 et seq.	Rules on the State prescription drug program	R.1977 d.117	9 N.J.R. 243(a)
17:2-1.1(a), 17:2-6.15, 17:2-6.26 17:3-6.25	Revisions on board meetings, compulsory retirement and medical examinations Medical examinations regarding Teachers' Pension and Annuity Fund	R.1977 d.148	9 N.J.R. 295(a)
17:7-2.1, 3.3, 3.10 17:8-2.14 17:10-5.2 17:12-2.4 through 17:12-2.7 17:12-6.1 17:12-6.1 et seq. 17:12-6.4 17:12-6.5 17:13-1.1 through 17:13-7.1 17:16-5.4 17:16-5.5 17:16-7.4 17:16-8.2 17:16-31.1 et seq. 17:16-32.8(b)5. 17:16-36.8(b) 17:19-3.1 et seq.	Revisions to Prison Officers' Pension Fund rules Amendments on full monthly payments Revisions on effective dates; Judicial Retirement System Rules on term contract bidding procedures Revised definition for bid security Rules on bid and performance bonds Informalities in bidding Automatic rejection of bids Repeal current text in its entirety Revised demand group; classification of funds Revised temporary reserve group; classification of funds Revised rule on legal papers Revised rule on legal papers Revised rules on State Cash Management Fund Revisions on valuation of units; Common Pension Fund A Revisions on valuation of units; Common Pension Fund B Recodified rules on debarment, suspension and disqualification of person(s)	R.1977 d.96 R.1977 d.250 R.1977 d.61 R.1977 d.228 R.1977 d.170 R.1977 d.169 R.1976 d.377 R.1977 d.40 R.1977 d.41 R.1977 d.122 R.1977 d.124 R.1977 d.13 R.1976 d.401 R.1977 d.402 R.1977 d.173 R.1977 d.125 R.1977 d.126 R.1976 d.239	9 N.J.R. 200(a) 9 N.J.R. 392(b) 9 N.J.R. 148(a) 9 N.J.R. 392(a) 9 N.J.R. 295(e) 9 N.J.R. 295(d) 9 N.J.R. 47(a) 9 N.J.R. 147(d) 9 N.J.R. 147(e) 9 N.J.R. 244(a) 9 N.J.R. 244(b) 9 N.J.R. 100(d) 9 N.J.R. 46(a) 9 N.J.R. 46(b) 9 N.J.R. 296(a) 9 N.J.R. 244(c) 9 N.J.R. 244(d) 9 N.J.R. 294(e)
17:26-1.1 et seq.	Interim rules for processing damage claims under the Spill Compensation and Control Act	R.1977 d.116	9 N.J.R. 241(d)

(Rules in the Administrative Code for Title 17 include all adoptions prior to Oct. 25, 1976—Transmittal Sheet No. 7.)

## TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq. 18:12-7.11 18:12A-1.16(h), (i) 18:14-1.1 et seq., 18:14 2.1 et seq. and 18:14-3.1 et seq. 18:24-9.12 et seq. 18:35-1.5 18:35-1.6 18:35-1.7	Revisions on assessors, collectors and county tax board secretaries Revisions on extension of filing date; homestead rebates Amendments on tax assessment lists and duplicates (EDP) Revisions on senior citizen property tax deductions Revisions to rules on Sales and Use Tax Act Information furnished at source payers other than interest Treatment of capital gains and losses pursuant to P.L. 1976, c.47 Accelerated returns and payment of certain employees' withheld taxes	R.1977 d.130 R.1977 d.90 R.1977 d.131 R.1977 d.150 R.1977 d.29 R.1977 d.19 R.1977 d.94 R.1977 d.149	9 N.J.R. 245(a) 9 N.J.R. 199(b) 9 N.J.R. 245(b) 9 N.J.R. 295(c) 9 N.J.R. 147(b) 9 N.J.R. 101(a) 9 N.J.R. 199(c) 9 N.J.R. 295(b)
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(Rules in the Administrative Code for Title 18 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

## OTHER AGENCIES — TITLE 19

19:1-1.1 et seq. 19:4-2.2, 4.28 and 6.28 19:4-6.28 19:6-1.2 et seq. 19:8-1.1 19:8-1.9(b)3. 19:9-1.1 et seq. 19:25-15.1 et seq. 19:25-15.35 through 19:25-15.37	Revised rules of Mortgage Finance Agency Revisions to District zoning regulations Revisions to Hackensack Meadowlands zoning map Revisions concerning District Building Code Revised definitions concerning motorcycles Revisions on use of motorcycles on the Parkway Revisions on control of traffic on the Turnpike Rules on public financing of general elections for Governor Public financing of elections for office of Governor	R.1977 d.53 R.1977 d.237 R.1977 d.155 R.1977 d.25 R.1977 d.113 R.1977 d.113 R.1977 d.63 R.1977 d.72 R.1977 d.208	9 N.J.R. 152(a) 9 N.J.R. 394(a) 9 N.J.R. 297(b) 9 N.J.R. 150(a) 9 N.J.R. 246(a) 9 N.J.R. 246(a) 9 N.J.R. 203(a) 9 N.J.R. 201(a) 9 N.J.R. 349(b)
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(Rules in the Administrative Code for Title 19 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

Interested persons may present relevant statements or arguments in writing on or before August 24, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner  
Commissioner  
Department of Transportation

**(a)**

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules on Restricted Parking On Portions of Routes 88 and 28

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking along portions of Routes 88 and 28 in Ocean and Middlesex Counties, respectively.

Full text of the proposed new rules follows:

16:28-3.153 Route 88 in Lakewood Township, Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 88 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 88 beginning 150 feet west of the westerly curb line of New Hampshire Avenue to a point 150 feet east of the easterly curb line of New Hampshire Avenue.

16:28-3.154 Route 28 in Middlesex Borough, Middlesex County

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

1. No stopping or standing along both sides of Route 28 from the westerly curb line of Locust Avenue to the Bound Brook Borough-Middlesex Borough line.

Interested persons may present relevant statements or arguments to the proposed action in writing on or before August 24, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner  
Commissioner  
Department of Transportation

**(b)**

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions Concerning Licensing of Heliports and Helistops

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 6:1-29, 6:1-44, 27:1A-3 and 27:1A-5, proposes to revise the rules on the licensing of heliports and helistops by deleting in its entirety the current text of Subchapter 4, Chapter 54, in Title 16 of the New Jersey Administrative Code and adopting new text therein.

Full text of the proposed new Subchapter follows:

#### SUBCHAPTER 4. LICENSING OF HELIPORT OR HELISTOP

##### 16:54-4.1 Scope

Stated herein are the minimum standards applicable to the establishment, design, size, location, conditions of use and classification of heliports and helistops.

##### 16:54-4.2 Definitions

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

"Airport" means an approved area of land or water, or both, which is used or made available primarily for the landing and takeoff of fixed-wing aircraft and may be used by helicopters. A separate license is not required under this Chapter when helicopter facilities are an integral part of the airport.

"Approach/departure path" means a prescribed path extending upward and outward from the edge of the landing and takeoff area, within which normal flight is conducted to and from an approved heliport/helistop. (Appendix B and C.)

"Autorotation" means a power-off flight condition where the main rotor(s) is driven only by the action of the relative wind, providing a means to maneuver the helicopter to a safe low speed landing after engine failure or certain other emergencies.

"Ground cushion (ground effect)" means a realm of improved flight capability that develops whenever the helicopter flies or hovers near the ground or other surface. The effective height of ground effect is usually equal to about one rotor assembly diameter.

"Helicopter" means a rotary wing aircraft that depends principally upon the lift generated by one or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

"Heliport" means an area of defined dimensions, either at ground level or elevated on a structure, designated for the landing and takeoff of helicopters and used solely for that purpose. Heliports may include auxiliary facilities such as hangar, parking, fueling, maintenance and passenger accommodations.

"Helistop" means an area of defined dimensions, either at ground level or elevated on a structure, designated for the occasional landing and takeoff of helicopters, but not limited in use to that sole purpose. Helistops generally provide minimal or no support facilities and may be located in multiple use areas such as parking lots, dock areas, parks, athletic fields or other suitable open areas.

"Landing and takeoff area" means a specific area of defined dimensions to which the helicopter approaches for landing or takeoff from, including the touchdown area. (Appendix A and B.)

"Obstruction clearance slopes" mean imaginary planes leading outward and upward from the landing and takeoff area at angles specified for the type of facility to be licensed. (Appendix A and B.)

"Peripheral area" means a safety zone that provides an additional obstruction-free area on all sides of the prescribed landing and takeoff area. (Appendix A and B.)

"Taxiing" means a powered movement of an aircraft from one area to another, usually just before takeoff or after landing. Helicopters may hover taxi as well as ground taxi dependent upon type of landing gear and the surface area being used.

"Taxiway" means a pathway for hover taxiing or ground taxiing of helicopters connecting the landing and takeoff area with a separate terminal or service area or parking and tiedown facilities.

"Touchdown area" means that part of the landing and takeoff area where it is preferred that the helicopter:

1. Actually alight; or

2. Come to a zero forward ground speed hover from the approach prior to taxiing to another area.

Note: The touchdown area will normally be centered within the landing and takeoff area and may include the touchdown pad if installed.

#### 16:54-4.3 Categories of licenses

(a) There shall be two categories of licenses:

1. Public: A heliport that is open to and available for public use as an aeronautical facility.

2. Private: A heliport/helistop not available for public use, and further classified as:

i. Official use: Facilities established by and for the use of Federal, State and/or local government agencies, police and fire patrol and so forth;

ii. Restricted use: All other facilities which are subject to limitations such as location, frequency of use, maximum size and type of helicopter, using individuals or considerations deemed appropriate by the Commissioner in the interest of public welfare and safety.

#### 16:54-4.4 Heliport/helistop layout

(a) The size and shape of a heliport/helistop may be square, rectangular, circular or irregular as determined by the type operation desired, site available, size and performance of helicopter and objects affecting the surrounding airspace.

(b) The minimum operational safety requirements described in this Chapter shall apply regardless of the heliport/helistop configuration and/or attendant facilities.

#### 16:54-4.5 Heliport/helistop dimensions (Appendix A and B.)

(a) The physical dimensions of heliports/helistops are keyed to the size of the largest helicopter permitted to use the facility and the type of operation proposed.

1. Touchdown pad: Where installed, the dimensions of the touchdown pad shall be not less than 1.5 times the tread by 1.5 times the wheelbase (or skid/float contact length) of the helicopter. Load bearing capabilities of the touchdown pad shall be sufficient to accommodate the appropriate dynamic load expected.

2. Touchdown area: The touchdown area shall be equal in size to, but not less than the rotor diameter of the largest helicopter anticipated to use the heliport/helistop.

3. Landing and takeoff area: Minimum dimensions of the landing and takeoff area shall be determined by multi-

plying the overall length (OL) of the largest helicopter permitted to utilize the facility by a specific factor listed below. Overall length (OL) is that measurement between the outermost extremities of any part of the helicopter along its longitudinal axis. Minimum factors to be applied are:

i. Heliports: 2.0 times OL.

ii. Helistops, private: 1.5 times OL.

iii. The resultant square or circle shall normally be centered on the axis of the touchdown area. (Where a circular area is to be defined, the diameter is determined by application of the appropriate factor.)

4. Peripheral area: An additional obstruction-free safety zone shall surround the landing and takeoff area and will be a minimum width of one-quarter the overall length of the largest helicopter being considered, but not less than ten feet. A wind direction indicator may be installed in this area when located so as not to be a hazard to maneuvering helicopters.

5. Heliport/helistop surfaces: Landing surface areas, whether turf, paved, portable pad or other types of material, shall be constructed or stabilized so as to be free of dust or other loose particles that could present a hazard by being blown or picked up by rotor downwash.

6. Helicopter parking area and taxiway: Public use facilities shall provide a minimum of two parking positions of sufficient size to accommodate the largest anticipated using helicopter. Parking areas will be located remote from landing and takeoff area to avoid interference with other helicopter operations. In no case will helicopters remain parked in the area encompassed by the peripheral area. Taxiways, where required, shall provide a lateral clearance of not less than one rotor radius of the largest helicopter permitted to use the facility between the rotor tip of the taxiing helicopter and any object.

#### 16:54-4.6 Safety barriers

(a) Heliports/helistops will be protected by a safety barrier or fence not less than three feet in height above the ground, installed along the outer edge of the peripheral area, to preclude unauthorized persons from entering the operational area.

(b) When limited to the minimum three feet in height above the ground, such a barrier shall not be considered an obstruction for the purpose of determining the approach/departure slope clearance.

(c) Where deemed necessary or desired, a higher barrier may be installed. However, for each one foot in height above three feet, the barrier must be placed further from the outer edge of the peripheral area an additional distance as determined by applying the obstruction clearance criteria for the facility concerned. For example: a six-foot fence for a ratio of 8:1, add 24 feet; or a four-foot fence for a ratio of 5:1, add five feet or a five-foot fence for a 2:1 ratio, add four feet.

(d) Sufficient warning and identification signs shall be installed on the outside of the fenced area to inform the general public of the existence of a heliport/helistop.

(e) Waivers to the above fence, barrier, and/or sign requirements may be granted when requested by the applicant, provided:

1. The heliport/helistop is located on an airport and not in a part of the normal aeronautical activity area.

2. The facility is within the enclosed confines of another complex, for example, plant, factor, limited access dock area, and so forth, and the landing and takeoff area is guarded by responsible persons prior to and during actual helicopter operation.

3. That when the facility is located in a multiple use area, for example, parking lot, athletic field, open dock area, or other suitable open area, the landing and takeoff area is guarded by sufficient personnel to preclude inadvertent entry of persons or vehicles prior to and during helicopter operations.

4. When other safety factors permit.

#### 16:54-4.7 Approach/departure paths (Appendix B and C)

(a) Approach and departure paths will be selected, within the limits defined in this Section, to provide the most suitable lines of flight to and from the facility. These paths begin at the outermost edge of the landing and takeoff area and should be aligned as closely as possible into the prevailing winds.

(b) Each facility will have at least two paths separated by an arc of not less than 90 degrees. Curved paths are permitted except that the path will be straight for a distance of 300 feet from the edge of the landing and takeoff area prior to beginning a curve.

(c) Emergency landing areas should be accessible along the approach/departure path within 300 feet of the landing and takeoff area for all heliports/helistops, except those serving multi-engine helicopters that are capable of continuing flight with one engine inoperative and have sufficient climb performance to meet the obstruction clearance criteria.

#### 16:54-4.8 Obstruction clearances, VFR only (Appendix B and C)

(a) Obstruction clearance planes, aligned with the direction of the approach/departure paths, extend outward and upward from the edge of the landing and takeoff area to a safe enroute altitude. The width of these planes shall coincide with the dimensions of the landing and takeoff area required and flares uniformly to a width equal to the width of the landing and takeoff area plus 200 feet at 1,000 feet from the landing area boundary.

(b) The slope angle of these planes are as follows:

1. Public use heliports: Eight feet horizontally to one foot vertically (8:1).

2. Private use heliports/helistops: Not less than five feet horizontally to one foot vertically when certificated climb performance data for the helicopter concerned indicates that capability under normal operating conditions. Where adequate performance data is not available, the slope angle will be 8:1.

3. Side slope transitional surfaces for all facilities shall extend outward and upward from the lateral edges of the landing and takeoff area (on a line perpendicular to the approach/departure path planes) at an angle of two feet horizontally to one foot vertically (2:1) to a distance of 100 feet from each edge of the landing and takeoff area and parallel to the approach/departure paths for a distance of 300 feet.

(c) These surfaces are symmetrical about the centerlines of the approach/departure paths and should not be penetrated by any obstacles.

#### 16:54-4.9 Elevated heliports/helistops

(a) The minimum dimensions for an elevated rooftop facility shall be 40 feet by 40 feet or equal to the rotor diameter of the using helicopter, whichever is larger.

(b) The same criteria defined for a comparable ground facility will apply in determining touchdown pad size, obstacle free landing and takeoff area, and approach/departure paths.

(c) The touchdown area will be protected by a parapet, fence or barrier of not less than three feet in height. Where this is impractical or such objects would interfere

with the safe operation of the helicopter, a safety net must be installed around the outer perimeter of the building or elevated touchdown pad. The base of the net will be attached to the building or elevated pad at a point three feet below the horizontal plane of the landing area and extended outward and upward at an angle of 30 degrees from the horizontal, rising to a point level with, but not extending above, the landing area plane (Private use facilities may be granted a waiver to the safety net requirement, if specifically requested and deemed appropriate by the Commissioner of Transportation.)

(d) Structural design load bearing capability of the touchdown pad and supporting structure will be attested to by submission of a certified engineering drawing with the application for such a facility.

#### 16:54-4.10 Heliport/helistop site location limitations

(a) The following limitations apply to the site location of heliports/helistops effective with the date of this regulation.

1. Public use facilities: May be established only on operational airports, or in commercial, industrial or business oriented areas capable of accommodating helicopters, operating on a frequent basis, without adverse effect to the surrounding community.

2. Private use facilities, restricted:

i. When located in areas zoned industrial, commercial, and so forth (or similar phrasing) other than solely residential, which have common boundaries with a residential zone:

(1) The approach/departure paths shall, where possible, remain outside of the residential zone; or

(2) Where approach/departure paths must overlay a residential zone, normal flights shall be limited to those which will not exceed 80 dBA sound levels measured on the ground along the approach/departure path over the residential area.

ii. Where a "private, restricted use" facility is sought in an area zoned solely residential, the applicant may be required to submit proof of such permitted use as approved by the local governing authority having responsibility for control of local land use zoning.

3. Where heliport/helistop site is proposed in close proximity to an area zoned solely residential, it shall be not less than 400 feet from the residential zone boundary, measured from the center point of the landing and takeoff area to the boundary line, and sound level measurements at the nearest occupied residence in the residential zone shall not exceed 80 dBA with respect to the helicopter while it is hovering in ground effect in preparation for takeoff or landing. When the helicopter will actually touchdown at a point other than the center of the landing and takeoff area, sound level measurements shall not exceed 80 dBA at the nearest occupied residence in the residential zone while the helicopter is hovering in ground effect above the planned touchdown point.

4. Land use areas zoned with multiple classifications, for example, agriculture/residential, light industry/residential, and so forth, will not be considered solely residential for the purpose of this regulation.

(b) When issued, a license may contain specific limitations such as type of helicopter, frequency of flights, hours of operation or any other restrictions deemed appropriate and are conditions of approval to maintain a heliport/helistop.

#### 16:54-4.11 Environmental factors

Where the location of any proposed heliport/helistop may be questionable in its effect upon local environment, individual assessments of air and/or sound quality stand-

ards to determine its overall impact may be directed by the Commissioner.

#### 16:54-4.12 Visual aids

(a) Recommended heliport/helistop marking and lighting patterns are outlined in the current Federal Aviation Administration advisory circular 150/5390-1 and may be followed when marking and/or lighting a facility. (Appendix D)

(b) Adequate lighting will be required on any facility prior to approval for night operation. (Appendix D)

(c) A wind direction indicator will be installed in close proximity to the facility but not so as to be an obstacle or hazard to helicopter operation. It may consist of a standard wind cone, flag, streamer, and so forth, and must be visible to a helicopter during its approach. The wind direction indicator must be lighted or be made of light reflective material, for night operation.

#### 16:54-4.13 Application for license

(a) All applications for a heliport/helistop are to be made on Department of Transportation form DA-8, "Application for heliport/helistop".

(b) In addition to those items required by the application form DA-8, the proponent may be required to submit:

1. Certified performance data for the helicopter to be used;
2. Noise and emission data;
3. Approval of the local governing authority having responsibility for land use zoning.
4. Any other relevant material as the Commissioner may direct.

#### 16:54-4.14 Compliance

(a) Applications for heliports/helistops received on and subsequent to the effective date of this Subchapter shall be governed by the criteria contained herein.

(b) Heliports/helistops currently established and holding a valid license as of the effective date of this Subchapter will be required to comply with the provisions of this new Subchapter prior to renewal of said license.

(c) Any person who believes himself to be adversely affected by any licensing rule of this Chapter, and who believes further that exceptional circumstances warrant an exemption from the rule, may petition the Commissioner for such exemption.

(d) Such a petition, which must be verified, must be filed in triplicate with the Director of Aeronautics. The Director will forward the petition for exemption along with his recommendations to the Commissioner within 15 working days of receipt of petition. This time for submission may be further extended by the Commissioner for good cause.

(e) The Commissioner may grant or deny any such petition, and will insure that a notice is sent to the petitioner informing him of the action taken.

#### 16:54-4.15 Validity, modification, suspension or revocation of heliport/helistop license

(a) Any license issued pursuant to the provisions of this Chapter shall be valid for a period of one year from date of issue unless modified, suspended or revoked in the interest of public safety, or as a result of established violations of any of the provisions of:

1. Title 6 of the New Jersey Statutes Annotated;
2. Title 16, New Jersey Administrative Code, Subtitle J; or
3. Limitations, restrictions or stipulations made as a part of the condition of licensing.

A public hearing respecting the proposed action will be held on September 23, 1977, at 10:00 A.M. in the State Museum auditorium, 205 West State Street, Trenton, New Jersey. The hearing will be conducted in a quasi-legislative rather than quasi-judicial manner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 9, 1977, to:

Giles B. Maupin  
Division of Aeronautics  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions on Issuance and Sale Of N.J.D.O.T. Public Records

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6, proposes to delete in its entirety the current text of Subchapter 2 in Chapter 1 of Title 16 of the New Jersey Administrative Code and adopt in place thereof new rules concerning the issuance and sale of N.J.D.O.T. public records.

Full text of the proposed new rules follows:

#### SUBCHAPTER 2. ISSUANCE AND SALE OF N.J.D.O.T. PUBLIC RECORDS

##### 16:1-2.1 Definitions

"N.J.D.O.T. public records" means any record which is required by law to be made, maintained or kept on file by the N.J.D.O.T., except as excluded in N.J.A.C. 16:1-2.2(c).

"Custodian of records" means the bureau chief, regional engineer or above, having custody of the N.J.D.O.T. public record.

##### 16:1-2.2 Requirements

(a) All N.J.D.O.T. public records shall be readily accessible for examination by the citizens of New Jersey during the regular business hours of the custodian of such records. Every citizen of the State shall also have the right to copy such records by hand or to purchase copies thereof.

(b) All other records of the N.J.D.O.T. and the Commissioner of Transportation shall be available for inspection and examination only to the extent and for such purposes as may be expressly authorized by the Commissioner of Transportation.

(c) The records listed below shall not be deemed N.J.D.O.T. public records and may be made available for inspection, examination, and copying only by an individual who demonstrates to the satisfaction of the official custodian of such records, that the citizen has a legitimate beneficial interest in such record or the protection of his property rights or the protection of any interest the citizen may have in any matter affecting the citizen to

which the said record is relevant. Such records include all those which are made, maintained or kept on file by the N.J.D.O.T. relating to:

1. Future construction projects in terms of specific amounts or locations;
2. Estimates, appraisals, and costs of acquiring right-of-way prior to the completion of a project;
3. Qualifications and classifications of contractors, consultants, and appraisers;
4. Research and tests required in the development of highway materials, design, and construction;
5. Consultants' reports, N.J.D.O.T. preliminary engineering studies, and assessment prior to disclosure at public hearings;
6. All records which are part of any case file maintained by a Deputy Attorney General acting for the N.J.D.O.T.;
7. Preliminary aircraft accident investigative reports;
8. Reports of aeronautical surveillance or investigation;
9. Personnel and pension records;
10. Police and driver reports of accidents on file with the Bureau of Accident Records;
11. All records which are part of any workpapers, memoranda, or reports which are made, maintained or kept by the office of internal auditing in the Department of Transportation.

(d) The right of examination herein provided for may be denied where the records which are sought to be examined pertain to an investigation in progress by any body, agency, commission, board, authority or official, if the inspection, copying or publication of such records shall not be in the best interest of the public.

(e) To safeguard the interest of the N.J.D.O.T. as well as the general public in the release of records, the custodian of records shall, where uncertainty exists, contact the authorized person from the appropriate bureau for approval prior to releasing the requested information.

(f) If a citizen of this State wishes to copy more than 100 pages of N.J.D.O.T. public records, the custodian of the records may permit the citizen to use the citizen's own photographic process providing:

1. The photographic process is approved by the custodian;
2. There is no risk of damage or mutilation of the records;
3. The copy of such records by the citizen would not be incompatible with the economic and efficient operation of the office and the transaction of public business therein;
4. The citizen is willing to pay the fee which shall be established by the custodian after considering the equipment and time involved (such fee shall not be less than \$5.00 nor more than \$25.00 per day).

(g) N.J.S.A. 47:1A-2 of "The Present New Jersey Right to Know Law", requires that if a price for a public record has not been established by a New Jersey statute, legislative resolution, Governor's executive order, rule of court, Federal law, regulation or order, or any regulation, the following fees are in effect:

1. First page to tenth page: \$.50 per page;
2. Eleventh page to twentieth page: \$.25 per page;
3. All pages over 20: \$.10 per page.

(h) A request from a citizen for information, which is not a N.J.D.O.T. public record and requires a significant amount of research and investigation, shall be charged on a man-hour basis.

(i) According to law or the Commissioner's discretion, a particular N.J.D.O.T. public record may be publicly distributed free of charge.

16:1-2.3 Procedure for obtaining N.J.D.O.T. public records  
N.J.D.O.T. public records may be obtained by contact-

ing the custodian of records, in person or by written request at:

Custodian of Records  
Department of Transportation  
1035 Parkway Avenue  
Trenton, NJ. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

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

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Amendments on No Right Turns on Routes 18, 28, U.S. 30, 70, 71, and U.S. 1 and 9

On June 30, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-12.13, 16:28-12.19, 16:28-12.21, 16:28-12.44, 16:28-12.45 and 16:28-12.76 concerning no right turns on red traffic signals on portions of Routes 18, 28, 30, 70, 71 and U.S. 1 and 9, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 292(b).

An order adopting these amendments was filed and became effective on July 1, 1977, as R.1977 d.233.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Rules on Restricted Parking for Parts Of Routes U.S. 22 and N.J. 154

On June 30, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.149 and 16:28-3.150, concerning restricted parking on parts of Routes 154 and U.S. 22, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 293(a).

An order adopting these rules was filed and became effective on July 1, 1977, as R.1977 d.234.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Revisions on No Right Turns on Red On Routes 13, 24, 34, 168, I-280 and 173

On June 30, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-12.10, 16:28-12.17, 16:28-12.24, 16:28-12.59, 16:28-12.67 and 16:28-12.75 concerning no right turns on red traffic signals along portions of Routes 13, 24, 34, 168, I-280 and 173, as proposed in the Notice published June 9, 1977, at 9 N.J.R. 292(a).

An order adopting these revisions was filed and became effective on July 1, 1977, as R.1977 d.235.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Emergency Rule on Weight Limits On Portions of Route 179

On July 14, 1977, Alan Sagner, 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, adopted an emergency rule concerning weight limits on portions of Route 179.

Full text of the adopted rule follows:

16:28-2.2 Route 179

In accordance with authority granted pursuant to N.J.S.A. 27:7-21 for the improvement in maintenance and repair of Route 179 between Route U.S. 202 and Route 31 in the Township of East Amwell, Hunterdon County, there is hereby established a weight limit of four tons gross weight for trucks except for the pick-up and delivery of materials, for the entire length of Route 179.

An order adopting this rule was filed and became effective on July 14, 1977, as R.1977 d.246 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Emergency Rule on Center Left Turns on Portions of Route 33

On July 14, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and

in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning center left-turns only along portions of Route 33.

Full text of the adopted rule follows:

16:28-7.3 Center lane; left turns only regulation along Route 33 in the Townships of Hamilton and Washington, Mercer County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on certain parts of State Highway Route 33 described below are regulated as follows:

1. Center lane, left turns only, between Fenwood Avenue (milepost 3.9) in the Township of Hamilton to a point 700 feet west of Co. Rd. 526 (Robbinsville-Edinburg Road, milepost 7.4) in the Township of Washington, the center lane shall be used for left turns only, in either direction, except at signalized intersections marked or signed otherwise.

An order adopting this rule was filed and became effective on July 14, 1977, as R.1977 d.247 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### DIVISION OF PENSIONS

#### CONSOLIDATED POLICE AND FIREMEN'S PENSION FUND

##### Proposed Revisions to Fund's Rules

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

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

17:6-2.1(a) Salary shall not include retroactive salary adjustments if the increases are not of a normal, overall, published program of increases. Bonus or overtime payments are not to be considered for purpose of the Act. [Lump sum] Longevity, terminal leave or vacation payments will not be considered if paid in a lump sum or other than as a regular salary disbursement.

17:6-3.2 Effective dates; changes

17:6-3.2(c) A member shall have the right to withdraw, cancel or change an application for retirement at any time before his retirement allowance becomes due and payable; thereafter, the retirement shall stand as approved by the Board.

17:6-3.9 Medical examinations; physicians

Where the statute prescribes that a physician shall be designated by the fund to perform a medical examination, such physician shall be selected from the current membership directory of the [New Jersey] Medical Society of

New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, in order to expedite the processing of what appears to be terminal cases the fund may accept hospital records or other medical reports or records in lieu of an examination by a physician designated by the fund.

**17:6-3.10 Effective date; death prior thereto**

A member's retirement allowance shall not become due and payable until 30 days after the date the Board approved the application for retirement or 30 days after the date of the retirement, whichever is later.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

Consolidated Police and Firemen's Pension Fund  
Division of Pensions  
20 West Front St.  
Trenton, N.J. 08625

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

Clifford A. Goldman  
State Treasurer  
Department of the Treasury

**(a)**

## TREASURY

### DIVISION OF PENSIONS

#### STATE POLICE RETIREMENT SYSTEM

##### Proposed Revisions to System's Rules

The State Police Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 53:5A-30 et seq., proposes to revise a portion of its rules.

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

**17:5-3.1(c) [Lump sum] Longevity, terminal leave or vacation payments will not be considered if paid in a lump sum or other than as a regular salary disbursement.**

**17:5-5.1(a) Applications for retirement must be made on forms prescribed by the system. Such forms must be completed in all respects and filed with the system before the requested date of retirement. In the event a member files an incomplete application, the deficiencies shall be brought to his attention and he will be required to file a completed application with the system to enable acceptance for processing. Before an application for retirement may be accepted for processing it must be supported by a certificate from the Division of State Police setting forth the employment termination date and the salary reported for contributions in the member's final year of employment. In the event a member does not file an application for retirement one month prior to the requested date of retirement, the member's retirement date shall be advanced to the first day of the following month.**

**17:5-5.2 Effective dates; changes**

[The date of a retirement application will be recognized if it is earlier than the actual date of receipt by the retirement system, if it is supported by a signature of a

certifying agent or a notary. The earlier of the certified date by agent on application, postmark or date of actual receipt by the retirement office, will be recognized for the purpose of satisfying the one month statutory requirement. If this date falls within a calendar month, the retirement will be effected on the first day of the month following the one-month period following the filing and Board approval.]

(a) A member shall have the right to withdraw, cancel or change an application for retirement at any time before his retirement allowance becomes due and payable; thereafter, the retirement shall stand as approved by the Board.

(b) Except in the event of deferred retirement, if a member requests a change in his retirement application before his retirement allowance becomes due and payable, said change will require approval of the Board and the revised retirement allowance shall not become due and payable until 30 days have elapsed following the effective date or the date the Board met and approved the change in the member's retirement application, whichever is later.

(c) If the applicant should die within 30 days following the date the Board approved the revised application, the member shall be considered to be retired on the basis of the originally approved application for retirement, provided that the initial 30-day requirement was satisfied.

(d) A deferred retirement shall become effective on the first of the month following the member's 55th birthday.

(e) In the case of deferred retirement, if an applicant desires to amend his retirement application, the amended application must be filed with the System a minimum of one month prior to his effective date of retirement.

**17:5-5.3 [Death prior to effective date] Effective date; death prior thereto**

[A member who retires but who dies before the first payment is due (30 days hence) is to be considered as an active member.]

(a) A member's retirement allowance shall not become due and payable until 30 days after the date the Board approved the application for retirement or 30 days after the date of the retirement, whichever is later.

(b) A member who files an application for retirement and whose insurance coverage has not lapsed prior to filing the retirement application is covered under the insurance program as an active member in the event of death prior to the date the retirement allowance becomes due and payable.

**17:5-5.15 Medical examinations; physicians**

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

State Police Retirement System  
Division of Pensions  
20 West Front St.  
Trenton, N.J. 08625

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

Clifford A. Goldman  
State Treasurer  
Department of the Treasury

(a)

## TREASURY

### STATE HOUSE COMMISSION JUDICIAL RETIREMENT SYSTEM

#### Proposed Revisions to Rules of Judicial Retirement System

The State House Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. proposes to revise certain portions of the rules concerning the Judicial Retirement System.

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

17:10-3.1(e) In computing the final salary for a member reported on a biweekly basis, a total of 26 biweekly pays will be used including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by multiplying the total by [1.003831] **the factors supplied by the actuary at the beginning of each fiscal year; such adjustment will compensate for State biweekly payroll schedules.**

17:10-4.1(a) "Compensation" or "base salary" shall not include retroactive salary adjustments if the increase is not of a normal, overall, published program of increases. Bonus or overtime payments are not to be considered for such purpose. [Lump sum] **Longevity, terminal leave or vacation payments will not be considered if paid in a lump sum or other than as a regular salary disbursement.**

17:10-5.10 Medical examinations; physicians  
Where the statute prescribes that a physician shall be designated by the retirement system to perform a medical examination, such physician shall be selected from the current membership directory of the [New Jersey] **Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the retirement system.**

17:10-5.12(a) In computing final salary in the case of a member reported on a biweekly basis, a total of 26 biweekly pays will be used including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by [multiplying the total by 1.003831] **factors supplied by the actuary at the beginning of each fiscal year; such adjustment will compensate for State biweekly payroll schedules.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

State House Commission  
Judicial Retirement System  
20 West Front St.  
Trenton, N.J. 08625

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

Clifford A. Goldman  
State Treasurer  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF TAXATION

#### Revised List of Holders of Direct Payment Sales Tax Permits

Take notice that, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, has issued the annual revised list of holders of direct payment permits under the New Jersey Sales Tax Act, as of July 1, 1977.

This list supersedes the previous list published on August 5, 1976, at 8 N.J.R. 404(c) and shall remain in effect until otherwise modified or revoked.

Following is the listing of holders of direct payment permits as of July 1, 1977:

DP-221-762-630/000  
Permit No. 00116  
A & A Oil Burner Service Corp.  
9-11 Sheridan Avenue  
Clifton, New Jersey 07011

DP-221-834-238/000  
Permit No. 00228  
A. & M. Contracting Co.  
P.O. Box 123  
Littell Road  
Hanover, New Jersey 07936

DP-221-666-512/000  
Permit No. 00239  
Ace Sheet Metal Co., Inc.  
351 East 16th Street  
Paterson, New Jersey 07524

DP-221-416-017/000  
Permit No. 00168  
All Heat Service Co.  
35 Princeton Street  
East Orange, New Jersey 07019

DP-130-430-890/000  
Permit No. 00138  
American Cyanamid Co.  
Wayne, New Jersey 07470

DP-221-663-460/000  
Permit No. 00188  
American Paterson Glass Co.  
168 Eighth Avenue  
Paterson, New Jersey 07514

DP-210-731-636/000  
Permit No. 00238  
Arnold Steel Co. Inc.  
Randolph Road  
Howell, New Jersey 07731

DP-210-398-280/000  
Permit No. 00182  
Atlantic City Electric Co.  
1600 Pacific Avenue  
Atlantic City, New Jersey 08404

DP-042-438-732/000  
Permit No. 00153  
The Badger Co., Inc.  
One Broadway  
Cambridge, Massachusetts 02142

DP-220-758-320/000  
Permit No. 00151  
Beach Electric Co., Inc.  
18 Springdale Avenue  
East Orange, New Jersey 07017

DP-134-949-130/000  
Permit No. 00139  
Bell Telephone Laboratories, Inc.  
600 Mountain Avenue  
Murray Hill, New Jersey 07974

DP-510-111-085/000  
Permit No. 00216  
Beneficial Management Corp.  
200 South Street  
Morristown, New Jersey 07960

DP-380-341-261/001  
Permit No. 00173  
The Bendix Corp.  
Navigation & Control Division  
Hollister Road  
Teterboro, New Jersey 07608

DP-221-422-798/000  
Permit No. 00166  
Bert B. Globus, Inc.  
1440 North Broad Street  
Hillside, New Jersey 07205

DP-NJ9-002-028/000  
Permit No. 00147  
Bonland Sheet Metal Co., Inc.  
50 Newark Pompton Turnpike  
Wayne, New Jersey 07470

DP-111-881-106/000  
Permit No. 00178  
Branch Motor Express Co.  
114 Fifth Avenue  
New York, New York 10011

DP-130-523-620/000  
Permit No. 00187  
Brisk Waterproofing Co., Inc.  
720 Grand Avenue  
Ridgefield, New Jersey 07657

DP-210-419-870/000  
Permit No. 00132  
Campbell Soup Co.  
Campbell Place  
Camden, New Jersey 08101

DP-221-696-849/000  
Permit No. 00162  
Central Plumbing and Heating Co.  
2175 Hudson Boulevard  
Jersey City, New Jersey 07305

DP-221-801-286/000  
Permit No. 00165  
Chambers Electric Co., Inc.  
23 Cindy Lane  
Ocean Twp., New Jersey 07712

DP-221-546-642/000  
Permit No. 00223  
Commonwealth Water Co.  
233 Canoe Brook Road  
Short Hills, New Jersey 07078

DP-231-989-084/000  
Permit No. 00237  
Consolidated Rail Corp.  
1310 6 Penn Centre Plaza  
Philadelphia, Pennsylvania 19104

DP-221-631-925/000  
Permit No. 00101  
Consolidated Steel and Aluminum Fence Co., Inc.  
316 North 12th Street  
Kenilworth, New Jersey 07033

DP-210-437-360/000  
Permit No. 00183  
Deepwater Operating Co.  
1600 Pacific Avenue  
Atlantic City, New Jersey 08404

DP-210-721-607/000  
Permit No. 00146  
Delta Line Construction Co.  
R.D. 2, Box 106  
Pleasantville, New Jersey 08232

DP-221-644-859/000  
Permit No. 00210  
De Vries, Inc.  
Highway #27  
North Brunswick, New Jersey 08902

DP-221-964-364/000  
Permit No. 00158  
Dickman & Hansen, Inc.  
619 East Main Street  
Maple Shade, New Jersey 08052

DP-222-059-915/000  
Permit No. 00234  
Edward R. Woods and Co.  
1383 Lower Ferry Road  
West Trenton, New Jersey 08628

DP-220-888-120/001  
Permit No. 00122  
Elizabethtown Gas Co.  
One Elizabethtown Plaza  
Elizabeth, New Jersey 07207

DP-221-683-171/000  
Permit No. 00123  
Elizabethtown Water Co.  
One Elizabethtown Plaza  
Elizabeth, New Jersey 07207

DP-221-967-744/000  
Permit No. 00198  
Erco Interior System, Inc.  
32 N. Delsea Drive  
Glassboro, New Jersey 08028

DP-221-577-490/000  
Permit No. 00163  
Farm Harvesting Co.  
57 East Hanover Avenue  
Morris Plains, New Jersey 07950

DP-135-067-490/000  
Permit No. 00177  
The Felsway Corp.  
994 Riverview Drive  
Totowa, New Jersey 07512

DP-380-549-190/001  
Permit No. 00185  
Ford Motor Co.  
Metuchen Assembly Plant  
U.S. Highway #1  
Edison, New Jersey

DP-380-549-190/002  
Permit No. 00186  
Ford Motor Co.  
New Jersey Assembly Plant  
State Highway #17  
Mahwah, New Jersey

DP-221-777-882/000  
Permit No. 00214  
Garlock Bearings Division of Garlock, Inc.  
Division Street  
Palmyra, New York 14522

DP-520-324-870/000  
Permit No. 00110  
General Elevator Co., Inc.  
P.O. Box 1702  
Baltimore, Maryland 21203

DP-210-668-616/000  
Permit No. 00106  
George W. Hagemann  
Oregon Avenue  
Moorestown, New Jersey 08057

DP-135-349-600/000  
Permit No. 00157  
Geo. W. Rogers Construction Corp.  
33 Rector Street  
New York, New York 10006

DP-221-659-917/000  
Permit No. 00209  
Glideaway Door and Construction Co., Inc.  
111 Highland Parkway  
Roselle, New Jersey 07203

DP-NJ5-025-702/000  
Permit No. 00127  
GM-DI Leasing Corp.  
3044 West Grand Boulevard  
Detroit, Michigan 48202

DP-222-046-092/000  
Permit No. 00235  
Gribco Mechanical Contractors, Inc.  
P.O. Box 66  
Vineland, New Jersey 08360

DP-136-240-821/000  
Permit No. 00204  
Haband Company, Inc.  
265 North Ninth Street  
Prospect Park, New Jersey 07508

DP-210-449-796/000  
Permit No. 00144  
The Henry R. Fell Co.  
42 Escher Street  
Trenton, New Jersey 08607

DP-221-012-780/000  
Permit No. 00215  
Henry R. Isenberg Tile and Marble Co.  
575 Mc Chesney Street  
Orange, New Jersey 07050

DP-135-465-980/000  
Permit No. 00104  
Higgins Fire Protection, Inc.  
1528 Northern Boulevard  
Manhasset, New York 11030

DP-148-284-718/000  
Permit No. 00218  
Hobbie Heat & Power Inc.  
Old Four Bridges Road  
Chester, New Jersey 07930

DP-220-994-270/000  
Permit No. 00181  
Hoffmann-La Roche Inc.  
340 Kingsland Street  
Nutley, New Jersey 07110

DP-210-612-565/000  
Permit No. 00170  
I. Alper Co.  
N. 6th Street at Delaware River  
Camden, New Jersey 08102

DP-NJ2-000-017/000  
Permit No. 00240  
International Business Machines Corp.  
P.O. Box 10  
Princeton, New Jersey 08540

DP-130-881-070/000  
Permit No. 00155  
Jacobson and Company, Inc.  
104 East 25th Street  
New York, New York 10010

DP-210-716 338/000  
Permit No. 00205  
JAM Industries, Inc.  
413 Stokes Avenue  
Trenton, New Jersey 08638

DP-210-485-010/000  
Permit No. 00118  
Jersey Central Power & Light Co.  
Madison Avenue at Punch Bowl Road  
Morristown, New Jersey 07960

DP-130-889-680/000  
Permit No. 00211  
Johns-Manville  
c/o Johns Manville Development Corp.  
DPC Building  
Manville, New Jersey 08835

DP-221-658-254/000  
Permit No. 00111  
Jones Ceilings, Inc.  
1 Jones Avenue, Route 70  
Cherry Hill, New Jersey 08034

DP-221-073-500/000  
Permit No. 00150  
Litzebauer Brothers, Inc.  
1550 Springfield Avenue  
Maplewood, New Jersey 07040

DP-221-402-552/000  
Permit No. 00159  
Lyons Electric  
1130 Springtown Road  
Alpha, New Jersey 08365

DP-210-662-315/000  
Permit No. 00167  
M. Dubin Floors, Inc.  
3805 Atlantic Avenue  
Atlantic City, New Jersey 08401

DP-221-109-110/000  
Permit No. 00137  
Merck and Co., Inc.  
Lincoln Avenue  
Rahway, New Jersey 07065

DP-135-581-829/000  
Permit No. 00207  
Metropolitan Life Insurance Co.  
1 Madison Avenue  
New York, New York 10010

DP-221-114-430/000  
Permit No. 00124  
Middlesex Water Co.  
52 Main Street  
Woodbridge, New Jersey 07095

DP-210-724-764/000  
Permit No. 00193  
Miller Masons, Inc.  
726 Adriatic Avenue  
Atlantic City, New Jersey 08401

DP-210-663-994/000  
Permit No. 00222  
Monmouth Consolidated Water Co.  
661 Shrewsbury Avenue  
Shrewsbury, New Jersey 07701

DP-210-735-523/000  
Permit No. 00112  
Moran, Edward V.  
Hearnen Air Conditioning  
9 West Front Street  
Trenton, New Jersey 08608

DP-221-692-930/000  
Permit No. 00169  
New Jersey Automatic Door, Inc.  
171 Twin Rivers Drive  
Hightstown, New Jersey 08520

DP-210-621-630/001  
Permit No. 00121  
New Jersey Natural Gas Co.  
601 Bangs Avenue  
Asbury Park, New Jersey 07712

DP-210-610-162/000  
Permit No. 00221  
New Jersey Water Co.  
515 Grove Street  
Haddon Heights, New Jersey 08035

DP-135-582-869/000  
Permit No. 00206  
New York Life Insurance Co.  
51 Madison Avenue  
New York, New York 10010

DP-221-601-124/000  
Permit No. 00195  
Nicholas Schwalje Inc.  
4 Leonard Street  
Metuchen, New Jersey 08840

DP-NJ5-009-334/000  
Permit No. 00131  
Northeastern Products Co.  
Campbell Place  
Camden, New Jersey 08101

DP-221-702-863/000  
Permit No. 00115  
North Jersey Irrigation Supplies Corp.  
35 Charles Street  
Westwood, New Jersey 07675

DP-221-693-111/000  
Permit No. 00230  
North Jersey Landscaping Corp.  
66 Passaic Avenue  
Fairfield, New Jersey 07006

DP-221-665-021/000  
Permit No. 00192  
Olson Flooring Co., Inc.  
46 South Front Street  
Bergenfield, New Jersey 07621

DP-135-583-389/000  
Permit No. 00203  
Otis Elevator Co.  
750 Third Avenue  
New York, New York 10017

DP-222-094-112/000  
Permit No. 00232  
Perth Contracting Corp.  
55 Liberty Street  
Metuchen, New Jersey 08840

DP-221-514-331/000  
Permit No. 00114  
Petriella Tile and Terrazzo Co.  
737 Broad Street, Box 549  
Bloomfield, New Jersey 07003

DP-131-607-658/002  
Permit No. 00107  
Phillip Morris  
100 Park Avenue  
New York, New York 10017

DP-131-934-531/000  
Permit No. 00190  
Port Chester Electrical Co., Inc.  
354 North Main Street  
Port Chester, New York 10573

DP-221-211-670/000  
Permit No. 00208  
Prudential Insurance Company of America  
Prudential Plaza  
Newark, New Jersey 07101

DP-222-053-189/000  
Permit No. 00236  
Prudential Property and Casualty Insurance Co.  
P.O. Box 246  
Woodbridge, New Jersey 07095

DP-221-212-800/000  
Permit No. 00117  
Public Service Electric and Gas Co.  
80 Park Place  
Newark, New Jersey 07001

DP-221-130-000/000  
Permit No. 00179  
Purolator, Inc.  
970 New Brunswick Avenue  
Rahway, New Jersey 08065

DP-221-233-260/000  
Permit No. 00213  
Rinbrand Well Drilling Co. Inc.  
14 Waldron Avenue  
Glen Rock, New Jersey 07452

DP-210-673-061/000  
Permit No. 00226  
Sambol Construction Corp.  
430 North Maple Avenue  
Toms River, New Jersey 08753

DP-221-896-529/000  
Permit No. 00227  
Samco Industries Ltd.  
430 North Maple Avenue  
Toms River, New Jersey 08753

DP-221-258-550/000  
Permit No. 00197  
Savary and Glaeser, Inc.  
998 Washington Avenue  
Green Brook, New Jersey 08812

DP-221-671-137/000  
Permit No. 00109  
Max Sr. and Paul Schoenwalder—A Corp.  
464 Chestnut Street  
Union, New Jersey

DP-221-773-350/000  
Permit No. 00220  
Seaboard Air Conditioning Co.  
2406 Fairmount Avenue  
Atlantic City, New Jersey 08401

DP-221-280-122/000  
Permit No. 00135  
Shulton, Inc.  
697 Route 46  
Clifton, New Jersey 07011

DP-210-398-330/000  
Permit No. 00120  
South Jersey Gas Co.  
Number One South Plaza, Route 54  
Folsom, New Jersey 08037

DP-741-079-400/000  
Permit No. 00134  
Transcontinental Gas Pipe Line Corp.  
3100 Travis Street  
Houston, Texas 77001

DP-630-577-065/000  
Permit No. 00148  
United States Pipe and Foundry Co.  
3300 First Avenue, North  
Birmingham, Alabama 35202

DP-250-996-816/000  
Permit No. 00180  
United States Steel Corp.  
600 Grant Street  
Pittsburgh, Pennsylvania 15230

DP-221-549-428/000  
Permit No. 00161  
The Vestull Co.  
Broad & 14th Streets  
Carlstadt, New Jersey 07072

DP-344-101-341/000  
Permit No. 00217  
Warner Electric Brake & Clutch Co.  
P.O. Box 118  
Pitman, New Jersey 08071

DP-221-727-864/000  
Permit No. 00136  
Warner-Lambert Co.  
201 Tabor Road  
Morris Plains, New Jersey 07950

DP-250-877-540/000  
Permit No. 00172  
Westinghouse Electric Corp.  
Westinghouse Building, Gateway Center  
Pittsburgh, Pennsylvania 15222

DP-341-158-012/000  
Permit No. 00224  
White-Westinghouse Corp.  
11770 Berea Road  
Cleveland, Ohio 44111

DP-210-665-029/000  
Permit No. 00164  
Whitmyer Bros., Inc.  
P.O. Box 617  
Hammonton, New Jersey 08037

DIRECT PAYMENT PERMITS CANCELLED  
FOR PERIOD JULY 1, 1976  
TO JUNE 30, 1977

DP-NJ2-000-019/000  
Permit No. 00202  
The Anaconda Co.  
Cancelled July 8, 1976

DP-131-872-319/000  
Permit No. 00129  
Olin Corp.  
Cancelled September 14, 1976

DP-221-733-428/000  
Permit No. 00219  
Chi Mechanical Contracting Corp.  
Cancelled September 20, 1976

DP-221-807-042/000  
Permit No. 00156  
Wallace Bros., Inc.  
Cancelled October 15, 1976

DP-221-944-297/000  
Permit No. 00231  
R. E. White, Inc.  
Cancelled December 13, 1976

DP-111-755-466/000  
Permit No. 00103  
Barney Schogel, Inc.  
Cancelled June 6, 1977

DP-221-933-874/000  
Permit No. 00200  
Worthington Standard Pump Corp.  
Cancelled June 6, 1977

DP-221-904-812/000  
Permit No. 00199  
Worthington Marine & Industrial Products, Inc.  
Cancelled June 27, 1977

This listing is not subject to codification and will not be published in Title 18 of the New Jersey Administrative Code. This Notice is published solely as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### STATE HOUSE COMMISSION

### JUDICIAL RETIREMENT SYSTEM

#### Revisions Concerning Effective Dates

On June 24, 1977, William J. Joseph, Secretary of the Judicial Retirement System in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:10-5.2 concerning effective dates regarding the Judicial Retirement System, as proposed in the Notice published November 4, 1976, at 9 N.J.R. 538(b).

An order adopting these revisions was filed and became effective on June 27, 1977, as R.1977 d.228.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF PENSIONS

### PRISON OFFICERS' PENSION COMMISSION

#### Revisions to Rules of Prison Officers' Pension Fund

On July 15, 1977, Anthony P. Ferrazza, secretary of the Prison Officers' Pension Fund in the Division of Pensions in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 43:7-19 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:7-2.1, 17:7-3.3 and

17:7-3.10 concerning the Prison Officers' Pension Fund, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 191(b).

An order adopting these revisions was filed and became effective on July 19, 1977, as R.1977 d.250.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## (Other Agencies)

(c)

## DELAWARE RIVER BASIN COMMISSION

### Notice of Availability of Draft Environmental Impact Statement

Take notice that, the Delaware River Basin Commission has issued the following notice of the availability of a draft environmental impact statement concerning the Dow Chemical Company's bulk chemical storage and distribution facility in Bordentown Township, New Jersey:

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure, notice is hereby given of the availability of a draft environmental impact statement, dated July 15, 1977, which discusses the impact of the chemical storage and distribution terminal proposed by the Dow Chemical Company for construction at Delaware River, mile 127 in Bordentown Township, Burlington County, New Jersey. The draft environmental impact statement was prepared by the Delaware River Basin Commission based upon an environmental report prepared by S. T. Hudson Engineers, Inc. and the Commission's staff analysis of the proposed action.

The proposed development includes construction of 65 storage tanks varying in size from 250 barrels (10,000 gallons) to 50,000 barrels (2,100,000 gallons). Construction would include removal of about 307,000 cubic yards of sand, gravel and river silt to provide adequate channel depth and a berthing area for tankers of up to 36,000 dead-weight tons. A pier and marginal berthing facilities would extend a maximum of 500 feet channelward from the existing mean high water line. Facilities would include a dry bulk transfer system, a storage and packaging warehouse and an administration building.

Copies of the draft environmental impact statement and the applicant's environmental report and supplements may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, New Jersey during normal business hours. Copies of the application and draft environmental impact statement are available for distribution to persons or agencies upon request.

A public hearing on the action proposed by Dow Chemical Company will be held by the Delaware River Basin Commission on August 24, 1977, at 2 P.M. The hearing will take place in the Hall of Flags, West, Sheraton Hotel, 17th and Kennedy Boulevard, Philadelphia, Pennsylvania. Testimony will be received on the proposed project and the draft environmental impact statement.

Written comments on the draft environmental impact statement will be received by the Delaware River Basin Commission from interested agencies or individuals. To

be considered by the Commission in formulating a final environmental impact statement, such written comments must be received no later than September 5, 1977.

This Notice is published as a matter of public information and will not appear in the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

### Proposed New Rules on Uniform Procedure For the Administration and Enforcement Of the Uniform Construction Code

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to adopt new rules concerning the uniform procedure for the administration and enforcement of the State Uniform Construction Code within the Hackensack Meadowlands District and the portions of the constituent municipalities thereof.

Full text of the proposed new rules follows:

#### SUBCHAPTER 6. UNIFORM CONSTRUCTION CODE; UNIFORM PROCEDURE FOR ADMINISTRATION AND ENFORCEMENT

##### 19:6-3.1 Scope

The administration and enforcement of all buildings, fire, plumbing, electrical and related construction codes shall be pursuant to provisions of this resolution as long as same shall remain in full force and effect or until superseded by a resolution hereafter adopted by the Commission.

##### 19:6-3.2 Enforcement

(a) There is hereby established in the Hackensack Meadowlands District, (hereinafter referred to as HMD) a State Uniform Construction Code Enforcing Agency consisting of each municipal construction official, building subcode official, plumbing subcode official, electrical subcode official, fire protection subcode official and such other subcode officials as shall be required pursuant to regulations adopted under the State Uniform Construction Code.

(b) Each municipal construction official shall be administrator of the agency hereby created in each of the 14 constituent municipalities.

(c) Each official position created by subsection (a) of this Section shall be filled by a person qualified for such position pursuant to P.L. 1975, C.217, and the regulations adopted pursuant thereto. If a municipality does not appoint a qualified construction official, the office of the chief engineer, HMDC (hereinafter referred to as OCE), shall act in the capacity of the construction official with the authority to enforce and administer the State Uniform Construction Code regulations pursuant to the authority of law until such time as a qualified person is appointed by the municipality.

(d) For the purpose of this resolution the term "construction official" shall mean that person appointed by

constituent municipalities with authority to enforce and administer the State Uniform Construction Code regulations within the jurisdiction of such municipality, or the OCE as the case may be.

(e) The OCE shall carry out the provisions of this resolution on behalf of the HMDC. The OCE shall serve as the district building subcode official within the HMD and shall have the responsibility for reviewing and approving or disapproving all construction engineering plans and all building, plumbing, electrical fire protection plans, specifications and details. The OCE shall also, in this capacity, render inspections as required by Section 5(h) of this Subchapter.

(f) In lieu of the appointment of an electrical subcode official or a contract with an electrical on-site inspection agency, the existing electrical inspection authorities may continue to operate pursuant to N.J.A.C. 14:5-7.1 et seq., but in no case later than January 1, 1978, except in conformity with applicable regulations.

##### 19:6-3.3 Fire limits

The establishment of fire limits and all requirements related thereto shall be governed by municipal ordinance.

##### 19:6-3.4 Fees

Fees for HMDC plan review, where required, shall be as follows:

(Reserved Note: HMDC to establish a fee schedule.

Each municipality will waive 20 per cent of fee, 80 per cent to be retained by the municipality.)

##### 19:6-3.5 Hackensack Meadowlands District uniform procedure

(a) All OCE approvals issued under this resolution shall be forwarded to the respective municipal construction official.

(b) All applications for construction permits shall be submitted to the municipal construction official of the municipality wherein the construction is proposed.

(c) Each municipal construction official shall advise all applicants for construction permits of the necessity to obtain all required HMDC prior approvals.

(d) Each application for a construction permit shall be submitted in four sets to the construction official (one set to be retained by the municipality and three to be forwarded to the OCE).

(e) A construction official must issue a construction permit within 20 working days from the date of receipt of a complete application provided that all subcode officials certify that the plans comply with the applicable subcodes.

(f) The construction official shall forward the three sets of each construction permit application to the HMDC for plan review and approval of all construction plans by the OCE.

(g) Following its approval of all construction plans the HMDC shall return two copies of the approved plans to the municipal construction official. After receipt of all certificates of completion from the individual subcode officials and the payment of all required fees, the municipal construction official shall issue a construction permit.

(h) The OCE reserves the right to perform the following inspections:

1. After excavation is complete and forms and reinforcement are in place, prior to the pouring of the foundation. Prior to the erection of the structural members, an as-built survey prepared by a licensed surveyor shall be submitted to the OCE of sufficient detail to determine compliance with setback and elevation requirements.

2. An interim inspection of the entire structure after all main structural members are secured in place.

3. A final inspection upon completion of all construction and prior to occupancy. In addition, one set of all approved construction plans be kept on the construction site at all times, and the building permit placard be posted where it will be accessible to a building inspector.

Note: Nothing contained herein shall be construed as limiting the right of a municipal construction official to carry out inspections.

(i) All construction officials will provide all applicants with a list of all required inspections.

(j) In the event that a construction official shall refuse or fail to issue a construction permit or certificate of occupancy for any reason contrary to law, the OCE, subsequent to the expiration of the 20-day review period required by this resolution, may issue such permits with respect to the pending application only, and the same shall authorize the applicant to proceed with construction. In such cases the OCE shall issue all necessary permits pursuant to the authority of N.J.S.A. 12:17-1 et seq. and the Uniform Construction Code Act.

#### 19:6-3.6 Certificates of occupancy

(a) Before a temporary or a final certificate of occupancy is issued by a construction official a certificate of completion from all subcode officials must be received by the construction official and a certificate of completion must have been received from the OCE.

(b) It shall be unlawful to occupy any building or structure or portions thereof unless a certificate of occupancy shall be obtained from the construction official certifying that the proposed occupancy complies with all applicable codes governing the use and occupancy of the buildings and structures. No certificate of occupancy shall be issued by a construction official for a change in occupancy of an existing building or structure unless the construction official receives, in addition to the other required approvals, a written certification from the OCE for such building or structure.

#### 19:6-3.7 Board of appeals

(a) There is hereby established a joint HMD board of appeals whose membership shall be appointed by the Commissioner of the Department of Community Affairs pursuant to Article 41 of the regulations governing the Uniform Construction Code. The membership shall be nominated in the following manner and the names of the individual nominees and alternates shall be forwarded to the Commissioner, Department of Community Affairs:

1. One New Jersey professional engineer nominated by HMDC;
2. One New Jersey registered architect nominated by HMDC;
3. One qualified plumbing subcode official nominated by the Hackensack Meadowlands municipal committee;
4. One qualified electrical subcode official nominated by the Meadowlands Code Enforcement Officials Association;
5. One New Jersey professional engineer with general contracting experience nominated by the New Jersey Society of Professional Engineers.

(b) Appeals from board decisions may be taken by any party, the HMDC or an affected municipality.

#### 19:6-3.8 Inconsistent provisions

All HMDC codes and regulations or portions thereof which are inconsistent with this resolution are hereby superseded and repealed, except that the HMDC foundation supplement shall be utilized by the OCE in reviewing all construction plans in conjunction with those applicable provisions of the BOCA Code.

#### 19:6-3.9 Separability

If any Section or subsection of this resolution is invalidated by judicial decision, such decision shall not affect the remaining Sections or subsections of this resolution.

#### 19:6-3.10 HMDC and municipal statutory authority

(a) Except as provided herein nothing contained in this resolution shall be construed to affect the statutory authority of the Commission pursuant to N.J.S.A. 13:17-1 et seq., nor the statutory authority of municipalities under P.L. 1975, C.217.

(b) No construction permit or certificate of occupancy shall be issued by a municipal construction official unless all required approvals have been previously issued by the OCE. Such required prior approvals shall include, but are not limited to:

1. Zoning certificates, variances and special exceptions;
2. All required specially planned area approvals;
3. Subdivision plat;
4. Improvement plan approvals;
5. Required landfill approvals; and
6. Plan review as required pursuant to this resolution.

19:6-3.11 The provisions of the Uniform Construction Code Act regulations shall remain in full force and effect unless modified by a provision of this resolution.

#### 19:6-3.12 Adoption

This resolution shall become effective upon final adoption as required by law.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

Gary S. Rosensweig  
Special Assistant  
Hackensack Meadowlands  
Development Commission  
1099 Wall St. West  
Lyndhurst, N.J. 07071

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

Patricia Q. Sheehan  
Chairman  
Hackensack Meadowlands Development Commission

(a)

## HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

### Revisions to District Zoning Regulations

On June 15, 1977, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 19:4-2.2, 19:4-4.28(a) and 19:4-6.28 concerning the district zoning regulations, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 148(b).

An order adopting these revisions was filed and became effective on July 7, 1977, as R.1977 d.237.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ELECTION LAW ENFORCEMENT COMMISSION

### Proposed Rules on Travel Expenses, Political Action Committees and Valuation of Goods and Services

Lewis B. Thurston III, Executive Director of the Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 et seq., proposes to adopt new rules concerning political action committees, travel expenses and valuation of goods and services.

Full text of the proposed new rules follows:

#### 19:25-15.38 Political committees and political action committees; generally

(a) Any two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association (including any "political action committee" described in 441b(b) of the Federal Election Campaign Act Amendments of 1976, P.L. 94-283 as a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative or corporation without capital stock, which is principally organized, or the principal business of which is, to engage in political activity as defined in N.J.A.C. 19:25-1.7 of these regulations, is deemed to be a political committee with respect to any election in which it makes a contribution to or on behalf of one or more candidates for public office or with respect to any public question.

(b) Any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association, other than the one described in subsection (a) of this Section, is not deemed to be a political committee with respect to any election in which its political activity is limited solely to endorsement of candidates and to cash or in-kind contributions to or on behalf of one or more candidates in such election or with respect to any public question.

(c) Any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association of the kind described in subsection (a) or subsection (b) of this Section which makes any expenditure or otherwise aids or promotes the nomination, election or defeat of any candidate or candidates for public office or acts with respect to any public question in a manner other than as described in subsection (b) of this Section, is deemed to be a political committee with respect to such election.

(d) The term "in-kind contribution" as used in this regulation means a contribution of goods or services other than voluntary personal services. Whether a transaction is an in-kind contribution or an expenditure on behalf of the candidate (for any purpose, including the determination of whether the contributor is a political committee by virtue of such expenditure) is a question of fact and depends in part upon the nature and extent of participation in the candidacy of the candidate, whether funds involved in the expenditure are funds of the contributor or of other persons, and other similar considerations.

(e) This Section shall not apply to any national, state, county or municipal committee of a political party or

to any political club or political committee affiliated with any such political party committee. The activities of such political party committees shall be governed by the Act and the other applicable sections of these regulations.

#### 19:25-15.39 Reporting by political committees and political action committees

(a) Every political committee, other than one which is excluded by the provisions of subsection (b) of this Section, shall be subject to the filing and other requirements of the Act, and the preelection and postelection reports filed by a political committee shall include the name, address and amount of contribution of all contributors whose contributions in the aggregate exceed \$100.00 in accordance with the Act and the regulations of the Commission, and shall include all contributions made to or on behalf of, or expenditures made on behalf of, any candidate or public question by such political committee.

(b) A political committee which is not organized or located in the State of New Jersey and is not based in the State of New Jersey and whose sources of contributors, solicitation procedures and interest in elections are not more closely related to the State of New Jersey than to any other state or jurisdiction, shall not be required to file the preelection and postelection reports called for by this Section if:

1. The non-Federal New Jersey election activity of such political committee is limited solely to cash or in-kind contributions to or on behalf of candidates or in respect of public questions; and

2. Such political committee is required to file reports of contributions and expenditures with the Federal Election Commission or a similar commission of another state; and

3. Such political committee files copies of such Federal or other reports covering the time periods and in accordance with the filing schedule set forth in subparagraphs 2 and 3 of subsection (c) of this Section.

(c) In the case of a political committee which has been organized by any other political committee or by any corporation, partnership or other incorporated or unincorporated association (a "parent organization"), the following additional requirements will be applicable in the reporting of contributions and expenditures:

1. Identifying contributors to parent organization: The political committee shall report the total amount of the contributions received from the parent organization, but is not required to provide identification of contributors to the parent organization, unless:

i. The parent organization is principally organized to, or the principal business of the parent organization is to engage in political activity; and

ii. The parent organization is not required to file reports of contributions and expenditures with the Federal Election Commission or a similar commission of another state, or, if so required, has failed to make proper and timely filing of such reports, in which event the report of the political committee must include the name, address and amount of contribution of every contributor to the parent organization whose contributions to the parent organization in the aggregate exceed \$100.00.

2. Filing of Federal or other reports: If the political committee is not required to provide identification of contributors to the parent organization (by virtue of the provisions of paragraph (1) of this subsection, then the political committee must, in addition to the informa-

tion called for under subsection (a) of this Section, include with its reports to the Commission, photocopies of all reports of the parent organization of contributions and expenditures covering the period of one year prior to the date of the New Jersey election, and filed by the parent organization with the Federal Election Commission, or with a similar commission in any state in which it is required to file reports, if no reports are required to be filed by the parent organization with the Federal Election Commission.

3. Time of filing of Federal or other reports: Copies of such reports of the parent organization shall be filed by the political committee with its first preelection report except that copies of any reports of the parent organization which are required by Federal or other state law to be filed later than the date of such first preelection report, but which cover a period prior to the date of the New Jersey election, shall be filed by the political committee with the Commission not later than five days after the date when they are required to be filed by the parent organization.

4. Expenditures by parent organization as contributions to political committees: A political committee which is organized or administered by a parent organization must include in its reports to the Commission all contributions or expenditures of money or goods or services (including the use of office space or of the time or services of officers or employees) by the parent organization, as contributions by the parent organization to the political committee; but nothing herein contained shall be deemed to be an expression of opinion by the Commission as to whether such activity shall be deemed a "contribution" by the parent organization for purposes of any Federal law or state law, other than the Act (N.J.S.A. 19:44A-1 and following).

5. Nothing in these regulations shall be construed to relieve any parent organization as defined in this regulation from the requirements, including the preelection and postelection reporting requirements, of the Act in circumstances where such parent organization has itself become a political committee by virtue of its own activity with respect to a candidate or a public question in a New Jersey election.

(d) All expenditures directly relating to the campaign of the candidate or candidates or to a public question in a New Jersey election, as well as all cash or in-kind contributions, must be allocated by the political committee to the candidate or candidates being supported by that committee or to the public question to which they relate, and reported in accordance with the requirements of the Act and of these regulations.

#### 19:25-15.40 Travel expenses

(a) The limitation of expenditures in aid of a candidacy contained in Section 7 of the Act shall not apply to the traveling expenses of the candidate or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with the candidate that they shall be, directly or indirectly, repaid to him by the candidate.

(b) "The traveling expenses of the candidate" shall mean the reasonable and necessary expenses of transportation, food and lodging in connection with travel related to the candidacy of the candidate, and shall include expenses of the candidate and of members of the political campaign staff and immediate family of the candidate traveling with the candidate in the same or

accompanying vehicles. The phrase does not include travel expenses of members of the candidate's staff when they are traveling not in the company of the candidate, nor does it include expenses of members of the media or others who are not members of the staff, whether or not those media members are accompanying the candidate.

(c) All of the expenditures, including those excluded from the expenditure limitation contained in section 7 of the Act, must be disclosed in the preelection and postelection reports on behalf of the candidate.

1. Example 1: Candidate X, a candidate for the office of Governor in the general election who will receive public funding, travels to Atlantic City with five members of his staff in two automobiles for campaign purposes. His staff arranges for rooms at a hotel in that city. In the course of the stay, the candidate and his staff hold numerous meetings and provide food and beverages for visitors in the course of the various meetings. Only the reasonable and necessary expenses of the use of automobiles and other means of transportation and the reasonable and necessary cost of meals and sleeping accommodations for the candidate and his staff during the trip, are excludable for purposes of the expenditure limitation contained in section 7 of the Act.

#### 10:25-15.41 Computation of value of goods and services

(a) Goods and services shall, for purposes of the reports required to be filed under the Act and for purposes of the expenditure limitation contained in Section 7 of the Act where applicable, be valued by the reasonable commercial value of such goods and services to the candidate, whether or not the cost or value of such goods or services to the contributor or other provider of those services is higher or lower than such reasonable commercial value.

1. Example 1: Candidate Y, a candidate for the office of Governor who has chosen to accept public funding, obtains the use of a helicopter for travel of the candidate for campaign purposes. By agreement with the owner of the helicopter, the campaign committee for the candidate will pay \$500.00 per day, which represents the cost to the owner of the maintenance and operation of the helicopter. The reasonable commercial value of the use of the helicopter is \$300.00 per day. In this example, the amount of \$500.00 paid by the campaign committee of the candidate to the owner for use of the helicopter is not includable as an expenditure for purposes of the expenditure limitations contained in Section 7 of the Act. The difference between the \$500.00 actually paid for use of the helicopter and the reasonable commercial value normally charged by the owner for the use of the helicopter, represents a contribution from the owner of the helicopter to the candidate in the amount of \$300.00. The candidate could obtain the use of the helicopter under this arrangement from a lawful contributor for campaign purposes for not more than two days. If he obtained the use of the helicopter for three days under this arrangement, the owner of the helicopter would have made an unlawful contribution to the candidacy of the candidate, since the aggregate of the contributions (\$900.00) from that contributor in this instance would have exceeded \$600.00.

2. Example 2: Candidate Y in Example 1, wishes to obtain the use of the helicopter from the owner for three days, and the campaign committee for the candidate pays to the owner the reasonable commercial value of \$800.00 for each day, or a total of \$2,400. The amount paid to the owner is not an expenditure within the expendi-

ture limitation contained in section 7 of the Act. On these facts the owner has made no contribution to the candidate.

3. In Example 1 and Example 2, the total amounts of expenditures, including expenditures not subject to the expenditure limitation of section 7 of the Act, must be reported in the preelection and postelection reports filed on behalf of the candidate.

A public hearing respecting the proposed rules will be held on August 25, 1977, at 10:00 A.M. in the Assembly Chamber of the State House, West State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 24, 1977, to:

Lewis B. Thurston III  
Executive Director  
Election Law Enforcement Commission  
National State Bank Building  
Suite 1114  
Trenton, N.J. 08605

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

Lewis B. Thurston III  
Executive Director  
Election Law Enforcement Commission

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### TAX DIVISION TO CRACK DOWN ON NON-PAYMENTS

A move is underway to identify and collect from residents who failed to pay New Jersey's new income tax, according to Tax Director Sidney Glaser.

He said the key to determining those who did not pay the tax for the last six months of 1976 will be a computer tape listing State residents who filed Federal income tax returns last year. By cross-checking, those taxpayers who failed to file State returns can be picked up, even though all who filed Federal returns didn't necessarily have to file a State return.

The new 2 to 2.5 percent State tax enacted last year affected only income received on or after July 1, Glaser explained. About 2.4 million returns were filed in the first year of the tax.

He believes that most of those who failed to file are in the low- and middle-income brackets. "I don't think there are an awful lot of them, or a lot of revenue there," he added.

The penalty for late filing is \$2.00 a day plus five percent a month up to a maximum of 25 percent, he explained. Non-payment penalties are five percent plus nine percent annually on the balance owed.

Glaser said that prosecution of taxpayers who owe even small amounts is necessary in fairness to all who paid their taxes.

### MISSING LOTTERY TICKETS ARE AMONG LUCKY 33 —OR A MILLIONAIRE

The New Jersey Lottery is looking for the owners of 33 weekly lottery tickets worth a minimum of \$500 each and one possible \$1 million winner.

State Lottery Director Gloria A. Decker said the missing tickets make the owners eligible for entry into the "Millionaire Drawing". The tickets match the special five-digit millionaire finalist number drawn for the weekly lottery on the Thursday date shown on each ticket.

Under lottery regulations, winners have one year from the date on their tickets to claim prizes. The next "millionaire" drawing will be held this fall.

Mrs. Decker said that as part of the lottery's continuing policy of making every effort to locate missing winners, ads in local newspapers will be placed in the 12 counties where from one and to nine of the tickets were sold.

The missing 33 tickets were sold from last August through June this year in 24 different municipalities in these counties: Bergen, Burlington, Camden, Essex, Hudson, Hunterdon, Mercer, Monmouth, Salem, Somerset, Union and Warren. Hudson alone has nine, most of those sold in Jersey City.

To aid further in locating the missing ticket holders, the Director said that persons wanting to check their numbers to see if they are among the lucky 33 may phone the lottery office at (609) 292-7208.

Every ticket entered in the weekly lottery's millionaire drawing wins at least a consolation prize of \$500. The big prize is \$1 million, paid at \$50,000 a year for 20 years. There is also one second prize of \$100,000, a third prize of \$50,000 and seven prizes of \$10,000 each.

### 24 NEW FINANCINGS APPROVED BY DEVELOPMENT AUTHORITY

Acting Commissioner of Labor and Industry John J. Horn recently announced the approval of 24 new financings in 13 counties by the New Jersey Economic Development Authority.

The newest financings involve over \$28,000,000 in low-interest loans which are expected to create 1,973 permanent jobs and another 1,030 construction jobs. The loans, to be arranged through the sale of Authority tax-exempt bonds, will go for the construction of new facilities and the purchase of land, buildings and equipment.

In addition, the Authority approved three loan guarantee applications.

### IMPROVE RAIL TICKETING

The Department of Transportation announces that improved ticket arrangements for commuters and students went into effect on New Jersey passenger railroads August 1.

Monthly commutation tickets and school tickets on all ConRail lines are now honored until noon of the first working day of the next month. This should reduce the long lines of ticket purchasers on the first day of the month.

Also, weekly tickets valid for stops within New Jersey and to New York were instituted on the Reading line.

The Department also announced that four new holidays have been added to the one-day excursion and senior citizen rates—Lincoln's Birthday, February 12, Columbus Day, Oct. 10, General Election Day, Nov. 8 and Veterans' Day, Nov. 11.

## BYRNE REPORTS ON PROGRESS AGAINST DUMPING OF SEWAGE

Governor Brendan Byrne said recently that more progress has been made during his administration than in any previous one in the battle against the dumping of sewer sludge in the ocean and the discharge of other pollutants into the State's waterways.

The Governor's statement was in a letter responding to State Senator Barry T. Parker, R-Burlington, who had charged that the administration and the legislature, as well as the Federal government, had failed to act to improve conditions in the Atlantic Ocean adjacent to New Jersey.

The Governor wrote to Senator Parker: "We have accelerated our efforts to protect the health of both the public and the tourism industry. And we have strongly urged the Federal government — which is, under law, basically responsible for the ocean beyond the three-mile limit—to move aggressively on a wide variety of fronts".

Byrne's letter went on to remind Parker that when the Governor took office in 1974 the sewage treatment facility construction grant program was stagnating and in clear danger of losing Federal funding for this important clean water and public works program. "We revamped the program", Governor Byrne said, "so that now we have committed \$1.3 billion in Federal funds".

The Governor pointed out that his administration sponsored and he signed into law the Clean Waters Bond Act of 1976 to provide \$100 million in State funds for grants for needed projects.

"The ocean dumping of sewer sludge is a significant environmental problems", Governor Byrne wrote, and "my Administration is committed to ending this practice by 1981".

### Favors Deadline

The Governor added that he is opposed to extending this deadline and supports current efforts by U.S. Senator Harrison Williams and Congressman William Hughes to fix such a deadline by legislation.

"To stop ocean dumping immediately, without sound land-based alternatives being available, would merely transfer the problem from one place to another", Byrne said. "The only large-scale alternative currently available would be landfilling, which has its own environmental problems, including posing a clear and present threat to public health".

New Jersey is currently studying land-based alternatives, including pyrolysis, and other forms of incineration and composting. The State Department of Environmental Protection has approved (and the Federal EPA has funded) the initial engineering studies for each of the operating sewerage agencies in New Jersey which dispose of their sludge in the ocean.

"These studies", the Governor pointed out, "which are to be completed by the end of 1977, require the sewerage authorities to fully evaluate the alternatives".

The State's largest sewerage agency, the Passaic Valley Sewerage Commission, which treats approximately 25 per cent of the total State sewage flow, is preparing to construct the first phase of its sludge-handling facilities, which will be eligible for 75 per cent Federal funding, the Governor said.

## NUMEROUS NEW TOP POSITIONS ARE APPROVED BY SENATE

Final approval of new top appointments in State government was voted last month by the State Senate, with Joel R. Jacobson, former president of the Public Utilities Commission, being named to head the new Energy Department, and Donald Lan being sworn into the Governor's cabinet as Secretary of State.

Energy thus becomes the newest Departmental-level operation in the State, with the PUC becoming part of it. At the same time, Charles A. Richman, who had been acting energy office director, was named to head the Division of Energy Research and Planning in the newly-created Department.

Following his confirmation, Jacobson said he believed his first job is "to avoid a repetition of what happened last winter". He said he felt the State had to work with the Carter administration in Washington to be ready for any such similar emergencies.

Lan, a former Union County Democratic chairman and a supporter of Brendan Byrne in the last primary election, takes over the \$43,000 post formerly held by J. Edward Crabiell. George W. Lee continues as Assistant Secretary of State.

### Others Named

In other appointments, the Senate also unanimously confirmed the Governor's choice of two county prosecutors, Roger Breslin Jr. of Oradell in Bergen County and David Linett of Somerset in Somerset.

The Senate, by the same unanimous vote, confirmed the following Byrne nominations:

David Landau of South Orange as Essex County Superior Court judge; Charles DiGisi of Upper Saddle River as a Bergen County Court judge, and Arthur Minuskin of Fair Lawn as Bergen County Juvenile and Domestic Relations Court judge.

Also, Joseph Aulisi of Belleville and Kenneth Benson of Chatham as members of the Board of Recreation Examiners; Jerome Lieberman of Dover as a member of the Higher Education Assistance Authority; Charles A. Agemian of Hackensack to the Palisades Interstate Park Commission; Nancy Yewaisis of Scotch Plains to the Cemetery Board; Peter Curcio of Lyndhurst to the Hackensack Meadowlands Development Commission; Edward Hasse Sr. of Englewood to the Board of Examiners of Electrical Contractors; and Charles Richman of Freehold to the Division of Energy Planning and Conservation.

## GOVERNOR RECEIVES TWO-YEAR STUDY OF STATE'S CRIMINAL JUSTICE SYSTEM

Attorney General William F. Hyland has formally accepted the recommendations of the Governor's Audit and Juvenile Justice Advisory Committee (GAC) on behalf of Governor Brendan T. Byrne.

The presentation followed a massive two-year study of the State's criminal justice system, with recommendations to improve the quality of justice.

Attorney General Hyland noted that the 1,200-page GAC report, embodying some 300 standards, constitutes the most comprehensive study of the State's criminal justice system in recent years. The recommendations are expected to serve as a principal guide for upgrading the criminal justice system in New Jersey and in securing future Federal grants.

Areas in which standards are proposed include: victim assistance, community crime prevention, police personnel and role, prosecution and defense, judicial selection, juvenile dispositions and corrections, pretrial processing, sentencing and court organization.

Among the more significant recommendations are a unified State-funded court system; creation of a State-level commission of local police services; immediate separation of juveniles from adult offenders in institutions; establishment of a unified State-funded probation system; removal of Juvenile In Need of Supervision (JINS) offenses from court jurisdiction; increased funds and assistance for victims of crime; elimination of the grand jury indictment requirement in favor of adversarial probable cause hearings; improved police personnel practices; alterations of the judicial selection process to include lay persons and judges while limiting Senatorial courtesy; mandatory specialized training for police officers, prosecutors and public defenders assigned to juvenile matters; Statewide uniform guidelines for diversion, prosecutorial screening and pretrial release decisions and for police discretion; and juvenile court intake units in every county.

The 54-member GAC, headed by Essex County Prosecutor Joseph P. Lordi, was composed of representatives from the State and local government, criminal justice agencies and public and private interest groups.

The research effort was funded by the State Law Enforcement Planning Agency (SLEPA) under the Federal Law Enforcement Assistance Administration program. Marcia R. Richman, Assistant Public Defender; Judith Yaskin, Assistant Commissioner, Department of Public Advocate; and Leon Trusry, consultant, Department of Education, served as subcommittee chairpersons.

## CHIEF JUSTICE HUGHES NOTES

### COUNTY SAVINGS IN COURT MERGER

The State's Chief Justice, Richard J. Hughes, recently called upon county officials to support merger of the county courts into the State judicial system.

At a meeting of the New Jersey Association of Counties, Hughes said that unifying the court system will "lift millions of dollars of tax burden from the counties".

Hughes pointed out that counties presently pay 60 per cent of the salaries of 105 county court judges, amounting to \$2.4 million, and also contribute to the judicial pension system.

If the county court judges are merged into the State system, Hughes said these "enormous costs would be transferred to the State", leaving the counties with the obligation to pay salaries for only 30 juvenile judges and 35 county district court judges.

The chief justice urged the county officials to support passage of a resolution which would place the merger question on the November ballot. The resolution has passed the Assembly and is now before the Senate.

## PUBLIC WELCOME ON 50 STATE

### WILDLIFE MANAGEMENT AREAS

The Division of Fish, Game and Shellfisheries reminds the public that they are welcome to use the State's many fish and wildlife management areas located from one end of the State to the other.

They range from New England-like mountain terrain in Sussex County to Carolina-like coastal plain on Cape May and the diversified locations provide varied scenery and

a suitable habitat for the varied wildlife species of the State. There are more than 50 such areas.

Management areas, while managed primarily for the wildlife resources and their use by sportsmen for hunting, fishing and trapping, also afford opportunities for other recreational uses compatible with wildlife management. The Division allows use of the areas for hiking, photography, birding and wildlife observation, but does not have the funds to provide guided tours.

All visitors to the areas should abide by the regulations, which specifically limit the use of motor vehicles, snowmobiles, trailbikes, outboard motors and horses. Hours of use, swimming and picnicking are restricted. Camping and target practice are prohibited on all the areas at this time, as are drugs and alcoholic beverages. Permits are required for some uses during certain periods.

Wildlife management area regulations are in the Summary of Hunting and Trapping Laws, or the Summary of Fishing Laws, available free from hunting and fishing license-issuing agents.

Of the total 144,000 acres of wildlife management areas, about 100,000 acres were purchased with money from dedicated fish and game funds derived from sportsmen's license and permit fees. Most of the remaining acres were bought through the Green Acres program.

## GOVERNOR NAMES TWO SPECIAL

### ASSISTANTS ON HIS STAFF

Governor Brendan Byrne recently appointed Stephen B. Richer, of Randolph, and Marjorie K. Shiekman, of Margate, as his special staff assistants to fill recent vacancies.

Richer coordinates intergovernmental relations for the Governor, working with county and municipal officials and other government agencies. His salary is \$22,000.

Ms. Shiekman is liaison person for Federal relations and the State Department of Education, at an annual salary of \$18,500.

Former deputy director of the New Jersey Bicentennial Commission, Richer is a member of the Township Council and a former mayor of Randolph Township. He served as president of New Jersey Young Democrats, was Morris County Democratic Chairman from 1972 until 1974 and is a director of the Morris County Urban League.

Richer, 30, is a graduate of Princeton University.

Ms. Shiekman, 27, was a legislative analyst for the Florida House of Representatives' Committee on Education. She has worked as a research analyst for the Florida Commission on Local Government and in 1974 chaired the international evaluation conference for the Florida Department of Community Affairs.

She was a planner and program analyst for the Youth Services Commission in Philadelphia for two years before coming with the Governor. Ms. Shiekman has a bachelor and a masters degree in Education from the University of Pennsylvania.

## TWO MUNICIPAL BILLS APPROVED

Governor Byrne recently signed into law A-3013, which appropriates \$38,940,169 to 28 "urban aid" municipalities to maintain and upgrade municipal services.

He also signed S-698 which grants tenure to municipal and who have served in that position for five consecutive finance officers who hold municipal finance certificates years.

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