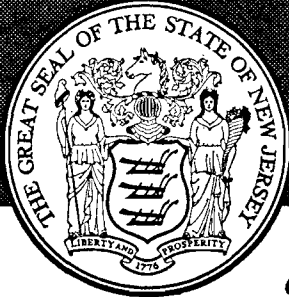


NEW JERSEY REGISTER



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IN THIS ISSUE

AGRICULTURE

- Proposed Change in Horse Importation . . . 5 N.J.R. 326(a)
- Proposed Indemnity Appraisal Revisions . . . 5 N.J.R. 326(b)
- Adopt Horse Quarantine Rules 5 N.J.R. 327(a)
- Suspend Some Milk Handling Provisions . . . 5 N.J.R. 327(b)
- Revise Brucellosis Test Times 5 N.J.R. 327(c)
- Revise Tuberculin Test Times 5 N.J.R. 327(d)
- Adopt Egg Labeling Rule 5 N.J.R. 328(a)

BANKING

- Amend Population Estimate Source 5 N.J.R. 328(b)
- Adopt Student Loan Rule 5 N.J.R. 328(c)
- Revise Savings Bank Reserve Rule 5 N.J.R. 328(d)
- Revise Reserve Required by Banks 5 N.J.R. 328(e)

COMMUNITY AFFAIRS

- Notice of Hotel Construction Hearing . . . 5 N.J.R. 328(f)

EDUCATION

- Proposed School Construction Changes . . . 5 N.J.R. 329(a)
- Proposed Equivalency Changes 5 N.J.R. 330(a)
- Proposed Adult High School Rules 5 N.J.R. 331(a)
- Adopt Revision on Written Decisions 5 N.J.R. 332(a)
- Emergency Rule on Written Decisions 5 N.J.R. 332(b)
- Revise Pupil Transportation Rules 5 N.J.R. 333(a)
- Revise Graduation Credit Rules 5 N.J.R. 333(b)
- Revise Vocational Coordinator Rule 5 N.J.R. 333(c)

ENVIRONMENTAL PROTECTION

- Proposed Wetlands Extension 5 N.J.R. 333(d)
- Proposed Rules on Noise Control 5 N.J.R. 334(a)
- Adopt Out-of-State Waste Rule 5 N.J.R. 336(a)
- Adopt Manasquan River Trap Rules 5 N.J.R. 336(b)
- Amend 1973 Fish Code 5 N.J.R. 336(c)
- Adopt 1974 Fish Code 5 N.J.R. 337(a)
- Revise Life-Saving Devices Rule 5 N.J.R. 337(b)

HEALTH

- Proposed Hospital Report Rules 5 N.J.R. 337(c)
- Adopt Skilled Nursing Policy Rule 5 N.J.R. 337(d)

INSTITUTIONS AND AGENCIES

- Proposed Hospital Manual Amendments . . . 5 N.J.R. 338(a)
- Proposed Multi-Location Procedure 5 N.J.R. 339(a)
- Adopt Independent Clinics Manual 5 N.J.R. 339(b)
- Amend Financial Assistance Manual 5 N.J.R. 340(a)
- Revise Child Care Manual 5 N.J.R. 340(b)
- Revise Adult Care Rules 5 N.J.R. 340(c)
- Revise Assistance Need Manual 5 N.J.R. 340(d)
- Revise AFWP Program 5 N.J.R. 340(e)
- Revise Stepparents Rules 5 N.J.R. 340(f)

- Delete ADC Income Rules 5 N.J.R. 341(a)
- Revise ADC Program 5 N.J.R. 341(b)
- Revise Working Poor Budget Rules 5 N.J.R. 341(c)
- Revise Support Rules 5 N.J.R. 341(d)
- Adopt Non-Legend Drugs Rule 5 N.J.R. 341(e)
- Revise Dental Manual 5 N.J.R. 341(f)
- Revise Hospital Manuals 5 N.J.R. 342(a)
- Revise Compensation Plan 5 N.J.R. 342(b)

INSURANCE

- Proposed Group Coverage Rules 5 N.J.R. 342(c)
- Proposed Real Estate Exam Provisions . . . 5 N.J.R. 350(a)
- Adopt Insurance I.D. Card Revisions 5 N.J.R. 350(b)

LAW AND PUBLIC SAFETY

- Proposed Liquor Retailers Discounts 5 N.J.R. 350(c)
- Proposed Rules on Retail Advertising 5 N.J.R. 351(a)
- Proposed Rules on Auto Repair Work 5 N.J.R. 351(b)
- Proposed Appliance Servicing Rules 5 N.J.R. 353(a)
- Proposed Tire Sale Practice Rules 5 N.J.R. 354(a)
- Proposed Rule on Pharmacist Records 5 N.J.R. 354(b)
- Proposed Revisions for Bus Drivers 5 N.J.R. 355(a)
- Revise ABC Division Rules 5 N.J.R. 356(a)
- Repeal Security Offering Rule 5 N.J.R. 356(b)
- Revise Pharmacist-in-Charge Rule 5 N.J.R. 356(c)
- Amend Pharmacy Permit Rules 5 N.J.R. 356(d)
- Adopt Rules on Copies of Prescriptions . . . 5 N.J.R. 356(e)
- Revise Overweight Vehicle Rules 5 N.J.R. 357(a)
- Adopt Rules on Furniture Delivery 5 N.J.R. 357(b)

PUBLIC UTILITIES

- Notice of Electrical Inspectors Exam 5 N.J.R. 357(c)
- Adopt Rule on Solid Waste Collection 5 N.J.R. 357(d)

TRANSPORTATION

- Revise Relocation Assistance Rules 5 N.J.R. 358(a)

TREASURY

- Revise Judicial Retirement Rules 5 N.J.R. 358(b)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

- Delete Rules on Violation of Act 5 N.J.R. 358(c)

PORT AUTHORITY OF NEW YORK

AND NEW JERSEY

- Revise Airport Highway Rules 5 N.J.R. 358(d)

ADMINISTRATIVE CODE INTERIM INDEX—Page 20

PUBLIC INTEREST News Items—Pages 35-36

FILING DEADLINE Next Issue—Oct. 25

NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Amendments To Requirements On Equidae Entering New Jersey

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-2, proposes to adopt amendments to N.J.A.C. 2:3-2.5 concerning additional requirements on equidae entering the State of New Jersey.

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

2:3-2.5 Horses, mules and asses

(a) All equidae entering New Jersey must meet the requirements of [Chapter 3,] Subchapter 1 of this Chapter. All equidae from states where Venezuelan equine encephalomyelitis has been diagnosed must have been vaccinated for Venezuelan equine encephalomyelitis at least 14 days prior to shipment and the date of vaccination entered on the official interstate health certificate.

(b) All equidae entering the State after January 1, 1974 must have had a negative Coggins test for equine infectious anemia conducted at a jointly-approved U.S.D.A.-State laboratory within the past six months.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 24, 1973, to:

Dr. C. K. Jewell, Director
Division of Animal Health
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625
Telephone: (609) 292-3965

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Revisions In Method Of Appraisal for Indemnity Purposes

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-10, proposes to revise a portion of the rule concerning the method of appraisal for indemnity purposes regarding swine destroyed by hog cholera.

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

2:2-4.34(a)1. i. The schedule as set forth below shall apply in respect to appraisal of swine for meat, feeding or breeding, but in no instance shall the appraisal exceed the actual value of the animal. The basis for appraisal will be established by averaging the quotations from three of the major quality feeder and slaughter swine markets in the United States [for their top quality 80-pound feeder pigs with a \$0.15 per pound differential to applied plus or minus from the 80-pound price in establishing the individual appraised price for each head of swine. Swine over 160 pounds shall be appraised at market value.] Swine may be appraised in groups provided they are of the same type or of the same value per pound. Swine shall be appraised at their actual value for meat, feeding or breeding purposes except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animal's meat or feeding value. Swine presented for appraisal as purebreds shall be accompanied by their certificate of pure breeding.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 24, 1973, to:

Dr. C. K. Jewell, Director
Division of Animal Health
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625
Telephone: (609) 292-3965

NEW JERSEY REGISTER

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

The State Board of Agriculture, upon his 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, State Board of Agriculture

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Rules on Quarantining and Branding Of Infected Equine Infectious Anemia Horses

On August 29, 1973, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-6, 4:21-4.22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on quarantining and branding of infected equine infectious anemia horses, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 254(a).

Such rules may be cited as N.J.A.C. 2:5-2.1.

An order adopting these rules was filed and effective August 30, 1973, as R.1973 d.233.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Suspension of Certain Provisions Concerning Handling of Milk in New Jersey Milk Marketing Areas

On September 11, 1973, W. 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-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted by reference the "Statement of Consideration" contained at 37 FR 24216 ff. which pertained to the marketing of milk in New Jersey.

This emergency order was entered in conformance with the New Jersey Department of Agriculture's Memorandum of Agreement with the United States Department of Agriculture.

Full text of the order of the New Jersey Department of Agriculture follows (The full text of the United States Department of Agriculture's Order appears in the September 6, 1973 issue of the Federal Register, Vol. 38., No. 172, at 24216.):

2:54-3.2 Suspension of certain provisions

(a) In conformance with the Memorandum of Agreement with the United States Department of Agriculture and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director, Division of Dairy Industry, participated with the United States Department of Agriculture in a joint hearing held in Clayton, Missouri on August 28, 1973, pursuant to notice thereof which was published by both the United States Department of Agriculture and the Director, Division of Dairy Industry on August 23, 1973.

(b) Pursuant to the provisions of N.J.A.C. 15:15-5.3 and

after considering all of the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture as contained in the "Order Suspending a Certain Provision of the Orders," signed in Washington, D.C. on September 4, 1973, by Clayton Yeutter, Assistant Secretary, United States Department of Agriculture, the Director of the Division of Dairy Industry hereby finds and determines that the "Statement of Consideration" contained at 37 FR 24216 ff. should be adopted by reference insofar as such statement pertains to the marketing of milk in the State of New Jersey under 7 CFR 1002 and 7 CFR 1004, the same being commonly referred to as Federal Orders No. 2 and 4.

(c) It is therefore ordered that the word "second" in Section 1002.50a(a) and 1004.50(a) of the aforesaid orders is hereby suspended for the period September 9 through 30, 1973, insofar as said orders apply to the marketing of milk in the State of New Jersey.

The order by the New Jersey Department of Agriculture adopting this suspension of certain rules was filed September 12, 1973, as R.1973 d.257 (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Revisions Concerning Times Established for Brucellosis Tests

On September 18, 1973, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:2-2.10, Times established for Brucellosis tests, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 254(b).

An order adopting these revisions was filed and effective September 20, 1973, as R.1973 d.273.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Revisions Concerning Times Established for Tuberculin Tests

On September 18, 1973, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-19 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:2-3.3, Times established for tuberculin tests, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 255(a).

An order adopting these revisions was filed and effective September 20, 1973, as R.1973 d.274.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Labeling of Eggs

On September 18, 1973, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, N.J.S.A. 2:71-1.38, concerning the labeling of eggs as proposed in the Notice published August 9, 1973, at 5 N.J.R. 255(b).

An order adopting this rule was filed September 20, 1973, as R.1973 d.275 to become effective April 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF ADMINISTRATION

Amendment on Population Estimates

On August 14, 1973, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment on population estimates, substantially as proposed in the Notice published July 5, 1973, at 5 N.J.R. 214(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Full text of the adopted amendment follows:

3:1-2.1(b) In determining the population of a municipality for the purposes of the branching requirements contained in N.J.S.A. 17:9A-19B(3) and N.J.S.A. 17:12B-26, the Census of Population and Housing, United States Bureau of the Census, and the Population Estimates for New Jersey, prepared by the New Jersey Department of Labor and Industry, Division of Planning and Research, Office of Business Economics, shall be the sole authorities accepted by the Department of Banking. For the years 1980, 1990 and 2,000 the official U.S. Bureau of Census figures shall be the only source utilized.

An order adopting this amendment was filed and effective August 17, 1973, as R.1973 d.229.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF BANKING

Rule On Approval of Investment In Student Loan Marketing Association

On September 7, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-25.2, 17:9A-25.3, 17:9A-182.1, 17:9A-182.2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule concerning approval of investment

in the Student Loan Marketing Association, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 256(b).

Such rule may be cited as N.J.A.C. 3:11-6.3.

An order adopting this rule was filed and effective September 10, 1973, as R.1973 d.250.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

BANKING

DIVISION OF BANKING

Revisions in Rule For Reserve Required By Savings Banks Against Demand Deposits

On September 7, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.S.A. 3:8-5.1 concerning the reserve required by savings banks against demand deposits, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 257(a).

An order adopting these revisions was filed September 10, 1973, as R.1973 d.251 to become effective September 16, 1973.

John K. Rafferty
Director of Administrative Procedure
Department of State

(e)

BANKING

DIVISION OF BANKING

Revisions to Rule On Required Reserve To be Maintained by Banks Not Members of the Federal Reserve System

On September 7, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:19A-48 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:8-3.1 concerning the required reserve to be maintained by banks not members of the Federal Reserve System, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 256(a).

An order adopting these revisions was filed September 10, 1973, as R.1973 d.252 to become effective September 16, 1973.

John K. Rafferty
Director of Administrative Procedure
Department of State

(f)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Public Hearing

Take notice, that the Department of Community Affairs will hold a public hearing concerning the proposed revisions to the rules, Construction and maintenance of hotels and multiple dwellings (see Notice published July 5, 1973,

at 5 N.J.R. 217(a)) on October 25, 1973, at 9:30 A.M. in the Department of Community Affairs' second-floor conference room, 363 West State Street, Trenton, New Jersey.

This Notice is published as a matter of public information.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions In Guide for Schoolhouse Planning and Construction

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, proposed to revise the rules concerning the guide for schoolhouse planning and construction.

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

6:22-8.4(g) [An open plan educational building shall include every building or portion of a building not having corridors complying with Section 604 or smokestop partitions.]

An open space educational area shall be any portion of a building other than gymnasiums, auditoriums and cafeterias, designed for multiple teaching stations which may be sub-divided into smaller areas by use of partial partitions, movable partitions, or movable furniture, and does not have defined permanent corridors.

6:22-8.4(g) 1. An open [plan building] space area of non-combustible or fire resistive construction shall not exceed 30,000 square feet in undivided area. A solid wall or smokestop non-combustible or fire resistant partition shall be provided at intervals not to exceed 300 feet. Such a wall or partition may have smokestop doors therein consistent with 6:22-8.6. [Doors shall be of metal, metal covered or other approved type appropriate to the purpose and construction of the walls or partitions, with clear wired glass panels.]

6:22-8.4(g) 2. Travel distance to an outside exit on ground level from any point in an open [plan] space educational [building] area [to an exit door directly to the outside, to an exterior balcony exit or to an approved protected exit corridor on stairway] shall not exceed [100 feet in line of travel] 150 feet. Travel distance to an exit stairway on a floor above or below ground level shall not exceed 100 feet in line of travel from any point. Line of travel will be calculated as the distance around installation of any fixed obstruction to a direct route of egress. Folding partitions or walls will be considered as located at their maximum extension.

6:22-8.4(g)3. Interior finish in unsprinklered open [plan buildings] space areas shall be class "A" or class "B" throughout except that movable partitions not over seven feet in height may be class "C" as defined in revised Section 6:22-13.1(p).

6:22-8.4(g) 4. [Open building shall have exits independent from assembly portion.]

Each subsection of an open space area shall provide an opening, to the largest section of the total open space expanse, that is at least as wide as 20 per cent of the perimeter of the enclosure of that subsection, but cannot be less than ten feet wide.

Any area of the open space which does not provide an unobstructed opening of at least ten linear feet must be interpreted as not meeting the requirements of open space planning or construction. Such areas will then have to meet all the requirements of the "Guide" applying to areas that are not open space areas.

6:22-8.4(g) 5. Any open space provisions exceeding 8,000 square feet in area that will be more than eight feet above grade will require that the construction of that building meet requirements of fire-resistive construction as detailed under item 6:22-13.1(c). Buildings completely equipped with an approved automatic sprinkler protection may be of noncombustible construction. (See items 6:22-13.8(b)(2) and 6:22-13.8(c)(2).)

6:22-8.4(g) 6. For each 1,000 square feet of floor area, in an open space area that is not air-conditioned, there must be provided at least one window that complies with all the requirements of Section 6:22-14.13. The window areas provided shall be reasonably distributed.

6:22-8.4(g) 7. If any floor above the second story has an open space area exceeding 2,500 square feet, the entire building shall be sprinklered and may be of noncombustible construction.

6:22-8.4(g) 8. The total area of open space expanse, enclosed by walls and doors, shall be ventilated to provide not less than .50 CFM of outside tempered air per square foot of space, or if air-conditioned, .20 CFM. For open space areas devoted to specialized instruction, the ventilation of the area shall meet the requirements as specified in Section 6:22-9.

6:22-8.4(g) 9. All exit doors shall comply with Section 6:22-8.6(b).

6:22-8.4(g) 10. All exit doors shall be provided with exit lights.

6:22-8.4(g) 11. Manual fire alarm boxes shall be provided in the natural path of escape from fire, near each exterior exit that is required to serve 75 or more persons. See Section 6:22-13.3(L).

6:22-8.4(g) 12. The method of computing the capacity of an open space area shall follow the present SCHOOL CAPACITY bulletin.

6:22-8.4(g) 13. All doors opening from open space areas shall comply with Section 6:22-8.6.

6:22-8.6(b) 5. [Corridor doors when glazed shall have an opening not to exceed 2 feet, 0 inches by 3 feet, 6 inches high of 3/4-inch wire plate glass.]

Glazed openings in corridor doors shall be 1/4-inch wired glass and shall not exceed 1,296 square inches with no dimension exceeding 54 inches.

6:22-13.1(p) Interior finish materials shall be grouped in the following classes, in accordance with their flame spread as defined in N.F.P.A. Standard No. 101, Section 6-2214:

1. Class A interior finish: Flame Spread 0-25. Includes any material classified at 25 or less on the test scale described in 6-2115; and any element thereof when so tested shall not continue to propagate fire;

2. Class B interior finish: Flame Spread 26-75. Includes any material classified at more than 25 but not more than 75 on the test scale described in 6-2115;

3. Class C interior finish: Flame Spread 76-200. Includes any material classified at more than 75 but not more than 200 on the test scale described in 6-2115;

4. Class D interior finish: Flame Spread 201-500. Includes any material classified at more than 200 but not more than 500 on the test scale described in 6-2115;

5. Class E interior finish. Flame Spread over 500. Includes any material classified at over 500 on the test scale described in 6-2115.

6:22-13.3(1) Manual fire alarm [stations] boxes shall be [located at each exterior door from kitchen, heater room, places of assembly, in main office, near exterior exit doors serving two or more classrooms and near each exit in corridors, so that it shall not be necessary to travel more than 120 feet from the door of any room used by pupils to reach a station on the same floor.] provided in the natural path of escape from fire, near each exterior door from the corridor, kitchen, heater room, and other exterior exits that are required to serve 75 or more persons. Additional fire alarm boxes shall be located in the main office, at each stairway entrance from a corridor or place of assembly and near one exterior exit (when provided) in each section of a place of assembly. It shall not be necessary to traverse more than 200 feet of unobstructed horizontal distance on the same floor in order to reach a fire alarm box. 6:22-14.9(j) Batteries utilized for emergency lighting shall be of the [nickel-cadmium storage type, or approved equivalent (not lead acid storage).] factory-sealed maintenance-free lead acid storage type or the nickel-cadmium storage type.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1973, to:

Mrs. Anne Grandinetti
Division of Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 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.

Edward W. Kilpatrick
Acting Commissioner of Education
Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions In High School Equivalency

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:50-12 through 18A:50-14 and 18A:6-41, proposes to adopt revisions to the rules concerning high school equivalency.

The purpose of these revisions is to transfer the current Chapter 17 in Title 6 of the New Jersey Administrative Code, with revisions, to a new Subchapter 6 in Chapter 44.

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

CHAPTER 17. [HIGH SCHOOL EQUIVALENCY]

RESERVED

CHAPTER 44. ADULT [AND], CONTINUING AND COMMUNITY EDUCATION

SUBCHAPTER 6. HIGH SCHOOL EQUIVALENCY

[6:17-1.1] 6:44-6.1 Functions

(a) The Office of High School Equivalency works under the supervision of the [Assistant Commissioner for Administration.] Director of the Bureau of Adult, Continuing

and Community Education within the Division of Field Services.

(b) The staff is responsible for supervision of all high school equivalency instructional programs operating in local school districts; [approved Neighborhood Education Centers,] county community colleges, county and state institutions, and private non-profit education agencies.

(c) The office is also responsible for the evaluation of secondary school transcripts of persons applying for a high school equivalency [certificate,] diploma, and, for the administration of all examinations taken to qualify for a high school equivalency [certificate.] diploma.

[6:17-2.1] 6:44-6.2 (Reserved)

[6:17-2.2] 6:44-6.3 Age and out-of-school requirements

(a) All persons applying to take the high school equivalency examinations must be 18 years of age and out of school for one year. Exceptions to this rule may be made in special cases for students who are 16 years or over.

(b) Requests for exceptions to this Section must be approved by a parent and one of the following: a guidance counselor, high school principal, superintendent of schools, probation or parole officer, State rehabilitation counselor, or a judge. The statement should state why the individual should be tested before meeting the age and out of school for a year requirements.

[6:17-2.3] 6:44-6.4 Certification by examination

(a) General Educational Development Tests of the American Council on Education will be used as a basis for qualifying for a high school equivalency [certificate] diploma if the applicant scores at least 35 on each test and [attains an average of 45 or higher.] totals at least 225 points.

(b) Subject-matter examinations developed through or by the Office of High School Equivalency staff shall be administered to those persons applying for certification on the basis of [Carnegie units.] high school course credits.

[6:17-2.4] 6:44-6.5 Fees

(a) Persons submitting applications for high school equivalency certification either by examination or by evaluation of secondary school credit or college work must pay \$5.00 in the form of a bank money order or a [certified] check to the Commissioner of Education.

(b) Persons requesting the issuance of a high school equivalency [certificate] diploma must pay \$5.00 to the Commissioner of Education in the form of a bank money order or [certified] check.

[6:17-3.1] 6:44-6.7 Public school districts

(a) Authorization and application for funds are as follows:

1. School districts, county community colleges, county and state institutions may apply to the Commissioner of Education for funds equal to [two-thirds of] the amount of annual costs to operate high school equivalency instructional programs for out-of-school youth and adults who meet State age [and residency] requirements for the high school equivalency examinations.

2. [School districts] Eligible agencies may contract with and delegate responsibility to other nonprofit educational agencies with the approval of the Commissioner of Education.

3. In order that the Commissioner may estimate by November 15 the amount necessary to be appropriated to carry out the provisions of the Act for the succeeding fiscal year, all plans for the succeeding fiscal year shall be received by September 1. All such plans when received will be reviewed within a reasonable time. No plan will be rejected in whole or in part without prior consultation with the applying [school district] agency.

(b) Plan requirements are as follows:

1. Staffing pattern which adheres to local [school district] requirements;
2. Schedule of proposed classes together with stated instructional objectives for each class;
3. Budget detailing the following reimbursable costs: teachers' salaries, materials, consumable supplies and other equipment necessary to operate the program;
4. Description of recruiting and student diagnostic testing program.

(c) Fiscal control and program management:

1. [Local school districts] Eligible agencies will be reimbursed for [a two-third share of] program costs at the same time and in the same manner as other State aid under N.J.S.A. 18A:58-15.
2. The [local school district] eligible agency shall maintain such records and accounts, including personnel, financial, and students' information and evaluation records, as are deemed necessary by the Commissioner of Education. Such records shall be submitted to the Department of Education on prescribed forms on a monthly basis.

[6:17-3.2] [Nonpublic (nonprofit) agencies]

[(a) Authorization and application for funds:]

[1. Nonpublic (nonprofit) agencies may apply to the Commissioner of Education for funds equal to the annual costs to operate high school equivalency instructional programs for out-of-school youth and adults who meet State age and residency requirements for the High School Equivalency Certificate.]

[2. Such agencies shall apply for funds using the High School Equivalency Grant application. All plans submitted with the application will be reviewed within a reasonable time. No plan will be rejected in whole or in part without prior consultation with the agency applying.]

[(b) Plan requirements are as follows:]

1. At least one full-time person;
2. The schedule of proposed classes together with stated instructional objectives for each class;
3. Budget detailing the following costs: teachers' salaries, materials, consumable supplies and other equipment necessary to operate the program;
4. Description of recruiting and student diagnostic testing program.]

[(c) Fiscal control and program management:]

[1. Authorized agencies will be reimbursed for all or part of their operating costs on a quarterly basis;

2. The agency shall maintain such records and accounts, including personnel, financial and students' information and evaluation records as are deemed necessary by the Commissioner of Education on prescribed forms on a monthly basis.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1973, to:

Mrs. Anne Grandinetti
 Division of Controversies and Disputes
 Department of Education
 225 West State Street
 Trenton, New Jersey 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.

Edward W. Kilpatrick
 Acting Commissioner of Education
 Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules For Adult High Schools (Accredited Evening High Schools)

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:48-1, proposes to adopt new rules concerning adult high schools (accredited evening high schools).

Full text of the proposed rules follows:

SUBCHAPTER 7. ADULT HIGH SCHOOLS (ACCREDITED EVENING HIGH SCHOOLS)

6:44-7.1 Scope; foreword

(a) Regulations applicable to evening high schools should be geared toward the adult student. The adult often brings with him a wealth of experience to a degree not possible for the school-age youth. This can mean that options such as accelerated courses, credit by examination, home study and educational experiences on the job should be considered in his high school program design.

(b) High schools which meet the standards set by the State Board of Education shall be classified as "Adult High Schools". A list of these schools shall be kept on file in the Office of the Commissioner of Education.

6:44-7.2 Approval period

(a) A visit for evaluation to the school by an authorized representative of the Commissioner of Education shall be a pre-requisite to final approval by the State Board of Education.

(b) Such schools may be conditionally approved until such time as a visit can be arranged.

(c) The maximum approval period of a high school shall be five years.

(d) Conditional approval may be granted for a shorter period of time.

(e) Approval of a high school by the State Board of Education shall constitute approval of the curriculum on the effective date of the action by the State Board.

6:44-7.3 Definitions

"Adult" shall mean a student over 16 years of age.

"Curricular activity" means a learning activity approved by the local Board of Education for individuals or groups of students and expressed in terms of specific instructional objectives or class periods.

"School year" shall mean that there shall be at least 64 sessions of at least two hours each and at least three evening sessions each week. (N.J.S.A. 18A:48-1)

"Session" shall mean any day on which courses or curricular activities are offered.

6:44-7.4 Curriculum

The curriculum shall comply with the statutory requirements of N.J.S.A. 18A:48-1 and shall be that which has been adopted by the local board of education and approved by the State Board of Education.

6:44-7.5 Graduation

(a) Each high school shall establish graduation requirements on the basis of either course credits, program completion, or a combination of course credits and program completion.

1. Course credits: Each high school shall establish a minimum set number of credits to be required for graduation, to be not less than 80. In addition to course work, credits will also be obtainable in any of the following areas:

i. Credits transferred from other accredited schools or institutions;

ii. Basic training (Military)—a maximum of ten credits;

iii. College courses at accredited schools—amount of credit determined by local board;

iv. Previous work experience—ten credits maximum (amount of credit determined by local board);

v. Apprenticeship and on-the-job training—amount of credit determined by local board, not to exceed 30 credits;

vi. Credit by examination: All tests used for credit by examination will be approved by the Bureau of Adult and Community Education and Division of Field Services. A maximum of five credits per examination will be allowed.

vii. Independent study—amount of credit to be determined by local board and approved by the Bureau of Adult and Community Education.

2. Program completion: Local boards of education may determine and establish a set number of curricular activities or programs for promotion and graduation purposes.

i. Programs shall be planned for individuals and/or a group based on specific instructional objectives.

ii. The principal shall certify completion of curricular activities or programs based upon specific instructional objectives.

iii. Group programs based on specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district subject to review by the Commissioner or his representative.

6:44-7.6 Student records

(a) Records shall be kept for all students showing subjects taken, marks received, credits awarded and achievement levels.

(b) All records shall be safeguarded.

(c) The school shall maintain a plan for the measurement of its own effectiveness through the use of such measures as standardized tests, studies of dropout rates, follow-up of graduates and other evaluation procedures.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1973, to:

Mrs. Anne Grandinetti
Division of Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 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.

Edward W. Kilpatrick
Acting Commissioner of Education
Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions Concerning Written Decisions

On August 28, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State

Board of Education, pursuant to authority of N.J.S.A. 18A:6-9, 18A:29-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule revising N.J.A.C. 6:24-1.16 concerning written decisions.

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

6:24-1.16 Written decision

(a) Every determination of a controversy or dispute under the school law, or of charges against a school district employee under tenure, shall be made either by the Commissioner of Education, or in his/her absence, an Acting Commissioner of Education. [by an assistant commissioner appointed as deputy commissioner, or by an assistant commissioner assigned such duty by the Commissioner.] Every such determination shall be embodied in a written decision which shall set forth the findings of fact and conclusions of law and an appropriate order, and in [his] the Commissioner's discretion, an opinion containing the reason or reasons for the decision. Such written decision and appropriate order shall be filed in the office of the Commissioner and copies thereof shall be served or mailed to the parties of record affected thereby or their attorneys of record.

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

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

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

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

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.232 (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Emergency Revisions to Rule Concerning Written Decision

On September 18, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-9, 18A:29-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968,

adopted emergency revisions to N.J.A.C. 6:24-1.16, Written decision. These revisions are in addition to those revisions to the same rule filed and effective August 30, 1973, as R.1973 d.232 and which appear in this issue of the New Jersey Register.

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

6:24-1.16 Written decision

(a) Every determination of a controversy or dispute under the school law, or of charges against a school district employee under tenure, shall be made [either] by the Commissioner of Education [or in his/her absence, an Acting Commissioner of Education.] , **who may designate a hearing examiner to hear the matter and prepare recommended findings of fact and/or conclusions of law.** Every such determination shall be embodied in a written decision which shall set forth the findings of fact and conclusions of law and an appropriate order. [, and in the Commissioner's discretion, an opinion containing the reason or reasons for the decision.] Such written decision and appropriate order shall be filed in the office of the Commissioner and copies thereof shall be served or mailed to the parties of record affected thereby or their attorneys of record.

(b) Whenever a determination of a controversy or dispute shall incorporate findings of fact **and/or conclusions of law** prepared by a hearing examiner appointed by the Commissioner of Education, [or Acting Commissioner of Education,] copies of the report of the **recommended findings of fact and/or conclusions of law** shall be delivered or mailed to all parties to the controversy or dispute, who may, concurrently within [ten (10)] **fifteen (15)** days of such delivery or mailing, file written exceptions, objections or replies thereto with the Commissioner.

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

(d) Such final determination shall be embodied in a written decision which shall set forth the report of the hearing examiner, the Commissioner's adoption, rejection or modification of the hearing examiner's report, [conclusions of law] and an appropriate order. [, and in the Commissioner's discretion an opinion containing the reason or reasons for the decision.] Such written decision and appropriate order shall be filed in the office of the Commissioner and copies thereof shall be served or mailed to the parties of record affected thereby or their attorneys of record.

An order adopting these revisions was filed and effective September 18, 1973, as R.1973 d.266 (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions for Pupil Transportation

On September 12, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning pupil transportation, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 219(a).

Such revisions will be included in N.J.A.C. 6:21-6.31(e), 6:21-7.1 and 6:21-18.25(d).

An order adopting these revisions was filed and effective September 20, 1973, as R.1973 d.267.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Revisions On Credit And Graduation Requirements

On September 12, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-23, 18A:4-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning credit and graduation requirements, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 218(a).

Such revisions will be included in N.J.A.C. 6:27-1.4 and 6:27-1.13.

An order adopting these revisions was filed and effective September 20, 1973, as R.1973 d.268.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Revisions In Vocational-Technical Coordinator and Cooperative Industrial Education Programs

On September 12, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:3-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rule concerning vocational-technical coordinator and cooperative industrial education programs, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 217(b).

Such revisions will be included in N.J.A.C. 6:11-12.3.

An order adopting these revisions was filed and effective September 20, 1973, as R.1973 d.269.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Extension of Wetlands Order To Cover Portions of Atlantic County

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq., proposes to adopt a rule extending the Wetlands Order to cover certain portions of Atlantic County.

Full text of the proposed extension follows:

7:7A-1.1(a)12. Atlantic County (filed in the office of the County Recording Officer—Mays Landing):
161-1980, 161-1986, 161-1992, 161-1998, 161-2004, 168-1956, 168-1962, 168-1968, 168-1974, 168-1980, 168-1986, 168-1992, 168-1998, 168-2004, 168-2010, 168-2016, 168-2022, 168-2028, 168-2034, 175-1974, 175-1980, 175-1986, 175-1992, 175-1998, 175-2004, 175-2010, 175-2016, 175-2022, 175-2028, 175-2034, 175-2040, 182-1980, 182-1986, 182-1992, 182-1998, 182-2004, 182-2010, 182-2016, 182-2022, 182-2028, 182-2034, 182-2040, 182-2052, 189-1974, 189-1980, 189-1986, 189-1998, 189-2022, 189-2028, 189-2034, 189-2040, 189-2052, 189-2058, 196-1974, 196-1980, 196-1986, 196-2034, 196-2040, 196-2052, 196-2058, 203-1980, 203-1986, 203-2040, 203-2052, 203-2058, 210-1980, 210-1986, 210-2040, 210-2052, 210-2058, 217-1974, 217-1980, 217-1986, 217-2040, 217-2052, 217-2058, 224-1980, 224-2052, 224-2058, 231-2058, 238-2058, 245-2052, 245-2058, 252-2052, 252-2058, 287-2004

A public hearing respecting the proposed action will be held November 15, 1973, at 1:00 P.M., and continuing into the evening if necessary, at the auditorium of Mainland Regional High School, Oak Avenue, Linwood, New Jersey.

The hearing will be held in accordance with the provisions of the Wetlands Act of 1973 (P.L. 1970, c. 272). All testimony offered to the Department, orally or in writing at the hearing will be considered.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before December 17, 1973, to:

Richard J. Sullivan
Commissioner
Department of Environmental Protection
Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

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

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Noise Control

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1G-1 et seq., proposes to adopt new rules concerning noise control.

Take notice, that proposed rules on noise control were published in the September 6, 1973 issue of the New Jersey Register at 5 N.J.R. 298(c). However, since certain rules intended to be adopted were not included in that Notice, the proposed rules on noise control are now being republished.

Full text of the proposed rules follows:

CHAPTER 29. NOISE CONTROL

SUBCHAPTER 1. GENERAL PROVISIONS

7:29-1.1

"Ambient sound level" means that level which exists at any instant in a given environment, regardless of source.

"Commercial operation" means any facility or property on which the public does or may enter to buy or utilize—goods, services or land or its facilities, including but not limited to:

1. Agriculture, property used for the production of crops or livestock, (that is, livestock and products; field, truck and orchards crops; fruits, nursery and greenhouse stock, fur products, and wildlife preserves);
2. Commercial dining establishments (restaurants, diners, luncheonettes, snack bars, drive-ins, ice cream bars, and night clubs);
3. Commercial living accommodations;
4. Motor vehicle services (auto dealers—sales and services, service and gas stations, auto body, tire shops, car wash, and parking garage and lots);
5. Retail services (shopping centers, retail outlets and supermarkets);
6. Wholesale services (distributors and jobbers of goods);
7. Banks and office buildings;
8. Recreation and entertainment (theaters, drive-ins, stadiums, racetracks, fairgrounds, amusement parks, game farms, firearms shooting ranges, skating rinks, golf courses, riding stables, beaches, and parks, camps, campgrounds, resorts);
9. Community services (educational, religious, governmental, cultural, recreational facilities, cemeteries, benevolent associations, hospitals, health and correctional facilities);
10. Public services, property used to provide services to the general public (gas and electric, water treatment and distribution, and waste disposal services);
11. Other commercial services (funeral homes, dog kennels, veterinary clinics and greenhouses).

"Continuous airborne sound" means sound that reaches the point of measurement propagation through air and can be detected by slow response setting of sound level meter.

"Decibel" means a unit for measuring the volume of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound; abbreviated "dB".

"dBA" means the measured level in sound expressed in dB when using a sound level meter with an "A" weighting network activated.

"Emergency energy release device" means emergency safety devices expressly used to release excess energy. Process control devices are not to be considered emergency devices.

"Frequency" means the number of oscillations per second; now expressed in hertz (abbreviation Hz), formerly in cycles per second (abbreviation cps).

"Impulsive sound" means that impulsive sound is characterized by brief excursions of sound pressure (acoustic impulses) which exceed the ambient sound pressure by 5 dB or more. The duration of a single impulse is usually less than one second.

"Industrial operation" means any operation used for the following:

1. Storage, warehouse and distribution facilities property used for storage, distribution (gasoline storage and/or distribution, grain elevators, lumber yards, coal yards, boat piers);
2. Property used for the production and fabrication of durable and nondurable, manmade goods (manufacturing, mining, refining, quarrying, and wells);
3. Activities carried out on the property.

“Octave band” means a frequency band whose upper band-edge frequency is twice the lower band-edge frequency. The octave band is typically identified by the geometric mean frequency called the octave band center frequency.

“Octave band selector” means a selector which is part of, or attached to, a sound level meter that provides selection of each octave band.

“Octave band sound pressure level” means the integrated sound pressure level of only those sine-wave components in a specified octave band for sound having a wide spectrum.

“Peak sound pressure level” means the maximum instantaneous sound pressure level for a transient or impulsive sound of short duration.

“Person” means any individual, public or private corporation, political subdivision, governmental agency, department or bureau of the State, municipality, industry, co-partnership, association.

“Residential property” means property used for human habitation (year-round residences, rural residences with acreage, estates, seasonal residences and individual mobile homes):

1. Commercial living accommodations, commercial property used for human habitation (hotels, motels, apartments, mobile home parks, camps, cottages, bungalows, inns, lodges, boarding and rooming houses, tourist homes, and dormitories);

2. Recreational and entertainment property used for human habitation (camps, camping facilities, resorts, parks, and nature areas);

3. Community service, property used for human habitation (orphanages, benevolent associations, homes for the aged, hospitals, health and correctional facilities).

“Root-mean-square (RMS) (effective)” means the root-mean-square value of a quantity that is varying as a function of time is obtained by squaring the function at each instant, obtaining the average of the squared values over the interval of interest, and taking the square root of this average.

“Sound level” means the measured level of a sound, expressed in dB re 0.0002 microbar, obtained using a sound level meter. Sound levels include all factors inherent in measuring with a sound level meter including microphone frequency response, amplifier characteristics, meter damping, observer effects, and weighting networks.

“Sound pressure level” means the sound pressure level in decibels, of a sound is 20 times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective pressure (rms) is to be understood.

“Stationary emergency signaling device” means any device not attached to a moving vehicle, used to alert persons engaged in emergency operations. These include but are not limited to fire fighters, first aid squad members and law enforcement officers, whether paid or volunteer.

7:29-1.2 Industrial and commercial operations

(a) Upon effective date of this code, no person shall cause, suffer, allow or permit sound from any industrial or commercial operation which when measured at any residential property line is in excess of any of the following:

1. From 7:00 A.M. to 10:00 P.M.:

i. Continuous airborne sound which has sound level in excess of 65 dBA; or

ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands.

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	80
63	79
125	74
250	69
500	63
1000	57
2000	52
4000	48
8000	45

or,

iii. Impulsive sound in air which has a peak sound pressure level in excess of 100 decibels.

2. From 10:00 P.M. to 7:00 A.M.:

i. Continuous airborne sound which has a sound level in excess of 55 dBA; or

ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands;

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	70
63	64
125	60
250	55
500	52
1000	49
2000	46
4000	43
8000	40

or,

iii. Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

3. No person shall cause, suffer, allow or permit sound from any industrial or commercial operation, which when measured at the property line of any commercial operation is in excess of any of the following:

i. Continuous airborne sound which has a sound level in excess of 65 dBA, or

ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	80
63	79
125	74
250	69
500	63
1000	57
2000	52
4000	48
8000	45

or,

iii. Impulsive sound in air which has a peak sound pressure level in excess of 100 decibels.

4. Starting January 1, 1976, paragraph 2 of this subsection shall be superceded by the following:

i. From 10:00 P.M. to 7:00 A.M.:

(1) Continuous airborne sound which has a sound level in excess of 50 dBA; or

(2) Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	67
63	61
125	55
250	50
500	47
1000	44
2000	41
4000	38
8000	35

or,

(3) Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

7:29-1.3 Exceptions

(a) The operational performance standards established in this chapter shall not apply to any of the following:

1. Public roadways;
2. Airports, noise directly related to aircraft flight operations, (i.e. taxiing, landing, take-off and flight). This exception does not apply to aircraft maintenance or any other activities conducted at the airport which are not directly related to flight;
3. Emergency work to provide electricity, water or other public utilities when public health or safety are involved;
4. Bells, chimes or carillons while being used in conjunction with religious services;
5. Surface carriers engaged in commerce by railroad;
6. Motor carriers engaged in commerce;
7. Emergency energy release devices;
8. Public celebrations;
9. Motor vehicle race tracks;
10. The unamplified human voice;
11. Use of explosive devices: These are regulated by the N.J. Department of Labor and Industry under the 1960 Explosive Act (RS-21:1A-1-27).
12. Stationary emergency signaling devices:
 - i. Upon the effective date of this code:
 - (1) No testing of stationary emergency warning devices shall occur at other than 12:00 Noon.
 - (2) Any such testing shall use only the minimum cycle test time. In no case shall test time exceed 5 seconds.
 - ii. Starting January 1, 1975, no warning device shall emit into the air between 10:00 P.M. and 7:00 A.M. sound exceeding the requirements of 1.1.1, 1.1.2 and 1.1.3 of this code.

A public hearing respecting this proposed action will be held on Thursday, October 25, 1973, at 10:00 A.M. in the Theater Building, Mercer County Community College, Mercerville-Edinburg Road, West Windsor Township, New Jersey, at which time interested persons may present oral or written statements respecting the proposed action.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 25, 1973, to:

Department of Environmental Protection
 Division of Environmental Quality
 P.O. Box 1390
 Trenton, N.J. 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may

thereafter adopt these rules substantially as proposed without further notice.

Richard J. Sullivan
 Commissioner
 Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rule On Waste Collected Out of State

On August 30, 1973, Joseph T. Barber, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule concerning waste collected out of State, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 220(c).

Such rule may be cited as N.J.A.C. 7:26-1.5. Take notice that, in the Notice of proposal this rule was incorrectly referred to as N.J.A.C. 7:26-1.15.

An order adopting this rule was filed and effective August 31, 1973, as R.1973 d.245.

John K. Rafferty
 Director of Administrative Procedure
 Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Rules on Manasquan River and Traps

On September 12, 1973, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries and on behalf of the Fish and Game Council in the Department of Environmental Protection, pursuant to authority of N.J. S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning waterfowl hunting on the Manasquan River and the use of certain traps, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 261(b).

These rules may be cited as N.J.A.C. 7:25-5.27 and 7:25-5.28.

An order adopting these rules was filed and effective September 17, 1973, as R.1973 d.263.

John K. Rafferty
 Director of Administrative Procedure
 Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Amendment to 1973 Fish Code

On September 12, 1973, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administration Procedure Act

of 1968, adopted an amendment to the 1973 Fish Code concerning the Furnace Brook Impoundment, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 261(a).

This amendment may be cited as N.J.A.C. 7:25-6.14.

An order adopting this amendment was filed and effective September 17, 1973, as R.1973 d.264.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

1974 Fish Code

On September 12, 1973, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries and on behalf of the Fish and Game Council in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1974 Fish Code, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 260(c).

The 1974 Fish Code may be cited as N.J.A.C. 7:25-6.1 et seq.

An order adopting this Code was filed September 17, 1973, as R.1973 d.265 to become effective January 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions Concerning Life-Saving Devices

On September 20, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 12:7-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rule concerning life-saving devices.

Full text of the revised rule follows:

7:6-1.38 Lifesaving devices

(a) No person shall operate or allow any person to operate any vessel in or on the waters of this State unless such vessel has a United States Coast Guard-approved personal flotation device (PFD) for each person on board. Such PFD's shall be of the type(s) and number(s) required by the United States Coast Guard for a vessel of that class operating on Federal navigable waters.

(b) This regulation includes all vessels except surfboards, racing shells, rowing sculls and racing kayaks.

An order adopting these revisions was filed September 20, 1973, as R.1973 d.271 (Exempt, Emergency Rule) to become effective October 1, 1973.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Proposed Rules Concerning Uniform Financial And Statistical Reports for New Jersey Hospitals

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt rules concerning the uniform financial reports and uniform statistical reports (UFR/USR) for all hospitals in the State of New Jersey.

Full text of the proposed rules follows:

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

(a) The uniform financial report is to be filed by all hospitals in New Jersey, with the exception of the State psychiatric hospitals, to report each year's fiscal operations.

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

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

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

(e) No adjustment to Blue Cross payment rates can be made on any fiscal year's final cost appeal unless a satisfactory uniform financial report and uniform statistical report are on file with the State Department of Health.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1973, to:

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

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

James R. Cowan
Commissioner
Department of Health

(d)

HEALTH

THE COMMISSIONER

Policy on Skilled Nursing And Intermediate Care Beds

On August 30, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule concerning the policy on skilled nursing and intermediate care beds, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 262(c).

Such rule will be cited as N.J.A.C. 8:33-1.11.

An order adopting this rule was filed and effective August 31, 1973, as R.1973 d.246.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments to the Hospital and Special Hospital Manuals

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend certain rules in the Hospital and Special Hospital Manuals.

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

10:52-1.1 "Inpatient hospital services" means those items and services ordinarily furnished by an approved hospital for the care and treatment of inpatients, which are provided under the direction of a physician or dentist in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or mental diseases.

Exception: For inpatient psychiatric services provided in an approved private psychiatric hospital see Section 14 of this Subchapter.

10:52-1.13 Approved private psychiatric hospitals

(a) An approved private psychiatric hospital is one which meets all of the following conditions:

1. Licensed by the State of New Jersey as a psychiatric hospital and is;
2. Qualified to participate as a psychiatric hospital under the Title XVIII (Medicare) Program; and/or is
3. Accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or by the Committee on Hospitals of the American Osteopathic Association; and has
4. Signed an agreement to participate and abide by the rules and regulations of the New Jersey Health Services Program.

10:52-1.3(a)15. Any illnesses which according to generally accepted professional standards are not amenable to favorable modification, except that benefits for mental health services shall be available to determine that such disorders or illnesses are not amenable to favorable modification (that is, senility).

Exception: For inpatient psychiatric services provided in an approved private psychiatric hospital see Section 14 of this Subchapter.

10:52-1.14 Hospital benefits in an approved private psychiatric hospital

(a) The New Jersey Health Services Program recognizes as a covered service medically necessary inpatient services which are provided in an approved private psychiatric hospital to eligible individuals over age 65 and to other eligible individuals prior to:

1. The date such eligible individual attains age 21; or
2. In the case of an eligible individual who was receiving such services in the period immediately proceeding the date on which he attained age 21 (1) the date such individual no longer requires such services or (2) if earlier the date such individual attains age 22.

(b) Reimbursement for inpatient care is based upon the medical necessity of the admission and may not exceed 20 days unless supported by a medical recertification.

(c) Whenever the span of inpatient days exceeds 20, the attending physician is required to certify the necessity of

continued hospitalization on or before the expiration of the 20th day. The maximum number of days allowed on the recertification is 20 days. **ONLY ONE RECERTIFICATION IS ALLOWABLE FOR EACH ADMISSION.** (See Sections 307, 308 and 309 of this manual for instructions)

NOTE: In extremely unusual situations where more than 40 days inpatient care is deemed necessary by the attending physician, a special request for continued stay may be submitted no later than the 30th hospital day. The request must specify, in detail, why continued hospitalization is necessary for the patient and is to be submitted to:

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

(d) The request must specify the actual number of days for which authorization is requested.

(e) Failure to obtain prior authorization will result in non-payment of the hospital's claim for all days beyond the 40th day and all physicians claims for the corresponding period will also be denied for payment.

10:53-1.1 "Inpatient hospital services" means those items and services ordinarily furnished by an approved hospital for the care and treatment of inpatients, which are provided under the direction of a physician or dentist in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or mental diseases.

Exception: For inpatient psychiatric services provided in an approved private psychiatric hospital see Section 14 of this Subchapter.

10:53-1.12 Approved private psychiatric hospitals

(a) An approved private psychiatric hospital is one which meets all of the following conditions:

1. Licensed by the State of New Jersey as a psychiatric hospital and is;
2. Qualified to participate as a psychiatric hospital under the Title XVIII (Medicare) Program; and/or is
3. Accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or by the Committee on Hospitals of the American Osteopathic Association; and has
4. Signed an agreement to participate and abide by the rules and regulations of the New Jersey Health Services Program.

10:53-1.2(a)18. Any illnesses which according to generally accepted professional standards are not amenable to favorable modification, except that benefits for mental health services shall be available to determine that such disorders or illnesses are not amenable to favorable modification (that is, senility).

Exception: For inpatient psychiatric services provided in an approved private psychiatric hospital see Section 13 of this Subchapter.

10:53-1.13 Hospital benefits in an approved private psychiatric hospital

(a) The New Jersey Health Services Program recognizes as a covered service medically necessary inpatient services which are provided in an approved private psychiatric hospital to eligible individuals over age 65 and to other eligible individuals prior to:

1. The date such eligible individual attains age 21; or
2. In the case of an eligible individual who was receiving such services in the period immediately preceding the date on which he attained age 21 (1) the date such individual no longer requires such services or (2) if earlier the date such individual attains age 22.

(b) Reimbursement for inpatient care is based upon the medical necessity of the admission and may not exceed 20 days unless supported by a medical recertification.

(c) Whenever the span of inpatient days exceeds 20, the attending physician is required to certify the necessity of continued hospitalization on or before the expiration of the 20th day. The maximum number of days allowed on the recertification is 20 days. **ONLY ONE RECERTIFICATION IS ALLOWABLE FOR EACH ADMISSION.** (See Sections 307, 308 and 309 of this manual for instructions)

NOTE: In extremely unusual situations where more than 40 days inpatient care is deemed necessary by the attending physician, a special request for continued stay may be submitted no later than the 30th hospital day. The request must specify, in detail, why continued hospitalization is necessary for the patient and is to be submitted to:

Chief, Mental Health Services
Division of Medical Assistance
and Health Services

P.O. Box 2486
Trenton, New Jersey 08625

(d) The request must specify the actual number of days for which authorization is requested.

(e) Failure to obtain prior authorization will result in non-payment of the hospital's claim for all days beyond the 40th day and all physicians claims for the corresponding period will also be denied for payment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 26, 1973, to:

Administrative Analyst
Division of Medical Assistance
and Health Services
324 East State Street
Trenton, N.J. 08625

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

Maurice G. Kott
Acting Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rule on Multi-Location Providers

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a new rule concerning multi-location providers.

Full text of the proposed rule follows:

10:49-1.20 Multi-location providers

(a) The New Jersey Health Services Program requires that all independent clinics, pharmacies, hearing aid dealers, skilled nursing facilities, independent laboratories, transportation carriers and opticians applying to participate in the Program or presently participating in the Program identify each and every branch or satellite location from which they will provide services to Medicaid eligible individuals.

(b) Each separate location must meet all required standards for Health Services Program participation and that location will receive a Health Services Program provider

number if approved for participation. Services rendered to Medicaid eligibles at an unapproved satellite may NOT be billed under the approved parent organization's provider number.

(c) All approved providers who have, to date, been billing through the parent organization for their non-approved branch/satellite locations by utilizing the parent organization's provider number may make application for Medicaid approval for such facilities within 60 days following adoption of this rule, without penalty.

(d) Failure to make application within this 60-day period and continued billing on behalf of non-approved facilities will result in action by the New Jersey Health Services Program to recover funds paid as the result of improper billing and will subject the approved parent organization to suspension from the Program. (See Chapter I, Section 116-A.7 of the New Jersey Health Services Program Provider Manual)

(e) Provider applications may be obtained by contacting:
Chief, Medical Care Administration
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

(f) Billing through a central location for approved multi-location providers is allowable; however the provider must utilize the pre-addressed claims for each office location as they reflect the proper address and provider number for that location. Selection of central or localized billing is left to the provider, who states the preference on the application.

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before October 25, 1973, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Maurice G. Kott
Acting Commissioner
Department of Institutions
and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Manual for Independent Clinic Services

On August 14, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the Manual for Independent Clinic Services, substantially as proposed in the Notice published July 5, 1973, at 5 N.J.R. 226(c), with only inconsequential structural or language changes, in the opinion of the Department of Institutions and Agencies.

This manual will be included in Subtitle I of Title 10 in the New Jersey Administrative Code.

An order adopting this manual was filed August 16, 1973, as R.1973 d.228 to become effective October 1, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES
DIVISION OF PUBLIC WELFARE

Amendment to Financial Assistance Manual

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to Sections 111b., 311.7i and 335.1c. of the Financial Assistance Manual, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 278(b).

Such amendments will be included in Subtitle L of Title 10 in the New Jersey Administrative Code.

An order adopting these amendments was filed and effective August 30, 1973, as R.1973 d.235.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES
DIVISION OF PUBLIC WELFARE

Revisions for Child Care

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Sections 411.4b, 411.10 and 430.3e of the Financial Assistance Manual concerning child care, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 277(b).

Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.236.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES
DIVISION OF PUBLIC WELFARE

Revisions for Adults in Boarding Homes and Intermediate Care Facilities and Expenses Incident To Homemaker Services

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Sections 131.1 and 412.1 of the Financial Assistance Manual concerning adults in boarding homes and intermediate care facilities and expenses incident to homemaker services, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 278(a).

Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.237.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES
DIVISION OF PUBLIC WELFARE

Revisions On Changes in Need While Assistance Is Being Received

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Section 252.b. of the Financial Assistance Manual concerning changes in need while assistance is being received, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 271(a).

Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.238.

John K. Rafferty
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES
DIVISION OF PUBLIC WELFARE

Revisions Concerning AFWP Program

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Sections 123. and 203.c. of the Financial Assistance Manual concerning the AFWP program, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 269(a).

Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.239.

John K. Rafferty
Director of Administrative Procedure
Department of State

(f)

INSTITUTIONS AND AGENCIES
DIVISION OF PUBLIC WELFARE

Revisions Concerning Stepparents

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Section 231. of the Financial Assistance Manual concerning stepparents, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 270(c).

Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.240.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Deletion of Rules On Conservation of Income In ADC for Future Education of a Child

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, deleted Section 335.3 and 220.1-f. of the Financial Assistance Manual concerning the conservation of income in ADC for future education of a child, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 269(b).

Such deletions will be reflected in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order deleting these rules was filed and effective August 30, 1973, as R.1973 d.241.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions In ADC Program

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Section 122.b. of the Financial Assistance Manual concerning the eligible unit in the ADC program, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 270(a).

Such revisions will be included in Subtitle L of Title 10 in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.242.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions On Assistance for the Working Poor Companion Case Budgeting Procedures

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Sections 201. IId. and 203.6.5 of the Financial Assistance Manual concerning assistance for the working poor companion case budgeting procedures, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 270(b).

Such revisions will be included in Subtitle L of Title 10 in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.243.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions On Income and Obligatory Support

On August 30, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Sections 323.1 and 354. of the Financial Assistance Manual concerning income and obligatory support, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 268(a).

Such revisions will be included in Subtitle L of Title 10 in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 30, 1973, as R.1973 d.244.

John K. Rafferty
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rule on Time Limitation for Submission Of Adjustment Requests for Legend And Non-Legend Drugs

On September 1, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule on time limitation for submission of adjustment requests for legend and non-legend drugs, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 226(b).

The rule will be included in Chapter 49 of Title 10 in the New Jersey Administrative Code.

An order adopting this rule was filed September 7, 1973, as R.1973 d.249 to become effective January 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(f)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Dental Manual On Clinical Examinations and Patient Records

On September 6, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Dental Manual concerning clinical examinations by dental consultants and patient records, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 267(a).

The effect of these revisions is to delete N.J.A.C. 10:56-

1.12(d) and adopt a new rule entitled "Patient records" to be cited as N.J.A.C. 10:56-1.47.

An order adopting these revisions was filed September 13, 1973 as R.1973 d.259 to become effective October 1, 1973.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Hospital and Special Hospital Manual

On September 7, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:52-1.9, Special provisions related to payment, 10:52-2.8, General billing procedures for outpatient services, 10:53-1.8, Conditions of coverage and 10:35-2.12, Outpatient hospital billing form, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 267(b).

Such revisions concerned provisions for payment and billing.

An order adopting these revisions was filed September 13, 1973, as R.1973 d.260 to become effective November 1, 1973.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions In Classification and Compensation Plan

On September 20, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Ruling 11, Part I concerning the classification and compensation plan, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 277(a).

Such revisions will be included in Subtitle L of Title 10 in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective September 20, 1973, as R.1973 d.272.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Proposed Rules On Group Coverage Discontinuance and Replacement

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

Full text of the proposed rules follows:

SUBCHAPTER 13. GROUP COVERAGE DISCONTINUANCE AND REPLACEMENT

11:2-13.1 Scope

This regulation shall be applicable to all insurance policies and subscriber contracts issued or provided by an insurance company or a non-profit service corporation on a group or group type basis.

11:2-13.2 Definitions

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

"Group type basis" means a benefit plan, other than "salary savings" or "salary budget" plans utilizing individual insurance policies or subscriber contracts, which meets the following conditions:

1. Coverage is provided through insurance policies or subscriber contracts to classes of employees, members or debtors defined in terms of conditions pertaining to employment, membership, or indebtedness.

2. The coverage is not available to the general public and can be obtained and maintained only because of the covered person's membership in or connection with the particular organization or group.

3. There are arrangements for bulk payment of premiums or subscription charges to the insurer or non-profit service corporation.

4. There is sponsorship of the plan by the employer, union, association or creditor.

"Member" will hereinafter be construed to include employee, debtor or any other individuals who are a part of a particular organization or group.

11:2-13.3 Effective date of discontinuance for non-payment of premium or subscription charges

(a) If a policy or contract subject to these rules and regulations provides for automatic discontinuance of the policy or contract after a premium or subscription charge has remained unpaid through the grace period allowed for such payment, the carrier shall be liable for valid claims for covered losses incurred prior to the end of the grace period.

(b) If the actions of the carrier after the end of the grace period indicate that it considers the policy or contract as continuing in force beyond the end of the grace period (such as, by continuing to recognize claims subsequently incurred), the carrier shall be liable for valid claims for losses beginning prior to the effective date of written notice of discontinuance to the policyholder or other entity responsible for making premium payments or submitting subscription charges to the carrier. The effective date of discontinuance shall not be prior to midnight at the end of the third scheduled work day after the date upon which the notice is delivered.

11:2-13.4 Requirements for notice of discontinuance

(a) Any notice of discontinuance so given by the carrier shall include a request to the group policyholder or other entity involved to notify members covered under the policy or subscriber contract of the date as of which the group policy or contract will discontinue and to advise that, unless otherwise provided in the policy or contract, the carrier shall not be liable for claims for losses incurred after such date. Such notice of discontinuance shall also advise, in any instance in which the plan involves member contributions, that if the policyholder or other entity continues to collect contributions for the coverage beyond the date of discontinuance, the policyholder or other entity may be held solely liable for the benefits with respect to which the contributions have been collected.

(b) The carrier will prepare and furnish to the policyholder or other entity at the same time a supply of a notice form to be distributed to the members concerned indicating such discontinuance and the effective date thereof, and urging the members to refer to their certificates or contracts in order to determine what rights, including, but not limited to, privileges of conversion, if any, are available to them upon such discontinuance.

(c) Discontinuance of the group policy will not serve to reduce the specified time limit which must be satisfied for the furnishing of notice of claim or proof of loss.

11:2-13.5 Extension of benefits

(a) Every group policy or other contract subject to these rules and regulations hereafter issued, or under which the level of benefits is hereafter altered, modified, or amended, must provide a reasonable provision for extension of benefits in the event of total disability at the date of discontinuance of the group policy or contract, as required by the following paragraphs of this Section.

(b) In case of a group life plan which contains a disability benefit extension of any type (that is, premium waiver extension, extended death benefit in event of total disability or payment of income for a specified period during total disability), the discontinuance of the group policy shall not operate to terminate such extension.

(c) In the case of a group plan providing benefits for loss of time from work or specific indemnity during hospital confinement, discontinuance of the policy during a disability shall have no effect on benefits payable for that disability or confinement.

(d) In the case of hospital or medical expense coverages, a reasonable extension of benefits or accrued liability provision is required. Such a provision will be considered "reasonable" if it provides an extension of at least 12 months under "major medical" and "comprehensive medical" type coverages, and under other types of hospital or medical expense coverages provides either an extension of at least ninety days or an accrued liability for expenses incurred during a period of disability or during a period of at least ninety days starting with a specific event which occurred while coverage was in force (that is, an accident).

(e) Any applicable extension of benefits or accrued liability shall be described in any policy or contract involved as well as in group insurance certificates. The benefits payable during any period of extension or accrued liability may be subject to the policy's or contract's regular benefit limits (that is, benefits ceasing at exhaustion of a benefit period or of maximum benefits).

11:2-13.6 Continuance of coverage in situations involving replacement of one carrier by another

(a) This Section shall indicate the carrier responsible for liability in those instances in which one carrier's contract replaces a plan of similar benefits of another.

(b) The prior carrier remains liable only to the extent of its accrued liabilities and extensions of benefits. The position of the prior carrier shall be the same whether the group policyholder or other entity secures replacement coverage from a new carrier, self-insures, or foregoes the provision of coverage.

(c) Rules concerning the liability of a succeeding carrier are:

1. Each person who is eligible for coverage in accordance with the succeeding carrier's plan of benefits (in respect of classes eligible and actively at work and non-confinement rules) shall be covered by that carrier's plan of benefits.

2. Each person not covered under the succeeding carrier's plan of benefits in accordance with paragraph 1. above must nevertheless be covered by the succeeding carrier

in accordance with the following rules if such individual was validly covered (including benefit extension) under the prior plan on the date of discontinuance and if such individual is a member of the class or classes of individuals eligible for coverage under the succeeding carrier's plan. Any reference in the following rules to an individual who was or was not totally disabled is a reference to the individual's status immediately prior to the date the succeeding carrier's coverage becomes effective.

i. The minimum level of benefits to be provided by the succeeding carrier shall be the applicable level of benefits of the prior carrier's plan reduced by any benefits payable by the prior plan.

ii. Coverage must be provided by the succeeding carrier until at least the earliest of the following dates:

(1) The date the individual becomes eligible under the succeeding carrier's plan as described in paragraph 1. above;

(2) For each type of coverage, the date the individual's coverage would terminate in accordance with the succeeding carrier's plan provisions applicable to individual termination of coverage (that is, termination of employment or ceasing to be an eligible dependent, as the case may be);

(3) In the case of an individual who was totally disabled, and in the case of a type of coverage for which Section 5 of this Subchapter requires an extension or accrued liability, the end of any period of extension or accrued liability which is required of the prior carrier by Section 5 of this Subchapter, or if the prior carrier's policy or contract is not subject to that Section, would have been required of that carrier had its policy or contract been subject to Section 5 at the time the prior plan was discontinued and replaced by the succeeding carrier's plan.

3. In the case of a preexisting conditions limitation included in the succeeding carrier's plan, the level of benefits applicable to preexisting conditions of persons becoming covered by the succeeding carrier's plan in accordance with this subsection during the period of time this limitation applies under the new plan shall be the lesser of:

i. The benefits of the new plan determined without application of the preexisting conditions limitation; and

ii. The benefits of the prior plan.

4. The succeeding carrier, in applying any deductibles or waiting periods in its plan, shall give credit for the satisfaction or partial satisfaction of the same or similar provisions under a prior plan providing similar benefits. The definition of waiting period includes, but is not limited to, the period of time required to be satisfied before maternity benefits become available. The aggregate period of time to be applied will be the greater of that required by either the prior plan or the succeeding plan, but in any event, the aggregate period of time will be satisfied by taking into consideration the full portion of the waiting period satisfied under the prior plan. In the case of deductible provisions, the credit shall apply for the same or overlapping benefit periods and shall be given for expenses actually incurred and applied against the deductible provisions of the prior carrier's plan during the 90 days preceding the effective date of the succeeding carrier's plan but only to the extent these expenses are recognized under the terms of the succeeding carrier's plan and are subject to a similar deductible provision.

5. In any situation where a determination of the prior carrier's benefit is required by the succeeding carrier, at the succeeding carrier's request the prior carrier shall furnish a statement of the benefits available or pertinent information, sufficient to permit verification of the benefit determination or the determination itself by the succeeding

(Continued on Page 26)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

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

First publication and update services have been distributed for 17 of the 19 Departmental Titles, excepting only Title 10—Institutions and Agencies and Title 12—Labor and Industry.

Since the most recent update, these 17 Departments have adopted the following additional rules, which are not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Notice of Adoption N.J.R. Citation</u>
AGRICULTURE — TITLE 2			
2:1-2.3(a)1.i.	Functions of Departmental units	R.1972 d.260	5 N.J.R. 31(a)
2:2-2.10	Times established for Brucellosis tests	R.1973 d.273	5 N.J.R.
2:2-2.13	Conditions for quarantine release	R.1972 d.251	5 N.J.R. 3(d)
2:2-2.15(b)	Indemnification for brucellosis	R.1973 d.64	5 N.J.R. 102(b)
2:2-3.3	Times established for tuberculin tests	R.1973 d.274	5 N.J.R.
2:2-3.6	Indemnification for tuberculosis	R.1973 d.65	5 N.J.R. 102(c)
2:2-4.39	Authority of Secretary or his agents	R.1972 d.242	5 N.J.R. 3(a)
2:2-9.1	Fees; immunodiffusion test	R.1973 d.57	5 N.J.R. 102(a)
2:5-1.7(c)	Release of embargo	R.1972 d.208	4 N.J.R. 260(e)
2:5-1.8	Quarantine; Gloucester County	R.1972 d.231	4 N.J.R. 299(a)
2:5-1.8	Quarantine; Gloucester County	R.1972 d.227	4 N.J.R. 298(b)
2:5-1.8(d)&(e)	Release of quarantine	R.1973 d.51	5 N.J.R. 76(b)
2:5-1.9	Quarantine; various counties	R.1972 d.235	5 N.J.R. 2(a)
2:5-1.10	Quarantine; entire State	R.1972 d.237	5 N.J.R. 2(b)
2:5-1.10(d)&(e)	Release of quarantine	R.1973 d.21	5 N.J.R. 32(a)
2:5-1.11	Quarantine; swine movement	R.1972 d.246	5 N.J.R. 3(b)
2:5-1.12	Quarantine continued, entire State	R.1972 d.259	5 N.J.R. 30(b)
2:5-1.13	Lifting of quarantine	R.1972 d.263	5 N.J.R. 31(b)
2:5-1.14	Quarantine; Egg Harbor Township	R.1973 d.4	5 N.J.R. 31(c)
2:5-1.14(d)&(e)	Release of quarantine	R.1973 d.41	5 N.J.R. 76(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R.1973 d.233	5 N.J.R.
2:17-4.2(c)	Special exemption for Florida tomato plants	R.1973 d.101	5 N.J.R. 135(a)
2:32-1.1	Sire stakes program	R.1973 d.154	5 N.J.R. 214(b)
2:52-5.1 et seq.	Information required of applicants	R.1973 d.39	5 N.J.R. 75(a)
2:53-2.1 et seq.	Rules on refrigeration equipment	R.1972 d.250	5 N.J.R. 3(c)
2:53-2.1	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-2.3	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-4.1 et seq.	Advertising milk and milk products	R.1972 d.215	4 N.J.R. 298(a)
2:54-3.2	Suspension of portions of Milk Marketing Order	R.1973 d.257	5 N.J.R.
2:69-1.11	Revisions concerning commercial values	R.1973 d.198	5 N.J.R. 255(c)
2:71-1.38	Labeling of eggs	R.1973 d.275	5 N.J.R.
2:73-2.2 et seq.	State Seal program for eggs	R.1973 d.88	5 N.J.R. 134(c)
BANKING — TITLE 3			
3:1-1.1	Interest rate	R.1973 d.191	5 N.J.R. 258(b)
3:1-2.1(b)	Amend population estimate rules	R.1973 d.229	5 N.J.R.
3:1-2.9 et seq.	Revise procedural rules	R.1973 d.217	5 N.J.R. 298(a)
3:1-2.13	Financial reports of bank incorporators	R.1973 d.202	5 N.J.R. 258(e)
3:1-5.1 et seq.	Mortgage applicant's birth control practices	R.1973 d.166	5 N.J.R. 216(b)
3:6-7.1	Banking offices notation	R.1973 d.201	5 N.J.R. 258(d)
3:8-3.1	Required reserve (Banks not members of Federal Reserve)	R.1972 d.223	4 N.J.R. 300(a)
3:8-3.1	Required reserve	R.1973 d.252	5 N.J.R.
3:8-3.2	Reports (Banks not members of Federal Reserve System)	R.1972 d.223	4 N.J.R. 300(a)
3:8-5.1	Reserves required (Savings banks)	R.1972 d.224	4 N.J.R. 300(b)
3:8-5.1	Required reserve; savings banks	R.1973 d.251	5 N.J.R.
3:8-5.4	Reports (Savings banks)	R.1972 d.224	4 N.J.R. 300(b)
3:10-1.1	Limitation on mortgage loans	R.1973 d.174	5 N.J.R. 258(a)
3:10-6.1 et seq.	Out-of-State mortgages	R.1973 d.200	5 N.J.R. 258(c)
3:11-1.1	Approval to exceed ten per cent limitation	R.1973 d.116	5 N.J.R. 136(b)
3:11-6.3	Approval of investment in Student Loan Marketing Association	R.1973 d.250	5 N.J.R.
3:11-7.1 et seq.	Limitation on liability to a bank	R.1973 d.58	5 N.J.R. 103(b)
3:18-5.1 et seq.	Legal fees; mortgages	R.1973 d.32	5 N.J.R. 33(a)

CIVIL SERVICE — TITLE 4

3:18-7.1 et seq.	Advertising rules	R.1973 d.133	5 N.J.R. 183(a)
3:31-2.1	Minimum requirements	R.1973 d.124	5 N.J.R. 183(b)
4:1-1.1 et seq.	Revisions to Commission's rules	R.1973 d.34	5 N.J.R. 33(b)

COMMUNITY AFFAIRS — TITLE 5

5:10-9.9	Safety glazing memorandum	R.1973 d.50	5 N.J.R. 78(a)
5:10-9.9	Safety glazing requirements	R.1972 d.197	4 N.J.R. 261(c)
5:11-1.1 et seq.	Relocation assistance program	R.1972 d.190	4 N.J.R. 261(a)
5:16-1.1 et seq.	Amendments to Plumbing Code	R.1972 d.149	4 N.J.R. 182(a)
5:19-1.7	Safety glazing materials	R.1972 d.196	4 N.J.R. 261(b)
5:19-1.7	Safety glazing memorandum	R.1973 d.50	5 N.J.R. 78(a)
5:20-1.1 et seq.	Uniform Standards Code for Mobile Homes	R.1972 d.248	5 N.J.R. 7(a)

EDUCATION — TITLE 6

6:8-1.2(f) & (g)	Nonpublic school secular education	R.1972 d.207	4 N.J.R. 262(f)
6:8-1.3	Definitions (nonpublic school secular education)	R.1972 d.207	4 N.J.R. 262(f)
6:11-1.1 et seq.	Teacher education and certification	R.1972 d.189	4 N.J.R. 262(e)
6:11-3.26	Waiver of student teaching requirement	R.1973 d.55	5 N.J.R. 79(c)
6:11-8.6	Junior high school teaching certification	R.1973 d.19	5 N.J.R. 36(b)
6:11-12.3	Vocational-technical coordinator; co-op industrial education	R.1973 d.269	5 N.J.R.
6:11-12.20	Reading specialist certification	R.1973 d.20	5 N.J.R. 36(c)
6:21-1.2	Accident reporting (Pupil transportation)	R.1972 d.220	4 N.J.R. 302(a)
6:21-1.3	Remote defined (Pupil transportation)	R.1972 d.220	4 N.J.R. 302(a)
6:21-5.11	Color; school bus	R.1973 d.123	5 N.J.R. 185(a)
6:21-6.9	Color; school bus body	R.1973 d.123	5 N.J.R. 185(a)
6:21-6.20(f)	Identification (School buses)	R.1972 d.188	4 N.J.R. 262(d)
6:21-6.24 et seq.	Lamps, signals, seats and drills	R.1973 d.73	5 N.J.R. 104(c)
6:21-6.31(e)	Stanchions and guard rails	R.1973 d.267	5 N.J.R.
6:21-7.1	Limit of apportionment of State aid	R.1973 d.267	5 N.J.R.
6:21-7.2	Sale of school vehicle (State aid)	R.1972 d.220	4 N.J.R. 302(a)
6:21-7.3	State aid approval (State aid)	R.1972 d.220	4 N.J.R. 302(a)
6:21-11.1	Requirements for drivers of school buses	R.1973 d.161	5 N.J.R. 220(a)
6:21-11.2	Requirements for drivers of small vehicles	R.1973 d.180	5 N.J.R. 260(a)
6:21-11.5	Seat belts; driver	R.1972 d.188	4 N.J.R. 262(d)
6:21-11.6	Procedures at railroad grade crossings	R.1973 d.98	5 N.J.R. 139(a)
6:21-18.1 et seq.	Pupil transportation—Small van-type vehicles	R.1973 d.18	5 N.J.R. 36(a)
6:21-18.25	Stanchions and guard rails	R.1973 d.267	5 N.J.R.
6:24-1.16	Additional revisions concerning written decisions	R.1973 d.266	5 N.J.R.
6:24-1.16	Written decisions	R.1973 d.232	5 N.J.R.
6:27-1.4	Graduation (Secondary education)	R.1972 d.166	4 N.J.R. 213(a)
6:27-1.4	Graduation	R.1973 d.268	5 N.J.R.
6:27-1.13	Definitions (Secondary education)	R.1972 d.166	4 N.J.R. 213(a)
6:27-1.13	Definitions	R.1973 d.268	5 N.J.R.
6:28-4.1 et seq.	County boards of special services	R.1972 d.185	4 N.J.R. 262(a)
6:29-6.3(c)	Revisions concerning athletic personnel	R.1973 d.223	5 N.J.R. 298(b)
6:39-1.1 et seq.	Evaluation (Statewide assessment)	R.1972 d.187	4 N.J.R. 262(c)
6:39-1.1 et seq.	Statewide assessment	R.1973 d.72	5 N.J.R. 104(b)
6:46-4.1 et seq.	Private vocational schools	R.1973 d.71	5 N.J.R. 104(a)
6:68-2.10 et seq.	Revisions to library incentive grant programs	R.1973 d.99	5 N.J.R. 139(b)
6:68-3.1 et seq.	State Library assistance programs	R.1972 d.186	4 N.J.R. 262(b)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1B-1.1 et seq.	Guidelines for planning, designing and constructing interceptor sewers	R.1972 d.233	4 N.J.R. 302(c)
7:2-16.1	Special permits for Island Beach State Park	R.1973 d.138	5 N.J.R. 187(a)
7:6-1.38	Lifesaving devices	R.1973 d.271	5 N.J.R.
7:6-5.1 et seq.	Hull identification numbers	R.1973 d.136	5 N.J.R. 186(c)
7:7A-1.1(a)2. et seq.	Extension of wetlands order to several counties	R.1972 d.256	5 N.J.R. 8(a)
7:7A-1.1(a)6	Extension of wetlands order to portions of Cape May County	R.1973 d.81	5 N.J.R. 106(a)
7:7A-1.1(a)7	Wetlands order; Atlantic County	R.1973 d.134	5 N.J.R. 186(a)
7:7A-1.1(a)8	Wetlands order; Burlington County	R.1973 d.135	5 N.J.R. 186(b)
7:7A-1.1(a)9	1973-74 Game Code	R.1973 d.164	5 N.J.R. 221(b)
7:7A-1.1(a)10	Extension of wetlands order to Mercer County	R.1973 d.167	5 N.J.R. 222(a)
7:7A-1.1(a)11.	Extension of wetlands order to Camden County	R.1973 d.168	5 N.J.R. 222(b)

(Continued on next page)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

(Continued from previous page)

7:25-1.5	Extension of Wetlands Order to Gloucester County	R.1973 d.204	5 N.J.R. 261(c)
7:25-2.9	Fee schedule	R.1973 d.13	5 N.J.R. 38(c)
7:25-5.1 et seq.	Field trials	R.1973 d.75	5 N.J.R. 105(c)
7:25-5.20(f)	Great Swamp National Wildlife Refuge hunting	R.1973 d.226	5 N.J.R. 304(b)
7:25-5.25	Hunting restrictions for Manasquan River	R.1972 d.202	4 N.J.R. 265(a)
7:25-5.26	Conibear or other killing traps	R.1972 d.211	4 N.J.R. 264(a)
7:25-5.27	Waterfowl hunting	R.1973 d.263	5 N.J.R.
7:25-5.28	Use of conibear traps	R.1973 d.263	5 N.J.R.
7:25-6.1 et seq.	1974 Fish Code	R.1973 d.265	5 N.J.R.
7:25-6.8(a)	Ice fishing	R.1973 d.25	5 N.J.R. 39(a)
7:25-6.14	Amend 1973 Fish Code	R.1973 d.264	5 N.J.R.
7:25-7.1(a)38	Condemnation of shellfish beds	R.1972 d.203	4 N.J.R. 265(b)
7:25-7.3	Conservation order (March 28, 1973)	R.1973 d.85	5 N.J.R. 140(b)
7:25-7.4	Conservation order effective May 14, 1973	R.1973 d.86	5 N.J.R. 141(a)
7:25-7.5	Conservation order; Mullica River	R.1973 d.102	5 N.J.R. 141(c)
7:25-9.1(e)	Opening of shellfish beds	R.1972 d.216	4 N.J.R. 302(b)
7:25-9.1(f)	Closing of shellfish beds	R.1973 d.14	5 N.J.R. 39(a)
7:25-9.1(g)	Opening of shellfish beds	R.1973 d.94	5 N.J.R. 141(b)
7:26-1.5	Waste collected out-of-State	R.1973 d.245	5 N.J.R.
7:27-8.1 et seq.	Permits and certificates	R.1973 d.10	5 N.J.R. 38(a)
7:27A-1.1 et seq.	Bureau of Air Pollution Control's rules of practice	R.1973 d.165	5 N.J.R. 221(c)
7:27-13.1 et seq.	Ambient air quality standards	R.1973 d.11	5 N.J.R. 38(b)

HEALTH — TITLE 8

8:2-2.1	Refund of excess fees	R.1972 d.206	4 N.J.R. 266(a)
2:10-1.1 et seq.	Mass gathering rules	R.1972 d.156	4 N.J.R. 216(a)
8:21-2.35	Public posting of inspection reports	R.1972 d.209	4 N.J.R. 266(b)
8:21-2.36	Public availability of inspection reports	R.1972 d.209	4 N.J.R. 266(b)
8:21-7.2 et seq.	Definitions and standards of frozen desserts	R.1973 d.74	5 N.J.R. 107(b)
8:21-9.1 et seq.	Definitions of regulations, food and cosmetic manufacturing	R.1973 d.89	5 N.J.R. 143(a)
8:21-10.1 et seq.	Designated fluid milk products	R.1973 d.17	5 N.J.R. 42(a)
8:23-3.1 et seq.	Kennels, petshops, shelters and pounds	R.1972 d.219	4 N.J.R. 304(a)
8:24-9.8	Public posting of inspection reports	R.1972 d.209	4 N.J.R. 266(b)
8:24-9.9	Public availability of inspection reports	R.1972 d.209	4 N.J.R. 266(b)
8:30-13.1 et seq.	Record review	R.1972 d.204	4 N.J.R. 265(d)
8:31-3.1 et seq.	Shell construction of health care facilities	R.1972 d.161	4 N.J.R. 216(b)
8:31-4.1 et seq.	Expediting certificate of need in transfer of ownership	R.1973 d.69	5 N.J.R. 107(a)
8:31-4.3 et seq.	Guidelines for certificate of need in transfer of ownership	R.1973 d.184	5 N.J.R. 263(a)
8:31-5.1	Schedule of filing fees	R.1973 d.129	5 N.J.R. 188(a)
8:31-5.2	Annual licensure fees for health care facilities	R.1973 d.150	5 N.J.R. 222(e)
8:33-1.11	Policy on skilled nursing and intermediate care beds	R.1973 d.246	5 N.J.R.
8:33-2.2(a)	Revise part V in table	R.1973 d.90	5 N.J.R. 143(b)
8:34-1.1 et seq.	Rules for licensing nursing home administrators	R.1972 d.241	5 N.J.R. 8(b)
8:35-1.1	Revise criteria for mixed obstetric and gynecologic floors	R.1973 d.152	5 N.J.R. 223(b)
8:35-1.1 et seq.	1973 State plan for hospitals and related health care facilities	R.1973 d.151	5 N.J.R. 223(a)
8:48-1.1 et seq.	State aid; administrative policies	R.1972 d.254	5 N.J.R. 8(c)
8:64-1.1 et seq.	Devices; locomotion control	R.1973 d.6	5 N.J.R. 41(b)
8:64-2.1 et seq.	Good drug manufacturing practices	R.1973 d.5	5 N.J.R. 41(a)
8:65-1.1 et seq.	Registration of controlled dangerous substances	R.1973 d.24	5 N.J.R. 42(c)
8:65-10.1 et seq.	Controlled dangerous substances schedules	R.1973 d.23	5 N.J.R. 42(b)
8:65-10.1(a)3	Addition of methaqualone as controlled dangerous substance	R.1973 d.147	5 N.J.R. 222(d)

HIGHER EDUCATION — TITLE 9

9:1-5.1 et seq.	Proprietary institutions of higher education	R.1972 d.157	4 N.J.R. 217(a)
9:2-8.10	Health requirements for admission to New Jersey state colleges	R.1973 d.78	5 N.J.R. 108(a)
9:2-9.1 et seq.	Tenure policies in state colleges	R.1972 d.239	5 N.J.R. 8(e)
9:2-9.1 et seq.	Tenure policies for State Colleges	R.1973 d.208	5 N.J.R. 265(a)
9:2-4.1	Alternate benefit program	R.1973 d.175	5 N.J.R. 263(e)
9:4-3.55 et seq.	Revisions to manuals for State-supported county colleges	R.1973 d.160	5 N.J.R. 223(d)
9:4-3.70 et seq.	Cost distribution to programs	R.1973 d.79	5 N.J.R. 109(a)
9:4-6.1 et seq.	Tenure policies in community college of New Jersey	R.1972 d.240	5 N.J.R. 9(a)
9:4-6.1 et seq.	Tenure policies for Community Colleges	R.1973 d.209	5 N.J.R. 265(b)
9:5-1.1 et seq.	Student residency	R.1972 d.169	4 N.J.R. 238(a)
9:9-1.1 et seq.	Student loans	R.1973 d.77	5 N.J.R. 107(d)

9:2-10.1	Code of Ethics; Department of Higher Education	R.1973 d.190	5 N.J.R. 265(c)
9:2-10.2 et seq.	Guidelines on outside employment	R.1973 d.189	5 N.J.R. 264(a)
9:11-1.1 et seq.	Financial aid guidelines	R.1973 d.121	5 N.J.R. 188(b)
9:14-1.1 et seq.	Independent Colleges and Universities Utilization Act	R.1972 d.199	4 N.J.R. 266(c)

INSURANCE — TITLE 11

11:1-1.1	Organization of Department (Chart)	R.1973 d.195	5 N.J.R. 282(c)
11:1-2.1 et seq.	Format of filings	R.1973 d.120	5 N.J.R. 190(b)
11:2-1.1(a)	Educational requirements	R.1973 d.141	5 N.J.R. 229(c)
11:3-6.2	Commercial motor vehicles; exemption	R.1973 d.3	5 N.J.R. 47(d)
11:3-6.2(b)	Identification insurance cards	R.1973 d.140	5 N.J.R. 229(b)
11:3-6.2(b)4.viii.	Amend rules on insurance identification cards	R.1973 d.247	5 N.J.R.
11:3-6.3 et seq.	Insurance identification cards	R.1973 d.35	5 N.J.R. 20(b)
11:3-7.1 et seq.	Automobile Reparation Reform Act	R.1972 d.244	5 N.J.R. 13(c)
11:3-8.1 et seq.	Nonrenewal of automobile insurance policies	R.1973 d.30	5 N.J.R. 48(a)
11:3-9.1	Rating information on automobile insurance for private cars	R.1973 d.206	5 N.J.R. 282(b)
11:4-7.1 et seq.	Consent to higher rate filings	R.1973 d.82	5 N.J.R. 113(b)
11:5-1.2	Salesman's age regarding licenses	R.1973 d.214	5 N.J.R. 316(a)
11:5-1.5(a)	Real estate examination	R.1973 d.43	5 N.J.R. 86(b)

LAW AND PUBLIC SAFETY — TITLE 13

13:1A-1.10(d)	Quarterly report form	R.1973 d.31	5 N.J.R. 54(c)
13:1A-4.1 et seq.	Implementation of Emergency Services Act of 1972	R.1973 d.203	5 N.J.R. 284(a)
13:2-1.1 et seq.	Revised rules of the Division	R.1973 d.234	5 N.J.R.
13:13-10.1	Repeal rule on notification of interstate securities offerings	R.1973 d.230	5 N.J.R.
13:18-1.5(c)	Revised fees for overdimensional or overweight vehicles	R.1973 d.261	5 N.J.R.
13:18-1.16	Permits for over-dimensional or overweight vehicles	R.1972 d.210	4 N.J.R. 277(b)
13:18-4.1 et seq.	Administration of and compliance with Motor Fuels Tax Act	R.1973 d.215	5 N.J.R. 317(b)
13:18-6.1	Insurance coverage termination	R.1973 d.62	5 N.J.R. 120(b)
13:18-7.1 et seq.	Bus excise tax	R.1973 d.188	5 N.J.R. 290(e)
13:19-10.9	Delete rule on financial responsibility	R.1973 d.63	5 N.J.R. 119(b)
13:20-31.1 et seq.	Alcohol countermeasures regulations	R.1972 d.255	5 N.J.R. 18(c)
13:21-2.4	Nonconventional type motor vehicles	R.1972 d.253	5 N.J.R. 18(b)
13:21-5.8	Mileage readings on certificate of ownership	R.1973 d.1	5 N.J.R. 53(c)
13:21-5.9	Transferring ownership of certain motor vehicles	R.1973 d.2	5 N.J.R. 53(d)
13:21-15.1 et seq.	Licensed motor vehicle dealers	R.1972 d.232	4 N.J.R. 310(a)
13:21-16.1 et seq.	Counterpart fees	R.1972 d.252	5 N.J.R. 18(a)
13:21-17.1 et seq.	Special road crossing permits	R.1973 d.103	5 N.J.R. 166(a)
13:22-4.1(d)	Safety belts	R.1973 d.131	5 N.J.R. 195(b)
13:22-5.2(d)	Vehicle equipment	R.1973 d.131	5 N.J.R. 195(b)
13:22-8.1 et seq.	Snowmobile events	R.1973 d.131	5 N.J.R. 195(b)
13:22-9.1 et seq.	Reports	R.1973 d.131	5 N.J.R. 195(b)
13:22-10.1 et seq.	Special age provisions	R.1973 d.131	5 N.J.R. 195(b)
13:30-1.1 et seq.	Examinations for licensure	R.1973 d.194	5 N.J.R. 291(c)
13:30-1.5(b)	Foreign dentistry graduates	R.1973 d.114	5 N.J.R. 166(c)
13:30-2.1 et seq.	Examinations for licensure to practice dental hygiene	R.1973 d.193	5 N.J.R. 291(b)
13:32-1.4(b)	Interest protected by plumber bond	R.1973 d.170	5 N.J.R. 239(c)
13:35-1.1 et seq.	Repeal of certain rules	R.1973 d.192	5 N.J.R. 291(a)
13:35-6.1 et seq.	General administrative rules	R.1973 d.27	5 N.J.R. 54(b)
13:36-1.8 et seq.	Record-keeping and itemizing funeral expenses	R.1973 d.119	5 N.J.R. 195(a)
13:36-2.1 et seq.	Revisions concerning trainees and mortuaries	R.1973 d.181	5 N.J.R. 290(c)
13:36-8.6	Funeral arrangement rules	R.1973 d.16	5 N.J.R. 54(a)
13:37-9.2(c)	Education requirements for practical nursing	R.1973 d.177	5 N.J.R. 290(b)
13:37-10.5	Language comprehension examinations	R.1973 d.143	5 N.J.R. 239(a)
13:39-6.3 et seq.	Prescriptions and pharmacies	R.1973 d.59	5 N.J.R. 120(a)
13:39-6.7	Copies of prescriptions	R.1973 d.255	5 N.J.R.
13:39-7.19	Requirements for permit for pharmacy in facilities not hospitals	R.1973 d.254	5 N.J.R.
13:39-7.20	Guidelines for use of drug-dispensing devices	R.1973 d.255	5 N.J.R.
13:39-8.4	Change of ownership	R.1973 d.253	5 N.J.R.
13:39-8.14	Pharmacist-in-charge	R.1973 d.253	5 N.J.R.
13:39-9.14	Permits for prescription departments	R.1973 d.115	5 N.J.R. 166(b)
13:45-4.3(b)	Time and place of Consumer Affairs hearing	R.1973 d.207	5 N.J.R. 291(d)
13:45-5.1(b)	Hearing examiner's decision	R.1973 d.207	5 N.J.R. 291(d)
13:45A-1.1 et seq.	Deceptive mail order practices	R.1973 d.176	5 N.J.R. 290(a)
13:45A-2.1 et seq.	Motor vehicle advertising practices	R.1973 d.183	5 N.J.R. 290(d)
13:45A-3.1 et seq.	Retail sales of meat	R.1973 d.169	5 N.J.R. 239(b)
13:45A-4.1 et seq.	Banned hazardous products	R.1973 d.222	5 N.J.R. 317(c)

(Continued on next page)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

(Continued from previous page)

13:45A-5.1 et seq.	Deceptive practices in delivery of household furniture, furnishings	R.1973 d.262	5 N.J.R.
13:75-1.1 et seq.	Violent Crimes Compensation Board practices and procedures	R.1972 d.261	5 N.J.R. 53(a)
13:75-1.12 et seq.	Violent Crimes Compensation Board revisions	R.1973 d.137	5 N.J.R. 195(c)

PUBLIC UTILITIES — TITLE 14

14:1-6.10 et seq.	Valuation of property	R.1973 d.15	5 N.J.R. 57(a)
14:1-17.1 et seq.	Compliance with Economic Stabilization Act of 1970	R.1972 d.264	5 N.J.R. 55(a)
14:2-2.2	Public movers certificates	R.1973 d.186	5 N.J.R. 292(a)
14:3-5.3	Emergency telephone numbers	R.1973 d.187	5 N.J.R. 292(b)
14:3-9.6	Rates different than the filed tariffs	R.1973 d.157	5 N.J.R. 240(a)
14:4-6.1 et seq.	Reimbursement of student fares to autobus operators	R.1973 d.185	5 N.J.R. 291(e)
14:5-4.1 et seq.	Electrical inspection authorities	R.1973 d.106	5 N.J.R. 167(a)
14:5-5.2	Preservation of records; electric utilities	R.1972 d.181	4 N.J.R. 24(b)
14:5-6.1	Electric transmission lines	R.1972 d.236	5 N.J.R. 19(a)
14:6-4.2	Preservation of records; gas utilities	R.1972 d.181	4 N.J.R. 24(b)
14:9-4.1	Certificates for solid waste disposal	R.1972 d.249	5 N.J.R. 19(b)
14:9-4.2	Property, equipment and facilities	R.1973 d.270	5 N.J.R.
14:9-5.1	Preservation of records; water utilities	R.1972 d.181	4 N.J.R. 2(b)
14:9A-1.1 et seq.	Uniform system of accounts; solid waste and disposal utilities	R.1972 d.228	4 N.J.R. 310(c)
14:11-2.1 et seq.	Autobus specifications	R.1972 d.226	4 N.J.R. 310(b)
14:17-1.1 et seq.	Rules of practice; cable television	R.1973 d.117	5 N.J.R. 200(a)
14:18-1.1 et seq.	Regulations; cable television	R.1973 d.117	5 N.J.R. 200(a)

STATE — TITLE 15

15:15-1.9	Office hours	R.1972 d.247	5 N.J.R. 20(a)
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TRANSPORTATION — TITLE 16

16:6-1.1 et seq.	Relocation assistance	R.1973 d.256	5 N.J.R.
16:13-1.1 et seq.	Revisions for local government aid	R.1973 d.56	5 N.J.R. 94(a)
16:24-1.3(d)	Revise executor and distribution	R.1973 d.37	5 N.J.R. 58(b)
16:25-1.1 et seq.	Utility accommodation policy	R.1973 d.205	5 N.J.R. 292(c)
16:26-1.1 et seq.	Transportation operations	R.1973 d.76	5 N.J.R. 123(c)
16:27-1.1 et seq.	Traffic engineering	R.1973 d.76	5 N.J.R. 123(c)
16:41-8.1 et seq.	Outdoor advertising on interstate system	R.1973 d.100	5 N.J.R. 167(b)
16:62-1.1 et seq.	Contract administration rules now Chapter 65	R.1973 d.28	5 N.J.R. 57(c)
16:62-1.1 et seq. to			
16:64-1.1 et seq.	Reserved for rules of aeronautics	R.1973 d.28	5 N.J.R. 57(c)
16:62-1.1 et seq.	Special aircraft operating restrictions	R.1973 d.29	5 N.J.R. 58(a)

TREASURY GENERAL — TITLE 17

17:1-1.1	Foreword, Chapter 1	R.1973 d.258	5 N.J.R.
17:1-1.1 et seq.	General administration of pensions	R.1972 d.214	4 N.J.R. 310(d)
17:1-2.13 et seq.	Alternate benefit program	R.1973 d.171	5 N.J.R. 294(a)
17:1-6.1 et seq.	Delete entire Subchapter	R.1973 d.258	5 N.J.R.
17:2-1.1 et seq.	Public employees retirement system	R.1972 d.257	5 N.J.R. 23(a)
17:2-1.4	Election of member-trustees	R.1973 d.118	5 N.J.R. 204(a)
17:3-1.1 et seq.	Revisions to Teachers' Pension and Annuity Fund	R.1973 d.49	5 N.J.R. 95(b)
17:3-1.4(b)	Election of Teachers' Pension member trustees	R.1973 d.196	5 N.J.R. 294(d)
17:4-1.1 et seq.	Revisions to Police and Firemen's Retirement System	R.1973 d.26	5 N.J.R. 60(b)
17:5-1.1 et seq.	Revisions to State Police Retirement System	R.1973 d.26	5 N.J.R. 60(b)
17:6-1.1 et seq.	Revisions to Consolidated Police and Firemen's Pension Fund	R.1973 d.26	5 N.J.R. 60(b)
17:7-1.1 et seq.	Revisions to Prison Officers' Pension Fund	R.1973 d.45	5 N.J.R. 95(a)
17:8-1.1 et seq.	Revisions to supplemental annuity collective trusts	R.1973 d.46	5 N.J.R. 95(c)
17:9-1.1 et seq.	Revise Health Benefits Program and supplemental annuity trusts	R.1973 d.8	5 N.J.R. 59(b)
17:9-2.14	Effective date of maternity benefits	R.1973 d.148	5 N.J.R. 247(b)
17:9-3.1	Definitions (Dependents and children)	R.1972 d.200	4 N.J.R. 283(c)
17:9-6.1(e) & (f)	Retired employee (Definition)	R.1972 d.200	4 N.J.R. 283(c)
17:15A-1.1 et seq.	Use of state buildings and grounds	R.1972 d.183	4 N.J.R. 250(a)
17:15A-1.8	Distribution of written or printed material, deletion	R.1972 d.205	4 N.J.R. 284(a)
17:16-5.2 et seq.	Amendments concerning classification of funds	R.1973 d.158	5 N.J.R. 247(c)
17:16-5.3	Static group (Classification of funds)	R.1972 d.143	4 N.J.R. 199(a)
17:16-5.3	Static group fund classification	R.1972 d.234	4 N.J.R. 311(b)
17:16-5.3	Static group fund classifications	R.1973 d.70	5 N.J.R. 126(b)

17:16-5.5	Temporary reserve group	R.1972 d.143	4 N.J.R. 199(a)
17:16-5.5(a)	Revise temporary reserve group	R.1973 d.22	5 N.J.R. 60(a)
17:16-5.6	Trust group fund classification	R.1972 d.234	4 N.J.R. 311(b)
17:16-10.4(b)	Deleted	R.1972 d.182	4 N.J.R. 249(b)
17:16-13.5	Legal papers	R.1973 d.125	5 N.J.R. 204(b)
17:16-17.1 et seq.	Revisions concerning permissible investments	R.1973 d.44	5 N.J.R. 94(b)
17:16-19.5	Qualifications of mortgage brokers	R.1972 d.182	4 N.J.R. 249(b)
17:16-19.6(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-20.5(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.1(a)1.iii.	Permissible investments (Pension and annuity groups)	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.2(c)	Limitations (Three party agreements; corporate)	R.1972 d.182	4 N.J.R. 249(b)
17:16-28.3(f)3.	Limitations (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-28.4(a)	Legal papers (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-29.3	Legal papers (Title II FHA insured construction mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-32.2(g)	Permissible investments (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-32.8(a)1.iv.	Valuation of units (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-32.12	Limitations (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-33.7	Amend rule on county college capital projects	R.1973 d.9	5 N.J.R. 59(c)
17:16-35.9	Admission date	R.1973 d.126	5 N.J.R. 204(c)
17:16-36.2(f)	Permissible investments (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.8(a)1.iii.	Valuation of units (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.12	Limitations (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:19A-1.1 et seq.	Facilities for physically handicapped in public buildings	R.1972 d.218	4 N.J.R. 310(e)
17:20-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:20-5.10	Agent's compensation	R.1973 d.179	5 N.J.R. 294(c)
17:20-10.1	Consignment or sale of lottery tickets to agent	R.1973 d.178	5 N.J.R. 294(b)
17:20-5.10	Agent's compensation	R.1973 d.80	5 N.J.R. 124(a)
17:21-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:21-1.4	Provision for special lotteries	R.1973 d.227	5 N.J.R. 322(a)
17:21-10.1 et seq.	Clover Club reservation plan	R.1972 d.94	4 N.J.R. 142(b)

TREASURY TAXATION — TITLE 18

18:5-2.3	Computation of tax	R.1972 d.258	5 N.J.R. 23(b)
18:5-3.2	Types of stamps available	R.1973 d.54	5 N.J.R. 96(a)
18:5-3.4	Purchase of stamps	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.7	Wholesale dealer's license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.10	Retail dealer's vending machine license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.17	Duplicate and amended license	R.1973 d.54	5 N.J.R. 96(a)
18:12-5.1 et seq.	Property tax appeals time extension	R.1973 d.144	5 N.J.R. 247(a)
18:16-4.7	Calculation of fee where transfer is subject to construction mortgage	R.1973 d.54	5 N.J.R. 96(a)
18:17-1.5	Review of examination procedures	R.1973 d.109	5 N.J.R. 171(a)
18:24-4.4	Repeal of rule on purchase of machinery	R.1973 d.139	5 N.J.R. 246(b)
18:24-21.1 et seq.	Accounting procedures	R.1973 d.60	5 N.J.R. 126(a)
18:26-5.4	Classification of property as real or personal	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.14	Federal pensions	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.15	State pensions	R.1973 d.224	5 N.J.R. 321(b)

OTHER AGENCIES — TITLE 19

19:1-1.8	Application of loan proceeds, Mortgage Finance Agency	R.1973 d.36	5 N.J.R. 60(c)
19:1-1.13	Purchase of Agency bonds	R.1973 d.36	5 N.J.R. 60(c)
19:2-1.1 et seq.	Rules of Atlantic City Expressway	R.1973 d.42	5 N.J.R. 96(b)
19:4-1.1 et seq.	District zoning regulations, Hackensack Meadowlands	R.1972 d.221	4 N.J.R. 311(c)
19:7-1.1	Sanitary landfill requirements in Hackensack Meadowlands	R.1973 d.220	5 N.J.R. 322(c)
19:8-1.9	Amend limitations on use of Parkway	R.1973 d.140	5 N.J.R. 247(e)
19:9-1.9(a)23.	Amend limitations on use of Turnpike	R.1973 d.145	5 N.J.R. 247(d)
19:9-2.1 et seq.	Procedures for prequalification and award on construction contracts	R.1973 d.173	5 N.J.R. 295(b)
19:11-1.10	Posting of notice of PERC petitions	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.13	Intervention, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.15	Timeliness of petitions, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:13-1.1 et seq.	Delete entire Subchapter	R.1973 d.248	5 N.J.R.
19:20-1.1 et seq.	Sports and Exposition Authority	R.1972 d.212	4 N.J.R. 284(c)

IN ADDITION —

First publication—but no update service as yet—has been completed for the two final Titles in the Code, namely, 10—Institutions and Agencies and 12—Labor and Industry.

Rules since adopted by these two Departments are not included in this index; they will be added following initial updating of each of these respective Titles.

(Continued from Page 19)

carrier. For the purpose of this Section, benefits of the prior plan will be determined in accordance with all of the definitions, conditions, and covered expense provisions of the prior plan rather than those of the succeeding plan. The benefit determination will be made as if coverage had not been replaced by the succeeding carrier.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1973, to:

W. Morgan Shumake
Deputy Commissioner
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

Richard C. McDonough
Commissioner
Department of Insurance

(a)

INSURANCE

NEW JERSEY REAL ESTATE COMMISSION

Proposed Revisions Concerning Examinations

Frederick A. Organ, Secretary-Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 and 45:15-17, proposes to revise a portion of the rules concerning examination by deleting in its entirety the current text of N.J.A.C. 11:5-1.5(a)4. and 11:5-1.6 and adopting in place thereof the text below.

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

11:5-1.5(a)4. **No examinee shall leave the examining room except at the discretion of the examiner.**

11:5-1.6 Examinations; failure

There shall be no time limit for reexamination with regard to failure of the examination except when the Commission or its duly authorized agent determines further preparation is required.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1973, to:

New Jersey Real Estate Commission
201 East State Street
Trenton, New Jersey 08625

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

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Revisions On Insurance Identification Cards

On August 31, 1973, Richard C. McDonough, Commis-

sioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule revising the rule concerning insurance identification cards.

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

11:3-6.2(b)4. viii. In the case of fleets, dealerships or leasing companies where the owner insures the vehicles, the make, year and VIN need not be recorded. In lieu of the make, year and VIN, the insurance company may insert "ALL OWNED VEHICLES" or "FLEETS". **If the lessee insures the vehicles, the name of the owner as shown on the motor vehicle registration must be shown on the I.D. card in addition to the name of the insured if the designation "FLEET" is used without the VIN.**

An order adopting these revisions was filed and effective August 31, 1973, as R.1973 d.247 (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Revisions In Cash Discounts to Retailers

Robert E. Bower, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-23.1 and 33:1-23.39, proposes to revise a portion of the rule concerning cash discounts to retailers.

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

13:2-34.2(j) Said listing may contain a statement of any discount to be allowed; provided, however, that a discount allowed to a retailer shall not exceed [two] **one** per centum [(2%)] (1%), to be allowed uniformly for payment in cash (including money order, certified check or a cashier's or treasurer's or similar bank officer's check, but excluding ordinary check) at or before delivery or within seven days thereafter, to be applicable to the total purchase price of a single complete delivery of an entire purchase order **exclusive of state sales tax, but not applicable to any retailer whose name appears on the Division's Default List in effect on the date of delivery.**

Interested persons may present or mail statements or comments in writing relative to the proposed amendment on or before Tuesday, October 30, 1973, to Robert E. Bower, Director of the Division of Alcoholic Beverage Control, 25 Commerce Drive, Cranford, New Jersey 07016.

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

Robert E. Bower
Director, Division of Alcoholic Beverage Control
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules Concerning Retail Store Advertising and Marketing Practices

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:9-4, proposes to adopt new rules concerning retail store advertising and marketing practices.

Full text of the proposed new rules follows:

SUBCHAPTER 9. RETAIL STORE ADVERTISING AND MARKETING PRACTICES

13:45A-9.1 Violations; unlawful practices

(a) Without limiting the application of N.J.S.A. 56:8-1 et seq. to any other practices which may be unlawful, the following retail store advertising and marketing practices shall be a violation of N.J.S.A. 56:8-2.

1. Price advertisements:

i. The failure to maintain, for the stated period or a reasonable time, a supply of merchandise sufficient to meet reasonably anticipated consumer demand for any merchandise advertised for sale at a particular price;

(1) This provision shall not apply to any advertisement in which there is clearly set forth language indicating a limitation in the availability of the advertised merchandise, such as a stated number of the items advertised;

(2) General disclaimers in advertising relating to product availability at some stores will not be considered to be in compliance with the disclosure provisions of this regulation. Only specific, clear and conspicuous statements of limited availability will be considered to be in compliance.

(3) The practice of distributing rain checks shall not constitute compliance with the provisions of this regulation.

ii. The failure to post notice of the advertised prices in the store, conspicuously and in proximity to the advertised items;

iii. The failure to issue rain checks when demand for advertised merchandise exceeds that which could have been reasonably anticipated within the stated period or a reasonable period after publication of the advertisement;

iv. The issuance of a rain check to any consumer who attempts to purchase, within the stated period or a reasonable period after publication of the advertisement, any merchandise advertised for sale at a cost of \$10.00 or more unless such rain check includes the giving of notice by regular mail to the consumer that the advertised merchandise is available for purchase at the advertised price and is being held for the consumer for a reasonable period of time;

v. The failure in any price advertisement to disclose the year, make and model, style, brand and the series if any such designation exists.

2. Price reduction advertisements:

i. The advertising of any merchandise for sale where it is stated or implied that the sale price is a reduced price when in fact it is no less than the price at which the merchandise is normally sold.

(1) The use of the terms sale, discount, savings, price cut, lowest prices, lower than anyone else, clearance, special value, reduced, special regularly, usually, save, originally, half price or any percentage reduction, now, buy one get one free or at any reduced price, two or more at a certain price, or any substantially similar terms will be construed as indications of a reduced price.

3. Guaranteed satisfaction, discount and quality claims:

i. The failure to make prompt refund of the full price whenever the term satisfaction guaranteed or your money back, free trial period or any other similar term is used in connection with the advertisement or sale of any item, unless the advertiser has clearly and conspicuously stated any conditions or limitations of such offer and the purchaser has failed to comply with such conditions or limitations;

ii. The use of any guarantee, warranty or any other representation regarding the quality of merchandise or part thereof which creates a false impression of the quality, durability, maintenance needs or any other material fact concerning any merchandise or part thereof.

4. General:

i. The use of difference in type, size, location, lighting or color as to obscure or make misleading any material fact in any advertisement;

ii. These rules shall apply to any advertisement uttered, issued, printed, disseminated, or distributed within this State regardless of the location or the place of business from which the goods or services are sold or offered for sale, and to any advertisement uttered, issued, printed, disseminated, or distributed without this State concerning goods and services sold or offered for sale within this State, regardless of the domicile, residence, place of business or location of the principal office of the advertiser.

5. Substantiation of advertising claims:

i. The failure to provide, upon demand, full and adequate documentation supporting claims regarding safety, performance, efficiency, quality or comparative price of any merchandise advertised.

13:45A-9.2 Penalties

Violators of any of the provisions of this regulation shall be subject to the penalties set forth in N.J.S.A. 56:8-1 et seq.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1973, to: Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules on Deceptive Automobile Repair Work and Advertising Practices

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules concerning deceptive practices in the repair of motor vehicles and in the advertising of automotive repair services.

Take notice, that proposed rules on this subject matter were published in the August 9, 1973, issue of the New Jersey Register at 5 N.J.R. 285(a). In accordance with statements and arguments offered regarding that proposal, the Attorney General has revised the proposed rules and is now republishing the text of the rules now proposed.

Full text of the proposed rules follows:

**SUBCHAPTER 7. DECEPTIVE PRACTICES
CONCERNING AUTOMOTIVE REPAIRS
AND ADVERTISING**

13:45A-7.1 Definitions

"Automotive repair dealer" means any person who, for compensation, engages in the business of performing or employing persons who perform maintenance, diagnosis or repair services on a motor vehicle or the replacement of parts including body parts, but excluding those persons who engage in the business of repairing motor vehicles of commercial or industrial establishments or government agencies, under contract or otherwise, but only with respect to such accounts.

"Director" means the Director of the Division of Consumer Affairs.

"Motor vehicle" means a passenger vehicle that is registered with the Division of Motor Vehicles of New Jersey or of any other comparable agency of any other jurisdiction, and all motorcycles, whether or not registered.

"Repair of motor vehicles" means all maintenance and repairs of motor vehicles performed by an automotive repair dealer but excluding changing tires, lubricating vehicles, changing oil, installing light bulbs, batteries, windshield wiper blades and other minor accessories and services. No service or accessory to be installed shall be excluded for purposes of this rule if the Director determines that performance of the service or the installation of an accessory requires mechanical expertise has given rise to a high incidence of fraud or deceptive practices, or involves a part of the vehicle essential to its safe operation.

"Customer" means the owner or any family member, employee, or any other person whose use of the vehicle is authorized by the owner.

13:45A-7.2 Deceptive practices; automotive repairs

(a) Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following acts or omissions shall be deceptive practices in the conduct of the business of an automotive repair dealer, whether such act or omission is done by the automotive repair dealer or by any mechanic, employee, partner, officer or member of the automotive repair dealer:

1. Making or authorizing in any manner or by any means whatever any statement, written or oral, which is untrue or misleading, and which is known or by which by the exercise of reasonable care should be known, to be untrue or misleading;

2. Commencing work for compensation without specific written authorization from the customer which states the nature of the repair requested or problem presented and the odometer reading of the vehicle, signed by the customer, if the customer physically presents his motor vehicle to the automotive repair dealer during normal working hours;

3. If the customer physically presents his motor vehicle to the automotive repair dealer during normal working hours, failure to provide the customer, before commencing work for compensation, with one of the following:

i. A written estimated price to complete the repair, quoted in terms of a not-to-exceed figure; or

ii. A written estimated price quoted as a detailed breakdown of parts and labor necessary to complete the repair. The dealer has the right to furnish such estimate within a reasonable period of time and to charge the customer for the cost of diagnosis, agreed to in advance by the customer, provided, however, that no cost of diagnosis which would have been incurred in accomplishing the repair shall be

billed to the customer twice if he elects to have the dealer make the repair; or

iii. A written estimated price to complete a specific repair; such as "valve job"; or

iv. Waiver of any written estimate, evidenced in writing, signed by the customer.

4. Failure to provide a customer with a copy of any receipt or document signed by him, when he signs it.

5. Making false promises of a character likely to influence, persuade or induce a customer to authorize the repair, service or maintenance of a motor vehicle.

6. Charging the customer for work done or parts supplied in excess of any estimated price given, without the oral or written consent of the customer, which shall be obtained after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. If such consent is oral, the dealer shall make a notation on the repair order and on the invoice of the date, time, name of person authorizing the additional repairs and the telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost. The dealer shall obtain the consent of any customer who has not waived his right to a written estimate before any additional work not estimated is done or parts not estimated are supplied.

7. Failure to return replaced parts to the customer at the time of completion of the work provided that the customer, before work is commenced, requests such return, and provided that the parts by virtue of their size, weight or other similar factors are not impractical to return. Those parts and components that are replaced and that are sold on an exchange basis, and those parts that are required to be returned by the automotive repair dealer to the manufacturer or distributor, are exempt from the provisions of this Section.

8. Failure to record on an invoice all repair work performed by an automotive repair dealer for a customer, itemizing separately the charges for parts and labor, and clearly stating whether any new, rebuilt, reconditioned or used parts have been supplied. A legible copy shall be given to the customer.

9. The failure to deliver to the customer, with the invoice, a legible written copy of all guarantees, itemizing the parts, components and labor represented to be covered by such guarantee or in the alternative, delivery to the customer of a guarantee covering all parts, components and labor supplied pursuant to a particular repair order. A guarantee shall be deemed false and misleading unless it conspicuously and clearly discloses in writing the following:

i. The nature and extent of the guarantee including a description of all parts, characteristics or properties covered by or excluded from the guarantee, the duration of the guarantee and what must be done by a claimant before the guarantor will fulfill his obligation (such as returning the product and paying service or labor charges).

ii. The manner in which the guarantor will perform. The guarantor shall state all conditions and limitations and exactly what the guarantor will do under the guarantee, such as repair, replacement or refund. If the guarantor or recipient has an option as to what may satisfy the guarantee, this must be clearly stated.

iii. The guarantor's identity and address shall be clearly revealed in any documents evidencing the guarantee.

10. Failure to clearly and conspicuously disclose the fact that a guarantee provides for adjustment on a prorata basis, and the basis on which the guarantee will be prorated; that is, the time or mileage the part, component or item repaired has been used and in what manner the guarantor will perform. If adjustments are based on a price

other than that paid by the customer, clear disclosure must be made of the amount. However, a fictitious price must not be used even where the sum is adequately disclosed.

11. Failure to post, in a conspicuous place, a sign informing the customer that the automotive repair dealer is obliged to provide a written estimate if requested, copies of any receipt or document signed by the customer, a detailed invoice, a written copy of any guarantee, and the return of any replaced parts that have been requested. The sign is to read as follows:

A CUSTOMER OF THIS ESTABLISHMENT IS ENTITLED TO:

- 1. A written estimated price stated either
 - (A) PRICE NOT TO EXCEED \$....., and given without charge; or
 - (B) as an exact figure broken down as to parts and labor. This establishment has the right to charge you for this diagnostic service, although if you then have the repair done here, you will not be charged twice for any part of such charge necessary to make the repair.
 - (C) as an exact figure to complete a specific repair.
- 2. For your protection, you may waive your right to an estimate only by signing a written waiver.
- 3. Require that this establishment not start work on your vehicle until you sign an authorization stating the nature of the repair or problem and the odometer reading of your vehicle if you physically present the vehicle here during normal working hours.
- 4. A detailed invoice stating charges for parts and labor separately and whether any new, rebuilt, reconditioned or used parts have been supplied.
- 5. The replaced parts, if requested before work is commenced, unless their size, weight or similar factors make return of the parts impractical.
- 6. A written copy of any guarantee.

* * * * *

12. Nothing in this Section shall be construed as requiring an automotive repair dealer to provide a written estimate if the dealer does not agree to perform the requested repair.

13. Any other unconscionable commercial practice prohibited pursuant to N.J.S.A. 56:8-1 et seq.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before October 24, 1973 to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey.

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules On Servicing And Repairing of Home Appliances

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules concerning the servicing and repairing of home appliances.

Full text of the proposed rules follows:

SUBCHAPTER 10. SERVICING AND REPAIRING HOME APPLIANCES

13:45A-10.1 Definitions

"Home appliance" means any article produced or distributed for sale to a consumer for use in or around a permanent or temporary household or residence, but not to include lawn equipment. Home appliances shall include but not be limited to washers, dryers, dishwashers, televisions, refrigerators, ranges, fans, air conditioners and radios.

"Seller" means any person who in the ordinary course of business is engaged in the sale, lease or financing of home appliances.

13:45A-10.2 Required information

(a) Whenever a consumer purchases a home appliance, the seller must supply the consumer with a written copy of any information concerning:

- 1. Manufacturer's warranties, if any;
- 2. Dealer's warranties, if any;
- 3. Dealer's service contract, if available.

13:45A-10.3 Disclosure of required information

(a) The information required by Section 2 must be disclosed in a clear and conspicuous manner, and must be detailed enough to include any such practices as the following:

- 1. A basic "diagnostic" charge or any other set fee; and
- 2. The methods used to compute the charge for labor and parts.

13:45A-10.4 Service from someone other than seller

Whenever a consumer requests service on a home appliance from someone other than the one from whom the appliance was purchased, the prospective supplier of services must provide the information required by Sections 2 and 3 before the consumer becomes committed to any expense for servicing.

13:45A-10.5 Deceptive practice

(a) Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following acts or omissions shall be deceptive practices in the conduct of the business of repairing and servicing home appliances:

- 1. Commencing work for compensation without a specific authorization signed by the consumer;
- 2. Failure to provide the consumer with a copy of the above authorization and any other receipt or document requiring the consumer's signature, as soon as the consumer signs such document;
- 3. Making false or unrealistic promises, groundless estimates or the like of a character likely to influence, persuade or induce a consumer to authorize the repair or service of a home appliance;
- 4. Failure to provide each consumer with a written estimated price for labor and parts necessary for a specific job;
- 5. Charging the consumer for work done or parts supplied in excess of the estimated price without the oral or written consent of the consumer, which shall be obtained after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. If such consent is oral, the supplier of services shall make a notation on the documentation previously signed by the consumer of the date, time, name of person authorizing the additional repairs and the telephone number, if any, together with a specification of the additional parts and labor and the total additional cost;

6. Failure to return replaced parts to the consumer at the time of completion of the work, provided that the consumer, at the time the authorization is given, requests such return, and provided that the parts by virtue of their size, weight or other similar factors or for any safety reasons are not impractical to return.

13:45A-10.6 Violations

Without foreclosing the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violations of the provisions of this rule shall be subject to the sanctions contained in said Consumer Fraud Act.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before October 24, 1973 to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey.

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules On Deceptive Practices By Tire Distributors or Dealers

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules in order to prevent deceptive practices in the recording and reporting of the information required of the tire distributors and dealers by 49 C.F.R. 574.8 under the National Traffic and Motor Vehicles Safety Act of 1966, as amended, 15 U.S.C. 1402(f) (1970).

Full text of the proposed rules follows:

SUBCHAPTER 8. TIRE DISTRIBUTORS AND DEALERS

13:45A-8.1 General provisions

(a) For purposes of this rule, all terms that are defined in the National Traffic and Motor Vehicle Safety Act of 1966, as amended, 15 U.S.C. § 1402 (1970), are used as defined therein.

(b) "Tire purchaser" means a person who buys or leases a new or newly-retreaded tire, or who buys or leases for 60 days or more a motor vehicle containing a new tire or newly-retreaded tire, for purposes other than resale.

(c) Each motor vehicle dealer who sells a used motor vehicle for purposes other than resale, or who leases a motor vehicle for more than 60 days, that is equipped with new tires or newly-retreaded tires, is considered to be a tire dealer.

(d) Each person selling a new motor vehicle to first purchasers for purposes other than resale that is equipped with tires that were not on the motor vehicle when shipped by the vehicle manufacturer is considered a tire dealer.

13:45A-8.2 Deceptive practices

(a) It shall be a deceptive practice in connection with the sale of tires to consumers resident in New Jersey, or by tire distributors or dealers doing business in New Jersey, unless the tire distributor or dealer who makes the sale

provides the retail purchaser with a true copy of the information that the seller, tire distributor or his designee forwards to the manufacturer as required by 49 C.F.R. § 574.8, at the time such information is forwarded.

(b) Such information includes:

1. Name and address of the tire purchaser;
2. Tire identification number molded into or onto the sidewall of the tire sold;
3. Name and address of the tire seller.

13:45A-8.3 Violations

Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violations of the provisions of this rule shall be subject to the sanctions contained in said Consumer Fraud Act.

Interested persons may present statements or arguments, in writing, relevant to the proposed rule on or before October 24, 1973, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey.

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

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF PHARMACY

Proposed Rule Concerning Records Of Pharmacist Filling Prescription

Paul A. Pumpian, Secretary of the State Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq., proposes to adopt a new rule concerning the records of a pharmacist filling prescription.

Full text of the proposed rule follows:

13:39-6.8 Record of pharmacist filling prescription

(a) A registered pharmacist who fills or compounds a prescription or who supervises the filling or compounding of a prescription by an intern shall place his signature on the face of the original prescription.

(b) A registered pharmacist who refills a prescription shall place his signature on the reverse side of the original prescription next to the date of the refill, and the amount dispensed in refilling the prescription.

(c) An intern who fills or compounds a prescription under the supervision of a registered pharmacist shall place his signature on the face of the original prescription.

(d) An intern who refills a prescription under the supervision of a registered pharmacist shall place his signature on the reverse side of the original prescription next to the date of the refill, and the amount dispensed in refilling the prescription.

(e) When a prescription is filled or refilled by an intern under the supervision of a registered pharmacist, the intern filling or refilling the prescription shall place his signature on the prescription as required in subsection (c) and (d) of this rule prior to submitting the prescription to the registered pharmacist who shall place his signature on the pre-

scription in accordance with subsections (a) and (b) directly below the signature of the intern who filled or refilled the prescription under his supervision.

NOTE: Readily identifiable initials will be accepted in lieu of signature.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 7, 1973, to:

Paul A. Pumpian, Secretary
New Jersey State Board of Pharmacy
1100 Raymond Boulevard
Newark, New Jersey 07102
Telephone: (201) 648-2433

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

Paul A. Pumpian
Secretary, State Board of Pharmacy
Division of Consumer Affairs
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Revisions for Bus Driver Licensing Rules

Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10.1, proposes to revise the rules concerning bus driver licensing.

The proposed revisions involve the deletion of the current text in N.J.A.C. 13:21-14.8 through 13:21-14.10 and the adoption of a new N.J.A.C. 13:21-14.8 in place thereof.

Full text of the proposed new rule follows:

13:21-14.8 Bus driver licensing regulations

(a) Applicants for bus driver licenses shall submit an application as prescribed. Applicants shall be at least 18 years of age, have a minimum of three years' driving experience previously, be of good character and physically fit and possess a valid New Jersey State driver license. Fingerprinting will be required.

(b) Examinations may be conducted to determine driving ability, familiarity with the mechanism of the vehicle, knowledge of the motor vehicle laws of the State of New Jersey, and adequate visual capabilities.

(c) The Director shall not issue a bus driver license, or shall he revoke or suspend the bus driver license of any person when it is determined that the applicant or holder of such license has:

1. A driving record which established revocation or suspension for operating a motor vehicle while under the influence of intoxicating liquor, narcotics, or habit forming drugs; for operating a motor vehicle while impaired by alcohol; or, for leaving the scene of an accident which resulted in personal injury or death; or

2. Twelve or more current points under the point system; or

3. A record of at least three motor vehicle accidents within one year preceding the date of application; or

4. Failed to notify his employer of any conviction for motor vehicle violations within five days after such conviction; or

5. Committed a misstatement of fact or withheld material information on application; or

6. Failed to submit proof of continuing physical fitness, good character and driving experience every twelve months. (Proof of physical fitness shall be in the form of a satisfactory medical report submitted by a New Jersey licensed physician); or

7. Failed to notify the Division of Motor Vehicles and employer immediately of any medical condition which may affect the ability to operate a motor vehicle safely; or

8. Failed to pass the prescribed driving test; or

9. Failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices, or

10. Failed to submit renewal application within one year of the expiration of his last valid bus driver license; or

11. Failed to meet the medical and physical qualifications set forth in the regulations of the U.S. Department of Transportation, Bureau of Motor Carrier Safety, 49 C.F.R. 391.41, effective January 1, 1971, and as thereafter amended; or

12. A criminal record which is disqualifying. The phrase "crime or other offense" as used hereinafter shall include high misdemeanor, misdemeanor, disorderly persons offense or any other offense. A driver has a disqualifying record if:

i. He has been convicted of, or forfeited bond or collateral upon, any of the following:

(1) A crime or other offense involving the manufacture, transportation, possession, sale or habitual use of narcotic drugs, amphetamines, barbituates, hallucinogens, or marijuana or any formulation or derivative thereof;

(2) A crime or other offense involving deviate or illicit social behavior such as rape, incest, sodomy, or carnal abuse;

(3) A crime or other offense involving the use of force or the threat of force to or upon persons or property, such as armed robbery, assault and arson;

(4) Any high misdemeanor;

(5) Any crime or other offense indicative of bad moral character;

(6) He fails to notify the Division of Motor Vehicles that he has been charged with, indicted for, arrested for, convicted of, or forfeited bond or collateral upon any crime or other offense within 14 days after the date of such event.

13. In the absence of a conviction, the Director shall refuse to issue or shall revoke or suspend the bus driver license of any person charged with, indicted for, or arrested for any crime or other offense if the Director determines that such person is of bad character or if morally unfit to retain the privilege of holding a bus driver license, or is a potential danger to his passengers, or to other motorists or to himself.

(d) If sufficient and reasonable grounds are established at a hearing, the Director may, not inconsistent with N.J. S.A. 39:3-10, waive any portion or portions of these regulations. Applicants seeking such waiver must, prior to a hearing, submit to the Director a request for such waiver and the basis of such request.

13:21-14.9 Reserved

13:21-14.10 Reserved

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1973, to:

Ray J. Marini
Director, Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles, upon its own motion or at

the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Ray J. Marini
Director, Division of Motor Vehicles
Department of Law & Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Revised Rules of the Division

On August 27, 1973, Robert E. Bower, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules of the Division.

These revised rules merely update the current rules in N.J.A.C. 13:2-1.1 et seq. and reflect changes in the majority age recently altered by statute, the address of the Division now located in Cranford, New Jersey, and changes in fees within the Division's jurisdiction.

An order adopting these revised rules was filed and effective August 30, 1973, as R.1973 d.234 (Exempt, Procedure Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS BUREAU OF SECURITIES

Repeal of Rule Concerning Notification Of Interstate Securities Offerings

On August 21, 1973, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, the holding of the New Jersey Supreme Court on June 5, 1973, in the case of Data Access Systems, Inc. v. State of New Jersey and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed in its entirety N.J.A.C. 13:13-10.1, Notification of interstate securities offerings.

The entire text of N.J.A.C. 13:13-10.1 is hereby repealed and the Section is to be marked "Reserved".

An order repealing this rule was filed and effective August 24, 1973, as R.1973 d.230 (Exempt, Mandatory Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS STATE BOARD OF PHARMACY

Revisions to Rule Concerning Pharmacist In Charge and Change of Ownership

On August 25, 1973, Paul A. Pumpian, Secretary of the

State Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:39-8.4, Change of ownership, and N.J.A.C. 13:39-8.14, Pharmacist-in-charge, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 163(a).

Take notice, that the State Board of Pharmacy has not as yet adopted the proposed revisions to N.J.A.C. 13:39-2.1, Prescription department employees, which also appeared in the proposal Notice cited above. That proposal is still being considered by the Board.

An order adopting the above revisions was filed and effective September 10, 1973, as R.1973 d.253.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS STATE BOARD OF PHARMACY

Amendments to Requirements for Permit for Pharmacy In Facilities Other Than Hospitals Where Medical Care is Provided

On August 25, 1973, Paul A. Pumpian, Secretary of the State Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules concerning requirements for a permit for a pharmacy in facilities other than hospitals where medical care is provided, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 163(b).

Such amendments may be cited as N.J.A.C. 13:39-7.19.

An order adopting these amendments was filed and effective September 10, 1973, as R.1973 d.254.

John K. Rafferty
Director of Administrative Procedure
Department of State

(e)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS STATE BOARD OF PHARMACY

New Rules On Copies of Prescriptions And Guidelines for Use of Drug-Dispensing Devices

On June 5, 1973, Paul A. Pumpian, Secretary of the State Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning copies of prescriptions (that is, N.J.A.C. 13:39-6.7) and guidelines for use of drug-dispensing devices (that is, N.J.A.C. 13:39-7.20), substantially as proposed in the Notice published March 8, 1973, at 5 N.J.R. 86(e), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

Take notice, that the proposed new rule concerning the

sale, dispensing or furnishing of certain internal medicinal products, cited in the proposal Notice above as N.J.A.C. 13:39-9.13 but which now will be cited as N.J.A.C. 13:39-9.15 if adopted, has not as yet been adopted by the Board. The Board is still considering the adoption of this new rule. The text of N.J.A.C. 13:39-7.20 was adopted as proposed. The subsequent, substantive changes only occurred in N.J.A.C. 13:39-6.7.

Full text of the latter adopted rule follows:

13:39-6.7 Copies of prescriptions

(a) Copies of prescriptions issued by the pharmacy where the medication was dispensed pursuant to the receipt of said prescription shall bear on the face thereof in letters, red in color and equal in size to those describing the medication dispensed, the statement "COPY—FOR INFORMATION ONLY".

(b) When a copy of a prescription is issued in writing or by telephone, refill authorizations shall be cancelled and the fact that a copy was issued shall be noted on the prescription, with the date the copy was issued.

(c) Copies of prescriptions may not be used as authorization for the dispensing of medication.

An order adopting these rules was filed and effective September 10, 1973, as R.1973 d.255.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Revisions in Fees for Overdimensional Or Overweight Vehicles

On September 7, 1973, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-8, 39:3-84, 39:4-26 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:18-1.5(c) concerning fees for overdimensional or overweight vehicles, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 289(a).

An order adopting these revisions was filed and effective September 14, 1973, as R.1973 d.261.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Rules On Prevention of Deceptive Practices In Delivery of Household Furniture and Furnishings

On September 11, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the prevention of deceptive practices in the delivery of household furniture and furnishings, substantially as proposed in the Notice published August 9, 1973, at 5 N.J.R. 287(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

A summary of the substantive changes follows:

13:45A-5.1(a)3, the deletion of the following: "with interest on all payments received theretofore from the consumer to be paid at the rate of six per cent per year by seller to consumer, calculated from the time of the promised delivery date to time of actual delivery."

13:45A-5.3, the deletion of the following: "with interest to be paid to you at the rate of six per cent per year by (insert name of seller) on any payments you have already made, calculated from the time of the promised delivery date to the time you receive your merchandise."

13:45A-5.4, deletion of the entire section.

13:45A-5.5, the addition of the phrase, "the prosecution of."

Such rules may be cited as N.J.A.C. 13:45A-5.1 et seq.

An order adopting these rules was filed September 14, 1973, as R.1973 d.262 to become effective January 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Notice of Examinations for Electrical Inspectors

Pursuant to N.J.S.A. 48:7-14, 7-15 and N.J.A.C. 14:5-4.1 et seq., notice is hereby given that the Board of Public Utility Commissioners will hold the examinations for persons seeking electrical inspector licenses on October 30, 1973, November 21, 1973 and December 20, 1973 at Room 104, 80 Mulberry Street, Newark, New Jersey at 10:00 A.M.

Application forms may be obtained from the Board's offices at 101 Commerce Street, Newark, New Jersey and National State Building, Room 407, 28 West State Street, Trenton, New Jersey.

Completed application forms together with fees in the amount of \$25.00 for initial examination or \$15.00 for reexamination must be filed at the Board's office at 101 Commerce Street, Newark, New Jersey 07102, five working days prior to the listed examination dates. All checks should be made payable to Treasurer, State of New Jersey, and such fees are not refundable.

William E. Ozzard
President, Board of Public Utility Commissioners
Department of Public Utilities

(d)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rule for Collection, Removal And Disposal of Solid Waste

On September 13, 1973, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the collection, removal and disposal of solid waste, as proposed in the Notice published April 5, 1973, at 5 N.J.R. 123(a).

Such rule may be cited as N.J.A.C. 14:9-4.2.

An order adopting this rule was filed and effective September 20, 1973, as R.1973 d.270.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION THE COMMISSIONER

Revisions In Relocation Assistance

On September 11, 1973, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-58 through 27:7-71 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning relocation assistance, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 201(a).

Such revisions will be included throughout Chapter 6 in Title 16 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective September 11, 1973, as R.1973 d.256.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Revisions Concerning Judicial Retirement System

On September 4, 1973, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Foreword of Chapter 1 in Title 17 of the New Jersey Administrative Code and deleted in its entirety Subchapter 6, Judicial Pension Fund, of Chapter 1 in Title 17 of the New Jersey Administrative Code, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 292(d).

An order adopting these revisions was filed and effective September 12, 1973, as R.1973 d.258.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Deletion of Rules on Violation of the Act

On September 4, 1973, the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, the decision in Burlington County Park Mental Hospital v. Dorothy Cooper, 56 N.J. 579 (1970) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, deleted in its entirety Chapter 13, Violations of the Act, of Title 19 in the New Jersey Administrative Code and reserved that Chapter 13 for future use.

An order deleting these rules was filed September 4, 1973, as R. 1973 d.248 (Exempt, Mandatory Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Maps of Public Areas and Air Terminal Highways at LaGuardia and Newark International Airports

On August 2, 1973, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the maps of public areas and air terminal highways at LaGuardia Airport and Newark International Airport.

Full text of the adopted revisions follows:

Resolved, that the resolution of this Committee, adopted on July 12, 1951 (appearing at pages 41 and 42 of the Committee minutes of that date), defining the public areas and air terminal highways at LaGuardia Airport and approving the map thereof, as subsequently amended, be and the same is hereby amended, effective August 3, 1973, by deleting the first paragraph thereof and substituting in lieu thereof, the following:

Resolved, that The Port Authority of New York and New Jersey hereby designates as the public landing areas, public aircraft and parking and storage areas, public vehicular parking areas, and air terminal highways delineated as such upon the map entitled "The Port Authority of New York and New Jersey - LaGuardia Airport - Map of Public Areas and Air Terminal Highways", dated August 3, 1973, which map shall be filed with the secretary; the said resolution in all other respects to continue in full force and effect.

Be it further resolved, that the Committee hereby establishes a speed limit of 30 miles per hour on the newly-designated air terminal highways.

Resolved, that the resolution of this Committee, adopted on July 12, 1951 (appearing at pages 43 and 44 of the Committee minutes of that date), defining the public areas and air terminal highways at Newark International Airport and approving the map thereof, as subsequently amended, be and the same is hereby amended, effective August 3, 1973, by deleting the first paragraph thereof and substituting in lieu thereof the following:

Resolved, that The Port Authority of New York and New Jersey hereby designates as the public landing areas, public aircraft and parking and storage areas, public vehicular parking areas, and air terminal highways delineated as such upon the map entitled "The Port Authority of New York and New Jersey - Newark International Airport - Map of Public Areas and Air Terminal Highways", dated August 3, 1973, which map shall be filed with the secretary; the said resolution in all other respects to continue in full force and effect.

Be it further resolved, that the Committee hereby establishes a speed limit of 30 miles per hour on the newly-designated air terminal highways.

An order adopting these revisions was filed August 28, 1973, as R.1973 d.231 (Exempt, Exempt Agency).

John K. Rafferty
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

WARNS DEADLINE ON AUTO SALES TAX REFUNDS IS FAST APPROACHING

State Tax Director Sidney Glaser advises persons who received a refund of their Federal excise tax on motor vehicles purchased between August 15, 1971 and December 10, 1971, and who paid the New Jersey sales tax, to apply immediately for their sales tax refund by contacting their motor vehicle dealer or the Division of Taxation if they have not already done so.

In order to be eligible for the refund, Glaser said, such persons are required to apply within two years from the date of payment of the sales tax. Glaser warned that the two-year period has expired in some cases and is about to expire in others. He said applications for refunds will not be allowed after December 10, 1973.

Glaser has advised all New Jersey motor vehicle dealers not to honor any refund where more than two years has elapsed from the time the sales tax was paid.

He gave two examples to illustrate the application of the two-year period:

Vehicle was purchased August 30, 1971; refund claim may not be honored if application was not made on or before August 30, 1973.

Vehicle was purchased after December 10, 1971; not eligible to receive a refund of Federal excise taxes and, therefore, no refund should be granted.

TWO GARDEN STATE POWER COMPANIES GET RATE INCREASES OF 3.25 PER CENT

The New Jersey Public Utilities Commission on Aug. 30 granted, by a 2-1 vote, the Jersey Central Power and Light Company and the New Jersey Power and Light Company an across-the-board rate increase of 3.25 per cent. The increase is expected to raise an additional \$6,323,871 a year for the two firms, subsidiaries of General Public Utilities serving about 550,000 customers in 236 New Jersey communities.

The rate hike represented a small fraction of the \$45.7 million request left in controversy following the PUC's granting of interim rate relief on June 6, 1972. The increase boosts the average monthly bill of Jersey Central customers from \$17.16 to \$17.72 and the bills of New Jersey Power and Light customers from \$17.88 to \$18.46.

The Board's majority opinion, by Commissioners Anthony J. Grossi and George M. Wallhauser Jr, with Commissioner William E. Ozzard dissenting, noted that the 3.25 per cent rate increase "is consistent with the purposes of the Economic Stabilization Act to control inflationary pressures. It is cost-justified, and the minimum required to provide adequate service. The utility should not have to exist on the thin edge of doom to be otherwise entitled to reasonable rate relief."

In his dissenting opinion, Commissioner Ozzard stated that "additional revenue relief . . . is unnecessary at this time". He pointed out that while he is "sympathetic to this need for electric supply . . . I am compelled to recognize relative priorities have shifted. The predominant issue is economics. Today the consumer pocketbook must be of utmost concern."

A FULL-CODE INDEX IS NOW AVAILABLE

A new one-volume Code Index is being sent automatically to all subscribers to the full Code, but is also now available for separate sale. It has been published as the result of a survey which indicated major interest by present and potential subscribers in such a unique addition to a code.

The Full-Code Index of 588 pages supplements the present indexes for each Title and will be updated as new rules are adopted to keep it more useful and timely. It is cross-indexed for all Departments.

Subscriptions to the Index alone may be placed by using the back-page order form, accompanied by payment. Rate is \$10 on subscription plus \$20 for the first year's updating; subsequent annual updates will be billed later at \$20.

When future growth of the Code requires another volume, a price adjustment will have to be made.

SEVEN MORE VOLUMES ARE ADDED TO CODE

(Continued from Back Page)

changes before any rule can be adopted, Rafferty emphasized.

Upon adoption, all new rules must then be subsequently printed in the New Jersey Administrative Code, also published by the Division. This loose-leaf, constantly updated set of rules began publication in April last year with five volumes; and when completed for all Departments last May it had grown to 22 volumes.

The next edition, to be distributed this month, will increase the set to 29 volumes, containing nearly 15,000 pages.

Included will be a new addition to any State's administrative code—a master index volume for all State Government rules, made possible by the computer preparation of the New Jersey Code, Rafferty announced. The computer publication method also allows updating of all rules at regular intervals.

The administrative director pointed out that the Administrative Code is legally citable and that judicial notice is already being taken of it. Future editions will incorporate such court decisions, along with historical references.

He said the Administrative Code is the first single, central source for the rules and regulations of all State agencies and that it is entirely compatible with New Jersey Statutes Annotated.

Over 19,500 volumes have been sold to date, he added, nearly 600 of them in full sets.

EDUCATION DEPARTMENT PERMANENTLY ADOPTS EARLIER START FOR WORK DAY

The State Department of Education recently advanced its work-day start by a half-hour to 8:15 A.M. "to match more closely schedules of most school districts".

Closing time under the permanent change is now 4:15 P.M., it was announced by Edward W. Kilpatrick, Acting Commissioner, in a notice to schools and others involved.

He said that the hours apply to Trenton offices and do not necessarily control field representatives or county superintendents of schools.

Official Notice

**RULES ADOPTIONS
JUMP AS 7 VOLUMES
ARE ADDED TO CODE**

Administrative rules to assist and protect the public are being adopted by agencies of the State Government at a rapidly accelerating rate, it was reported last month by the Division of Administrative Procedure.

During the first eight months of this year, such rules, which have the same effect as law, were adopted at a rate of 30 rules per month by all Departments. This is a 35 per cent jump over last year when the monthly rule adoption rate was 22, according to John K. Rafferty, Director of the Division of Administrative Procedure.

He said that a major added source for rules is the Department of Environmental Protection, the newest State government Department, secondly, rules on consumer protection. While getting under way last year, Environmental Protection promulgated 28 new rules; and in the eight months through this August an additional 21 rules have been adopted, most of them with broad application.

Other of the most active rule-making Departments are Law and Public Safety, Institutions and Agencies and the Treasury Department, including tax rulings.

Except in emergencies, each proposed rule must by law appear in advance in this New Jersey Register, the official State rules publication issued the first week of each month by the Administrative Procedure Division. This provides an opportunity for public consideration and suggested
(Continued on Previous Page)

COMPLETE LIST OF CODE TITLES

Titles now available in the New Jersey Administrative Code include all 17 State Departments, with Treasury broken into two Titles for Taxation and General rules.

Eight Department's Titles involve such a number of rules as to require two or three volumes, with price based on a per-volume, rather than Title, basis.

Subscriptions may be for either the full 29-volume Set, for individual Titles, or for only the Code Index, which is included in the price for Set subscriptions. Payment must accompany all orders, using the form below.

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