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(a)

AGRICULTURE

BOARD OF AGRICULTURE

Revisions on Tomato Transplants

On March 7, 1977, Phillip Alampi, Secretary of Agriculture and Secretary of the Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5, 4:7-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 2:17-6.1(d)5. concerning tomato transplants.

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

2:17-6.1(d)5. ix. Free from excessive weeds;

[ix.] x. Stem length six to eleven inches from soil line to growing point with a minimum stem diameter of 3/16 inch. If the inspecting authority is notified of agreement between the plant producer and plant purchaser, plant size standards may be altered.

An order adopting these revisions was filed and became effective on March 15, 1977, as R.1977 d.87 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

BOARD OF AGRICULTURE

Rules on Pepper Transplants

On March 9, 1977, Phillip Alampi, Secretary of the Board of Agriculture pursuant to authority of N.J.S.A. 4:1-21.5, 4:7-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning pepper transplants.

Full text of the adopted rules follows.

SUBCHAPTER 7. PEPPER TRANSPLANTS

2:17-7.1 Movement into New Jersey of pepper transplants

(a) In order to prevent the movement into New Jersey of diseased, insect-infested or substandard quality pepper plants, the State Board of Agriculture does hereby declare

such plants to be a nuisance and prescribes the following conditions for the entry of pepper plants in New Jersey.

(b) All pepper plants shipped into the State of New Jersey must be certified to have been grown under an official certification program of the state of origin, or to have been inspected and certified to be apparently free from injurious insects, nematodes and plant diseases, based on an inspection no more than three days prior to removal from the soil.

(c) All plants certified as prescribed above must be accompanied by an official certificate so stating attached to each included crate, basket or other container. Also, each such package must be labeled as to variety and number of transplants per container.

(d) Imported pepper transplant standards include the following:

1. Apparently free from injurious insects, nematodes and plant diseases;
 2. Plant count as stated on the container;
 3. Not clipped;
 4. Free of noxious weeds;
 5. Good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority. At least 80 per cent of all the pepper plants in each container must conform to the following standards:
 - i. Not too soft or hard (over-mature);
 - ii. Not excessively heated;
 - iii. Free from excessive wilting;
 - iv. Free from excessive physical injury by insects, diseases, hail or other factors;
 - v. Free from excessive weeds;
 - vi. Free from excessive cold injury;
 - vii. Free from excessive nutrient deficiencies;
 - viii. Straight stems;
 - ix. Free from excessive fruit or bloom;
 - x. Stem length six to eleven inches from soil line to growing point with a minimum stem diameter of 5/32 inch.
- If the inspecting authority is notified of agreement between the plant producer and plant purchaser, plant size standards may be altered.

(e) Failure to comply with the regulations will result in destruction or rejection of all or part of violating pepper transplant shipments into New Jersey.

(f) Complaints of dissatisfaction with shipments must be received by the inspecting authority prior to planting within 24 hours of arrival in New Jersey.

An order adopting these rules was filed and became effective on March 15, 1977, as R.1977 d.88 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

NEW JERSEY REGISTER

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(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Adopt Rule on Milk Handling in New York-New Jersey Marketing Area

On March 22, 1977, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedural rule concerning the handling of milk in the New York-New Jersey milk marketing area.

Full text of the adopted rule follows:

2:54-3.9 Amendment to milk handling regulations

(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 New York City on September 16, 1976. Notice of the hearing was published in the time and manner required by the applicable Federal and State laws.

(b) Pursuant to the provisions of N.J.A.C. 15:15-5.3 and after considering the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture, the Director, Division of Dairy Industry hereby adopts by reference, insofar as they apply to the State of New Jersey, the following:

(1) Findings and Conclusions contained in 41 F.R. 53346-53350, signed by William T. Manley, deputy administrator, program operations, on November 30, 1976.

(2) The Decision on Proposed Amendments to Marketing Agreement and Order contained in 42 F.R. 4471-4476, signed by Richard L. Feltner, assistant secretary, United States Department of Agriculture on January 19, 1977, and

(3) Order Amending Order contained in 42 F.R. 11822-11824, signed by Richard L. Feltner, assistant secretary, United States Department of Agriculture on February 23, 1977.

(c) The undersigned director further finds that the adoption of this order will tend to effectuate the declared policy of the New Jersey Milk Control Act, as contained in N.J.S.A. 4:12A-1, et seq.

(d) This order shall be effective from and after 12:01 a.m. on April 1, 1977.

An order adopting this rule was filed March 22, 1977, as R.1977 d.97 (Exempt, Procedure Rule) to become effective on April 1, 1977.

G. Duncan Fletcher
Division of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF ADMINISTRATION AND OPERATIONS

Proposed New Rules to Implement and Enforce the Disclosure and Anti-Discrimination Provisions Of P.L. 1977, c.1

Clifford F. Blaze, Deputy Commissioner of Banking, pursuant to authority of N.J.S.A. 17:16F-11, proposes to adopt new rules to implement and enforce the disclosure and anti-discrimination provisions of P.L. 1977 c.1.

Full text of the proposed new rules follows:

SUBCHAPTER 9. HOME MORTGAGE DISCLOSURE

3:1-9.1. Authority, scope and enforcement

(a) Authority and scope. This regulation is promulgated pursuant to the provisions of chapter 1, Public Laws of 1977. This regulation applies to depository institutions which make Federally related mortgage loans. Nothing in this regulation is intended to, nor shall it be construed to, encourage unsound lending practices or the allocation of credit.

(b) Compliance with this regulation and chapter 1, Public Laws of 1977 shall be enforced by the Commissioner of Banking of the State of New Jersey.

3:1-9.2. Definitions

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

"Applicant" means any person who files with a depository institution a written request containing such information as required by the depository institution for a mortgage loan or a home improvement loan.

"Act" means chapter 1, Public Laws of 1977, approved January 12, 1977. (N.J.S.A. 17:16F-1 et seq.)

"Branch office" means any office approved as a branch of the depository institution by that depository institution's Federal or State supervisory agency. Branch office shall not include an office of a depository institution which is fully automated and solely operated by the customer.

"Depository institution" means any commercial bank, savings bank, savings and loan association, building and loan association, or credit union, which makes Federally related mortgage loans. Any majority-owned subsidiary of a depository institution shall be deemed to be part of its parent depository for the purposes of this regulation.

"Federally related mortgage loan" means any loan (loan) which:

i. Is secured by a first lien on residential real property (including individual units of condominiums and cooperatives) that is designed principally for the occupancy of from one to four families and is located in a State; and (A) Is made in whole or in part by a depository institution the deposits or accounts of which are insured by any agency of the Federal government, or is made in whole or in part by a depository institution which is regulated by any agency of the Federal government; or

(B) Is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary of Housing and Urban Development or any other officer or agency of the Federal government or under or in connection with a housing or urban development program administered by any other such officer or agency; or

ii. Is intended to be sold by the depository institution that originates the loan to the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or a financial institution which it is to be purchased by the Federal Home Loan Mortgage Corporation.

"FHA, FmHA, or VA loans" means mortgage loans which are insured under Title II of the National Housing Act or under Title V of the Housing Act of 1949 or which are guaranteed under Chapter 37 of Title 38, United States Code.

"Foreclosure" means any mortgage or home improvement loan for which a foreclosure action has been instituted in a court of competent jurisdiction; or in the case of an unsecured home improvement loan for which an action has been instituted in a court of competent jurisdiction to collect on the note evidencing the debt.

"Home improvement loan" means a loan, unsecured or secured by collateral other than a first lien on a residential real property:

i. The proceeds of which are to be used for the purpose of repairing, rehabilitating or remodeling an existing residential dwelling located in a State as stated by the borrower to the lender at the time of the loan transaction; and

ii. That is recorded on the books of the depository institution as a home improvement loan.

"Mortgage loan" means a "residential mortgage loan" as defined in this section or a "home improvement loan" as defined in this section.

"Residential mortgage loan" means a loan which is secured by a first lien on residential real property located in a State, including a first lien refinancing of an existing loan, but shall not include:

i. temporary financing (such as a construction loan); or

ii. Purchase of an interest in a pool of mortgage loans (such as mortgage participation certificates issued or guaranteed by the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or the Farmers Home Administration); or

iii. A loan made primarily for business or consumer purposes (other than to purchase, repair, rehabilitate or remodel residential real property) but in connection with which a first lien on residential real property is taken as collateral.

"Residential real property" means improved real property used or to be used for residential purposes, including single-family homes, dwellings for from two to four families, multi-family dwellings, and individual units of condominiums and cooperatives.

"State" means any state of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

3:1-9.3. Exemptions

(a) The following categories of depository institutions are exempt from the compilation of data and disclosure requirements of the Act and this regulation:

1. Any depository institution that has total assets as of the last day of its last full fiscal year of \$10,000,000 or less; or

2. Any depository institution that has neither a home office nor any branch office located in a standard metropolitan statistical area (SMSA) as currently defined by the Office of Management and Budget of the United States Government.

(b) A depository institution that was exempt on or after the effective date of this regulation on the basis of subsection (a) of this section and that subsequently becomes no longer exempt shall compile the data described

in this regulation for each fiscal year beginning with its last full fiscal year ending prior to the date it was no longer exempt.

3:1-9.4. Compilation of mortgage and home improvement loan data

(a) Data to be included:

1. Each depository institution shall aggregate, separately for each standard metropolitan statistical area (SMSA) in which it has a home office or branch office, its mortgage loan data for each fiscal year beginning with its last full fiscal year ending prior to April 12, 1977, with the exception of mortgage loans described in paragraph 4. of this subsection. Mortgage loan data relating to residential real property located within the relevant SMSA that is, the SMSA where a home or branch office is located) shall be segregated from mortgage loan data relating to residential real property located outside the relevant SMSA and shall be itemized by the census tract in which the principal residential real property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved) is located (except as provided in paragraph 2. of this subsection) according to the following classifications in a format similar to Departmental HMDL three series forms:

i. FHA, FmHA, or VA loans, except on multi-family dwellings (that is, dwellings for more than four families), subdivided as to those loans:

(A) Originated; and

(B) Purchased by the depository institution, during that fiscal year.

ii. Residential mortgage loans other than FHA, FmHA, or VA loans and other than loans on multi-family dwellings, subdivided as to those loans:

(A) Originated; and

(B) Purchased by the depository institution, during that fiscal year.

iii. All residential mortgage loans, except on multi-family dwellings, that is, sum of classifications i. and ii., subdivided as to those loans:

(A) Originated; and

(B) Purchased by the depository institution, during that fiscal year.

iv. Home improvement loans, except on multi-family dwellings, subdivided as to those loans:

(A) Originated; and

(B) Purchased by the depository institution, during that fiscal year.

v. All mortgage loans (home improvement loans and residential mortgage loans) on multi-family dwellings subdivided as to those loans:

(B) Purchased by the depository institution, during that fiscal year.

vi. All mortgage loans (home improvement loans and residential mortgage loans) on multi-family dwellings subdivided as to those loans:

(A) originated; and

(B) purchased by the depository institution, during that fiscal year.

(vi) all mortgage loans (home improvement loans and residential mortgage loans), except on multi-family dwellings, made to any borrower who did not, at the time of the loan transaction, intend to reside as his principal dwelling in the property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved), subdivided as to those loans:

(A) Originated; and

(B) Purchased by the depository institution, during that fiscal year.

vii. All mortgage loans made pursuant to the "New

Jersey Mortgage Finance Agency Law", during that fiscal year;

viii. All mortgage and home improvement loans in foreclosure proceedings, during that fiscal year;

ix. All applications for mortgage loans which were denied, during that fiscal year;

x. All home improvement loans which were denied during that fiscal year; and

xi. All home improvement and mortgage loans, identified by State, on property located in States other than New Jersey, during that fiscal year.

xii. Classifications (i) through (v) and (vii) through (xi) include loans to both occupants and nonoccupants of the property. Mortgage loan data relating to residential real property located outside the relevant SMSA (or relevant SMSA's in the case of a depository institution with home or branch offices in more than one SMSA) shall also be itemized according to classifications (i) through (v) and (vii) through (xi) set forth above, but further itemization of that data by census tracts or United States Postal Service zip codes is not required.

2. Mortgage loan data relating to residential real property located within the relevant SMSA may be itemized, according to the classifications specified in paragraph 1. of this subsection, by United States Postal Service zip codes for the area in which the principal residential real property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved) is located, in lieu of census tracts, only to the extent that such data relate to a period of time or SMSA for which regulation C, 12 C.F.R. 203, did not require reporting by SMSA and census tract.

3. Mortgage loan data to be compiled as described in this paragraph shall be in terms of number of loans and total dollar amounts (original principal amounts of loans originated by the institution to the extent of its interest, where the loan is made jointly or cooperatively, and unpaid principal balances of loans purchased by the depository institution, to the extent of its interest in such purchased loans), except that, in the case of purchased home improvement loans, the amount to be reported may include the unpaid finance charges. The compilations shall be on an annual basis and relate to mortgage loans originated or purchased solely during the relevant fiscal year.

4. A depository institution shall not include in its mortgage loan data to be compiled pursuant to subparagraph i. of this paragraph:

i. A refinancing that it originates involving no increase in the outstanding balance of the principal due on the existing loan where the depository institution and the borrower are the same parties to the existing loan and the refinancing; and

ii. A loan originated or purchased by the depository institution acting as trustee or in some other fiduciary capacity.

iii. For the purpose of compiling mortgage loan data pursuant to subparagraph i. of this paragraph with respect to a full fiscal year ending prior to July 1, 1976, a depository institution may:

(A) Notwithstanding the definition contained in section 2. ("Applicant") of this subchapter, itemize as home improvement loans those loans that it has classified as home improvement loans for the purposes of State law, provided that no loans secured by first liens on residential real property shall be included as home improvement loans in the mortgage loan disclosure statement and reference is made in the disclosure statement to the State law definition of home improvement loan that is being utilized; or

(B) omit, at its option, any mortgage loan that was (1)

both originated and either sold or paid in full during such fiscal year, or (2) both purchased and either sold or paid in full during such fiscal year, provided that the depository institution consistently applies this option with respect to all loans in those categories and clearly states in its mortgage loan disclosure statement for that year that such data have been omitted.

(b) Applicable SMSA's, census tracts and ZIP codes:

1. For the purpose of determining whether a mortgage loan is to be included in the classifications relating to residential real property within the relevant SMSA as described in subsection (a) of this section (but not for the purpose of determining exemptions, pursuant to N.J. A.C. 3:1-9.3(a)(2)), the applicable areas of the relevant SMSA shall be those as defined by the Office of Management and Budget of the United States Government and in effect on April 12, 1977, or the first day of the fiscal year to which the mortgage loan disclosure statement related, whichever is the later date.

2. Applicable census tract numbers and boundaries shall be those appearing on the census tract maps in the series "1970 Census of Population and Housing: CENSUS TRACTS, Final Reports, PHC (1) Series" prepared by the Bureau of the Census, United States Department of Commerce. If the number itself would be duplicated in the mortgage loan disclosure statement for the relevant SMSA, the county, city, or town that uniquely identifies the census tract shall be identified in that disclosure statement.

3. An applicable ZIP code shall be that for the area in which the principal residential real property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved) is located. No depository institution is obligated to revise its mortgage loan data to reflect official changes of ZIP code numbers or boundaries made after the ZIP code for a particular loan is recorded.

4. Nothing contained in this paragraph is intended to prohibit the use of maps, directories, computer programs, or the like that have more recent definitions of the applicable SMSA areas than those specified in paragraph 1. of this subsection, provided that every mortgage loan relating to residential real property within the applicable areas of the relevant SMSA as specified in paragraph 1 of this subsection or within the areas of the relevant SMSA as more recently defined shall be included in the data to be itemized by census tracts or ZIP codes as required by subsection (a) of this section. If such updated revisions are utilized, the mortgage loan disclosure statement shall indicate the source of the revision.

(c) Applicable presumption. For the purposes of compiling mortgage loan data described in subsection (a) of this section, a depository institution may presume (unless its records relating to that loan contain information to the contrary) with respect to any mortgage loan originated prior to June 28, 1976, or purchased at any time, that the borrower intended, at the time of the loan transaction, to reside as his principal dwelling in the property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved), if such property is a residential dwelling used or to be used by from one to four families.

3:1-9.5. Disclosure of public

(a) Dates disclosure statements due:

1. Each depository institution shall make available to the public by the following dates the mortgage loan disclosure statements required to be compiled pursuant to this regulation:

1. August 31, 1977, in the case of a disclosure statement relating to a full fiscal year ending prior to April 12, 1977;

ii. Within 90 days of the end of the relevant fiscal year in the case of a disclosure statement that relates to a full fiscal year ending subsequent to April 12, 1977, except that information required by this regulation which is not required by Regulation C, may be made available as late as August 31, 1977.

2. Compliance with the public disclosure requirements of Regulation C shall be deemed compliance with the public disclosure requirements of this regulation through August 31, 1977.

3. Any mortgage loan disclosure statement required to be made available shall be maintained and made available for a period of five years after the close of the first fiscal year during which that disclosure statement is required to be maintained and made available.

(b) Offices at which disclosure statements to be made available:

1. Except as provided in paragraph 2. of this subsection, each depository institution shall make available to the public disclosure statements required to be compiled pursuant to this regulation, by the dates specified in subsection (a) of this section, at its home or branch offices, as follows:

i. In the case of depository institutions that have home or branch offices in only one SMSA, the entire mortgage loan disclosure statement shall be made available at the home office and all branch offices (if there are such branch offices) within that SMSA; and

ii. In the case of depository institutions that have home and branch offices in more than one SMSA:

(A) The entire mortgage loan disclosure statement (relating to all SMSA's with respect to which the depository institution is required to compile mortgage loan data) shall be made available at the home office; and

(B) The entire mortgage loan disclosure statement shall also be made available at every branch office within every SMSA where the depository institution has branch offices (including the SMSA where the home office is located), except that the disclosure statement at a particular branch office need not include census tract of ZIP code itemizations with respect to relevant SMSA's other than the SMSA in which the particular branch office is located provided that aggregated data from the disclosure statement with respect to each of those other relevant SMSA's (that is, the column totals of section I of the appendix of this Part) are furnished.

2. All depository institutions shall also make available mortgage loan disclosure statements required to be compiled pursuant to this regulation, by the dates specified in subsection (a) of this section, in the following ways:

i. If all offices of a depository institution are located where there is no general public access, it shall designate a place convenient and accessible to the public within the SMSA of its home office where the entire mortgage loan disclosure statement (relating to all SMSA's with respect to which it is required to compile mortgage loan data) will be available at reasonable times, and shall designate a convenient and accessible place within every other SMSA where it has a branch office, at which designated place will also be made available the entire mortgage loan disclosure statement except for the omission, at the option of the depository institution, of census tract or ZIP code itemizations with respect to relevant SMSA's other than the SMSA where the particular branch is located provided that aggregated data from the disclosure statement with respect to each of those other relevant SMSA's are furnished; and

ii. Every depository institution shall promptly furnish by mail, to anyone requesting the information, a copy of

the required public mortgage loan disclosure statement, imposing no more than a reasonable charge for the cost of reproduction of the data which shall not exceed \$0.15 per page.

3. HMDL-3A (Statewide Loan Disclosure Recapitulation Statement) shall be made available to the public at every depository institution office which is located in an SMSA.

4. HMDL-3D (Mortgage and Home Improvement Loan Disclosure Statement for all mortgages and home improvement loans originated or purchased for property outside New Jersey) shall be made available to the public at every depository institution office which is located in an SMSA.

3:1-9.6. Filing requirements

(a) Every depository institution shall, within 30 days of the date it makes its disclosure statements public as required by section 5 of this subchapter; file with the Department of Banking all data required by section 4 of this subchapter. All information so filed shall be submitted on a computer readable magnetic tape in a format prescribed by the department.

(b) Pursuant to N.J.S.A. 17:9A-333 the filing fee for filing this computerized report shall be \$25.00. The fee shall be made payable to the Treasurer, State of New Jersey and shall accompany the report to the department.

3:1-9.7. Violations of the Act

(a) No depository institution shall discriminate, on a basis that is arbitrary or unsupported by a reasonable analysis of the lending risks associated with the applicant for a given loan or the condition of the property to secure it, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions, or provisions of any mortgage loan on real property located in the municipality in which a depository institution has a home or branch office, or in any municipality contiguous to such municipality, merely because such property is located in a specific neighborhood or geographical area.

(b) It shall not be a violation of the Act or this regulation if the mortgage loan is made pursuant to a specific public or private program, the purpose of which is to increase the availability of mortgage loans within a specific neighborhood or geographical area.

3:1-9.8. Powers of the commissioner

(a) In order to aid in determining whether the Act or N.J.A.C. 3:1-9.7(a) has been violated by a depository institution, the Commissioner of Banking shall have the power to make such investigations as he shall deem necessary, including the power to hold hearings, issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before him.

(b) In case of a failure of any person to comply with any subpoena issued by the commissioner or to testify to any matter concerning which he may be lawfully interrogated, the commissioner may apply to the Superior Court for an order requiring the attendance of such person and the giving of testimony or production of evidence.

3:1-9.9 Cease and desist orders; grounds, content, right to hearing, hearing

(a) If it appears to the Commissioner, based upon his review of the data and information required to be filed under section 6 of this subchapter, or from such investigation as he shall deem necessary, that a depository institution is in prima facie violation of the Act or section 7(a) of this subchapter, he shall order such depository institu-

tion to cease and desist from its unlawful practices and such other relief as he may deem necessary to insure compliance with the Act.

(b) The cease and desist order shall contain a clear and concise statement of the facts constituting the alleged violation(s) of the Act or any of the rules and regulations promulgated by the Commissioner of Banking.

(c) The depository institution subject to a cease and desist order may request a hearing within ten days of the date of the commissioner's order. Failure to request a hearing within the prescribed time shall constitute a waiver of the depository institution's right thereto and the cease and desist order shall become effective immediately.

(d) Each request for hearing shall contain:

1. A specific admission, denial or explanation of each allegation of the cease and desist order, or if the depository institution is without knowledge concerning any allegation, it shall so state to that effect, such statement constituting a denial;

2. A specific detailed statement of any affirmative defense; and

3. A clear and concise statement of the facts and matters of law relief upon constituting the grounds of its defense. Any allegation not denied shall be deemed admitted and shall be so treated by the commissioner.

3:1-9.10. Hearings: presiding officer

Any hearing held pursuant to this regulation may be conducted by the commissioner, deputy commissioner or a hearing officer designated by the commissioner.

3:1-9.11. Hearing officer's powers

(a) It shall be the duty of the hearing officer to inquire fully into the facts as they relate to the matter before him. With respect to cases assigned to him, the hearing officer shall have the authority, subject to these rules and regulations and the Act, to:

1. Administer oaths and affirmations;
2. Grant applications for subpoenas;
3. Rule upon offers of proof and receive relevant evidence;
4. Take or cause depositions to be taken whenever the ends of justice would be served thereby;
5. Limit lines of questioning or testimony which are repetitive, cumulative or irrelevant;
6. Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper question;
7. Preside over conferences for the settlement or simplification of the issues by consent of the parties;
8. Dispose of procedural requests, motions or similar matters which shall be made part of the record of the proceeding;
9. Call, examine and cross-examine witnesses and to introduce into the record documentary or other evidence;
10. Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof; and
11. Take any other action necessary to effectuate the purposes of the Act or to provide for a full and fair hearing.

3:1-9.12. Hearing procedure

(a) Conduct of hearing. Any party, through counsel, shall have the right to call, examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence.

(b) Evidence at hearing. The parties shall not be bound

by rules of evidence, whether statutory, common law or adopted by the rules of court. All relevant evidence is admissible. The hearing officer may, in his discretion, exclude any evidence or offer of proof if he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion. The hearing officer shall give effect to the rules of privilege recognized by law. Every party, through counsel, shall have a right to present his cause by oral and documentary evidence and to submit rebuttal evidence. Every party, through counsel, and the hearing officer shall have the right to examine and cross-examine as may be required for a fully and true disclosure of the facts.

3:1-9.13. Report of hearing officer

In any case where a person other than the Commissioner shall sit as hearing officer, he shall submit a written report of his findings and conclusions to the Commissioner together with a recommendation as to the disposition of the matter, unless the Commissioner directs otherwise.

3:1-9.14. Exceptions to report of hearing officer

An original and one copy of any exceptions to the hearing officer's report and recommendation may be filed by any party with the Commissioner within seven days after service of the report and recommendation.

3:1-9.15. Decision by the commissioner

(a) In cases where the commissioner has acted as presiding officer, he shall issue a written decision and order. He shall mail copies to the parties by certified mail, return receipt.

(b) Upon receipt of the hearing officer's report and recommendation and any exceptions filed thereto, the commissioner shall issue a decision and order which shall either:

1. Adopt in toto the findings of fact and conclusions of law of the hearing officer; or
2. Reject the report and recommendation of the hearing officer and make specific, detailed findings of fact and conclusions of law; or
3. Adopt, reject or modify each of the hearing officer's findings of fact and conclusions of law.

(c) If the commissioner adopts either in whole or in part the report and recommendation of the hearing officer, it shall not be necessary for him to repeat those facts and conclusions in his order, and they shall automatically be considered part thereof.

3:1-9.16. Continued violation of act; penalty

A depository institution which continues to violate the provisions of section 7(a) of this subchapter, after having been ordered by the commissioner to cease such practices shall be liable to a penalty of \$5,000 for each offense. Such penalty shall be in addition to and not in lieu of any other provisions of law applicable upon a depository institution's failure to comply with an order of the commissioner.

3:1-9.17. Notice of hearing

If it appears to the commissioner, based upon his review of the data and information required to be filed under section 6 of this subchapter, hereof or from such investigation as he deems necessary, that a depository institution is continuing to violate the provisions of section 7(a) of this subchapter hereof after being ordered to cease such practices, he shall issue and serve upon such depository institution by certified mail, return receipt, a notice of hearing.

3:1-9.18. Content of notice of hearing

- (a) The notice of hearing shall include:
1. The date, time, place and nature of the hearing;

2. The legal authority and jurisdiction under which the hearing is held;

3. The particular sections of the statutes and rules involved; and

4. A copy of the detailed statement of the facts constituting the basis of the alleged violation.

3:1-9.19. Hearing procedure

The hearing shall be conducted in accordance with the provisions of sections 10 through 15 of this subchapter.

3:1-9.20. Administrative Procedure Act

Except as otherwise provided in the Act and in these regulations, the procedures followed by the Commissioner shall conform to the Administrative Procedure Act (N.J. S.A. 52:14B-1 et seq.).

Copies of the proposed forms are not printed herewith but are available from Clifford F. Blaze, at the address listed below.

The Department of Banking will conduct a public hearing on April 26, 1977 at 9:30 A.M. in the New Jersey State Museum, 205 West State Street, Trenton, New Jersey, to solicit comments concerning this proposal.

The text of each presentation to be made at the hearing must be prepared in writing and an original and four copies must be filed on or before April 22, 1977 with: Clifford F. Blaze, Deputy Commissioner of Administration and Operations, Department of Banking, Trenton, New Jersey 08625.

Written comments received on or before April 27, 1977 will be made part of the record even though the preparer does not intend to appear at the hearing.

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

Clifford F. Blaze
Deputy Commissioner
Department of Banking

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Revisions to Uniform Construction Code

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, proposes to adopt amendments to the Uniform Construction Code Regulations, Chapter 23, Title 5, of the New Jersey Administrative Code.

The amendments, when adopted, would become effective on July 1, 1977.

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

Administrative Practice Officer
Department of Community Affairs
Construction Code Enforcement Office
Post Office Box 2768
Trenton, New Jersey 08625

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

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

Patricia Q. Sheehan
Department of Community Affairs
Commissioner

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Energy Subcode of Uniform Construction Code

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

The Department intends to promulgate regulations adopting by reference the American Society of Heating, Refrigerating and Air Conditioning Engineers, ASHRAE Standard 90-75: Energy Conservation In New Building Design.

If adopted, ASHRAE Standard 90-75 will become effective on October 1, 1977 and will appear in Subchapter 3, Chapter 23, Title 5, of the New Jersey Administrative Code.

A public hearing on the proposed action will be held on April 19, 1977, at 10:00 A.M. at the State Museum Auditorium, 205 West State Street, Trenton, New Jersey.

Persons interested in testifying should call (609) 292-6364 to arrange for time to speak. Written statements are to accompany the oral testimony and be submitted at the time of testimony. A time limit may be imposed upon each speaker in order to accommodate all.

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

Administrative Practice Office
Department of Community Affairs
Construction Code Enforcement Office
P.O. Box 2768
Trenton, New Jersey 08625

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(c)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY

Rules on Rent Increases and Income Limits

On March 2, 1977, the Housing Finance Agency in the Department of Community Affairs, pursuant to authority of N.J.S.A. 55:14J-34(f) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:80-1.1 et seq., concerning rent increases and income limits, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 62(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Housing Finance Agency.

Full text of the pertinent substantive changes made follows:

5:80-1.1(b) In the event that the increase in rent requested shall be equal to six per cent or less of the current rental per dwelling unit, then the increase, upon the written approval of the Agency, shall be automatic and the tenants shall not be entitled to a hearing on such increase.

5:80-1.7(b) No hearing will be granted if the annual increase in rental or carrying charges is six per cent or less per dwelling unit.

5:80-1.14 Date of increase; effective date

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

5:80-1.15 Agency order for increase

Nothing in these regulations shall be construed to prohibit the Agency from authorizing an increase in rental or carrying charges pursuant to these regulations without a prior application for said increase from the housing sponsor.

An order adopting these rules was filed and became effective on March 4, 1977, as R.1977 d.71.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Rule Establishing Procedures For Unbudgeted School Aid Refunds

On March 9, 1977, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule establishing procedures for unbudgeted school aid refunds per Chapter 15, Laws of 1977.

Full text of the adopted rule follows:

5:30-8.9 Unbudgeted school aid refunds per P.L. 1977, c. 15

(a) This regulation is adopted to implement the provisions of Section 6 of Ch. 15, P.L. 1977. Under this Section, it is the responsibility of the Division of Local Government Services to promulgate rules and regulations to determine methods as to how the prorated apportionment shall be refunded to the property-owners in each school district by May 1, 1977.

(b) Each municipal governing body affected by the provisions of the above referenced section shall take all steps necessary to assure that each tax collector and treasurer shall implement the refunds by the methods set forth herein.

(c) General rules include the following:

1. The "unbudgeted State school aid" to be refunded shall be placed in a separate bank account in the trust

fund as an escrow account so that accountability is easily recognizable and funds will not be intermingled. Such escrow account shall be held for a minimum of two years in order to have funds available for those items returned because of unknown addressee. Such balances may be placed in an interest bearing account and any interest earned shall be credited to interest on investments.

2. Chapter 15, P.L. 1977, indicates that the distribution of "unbudgeted State school aid funds" shall be refunded to all taxpayers on or before May 1, 1977, and it is hereby interpreted to indicate that the term "refund" means that a payment must have been made, therefore, it is hereby determined that:

i. Any properties with unpaid 1976 property taxes shall have the amount of "refund" applied by check directly to payment of the balances of taxes, net of interest due. Notification shall be made to taxpayer of the action by written notice.

ii. Any 1976 property taxes transferred to tax title liens shall have the "refund" applied directly by check to pay the 1977 taxes due net of interest due.

iii. Any bankrupt properties as shown on the tax records shall have the "refund" credited by check against the unpaid 1976 taxes.

iv. Any properties having had an increase or decrease in assessed valuation in 1976 due to a tax appeal shall have the check prepared utilizing the adjusted assessed valuation.

v. Increased assessed valuation due to added assessments or omitted assessments cannot be considered as a basis in computing amount of refund due.

3. The envelopes used for mailing should include the wording "Do Not Forward, Return to Sender", or a similar notation to assure that if names of taxpayer has changed from billing date the municipality will be notified. Upon such notification, it shall be the responsibility of the tax collector, assessor, and treasurer to collectively determine the proportionate shares of refund due the previous property owner and the present property owner. It is recommended that the municipal attorney be consulted in determining such a breakdown.

(d) Accounting procedures include the following:

1. The treasurer shall adjust the general ledger records by decreasing "school taxes payable" and increasing an account entitled "unbudgeted State school aid payable" by the amount shown on the notification prepared by the Commissioner of Education.

2. The treasurer shall deduct from the amount to be paid to the custodian of school funds an amount sufficient to meet the required unbudgeted State aid to be refunded.

3. Disbursement checks shall be charged to the general ledger account entitled "unbudgeted State school aid payable".

(e) Tax collector's office rules are:

1. In determining the property owners entitled to the unbudgeted state school aid refund, the data to be utilized will be the exact data utilized in mailing property tax bills for the last two quarters in 1976 and the first two quarters in 1977. (August 1, 1976, November 1, 1976, February 1, 1977, and May 1, 1977.)

2. The tax collector's office shall prepare or have prepared a register to determine the amount required to be refunded to each property owner by utilizing the tax rate reduction shown on the Commissioner of Education's notification to a limit of not less than five decimal places, that is, .00045.

3. The register shall be forwarded to the treasurer.

(f) Treasurer's office rules are:

1. The treasurer shall be responsible for preparing

checks for distribution to each property owner as shown on the register on or before May 1, 1977.

2. Prior to distributing each check it shall be the responsibility of the tax collector to advise the treasurer of all unpaid 1976 taxes or all properties that have been transferred to tax title liens in 1976, so that the treasurer can prepare checks in accordance with the provisions of section (a)(2) relating to delinquent tax balances, tax title liens and bankrupt properties.

3. Each check issued shall include with it an informational notice which will be provided by the Division of Local Government Services—Department of Treasury, and additional explanatory information may be included by the municipality.

(g) Local units of government shall have the option of acquiring the services of an outside contractor to prepare the requirements necessary to respond to Ch. 15, P.L. 1977. Should the local unit of government accept this option it shall be accomplished by a resolution of the governing body authorizing the use of an outside contractor. In authorizing such a resolution a determination must be made by municipal legal counsel whether such contract is subject to the bidding requirements of the Local Public Contracts Law (Chapter 198, P.L. 1971).

1. Using the tax reduction rate provided in the certification from the Department of Education the contractor shall calculate by taxpayer line item the amount of refund due each taxpayer.

2. Print a check register with control totals and audit trail reports.

3. Deliver the documentation to the municipality for check preparation, stuffing and mailing to be completed on or before May 1, 1977.

4. Such contracts may further include procedures to:

i. Prepare checks on the standard check format.

ii. Using a check signer, sign all checks with the authorized municipal signatures.

iii. Print a message on the checks to explain the reason for the refund to the taxpayer.

iv. Prepare a complete reconciliation of returned checks.

5. It shall be further required that all material prepared by the outside contractor, such as the check register, cancelled checks, bank statements, computer run-offs, and so forth, shall be the property of the local unit of government and that the contractor shall have sufficient surety coverage to account for any shortages.

6. It will be the responsibility of the local unit of government to assure itself that the outside contractor will have the ability to accomplish the contract within the statutory timetable, May 1, 1977.

(h) The Director of the Division of Local Government Services is hereby authorized to take such additional action as may be necessary to clarify or extend these regulations and to provide additional direction or modification of these requirements as he may deem, in his sole judgment to be necessary to effectuate the purposes of Ch. 15, P.L. 1977 within the time period allowed.

An order adopting this rule was filed and became effective on March 10, 1977, as R.1977 d.81 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Amendments to Rules on Change Order Procedures for Local Public Contracts

On March 9, 1977, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 5:30-14.4, concerning change order procedures for local public contracts, substantially as proposed in the Notice published August 5, 1976, but with subsequent substantive changes not detrimental to the public, in the opinion of the Local Finance Board.

An order adopting these amendments was filed on March 10, 1977, as R.1977 d.82 to become effective on April 15, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rule on Asbestos Surface Coatings

The State Board of Education, pursuant to authority of N.J.S.A. 18A:18-2, proposes to adopt a new rule concerning asbestos surface coatings in schools.

Full text of the proposed new rule follows:

6:22-13.13 Asbestos surface coatings

The spraying-on of surface coatings which contain asbestos shall not be permitted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to:

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions Concerning Access to Pupil Records and Definition of Parent

On February 2, 1977, Fred G. Burke, Commissioner of Education and Secretary to the State Board of Education, pursuant to authority of N.J.S.A. 18A:36-19 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:3-2.1 and 6:3-2.5(d) concerning the definition of parent and access to pupil records, substantially as proposed in the Notice published January 6, 1977, but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

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

6:3-2.1 Definitions

“Parent” means the natural parent(s) or legal guardian(s) of a pupil. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the child [.] , as well as the natural parents of the child, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

6:3-2.5(d) 8. Officers and employees of a state agency responsible for protective services to children engaged in investigations pursuant to N.J.S.A. 9:6-8.40 as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency. Whenever appropriate, local school districts shall ask such state agency for its cooperation in sharing the findings of the investigation;

[8.] 9. Organizations, agencies, and persons from outside the school if they have the written consent of the parents or adult pupils except that these organizations, agencies, and persons shall not transfer pupil record information to a third party without the written consent of the parent or adult pupil;

[9.]10. Organizations, agencies, and individuals outside the school, other than those specified in this rule, upon the presentation of a court order;

[10.] 11. Bona fide researchers who explain in writing the nature of the research project and the relevance of the records sought, and who satisfy the chief school administrator that the records will be used under strict conditions of anonymity and confidentiality. Such assurance must be received in writing by the chief school administrator prior to the release of information to the researcher.

An order adopting these revisions was filed and became effective on March 3, 1977, as R.1977 d.68.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Amendments on Athletics Personnel

On March 2, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18:35-5 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:29-6.3 concerning athletics personnel, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 67(a).

An order adopting these amendments was filed and became effective on March 3, 1977, as R.1977 d.69.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Revisions Concerning Athletic Coaches

On March 2, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:11-3.12 concerning athletic coaches, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 66(a).

An order adopting these revisions was filed and became effective on March 3, 1977, as R.1977 d.70.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Regulations for Noise Control Of Vessels and Watercraft

David J. Bardin, Commissioner of the Department of Environmental Protection pursuant to authority of N.J.S.A. 13:10-1 et seq. and N.J.S.A. 13:16-1 et seq. proposes to adopt new rules concerning noise control of vessels and watercraft. The proposals are known within the Department as Docket No. DEP 014-7703.

Purpose of the rules is to eliminate excessive noise from motorboats. Over the past few years, the Department has received increasing numbers of complaints about the noise emitted by boats on the State's waters. The bulk of the complaints came from the Lake Hopatcong area, with lesser numbers from the Rancocas Creek, Toms River and Navesink-Shrewsbury areas.

The Office of Noise Control, the Marine Police and the Boat Regulation Commission have made an extensive study of the problem over the past year, and during this time, the Department of the Public Advocate also has taken an active interest.

The problem is not unique to New Jersey and several other states have already enacted regulations limiting the noise emitted by boats, other than those competing in races or testing for races, to 86 d.b.a. at 50 feet. Studies made in those states have shown that approximately 95 per cent of the boats are below this level.

These proposed regulations, which closely parallel those recommended by the National Association of State Boating Law Administrators and those adopted by other states, will if adopted, eliminate the most objectionable noise and the resulting complaints.

Full text of the proposed new rule follows:

SUBCHAPTER 2. NOISE FROM VESSELS AND WATERCRAFT

7:29-2.1 Scope

The following rules shall constitute rules of the Office of Noise Control and shall govern the emission of noise from vessels and watercraft operating on the waters of New Jersey.

7:29-2.2 Definitions

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

"Department" means the Department of Environmental Protection.

"Person" means any corporation, company, association, society, firm, partnership and joint stock company, as well as individuals, and shall include the State and all its political subdivisions and any agencies and instrumentalities thereof.

7:29-2.3 Noise limitation provisions

(a) The total noise produced by any vessel or watercraft upon any of the waters of this State, whether or not it be in motion, shall not exceed 86 d.b.a. measured at a distance of 50 feet from the vessel. For vessels with engines manufactured on or after January 1, 1979 and before January 1, 1982 the noise level shall be 84 d.b.a. measured at a distance of 50 feet from the vessel. For vessels with engines manufactured on or after January 1, 1982, the noise level shall be 82 d.b.a. measured at a distance of 50 feet from the vessel.

(b) Measurements shall be made by a device certified by the Department of Environmental Protection, Office of Noise Control, with reference, as applicable, to standards of the New Jersey Office of Weights and Measures or the National Bureau of Standards or both.

(c) Measurements shall be made with the measuring device at a distance of not less than 50 feet from the closest point of the boat's hull amidships. Any Marine Policeman or other law enforcement officer certified by the Office of Noise Control with a reason to suspect that a boat is exceeding the noise limitation may require the vessel operator to traverse a Noise Pollution Test Course as set forth herein.

(d) Any person who fails to comply with the directive to traverse the Test Course shall be subject to prosecution or, at the discretion of the law enforcement officer, such vessel or engine shall be ordered to immediately return to its mooring and cease operations.

(e) The Noise Pollution Test Course shall consist of a straight course of approximately 100 yards long which

the vessel shall be operated at full throttle. The measuring device shall be located at a perpendicular distance of not less than the specified 50 feet from the approximate midpoint of the course. The ambient (background) noise level shall be a factor in positioning the test course.

(f) Any person operating any vessel or other watercraft found in violation of the established noise levels may be subject to prosecution by the department.

(g) The noise limitation provisions of this section shall not apply to vessels registered and actually participating in racing events, or tune-up periods for such racing events, when authorized by the department or by any other public authority with the department's approval.

7:29-2.4 Test course

No person shall fail to traverse a noise pollution test course when so ordered by a duly authorized law enforcement officer.

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

Edward J. DiPolvere, Supervisor
Office of Noise Control
Department of Environmental Protection
380 Scotch Road
Trenton, N.J. 08628

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Extension of Wetlands Order For Salem, Cape May and Ocean Counties

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to authority of N.J. S.A. 13:9A-3, proposes to extend the wetlands order for Salem, Cape May and Ocean Counties. This proposed extension is known within the Department of Environmental Protection as Docket No. DEP 015-77-03.

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

7:7A-1.13(a)3. Ocean County (filed in the Office of the County Recording Officer - Toms River):

245-2088, 245-2094, 245-2100, 245-2106, 252-2076, 252-2088,
252-2094, 252-2100, 252-2106, 259-2070, 254-2076, 259-2082,
259-2088, 259-2094, 259-2100, 259-2106, 259-2112, 259-2118,
266-2070, 266-2076, 266-2082, 266-2088, 266-2094, 266-2100,
266-2106, 266-2112, 266-2118, 273-2076, 273-2088, 273-2094,
273-2100, 273-2112, 273-2118, 273-2124, 280-2088, 280-2094,
280-2100, 280-2106, 280-2112, 280-2118, 280-2124, 280-2130,
287-2100, 287-2106, 287-2112, 287-2124, 287-2130, 294-2106,
294-2112, 294-2118, 294-2124, 294-2130, 294-2136, 301-2112,
301-2118, 301-2124, 301-2130, 301-2136, 308-2118, 308-2124,
308-2130, 308-2136, 308-2142, 315-2124, 315-2130, 315-2136,
315-2142, 315-2148, 322-2124, 322-2130, 322-2136, 322-2142,
322-2148, 329-2124, 329-2130, 329-2136, 329-2142, 329-2148,
329-2154, 336-2124, 336-2130, 336-2142, 336-2148, 336-2154,
343-2130, 343-2148, 343-2154, 343-2160, 350-2130, 350-2136,

350-2148, 350-2154, 350-2160, 357-2124, 357-2130, 357-2136,
 357-2142, 357-2160, 364-2130, 364-2136, 364-2142, 364-2160,
 371-2136, 371-2142, 371-2148, 371-2160, 378-2142, 378-2148,
 378-2160, 385-2142, 385-2148, 385-2160, 392-2136, 392-2142,
 392-2148, 392-2154, 399-2130, 399-2136, 399-2142, 399-2148,
 399-2154, 399-2160, 406-2118, 406-2124, 406-2130, 406-2148,
 406-2154, 406-2160, 413-2118, 413-2148, 413-2154, 413-2160,
 420-2142, 420-2148, 420-2154, 420-2160, 427-2142, 427-2148,
 427-2154, 427-2160, 434-2148, 434-2154, 434-2160, 434-2166,
 441-2148, 441-2154, 441-2160, 441-2166, 441-2172, 448-2148,
 448-2154, 448-2160, 448-2166, 448-2172, 455-2154, 455-2166,
 462-2154, 462-2172, 469-2154.

7:7A-1.13(a)6. Cape May County (filed in the Office of the County Recording Officer - Cape May Courthouse):

035-1914, 035-1920, 035-1926, 035-1932, 035-1938, 042-1914,
 042-1920, 042-1926, 042-1932, 042-1938, 042-1944, 049-1914,
 049-1926, 049-1932, 049-1938, 049-1944, 049-1950, 056-1914,
 056-1920, 056-1932, 056-1938, 056-1944, 056-1950, 056-1956,
 063-1938, 063-1944, 063-1950, 063-1956, 063-1962, 070-1920,
 070-1926, 070-1944, 070-1950, 070-1956, 070-1962, 070-1968,
 077-1920, 077-1926, 077-1932, 077-1950, 077-1956, 077-1962,
 077-1968, 084-1926, 084-1932, 084-1938, 084-1950, 084-1956,
 084-1962, 084-1968, 084-1974, 091-1932, 091-1938, 091-1944,
 091-1956, 091-1962, 091-1968, 091-1974, 091-1980, 098-1932,
 098-1938, 098-1944, 098-1950, 098-1962, 098-1968, 098-1974,
 098-1980, 098-1986, 105-1932, 105-1938, 105-1944, 105-1968,
 105-1974, 105-1980, 105-1986, 112-1932, 112-1938, 112-1944,
 112-1950, 112-1956, 112-1968, 112-1974, 112-1980, 112-1986,
 112-1992, 119-1926, 119-1932, 119-1938, 119-1944, 119-1950,
 119-1974, 119-1980, 119-1986, 119-1992, 126-1926, 126-1932,
 126-1938, 126-1944, 126-1950, 126-1956, 126-1980, 126-1986,
 126-1992, 126-1998, 133-1926, 133-1932, 133-1986, 133-1992,
 133-1998, 133-2004, 140-1926, 140-1932, 140-1974, 140-1980,
 140-1992, 140-1998, 140-2004, 140-2010, 147-1980, 147-1986,
 147-1998, 147-2004, 147-2010, 154-1980, 154-1986, 154-1992,
 154-1998, 154-2004, 154-2010, 154-2016, 161-1962, 161-1968,
 161-1974, 161-1980, 161-1986, 161-1992, 161-1998, 161-2004,
 161-2010, 161-2016, 161-2022, 168-1956, 168-1962, 168-1968,
 168-1974, 168-1980, 168-1986, 168-1992, 168-1998, 168-2016,
 168-2022.

7:7A-1.13(a)8. Salem County (filed in the Office of the County Recording Officer - Salem):

196-1782, 196-1788, 203-1776, 203-1782, 203-1788, 210-1776,
 210-1782, 210-1788, 217-1764, 217-1770, 217-1776, 217-1782,
 217-1788, 224-1752, 224-1758, 224-1764, 224-1770, 224-1776,
 224-1782, 224-1788, 224-1794, 224-1800, 231-1752, 231-1758,
 231-1764, 231-1770, 231-1776, 231-1782, 231-1788, 238-1752,
 238-1758, 238-1764, 238-1770, 238-1776, 238-1782, 245-1752,
 245-1758, 245-1764, 245-1770, 245-1776, 245-1782, 252-1752,
 252-1758, 252-1764, 252-1770, 252-1776, 252-1782, 252-1788,
 259-1752, 259-1758, 259-1764, 259-1770, 259-1776, 259-1782,
 259-1788, 259-1794, 259-1800, 266-1758, 266-1764, 266-1770,
 266-1776, 266-1782, 266-1788, 266-1794, 266-1800, 273-1746,
 273-1752, 273-1758, 273-1764, 273-1770, 273-1776, 273-1782,
 273-1788, 273-1794, 280-1746, 280-1752, 280-1758, 280-1764,
 280-1770, 280-1776, 280-1782, 280-1788, 280-1794, 287-1746,
 287-1752, 287-1764, 287-1770, 287-1776, 287-1782, 287-1788,
 294-1746, 294-1752, 294-1764, 294-1770, 294-1776, 294-1782,
 294-1788, 294-1794, 301-1764, 301-1770, 301-1776, 301-1782,
 301-1788, 301-1794, 308-1770, 308-1776, 308-1782, 315-1764,
 315-1770, 315-1776, 315-1800, 315-1806, 322-1770, 322-1788,
 322-1794, 329-1794, 329-1800, 336-1770, 336-1776, 336-1788,
 336-1794, 343-1782, 343-1788, 343-1794.

Public hearings soliciting comments on the proposed

extension will be held at the following places on the dates indicated:

April 28, 1977 - 10:00 A.M. Ocean County
 Cape May County April 29, 1977 - 10:00 A.M.
 Old White Court House Dover Township
 Cape May, N.J. Meeting Room
 Main Street 33 Washington Street
 Toms River, N.J.

Salem County
 May 2, 1977 - 10:00 A.M.
 Holiday Inn
 N.J. Turnpike & Interstate 295
 Upper Penns Neck Twp., N.J.

All testimony offered to the Department orally at the hearing or in writing prior to April 28, 1977, will be considered. Written testimony concerning the proposed extension should be directed to:

Thomas F. Hampton, Supervisor
 Office of Wetlands Management
 Division of Marine Services
 Dept. of Environmental Protection
 Post Office Box 1889
 Trenton, New Jersey 08625

The Department may thereafter, upon its own motion, adopt these extensions substantially as proposed.

David J. Bardin
 Commissioner
 Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

**Revisions on Condemnation
 Of Certain Shellfish Beds**

On March 8, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 7:12-1.3(a)39.i. concerning condemnation of certain shellfish beds, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 69(b), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 003-77-01.

An order adopting these revisions was filed and became effective on March 8, 1977, as R.1977 d.73.

G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

**Revisions on Condemnation
 Of Certain Shellfish Beds**

On March 7, 1977, David J. Bardin, Commissioner of

Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 7:12-1.1 through 7:12-1.3 concerning the condemnation of certain shellfish beds, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 71(a), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 031-76-12.

An order adopting these revisions was filed and became effective on March 8, 1977, as R.1977 d.74.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Emergency Amendment to 1976-1977 Game Code for Muskrat Trapping Season

On March 15, 1977, the Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, with the advice and consent of the Governor of New Jersey, pursuant to authority of N.J.S.A. 13:1B-34 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency amendment to the rule formerly cited as N.J.A.C. 7:25-5.4(b) concerning the extension of the muskrat trapping season to March 27, 1977.

Such amendment is known within the Department of Environmental Protection as Docket No. DEP 012-77-03.

Full text of the adopted amendment follows:

The season for trapping muskrats only is extended from the present termination date of March 15, 1977, to and including March 27, 1977, throughout the entire State of New Jersey and including all Division of Fish, Game and Shellfisheries wildlife management areas.

An order adopting this amendment was filed and became effective on March 15, 1977, as R.1977 d.85 (Exempt, Emergency Rule). Take notice that this amendment is a temporary rule not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Extension of Commercial Shooting Preserve Season

On March 15, 1977, Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:3-32 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which extended the commercial shooting preserve season until April 3, 1977.

Such extension is known within the Department of Environmental Protection as Docket No. DEP 013-77-03.

Full text of the emergency rule follows:

I, Rocco D. Ricci, Acting Commissioner of the Department of Environmental Protection, upon the recommendation of the Director of the Division of Fish, Game and Shellfisheries, and pursuant to the provisions of N.J.S.A. 23:3-32, hereby extend the commercial shooting preserve season until April 3, 1977.

The severe conditions of this past winter season severely curtailed hunting on commercial hunting preserves. Operators of these preserves were forced to retain much of their game bird stock and are faced with imminent economic hardship.

The Director of the Division of Fish, Game and Shellfisheries, with the approval of the Fish and Game Council, recommended that the commercial shooting preserve season be extended for a period not to exceed 31 days.

Now, therefore, pursuant to the provisions of N.J.S.A. 23:3-32, I extend the commercial shooting preserve season until April 3, 1977. This extension shall take effect immediately.

An order adopting this rule was filed and became effective on March 15, 1977, as R.1977 d.86 (Exempt, Emergency Rule). Take notice that this rule is a temporary rule not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions to Various Rules on Air Pollution Control

On March 18, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions, known within the Department of Environmental Protection as Docket No. DEP 018-76-07, to N.J.A.C. 7:27-6.1 et seq. concerning the control and prohibition of particles from manufacturing processes, substantially as proposed in the Notice published August 5, 1976, at 8 N.J.R. 375(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

An order adopting these revisions was filed March 21, 1977 to become effective May 23, 1977 as R.1977 d.95.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Proposed Amendment on Licensure Standards For Health Care Facilities

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

to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt an amendment to N.J.A.C. 8:31-26.1 concerning all licensure standards for health care facilities.

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

8:31-26.1 Ownership and operation; convicted persons

No health care facility shall be owned or operated by a person convicted of a misdemeanor or a high misdemeanor relating adversely to his/her capability of owning or operating that facility unless that person is considered rehabilitated as stipulated in the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to:

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Standards for Planning and Application For Designation of Cardiac Diagnostic Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes for adoption standards and general criteria for the planning and application for designation of cardiac diagnostic facilities.

The regulation proposes to establish minimum standards and general criteria to be applied to the planning, application for designation, and operation of cardiac diagnostic facilities.

Copies of the 14 pages of full text of the proposed new standards and general criteria may be obtained from or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Standards for Planning and Certification Of Need of Regional Cardiac Centers

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

The regulation proposes to establish minimum standards and general criteria to be applied to the planning, review of certificate of need applications for, and operation of regional cardiac centers. The regulation has application both to existing and proposed facilities offering cardiac surgery.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Manual of Standards for Licensure Of Long-Term Care Facilities; Nursing Homes

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a Manual of Standards for Licensure of Long-Term Care Facilities, specifically nursing homes. Such Manual, if adopted, will be cited as N.J.A.C. 8:39-1.1 et seq.

The proposed Manual concerns definitions, licensure procedure, general requirements, governing authority, administration, patient care policies, medical services, nursing services, pharmaceutical services, dietary services, rehabilitation services, social work services, patient activities services, dental services, laboratory, radiological and diagnostic services, patient rights, medical records, patient care statistics, financial data, discharge planning, evaluation, infection control, housekeeping services, emergency procedures and physical environment.

Copies of the 91 pages of full text of the proposed Manual

may be obtained from or made available for review by contacting:

Wanda J. Schorn
Coordinator, Standards
Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Standards and Criteria For Planning and Certification of Need for a Regional Cardiac Center

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new standards and general criteria for the planning and certification of need for a regional cardiac center. Such rules, if adopted, may be cited as N.J.A.C. 8:41-2.1 et seq.

The regulation proposes to establish minimum standards and general criteria to be applied to the planning, review of certificate of need applications for and operation of regional cardiac centers. The regulation has application both to existing and proposed facilities offering cardiac surgery.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to the Department of Health, at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Rules on Implementation Of Local Health Services Act

On March 4, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:3A2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:53-1.1 et seq., concerning the implementation of the Local Health Services Act substantially, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 16(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on March 17, 1977, as R.1977 d.91.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Revisions in Maternal and Newborn Services

On March 10, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 8:43B-8.3(d) concerning operations standards for maternal and newborn services in the Manual of Standards for Licensure of Hospitals, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 78(b).

An order adopting these revisions was filed and became effective on March 17, 1977, as R.1977 d.92.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Amend Controlled Dangerous Substance Schedule IV to Include Prazepam

On March 23, 1977, Dr. Joanne E. Finley, Commissioner of the Department of Health pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to 8:65-10.1(a)4 adding Prazepam to schedule IV as a Controlled Dangerous Substance, as proposed in the notice published February 10, 1977 at 9 N.J.R. 79(a).

An order adopting this rule was filed and became effective on March 23, 1977 as R.1977 d.101.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Revisions Concerning Licensure of Persons For Certain Public Health Positions

On March 22, 1977, Dr. Joanne E. Finley, Commissioner of the Department of Health pursuant to authority of N.J. S.A. 26:1A-38 through 44 and in accordance with applicable provisions of the Administrative Procedure Act adopted revisions replacing text of N.J.A.C. 8:7-1.1 et seq., covering licensure of persons for public health positions, substantially as proposed in the Notice published on November 4, 1976, but with subsequent substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on March 23, 1977 as R.1977 d.102.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Adopt 1976-77 State Medical Facilities Plan

On March 23, 1977, Dr. Joanne E. Finley, Commissioner of the Department of Health pursuant to N.J.S.A. 26:2H-1 et seq. and in accordance with the Administrative Procedure Act adopted the 1976-77 State Medical Facilities Plan, repealing R.1976 d.300, a temporary rule, as published in the Notice of September 9, 1976 at 8 N.J.R. 417(c), but with subsequent, inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting this rule was filed and became effective on March 23, 1977 as R.1977 d.103. Take notice that this is a temporary rule not subject to codification and will not appear in Title 8 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Adopt Emergency Revisions to Policies And Procedures Concerning Student Loans

On March 21, 1977, the Higher Education Assistance Authority pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule revising N.J.A.C. 9:9-1.21, 1.27 and 1.28 governing student loans.

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

9:9-1.21 Preparing check

(a) The Authority recommends that the check be made payable to both the student and the school. If and when conditions warrant, the check may be made payable solely to the student. **In any case, the check must be endorsed by the student borrower.**

9:9-1.27 Installment arrangements

(a) When a student ceases to be enrolled less than part time at an eligible school, [he] **the student must contact the lender [as soon as possible] within four months for the purpose of making arrangements toward repayment of [his] the loan.** At this time, the student [(and spouse)] must sign the installment note. [If the student was not married at the time the loan was made but married at the time of repayment, the spouse's signature is not required.]

(b) A student must be provided with a repayment schedule of not less than five years **(unless the student, during the nine month period preceding the start of the repayment period, specifically requests that repayment be made over a shorter period)** nor more than ten years, commencing not earlier than nine months nor later than 12 months following the date on which the student ceases to be enrolled less than part time at an eligible institution[.], **unless the lender and the student agree to a repayment schedule which begins earlier. In the event a student has requested and obtained a repayment period of less than five years, the student may at any time prior to the total repayment of the loan have the repayment period extended so that the total repayment period is not less than five years.** [If the student chooses to reduce his indebtedness before the nine month period, this credit must be applied toward the principal balance only.] The period of the note may not exceed 15 years, [except that authorized for periods of deferment] **unless the borrower is eligible for deferment, not to exceed three years, for service with Armed Forces, Peace Corps [and] or a full-time [service with VISTA] volunteer under the Domestic Volunteer Service Act of 1973, [not to exceed three years,] or return to school as full-time student[.] at an eligible educational institution, or during a single period, not in excess of 12 months, during which the borrower is seeking and unable to find full-time employment.** This period of authorized deferment shall not be counted in the total 15 year period. The borrower may accelerate payment without penalty. Subsidized loans as well as nonsubsidized loans may be combined on one note. Separate notes must be kept on loans which are Federally insured from those which are State guaranteed.

(c) The minimum payment permitted is \$30.00 per month based on the total of all notes (Federally-insured and State-guaranteed—subsidized and nonsubsidized), **unless a lesser amount is agreed to by the lender and borrower, as long as the maximum period of time allowed by law is not exceeded.** [Latitude is extended to the lender with exceptional cases where this minimum cannot be maintained due to extenuating circumstances. This minimum may be waived resulting in no violation or breach of Federal or State regulation.] **If husband and wife both hold student loans, the \$30.00 monthly payment applies to the couple.**

9:9-1.28 Deferment of payment

(b) [There is legal provision for the continuity of interest subsidy on eligible loans outstanding as of December 15, 1968 for those students serving in the Armed Forces, Peace Corps, and VISTA for a maximum of three years.

The deferment of principal ceases to be an option of the lender and is mandated on all eligible loans made after March 1, 1973. This proviso covers loans already converted to an installment basis as well as those not yet converted. Upon written request by the student on Federal forms provided, interest billings for students in these categories will be honored by the Office of Education.] Periodic installments of principal need not be paid, but interest shall accrue and be paid during any period:

1. During which the borrower is pursuing a full-time course of study at an eligible institution, or is pursuing a course of study pursuant to a graduate fellowship program approved by the U.S. Commissioner of Education;

2. Not in excess of three years during which the borrower is a member of the Armed Forces of the United States;

3. Not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act;

4. Not in excess of three years during which the borrower is in service as a full-time volunteer under the Domestic Volunteer Service Act of 1973; or

5. During a single period, not in excess of 12 months, at the request of the borrower, during which the borrower is seeking and unable to find full-time employment.

An order adopting this rule was filed and became effective on March 23, 1977 as R.1977 d.104 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Notice of Correction in Title of Proposed Rules

Take notice that, in the Notice of Proposal regarding the State Board of Higher Education that appeared in the New Jersey Register on March 10, 1977, at 9 N.J.R. 121(c), the heading of the Notice indicated a proposed change in the rules concerning work load data. The correct, full text of the proposed amendment appeared therein.

However, the correct title of the Notice should have read "Proposed Amendments to Community College Non-Credit Course Definition".

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions in Assistance Standards Handbook Governing Shelter Payments By Stepparents

Ann Klein, Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and

44:7-6, proposes to amend N.J.A.C. 10:82-2.11(a)3i and to delete N.J.A.C. 10:82-3.2(b)7i and renumber subparagraphs ii through viii.

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

10:82-2.11(a)3i In determining the amount of the grant, only that part of the stepparent's income which is established to be actually available for current use on a regular basis by the eligible unit shall be recognized. When the stepparent pays for the total cost of shelter and/or utilities for the eligible unit, the value available to the eligible unit [of such shelter] shall be [determined according to Schedule VI (Section 335.1)] calculated on a pro rata basis according to the number of persons living in the household.

10:83-3.2(b)7i Delete and renumber subparagraphs ii through viii as i through vii.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Administrative Practice Officer
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revision of General Assistance Manual On Medical Payments to Health Practitioners

Ann Klein, Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J.A.C. 10:85-5.3(b) and 5.4(a)2 to revise the rule regarding payments to health practitioners.

Full text of the proposed amendment follows (additions indicated in bold face thus, deletions indicated in brackets [thus]):

10:85-5.3(b) The director may authorize payment for services provided by licensed physicians (M.D. or D.O.), dentists and other health care providers including podiatrists, optometrists, pharmacists, opticians, prosthetists and orthotists who have not been deleted for cause from the current list of approved Medicaid providers, unless such services are specifically prohibited under paragraph 3 of this subsection. The DPW/BMA will advise all MWDs of deletions from the approved list and of any reinstatements.

10:85-5.4(a)2. State responsibility: It is the responsibility of the DPW/BMA to authorize appropriate rates in accordance with those established by the State Medicaid program insofar as feasible. The DPW/BMA will return disapproved any voucher submitted from a provider who

has been deleted for cause from the current list of approved Medicaid providers. Such disapproval will prevent State matching on the payment but will not eliminate any responsibility for payment which the MWD may have incurred by prior authorization.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Administrative Practice Officer
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Rule on Suits Filed Against County Welfare Agency

Ann Klein, Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 proposes a new rule N.J.A.C. 10:87-1.15 regarding suits against county welfare agency.

Full text of the proposed rule follows:

10:87-1.15 Legal actions

(a) The county welfare agency shall notify the Division of Public Welfare of suits filed by any person/organization against the county which involves its administration of the Food Stamp Program and shall furnish the Division with copies of the original pleadings and all subsequently filed pleadings.

(b) If the county welfare agency fails to comply with the provisions of subsection (a) of this section and is ordered by a court to take actions which are determined by USDA to be inconsistent with the Food Stamp Act and its regulations or instructions, the county welfare agency may be liable for the amount of bonus coupons issued pursuant to the court order.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Administrative Practice Officer
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revision of Assistance Standards Handbook on \$30.00 Incentive Payment to AFWP Clients in CETA

Ann Klein, Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend N.J.A.C. 10:82-4.6 and 4.7 to revise the rule in the Assistance Standards Handbook regarding the \$30.00 incentive payment to AFWP clients who are CETA trainees.

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

10:82-4.6 Disregard of CETA Incentive Allowance in AFDC and AFWP

Incentive allowances of \$30.00 per week to AFDC and AFWP recipients who are trainees in a CETA program are exempt in the determination of eligibility and grant entitlement. Additional incentive allowances are to be counted as unearned income; all other payments through CETA are earned income and shall be treated accordingly.

10:82-4.7(b) [Payments made through CETA to AFWP recipients are recognized as earned income and are subject to the above disregards.]

10:82-4.7 Renumber subsection (c) as (b).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Administrative Practice Officer
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Change in Reporting Court Testimony

Ann Klein, Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend N.J.A.C. 10:81-7.32(b)3 to revise the rule regarding report of court testimony.

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

10:81-7.32(b)3. In no instance is it intended that any officer or employee of the agency shall place him/herself in con-

tempt of court through refusal to follow the orders of a court. However, the above action as appropriate shall be taken in all instances, and a report of the results shall be entered in the case record [and forwarded immediately to the Division of Public Welfare].

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Administrative Practice Officer
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Amendments on Child Care Licensing

Harold P. Rosenthal, Acting Director of the Division of Youth and Family Services in the Department of Human Services, pursuant to authority of N.J.S.A. 18A:70-1 et seq., proposes to adopt revisions to N.J.A.C. 10:22-2.4(c)2, 10:122-2.5(e), 10:122-2.6(g), 10:122-2.6(h) and a new addition governing child care licensing.

The revisions cover requirements for resting periods, hot lunches and tuberculin tests and physical examinations of staff and new requirements concerning lead paint.

Copies of eight pages of full text of the proposals may be obtained from or made available for review by contacting:

Harold P. Rosenthal, Acting Director
Division of Youth and Family Services
1 South Montgomery Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to Harold P. Rosenthal at the above address.

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

Harold P. Rosenthal
Acting Director
Division of Youth and Family Services
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Concerning Debarment, Suspension and Disqualification of Providers in Medicaid Program

On February 24, 1977, Ann Klein, Commissioner of

Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:49-1.18 concerning debarment, suspension and disqualification of providers in the Medicaid Program, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 552(a).

An order adopting these revisions was filed and became effective on March 1, 1977, as R.1977 d.64.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rules on Shared Health Care Facilities

On March 2, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:49-9.1 et seq., on shared health care facilities, substantially as proposed in the Notice published March 4, 1976, at 8 N.J.R. 120(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these rules was filed and became effective on March 2, 1977, as R.1977 d.65.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments Concerning List of Allowable Mental Health Treatment Services

On March 2, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 10:66-1.13(d), concerning the list of allowable mental health treatment services, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 83(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 3, 1977, as R.1977 d.67.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions in Disregard of Scholarships and Grants For Eligible Persons Attending School or College

On March 7, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:82-1.4 concerning disregard of scholarships and grants for eligible persons attending school or college, substantially as proposed in the Notice published August 5, 1976, at 8 N.J.R. 384(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these revisions was filed on March 9, 1977, as R.1977 d.75 to become effective on April 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Proposed Revision to Permit Reduction in Size And Weight of Insurance Identification Cards

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and 39:3-29.1, proposes to revise N.J.A.C. 11:3-6.2 to permit a reduction in size and weight of insurance identification cards.

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

11:3-6.2

(b) The specifications on the permanent insurance identification card are set forth below:

1. The size shall be approximately [3½ inches by 7¼ inches] **3½ inches by 5 inches** (tolerance of ¼ inch permitted).

2. The weight shall be [40 pound stock] **24 pound white ledger paper stock** (minimum).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Herman Hanssler, Assistant 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 this rule substantially as proposed without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(c)

INSURANCE

THE COMMISSIONER

Proposed Recertification of Rule Requiring 30 Days Notice of Fire and Casualty Coverage Cancellation

James J. Sheeran, Commissioner of Insurance, pursuant to his authority under N.J.S.A. 17:29C-1 et seq., proposes to recertify the adoption of the following rule concerning notice requirements for cancellation and nonrenewal of fire and casualty coverage. This is not a new adoption; it provides for the continuation of a rule recertified annually since July 3, 1968 in accordance with N.J.S.A. 17:29C-3. Upon recertification this rule will be indexed as 11:2-17.1.

Full text of the rule follows:

11:2 17.1 Notice of cancellation and nonrenewal of Fire and Casualty Coverage.

(a) All fire and casualty policies of insurance, except accident and health policies, shall provide for the issuing company to give:

1. Thirty days' written notice to the assured of the cancellation of any policy.

2. Thirty days' written notice of cancellation of any policy to any mortgagee mentioned in said policy; and

3. Thirty days' written notice to the assured of said company's intent not to renew any policy.

(b) Notices of cancellation and nonrenewal providing less than thirty days' notice issued by any company doing business in New Jersey to be effective on or after July 1, 1977 will be null and void and the provisions of the directive shall apply except for the notice requirements contained in Chapter 158, P.L. 1968 (N.J.S. 17:29C-6 et seq.), Chapter 70, P.L. 1972 and Chapter 203, P.L. 1972 (N.J.S. 39:6A-1 et seq.).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 or appear at a hearing to be held at 10:00 a.m. in the Departmental hearing room at the below address:

Naomi LaBastille, Hearing Officer
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(d)

INSURANCE

REAL ESTATE COMMISSION

Revisions Concerning Rental Location Operations

On March 9, 1977, the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority

of N.J.S.A. 45:15-6, 45:15-10, 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 11:5-1.32 concerning rental location operations, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 91(c).

An order adopting these revisions was filed and became effective on March 10, 1977, as R.1977 d.83.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

REAL ESTATE COMMISSION

Amendments Concerning Advertising

On March 9, 1977, the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-10, 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.15(a) and 11:5-1.16(b) concerning advertising, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 91(d).

An order adopting these amendments was filed and became effective on March 10, 1977, as R.1977 d.84.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Adopt Revisions on Consent to Non-Renewal Of Private Passenger Auto Coverage

On March 23, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 39:6A-3 and in accordance with the applicable provisions of the Administrative Procedure Act readopted N.J.A.C. 11:3-8.1(e)11 concerning consent to nonrenewal of private passenger auto coverage, substantially as proposed on January 6, 1977 at 9 N.J.R. 24(c), but with subsequent inconsequential language changes, in the opinion of the Department of Insurance.

An order adopting this rule was filed and became effective on March 23, 1977 as R.1977 d.100.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

THE COMMISSIONER

Rescission of Rule on Temporary Waiver of One-Week Waiting Period for Unemployment Benefits

On February 22, 1977, John J. Horn, Acting Commis-

sioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-11(a) and (b) and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rescission of the temporary rule, adopted February 7, 1977, as R.1977 d.30, concerning the temporary waiver of the one-week waiting period for unemployment benefits.

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

[The existing provisions of the Unemployment Compensation Law shall be waived so that a claimant shall not be required to establish three consecutive weeks of eligibility following the first week of unemployment in order to receive unemployment benefits for the first week.]

An order rescinding this temporary rule was filed on February 24, 1977, as R.1977 d.54 (Exempt, Emergency Rule) to become effective on February 26, 1977. This rescission is not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY MEDICAL EXAMINERS

Proposed Rules on Application for Examination And Examination Grades—Proposed Revisions

George E. Boyle, V.M.D., secretary of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:16-1 et seq., proposes to adopt revisions to the rules concerning application for examination and examination grades.

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

13:44-1.1 Application for Examination

Applications for examination accompanied by the required fees and proof that the applicant has the necessary educational qualifications shall be filed with the secretary at least [14 days] **one month** before the day of the examination.

13:44-1.2 Examination Grades

(a) Applicants shall be required to attain a grade of 70 in all examination subjects as a prerequisite to licensure[.], **except that** [(b) An] **an applicant attaining a grade of less than 70 in [any] only one subject may be re-examined in that subject at a time and place designated by the Board. An applicant attaining a grade of less than 70 in two or more subjects shall be required to retake the entire examination.**

(b) Where an applicant has failed two or more subjects but has passed the practical examination, the Board, at its discretion, may allow the successful grade of the practical examination to apply through the next examination scheduled by the Board.

(c) An unsuccessful candidate may apply to the Board for a review of his or her examination papers. Such application must be submitted to the Board Secretary in writing within two (2) months following notification of examination results, and the Secretary shall subsequently arrange a date for the candidate to review his or her examination papers and grades in the Board office with an Examiner.

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

Board of Veterinary Medical Examiners
1100 Raymond Boulevard, Room 324
Newark, New Jersey 07102

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

George E. Boyle, V.M.D.
Secretary, Board of Veterinary
Medical Examiners

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Proposed Rule on Maintenance of Records By Municipal and County Agencies

William J. Wolfe, Superintendent of Weights and Measures in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to the authority of N.J. S.A. 51:1-54, proposes to adopt a new rule requiring county and municipal superintendents of weights and measures to keep a complete record of all commodities reweighed or remeasured in the performance of their official duties.

Full text of new rule follows:

SUBCHAPTER 6 MAINTENANCE OF RECORDS BY COUNTY AND MUNICIPAL OFFICES OF WEIGHTS AND MEASURES

13:47B-6.- Maintenance of records

(a) Every county and municipal superintendent and their respective assistant superintendents shall keep a complete record of all commodities weighed and/or measured in the performance of their official duties.

Such report shall contain:

1. The name of the commodity weighed and/or measured;
2. The name and location of the manufacturer or packer of the commodity;
3. The name and location of the place where the commodity was sold or offered for sale;
4. The type of container involved (e.g., metal, glass, paper, foil, plastic, wood);
5. The tare weight and quantity markings of the commodity weighed;
6. The number of containers weighed and/or measured of the commodity;
7. The number of containers found to be correct;
8. As to each container found to be incorrect, the amount over or under the quantity represented of the commodity;

9. A statement as to whether or not a court action was instituted.

i. If so, the following information is required:

A. The number of separate violations the accused was charged with;

B. The name of the court where proceedings were instituted; and

C. The results thereto.

ii. If not, the following information is required:

A. A brief statement as to why a court proceeding was not instituted;

B. The name of person who made the decision not to prosecute.

10. Such other information as the State Superintendent may from time to time prescribe.

13:47B-6.2 Forms for the maintenance of records

(a) Form for the record of reweigh or remeasurement of standard packaged commodities (sample attached).

(b) Form for the record of reweighings of random packaged complaints (sample attached).

13:47D-6.3 Length of time records are to be maintained

All records of commodities reweighed or remeasured shall be kept and preserved for a period of two (2) years from the date the operation is performed. These records shall be open at all times for inspection by the State Superintendent or any member of his staff.

Statutory reference—N.J.S.A. 51:1-54.

Note: Forms are not reproduced herein. Copies may be obtained from the address given below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1977 to: James R. Bird, Deputy State Superintendent of Weights and Measures, 187 West Hanover Street, Trenton, New Jersey 08625.

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

William J. Wolfe, Sr.,
Superintendent
Office of Weights and Measures
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF NURSING

Amendments Concerning Intravenous Therapy

On February 25, 1977, Richard E. David, Executive Director of the Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d)(19) and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:37-6.2 concerning intravenous therapy, substantially as proposed in the Notice published May 6, 1976, at 8 N.J.R. 250(b), with only inconsequential structure or language changes, in the opinion of the Department of Law and Public Safety.

(Continued on Page 28)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through March 24. It is adjusted the month following that in

which a mailing of update pages has been completed.

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

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
AGRICULTURE — TITLE 2			
2:17-6.1(d)5.	Revisions on tomato transplants	R.1977 d.87	9 N.J.R. 158(a)
2:17-7.1	Pepper transplants	R.1977 d.88	9 N.J.R. 158(b)
2:34-1.1	Revisions on breeder award levels	R.1976 d.379	9 N.J.R. 2(a)
2:48 through 2:53	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.31	9 N.J.R. 110(b)
2:54-3.9	Rule on handling of milk in N.Y.-N.J. marketing area	R.1977 d.97	9 N.J.R. 159(a)
2:85-1.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
2:85-1.1 et seq.	Ratify prior adoption of rules on farmland preservation	R.1977 d.33	9 N.J.R. 110(c)
(Rules in the Administrative Code for Title 2 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 9.)			
BANKING — TITLE 3			
3:1-1.1	Revised interest rates	R.1976 d.404	9 N.J.R. 4(a)
3:11-3.1	Revisions on small business investment co.	R.1976 d.416	9 N.J.R. 4(b)
3:11-3.1 et seq.	Revisions on small business investment companies	R.1977 d.23	9 N.J.R. 112(c)
(Rules in the Administrative Code for Title 3 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 8.)			
CIVIL SERVICE — TITLE 4			
(Rules in the Administrative Code for Title 4 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 9.)			
COMMUNITY AFFAIRS — TITLE 5			
5:30-8.9	Unbudgeted school aid refunds per P.L. 1977, c.15	R.1977 d.81	9 N.J.R. 165(a)
5:30-14.4	Change order procedures for local public contracts	R.1977 d.82	9 N.J.R. 166(a)
5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	9 N.J.R. 10(a)
5:80-1.1 et seq.	Rules on increase rent or carrying charges; increase income limits	R.1977 d.71	9 N.J.R. 164(c)
(Rules in the Administrative Code for Title 5 include all adoptions prior to Nov. 22, 1976—Transmittal Sheet No. 7.)			
EDUCATION — TITLE 6			
6:3-2.1	Revised definition of parent	R.1977 d.68	9 N.J.R. 167(a)
6:3-2.5(d)	Revisions on access to pupil records	R.1977 d.68	9 N.J.R. 167(a)
6:3-3.1 et seq.	Rules on withdrawal from limited purpose regional school districts	R.1976 d.286	8 N.J.R. 458(a)
6:11-3.12	Revisions on athletic coaches	R.1977 d.70	9 N.J.R. 167(c)
6:11-4.1	Repeal rule on regular certificate	R.1977 d.6	9 N.J.R. 68(a)
6:11-4.6	Revisions on two-month certificates	R.1977 d.26	9 N.J.R. 114(a)
6:11-8.8	Amendments on bilingual bicultural education	R.1976 d.289	8 N.J.R. 459(b)
6:11-8.9	Amendments on teaching English as a second language	R.1976 d.288	8 N.J.R. 459(a)
6:11-12.24	Teacher-coordinator of cooperative vocational-technical program	R.1976 d.294	8 N.J.R. 459(c)
6:20-7.1 et seq.	Rules on debarment in contract administration	R.1976 d.388	9 N.J.R. 13(a)
6:21-1.3(a)	Revised definition of remote from the schoolhouse	R.1976 d.342	8 N.J.R. 546(b)
6:21-6.24(f)	Amendment on identification and warning lamps	R.1976 d.387	9 N.J.R. 12(c)
6:21-19.1	School bus warning lamps (strobe)	R.1976 d.386	9 N.J.R. 12(b)
6:24-1.1 et seq.	Revised rules on controversies and disputes	R.1976 d.308	8 N.J.R. 505(b)
6:26-3.1 et seq.	Approved public elementary summer schools	R.1976 d.365	8 N.J.R. 546(c)
6:27-3.1 et seq.	Revisions on approved secondary school summer sessions	R.1976 d.366	8 N.J.R. 546(d)
6:27-3.1	Revisions on approved secondary school summer sessions	R.1977 d.28	9 N.J.R. 114(c)
6:29-6.3	Amendments on athletics personnel	R.1977 d.69	9 N.J.R. 167(b)
6:39-1.2(g)	Revisions on dissemination of information	R.1977 d.27	9 N.J.R. 114(b)
(Rules in the Administrative Code for Title 6 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 8.)			

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	R.1977 d.20	9 N.J.R. 62(b)
7:1D-1.1 et seq.	Farmland preservation demonstration project	R.1976 d.318	8 N.J.R. 510(c)
7:7A-1.13(a)	Extend wetlands order to Middlesex and Monmouth Counties	R.1976 d.364	8 N.J.R. 548(c)
7:9-4.6, 4.7, 4.9	Revise surface water quality standards	R.1976 d.349	8 N.J.R. 548(a)
7:12-1.1 et seq.	Revisions on condemnation of certain shellfish beds	R.1977 d.74	9 N.J.R. 169(b)
7:12-1.3(a)39.	Revised rules on condemnation of shellfish beds	R.1976 d.372	8 N.J.R. 548(b)
7:12-1.3(a)39.	Revisions on condemnation of certain shellfish beds	R.1977 d.73	9 N.J.R. 169(a)
7:13-1.11(d)9.	Amendment on delineated floodways in Raritan Basin	R.1976 d.317	8 N.J.R. 510(b)
7:25-7.12	Restricted access to Lake Musconetcong	R.1976 d.348	8 N.J.R. 547(c)
7:25-11.2 through 7:25-11.4	Criteria for possession of endangered wildlife	R.1977 d.39	9 N.J.R. 118(c)
7:25-12.1	Revisions in preservation of seaclam resources	R.1976 d.427	9 N.J.R. 77(b)
7:25-13.1	Marking of leased tidal grounds in the Delaware River and Bay	R.1977 d.16	9 N.J.R. 78(a)
7:26-2.5, 2.13, 3.4	Revision on sanitary landfills	R.1976 d.303	8 N.J.R. 509(a)
7:26-4.1 et seq.	Revised fees of the Bureau of Solid Waste Management	R.1976 d.327	8 N.J.R. 510(d)
7:27-6.1 et seq.	Revisions on air pollution control	R.1977 d.95	9 N.J.R. 170(c)
7:27-15.4	Emergency revisions in automobile air pollution controls	R.1977 d.1	9 N.J.R. 77(c)
Temporary	Amendments to 1976 Game Code limiting lead pellet shotgun shells	R.1976 d.307	8 N.J.R. 509(b)
Temporary	1977 Fish Code	R.1976 d.316	8 N.J.R. 510(a)
Temporary	Amend 1976-1977 Game Code concerning muskrat trapping	R.1977 d.85	9 N.J.R. 170(a)
Temporary	Extension of commercial shooting preserve season	R.1977 d.86	9 N.J.R. 170(b)

(Rules in the Administrative Code for Title 7 include all adoptions prior to Sept. 27, 1976—Transmittal Sheet No. 7.)

HEALTH — TITLE 8

8:7-1.1 et seq.	Revisions on licensure of persons for certain public health positions	R.1977 d.102	9 N.J.R. 173(a)
8:22-1.13	Revisions on occupancy limits in campgrounds	R.1977 d.22	9 N.J.R. 81(b)
8:30-12.2(f)	Amendments on fire detection systems in nursing homes	R.1976 d.420	8 N.J.R. 18(d)
8:31-6.1	Determination of health care facilities	R.1977 d.43	9 N.J.R. 119(a)
8:31-9.1 et seq.	Standards for planning computerized axial tomography units	R.1977 d.44	9 N.J.R. 120(a)
8:31-16.16	Patient origin studies data	R.1977 d.45	9 N.J.R. 120(b)
8:31-22.1	Revisions on doctors' offices owned and/or sponsored by and serving health care facilities	R.1977 d.46	9 N.J.R. 120(c)
8:31-23.1(a)	Revisions on parking garages of health care facilities	R.1977 d.47	9 N.J.R. 120(d)
8:31-24.1(a)	Revisions in construction of interns, residents and nurses housing	R.1977 d.48	9 N.J.R. 120(e)
8:31A-10.4	Rule on distribution of net worth or surplus	R.1977 d.49	9 N.J.R. 120(b)
8:31-26.1	Ownership or operation of health care facilities	R.1977 d.21	9 N.J.R. 81(a)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	9 N.J.R. 18(a)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(d)
8:43A-1.10(r)	Amendments on fire detection system in hospitals	R.1976 d.419	9 N.J.R. 18(c)
8:43A-1.67	Rules on emergency and disaster procedures	R.1977 d.50	9 N.J.R. 121(a)
8:43A-1.66(g)	Revisions concerning ambulatory care facilities	R.1976 d.357	8 N.J.R. 551(a)
8:43B-3.2(a)	Amendments concerning fire protection and safety	R.1977 d.51	9 N.J.R. 121(b)
8:43B-3.2(i)	Rules on facilities providing family practice	R.1976 d.358	8 N.J.R. 551(b)
8:43B-8.3(d)	Revisions on maternal and newborn services	R.1977 d.92	9 N.J.R. 172(c)
8:53-1.1 et seq.	Rules on implementing the Local Health Services Act	R.1977 d.91	9 N.J.R. 172(b)
8:65-9.1 et seq.	Delete and mark subchapter Reserved	R.1976 d.376	9 N.J.R. 17(b)
8:65-10.1(a)4.	Addition of prazepam as a controlled dangerous substance	R.1977 d.101	9 N.J.R. 172(d)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.355	8 N.J.R. 550(c)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.418	9 N.J.R. 18(b)
Temporary	1976-1977 State Medical Facilities Plan	R.1977 d.103	9 N.J.R. 173(b)

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

HIGHER EDUCATION — TITLE 9

9:1-1.18(c)	Standards for courses offered in secondary schools	R.1976 d.389	9 N.J.R. 19(a)
9:4-3.20	Revisions on spacing of purchase order	R.1977 d.15	9 N.J.R. 81(d)
9:4-3.24	Delete and Reserve section	R.1977 d.15	9 N.J.R. 81(d)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	9 N.J.R. 18(e)
9:9-1.21 et seq.	Revisions to policies and procedures concerning student loans	R.1977 d.104	9 N.J.R. 173(c)

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

HUMAN SERVICES — TITLE 10

10:49-1.18	Debarment, suspension and disqualification of providers in Medicaid	R.1977 d.64	9 N.J.R. 176(b)
10:49-1.25	Revisions on temporary fees reduction regarding Medicaid	R.1977 d.12	9 N.J.R. 91(a)
10:49-1.31	Procedures for involuntary transfer of patients	R.1977 d.62	9 N.J.R. 126(e)
10:49-1.33	New Jersey Medicaid Formulary	R.1977 d.36	9 N.J.R. 125(c)

10:49-9.1 et seq.	Shared health care facilities	R.1977 d.65	9 N.J.R. 176(c)
10:51-1.4, 1.5	Revisions on Federally required prescription information	R.1976 d.414	9 N.J.R. 23(f)
10:51-1.7	Revisions to various Manual concerning elimination of certain prior authorization requirements	R.1977 d.38	9 N.J.R. 125(d)
10:51-1.10(d)	Revisions on pharmacy dispensing fees	R.1977 d.11	9 N.J.R. 90(c)
10:59-1.9(c)	Ownership of durable medical equipment	R.1977 d.14	9 N.J.R. 91(b)
10:66-1.13(d)	List of allowable mental health treatment services	R.1977 d.67	9 N.J.R. 176(d)
10:81-2.2, 3.8	Revisions concerning pregnant women	R.1976 d.408	9 N.J.R. 23(c)
10:81-7.40 et seq.	Revisions on fraudulent receipt of assistance	R.1977 d.9	9 N.J.R. 90(b)
10:82-1.2(c)2	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(a)
10:82-1.3(a)2.	Revision concerning eligible unit	R.1976 d.407	9 N.J.R. 23(b)
10:82-1.4	Disregard of scholarships and grants for eligible persons attending school or college	R.1977 d.75	9 N.J.R. 177(a)
10:82-2.15, 2.16	Recoupment of overpayments	R.1977 d.55	9 N.J.R. 125(e)
10:82-2.19	Institutionalized child returning temporarily to home	R.1976 d.409	9 N.J.R. 23(d)
10:82-3.2	Revisions on exempt resources	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.2	Revisions on self-employed	R.1976 d.410	9 N.J.R. 23(e)
10:82-4.6	Revisions on value of home produce	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.12	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(c)
10:82-5.11	Revisions on expenses incident to training	R.1976 d.405	9 N.J.R. 22(b)
10:87-4.8 and 4.9	Revision on food stamp eligibility	R.1977 d.58	9 N.J.R. 126(c)
10:87-6.41(a)	Revisions on repayment of food stamp overissuances	R.1977 d.59	9 N.J.R. 126(d)
10:94-4.31(a)	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:94-4.41	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:122-2.3	Revisions for child care licensing	R.1977 d.24	9 N.J.R. 125(b)

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

INSURANCE — TITLE 11

11:1-5.3	Withdrawal of rule on surcharge	R.1977 d.17	9 N.J.R. 93(a)
11:1-7.1 et seq.	Service and placement fees	R.1976 d.266	8 N.J.R. 422(b)
11:1-8.1 et seq.	Property-casualty agents	R.1976 d.267	8 N.J.R. 423(a)
11:1-12.1 et seq.	Corporate and partnership licensee requirements	R.1976 d.412	9 N.J.R. 24(b)
11:3-8.1(b), 8.1(e)	Revisions on nonrenewals	R.1976 d.413	9 N.J.R. 24(c)
11:3-8.1(e)11.	Revision on consent to nonrenewal of private passenger auto coverage	R.1977 d.100	9 N.J.R. 178(b)
11:3-8.1(g)	Rule on consent to nonrenewal of private passenger auto coverage	R.1976 d.328	8 N.J.R. 516(e)
11:3-10.4	Revisions on auto physical damage claims	R.1976 d.371	8 N.J.R. 559(c)
11:4-11.1 et seq.	Rules on life insurance solicitations	R.1976 d.329	8 N.J.R. 517(a)
11:5-1.10(b)	Revisions on salesmen's commissions	R.1976 d.254	8 N.J.R. 422(a)
11:5-1.15(a)	Amendment on advertising rules	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.15(e)	Area advertising	R.1976 d.276	8 N.J.R. 482(a)
11:5-1.16(b)	Amendment on prohibited advertising practice	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.25(a)	Revisions on sales of interstate properties	R.1976 d.275	8 N.J.R. 516(d)
11:5-1.25(h)	Amendments on sales of interstate properties	R.1977 d.35	9 N.J.R. 127(b)
11:5-1.32	Revisions on rental location operations	R.1977 d.83	9 N.J.R. 177(d)
Temporary	Rule on final hospital payment rates; cost review	R.1977 d.18	9 N.J.R. 93(b)

(Rules in the Administrative Code for Title 11 include all adoptions prior to August 13, 1976—Transmittal Sheet No. 7.)

LABOR AND INDUSTRY — TITLE 12

(Rules in the Administrative Code for Title 12 include all adoptions prior to Oct. 25, 1976—Transmittal Sheet No. 6.)

LAW AND PUBLIC SAFETY — TITLE 13

13:27-3.4	Revisions on licensing	R.1976 d.423	9 N.J.R. 41(b)
13:28-1.3 et seq.	Revisions to rules of Board of Beauty Culture	R.1977 d.34	9 N.J.R. 129(a)
13:30-8.2	Additional dental hygiene functions	R.1976 d.353	8 N.J.R. 561(a)
13:30-8.3	Rule on use of general anesthesia by dentists	R.1976 d.367	8 N.J.R. 561(b)
13:30-8.4	Announcement of practice in special area of dentistry	R.1976 d.370	8 N.J.R. 562(a)
13:30-8.5	Complaint review procedure	R.1976 d.422	9 N.J.R. 4i(a)
13:31-1.10	Rule on electrical contracting	R.1976 d.369	8 N.J.R. 563(a)
13:33-1.13(c)	Rule on candidates' review of examination	R.1977 d.99	9 N.J.R. 186(b)
13:33-1.25	Revisions on temporary addresses	R.1977 d.42	9 N.J.R. 129(b)
13:35-8.24	Rule concerning fee schedules	R.1977 d.7	9 N.J.R. 94(c)
13:37-1.1	Revised definition of professional nursing	R.1976 d.368	8 N.J.R. 575(a)
13:37-6.2	Amendments on intravenous therapy	R.1977 d.66	9 N.J.R. 179(b)
13:37-9.6	Waivered practical nurses licensure by examination	R.1976 d.411	9 N.J.R. 26(c)
13:43-1.1 et seq.	Revisions concerning shorthand reporters	R.1977 d.98	9 N.J.R. 186(a)
13:43A-1.1 et seq.	Rules on shorthand reporting	R.1977 d.98	9 N.J.R. 186(a)
13:45-1.1 et seq.	Revisions on procedures on administrative complaints	R.1977 d.93	9 N.J.R. 184(a)

13:45A-2.1 et seq.	Revisions on motor vehicle advertising rules	R.1976 d.362	8 N.J.R. 563(b)
13:47E-2.1	Retention of public or certified weighing records	R.1976 d.421	9 N.J.R. 26(d)
13:57-1.1 et seq.	Rules on uniform crime reporting systems	R.1976 d.397	9 N.J.R. 26(b)
13:70-4.1	Revisions to harness and thoroughbred racing rules	R.1977 d.8	9 N.J.R. 94(d)
13:71-7.1, 7.13	Revisions to harness and thoroughbred racing rules	R.1977 d.8	9 N.J.R. 94(d)

(Rules in the Administrative Code for Title 13 include all adoptions prior to Nov. 8, 1976—Transmittal Sheet No. 8.)

PUBLIC UTILITIES — TITLE 14

14:5-7.1 et seq.	Delete entire text of Subchapter	R.1977 d.37	9 N.J.R. 139(a)
14:5-7.1 et seq.	Delete rules on electrical inspection authorities	R.1977 d.37	9 N.J.R. 139(a)

(Rules in the Administrative Code for Title 14 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 6.)

STATE — TITLE 15

15:10-3.1 et seq.	Rules on all election district maps	R.1976 d.375	9 N.J.R. 42(b)
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(Rules in the Administrative Code for Title 15 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 8.)

TRANSPORTATION — TITLE 16

16:28-1.33	Revised speed zones on Route 41	R.1976 d.380	9 N.J.R. 42(c)
16:28-1.49	Revised speed zones on parts of Route 35	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.66	Revised speed zones on Route 175	R.1976 d.380	9 N.J.R. 42(c)
16:28-1.132	Revised speed zones on parts of Route 47	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.133, 1.134	Delete and mark Reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-3.123	Restricted parking on parts of Routes 24, U.S. 202 and 27	R.1976 d.352	8 N.J.R. 582(b)
through 16:28-3.127			
16:28-3.128	Restricted parking on Routes 82, 28 and U.S. 9	R.1976 d.382	9 N.J.R. 43(a)
through 16:28-3.130			
16:28-3.135, 3.136	Restricted parking on various State highways	R.1977 d.2	9 N.J.R. 99(a)
26:28-3.137	Restricted parking on Route 166	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.138	Restricted parking on Route 28	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.139	Restricted parking along Routes 173, 24, U.S. 202 and U.S. 71	R.1977 d.80	9 N.J.R. 190(e)
through 16:28-3.142			
16:28-4.3	Repeal rule on one-way traffic on parts of Route 79	R.1977 d.76	9 N.J.R. 190(a)
16:28-6.14	No left turns on Route 35 in Matawan Township	R.1976 d.381	9 N.J.R. 42(d)
16:28-6.15	Left turns on parts of Route 171	R.1977 d.3	9 N.J.R. 99(b)
16:28-3.131	Restricted parking on various State highways	R.1977 d.4	9 N.J.R. 99(c)
through 16:38-3.134			
16:28-11.1	Drawbridge use on Route 52	R.1977 d.5	9 N.J.R. 99(d)
16:28-12.1 et seq.	No right turns on red signal on various State roads	R.1977 d.10	9 N.J.R. 100(a)
16:28-12.16(a)5.	Amendment on no-right turns on red on parts of Route 23	R.1977 d.79	9 N.J.R. 190(d)
16:28-13.1	Limited access prohibition on parts of Route 208	R.1977 d.78	9 N.J.R. 190(c)
16:28-14.1	Speed limits on State highways under construction or repair	R.1977 d.60	9 N.J.R. 142(a)
16:41-8.4, 8.6	Revised general restrictions	R.1976 d.350	8 N.J.R. 581(b)
16:55-1.1 et seq.	Revised rules on aeronautical activities	R.1977 d.52	9 N.J.R. 141(a)

(Rules in the Administrative Code for Title 16 include all adoptions prior to Nov. 8, 1976—Transmittal Sheet No. 7.)

TREASURY-GENERAL — TITLE 17

17:1-1.18	Revisions on general administration	R.1977 d.32	9 N.J.R. 147(c)
17:1-1.21	Rules for pensioners' group health insurance plan	R.1976 d.338	8 N.J.R. 586(b)
through 17:1-1.23	Revisions concerning officers and committees		
17:2-1.3	Rules on debarment, suspension and disqualification of persons	R.1976 d.333	9 N.J.R. 48(a)
17:3-6.25	Medical examinations regarding Teachers' Pension and Annuity Fund	R.1977 d.96	9 N.J.R. 200(a)
17:2-2.14	Amendments on full monthly payments	R.1977 d.61	9 N.J.R. 148(a)
17:12-6.1 et seq.	Rules on bid and performance bonds	R.1976 d.377	9 N.J.R. 47(a)
17:12-6.4	Informalities in bidding	R.1977 d.40	9 N.J.R. 147(d)
17:12-6.5	Automatic rejection of bids	R.1977 d.41	9 N.J.R. 147(e)
17:12-7.1 et seq.	Rules on bid and performance bonds	R.1976 d.378	9 N.J.R. 47(b)
17:16-5.5	Revised temporary reserve group; classification of funds	R.1977 d.13	9 N.J.R. 100(d)
17:16-7.4	Revised rule on legal papers	R.1976 d.401	9 N.J.R. 46(a)
17:16-8.2	Revised rule on legal papers	R.1976 d.402	9 N.J.R. 46(b)

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

TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq.	Instructions on homestead tax rebate claims	R.1976 d.333	8 N.J.R. 582(c)
18:12-7.11	Extension of filing date	R.1976 d.339	8 N.J.R. 586(c)
18:12-7.11	Revisions on extension of filing date; homestead rebates	R.1977 d.90	9 N.J.R. 199(b)

(Continued from Page 23)

Full text of the amended rule follows (additions indicated in boldface thus):

13:37-6.2 Intravenous therapy

(a) A **registered** professional nurse may administer intravenous therapy within the meaning of N.J.S.A. 45:9-21(k) in the absence of a regularly licensed physician or surgeon provided:

1. The employing agency has established a joint committee including the administrative, medical, **pharmacy**, laboratory and nursing staff, to establish and coordinate a program of intravenous therapy;

2. The nurse has received a course of instruction in intravenous therapy and has been approved for the administering of such tests by the joint committee;

3. **The joint committee shall develop a list of medications which the registered professional nurse may administer intravenously, and under what circumstances they may be administered.**

An order adopting these amendments was filed and became effective on March 2, 1977, as R.1977 d.66.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Revisions Concerning Procedures On Administrative Complaints

On March 17, 1977, William F. Hyland, 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, adopted revisions to the rules concerning procedures on administrative complaints within the Division of Consumer Affairs in the Department of Law and Public Safety.

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

13:45-1.1 Definitions

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

"Act" means the New Jersey Consumer Protection Act, N.J.S.A. 56:8-1 et seq. as amended and/or supplemented or any regulation adopted thereunder.

"Attorney for the Division" means an attorney appointed or assigned by the Attorney General of New Jersey to represent and render legal services to the Division of Consumer Affairs.

"Complainant" means any person, including the Attorney General or the Director alleging an unlawful practice within the meaning of [N.J.S.A. 56:8-1 et seq.] **the Act.**

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

"Division" means the Division of Consumer Affairs, Department of Law and Public Safety.

"Hearing examiner" means any person designated by the Attorney General or the Director to conduct any hearing **alleging violations of the Act.**

"Respondent" means any person charged with an unlawful practice under [N.J.S.A. 56:8-1 et seq.] **the Act.**

13:45-1.2 Scope

The following rules shall constitute the practice and procedure and shall govern all contested cases as defined by the New Jersey Administrative Procedure Act N.J.S.A. 52:14B-2(b) before the Division of Consumer Affairs, where a violation of [N.J.S.A. 56:8-1 et seq.] **the Act** is alleged.

13:45-1.3(b) The Director or [his] **the Director's** representative may, upon notice to all parties, relax the application of these rules where the interest of justice will be served thereby.

13:45-1.4(b) In any matter not expressly controlled by these rules or by statute, the Director shall exercise [his] discretion.

13:45-2.1(b) For the purpose of applying this rule, a "merchant" is a person as defined by N.J.S.A. 56:8-1(d) engaged in the business of selling merchandise as defined by N.J.S.A. 56:8-1(c).

13:45-2.1(c) For the purpose of applying this rule, a "consumer" shall be [defined as an individual] **a person as**

18:24-9.12 et seq.	Revisions to rules on Sales and Use Tax Act	R.1977 d.29	9 N.J.R. 147(b)
18:30-2.1 et seq.	Revisions for capital gains and unearned income tax	R.1976 d.399	9 N.J.R. 49(a)
18:30-15.13	Delete and mark Reserved	R.1976 d.398	9 N.J.R. 48(b)
18:30-15.13	New rule on information furnished at source	R.1976 d.400	9 N.J.R. 48(c)
18:35-1.1	Summer payment plan; gross income tax	R.1976 d.415	9 N.J.R. 52(a)
18:35-1.2	Clergymen and gross income tax	R.1976 d.424	9 N.J.R. 52(b)
18:35-1.3	Declaration of 1976 estimated tax	R.1976 d.425	9 N.J.R. 52(c)
18:35-1.5	Information furnished at source payers other than interest	R.1977 d.19	9 N.J.R. 101(a)
18:35-1.6	Treatment of capital gains and losses pursuant to P.L. 1976, c.47	R.1977 d.94	9 N.J.R. 199(c)

(Rules in the Administrative Code for Title 18 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 7.)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1977 d.53	9 N.J.R. 152(a)
19:6-1.2 et seq.	Revisions concerning District Building Code	R.1977 d.25	9 N.J.R. 150(a)
19:8-1.9	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:8-3.1	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:9-1.1 et seq.	Revisions on control of traffic on the Turnpike	R.1977 d.63	9 N.J.R. 203(a)
19:25-15.1 et seq.	Rules on public financing of general elections for Governor	R.1977 d.72	9 N.J.R. 201(a)

(Rules in the Administrative Code for Title 19 include all adoptions prior to Nov. 1, 1976—Transmittal Sheet No. 7.)

defined by N.J.S.A. 56:8-1(d) who purchases merchandise for personal or private use or for profit. [and not incident to any regular commercial activity.]

13:45-3.1(a) Whenever it shall appear to the Director that a violation of the Act has occurred, is occurring or may occur and that the matter warrants a formal administrative hearing to effectuate the policies underlying said Act, [he] **the Director** may cause to be issued a notice of hearing and complaint seeking any relief authorized by the Act.

13:45-3.1(b) The complaint shall be returnable in not less than five nor more than [15] **30** days from the date of service thereof.

13:45-3.1(d) 4. A statement that should the respondent fail to appear a default will be entered and the complainant will proceed with [his] proofs in support of the relief demanded;

13:45-3.2(a) 1. Where the respondent is an individual by personally delivering a copy of the notice of hearing and complaint [to him personally]; or by leaving copies thereof at [his] **the respondent's** dwelling house or usual place of abode with a competent household member [of his family] of the age of 14 years or over then residing therein; or by delivering copies thereof to a person authorized by appointment or by law to receive service of process on [his] **the respondent's** behalf. Where such service cannot be obtained, substituted service therefor may be made in the following manner:

13:45-3.2(a) 4. In [the event that personal service cannot be effected in accordance with the above provisions, substituted] lieu of the service set forth in paragraphs 1 through 3 of this subchapter, **the Director** may direct that service [may] be made by sending a copy of the notice of hearing and complaint certified mail, return receipt requested to either the registered or principal place of business or to any agent authorized by law to accept service or to the last known address of the respondent.

13:45-3.2 [(b) The service herein provided for shall be made by the Attorney General's agent or employee by showing the respondent the original notice of hearing and complaint delivering a copy thereof to the respondent. The Attorney General's agent or employee shall evidence such service by appending to the original order to show cause his affidavit of service.]

13:45-4.2(a) All hearings shall be conducted before a hearing examiner designated by the Attorney General or **the Director**.

13:45-4.2(b) The hearing examiner shall have authority and discretion to control the order of proceedings, to administer oaths to witnesses, to rule on any procedural or evidential motions or objections, to order witnesses to produce evidence in accordance with the Act and/or these rules and to make such rulings as may be necessary to conduct a fair and orderly hearing [and to render a final decision on any matter brought pursuant to the Act].

13:45-4.2(e) **The hearing examiner shall not dismiss any complaint or part thereof in any pending matter. A recommendation to dismiss the complaint or any part thereof may be made to the Director in the hearing examiner's report or at such other time as may be appropriate for good cause shown.**

13:45-4.3(b) [The] **In the Director's** [in his] discretion or upon application made at least five days prior to the

date of the hearing on behalf of any party [may adjourn any hearing] **a hearing may be adjourned.**

(c) [Additionally, a] **A motion to adjourn a hearing may be made during [said] a hearing to the hearing examiner.**

13:45-4.4(b) Thereafter, the respondent may cross-examine any witness giving testimony and present evidence either through [his attorney] counsel or pro se.

13:45-4.4(c) **A corporation shall not appear or file any paper in proceedings before the Division except through an attorney authorized to practice in this State.**

13:45-4.5(a) A respondent may file an answer [to an order to show cause] setting forth any factual or legal defenses [he may have] to the allegations contained in the complaint.

13:45-4.7(c) If the proceedings are [stenographically recorded] **transcribed** at the Division's request, respondent shall, upon written request, be afforded access to [a copy of the same.] **the transcript.**

13:45-5.1 Hearing examiner's decision

[(a) The hearing examiner shall render his decision not later than 30 days following the final day of hearings or receipt of the transcript, whichever is later.]

[(b) (a) In any contested case, the respondent may, not later than ten days following the final day of hearing, submit proposed findings of fact and conclusions of law to the hearing examiner, provided notice of intention to submit such findings is given to the hearing examiner prior to the close of the hearing. In the event that a respondent elects to file proposed findings of fact and conclusions of law, a copy of the same shall be served upon the attorney for the Division who may within ten days after service thereof file a response thereto.

(b) **The hearing examiner shall, not later than 30 days following the final day of hearing or receipt of the transcript or receipt of proposed findings of fact and conclusions of law, whichever is latest, file with the Director a report pursuant hereto.**

(c) **The hearing examiner's [decision] report shall include recommended findings of fact and conclusions of law, separately stated.**

(d) In those cases where an unlawful practice under the Act is found, the [decision] report shall specifically state the violation in terms of the statutory language found to be violated.

(e) **A concise and explicit statement of the underlying facts supporting a recommended finding of an unlawful practice shall be set forth.**

13:45-5.1(f) In any case where a respondent has submitted proposed findings of fact and conclusions of law, the [decision] report shall include a ruling on each proposed finding.

(g) In any case where a stenographic recording is not secured, the hearing examiner's [decision] report shall be in writing.

(h) In those cases where a stenographic recording is made of the proceeding, the hearing examiner may, in his discretion and consistent with the within rules and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. render [his decision] **a report orally on the record.**

[(i) The hearing examiner's decision shall be the final decision of the Division.]

[(j) Review thereof shall be solely by appeal to the Appellate Division of the Superior Court in accordance with the Rules Governing the Courts of the State of New Jersey.]

[(k) No review of the hearing examiner's decision shall be available in any collection or enforcement action initiated pursuant to the Act.]

13:45-5.2(a) Upon recommending a finding of a violation of any provision of the Act or any regulation promulgated other remedy authorized by the Act, [assess] recommend thereunder, the hearing examiner may, in addition to any the assessment of a civil penalty in accordance with N.J.S.A. 56:8-13.

13:45-5.3 Service of hearing examiner's decision

(a) A [final decision] report rendered in writing by a hearing examiner shall be served upon the respondent by sending a copy of the [same] report or transcript thereof by certified mail, return receipt requested to the last known address of the respondent [and] or where applicable, to counsel for respondent.

(b) Copies shall also be [forwarded to] filed with the Director and the attorney for the [Office.] Division.

[(c) An affidavit of service shall be annexed to the original of the hearing examiner's final decision.]

13:45-5.3(c) A respondent or the attorney for the Division may, not later than ten days following receipt of the hearing examiner's report file with the Director written exceptions to the report. In the event such exceptions are filed a copy thereof shall be served upon the hearing examiner and the opposing party or counsel thereto. Exceptions to the hearing examiner's report shall separately set forth the recommended finding of fact or conclusion of law to which the exception is taken and a concise statement of the applicable facts or law to be considered by the Director in reviewing the report.

(d) Upon receipt of the hearing examiner's report and exceptions thereto, if any, the Director shall review the record before the hearing examiner and render a final decision and order of the Division. The Division's final order may include such remedies or conditions as may be authorized by the Act including but not limited to the entry of a cease and desist order, restoration of monies or property to consumers, and the assessment of civil penalties and costs.

13:45-5.5 Reopening of proceedings

(a) [The hearing examiner may, upon his own motion, or upon motion of the respondent or the attorney for the Division reopen any stage of the proceeding, provided, however, any motion to reopen shall be timely and for demonstrated good cause.]

An administrative proceeding hereunder may be reopened:

(i) By the hearing examiner at any time prior to rendering the report required herein; or

(ii) By the Director at any time subsequent to the filing of the hearing examiner's report.

(b) A reopening may be sought by the respondent or the attorney for the Division on a timely motion for good cause shown or on the motion of the hearing examiner or the Director.

[b] (c) [A motion to reopen] The reopening of proceedings shall not be deemed to be a matter of right but rather [as] a matter of discretion.

An order adopting these revisions was filed and became effective on March 17, 1977, as R.1977 d.93 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF SHORTHAND REPORTING

Adopt Revisions in Rules for Shorthand Reporters

On January 29, 1977, the Board of Shorthand Reporting, pursuant to N.J.S.A. 45:15A-1 and in accordance with applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 13:43-1.1 et seq. and adopted new rules to be cited as N.J.A.C. 13:43-1.1 et seq., N.J.A.C. 13:43-3.1 et seq. and N.J.A.C. 13:43A-1.1 et seq., substantially as proposed in the Notice published August 5, 1976 at 8 N.J.R. 399(d), but with subsequent, inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

An order adopting these rules was filed and became effective on March 23, 1977 as R.1977 d.98.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Adopt Procedural Rule Regarding Candidates Review of Examination

On March 2, 1977, the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, in the Division of Consumer Affairs, in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule covering candidates review of examination.

Full text of adopted rule follows:

13:33-1.13(c) An unsuccessful candidate may apply to the Board for a review of his or her examination work and grades. Such application must be submitted to the board secretary in writing within one (1) month following notification of examination results. The secretary shall subsequently arrange a date for the candidate to review the deficiencies in his or her examination work in the Board office in conference with an examiner.

An order adopting this rule was filed and became effective on March 23, 1977 as R.1977 d.99 (Exempt, Procedural Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

STATE

OFFICE OF THE SECRETARY

Proposed Rules on Absentee Ballot Applications

George Lee, Acting Secretary of State, pursuant to authority of P.L. 1976, c.47, proposes to adopt new rules concerning the printing of absentee ballot applications.

Full text of the proposed rules follows:

SUBCHAPTER 4. ABSENTEE BALLOTS

15:10-4.1 Printing absentee ballot applications

(a) The reproduction of the absentee applications, under the statute, is the responsibility of the county clerks at the cost and expense of individual counties.

(b) The requirements of the Secretary of State are:

1. The applications be printed in postcard style;
2. The size be four inches wide by 9¼ inches long (to be mailed in a number 10 envelope);
3. Be printed on sufficient quality cardboard stock to withstand handling and mailing;
4. There be no additions, deletions or changes from the prescribed form and text except as incidental to printing;
5. Each county clerk print, type or stamp the clerk's name and address on the mailing panel and insert the name of the county on the military form in the space provided for the home address of the applicant.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to:

Secretary of State's Office
Elections Section
State House
Trenton, N.J. 08625

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

George Lee
Acting Secretary of State
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed No Right Turn on Red On Routes 23, 34, 35 and 57

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes new rules restricting right turns on red on Routes 23, 34, 35 and 57.

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

16:28-16-12.24(a)5. **Main Street (Matawan Borough): From west on Main Street to north on Route 34.**

16:28-12.25(a)10. **Grove Street - New Street (Woodbridge Township): [From west on New Street to north on Route 35] On all approaches to and from Grove Street on New Street.**

16:28-12.40(a)2. **Broad Street - Belvidere Avenue (Washington Borough): On all approaches to and from Broad Street and Belvidere Avenue from 8 A.M. to 6 P.M.**

16:28-12.16(a)6. **Route 94 (Hamburg Borough): From east on Route 94 to south on Route 23.**

Interested persons may present relevant statements or arguments in writing to the proposed action on or before April 27, 1977 to:

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

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

Alan Sagner
Commissioner
Department of Transportation

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed No Right Turn on Red on Routes U.S. 1, U.S. 1 and U.S. 9, 5, 22 and 28

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to adopt new rules restricting right turns on red on Routes U.S. 1, U.S. 1 and U.S. 9, 5, 22 and 28.

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

16:28-12.1(a)3. **Prince Street (Edison Township):**
i. **From south on Route U.S. 1 to west on Prince Street.**
ii. **From east on Prince Street to south on Route U.S. 1.**

16:28-12.3(a)30. **Smith Street (Woodbridge Township): From both approaches of Smith Street to Routes U.S. 1 and U.S. 9.**

16:28-12.5(a)1. **Anderson Avenue (Fort Lee Borough): [From north on Anderson Avenue to north on Route 5] On all approaches to and from Anderson Avenue.**

16:28-12.15(a)7. **Center Street - 3rd Street (Lopatcong): [From north on Center Street to east on Route 22.**

16:28-12.19(a)18. **Warrenville Road (Middlesex Borough):**
i. **From south on Warrenville Road to west on Route 28;**
ii. **From west on Route 28 to north on Warrenville Road;**

Interested persons may present relevant statements or arguments in writing to the proposed action on or before April 27, 1977 to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

adopt these regulations substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Limited Access To Route 444 and U.S. 9

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1 proposes to adopt a new rule limiting access to certain highways.

Full text of the proposed rule follows:

16:28-13.2 Routes 444 and U.S. 9

(a) It has been found and determined that the health, safety and welfare of the public requires that the use of Route 444, a parkway, in the Counties of Union and Middlesex, Route U.S. 9, a freeway, in the County of Ocean and Route 444, a freeway, in the County of Cape May—the same being section of the Garden State Parkway under the jurisdiction of the State Transportation Commissioner—be limited to certain classes of traffic.

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

1. Pedestrians, except at marked crosswalks.
2. Animals, led, ridden or driven.
3. Nonmotorized vehicles.
4. Motorized bicycles.
5. Tractors, rollers, and agricultural or construction machinery, self-propelled or towed, unless a permit therefore has been obtained in advance from the State Transportation Commissioner.

(c) Any previously adopted resolution, regulation or rule inconsistent with the provisions of this regulation are hereby rescinded.

Interested persons may present relevant statements or arguments in writing to the proposed action on or before April 27, 1977 to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions to Regulations on Outdoor Advertising on Limited Access and Nonlimited Access Highways

Alan Sagner, Commissioner of the Department of Transportation, in accordance with the authority delegated by

N.J.S.A. 27:1A-6, proposes to adopt revisions to the regulations concerning outdoor advertising on limited access and nonlimited access highways, including county highways, municipal roads, city streets and transportation corridors and facilities in N.J.A.C. 16:41-8.1 et seq. and to repeal 16:41A-1.1 et seq. (See: 9 N.J.R. XXXX.)

Full text of the proposed revisions follows to N.J.A.C. 16:41-8.1 et seq. (additions indicated by boldface thus; deletions indicated by brackets [thus]):

SUBCHAPTER 8 Outdoor Advertising on Limited Access Highways and Nonlimited Access Highways [On the Federal Aid Primary System] and Transportation Corridors and Facilities

16:41-8.1 Definitions

“Nonlimited access highway” means state and county highways, city streets and municipal roads, (excluding freeways, parkways and the interstate system) where the right of reasonable access is not denied.

“Protected areas” means all areas inside the boundaries of this State within 660 feet of the edge of the right-of-way of limited access and nonlimited access highways. Protected areas also include all areas inside the boundaries of this State which are beyond 660 feet of the edge of the right-of-way of the Interstate System or Primary System outside urban areas which are visible from the main traveled way of the Interstate and Primary System.

“Unbuilt location” means a licensed location for which an outdoor advertising permit has been issued for a proposed sign to be erected within one year. Such a location may be reserved for a maximum of one year only.

“Urban areas” means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in this State, or an urban place as designated by the Bureau of Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary of Transportation of the United States. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of Census.

16:41-8.2(a) The Commissioner of Transportation is authorized, following public hearings, to promulgate rules governing outdoor advertising which shall include size, spacing, lighting and other requirements pertaining to the issuance or denial of permits for the erection or maintenance of outdoor advertising signs within protected areas of limited access and nonlimited access highways, as well as intended for the view of the public using transportation corridors and facilities prescribing the number, locations, and types of and specifications for outdoor advertising signs, and designating the conditions under which outdoor advertising signs may be erected and maintained.

16:41-8.4(a)13. No outdoor advertising structure will be permitted which is abandoned or disused for a fixed period of one year after originally reported by Outdoor Advertising staff.

i. A sign shall be considered abandoned when it is determined to be structurally unsound by a professional engineer; or it is in an aesthetically blighted condition when 25 per cent of the surface requires a reconditioning of the protective or decorative coating as evidenced by, but not limited to, peeling or flaking paint.

ii. A sign which remains blank void of advertising copy for a fixed period of one year shall be considered disused.

The message "availability for lease" or similar copy will not constitute advertising copy.

14. No outdoor advertising sign will be permitted which would injuriously affect any public interest. In determining whether the issuance of a permit would adversely affect any public interest the [State Supervisor] administrator of Outdoor Advertising shall consider public sentiment as expressed by the governing authorities and agencies of the United States, State of New Jersey or the county or municipality within those boundaries the application is made.

15. No outdoor advertising sign will be permitted in an area which requires the existing natural landscaping of the right of way be adjusted, altered, or removed in order to increase or enhance the visibility of the advertising structure.

16:41-8.6(a) A sign is subject to the requirements of its type as indicated below. In those cases where a sign is erected with intent that its visibility be directed to two or more roadways, the more stringent requirements shall be applicable.

16:41-8.6(a)9. Off-premise advertising signs with no visibility to limited access or nonlimited access highways which are erected along transportation corridors or in transportation facilities intended for the visibility of the public are subject to conditions set forth in 16:41-8.2 and 16:41-8.4.

16:41-8.7(a) Any person, group of persons, municipality or other jurisdictional authority who shall engage in the business of outdoor advertising for profit through rental . . .

16:41-8.8(b) Rules concerning the application for permit are:

1. An application for a permit may be obtained from the New Jersey Department of Transportation, Outdoor Advertising Section, 1035 Parkway Avenue, Trenton, New Jersey 08625. Completed applications should be returned to the New Jersey Department of Transportation Outdoor Advertising Section along with [the appropriate fee if any] a \$15 application fee to cover initial inspection and administrative costs.

3. If an outdoor advertising sign is erected prior to obtaining a permit for same, the following late filing charge shall be imposed in addition to the regular statutory fees and initial application fee:

When Statutory Fee Is More Than	But Are Not More Than	Late Filing Charge Is
—	\$ 2.00	\$10.00
\$ 2.00	4.00	15.00
4.00	10.00	20.00
10.00	—	30.00

4. After the application has been reviewed and approved, the applicant will be informed of the appropriate permit fee due. The permit fee shall be remitted within 30 days of notice of approval.

16:41-8.8(e) Rules concerning the alteration of surface area are:

2. Whenever a permittee finds it necessary to add one or more panels to an already existing advertising structure or object for which he has a valid permit, he is required to apply for an additional permit and pay the application and permit fee for each permit. Any additional panels must be of identical measurements with the existing panels.

16:41-8.8(f) Rules concerning the name of holder of the permit are:

3. Failure to erect proposed advertising structure within the stipulated term of the issued permit will result in expiration and nonrenewal of said permit at end of the permit year.

16:41-8.8(j) Rules concerning the renewal of permit and late renewal charges are:

1. A permit, unless revoked or cancelled, may be renewed for the following year by application under the same terms and conditions of the original application and filed not later than March 15 preceding its expiration date. Application of Renewal shall be in the form of an official invoice or similar official billing record of the Outdoor Advertising Section which is to be submitted with the appropriate annual fee.

2. [An application for] The renewal of a permit shall not be approved if altered from the original application, except for a change of address of the permittee. The advertised display location is subject to reinspection as deemed necessary by the [State Supervisor of] administrator of Outdoor Advertising, [Section].

5. A permit for an unbuilt location shall be issued for a maximum of one year and shall not be renewed for said location.

16:41-8.9 Application and permit fees

(a) In connection with the issuance of permits for outdoor advertising, the Commissioner of Transportation shall charge and collect [permit] fees for . . .

(b) The following list indicates the types of signs subject to [permit] fees:

2. On premise signs [(no fee required)]. Advertising activities being conducted upon the property being advertised and located within the protected area of limited and nonlimited access highways which are included in the Interstate, Federal Aid Primary and the State Highway Systems.

4. Off premise advertising signs within the protected area of nonlimited access highways, along transportation corridors and in transportation facilities (fee required based on . . .

(c) The fee for each off-premise advertising sign requiring a permit . . .

(d) The renewal fee for [a permit will] an off-premise sign shall be based on the annual rate [and will be accepted under the same terms and conditions of the application]. The renewal fee for an on-premise sign shall be five dollars. Renewals will be accepted under the same terms and conditions of the original application.

16:41-8.11(a)8. Whenever the existing natural landscape of the right of way has been trimmed, altered, or destroyed in any way in order to enhance and increase the visibility of the advertising structure.

16:41-8.12 Notice of revocation of license or permit

(a) When it shall appear to the [State Supervisor] administrator of Outdoor Advertising. . .

(b) If the licensee or permittee filed a protest but did not request a hearing, the [State Supervisor] administrator of Outdoor Advertising . . .

16:41-8.13 Nature of hearings

(a) An informal hearing before the [State Supervisor] administrator of Outdoor Advertising . . .

(b) After all parties have been given the opportunity of presenting all the evidence in support of the issues, the [State Supervisor] administrator of Outdoor Advertising . . .

16:41-8.15 Removal provisions

(a) If within 30 days after mailing a notice of revocation of license or permit (see Section 12 of this Subchapter) or a notice of violation (see Section 14d of this Subchapter), the violation or offense cited has not been corrected to the satisfaction of the [State Supervisor] administrator of Outdoor Advertising

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

A public hearing will be held on May 11, 1977 at 10:00 A.M. in Conference Room B at the Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625. Persons intending to present views at the hearing are requested to submit their name and affiliation in writing to the administrative practice officer at the above address no later than April 29, 1977.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION
THE COMMISSIONER

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

On March 8, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1 and in accordance with applicable provisions of the Administrative Procedure Act, repealed in its entirety the current text of N.J.A.C. 16:28-4.3 concerning one-way traffic along portions of Route 79 in Matawan Borough, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 95(a). Such Section will now be marked as Reserved.

An order repealing this rule was filed and became effective on March 9, 1977, as R.1977 d.76.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION
THE COMMISSIONER

**Rules on Restricted Parking
On Routes 166 and 28**

On March 8, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.137 and 16:28-3.138, concerning restricted parking on Routes 166 and 28, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 95(b).

An order adopting these rules was filed and became effective on March 9, 1977, as R.1977 d.77.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

**Rules on Limited Access
Prohibition Along Route 208**

On March 8, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-13.1, concerning limited access prohibition along portions of Route 208 in Bergen and Passaic Counties, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 95(c).

An order adopting these rules was filed and became effective on March 9, 1977, as R.1977 d.78.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

**Amendment on No Right Turns
On Red on Parts of Route 23**

On March 8, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.37 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment, to be cited as N.J.A.C. 16:28-12.16(a)5., concerning no right turns on red on parts of Route 23 in Sussex Borough, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 96(a).

An order adopting this amendment was filed and became effective on March 9, 1977, as R.1977 d.79.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

TRANSPORTATION

THE COMMISSIONER

**Rules on Restricted Parking
On Various State Roads**

On March 8, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules, to be cited as N.J.A.C. 16:28-3.139 through 16:28-3.142, concerning restricted parking on Routes 173, 24, U.S. 202 and U.S. 71, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 96(b).

An order adopting these rules was filed and became effective on March 9, 1977, as R.1977 d.80.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

THE COMMISSIONER

Proposed Regulations on Affirmative Action Requirements for Public Works Contracts

Clifford A. Goldman, State Treasurer, in the Department of the Treasury, pursuant to authority of N.J.S.A. 10:5-31 et seq., proposes to adopt new regulations concerning affirmative action requirements for State and local government procurement, service and construction contracts.

Full text of the regulations may be obtained from Carl G. Briscoe, affirmative action officer, at the address given below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Carl G. Briscoe
Affirmative Action Officer
Department of the Treasury
State House
Trenton, New Jersey 08625

— or —

S. Leonard DiDonato, Director
Division of Building and Construction
P.O. Box 1243
Trenton, New Jersey 08625

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

Clifford A. Goldman
State Treasurer
Department of the Treasury

(b)

TREASURY

DIVISION OF PENSIONS

PRISON OFFICERS' PENSION COMMISSION

Proposed Revisions in Rules of Prison Officers' Pension Fund

Clifford A. Goldman, State Treasurer, on behalf of the Prison Officers' Pension Commission, pursuant to N.J.S.A. 43:7-18, proposes to adopt revisions to N.J.A.C. 17:7-2.1, 17:7-3.3 and 17:7-3.10 concerning prison officers' pension.

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

17:7-2.1 Compensation or base salary

(a) "Earnable compensation" or the phrase "compensation upon which contributions by the member to the Annuity Savings Fund were based," shall not include retroactive salary adjustments if the increases are not of a normal, overall, published program of increases.

[(a)] (b) Bonus or over-time payments are not to be considered for purpose of pension contributions.

[(b)] (c) Allowance payment is subject to deductions.

(d) Longevity, terminal leave or vacation payments will not be considered if paid in a lump sum or other than as a regular salary disbursement.

(e) All claims involving an increase in compensation of more than 15 per cent over that of the previous year, as reported to the pension fund, shall be investigated. Those cases where a violation of the statute is suspect shall be referred to the Commission.

17:7-3.3 [Death prior to effective date] Effective date; death prior thereto

[A member who files for retirement but who dies before the effective date of retirement is to be considered as an active member.]

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

17:7-3.10 Medical examinations; physicians

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to:

Clifford A. Goldman
State Treasurer
State House
Trenton, N.J. 08625

The Prison Officer's Pension Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Clifford A. Goldman
State Treasurer
Department of the Treasury

(c)

TREASURY

DIVISION OF PENSIONS

POLICE AND FIREMEN'S RETIREMENT SYSTEM

Proposed Revisions in Administration Of Police and Firemen's Retirement System

The Board of Trustees of the Police and Firemen's Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16A-13 et seq., proposes to revise portions of its rules concerning the administration of the Police and Firemen's Retirement System.

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

17:4-4.1(c) [Lump sum] Longevity, terminal leave or vacation payments will not be considered if paid in a lump sum or other than as a regular salary disbursement.

17:4-6.1(a) 4. In the event a member does not file an application for retirement one month prior to the requested date of retirement, the member's retirement date shall be advanced to the first day of the following month.

17:4-6.2 Effective dates; changes

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

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

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

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

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

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

17:4-6.3 [Death prior to effective date] Effective date; death prior thereto

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

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

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

17:4-6.13 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the system to perform a medical examination, such physician shall be selected from the current membership directory of the [New Jersey] Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, in order to

expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the retirement system.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to:

Division of Pensions
20 West Front St.
Trenton, N.J. 08625

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

Clifford A. Goldman
State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Proposed Amended Rules on Definition for Bid Security

Clifford A. Goldman, State Treasurer, pursuant to the authority of N.J.S.A. 52:134-13, proposes to revise N.J. A.C. 17:12-6.1 concerning definitions for bid security.

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

17:12-6.1 Definitions

"Bid Security" means a guarantee in the form of a bond or deposit that the bidder, if selected, [will sign the contract as bid] **will accept the contract as bid and all terms and conditions therein**; otherwise, the bidder (in the case of a deposit) or the bidder or his guarantor (in the case of a bond) will be liable for the amount of the loss suffered by the State, which loss may be partially or completely recovered by the State in exercising its rights against the deposit or bond.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Clifford A. Goldman
State Treasurer
State House
Trenton, New Jersey 08625

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

Clifford A. Goldman
State Treasurer
Department of the Treasury

(b)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Proposed Term Contract Bidding Procedures

Clifford A. Goldman, State Treasurer, pursuant to au-

thority of N.J.S.A. 52:34-13, proposes the following bidding procedures and forms for advertised public bids of term contracts. If accepted, the proposed procedures will be incorporated in Subchapter 2, Chapter 12 of Title 17 of the New Jersey Administrative Code.

Full text of the proposed new rule follows.

17:12-2.4 Definitions

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

“Bidder” means any person, company, firm, association, corporation or other entity that responds to an advertised bid proposal from the State of New Jersey.

“Term contract advertised bid proposal” means the Purchase Bureau form providing instructions for bidders to complete the required proposal and describing the bidders’ legal obligations associated with making a formal offer to the State of New Jersey, and the potential penalties imposed for failing to meet the obligations.

“Offer” means a signed response from a bidder to a bid proposal using the Purchase Bureau’s term contract advertised bid proposal.

“Notice of term contract award” means the document of acceptance signed by the Director of the Division of Purchase and Property or his authorized agent sent to the bidder to notify him of a contract award.

“Contract” means the formal acceptance of a bidder’s offer by the Director of the Division of Purchase and Property or his authorized agent using the notice of term contract award form.

17:12-2.5 The term contract advertised bid proposal, duly signed by an authorized company representative and submitted to the Purchase Bureau on or before the date the public bid was opened, shall constitute a binding offer by the bidder which will become a contract upon acceptance by the State in whole or in part. Formal notice of acceptance shall be transmitted to the bidder by means of the notice of term contract award signed by the Director of the Division of Purchase and Property or his authorized representative.

17:12-2.6 In the event performance security is required, contract acceptance by the State shall be conditional based upon the vendor’s submission of a performance bond from a surety company authorized to do business in the State of New Jersey. The performance bond must be submitted within 30 days, or as specified by the Director of the Division of Purchase and Property, of the notice of term contract award or the contract may be voided by the Director of the Division of Purchase and Property.

17:12-2.7 Failure of the bidder to accept the contract if formal acceptance by the State is provided within the time period indicated in the bidder’s offer, failure to hold prices or to meet any other terms and conditions as defined in the bid during the term of the contract, or failure to provide performance security within the 30-day limit or as specified by the Director of the Division of Purchase and Property shall constitute a breach and may result in suspension or debarment from further bidding to the State. A defaulting contractor may also be liable, at the State’s option, for the difference between the bid price and the price from an alternate source of supply.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Clifford A. Goldman
State Treasurer
State House
Trenton, New Jersey 08625

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

Clifford A. Goldman
State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rule on Accelerated Returns and Payment Of Certain Employers’ Withheld Taxes

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976, c.47, proposes to adopt a new rule on accelerated returns and payment of certain employers’ withheld taxes.

Full text of the proposed rule follows:

18:35-1.7 Accelerated returns and payment of certain employers’ withheld taxes

(a) Certain employers, as herein after described, required to deduct and withhold taxes from wages under the Gross Income Tax Act shall file a semi-monthly employer’s return, as hereinafter set forth.

1. Any employer required to deduct and withhold taxes from wages paid on or after May 1, 1977, where the amount required to be deducted can reasonably be expected to be \$18,000 or more for the semi-annual period during which the semi-monthly filing period occurs shall, for each semi-monthly period beginning May 1, 1977, file an employer’s semi-monthly return (Form N.J. 500-SM) with payment of the taxes withheld in accordance with the following schedule:

Period	Due Date
First semi-monthly period	Last day of the month
Second semi-monthly period	Fifteenth day of the month following

2. Pertinent definitions are:

i. For the purposes of this regulation, “semi-monthly period” means a period beginning on the first day of a calendar month and ending on the fifteenth day of said calendar month and a period beginning on the sixteenth day of a calendar month and ending on the last day of said calendar month.

ii. For the purposes of this regulation, “semi-annual period” means either a period from January 1 through June 30 of a calendar year, or a period from July 1 through December 31 of a calendar year.

3. Consecutive returns for each semi-monthly period, accounting for all taxes withheld during the year, must be filed by an employer who is required to report semi-monthly. If no tax was withheld during a particular semi-monthly period, a return still must be filed for such period, together with a statement explaining why no tax was withheld.

(Note: For the future a depository system similar to the Federal system is contemplated.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to:

Jack Silverstein
Acting Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08625

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions in Senior Citizen Property Tax Deduction Rules

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to N.J.S.A. 54:4-8.40 et seq., proposes to amend N.J.A.C. 18:14-1.1 et seq. concerning senior citizens tax deduction by replacing the current text with new text.

Full text of the revised rules follows:

18:14-1.1 Words and phrases defined

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

"Citizen and resident of this State" means a person who on October 1 of the pre-tax year is a permanent resident or domiciliary of New Jersey and who has been such for a period of not less than one year immediately preceding such date. Such person need not hold United States' citizenship in order to be eligible for the deduction.

"Dwelling house" means the dwelling where claimant makes his principal and permanent home. Thus, where a claimant resides in an apartment house which is his principal place of residence and occupies a cottage or bungalow during the summer months, the summer home cannot be considered as a dwelling house upon which claimant may receive this deduction.

1. If a claimant occupies only a portion of a property which he owns, the tax deduction is applied to the taxes due from that portion of the property which he occupies as his dwelling house.

"Income" means that the claimant, in applying for the tax deduction, must establish that his anticipated income from all sources for the tax year for which the deduction is claimed will not exceed \$5,000, exclusive of social security benefits; benefits received under the Federal Railroad Retirement Act and other Federal pension, disability and retirement programs; or pension, disability or retirement programs of any State or its political subdivisions, or agencies thereof, for persons not covered under the Federal Social Security Act, including, but not limited to, salaries, wages, bonuses, commissions, tips, and other compensations before payroll deductions, all dividends, interest, realized capital gains, royalties, income from rents, business income and, in their entirety, pension, annuity and retirement benefits. Realized capital gains,

except for capital gain resulting from the sale or exchange of real property owned and used by the taxpayer as his principal residence, and on which he received a deduction allowed by this act, and dividends, interest, pensions, annuities and retirement benefits must be included in full without deductions even though they may be wholly or partially exempt for Federal income tax purposes.

1. Example: The property owner sold his home on September 1 of the tax year on which he made a capital gain of \$10,000. None of this amount is includible in income for the purpose of determining the \$5,000, income limitation.

2. It must be emphasized that the applicant is entitled to exclude benefits under only one of the three categories.

i. The three categories are:

(1) The Federal Social Security Act and all amendments and supplements thereto;

(2) Any other program of the Federal Government or pursuant to any other Federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under item (1) hereof, including but not limited to the Federal Railroad Retirement Act and Federal pension, disability, and retirement programs; or

(3) Pension, disability, or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under item (1) hereof; provided, however, that the total amount of benefits to be allowed exclusion by any owner under items (2) or (3) hereof shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under item (1) hereof.

3. Where both the husband and wife are entitled to pension, disability or retirement benefits as permitted by law, the benefits of both combined may be excluded, subject however, to the maximum limitations provided by law.

4. In the case of married couples, the income received by claimant and spouse is combined in establishing eligibility for the tax deduction, unless they are living apart in a state of separation. "State of separation" shall mean a permanent and indefinite period of separation and shall not mean temporary periods of separation such as separate vacations, business trips, hospitalizations, and so forth.

5. In determining whether claimant's income during the applicable income period exceeds \$5,000 the income of members of claimant's family, other than his or her spouse, shall not be combined with the income of the claimant.

"Business income" means gross income derived from a business, trade, profession or from the rental of property after deductions therefrom of the ordinary and necessary expenses attributable to the business, trade, profession or from the rental of property which are allowed under the Federal Internal Revenue Code and regulations issued thereunder.

"Federal Internal Revenue Code income definition—when applicable" means that, except as herein otherwise indicated, the definition of income under the Federal Internal Revenue Code and the regulations issued pursuant thereto, shall constitute the basis for computing claimant's income for the purpose of determining whether a claimant meets the \$5,000, income limitation.

"Owned" means ownership of an estate in fee or a life estate individually or as joint tenants, tenants in common or tenants by the entirety, but shall not include an estate for a term of years, a leasehold estate or an estate of less than a fee interest.

"Post-tax year" means the calendar year immediately following the "tax year".

"Pre-tax year" means the calendar year immediately preceding the "tax year".

"Resident" means one legally domiciled within the State of New Jersey for a period of one year immediately preceding October 1 of the pre-tax year. Mere seasonal or temporary residence within the State, of whatever duration, shall not constitute domicile within the State for the purposes herein. Absence from this State for a period of 12 months shall be prima facie evidence of abandonment of domicile in this State. The burden of establishing legal domicile within the State shall be upon the claimant.

"Real property tax deduction" means the senior citizen's deduction or the deduction for the permanently and totally disabled and their surviving spouses in certain cases against the taxes payable by any person, allowable pursuant to this act.

"Tax year" means the calendar year in which the general property tax is due and payable.

"Tenancy by the entirety" means ownership of real property by both a husband and wife by virtue of title acquired by them jointly after marriage.

"Permanently and totally disabled" means total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness. "Blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

"Surviving spouse" means the surviving spouse of a deceased citizen and resident of this State who during his or her life received a real property tax deduction pursuant to this act shall be entitled, so long as he or she shall remain unmarried and a resident in the same dwelling house with respect to which said deduction was granted, to the same deduction, upon the same conditions, with respect to the same real property, notwithstanding that said surviving spouse is under the age of 65 and is not permanently and totally disabled, provided that said surviving spouse is 55 years of age or older at the time of the death of said citizen and resident.

SUBCHAPTER 2. Qualifications

18:14-2.1 Application for deduction

(a) A claimant who, for the first time, is filing an application for deduction must file such application either on or before December 31 of the pre-tax year with the assessor of the taxing district where the dwelling is located, or during the tax year with the collector of such district.

(b) An application for deduction must be made on form PD 1, 2 or 3, when filed with the assessor on or before December 31 of the pre-tax year, or with the tax collector when filed during the tax year. Each taxing district is required to provide such forms for the use of claimants.

(c) A claim for deduction once filed on the proper form and approved by the assessor or collector, continues in force from year to year; however, a claimant is required to file an annual statement under oath, on or before February 1 of the post tax year establishing proof of his income during the tax year and his anticipated income for the current tax year as well as any other information deemed necessary in order to remain eligible for the deduction.

(d) Application forms for the senior citizen deduction,

for the permanently and totally disabled and for surviving spouses in certain cases will be termed "property deduction forms" and identified as follows:

1. PD-1—Claim for deduction by person of the age of 65 years or over;

2. PD-2—Claim for deduction by person who is permanently and totally disabled;

3. PD-3—Claim for deduction by the surviving spouse (age of 55 years or over) of a senior citizen or a permanently and totally disabled citizen;

4. PD-4—Notice of disallowance of claim for a tax deduction;

5. PD-5—Annual post-tax-year statement.

18:14-2.2 Proof required to establish right to deduction for persons of the age of 65 or more years or less than 65 years of age who are permanently and totally disabled

(a) Every fact essential to support a claim for deduction must exist on October 1 of the year preceding the tax year with respect to which a deduction is claimed, except that the age requirement or the date claimant was permanently and totally disabled must be met as of December 31 of the pre-tax year. It is essential that claimant, as of the said October 1, except with respect to the age requirement, or permanently and totally disabled prerequisites, establish that he was:

1. A citizen of New Jersey and a legal resident thereof for a period of one year immediately prior to such date;

2. Of the age of 65 or more years as of December 31 of the pre-tax year, or on that date was permanently and totally disabled;

3. The owner of a dwelling house which is a constituent part of the real property for which deduction is claimed; and

4. Residing in said dwelling house.

(b) Where an application is made on or before December 31 of the pre-tax year, or during the tax year, a claimant is required to establish that the anticipated income of the claimant and his spouse for the tax year will not exceed \$5,000.

(c) In addition, a claimant must file with the collector on or before February 1 of the post-tax year, a statement, under oath, his income for the tax year and his anticipated income for the current tax year, as well as any other information deemed necessary to establish the right of such claimant to a deduction for the current tax year.

18:14-2.3 Proof required to establish right to deduction for a surviving spouse

(a) Every fact essential to support a claim for deduction must exist on October 1 of the year preceding the tax year with respect to which a deduction is claimed, except claimant therefor shall establish that he is or will be on or before December 31 of the pre-tax year 55 or more years of age and was 55 or more years of age at the time of the death of the decedent and unmarried. It is essential that claimant, as of the said October 1, except with respect to the age requirement and marital status, establish that he was:

1. A citizen of New Jersey and a legal resident thereof for a period of one year immediately prior to such date;

2. Of the age of 55 or more years and unmarried as of December 31 of the pre-tax year;

3. The owner of a dwelling house which is a constituent part of the real property for which the deduction is claimed; and

4. Residing in said dwelling house.

(b) Where an application is made on or before December 31 of the pre-tax year with the assessor, or during the

tax year with the collector, a claimant is required to establish that the anticipated income of the claimant and his spouse for the tax year will not exceed \$5,000.

(b) In addition, claimant must file with the collector on or before February 1 of the post-tax year, a statement, under oath, that his income for the tax year and his anticipated income for the current tax year, as well as any other information deemed necessary to establish the right of such claimant to a deduction for the current tax year.

18:14-2.4 Proof of totally and permanently disabled

(a) Every claim for a deduction by a person who is permanently and totally disabled shall include a physician's certificate or Social Security award certificate, form SSA-30(1-74), verifying the claimant's permanent and total disability and in the claim by a person who is blind, he may additionally submit a certificate from the New Jersey Commission of the Blind certifying to blindness as defined. See N.J.A.C. 18:14-1.1 for a definition of "blindness".

18:14-2.5 Proof of surviving spouse

(a) Every claim for a deduction by a person who is a surviving spouse shall include a copy of the death certificate of the decedent spouse.

(b) Proof of claimant's age or date of birth as an original or photostatic copy of a birth, baptismal or marriage certificate, or any other reasonable proof, instrument, official document or record, reliably establishing claimant's age or date of birth required and is considered sufficient and satisfactory proof of age to support a claim by a surviving spouse of the age of 55 or over.

18:14-2.6 Proof of citizenship

In order to be eligible for the deduction, a claimant must submit proof that he is a citizen and resident of this State as defined in N.J.A.C. 18:14-1.1.

18:14-2.7 Legal domicile of claimant must be in New Jersey

(a) "Resident" means one legally domiciled within the State of New Jersey for a period of one year immediately preceding October 1 of the pre-tax year. See N.J.A.C. 18:14-1.1 for definition of "resident". The burden of establishing legal domicile within the State shall be upon the claimant. Claimant need not have resided in the dwelling house on which deduction is claimed nor in the same municipality or county for one year immediately preceding October 1 of the pre-tax year. Claimant meets the residency requirement so long as he was domiciled in the State of New Jersey during said entire one year period.

1. For example: An application for deduction for the tax year 1977 must establish that claimant was legally domiciled in New Jersey during the period October 1, 1975 to and including October 1, 1976.

18:14-2.8 Proof of ownership

(a) The Act requires that the claimant be the owner of the "dwelling house" which is a constituent part of the real estate on which the deduction is claimed. See N.J.A.C. 18:14-1.1 for a definition of "dwelling house". A claimant should be prepared to furnish, on request of the assessor or collector, proof of ownership of the property for which deduction is claimed. Deduction cannot be allowed on a "dwelling house" on which the claimant has only an estate for a term of years, a leasehold interest or an interest of any other nature less than an estate in fee. Deduction may be allowed where claimant's interest in the dwelling house is that of a tenant for life provided the tenant is responsible for the payment of taxes on the property on which the deduction is granted. Where the

claimant asserts that his interest in the "dwelling house" on which deduction is claimed arises from a will or the intestate laws of this State, care should be exercised to make certain that he is the owner of the legal title to such property, individually or jointly or has a life estate in such dwelling house.

(b) For purposes of the Act, a claimant is deemed to own property who is under an executory contract for the sale of property.

18:14-2-9 Proof of age or date of birth for persons of the age 65 or more years

Proof of claimant's age or date of birth as an original or photostatic copy of a birth, baptismal or marriage certificate, or any other reasonable proof, instrument, official document or record, reliably establishing claimant's age or date of birth required and is considered sufficient and satisfactory proof of age to support a claim by a person of the age of 65 or over.

18:14-2.10 Proof of income; post-tax year statement

(a) Every person allowed a real property tax deduction is required to file with the collector of the taxing district on or before February 1 of the post-tax year a statement under oath of his income for the tax year and his anticipated income for the current tax year as well as any other information deemed necessary to establish the right of the claimant to a tax deduction for such current tax year.

1. The collector may grant a reasonable extension of time for filing the statement required, which extension shall terminate no later than March 1 of the post-tax year, in any event where it shall appear to the satisfaction of the collector that the failure to file by February 1 was due to the illness of the claimant and the claimant has filed with the collector a physician's certificate stating that the claimant was physically incapacitated and unable to file on or before February 1. In any case where such an extension is granted by the collector, the required statement shall be filed on or before March 1 of the post-tax year.

(b) Such statement is to be made on the form approved by the Director, and furnished by the taxing district in which such statement is required to be filed. Each collector may require the submission of proof as he deems necessary to verify such statement.

(c) The failure of any person to file the statement within time herein provided or to submit such proof as the collector deems necessary to verify a statement that has been filed, or if it is determined that the income of any such person exceeded \$5,000 for said tax year, his tax deduction for said tax year will be disallowed and his taxes to the extent represented by the amount of said deduction will be payable on or before March 1 of the post-tax year.

(d) Any taxes due under subsection (c) of this Section and not paid on or before March 1 of the post-tax year, constitute a lien on the property of the person liable for the tax and in addition become a personal debt of such person.

(e) For the purpose of determining the \$5,000 limitation on income, only that income earned between January 1 and December 31 of the tax year is considered.

18:14-2.11 No deduction allowable to claimant receiving another deduction or exemption from taxes

The deduction is not allowable to any claimant receiving any other deduction or exemption from taxes provided for by any other law unless the claimant waives or renounces such other deduction or exemption, except said citizen

and resident may receive in addition any homestead rebate or credit provided by law.

SUBCHAPTER 3. Nature of Deduction

18:14-3.1 Procedure upon allowance of claim for deduction

(a) Where an application is filed and allowed by the assessor he shall note in his records the existence of a contingent liability for taxes in the amount of the claimant's deduction in the event the deduction is subsequently disallowed on the basis of the taxpayer's income, the transfer of title to the property to a person not entitled to such deduction, or on the basis of the failure to meet any other prerequisites required by the Act for a real property tax deduction.

(b) Where an application is filed and allowed by the collector he shall determine the amount of the reduction in tax to which the claimant is entitled and shall allow such amount as an offset against the tax then remaining unpaid.

1. If the amount allowable as an offset exceeds the amount of the tax then unpaid for that tax year, or if the application for deduction is not filed with the collector until after all taxes for the tax year have been fully paid, the claimant may make application to the governing body of the taxing district for a refund of any tax overpaid, without interest, and the governing body may, in its discretion, direct the return of any tax deemed by it to have been overpaid by reason of claimant's failure to make timely application; in no event, however, may an application for a real property tax deduction for any previous tax year be allowed by any assessor, collector or governing body;

2. Where an application for a real property tax deduction is filed with and allowed by a collector he shall promptly transmit such application and all exhibits attached thereto, or a photostatic copy thereof, to the assessor of the taxing district. Upon receipt thereof the assessor shall review the application and if approved by him it shall have the same force as if originally filed with him.

18:14-3.2 Apportionment of deduction; joint tenancies

(a) Where the title to property for which a deduction is claimed is held by claimant and another or others, either as tenants in common or as joint tenants, a claimant is not allowed a deduction in an amount in excess of his proportionate share of the taxes assessed against said property, which proportionate share, for the purposes of the Act, is deemed to be equal to that of each of the other tenants, unless it is shown that the interests in question are not equal, in which event claimant's proportionate share shall be as shown.

(b) Nothing herein precludes more than one tenant, whether title be held in common or joint tenancy, from claiming a deduction from the taxes assessed against the property so held, but no more than the equivalent of one full deduction in regard to such property will be allowed in any year, and in any case in which the claimants cannot agree as to the apportionment thereof, such deduction will be apportioned between or among them in proportion to their interest.

(c) Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but no more than one deduction in regard to such property shall be allowed in any year.

18:14-3.3 Deduction where property owned by partnership, fiduciary or corporation

The right to claim a deduction extends to property the title to which is held by a partnership, to the extent of the claimant's interest as a partner therein, and by a

guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim such deduction hereunder, but not to property the title to which is held by a corporation.

18:14-3.4 Deduction in case of added assessment

(a) Where an added assessment is levied upon a dwelling house, the owner, if entitled to claim a tax deduction and timely application is made, may make claim for such a tax deduction and the assessor shall allow the same if all of the requirements of said law and this Chapter have been complied with, provided, however, that the claimant held legal title, as of October 1 of the pre-tax year, to the property on which the improvement has been made and the aggregate amount of the tax deduction claimed against the total taxes on the entire property does not exceed \$160.00.

(b) The amount allowed as a tax deduction shall be deducted from the amount of taxes extended on the added assessment after the apportionment of such assessment pursuant to the provisions of the Act. No tax deduction shall be allowed unless ownership of the "dwelling house" against which an added assessment has been levied vested in the claimant on October 1 of the pre-tax year.

18:14-3.5 Deduction in case of assessment of omitted property

Where an assessment of omitted property is levied pursuant to law against a dwelling house owned by a claimant, the person owning the property, if entitled to claim a tax deduction, may make claim for such a tax deduction and the assessor shall allow the same if all the requirements of said law and this Chapter have been complied with.

18:14-3.6 Limitation on deduction

(a) A qualified claimant may obtain only one deduction on but one "dwelling house". This deduction may not be divided between two or more residences and the "dwelling house" upon which deduction may be allowed must be the claimant's principal place of residence.

1. Example: Where claimant resides in an apartment house which is his principal place of residence and also occupies a cottage or bungalow during the summer months, the summer home is not considered a "dwelling house" upon which claimant may receive the deduction.

(b) Where both the claimant and his wife meet all prerequisites for deduction as persons 65 years or over and where the claimant owns one residence and his wife another, deduction may be allowed only with respect to the "dwelling house" which constitutes their principal place of residence. The result is the same where the claimant and his wife, as tenants by the entirety, own two residences. A deduction may be allowed only on the "dwelling house" which constitutes claimant's principal place of residence. One spouse may not claim the deduction on one house and the other spouse claim the deduction on the second house.

(c) Where the title to the dwelling house is held by a senior citizen or a totally and permanently disabled citizen or a surviving spouse, and a veteran, either as tenants by the entirety, joint tenants or as tenants in common, each claimant shall be entitled to his full deduction even if the aggregate deductions so granted exceeds \$160 provided, that the deductions so granted do not exceed each claimant's proportionate share of the total taxes assessed against the property.

18:14-3.7 Deduction where claimant dies

(a) Where a claimant files a claim for deduction on

form PD 1, 2 or 3 with the local assessor in the pre-tax year and the claimant dies prior to January 1 of the ensuing tax year, the claim for deduction for such tax year shall be disallowed.

(b) If it is determined that the claimant's application (form PD 1, 2 or 3) satisfied all the prerequisites essential to a deduction on October 1 of the pre-tax year and the claimant dies on January 1 of the tax year or subsequent thereto, the claim for deduction shall be allowed. There shall be no need for proration and no post-tax year statement need be filed during the year following such tax year, except as hereinafter provided.

(c) Where a claimant files an application (form PD 1, 2 or 3) for deduction with the tax collector during the tax year and the claimant dies after approval of such application, there shall be no need for proration and no post-tax year statement need be filed during the year following such tax year, except as hereinafter provided.

(d) Where a claim for deduction has previously been filed and granted, and the owner of the "dwelling house" dies after December 31 of the pre-tax year and prior to filing a post-tax year statement (form PD 5) in accordance with the provisions of N.J.S.A. 54:4-8.44a and 54:4-8.45, the deduction may be allowed for the tax year if all prerequisites for deductions as of October 1 of the pre-tax year have been fully met. There shall be no need for proration and no post-tax year statement need be filed during the year following such tax year, except as hereinafter provided.

(e) Where a claimant dies after having filed a post-tax year statement (form PD 5) in accordance with the provisions of N.J.S.A. 54:4-8.44a and 54:4-8.45, there shall be no need for proration and no post-tax year statement need be filed during the year following such tax year, except as hereinafter provided.

(f) However, in the event the surviving spouse, if any, the heirs at-law, successors, or assigns of the decedent claimant sells or transfers title to the "dwelling house" at any time during the tax year of the decedent claimant's death, the deduction so granted ceases as of the date of such transfer of title and the tax collector shall prorate the deduction based on the number of days remaining in the tax year following the date upon which title to the "dwelling house" was transferred. The amount so prorated by the tax collector shall constitute a lien against the "dwelling house" and shall be considered satisfied by the tax collector upon payment of the prorated amount for that portion of the tax year for which entitlement to the claimant's deduction was not established.

(g) An executor, administrator or any other person on behalf of a claimant who dies without having filed an application for deduction on form PD 1, 2 or 3 may not file an application for deduction on behalf of said decedent since this deduction is deemed to be a personal one.

18:14-3.8 Change in status; notice

Any person receiving a deduction is required to notify the collector or assessor immediately upon the occurrence of any transfer of title or other change in status which affects a person's eligibility or right to the deduction.

18:14-3.9 Pro rata or complete revocation of deduction

(a) Where a claimant sells or transfers title to his dwelling house during the tax year, a post-tax year statement must be filed to prove his entitlement to the deduction for that portion of the tax year prior to the sale or transfer. The amount of any lien and tax liability shall be prorated by the tax collector upon the transfer of title based on the number of days during the tax year that entitlement to the claimant's tax deduction is established. Hence,

where a claimant sells or transfers title to his property during the tax year, a post-tax year statement must be filed to prove his entitlement to the deduction for the portion of the tax year prior to the sale.

(b) Upon the failure of any such person to file the statement within the time prescribed or to submit such proof as the collector deems necessary to verify a statement that has been filed, or if it is determined that the income of any such person exceeded \$5,000 for the tax year during which the transfer of title occurred, his tax deduction for said tax year shall be disallowed and his taxes to the extent represented by the amount of said deduction shall be payable on or before March 1 of the post-tax year or, where an extension of time for filing has been granted no later than 30 calendar days after the expiration of said extension, after which date if unpaid, said taxes shall be delinquent, constitute a lien on the property, and, in addition, the amount of said taxes shall be a personal debt of said person.

18:14-3.10 Disallowance of claim; notice

(a) If the application for deduction has been disapproved, a notice of disallowance form (PD 4, January 1977) shall be forwarded to the claimant by regular mail and shall set forth the reason or reasons for disallowance of the claim and shall also set forth a statement notifying the taxpayer of his right to appeal to the County Board of Taxation on or before August 15 of the tax year.

1. By the assessor: Where an initial application for deduction under N.J.S.A. 54:4-8.40 et seq. (form PD 1, 2 or 3) has been filed with the assessor on or after October 1 and no later than December 31 of the year preceding the tax year for which the deduction claimed and it has been denied, notice of disallowance form (PD 4, January, 1977) shall be forwarded by the assessor to the claimant on or before June 1 of the tax year.

2. By the collector:

i. Where an initial application for deduction under N.J.S.A. 54:4-8.40 et seq. (form PD 1, 2 or 3) has been filed with the tax collector on or after January 1 and no later than December 31 of the tax year and it has been denied, notice of disallowance form (PD 4, January 1977) shall be forwarded by the collector to the claimant within 30 days of receipt of the application.

ii. Where the deduction has been denied by the collector because the claimant failed to prove his entitlement to the deduction for the tax year or to the continuation of the deduction for the ensuing tax year, as required by N.J.S.A. 54:4-8.44a, notice of disallowance form (PD 4, January 1977) shall be forwarded to the claimant on or before February 10 of the post-tax year or, where an extension of time for filing has been granted, no later than ten calendar days following the expiration of said extension.

iii. Where a claimant in any subsequent year fails to qualify for such a deduction, and the claimant has previously filed an application for a veteran's deduction or an application as a widow of either a veteran or a serviceman and is otherwise entitled to such a deduction, a claim for a veteran's deduction or the claim of a widow of a veteran or a serviceman shall be determined to be in effect for such tax year or years without further application on the part of such claimants. However, nothing herein shall preclude the assessor from inquiring into the eligibility of the veteran or the widow of a veteran or serviceman to receive such a deduction for the tax year or years in question.

18:14-3.11 Appeals

An aggrieved taxpayer may appeal from the disposition of a claim for a real property tax deduction in the same manner as is provided for appeals from assessments gen-

erally. However, in the event that a claimant's application for allowance of a real property tax deduction is disallowed by the assessor or collector at a date too late to permit the applicant to file an appeal with the county board of taxation on or before August 15 of such year, then, in such case, the applicant would be entitled to file an appeal at any time on or before August 15 of the succeeding year. If such appeal is filed by the applicant within such time as to permit it to be calendared and heard by the county board of taxation during the year immediately following the year to which such appeal relates, the county board of taxation may hear and decide such appeal for the tax year to which the appeal relates. The appeal should set forth the reasons, the nature and the location of the property and the relief sought.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977 to:

Jack Silverstein
Acting Chief Tax Counsel
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08625

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

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

TRANSPORTATION

Transfer of Outdoor Advertising Rules From Division of Taxation to Department of Transportation

Take notice that, on March 16, 1977, G. Duncan Fletcher, Director of the Division of Administrative Procedure in the Department of State, pursuant to N.J.S.A. 27:1A-52, effective July 1, 1972, transferring all functions, powers and duties of the Division of Taxation in the Department of Treasury with respect to the "Outdoor Advertising Act" (N.J.S.A. 54:40-50 et seq.) to the Department of Transportation, hereby recodifies 18:21-1.1 et seq. as 16:41A-1.1 et seq. in the New Jersey Administrative Code.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Emergency Revisions on Extension of Filing Time for Homestead Tax Rebate

On March 15, 1977, Sidney Glaser, Director of the Di-

vision of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976 c. 72 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 18:12-7.11 concerning an extension of the filing date for the homestead tax rebate.

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

18:12-7.11 Extension of filing date

The time for property owners to file their applications for a homestead rebate pursuant to P.L. 1976, c. 72 has been extended to [December 1, 1976] April 1, 1977.

An order adopting these revisions was filed and became effective on March 16, 1977, as R.1977 d.90 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Emergency Rule on Treatment of Capital Gains And Losses for Gross Income Tax Purpose

On March 17, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976, c.47 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning the treatment of capital gains and losses regarding gross income tax purposes.

Full text of the adopted rule follows:

18:35-1.6 Treatment of capital gains and losses pursuant to P.L. 1976, c.47

(a) As a result of the enactment of Chapter 40 of the Public Laws of 1977 on March 16, 1977, capital gains realized during the calendar year 1976 are subject to special treatment by reason of an amendment to section 54A:5-1(c) of the New Jersey Gross Income Tax Act.

(b) Said amendment provides that "For the tax year 1976, any taxpayer with a tax liability under this subsection, or under the 'Tax on Capital Gains and Other Unearned Income Act' (P.L. 1975, c.172), shall not be subject to payment of an amount greater than the amount he would have paid if either return had covered all capital transactions during the full tax year 1976; provided, however, that the rate which shall apply to any capital gain shall be that in effect on the date of the transaction. To the extent that any loss is used to offset any gain under (P.L. 1975, c.172) it shall not be used to offset any gain under the 'New Jersey Gross Income Tax Act', (P.L. 1976, c.47)."

(c) Accordingly, the following rule is issued in order to set forth the method of calculating the capital gain which must be included in the Capital Gains and Other Unearned Income Tax Return and/or Gross Income Tax Return for the 1976 taxable year.

(d) The taxpayer shall determine the net amount of

gain and loss applicable to each six-month period. He must determine the net gain or loss attributable to the period from January 1, 1976, to June 30, 1976, during which the Capital Gains and Other Unearned Income Tax Law was in effect for 1976, and he must determine the net gain or loss attributable to the period from July 1, 1976, to December 31, 1976, during which the New Jersey Gross Income Tax Law was in effect for 1976. Where it is determined that a net loss occurred during either period, such net loss may be applied against the net gain, if any, which is realized in the other taxable period. The following illustrates the procedure which is required to be followed:

GROSS INCOME TAX

Gains and Losses Subject to Tax

(July 1, 1976, to December 31, 1976)

Aug. 3, 1976 Gain	\$10,000
Oct. 14, 1976 Loss	12,000
	<hr/>
Net Loss (7-1-76 to 12-31-76)	\$ 2,000

UNEARNED INCOME TAX

Gains and Losses Subject to Tax

(January 1, 1976, to June 30, 1976)

Feb. 5, 1976 Gain	\$5,000
	<hr/>
Net Gain (1-1-76 to 6-30-76)	\$5,000
Loss Allowed Under c.40, P.L. 1977	2,000
	<hr/>
Net Gain Subject to Tax	\$3,000

1. The \$2,000 net loss incurred during the second half of 1976 under the Gross Income Tax is allowed as a deduction against the net gain of \$5,000 realized during the first half of 1976 under the Unearned Income Tax. The taxpayer would, therefore, be permitted to report a net gain of \$3,000 under the Unearned Income Tax. The taxpayer would, therefore, be permitted to report a net gain of \$3,000 under the Unearned Income Tax. He would have no net gain or loss under the Gross Income Tax.

2. Where the taxpayer is an estate or trust, the same rules shall apply and the estate or trust will be permitted to offset a net gain in the second half of 1976 under the Gross Income Tax if a net loss was incurred during the first half of 1976 even though the unearned Income Tax did not apply to estates and trusts.

3. In addition, individuals who were not subject to the Capital Gains and Other Unearned Income Tax during the first half of 1976 by reason of the modified Federal adjusted gross income threshold may also avail themselves of the net loss offset if a net loss was incurred during the first half of 1976.

An order adopting this rule was filed and became effective on March 18, 1977, as R.1977 d.94 (Exempt, Emergency Rule).

G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(a)

TREASURY

DIVISION OF PENSIONS

Revisions to Rules on Medical Examinations For Teachers' Pension and Annuity Fund

On March 15, 1977, A. Steven LaBrutte, secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of Treasury, pursuant to N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act adopted revisions to N.J.A.C. 17:3-6.25 concerning medical examinations, as proposed in the Notice published February 10, 1977 at 9 N.J.R. 100(b).

An order adopting these revisions was filed and became effective on March 21, 1977 as R.1977 d.96.

G. Duncan Fletcher
 Division of Administrative Procedure
 Department of State

(Other Agencies)

(b)

ELECTION LAW ENFORCEMENT COMMISSION

Proposed Deletion of Rule on Testimonial Affairs

The Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6(b) et seq., proposes to delete in its entirety the current text of N.J.A.C. 19:25-12.2(b) concerning testimonial affairs.

Full text of the rule proposed to be deleted follows (deletions indicated in brackets [thus]):

19:25-12.2[(b) For the limited purpose of computation of expenditure limits with respect to candidates, the amount of the expenditure in aid or furtherance of the candidacy of a candidate may, at the option of the candidate, be computed by using the smaller of:

1. The total amount of such expenditure as shown on the report; or

2. The total amount of such expenditure less the reasonable value of food and beverages to the persons who attended such affair and for whom a contribution in excess of the reasonable value of such food and beverages is reported.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1977, to:

Election Law Enforcement Commission
 National State Bank Building
 Suite 1114
 Trenton, N.J. 08605

The Election Law Enforcement Commission, upon its own motion or at the instance of any interested party, may

thereafter delete this rule substantially as proposed without further notice.

Lewis B. Thurston, III
Executive Director
Election Law Enforcement Commission

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Adopt Rules on Public Financing of General Elections for Governor

On March 7, 1977, Lewis B. Thurston, III, Executive Director of the Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6(b), 19:44A-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:25-15.1 et seq., concerning public financing of general elections for the office of Governor, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 102(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Election Law Enforcement Commission.

19:25-15.1 Scope of Subchapter

The provisions of this Subchapter shall be applicable to the general election campaign for election to the office of Governor of New Jersey in November, 1977, and every such gubernatorial campaign held thereafter, except that the provisions shall not apply to any general election campaign for the office of Governor for which the Legislature fails to make an appropriation for public funding.

19:25-15.9 Contribution eligible for match defined

"Contribution eligible for match" means allocated contributions from each single contributor delivered to the Commission by a candidate or a state committee to be matched on a two-for-one basis. It does not include a bank loan under Section 44 of the Act (N.J.S.A. 19:44A-44) [or], an inkind contribution, a contribution which is to be repaid, or a contribution by any county or municipal political party committee. "Delivered" shall mean deposited in the bank account established by the Commission as the account for the candidate.

19:25-15.12 (a) No person or political committee, otherwise eligible to make political contributions, shall make any allocated contribution or contributions to a candidate, his campaign treasurer or deputy campaign treasurer, a state committee, county committee or municipal committee of any political party or to any other person or committee, in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election, in the aggregate in excess of \$600.00, except as provided by these regulations and by Section 29 of the Act (N.J.S.A. 19:44A-29). Any such contribution in excess of \$600.00 must be returned to the contributor[,], and evidence of the repayment shall be submitted to the Commission. In any case, the total of all contributions from any person or political committee (including all contributions to the candidate and to the state committee) shall not exceed \$600.00 in the aggregate.

19:25-15.12 (d) A corporation, association or labor organization or any subsidiary, affiliate, branch, division,

department or local unit of any such corporation, association or local organization shall not make any contribution or contributions to or on behalf of a candidate which, when added to all such contributions by every related or affiliated corporation, association or labor organization, exceed \$600.00 in the aggregate, unless such contribution or contributions are independently made. Whether such contribution is independently made shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the degree of control or common ownership with related or affiliated corporations, associations or labor organization, the source and control of funds used for such contribution and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.

19:25-15.13 (a) Only contributions in cash or by check, money order or negotiable instrument shall be eligible for match. Inkind contributions shall not be eligible for match, but will count toward the individual contribution limit of \$600.00 and the overall expenditure limit contained in Section 7 of the Act. A maximum of \$600.00 in the aggregate of a candidate's own funds may be deposited in the bank account established by the Commission as the account for the candidate, and such sum shall be eligible for match. The total of all contributions eligible for match from any person or political committee (including all contributions to the candidate and to the state committee) shall not exceed \$600.00 in the aggregate.

19:25-15.14 (a) In the case of a check drawn on a joint checking account, the contributor shall be deemed to be the owner whose signature appears on the check. The check will not be attributed equally or otherwise to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner and information identifying the amount of contribution of each such owner. In the absence of specific instructions[,] to the contrary, the contribution will be allocated equally among all owners whose signatures appear on the instrument.

(b) In the case of a check drawn on an escrow or trust account, the contribution will be that of the person who is the beneficial owner of the account, and the check or other accompanying written instrument must bear the signature of such beneficial owner.

19:25-15.20 The matching of funds

(a) Every candidate seeking to qualify for public funding shall so notify the Commission in writing on or before August 1 immediately preceding the general election being funded; except that a person who becomes a candidate after August 1 shall notify the Commission on or before the fifteenth day after becoming a candidate. A candidate who wilfully and knowingly accepts a contribution for the general election in excess of \$600.00 from any contributor after the [effective date] twentieth day after publication in the New Jersey Register of these regulations as promulgated by the Commission shall be deemed to have elected not to seek to qualify for public funding. A candidate who has accepted a contribution in excess of \$600.00 from any contributor prior to [the effective date of these regulations,] that date, and who has not returned the amount of such contribution in excess of \$600.00 to the contributor within [10] 20 days after [the effective date] publication in the New Jersey Register of these regulations[,] as promulgated by the Commission, shall be deemed to have elected not to seek to qualify for public funding.

(b) On receipt of the letter in accordance with subsection (a) of this section, the Commission shall create an account in a national or a state bank [in Trenton] in behalf of such candidate for election to the office of Governor in a general election. The campaign treasurer or deputy campaign treasurer of a candidate or the state committee shall deliver to the Commission by depositing in the bank account established by the Commission as the account for such candidate, funds to be matched in aid of the candidacy of or in behalf of such candidate. Such deposit shall be made promptly and prior to the date on which the general election for the office of Governor is held, and shall include only moneys received in accordance with these regulations and Section 29 and 32 of the Act (N.J.S.A. 19:44A-29).

(c) A candidate seeking to become eligible to receive matching funds shall certify to the Commission in a written statement signed by the candidate that he is a candidate for Governor in the general election[,] and that he or the state committee has received and deposited into the designated depository lawful contributions eligible for match of at least \$40,000 from persons or political committees each of whose contributions in the aggregate (including in-kind contributions, but excluding voluntary services) do not exceed \$600.00, and that at least \$40,000 from such contributions have been expended. "Expended" for this purpose shall mean disbursed or irrevocably committed by legally binding commitment for expenditure in the campaign and [to be] ultimately disbursed.

(d) The statement shall include a typed or printed alphabetical list of contributors showing each contributor's full name and mailing address (and residence address if different from mailing address), the date of receipt of each contribution by the candidate or state committee and of the deposit into the designated campaign depository, the dollar amount of each contribution submitted for match, and the total amount of all contributions submitted for match. The statement shall also include a typed or printed alphabetical list of contributors of contributions not eligible or submitted for match, for example, in-kind contributions or contributions intended to be repaid) showing each contributor's full name and mailing address (and residence address if different from mailing address), the date of receipt of each such contribution by the candidate or state committee and the dollar amount of each such contribution. The statement shall also include a list of repayment by the candidate of any contribution, including any loan described under Section 32(b) of this Subchapter.

19:25-15.21 (a) Statements and certifications may be submitted by candidates on or before 12 o'clock noon of every other Monday following the date of the primary election [until September 1st] through August 31 and every Monday thereafter up to and including the Monday immediately preceding the general election being funded. In the event that a date for submission shall fall on a holiday, then the submission may be on the next succeeding business day which is not a holiday. The Commission shall promptly approve the certification submitted by the candidate or so much of it as the Commission deems to be proper. In the event that all the submission is not approved for match, the Commission will promptly so notify the candidate.

Nothing herein contained shall relieve any candidate or committee from the preelection or post-election reporting requirements contained in Sections 8 or 16 of the Act.

19:25-15.20 (g) The initial certification shall include photocopies of checks, receipted bills, contracts [of] or the like, as proof of the expenditure of at least \$40,000.

19:25-15.20 (h) Once eligibility has been established, subsequent statements and certifications shall be submitted [in accordance] confirming the continued compliance of the candidate with subsections (a), (b)[,] and (c)[,] of this Section and such information as is required by subsections (d), (e) and (f) of this Section. [19:25-15.20.]

19:25-15.22 (a) Every state committee shall, on the same time schedule as is followed by the qualified candidates supported by such state committee, file with the Commission a statement certified by its campaign treasurer [setting forth all of the information required under Section 19:25-15.20(d), (e)(1), (e)(2) and (f) of these regulations] confirming continued compliance of the committee with N.J.A.C. 19:25-15.16 and N.J.A.C. 19:25-15.20(b), and shall include in said statement such information as is required by N.J.A.C. 19:25-15.20(d) and (f) with respect to contributions received or allocated by it. The statement shall include certification by the state committee that:

1. The submission includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or the recipient to be refunded or repaid at any time; and

2. No contribution by any county committee or municipal committee of any political party is included in the submission.

19:25-15.25 Special candidate account for public funds
[Every candidate] The Commission shall maintain in Trenton for each qualified candidate a separate segregated campaign account for public funds. All public funds received by [him out of] the Commission from the General Treasury of the State shall be promptly deposited by [him] the Commission into such separate segregated campaign account. No funds other than such public funds shall be deposited in such separate segregated campaign account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

19:25-15.26 Disbursement of Public Funds—Procedure

The Commission shall certify to the Treasurer of New Jersey the amount to be disbursed to the Commission for the account of each candidate. The Treasurer shall then deliver such amount to the Commission, out of the General Treasury of the State from the fund for campaign expenses for the general election to the office of Governor. [Delivery to the Commission shall be by deposit in the public fund bank account established by the Commission as the account for such qualified candidate. The Treasurer shall notify the Commission of such delivery.]

19:25-15.29 Use of transferred funds

Notwithstanding the provisions of N.J.A.C. 19:25-7.3, any transfer of funds from the campaign of the gubernatorial candidate to any other candidate, political committee or political club will be considered to be an expenditure on behalf of the gubernatorial candidate under Section 7 of the Act. No such transferee shall make any contribution to or on behalf of the gubernatorial candidate prior to or subsequent to such transfer.

19:25-15.[29]30 Compliance costs

[19:25-15.30 Limitation of expenditures

For the limited purpose of computation of the expenditure limit contained in Section 7 of the Act, the amount of the expenditure in aid or furtherance of the candidacy of a candidate relating to a testimonial affair as defined in N.J.A.C. 19:25-1.7 of these regulations may, at the option of the candidate, be computed by using the smaller of: 1)

the total amount of such expenditure as shown by the report of the candidate; or 2) the total amount of such expenditure less the reasonable value of such food and beverages to the persons who attended such affair and for whom a contribution in excess of the reasonable value of such food and beverages is reported.]

19:25-15.31 (a) Independent expenditures shall not be deemed to be expenditures within the meaning of Section 7 of the Act, but all such expenditures shall be subject to all of the reporting and disclosure requirements of the Act. Every person or political committee making independent expenditures shall include in the reports required under the Act a sworn statement on a form provided by the Commission that such independent expenditure was not made with the cooperation or prior consent of [r]f, or in consultation with or at the request or suggestion of, the candidate or any person or committee acting on behalf of the candidate.

19:25-15.32 Borrowing of funds; repayment

(a) Any candidate, his campaign treasurer or deputy campaign treasurer, may borrow funds from any national or state bank, provided that no person or political committee other than the candidate himself or the state committee of any political party, may in any way endorse or guarantee such loan. The amount so borrowed shall not at any one time in the aggregate exceed \$50,000 and must be repaid in full by such candidate or his campaign treasurer or deputy campaign treasurer from moneys accepted or allocated pursuant to Section 29 of the Act not later than 30 days prior to the general election for the office of Governor. Certification of such repayment shall be made by the borrower to the Commission not later than 25 days prior to the date of the general election. In the event of the failure of the borrower to repay timely the full amount of the loan or to [properly] certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the Act to prohibit the expenditure by the candidate of moneys received from the fund and any other moneys received by him in aid of his candidacy in such general election.

(b) A loan (including a loan by a candidate from his own funds to his campaign) other than as provided in subsection (a) of this Section is a contribution, and is subject to the \$600.00 limitation on contributions.

19:25-15.33 (c) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall supply each county clerk with the text of the statement received from each candidate for election [for] to the office of Governor.

19:25-15.34 Maintenance of records

The campaign treasurer or deputy campaign treasurer of every candidate and the treasurer or deputy treasurer of every state committee shall retain all written instruments, checks, bank statements and all other records of contributions and expenditures, including originals or photocopies of all documents and instruments submitted to the Commission[,] relating to the election.

An order adopting these rules was filed and became effective on March 7, 1977, as R.1977 d.72.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TURNPIKE AUTHORITY

Revisions to Rules on Control Of Traffic on New Jersey Turnpike

On February 24, 1977, the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 19:9-1.1 et seq. concerning the control of traffic on the Turnpike, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 56(a).

An order adopting these revisions was filed on February 25, 1977, as R.1977 d.63 to become effective on March 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

COMMISSIONER BLASTS HIGH OVERHEAD

COSTS CHARGED BY AUTO INSURANCE FIRMS

State Insurance Commissioner James J. Sheeran believes that if the auto insurance industry wants to regard itself as simply a pass-through mechanism to be sustained by ever-increasing rates, it should cut "the fat" out of its operating expenses.

Before a gathering of some 200 insurance industry representatives, lawyers and legislators last month, he declared: "The insurance companies seem quite willing to regard auto insurance as just another pass-through. The payments the companies make can be recovered through periodic rate adjustments—they think. Our costs go up, or our rates should go up. It's that kind of idea.

"If that's the way the industry wants it, if it doesn't pitch in and try to root out fraudulent claims, if it doesn't try to hold down the costs of the things insurance pays for, then I say let it take its cue from our foremost pass-through mechanism—Blue Cross.

"About 96 cents out of every Blue Cross dollar received in premium pays for the services it provides to its subscribers. Only about 4 per cent represents operating expenses.

"What about the auto insurance companies? Something like 60 cents of every dollar pays claims—the rest is for expenses, legal, administrative, selling, what-have-you.

"If the auto insurance industry wants to be a pass-through, then let it cut the fat out—and there must be an awful lot of fat there—if Blue Cross can earmark 96 cents of every dollar to pay claims for its subscribers, why are the auto insurers only paying 60 cents, particularly in the no-fault area?

"Let them put their own houses in order if they agree insurance should not become a luxury but should remain affordable for the average American family", stated Sheeran.

**MODERN GARBAGE BAILER PLANT
TO BE BUILT BY STATE IN MEADOWLANDS**

Governor Brendan Byrne last month transferred 12.73 acres of riparian land to the Hackensack Meadowlands Development Commission to be used for the construction of a 1,000-ton per day bailer facility, one of only six in the nation.

It will be the first mechanized facility in the State for the disposal of solid waste and should be in operation by January 1, next year, he said. The project is funded under the recently passed Federal Public Works Act.

"This is a major step forward for the State of New Jersey", said the Governor. "We are finally making progress in bringing the handling of refuse into the modern age and freeing land to be reclaimed as golf courses and other active recreation areas", he said.

Community Affairs Commissioner Patricia Q. Sheehan, chairman of the HMDC, said the proposed bailer was "merely the beginning of the efforts of the HMDC and the State to deal with this critical problem".

The bailing operation will be enclosed in a modern, landscaped 60,000 square-foot building, to be erected on what is now an auto junkyard. The bailer will produce a five foot by four foot by four foot bail every 90 seconds, each weighing 3,000 pounds. The cubes will be used to build up the swampy land for conversion into a golf course.

Mrs. Sheehan said there will be no increase in truck traffic in the area and no trucks will be allowed to dump materials after 5 p.m.

"This type of bailer will provide a great environmental improvement and will greatly enhance the image of not just North Arlington but of the entire Meadowlands area", she declared.

NEW \$95 MILLION STEEL PLANT

Co-Steel International Limited will build a \$95 million steel plant that will employ more than 1,000 people in Perth Amboy, Governor Brendan Byrne recently announced.

"This decision is a dramatic demonstration of the effectiveness of this administration's economic development program in boosting the State's economy. The Economic Development Authority (EDA), created early in this Administration, has played a vital role in making this program a success", the Governor said.

The mill will be built at the site of the Raritan Cooper Works Division of the Anaconda Company which closed in 1975. Company officials have signed a conditional agreement to purchase the 90-acre site, with construction to start this year.

"I am extremely pleased that Co-Steel has decided to locate this mill in Perth Amboy", the Governor said. "Perth Amboy like many of our urban centers has suffered substantial job losses during the past decade and this will provide a needed boost to the city's economy".

**THREE NEW POKER-HAND LOTTERY
GAMES LAUNCHED FOR STATE AID**

New Jersey's newest instant lottery, "Play Cards", featuring three separate poker-type card games, opened in March and will run for the next three months.

"Play Cards" offers a different concept than did New Jersey's recent instant games. It also offers better odds of winning and bigger prizes. Tickets are \$1 each.

Henry N. Luther III, executive director of the lottery, said "we believe 'Play Cards' will sustain interest, the

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NEXT RULES FILING DEADLINE April 20

public will enjoy it more and that the lottery and the taxpayers will earn additional revenues for education and institutions".

All three games provide opportunities to win instant cash prizes up to \$10,000 and a grand-prize of \$1,000 a week for life, with a guaranteed \$1 million.

Of the \$1 for each ticket purchased, 48 cents goes directly to the player and approximately 42 cents to the State for aid to education and institutions, Luther said. The balance is for commissions to lottery agents and banks who sell the tickets and promotional and administrative costs.

Lottery officials have printed 60 million tickets for the three games, apparently believing it has added appeal. Each game is expected to run from four to six weeks, with the first one—a player-only "three-of-a-kind" having opened on March 21.

Following the first game, buyers will play a "beat-three-of-a-kind" against an anonymous "dealer" whose count will appear on each card. Third game is a four-card blackjack version of "21" with the "dealer" count guaranteed at between 17 and 20. In this one aces will count either 1 or 11, face cards 10 each. The computer is set so that no ties can result in any game, officials claim.

Finally, is the grand-prize drawing based on all previous winning tickets for the top annuity prize. Previous State lotteries over the past six years have produced 55 millionaires, one of whom has died, with the remainder going to her estate.

Last year a record \$158 million in lottery tickets were sold—with over two-fifths of all receipts turned over to the State Treasury for specific aid for schools or institutions.