

NEW JERSEY REGISTER



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(Rules proposed and/or adopted through Nov. 22)

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(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Rule Regulating Milk Handling

On October 27, 1976, 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 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 2:54-3.8 which regulates milk handling and further amends Federal Order Number 4.

Full text of the adopted rule follows:

2:54-3.8 Amendment to Federal Order Number 4

(a) In conformance with a 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 on May 20, 1976 at the Baltimore-Washington International Airport, Maryland, pursuant to notice thereof which was published in the time and manner required by law.

(b) Pursuant to the provisions of N.J.A.C. 15:15-5.3 and after considering the evidence adduced at the hearing, the director hereby adopts by reference the findings and conclusions of the United States Department of Agriculture as contained in the Federal Register beginning at page 34283 of Volume 41, No. 158 for Friday, August 13, 1976, insofar as the said findings and conclusions pertain to the marketing of milk in the State of New Jersey under 7 CFR 1004 the same being commonly referred to as Federal Order No. 4.

(c) The director further finds that the terms of the order amending the order regulating the handling of milk in the Middle Atlantic marketing area as contained in the Federal Register beginning at 46448 of Volume 41, No. 205 for Thursday, October 21, 1976, which was signed in Washington, D.C., on October 18, 1976, to be effective with respect to marketings on and after January 1, 1977, should be and is hereby adopted insofar as said order applies to the marketing of milk in the State of New Jersey under 7 CFR 1004.

An order adopting this rule was filed on November 1, 1976, as R.1976 d.339A (Exempt, Procedure Rule) to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revised Minimum Milk Prices

On November 9, 1976, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions concerning minimum milk prices which delete in its entirety the current text of N.J.A.C. 2:49-1.1(b) and adopt new text in place thereof.

2:49-1.1(b) Effective December 1, 1976, minimum milk prices under Order 69-1 will be 38½ cents per quart, 72 cents per half-gallon and \$1.38 per gallon. This amendment shall be effective from and after December 1, 1976.

An order adopting these revisions was filed on November 10, 1976, as R.1976 d.354 (Exempt, Procedure Rule) to become effective on December 1, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revisions to Various Rules Of Division of Dairy Industry

On November 9, 1976, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:12A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to various Sections in Chapters 48 through 53 in Title 2 of the New Jersey Administrative Code concerning the rules of the Division of Dairy Industry, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 450(b), with only inconsequential structural or language changes, in the opinion of the Department of Agriculture.

An order adopting these revisions was filed on November 15, 1976, as R.1976 d.359 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

NEW JERSEY REGISTER

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

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(a)

BANKING

DIVISION OF SAVINGS AND LOAN

Revisions Concerning Proxies And Subscription Prices

On October 27, 1976, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-272 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 3:32-1.5(a) and 3:32-1.7(a) concerning proxies and subscription prices, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 452(d).

An order adopting these revisions was filed and became effective on October 27, 1976, as R.1976 d.337.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Local Jurisdictions Concerning Personnel Manual, Promotions, Seniority and Leave

On November 9, 1976, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subparts 8-6.105 and 17-21.101 of the Civil Service Personnel Manual (Local Jurisdictions) concerning eligibility for promotion and seniority and liability for leave credits taken in excess of statutory guidelines.

Full text of the adopted revisions follows:

Subpart 8-6.105 Eligibility For Promotion And Seniority

8-6.105a Subject:

This subpart is issued to clarify Civil Service policy on eligibility for promotion and seniority when an employee has

- (1) Taken a leave of absence without pay, or
- (2) Returned to employment via a special or regular reemployment list.

8-6.105b Policy:

The time during absence from work should be deducted from total service for employees who have taken a leave of absence without pay or who have returned to work via a special reemployment list. This deduction should be made when computing service time to determine both eligibility for promotion and/or seniority.

Employees who return to employment from a regular reemployment list begin accumulating seniority in a position from the date of reemployment.

8-6.105c Exceptions:

Time should not be deducted from total service for employees who have taken a leave of absence without pay for:

1. Military leave;
2. Education;
3. Sick leave (including maternity).

Subpart 17-21.101 Liability For Leave Credits Taken In Excess Of Statutory Guidelines

17-21.101a Subject:

This subpart is issued to advise of circumstances when an employee is liable for leave credits taken in excess of statutory guidelines. This subpart was initiated by the Office of Fiscal Affairs audits. The Department of Civil Service is responding to the results of those audits with this subpart, clarifying the extent to which reimbursement is required.

17-21.101b Liability:

There are basically two circumstances under which an employee could be liable for leave credits. The first is when an employee leaves the classified Local Service before the end of the year and has taken the full year's allowance of sick and vacation leave credits. The other circumstance is when an employee has used the full year's allowance of sick and vacation leave awarded and then goes on leave without pay.

17-21.101c Application:

While both sick leave and vacation leave are not earned on a month-by-month basis, leave is granted based on a full year's service. When a classified employee does not work the full year but has taken the full year's leave credits, sick and vacation leave must be prorated on a month-by-month basis to determine the amount of leave to which the employee is statutorily entitled.

When an employee leaves Local Service that employee is liable for and must reimburse the appointing authority for the difference between the prorated leave award and the yearly leave award. If the employee does not reimburse, the appointing authority may recover through normal legal process.

In instances where an employee has used all the current year's sick and vacation leave award and then goes on leave without pay (in accordance with N.J.A.C. 4:1-17.21 leave credits shall not accrue while an employee is on any leave without pay, except military service) the employee is liable for the difference between the prorated leave award and the yearly award.

Examples:

1. An employee leaves the Local Service in August of the second calendar year of service. This employee had used all vacation and sick leave credits awarded for the year—12 vacation days and 15 sick days. Since the employee did not complete the calendar year, leave credits must be prorated. To determine liability the appointing authority would subtract 10 days' sick leave ($1\frac{1}{4}$ days per month) and 8 days' vacation leave (1 day per month) from the yearly award. The employee is liable for and must reimburse the appointing authority for the difference—5 days' sick leave and 4 days' vacation leave.

2. An employee is granted a leave without pay for two months. This employee had been awarded 15 days sick leave and 12 days vacation leave (1-10 years of service) at the beginning of the calendar year. To determine liability the appointing authority, would deduct $12\frac{1}{2}$ days' sick leave ($1\frac{1}{4}$ days per month) and 10 days' vacation leave (1 day per month) from the yearly award. The employee is liable for the difference—2½ days' sick leave and 2 days' vacation leave. The employee must reimburse the appointing authority for this time.

An order adopting these revisions was filed on November 16, 1976, as R.1976 d.360 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to State Service Personnel Manual Concerning Salary Rates, Promotion and Seniority, Leave Credits and Dual State Office Holdings

On November 9, 1976, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subparts 7-3.111, 8-6.105, 17-21.101 and 18-4.102 of the Civil Service Personnel Manual (State Service) concerning salary rates for initial appointments, eligibility for promotion and seniority, liability for leave credits taken in excess of statutory guidelines and information on dual State office holding.

Full text of the adopted revisions follows:

Subpart 7-3.111 Salary Rates For Initial Appointments

7-3.111a Subject:

This subpart prescribes the regulation for salary rates to be followed when making appointments.

7-3.111b Regulation:

All initial appointments will be made at the minimum or authorized hiring rate of the range, except as authorized by the Salary Adjustment Committee or as otherwise provided for in this Civil Service Personnel Manual.

SUBPART 8-6.105 ELIGIBILITY FOR PROMOTION AND SENIORITY

8-6.105a Subject:

This subpart is issued to clarify Civil Service policy on eligibility for promotion and seniority when an employee has:

- (1) Taken a leave of absence without pay, or
- (2) Returned to employment via a special or regular reemployment list.

8-6.105b Policy:

The time during absence from work should be deducted from total service for employees who have taken a leave of absence without pay or who have returned to work via a special reemployment list. This deduction should be made when computing service time to determine both eligibility for promotion and/or seniority.

Employees who return to employment from a regular reemployment list begin accumulating seniority in a position from the date of reemployment.

8-6.105c Exceptions:

Time should not be deducted from total service for employees who have taken a leave of absence without pay for:

1. Military Leave
2. Education
3. Sick leave (including maternity)

SUBPART 17-21.101 LIABILITY FOR LEAVE CREDITS TAKEN IN EXCESS OF STATUTORY GUIDELINES

17-21.101a Subject:

This subpart is issued to advise of circumstances when an employee is liable for leave credits taken in excess

of statutory guidelines. This subpart was initiated by the Office of Fiscal Affairs audits. The Department of Civil Service is responding to the results of those audits with this subpart, clarifying the extent to which reimbursement is required.

17-21.101b Liability:

There are basically two circumstances under which an employee could be liable for leave credits. The first is when an employee leaves the classified State Service before the end of the year and has taken the full year's allowance of sick and vacation leave credits. The other circumstance is when an employee has used the full year's allowance of sick and vacation leave awarded and then goes on leave without pay.

17-21.101c Application:

While both sick leave and vacation leave are not earned on a month-by-month basis, leave is granted based on a full year's service. When a classified employee does not work the full year but has taken the full year's service credits, sick and vacation leave must be prorated on a month-by-month basis to determine the amount of leave to which the employee is statutorily entitled.

When an employee leaves State Service that employee is liable for and must reimburse the appointing authority for the difference between the prorated leave award and the yearly leave award. If the employee does not reimburse, the appointing authority may recover through normal legal process.

In instances where an employee has used all the current year's sick and vacation leave award and then goes on leave without pay (in accordance with N.J.A.C. 4:1-17.21 leave credits shall not accrue while an employee is on any leave without pay, except military service) the employee is liable for the difference between the prorated leave award and the yearly award.

Examples:

1. An employee leaves the State Service in August of the second calendar year of service. This employee had used all vacation and sick leave credits awarded for the year—12 vacation days and 15 sick days. Since this employee did not complete the calendar year, leave credits must be prorated. To determine liability the appointing authority would subtract 10 days' sick leave (1¼ days per month) and 8 days vacation leave (1 day per month) from the yearly award. The employee is liable for and must reimburse the appointing authority for the difference—5 days' sick leave and 4 days' vacation leave.

2. An employee is granted a leave without pay for 2 months. This employee has been awarded 15 days sick leave and 12 days vacation leave (1-5 years of service) at the beginning of the calendar year. To determine liability the appointing authority would deduct 12½ days' sick leave (1¼ days per month) and 10 days' vacation leave (1 day per month) from the yearly award. The employee is liable for the difference—2½ days' sick leave and 2 days' vacation leave. The employee must reimburse the appointing authority for this time.

SUBPART 18-4.102 INFORMATION—DUAL STATE OFFICE HOLDING

18-4.102a Subject:

This subpart is issued to advise of the Attorney General's formal opinion on whether the Conflict of Interest Act prohibits a State officer or employee from holding or being employed in a separate State office or position at the same time.

18-4.102b Attorney General's Formal Opinion No. 18—
1976 (dated June 21, 1976):

Editor's Note: Due to space limitations, the full text of this opinion is not reproduced herein, although such full text was filed with this rule. The concluding paragraph only of that opinion follows. The full opinion may be obtained from the Department of Civil Service, 201 East State St., Trenton, N.J. 08625.

"In light of the foregoing, it is our opinion that the Conflicts of Interest Act does not impose an absolute bar to dual State officeholding or employment. The Departments of State government, however, are free to regulate dual officeholding in instances where it may be expected to impair the objectivity and independence of the State officer or employee in the exercise of his or her primary job responsibilities."

An order adopting these revisions was filed on November 16, 1976, as R.1976 d.361 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Revisions in Relocation Assistance

Patricia Q. Sheehan, Commissioner of the Department of Community Affairs, pursuant to authority of N.J.S.A. 20:4-1 et seq., proposes to revise the rule concerning payment for claimant who rents. The revised rule, if adopted, will be cited as N.J.A.C. 5:11-9.6.

The revisions are designed to limit rental assistance payments to families with adequate financing resources while providing increased payments in hardship cases.

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

5:11-9.6 Payment for claimant who rents

(a) A displaced tenant or home owner who elects to rent is eligible for a rental housing payment for rental assistance, hereafter referred to as rental assistance payment. The following subsections describe methods for computing the payment and for developing the basic data required for the computation.

(b) If the claimant was eligible for a replacement housing payment for homeowners but elected to rent rather than to purchase a dwelling, the amount of the rental assistance payment may not exceed the amount of a replacement housing payment for homeowners to which he would have been entitled.

(c) The annual rental assistance payment is limited to 12 [48] times the difference between the base monthly rental for the dwelling from which the claimant is displaced and the lesser of the monthly rental for a comparable unit, or the actual monthly rental paid for a replacement unit but may not exceed \$1,000 [\$4,000].

(d) The base monthly rental shall be the average monthly rent, including utilities, paid by the displaced person for the three-month period prior to initiation of negotiations except that:

1. The base monthly rental shall be the economic rent for similar dwellings in an area not generally less desirable than that of the dwelling from which the person is displaced (see Chapter 6, Section 7 for definition of economic rent) if:
 - i. The displaced person was the owner of the dwelling from which he was displaced;
 - ii. The displaced person was not required to pay rent for the dwelling from which he was displaced; or
 - iii. The local agency finds that the rent, if any, previously paid by the displaced person (including rent paid for agency-acquired property) was substantially higher or lower than the economic rent for a comparable dwelling.

2. **Exception: In cases of documented extreme hardship, the base monthly rental may not exceed 25 per cent of one-twelfth of the person's adjusted annual income (see definition of "Income" in Chapter 1, Section 7). (Note: An example of such an exception might be a clear case of rent gouging when a tenant is paying substantially higher rent than tenants of similar units in the same neighborhood.)**

(e) The monthly rental for a comparable unit may be computed by the method described below:

1. The local agency may use a schedule of average prices of comparable rental housing in locality;
2. The schedule shall be based on average rentals for various types of replacement dwellings available on the private market;
3. It should reflect the monthly rental for comparable, decent, safe, and sanitary dwellings in areas not generally less desirable than the dwelling units acquired (and/or demolished) for the project;
4. It should be based on a current analysis of the market to determine an appropriate average rental for each type of dwelling required;
5. The use of a schedule for determining the monthly rental for a comparable unit is mandatory;
6. The schedule is subject to DCA approval (See Chapter 3, Paragraph 4).

A public hearing on the proposed action will be held on Friday, December 17, 1976, at 10 a.m. at the Department of Community Affairs, 363 West State Street, Trenton, New Jersey.

Persons wishing to testify should call (609) 292-6107 to arrange for a time to speak. Written statements of oral testimony must be submitted at the time of testimony. A time limit may be imposed to accommodate all speakers.

Persons interested in submitting written statements only concerning the action may send them to the above address, on or before December 15, 1976.

Interested persons may further present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to the Department of Community Affairs at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Rules on Uniform Construction Code

On November 4, 1976, Robert C. Holmes, Assistant Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the New Jersey Uniform Construction Code, substantially as proposed in the Notices published May 6, 1976, at 8 N.J.R. 216(b), July 8, 1976, at 8 N.J.R. 319(a), August 5, 1976, at 8 N.J.R. 370(d), and September 9, 1976, at 8 N.J.R. 414(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

The New Jersey Uniform Construction Code may be cited as N.J.A.C. 5:23-1.1 et seq.

Four orders adopting the total text of the New Jersey Uniform Construction Code were filed on November 8, 1976, as R.1976 d.344 through R.1976 d.347, to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

BOARD OF EDUCATION

Revised Definition of Remote From the Schoolhouse

On November 3, 1976, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, 18A:58-7, as supplemented and amended by Chapter 212, Laws of 1975, and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which revised the definition of the words "remote from the schoolhouse".

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

6:21-1.3 (a) The words "remote from the schoolhouse" shall mean [2½ miles or more] **beyond 2½ miles** for high school pupils (grades 9 through 12) and [two miles or more] **beyond two miles** for elementary pupils (grades kindergarten through 8), except for pupils suffering from physical or organic defects. State aid for shorter distances for the sole reasons of traffic hazards should not be given, inasmuch as traffic hazards are a local responsibility.

An order adopting these revisions was filed and became effective on November 4, 1976, as R.1976 d.342 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Rules Concerning Approved Public Elementary Summer Schools

On November 3, 1976, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-10, 18A:38-4, the Commissioner's decision in the Matter of the Appeals of the Boards of Education of the Black Horse Pike Regional School District and the Sterling Regional School District, Camden County, 1973 S.L.D. 130, affirmed State Board of Education, 1973 S.L.D. 138, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 6:26-3.1 et seq., concerning approved public elementary summer schools, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 455(a), with only inconsequential structural or language changes, in the opinion of the Department of Education.

An order adopting these rules was filed and became effective on November 19, 1976, as R.1976 d.365.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

EDUCATION

STATE BOARD OF EDUCATION

Revisions Concerning Approved Secondary School Summer Sessions

On November 3, 1976, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-23 through 18A:4-25, 18A:38-4, 18A:45-1, the Commissioner's decision in the Matter of the Appeals of the Boards of Education of the Black Horse Pike Regional School District and the Sterling Regional School District, Camden County, 1973 S.L.D. 130, affirmed State Board of Education, 1973 S.L.D. 138, and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:27-3.1 et seq. concerning approved secondary school summer sessions, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 456(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

An order adopting these revisions was filed and became effective on November 19, 1976, as R.1976 d.366.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules Concerning Uses of Lake Musconetcong

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3, 13:1D-9 and 13:1-26(3), proposes to adopt new rules concerning the limitation of allowable uses of Lake Musconetcong in Morris and Sussex Counties during the time that it is being lowered by the Department. Such rules are known within the Department of Environmental Protection as Docket No. DEP 028-76-11.

Full text of the proposed rules follows:

7:25-7.12(d) While the lake is in a lowered condition, fishing or the taking of fish by any means in the open, unfrozen waters of Lake Musconetcong is hereby restricted and no person shall enter upon the waters or shoreline areas of Lake Musconetcong for the purpose of fishing or the taking of fish by any means, with the exception that fishing through the ice (ice-fishing) will be permitted in accordance with existing ice-fishing regulations as provided for in N.J.S.A. 23:5-3 and 23:5-11.

(e) Any person violating the provisions of the aforesaid regulation shall be subject to prosecution as provided in N.J.S.A. 13:1B-26(3).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

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

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

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Rule on Marking of Leased Tidal Grounds in the Delaware River and Bay

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-23 and 50:3-13, proposes to adopt a new rule concerning the marking of leased tidal grounds in the Delaware River and Bay.

Purpose of this regulation is to insure that proper enforcement can be made on all ground being worked by the lessee or his designee. The regulation was proposed

by the Maurice River Cove Shellfisheries Council who adopted it by resolution at its meeting on August 12, 1976.

Full text of the proposed rule follows:

SUBCHAPTER 13. LEASED TIDAL GROUNDS

7:25-13.1 Marking of leased tidal grounds; Delaware River and Bay

No leased shellfish ground in the Delaware River and Bay shall be dredged upon unless it is properly staked or buoyed. Proper stakes or buoys shall extend at least four feet above mean high water, each corner marked with a stake or buoy shall have on it the number of the lots marked. Numbers shall be four inches high on a background of contrasting color. Corners that have to be marked shall be the same as those shown on the approved shellfisheries maps.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

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

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

David J. Bardin
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Conservation Order Concerning Access to Lake Musconetcong

On November 5, 1976, the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(3), 13:1B-3, 13:1D-9 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency Conservation Order, known within the Department of Environmental Protection as Docket No. DEP 026-76-11, which restricted all access to Lake Musconetcong in Morris and Sussex Counties. This restriction is deemed necessary to preserve the fisheries resources during the time the lake is being lowered by the department.

Full text of the adopted rule follows:

7:25-7.12 Conservation order; restricted access to Lake Musconetcong

(a) Access to Lake Musconetcong by all persons, other than personnel of the Department of Environmental Protection, is hereby restricted and no person shall enter upon the waters or shoreline areas of Lake Musconetcong for any purpose whatsoever.

(b) Any person violating the provisions of the aforesaid regulation shall be subject to prosecution as provided in N.J.S.A. 13:1B-26(3).

(c) This regulation is essential to protect the fisheries resources in Lake Musconetcong during the period that

the water level of said lake is being reduced by the department.

An order adopting this rule was filed and became effective on November 8, 1976, as R.1976 d.348 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions to Surface Water Quality Standards

On November 5, 1976, 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. 7:9-4.6, 7:9-4.7 and 7:9-4.9 concerning surface water quality standards, as proposed in the Notice published June 10, 1976, at 8 N.J.R. 276(b).

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 013-76-05.

An order adopting these revisions was filed and became effective on November 8, 1976, as R.1976 d.349.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Revisions on Condemnation Of Certain Shellfish Beds

On November 22, 1976, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:10-1 et seq., 24:2-1 et seq., 24:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 7:12-1.3(a)39. concerning the condemnation of certain shellfish beds. Such revisions are known within the Department of Environmental Protection as Docket No. DEP 029-76-11.

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

7:12-1.3 (a) 39. All the ocean water east of the waters of Lower Bay and south of the New York State line and extending to and following the New Jersey three mile jurisdictional limit in a southerly direction, until it intersects a line bearing approximately 225° T connecting Buoy (BW, "BA", Mo (A) Whis) marking the separation zone of the Ambrose-Barnegat traffic lane and Buoy (BW mo (A), Bell) marking the entrance to Shark River Inlet, then along that line to a point approximately one mile from the shoreline and continuing, in a southerly direction, one mile offshore, until it intersects a line bearing approximately 146° T from the water tank located on Lake Avenue, Borough of Bay Head, with coordinates of latitude 40° 06.86' N., longitude 74° 04.56' W., then proceeding in a southeasterly direction along that line for approximately 1.4 miles until it intersects

a line at coordinates of latitude 40° 02.67' N., longitude 74° 03.73' W., bearing approximately 146° T from the water tank located on Normandy way in the Normandy Beach section of Dover Township, with coordinates of latitude 39° 99.83' N., longitude 74° 06.33' West. This point of intersection is approximately 2 miles from the shore line and approximately 102° from the 10 foot x 10 foot sign stating "DANGER - SUBMERGED OUTFALL" at the end of Princeton Avenue, Borough of Mantoloking with coordinates of latitude 40° 03.47' N, longitude 74° 05.14' West. The line then continues, bearing approximately 236° T, from the point of intersection towards the above noted water tank in Normandy Beach for approximately 1.4 miles until it is approximately one mile from the shoreline and then continuing, in a southerly direction, one mile offshore, until it intersects a line at coordinates of latitude 39° 51.07' N., longitude 74° 03.80' W, bearing approximately 96° from the first ocean bath house and concession building from the entrance of Island Beach State Park (approximately 3.3 statute miles south of the Park's entrance) with coordinates of latitude 39° 51.18' N, longitude 74° 05.20' W, then proceeding in a westerly direction along that line to the shore and terminating;

i. All of the ocean waters inshore of a line beginning at the Long Beach Island Surf Fishing Club (the old Coast Guard station) located at Six East Cape May Avenue, Borough of Harvey Cedars, with coordinates of latitude 39° 31.43' N, longitude 74° 11.40' W, and bearing approximately 120° T to a point approximately one mile from the shoreline with coordinates of latitude 39° 40.91' N, longitude 74° 12.60' W, thence along the shoreline, in a southerly direction, one mile offshore, until it intersects a line bearing approximately 283° T, connecting Buoy "2BH" F1 4 sec Bell, off Beach Haven Inlet and the southern most tip of Long Beach Island then following that line and terminating [ending] on the southern most tip of Long Beach Island.

An order adopting these revisions was filed and became effective on November 23, 1976, as R.1976 d.372 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Extension of Wetlands Order

On November 16, 1976, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:7A-1.13(a)1. and 2. concerning the extension of the Wetlands Order to portions of Middlesex and Monmouth Counties, as proposed in the Notice published September 9, 1976, at 8 N.J.R. 416(a).

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 019-76-07. Take notice that these amendments affect N.J.A.C. 7:7A-1.13(a)1. and 2. and not N.J.A.C. 7:7A-1(a)3. and 6. as was indicated in the Notice of Proposal.

An order adopting these amendments was filed on November 18, 1976, as R.1976 d.364 to become effective on December 3, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Rule Concerning Ownership Or Operation of Health Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-12 and with the approval of the Health Care Administration Board, proposes to adopt a new rule on the licensure standards for all health care facilities concerning the ownership or operation of such facilities.

Full text of the proposed rule follows:

SUBCHAPTER 26. STANDARDS; ALL HEALTH CARE FACILITIES

8:31-26.1 Ownership and operation; convicted persons

No health care facility shall be owned or operated by a person convicted of 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 December 29, 1976, to:

Wanda Schorn
Coordinator, Licenses, Certifications and Standards
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Rule Concerning Determination Of A Health Care Facility

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt a new rule concerning the determination of a health care facility.

Full text of the proposed rule follows:

SUBCHAPTER 6. HEALTH CARE FACILITIES

8:31-6.1 Determination of a health facility

(a) The Commissioner of Health, consistent with "the public policy of the State that hospital and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health"

(N.J.S.A. 26:2H-1) and in accordance with the definitions of a health care facility and a health care service, as specified in N.J.S.A. 26:2H-2a, b, shall determine whether a proposed or existing system or modality of health care delivery constitutes the operation of a health facility. If so designated, such facility shall be subject to all of the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1 et seq.) and those appropriate rules and regulations promulgated thereto.

(b) In making this determination, the Commissioner of Health shall request and obtain the advice and commentaries of the Health Systems Agency within whose boundaries the proposed or existing health care modality in question originates, and of the State Health Planning (Coordinating) Council.

(c) Those factors which shall be considered as relevant to the determination of a health facility shall include, but not be limited to:

1. The type of health care service delivered or to be delivered and its potential effect on the health care delivery system;

2. The apparent costs of equipping, staffing and operating the health care service and the resultant cost to all payors and consumers of health care;

3. The degree of complexity in terms of medical technology, equipment, and the medical, para-medical and administrative staffing required to provide the health care service;

4. The proposed or existing patterns of referral of persons to be provided health care by and to the service entity in question, and other providers of such care;

5. The financial arrangements for the payment or reimbursement of health care services available to both the service entity in question and to those persons receiving such care.

(d) When a health care service modality is determined to be a health facility, such facility shall be notified in writing by the Commissioner of Health. Such facility shall have a right to a hearing conducted before a hearing examiner on behalf of the Commissioner of Health in accordance with the provisions of the Administrative Procedure Act, pursuant to the rules of practice and procedure of the Department of Health.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

Vincent J. Maxtucci
Executive Assistant
Department of Health
Room 805
Health-Agriculture Building
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Standards for Planning and Certification of Need of Perinatal Services

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

The regulations propose to establish minimum standards and general criteria to be applied to the planning and review of Certificate of Need applications for perinatal services. Such rules, if adopted, will be cited as N.J.A.C. 8:31-8.1 et seq.

Copies of 21 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
Department of Health
Room 802, P.O. Box 1540
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 3, 1977, to the Department of Health at the above address.

A public hearing respecting the proposed action will be held on Friday, December 17, 1976, at 10:00 A.M. in the War Memorial Building in Trenton, New Jersey.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Standards Regarding Computerized Axial Tomography Units

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 Computerized Axial Tomography (CAT) units.

The regulations propose to establish minimum standards and general criteria to be applied to the planning and review of Certificate of Need applications for Computerized Axial Tomography units. Such rules, if adopted, will be cited as N.J.A.C. 8:31-9.1 et seq.

Copies of the 29 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, New Jersey 08625

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

(c)

HEALTH

THE COMMISSIONER

Revisions to 1977 Hospital Rate Review Program Guidelines

On November 8, 1976, 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 the 1977 hospital rate review program guidelines, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 461(d).

Take notice that these revisions are considered to be temporary rules not subject to codification and will not appear in Title 8 of the New Jersey Administrative Code. They amend R.1976 d.199 (See: 8 N.J.R. 223(b)) which was also a temporary rule.

An order adopting these revisions was filed and became effective on November 12, 1976, as R.1976 d.355.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Revision in Definition of Food Service Supervisor or Dietary Assistant

On November 8, 1976, 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. 8:42-2.1 concerning the definition of food service supervisory or dietary assistant, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 462(a).

An order adopting this revision was filed on November 12, 1976, as R.1976 d.356 to become effective on December 9, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Amendments for Emergency And Disaster Procedures

On November 8, 1976, 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 amendments, to be cited as N.J.A.C. 8:43A-1.10(r), to the standards for licensure of ambulatory care facilities regarding emergency and disaster procedures, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 462(b).

An order adopting these amendments was filed on November 12, 1976, as R.1976 d.357 to become effective on December 9, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Rules on Facilities Providing Family Practice

On November 8, 1976, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules on facilities providing family practice, to be cited as N.J.A.C. 8:43A-1.67, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 462(c).

An order adopting these rules was filed on November 12, 1976, as R.1976 d.358 to become effective on December 9, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Eliminating Certain Prior Authorization Requirements in Certain Manuals

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise portions of the Pharmacy, Prosthetic and Orthotic, Medical Supplies and Independent Clinic Manuals concerning changes to eliminate certain prior authorization requirements for certain items.

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

10:51-1.7(a)3. Injectable drugs as follows:

1. Gammaglobulin when not available from the Department of Health or other agencies.

[ii. Measles, mumps, rubella as a combined vaccine when not available from the Department of Health or other agencies.]

[iii.] ii. Drugs to be administered to a patient by other than the prescriber or an employee of the prescriber. Written prescription must include the statement, "For Self Administration".

4. Protein replacement products, such as (but not limited to) Probana, Portagen, Neo Mullsoy.

10:55-1.4(d) [13. Denis Browne splints and Fillauer bar;]

[14] 13. Shoes.

10:59-1.7(a) [4. Denis Browne splints and Fillauer bar.]

[5.] 4. Orthopedic shoes;

i. Note: Orthopedic shoes are reimbursable under the New Jersey Health Services Program under the following conditions:

[i.] (1) When attached to a brace or bar; and/or

[ii.] (2) When part of the normal (customary, usual) post-fracture treatment program; and/or

[iii.] (3) When used to correct gross foot deformities; and/or

[iv.] (4) When the talo-crural (ankle) joint is included in the shoe.

[6.] 5. Medical supplies and durable medical equipment to be purchased for which the charge to the program exceeds \$30.00. Exception: All "Ostomy bags and supplies" require prior authorization regardless of price. (See section 5 of this subchapter, Prescription policies.)

10:66-1.7 Prior authorization

(a) Prior authorization means approval by a consultant of the New Jersey Health Services Program before a service is rendered. This generally applies to prescribed nonemergency services. Delayed or retroactive requests for authorization after the service has been performed will not be honored.

(b) There is no limitation on the duration or number of visits available to an eligible person when dictated by medical necessity. However, it is required that prior authorization be obtained by clinics for those services for which such authorization is a standard prerequisite as described in section 8 of this subchapter, for example, rehabilitation services, transportation services (for approved invalid coach providers), podiatry services, [family planning services (for more than six visits in 12 months)], certain dental services, mental health services (exceeding \$300.00 in 12 months), and vision care services. All prior authorizations will be included on the independent outpatient health facility claim form (MC-14 C1). Exceptions: Dental clinics use MC-10; mental health clinics use both MC-14 C1 and FD-07; clinics providing rehabilitation services use both MC-14 C1 and FD-06.

10:66-1.11 [(c) No prior authorization shall be required for family planning clinic services, provided that not more than six visits are made within the year.

Note: A year shall be defined as 12 months following the initial visit or annual revisit.

(d) To obtain prior authorization if more than six visits are made within the year submit a completed MC-14 C1 (all three copies) to the appropriate local

medical assistance unit identifying the number of additional visits requested. Supporting documents justifying the need for the additional visits must accompany the claim form. If authorized the clinic will receive the provider and contractor copy of the MC-14 C1 with appropriate comments. Upon completion of authorized service(s), complete Items 11, 12 and 13 and submit the contractors copy to Prudential for payment.

(e) If not authorized the clinic will receive notification of the reason(s) for the denial.]

[(f)] (e) All family planning procedures for which reimbursement is made in the Health Services Program must involve physicians' services.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

Administrative Practice Officer
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Debarment, Suspension and Disqualification of Providers In Medicaid Program

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise a portion of the rules concerning the debarment, suspension and disqualification of providers in the Medicaid Program in order to comply with the requirements of Executive Order No. 34.

The proposed revisions concern the deletion of the current text of N.J.A.C. 10:49-1.18, Provider participation, and 10:49-6.3, Suspension/revocation, and the adoption of a new rule, to be cited as N.J.A.C. 10:49-1.18, Program participation, if adopted. N.J.A.C. 10:49-6.3 is intended to be marked as Reserved.

Full text of the proposed new rules follows:

10:49-1.18 Program participation

(a) These regulations are adopted and issued pursuant to Executive Order No. 34, dated March 29, 1976, and the authority vested in the Division of Medical Assistance and Health Services to implement the Medical Assistance Program by rules and regulations set forth in N.J.S.A. 30:4D-5.

(b) Debarment, suspension and disqualification are measures which shall be invoked by the Division of Medical Assistance and Health Services to exclude or render ineligible certain persons from participation in contracts and subcontracts with the Division or in projects or contracts performed with the assistance of and subject to the approval of the Division, on the basis of a lack of responsibility. These measures shall be used

for the purpose of protecting the interests of the Division and not for punishment. To assure the Division the benefits to be derived from the full and free competition between and among such persons and to maximize the opportunity for honest competition and performance, these measures shall not be invoked for any time longer than deemed necessary to protect the interests of the Division.

(c) As used in these regulations, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Debarment" means an exclusion from State contracting, on the basis of a lack of responsibility evidenced by an offense, failure, or inadequacy of performance, for a reasonable period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

"Suspension" means an exclusion from State contracting for a temporary period of time, pending the completion of an investigation or legal proceedings.

"Disqualification" means a debarment or a suspension which denies or revokes a qualification to bid or otherwise engage in State contracting which has been granted or applied for pursuant to statute, or rules and regulations.

"State" means the State of New Jersey, or any of the departments or agencies in the Executive Branch of government with the lawful authority to engage in contracting.

"Person" means any natural person, company, firm, association, corporation, or other entity.

"State contracting" means any arrangement giving rise to an obligation to supply any thing to or perform any service for the State, other than by virtue of State employment, or to supply any thing to or perform any service for a private person where the State provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.

"Provider" means any person, public or private institution, agency or business concern lawfully providing medical care, services, goods and supplies authorized under the New Jersey Medical Assistance and Health Services Act (P.L. 1968, c.413) as amended, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

"Affiliates" mean persons having an overt or covert relationship such that anyone of them directly or indirectly controls or has the power to control another.

"Contractors" mean the Hospital Service Plan of New Jersey (Blue Cross) and The Prudential Insurance Company of America, or their successors.

"Division" means the Division of Medical Assistance and Health Services.

(d) Any of the following, inter alia, shall constitute a good cause for debarment, suspension or disqualification of a person engaged in State contracting, as defined herein, by the Division of Medical Assistance and Health Services:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty;

3. Violation of the Federal or State Antitrust Statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276 b, c);

4. Violations of any of the laws governing the conduct of elections of the State of New Jersey or of its political subdivisions;

5. Violation of the "Law Against Discrimination" (P.L. 1945, c. 169, C.10:5-1 et seq., as supplemented by P.L. 1975, c. 127), or of the act banning discrimination in public works employment (C.10:2-1 et seq.) or of the "Act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (C. 114, L. 1942, C. 10:1-10 et seq.);

6. Violations of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor;

7. Violations of any laws, regulations or Code of Ethics governing the conduct of occupations or professions or regulated industries;

8. Willful failure to perform in accordance with contract specifications or within contractual time limits;

9. A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred;

10. Violation of contractual or statutory provisions regulating contingent fees;

11. Presentment for allowance or payment of any false or fraudulent claim for services or merchandise;

12. Submitting false information for the purpose of obtaining greater compensation than to which the person is legally entitled;

13. Submitting false information for the purpose of obtaining authorization requirements;

14. Failure to disclose or make available to the Division of Medical Assistance and Health Services or its authorized agent, records of services provided to Medicaid recipients and records of payments made therefore;

15. Failure to provide and maintain quality services to Medicaid recipients within accepted medical community standards as adjudged by a body of peers;

16. Engaging in a course of conduct or performing an act deemed improper or abusive of the Health Services Program following notification that said conduct should cease;

17. Breach of the terms of the Medicaid provider agreement entered into with the Division or failure to comply with the terms of the provider certification on the Medicaid claim form;

18. Over-utilizing the Health Services Program by inducing, furnishing, or otherwise causing an individual to receive service(s) or merchandise not otherwise required or requested by the recipient.

19. Rebating or accepting a fee or portion of a fee or charge for a Medicaid patient referral;

20. Violating any provision of P.L. 1968, c. 413 (New Jersey Medical Assistance and Health Services Act) as amended, or any rule or regulation promulgated by the Commissioner of Institutions and Agencies pursuant thereto;

21. Conviction of any crime involving moral turpitude;

22. Submission of a false or fraudulent application for provider status to the Division or to its contractors;

23. Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be determined by the Division to warrant debarment, in-

cluding such conduct as may be prescribed by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts;

24. Debarment by some other department or agency in the Executive Branch.

(e) Rules concerning the conditions for debarment are:

1. Debarment shall be made only upon approval of the Director of the Division, except as otherwise provided by law.

2. The existence of any of the causes set forth in Section 116.4 of this regulation shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Director of the Division unless otherwise required by law, and shall be rendered in the best interests of the Division.

3. All mitigating factors shall be considered in determining the seriousness of the offense, failure or inadequacy of performance and in deciding whether debarment is warranted.

4. The existence of a cause set forth in N.J.A.C. 10:49-1.18(d) 1. through 7. shall be established upon the rendering of a final judgment or conviction by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.

5. The existence of a cause set forth in N.J.A.C. 10:49-1.18(d) 8., 9., 10., and 23. subparagraphs (h), (i), shall be established by evidence which the Division or agency determines to be clear and convincing in nature.

6. The existence of a cause set forth in N.J.A.C. 10:49-1.18(d)1. through 7., 11. through 22. and 24. shall be established by a preponderance of the believable evidence.

7. Debarment for the cause set forth in N.J.A.C. 10:49-1.18(d)24. shall be proper provided that one of the causes set forth in N.J.A.C. 10:49-1.18(d)1. through 23. was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

(f) If the Division seeks to debar a person or his affiliates, the Division shall furnish such party with a written notice stating that debarment is being considered; setting forth the reasons for the proposed debarment; and indicating that such party will be accorded an opportunity for a hearing if he so requests within a stated period of time. All such hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act. However, where one department or agency has imposed debarment upon a party, a second department or agency may also impose a similar debarment without according an opportunity for a hearing, provided that the second agency furnishes notice of the proposed similar debarment to that party, and accords that party an opportunity to present information in his behalf to explain why the proposed similar debarment should not be imposed in whole or in part.

(g) Debarment shall be for a reasonable, definitely stated period of time which as a general rule shall not exceed five years. Debarment for an additional period shall be permitted provided that notice thereof is furnished and the party is accorded an opportunity to present information in his behalf to explain why the additional period of debarment should not be imposed.

(h) Rules concerning scope of debarment are:

1. Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the debarring agency upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the causes for which the debarment was imposed.

2. A debarment may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effected by him with the knowledge or approval of such person.

3. Debarment by the Director of any provider of service shall preclude such provider from submitting claims for payment, either personally or through claims submitted by any clinic, group, corporation or other association to the Division of Medical Assistance and Health Services or its contractors for any services or supplies he has provided under the Medical Assistance Program, except for services or supplies provided prior to the debarment. No clinic, group, corporation or other association which is a provider of services shall submit claims for payment to the Division or its contractors for any services or supplies provided by a person within such organization who has been debarred by the Director, except for services or supplies provided prior to the debarment.

4. When the provisions of this regulation are violated by a provider of service which is a clinic, group, corporation or other association, the Director may debar such organization and/or any individual person within said organization who is responsible for such violation.

(i) The Division may suspend a person in the public interest for any cause specified in subsection (d) of this section, or upon a reasonable suspicion that such cause exists, or when, in the opinion of the Director, such action is necessary to protect the public welfare and the interests of the Medical Assistance Program.

(j) Rules concerning the conditions for suspension are:

1. Suspension shall be imposed only upon approval of the Director of the Division and upon approval of the Attorney General, except as otherwise provided by law.

2. The existence of any cause for suspension shall not require that a suspension be imposed, and a decision to suspend shall be made at the discretion of the Director of the Division and of the Attorney General, and shall be rendered in the best interests of the Division.

3. Suspension shall not be based upon unsupported accusation, but upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists.

4. In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts.

5. Reasonable suspicion of the existence of a cause described in N.J.A.C. 10:49-1.18(a)1. through 24. may be established by the rendering of a final judgment or con-

viction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur.

6. A suspension invoked by the Division for any of the causes described in N.J.A.C. 10:49-1.18(a) 1. through 24. may be the basis for the imposition of a concurrent suspension by another agency, which may impose such suspension without the approval of the Attorney General.

(k) The Division may suspend a person or his affiliates, provided that within ten days after the effective date of the suspension, the Division provides such party with a written notice stating that a suspension has been imposed and its effective date; setting forth the reasons for the suspension to the extent that the Attorney General determines that such reasons may be properly disclosed; stating that the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue; and indicating that, if such legal proceedings are not commenced or the suspension removed within 60 days of the date of such notice, the party will be given either a statement of the reasons for the suspension and an opportunity for a hearing if he so requests, or a statement declining to give such reasons and setting forth the agency's position regarding the continuation of the suspension. Where a suspension by the division has been the basis for suspension by another agency, the latter shall note that fact as a reason for its suspension.

(l) A suspension shall not continue beyond 18 months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period, or unless debarment action has been commenced. Whenever prosecution or debarment action has been initiated, the suspension may continue until the legal proceedings are completed.

(m) Rules concerning the scope of suspension are:

1. A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effected by him with the knowledge or approval of such person.

2. Suspension by the Director of any provider of service shall preclude such provider from submitting claims for payment, either personally or through claims submitted by any clinic, group, corporation or other association to the Division of Medical Assistance and Health Services or its contractors for any services or supplies he has provided under the Medical Assistance Program, except for services or supplies provided prior to the suspension. No clinic, group, corporation or other association which is a provider of services shall submit claims for payment to the Division or its contractors for any services or supplies provided by a person within such organization who has been suspended by the Director, except for services or supplies provided prior to the suspension.

3. When the provisions of this regulation are violated by a provider of service which is a clinic, group, corporation or other association, the Director may suspend such organization and/or any individual person within said organization who is responsible for such violation.

(n) Exclusion from State contracting by virtue of debarment, suspension or disqualification shall extend to all State contracting and subcontracting within the control or

jurisdiction of the Division. However, when it is determined essential to the public interest by the Director of the Division, and upon filing of a finding thereof with the Attorney General, an exception from total exclusion may be made with respect to a particular State contract.

(o) Insofar as practicable, prior notice shall be given to the Attorney General and the Treasurer of any proposed debarment or suspension.

(p) The Division shall provide the Treasurer with the names of all persons suspended or debarred and the effective date and term thereof, if any.

(q) The rules herein shall be applicable to all persons, providers, contractors and their affiliates who engage in State contracting with the Division as defined herein.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

Administrative Practice Officer
Division of Medical Assistance and
P.O. Box 2486
P.O.D. Box 2486
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Amendments to Assistance Standards Handbook Concerning Child Care Costs

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:82-2.9 concerning child care costs which exceed the available earnings of a client.

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

10:82-2.9(a) 4. If applicable, deduct costs of child care (see N.J.A.C. 10:82-5.3); when child care costs exceed available earnings, the resultant calculated earned income is zero. No additional payment will be provided for child care; however, the client should be assisted in seeking a less costly means of caring for the children.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Assistance Standards Handbook Concerning Recoupment of Overpayments

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise portions in the Assistance Standards Handbook concerning the recoupment of overpayment from reserved income when that overpayment was due to client error or when the fair hearing finds the client ineligible to receive assistance.

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

10:82-2.15(a) In situations where [an administrative error or failure of] a member of an eligible unit fails to inform the welfare [board] agency of any change in income, resources, or circumstances resulting in an overpayment or underpayment in the monthly grant, the county welfare [board] agency shall proceed as follows:

(b) The CWA shall not recoup overpayments resulting from an administrative error.

10:82-2.16(b) In all other situations in which overpayment was due to client error or when the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision, recoupment is limited to available resources such as disregarded income or savings [according to the following procedure:]. The current assistance payment shall not be reduced to accomplish such recoupment. Where available resources such as disregarded income or savings, and so forth exist, the following procedure will be used to determine the amount of recoupment:

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Food Stamp Manual Concerning Repayment of Overissuances

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4B-2, proposes to revise

N.J.A.C. 10:87-6.41 concerning repayment of overissuance prior to criminal prosecution.

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

10:87-6.41(a) 2. Collection of overissuance: [If the payment of excess bonus coupons has resulted from any action or inaction on the part of the recipient, or from inaccurate or incomplete information supplied by the recipient, then the county welfare board shall determine whether or not collection of the excess payment is appropriate. Subject to the approval of the BLO, reimbursement may be waived] In all cases where there was over-issuance, the county welfare agency shall collect reimbursement prior to criminal prosecution, except under the following circumstances:

10:87-6.41(a) 2. [iii. If the case has been referred to law enforcement officials and is awaiting disposition, reimbursement proceedings shall be suspended until such time as either disposition is completed, or the prosecutor permits collection activity.]

[iv] iii. If repayment would create undue financial hardship for the recipient, reimbursement proceedings shall be waived.

[v] iv. If repayment cannot be accomplished because of other legal or social reasons, reimbursement proceedings shall be waived.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

Proposed Revisions on Food Stamp Eligibility

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4B-2, proposes to revise Sections within the Food Stamp Manual concerning income tax refunds and property tax rebates, which shall be nonexempt assets.

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

10:87-4.8(a)1. An accessible asset which is readily negotiable, such as, but not limited to, cash, demand deposits, time deposits, U.S. bonds, securities, [and] notes receivable, **income tax refunds, and property tax rebates,** shall be considered a liquid asset. (See also this Subchapter regarding inaccessible assets.)

10:87-4.9 One-time lump-sum payments

One-time lump-sum payments shall be treated as assets. Such payments include, but shall not be limited to, insurance settlements, proceeds from the sale of real or personal property, retroactive Social Security or SSI payments, [IRS refunds,] reimbursement for medical expenses previously paid, [and] retroactive unemployment (SUI) or state disability (DI) payments, **income tax refunds, and property tax rebates.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Medicaid Only Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-87, proposes to amend certain rules in Chapter 94 of Title 10 of the New Jersey Administrative Code, Medicaid Only Manual, concerning the financial eligibility of certain individuals.

Full text of the proposed amendments follows:

445. Persons eligible for public assistance in August, 1972

Individuals who were concurrently receiving, or were deemed eligible to receive, categorical assistance and Social Security benefits in August, 1972 shall not be determined ineligible for Medicaid solely as a result of the amount of the Social Security benefit increase in October, 1972. (See Section 472.7g.)

472.7g. Amount of October, 1972 Social Security increase

For certain individuals described in Section 445, the actual amount of the Social Security benefit increase of October, 1972 shall be exempt.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Assistance Standards Handbook Concerning Eligibility

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise two Sections in the Assistance Standards Handbook concerning the determination of eligibility.

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

10:82-3.2(b) 7. v. In AFDC incentive payment from participation in certain training programs:

(1) A monthly incentive payment of an amount not to exceed \$30 as paid to recipients of AFDC who are participants in WIN training programs by the New Jersey Department of Labor and Industry, Division of Employment Security.

(2) A weekly allowance of \$30 paid to recipients of AFDC who are participants in CETA training programs.

vii. Those funds, set aside by an eligible unit which is in fact receiving public assistance, for the specific purpose of an identified item of family living, so long as the amount thus accumulated does not exceed the total of three months' public assistance allowance standard for that eligible unit. Future educational needs of children, automobile purchase or repair, down payment or upkeep of a home, replacement/repair of household appliances or furnishings, or future clothing needs are examples of acceptable items of family living.

ix. Funds received through certain Federal programs (see below) by applicants for and recipients of AFDC and AFWP shall be regarded as exempt resources in determining eligibility and the amount of assistance allowances.

(1) Funds distributed or held in trust for members of any Indian Tribe under Public Law 92-254 or 93-134;

(2) Funds which are tax-exempt portions of payments made pursuant to Public Law 92-203, the Alaska Native Claims Settlement Act; and

(3) Benefits or assistance received through the WIC program (Special Supplemental Food Program for Women, Infants and Children) and the special food services program for children under the National School Lunch Act as amended by Public Laws 92-433 and 95-150;

(4) Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965;

(5) Payments made through Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), and Volunteers in Service to America (VISTA), under Title I of P.L. 93-113.

8. Occasional gifts and contributions of nominal amount or value, such as those received on birthdays, Christmas or other holidays. A gift received by an applicant or recipient has exempt status only during the month in which it is received and the calendar month immediately following. Thereafter it becomes a resource and may continue to be exempt if Section 311.7 g., Savings for a Specified Purpose, is applicable.

9. Value of home produce;

[9.] 10. At the discretion of the county welfare [board] agency, up to \$200 of lump-sum proceeds resulting from settlement of claims based on accidents or negligence in order to cover expenses incurred as a direct result of the incident for which the settlement is made. Such exemption shall be recorded in the case file [...] and neither the exemption nor the remainder of funds, if any, can be applied to savings. Thus, funds received as lump-sum proceeds resulting from settlement of claims based on accidents or negligence must be reimbursed to the CWA to offset assistance received.

10:82-4.6 Disregard of [CETA incentive allowance] certain allowances and payments in AFDC

(a) Incentive allowances of \$30 per week to AFDC 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.

(b) Payments for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers, grandparents, senior health aides, or senior companions, and to persons serving on the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III of the Domestic Volunteer Services Act of 1973 (Public Law 93-113), shall be disregarded.

(c) Payments made to volunteers under Title I (VISTA) of Public Law 93-113, pursuant to Section 404(g) shall be disregarded.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Adopt Revised General Assistance Manual

On October 15, 1976, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a revised General Assistance Manual, substantially as proposed in the Notice published June 10, 1976, at 8 N.J.R. 284(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

This revised manual will replace the current text in Chapter 85 in Title 10 of the New Jersey Administrative Code and may be cited as N.J.A.C. 10:85-1.1 et seq.

An order adopting this revised manual was filed on October 21, 1976, as R.1976 d.334 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions in Definition of Qualified Physical Therapist in Certain Manuals

On October 18, 1976, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:52-1.1, 10:53-1.1, 10:58-1.1, 10:60-1.2, 10:65-1.1 and 10:68-1.1 in the Hospital, Special Hospital, Intermediate Care Facilities, Home Health, Independent Clinic and Chiropractors Manuals concerning the definition of a qualified physical therapist, as proposed in the Notice published June 10, 1976, at 8 N.J.R. 283(c).

An order adopting these revisions was filed and became effective on October 26, 1976, as R.1976 d.335.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Rules on Portable X-Ray

On October 18, 1976, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:54-1.21, 10:63-1.15 and 10:66-1.17 in the Physicians, Independent Clinic and Long Term Care Manuals concerning portable X-rays, as proposed in the Notice published November 6, 1975, at 7 N.J.R. 505(a).

An order adopting these revisions was filed and became effective on October 26, 1976, as R.1976 d.336.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Revisions of Rules on Purchases from Private Adoption Agencies of Services for Hard-to-Place Children

On November 15, 1976, Harold P. Rosenthal, assistant

director of field service operations in the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4C-4, 30:4C-26 and in accordance with applicable provisions of the Administrative Procedure Act, deleted the full text of N.J.A.C. 10:120-2.1 concerning purchases from private adoption agencies of services for hard-to-place children, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 468(b).

An order deleting this text was filed and became effective on November 17, 1976, as R.1976 d.363.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions Concerning Verification of Unemployment/Disability Insurance Benefits

On November 23, 1976, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-8.7 concerning the verification of unemployment/disability insurance benefits, as proposed in the Notice published May 6, 1976, at 8 N.J.R. 229(c).

An order adopting these revisions was filed and became effective on November 23, 1976, as R.1976 d.373.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Food Stamp Manual

On November 23, 1976, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to portions of the Food Stamp Manual in Chapter 87 of Title 10 in the New Jersey Administrative Code, substantially as proposed in the Notice published June 10, 1976, at 8 N.J.R. 285(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

An order adopting these revisions was filed and became effective on November 23, 1976, as R.1976 d.374.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Proposed Withdrawal of Rule Concerning Surcharge

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17:29A-1 et seq., proposes to withdraw the current text of N.J.A.C. 11:1-5.3, which mandates a surcharge of one quarter of one per cent of all automobile policy premiums payable to the New Jersey Special Joint Underwriting Association. The surcharge shall be discontinued for all policies having an inception date of January 1, 1977, or any date subsequent thereto, by withdrawal of the rule intended to become effective on January 1, 1977.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

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

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

James J. Sheeran
Commissioner
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

Proposed Revisions on Determination Of 1974 Final Hospital Payment Rates

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 26:2H-1 et seq., 17:1-8.1 and 16-6(e), proposes to adopt a revision of N.J.A.C. 8:31-19.4, published at 7 N.J.R. 311(b) on July 10, 1975, concerning the method of determining final hospital payment rates, specifically cost review procedure. The Commissioner also proposes to withdraw such portion of the present rule which is enclosed in brackets.

8:31-19.4 Cost review

(a) If the maximum allowable certified per-diem is less than the hospital's certified total reimbursable cost per in-patient day, the hospital may, within 30 days after receipt of notice from Blue Cross, request an opportunity to justify to the advisory committee the disallowed portion of its incurred costs. The advisory committee will be guided by traditional considerations in the conduct of such cost reviews, for example, cost factors which were beyond the ability of the hospital to predict at time of budget preparation or to control during the fiscal year and which resulted in costs which were, in the view of the advisory committee, "reasonable". [Staff of the Departments of Insurance and Health will participate in

preparation of material for these reviews and will act as observers during the reviews. The Commissioners will accept the recommendations of the advisory committee unless they have reason to believe that they are based on incomplete information or on inconsistent application of established guidelines by the committee, in which event they, or designated members of their staffs, will conduct additional hearings to consider further revisions of the final payment rate. Upon acceptance of a recommendation of the advisory committee or completion of such hearings, the Commissioners shall issue a final determination setting forth a final approved rate for 1974 together with findings upon which that rate is based.]

(b) The advisory committee, after a hearing, shall report the findings of fact and conclusions upon which their rate recommendations are based, after which the hospital shall have 20 days to state its exceptions to the recommendations, which shall be forwarded to the Commissioners together with the Committee report for a final hearing determination. The hospital may waive the hearing, full report and exceptions period or any of them to expedite a determination, but waiver will not be accepted unless it also agrees in advance to waive its appeal rights if the Commissioners adopt the committee's recommendations. Staff of the Departments of Insurance and Health will provide copies of relevant materials from their files and procedural direction to the committee. The Commissioners shall accept or reject the advisory committee recommendations and shall issue a final determination approving a rate for 1974 together with their findings.

A hearing on the proposed rule change will be held on December 30, 1976, at 10:00 A.M. in the hearing room of the Department of Insurance, 201 East State Street, Trenton, New Jersey.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

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 revision substantially as proposed without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(c)

INSURANCE

THE COMMISSIONER

Revisions Concerning Auto Physical Damage Claims

On November 19, 1976, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 11:3-10.4 concerning auto physical damage claims, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 481(b).

An order adopting these revisions was filed and became effective on November 22, 1976, as R.1976 d.371.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF DENTISTRY

Proposed Revision to Registration Fees for Dentists

The Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and 45:1-3.2, proposes to revise N.J.A.C. 13:30-8.1(a)2. concerning the active registration biennial fee for dentists from \$50.00 to \$40.00.

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

13:30-8.1(a)2. Active registration fee biennial. . \$[50] 40.00;

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before December 31, 1976, to:

Board of Dentistry
150 East State Street
Trenton, New Jersey 08608
Telephone: (609) 292-5416

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

Walter Sloan
President, Board of Dentistry
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Proposed Rule Concerning Preparation of Land Surveys

The Board of Professional Engineers and Land Surveyors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:8-27 et seq., proposes to adopt a new rule concerning the preparation of land surveys.

Full text of the proposed rule follows:

SUBCHAPTER 5. LAND SURVEYORS; PREPARATION OF LAND SURVEYS

13:40-5.1 Land surveyors; preparation of land surveys

(a) The practice of land surveying includes surveying

of areas for their correct determination and description and for conveyancing, and for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof, and such topographical survey and land development as is incidental to the land survey.
Statutory Reference: N.J.S.A. 45:8-28(e).

(b) Prior to conducting a survey, the licensed land surveyor shall obtain all pertinent information and documentation in the client's possession relative to the property to be surveyed. Such information may include, but not be limited to, earlier surveys, record deeds, title reports, original tract maps, public records and state, county or municipal maps. When such information provided is not sufficient to meet the owner's needs, the surveyor shall make all reasonable efforts to obtain all information and documentation needed to render an accurate survey.

(c) When a property survey is to be performed a field survey must be made of the property in question and such field survey shall include all measurements and recording of all data as may be necessary to perform an accurate survey. The licensed land surveyor shall either perform the field survey or exercise sufficient supervision of the work as necessary to fulfill adequately all professional responsibilities.

(d) Appropriate corner markers, such as stakes, iron pipes, cut crosses, monuments and so forth shall be set either by the licensed land surveyor or under the supervision of the licensed land surveyor. Such markers should be set at each property corner not previously marked by a property marker, unless the actual corner is not accessible, or unless contractual arrangements specify otherwise.

(e) A plat, also referred to as a plan of survey, shall be prepared either by the licensed land surveyor or under the supervision of the licensed land surveyor. Such plat shall show all matter relevant to a complete and clear exposition of the property.

(f) The items which must always be shown are:

1. Title Block complying with N.J.A.C. 13:40-2;
2. The State, county and municipality in which the property is located and specific data as provided by the owner identifying the property or other pertinent identifying data as deemed appropriate by the surveyor, including block, lot number and address;
3. North arrow (with reference used) and scale;
4. The point of beginning;
5. Metes and bounds of the property in question: All measurements are to be indicated in feet and decimals of a foot except when legal requirements or professional custom and usage require another form of measurement;
6. Property corner markers, both found and set or the relation of existing markers to the property corner;
7. Street and street names and widths when such streets abut or adjoin the property in question. If the street is not open, the survey should so indicate;
8. Encroachments of structures both on the premises in question and/or adjoining properties;
9. Fences, tree rows, hedges, streams, ditches, building locations, easements and any physical occupation influencing property line determination;

10. In all cases, survey work shall be performed in accordance with currently accepted accuracy standards, but such accuracy standards may be limited by contractual arrangements. Such limitations shall be appropriately noted on the final drawing.

(g) Notwithstanding any other provisions of these rules to the contrary, the following items may be omitted

where written contractual agreements with the client so provide:

1. Areas of established city lots or recorded subdivision map lots, unless the area is recited in the record deed of the property in question;

2. Fences and streams and ditches, unless such fences, streams and ditches are on or in close proximity to the property lines and affect the property in question;

3. Sidewalks, driveways, walkways or other traveled ways, unless such ways affect the property in question;

4. Utility lines, easements or right of way lines except when recited in the record deed or when such utility lines, easements or right of way lines affect the use of adjacent properties or the property in question;

5. Location and type of building and other structures on the property in question.

(h) When any of the various items listed above are omitted the plat or plan of survey should indicate in a factual way that such omissions are made.

(i) Upon completing the plat or plan of survey, the licensed land surveyor shall provide the client an agreed upon number of print copies of the survey drawing. Such print copies of the plat or plan of survey shall bear the signature and impression seal of the licensed land surveyor. Certification by the licensed land surveyor may be given when requested by the client.

(j) Reproduction or photographic copies of the plat or plan of survey shall not be deemed legal evidence unless such copies bear the impression seal of the licensed land surveyor.

(k) Tax assessment maps must be prepared by a licensed land surveyor, who is obligated to prepare such maps in full compliance with the legal requirements pertaining to such maps.

(l) Failure to comply with the provisions of the foregoing rules and with applicable state laws and local ordinances may subject the licensed land surveyor to disciplinary action in accordance with N.J.S.A. 45:8-38.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 31, 1976, to:

Board of Professional Engineers
and Land Surveyors
1100 Raymond Boulevard
Newark, New Jersey 07102

The Board of Professional Engineers and Land Surveyors, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Carl E. Kastner, Secretary-Director
Board of Professional Engineers
and Land Surveyors
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF DENTISTRY

Rule on Additional Dental Hygiene Functions

On October 13, 1976, Walter F. Sloan, President of the Board of Dentistry in the Division of Consumer Affairs in

the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 13:30-8.2, concerning additional dental hygiene functions as proposed in the Notice published April 8, 1976, at 8 N.J.R. 199(a).

An order adopting this rule was filed and became effective on November 10, 1976, as R.1976 d.353.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF DENTISTRY

Rule on Use of General Anesthesia

On November 10, 1976, Walter Sloan, president of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule concerning the use of general anesthesia, substantially as proposed in the Notice published April 8, 1976, at 8 N.J.R. 198(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

Full text of the adopted rule follows:

13:30-8.3 Use of general anesthesia

(a) The use or employment of general anesthesia in the private office of a dentist without first having met the minimum standards of training and procedure as stated herein constitutes gross and willful malpractice or neglect in the practice of dentistry.

(b) General anesthesia consists of the use of any drug, element or other material which results in the elimination of all sensations accompanied by a state of unconsciousness.

(c) General provisions concerning use of general anesthesia are:

1. No dentist shall employ or use general anesthesia on an outpatient basis for dental patients unless such dentist possesses a permit or authorization issued by the Board of Dentistry. The dentist holding such permit shall be subject to review, and such permit shall be renewed biennially;

2. In order to receive such a permit the dentist shall apply on an official application form and submit certified proof that he or she:

i. Has completed a minimum of three years post-doctoral training in oral surgery, or a minimum one-year training course in anesthesiology; or

ii. Is a diplomate in oral surgery or is board eligible in oral surgery; or

iii. Is a fellow of the American Dental Society of Anesthesiology, the American Society of Oral Surgeons and the New Jersey Society of Oral Surgeons; or

iv. Has administered general anesthesia on a regular routine basis in his everyday practice during the three-year period next preceeding the effective date of this rule, and thereafter completes not less than 30 hours of

refresher courses in general anesthesia as prescribed by the Board and presented by an accepted program in a suitable institution within two years of promulgation of this rule;

v. Employs sufficient personnel (as deemed by the Board) to assist in monitoring the patient under general anesthesia who are certified by the permit holder as being trained in and capable of monitoring vital signs, and of assisting in emergency procedures;

vi. Possesses basic equipment and supplies to deal with emergency situations, which equipment and supplies shall be readily accessible and in good order. This shall consist of no less than the list that shall be supplied by the Board;

(d) This certificate shall be renewed biennially upon proof being submitted to the Board that the holder has completed at least ten hours every two years of continuing education courses devoted to general anesthesia and approved by the Board;

(e) Prior to the administration of an anesthetic agent for the purpose of controlling pain, a complete medical history, which shall include previous medications, allergies and sensitivities, shall be obtained. Said history shall be maintained in the files of each dentist for a period of not less than three years succeeding the taking of same. Specific records on use of general anesthesia shall be kept separately and shall include type of agent, dosage, duration, personnel in assistance, the time when consciousness is regained and the reason for the use of general anesthesia;

(f) Noncompliance with these rules or administering general anesthesia without first registering with the Board subjects the licensee to suspension or revocation of his or her license to practice dentistry;

(g) A dentist who works in conjunction with a trained M.D. or D.O. who is a member of the anesthesiology staff of an accredited hospital, provided that such anesthesiologist shall remain on the premises of the dental facility until any patient given a general anesthesia regains consciousness, shall not be deemed to be practicing general anesthesia.

An order adopting this rule was filed and became effective on November 19, 1976, as R.1976 d.367.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF DENTISTRY

Rule on Announcement of Practice In a Special Area of Dentistry

On October 13, 1976, Walter F. Sloan, president of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule concerning the announcement of practice in a special area of dentistry, substantially as proposed in the Notice published April 8, 1976,

at 8 N.J.R. 198(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

Full text of the adopted rule follows:

13:30-8.4 Announcement of practice in a special area of dentistry

(a) The following special areas of dentistry are hereby recognized as suitable for the announcement of limited dental practices:

1. Endodontics;
2. Oral surgery;
3. Oral pathology;
4. Orthodontics;
5. Pedodontics;
6. Periodontics;
7. Prosthodontics; and
8. Public health.

(b) Announcements to the public of the limitation of practice shall be in one special area of dentistry, and the announcement shall be made for the main office and all branch office locations, but nothing herein shall prevent a dentist from announcing in more than one special area of dentistry if he has announced in such areas prior to October 15, 1975.

(c) The Board shall grant permission to announce such limitation of practice to:

1. Any licensed dentist who is currently certified or currently eligible for certification by a specialty board recognized by the American Dental Association appropriate to that area of dental practice listed in subsection (a) of this Section.

2. Any licensed dentist who first meets the educational requirements and standards approved by the Board. The educational requirements and standards of the Board, subsequent to October 15, 1975, shall be the successful completion of a post doctoral education of two or more years in duration in one of the special areas of paragraph 1. of this subsection and which, of course, at the time of completion was accredited or provisionally accredited by the American Dental Association Council on Dental Education.

3. Any licensed dentist who has announced, in this State, a limitation of practice in a special area of dentistry included in subsection (a) of this Section prior to October 15, 1975.

4. The Board reserves the right to review the credentials and educational background of any licensed dentist eligible by subsection (c) 2. of this Section and to approve or deny permission to announce limitation in a special area of dentistry.

(d) A licensed dentist who wishes to announce the limitation of practice in a special area of dentistry in subsection (a) of this Section and who is permitted to do so under subsection (c) of this Section shall use the phrase "practice limited to", and no other phrase in cards, letterheads, directory listings and other printed matter or signs.

(e) All licensed dentists who are not permitted by subsection (c) of this Section to announce the limitation of practice in a special area of dentistry shall be prohibited from doing so and shall not hold out to the public as being qualified in any special area of dentistry by:

1. Announcement through the press, sign, card, letterhead or printed matter or any other means of public advertising;

2. Use of a term such as "specialist";

3. Use of the name of a specialty or any phrase customarily used to imply to the public the limitation of practice in a special area of dentistry.

(f) A licensed dentist permitted announcement by subsection (c) of this Section must avoid any inference, implication or announcement by press, sign, card, letterhead or printed matter or any other means of public advertising that another licensed dentist not permitted to announce, and associated or employed in the same practice, is also qualified for the announcement in the limited practice area.

(g) These rules regarding the announcement of limited practice do not prohibit any licensed dentist from engaging in any aspect of the practice of dentistry in accord with applicable laws or other rules and regulations of the Board.

(h) Prior to making any announcement of limitation of practice in accord with the preceding paragraphs, a licensed dentist shall apply to the Board for permission to do so. Application to the Board for permission to announce in a special area of dental practice shall be upon such form and contain such information as the Board may direct.

(i) Noncompliance with these rules for announcement of limitation of practice subjects the licensee to suspension or revocation of his or her license to practice dentistry.

(j) Applications may be obtained by writing to the office of the Board of Dentistry, 150 East State Street, Trenton, New Jersey 08608.

An order adopting this rule was filed and became effective on November 19, 1976, as R.1976 d.370.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Rule Concerning Electrical Contracting

On October 13, 1976, John S. LeMaire, secretary-treasurer of the Board of Examiners of Electrical Contractors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:5A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 13:31-1.10, concerning electrical contracting, as proposed in the Notice published September 9, 1976, at 8 N.J.R. 424(d).

An order adopting this rule was filed and became effective on November 19, 1976, as R.1976 d.369.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Revisions to Motor Vehicle Advertising Rules

On November 16, 1976, 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 N.J.A.C. 13:45A-2.1 et seq. concerning motor vehicle advertising, substantially as proposed in the Notice published May 6, 1976, at 8 N.J.R. 235(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

A summary of the substantive changes follows:

1. For the sake of internal consistency, the definitional language "or to the owner or operator of a radio or television station which disseminates such advertisement" has been deleted from the definition of the term "advertiser".

2. An advertising agency's liability for violations of the regulation has been limited so as to allow such agency to reasonably rely on data supplied by a motor vehicle seller and to exculpate such agency for any act, error or omission occurring as a result of a factor beyond the agency's control.

3. The general requirements for disclosure in motor vehicle advertisements (section 2) have been amended so as to exclude advertisements indicating the general availability or qualities of a make, model or series of a new motor vehicle.

4. In an advertisement covered by the regulation, the word "dealer" may be inserted in lieu of a full statement of the advertiser's true name and business address.

5. The requirement to set forth a single specific dollar amount to be charged for an advertised vehicle will also have to include a statement that the price stated is exclusive of taxes and licensing costs.

6. The requirement that the manufacturer's suggested retail price be clearly denominated as such in a covered advertisement has been added (section 2(e)).

7. For the purpose of defining a used motor vehicle, a camper, trailer or motor home has been excluded.

8. The definition of "a usual selling price" under section 4(1) has been amended so as to require a showing of not less than three sales during the 90-day period preceding the date of publication. The proposed regulation would have required a showing of ten sales over a 60-day period.

9. A foreword to Subchapter 2, Chapter 45A in Title 13 of the New Jersey Administrative Code was also adopted. Full text of the new foreword follows:

Foreword

The amendments embodied herein are intended both to clarify existing language and substantive provisions and to address deceptive advertising practices observed by the Division since the adoption of the original regulations in July, 1973.

(Continued on page 34)

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 November 22. It is adjusted the month following that in

which a mailing of update pages has been completed.

Since the most recent update, 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			
2:1-3.11	Fees for copies of State Board meeting information	R.1976 d.143	8 N.J.R. 268(b)
2:2-2.3(a)2.	Revisions on vaccination of female bovine animals	R.1975 d.233	7 N.J.R. 399(a)
2:3-2.3	Revisions on negative reaction of cattle and goats to t.b. tests	R.1976 d.98	8 N.J.R. 215(a)
2:5-1.15	Hog cholera quarantine; swine movement in New Jersey	R.1976 d.61	8 N.J.R. 162(a)
2:5-1.15	Stop order on swine, entire State	R.1976 d.243	8 N.J.R. 410(a)
2:5-1.15	Lift of swine stop order and impose quarantine in certain counties	R.1976 d.253	8 N.J.R. 410(b)
2:5-1.15	Revise swine quarantine	R.1976 d.268	8 N.J.R. 410(c)
2:5-1.15	Lift hog cholera quarantine and mark Section "Reserved"	R.1976 d.285	8 N.J.R. 451(c)
2:5-1.15(d)	Lift swine movement stop order; impose for certain counties	R.1976 d.82	8 N.J.R. 162(b)
2:5-1.15(e)	Amend Salem County hog cholera quarantine	R.1976 d.101	8 N.J.R. 215(b)
2:5-1.15(f)	Revisions on quarantine for movement of swine	R.1976 d.110	8 N.J.R. 215(c)
2:5-1.15(g)	Release hog cholera quarantine for Camden and Gloucester Counties	R.1976 d.132	8 N.J.R. 268(a)
2:5-1.16	Swine embargo from certain other states	R.1976 d.219	8 N.J.R. 370(a)
2:16-14.1 et seq.	Rules on certified orchids	R.1976 d.273	8 N.J.R. 451(b)
2:17-16.1	Tomato transplants moved into New Jersey	R.1976 d.30	8 N.J.R. 95(c)
2:20-3.2	Red Pine quarantine in parts of Bergen and Passaic Counties	R.1976 d.16	8 N.J.R. 54(c)
2:34-1.1	Breeder award levels	R.1976 d.202	8 N.J.R. 369(a)
2:48-1.1 et seq.	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:49-1.1 et seq.	Revised rules on minimum prices for milk	R.1975 d.232	7 N.J.R. 399(b)
2:49-1.1(b)	Revised minimum milk prices	R.1975 d.272	7 N.J.R. 454(a)
2:49-1.1(b)	Revised minimum milk price	R.1976 d.311	8 N.J.R. 498(a)
2:49-1.1(b)	Revised minimum milk price	R.1975 d.303	7 N.J.R. 494(c)
2:49-1.1(b)	Revise minimum milk prices	R.1975 d.340	7 N.J.R. 539(b)
2:49-1.1(b)	Revised minimum milk prices	R.1975 d.361	8 N.J.R. 5(b)
2:49-1.1(b)	Revise minimum milk prices	R.1976 d.9	8 N.J.R. 54(b)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.45	8 N.J.R. 96(a)
2:49-1.1(b)	Revise minimum milk prices	R.1976 d.85	8 N.J.R. 162(c)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.114	8 N.J.R. 215(d)
2:49-1.1(b)	Revise minimum milk prices	R.1976 d.183	8 N.J.R. 318(a)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.272	8 N.J.R. 451(a)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.287	8 N.J.R. 451(d)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.354	8 N.J.R. 542(b)
2:54-3.7	Handling of milk in New York-New Jersey milk marketing area	R.1976 d.90	8 N.J.R. 163(a)
2:54-3.7	Revisions on milk handling in New Jersey	R.1976 d.217	8 N.J.R. 369(d)
2:54-3.8	Amend Federal Order No. 4	R.1976 d.339A	8 N.J.R. 542(a)
2:68-1.7	Feed ingredients and feed terms	R.1976 d.205	8 N.J.R. 369(b)
2:69-1.11	Revised commercial values for primary plant nutrients	R.1976 d.203	8 N.J.R. 368(a)
2:70-1.7	Inspection fee; agricultural liming materials	R.1976 d.206	8 N.J.R. 369(c)
2:71-1.23 et seq.	Revisions on shell eggs	R.1975 d.358	8 N.J.R. 3(a)
2:71-5.5	Revisions on potato labeling	R.1975 d.381	8 N.J.R. 54(a)
2:73-2.5(f)	Revisions on use of Seal of Quality	R.1975 d.356	8 N.J.R. 2(b)
2:73-2.7	Revised license fees	R.1975 d.356	8 N.J.R. 2(b)
2:90-1.1 et seq.	Rules of State Soil Conservation Committee	R.1975 d.360	8 N.J.R. 3(b)
2:90-1.12	Municipal ordinances for soil erosion and sedimentation control	R.1975 d.366	8 N.J.R. 5(a)

(Rules in print in the Administrative Code for Title 2 include all adoptions to August 1, 1975—Transmittal Sheet #8.)

BANKING — TITLE 3

3:1-1.1	Revised interest rates	R.1976 d.240	8 N.J.R. 412(a)
3:1-2.1 et seq.	Adopt procedural rules	R.1976 d.83	8 N.J.R. 164(a)
3:1-2.11	Mini-branches; space limitation	R.1976 d.312	8 N.J.R. 499(b)
3:1-2.14	Revisions on priority	R.1976 d.305	8 N.J.R. 499(a)
3:1-2.23	Shared limited facility branch offices; notice; fee	R.1976 d.244	8 N.J.R. 413(a)
3:1-2.27	Officially recognized data sources	R.1975 d.155	7 N.J.R. 292(a)

3:1-7.1 et seq.	Miscellaneous fees	R.1975 d.120	7 N.J.R. 247(c)
3:1-8.1	Required information for loan applications	R.1975 d.146	7 N.J.R. 291(b)
3:6-7.1	Repeal rule on bank offices protection	R.1976 d.146	8 N.J.R. 268(d)
3:7-4.1 et seq.	Rules on notice of maturity on long-term time deposits	R.1975 d.165	7 N.J.R. 292(b)
3:7-5.1 et seq.	Rules on statements of interest	R.1975 d.185	7 N.J.R. 293(c)
3:8-3.1	Revisions in required reserve	R.1975 d.325	7 N.J.R. 539(c)
3:8-3.1(a)3.	Revisions on required reserves	R.1976 d.15	8 N.J.R. 55(a)
3:11-2.1	Revisions on exclusion from liabilities of controlling corporation	R.1975 d.226	7 N.J.R. 400(b)
3:11-9.1 et seq.	Rules on standby letters of credit	R.1976 d.306	8 N.J.R. 499(c)
3:17-6.1 et seq.	Revisions to small loan law regulations	R.1975 d.147	7 N.J.R. 291(c)
3:19-1.6	License number	R.1975 d.148	7 N.J.R. 291(d)
3:27-5.3	Revisions on excludable loans	R.1975 d.249	7 N.J.R. 400(c)
3:27-6.1	Variable interest rate mortgage loans	R.1976 d.279	8 N.J.R. 453(a)
3:30-1.3	Notice of maturity of fixed-term savings accounts	R.1975 d.169	7 N.J.R. 293(a)
3:30-1.3	Revised effective date of savings account rule	R.1975 d.265	7 N.J.R. 454(b)
3:32-1.1 et seq.	Conversion of mutual association to capital stock association	R.1975 d.352	8 N.J.R. 9(c)
3:32-1.5(a)	Revisions on proxies	R.1976 d.337	8 N.J.R. 543(a)
3:32-1.7(a)	Revisions on subscription prices	R.1976 d.337	8 N.J.R. 543(a)
3:40-1.1 et seq.	Rules of State Cemetery Board	R.1975 d.184	7 N.J.R. 293(b)

(Rules in print in the Administrative Code for Title 3 include all adoptions to May 1, 1975—Transmittal Sheet #7.)

CIVIL SERVICE — TITLE 4

4:1-8.6	Revisions on promotional examinations	R.1976 d.51	8 N.J.R. 101(a)
4:1-8.8	Qualifications of applicants for open competitive examinations	R.1976 d.52	8 N.J.R. 101(b)
4:1-8.21	Make-up examinations	R.1976 d.53	8 N.J.R. 101(c)
4:1-9.6	Tie scores on examinations	R.1976 d.52	8 N.J.R. 101(b)
4:1-9.13	Additions to eligible lists	R.1976 d.53	8 N.J.R. 101(c)
4:1-10.2(c)	Revisions on appointments based on noncompetitive examinations	R.1976 d.53	8 N.J.R. 101(c)
4:1-17.11	Amount of vacation leave	R.1976 d.52	8 N.J.R. 101(b)

(Rules in print in the Administrative Code for Title 4 include all adoptions to Sept. 15, 1975—Transmittal Sheet #8.)

COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Revisions on construction and maintenance of hotels	R.1976 d.160	8 N.J.R. 272(a)
5:17-1.3 et seq.	Revisions on retirement community full disclosure requirements	R.1976 d.126	8 N.J.R. 270(b)
5:21-3.3 et seq.	Revisions in Uniform Standards Code of Mobile Homes	R.1975 d.166	7 N.J.R. 305(a)
5:22-1.1 et seq.	Rules on tax abatement on added assessments	R.1975 d.327	7 N.J.R. 540(b)
5:22-1.1	Revised definitions on tax abatement on added assessments	R.1976 d.64	8 N.J.R. 171(b)
5:23-1.1 et seq.	New Jersey Uniform Construction Code	R.1976 d.344 through	
		R.1976 d.347	8 N.J.R. 546(a)
5:30-1.8	Emergency resolutions exceeding three per cent limitation	R.1975 d.168	7 N.J.R. 306(a)
5:30-1.9	Implementation of Housing and Community/Development Act	R.1975 d.287	7 N.J.R. 497(b)
5:30-1.10	Contracts; expenditures	R.1975 d.322	7 N.J.R. 540(a)
5:30-1.11	Rule on realized revenue	R.1976 d.91	8 N.J.R. 218(c)
5:30-1.11	Revisions on realized revenue	R.1976 d.130	8 N.J.R. 271(a)
5:42-1.1 et seq.	Revisions on Federal aid project notification and review system	R.1976 d.320	8 N.J.R. 501(a)
5:71-1.1 et seq.	Rules on county offices on aging	R.1975 d.192	7 N.J.R. 355(a)
5:80-2.1	Equity syndication, agency-financed limited-dividend housing projects	R.1975 d.258	7 N.J.R. 459(a)

(Rules in print in the Administrative Code for Title 5 include all adoptions to May 15, 1975—Transmittal Sheet #6.)

EDUCATION — TITLE 6

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)
6:11-8.9	Amendments on teaching English as a second language	R.1976 d.288	8 N.J.R. 459(a)
6:11-8.9	Amendments on bilingual bicultural education	R.1976 d.289	8 N.J.R. 459(b)
6:11-12.24	Teacher-coordinator of cooperative vocational-technical program	R.1976 d.294	8 N.J.R. 459(c)
6:21-1.3(a)	Revised definition of remote from the schoolhouse	R.1976 d.342	8 N.J.R. 546(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)

(Rules in print in the Administrative Code for Title 6 include all adoptions to Aug. 13, 1976—Transmittal Sheet #8.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	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 et seq.	Revise surface water quality standards	R.1976 d.349	8 N.J.R. 548(a)
7:12-1.3(a)39.	Revised rules on condemnation of shellfish beds	R.1976 d.372	8 N.J.R. 548(b)

7:13-1.11(d)9.	Amendment on delineated floodways in Raritan Basin	R.1976 d.317	8 N.J.R. 510(b)
7:25-5.27	Limitation on use of shotgun shells containing lead pellets	R.1976 d.307	8 N.J.R. 509(b)
7:25-7.12	Restricted access to Lake Musconetcong	R.1976 d.348	8 N.J.R. 547(c)
7:26-2.5 et seq.	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)

(Rules in print in the Administrative Code for Title 7 include all adoptions to Sept. 27, 1976—Transmittal Sheet #7.)

HEALTH — TITLE 8

8:2-1.1	Revisions on birth certificates	R.1975 d.194	7 N.J.R. 362(c)
8:7-1.4	Board of Examiners licensure of persons for public health positions	R.1976 d.1	8 N.J.R. 65(a)
8:8-1.2 et seq.	Revisions for processing, storage and distribution of blood	R.1974 d.334	7 N.J.R. 7(a)
8:13-1.1 et seq.	Sanitation, handling, shipping and shucking of shellfish	R.1974 d.185	6 N.J.R. 310(b)
8:21-1.24	Labeling of feminine deodorant sprays	R.1976 d.19	8 N.J.R. 65(b)
8:21-1.25	Cosmetic product warning statements	R.1976 d.50	8 N.J.R. 118(b)
8:21-1.26	Drugs in dispensers pressurized by gaseous propellants	R.1976 d.123	8 N.J.R. 227(b)
8:21-2.38	Bacteriological standards for potentially hazardous foods	R.1974 d.204	6 N.J.R. 311(a)
8:21-4.1 et seq.	Delete text of Subchapter 4	R.1975 d.320	7 N.J.R. 503(b)
8:21-4.44	Amend rule on expiration dates for fluid milk products	R.1974 d.361	7 N.J.R. 56(b)
8:21-5.1 et seq.	Revise acidified milk and fluid milk products rules	R.1975 d.320	7 N.J.R. 503(b)
8:21-7.1 et seq.	Revisions on frozen desserts	R.1976 d.231	8 N.J.R. 382(c)
8:21-9.3(a)	Delete exemption for wholesale handling of raw shellfish	R.1974 d.184	6 N.J.R. 310(a)
8:21-9.5	Revised wholesale licensing fees	R.1975 d.299	7 N.J.R. 501(a)
8:21-10.11	Acidified milk and acidified milk products	R.1975 d.320	7 N.J.R. 503(b)
8:25-3.2	Revisions on physical examinations	R.1976 d.232	8 N.J.R. 382(d)
8:25-5.2	Revisions on swimming procedures	R.1976 d.232	8 N.J.R. 382(d)
8:25-5.4	Revisions on watercraft and waterskiing	R.1976 d.232	8 N.J.R. 382(d)
8:30-8.1	Amendments on patient activities in nursing homes	R.1976 d.260	8 N.J.R. 417(d)
8:30-12.1	Revisions on buildings	R.1976 d.270	8 N.J.R. 418(d)
8:30-12.2(a)	Revisions on fire protection and safety	R.1976 d.269	8 N.J.R. 418(c)
8:31-5.1 et seq.	Delete entire Subchapter 5	R.1975 d.315	7 N.J.R. 503(a)
8:31-10.1	Licensing of drug-related facilities	R.1974 d.193	6 N.J.R. 310(c)
8:31-11.1	Voluntary discontinuance of regular service in any health care facility	R.1974 d.195	6 N.J.R. 310(e)
8:31-12.1	Long-term care facilities	R.1975 d.368	8 N.J.R. 16(a)
8:31-12.1(a)	Revise effective date on long-range plan requirements	R.1976 d.221	8 N.J.R. 381(c)
8:31A-1.1	Standard hospital accounting and rate evaluation system (SHARE)	R.1975 d.239	7 N.J.R. 415(b), 8 N.J.R. 380(b), 8 N.J.R. 331(a), 8 N.J.R. 380(b)
8:31A-1.1	Revisions to forms and definitions concerning SHARE	R.1976 d.197	8 N.J.R. 331(a), 8 N.J.R. 380(b)
8:31A-10.1	Rules for experimental medical reporting systems	R.1975 d.245	7 N.J.R. 416(a), 8 N.J.R. 380(b)
8:31A-10.2	1977 hospital rate review rules	R.1975 d.312	7 N.J.R. 501(b), 8 N.J.R. 380(b)
8:31A-10.2	Revision on 1977 hospital rate setting	R.1976 d.198	8 N.J.R. 330(d), 8 N.J.R. 380(b)
8:31-21.1 et seq.	Guidelines for submission of certificate of need applications	R.1975 d.315	7 N.J.R. 503(a)
8:31-22.1 et seq.	Doctors' office owned and/or sponsored by health care facilities	R.1976 d.20	8 N.J.R. 65(c)
8:31-23.1 et seq.	Parking garages owned and/or sponsored by health care facilities	R.1976 d.25	8 N.J.R. 66(e)
8:31-24.1 et seq.	Design and construction of interns, residents and nurses housing	R.1976 d.21	8 N.J.R. 66(a)
8:31-25.1	Performance of medical services by mobile intensive care paramedics	R.1976 d.220	8 N.J.R. 381(b)
8:32-1.1 et seq.	1974-75 State Plan for hospitals and related health care services	R.1974 d.196	6 N.J.R. 310(f)
8:32-1.1 et seq.	1975 State Plan for hospitals and related health care services	R.1975 d.183	7 N.J.R. 314(a)
8:32-1.18	Definition of rehabilitation services	R.1975 d.77	7 N.J.R. 164(f)
8:32-3.1	Procedures for adjustment of State Plan for hospitals	R.1974 d.260	6 N.J.R. 397(b)
8:32-3.1	Revisions for adjustment of State Plan	R.1974 d.318	6 N.J.R. 472(d)
8:33-1.11	Continuation of mixing skilled nursing facilities levels A and B	R.1974 d.315	6 N.J.R. 472(a)
8:33-1.11	Revised policy on skilled nursing and intermediate care beds	R.1974 d.317	6 N.J.R. 472(c)
8:33-1.11(b)	Revisions on extension of program of multiple levels of care	R.1975 d.61	7 N.J.R. 164(e)
8:33-1.12	Processing of certificate of need applications	R.1974 d.269	6 N.J.R. 397(d)
8:33-1.13	Scheduling and completing hearings for certificate of need applicants	R.1974 d.194	6 N.J.R. 310(d)
8:34-1.2	Define responsible administrative positions	R.1975 d.313	7 N.J.R. 502(a)
8:34-1.18(a)3	Delete part of rule on refusal of licenses	R.1975 d.193	7 N.J.R. 362(b)
8:35-1.1 et seq.	Revised criteria on mixed obstetric and gynecologic floors	R.1975 d.60	7 N.J.R. 164(c)
8:35-1.2 et seq.	Revisions to criteria for mixed obstetric and gynecologic floors	R.1976 d.196	8 N.J.R. 330(f)
8:36-1.1	Revised definitions	R.1976 d.195	8 N.J.R. 330(c)
8:36-1.18	Revision on physical environment and building	R.1976 d.195	8 N.J.R. 330(c)
8:37-6.10	Revisions on ancillary services in intermediate care facilities	R.1976 d.262	8 N.J.R. 418(b)
8:38-1.1 et seq.	Rules concerning HMOs	R.1974 d.320	6 N.J.R. 473(a)
8:38-1.1 et seq.	Revisions concerning health maintenance organizations	R.1976 d.162	8 N.J.R. 281(b)
8:40-4.1 et seq.	Interim regulations for abortion facilities with temporary license	R.1974 d.215	6 N.J.R. 345(c)

8:40-5.1	Reporting abortions performed in hospitals	R.1974 d.316	6 N.J.R. 472(b)
8:42-1.1 et seq.	Standards for licensure of home health agencies	R.1976 d.164	8 N.J.R. 282(a)
8:42-2.1 et seq.	Standards for licensure of residential and inpatient drug facilities	R.1976 d.163	8 N.J.R. 281(c)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(b)
8:43-1.1	Amend definitions	R.1976 d.261	8 N.J.R. 418(a)
8:43-1.1 et seq.	Boarding home for sheltered care	R.1974 d.319	6 N.J.R. 472(e)
8:43A-1.1 et seq.	Standards for licensure of ambulatory care facilities	R.1976 d.165	8 N.J.R. 282(b)
8:43A-1.10(r)	Rules on emergency and disaster procedures	R.1976 d.357	8 N.J.R. 551(a)
8:43A-1.67	Rules on facilities providing family practice	R.1976 d.358	8 N.J.R. 551(b)
8:43B-1.1 et seq.	Interim rules on construction and licensure of various health facilities	R.1975 d.256	7 N.J.R. 416(b)
8:43B-3.1(d)	Amend building standards	R.1976 d.23	8 N.J.R. 66(c)
8:43B-10.2	Revisions to manual of standards for hospital facilities	R.1976 d.22	8 N.J.R. 66(b)
8:43B-13.3(d)	Delete rule on long-term care units in general acute hospitals	R.1976 d.24	8 N.J.R. 66(d)
8:43D-1.1 et seq.	Bylaws of Health Care Administration Board	R.1975 d.372	8 N.J.R. 16(b)
8:43D-1.4(a)4.	Amend bylaw on abstention and quorum vote	R.1976 d.89	8 N.J.R. 183(b)
8:43-2.6(c)	Amend rule on building occupancy	R.1976 d.261	8 N.J.R. 418(a)
8:45-1.1 et seq.	Licensure of clinical laboratories	R.1976 d.201	8 N.J.R. 381(a)
8:45-2.1	Laboratory charges for testing of water	R.1976 d.192	8 N.J.R. 329(c)
8:45-2.2	Laboratory charges for syphilis and rubella testing	R.1976 d.193	8 N.J.R. 330(a)
8:49-5.10(b)	Training of homemaker-home health aides	R.1976 d.122	8 N.J.R. 227(a)
8:51-1.1 et seq.	Recognized public health activities and standards	R.1976 d.226	8 N.J.R. 382(a)
8:57-4.1 et seq.	Immunization of pupils in school	R.1975 d.121	7 N.J.R. 264(a)
8:57-5.1 et seq.	Adopt swine influenza immunization rules	R.1976 d.315	8 N.J.R. 513(a)
8:64-3.1	Definition of soap	R.1975 d.103	7 N.J.R. 211(b)
8:65-2.4(c)	Revisions concerning other security controls for nonpractitioners	R.1974 d.261	6 N.J.R. 397(c)
8:65-6.8(a)4.	Amendment on persons entitled to fill order forms	R.1975 d.56	7 N.J.R. 164(a)
8:65-7.3(c)	Amendment on persons entitled to issue prescriptions	R.1975 d.58	7 N.J.R. 164(b)
8:65-7.6	Revisions on persons entitled to fill prescriptions	R.1975 d.55	7 N.J.R. 155(a)
8:65-7.8(e)	Amend rule on requirements of schedule II prescriptions	R.1975 d.349	7 N.J.R. 556(a)
8:65-10.1 et seq.	Revised schedules of controlled dangerous substances	R.1975 d.209	7 N.J.R. 363(a)
8:65-11.1 et seq.	Narcotic treatment program	R.1975 d.59	7 N.J.R. 164(c)

(Rules in print in the Administrative Code for Title 8 include all adoptions to June 30, 1974—Transmittal Sheet #5.)

HIGHER EDUCATION — TITLE 9

9:1-1.1 et seq.	Revised rules and standards for institutions of higher education	R.1976 d.139	8 N.J.R. 282(d)
9:2-2.27	Revise salary rate for adjunct faculty at State colleges	R.1975 d.257	7 N.J.R. 464(c)
9:2-7.1 et seq.	Revisions on appeals to Board of Higher Education	R.1976 d.322	8 N.J.R. 514(b)
9:6-1.1 et seq.	Rules implementing L.1973, c.163	R.1976 d.131	8 N.J.R. 282(c)
9:6-1.2 et seq.	Revise effective dates	R.1976 d.321	8 N.J.R. 514(a)
9:9-1.9	Delete rule on married students	R.1976 d.108	8 N.J.R. 228(b)
9:9-1.11(a)4.	Revisions on applicants	R.1976 d.210	8 N.J.R. 382(f)
9:9-1.31	Revisions on late charges	R.1976 d.17	8 N.J.R. 66(f)
9:9-1.33(d)	Revised procedure for filing claims	R.1976 d.17	8 N.J.R. 68(f)
9:9-4.1 et seq.	Policy governing direct public loans	R.1975 d.217	7 N.J.R. 416(c)
9:9-5.1 et seq.	Policy governing graduate insured loans	R.1975 d.217	7 N.J.R. 416(c)
9:9-6.1 et seq.	Loan refinancing, Student Loan Marketing Association	R.1976 d.209	8 N.J.R. 382(d)
3:13-2.1 et seq.	Rules on debarment, suspension and disqualification of contractors	R.1976 d.332	8 N.J.R. 514(c)

(Rules in print in the Administrative Code for Title 9 include all adoptions to May 15, 1975—Transmittal Sheet #6.)

INSTITUTIONS AND AGENCIES — TITLE 10

10:37-6.3	Revised definition of transitional services	R.1976 d.133	8 N.J.R. 286(b)
10:37-7.3	Revisions on system of per capita allocation	R.1976 d.133	8 N.J.R. 286(b)
10:49-1.8	Revisions to Medicaid manuals on out-of-State medical care	R.1976 d.151	8 N.J.R. 287(c)
10:49-1.28	Rescind rule on Medicaid payments to hospitals	R.1976 d.204	8 N.J.R. 385(a)
10:49-1.29	Reimbursement of Medicaid-approved general hospitals	R.1976 d.314	8 N.J.R. 516(a)
10:49-1.32	Medicaid childhood immunization policy	R.1976 d.189	8 N.J.R. 335(b)
10:49-5.3	Revisions on opportunity for fair hearing	R.1976 d.136	8 N.J.R. 286(c)
10:49-8.1 et seq.	Rules on demonstration projects	R.1976 d.234	8 N.J.R. 386(a)
10:51-1.10	Revisions on basis of payment for legend drugs	R.1976 d.278	8 N.J.R. 481(a)
10:51-1.17 et seq.	Revisions to several manuals concerning methadone	R.1976 d.215	8 N.J.R. 385(b)
10:51-2.6	Reimbursement for pharmacies	R.1976 d.259	8 N.J.R. 420(c)
10:52-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:53-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:54-1.1 et seq.	Revisions to physicians manual	R.1976 d.218	8 N.J.R. 385(d)
10:54-1.21	Revised rules on portable X-ray	R.1976 d.336	8 N.J.R. 558(b)
10:58-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:60-1.2	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:60-1.3(e)	Medical supplies	R.1976 d.182	8 N.J.R. 335(a)

10:60-1.5	Nonreimbursable home health services	R.1976 d.182	8 N.J.R. 335(a)
10:60-2.1 et seq.	Revise health services authorization and billing procedures	R.1976 d.277	8 N.J.R. 469(a)
10:63-1.15	Revised rules on portable X-ray	R.1976 d.336	8 N.J.R. 558(b)
10:63-3.1 et seq.	Revised 1976 costs study and instructions for long term care	R.1976 d.113	8 N.J.R. 232(d)
10:65-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:66-1.17	Revised rules on portable X-ray	R.1976 d.336	8 N.J.R. 558(b)
10:68-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:69-1.1 et seq.	Rescind rules on reimbursement to pharmaceutical consultants	R.1976 d.216	8 N.J.R. 385(c)
10:69A-1.1 et seq.	Pharmaceutical Assistance to the Aged Manual	R.1976 d.102	8 N.J.R. 232(b)
10:81-6.12(d)	Revisions on report of hearing officer and official record	R.1976 d.263	8 N.J.R. 420(d)
10:81-6.17	Emergency fair hearings	R.1976 d.144	8 N.J.R. 287(b)
10:81-7.18	Revisions on lost or stolen assistance checks	R.1976 d.138	8 N.J.R. 287(a)
10:81-7.46(b)2.	Amendment on offenses to be reported to Federal authorities	R.1976 d.137	8 N.J.R. 286(d)
10:81-8.7	Revisions on verification of unemployment/disability insurance benefits	R.1976 d.373	8 N.J.R. 558(d)
10:85-1.1 et seq.	Revised general assistance manual	R.1976 d.334	8 N.J.R. 557(b)
10:87-3.18 et seq.	Revision to food stamp manual	R.1976 d.374	8 N.J.R. 558(e)
10:94-1.1 et seq.	Adopt new Medicaid only manual	R.1976 d.157	8 N.J.R. 287(d)
10:97-1.1 et seq.	Amend State plan for vocational rehabilitation of blind	R.1976 d.128	8 N.J.R. 286(a)
10:98-1.1 et seq.	Revised State Plan for Vocational Rehabilitation of blind persons	R.1976 d.106	8 N.J.R. 232(c)
10:109 Appendix I	Revisions on Ruling 11, Part I, classification and compensation plan	R.1976 d.66	8 N.J.R. 195(c)
10:109-1.1 et seq.	Revisions to Ruling 11	R.1976 d.310	8 N.J.R. 515(a)
10:120-2.1	Delete and mark Section reserved	R.1976 d.363	8 N.J.R. 558(c)

(Rules in print in the Administrative Code for Title 10 include all adoptions to April 1, 1976—Transmittal Sheet #6.)

INSURANCE — TITLE 11

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)
11:3-8.1(g)	Rule on consent to nonrenewal of private passenger automobile 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)
11:5-1.15(e)	Area advertising	R.1976 d.276	8 N.J.R. 482(a)
11:5-1.10(b)	Revisions on salesmen's commissions	R.1976 d.254	8 N.J.R. 422(a)
11:5-1.25(a)	Revisions on sales of interstate properties	R.1976 d.275	8 N.J.R. 516(d)

(Rules in print in the Administrative Code for Title 11 include all adoptions to Aug. 13, 1976—Transmittal Sheet #7.)

LABOR AND INDUSTRY — TITLE 12

12:3-1.1 et seq.	Debarment, suspension and disqualification; State contracts	R.1976 d.211	8 N.J.R. 399(b)
12:15-1.3	Revised maximum weekly benefit rates	R.1974 d.236	6 N.J.R. 352(b)
12:15-1.3	Revised maximum weekly benefits	R.1975 d.250	7 N.J.R. 432(b)
12:15-1.3	Revised maximum weekly benefit rates	R.1976 d.257	8 N.J.R. 424(c)
12:15-1.4	Taxable wage base; unemployment compensation	R.1975 d.251	7 N.J.R. 432(c)
12:15-1.4	Revised 1977 taxable wage base under unemployment compensation	R.1976 d.258	8 N.J.R. 424(b)
12:17-2.1(g)	Revisions on registration for work and benefit claims	R.1975 d.72	7 N.J.R. 169(b)
12:17-9.1 et seq.	Procedures for wage benefit conflicts	R.1975 d.142	7 N.J.R. 335(a)
12:18-3.1(f) and (g)	Revisions of fees under State Plan for temporary disability benefits	R.1974 d.284	6 N.J.R. 437(b)
12:90-3.1 et seq.	Revisions on boiler construction and inspection	R.1976 d.79	8 N.J.R. 197(c)
12:100-1.1 et seq.	Withdraw State Plan for occupational safety and health	R.1975 d.101	7 N.J.R. 231(a)
12:122-1.1 et seq.	Repeal rules on local exhaust systems	R.1974 d.136	6 N.J.R. 267(a)
12:146-1.1 et seq.	Repeal rules on machinery with rolls	R.1974 d.138	6 N.J.R. 267(c)
12:171-1.1 et seq.	Repeal rules on short-rise material handling lifts	R.1974 d.137	6 N.J.R. 267(b)
12:175-1.1 et seq.	Emergency rules on ski lifts	R.1975 d.371	8 N.J.R. 42(a)
12:195-1.1 et seq.	Rules on carnival-amusement rides	R.1975 d.189	7 N.J.R. 370(c)
12:235-1.1 et seq.	Revised rules of the Division of Workmen's Compensation	R.1975 d.43	7 N.J.R. 169(a)

(Rules in print in the Administrative Code for Title 12 include all adoptions to June 30, 1974—Transmittal Sheet #5.)

LAW AND PUBLIC SAFETY — TITLE 13

13:1-3.4(a)4	Amendment on firearms instruction	R.1976 d.35	8 N.J.R. 137(a)
13:1-4.1(a)3	Revisions on police officer certification—basic training	R.1975 d.370	8 N.J.R. 48(a)
13:1B-1.1 et seq.	Revised rules implementing the Emergency Services Act of 1972	R.1976 d.109	8 N.J.R. 251(b)
13:2-1.16	Advertising notice of application for State license	R.1976 d.72	8 N.J.R. 203(c)
13:2-2.14	Advertising notice of application for municipal license	R.1976 d.72	8 N.J.R. 203(c)
13:2-13.3 et seq.	Revisions on licensees	R.1975 d.237	7 N.J.R. 436(b)
13:2-24.2(a)	Revisions on minimum standards of fill	R.1976 d.252	8 N.J.R. 439(c)
13:2-31.3 et seq.	Revisions to retail and wholesale prices and extension of credit	R.1975 d.238	7 N.J.R. 436(c)
13:2-34.8	Revisions on wholesale prices	R.1975 d.263	7 N.J.R. 482(c)

13:2-34.14(d)	Amendment on wholesale prices of alcoholic beverages and returns	R.1975 d.353	8 N.J.R. 47(c)
13:2-34.14(d)1.	Ratify emergency rule on wholesale prices of alcoholic beverages	R.1976 d.71	8 N.J.R. 203(b)
13:4-8.3(a)	Delete text on interrogatory default procedure	R.1975 d.346	7 N.J.R. 571(b)
13:18-1.8 et seq.	Revisions on over-dimensional or overweight vehicle permits	R.1976 d.297	8 N.J.R. 483(b)
13:18-8.1	Rule on overhang standards	R.1975 d.285	7 N.J.R. 483(a)
13:18-9.1	Security deposits for uninsured motorists	R.1976 d.75	8 N.J.R. 204(a)
13:20-7.1	Revisions on automobile inspection adjustments	R.1975 d.335	7 N.J.R. 571(a)
13:20-28.6	Revisions on new car decals	R.1975 d.174	7 N.J.R. 343(b)
13:20-28.8	Revisions on new car evidence of compliance	R.1975 d.174	7 N.J.R. 343(b)
13:20-32.1 et seq.	Rules on licensing of motor vehicle reinspection centers	R.1975 d.333	7 N.J.R. 570(c)
13:20-33.1 et seq.	Standards and procedures used by licensed reinspection centers	R.1975 d.334	7 N.J.R. 570(d)
13:20-34.1 et seq.	Rules on identifying marks	R.1976 d.302	8 N.J.R. 532(a)
13:21-15.4	Revisions for rejection, suspension or revocation of motor vehicle dealer license	R.1976 d.4	8 N.J.R. 83(b)
13:21-18.1 et seq.	Rules on snowmobile registration	R.1975 d.289	7 N.J.R. 508(b)
13:27-3.13	Board of architects revised fee schedule	R.1975 d.171	7 N.J.R. 342(a)
13:27-3.13	Revised fees for architects	R.1975 d.171	7 N.J.R. 342(a)
13:29-1.2	Public school accountant's license	R.1976 d.87	8 N.J.R. 204(b)
13:29-2.1 et seq.	Revisions on registered municipal accountants	R.1976 d.87	8 N.J.R. 204(b)
13:30-8.1	Fee schedules	R.1975 d.259	7 N.J.R. 482(b)
13:30-8.1	Revised fee schedules for dentists	R.1976 d.11	8 N.J.R. 84(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)
13:31-1.10	Rule on electrical contracting	R.1976 d.369	8 N.J.R. 563(a)
13:34-1.2	Examination review procedure	R.1976 d.309	8 N.J.R. 532(b)
13:35-3.2	Endorsement; Federation Licensing Examination	R.1976 d.48	8 N.J.R. 137(b)
13:35-3.6	Board of Medical Examiners fee schedule	R.1975 d.172	7 N.J.R. 343(a)
13:35-3.6	Revised fees for medical examiners	R.1975 d.172	7 N.J.R. 343(a)
13:35-3.7	Endorsement; first two parts of National Board of Medical Examiners or Osteopathic Examiners and third part of FLEX Examination; third part of FLEX and first two parts of National Boards of Medical Examiners and Osteopathic Examiners	R.1976 d.48	8 N.J.R. 137(b)
13:35-3.8	Examination; third part of FLEX and first two parts of National Boards of Medical Examiners and Osteopathic Examiners	R.1976 d.48	8 N.J.R. 137(b)
13:35-7.1	Rule on major surgery	R.1976 d.255	8 N.J.R. 439(d)
13:35-8.1 et seq.	Rules on hearing aid dispensers	R.1976 d.238	8 N.J.R. 439(a)
13:36-3.6	Examination review procedure	R.1975 d.309	7 N.J.R. 509(a)
13:37-1.1	Revised definition of professional nursing	R.1976 d.368	8 N.J.R. 575(a)
13:38-3.11	Revisions on written examinations for optometry licenses	R.1976 d.105	8 N.J.R. 251(a)
13:39-4.2 et seq.	Revisions on pharmacist preceptors and internships	R.1976 d.298	8 N.J.R. 483(c)
13:40-3.1(g)	Enumeration of prohibited acts	R.1976 d.228	8 N.J.R. 402(a)
13:42-1.1	Examination review procedure	R.1975 d.310	7 N.J.R. 510(a)
13:44-4.1	Revised fees for veterinarians	R.1975 d.173	7 N.J.R. 342(b)
13:44-4.1	Veterinary medical examiners fee schedule	R.1975 d.173	7 N.J.R. 342(b)
13:45A-2.1 et seq.	Revisions on motor vehicle advertising rules	R.1976 d.362	8 N.J.R. 563(b)
13:45A-12.1 et seq.	Rules on sale of animals	R.1975 d.351	7 N.J.R. 571(c)
13:45A-13.1 et seq.	Rules on delegating investigative authority to county and municipal offices of consumer protection	R.1976 d.245	8 N.J.R. 439(b)
13:45A-14.1 et seq.	Unit pricing of consumer commodities in retail establishments	R.1976 d.265	8 N.J.R. 439(e)
13:70-1.26 et seq.	Revisions to thoroughbred racing rules	R.1976 d.125	8 N.J.R. 308(a)
13:70-3.48 et seq.	Amended rules on penalties	R.1976 d.292	8 N.J.R. 483(a)
13:71-1.25 et seq.	Revisions to harness racing rules	R.1976 d.125	8 N.J.R. 308(a)
13:71-2.3 et seq.	Amended rules on penalties	R.1976 d.292	8 N.J.R. 483(a)

(Rules in print in the Administrative Code for Title 13 include all adoptions to June 15, 1975—Transmittal Sheet #7.)

PUBLIC UTILITIES — TITLE 14

(Rules in print in the Administrative Code for Title 14 include all adoptions to Aug. 13, 1976—Transmittal Sheet #6.)

STATE — TITLE 15

15:10-1.1 et seq.	Voter registration by mail	R.1974 d.270	6 N.J.R. 412(b)
15:10-1.1 et seq.	Revisions on voter registration by mail	R.1975 d.114	7 N.J.R. 278(a)
15:10-2.1 et seq.	Rules on voter declaration of political party	R.1976 d.119	8 N.J.R. 253(a)

(Rules in print in the Administrative Code for Title 15 include all adoptions to June 30, 1974—Transmittal Sheet #7.)

TRANSPORTATION — TITLE 16

16:3-1.1 et seq.	Uniform patent policy	R.1975 d.160	7 N.J.R. 345(b)
16:26-3.1 et seq.	Revisions on highway safety lighting	R.1975 d.288	7 N.J.R. 521(b)
16:27-1.6	Limitations on use of Parkway	R.1975 d.342	7 N.J.R. 577(b)
16:28-1.10	Revised speed limits on parts of U.S. 46	R.1975 d.95	7 N.J.R. 237(b)
16:28-1.10	Revisions to speed limits on parts of Route U.S. 46	R.1976 d.176	8 N.J.R. 352(a)
16:28-1.14	Revised rules on rates of speed on Route 33	R.1975 d.17	7 N.J.R. 118(b)
16:28-1.16	Revised rates of speed on parts of Route 35	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.18	Amend speed limits on portions of Route 34	R.1976 d.293	8 N.J.R. 489(b)
16:28-1.19	Revised rates of speed on parts of Route 5	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.24	Revised speeds on parts of Route U.S. 206	R.1976 d.324	8 N.J.R. 536(b)
16:28-1.25 et seq.	Revise rules on rates of speed along certain State highways	R.1974 d.197	6 N.J.R. 325(a)
16:28-1.26	Revised speed limits on parts of Route U.S. 206	R.1976 d.43	8 N.J.R. 139(e)
16:28-1.35	Revised speed limits on portions of Route 18	R.1974 d.340	7 N.J.R. 32(d)
16:28-1.36	Revised speed limits on parts of Route 24	R.1975 d.17	7 N.J.R. 118(a)
16:28-1.44	Revised speed limits on parts of Route 27	R.1976 d.57	8 N.J.R. 207(c)
16:28-1.49	Revise speed zones on parts of Route 35	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.50	Revised rates of speed on parts of Route 7	R.1976 d.280	8 N.J.R. 488(b)
16:28-1.51	Revised speed limits on parts of Route 55	R.1975 d.167	7 N.J.R. 346(a)
16:28-1.51	Revised speed limits for parts of Route 55	R.1975 d.254	7 N.J.R. 439(b)
16:28-1.61	Rates of speed on parts of Route 22 Freeway	R.1975 d.241	7 N.J.R. 439(a)
16:28-1.63	Revise rates of speed on Route U.S. 22	R.1974 d.326	7 N.J.R. 32(c)
16:28-1.67	Revisions to rates of speed on parts of U.S. 202	R.1974 d.325	7 N.J.R. 32(b)
16:28-1.68	Revised rates of speed on parts of Route 17	R.1975 d.153	7 N.J.R. 344(d)
16:28-1.70 et seq.	Revise speed rates on certain State highways	R.1976 d.379	8 N.J.R. 85(b)
16:28-1.72	Revised speeds on parts of Route U.S. 206	R.1976 d.324	8 N.J.R. 536(b)
16:28-1.76	Revised speed limits on parts of Route 15	R.1974 d.354	7 N.J.R. 73(c)
16:28-1.76	Revised speeds on parts of Route U.S. 206	R.1976 d.324	8 N.J.R. 536(b)
16:28-1.77	Revised rates of speed on parts of Route 29	R.1975 d.144	7 N.J.R. 344(c)
16:28-1.90	Revised rates of speed on parts of Route 166	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.96	Revise rates of speed on Route N.J. 45	R.1974 d.326	7 N.J.R. 32(c)
16:28-1.100	Revised speed limits on Route 439	R.1975 d.50	7 N.J.R. 178(c)
16:28-1.102	Revised speed limits on parts of Route 4	R.1976 d.177	8 N.J.R. 352(b)
16:28-1.106	Revised speed limits on parts of Route 31	R.1976 d.43	8 N.J.R. 139(e)
16:28-1.107	Revised speed limits on parts of Route 48	R.1975 d.294	7 N.J.R. 521(c)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R.1974 d.249	6 N.J.R. 414(a)
16:28-1.114	Revised rates of speed on parts of Route 440	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.120	Revised rates of speed on parts of Route 38	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.121	Revised speed limits on parts of Route 93	R.1976 d.57	8 N.J.R. 207(c)
16:28-1.122	Revisions to rates of speeds on U.S. 1, 9 and 46	R.1974 d.291	6 N.J.R. 493(a)
16:28-1.128	Revise speed limits on parts of Route 88	R.1975 d.329	7 N.J.R. 576(c)
16:28-1.132	Revise speed zones on parts of Route 47	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.133	Delete and mark reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.134	Delete and mark reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.148	Revised speed limits on Route I-295	R.1975 d.24	7 N.J.R. 118(c)
16:28-1.157	Rates of speeds on Route 173	R.1974 d.291	6 N.J.R. 493(a)
16:28-1.158	Speed limits on Route 87 in Atlantic City	R.1974 d.249	6 N.J.R. 414(a)
16:28-1.159	Rates of speed on parts of Route 33	R.1975 d.17	7 N.J.R. 118(b)
16:28-1.160	Speed limits on portions of Route I-78	R.1974 d.340	7 N.J.R. 32(d)
16:28-1.162	Speed limits on Route 33 Freeway	R.1975 d.274	7 N.J.R. 488(a)
16:28-1.163	Speed limits on parts of Route U.S. 9	R.1976 d.281	8 N.J.R. 488(c)
16:28-1.164	Revised rates of speed on parts of Route 444	R.1976 d.280	8 N.J.R. 488(b)
16:28-1.165	Rates of speed on parts of Route 23	R.1976 d.324	8 N.J.R. 536(b)
16:28-2.1	Weight limit along Route 152 in Egg Harbor Township	R.1975 d.63	7 N.J.R. 178(d)
16:28-3.18	Restricted parking on parts of Route 47	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.77	Rules on restricted parking along certain State highways	R.1974 d.226	6 N.J.R. 359(d)
16:28-3.20 et seq.	Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130	R.1974 d.216	6 N.J.R. 359(b)
16:28-3.24	Route number U.S. 40	R.1974 d.226	6 N.J.R. 359(d)
16:28-3.25	Route number 47	R.1974 d.292	6 N.J.R. 493(b)
16:28-3.26	No parking; Route 35	R.1974 d.292	6 N.J.R. 493(b)
16:28-3.27	No parking; Route 27	R.1974 d.359	7 N.J.R. 74(a)
16:28-3.28	Restricted parking rules on various State highways		
through 16:28-3.41		R.1975 d.16	7 N.J.R. 117(a)
16:28-3.42	Restricted parking along certain State highways		
through 16:28-3.50		R.1975 d.49	7 N.J.R. 178(b)
16:28-3.51	Rules on restricted parking on various State highways		
through 16:28-3.62		R.1975 d.143	7 N.J.R. 344(b)

16:28-3.63	Rules on restricted parking on various State highways	R.1975 d.154	7 N.J.R. 345(a)
through 16:28-3.67		R.1976 d.282	8 N.J.R.
16:28-3.65	Revised restricted parking on parts of Route 47		
16:28-3.68	Rules on restricted parking on various State highways	R.1975 d.202	7 N.J.R. 387(c)
through 16:28-3.71			
16:28-3.72	Rules on restricted parking on certain State highways		
through 16:28-3.76			
16:28-3.77	Rules on restricted parking along certain State highways	R.1975 d.269	7 N.J.R. 487(c)
through 16:28-3.83			
16:28-3.81	Restricted parking on parts of Route 31	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.84	Revised rules on no-parking zones along various State highways	R.1975 d.295	7 N.J.R. 522(a)
through 16:28-3.89			
16:28-3.85	Revised no parking zones on parts of Route U.S. 9	R.1976 d.56	8 N.J.R. 0000
16:28-3.90	No-parking zones on portions of Route 31	R.1975 d.338	7 N.J.R. 577(a)
16:28-3.91	Restricted parking on parts of Route 79	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.91	Restricted parking on parts of Routes 70, 79 and U.S. 206	R.1975 d.378	8 N.J.R. 85(a)
through 16:28-3.93			
16:28-3.94	Restricted parking along portions of various State highways	R.1976 d.42	8 N.J.R. 139(d)
through 16:28-3.100			
16:28-3.101	No parking zones on parts of Route 38	R.1976 d.56	8 N.J.R. 207(b)
16:28-3.102	No parking zones on parts of Route U.S. 9	R.1976 d.56	8 N.J.R. 207(b)
16:28-3.103	No parking zones on parts of Route 49	R.1976 d.80	8 N.J.R. 207(d)
16:28-3.104	Restricted parking on parts of Route 49	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.105	Restricted parking on parts of Route 10	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.106	No parking zones on parts of Route 27	R.1976 d.180	8 N.J.R. 352(e)
16:28-3.107	No parking zones on parts of Route 3	R.1976 d.180	8 N.J.R. 352(e)
16:28-3.108	No parking zones on parts of Route 28	R.1976 d.181	8 N.J.R. 352(f)
16:28-3.109	No parking zones on parts of Route 27	R.1976 d.181	8 N.J.R. 352(f)
16:28-3.110	No parking zones on parts of Routes U.S. 202-206	R.1976 d.181	8 N.J.R. 352(f)
16:28-3.111	Rules establishing no parking zones along Routes 94 and U.S. 206	R.1976 d.170	8 N.J.R. 339(c)
through 16:28-3.113			
16:28-3.114	Restricted parking on parts of Route 20	R.1976 d.248	8 N.J.R. 443(a)
16:28-3.115	Restricted parking on portions of various State highways	R.1976 d.282	8 N.J.R. 489(a)
through 16:28-3.118			
16:28-3.119	Restricted parking on parts of Route U.S. 9, N.J. 45 and 44	R.1976 d.323	8 N.J.R. 536(a)
through 16:28-3.121			
16:28-3.122	Restricted parking on parts of Route 20	R.1976 d.274	8 N.J.R. 488(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			
16:28-4.1 et seq.	One-way street regulations	R.1974 d.225	6 N.J.R. 359(c)
16:28-4.3	One-way traffic along Route 79	R.1974 d.293	6 N.J.R. 493(c)
16:28-4.4	One-way traffic on parts of Route U.S. 202	R.1975 d.255	7 N.J.R. 439(c)
16:28-4.5	One-way traffic along parts of Route 29 in Lambertville	R.1976 d.118	8 N.J.R. 258(a)
16:28-5.1	Designation of stop intersections	R.1974 d.250	6 N.J.R. 414(b)
16:28-5.2	Stop intersections on parts of Route 440	R.1976 d.44	8 N.J.R. 140(a)
16:28-6.1	No left turn rules on parts of Route U.S. 206	R.1974 d.324	7 N.J.R. 32(a)
16:28-6.1	Revisions on left turns on Route U.S. 206 in Bedminster Township	R.1975 d.48	7 N.J.R. 178(a)
16:28-6.2	Restricted left turns on portions of Route 24	R.1975 d.337	7 N.J.R. 576(d)
through 16:28-6.3			
16:28-6.4	No-left turns along parts of Route 35	R.1976 d.41	8 N.J.R. 139(c)
16:28-6.5	No-left turns along parts of Route U.S. 40	R.1976 d.41	8 N.J.R. 139(c)
16:28-6.6	No left turns on portions of Routes 88, 23, 31 and 47	R.1976 d.142	8 N.J.R. 312(c)
through 16:28-6.9			
16:28-6.7	No left turns on parts of Route 23	R.1976 d.325	8 N.J.R. 537(a)
16:28-6.10	Left turns on parts of Routes U.S. 1 and 9	R.1976 d.178	8 N.J.R. 352(c)
16:28-6.11	Left turns on parts of Route U.S. 30	R.1976 d.179	8 N.J.R. 352(d)
16:28-6.12	No left turns on parts of Route 21	R.1976 d.249	8 N.J.R. 443(b)
16:28-6.13	No left turns on parts of Route 88	R.1976 d.325	8 N.J.R. 537(a)
16:28-7.1	Lane usage on Route 35	R.1975 d.375	8 N.J.R. 50(b)
16:28-7.2	Left turns on parts of Route 168	R.1976 d.326	8 N.J.R. 537(b)
16:28-8.1	Yield intersection on Route 71	R.1976 d.39	8 N.J.R. 139(a)
16:28-9.1	Emergency stopping only on parts of Route 55	R.1976 d.40	8 N.J.R. 139(b)
16:28-10.1	Rules on through streets	R.1976 d.55	8 N.J.R. 207(a)
16:41-1.1 et seq.	Revised fees for highway access permits	R.1975 d.13	7 N.J.R. 73(b)
16:41-2.3 et seq.	Revised fee schedules	R.1975 d.207	7 N.J.R. 387(d)
16:41-3.3 et seq.	Revised State highway application and permit fees	R.1976 d.343	8 N.J.R. 581(a)
16:41-8.4	Revised general restrictions	R.1976 d.350	8 N.J.R. 581(b)
16:41-8.6	Revised standard requirements	R.1976 d.350	8 N.J.R. 581(b)

16:50-2.6	Rule on emergency hearings	R.1975 d.199	7 N.J.R. 387(b)
16:51-4.1 et seq.	Delegation of powers for seniors half-fare bus program	R.1975 d.113	7 N.J.R. 280(b)
16:52-1.1 et seq.	Federal grant program to provide transportation services	R.1976 d.117	8 N.J.R. 259(a)
16:54-6.1 et seq.	Take-off or landing by balloons	R.1974 d.308	6 N.J.R. 494(a)
16:54-6.1 et seq.	Revised rules on ballooning	R.1975 d.131	7 N.J.R. 281(a)
16:65-2.1 et seq.	Revisions on distribution of standard specifications	R.1975 d.195	7 N.J.R. 387(a)
16:65-8.1 et seq.	Debarment, suspension and disqualification; State contracts	R.1976 d.207	8 N.J.R. 404(b)

(Rules in print in the Administrative Code for Title 16 include all adoptions to June 30, 1974—Transmittal Sheet #6.)

TREASURY-GENERAL — TITLE 17

17:1-1.8 et seq.	Revisions on general administration	R.1975 d.235	7 N.J.R. 446(a)
17:1-1.15	Revisions on endorsements	R.1975 d.385	8 N.J.R. 88(a)
17:1-1.15(b)	Revisions on endorsements	R.1976 d.95	8 N.J.R. 262(a)
17:1-1.15(e)	Compliance with endorsement requirements	R.1974 d.219	6 N.J.R. 360(a)
17:1-1.17	Revisions on administrative expenses and their proration	R.1975 d.30	7 N.J.R. 122(a)
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			
17:1-2.20	Base or contractual salary	R.1976 d.36	8 N.J.R. 140(d)
17:1-7.2	Revisions on employer payments and delinquencies	R.1976 d.212	8 N.J.R. 407(b)
17:2-1.4(b)3.	Revisions on election of public employment member-trustee	R.1976 d.213	8 N.J.R. 407(c)
17:2-1.13 et seq.	Revisions on Public Employees' Retirement System	R.1974 d.230	6 N.J.R. 361(a)
17:3-1.4 et seq.	Revise rules of teachers' pension and annuity fund	R.1975 d.140	7 N.J.R. 349(a)
17:4-1.4 et seq.	Revisions to rules of Police and Firemen's Retirement System	R.1975 d.191	7 N.J.R. 393(a)
17:4-7.1	Revisions on interfund transfers; other state systems	R.1976 d.214	8 N.J.R. 407(d)
17:4-7.2	Revisions on interfund transfers; eligibility	R.1976 d.214	8 N.J.R. 407(d)
17:5-2.2	Revisions on survivor benefits	R.1976 d.104	8 N.J.R. 262(c)
17:5-4.1	Revision on previous State service or former membership	R.1976 d.104	8 N.J.R. 262(c)
17:5-5.15	Revisions on medical examinations	R.1976 d.104	8 N.J.R. 262(c)
17:5-6.1	Revisions on interfund transfers and other State systems	R.1976 d.104	8 N.J.R. 262(c)
17:6-3.3	Revisions on survivor benefits	R.1976 d.103	8 N.J.R. 262(b)
17:6-3.9	Revisions on medical examinations	R.1976 d.103	8 N.J.R. 262(b)
17:7-1.9 et seq.	Revise parts of Prison Officers' Pension Fund rules	R.1975 d.213	7 N.J.R. 442(a)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R.1974 d.231	6 N.J.R. 361(b)
17:9-1.5	Revisions on voluntary termination of employer; notice	R.1976 d.124	8 N.J.R. 263(a)
17:9-2.3	Revisions on annual enrollment period	R.1974 d.228	6 N.J.R. 360(c)
17:9-2.3	Revisions on annual enrollment period	R.1976 d.124	8 N.J.R. 263(a)
17:9-2.9	Revisions on transferees	R.1976 d.124	8 N.J.R. 263(a)
17:9-2.10	HMO election; same employer	R.1976 d.124	8 N.J.R. 263(a)
17:9-2.15	Major medical; separate plans	R.1975 d.68	7 N.J.R. 181(a)
17:9-3.1 et seq.	Revisions to State Health Benefits Program	R.1976 d.313	8 N.J.R. 539(a)
17:9-4.2	Revised definition of State; full time	R.1975 d.68	7 N.J.R. 181(a)
17:9-5.4	Revisions on local employer payment of dependent charges	R.1974 d.229	6 N.J.R. 360(d)
17:9-5.5	Revisions concerning local employer resolution	R.1975 d.65	7 N.J.R. 180(c)
17:9-5.6	Health maintenance organization premiums	R.1974 d.228	6 N.J.R. 360(c)
17:9-5.10	Retroactive premiums; payment due	R.1975 d.159	7 N.J.R. 349(b)
17:9-6.3	Amend retired coverage limitations	R.1975 d.159	7 N.J.R. 349(b)
17:10-1.10 et seq.	Revisions to rules on Judicial Retirement System	R.1976 d.304	8 N.J.R. 538(c)
17:10-3.1	Revised computation of benefits	R.1974 d.335	7 N.J.R. 34(a)
17:10-5.7	Revised employer disability application; employee notice	R.1974 d.335	7 N.J.R. 34(a)
17:13-8.1 et seq.	Rules on contract administration	R.1976 d.239	8 N.J.R. 445(a)
17:16-5.3(a)5.	Revision to static group	R.1976 d.115	8 N.J.R. 262(d)
17:16-5.4	Revised demand group	R.1975 d.11	7 N.J.R. 76(b)
17:16-5.5	Revised temporary reserve group	R.1975 d.362	8 N.J.R. 51(a)
17:16-5.6	Revised temporary reserve group	R.1975 d.278	7 N.J.R. 490(a)
17:16-5.5	Revisions on temporary reserve group; classification of funds	R.1976 d.290	8 N.J.R. 492(b)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R.1974 d.192	6 N.J.R. 328(c)
17:16-5.5	Revised temporary reserve group	R.1976 d.29	8 N.J.R. 140(c)
17:16-5.6(a)3.	Revisions to trust group	R.1976 d.115	8 N.J.R. 262(d)
17:16-6.1(a)8.	Add Federal Financing Bank to approved list	R.1974 d.323	6 N.J.R. 496(a)
17:16-6.1	Revised rules on U.S. Treasury and government agency obligations	R.1975 d.97	7 N.J.R. 241(a)
17:16-7.1	Amendments on permissible investments; corporate obligations	R.1976 d.152	8 N.J.R. 313(a)
17:16-7.3	Delete from revolving housing development grant fund	R.1974 d.191	6 N.J.R. 328(b)
17:16-7.4(a)	Revisions on legal papers; corporate obligations legal for banks	R.1976 d.291	8 N.J.R. 493(a)
17:16-8.1	Revisions on corporate securities industrial obligations	R.1976 d.156	8 N.J.R. 314(c)
17:16-8.1(a)5.	Amendment on corporate securities - industrial obligations	R.1976 d.116	8 N.J.R. 232(e)

17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities	R.1974 d.321	6 N.J.R. 495(b)
17:16-9.1(a)5.	Revision concerning finance companies—senior debt	R.1974 d.322	6 N.J.R. 495(c)
17:16-9.1(a)6.	Amendment on finance companies senior debt	R.1976 d.153	8 N.J.R. 313(b)
17:16-11.1	Revisions on applicable funds	R.1975 d.363	8 N.J.R. 51(b)
17:16-13.5	Revisions on legal papers; commercial paper	R.1974 d.218	6 N.J.R. 361(c)
17:16-13.5	Revisions on legal papers	R.1975 d.236	7 N.J.R. 442(b)
17:16-21.1(a)6.	Amendments on bank debentures; pension and annuity group	R.1976 d.154	8 N.J.R. 314(a)
17:16-23.3(c)	Amendments on Canadian obligations limitations	R.1976 d.155	8 N.J.R. 314(b)
17:16-27.4	Revisions on legal papers; certificates of deposit	R.1976 d.208	8 N.J.R. 407(a)
17:16-29.1	Revised definition for FHA mortgages	R.1975 d.364	8 N.J.R. 51(c)
17:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R.1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R.1974 d.264	6 N.J.R. 416(a)
17:16-38.1 et seq.	Common Pension Fund C	R.1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R.1974 d.263	6 N.J.R. 415(b)
17:16-39.1 et seq.	Collateralized notes and mortgages	R.1975 d.67	7 N.J.R. 180(d)
17:18-1.1 et seq.	Revised rules on tax appeals administration	R.1976 d.145	8 N.J.R. 312(e)
17:19A-1.1 et seq.	Revised rules on facilities for the physically handicapped	R.1976 d.284	8 N.J.R. 492(a)
17:19A-1.3 et seq.	Revisions of facilities for physically handicapped in public buildings	R.1976 d.313	8 N.J.R. 539(a)
17:19A-1.3 et seq.	Revisions of building facilities for physically handicapped	R.1976 d.319	8 N.J.R. 539(b)
17:20-5.10	Revise agent's compensation rule	R.1974 d.329	7 N.J.R. 33(b)
17:21-1.4(b)	Revisions on special lotteries	R.1974 d.224	6 N.J.R. 360(b)
17:21-2.3 et seq.	Revised rules concerning weekly lottery	R.1974 d.329	7 N.J.R. 33(b)
17:21-6.1 through 17:21-6.6	Delete rules on daily lottery	R.1975 d.374	8 N.J.R. 52(a)
17:21-6.9	Final drawings for daily lottery	R.1975 d.374	8 N.J.R. 52(a)
17:21-11.1 et seq.	1776 Instant Lottery rules	R.1975 d.318	7 N.J.R. 525(a)
17:21-11.5 et seq.	Revised rules on 1776 Instant Lottery	R.1975 d.330	7 N.J.R. 578(b)

(Rules in print in the Administrative Code for Title 17 include all adoptions to June 30, 1974—Transmittal Sheet #6.)

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)

(Rules in print in the Administrative Code for Title 18 include all adoptions to Aug. 13, 1976—Transmittal Sheet #7.)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making loans to mortgage lenders	R.1974 d.233	6 N.J.R. 370(b)
19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1975 d.311	7 N.J.R. 528(a)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R.1974 d.251	6 N.J.R. 418(b)
19:1-1.4 et seq.	Revisions on requests for loans and allocation and award of loans	R.1975 d.324	7 N.J.R. 579(c)
19:3A-2.1	Required land use and control meadows; flood insurance	R.1974 d.213	6 N.J.R. 369(b)
19:3A-2.2	Securing coverage under National Flood Insurance Program	R.1974 d.212	6 N.J.R. 361(d)
19:4-6.25	Revisions on Hackensack Meadowland appeals	R.1975 d.355	8 N.J.R. 52(c)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R.1974 d.214	6 N.J.R. 369(a)
19:8-1.1	Garden State Arts Center defined	R.1975 d.145	7 N.J.R. 350(d)
19:8-1.1 et seq.	Revision on motorcycles on Parkway	R.1975 d.332	7 N.J.R. 579(b)
19:8-1.1	Revised definitions	R.1976 d.167	8 N.J.R. 359(b)
19:8-1.9	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:8-1.13	Traffic control on Garden State Parkway	R.1975 d.222	7 N.J.R. 447(b)
19:8-2.11	Rules on Garden State Arts Center	R.1975 d.145	7 N.J.R. 350(d)
19:8-2.12	Emergency service on Parkway	R.1975 d.331	7 N.J.R. 579(a)
19:8-3.1	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:8-3.1(b)	Revised toll schedule for new Union County interchange	R.1974 d.290	6 N.J.R. 496(c)
19:8-3.1(c)	Rule on automatic toll collection machines on Parkway	R.1976 d.127	8 N.J.R. 315(b)
19:8-5.1 et seq.	Central purchasing	R.1976 d.92	8 N.J.R. 315(a)
19:8-7.1 et seq.	Rules on inspection and obtaining of highway authority records	R.1976 d.168	8 N.J.R. 359(c)
19:8-6.1 et seq.	Sales of surplus personal property	R.1976 d.92	8 N.J.R. 315(a)
19:9-1.1	Revised Turnpike definitions	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.9	Revised limitations on use of Turnpike	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.9(a)26.	Delete rule 19:9-1.9 (a) 26.	R.1975 d.41	7 N.J.R. 185(a)
19:9-1.18	Noise limits on Turnpike	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.18(e) and (f)	Revised citations for noise limit rules	R.1975 d.25	7 N.J.R. 122(d)
19:9-3.1	Schedule of towing charges for Turnpike	R.1975 d.221	7 N.J.R. 447(c)

(Continued from page 23)

The first major change effected by the amendments is to require a statement of the total retail selling price set forth in a single specific dollar amount in all advertisements for the sale of a new or used motor vehicle. Experience has shown that under the existing regulations advertisers have been able to set forth comparative prices using suggested manufacturer's list prices which include certain costs such as dealer preparation and freight charges, while also indicating a selling price in the same advertisement which does not contain these charges. The net effect of such advertising is to create the misleading and deceptive impression of substantial discounts which are not bona fide.

The requirement that future advertising contain a single "bottom line" price will prohibit this practice and provide the purchasing consumer with a meaningful disclosure as to the actual price to be paid for the vehicle as well as establishing a clear reference point for the purpose of comparing prices among competitors. An exception to the requirement to set forth a total selling price has been created to allow for "general availability" statements where an advertiser merely wishes to communicate the fact that a general class of vehicles is available for sale, such as a model or series for a new year, or statements involving the general qualities or virtues of a vehicle series or line.

Where, however, the advertisement intends to convey the availability for sale of a particular vehicle as distinguished from an announcement of general availability or quality, the disclosure requirements in Section 2 become operative.

Similarly, in order to assure that advertisements claiming price reductions are both bona fide and substantial, the amendments require that a claimed price reduction be at least 5 per cent less than the usual price at which the vehicle has been previously sold or offered for sale. Since the motor vehicle seller is in the position of know-

ing the usual selling price of a vehicle offered for sale to the consuming public over a period of time and since the data necessary to establish prior selling prices are found primarily in the books and records of the seller, a record-keeping requirement has been added whereby records establishing the usual selling price must be maintained for a period of 60 days from the date on which the advertisement is placed.

Furthermore, to clearly establish an operative guidepost for defining the usual price from which a price reduction may be advertised and thereby guard against claimed price reductions which in fact are fictitious, the amendments require a showing of not less than three sales or offerings of the advertised vehicle or its substantial equivalent during the 90 days preceding the date of advertisement.

To further protect against lure and bait type advertising, advertisements must contain statements of the number of vehicles in stock and where none of the advertised vehicles is in the dealer's current inventory, the words "not in stock" must be displayed.

Finally, in order to clarify the applicability of the existing regulations, advertising agencies which prepare or place advertisements for motor vehicle sellers have been made expressly subject to the regulations. Such agencies, however, are to be held liable for violations of the regulations only where the violation is a product of an act or omission within the agency's control and not where the agency reasonably relies upon information or data supplied by the seller or his agent.

It is intended that these amendments be construed and applied consistently with the purpose of preventing the evils engendered by deceptive and misleading advertising, thereby affording the consuming public forthright and honest presentations of motor vehicle information as well as promoting a truly competitive climate in the marketplace.

An order adopting these revisions was filed and became effective on November 17, 1976, as R.1976 d.362.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

19:11-1.6	Revisions in number of copies to be filed	R.1974 d.347	7 N.J.R. 36(a)
19:11-1.13	Revisions concerning intervention	R.1974 d.346	7 N.J.R. 35(d)
19:11-2.7	Rule on election eligibility lists	R.1974 d.344	7 N.J.R. 35(b)
19:12-1.1	Revisions in filing of notice of impasse	R.1974 d.347	7 N.J.R. 36(a)
19:12-1.1 et seq.	Negotiations and impasse procedures	R.1975 d.10	7 N.J.R. 78(a)
19:12-2.1	Revisions in invocation of fact-finding	R.1974 d.347	7 N.J.R. 36(a)
19:12-3.1	Revisions concerning arbitration	R.1974 d.345	7 N.J.R. 35(c)
19:13-1.1 et seq.	Scope of negotiations proceedings	R.1975 d.10	7 N.J.R. 78(a)
19:14-1.1 et seq.	Unfair practice proceedings	R.1975 d.10	7 N.J.R. 78(a)
19:14A-1.1 et seq.	Hearings	R.1975 d.10	7 N.J.R. 78(a)
19:14-1.5 et seq.	Revisions concerning processing of unfair practice cases	R.1975 d.89	7 N.J.R. 243(a)
19:14-9.1 et seq.	Interim relief	R.1975 d.90	7 N.J.R. 242(a)
19:25-1.1 et seq.	Initial rules of Election Law Enforcement Commission	R.1974 d.267	6 N.J.R. 418(a)
19:25-7.8	Revision on use of funds by political committees	R.1975 d.359	8 N.J.R. 52(b)
19:25-12.2	Revisions on political testimonial affairs	R.1975 d.359	8 N.J.R. 52(b)
19:30-1.1 et seq.	Administrative rules of Economic Development Authority	R.1974 d.332	7 N.J.R. 34(c)
19:30-2.1	Revised application fees	R.1975 d.26	7 N.J.R. 122(c)
19:30-2.2	Delete text on fees	R.1975 d.26	7 N.J.R. 122(c)
19:30-2.2	Loan and bond guarantee fees	R.1976 d.171	8 N.J.R. 359(a)
19:35-1.1	Rules on FM noncommercial radio stations	R.1975 d.118	7 N.J.R. 285(a)

(Rules in print in the Administrative Code for Title 19 include all adoptions to June 30, 1974—Transmittal Sheet #6.)

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

**Revisions on Schools of Professional
Nursing and Practical Nursing**

On November 9, 1976, Richard E. Davld, executive director of the Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d)19 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:37-1.1 concerning the definition of professional nursing, as proposed in the Notice published April 8, 1976, at 8 N.J.R. 199(b).

Take notice that the other proposed revisions to N.J.A.C. 13:37-8.1 et seq. appearing in the Notice of Proposal cited above have not yet been adopted by the Board of Nursing and are still being considered.

An order adopting this revision was filed and became effective on November 19, 1976, as R.1976 d.368.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION

**Proposed Amendments in Accounting Principles
For Cable Television Companies**

John P. Cleary, Director of the Office of Cable Television in the Department of Public Utilities, pursuant to the authority of N.J.S.A. 48:5A-10(b) and 48:5A-11(a), proposes to establish a "Uniform System of Accounts" for use by cable television companies. Specifically, N.J.A.C. 14:17-6.16 would be amended to add a subsection to be known as N.J.A.C. 14:17-6.16(b), and N.J.A.C. 14:17-6.17 would be amended to add a subsection to be known as N.J.A.C. 14:17-6.17(g). The new subsections would read as follows:

14:17-6.16(b), 14:17-6.17(g) The above tariff filings or petitions shall conform with regard to financial and accounting information to the uniform system of accounts of the Office of Cable Television.

Specific text of the uniform system of accounts may be obtained from:

Office of Cable Television
Room 205
101 Commerce Street
Newark, New Jersey 07102

The uniform system of accounts would establish uniformity and comparability of accounting and financial data among cable television companies. This will permit the Office of Cable Television and the Board of Public Utility Commissioners to regulate such companies in a more orderly and efficient manner.

Interested persons are requested to present statements in writing concerning the proposed action on or before January 15, 1977 to the Office of Cable Television at the above address.

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

John P. Cleary
Director, Office of Cable Television
Department of Public Utilities

(c)

TRANSPORTATION
THE COMMISSIONER

**Proposed Rules on Drawbridge
Usage Along Route 52**

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-1.7, proposes to adopt new rules concerning drawbridge usage along portions of Route 52.

Full text of the proposed rules follows:

SUBCHAPTER 11. DRAWBRIDGE USAGE

16:28-11.1 Route 52

(a) In accordance with the provisions of N.J.S.A. 27:7-17, bicycles shall be prohibited from certain parts of State Highway Route 52 described herein.

1. Bicycles shall be prohibited:

1. Along all of the bridges over Beach Thorofare, Rainbow Thorofare, Elbow Thorofare and Great Egg Harbor for the entire length within the city of Ocean City (Cape May County) and the City of Somers Point (Atlantic County).

Interested persons may present relevant statements or arguments in writing to the proposed action on or before December 29, 1976, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION THE COMMISSIONER

Proposed Revisions Concerning Licensing of Aeronautical Activities

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 6:1-29, 6:1-44, 27:1A-3 and 27:1A-5, proposes to revise Chapter 55 in Title 16 of the New Jersey Administrative Code. The proposed revisions concern the deletion in its entirety of the current text of Chapter 55 and the adoption of new text therein.

The proposed revisions supersede an earlier proposal on the same topic published July 8, 1976, at 8 N.J.R. 338(c).

Full text of the proposed new rules follows:

CHAPTER 55. LICENSING OF AERONAUTICAL ACTIVITIES

SUBCHAPTER 1. MINIMUM STANDARDS FOR CONDUCTING AERONAUTICAL ACTIVITIES

16:55-1.1 Policy

(a) The provisions of this chapter provide minimum standards for the licensing of aeronautical activities (fixed base operators) in the State of New Jersey, but shall not apply to air carriers operating under a certificate of public convenience and necessity issued by the Civil Aeronautics Board or any successor thereto. The receipt and use of a license under the provisions of this chapter does not exempt the licensee from the requirement to comply with the reasonable rules and regulations established by the owner or manager of a licensed aeronautical facility.

(b) The provisions of this chapter apply to the following aeronautical activities:

1. Air instruction;
2. Aerial application;
3. Aircraft rental or leasing;
4. Fish spotting;
5. Intrastate air carrier;
6. Parachute repair and rigging;
7. Sport parachute center;
8. Aerial advertising;
9. Aerial photography and survey;
10. Air taxi or charter;
11. Flying club;
12. Aircraft mechanics; repair stations;
13. Pipeline and powerline patrol.

16:55-1.3 Definitions

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

"Aeronautical activity (fixed base operator)" includes, but not by way of limitation, any of the following services in which any person engages in giving, offering to give, advertising, representing or holding himself out as giving, to the public, with or without compensation or other reward (unless otherwise indicated):

1. Air instruction: Instruction in aeronautics or in the art or science of navigation or flight of aircraft. Applies to flight instruction only.

2. Aerial advertising: Airborne display of any type of advertising. (Banner, electric lights, smoke).

3. Aerial application: Airborne application of liquid or solid sprays for the purpose of insect, plant, animal or fungus control, fertilization or seeding.

4. Aerial photography and survey: Commercial aerial photography from aircraft modified for the specific purpose of aerial photography and aerial survey.

5. Aircraft rental or leasing: The rental, leasing, or sub-leasing of aircraft as a commercial enterprise.

6. Air taxi or charter: The carrying in air commerce by any person, other than an air carrier, of persons or property for compensation or hire (commercial operations) in small aircraft.

7. Fish spotting: Use of aircraft for visual or electronic detection of fish schools for the purpose of positioning a fishing vessel or vessels.

8. Flying club: A nonprofit association of three or more individuals organized for the purpose of owning or leasing one or more aircraft for use by members of the association for pleasure flying or personal business use. Personal business use means occasional business trips made by members of the flying club, and specifically excludes the carrying of passengers or cargo for hire.

9. Intrastate air carrier: Any person who undertakes, directly or indirectly or by lease or other arrangement, the carriage of persons or property as a common carrier for compensation or hire wholly within the State of New Jersey.

10. Aircraft mechanics; repair stations: Provision of maintenance, preventive maintenance, rebuilding or alteration of any aircraft and/or the airframe, aircraft engine, propeller, or appliance of such an aircraft.

11. Parachute repair and rigging: Provision of packing, maintenance and altering of personnel carrying parachutes which includes overhaul of the various components and drop testing.

12. Pipeline and powerline patrol: Airborne examination and detection of defects and deficiencies in a pipeline or power line.

13. Sport parachute center: An operation organized by an individual, club or business entity to foster, control, supervise and regulate sport parachuting of person(s) sponsored or trained by said individual, club or business entity.

16:55-1.4 General requirements for aeronautical licensing

(a) All persons engaged in New Jersey in any one or more of the aeronautical activities listed in N.J.A.C. 16:55-1.1, shall:

1. Submit application in a form and manner prescribed by the Director of Aeronautics to the Division of Aeronautics.

2. Maintain a principal business office, in New Jersey, with a mailing address in the name to be shown on the license at which adequate and suitable facilities and equipment are available to properly maintain required files and effectively operate the business.

3. As required, be prepared to provide data and information as requested by the division at a public hearing or special hearing in regard to their license and operation of the aeronautical activity. Financial and other relevant data may be requested when appropriate for a determination of the capability of the operator and to insure protection of potential customers and the general public.

4. Display license(s) at a conspicuous place at the principal business office readily accessible to aeronautical inspectors and the aviation public. If the principal business office is not located at the facility from which the aeronautical activity is being carried out, licensee will retain a copy of the license in his possession while carrying out the aeronautical activity and make it available

for inspection to State and Federal inspectors and law enforcement personnel, and the aviation public, upon request.

5. Insure that any and all aircraft used in connection with the aeronautical activity are registered prior to the commencement of the operation in accordance with the provisions of Title 6 of the N.J.S.A. and Chapter 56 of this Title of the N.J.A.C. (not applicable to aircraft mechanics; repair stations).

16:55-1.5 Specific requirements for licensing

(a) In addition to complying with the general requirements listed in 16:55-1.4, supra, all persons engaged in New Jersey in any one or more of the aeronautical activities listed in N.J.A.C. 16:55-1.1, shall comply with the applicable specific requirements listed below:

1. Air instruction (These specific requirements are not applicable to pilot schools certified and operating in accordance with Federal Aviation Regulations Part 141. The Division of Aeronautics will review the records required to be maintained by the FAA during the annual or special licensing inspections conducted by personnel of the New Jersey Division of Aeronautics.):

i. Provide evidence of control or employment of at least one Federally certificated flight instructor, who may be the applicant; and list in the application or attachment thereto the applicable certificate numbers, ratings and the class and date of the most recent flying medical examination;

ii. Maintain a flight record by "N" number of each aircraft used in the conduct of flight instruction to show: name of each person flying the aircraft, date and time aircraft leaves the home field (takeoff), date and time of return to home field (landing). These records must be maintained in a current status, be available for inspection by the Division of Aeronautics, and retained on file for a minimum of one year;

iii. Upon receipt of the State license to conduct air instruction, and annually thereafter, the licensee shall advise the Division of Aeronautics in writing as to his primary base of operating;

iv. Primary base is considered to be the:

(a) Air facility where aircraft is based; or

(2) The facility where the licensee normally conducts the greatest part of his operations. Does not necessarily have to be more than half.

2. Aerial advertising:

i. Own or have arrangements for use of a minimum of one currently Federally certificated and airworthy aircraft equipped for aerial advertising operations;

ii. Provide, when requested, aircraft logbook for inspection containing certified notations of the installation of the particular equipment required for the type of aerial advertising offered. Such equipment and installation shall be FAA approved;

iii. Provide evidence of control of appropriate Federally certificated personnel employed in this operation.

iv. Utilize pilots who are federally certificated as private, commercial or airline transport pilots and properly rated for the aircraft used;

v. Provide names, addresses, ratings and certificate numbers of pilots employed in the operation;

vi. Insure that only essential crew members are embarked while aircraft are being utilized for aerial advertising; (This restriction does not apply to balloons or rigid airships.)

vii. Provide copy of current FAA waiver (if applicable);

viii. Maintain log of all aerial advertising flights made which shall be retained for 12 months. This log shall

contain at least the following:

- (1) Aircraft "N" number;
- (2) Date of flight;
- (3) Take off and landing time;
- (4) Name of pilot;
- (5) Flight coverage area.

ix. For banner towing, submit a sketch, with the application for license, of the proposed banner pick-up and drop area(s), superimposed on the airport plan (if applicable). This sketch must include the regular airport traffic pattern and the banner towing aircraft pattern. Written approval of the air facility manager must appear on the face of the sketch. If the banner pick-up and drop area(s) are not on an airport, sketch must be submitted showing proposed banner towing aircraft flight patterns superimposed on a local area chart. Written approval of the property owner or lessee and the controlling municipal authority must appear on the face of this sketch;

x. Insure that each pilot prior to flying banner towing aircraft is completely briefed and familiar with the approved banner pick-up and drop area(s) and patterns.

3. Aerial application:

i. Own or have arrangements for use of a minimum of one currently Federally certificated and airworthy aircraft equipped for aerial application of sprays, seeds or fertilizer;)

ii. Provide aircraft logbook for inspection which contains certificated notations of the installation of the particular equipment required for the type of aerial application offered. Such equipment and installation shall be FAA approved;

iii. Provide evidence of control of appropriate Federally certificated personnel employed in this operation;

iv. Utilize pilots who are Federally certificated as private, commercial or airline transport pilots and properly rated for the aircraft used, as required by FAR Part 137;

v. Provide names, addresses, ratings and certificate numbers of pilots employed in the operation;

vi. Insure that only essential crew members are embarked while aircraft are being utilized for aerial application;

vii. As required, provide with application one copy of each of FAA waiver; agricultural aircraft operator certificate (FAR Part 137); and New Jersey Department of Environmental Protection Certification of Pesticide Applicators (N.J.A.C. 7:30-3);

viii. Maintain log of all aerial application flights which shall be readily available for inspection. File of these logs shall be retained for 12 months. This log shall contain at least the following:

- (1) Aircraft "N" number;
- (2) Date of flight;
- (3) Takeoff and landing time;
- (4) Name of pilot;
- (5) Location of aerial application by municipality or township;

(6) Type of material applied.

4. Aerial photography and survey:

i. Own or have arrangements for use of a minimum of one currently Federally certificated and airworthy aircraft equipped for aerial photography or survey operations;

ii. Provide when requested aircraft logbook for inspection which contains certificated entries of the installation of the particular equipment required and to be

used for the type of aerial photography or survey offered. Such equipment and installation shall be FAA approved;

iii. Provide evidence of control of appropriate Federally certificated personnel directly employed in the conduct or control of this operation;

iv. Utilize pilots who are Federally certificated as private, commercial or airline transport pilots and properly rated for the aircraft used;

v. Provide names, addresses, ratings and certificate numbers of pilots employed in the operation;

vi. Maintain log of all aerial photographic or survey flights made which shall be readily available for inspection. File of these logs shall be retained for 12 months. This log shall contain at least the following:

- (1) Aircraft "N" numbers;
- (2) Date of flight;
- (3) Takeoff and landing times;
- (4) Name of pilot;
- (5) Location of photographic operation.

5. Aircraft rental or leasing:

i. Own or have arrangements for use of a minimum of one currently Federally certificated and airworthy aircraft;

ii. Insure that aircraft rented or leased are properly and currently maintained in accordance with applicable FAR's and Airworthiness Directives;

iii. Insure that aircraft registration, airworthiness certificate, and flight manual or placards (as required) are on board aircraft at time of lease or rental;

iv. Verify that pilot who will fly rented or leased aircraft possesses appropriate and current FAA airman and medical certificates, and FCC radio-telephone operator permit, if required;

v. Maintain log of all rental or leasing activities which shall be readily available for inspection. File of these logs shall be retained for 12 months. This log shall contain at least the following:

- (1) Aircraft "N" number;
- (2) Dates of beginning and ending of rental or lease period;
- (3) Name of pilot(s);
- (4) Pilot certificate number;
- (5) Medical certificate class and date of examination.

vi. Advise lessee or rentee of extent and limitation of insurance coverage of aircraft maintained by lessor or rentor which will be in effect while aircraft is under lessees or rentees control.

6. Air taxi or charter (These specific requirements are not applicable to air taxi or charter operations conducted in accordance with an ATCO certificate issued by FAA. The Division of Aeronautics will review the records required by FAR Part 135 during the annual or special licensing inspection conducted by personnel of the New Jersey Division of Aeronautics.):

i. Own or have arrangements for use of a minimum of one currently federally certificated and airworthy aircraft approved and designated for operation under FAR Part 135;

ii. Provide evidence of control of appropriate federally certificated personnel directly employed in this operation;

iii. Utilize pilots who are federally certificated as commercial or airline transport pilots and properly rated for the aircraft used;

iv. Maintain a log of all flights made which shall be readily available for inspection. File of these logs shall be retained for 12 months. This log shall contain at least the following:

- (1) Aircraft "N" number;
- (2) Date of flight;
- (3) Takeoff and landing time for each leg of flight;
- (4) Name of pilot(s);
- (5) Passenger manifest and/or cargo description.

7. Fish spotting:

i. Own or have arrangements for use of a minimum of one currently federally certificated and airworthy aircraft;

ii. Provide evidence of control of appropriate federally certificated personnel directly employed in this operation;

iii. Utilize pilots who are federally certificated as private, commercial or airline transport pilots rated for the aircraft used;

iv. Provide names, address, ratings and certificate numbers of pilots employed in the operation;

v. Maintain log of all fish spotting flights made which shall be readily available for inspection. File of these logs shall be retained for 12 months. This log shall contain at least the following:

- (1) Aircraft "N" number;
- (2) Date of flight;
- (3) Takeoff and landing time;
- (4) Name of pilot.

8. Flying club:

i. Own or have arrangements for use of at least one currently federally certificated and airworthy aircraft;

ii. Submit a current roster of members and officials of the enterprise with their addresses and telephone numbers upon submission of initial and renewal applications;

iii. Require any air instruction to be carried out only by air instructors licensed and functioning in compliance with N.J.A.C. 16:55-1.5(a), air instruction;

iv. Maintain log of all flights made which shall be readily available for inspection. File of these logs shall be retained for at least 12 months. The log shall contain at least the following:

- (1) Aircraft "N" number;
- (2) Date of flight;
- (3) Takeoff and landing time;
- (4) Name of pilot;
- (5) Name of instructor (if applicable).

v. Make available for inspection, when requested, by-laws, articles of incorporation, and rules and regulations.

9. Intrastate air carrier: This section is reserved for the rules applicable to intrastate air carriers.

10. Certificated aircraft mechanics; certificated repair stations:

i. Maintain or have access to shelter facilities adequate and suitable for the type of maintenance to be performed;

ii. Provide evidence of control of at least one appropriately federally certificated mechanic for the type of maintenance, inspection or repairs to be performed. Provide name(s), address(es), ratings and certificate numbers of all certificated personnel employed;

iii. Maintain adequate range of tools normally required to perform the maintenance, inspection, alterations, or repairs to be undertaken;

iv. Maintain a record of major maintenance, alterations, or repairs as defined by the FAA, which will show: Aircraft (or component) make, model, registration number; type of maintenance, inspection or repair performed; name, rating and certificate number of person performing the work. Records must be maintained in a cur-

rent status and retained on file for a minimum of two years.

11. Parachute repair and rigging:

i. Provide evidence of control of appropriate FAA or United States military certificated personnel employed in this operation;

ii. Provide names, addresses, ratings and certificate numbers of personnel employed in this operation;

iii. Maintain suitable permanent housing which is adequately lighted, heated and ventilated and which is adequately equipped for parachute repacking, airing, and drying;

iv. Maintain adequate range of tools and equipment to pack, alter, maintain and repair the types of parachute(s) to be serviced;

v. Make available for inspection the rigger's seal and seal press for each parachute rigger employed;

vi. Maintain file of work performed which shall be readily available for inspection. These files shall be kept for a minimum of two years. Such files will contain for each job performed:

(1) Parachute type, make and serial number;

(2) Owner; name and address;

(3) Kind and extent of work performed;

(4) Date work completed;

(5) Name, rating, and certificate number of person performing work;

(6) Results of any drop testing (if applicable).

12. Pipeline and powerline patrol:

i. Own or have arrangements for use of a minimum of one currently federally certificated and airworthy aircraft;

ii. Provide evidence of control of appropriate federally certificated personnel employed in the operation;

iii. Utilize pilots who are federally certificated as private, commercial or airline transport pilots and properly rated for the aircraft used;

iv. Provide names, addresses, ratings and certificate numbers of pilots employed in the operation;

v. Insure that only essential crew members are embarked while aircraft are being utilized for pipeline and powerline patrol;

vi. Maintain log of all pipeline and powerline patrol flight which shall be readily available for inspection. File of these logs shall be retained for 12 months. This log shall contain at least the following:

(1) Aircraft "N" number;

(2) Date of flight;

(3) Takeoff and landing time;

(4) Name of pilot;

(5) Flight coverage route.

13. Sport parachute center:

i. Show on the application compliance with all the provisions of N.J.A.C. 16:58-2(a);

ii. List names, addresses, ratings and/or classification and certificate number(s) of all certificated personnel employed in this operation;

iii. Provide suitable housing that will provide:

(1) Classroom area;

(2) Storage room for parachutes and personal gear;

(3) Necessary aircraft mock-ups;

(4) Parachute repacking area;

(5) Briefing and final gear check area.

iv. Maintain file of all parachute jumps made by dates and classification. Such records shall be readily available for inspection and will be kept for a minimum of 12 months.

16:55-1.6 Liability

Any license issued pursuant to the provisions set forth in this chapter may be modified, suspended, or revoked in the interest of public safety and/or aeronautical progress or as a result of established violations of any of the provisions of Title 6 of the New Jersey Statutes Annotated or any of the provisions of this chapter, and may further subject the violator to the penalty provisions of Title 6 of N.J.S.A.

16:55-1.7 Petitions for exemptions

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

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

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

A public hearing respecting the proposed action will be held on January 4, 1977, at 10:00 A.M. in the State Museum auditorium, 205 West State Street, Trenton, New Jersey. The hearing will be conducted in a quasi-legislative rather than quasi-judicial manner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1976, to:

Campbell Y. Jackson
Division of Aeronautics
Department of Transportation
1035 Parkway Avenue
Trenton, N. J. 08625
Telephone: (609) 292-3020

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking on Three State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking along portions of Routes U.S. 9, 33 and 88.

Full text of the proposed rules follows:

16:28-3.131 Route U.S. 9 in Freehold Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9

described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along the westerly side of Route U.S. 9 between the Freehold Borough Corporate line and Schanck Road.
16:28-3.132 Route 33 in Freehold Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 33 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 33 between the Freehold Borough corporate line and Jerseyville Avenue.
16:28-3.133 Route 88 in Point Pleasant Borough, Ocean County

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

1. No stopping or standing along both sides of Route 88 within the entire corporate limits of Point Pleasant Borough.

16:28-3.134 Route U.S. 9 in Howell Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 9 for the entire length within the corporate limits of Howell Township including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

Interested persons may present relevant statements or arguments in writing to the proposed action on or before December 29, 1976, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION THE COMMISSIONER

Proposed Revisions on Restricted Parking Along Various State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt revisions to N.J.A.C. 16:28-3.46 and new rules, to be cited as N.J.A.C. 16:28-3.135 and 16:28-3.136 if adopted, concerning restricted parking along various State highways.

The current text of N.J.A.C. 16:28-3.46 is proposed to be replaced with the new text.

Full text of the proposed new rules follows:

16:28-3.46 Route U.S. 9 in the Township of Berkeley, Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the northbound side of Route U.S. 9 from the Lacey Township-Berkeley Township corporate line to the Berkeley Township-Pine Beach Borough corporate line;

ii. Along the southbound side of Route U.S. 9 from the Beachwood Borough-Berkeley Township corporate line to the Berkeley Township-Lacey Township corporate line.

16:28-3.135 Route 94 in Fredon Township, Sussex County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 94 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 94 from the easterly curb line of Stillwater Road (Co. Rd. 610) - Fredon-Springdale Road to a point 1500 feet east of the easterly curb line of Willows Road.

16:28-3.136 Route 35 in the Borough of Point Pleasant Beach, Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 35 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along the east side of Route 35 Southbound (Richmond Avenue) from the northerly curb line of Washington Avenue to a point 100 feet northerly therefrom.

Interested persons may present relevant statements or arguments in writing on the proposed action on or before December 29, 1976, to Michael Miller, Administrative Practice Officer, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION THE COMMISSIONER

Proposed Rule on Left Turns on Route 171

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-133.6, proposes to adopt a new rule concerning left turns on portions of Route 171.

Full text of the proposed rule follows:

16:28-6.15 Route 171 in the Township of North Brunswick, Middlesex County

In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State Highway Route 171 described herein below are regulated as follows:

1. No left turns North on Route 171 to west on Laurel Place.

Interested persons may present relevant statements or arguments in writing, on the proposed action on or before December 29, 1976, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Revisions on State Highway Permits and Fees

On November 4, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5(h), 27:7-44.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the various rules concerning State highway fees and permits, substantially as proposed in the Notice published November 6, 1975, but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Transportation.

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

Editor's Note: The text of N.J.A.C. 16:41-1.9 has not been adopted with this filing.

16:41-3.3 Fee schedule; utility openings

(a) The fees for installation within sidewalk areas are:

1. Application fee:

i. \$10.00 for an opening in a project not to exceed ten square feet;
ii. [\$5.00] \$10.00 [area] for an opening in a project over ten square feet but not to exceed 200 square feet;
iii. \$35.00 [area] for an opening in a project over 200 square feet.

2. Permit fee:

i. \$10.00 for an opening in a project not to exceed ten square feet;
ii. \$30.00 [area] for an opening in a project over ten square feet but not to exceed 200 square feet;
iii. \$30.00 for first 200 square feet of opening in a project plus \$5.00 for each additional 400 square feet of opening.

(b) The fees for installation within the shoulder or main travelled way are:

1. Application fee:

i. \$15.00 for an opening in a project not to exceed ten square feet;

ii. \$15.00 [area] for an opening in a project over ten square feet but not to exceed 200 square feet;

iii. \$120.00 [area] for an opening in a project over 200 square feet.

2. Permit fee:

i. \$35.00 for an opening in a project not to exceed ten square feet;

ii. \$100.00 [area] for an opening in a project over ten square feet but not to exceed 200 square feet;

iii. \$100.00 for first 200 square feet of opening in a project plus \$20.00 for each additional 200 square feet of opening.

16:41-4.3 Definitions

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

"Pole appurtenance" means any attachment to a utility pole which occupies ground surface area at a distance greater than one foot from the base of the pole or which creates a low overhead clearance of less than 13½ feet. The following items are examples of pole appurtenances: guy cables, guy anchors, and low mounted transformer supports. The following items are not pole appurtenances: call boxes, climbing rungs, transmission lines, cross-arms, high transformers, and conduit risers.

16:41-4.4 Fee schedule; erection of poles

(a) Application fees are as follows:

1. [\$15.00 one to ten poles] \$10.00 for projects involving one to three pole(s) or pole appurtenance(s);

2. \$15.00 for projects involving four to ten poles or pole appurtenances;

3. \$30.00 for projects involving more than ten poles or pole appurtenances.

(b) Permit fees are as follows:

1. [\$50.00 one to ten poles] \$5.00 for projects involving one to three pole(s) or pole appurtenance(s);

2. \$50.00 for projects involving four to ten poles or pole appurtenances;

3. \$50.00 for projects involving more than ten poles or pole appurtenances plus \$5.00 each additional pole or pole appurtenance over ten.

16:41-15.16(a)3. Miscellaneous, unclassified: Fees to be determined at time of application and will be based on impact to the State right-of-way and review and inspection costs to the department.

An order adopting these revisions was filed and became effective on November 5, 1976, as R.1976 d.343.

G. Duncan Fletcher
Department of State
Director of Administrative Procedure

(b)

TRANSPORTATION

THE COMMISSIONER

Revisions on Outdoor Advertising On Limited Access and Nonlimited Access Highways on Federal Aid Primary System

On November 9, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6

and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:41-8.4 and 16:41-8.6 concerning outdoor advertising on limited access and nonlimited access highways on Federal aid primary system, as proposed in the Notice published September 9, 1976, at 8 N.J.R. 442(a).

An order adopting these revisions was filed and became effective on November 9, 1976, as R.1976 d.350.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Revisions in Speed Zones On Parts of Routes 35 and 47

On November 4, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-1.49 and 16:28-1.132 through 16:28-1.134 concerning speed zones on parts of Routes 35 and 47, respectively, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 485(a).

The adopted revisions concern the deletion of the current text of N.J.A.C. 16:28-1.133 and 16:28-1.134 (with such Sections being marked Reserved) as well as the deletion of the current text of N.J.A.C. 16:28-1.49 and 16:28-1.132 and the adoption of new text therefor.

An order adopting these revisions was filed and became effective on November 9, 1976, as R.1976 d.351.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on No Parking Zones Along Various State Highways

On November 4, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.123 through 16:28-3.127, concerning no parking zones along portions of Routes 24, U.S. 202 and 27, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 486(a).

An order adopting these rules was filed and became effective on November 9, 1976, as R.1976 d.352.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Rules on Homestead Tax Rebate

On October 21, 1976, Sidney Glaser, Director of the Division 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 rules concerning the instructions for the application for claim for the homestead tax rebate.

Full text of the adopted rules follows:

SUBCHAPTER 7. HOMESTEAD TAX REBATE

18:12-7.1 General provisions; homestead tax rebate

(a) Pursuant to authority granted under P.L. 1976, c. 72, the following instructions are hereby issued governing the procedures to be used by local assessors and collectors in administering claims for a homestead rebate.

(b) The application (HR-1) for a homestead tax rebate is designed so that one form shall be completed for each residential property containing not more than four units, irrespective of the number of owners of said residential property. The basic data is readily obtained from the total 1976 tax bill. The application form should reflect the net tax, that is, after allowing for the veterans and senior citizens tax deductions. If there is an added or omitted assessment, the 1976 tax should be increased by that prorated amount.

(c) In order to assure accuracy and efficiency in processing each application and to aid in expediting the homestead tax rebate due each claimant, the following procedure shall be followed:

1. Distribution of forms:

i. Applications are to be made available by tax assessors to all residents who may desire to file a claim for the homestead tax rebate. The method of distribution is a local option which may include a supply to public places such as banks, post offices, fire houses and so forth:

(1) If computer type labels are used, reproduction of the information or data must be in the same sequence as appears on the official application form.

ii. Newspaper reproductions of the homestead rebate form, if complete in all respects and signed, must be accepted by the assessors. If only the front side of the form is required to be filled out, it is recommended that the reproduction be attached to a regular application form to preserve its durability for processing.

18:12-7.1(c) 1. iii. An application for a homestead tax rebate shall be filed with the assessor of the taxing district on or before November 1, 1976, and shall reflect the prerequisites for the rebate as of October 1, 1976.

2. Eligibility requirements:

i. Citizenship: The claimant must be a citizen of New Jersey. This does not mean that the claimant need hold United States citizenship. If the property owner resides in New Jersey and such State is his principal place of residence or his domicile, then he meets the test of New Jersey citizenship:

(1) In case of doubt, the following are some of the tests that may be applied to determine citizenship: motor vehicle registration address; drivers license address;

Federal income tax return address; voting registration; and Social Security records.

ii. **Ownership of property:** The claimant must be the owner of the property for which the homestead tax rebate is claimed on October 1, of the pretax year (October 1, 1976, in order to qualify for the rebate to be received in 1977). The assessor may require that the claimant show proof of his full legal title:

(1) Where the title to the property is shared by the claimant with other owners, (for example, as tenants in common or as joint tenants) he is entitled to a homestead tax rebate up to 50 per cent of his share of the net pretax year taxes. Unless some other situation is shown to exist, each participant in such arrangement is assumed to hold an equal share of the property. In no event, no more than the equivalent of one full homestead rebate in regard to such property shall be allowed in any year with respect to any dwelling house. A full homestead rebate shall be equivalent to the basic rebate plus no more than one additional rebate either for age, disability or a surviving spouse.

(2) Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but no more than one homestead rebate in regard to such property shall be allowed in any year.

(3) Property owned by a partnership is entitled to a homestead rebate based on the qualifying partner's interest.

(4) Property held by a guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim such rebate is entitled to a homestead rebate.

(5) Property owner by a corporation is not entitled to a homestead rebate.

3. **Residence:** The claimant must meet two aspects of residence requirements:

i. Residence within New Jersey; and ii. Residence in the dwelling house for which the homestead tax rebate is claimed which constitutes the place of his domicile which is owned and used by him as his principal residence as of October 1 of the pre-tax year. (October 1, 1976, in order to qualify for the rebate to be received in 1977.)

4. **Dwelling house:** "Dwelling house" includes any residential property consisting of not more than four units of which not more than one may be used for business or commercial purposes.

18:12-7.1(c) 4. i. Where the dwelling house as to which a homestead tax rebate is claimed is a residential property consisting of more than one unit, the claimant shall not be allowed a rebate in an amount in excess of the proportionate share that the equalized value of the residential unit occupied by the claimant bears to the total equalized value of the property, as determined by the assessor.

ii. **Example 1:** A and B are owners of a dwelling house having an equalized value of \$40,000 and which consists of two equal units occupied by A and B respectively. Each shall be entitled to $\frac{1}{2}$ of a full rebate.

iii. **Example 2:** If the same dwelling house consisted of three equal units which is owned by A, B and C who separately occupy each of the three units, each owner would be entitled to $\frac{1}{3}$ of a full rebate in 1977. (Note—in all cases, the total rebate for any dwelling house cannot exceed 50 per cent of the taxes for the year 1976.)

5. **Proof of age:** The form calls for the furnishing of proof of age. In determining proof, assessors should be guided by the following: Where a taxpayer has furnished

proof of age in conjunction with a senior citizen's tax deduction, no further proof of age shall be required. In all other cases, a claimant shall furnish satisfactory proof of age. Wherever possible, a copy of such proof should be attached to the application. Where the property owners appear in person with proof, the assessor shall note the type of proof of the "official use" portion of the form and, in such cases, no such proof of age need be attached.

i. The following types of records or documents are examples of proof which the assessor may accept: birth certificate, baptismal record, family bible, official census records, marriage certificate, court record, social security record, military record, immigration documents, military discharge, insurance policy, Blue Cross and Blue Shield identification card, driver's license, and any other proof which may help to establish claimant's age. Claimant must show that he became 65 years of age on or before December 31, 1976.

6. **Proof of permanent and total disability:** In all cases where an additional exemption is claimed because of permanent and total disability, applicant must include a physician's certificate verifying that the claimant is permanently and totally disabled and is, therefore, unable to engage in any substantial, gainful activity. In all such cases the certificate of a duly licensed physician must be attached to the application.

7. **Proof of surviving spouse:** An applicant who claims an additional exemption as a surviving spouse must attach a statement to the effect that the deceased spouse, during his lifetime, was entitled to and received a senior citizen real property tax deduction. Such statement shall also indicate that the surviving spouse is unmarried and resides in the same dwelling house for which the original property tax deduction was granted. The surviving spouse must also offer proof that at the time of the death of the spouse he or she was 55 years of age or older. Attached to the application, therefore, shall be included a copy of the death certificate of the deceased spouse.

18:12-7.2 Review of application

(a) Assessors are required to review each application in order to assure that the claimant is entitled to the rebate, has provided all the information necessary to process the form and has signed the application.

(b) Application must be disapproved in any of the following circumstances:

1. The rebate has been claimed for property classified as vacant land, qualified farm, commercial or industrial or any residential property containing more than four units or more than one unit used for business or commercial purposes.

2. Claimant did not hold title to the property on October 1, 1976.

3. Claimant did not occupy the property as his principal residence on October 1, 1976.

(c) Applications must be returned to the claimant for completion in any of the following circumstances:

1. The claimant has failed to provide a valid mailing address.

2. The claimant has omitted his and/or his spouse's social security number or has supplied numbers which are obviously invalid (that is, numbers which do not contain nine digits). Where applicable, none or deceased should appear in the spouse's social security number space.

3. The claimant has failed to submit adequate proof of eligibility for an additional rebate claimed. (Item 3—Schedule A or Item 4, Schedule B)

4. A claimant owning a multiple-unit property has failed to answer questions 1 and 3 on Schedule B.

5. A claim by multiple owners does not answer questions 1, 4 and 5 on Schedule B.

6. The claim has not been signed by all qualified owners as shown in Item 4, Schedule B. Tenants by the entirety may be signed by either the husband or wife. Must be the same as shown in item 1, name of owner.

(d) Applications must be corrected by the assessor in any of the following circumstances:

1. County and municipality are absent or incorrectly completed.

2. More than one claimant's name appears in the name and address block. Circle that name first appearing in signature of claimant's section.

3. Block and lot number are absent or incorrectly completed.

4. Assessed value is absent or incorrectly completed.

5. Property tax is absent or incorrectly completed. The property tax is the net tax after veteran or senior citizen deductions and excludes any special assessments.

(e) After reviewing the application the assessor is to:

1. Enter the Local Property and Public Utility Branch county-district code at the right of and on the same line as the municipality and county name.

2. Clearly indicate approval or disapproval of the claim by checking the appropriate box(es).

3. Sign or stamp the form.

4. Number each approved application consecutively, placing the number in the upper right-hand corner of the application, at time of forwarding.

5. Keep disapproved applications on file.

(f) The State will make every effort to expedite processing of approved applications. However, most of the information necessary to compute the rebates and distribute them to the taxpayers is available only from the assessor or the taxpayer. If any of this information is missing from an application or is illegible, it will be necessary to return the form to the assessor for correction. Thorough review of the applications as they are filed will avoid this additional work on the part of the assessor and the consequent delay in payment to the taxpayer.

18:12-7.3 Disallowance of claim

(a) If the application for the homestead tax rebate has been disapproved, a notice of such disallowance shall be forwarded to the claimant by regular mail within ten days of disallowance and shall set forth the reason or reasons for the disallowance 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.

(b) No appeal or review may be taken by any person or any municipality with respect to the determination or calculation of the effective tax rate or equalization ratios except in the case of an arithmetical or typographical error.

(c) A homestead tax rebate under this act shall not be affected by any change in the assessment of any property.

18:12-7.4 Collection of forms; delivery of completed application forms

(a) Assessors shall personally or by messenger deliver approved applications to their respective county boards of taxation promptly after approval. All required proofs should be attached to such applications. Unless otherwise directed, weekly deliveries to the county boards should begin immediately but not later than November

15, 1976. Division of Taxation personnel shall arrange to obtain such application forms from the county boards of taxation for delivery to Trenton for further processing.

(b) The following municipalities shall not deliver the application forms to the county boards of taxation. The Division of Taxation personnel will arrange to pick up the approved application forms directly from the assessors of the following municipalities: Bayonne, Camden, Clifton, East Orange, Edison, Elizabeth, Hamilton Township (Mercer County), Jersey City, Newark, Paterson, Trenton and Woodbridge.

(c) The county boards of taxation should maintain the completed application forms in a safe and convenient place until such time as they are picked up by Division of Taxation personnel.

(d) Where desired, the assessor may make a duplicate of the application for his files or may otherwise record the filing of an application form by property owners and record any other pertinent information.

18:12-7.5 General guidelines

(a) General guidelines include the following:

1. Ownership; life estate: The claimant who is in possession of a life estate, by deed, shall be deemed to meet the requirement of ownership as outlined in Instruction A of application.

2. Executory contract of sale: The claimant occupying a dwelling house under an executory contract of sale where the purchaser is actually in possession of the dwelling shall be deemed to meet the statutory requirement of ownership.

3. Sale of property on October 1, 1976: The owner as of the end of the day and who is in actual possession of the dwelling house and residing therein at such time shall be deemed to be the owner entitled to file a claim.

4. Ownership by will: Claimant owning and occupying property meets ownership requirement when copy of will or other document is attached to claim form.

5. Valuation; equalized value of property when added assessment is involved: A homestead tax rebate may be applied to an added assessment provided that the land on which the improvement was made and the dwelling house was owned and occupied by an eligible claimant on October 1 of the pre-tax year.

6. Valuation; equalized value of property when omitted assessment is involved: A homestead tax rebate may be applied to an omitted assessment if all requirements of the applicant and the omitted assessment laws are fulfilled.

7. Filing the application: An application for the homestead tax rebate may be filed on or before December 31 of the pre-tax year setting forth the prerequisites for the rebate as of October 1 of said pre-tax year by any property owner subject to tax for the ensuing year who has not previously filed a claim for the rebate or has previously filed a claim for rebate and there has taken place subsequent thereto with respect to said property an added or omitted assessment or a change in the status of the property owner.

i. Each assessor may at any time inquire into the right of a claimant to the continuance of a homestead tax rebate hereunder and for that purpose he may require the filing of a new application or the submission of such proof as he shall deem necessary to determine the right of the claimant to continuance of such exemption.

ii. It is the duty of every claimant to inform the assessor of any change in his status or property which may affect his right to continuance of such rebate.

iii. Property owned by military personnel, who are on duty in the armed forces of the United States, and are citizens and residents of this State shall be entitled to a homestead rebate provided that said property is not rented or leased to another.

iv. In the case of farm property classified as 3A on the tax list, the assessor shall establish the assessed value and net tax due for the residential dwelling and land for the fair enjoyment thereof for the purpose of a homestead rebate.

v. The following shall not be allowed a homestead rebate:

- (1) A shareholder in a cooperative;
- (2) Dwelling located on leased land; and
- (3) Mobile home not assessed as real property by the taxing district.

18:12-7.6 Change of title subsequent to October 1
Change of title subsequent to October 1 cannot affect right to the homestead tax rebate. The right to the homestead tax rebate shall be established as of October 1 of the pre-tax year. A rebate once established as of that date prevails for the whole of the ensuing tax year notwithstanding any change in title of the property which may occur either between October 1 and December 31 of the pre-tax year or at any time in the course of the tax year.

18:12-7.7 Death of claimant
Where a claim for a homestead tax rebate has previously been filed and the claimant shall die after October 1 of the pre-tax year, the rebate shall be allowed for the whole of the ensuing year, if all other prerequisites for the rebate as of said October 1 shall have been fully met.

18:12-7.8 Use of proper ratio
The equalized value of a property shall be determined by using the equalization ratio appearing in the tables of equalized valuation promulgated by the Director on October 1 of the pre-tax year (1976) pursuant to P.L. 1954, c. 86 and applying such ratio to the assessed valuation of the property claimed for homestead tax rebate.

18:12-7.9 Computation of homestead rebate
(a) Tables have been issued for the rapid computation of the rebate for each municipality. From the tables, the assessed value at which point the maximum rebate can be readily determined. Also, determinable will be the rebate in cases where the assessed value is less than the amount indicated. For each municipality, there is a multiplier which can be used in such case.

1. Example: 01-01 Absecon \$11,049 \$193 .017490
i. Thus, in Absecon, a single family, single owner property assessed at \$11,049 and above, will be entitled to a rebate of \$193. Property assessed at less than \$11,049 will be entitled to a rebate calculated by multiplying the assessment by the multiplier above. Property assessed at \$8,000 will be entitled to a rebate of \$140 (\$8,000 x .017490). In all cases, there is a further rebate in the case of a senior citizen, disabled persons and surviving spouses, within limitations set forth in the statute.

18:12-7.10 Review schedule and disallowance letter
(a) In the application review process, where applicable, a letter shall be forwarded to the claimant indicating those items that are incomplete or omitted requesting further information to complete the form.

(b) As previously outlined in Item Number 9 of the instructions, a notice of disallowance is required.

(c) The following is a suggested letter format for guidance.

Dear
Your application for the New Jersey Homestead Tax Rebate has been received by this Office.

- Your attention is directed to Section I.
 - Your attention is directed to Section II, a or b.
- Section I—Additional Information Required

Review of the application reveals the following required information is incomplete and those items are so indicated in the box checked with an X.

Schedule A

- 1. NAME OF OWNER OMITTED
- 2. MAILING ADDRESS OMITTED
- 3. BLOCK & LOT NUMBER OMITTED
- 4. CLAIMANTS SOCIAL SECURITY NUMBER OMITTED—NOT SUFFICIENT DIGITS
- 5. SPOUSE'S SOCIAL SECURITY NUMBER OMITTED—NOT SUFFICIENT DIGITS
- 6. 1976 ASSESSED VALUE OMITTED
- 7. 1976 NET TOTAL PROPERTY TAX OMITTED
- 9. SIGNATURE OF CLAIMANT(S) OMITTED
- 10. QUESTION NUMBER
 - A—NO SUPPORTING DOCUMENT
 - B—NO SUPPORTING DOCUMENT
 - C—NO SUPPORTING DOCUMENT

Schedule B

- 1. QUESTION NUMBER ONE INCOMPLETE
- 2. QUESTION NUMBER TWO INCOMPLETE
- 3. QUESTION NUMBER THREE INCOMPLETE
- 4. QUESTION NUMBER FOUR INCOMPLETE
- 5. QUESTION NUMBER FIVE INCOMPLETE
- 6. QUESTION NUMBER SIX INCOMPLETE

Please complete the information on those items checked X as being incomplete and return the application to your local assessor for review and final determination.

Section II—Disallowance of Claim

(a) Your application for a New Jersey Homestead Tax Rebate has been disallowed for the following reason:

- Ownership of property as of October 1, 1976
- Citizen and resident of State as of October 1, 1976
- Residing in property as of October 1, 1976
-

(other)

(b) Your application for an additional Homestead Tax Rebate for 65 or over, totally and permanently disabled, or surviving spouse has been disallowed for the following reason.

- Not 65 years of age as of December 31, 1976.
- No supporting document received for total and permanent disability.
- Necessary document not received (death certificate,
- Necessary document not received (death certificate, birth certificate) for surviving spouse.
-

(other)

An aggrieved taxpayer has the right to appeal an adverse ruling to the County Board of Taxation. In the event of appeal, all qualifications for a Homestead Tax Rebate will be reviewed. If you contemplate such appeal, it is suggested that you act immediately to obtain from the County Board of Taxation, at in, information regarding the proper procedure to be followed and the time in which to file the appeal.

Dated
Assessor

An order adopting these rules was filed and became effective on October 21, 1976, as R.1976 d.333 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS HEALTH BENEFITS COMMISSION

Notice of Revision in Criteria Concerning Acceptance of Rutgers Type HMO

Take notice that, the Health Benefits Commission in the Division of Pensions in the Department of the Treasury has revised Item 12 of the criteria concerning the acceptance of Rutgers Type HMO, published September 9, 1976, at 8 N.J.R. 444(a).

The revised Item 12 (the other Items remain unchanged) follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

12. Where the Health Maintenance Organization electing to participate in the State Health Benefits Program could overlap an area previously covered by another HMO, already under contract with the State program, and where the nature of both HMO's are the same (group or individual practice plans) the overlapping area will [continue to] be covered [only] by [the first contracting HMO.] both HMO's only if the area is truly a border zone and services can be properly delivered.

This Notice is published as a matter of public information and is not subject to codification and will not appear in Title 17 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Amend Rules for Pensioners' Group Health Insurance Plan

On October 27, 1976, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted and amended new rules, to be cited as N.J.A.C. 17:1-1.21 through 17:1-1.23, concerning the pensioners' group health insurance plan, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 489(c).

An order adopting these rules was filed and became effective on October 28, 1976, as R.1976. d.338.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Extension of Filing Date of Homestead Tax Rebate Claim

On October 29, 1976, Sidney Glaser, Director of the Division 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 an emergency rule which extended the filing date for homestead tax rebate claims.

Full text of the adopted rule follows:

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.

An order adopting this rule was filed and became effective on October 29, 1976, as R.1976 d.339 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

OTHER AGENCIES

(d)

DELAWARE RIVER BASIN COMMISSION

Notice of Negative Declaration Concerning Proposed Water Intake Project

Take notice that, James F. Wright, Executive Director of the Delaware River Basin Commission, has issued the following Negative Declaration concerning the Hoffman-LaRoche, Inc. proposed water intake project in Belvidere, New Jersey (Reference Number D-75-149):

Pursuant to Section 2-4.5 of the rules of practice and procedure of the Delaware River Basin Commission, a Notice of Intent having been duly published on October 12, 1976, the Executive Director hereby finds and determines that action on the proposed facility would not have a significant environmental impact and would not constitute a major action significantly affecting the quality of the human environment in the Delaware River Basin. This determination is based upon an environmental assessment dated October 1976.

This Negative Declaration is issued pursuant to Article 4 of the Commission's rules of practice and procedure this 9th day of November 1976.

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

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHWAY AUTHORITY GARDEN STATE PARKWAY

Extension of Rules on Motorcycles

On November 1, 1976, John H. Hughes, Acting Executive Director of the Highway Authority, pursuant to authority of N.J.S.A. 27:12B-5, 27:12B-17, 27:12B-18, 27:12B-20 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the Notes following N.J.A.C. 19:8-1.19 and 19:8-3.1 concerning the extension of the time periods of rules regarding motorcycles on the Garden State Parkway.

An order adopting these revisions was filed and became effective on November 1, 1976, as R.1976 d.340.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to FMC Schedule No. PA-9

On September 29, 1976, the committee on operations of the Port Authority of New York and New Jersey adopted revisions to the FMC Schedule No. PA-9 regarding Port Authority marine terminals.

Full text of the adopted resolution follows:

Resolved, that the "FMC Schedule No. PA-9 Naming Rules and Regulations Applying at Port Authority Marine Terminals and Rates and Charges Applicable For the Use of Public Areas at Port Authority Marine Terminals" adopted by the Committee on February 3, 1966 (appearing at page 3 et seq. of the Committee minutes of that date) as amended, be and the same is hereby amended, effective November 1, 1976, as follows:

1. By inserting therein a new map of public facilities and marine terminal highways at Elizabeth-Port Authority Marine Terminal, dated September 29, 1976.
2. By deleting the "Exception" from Item 470.

An order adopting this resolution was filed on November 3, 1976, as R.1976 d.341 (Exempt, Exempt Agency). Take notice that this resolution is not subject to codification and will not appear in the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

"TEN CRUCIAL DAYS" OPEN DEC. 25 WITH CROSSING OF DELAWARE

The biggest series of reenactments of Revolutionary War battles and historic events ever held will highlight the State Bicentennial Commission's "Festival of the Ten Crucial Days" beginning the afternoon of Christmas Day and running into January.

Approximately 1,500 volunteers from Revolutionary War units in 17 states will portray American, British and Hessian troops in recreating Washington's winter crossing of the Delaware River exactly 200 years ago on Christmas Day.

Reenactments of the two Battles of Trenton and the Battle of Princeton will take place over the following week. The "troops" will be accompanied by some 500 women and children playing the role of camp followers.

Throughout the "Ten Crucial Days" the volunteer troops will use historically accurate uniforms and weapons and when encamped in the field will cook from Colonial recipes using authentic Revolutionary period utensils, according to former Gov. Robert B. Meyner, chairman of the State Bicentennial Commission.

There also will be a series of major cultural events and exhibits, an ethnic fair, symposiums and youth conference workshops.

Director of the entire Festival is H. David Earling, of Titusville, a member of the Bicentennial Commission staff, who may be reached in Trenton at (609) 292-6576.

RILEY REGAN HEADS NEW DIVISION FOR ASSISTANCE TO ALCOHOLICS

State Health Commissioner Dr. Joanne E. Finley announced plans to implement a new State law decriminalizing alcoholism and establishing a Division of Alcoholism in the Department of Health.

The new law requires the appointment of a director and assistant director, creation of an advisory council, licensing of alcoholic treatment facilities and "prohibiting and repealing county and municipal ordinances and resolutions prescribing penalties for public intoxication."

Dr. Finley also announced the appointment of Riley W. Regan as Director of the new Division. Regan, 41, formerly the Director of Alcohol Programs for the Montgomery County (Maryland) Health Department, assumed his Trenton duties Oct. 25.

Himself a recovered alcoholic, Regan holds a bachelor's degree in psychology from California State University, master's degree in social work from University of Maryland and has completed doctorate work in alcoholism program administration at Johns Hopkins School of Public Health.

BICENTENNIAL LICENSE PLATES NOW \$1

Anyone desiring a New Jersey official 1976 Bicentennial license plate as a collector's item can now purchase one or more directly from the State Bicentennial Commission at the reduced price of \$1 each.

Walter T. Peters Jr., executive director of the Bicentennial Commission, said the original price was \$3 and noted that the plates can be displayed over the regular front license plates of New Jersey motor vehicles only until February 1, 1977. However, Peters said, people are continuing to purchase them as souvenirs of the nation's 200th birthday.

To order plates, write: Bicentennial License Plates, 379 West State Street, Trenton, N. J. 08625, with check to the N.J. Bicentennial Commission.

Profits from the license plates can be used only for bicentennial programs. Sales have already raised approximately \$750,000 for local governments and nonprofit organizations to finance such activities and projects.

**EARLY COPIES OF NEW LAWS
ARE AGAIN MADE AVAILABLE**

A continuing service by the State to provide subscribers with a copy of each new law within two weeks of enactment is now available for the 1977 legislative year.

Provided by the Laws and Commissions Section of the Office of the Secretary of State, it is known as the Advance Law Service. On six by nine-inch pages punched to fit standard loose-leaf binders, it carries the full text and italics and brackets as contained in the bill as enacted. Subscription rate is \$100.00 per year.

The service supplements the Legislative Bill Service, long provided by the same office, which covers all new bills and resolutions as soon as printed. The rate for this service is \$150.00 a year.

This official form may be used for ordering:

LAW SUBSCRIPTION ORDER

To: Laws and Commissions Section
Office of Secretary of State
Room 101, State House
Trenton, N.J. 08625

(Make checks payable to the Secretary of State)

Enclosed is check for \$..... to cover:

ADVANCE LAW SERVICE (A copy of all laws within two weeks after enactment—\$100.00 a year []

LEGISLATIVE BILL SERVICE (A copy of all bills and resolutions as soon as printed)—\$150.00 a year []

Name
Address
City State Zip

REAL ESTATE PROTECTION LAW

Governor Brendan Byrne last month signed a bill establishing a Real Estate Guaranty Fund, which will be used to pay claims of up to \$10,000 brought by consumers who, through dealings with a licensed real estate broker or salesman, suffered a financial loss brought about by embezzlement, misappropriation or misuse of funds.

The bill, S-1068 was sponsored by Senator Joseph P. Merlino (D-Mercer).

The Real Estate Guaranty Fund will be maintained by the Department of the Treasury and administered by the Real Estate Commission. It will be created by assessing each licensed New Jersey real estate broker \$10 and each salesman \$5.

The bill also provides that upon payment of a consumer claim from the fund, the license of the broker or salesman involved will be revoked by the Real Estate Commission and will not be eligible for reinstatement until the amount of the claim is repaid with interest.

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