

NEW JERSEY REGISTER



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(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Revisions on Vaccination Of Female Bovine Animals

The New Jersey State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22, proposes to revise the rule on vaccinations of female bovine animals.

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

2:2-2.3

(a)2. The calves shall be **two** [three] through **six** [eight] months of age or from **60** [90] to **180** [240] days when vaccinated.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before July 30, 1975, to:

Dr. C. K. Jewell, Director
Division of Animal Health
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Revisions in Commercial Values

On June 25, 1975, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:69-1.11 concerning

commercial values, as proposed in the Notice published June 5, 1975, at 7 N.J.R. 246(a).

An order adopting these revisions was filed June 26, 1975, as R.1975 d.188 to become effective July 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF BANKING

Proposed Revisions Concerning Exclusion from Liabilities Of Controlling Corporation

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-60, proposes to revise the rule on exclusion from liabilities of controlling corporation.

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

3:11-2.1 Exclusion from liabilities of controlling corporation

(a) A list of subsidiaries which have capital, surplus and undivided profits aggregating \$5,000,000 or more, and are approved as subsidiaries whose total liabilities to a bank shall be excluded from the total liabilities to the bank of the corporation which owns or controls a majority of the outstanding capital stock entitled to vote for the election of directors of such subsidiaries, shall be kept on file in the office of the Commissioner of Banking.

(b) List of subsidiaries [excluded] **approved** under the above provision follows:

1. Bell Telephone Company of Pennsylvania, The;
2. **Chesapeake & Potomac Telephone Company of Maryland;**
3. Creole Petroleum Corporation;
4. Duluth, Missabe & Iron Range Railroad Company;
[Esso Standard Oil Company]
[General Exchange Insurance Corporation]
5. General Motors Acceptance Corporation;
[Humble Oil & Refining Company]
6. **Illinois Bell Telephone Company;**
7. **Motors Insurance Corporation;**
8. **New England Telephone & Telegraph Company;**
9. New Jersey Bell Telephone Company;
10. New York Telephone Company;

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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11. Pennsylvania Company;
[Public Service Coordinated Transport]
[Refrigeration Discount Corporation]
12. Remington Arms Company, Inc.;
[Studebaker Corporation]
13. **Transport of New Jersey**;
14. Union Railroad Company;
15. Wagner Electric Corporation;
16. Western Electric Company, Inc.;
[Worthington Corporation]
[Yellow Manufacturing Acceptance Corporation]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Clifford F. Blaze
Deputy Commissioner
Department of Banking
Trenton, N.J. 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(a)

BANKING

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Proposed Revisions on Excludable Loans

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-168, proposes to delete a portion of N.J.A.C. 3:27-5.3 concerning excludable loans.

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

3:27-5.3 Excludable loans

When the principal balance of any loan subject to the limitations of this Section has been reduced by amortization or partial prepayment below \$60,000 [or 2½ per cent of the State association's assets, whichever is greater], the loan will be excluded when computing the 40 per cent limitation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Clifford F. Blaze
Deputy Commissioner
Department of Banking
Trenton, N.J. 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(b)

BANKING

THE COMMISSIONER

Rule on Required Information For Loan Applications

On May 29, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning required information for loan applications, substantially as proposed in the Notice published April 10, 1975, at 7 N.J.R. 126(b), with only inconsequential structural or language changes, in the opinion of the Department of Banking.

Full text of the adopted rule follows:

3:1-8.1 Required information

Upon entertaining an application for or upon the extension of any credit or loan, every person, credit institution or lender chartered, licensed or regulated by the New Jersey Department of Banking shall obtain and maintain such information as is necessary for the purpose of ascertaining its creditor's rights and remedies applicable to the particular extension of credit or loan and the identification of the particular applicant.

An order adopting this rule was filed and effective May 29, 1975, as R.1975 d.146.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

BANKING

CONSUMER CREDIT BUREAU

Revisions in Small Loan Law Regulations

On May 29, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-23 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:17-6.1, 3:17-6.4, 3:17-6.6 and 3:17-6.10 concerning the small loan law regulations, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 192(a).

An order adopting these revisions was filed May 30, 1975, as R.1975 d.147 to become effective June 2, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

BANKING

CONSUMER CREDIT BUREAU

Rule on License Number

On May 29, 1975, Richard F. Schaub, Commissioner of

Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 3:19-1.6, concerning license numbers regarding the home repair financing act regulations, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 191(b).

An order adopting this rule was filed and effective May 30, 1975, as R.1975 d.148.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

BANKING

DIVISION OF ADMINISTRATION

Rule on Officially Recognized Data Sources

On June 5, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning officially recognized data sources, substantially as proposed in the Notice published May 8, 1975, at 7 N.J.R. 191(a), with only inconsequential structural or language changes, in the opinion of the Department of Banking.

Full text of the adopted rule follows:

3:1-2.27 Officially recognized data sources

(a) The Department will take official notice of one or more of the following data sources when testing the accuracy of data submitted in conjunction with applications and objections; when resolving factual discrepancies; and when weighing the accuracy, reasonableness and applicability of documentary and oral evidence before it:

1. U.S. Department of Commerce. Bureau of the Census. Census of Housing (published decennially);
2. U.S. Department of Commerce. Bureau of the Census. Census of Population (published decennially);
3. U.S. Department of Commerce. Bureau of the Census. Census of Business (published every five years);
4. U.S. Department of Commerce. Bureau of the Census. Census of Manufacturers (published every five years);
5. Population Estimates for New Jersey — Official State Estimates. New Jersey Department of Labor and Industry. (published annually);
6. U.S. Department of Commerce. Bureau of the Census. Construction Review (published monthly);
7. New Jersey Department of Community Affairs. Division of Local Government Services. Annual Report (published annually);
8. New Jersey Department of Labor and Industry. Division of Planning and Research. The State of New Jersey— Residential Construction Authorized by Building Permits (published annually and available also on a monthly basis);
9. U.S. Department of Commerce. Bureau of the Census. Current Population Reports (published monthly);
10. U.S. Internal Revenue Service. Statistics of Income (published annually);
11. New Jersey Department of Community Affairs. Division of Local Services. U.S. Census Data for New Jersey Townships (provides tables of statistical information from the

1970 U.S. Census paralleling those available for non-townships in the printed census reports);

12. New Jersey Industrial Directory. (published annually);
13. Local zoning ordinances and master plans;
14. Federal Deposit Insurance Corporation. Operating Banking Offices (published annually);
15. Federal Deposit Insurance Corporation. Bank Operating Statistics (published annually);
16. Federal Deposit Insurance Corporation. Changes Among Operating Banks and Branches (published annually);
17. Federal Deposit Insurance Corporation. Summary of Deposits in All Commercial and Mutual Savings Banks (published annually);
18. Federal Home Loan Bank Board. Summary Savings Accounts by Geographic Area (published annually);
19. R. L. Polk & Co. Polk's World Bank Directory (published semi-annually);
20. Department of Agriculture. Soil Conservation Series Studies and Reports;
21. New Jersey Department of Labor and Industry, Division of Employment Security. Covered Employment Trends (published annually and available on a monthly basis);
22. Various county planning board reports, for example, population studies and projections, employment trends, industrial-commercial development studies, and so forth;
23. New Jersey Department of Banking. Division of Banking, Annual Report;
24. New Jersey Department of Banking. Division of Savings and Loan Associations, Annual Report.

(b) Other officially noticeable data will be considered when applicable and relevant.

(c) Any applicant or objector(s) shall, simultaneously with the filing of an application or objection, indicate which of the foregoing sources they object to and detail in writing their reasons for objecting thereto.

—
An order adopting this rule was filed and effective June 5, 1975, as R.1975 d.155.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Rules on Notice of Maturity On Long-Term Savings Deposits

On June 16, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311B(1)a and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on notice of maturity on long-term savings deposits, substantially as proposed in the Notice published October 10, 1974, at 6 N.J.R. 387(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

These rules were initially proposed to be cited as N.J.A.C. 3:7-5.1 et seq. but are now cited as N.J.A.C. 3:7-4.1 et seq.

Full text of the adopted rules follows:

SUBCHAPTER 4. NOTICE OF MATURITY ON LONG-TERM TIME DEPOSITS

3:7-4.1 Time of notice

Every bank and savings bank shall give written notice of the date on which a time deposit, payable one year or more after the date of deposit or one year or more after the date of the instrument evidencing the deposit, will mature to each depositor not less than 15 and not more than 45 days prior to the expiration of the term of the time deposit. The notice shall be directed to the last known address of the depositor.

3:7-4.2 Content of notice

Such notice shall clearly inform the depositor of the time deposit options anticipated to be available to him at that institution as of the maturity date, including the various types of accounts and the rates and terms applicable thereto.

3:7-4.3 Variable maturity accounts

(a) In the case of any single time deposit account which contains deposits which were deposited at varying times and therefore mature and are payable on varying maturity dates the notice required by this Subchapter must be given only with respect to:

1. The maturity date of the first deposit in such account; and
2. Any succeeding maturity date which occurs one year or more after the immediately preceding maturity date.

An order adopting these rules was filed June 16, 1975, as R.1975 d.165 to become effective August 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

BANKING

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Rule on Notice of Maturity on Fixed-Term Savings Accounts

On June 18, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-133 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule on the notice of maturity on fixed-term savings accounts, substantially as proposed in the Notice published March 6, 1975, at 7 N.J.R. 92(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Full text of the adopted rule follows:

3:30-1.3 Notice of maturity of fixed-term savings accounts

(a) Every insured association shall give written notice of the maturity date of a savings certificate account, payable one year or more after the date of deposit or one year or more after the date of the instrument evidencing the deposit, to each savings member not less than 15 and not more than 45 days prior to the expiration of the term of the savings account.

The notice shall be directed to the last known address of the savings member.

(b) Such notice shall clearly inform the savings member of the saving account options anticipated to be available to him at that institution as of the maturity date, including the various types of accounts and the rates and terms applicable thereto.

An order adopting this rule was filed June 19, 1975, as R.1975 d.169 to become effective August 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

CEMETERY BOARD

Procedural Rules

On June 25, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 8A:2-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules for the New Jersey Cemetery Board, substantially as proposed in the Notice published May 8, 1975, at 7 N.J.R. 192(b), with only inconsequential structural or language changes, in the opinion of the Department of Banking.

A summary of those changes follows:

In N.J.A.C. 3:40-6.8(a)3., "monument" should be changed to "monumentation".

In N.J.A.C. 3:40-8.3(a)4., "dispositions" should be changed to "depositions".

In N.J.A.C. 3:40-7.5, the second sentence should read: "At that time, the Board may request the Commissioner of Banking to appoint a hearing officer to hold a hearing and issue a report containing findings of fact, conclusions of law and recommendations, including, where appropriate, remedial action to be taken and notices to be posted."

In N.J.A.C. 3:40-8.1, the first sentence should read: "The hearing for the purpose of taking evidence pursuant to these rules and regulations shall be conducted by a hearing officer designated by the Commissioner of Banking unless the Commissioner designates the Board to sit at the hearing."

An order adopting these rules was filed and effective June 25, 1975, as R.1975 d.184.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF BANKING

Rules on Statements of Interest

On June 25, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-256, 17:9A-260, 17:9A-311 and in accordance with applicable

provisions of the Administrative Procedure Act of 1968, adopted rules on statements of interest, substantially as proposed in the Notice published February 6, 1975, at 7 N.J.R. 42(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Note that these rules are now in Subchapter 5 rather than Subchapter 6 as originally proposed.

Full text of the adopted rules follows:

SUBCHAPTER 5 STATEMENT OF INTEREST OF DIRECTORS OF BANKS TRUSTEES OR MANAGERS OF SAVINGS BANKS AND PRINCIPAL OFFICERS OF BANKS AND SAVINGS BANKS.

3:7-5.1 Definitions

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

"Bank" means a bank or savings bank.

"Director" means a director of a bank or a trustee or manager of a savings bank.

"Principal officer" means a president, executive vice president, senior vice president, vice president, treasurer, secretary or comptroller of a bank. Principal officer also includes any person, regardless of title, who is substantially involved in major policy making functions of the bank.

"Reporting person" means a director or principal officer who is required by this regulation to complete and file a statement of interest with the designated bank.

"Designated bank" means the particular bank or savings bank of which a person required by this regulation to file a statement of interest is a director or principal officer.

"Business enterprise" means a corporation, association, business trust, partnership, joint venture, pool, syndicate, sole proprietorship or any other form of business not specifically listed herein, whether or not such enterprise has engaged in transactions with the designated bank. The term "business enterprise" also includes any personal or family trust and any local governmental unit if, and only if, such enterprise has engaged in any transaction with the designated bank during the last year. The term "business enterprise" excludes:

1. Charitable, social, fraternal, civic or recreational associations;

2. The designated bank;

3. A corporation, partnership, or joint venture which is 50 per cent or more owned by the designated bank; and

4. A holding company whose control of the designated bank is registered with or approved by the Board of Governors of the Federal Reserve System, pursuant to Sections 3 or 5 of the Bank Holding Company Act, 12 U.S.C. 1842 or 1844, or any of such holding company's subsidiaries the control of which has been registered with or approved by the Board of Governors of the Federal Reserve pursuant to Section 3, 4 or 5 of the Bank Holding Company Act, 12 U.S.C. 1842, 1843 or 1844.

"Position", with regard to a business enterprise, means an officer, director, trustee or partner. The term also includes an employee, beneficiary, participant, or associate with managerial or policy-making responsibilities, or any similar office regardless of title.

"Interest", with regard to a business enterprise, means:

1. Ownership, whether legal, equitable or otherwise, of

stock or other forms of legal or equitable participation in the enterprise by the reporting person and/or his spouse or minor children which, when aggregated, equals or exceeds either ten per cent of the enterprise's total outstanding indicia of ownership, or, in the case of stock, ten per cent of the total outstanding shares of any class of stock;

2. Indebtedness between the reporting person and a business enterprise (aggregated among the reporting person and his spouse and minor children):

i. Equal to or exceeding \$50,000 owed to the enterprise, provided said enterprise is not primarily engaged in the business of extending credit; or

ii. Equal to or exceeding \$50,000 or five per cent of the enterprise's outstanding debt, whichever is larger, owed from the enterprise;

3. The holding by the reporting person or his spouse or minor child of a position in the enterprise; or

4. The possession, directly or indirectly, by the reporting person of the power to direct or cause the direction of the management or policies of the enterprise, whether through the ownership of securities, by contract, by intercompany relationships, or otherwise.

"Business relationship" between the designated bank and the business enterprise shall include:

1. An extension of credit to the business enterprise by the designated bank, including the discounting of notes, or

2. A contract, lease or other agreement between the designated bank and the business enterprise, and

3. The acquisition or sale of property, goods or services which aggregated in the past year a dollar value in excess of \$5,000.00.

"Material change" means:

1. The acquisition or termination of an interest in a business enterprise; or

2. The creation of a business relationship between the designated bank and a business enterprise.

3:7-5.2 Filing a statement of interest

(a) Every director or principal officer of a bank shall, on forms furnished by the Commissioner, complete and file a statement of interest with the designated bank within 30 days after the effective date of this regulation or within 30 days after becoming a director or principal officer of the designated bank. The statement of interest shall include the following information:

1. Name of the designated bank;

2. Name of the reporting person;

3. Title or position of the reporting person with the designated bank;

4. Name and address of the business enterprise in which the reporting person has an interest.

(b) If a business enterprise reported in accordance with subsection (a) of this Section has a business relationship with the designated bank, then the statement of interest shall also include:

1. The position or positions held by the reporting person, his spouse or minor children with the business enterprise.

2. The interest in the business enterprise held by the reporting person, his spouse or minor children. The approximate percentage of ownership held by the reporting person, his spouse or minor children, and the nature of any other forms of interest or influence exercised by each.

3. A summary of the business relationship between the designated bank and the business enterprise.

(c) The reporting person shall update his present state-

ment of interest or file a new statement of interest within 30 days after the occurrence of any material change.

(d) If a reporting person has no interest in a business enterprise, he shall complete and file a statement of interest to that effect.

3:7-5.3 Annual review of statement of interest

Every reporting person shall review annually, within 30 days after the annual meeting, the statement of interest he has on file with the designated bank to determine if this statement reflects his current status and if so, he shall indicate same. If his current status is not reflected accurately, he shall update the present statement of interest or complete and file a new statement of interest.

3:7-5.4 Location and Retention of Statements of Interest

(a) All statement of interest forms shall be maintained at the principal office of the bank. Statement of interest forms which have been superseded by new or corrected forms shall be retained with the new statement of interest forms for a period of two years.

(b) If any director or principal officer of a designated bank ceases to serve in that capacity, the bank shall retain for a period of two years the current statement of interest forms on file with the designated bank.

3:7-5.5 Access to statement of interest forms

(a) Each completed and filed statement of interest form shall be maintained at the principal office for review by the bank examiners and the following persons associated with the designated bank: directors, senior loan officers and the bank's designated auditor.

(b) Nothing contained in this regulation shall be construed to prevent a bank from adopting reasonable procedures governing the manner in which persons associated with the bank and entitled under this regulation to review statement of interest forms to obtain access to such forms or copies thereof.

(c) Nothing contained in this regulation shall be construed to prevent a bank from permitting persons, other than those required by this regulation, access to statement of interest forms.

3:7-5.6 Confidentiality of statement of interest

Pursuant to N.J.S.A. 17:9A-264, Statement of Interest forms filed with a designated bank shall be confidential.

An order adopting these rules was filed June 25, 1975, as R.1975 d.185 to become effective August 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Revisions on Examinations, Eligible Lists and Appointments

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to revise its rules on

make-up examinations, additions to eligible lists and appointments based on examinations in noncompetitive and labor divisions.

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

4:1-8.21 Make-up examinations

(a) **Make-up promotional examinations for State and local government positions shall be permitted for the following causes:**

1. **Administrative error by the Department of Civil Service or its offices;**

2. **Administrative error by the appointing authority, providing the authority notifies the Department of Civil Service, in writing, of the error;**

3. **Failure of postal authorities to deliver either application or notice of examination, providing the candidate furnishes notarized statement to that effect;**

4. **Military assignment, provided candidate furnishes evidence of assignment;**

5. **Illness or disability of the candidate on the test date, provided evidence and a sworn statement is furnished;**

6. **Serious illness or death in the immediate family of the candidate, provided supporting evidence and a sworn statement is furnished by the candidate;**

7. **Natural disasters ("acts of God"); for example, flood, riot, and so forth;**

8. **Vacation or travel plans which cannot be reasonably changed or could not have been altered to accommodate the examination date as notified, a supportive sworn statement and appropriate evidence must be furnished;**

9. **Other valid cause as determined by the chief examiner and secretary.**

(b) **Make-up open competitive examinations for State and local government positions shall be permitted for the following causes:**

1. **Administrative error by the Department of Civil Service or its offices;**

2. **Failure of the postal authorities to deliver notice of examination, providing the candidate furnishes a sworn statement;**

3. **Temporary or emergency military assignment occurring after the candidate files application and on or before examination date, provided candidate furnishes evidence of assignment;**

4. **Natural disasters ("acts of God"); for example, flood, riot, and so forth;**

5. **Any other valid cause as determined by the chief examiner and secretary.**

(c) **Except in the case of administrative error, the candidate must notify the Department of Civil Service within a reasonable time of examination date (five days); or, in the case of military assignment or vacation or travel, before the test date.**

(d) **Make-up examinations, except police and fire promotionals, will be administered as far as possible under the same conditions as the original examination; and, in the case of oral or performance, with the same personnel whenever possible.**

(e) **Police and fire promotional written make-up examinations will be held with the next scheduled test and eligibles added to the previous list.**

(f) All candidates taking make-up examinations will be required to sign a statement attesting they did not gain an advantage by information furnished by any other candidates who had participated in the original examination, except police and fire written promotional make-up candidates who, in all cases, will take a different test.

(g) Candidates who are denied the opportunity for a make-up examination will be so notified and advised of their rights of appeal.

4:1-9.13 Additions to eligible lists

(a) Additions may be made to the eligible lists and eligibles' ranking adjusted accordingly when:

1. A make-up examination has been given and the applicant(s) attains a passing score;

2. Administrative errors by the Department of Civil Service are discovered;

3. Changes necessary due to the actions of a third party; examples being an appointing authority failing to notify promotional eligibles, errors from the veterans administration or colleges on official documents;

4. The addition is so ordered by the chief examiner and secretary as the administrative determination on questions concerning the admission of applicants to examinations, the certification of names of eligible persons and all other questions arising during the course of an examination, or is so ordered by the Civil Service Commission as its determination pursuant to N.J.A.C. 4:1-8.15.

4:1-10.2(c) No formal certification shall be necessary and an appointing authority may appoint any eligible whose name is on an appropriate employment list, except that [:] [1] disabled veterans first and then veterans shall be given preference in appointment to positions in the noncompetitive and labor division [:].

[2. Citizens must be appointed before noncitizens who, while they may be employed, are not eligible for regular appointment until they acquire citizenship:

i. Subject to replacement by citizens, noncitizens may be employed in a position involving domestic, attending or other housekeeping and custodial work necessary for the proper care of institutional patients or wards other than in penal or reformatory institutions;

ii. Noncitizens may be employed to do necessary unskilled laboring work for periods not greater than six months at one time.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Joseph Lavery
Administrative Practice Officer
Department of Civil Service
201 East State Street
Trenton, N.J. 08625

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

William Druz
Chief Examiner and Secretary
Department of Civil Service

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Revisions Concerning Examinations, Counsel Fees, Sick Leave and Vacation Leave

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to revise several of its rules concerning awarding of counsel fees, qualification of applicants for open competitive examinations, tie scores and amount of vacation and sick leave for State service.

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

4:1-5.16 Awarding counsel fees

(a) The Civil Service Commission will award counsel fees only when an employee has been exonerated from a charge and is awarded back pay with mitigation. However, in cases where a municipal police officer has been exonerated from a charge, counsel fees will be awarded without reference to back pay or mitigation, pursuant to N.J.S.A. 40A:14-155 (Defense for members or officers . . .).

(b) In order to receive such award by the Commission the appellant must:

1. Submit affidavits of services, and

2. Place on the record sufficient evidence to permit the Commissioner to make a determination as to what fees were necessarily incurred.

4:1-8.8 Qualification of applicants for open competitive examinations

(a) In order to qualify for open competitive examination, an applicant must:

[1. Be a citizen of the United States except insofar as the public announcement of an examination may specify that, when sufficient qualified citizens are not available, a noncitizen who has made application to file a petition for naturalization or who has filed a declaration of intention to become a citizen may be admitted to a test and subsequently appointed to that class;]

1. [2] Be a resident of the State or the governmental subdivision in which he seeks employment. [during the 12 months immediately preceding the announced closing date for filing an application for examination.] **An individual is considered a resident when residing in this State or the governmental subdivision immediately prior to the announced closing date for filing examination application.** This residency requirement shall not apply in any examination when:

i. A different residency requirement is specified by law or provided by Commission regulation;

ii. In the considered judgement of the Commission, because of the character of the work, such a limitation would seriously restrict the Commission's ability to recruit a sufficient number of qualified residents for the position or it has

been demonstrated that advertisement as provided by these rules has failed to produce a sufficient number of qualified residents.

[3. In subsection (a)2. of this Section a veteran under New Jersey Civil Service Law shall be considered to have met the residency requirements if he becomes a resident of the State or local government subdivision within one year from his date of discharge;]

2. [4.] Meet all the requirements specified in the official announcement of the examination;

3. [5.] File an application for examination on the form furnished by the Commission, setting forth fully and truthfully all information required and submit all necessary supporting evidence or other proof, on or before the announced closing date for filing such application.

4:1-9.6(a)5. Performance ratings (in promotion examinations)[; and].

[6. Order in which applications for the examination were received.]

4:1-17.11 Amount of vacation leave (State service)

[(a) Annual vacation leave with pay shall be earned at the rate of one working day of vacation for each month of service during the remainder of the calendar year following the date of appointment; 12 working days vacation thereafter for every year and up to ten years of service; 15 working days vacation after the completion of ten years and up to 20 years of service; 20 working days vacation after the completion of 20 years of service. Permanent part-time employees shall receive vacation credit allowance on a proportionate basis.]

(a) **Every permanent employee in the classified service shall be granted at least the following annual leave for vacation purposes with pay in and for each calendar year, except as otherwise herein provided:**

1. Up to one year of service, one working days' vacation for each month of service;

2. After one year and up to five years of service, 12 working days' vacation;

3. After five years and up to 12 years of service, 15 working days' vacation;

4. After 12 years and up to 20 years of service, 20 working days' vacation;

5. Over 20 years, 25 working days' vacation.

[(b) Vacation allowance must be taken during the current calendar year at such time as permitted or directed by the appointing authority unless the appointing authority determines that it cannot be taken because of pressure of work. Any unused vacation may be forwarded into the next succeeding year only.]

(b) Where in any calendar year the vacation or any part thereof is not granted by reason of pressure of State business, such vacation periods or parts thereof not granted shall accumulate and shall be granted during the next succeeding calendar year only.

[(c) A permanent employee who returns from military service is entitled to full vacation allowance for the calendar year of return and for the year preceding, provided the latter can be taken during the year of return.]

(c) **An employee who is a member of the National Guard or Naval Militia of this State or of the military or naval forces of the United States required to undergo field training therein shall be entitled to additional leave of absence with pay for the period of such field training.**

4:1-17.16 Amount of sick leave (State service)

(a) The minimum sick leave with pay shall accrue to any full-time employee on the basis of one working day per month during the remainder of the first calendar year of employment after initial appointment and 15 working days of every calendar year thereafter. Part-time permanent employees shall be entitled to sick leave as established by regulation.

(b) Any amount of sick leave allowance not used in any calendar year shall accumulate to the employee's credit from year to year to be used if and when needed for such purpose.

(c) An employee shall not be reimbursed for accrued sick leave at the time of termination of his employment, **except upon retirement.** Upon termination, the appointing authority shall certify to the Department of Civil Service the employee's accumulated sick leave which shall be made a part of the employee's permanent record.

(d) An employee who has been reemployed shall be credited with the total accrued sick leave at the termination of his previous employment.

(e) **Upon retirement, an employee from the classified service of the State and an employee not in the classified service who has been granted sick leave under terms and conditions similar to classified service employees shall be entitled to receive a lump sum payment as supplemental compensation for each full day of earned and unused accumulated sick leave which is credited to him on the effective date of his retirement.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Joseph Lavery
Administrative Practice Officer
Department of Civil Service
201 East State Street
Trenton, N.J. 08625

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

William Druz
Chief Examiner and Secretary
Department of Civil Service

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Subparts 2-1.011 and 2-1.102 In Local Jurisdictions Personnel Manual

On June 19, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subparts 2-1.101 and 2-1.102 of the Civil Service Personnel Manual (Local Jurisdictions).

Full text of the revised text follows:

Subpart 2-1.101 Reduction of Age by Amount of Service During Period of Actual Hostilities as Defined in N.J.S.A. 11:27-1

2-1.101a Subject

This subpart defines the procedures for determining an applicant's "reduced age" under the provisions of N.J.S.A. 38:23A-2.

2-1.101b Procedure

Applicants who are ineligible under the present maximum age limitations and who have served in the military during the periods of actual hostilities as listed in N.J.A.C. 4:1-2.1 (See "Veteran") and N.J.S.A. 11:27.-1, will receive the following reductions in determining their age for Civil Service purposes:

(a) Only the initial period of service (including involuntary extensions) completed during the time periods stipulated in N.J.A.C. 4:1-2.1 (see "Veteran") and N.J.S.A. 11:27-1 can be subtracted from the applicant's present age, and

(b) Comparison between this reduced age and the age requirement for the position at the time of entrance into military service will be made.

Examples:

A 45 year old person, applying at the present time for the positions of firefighter or police officer, is ineligible since the present maximum age is 35 years. However, this applicant served either involuntarily or as a result of induction, on active duty in the U.S. Army from July 27, 1952 to July 27, 1954. The applicant subsequently re-enlisted for a five (5) year period and was discharged on July 26, 1959. Under N.J.A.C. 4:1-2.1 only one of the seven (7) years of service was during a period of actual hostilities. Therefore, there will be a deduction from the applicant's present age of 45. This reduced age, or 44, is compared with the maximum age 30, as of July 27, 1952, when the applicant entered military service. The applicant is also ineligible under the reduced age formula.

A 36 year old person, applying at the present time (1975) for the position of police or firefighter, is ineligible since the present maximum age is 35 years. However, this applicant served either involuntarily or as a result of induction, on active duty with the U.S. Army from December 1, 1971 to December 1, 1973. The applicant subsequently re-enlisted for a two-year period and was discharged on December 1, 1975. Under N.J.A.C. 4:1-2.1 the years of service during a period of actual hostilities was from December 1, 1971 to August 1, 1974, a total of 2 years, 9 months. Of this 2-3/4 year period 2 years were served either involuntarily or as a result of induction. Therefore, there will be a deduction of 2 years from the applicant's present age of 36. This reduced age, or 34, is compared with the maximum age which was in effect as of December 1, 1971, when the applicant entered military service; that maximum age was also 35. Therefore, the applicant is eligible under the reduced age formula.

Note:

(1) An applicant is considered to be over 35 years of age on the day of his/her 35th birthday.

(2) State laws concerning age limitations for prospective police officers and firefighters are based on the announced closing date.

(3) The maximum age for police officer and firefighter is 30 prior to September 4, 1968.

2-1.102a Subject

This subpart contains the definition of the term "principal executive officer" as it is used for Civil Service purposes.

2-1.102b Definition:

A "principal executive officer" is one who has been granted the authority to recommend, implement, supervise, and enforce the policies and procedures of the delegated areas of his responsibilities and to act independently of other administrative authority, subject only to the legislative power of the governing body and existing statutes.

An order adopting these revisions was filed June 23, 1975, as R.1975 d.175 (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.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revise Subpart 16-1.101 of State Service Personnel Manual

On May 19, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 16-1.101, Unemployment Compensation for State, County and Municipal Employees, of the Civil Service Personnel Manual (State Service).

Full text of this revised rule follows:

Subpart 16-1.101 Unemployment Compensation For State, County, And Municipal Employees (Special Unemployment Assistance Program (Title II))

16-1.101a Subject

Under the "Emergency Jobs and Unemployment Assistance Act of 1974" Title II establishes a temporary Federal program of special unemployment assistance for individuals who become unemployed during this period of aggravated unemployment and who would not otherwise be eligible for unemployment allowance under any other law or program. This program is to be administered, for this State, by the New Jersey Department of Labor and Industry and is subject to the State unemployment compensation law.

Unemployment Assistance, for qualified individuals, will be benefits of up to \$90.00 per week for a maximum of 26 weeks.

16-1.101b Procedure

- (1) In order to receive benefits a public employee must:
 - a. File a claim for Special Unemployment Assistance at a local unemployment insurance claims office,
 - b. Be totally or partially unemployed,

c. Be able and available for work and seeking work and not subject to disqualifications under the law.

d. Have received earnings of at least \$30.00 in each of 20 weeks or have earned a minimum of \$2,200 or more during the 52 weeks immediately preceding the date of filing a claim,

e. Register for employment with the New Jersey State Employment Service.

(2) If a public employee becomes unemployed he/she should immediately report to the nearest Unemployment Insurance Claims Office between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday.

16-1.101c Distribution of information

A copy of this subpart must be forwarded to every employee separated from public service along with the employees copy of the CS-22 Report of Separation form.

16-1.101d State unemployment law applicable

The terms and conditions of State unemployment compensation law apply to all claims for assistance under the Special Unemployment Assistance Program.

16-1.101e Termination date of program

Notwithstanding any other provisions of Title II, no payment of assistance shall be made to any individual for any week of unemployment ending after March 31, 1976; and no individual shall be entitled to any compensation with respect to any initial claim for assistance or waiting period credit made after December 31, 1975.

Note: This subpart is solely for the purpose of providing the above information. The Department of Civil Service has no jurisdiction over administration of the program.

An order adopting these revisions was filed May 21, 1975, as R.1975 d.138 (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.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revise Subpart 16-1.101 of Local Jurisdictions Personnel Manual

On May 19, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 16-1.101, Unemployment Compensation for State, County and Municipal Employees, of the Civil Service Personnel Manual (Local Jurisdictions).

Full text of the revised rule follows:

Subpart 16-1.101 Unemployment Compensation For State, County And Municipal Employees (Special Unemployment Assistance Program (Title II))

16-1.101a Subject

Under the "Emergency Jobs and Unemployment Assistance Act of 1974" Title II establishes a temporary Federal program of special unemployment assistance for individuals who become unemployed during this period of aggravated unemployment and who would not otherwise be eligible for unemployment allowance under any other law or program. This program is to be administered, for this State, by the New Jersey Department of Labor and Industry and is subject to State unemployment compensation law.

Unemployment Assistance, for qualified individuals, will be benefits of up to \$90.00 per week for a maximum of 26 weeks.

16-1.101b Procedure

(1) In order to receive benefits a public employee must:

a. File a claim for Special Unemployment Assistance at a local unemployment insurance claims office,

b. Be totally or partially unemployed,

c. Be able and available for work and seeking work and not subject to disqualifications under the law.

d. Have received earnings of at least \$30.00 in each of 20 weeks or have earned a minimum of \$2,200 or more during the 52 weeks immediately preceding the date of filing a claim,

e. Register for employment with the New Jersey State Employment Service.

(2) If a public employee becomes unemployed he/she should immediately report to the nearest unemployment insurance claims office between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday.

16-1.101c Distribution of information

A copy of this subpart must be forwarded to every employee separated from public service along with the employees copy of the CS-22 Report of Separation form.

16-1.101d State unemployment law applicable

The terms and conditions of State unemployment compensation law apply to all claims for assistance under the Special Unemployment Assistance Program.

16-1.101e Termination date of program

Notwithstanding any other provisions of Title II, no payment of assistance shall be made to any individual for any week of unemployment ending after March 31, 1976; and no individual shall be entitled to any compensation with respect to any initial claim for assistance or waiting period credit made after December 31, 1975.

Note: This subpart is solely for the purpose of providing the above information. The Department of Civil Service has no jurisdiction over administration of the program.

An order adopting these revisions was filed May 19, 1975, as R.1975 d.139 (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.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Subpart 21-6.101 In Personnel Manual (State Service)

On May 29, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 21-6.101, Information Subpart, of the Civil Service Personnel Manual (State Service).

Full text of the adopted revisions follows:

Subpart 21-6.101 Information subpart

21-6.101a Subject

Representation of State employees when accused of disorderly persons or criminal charges for acts occurring within their scope of employment.

21-6.101b Exposition

The Attorney General or his designee is charged, by statute, with the responsibility of making a judgment as to whether or not State employees charged with criminal or disorderly persons offenses should be provided legal representation by the State of New Jersey. In order to clarify the procedures which should be followed for the Attorney General to determine if employees so charged should be provided with State representation, the following was prepared by the Attorney General.

21-6.101c Procedures

A. Procedures for determining whether to provide representation

(1) The employee who is charged shall make a written request for representation addressed to the head of his agency or his designee. The request shall include a full description of the events involved in the charge as well as a copy of the complaint and other documents.

(2) The employing agency shall review the request with emphasis upon ascertaining whether the matter arose out of or within the scope of the employee's duties, and the relationship of the charges to the operation of the agency. If the agency feels that representation should be supplied, it should forward a written request to that effect to the Attorney General together with its reasons for believing that representation would be appropriate. The latter statement should include the indication that the agency's belief is to the innocence or guilt of the employee and its view of the pertinent facts as they relate to the performance of the employee's duties.

(3) Based upon the materials submitted, and upon any outside information, the Attorney General or his designee will then make a judgment as to whether representation is in the best interest of the State.

B. When representation will be supplied

Although the facts of each individual case must be examined to determine whether the State should provide representation to an employee accused of a criminal or disorderly persons offense, the State ordinarily will provide representation in the following cases:

(1) Where the complaint was filed in bad faith or is totally lacking in substance; or

(2) Where the complaint was filed as a means of harassing the State official in the performance of his official duties; or

(3) Where the subject matter of the complaint calls a fundamental interest of the State of New Jersey into question which must be defended; or

(4) Where the criminal or disorderly complaint or proceeding is filed or initiated by a citizen and not by a law enforcement official; or

(5) Where other special reasons or circumstances exist to warrant representation.

C. Who will provide representation

Representation may be undertaken either through a deputy attorney general or outside counsel selected from an impartially compiled list of competent attorneys whose fees shall be approved by the Attorney General or his designee. The determination whether to provide representation through a deputy attorney general or outside counsel shall depend on the circumstances of the individual case, but in no instance will a deputy attorney general be appointed to defend a public employee where the prosecution will be conducted by a county prosecutor or the Division of Criminal Justice. A public employee who has himself retained private counsel in a criminal matter where an acquittal or dismissal has occurred may request the State to pay for all or part of the cost of his private counsel.

An order adopting these revisions was filed June 5, 1975, as R.1975 d.157 (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.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Various Subparts Of Personnel Manual (State Service)

On June 19, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to various Subparts of the Civil Service Personnel Manual (State Service).

Full text of the adopted revisions follows:

Subpart 2-1.101 Reduction of Age by Amount of Service During Period of Actual Hostilities as Defined in N.J.S.A. 11:27-1

2-1.101a Subject

This subpart defines the procedures for determining an applicant's "reduced age" under the provisions of N.J.S.A. 38:23A-2.

2-1.101b Procedure

Applicants who are ineligible under the present maximum

age limitations and who have served in the military during the periods of actual hostilities as listed in N.J.A.C. 4:1-2.1 (See "Veteran") and N.J.S.A. 11:27-1, will receive the following reductions in determining their age for Civil Service purposes:

(a) Only the initial period of service (including involuntary extensions) completed during the time periods stipulated in N.J.A.C. 4:1-2.1 (See "Veteran") and N.J.S.A. 11:27-1 can be subtracted from the applicant's present age, and

(b) Comparison between this reduced age and the age requirement for the position at the time of entrance into military service will be made.

Examples:

A 45-year-old person, applying at the present time for the positions of firefighter or police officer, is ineligible since the present maximum age is 35 years. However, this applicant served either involuntarily or as a result of induction, on active duty in the U.S. Army from July 27, 1952 to July 27, 1954. The applicant subsequently re-enlisted for a five (5) year period and was discharged on July 26, 1959. Under N.J.A.C. 4:1-2.1 only one of the seven (7) years of service was during a period of actual hostilities. Therefore, there will be a deduction from the applicant's present age of 45. This reduced age, or 44, is compared with the maximum age 30, as of July 27, 1952, when the applicant entered military service. The applicant is also ineligible under the reduced age formula.

A 36-year-old person, applying at the present time (1975) for the position of police or firefighter, is ineligible since the present maximum age is 35 years. However, this applicant served either involuntarily or as a result of induction, on active duty with the U.S. Army from December 1, 1971 to December 1, 1973. The applicant subsequently re-enlisted for a two-year period and was discharged on December 1, 1975. Under N.J.A.C. 4:1-2.1 the years of service during a period of actual hostilities was from December 1, 1971 to August 1, 1975, a total of 2 years, 9 months. Of this 2 ³/₄ year period 2 years were served either involuntarily or as a result of induction. Therefore, there will be a deduction of 2 years from the applicant's present age of 36. This reduced age, or 34, is compared with the maximum age which was in effect as of December 1, 1971, when the applicant entered military service; that maximum age was also 35. Therefore, the applicant is eligible under the reduced age formula.

Note:

(1) An applicant is considered to be over 35 years of age on the day of his/her 35th birthday.

(2) State laws concerning age limitations for prospective police officers and firefighters are based on the announced closing date.

(3) The maximum age for police officer and firefighter is 30 prior to September 4, 1968.

Subpart 12-8.101 Conditions To Be Met For Removal Of An Eligible From A Certification

12-8.101a Subject

This subpart will define the conditions under which the name of an eligible will be removed from a certification after several certifications to the same appointing authority.

12-8.101b Conditions

(1) A non-veteran eligible shall not be certified from the same open competitive list to the same appointing authority more than three times, unless the appointing authority requests that such eligible be again certified in which case only that eligible and any veteran eligibles higher on the list shall be certified.

(2) A non-veteran eligible shall be certified, in order, from a promotional list to an appointing authority as long as the non-veteran eligible remains on the promotional employment list.

(3) A veteran eligible shall be certified, in order, to an appointing authority as long as the eligible veteran remains on the employment list.

Subpart 21-1.101 Administration of the State Affirmative Action Program

21-1.101a Subject

Executive Order No. 14 of December 23, 1974, mandates that all executive departments and agencies take affirmative action to eliminate job discrimination based on race, color, creed, national origin, ancestry, sex, marital status, age, and physical handicap to insure equality in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, training, and all other terms and conditions of employment. This Executive Order is in accord with the U.S. Civil Rights Act as amended (P. L. 92-261) the Law Against Discrimination (10:2-1 et seq. N.J.S.A.), and Title 11, N.J.S.A., The Civil Service Law.

21-1.101b Operational Policy and Procedures:

The Department of Civil Service will administer Executive Order No. 14 to the full extent of its obligation by the formulation and implementation of a State affirmative action plan binding on all executive departments and agencies in State government. The plan shall include, but not be limited to:

1. A commitment by all State executive departments and agencies to adhere to the policy as enunciated in Executive Order No. 14 and the State Affirmative Action Plan. It is suggested that no press release regarding the affirmative action program be issued without consultation with the Governor's Affirmative Action Officer or the Civil Service Department so as to avoid inadvertent violations of the Governor's program or of Federal guidelines.

2. All departments and agencies will instruct minority and women applicants, who desire assistance, in how to fill out Civil Service open-competitive examination application forms. The organizational job titles that the applicant most probably would qualify for should be used on the form. Departments and agencies will forward applications to the career development section of the Department of Civil Service. Symbols and codes will be added by the career development section when examinations are announced.

Prior to filling provisional, temporary or unclassified positions, in accordance with paragraphs 4 and 5 of Executive Order No. 14, departments and agencies will request from the career development section of the Department of Civil Service applications from the minority and female pool for interviews. The career development section will have five working days to furnish names of interested applicants.

3. Affirmative action officers shall be separate from Personnel Officers and shall have the enforcement power to ensure the objectives of Executive Order No. 14 are attained—each department or agency shall employ both minorities and women at least in proportion to their population in the relevant surrounding labor market area, and at all levels of responsibility.

4. The designation by the Civil Service Department of an affirmative action coordinator whose responsibilities will be, among other things, to:

a. Perform continuous collection and analysis of personnel data as to race, sex, salary, location, occupational category and other related criteria;

b. Submit reports to Federal government (EEO-4) annually and submit reports to the Governor on a bi-monthly basis;
c. Provide technical assistance to executive departments;
d. Ensure that a grievance system involving job discrimination claims is provided (employees have the option of using the system or that of the Division of Civil Rights);

e. Recommend structural changes of personnel policies and procedures to provide a nondiscriminatory personnel system;

f. Develop programs to remedy deficiencies with particular emphasis given to upward mobility;

g. Coordinate activities with departmental affirmative action officers;

h. Recommend sanctions where appropriate to the governor's affirmative action officer;

i. Delineate criteria for departmental affirmative action plans the minimum components of which shall include a statement of policy, an employee utilization analysis, problem areas, remedial action with goals and timetables, and responsibility for implementation. These goals shall be in accord with the uniform guidelines on employee selection procedures as enunciated by the U.S. Equal Employment Opportunity Coordinating Council. Waivers, if any, for labor market areas involved, will be decided by the career development section with consultation of the Governor's affirmative action officer;

j. Approve or disapprove Departmental affirmative action plans;

k. Maintain a pool of qualified interested applicants to be available when jobs become available.

5. Personnel reports and records will be kept for a period of two years except for application forms and other pre-employment records for seasonal and temporary positions.

a. Each Department will submit a bi-monthly equal employment opportunity report to the career development section, Civil Service Department, that will close as of the 20th day of the months of January, March, May, July, September and November, and will be forwarded by the last day of that month.

b. The career development section, Civil Service Department, will send a compilation of these reports to the Governor's office by the tenth day of the following month.

c. Departmental reports shall include:

(1) New hires by titles, unit, race, gender, annual salary, and job status (temporary, provisional or permanent);

(2) Promotions by job titles, unit, race, gender, annual salary, and examination list or 4:1-8.5 appointments;

(3) Demotions for any reason;

(4) Termination by resignation, layoff, and removal for cause;

(5) Transfers;

(6) Comments concerning program progress.

6. In all cases involving job discrimination the normal grievance system will serve as the avenue for settlement. Where the termination of a provisional or unclassified employee is involved, the grievance procedure will continue after such termination. Where permanent employees are involved the normal Civil Service grievance provisions will remain in effect. The Departmental affirmative action office shall participate concurrently at the same step as that of management personnel.

7. The Civil Service Department, career development section shall institute analysis of areas in which personnel titles, criteria and procedures could be more job-related and will recommend changes therein in consultation with affirmative action coordinators.

8. All job titles will be continually analyzed by the career development section to determine whether or not the stated prerequisites are bona-fide occupational qualifications.

9. As provided by Executive Order No. 14, all Departments and agencies of the executive branch shall submit affirmative action plans to the Department of Civil Service by November 1 of each year, such plans to be analyzed and made public, with any deficiencies delineated. Plans shall include at least the following: statement of policy, an employee utilization analysis, problem areas, remedial action including goals and timetables, and responsibility for implementation. Non-compliance with the formulation and implementation of departmental affirmative action plans and documented good faith efforts in achieving these plans may result in withholding approval of the making of further Departmental appointments until compliance is effected.

10. The Department of Civil Service, through the efforts of the career development section and recruitment unit, will increase its recruitment efforts to ensure that a pool of qualified minority and women applicants for classified and unclassified jobs exists.

11. When a layoff situation of provisional, temporary, or unclassified employees occurs, recognition will be given to the Department's affirmative action plan. In these situations where seniority is not provided for layoffs for the aforementioned types of employees will be at least in proportion to the complement of minorities and females in that department as a minimum leading to the proportion of minorities and females in the relevant labor market areas.

Subpart 21-2.101 Non-Discriminatory Employment Practices

21-2.101a Subject

This subpart sets forth non-discriminatory employment practices which must be adhered to in all appointments, demotions, removals or any other personnel practice.

21-2.101b Definitions

(1) Non-discriminatory practice - A practice which does not express overtly or covertly, any limitation, specification, preference, or discrimination based on race, creed, color, natural origin, ancestry, citizenship, age, marital status, physical handicaps, sex, political affiliation, or has the intent of making such a limitation unless such is a bona-fide occupational qualification.

(2) Bona-fide occupational qualification - Qualification which is essential to the successful performance of a respective function based on documentary evidence.

21-2.101c Policy

It is the policy of the State of New Jersey to provide equal employment opportunities and to administer its personnel system in a non-discriminatory manner.

21-2.101d Application

Implementation of this non-discriminatory policy as it relates to appointments, demotions, removals, or any other personnel practice shall be the responsibility of the operating divisions of the Department of Civil Service.

The Division of Classification and Compensation in consultation with the Division of Personnel Management and Employee Development shall insure that at the State level there will be non-discriminatory titles, and that appointments, demotions and removals will be made on a non-discriminatory basis.

The Division of Examinations will validate examinations which it administers and promulgate eligible lists and certify individuals in a non-discriminatory manner.
21-2.101e Cross Reference

For additional direction on non-discriminatory employment practices see subparts as follows:

6-3.102 (Determination and Application of Non-Discriminatory Titles by the Department of Civil Service)

8-10.101 (Discriminatory Inquiries on Pre-Employment Application Forms).

12-7.101 (Requests from Appointing Authorities Regarding Selective Certification Based on the Sex of Eligibles)

22-1.101e Awards for Professional Accomplishment

Awards in this category may be made to any State employee or group of State employees in recognition of meritorious or distinguished accomplishments. The accomplishments need not fall entirely within the scope of normal duties, but shall be in the nature of a major contribution in a definite field, vocation or profession, or personal outstanding act or conduct reflecting credit on the individual and the State service. Awards may be made to those persons who:

1. Through fruitful study and investigation have initiated and successfully established new and outstanding methods, practices, plans or designs having fundamental values. (Such as - pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.)

2. Through unselfish devotion to duty, far and above normal requirements, have contributed significantly to the advancement of the State service on a professional or sub-professional level. (Such as—organization, employee relations, humanities, vocations, etc.)

3. Have achieved honors from professional societies, institutions of learning or recognized groups for outstanding performance encompassed in the fields of work of State departments.

4. Have established an outstanding record of suggestions over a period of years, in which total estimated net savings to the State aggregated \$100,000 or more.

5. Have assisted and who have been intimately associated with the recipient of an award: such award shall be a letter of commendation or a citation, presented at the time of the award for distinguished accomplishment.

See 22-1.101d for procedure for processing awards for professional accomplishments and awards to be given.

22-1.101f Awards for Service

Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey listed in Appendix III or at time of retirement. Such service shall include employment in the classified or unclassified service in either a regular or temporary capacity. In determining years of employment, full credit shall be given for leave of absence with or without pay. Service does not have to be continuous. A fraction of a month shall be considered as a full month of service. Any dispute or question regarding eligible service shall be referred to the committee for resolution.

1. Procedure for Processing Awards for Service

a. It shall be the responsibility of each Department to annually determine the employees who will be eligible for service awards during the fiscal year.

b. The presentation of awards for service to eligible

employees at suitable ceremonies shall be the responsibility of departmental committees.

2. Awards

Awards for service shall be certificates, citations, emblems, and jewelry and are subject to change by the committee with the approval of the president. (See Appendix III).

3. Awards for retiring employees

a. Each employee at retirement shall be presented with a "Certificate of Appreciation" for service to the State. Certificates, signed by the Governor, will be supplied by the awards program upon request of the Department's personnel officer. The certificate will be presented with suitable ceremony by the employee's Department head or representative.

b. Each employee who, at retirement (exclusive of vested retirement), shall [have completed 20 or more years of service shall] be presented with a [special] **retirement recognition** award for service to the State as determined by the committee with approval by the president. The Department will be responsible for any personalized markings it desires.

4. Procedure for Obtaining Awards for Service

The following is the procedure to be used by operating agencies to obtain service awards:

a. Prior to July 1, review personnel records to determine the employees of the unit who will be eligible for service awards during the next fiscal year.

b. Prior to July 1, distribute copies of the colored brochure of service award jewelry (to be supplied by the secretary) to those employees who will be eligible for 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50-year awards.

APPENDIX III SERVICE AWARDS Supplementing Subpart 22-1.101

The following emblems and jewelry shall be of uniform design, as approved by the committee, for all eligible employees of the State:

Years of Service	Awards (plus certificate)
5-year award	Without jewels
10-year award	One ruby
15-year award	Two rubies*
20-year award	Three rubies*
25-year award	One 3-point diamond, two rubies*
30-year award	One 3-point diamond, two blue sapphires*
35-year award	One 6-point diamond, two emeralds*
40-year award	Two 6-point diamonds, one emerald*
45-year award	Three 6-point diamonds
50-year award	One 12-point and two 6 point diamonds

* And one of the following items of personal jewelry:
Brooch Bracelet Tie bar Tie tack
Necklace Lighter Key ring Pin
Or other appropriate items as may be added.

APPENDIX IV RETIREMENT RECOGNITION AWARDS Supplementing Subpart 22-1.101

The following retirement recognition mementos shall be of uniform design, as approved by the committee, for all eligible employees of the State:

The retirees may select one of the following as their retirement recognition memento.

Weather Station

Clock
Desk Set
Coffee Service

Brochures describing the retirement recognition items are available from the Department of Civil Service.

An order adopting these revisions was filed June 23, 1975, as R.1975 d.176 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not be published in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY

Proposed Rules for Increase Rent or Carrying Charges

Richard L. Kadish, deputy executive director of the New Jersey Housing Finance Agency in the Department of Community Affairs, pursuant to authority of N.J.S.A. 55:14J-1 et seq., proposes to adopt new rules for increased rent or carrying charges.

Full text of the proposed rules follows:

SUBTITLE H. HOUSING FINANCE AGENCY

CHAPTER 80. GENERAL PROVISIONS

SUBCHAPTER 1. INCREASE RENT OR CARRYING CHARGES

5:80-1.1 Applications

(a) Applications for increases in rental or carrying charges shall be verified and submitted by the sponsor or by an agency management representative, on his own motion, in triplicate to the director of management of the agency. Such applications shall set forth the following information:

1. Name of housing corporation, location of development, date of organization, number of apartments and number of rooms;
2. Dates of completion and occupancy;
3. Tax exemption status;
4. Present rent/carrying charge schedule and average rent per room;
5. Present nondwelling income;
6. Capitalization, authorized and actual;
7. Status of dividend payments;
8. Assessed valuation: Land and land improvements;
9. The reasons for the need to raise the rents or carrying charges;
10. Such other information or data as may be pertinent;
11. Request for a specific increase in rent or carrying charges.

5:80-1.2 Schedules and exhibits

(a) The application shall have annexed to it the following schedules and exhibits:

1. An annual projection of operations on an actual basis;

2. Schedule of future replacement requirements;
3. An annual projection of operations on a cash flow basis;
4. An annual projection of operations reflecting the rent or carrying charge increase requested, on an accrual basis;
5. An annual projection of operations reflection the rent or carrying charge increase requested on a cash flow basis;
6. Statistical data in support of each of the above.

5:80-1.3 Revisions; additional data

The agency may require further information on any of the matters listed above, or on any other matters relating to the application, and may request an amended or superseding application. Such additional information or application shall be verified and filed in triplicate within the time stated by the agency.

5:80-1.4 Notice of consideration by agency to tenants/cooperators

If, upon preliminary examination, it shall appear that the application for an increase warrants consideration by the agency, the sponsor will be directed to notify in writing by a notice approved by the agency, each tenant/cooperator of the filing of the application. Such notice shall inform the tenant/cooperator of the right to a hearing on the proposed increase in rental or carrying charges pursuant to these regulations.

5:80-1.5 Notice of increase

Within 30 days of the notice of the agency to the sponsor that the request for an increase is under consideration, the agency will make its decision with respect to the application, and within 15 days thereafter will notify the sponsor in writing of its decision, and if an increase is approved, the amount and effective date of the increase. In the event that a hearing on the increase is scheduled, the agency will issue its decision of the increase within 30 days after the filing of a recommended report and decision by the hearing officer. If an increase is ordered or approved, notice thereof shall be served by the sponsor as directed by the agency on each tenant/cooperator affected.

5:80-1.6 Aggrieved persons

Any person, association or corporation aggrieved by any proposed increase in rental or carrying charges shall be entitled to a hearing before the executive director or his duly authorized representative.

5:80-1.7 Application for hearing

The application for a hearing must be filed with the executive director within 15 days of the receipt by the applicant thereof of the notice of the increase in rental or carrying charges as provided in Section 5 of this Subchapter.

5:80-1.8 Appointment of hearing officer

Upon receipt of an application for a hearing, the executive director shall appoint a hearing officer, who may be an employee of the agency, who shall designate a time and place for the hearing.

5:80-1.9 Time of hearing

No hearing shall be held except upon 15 days written notice to all interested parties and each such hearing shall be held within 30 days of the receipt of the application therefor.

5:80-1.10 Conduct of hearing and evidence

(a) Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of facts. The parties shall not be bound by rules of evidence whether statutory, common law or adopted by the rules of court. All relevant evidence is admissible except as otherwise provided herein. The hearing officer may in his discretion exclude any evidence if he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion.

(b) The hearing officer shall give effect to the rules of privilege recognized by law.

(c) Notice may be taken of judicially noticeable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence (parties shall be afforded an opportunity to contest material facts of which judicial notice is taken).

5:80-1.11 Hearing officer's powers

The hearing officer shall have the power to administer oaths, examine witnesses and shall have the power to issue subpoenas and compel attendance of witnesses and the production of all necessary reports, books, papers, documents, correspondence and other evidence.

5:80-1.12 Record

The record or determination of any action or proceeding under these regulations shall be public records and reasonably available for public inspection. Any party to a proceeding may transcribe the hearing provided said party bears the costs of such transmission and further provided that a copy of the transmission is provided to the agency.

5:80-1.13 Recommended report and decision; exceptions

The hearing officer shall issue a recommended report and decision within 30 days after the completion of any hearing, a copy of which shall be filed with the executive director and mailed to all parties of record. Each party of record shall be afforded 15 days in which to file exceptions, objections and replies thereto with the executive director. Within 15 days thereafter, the executive director shall issue an order which adopts, rejects or modifies the recommended report and decision, a copy of which shall be served on all parties of record. Pending the determination of the executive director, and upon application therefor, the executive director may grant a stay of any ruling, action, order or notice complained of. The order of the executive director shall be considered as a final administrative determination.

5:80-1.14 Date of increase; effective date

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

5:80-1.15 Agency order for increase

Nothing in these regulations shall be construed to prohibit the agency from authorizing an increase in rental or carrying

charges pursuant to these regulations without a prior application for said increase from the housing sponsor.

5:80-1.16 Hearing on proposed increase

No hearing on a proposed increase in rental or carrying charges need be held by the agency if a tenant/cooperator effected by such increase is afforded an opportunity by a duly constituted local governmental agency reviewing the proposed increase to object to the proposed increase.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Richard L. Kadish
Deputy Executive Director
New Jersey Housing Finance Agency
363 West State St.
Trenton, N.J. 08625

The New Jersey Housing Finance Agency, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Richard L. Kadish
Deputy Executive Director
New Jersey Housing Finance Agency
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Revisions in Uniform Standards Code of Mobile Homes

On June 11, 1975, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:2D-25.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning the Uniform Standards Code of Mobile Homes, substantially as proposed in the Notice published May 8, 1975, at 7 N.J.R. 200(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

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

5:21-3.3 Period of initial approval

The approval by the Department of an applicant as an approved testing facility shall expire on the first anniversary of the date of the Department's letter of agreement.

5:21-3.4 Annual reapproval

(a) Any testing facility approved by the Department under this Subchapter may apply to the Department for reapproval. Such application for reapproval may be filed with the Department within 90 days prior to the letter of agreement anniversary date.

(b) The testing facility seeking reapproval shall furnish the Department all information necessary to make current the information previously submitted as part of

its original application for approval and all subsequent applications for reapproval.

5:21-3.5 Fees

(a) The fees are:

1. \$500.00 per new application for approval as "approved testing facility;"
2. \$100.00 per application for renewal as "approved testing facility;"
3. All fees paid to the Department shall be non-refundable. Checks shall be made payable to "Treasurer, State of New Jersey."

5:21-3.6 Suspension and revocation

The Department may suspend or revoke its approval of any testing facility if the Department determines that the approval or any reapproval was based on fraudulent or materially inaccurate information, or that the approval or reapproval was issued in violation of these regulations, or that a change of facts or circumstances made it unlikely that the testing facility can continue to discharge its responsibilities under these regulations in a satisfactory manner, or had violated these regulations, or its contract with the Department in any material respect. During the period of suspension or revocation, the affected testing facility shall not be authorized to discharge any of its responsibilities under these regulations or under its contract with the Department.

5:21-4.3 Manufacturer's data plate and other markings

(a) The following information shall be placed on the permanent manufacturer's [date] data plate in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The approved testing facility shall approve the form completeness and location thereof:

1. Manufacturer's name and address;
2. [Serial number of the separate label of the approved testing facility.] manufacturer's serial number, **manufacture date, and weather zone designation (hurricane zone only)** for the unit;
[Manufacturer's serial number for the unit.] Serial number of the separate label of the approved testing facility;
3. [Name of manufacturer and model designation of major factory installed appliances.] State of New Jersey seal or equivalent seal from state of reciprocity list. (See Section 7 of this Subchapter);
4. [Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, directions for water and drain connections.] Name of manufacturer and model designation of major factory-installed appliances;
5. [Details relative to pier spacing and location on which the home design is based.] Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, directions for water and drain connections;
6. [State of New Jersey seal or equivalent seal from state on reciprocity list. (See Section 7 of this Subchapter)]. Details relative to pier spacing and location on which the home design is based.

5:21-4.5 Registration seal for mobile homes

Every labeled mobile home composed of one or more units shall be marked with an approved registration seal issued by the Department and affixed by an approved testing facility. A

state seal from a state on the reciprocity list may be affixed in lieu of the New Jersey seal. (See Section 7 of this Subchapter.)

5:21-4.6 Issue of registration seals and fees

- (a) Approved registration seals may be purchased from the Department in advance of use.
- (b) The fee for each registration seal shall be \$5.00.
- (c) Checks shall be made payable to "Treasurer, State of New Jersey."

5:21-5.1 Request for hearing

(a) Any person refused Department approval, receiving a notice of violation or who feels aggrieved by application of this [Chapter] **regulation**, may request and shall be granted a hearing on the matter before the Commissioner of the Department or his duly authorized representative.

(b) Such person shall file with the Department a written petition requesting such hearing which shall set forth a brief statement of the grounds therefor.

An order adopting these revisions was filed June 17, 1975, as R.1975 d.166 to become effective July 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Emergency Rule on Emergency Resolutions Exceeding Three Per Cent Limitation

On June 5, 1975, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning emergency resolutions exceeding the statutory three per cent limitation.

Full text of the adopted rule follows:

5:30-1.8 Emergency resolutions exceeding the three per cent limitation; written opinion required

All emergency resolutions exceeding the three per cent limitation as prescribed by N.J.S.A. 40A:4-49, prior to being reviewed and approved by the Director, Division of Local Government Services, must be accompanied by a written opinion from the municipal attorney as to its compliance with N.J.S.A. 40A:4-46.

An order adopting this rule was filed and effective June 18, 1975, as R.1975 d.168 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions on Policies for Free and Reduced-Price Meals and/or Free Milk

On June 4, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:33-4, 18A:58-7.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules on policies for free and reduced-price meals and/or free milk, substantially as proposed in the Notice published May 8, 1975, at 7 N.J.R. 201(c), with only inconsequential structural or language changes, in the opinion of the Department of Education.

Such new rules replace the current text of Chapter 79 in Title 6 of the New Jersey Administrative Code. Take notice that the new Title of this Chapter 79 is "Bureau of Child Nutrition Programs" rather than "Office of Food Program Administration" as was indicated in the Notice of proposal cited above.

An order adopting these revisions was filed and effective June 12, 1975, as R.1975 d.161.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Informal Hearing on State Water Supply Master Plan

Take notice that David J. Bardin, Commissioner of Environmental Protection, has issued the following notice, known within the Department of Environmental Protection as Docket No. DEP 044-75-06, concerning an informal hearing on the State Water Supply Master Plan:

An informational hearing will be held before the Water Policy and Supply Council beginning on Tuesday, July 15, 1975, at 10:00 A.M. and continuing consecutively for as many days as the Council may deem necessary, at the Collins Auditorium, Blake Hall of Cook College, Rutgers University, New Brunswick to solicit information and public comments pertaining to the Draft copy of the program design document prepared by the Division's consultants, Westwater, Gaston and Dunka.

The program design document will define the water supply problems of the State of New Jersey. Additionally, said document will identify State goals, objectives, and expected outputs of a State water supply master plan. Further, the program design document will establish the scope of work to be performed by those consultants whose proposals are requested by the Department of Environmental Protection. Said document will also provide the basis for evaluating consultants' proposals. Finally, the program design document will serve as a basis for monitoring the work of the selected

consultant(s) as well as guide said consultant(s) in the preparation of the State water supply master plan.

All interested parties are invited to participate in the hearing and are requested to submit written statements relevant to the program design document. Interested parties may also present oral statements and must so notify the Water Policy and Supply Council of their 'desire to speak' no later than June 30, 1975. The submitted written statement and the 'desire to speak' request should be sent to the Water Policy and Supply Council in care of Linda B. Martin, Secretary, P.O. Box 2809, Trenton, New Jersey 08625.

The termination date for receipt of submitted written statements concerning the draft copy and the Informational Hearing is July 18, 1975.

The draft copy of the program design document is available for inspection at the following locations:

- (1) Division of Water Resources
1474 Prospect Street, Ewing Township, Mercer County
- (2) Division of Water Resources, Spruce Run Reservoir Administration Building, Route 31, Clinton Township, Hunterdon County
- (3) Division of Water Resources, 5th Floor, Room 510
1100 Raymond Boulevard, Newark, Essex County
- (4) State Library, West State Street, Trenton, Mercer County

The draft copy of the program design document will also be made available on a limited basis to those interested parties writing to the Division of Water Resources, c/o Mr. Donald J. Kroeck, P.O. Box 2809, Trenton, New Jersey 08625.

Copies will also be distributed on a limited basis to: Federal and multi-state water resource planning agencies; County Boards of Freeholders; major public and private water purveyors and environmental and watershed associations.

This notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Repeal of Certain Rules on Air Pollution

Take notice that David J. Bardin, Commissioner of Environmental Protection, has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 016-74-12, concerning regulations for air pollution sampling and analytical procedures:

I, David J. Bardin, Commissioner of Environmental Protection, do hereby give notice that the Notice of Availability of specified air pollution sampling and analytical procedures (see: January 9, 1975, issue of the New Jersey Register at 7 N.J.R. 6(a)) and the procedural rules (published February 6, 1975, at 7 N.J.R. 48(a)) are hereby repealed.

The rules cited above have been replaced by two rules adopted as emergency rules under the Administrative Procedure Act of 1968. These rules are the "Procedures for the visual determination of the opacity (per cent) and shade or appearance (Ringelmann Number) of emission from

sources" (see: 7 N.J.R. 144(a)) and "Sampling and analytical procedures for determining emissions from manufacturing processes of particles which are solid at standard conditions" (see: 7 N.J.R. 261(d)).

These rules, together with a third emergency rule entitled "Sampling and analytical procedures for determining emission of solid particles from the combustion of fuel" (see: 7 N.J.R. 261(d)) were the subject of a public hearing held on July 8, 1975, in accordance with the Notice of Public Hearing published on June 5, 1975, at 7 N.J.R. 261(d). The record of that hearing will remain open for the submission of comments until August 8, 1975.

Copies of all of the three emergency rules may be obtained from:

Milton Polakovic, Supervisor
Technical Services Section
Bureau of Air Pollution Control
Post Office Box 2807
Trenton, New Jersey 08625

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions of Air Pollution Control Rules on Permits and Certificates

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2C-8, proposes to revise N.J.A.C. 7:27-8.1 et seq., Permits and Certificates, so as to provide for a schedule of service fees for "Permit to construct, install or alter control apparatus or equipment" and "Certificate to operate control apparatus or equipment". These revisions are known within the Department of Environmental Protection as Docket No. DEP 043-75-06.

Also included in the proposed revisions are clarification of the text of the code and correction of errors in the published version thereof. Any amendment or revision will modify pertinent provisions of the "New Jersey State Implementation Plan to Meet National Air Quality Standards," in addition to modifying State regulatory measures.

A document setting forth the text of proposed revisions and reasons therefor will be distributed to government agencies, affected business and industrial organizations, environmental groups and interested parties. Copies of this document may be obtained from, and written testimony will be accepted at any time prior to the 30th day following the conclusion of the public hearing on the proposal by:

Thomas M. Leonard Jr.
Supervisor, Stationary Source Control
Bureau of Air Pollution Control
Department of Environmental Protection
P.O. Box 2807
Trenton, New Jersey 08625

All interested parties are invited to participate in a public hearing regarding the proposal, which will be held from 9:00 A.M. to completion of testimony on August 11 and 12 at:

Theater
Mercer County Community College
1200 Old Trenton Road
Trenton, New Jersey

Copies of the proposal and of the basis and background document are being deposited and will be available for inspection during normal office hours until the closing of the hearing record 30 days after the conclusion of the hearing at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, New Jersey 08330
N.J. Bureau of Air Pollution Control
Room 1108, Labor & Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control
Metropolitan Field Office
25 Route 22
Springfield, New Jersey 07081

N.J. Bureau of Air Pollution Control
Newark Field Office
Room 510, 1100 Raymond Boulevard
Newark, New Jersey 07102

N.J. Bureau of Air Pollution Control
Southern Field Office
5635 Westfield Avenue
Pennsauken, New Jersey 08110

Warren County Health Department
151 West Washington Avenue
Washington, New Jersey 07882

This hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended by Chapter 106 P.L. 1967.

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

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Revisions on Controlled Hunting

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9 and with the advice of the Fish and Game Council, proposes to revise the rule on the use of all land and water areas under the control of the Division of Fish, Game and Shellfisheries. Such revisions are known within the Department of Environmental Protection as Docket No. DEP 024-75-02.

The proposed revisions concern the deletion of the current text of N.J.A.C. 7:25-2.15 in its entirety and the adoption of new text therein.

Full text of the proposed new rule follows:

7:25-2.15 Controlled hunting

(a) The wildlife management areas selected for limited hunter density are Black River in Morris County, Assunpink in Monmouth County, Port Republic in Atlantic County, Clinton in Hunterdon County and Whittingham in Sussex County. Hunter numbers at all five areas will be controlled on five

Saturdays and one weekday. The dates are: November 8, November 15, November 22, November 27 (Thanksgiving Day), November 29 and December 6, 1975. Registration will begin at 5:30 A.M. on all days but November 8 (opening day). On November 8, registration will begin at 7:00 A.M. All hunters must check out by 12 noon. Registration is not required after 12 noon.

(b) The 3,000 acre Black River Area will be limited to 400 hunters at one time on the above dates; the Assunpink Area up to 3,800 acres, is limited to a maximum of 475 hunters; the quota for the 750 acre Port Republic Area is 100 hunters. Quotas for the 900 acre Clinton Area and the 1,200 acre Whittingham Area will be 200 and 250 hunters respectively. Additional registrants will be accepted as replacements for registrants who have completed hunting and checked out for the day.

(c) Hunters will be admitted on a first-come, first-served basis at the five tracts. No reservations will be accepted and hunters must register in person. Registration booths for the Black River Area will be located at three parking lots. The Assunpink registration station will be located at the main office. Location directions will be posted on the area. The Port Republic registration station will be located at the main entrance to the area. Two registration stations will be located at the Clinton Area, one on the north side of Spruce Run Reservoir and one on the south side. Registration booths at Whittingham will be located at each of the three parking lots.

(d) Each registrant in possession of a current hunting license will be issued an arm band and each car a windshield tag. The arm band is good only for hunting on the associated wildlife management area and must be displayed in addition to the regular hunting license. The check-in procedure is reversed at the conclusion of the day's hunt. Bag checks and other pertinent information will be collected during the check-out procedure.

(e) Anyone found hunting without proper registration on these areas on the dates specified will be prosecuted. Special patrol officers will be on duty to insure that the registration process is adhered to.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Russell Cookingham, Director
Division of Fish, Game and Shellfisheries
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 revisions substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Revisions Concerning Hard Clams

The Department of Environmental Protection Division of

Fish, Game and Shell Fisheries, with the advice of the Shell Fisheries Council, Atlantic Coast Section and pursuant to the authority of N.J.S.A. 50:1-5, proposes to rescind existing regulations governing the catching and taking of undersized hard clams (*Mercenaria Mercenaria*) from any of the public clam grounds and any of the leased lands in the Atlantic Coast Section, and to adopt new regulations in place of same.

The present regulations are known within the Division as Resolution Number 59 of August 17, 1959, Shell Fisheries Council, Atlantic Coast Section.

The new regulations permit a tolerance of three per cent of the number of clams in possession which may have a lesser shell length than that required in the regulations.

The new regulations will be cited as N.J.A.C. 7:25-9.3 and will be known within the Department of Environmental Protection as Docket Number DEP-046-75-06.

Full text of the proposed new regulations and the rescision of the present regulations is as follows:

7:25-9.3 Resolution concerning hard clams

(a) Resolution No. 59 of August 17, 1959, is hereby rescinded.

(b) Any person actively engaged in harvesting hard clams (*Mercenaria Mercenaria*) must, as part of that activity, reposit on the bottom from whence they were taken, all clams having a shell length of less than one and one-half inches in length.

(c) No person shall possess, sell or purchase, or attempt to possess, sell or purchase any hard clams with a shell length of less than specified in Subsection (b) above, except that up to three per cent of the number of clams in possession, may have a lesser shell length.

(d) Any member of the Shell Fisheries Councils, any officer or employee of the Division of Fish, Game, and Shell Fisheries, or any member of the Marine Police of the Division of Marine Services is authorized and empowered to determine compliance with this regulation using a peck (one quarter bushel) dry measure as the determining factor.

(e) Any person who shall be guilty of violating the provisions of this regulation shall be required to appear before the Shell Fisheries Council, Atlantic Coast Section, to show cause why such person's license and/or lease should not be revoked for such period of time as the Shell Fisheries Council shall fix.

Written statements or arguments relevant to the proposed action may be filed on or before July 30, 1975, with Joseph A. Price, Shellfish Management Administrator, Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, N.J. 08625.

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Proposed Clarification of Oil and Grease Surface Water Quality Criteria

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., proposes to clarify one part of the existing narrative oil and grease surface water quality criteria currently contained in the New Jersey Surface Water Quality Standards, N.J.A.C. 7:9-4.1 et seq., which became effective on December 2, 1974. This proposal is known within the Department of Environmental Protection as Docket No. DEP 045-75-06.

The criteria being considered for clarification appear in the criteria statements for the following classes: FW-2, FW-3, TW-1, TW-2, TW-3, CW-1, CW-2, and CW-3; same also appear in the criteria for Zones 1-6 of the main stem of the Delaware River and Delaware Bay. The narrative statement, which is identical in all of these criteria statements, reads as follows:

Floating, suspended, colloidal and settleable solids; oil, grease, color, and turbidity

None noticeable in the water or deposited along the shore or on the aquatic substrata in quantities detrimental to the natural biota. None which would render the waters unsuitable for the designated uses.

Note: No other portions of these criteria are proposed for clarification.

The Department invites statements, arguments and comments on any and all aspects of this proposal including, but not limited to the following:

1. The establishment of individual industrial categories; For each industrial category and for municipalities, the following will be considered:
2. Techniques available for sampling and analyzing;
3. Level of treatment achievable;
4. Site specific variables;
5. Range of values to be permitted for oil in wastewater considering the factors listed above.

A public hearing on this proposal will be held August 13, 1975, at 10:00 A.M., at Mercer County Community College auditorium, 1200 Old Trenton Road, West Windsor, New Jersey and will continue on August 14, 1975 at the same location if necessary.

Interested persons may present to the Division of Water Resources, statements, arguments or comments in writing prior to the hearing or in person at the hearing, or in writing after the hearing until September 15, 1975, on all matters related to this proposal.

All written testimony should be addressed to:
Rocco D. Ricci, Assistant Commissioner
N.J. Department of Environmental Protection
Division of Water Resources
P.O. Box 2809
Trenton, N.J. 08625

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

ter adopt these proposed clarifications substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules on Certification of Eligibility For Exemption from Taxation on Real Property Owned by Certain Nonprofit Corporations

On June 15, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 54:4-3.63 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, known within the Department of Environmental Protection as Docket No. DEP 035-75-04, on certification of eligibility for exemption from taxation on real property owned by certain nonprofit corporations, substantially as proposed in the Notice published May 8, 1975, at 7 N.J.R. 203(a), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

Such rules may be cited as N.J.A.C. 7:35-1.1 et seq.

An order adopting these rules was filed and effective June 25, 1975, as R.1975 d.179.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

1975-1976 Game Code

On June 10, 1975, Al L. Toth, Chairman of the New Jersey Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1975-1976 Game Code, known within the Department of Environmental Protection as Docket No. DEP 038-75-04, substantially as proposed in the Notice published May 8, 1975, at 7 N.J.R. 204(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such rules may be cited as N.J.A.C. 7:25-5.1 et seq.

An order adopting these rules was filed June 25, 1975, as R.1975 d.178 to become effective August 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

List of Endangered Species

On June 11, 1975, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:2A-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule establishing a list of endangered species, known within the Department of Environmental Protection as Docket No. DEP 014-74-12, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 146(b).

Such rule may be cited as N.J.A.C. 7:25-11.1.

An order adopting this list was filed and effective June 13, 1975, as R.1975 d.164.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

(JOINT PROPOSAL)

HEALTH

INSURANCE

THE COMMISSIONERS

Proposed Rules on Method 1974 Final Hospital Payment Rates are Determined

The Commissioners of Health and Insurance, pursuant to authority of N.J.S.A. 26:2H-1 et seq., 17:1-8.1 and 16-6(e) and with the approval of the Health Care Administration Board, proposes to adopt rules on the method by which 1974 final hospital payment rates are determined.

Full text of the substantive portions of the proposed rules follows:

SUBCHAPTER 19. FINAL HOSPITAL PAYMENT RATES FOR 1974

8:31-19.1 Definitions

(a) As used in this regulation, the following terms will have the following meanings:

"Final tentative payment rate" means the approved tentative payment rate communicated to each hospital on the basis of its budgeted and projected 1974 total costs. This rate is occasionally referred to as the "October" formula rate and is fully defined by the attached calculation schedules and technical appendices. (Payment of these rates was authorized by the Governor on April 9, 1975, and hospitals were notified subsequently.) Terms such as "base per-diem rate," "depreciation and interest per-diem," "self-insurance adjustment per-diem," "medicare carve-out," etcetera, will be

used as defined in those schedules and appendices, with appropriate prefixed adjectives to identify the source (budgeted, projected, submitted, certified) of the amounts referenced.

"Advisory committee" means an informal organization of representatives of hospital administrators, hospital trustees, physicians, and the public, appointed by the Commissioners of Insurance and/or Health, operating within the framework of the Hospital Research and Educational Trust of New Jersey, whose purpose is to review budgeted and certified hospital costs and to advise the Commissioners as to the reasonableness of those costs.

(b) Unless otherwise indicated in this Section or in the body of the text, technical terms will have the meanings customarily associated with them by Blue Cross and the hospitals within the context of the contracting hospital agreement.

8:31-19.2 Cash advances on submission of 1974 costs

At any time after filing its "Statement of Reimbursable Costs for Hospital Data Covering Year 1974" with Blue Cross, and prior to certification of these forms by Blue Cross, a contracting hospital may apply for, and Blue Cross is authorized to pay, an immediate advance. Such advance will equal 50 per cent of the excess, if any, of the hospital's total reimbursable cost per in-patient day (Contracting Agreement, Schedule "I," line Y) over its 1974 Approved Blue Cross Payment Rate (Schedule: final calculation of 1974 tentative payment rate, line 24), such excess multiplied by the 1974 incurred number of Blue Cross inpatient days for that hospital. Authorization of such cash advances does not constitute a change in "tentative payment rate," nor does it reflect any alteration in the Commissioners' judgment of the reasonableness of the final tentative payment rate. A hospital may be required to repay, to Blue Cross, part or all of its cash advance following determination of payment rates resulting from certification of costs, and described in the following paragraphs.

8:31-19.3 Maximum allowable certified per-diem

(a) After Blue Cross has notified the Commissioners of its adjustments, resulting from audit, to the submitted total reimbursable cost per in-patient day, the Commissioners will calculate and approve for payment a rate which is the sum of the following components:

1. The smaller of the final tentative base per-diem, or the actual certified base per-diem;
2. The actual certified depreciation and interest per-diem, subject to those limitations contained in the contracting agreement;
3. The actual certified education and/or physician coverage per-diem, subject to limitation imposed by the published guidelines of the advisory committee or, if higher, the recommended amount of education and/or physician coverage costs included in the hospital's "Review of 1974 Operating Budget."
4. The actual certified energy per-diem;
5. The actual certified "self-insurance adjustment per-diem," if any; and
6. The actual certified Medicare carve-out.

8:31-19.4 Cost review

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 its 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.

Editor's Note: In addition to the rules above, an appendix and various schedules were included in this proposal but are not reproduced herein. Further information on these items may be obtained from the addressee listed below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

John B. Reiss
Assistant Commissioner
Health Planning and Resource
Development
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health
James J. Sheeran
Commissioner
Department of Insurance

(a)

HEALTH

THE COMMISSIONER

Proposed Rules on Standard Hospital Accounting and Rate Evaluation System

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt rules concerning standard hospital accounting and rate evaluation system (SHARE).

The proposed rules concern accounting principles and practices, definitions of cost centers and cost classifications, statistics to be used in 1976 budget preparations, reporting forms and instructions and inflation-market basket methodology. Such rules, if adopted, will be cited as N.J.A.C. 8:31-17.1 et seq.

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

Ms. Cathleen Maloney
Health Economics
Department of Health
Post Office Box 1540
Trenton, New Jersey 08625
Telephone: (609) 292-8710

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Dr. John B. Reiss
Assistant Commissioner
Health Planning and Resource
Development
State Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Interim Rules for Construction And Licensure of Ambulatory Care Facilities, Public Health Centers, Health Maintenance Organizations and Rehabilitation Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt interim rules for the construction and licensure of ambulatory care facilities, public health centers, health maintenance organizations and rehabilitation facilities.

Full text of the proposed rules follows:

CHAPTER 43B. AMBULATORY CARE FACILITIES, PUBLIC HEALTH CENTERS, HEALTH MAINTENANCE ORGANIZATIONS AND REHABILITATION FACILITIES

SUBCHAPTER 1. INTERIM REGULATIONS ON CONSTRUCTION AND LICENSURE

8:43B-1.1 Scope

(a) The following requirements for construction and licensure will apply to the facilities listed below:

1. Ambulatory care facilities;
2. Public health centers;
3. Health maintenance organizations.

8:43B-1.2 Health maintenance organizations

(a) Health maintenance organizations may provide one or all of the services listed below. If some of the services provided are located in a hospital or other licensed health facility, then the licensure standards for that facility shall apply. If the

health maintenance organization provides any or all of the following services in their own facility, then the physical plant requirements noted in Section 4 of this Subchapter shall apply.

1. Physician services (including consultations and referral services by a physician)—(administration);
2. Medically necessary emergency health services —(administration and clinical);
3. Medical treatment and referral services (including referral services to appropriate ancillary services) for the abuse of or addiction of alcohol and drugs—(administration and clinical);
4. Diagnostic laboratory and diagnostic and therapeutic radiologic services—(administration and diagnostic);
5. Preventive health services (including voluntary family planning services, infertility services, preventive dental care for children, and children's eye examination conducted to determine the need for vision correction—(administration and clinical, if part of program);
6. Short-term (not to exceed 20 visits), out-patient evaluation and crisis intervention mental health services—(administration and clinical, if part of program).

8:43B-1.3 Narrative program

(a) A narrative program is required for each construction project for architectural and planning review which will describe functional space requirements, staffing patterns, services, inter-departmental relationships and other basic information relating to the objectives and operations of the facility.

(b) The health facilities listed in Section 1 of this Subchapter shall describe the services and the physical areas where the services will be provided in their program narrative and shall indicate the manner and location in which the needed services which may not be on the premises will be made available.

8:43B-1.4 Service functions

(a) Each physical services area wherein the services described in the program narrative are to be provided shall meet as a minimum the requirements outlined in Public Health Services Publication HRA-74-4000 Section 9 Out-Patient Facilities and the appropriate section of the Life Safety Code 101-NFPA (21st edition, 1967).

(b) The following sections of HRA-74-4000 will be applicable to the service functions indicated:

1. Administration: Sections 9.1, 9.2, 9.5, 9.6, 9.7, 9.8 and 9.9;
2. Clinical services: Sections 9.1, 9.3, 9.5, 9.6, 9.7, 9.8, 9.9 and 9.10;
3. Diagnostic services: Sections 9.1, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11 and 9.12.

(c) The following sections of the Life Safety Code 101-NFPA (21st edition 1967) will be applicable to the service functions indicated:

1. Administration: Sections 13-1, 13-11, 13-12 and 13-13;
2. Clinical services: Sections 13-1, 13-11, 13-12 (with the exception of 13-1231) and 13-13;
3. Diagnostic services: Sections 13-1, 13-11, 13-12 (with the exception of 13-1231) and 13-13.

8:43B-1.5 Rehabilitation facilities

Rehabilitation services may be provided in hospitals, out-patient clinics, free-standing rehabilitation centers and other facilities designed to serve either single or multiple disability categories. The construction, physical plant and licensure

standards of all types of rehabilitation facilities shall be in accordance with section 10 of the Minimum Requirements on Construction and Equipment for Hospitals and Medical Facilities HR-74-4000 as amended.

Editor's Note: Copies of HRA-74-4000 Section 9 and 10 and appropriate sections of Life Safety Code 101-NFPA (21st ed., 1967) referred to in these regulations are available upon written request from:

Joseph A. DiCara
Acting Chief
Health Facility Services
N.J. State Department of Health
P.O. Box 1540
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Joseph A. DiCara
Acting Chief
Health Facility Services
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 Rules for Experimental Medical and Financial Management Reporting Systems

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new rules for experimental medical and financial management reporting systems. Such rules, if adopted, will be cited as N.J.A.C. 8:31-18.1 et seq.

The proposed rules concern the authorizing of the Commissioner of Health to develop, foster and seek from hospitals participation in experimental medical and financial management reporting systems which will provide incentives for efficiency of operations and improvement of quality of care. Such experimental management systems will be carried out concurrently with existing rate setting systems. The Commissioner will determine the number of such hospitals in any such program and will approve, on the basis of the attached minimum data set, the number of programs developed and will approve the design of said programs:

Minimum Data Set

1. Hospital code
2. Medical record number
3. Control number
4. Admission class
5. Admission hour
6. Admission date
7. Principle processing date
8. Discharge date
9. Birthdate

10. Sex and race
11. Referral source
12. Payment status
13. Discharge status
14. Post-op death
15. Time of death
16. Transfer destination
17. Accommodation at discharge
18. Special units and days
19. Primary service
20. Secondary service
21. Consultations by service
22. Attending physician
23. Principal surgeon
24. Other physicians or surgeons
25. Sequence of surgical procedure
26. Mother's medical record number
27. Primary diagnoses responsible for hospitalization
28. Other diagnoses
29. Principal procedure
30. Other procedures
31. Residence code
32. Special report
33. Specific MCA 1
34. Living arrangement
35. Total charges
36. Reserve block 1

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

John B. Reiss
 Assistant Commissioner
 Health Planning and Resource
 Development
 P.O. Box 1540
 Trenton, N.J. 08625

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

Dr. Joanne E. Finley
 Commissioner
 Department of Health

(a)

HEALTH

THE COMMISSIONER

1975 State Plan for Hospitals And Related Health Care Services

On June 19, 1975, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1975 State Plan for Hospitals and Related Health Care Services, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 153(a).

Such rules may be cited as N.J.A.C. 8:32-1.1 et seq.

An order adopting these rules was filed and effective June 25, 1975, as R.1975 d. 183.

Thomas F. Kistner
 Director of Administrative Procedure
 Department of State

(b)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Proposed Increase in Salary Rate For Adjunct Faculty at State Colleges

The State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:62-1 et seq., proposes to increase the salary rate for adjunct faculty at State colleges.

Full text of the proposed rule follows:

9:2-2.27 Salaries at State colleges; adjunct faculty

(a) The Board of Higher Education hereby approves a salary rate of \$250.00 per semester hour credit for adjunct faculty teaching at the State colleges.

(b) This new rate shall become effective in the academic year beginning September 1975.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Richard Hale
 Special Assistant to the Chancellor
 Department of Higher Education
 225 West State Street
 Trenton, N.J. 08625

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

Ralph A. Dungan
 Chancellor of Higher Education
 Secretary, State Board of Higher Education

(c)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Proposed Comprehensive Social Services Plan

Ann Klein, Commissioner of Institutions and Agencies, pursuant to appropriate Federal regulations, proposes to adopt a Comprehensive Social Services Plan.

The proposed plan delineates the types of services to be provided under Title XX of the Social Security Act, which replaces Title IV-A and VI and is effective October 1, 1975. The plan concerns background, goals, services, program objectives, eligibility for services, service coordination, planning, evaluation and reporting and Title XX service definitions.

Copies of the full text of the proposed plan may be reviewed at the offices of any of the County Welfare Boards or at County libraries (addresses of such agencies may be obtained by calling the toll-free telephone number (800) 792-8820). Detailed summaries printed in English and

- All Manuals — Chapter I, Section 102(e)
- Physician's Manual — Chapter II, Section 213
- Independent Clinic Manual — Chapter II, Section 202.9
- Long Term Care Manual — Chapter II, Section 203.1

Full text of the four pages of proposed revisions may be obtained from:

Administrative Analyst
324 East State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975 to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revision Concerning Generic Dispensing

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 Pharmacy Manual in Chapter 51 of Title 10 in the New Jersey Administrative Code.

A summary of the change in the proposed revision follows:

Reimbursement for prescribed drugs available from more than one manufacturer dispensed to eligible Medicaid recipients shall be limited to the cost of generic drugs.

Copies of the full text of the proposed revision may be obtained by writing to the address below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975 to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments to Hospital Manual on Teleprocessing

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt amendments to the Hospital Manual in Chapter 52 of Title 10 in the New Jersey Administrative Code regarding the procedures a hospital must follow to complete claims payment for teleprocessing network hospitals.

Copies of the approximately 70 pages of proposed revisions may be obtained by request in writing to:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to the Administrative Analyst above.

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 MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Curtailment of Reimbursable Vision Care Services

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to curtail vision care services reimbursable under the Medicaid Program. The curtailment will prohibit the replacement of lost, broken or stolen glasses under the Medicaid Program. The effective date of this change is September 1, 1975. The action is considered a temporary one which will be eliminated in July, 1976. Such rules are contained in Chapter 62, Title 10, of the New Jersey Administrative Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to the Administrative Analyst, 324 E. State Street, Trenton, New Jersey 08625.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt this revision 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 on Independent Laboratory Services

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the rules regarding independent laboratory services under the Medicaid program. The proposed revisions further define procedures, requirements and provider relationships for Medicaid providers. These revisions will replace N.J.A.C. 10:61-1.1 through 1.5.

Copies of the four pages of the proposed revisions may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before July 30, 1975 to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Temporary Fee Reduction Concerning Medicaid

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to implement a temporary ten per cent reduction in Medicaid reimbursement for all services except hospital, special hospital, psychiatric hospital, home health, independent clinic, skilled and intermediate care (pharmacy reductions proposed elsewhere). The reduction will affect the following services: laboratory and x-ray, physician, psychology, chiropractic, podiatry, optometric, dental, prosthetic and orthotic, medical supply, hearing aid, ambulance and invalid coach. The reduction will be implemented September 1, 1975 for services rendered on or after that date.

This is a temporary reduction in reimbursement. It is expected that these reductions can be eliminated July 1, 1976.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975 to Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Dispensing Fees

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to reduce the dispensing fee for pharmaceutical services under the Medicaid program. The following reductions are proposed: From \$2.15 per prescription and from \$2.05 per prescription to \$1.90 and \$1.80 respectively. This is a \$.25 reduction on the applicable dispensing fee for pharmacy providers.

The proposal is to be implemented September 1, 1975. This is a temporary program reduction and it is expected to be terminated on July 1, 1976. These revisions, if adopted, will be in Chapter 49, Title 10, of the New Jersey Administrative Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975 to the Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Copayment Rules

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to require copayment by the recipient for dental, optometric, chiropractic, psychological, hearing aid, medical supply, prosthetic and orthotic services, under the Medicaid program. The copayment will be applied to fees as follows: \$10.00 or less = \$.50; \$11.00 to \$25.00 = \$1.00; \$26.00 to \$50.00 = \$2.00; \$51.00 or more = \$3.00.

The effective date of the proposal is September 1, 1975. This action is considered to be a temporary one and will be reviewed for elimination for July 1976.

Note: Adoption of this rule will invalidate that portion of the statement on the claim forms that indicate a provider cannot collect from a recipient.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975 to the Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt 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 Dental Services

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the Medicaid dental program to adopt the Federal standard for a complete intra-oral X-ray study, increase from 18 to 24 the number of required points under the "handicapping malocclusion assessment system" to obtain orthodontic care and lengthen the period of duplicate denture replacement from three to five years.

These actions will be effective September 1, 1975. This action is considered a temporary one and may be eliminated as of July 1, 1976. Such changes will be included in Chapter 56, Title 10, of the New Jersey Administrative Code, if adopted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975 to the Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Home Health Care Services

Ann Klein, Commissioner of Institutions and Agencies,

pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise Health Services Program Home Health Manual regarding the provision of home health care services under Medicaid. The amendments will replace N.J.A.C. 10:60-1.1 to 1.15.

Full text of the 16 pages of proposed revisions may be obtained from:

Administrative Analyst
324 East State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions on Physicians Services

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 physicians services.

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

10:52-1.1 Definitions

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

"Inpatient hospital services" means:

1. Those items and services ordinarily furnished by an approved hospital for the care and treatment of inpatients, which are provided under the direction of a physician or dentist licensed pursuant to the laws of the State of New Jersey. (See paragraph (2) below) in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or mental diseases. Exception: For inpatient psychiatric services provided in an approved private psychiatric hospital, see N.J.A.C. 10:52-1.2.

2. Reimbursement for covered services furnished by

unlicensed physicians employed directly or indirectly by a hospital shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey, and reimbursement in such instances is limited to reasonable costs which are made part of the facilities per diem rate. All other reimbursement for services rendered by unlicensed physicians is specifically prohibited.

10:52-1.6 Outpatient hospital services

[Outpatient hospital services are those preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient by or under the direction of a physician or dentist in an approved hospital outpatient department.]

(a) Outpatient hospital services are:

1. Those preventive, diagnostic, therapeutic, rehabilitative or palliative items or services furnished to an outpatient by or under the direction of a physician or dentist licensed pursuant to the laws of the State of New Jersey, (See paragraph (2) of this Subsection) in an approved hospital outpatient department.

2. Reimbursement for covered services furnished by unlicensed physicians employed directly or indirectly by a hospital shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey, and reimbursement in such instances is limited to reasonable costs. All other reimbursement for services rendered by unlicensed physicians is specifically prohibited.

10:52-2.3(b)1. Reimbursement for covered services furnished by unlicensed physicians employed directly or indirectly by a hospital shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey, and reimbursement in such instances is limited to reasonable costs which are made part of the facilities per diem rate. All other reimbursement for services rendered by unlicensed physicians is specifically prohibited.

10:52-2.8(e) Reimbursement for covered services furnished by unlicensed physicians employed directly or indirectly by a hospital shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey, and reimbursement in such instances is limited to reasonable costs. All other reimbursement for services rendered by unlicensed physicians is specifically prohibited.

10:53-1.1 Definitions

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

"Inpatient hospital services" means:

1. Those items and services ordinarily furnished by an approved special hospital for the care and treatment of

inpatients, which are provided under the direction of a physician or dentist licensed pursuant to the laws of the State of New Jersey. (See paragraph (2) below) in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or mental diseases.

2. Reimbursement for covered services furnished by unlicensed physicians employed directly or indirectly by a special hospital shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey, and reimbursement in such instances is limited to reasonable costs which are made part of the facilities per diem rate. All other reimbursement for services rendered by unlicensed physicians is specifically prohibited.

10:53-1.5 Outpatient hospital services (if approved facility)[; general provision]

[(a) Outpatient services in special hospitals are those preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient by or under the direction of a physician or dentist in an approved special hospital outpatient department.

(a) Outpatient hospital services in special hospitals are:

1. Those preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient by or under the direction of a physician or dentist licensed pursuant to the laws of the State of New Jersey. (See subparagraph (b) of this Section) in an approved special hospital outpatient department.

2. Reimbursement for covered services furnished by unlicensed physicians employed directly or indirectly by a special hospital shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey, and reimbursement in such instances is limited to reasonable costs. All other reimbursement for services rendered by unlicensed physicians is specifically prohibited.

10:53-2.3(c) Reimbursement for covered services furnished by unlicensed physicians employed directly or indirectly by a hospital shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey, and reimbursement in such instances is limited to a reasonable costs which are made part of the facilities per diem rate. All other reimbursement for services rendered by unlicensed physicians is specifically prohibited.

10:53-2.13(c) Reimbursement for covered services furnished by unlicensed physicians employed directly or indirectly by a special hospital shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey, and reimbursement in such instances is limited to reasonable costs. All other reimbursement for services rendered by unlicensed physicians is specifically prohibited.

(Continued on page 39)

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 last month. It is adjusted in the month during which a mailing of

Code update pages is being made.

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			
2:3-2.5	Revisions on equidae entering New Jersey	R. 1975 d.83	7 N.J.R. 190(d)
2:3-2.11	Revisions on quarantine of imported breeding swine	R. 1975 d.80	7 N.J.R. 190(a)
2:3-3.6	Revisions on quarantine of imported feeder swine	R. 1975 d.80	7 N.J.R. 190(a)
2:5-2.1(f)	Revisions for quarantining and branding of infectious anemia horses	R. 1974 d.256	6 N.J.R. 386(c)
2:5-2.2	Horses consigned from out-of-State to horse auction markets	R. 1974 d.255	6 N.J.R. 386(b)
2:7-1.1	Fees for inspections on State holidays	R. 1974 d.300	6 N.J.R. 462(a)
2:33-1.1	Agricultural fairs	R. 1974 d.254	6 N.J.R. 386(a)
2:48-6.3	Sales of milk in three-quart containers	R. 1975 d.82	7 N.J.R. 190(c)
2:54-3.4	Amendment on handling of milk in New Jersey marketing areas	R. 1974 d.283	6 N.J.R. 422(a)
2:54-3.5	Amendment to milk handling order	R. 1975 d.44	7 N.J.R. 126(a)
2:54-3.6	Milk handling order for various New Jersey areas	R. 1975 d.125	7 N.J.R. 246(b)
2:69-1.11	Revised commercial values	R. 1975 d.188	7 N.J.R. 190(b)
2:71-5.1 et seq.	Revisions on marking open and closed packages of potatoes	R. 1975 d.81	7 N.J.R. 190(b)
2:71-5.7(b)	Amend rule on interpretation of persons	R. 1975 d.126	7 N.J.R. 247(a)
BANKING — TITLE 3			
3:1-1.1	Revised interest rate	R. 1974 d.247	6 N.J.R. 387(b)
3:1-1.1	Revisions concerning interest rates	R. 1975 d.21	7 N.J.R. 94(b)
3:1-2.26	Fees; conversion from mutual to capital stock association	R. 1974 d.298	6 N.J.R. 463(c)
3:1-2.27	Officially recognized data sources	R. 1975 d.155	7 N.J.R. 292(a)
3:1-6.1 et seq.	Rules on fees	R. 1974 d.221	6 N.J.R. 342(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)
3:6-8.1	Registrar and transfer agents filings	R. 1974 d.177	6 N.J.R. 297(a)
3:6-8.1	Rescind rule on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:7-2.1 et seq.	Revisions on safe and sound methods of banking	R. 1975 d.71	7 N.J.R. 128(d)
3:7-4.1 et seq.	Delete entire text and reserve	R. 1975 d.71	7 N.J.R. 128(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 on reserves of banks not members of Federal Reserve System	R. 1974 d.350	7 N.J.R. 45(b)
3:8-3.1(a)4.	Revision on required reserves for banks not members of Federal Reserve System	R. 1975 d.40	7 N.J.R. 128(c)
3:8-5.1	Revisions on reserve required by savings banks	R. 1974 d.357	7 N.J.R. 45(a)
3:8-5.1	Revisions on reserves required by savings banks	R. 1975 d.39	7 N.J.R. 128(b)
3:11-7.7	Exclusion of time balances on deposit from ten per cent limitation	R. 1975 d.115	7 N.J.R. 247(b)
3:12-1.1 et seq.	Rules on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:17-6.1 et seq.	Revisions to small loan law regulations	R. 1975 d.147	7 N.J.R. 291(c)
3:18-9.1 et seq.	Interest rate regulation Number 1	R. 1974 d.199	6 N.J.R. 298(a)
3:18-9.1	Revised interest rate Regulation 2 for secondary mortgages	R. 1975 d.53	7 N.J.R. 128(a)
3:19-1.6	License number	R. 1975 d.148	7 N.J.R. 291(d)
3:27-5.1 et seq.	Revisions on limitations and excludable loans	R. 1975 d.106	7 N.J.R. 198(a)
3:30-1.3	Notice of maturity of fixed-term savings accounts	R. 1975 d.169	7 N.J.R. 293(a)
3:40-1.1 et seq.	Rules of State Cemetery Board	R. 1975 d.184	7 N.J.R. 293(b)
CIVIL SERVICE — TITLE 4			
4:1-17.24	Payments to State employees for unused sick leave	R. 1974 d.257	6 N.J.R. 388(a)
4:1-17.24 (h) & (i)	Retirees' payment concerning unused sick leave	R. 1975 d.2	7 N.J.R. 46(a)
4:1-17.24 (j)	Employees of A. Harry Moore School and unused sick leave payments	R. 1975 d.1	7 N.J.R. 45(c)

COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Revisions for construction and maintenance of hotels	R. 1974 d.206	6 N.J.R. 301(a)
5:21-2.1(a)2.	Revisions to Uniform Standard Code for mobile homes	R. 1974 d.275	6 N.J.R. 427(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)
5:30-1.7	Implementation of Housing and Community Development Act of 1974	R. 1974 d.342	7 N.J.R. 2(c)
5:30-1.8	Emergency resolutions exceeding three per cent limitation	R. 1975 d.168	7 N.J.R. 306(a)
5:30-13.3	Tax sale certificates for unpaid municipal liens	R. 1975 d.107	7 N.J.R. 201(b)

EDUCATION — TITLE 6

6:3-1.1	Amendment on acting administrators	R. 1975 d.98	7 N.J.R. 203(a)
6:3-1.3	Delete in its entirety and mark Reserved	R. 1975 d.124	7 N.J.R. 251(b)
6:3-2.1 et seq.	New rules on pupil records	R. 1975 d.124	7 N.J.R. 251(b)
6:4-1.1 et seq.	Equality in educational programs	R. 1975 d.137	7 N.J.R. 252(a)
6:8-1.1 et seq.	Repeal rules on nonpublic school secular education	R. 1974 d.246	6 N.J.R. 390(b)
6:11-12.21	Educational media specialist	R. 1975 d.123	7 N.J.R. 251(b)
6:11-12.22	Associate educational media specialist	R. 1975 d.123	7 N.J.R. 251(b)
6:11-12.23	Policies governing issuance of certificates in educational media	R. 1975 d.123	7 N.J.R. 251(b)
6:20-4.1 et seq.	Revisions to rules concerning determination of tuition formula	R. 1974 d.241	6 N.J.R. 390(a)
6:20-6.1 et seq.	Purchase and loan of textbooks	R. 1974 d.240	6 N.J.R. 389(a)
6:21-1.4	Retirement of school buses	R. 1974 d.176	6 N.J.R. 302(c)
6:21-2.2	Registration revisions	R. 1975 d.5	7 N.J.R. 46(b)
6:21-2.6	Registration procedures	R. 1975 d.5	7 N.J.R. 46(b)
6:21-6.31(f)	Stanchions and guardrails	R.1975 d.6	7 N.J.R. 46(c)
6:21-18.25(3)	Stanchions and handrails	R. 1975 d.6	7 N.J.R. 46(c)
6:22-5.1(d)	Revised general provisions	R. 1975 d.7	7 N.J.R. 47(a)
6:22-9.1	Revisions on mechanical air supply	R. 1975 d.7	7 N.J.R. 47(a)
6:37-1.1 et seq.	Educational centers of research and demonstration	R. 1974 d.173	6 N.J.R. 301(e)
6:39-1.2 and			
6:39-1.3	Revisions to educational assessment program	R. 1975 d.122	7 N.J.R. 251(a)
6:39-1.3(e)	Rescind rule on evaluation and interpretation of data	R 1974 d.304	6 N.J.R. 470(b)
6:47-1.2(h)	Vocational-management services	R. 1974 d.174	6 N.J.R. 301(c)
6:68-4.1 et seq.	State library assistance programs	R. 1974 d.175	6 N.J.R. 302(a)
6:79-1.1 et seq.	Revised policies for free and reduced-price meals and/or free milk	R. 1975 d.161	7 N.J.R. 307(a)
6:79-1.8	Guidelines for free and reduced-price lunches	R. 1974 d.198	6 N.J.R. 302(e)

ENVIRONMENTAL PROTECTION — TITLE 7

7:2-2.13	Revised charges at State parks	R. 1975 d.75	7 N.J.R. 151(b)
7:2-14.1 et seq.	Revised rules on Round Valley and Spruce Run Reservoirs	R. 1975 d.134	7 N.J.R. 261(c)
7:2-15.1 et seq.	Delete entire current text and mark Subchapter as Reserved	R. 1975 d.134	7 N.J.R. 261(c)
7:7A-1.1(a)14.	Extend wetland order to portions of Salem County	R. 1974 d.188	6 N.J.R. 306(a)
7:7A-1.1(a)15.	Extend Wetlands Order to parts of Cumberland County	R. 1975 d.32	7 N.J.R. 103(a)
7:9-4.1 et seq.	Revise surface water quality standards	R. 1974 d.310	6 N.J.R. 470(c)
7:9-4.2	Revised rules on construction and practice where rules do not govern	R. 1975 d.132	7 N.J.R. 261(a)
7:9-4.3	Delete current text and mark this Section as Reserved	R. 1975 d.132	7 N.J.R. 261(a)
7:9-5.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-6.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-7.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-8.38 et seq.	Transfer treatment standard rules formerly cited as N.J.A.C. 7:9-7.29 - .34	R. 1974 d.310	6 N.J.R. 470(c)
7:11-2.1 et seq.	Revised general rate schedule for Delaware and Raritan Canal water	R. 1974 d.362	7 N.J.R. 49(a)
7:11-3.1 et seq.	Revised rules on use of water from Delaware and Raritan canal	R. 1974 d.363	7 N.J.R. 50(a)
7:12-1.1	Revised rules on shellfish beds	R. 1975 d.116	7 N.J.R. 260(a)
7:12-1.2(a)39.	Condemn shellfish beds in portion of Atlantic Ocean	R. 1974 d.336	7 N.J.R. 6 (b)
7:12-1.2(a)40.	Condemnation of certain shellfish beds	R. 1975 d.51	7 N.J.R. 152(a)
7:12-1.2(a)39.	Revised condemnations of shellfish beds in Atlantic Ocean	R. 1975 d.18	7 N.J.R. 102(a)
7:12-1.3	Opening of certain shellfish beds	R. 1975 d.27	7 N.J.R. 102(c)
7:13-1.1 et seq.	Land use rules applicable to all delineated floodways	R. 1975 d.105	7 N.J.R. 206(b)
7:15-1.1 et seq.	Guidelines under N.J. Industrial Pollution Control Financing Law	R. 1974 d.268	6 N.J.R. 394(b)
7:20-6.1	Criteria for floodway and flood hazard area delineation	R. 1975 d.104	7 N.J.R. 207(a)
7:25-5.1 et seq.	1975-76 Game Code	R. 1975 d.178	7 N.J.R. 310(c)
7:25-6.1 et seq.	1975 Fish Code	R. 1974 d.253	6 N.J.R. 394(a)
7:25-7.10	Oyster seed beds for 1975 season	R. 1975 d.74	7 N.J.R. 151(a)
7:25-7.11	Rule on mussels	R. 1975 d.133	7 N.J.R. 261(b)
7:25-11.1	List of endangered species	R. 1974 d.348	7 N.J.R. 6 (c)

7:25-11.1	List of endangered species	R. 1975 d.164	7 N.J.R. 311(a)
7:26-2.5 et seq.	Revisions on rules of Bureau of Solid Waste Management	R. 1974 d.234	6 N.J.R. 343(c)
7:26-2.6(d)4.	Revised effective date for solid waste facilities	R. 1975 d.66	7 N.J.R. 149(b)
7:26-4.1 et seq.	Revised fee schedule	R. 1975 d.136	7 N.J.R. 259(a)
7:27-15.4(b)	Postponement of Phase II of auto emission inspection standards	R. 1975 d.22	7 N.J.R. 102(b)
7:27B-1.1 et seq.	Sampling and analytical procedures	R. 1974 d.360	7 N.J.R. 48(a)
7:27B-1.1 et seq.	Emissions from particles from manufacturing processes	R. 1975 d.136	7 N.J.R. 261(d)
7:27B-2.1 et seq.	Procedures for visual determination of emissions from sources	R. 1975 d.76	7 N.J.R. 144(a)
7:27B-3.1 et seq.	Emissions of solid particle from combustion of fuel	R. 1975 d.135	7 N.J.R. 261(d)
7:35-1.1 et seq.	Rules on tax exemption on real property owned by certain nonprofit corporations	R. 1975 d.179	7 N.J.R. 310(b)

HEALTH — TITLE 8

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)
8:21-2.38	Bacteriological standards for potentially hazardous foods	R. 1974 d.204	6 N.J.R. 311(a)
8:21-4.44	Amend rule on expiration dates for fluid milk products	R. 1974 d.361	7 N.J.R. 56(b)
8:21-9.3(a)	Delete exemption for wholesale handling of raw shellfish	R. 1974 d.184	6 N.J.R. 310(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)
8:31-14.1 et seq.	1975 hospital rate review	R. 1975 d.54	7 N.J.R. 152(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 and intermediate care beds, 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.194	6 N.J.R. 310(d)
8:33-1.13	Scheduling and completing hearings for certificate of need applicants	R. 1974 d.269	6 N.J.R. 397(d)
8:35-1.1 et seq.	Revised criteria on mixed obstetric and gynecologic floors	R. 1975 d.60	7 N.J.R. 164(c)
8:38-1.1 et seq.	Rules concerning HMOs	R. 1974 d.320	6 N.J.R. 473(a)
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)
8:43-1.1 et seq.	Boarding home for sheltered care	R. 1974 d.319	6 N.J.R. 472(e)
8:57-4.1 et seq.	Immunization of pupils in school	R. 1975 d.121	7 N.J.R. 264(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)
8:65-11.1 et seq.	Narcotic treatment program	R. 1975 d.59	7 N.J.R. 164(c)

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9:2-7.6(c)	Revised functions of Committee on Appeals	R. 1975 d.36	7 N.J.R. 104(a)
9:4-7.1 et seq.	Tenure guidelines for community colleges	R. 1974 d.210	6 N.J.R. 345(d)

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10:35-1.1 et seq.	Revised standards	R. 1975 d.108	7 N.J.R. 272(a)
10:35-7.4(b) et seq.	Revised standards	R. 1974 d.273	6 N.J.R. 432(b)
10:35-18.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-19.12	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-28.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.3(b)	Revised fee schedules	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.5	Waiver of payment by court order	R. 1974 d.356	7 N.J.R. 59(b)
10:35-63.1 et seq.	Inmate responsibility for personal property of substantial value	R. 1974 d.273	6 N.J.R. 432(b)
10:35-64.1 et seq.	Inmate marriages	R. 1974 d.273	6 N.J.R. 432(b)
10:35-65.1 et seq.	Volunteers in parole program	R. 1974 d.356	7 N.J.R. 59(b)
10:35-66.1 et seq.	Probable cause hearing	R. 1974 d.356	7 N.J.R. 59(b)
10:35-67.1 et seq.	Distribution of money and personal belongings of deceased inmates	R. 1974 d.356	7 N.J.R. 59(b)
10:35-68.1 et seq.	Inmates' personal savings accounts	R. 1974 d.356	7 N.J.R. 59(b)
10:35-69.1 et seq.	Revised rules on administrative segregation	R. 1975 d.108	7 N.J.R. 272(a)
10:46-4.3	Application for admission; delinquent minor	R. 1975 d.158	7 N.J.R. 328(b)
10:49-1.17	Claim submittal time limits	R. 1975 d.151	7 N.J.R. 329(c)

10:49-1.17(c)	Amendment concerning noninstitutional providers	R. 1975 d.150	7 N.J.R. 328(d)
10:51-1.1 et seq.	Revisions to Pharmacy Manual	R. 1975 d.182	7 N.J.R. 333(b)
10:51-1.2	Definition of eligible pharmacies in New Jersey	R. 1974 d.297	6 N.J.R. 477(c)
10:51-1.10	Revisions concerning pharmacy providers	R. 1974 d.312	6 N.J.R. 478(c)
10:51-1.10(g)	Revisions on legend drugs	R. 1975 d.163	7 N.J.R. 329(b)
10:51-1.11(a)3	Revisions on institutional pharmacies	R. 1975 d.156	7 N.J.R. 328(a)
10:52-1.1 et seq.	Revised portions of hospital manual	R. 1974 d.201	6 N.J.R. 313(a)
10:52-1.2(a) 18.	Revisions on hospital services	R. 1974 d.296	6 N.J.R. 478(a)
10:52-1.4	Revisions in special provisions for general hospitals	R. 1974 d.339	7 N.J.R. 8(a)
10:54-1.1	Define office visits	R. 1975 d.86	7 N.J.R. 226(d)
10:54-1.2(f)	Revisions on long-term care facilities	R. 1975 d.42	7 N.J.R. 166(a)
10:54-1.19	Revisions concerning specialist recognition	R. 1974 d.201	6 N.J.R. 313(a)
10:54-1.19	Revisions concerning specialists	R. 1974 d.311	6 N.J.R. 478(b)
10:55-1.2	Revisions concerning eligible providers; prosthetic, orthotic manual	R. 1974 d.187	6 N.J.R. 312(e)
10:56-1.48	Recovery of payments correctly made	R. 1974 d.202	6 N.J.R. 313(b)
10:56-2.1(d)	Dental providers	R. 1974 d.203	6 N.J.R. 313(c)
10:57-1.4	Revisions on noncovered services	R. 1975 d.162	7 N.J.R. 329(a)
10:57-2.1 et seq.	Revisions on billing procedures	R. 1974 d.222	6 N.J.R. 351(c)
10:59-1.7(a)6.	Revised prior authorization and medical supply services	R. 1975 d.31	7 N.J.R. 105(b)
10:63-3.1 et seq.	1975 cost study and instructions for long-term care facilities	R. 1975 d.149	7 N.J.R. 328(c)
10:62-1.1 et seq.	Revisions to vision care manual	R. 1974 d.181	6 N.J.R. 312(c)
10:63-1.10(a)5.	Revisions on long-term care facilities	R. 1975 d.42	7 N.J.R. 166(a)
10:63-1.13	Plans of correction of deficiencies	R. 1974 d.343	7 N.J.R. 9(a)
10:63-1.14	Skilled nursing and intermediate care services	R. 1975 d.87	7 N.J.R. 227(a)
10:64-1.2 et seq.	Revisions to hearing aid manual	R. 1975 d.14	7 N.J.R. 58(b)
10:65-1.2	Plans of correction for deficiencies	R. 1974 d.343	7 N.J.R. 9(a)
10:66-1.3	Out-of-State clinics	R. 1974 d.295	6 N.J.R. 477(b)
10:67-2.1 et seq.	Revised procedure for Administrative Code numbers	R. 1974 d.245	6 N.J.R. 399(b)
10:81-1.1 et seq.	New Public Assistance Manual	R. 1975 d.29	7 N.J.R. 105(c)
10:81-3.3(i)	Revisions on noncontributory persons in a household	R. 1975 d.64	7 N.J.R. 167(b)
10:81-28.3	Recoupment of overpayments	R. 1974 d.287	6 N.J.R. 435(b)
10:81-28.4	Periodic notice to client	R. 1974 d.287	6 N.J.R. 435(b)
10:81	Rules on child support and paternity program	R. 1975 d.180	7 N.J.R. 329(d)
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10:82-1.1 et seq.	Assistance Standards Handbook	R. 1975 d.93	7 N.J.R. 227(b)
10:82-3.2	AFDC program	R. 1974 d.205	6 N.J.R. 312(b)
10:82-10.1	Overpayments, underpayments	R. 1974 d.287	6 N.J.R. 435(b)
10:82-11.14	Revisions concerning expenses of employment in AFDC	R. 1974 d.285	6 N.J.R. 434(a)
10:82-11.16(d)	Revisions concerning disregard of earned income	R. 1974 d.286	6 N.J.R. 435(a)
10:84-1.1 et seq.	Delete entire Chapter and mark it Reserved	R. 1975 d.29	7 N.J.R. 105(c)
10:85-11.6(a)	Revisions in payments to hospitals	R. 1974 d.288	6 N.J.R. 436(a)
10:109-1.1 et seq.	Revisions concerning public assistance staff development program	R. 1974 d.179	6 N.J.R. 312(e)
10:109-1.6(a)	Revisions concerning educational leave stipends	R. 1974 d.248	6 N.J.R. 399(a)
10:109-2.1 et seq.	Ruling Number 11; classification and compensation plan	R. 1974 d.211	6 N.J.R. 351(a)
10:121-3.1 et seq.	Adoption complaint investigation fees	R. 1975 d.15	7 N.J.R. 58(c)
10:122-2.1 et seq.	AFDC foster care plan	R. 1975 d.99	7 N.J.R. 227(c)
10:123-1.1 et seq.	Revised State Plan for services to families and children	R. 1974 d.232	6 N.J.R. 351(b)
10:123-1.1 et seq.	Revised State Plan for families and children	R. 1974 d.355	7 N.J.R. 59(a)
10:123-1.14	Establishing paternity and securing support for AFDC children	R. 1975 d.35	7 N.J.R. 105(a)
10:123-4.1	Amendment concerning community planning	R. 1975 d.57	7 N.J.R. 166(b)
10:123-5.3(a)4	Revise maximum income level eligibility for day care services	R. 1975 d.181	7 N.J.R. 333(a)

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11:1-2.1 et seq.	Amend rules on filings regarding property liability insurance	R. 1975 d.34	7 N.J.R. 115(a)
11:1-4.2	Sex and/or marital status discrimination	R. 1975 d.128	7 N.J.R. 276(b)
11:1-5.1	Deduction of exhaustion of Motor Vehicle Liability Security Fund	R. 1974 d.237	6 N.J.R. 351(d)
11:1-5.2	New Jersey Special Joint Underwriting Association	R. 1974 d.259	6 N.J.R. 407(a)
11:1-5.2(e)	Establishing means of proving coverage and eligibility for protection	R. 1974 d.274	6 N.J.R. 436(b)
11:1-6.1	Property-Liability Insurance Guaranty Association charge	R. 1975 d.170	7 N.J.R. 334(b)
11:2-1.3(f)	Ticket-selling insurance agents' education requirements	R. 1974 d.327	7 N.J.R. 10(a)
11:2-12.1 et seq.	Mass marketing of property and liability insurance	R. 1974 d.271	6 N.J.R. 408(a)
11:2-13.1 et seq.	Group coverage discontinuance and replacement	R. 1974 d.274	6 N.J.R. 409(a)
11:2-13.1 et seq.	Revisions on life and accident and health insurance policies and contracts	R. 1975 d.109	7 N.J.R. 276(a)
11:2-13.1	Revisions on certain insurance policies and contracts	R. 1975 d.129	7 N.J.R. 276(c)

11:2-15.1	Cancellation of property and liability policies; insolvent insurers	R. 1974 d.190	6 N.J.R. 323(a)
11:2-16.1	Guaranteed arrest bond certificates of automobile club undertaking	R. 1974 d.282	6 N.J.R. 437(a)
11:3-6.3(b)5.iv.	Revisions concerning temporary identification cards	R. 1974 d.208	6 N.J.R. 322(b)
11:3-9.2	Private passenger automobile rating class; revoked or suspended operators	R. 1975 d.130	7 N.J.R. 276(d)
11:4-8.1 et seq.	Rules on charitable annuities	R. 1974 d.258	6 N.J.R. 399(c)
11:5-1.2	Amendment concerning salesmen applications	R. 1974 d.307	6 N.J.R. 478(e)
11:5-1.3	Amendment concerning broker applications	R. 1974 d.307	6 N.J.R. 478(e)
11:5-1.27	Amendment concerning educational requirements	R. 1974 d.307	6 N.J.R. 478(e)

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12:15-1.3	Revised maximum weekly benefits rates	R. 1974 d.236	6 N.J.R. 352(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)
12:100-1.1 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)
12:235-1.1 et seq.	Revised rules of the Division of Workmen's Compensation	R. 1975 d.43	7 N.J.R. 169(a)

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13:2-21.30	Revisions concerning law enforcement officers	R. 1974 d.341	7 N.J.R. 13(a)
13:2-31.1	Revised schedule of retail prices filed with the Director	R. 1974 d.349	7 N.J.R. 13(b)
13:2-31.8	Revised trading areas for malt alcoholic beverages	R. 1974 d.349	7 N.J.R. 13(b)
13:2-31.9	Revised inspection of price schedules	R. 1974 d.349	7 N.J.R. 13(b)
13:2-34.2	Revisions concerning schedule filing dates and contents	R. 1974 d.239	6 N.J.R. 410(b)
13:2-37.1	Revised definitions	R. 1974 d.239	6 N.J.R. 410(b)
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)
13:27-3.13	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)
13:29-1.7(b)	Revisions on conditional credit	R. 1975 d.33	7 N.J.R. 115(d)
13:33-1.38	Minimum standards and tolerances	R. 1974 d.262	6 N.J.R. 411(a)
13:33-1.41	Fee schedules	R. 1974 d.309	6 N.J.R. 487(a)
13:34-1.1	Fees for Board of Marriage Counselor examinations	R. 1975 d.100	7 N.J.R. 236(a)
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)
13:35-5.1	Minimum standards for eyeglasses	R. 1974 d.353	7 N.J.R. 61(c)
13:35-6.10	Countersigning of orders and prescriptions of unlicensed physicians	R. 1974 d.337	7 N.J.R. 12(a)
13:35-6.11	Prohibiting kickbacks or rebates for services not rendered	R. 1974 d.280	6 N.J.R. 451(a)
13:36-1.6	Revised fees and charges	R. 1974 d.281	6 N.J.R. 451(b)
13:37-12.1	Fee schedule; Board of Nursing	R. 1974 d.189	6 N.J.R. 324(b)
13:38-2.10	Minimum standards for eyeglasses	R. 1975 d.19	7 N.J.R. 115(b)
13:38-5.1	Fee schedule	R. 1975 d.23	7 N.J.R. 115(c)
13:39-9.16	Fee schedules	R. 1974 d.305	6 N.J.R. 486(a)
13:41-3.1	Use of the terms planners or planning	R. 1975 d.102	7 N.J.R. 236(b)
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)
13:46-4.6(c)	Revised license fee	R. 1974 d.331	7 N.J.R. 12
13:47A-1.1(a) 3.	Revised fee for application for registration	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-3.1(c)	Revised fee for application	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-5.2	Revised fee for application renewal	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-6.1	Revisions on qualification of issue	R. 1974 d.278	6 N.J.R. 450(c)
13:47A-9.1	Repeal rule on requirements for qualification	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-9.14	Repeal rule on number of offers for exemption restriction	R. 1974 d.350	7 N.J.R. 13(d)
13:47A-10.2	Repeal rule on claims for exemption	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-10.3	Effective date of initial applications	R. 1974 d.352	7 N.J.R. 14(a)
13:47A-15.1	Revisions concerning prospectuses	R. 1974 d.279	6 N.J.R. 450(d)
13:47A-18.1	Revisions concerning prefiling materials and contents	R. 1974 d.351	7 N.J.R. 13(c)
13:70-1.1 et seq.	Revised rules on horse racing	R. 1975 d.37	7 N.J.R. 170(a)
13:71-1.1 et seq.	Revised rules on harness racing	R. 1975 d.38	7 N.J.R. 170(b)

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14:1-10.11	Rule on hearing procedures	R. 1974 d.313	6 N.J.R. 487(b)
14:5-7.1 et seq.	Revisions on electrical inspection authorities	R. 1975 d.12	7 N.J.R. 62(b)

14:11-5.4	Revisions on accident reporting	R. 1975 d.8	7 N.J.R. 62(a)
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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)

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16:3-1.1 et seq.	Uniform patent policy	R. 1975 d.160	7 N.J.R. 345(b)
16:28-1.10	Revised speed limits on parts of U.S. 46	R. 1975 d.95	7 N.J.R. 237(b)
16:28-1.14	Revised rules on rates of speed on Route 33	R. 1975 d.17	7 N.J.R. 118(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)
16:28-1.35	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)
16:28-1.51	Revised speed limits on parts of Route 55	R. 1975 d.167	7 N.J.R. 346(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)
16:28-1.76	Revised speed limits on parts of Route 15	R. 1974 d.354	7 N.J.R. 73(c)
16:28-1.77	Revised rates of speed on parts of Route 29	R. 1975 d.144	7 N.J.R. 344(c)
16:28-1.96	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)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R. 1974 d.249	6 N.J.R. 414(a)
16:28-1.122	Revisions to rates of speeds on U.S. 46, U.S. 1, 9 and 46	R. 1974 d.291	6 N.J.R. 493(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)
16:28-2.1	Weight limit along Route 152 in Egg Harbor Township	R. 1975 d.63	7 N.J.R. 178(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.226	6 N.J.R. 359(d)
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.292	6 N.J.R. 493(b)
16:28-3.28	Restricted parking rules on various State highways	R. 1974 d.359	7 N.J.R. 74(a)
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16:28-3.42	Restricted parking along certain State highways	R. 1975 d.16	7 N.J.R. 117(a)
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16:28-3.51	Rules on restricted parking on various State highways	R. 1975 d.49	7 N.J.R. 178(b)
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16:28-3.63	Rules on restricted parking on various State highways	R. 1975 d.143	7 N.J.R. 344(b)
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16:28-3.68	Rules on restricted parking on various State highways	R. 1975 d.154	7 N.J.R. 345(a)
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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)
16:28-5.1	Designation of stop intersections	R. 1974 d.250	6 N.J.R. 414(b)
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)
16:41-1.1 et seq.	Revised fees for highway access permits	R. 1975 d.13	7 N.J.R. 73(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)
16:54-6.1 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)

TREASURY ← GENERAL — TITLE 17

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)
17:2-1.13 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)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R. 1974 d.231	6 N.J.R. 361(b)
17:9-2.3	Revisions on annual enrollment period	R. 1974 d.228	6 N.J.R. 360(c)
17:9-2.15	Major medical; separate plans	R. 1975 d.68	7 N.J.R. 181(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)
17:10-3.1	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)
17:16-5.4	Revised demand group	R. 1975 d.11	7 N.J.R. 76(b)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R. 1974 d.192	6 N.J.R. 328(c)
17:16-6.1(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)
17:16-7.3	Delete from revolving housing development grant fund	R. 1974 d.191	6 N.J.R. 328(b)
17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities — industrial obligations	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)
17:16-13.5	Revisions on legal papers; commercial paper	R. 1974 d.218	6 N.J.R. 361(c)
18:16-36.7 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)
17:20-5.10	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)

TREASURY — TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R. 1974 d.182	6 N.J.R. 328(a)
18:5-3.10(d)	Revised rule on decalomania revenue stamps on cigarettes	R. 1975 d.28	7 N.J.R. 122(b)
18:6-1.1	Revised definition of cost of doing business	R. 1974 d.243	6 N.J.R. 414(d)
18:12A-1.6 et seq.	Revisions concerning County Boards of Taxation	R. 1975 d.46	7 N.J.R. 180(b)
18:12A-1.16	Electronic Data processing and tax assessment lists	R. 1974 d.242	6 N.J.R. 414(c)
18:16-1.1 et seq.	Revisions in realty transfer fee law	R. 1975 d.84	7 N.J.R. 240(b)
18:22-7.6	Gross receipts from transactions; municipal electric supply operations	R. 1975 d.45	7 N.J.R. 180(a)
18:24-1.14	Effective date of exemption organization permit	R. 1975 d.187	7 N.J.R. 350(b)
18:24-10.4	Acceptance in good faith	R. 1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R. 1974 d.244	6 N.J.R. 414(e)
18:24-11.2	Filing of monthly and quarterly returns	R. 1975 d.4	7 N.J.R. 77(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R. 1974 d.252	6 N.J.R. 415(a)
18:26-6.16	No fault insurance rules	R. 1975 d.186	7 N.J.R. 350(a)
18:26-8.7	Preaudit payment of inheritance tax	R. 1975 d.85	7 N.J.R. 240(c)
18:26-8.25	Certificates of deposits, savings certificates and special savings accounts	R. 1975 d.177	7 N.J.R. 349(c)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making of loans to mortgage lenders	R. 1974 d.233	6 N.J.R. 370(b)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R. 1974 d.251	6 N.J.R. 418(b)
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)
19:7-1.1(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)
19:8-2.11	Rules on Garden State Arts Center	R. 1975 d.145	7 N.J.R. 350(d)
19:8-3.1(b)	Revised toll schedule for new Union County interchange	R. 1974 d.290	6 N.J.R. 496(c)
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)
19:11-1.6	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)

(Continued from page 31)

10:54-1.1 Definitions

["Physician's services" means those services provided within the scope of practice of his profession as defined by the laws of New Jersey, or if in practice in another state by the laws of that state, by or under the direct personal supervision of an individual licensed by the State of New Jersey to practice medicine or osteopathy. It includes services furnished in the office, the patient's home, a hospital, a skilled nursing home or elsewhere. Direct personal supervision means that the services must be rendered in the physician's presence.]

"Physician's services" means those services provided by a physician within the scope of practice of his profession as defined by the laws of New Jersey, or if in practice in another state by the laws of that state. It includes services furnished in the office, the patient's home, a hospital, a skilled nursing and/or intermediate care facility or elsewhere, subject to paragraph (1) below:

1. "Physician's services" also include those services rendered by ancillary personnel employed by the physician, for example nurses, paramedicals or aides, and so forth, provided that said ancillary services are performed by or under the direct personal supervision of an individual licensed by the State of New Jersey to practice medicine or osteopathy, or if in practice in another state by the laws of that state.

Note: Direct personal supervision means that the services must be rendered in the physician's presence.

10:54-1.6(g) Reimbursement on a fee for service basis for covered services furnished by an unlicensed physician shall not be made unless said unlicensed physician is lawfully practicing medicine and/or surgery pursuant to a specific statutory exemption under the laws of the State of New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before July 30, 1975, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereaf-

ter 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 to Physicians Manual

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 New Jersey Health Services Program Manual for Physicians in Chapter 54 of Title 10 in the New Jersey Administrative Code.

The proposed revisions concern an updating of listings of procedures, codes and maximum reimbursements under the New Jersey Health Services Program.

Copies of the full text of the 159 pages of the proposed revisions may be obtained by writing:

Administrative Analyst
Division of Medical Assistance and Health Services
Department of Institutions and Agencies
Post Office Box 2486
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to the Division of Medical Assistance and Health Services at the above address.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

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)
19:30-1.1 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)
19:35-1.1	Rules on FM noncommercial radio stations	R. 1975 d.118	7 N.J.R. 285(a)

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions on Institutional Pharmacies

On May 27, 1975, 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 of 1968, adopted revisions to N.J.A.C. 10:51-1.11(a)3., substantially as proposed in the Notice published October 10, 1974, at 6 N.J.R. 398(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

Full text of the adopted revisions follows:

10:51-1.11(a)3. Pharmacies with institutional permits: The "dispensing fee" for legend drugs provided under the New Jersey Health Services Program as outlined in this manual will be \$1.50 commencing on July 1, 1975, and continuing until such time as written notice of change is forwarded by the New Jersey Division of Medical Assistance and Health Services to all providers of pharmaceutical services.

An order adopting these revisions was filed June 5, 1975, as R.1975 d.156 to become effective July 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MENTAL RETARDATION

Revisions on Application To Commissioner by Juvenile Court

On June 6, 1975, Donald E. Zdanowicz, Chief of the Bureau of Field Services in the Division of Mental Retardation in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4-25.3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised rule, to be cited as N.J.A.C. 10:46-4.3, concerning the application to the Commissioner by a juvenile court having jurisdiction over an eligible mentally retarded minor, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 226(b).

An order adopting this revised rule was filed June 6, 1975, as R.1975 d.158 to become effective July 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

1975 Cost Study and Instructions For Long-Term Care Facilities

On May 12, 1975, 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 of 1968, adopted new rules concerning the 1975 cost study and instructions for long-term care facilities, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 165(b).

Such rules may be cited as N.J.A.C. 10:63-3.1 et seq.

An order adopting these rules was filed and effective June 3, 1975, as R.1975 d.149.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments on Noninstitutional Providers

On May 12, 1975, 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 of 1968, adopted an amendment to N.J.A.C. 10:49-1.17, now entitled claims submittal time limits, concerning noninstitutional providers, substantially as proposed in the Notice published April 10, 1975, at 7 N.J.R. 165(a), with only inconsequential structural or language changes, in the opinion of the Department of Institutions and Agencies.

The effect of the inconsequential changes is to cite the new amendment as N.J.A.C. 10:49-1.17(c) rather than 10:49-1.17(b) as was indicated therein.

Full text of the adopted amendment follows:

10:49-1.17(c) Pharmacy claims submitted to the contractor will be returned to the provider if they cannot be processed due to insufficient information. All such claims must be re-submitted to the contractor within 90 days from the date the pharmacy received the returned claims or they will be denied payment.

An order adopting this amendment was filed and effective June 3, 1975, as R.1975 d.150.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions for Noncovered Services In Manual for Podiatry Services

On June 6, 1975, 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 of 1968, adopted revisions to N.J.A.C. 10:57-1.4 concerning noncovered services in the Manual for Podiatry Services, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 215(a).

An order adopting these revisions was filed and effective June 12, 1975, as R.1975 d.162.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions for Legend Drugs

On June 6, 1975, 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 of 1968, adopted revisions to N.J.A.C. 10:51-1.10(g) concerning legend drugs, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 225(a).

An order adopting these revisions was filed June 12, 1975, as R.1975 d.163 to become effective July 15, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions on Six-Month Time Limitation on Claims by Long-Term Care Facilities

On May 13, 1975, 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 of 1968, adopted revisions to N.J.A.C. 10:49-1.17 concerning six-month time limitation on claims by long-term care facilities, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 165(c).

An order adopting these revisions was filed and effective June 3, 1975, as R.1975 d.151.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Rules on Child Support and Paternity Program

On June 25, 1975, 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 of 1968, adopted an emergency rule concerning a new Appendix D, Child Support and Paternity Program, in the Public Assistance Manual in Chapter 81, Title 10, of the New Jersey Administrative Code.

Full text of the emergency rule follows:

CHAPTER 81. PUBLIC ASSISTANCE MANUAL

APPENDIX D. CHILD SUPPORT AND PATERNITY PROGRAM

100. Introduction

As a result of P.L. 93-647, Title IV-A of the Social Security Act has been amended and a new part, Title IV-D has been added. The regulations contained in Appendix D to the Public Assistance Manual, effective July 1, 1975, are based on that new law.

101. If this appendix contradicts or conflicts with any previously published material relating to the AFDC program, such material shall be superseded by this Appendix D, except as stated in Section 402.

200. Eligibility Requirements

In addition to the eligibility requirements contained in Chapters 3000 and 5000 of the Public Assistance Manual, an AFDC applicant/recipient must provide the CWB with his/her Social Security number or obtain such a number (see Section 212); and assign to the CWB any rights to support from the absent parent(s) to which he/she or the eligible children may be entitled (see Section 220). Such applicant/recipient is not him/herself required to file a complaint; such filing is a responsibility of the CWB (see Section 333).

210. Social Security Numbers

The AFDC applicant and recipient (at the time of redetermination) shall either supply the CWB with the Social Security number of each member of the eligible unit or obtain a Social Security number for any such person who does not already have one. (See Section 212 below). Failure to do so will result in the entire family being declared ineligible for AFDC. (See also Section 214).

211. Recording the Social Security Number

The IM worker shall record the Social Security number of each person who is included in the AFDC grant, in the appropriate space on Forms PA-3A and PA-19.

212. Obtaining a Social Security Number

The CWB shall obtain a supply of Social Security Forms SS-5, sufficient to accommodate all AFDC applicants/recipients who do not already have a Social Security number. Upon application or redetermination, such applicant/recipient shall be required to sign Form SS-5. The IM worker shall complete Form SS-5 on the basis of information provided by the applicant/recipient and, when completed, shall route the

form to the nearest Social Security District Office. A copy of the SS-5 form shall be retained in the case record, and a copy given to the client if so requested.

a. Forms SS-5 Unavailable

In the event that the CWB is unable to obtain Forms SS-5, the applicant/recipient shall be referred to the nearest Social Security District office to make application for a Social Security number. The IM worker shall instruct the client to request verification of such application for the applicant's personal records.

b. Documentation of Application for Social Security Number

The IM worker shall record in the case record the date upon which Form SS-5 was forwarded to the Social Security District office, or the date upon which the client was referred to the Social Security District office.

213. Verification of Social Security Number

If the IM worker has reason to believe that the Social Security number supplied by the AFDC applicant/recipient is erroneous, such Social Security number shall be verified with the nearest Social Security District office by means of Form SS-1610.

a. Documentation of Verification of Social Security Number

The IM worker shall record in the case record the date upon which Form SS-1610 was forwarded to the Social Security District Office.

214. Benefits Pending Issuance or Verification of a Social Security Number

AFDC benefits shall not be denied, delayed or terminated pending issuance or verification of a Social Security number if the applicant/recipient has complied with the provision of Section 210.

220. Assignment of Support Rights

As a condition of eligibility for participation in the AFDC program, certain applicants and recipients shall be required to sign Form PA-10G, "Assignment of Support Rights". (See Section 230.1).

221. Form PA-10G

221.1 Purpose

Form PA-10G assigns to the CWB rights to support from the absent parent of the AFDC children to which the eligible unit may be entitled. This assignment is not required in AFDC Medicaid only cases.

221.2 Applicability

Form PA-10G shall be completed when:

a. An AFDC application or redetermination includes consideration of a child born out of wedlock, whether or not the paternity of such child has been established;

b. An AFDC application or redetermination includes consideration of a child who is regarded as deprived because of the absence of a parent as a result of separation, divorce or desertion.

221.3 CWB Responsibility Prior to Completion of Form PA-10G

Prior to the completion of Form PA-10G, the IM worker shall explain the purpose of the form, and advise the AFDC applicant/recipient that he/she shall be responsible for informing the CWB of any payments which are received directly from an absent parent, subsequent to the completion of the form.

a. Overpayments Resulting from Support Payments Made Subsequent to the Signing of Form PA-10G

When the CWB has adjusted the grant subsequent to the signing of Form PA-10G, any support payments which are received by the applicant/recipient shall be returned to the CWB upon receipt or treated as an overpayment and corrected in accordance with ASH, Section 240.

b. Extra Payment Not Overpayment

The extra payment itself (see Section 240) shall not be considered as overpayment nor shall it be included in any calculations for recoupment.

221.4 Completion of Form PA-10G

Form PA-10G shall be signed by the AFDC applicant at the time of application or, if not already signed, by the AFDC recipient at the next redetermination. The form shall be completed in triplicate.

a. Relationship to Issuance of Money Payment

The execution of Form PA-10G shall be considered a prerequisite to issuance of a money payment. If application or redetermination is made, and the applicant/recipient delays the signing of Form PA-10G, eligibility shall be determined as the date upon which the form was executed. In cases where the signing of Form PA-10G was delayed through no fault of the applicant/recipient, the date of eligibility shall be determined as the date upon which all other eligibility criteria were met.

b. Refusal to Cooperate

If the AFDC parent or parent-person is found ineligible because he/she refuses to sign Form Pa-10G, any aid for which the AFDC child is eligible shall be provided in the form of protection payments (see PAM 4540). In such cases, the needs of the parent or parent-person shall be deleted from the AFDC grant (see ASH 205). The parent or parent-person may appeal the appointment of a protective payee in accordance with the provisions of PAM 4546.

221.5 Routing of Form PA-10G

Upon completion of Form PA-10G, one copy shall be placed in the case record, one copy shall be given to the AFDC applicant/recipient, and the original shall be forwarded immediately to the CWB CSP Unit, which has the responsibility of forwarding it to the Probation Department (see Section 331).

221.6 Follow-up Procedures Regarding Form PA-10G

Within two working days of the completion of a signed PA-10G, the IM worker shall complete, in duplicate, appropriate items on the CSP Referral Form, if such information is available from the applicant/recipient. Immediately thereafter, these shall be routed to the CWB CSP Unit.

221.7 Rescission of Form PA-10G

In the case of termination of assistance, the IM worker shall concurrently send a copy of the adverse action notice to the CWB CSP Unit and to the AFDC recipient. The CSP Unit shall be notified immediately if assistance is continued pending or following a fair hearing.

230. Effective Implementation Dates

230.1 Assignment of Support Rights

For AFDC applicants and recipients who have not previously signed Form PA-10F, additional eligibility requirements as cited in Section 220 shall be effective as of July 1, 1975; for AFDC recipients who have previously signed Form PA-10F, such requirements shall be effective no later than the next regularly scheduled date of redetermination after July 1, 1975.

230.2 Social Security Numbers

The provisions of Section 210 will apply for AFDC appli-

cants as of July 1, 1975 and for AFDC recipients at the time of the next redetermination.

240. Distribution of Extra Payments

During the period beginning July 1, 1975 and ending September 30, 1976, the CWB will rebate to the AFDC recipient, 40 per cent of the first \$50.00 of any amount that is collected for the current month which represents payment on the required support obligation for such month. This amount shall be termed an extra payment.

241. Exemption of Extra Payment

Such extra payments shall be exempt, both as income and as resources, with regard to the determination of amount and eligibility for AFDC and AFWP payments. (See also Section 221.3b).

242. Applicability of Extra Payment

Extra payments shall be applicable only in those instances where money received by the CWB represents payment of a support obligation due during the month of collection.

250. Incentive Payments to the CWB

251. Twenty-Five Per Cent Incentive

For 12 months (whether or not consecutive) after the signing of the PA-10G, the CWB shall retain 25 per cent of the net amount of any support collected, which is countable for reimbursement.

251.1 Termination of PA-10G

In the case of AFDC terminations, if the family receives AFDC at a later date and another PA-10G is executed, a new 12-month period shall commence as of the date of the execution of the second PA-10G.

252. Ten Per Cent Incentive

After the expiration of a 12-month period, the CWB shall retain 10 per cent of the net amount of any support collected.

253. Net Amount Defined

The net amount of support collected, as cited in Sections 251 and 252 above, shall be the actual amount received by the county welfare board, less any applicable extra payment made to the AFDC recipient.

254. Deduction of Incentive Payments

Any incentive payment which is retained by the CWB shall be deducted from the 50 per cent Federal share of the net amount of support collected.

300. Child Support Collection and Establishment of Paternity Under Title IV-D of the Social Security Act

310. State Agency Responsibilities

The Child Support and Paternity Unit, located in the Division of Public Welfare, shall be the single organizational unit responsible for the supervision of the administration of Child Support and Paternity program. Such unit shall be referred to as the State CSP Unit.

311. Responsibilities of the State CSP Unit

Responsibilities of the State CSP Unit include but are not limited to the following:

a. The coordination of activities involving CWB CSP Units, the county probation departments, and the State Attorney General's parent locator service;

b. The transmittal of regulatory and procedural information to the CWB-CSP Units;

c. The proper, efficient and effective supervision of the Child Support Collection and Establishment of Paternity Program, including monitoring activities;

d. The initiation of litigation in Federal courts with regard to the collection of child support;

e. The initiation of collection action through the U.S. Secretary of the Treasury.

320. CWB Responsibilities

The CWB shall establish a Child Support and Paternity (CSP) Unit by July 1, 1975. This unit shall be responsible for taking reasonable action to locate absent parents and/or to establish paternity for the purposes of securing child support due AFDC recipients, and for referring cases, where the whereabouts of the absent parent is unknown, to the State Attorney General's Parent Locator Service.

321. Staffing Requirements

The CWB shall allocate and/or hire staff for the CSP Unit, in quantity sufficient to effectively and efficiently carry out the provisions of Section 330 below.

330. Responsibilities of the CWB CSP Unit

The CWB CSP Unit shall be responsible for the following activities.

331. Disposition of Form PA-10G

Upon receipt of a signed Form PA-10G, the CSP Unit shall, if a court order exists, route the form to the appropriate Probation Department, or shall retain the form until a court order is obtained and proceed as indicated below.

331.1 Appropriate Probation Department Defined

The appropriate Probation Department shall be defined as the Probation Department which is currently disbursing support payments to the AFDC recipient pursuant to a court order.

332. Investigative Interview

In cases where a court order does not exist or the whereabouts of the absent parent is unknown, the CSP Unit shall arrange for an interview with the AFDC recipient no later than ten working days after receipt of the PA-10G.

332.1 Purpose of the Interview

The purpose of the interview shall be to obtain additional information which is necessary to assist the CSP Unit in the establishment of paternity and/or in its search for an absent parent. Such information shall be recorded on the CSP Referral Form (see Section 350 with regard to this form).

332.2 Refusal to Cooperate

If the AFDC recipient refuses to cooperate as indicated in the subsections below, the CSP Unit shall immediately contact the IM worker and his/her needs shall be deleted from the grant, subject to the requirements of advance notice (see PAM Chapter 7000).

a. In Locating Absent Parent

The AFDC recipient shall be required to furnish information, to the extent of his/her knowledge, regarding the whereabouts of the absent parent. Refusal without good cause (that is, danger of retaliation against self or family) shall be regarded as refusal to cooperate.

b. In Establishing Paternity

The AFDC recipient shall be required to answer the questions set forth in the CSP Referral Form, to the extent of her knowledge. Any additional information shall be voluntary only.

c. Failure to Appear in Court

If an AFDC recipient is found in contempt of court for failure to appear at a court hearing which has been scheduled as a result of a CWB support or paternity complaint, and such complaint involves the recipient, such failure to appear shall

be regarded as a refusal to cooperate.

332.3 Action Resulting from the Interview

If the information provided by the AFDC recipient is sufficient to warrant legal action, such action shall be taken in accordance with Section 333 below. (See Sections 333.1c and 334.1c regarding the disposition of cases in which insufficient information is obtained.)

333. Legal Action Taken by the CSP Unit

If the CSP Unit collects information sufficient to locate the absent parent or to establish paternity in a court of law, legal proceedings shall be initiated for the purposes of obtaining support.

333.1 Filiation Proceedings

With regard to cases in which paternity has not been judicially acknowledged, the CSP Unit shall file a complaint to establish paternity in a court of competent jurisdiction.

a. Legal Proceedings Waived

Filiation proceedings may be waived when, in the judgment of the CWB (based upon information obtained from the AFDC recipient), the situation is one in which the disadvantages to the child and his/her parents exceed the social and economic advantages that might be accomplished through such proceedings. Such cases must be approved by the State CSP Unit and would involve situations in which:

(1) An older child's reputed parent has not been seen or heard from over a period of years, so that paternity would be hard to prove; or

(2) A reputed parent who is married has legitimate children to support, and such action would cause family discord or would result in deprivation to the legitimate children; or

(3) Contact between the reputed parent and family may be harmful to the family and court action would cause such contact.

b. Order of Filiation Denied

If a court of competent jurisdiction denies an order of filiation, the CSP Unit shall take no further action with regard to the establishment of paternity and/or the location of the absent parent.

c. Services to Nonpublic Assistance Individuals

The services of the CSP Unit shall be available to persons who are not receiving public assistance. Such services include assisting the individual to establish paternity and to file for support if he/she so desires.

333.2 Support Proceedings

In cases where paternity has been legally established through marriage, and no court order exists, the CSP Unit shall file a complaint to provide support in a court of competent jurisdiction.

333.3 Court of Competent Jurisdiction Defined

For the purposes of Sections 333.1 and 333.2, a court of competent jurisdiction shall be defined as the county (Juvenile and Domestic Relations) or municipal court located in the area in which the AFDC family resides.

333.4 Plaintiff Defined

A complaint to establish paternity or to provide support shall be filed in the name of the CWB by the director or his/her authorized representative.

334. Documentation of Action Taken by the CSP Unit

All action taken by the CSP Unit with regard either to the establishment of paternity and/or to locate an absent parent, shall be clearly documented on the CSP Referral Form.

334.1 CSP Referral Form

CSP Referral Form shall be completed in all cases which involve the execution of Form PA-10G (see Section 221.2).

a. Purpose of CSP Referral Form

The purpose of the CSP Referral Form is the compilation, in one easily accessible document, of all information relevant to the location of an absent parent, including those whose paternity has not been judicially acknowledged.

b. Completion of the CSP Referral Form

When not otherwise available, the information used to complete the CSP Referral Form shall be obtained from the AFDC recipient at the time of the investigative interview. The recipient must supply either relevant verbal information which is within his/her knowledge and/or relevant documents in his/her possession (see also Section 332.2).

c. Routing of the CSP Referral Form

If, after interviewing the recipient and/or after contacting one or more third parties who may be able to furnish relevant information about the absent parent, the CSP Unit is unable to obtain information sufficient to locate an absent parent, the unit shall route the copy of the form to the State Attorney General's Parent Locator Service. The original shall be placed in the case record. Such action shall be taken within ten working days of the date of the investigative interview.

If the CSP Unit waives legal proceedings in accordance with Section 333.1a, that fact shall be noted on the CSP Referral Form. The original and copy of the form will then be placed in the case record and no further action shall be taken by the CSP Unit.

b. Termination of AFDC Benefits

Upon termination of the case, the CSP worker shall record the effective date of termination on the CSP Referral Form. The appropriate Probation Department shall be advised of this action promptly (see Section 331.1). The date of such notification shall be entered on the CSP Referral Form.

340. Calculation and Distribution of Payments

The CWB shall be responsible for the calculation of CWB incentive payments and calculation and distribution of the extra payments to AFDC recipients.

350. Fiscal Record Maintenance

The CWB shall be responsible for the maintenance of records involving receipt of child support payments.

400. Disclosure of Information

For purposes of these regulations, disclosure of information concerning AFDC applicants' recipients shall be limited to the administration of public assistance as it relates to the establishment of paternity and collection of child support.

401. Information applicable to this program may be provided to appropriate staff of the Probation Department, prosecutors at State and local levels and the State Attorney General's office.

402. Nothing in this Appendix is to be construed to conflict with the regulations on safeguarding information as stated in the Public Assistance Manual Section 7600.

An order adopting these rules was filed June 25, 1975, as R.1975 d.180 (Exempt, Emergency Rule) to become effective July 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Revision Concerning Coverage of Optional Groups for Services

On June 11, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency revision to N.J.A.C. 10:123-5.3(a)4. which increased the maximum income level of two member families from \$8,436 to \$9,840, the previous State Plan level, for day care service eligibility purposes only. The present maximum income figure will remain at the same level for all other services.

An order adopting this revision was filed and effective June 25, 1975, as R.1975 d.181 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to the Pharmacy Manual

On June 20, 1975, 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 of 1968, adopted revisions to the Pharmacy Manual in Chapter 51 of Title 10 in the New Jersey Administrative Code substantially as proposed in the Notice published March 6, 1975, at 7 N.J.R. 104(b) 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 June 25, 1975, as R.1975 d.182 to become effective August 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Proposed Rules on Agents' Contracts

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules concerning agents' contracts.

Full text of the proposed rules follows:

SUBCHAPTER 8. AGENTS' CONTRACTS

11:1-8.1 Written contracts

No agent may be appointed by an insurance company unless a written contract exists between the agent and the company at the time of appointment. Presently licensed agents are hereby noticed that lack of compliance with this requirement is contrary to N.J.S.A. 17:22-6.14 and 6.14a.

11:1-8.2 Reporting of claims

Claims and estimated losses thereon must be reported to the insurer by the agent within five business days of receipt of notice of claim by the agent.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975 to:

Dr. Eleanor J. Lewis
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(d)

INSURANCE

REAL ESTATE COMMISSION

Proposed Amendments to Commission's Rules

The New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq., proposes to amend two of its rules.

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

11:5-1.10(b) Every licensed broker must promulgate a policy for the payment of commissions to salesmen on their termination. Such office policy must prescribe the rate of commission to be paid on such termination and the licensed broker must obtain the written signature of each salesman licensed under such broker indicating that such salesman agrees to such policy:

1. Upon termination of employment, the employing broker shall make a complete accounting in writing of all commissions due to said salesman.

2. In the event any commission so accounted for is not in accord with the established commission schedule, the employing broker shall give a complete and comprehensive written explanation of any difference.

3. Such accounting shall be made not later than 30 days after the termination of employment of said salesman.

11:5-1.23(e) The licensee shall transmit every formal or written offer on a specific property to the owner or his agent forthwith.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

New Jersey Real Estate Commission
201 East State St.
Trenton, N.J. 08625

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

W. P. Comerford
Assistant Director
Real Estate Commission
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Notice of Annual Certification For Continued Need to Require Written Notice of Cancellation and Nonrenewal

Take notice that James J. Sheeran, Commissioner of Insurance, issued the following certification to the Legislature on June 5, 1975:

Pursuant to Chapter 131 of the Laws of 1968 (N.J.S.A. 17:29C-1 et seq.), I do hereby certify that the need for orderly continuation or replacement of necessary fire and casualty insurance coverage, excluding accident and health coverage, continues to exist. To facilitate such orderly continuation or replacement, I do further certify the continuing need for the Directive of the Commissioner of Banking and Insurance dated July 3, 1968 ordering that all fire and casualty policies of insurance, except accident and health policies, shall provide for the issuing company to give:

1. Thirty days' written notice to the assured of the cancellation of any policy;
2. Thirty days' written notice of cancellation of any policy to any mortgagee mentioned in said policy; and
3. Thirty days' written notice to the assured of said company's intent not to renew any policy.

Notices of cancellation and nonrenewal providing less than 30 days' notice issued by any company doing business in New Jersey to be effective on or after July 1, 1975 will be null and void and the provisions of the directive shall apply except for the notice requirements contained in Chapter 158, P.L. 1968 (N.J.S.A. 17:29C-6 et seq.), Chapter 70, P.L. 1972 and Chapter 203, P.L. 1972 (N.J.S.A. 39:6A-1 et seq.).

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Rule on Property-Liability Insurance Guaranty Association Charge

On June 2, 1975, James J. Sheeran, Commissioner of

Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29A-1 et seq., Chapter 17, Laws of 1974, as amended by Chapter 107, Laws of 1975, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule on the New Jersey Property-Liability Insurance Guaranty Association charge, substantially as proposed in the Notice published May 8, 1975, at 7 N.J.R. 229(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

Initially, this rule was proposed to be cited as N.J.A.C. 11:1-5.1 but will now be cited as N.J.A.C. 11:1-6.1.

Full text of the adopted rule follows:

SUBCHAPTER 6. NEW JERSEY PROPERTY-LIABILITY INSURANCE GUARANTY ASSOCIATION

11:1-6.1 New Jersey Property-Liability Insurance Guaranty Association charge

(a) Pursuant to the provisions of Section 16 of Chapter 17, New Jersey Laws of 1974 as amended by Chapter 107 New Jersey Laws of 1975, I hereby order that insurers add a surcharge of one-half of one per cent of direct net written premiums on all kinds of insurance except life insurance, accident and health insurance, workmen's compensation insurance, title insurance, annuities, surety bonds, ocean or wet marine insurance, inland marine and transportation insurance, subject to the following:

1. The surcharge shall apply to all new and renewal policies with an effective date on or after August 1, 1975.

2. The surcharge shall be identified to the insured as "Guaranty Fund" by either of the following two methods:

i. The surcharge is shown as a separate item on the bill in dollars and cents. The surcharge amount is not to be treated as premium for accounting purposes, but must be coded and reported in accordance with instructions issued by the statistical agents under the directive of the Commissioner of Insurance.

ii. The surcharge is added to the premium for each item of coverage and the total is treated as premium for accounting and reporting purposes. If this method is used, every billing to an insured must carry a notation calling attention to the inclusion of the surcharge of one-half of one per cent.

3. On policies not subjected to audit where the method in N.J.A.C. 11:1-6.1(a) 2.i. is used, no additional surcharge shall be made for endorsements increasing the premium and no return shall be made for an endorsement decreasing the premium. Where the method in N.J.A.C. 11:1-6.1(a) 2.ii. is used, and on all policies subject to audit, any change in premium by endorsement subsequent to the effective date shall reflect also an appropriate change in the surcharge. On flat cancellations, the entire surcharge must be returned regardless of procedure used.

4. Three-year policies with an effective date on or after August 1, 1975, shall be treated under the same procedure as set forth in this subsection. On three-year policies with effective dates prior to August 1, 1975, the surcharge shall be applied only if such policies are subject to raterating after the effective date and only as of the effective date of such raterating.

5. The surcharge is not considered a taxable premium for the purpose of determining taxes under N.J.S.A. 54:18A-1 et seq.

6. All amounts collected under this surcharge as of September 30, 1975 shall be remitted not later than December 1,

1975, and all surcharges collected thereafter as of December 31 and June 30 each year shall be remitted on or before March 1 and September 1 each year, pursuant to directives and forms to be issued by the Commissioner.

7. The surcharge established herewith will provide reimbursement to the companies for any assessments levied in accordance with Section 8 (3) of the Guaranty Fund Act. Consequently, such assessments should not be considered "obligations" within the context of retaliatory tax provisions.

An order adopting this rule was filed June 19, 1975, as R.1975 d.170 to become effective July 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

Procedures for Wage Benefit Conflicts

On May 28, 1975, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning procedures for wage benefit conflicts.

Full text of the adopted rules follows:

SUBCHAPTER 9. PROCEDURES FOR WAGE BENEFIT CONFLICTS

12:17-9.1 Hearing required

Where the Division of Unemployment and Disability Insurance has evidence that a claimant may have been employed during a period or periods for which he has received unemployment benefits, the Division will afford the claimant a hearing before any determination is made with respect to the alleged wage-benefit conflict.

12:17-9.2 Scheduling of hearing

(a) The local unemployment insurance claims office will schedule the hearing as soon as possible after the receipt of notification that a wage-benefit conflict may exist.

(b) If the claimant is in active reporting status, every effort will be made to schedule the fact-finding hearing on his next reporting date.

(c) A notice will be mailed to the claimant advising claimant of the necessity for a fact-finding hearing and listing the time and place thereof, and setting forth the times, period and employers involved in the alleged wage-benefit conflict.

(d) If the hearing is scheduled after the claimant's next assigned reporting date, the notice will indicate the cancellation of the assigned reporting date appointment. If the claimant still reports on the date so cancelled, the hearing will be held at the time he reports.

12:17-9.3 Determination on failure to appear

If the claimant fails to report for the hearing, the local office will complete a written determination thereon, and mail a copy thereof to the claimant.

12:17-9.4 Deputy to conduct hearing

(a) If the claimant reports, the hearing will be conducted by a local office deputy.

(b) At the outset of the hearing, the deputy will inform the claimant that the Division has information that the claimant has claimed and received unemployment benefits for weeks during which the claimant was employed.

(c) Form B-98B (Claimant's Benefit Payment and Employment Record) will be shown to the claimant as the basis for the allegations.

(d) The deputy will prepare the claimant's statement or any rebuttal or confirmation of the allegations.

(e) Any additional evidence presented by the claimant will be fully documented by the deputy.

(f) The claimant will be asked to read the statement and to sign it if it is acceptable to him.

12:17-9.5 Benefits continued where investigation necessary and claimant meets eligibility requirements

If the claimant is currently receiving benefits on an active claim and has presented evidence which the deputy believes warrants further investigation, the local office will continue to pay benefits, if all other eligibility requirements are met; explain to the claimant that further investigation will be made and the reasons why further investigation appears necessary; and forward all related material to the Fraud Inspection Section, Bureau of Unemployment Benefits where further action will be taken.

12:17-9.6 Determination on active claim

(a) If claimant is currently receiving benefits on an active claim and admits that the allegations are true or denies the allegations but offers no evidence that warrants further investigation, the deputy will complete a written determination and the reasons therefor and issue same to the claimant.

(b) If the determination is adverse to the claimant, the deputy will explain to the claimant his appeal rights and will also discuss the various methods of repayment with the claimant.

(c) If any compensable weeks paid on the claim fall within the 17 week disqualification period set forth in N.J.S.A. 43:21-5(g)(1), the deputy will prepare a written determination and deliver a copy thereof to the claimant.

12:17-9.7 Determination and referral on noncurrent claim

(a) If claimant is not currently receiving benefits and has presented evidence that warrants further investigation, the deputy will explain to the claimant that further investigation will be made, list the reasons why further investigation appears to be necessary and forward all related material to the Fraud Inspection Section, Bureau of Unemployment Benefits, where further action will be taken.

(b) If claimant is not currently receiving benefits and admits that the allegations are true or is unable to offer evidence warranting further investigation, the deputy will explain to the claimant that a determination will be mailed to him.

12:17-9.8 Hearing if criminal prosecution is warranted

If the director of the Division determines that criminal prosecution of a claimant may be warranted, claimant will be afforded an opportunity for a hearing before a deputy specially designated by the director and at the outset of the hearing claimant will be advised that any statements made by him may be used against him if the matter is referred for criminal prosecution.

12:17-9.9 No suspension, termination or reduction of benefits without opportunity for hearing

No benefits will be suspended, terminated or reduced under this Subchapter unless claimant has been afforded an opportunity to appear at a hearing as set forth therein.

An order adopting these rules was filed and effective May 28, 1975, as R.1975 d.142 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Revisions to Various Division's Rules

Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39, proposes to adopt revisions to various rules.

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

13:2-13.3(c) **No permit shall be issued to any person under the age of 16 years, except caddies, pinboys and persons employed by a plenary or limited retail distribution licensee. Nor shall any permit be issued to any person under 18 years of age to be employed as an entertainer on any premises where the consumption of alcoholic beverages is permitted.**

13:2-13.4 Application; rehabilitation employment permit

(a) Any person convicted [, as a first offender,] of a crime **or crimes** involving moral turpitude may apply to the Director, in the manner and form prescribed by the Director, for a rehabilitation employment permit.

(b) Whenever any such application is made, and it appears to the satisfaction of the Director that such person's employment in the alcoholic beverage industry will not be contrary to the public interest, the Director may, in his discretion, issue such employment permit.

(c) **No denial of such a permit shall be made until the applicant has been afforded an opportunity to have a hearing.**

13:2-13.7 [Employment of minors under 15 years of age] **(Reserved)**

[No licensee shall employ in any manner whatsoever in or upon the licensed premises any person under the age of 15 years or allow, permit or suffer the employment of any such person in or upon the licensed premises.]

13:2-13.8 Continued employment of disqualified person

No licensee shall continue to employ in any manner whatsoever on the licensed premises any person disqualified [by reason of age] as aforesaid when the application of such person for employment permit has been denied or the employment permit has been cancelled, suspended or revoked, or has expired.

13:2-13.9(c)

Each applicant **for a rehabilitation permit** shall be fingerprinted, without charge, under the supervision of the Director of Alcoholic Beverage Control at such time and place as shall be designated from time to time by the Director. The fingerprints shall be marked "noncriminal" and shall be filed with the Director.

13:2-31.3 Publication of retail price lists; payment of costs

(a) Minimum consumer resale price lists shall be published [quarter-annually] **each calendar quarter** by the Director, to become successively effective on and after the 1st day of January, April, July and October of each year, and shall list by type and brand name the minimum consumer resale prices of alcoholic beverages listed with the Director by the manufacturers and wholesalers in accordance with Section 1 of this Subchapter, provided, however, that nothing contained herein shall require the printing and publication of schedules of minimum consumer resale prices for any brand of alcoholic beverages offered for sale or sold by its manufacturer or wholesaler exclusively to one New Jersey retailer.

(b) The minimum consumer resale price lists shall be printed in pamphlet form and mailed to all New Jersey retailers not later than three business days before the effective date of such price lists. **The printer of such pamphlet may be selected by the price filers and the costs of printing and mailing such pamphlet may be negotiated by such filers directly with the printer so selected, but should the price filers not do so, the Director shall select the printer and negotiate such costs.**

(c) **In either event, [A]** all manufacturers and wholesalers whose minimum consumer resale price listings are included in the pamphlet shall be chargeable with a proportionate cost of the **preparation by the Division and the printing and mailing of the pamphlet so published and mailed, which shall be paid by such manufacturer or wholesaler to the Director or the printer, or both, as determined by the Director**, within 60 days after the effective date of the prices listed in the pamphlet.

(d) Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from such manufacturer or wholesaler while such proportionate cost remains unpaid.

13:2-31.5 Selling below filed price

[(a)] No licensee shall sell or offer to sell at retail, directly or indirectly, **for consumption off the licensed premises**, any alcoholic beverage, the price of which has been filed with the Director, at less than its filed price. [; provided, however, that prior written authorization so to do, may be granted by the Director for good cause shown, or a special permit so to do may be granted by the Director pursuant to rule seven hereof.

(b) In the case of malt alcoholic beverages, the prohibitions of this Rule shall apply to each of the trading areas established by rule eight hereof and the sale shall be deemed to have been made at the place of delivery.]

13:2-31.6 Price advertising

(a) No licensee shall advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, the retail price of any alcoholic beverage, [other than malt alcoholic beverages,] **for consumption off the licensed premises**, not listed in the then currently effective

minimum consumer resale price list published by the Director; provided, however, that nothing herein contained shall prohibit such price advertising, at the price filed with the Director, of a private label brand or exclusive brand of alcoholic beverage, confined to, or owned, controlled or distributed by a single retailer, and stated to be such in the advertisement.

(b) [No licensee shall advertise, directly or indirectly, in any billboard, periodical, publication, circular, handbill or direct mailing piece, the retail price of any malt alcoholic beverage whether or not listed in such minimum consumer resale price list.] **No retailer shall display upon the licensed premises or advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, a price for any alcoholic beverage for consumption off the licensed premises other than the price thereof filed with the Director.**

(c) No licensee shall sell or advertise for sale at retail, for consumption off the licensed premises, any private label brand or exclusive brand of alcoholic beverages, unless the minimum consumer resale price thereof filed with the Director is contained in a schedule which shall be kept upon the retailer's licensed premises available for inspection by the public and by agents of the Director and the retailer displays upon the licensed premises in such plain view as to be easily read by all persons visiting such premises, a sign, in letters not smaller than three-quarters of an inch in height and one-half inch in width, bearing the following legend:

"Pursuant to Rule 6(c) of State Regulation No. 30 of the Division of Alcoholic Beverage Control, a schedule of minimum consumer resale prices filed with said Division for all of our private label brands and exclusive brands of alcoholic beverages is maintained on these premises and is available for inspection by our patrons."

[(d) No retailer shall display upon the licensed premises or advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, a price for any alcoholic beverage other than the price thereof filed with the Director.]

[(e)] No licensee shall advertise or offer for sale or sell any alcoholic beverage at retail at a price which the licensee in any way represents to include the tax imposed by the New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.) unless such tax is required by law to be collected by the licensee or unless such tax has, in fact, been paid on such alcoholic beverage by the licensee. For the purpose of this rule, it shall be conclusively presumed that all alcoholic beverages advertised or offered for sale or sold at retail are sold from, or advertised or offered to be sold [for sale or sold at retail are sold from, or advertised or offered to be sold] from, the licensee's inventory on a "first in-first out" basis, that is inventory composed of multiple shipments of an identical product shall be deemed depleted in the sequence of the earliest shipment received.

13:2-31.7 [Special permit to sell below filed price] (Reserved)

[(a) The Director, for good cause shown, may issue to a licensee privileged to sell alcoholic beverages at retail a special permit authorizing the sale of a particular alcoholic beverage at less than its filed price where:

1. The licensee is actually and permanently closing out his stock for the purpose of completely discontinuing the sale of such alcoholic beverage; or
2. The sale of such alcoholic beverage is by an officer acting under order of any court.]

13:2-31.9 Inspection of price schedules

(a) Price schedules filed with the Director setting forth minimum consumer resale prices for malt alcoholic beverages shall be available for inspection during regular business hours at the offices of the Division of Alcoholic Beverage Control by anyone filing such schedules until [4:00 P.M.] **11:00 A.M.** of the first business day after the last day for filing such schedules.

(b) Price schedules for malt alcoholic beverages already filed for any [quarter-annual period] **calendar quarter** may be amended to meet a higher or lower and competing filed price, provided, however, that any such amended price schedule must be filed before [4:00] **1:00 P.M.** of the first business day after the last day for filing schedules being amended.

(c) Price schedules may be further inspected and amended between 1:00 P.M. and 3:00 P.M. of the first business day after the last day for filing the schedules being amended, to meet a lower amended price filed between 11:00 A.M. and 1:00 P.M.

13:2-34.2

(d) Manufacturers and wholesalers of distilled alcoholic beverages filing such price and discount listings shall, not later than the [fifteenth] **fifth** day of any month subsequent to the month of filing, file with the Director an amended reduced price and higher discount listing to become effective on the first day of the following month, to conform to the lowest price and highest discount at which any such alcoholic beverage shall be sold by such manufacturer or wholesaler or by any New Jersey or other manufacturer or wholesaler to any wholesaler anywhere in any other state of the United States or in the District of Columbia, or to any state (or state agency) which owns and operates retail liquor stores, at any time during such following month.

(e) Any **such** manufacturer or wholesaler may, upon prior written authorization granted by the Director for good cause shown, file an amended higher price and lower discount listing not later than the [fifteenth] **fifth** day of any month subsequent to the month of filing, to become effective on the first day of the following month.

(f) Manufacturers and wholesalers filing such amended price or discount listings shall serve upon each wholesaler to whom they intend to sell such alcoholic beverages a copy of such listings on or before the [fifteenth] **fifth** day of the month of filing, or shall mail to each such wholesaler such a copy on or before the [twelfth] **second** day of the month of filing, and shall file with the Director certification thereof on or before the last day for filing such listings.

13:2-34.6 Distribution of wholesale price lists; payment of costs

(a) **Calendar quarter** wholesale price lists published by the Director shall be printed in pamphlet form and mailed to all retailers not later than three business days before the effective date of such price lists. **The printer of such pamphlet may be selected by the price filers and the costs of printing and mailing such pamphlet may be negotiated by such filers directly with the printer so selected, but should the price filers not do so, the Director shall select the printer and negotiate such costs.**

(b) **In either event, [A]** all manufacturers and wholesalers whose minimum consumer resale price listings are included in the pamphlet shall be chargeable with a proportionate cost

of the preparation by the Division and the printing and mailing of the pamphlet so published and mailed, which, shall be paid by such manufacturer or wholesaler to the Director or the printer, or both, as determined by the Director, within 60 days after the effective date of the prices listed in the pamphlet.

(c) Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from such manufacturer or wholesaler while such proportionate cost remains unpaid.

13:2-34.11(a)5. By filing with the Director, on or before the [eighteenth] tenth day

13:2-34.14 Return of alcoholic beverages for credit

(a) No manufacturer or wholesaler shall deliver or transport, directly or indirectly, any alcoholic beverage to any retail licensee unless such beverage is accompanied by a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill or similar document stating the name and address of the retail licensee, the brand, size of container and quantity of each kind of alcoholic beverage being delivered or transported, and the price and terms of sale.

(b) Two copies of such delivery slip, invoice, manifest, waybill or similar document shall be truly dated and signed by the retail licensee or his agent at the time and on the date of actual delivery of any alcoholic beverages, one of which copies shall be retained for a period of one year from the date thereof by the manufacturer or wholesaler and the other by the retail licensee for a like period at their respective licensed premises, available for inspection by agents of the Director, unless the Director shall have granted written permission to the manufacturer, wholesaler or retailer to keep his copies at another designated place.

(c) If alcoholic beverages are picked up at the licensed premises of a manufacturer or wholesaler by a retail licensee or by a solicitor for ultimate delivery to a retail licensee, proper invoices shall accompany the order and the manufacturer or wholesaler must, within 48 hours of pickup, mail a copy of the invoice to the retailer. Such copy of the invoice must have prominently printed or stamped thereon the following legend: "To the retailer —If you have not already received the merchandise herein, you must immediately give written notice to the Division of Alcoholic Beverage Control of such fact." Every retail licensee receiving such copy of the invoice shall immediately give written notice to the Division of Alcoholic Beverage Control if he shall not have already received such merchandise.

(d) No retailer shall return any alcoholic beverages other than malt alcoholic beverages for credit or replacement and no manufacturer or wholesaler of alcoholic beverages other than malt alcoholic beverages shall accept from any retailer any return of alcoholic beverages for credit or replacement unless such alcoholic beverages were originally delivered to the retailer by the manufacturer or wholesaler [not more than 12 days prior to such return, except pursuant to waiver of the provisions of this rule granted by the Director upon petition setting forth good cause] and unless permission is granted by the Director upon petition by manufacturer or wholesaler setting forth good cause, as shown on the following form signed by the retail licensee or his agent:

X Y Z Distributing Co.
123 Blank Street
Anytown, N.J. 01234

Please pick up for _____ the following
(credit or replacement)
ing alcoholic beverages purchased from you on _____,
Invoice No. _____ for the following reason.

Items _____
Name of Licensee _____
Address _____
Town _____

Signature of licensee or agent

13:2-37.2

(c) If the payment date falls on Saturday, Sunday or a legal holiday, the payment shall become due on the first business day thereafter.

[(c)] (d) Nothing in these regulations shall require any manufacturer or wholesaler to extend credit to any retail licensee.

13:2-37.4

(c) The printer of such lists may be selected by manufacturers and wholesalers who sell to retail licensees and the costs of printing and mailing such lists may be negotiated by such manufacturers and wholesalers directly with the printer so selected, but should manufacturers and wholesalers not do so, the Director shall select the printer and negotiate such costs. In either event, such manufacturers and wholesalers shall be chargeable with a proportionate cost of the preparation by the Division and the printing and mailing of such lists which shall be paid by such manufacturer or wholesaler to the Director or the printer, or both, as determined by the Director, within 60 days after billing. Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings under regulation 30 or 34 while such proportionate cost remains unpaid.

13:2-37.5(a)1. Such payment must be in the office of the manufacturer or wholesaler within 48 hours following the delivery.

13:2-37.6 Delete current text entirely and mark Section Reserved

13:2-37.7

[(b) Manufacturers and wholesalers required to serve warning notices on retail licensees shall add the following certification:

"The undersigned certifies that a warning notice as required by Rule 5 (a) was sent to said retail licensee on the _____ day of _____, 19____"]

13:2-37.9 Notice of default payment filed with Director

When a retail licensee ceases to be in [a] default to a manufacturer or wholesaler, such manufacturer or wholesaler shall, within three days thereafter, file with the Director a notice to that effect. The notice shall state the

name and address of the retail licensee, the date or dates of delivery of the goods in respect to which the default or defaults existed, the amount paid to terminate the default or defaults and any late payment fees or interest due, if applicable, and the date or dates and form or forms of such payments.

Delete current text of N.J.A.C. 13:2-37.11 and 13:2-37.13 and mark both Sections Reserved.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1975, to:

Leonard D. Ronco, Director
Division of Alcoholic Beverage Control
25 Commerce Drive
Cranford, N.J. 07016

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

Leonard D. Ronco
Director, Division of Alcoholic
Beverage Control
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BUREAU OF SECURITIES

Proposed Rule on Conflicts

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, proposes to adopt a new rule on conflicts.

Full text of the proposed rule follows:

13:47A-7.6 Conflicts

(a) An individual may not be registered with the Bureau of Securities ("Bureau") as an agent representing more than one registered broker-dealer or qualified issuer ("employer") unless:

1. Each employer submits a letter:
 - i. Stating it has no objection to the dual employment of its agent;
 - ii. Describing the duties of that agent, including his or her working hours; and
 - iii. Stating its affiliation or relationship, if any, to the other employer.
2. The agent submits a letter giving the reasons why dual employment is necessary;
3. The employer submits Form SB-4 as required by the regulations;
4. The agent submits Form SB-5 as required by the regulations; and
5. The Bureau of Securities has no objection.

(b) In no event may an individual be registered with the Bureau as an agent representing more than two employers.

(c) No person may hold the following combination of positions:

1. Principal or control person with more than one broker-dealer;
2. Principal or control person of a broker-dealer and principal or control person of an investment advisor;
3. Principal or control person with an investment advisor and agent for a broker-dealer;
4. Principal or control person with an investment advisor and agent for an issuer;
5. Agent for an issuer and employee giving advice for an investment advisor;
6. Principal or control person of an issuer and employee giving advice for an investment advisor;
7. Principal or control person of an issuer and of an investment advisor;
8. Agent of a broker-dealer and officer, director or shareholder of an issuer;
9. Agent of a broker-dealer and employee giving advice for an investment advisor;
10. Principal or control person of a broker-dealer and principal or control person of an issuer.

Interested persons may present statements or arguments, in writing, relevant to the proposed new rule on or before July 30, 1975, to:

James McLelland Smith
Chief, Bureau of Securities
1100 Raymond Boulevard
Newark, New Jersey 07102

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

James McLelland Smith
Chief, Bureau of Securities
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Proposed Rule on Minimum Training Requirements

William J. Wolfe, State Superintendent of the Office of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:1-54, proposes to adopt a new rule on minimum training requirements for persons appointed as a State, county or municipal weights and measures officer.

Full text of the proposed rule follows:

SUBCHAPTER 4. GENERAL PROVISIONS

13:47B-4.1 Minimum training requirements; weights and measures officer

No person appointed as a State, county or municipal weights and measures officer will be provided with a badge and/or credentials pursuant to N.J.S.A. 51:1-64 until such time as the appointee has qualified through a course in "Basic Weights and Measures" conducted under the direction of the State Superintendent.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to: James R. Bird, Deputy State Superintendent of Weights and Measures, 187 West Hanover Street, Trenton, New Jersey 08625.

The Office of Weights and Measures, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed with further notice.

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rules on Overhang Standards

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-43, proposes to adopt a new rule concerning overhang standards relating to combinations of vehicles designed and used to transport other motor vehicles as provided in N.J.S.A. 39:3-84.

Full text of the proposed rule follows:

13:18-8.1 Overhang standards

(a) The Director of the Division of Motor Vehicles shall from time-to-time determine the height of the average passenger car as the overhang enforcement standard under paragraph 6 of N.J.S.A. 39:3-84. The height of the average passenger car shall be determined by averaging domestic manufacturer's height specifications for the current model year. The height of the average passenger car is established at 53 inches.

(b) The overhang shall be measured from the road surface on which the transporting vehicle stands to the rear most portion of the vehicle being transported which furthest extends from the transporting vehicle. The measurement shall be taken upon a road surface that is reasonably level across the entire width of the transporting vehicle.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1975, to:

John A. Waddington, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 S. Montgomery Street
Trenton, New Jersey 08666

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

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rules on Snowmobile Registration

John A. Waddington, Director of the Division of Motor Vehicles, in the Department of Law and Public Safety, pursuant to the authority of Chapter 307 of the Laws of 1973 (C.39:3C-1 et seq) proposes to adopt rules governing the registration, numbering and identification of snowmobiles.

Full text of the proposed rules follows:

SUBCHAPTER 18. SNOWMOBILE REGISTRATION

13:21-18.1 Proof of ownership

(a) Every owner of a snowmobile who applies for a registration certificate shall present to an agent of the Director proof of ownership in the following form:

1. An invoice, if the snowmobile was purchased from a dealer in snowmobiles, from the dealer showing the date of purchase, make, model year and serial number;

2. If purchased from an individual, or a dealer invoice is unobtainable, a notarized statement by the applicant showing from whom the snowmobile was purchased, the date of purchase, make, model year and serial number.

13:21-18.2 Sales tax

Every applicant for the initial registration in his name of a snowmobile who purchased the vehicle from other than a sales tax registered vendor after December 14, 1973, shall declare the full purchase price. The sales tax due on said purchase price shall be paid by the applicant when making application for registration.

13:21-18.3 Proof of insurance

Every applicant for snowmobile registration shall present to the Director's agent a valid insurance identification card or insurance policy at the time of application.

13:21-18.4 Registration certificate

Upon payment of the proper fee a registration certificate shall be issued to the applicant on which is shown his name and address, vehicle description, registration number and registration expiration date.

13:21-18.5 Registration number

(a) The registration number shall consist of five numerals followed by the letter "S" and shall be the permanent registration number of the snowmobile notwithstanding the circumstance of subsequent changes of ownership.

(b) The owner shall place the registration number on both sides of the cowl of the vehicle using weather resistant paint, metal or plastic material in contrasting color. Any material used must be securely attached to the vehicle. The minimum dimensions of the individual digits and letter in said registration number shall be as follows:

1. Height: 2¾ inches;
2. Width: 1¾ inches;
3. Stroke: ¼ inch;
4. Spacing: ½ inch.

(c) The owner shall also place the letters NJ ½ inch above

the center of the registration number on both sides of the cowling using the same materials and the following minimum dimensions for each letter:

1. Height: 1 inch;
2. Width: ½ inch;
3. Stroke: ⅛ inch;
4. Spacing: ½ inch.

13:21-18.6 Transfer of ownership

(a) When ownership of a registered snowmobile is transferred to a new owner the seller shall record the purchaser's name and address and the date of sale on the reverse side of the registration certificate and shall sign his name in the space provided thereon. He shall then deliver said certificate to the purchaser.

(b) The new owner shall apply for a registration certificate in his own name by presenting to an agent of the Director the registration certificate on which the transfer of ownership is duly recorded together with the other proofs required by these rules and payment of the proper fee.

(c) When ownership of a registered snowmobile is transferred to a dealer in snowmobiles, the dealer shall retain the former owner's registration certificate until the vehicle is resold. Upon resale the dealer shall deliver said certificate to the purchaser together with the required invoice. The purchaser shall, when applying for a registration in his name, present both the invoice and the former owner's registration certificate to the Director's agent.

13:21-18.7 Renewal of registration certificate

A prepared renewal application shall be mailed to the registrant prior to the expiration of his registration certificate. The applicant shall present said application duly executed to a motor vehicle agent together with the required proofs and payment of the proper fee. If the application is not received or is lost or destroyed, an application may be obtained at the agency upon presentation of the expired or expiring certificate.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1975, to:

John A. Waddington, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

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

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Notice of Public Hearing on Rules Concerning Sale of Animals

Take notice that Virginia Long Annich, Director of the Divi-

sion of Consumer Affairs in the Department of Law and Public Safety, has indicated that a second public hearing on proposed rules concerning the sale of animals (see the May 8, 1975, issue of the New Jersey Register at 7 N.J.R. 231(b) for full text of the proposed rules) will be held on Thursday, August 7, 1975, at 10:00 A.M. in Room 104 (Civil Service Training Center) at 80 Mulberry Street, corner of Raymond Boulevard (New Jersey State Building) in Newark, New Jersey.

Interested persons may present statements or arguments relevant to the proposed action at that public hearing or may submit written statements or arguments on the proposed action on or before August 7, 1975, to Virginia Long Annich, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

This Notice is published as a matter of public information.
Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

Listing of Legislative Agents

On November 15, 1974, William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-22(h) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, released the Quarterly Report of Legislative Agents for the third quarter of 1974.

All notices of the agents' representation and reports are on file with the Attorney General and are available for public inspection during regular business hours (9:00 A.M. to 5:00 P.M.) in Room 219, State House Annex, Trenton, New Jersey.

(Listing of the first 68 registered legislative agents was in the Notice published December 8, 1971, at 3 N.J.R. 267(b); second listing of an additional 48 agents April 6, 1972 at 4 N.J.R. 72(c); third listing of 29 additional agents August 10, 1972, at 4 N.J.R. 190(b); fourth listing of 24 additional agents April 4, 1974, at 6 N.J.R. 152(b); fifth listing of 18 additional agents December 5, 1974, at 6 N.J.R. 479(b); and sixth listing of an additional 28 agents April 10, 1975, at 7 N.J.R. 169(c).)

Following are seven legislative agents who have subsequently registered, with their registration number, name and New Jersey address, whom they are representing, and designation or title, if any;

No. 217, Frank L. Bate, 570 Broad Street, Newark, N.J. 07102, Shanley & Fisher, attorney.

No. 218, Frederick P. Billand, 17 Madelene Drive, Edison, N.J. United New Jersey Auto Salvage Association, legislative agent.

No. 219, Joseph T. Cassidy, 72B Suburbia Drive, Jersey City, N.J. Jersey City Police Officers Benevolent Association, police officer.

No. 220, George F. Baier Jr., P.O. Box 1321, New Brunswick, N.J. 08903, New Jersey NORML (National Organization for the Reform of Marijuana Laws), attorney.

No. 221, Robert C. Donovan, 2777 Summer Street, Stamford, Conn. 06905, Owens-Illinois, Inc., regional director public affairs.

No. 222, James A. Moran, 407 W. State Street, Trenton, N.J., New Jersey Association of School Administration, executive director.

No. 223, New Jersey State Federation of Teachers, Gustave Paterniti, Arnold Cohen, Ray Peterson, 1461 Morris Avenue, Union, N.J. 07083, New Jersey State Federation of Teachers.

These reports were filed June 4, 1975, as R.1975 d.152. Take notice that these listings are not subject to codification and will not appear in Title 13 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF ARCHITECTS

Fee Schedule Revisions

On June 4, 1975, Herman Litwack, Secretary of the State Board of Architects in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3.1, 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Board's fee schedules.

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

13:27-3.13 Fees

(a.) The following fees shall be charged by the Board of Architects:

1. [(a)] [Candidates for written examination] **Applicants for examination or license** shall pay a fee of [\$10.00] **\$20.00** for processing their applications.

2. [(b)] The fee for examination is [\$50.00] **\$75.00 for the seven-part test**. If awarded a certificate [,] **of license**, a further charge of [\$25.00] **\$30.00** is made for issuing it, and of [\$10.00] **\$15.00** for seal press and filing with the Secretary of State.

3. [(c)] Candidates who are required to retake any part of the written **licensing** examination shall pay a fee of [\$10.00] **\$15.00** for each such part not exceeding [\$50.00] **\$75.00**.

4. [(d)] Candidates] **Applicants** already licensed by another State shall pay an application fee of [\$10.00] **\$20.00**. If awarded a certificate [,] **of license**, the charge is [\$50.00] **\$65.00** plus [\$10.00] **\$15.00** for seal and filing.

5. [(e)] The fee for reissuing a certificate **of license** to any architect who may have lost or mislaid his certificate shall be [\$10.00] **\$15.00**.

6. [(f)] The annual registration fee, payable in July of each year shall be [\$15.00] **\$20.00**, beginning with [1957-58] **1975-76**.

7. [(g)] The charge for reinstatement [, due to any cause] **of certificate of license**, shall be \$25.00 [,], **if applied for within two years of forfeiture or cancellation**.

8. [(h)] The charge for a new seal press shall be [\$9.00] **\$15.00**.

9. **The fee for transmittal of grades to other State Boards or to the National Council of Registration Boards shall be \$10.00.**

10. **The charge for late payment of annual registration fee between August 1 and date of forfeiture shall be \$5.00.**

11. **The charge for a review of failed examinations shall be \$5.00.**

12. **A charge of \$4.00 shall be required for a copy of "Roster of Registered Architects", except that it shall be issued free to State, county and municipal government agencies and to all architects listed therein.**

An order adopting these revisions was filed and effective June 19, 1975, as R.1975 d.171.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY MEDICAL EXAMINERS

Fee Schedule

On May 2, 1975, Arthur F. North, President of the State Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-9.9, 45:1-3.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule concerning fee schedules.

Full text of the adopted rule follows:

SUBCHAPTER 4. FEE SCHEDULE

13:44-4.1 General provisions

(a) The following fees shall be charged by the Board:

1. Application fee \$10.00;
2. Examination fee 75.00;
3. Reexamination fee 85.00;
4. Active registration fee, biennial 30.00;
5. Nonactive registration fee, biennial 20.00;
6. Late registration (reinstatement) fee 50.00;
7. In addition to the late registration fee a reinstatement fee of \$10.00 will be charged for each year in which the licensee has not renewed his registration beyond the initial registration period in which it was permitted to lapse;
8. Branch office registration fee 5.00.

An order adopting this rule was filed and effective June 19, 1975 as R.1975 d.173 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Fee Schedule

On June 4, 1975, John J. McGuire, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3.1, 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule concerning fee schedules.

Full text of the adopted rule follows:

13:35-3.6 Fee schedule

(a) The following fees shall be charged by the Board of Medical Examiners:

1. Medicine and surgery (M.D. and D.O. license):
 - i. Examination - all three parts - (three days) \$150.00;
 - ii. Reexamination - each part - (one day) 50.00;
 - iii. 45:9-21(n) - Exemption 150.00;
 - iv. 45:9-21(b) - Temporary license 50.00.
2. Chiropractor (license):
 - i. Examination - all three parts - (three days) 150.00;
 - ii. Reexamination - each part - (each day) . . . 50.00;
 - iii. Endorsement 150.00.
3. Podiatry (license):
 - i. Examination 150.00;
 - ii. Reexamination 100.00;
 - iii. Endorsement 150.00.
4. Bio-analytical laboratory directors (license):
 - i. Examination 100.00;
 - ii. Exemption 50.00.
5. Mid-wifery (license):
 - i. Examination 50.00;
 - ii. Endorsement 50.00.
6. Physical therapy (registration):
 - i. Registration 100.00.
7. Bio-analytical laboratory (registration):
 - i. Registration 100.00.
8. General:
 - i. Recording of change of name 25.00;
 - ii. Duplicate copy of license 25.00;
 - iii. Reciprocity of other States 25.00.
9. Biennial registration:
 - i. Midwifery 5.00.

An order adopting this rule was filed and effective June 19, 1975, as R.1975 d.172 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Revisions on New Car Inspections

On June 16, 1975, John A. Waddington, Director of the Division of Motor Vehicles in the Department Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-43, 39:8-2, 39:10-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:20-28.6 and 13:20-28.8 concerning new car inspections, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 233(c).

An order adopting these revisions was filed June 19, 1975, as R.1975 d.174 to become effective July 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on Rates of Speed On portions of Route 20 Freeway

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt a new rule on rates of speed on portions of Route 20 Freeway.

Full text of the proposed rule follows:

16:28-1.161 Route 20 Freeway in the City of Clifton and the City of Paterson in Passaic County.

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for the certain part of State Highway Route 20 Freeway described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. Route 20 Freeway — Northbound:

i. City of Clifton:

(1) 40 mph between Colfax Avenue and 900 feet north of the overpass of the southbound entrance to the Garden State Parkway;

(2) 55 mph between 900 feet north of the overpass of the southbound entrance to the Garden State Parkway and the City of Clifton — City of Paterson Line.

ii. City of Paterson: 55 mph between the City of Clifton — City of Paterson Line and Route I-80.

2. Route 20 Freeway — Southbound:

i. City of Paterson: 55 mph between Route 80 and the City of Paterson — City of Clifton Line.

ii. City of Clifton:

(1) 55 mph between the City of Paterson — City of Clifton Line and 100 feet north of the overpass of the northbound ramp to Broad Street;

(2) 50 mph between 100 feet north of the overpass of the northbound ramp to Broad Street and 300 feet south of the overpass to the southbound exit of the Garden State Parkway;

(3) 40 mph between 300 feet south of the overpass to the southbound exit of the Garden State Parkway and Colfax Avenue.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Robert R. Reed, Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on One-Way Traffic Along Parts of Route U.S. 202

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1, proposes to adopt a new rule concerning one-way traffic for certain portions of Route U.S. 202.

Full text of the proposed rule follows:

16:28-4.4 Route U.S. 202 in Morristown, Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-85.1, the certain parts of State Highway Route U.S. 202 described herein below shall be and hereby are, designated for one-way traffic:

1. Route U.S. 202 (East Park Place) - (North Park Place) - (West Park Place) - (South Park Place) in a counter-clockwise direction.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Robert R. Reed Jr.
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 this rule substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on Restricted Parking On Various State Highways

On May 22, 1975, 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 of 1968, adopted new rules, to be cited as N.J.A.C. 16:28-3.63 through 16:28-3.67, concerning restricted parking on various State highways, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 176(a).

An order adopting these rules was filed and effective May 28, 1975, as R.1975 d.143.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Revisions on Rates of Speed On Parts of Route 29

On May 22, 1975, 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 of 1968, adopted revisions to N.J.A.C. 16:28-1.77 concerning rates of speed on parts of Route 29, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 177(a).

An order adopting these revisions was filed and effective May 28, 1975, as R.1975, as d.144.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Revisions on Rates Of Speed on Route 17

On June 2, 1975, 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 of 1968, adopted revisions to N.J.A.C. 16:28-1.68 concerning rates of speed on portions of Route 17, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 236(c).

An order adopting these revisions was filed and effective June 4, 1975, as R.1975 d.153.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Rules on Restricted Parking On Various State Highways

On June 2, 1975, 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 of 1968, adopted new rules on restricted parking on Routes 77, 49, 23 and U.S. 30, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 237(a).

Such rules may be cited as N.J.A.C. 16:28-3.68 through 16:28-3.71.

An order adopting these rules was filed and effective June 4, 1975, as R.1975 d.154.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on Uniform Patent Policy

On June 9, 1975, 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 of 1968, adopted procedural rules concerning the uniform patent policy.

Full text of the adopted rules follows:

CHAPTER 3. UNIFORM PATENT POLICY

SUBCHAPTER 1. GENERAL PROVISIONS

16:3-1.1 Definitions

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

"Department" means the Department of Transportation of the State of New Jersey.

"Employee" includes all personnel of the Department of Transportation including, but not limited to, members of the classified and unclassified Civil Service, appointed personnel and "consultants" as defined in N.J.A.C. 16:2-1.1.

"Government" means the government of the State of New Jersey.

"Invention" includes any art, machine, manufacture, design or composition of matter, or any new or useful improvement thereto, or any variety of plant which is or may be patentable under the laws of the United States.

"Other governments" include the governments of the other 49 States and their subdivisions, the government of the United States of America and its agencies, and the government of Canada, its subdivisions and agencies.

"Patent" includes patents obtained in both the United States and Canada.

16:3-1.2 Departmental findings

The Department is cognizant of the fact that inventive advances in scientific and technological fields frequently result from governmental activities carried on by government employees. It is also evident that the broad range of Department activities and the Department's expanding responsibilities will increase the likelihood of inventions being made by Department employees. Additionally, large sums of public money are being spent on such activities. All these factors dictate that inventions which result from Departmental activities should be public resources available not only to the government and people of the State of New Jersey but also to other governments. The Department further finds that under appropriate circumstances the rights of Department employees in their inventions should be recognized.

16:3-1.3 Purpose

This regulation establishes a uniform patent policy for all employees of the Department presently employed or who will be employed in the future. It represents a term and condition of their employment.

16:3-1.4 Policy

(a) The following basic policy is established for the Department with respect to inventions hereafter made by any Department employee.

1. The State of New Jersey shall obtain by assignment the entire right, title and interest in and to all inventions made by any Department employee:

i. During working hours; or

ii. With a contribution of government facilities, equipment, materials, funds or information, or of time or services of other government employees on official duty;

iii. Which bear a direct relation to or are made in consequence of the official duties of the inventor.

2. In any case where the contribution of the State of New Jersey, as measured by any one or more of the criteria set forth in paragraph 1. above, to the invention is insufficient equitably to justify a requirement of assignment to the State of New Jersey of the entire right, title and interest to such invention, or in any case where the State of New Jersey has insufficient interest in an invention to obtain the entire right, title and interest therein (although the State of New Jersey could obtain such right, title and interest under paragraph 1. above), the Department, acting on behalf of the State of New Jersey, upon a determination to this effect by the Commissioner, shall leave title to such invention in the employee, subject, however, to the reservation to the State of New Jersey of a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes (including those of other governments), such reservation, and the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

3. In applying the provisions of paragraph 1. and 2. above, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned to invent or improve or perfect any art, machine, manufacture, or composition of matter, to conduct or perform research, development work, or both, to supervise, direct, coordinate, or review government-financed or conducted research, development work, or both, or to act in a liaison capacity among governmental or non-governmental agencies or individuals engaged in such work or made by an employee falls within the provisions of paragraph 1. above, and it shall be pre-

sumed that any invention made by any other employee falls within the provisions of paragraph 2. above. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of paragraph 4. below.

4. In any case where the government neither pursuant to the provisions of paragraph 1. above, obtains entire right, title and interest in and to an invention nor pursuant to the provisions of paragraph 2. above, reserves a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, the government shall leave the entire right, title and interest in and to the invention in the government employee, subject to law.

5. Actions taken and rights acquired under the foregoing provisions of this Section, shall be reported to the Secretary of State in accordance with procedures established by him.

16:3-1.5 Procedure

(a) The following basic policy is established to provide a procedure for the filing of patent applications, the assignments of patents to the State of New Jersey, the dedication of patents so assigned to the public and the dissemination of information on such patents to other State agencies, other governments and the public.

1. When an invention is made under circumstances defined in N.J.A.C. 16:3-1.4(a) giving the State of New Jersey the right to title thereto:

i. The Department shall either prepare and file, or cause to be prepared and filed, an application for patent in the United States Patent Office. Said application shall be made in the name of the inventor in accordance with the patent laws of the United States.

ii. Together with the application the Department shall file an assignment prepared by a Deputy Attorney General and executed by the inventor assigning all of his rights, title and interest in said invention to the State of New Jersey.

iii. The Commissioner, in his discretion, may dedicate the patent so assigned to the public. Such dedication shall be executed by the Secretary of State.

2. When an invention is made under circumstances defined in N.J.A.C. 16:3-1.4(b) the patent application and patent shall note thereon the reservation of rights by the State of New Jersey.

3. All costs of application and filing for inventions under paragraph 1. above shall be borne by the Department. However, the costs of application and filing for inventions under paragraph 2. above may be borne by the Department to the extent, if any, the Commissioner in his discretion deems advisable based on the value of the reservation to the Department and the State of New Jersey.

4. The Commissioner shall insure that all agencies of the State of New Jersey and that other governments which are interested in, or may have an interest in, all inventions or rights therein, including licenses, owned or controlled by the State of New Jersey, are advised of the nature of the invention and of the rights and interests of the State of New Jersey therein.

—
An order adopting these rules was filed and effective June 11, 1975, as R.1975 d.160 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Emergency Revisions on Speed Limits on Route 55

On June 17, 1975, David W. Gwynn, chief engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98, acting on behalf of the Commissioner of Transportation and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to N.J.A.C. 16:28-1.51 concerning speed limits on portions of Route 55. These revisions delete the current text of N.J.A.C. 16:28-1.51 in its entirety and substitute new text therein.

Full text of the adopted rule follows:

16:28-1.51 Route 55 in Maurice River Township, City of Millville and the City of Vineland, Cumberland County; Franklin Township, Gloucester County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 55 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic: 55 mph for the entire length of the route except as follows:

i. Maurice River Township: For both directions of traffic, 50 mph between Route 47 and the beginning of the center median (approximately 3,700 feet north of Route 47);

ii. City of Vineland: For southbound traffic only, 35 mph between one mile south of Landis Avenue and 2,000 feet north of Sherman Avenue.

—
An order adopting these revisions was filed and effective June 18, 1975, as R.1975 d.167 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Proposed Revisions Concerning General Administration

The Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to revise various Sections in Chapter 1 of Title 17 in the New Jersey Administrative Code concerning general administration.

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

17:1-1.8 Disbursement; **signature cards**; limitations

(a) Pension checks will not be released to those retirants or beneficiaries who fail to return completed signature cards

[after a second notice has been forwarded to them by registered mail]. **Second notices will be sent by certified mail one month following the transmittal date for the initial signature card.**

(b) No interest shall accrue on such moneys.

(c) All disbursements returned by the Federal post office as "Undelivered" shall be redeposited promptly, and in no event shall any disbursement be made except by check delivered by the post office.

17:1-1.11 Mail distribution

(a) All mail sent to the Division of Pensions will be received, opened and sorted by the mail section, with the exception of registered or certified mail which will be sent directly to the addressee.

(b) The mail section will send all correspondence to the appropriate administrative bureau in the Division, where the correspondence should be acknowledged or answered within [three] **five** working days of its receipt in the administrative bureau.

17:1-1.21 Discontinuance of allowance

In the event a retirant, beneficiary or their designated representative fails to furnish, within a five-month period, the information requested by the Division to pay an allowance, a final request will be sent by certified mail advising him that if the information is not received within one month, the monthly benefit and all deductions from such benefit will be suspended until the requested information is received.

17:1-4.28 Post-retirement employment; employer certification

(a) **Employers shall certify on the certification of service and final salary form that the retiring employee has terminated all service.**

(b) **Also, within the three-month period following the employee's effective date of retirement, a certification will be sent to the employer, with a copy to the employee, in order for him to affirm that the employee has indeed terminated as of the effective retirement date and that no services are being rendered by the retirant as an employee in any other capacity.**

17:1-4.29 Employer resolution; involuntary disability application

(a) **Applications for the involuntary disability retirement of an employee of a local employer must be accompanied by a resolution of the governing body, or in the case of a State employee, by a letter from the State department head, certifying that the employee is disabled and unable to perform his regular or assigned duties.**

(b) **The resolution or letter and retirement application must be accompanied by supporting medical reports.**

17:1-5.3 Time and place

(a) Notice in writing will be given by the hearing officer to any party, or his attorney, of the place, date and hour of hearing at least [20] **ten** days before the time set therefor, unless all parties agree to waive such notice.

(b) In the event any party, or his attorney, objects to the time of the hearing or is unable to attend the hearing at the time and place scheduled, such objection or inability shall be

communicated to the hearing officer at least [14] **five** days prior to the scheduled time.

(c) The hearing officer may adjourn or postpone the hearing upon request for good cause shown.

(d) After due notice of the time and place of hearing, if the applicant fails or neglects to appear, or otherwise fails to prosecute without good cause, the issues may be decided upon the basis of the evidence available, **or the appeal may be dismissed.**

(e) The notice of hearing shall also inform the applicant of his right to be represented by counsel and to present such evidence and witnesses as he may desire.

17:1-8.9 Wage reports and transmittals; copies

(a) Participating employers shall [prepare] **complete** three copies of each report or adjustment statement forwarding the original and one copy to the Division of Pensions. **In addition, employers are required to complete two copies of the transmittal with checks covering the contributions and/or fees must be returned to the Division of Pensions with the reports.**

(b) Interstate instrumentalities, with the exception of the Palisades Interstate Park Commission, or any agency whose employer tax liability is paid by the State, are not required to file a quarterly wage report with the Division.

(c) Copies of such report must be retained by employers for ten years.

17:1-8.11 Wage reports; employer responsibility

Illegible or incomplete reports can be rejected by the Division of Pensions and returned to the participating employer. The employer will bear the expense of any interest penalty levied by the Federal Government for such nonreporting or for any other good cause in accordance with Federal regulations. **This includes boards of education reporting members of the Teachers' Pension and Annuity Fund.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

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

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

Clifford A. Goldman
Deputy State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions Concerning Use of Certificate of Capital Improvement for Sales Tax Purposes

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 and 54:32B-24, proposes to declare N.J.A.C.

18:24-5.16 in full force and effect and to promulgate the use of a new certificate of capital improvement, Form ST-8, as provided in said regulation.

A copy of the new Form ST-8 is included in this proposal but due to printing limitations cannot be reproduced herein. Information about this new form may be obtained from the addressee listed at the conclusion of this notice.

Full text of the proposed, revised rule follows:

18:24-5.16(f) Certificate of capital improvement, Form ST-8, should be obtained by a contractor, subcontractor or fabricator/contractor from his customer in any instance where the performance of his work results in a capital improvement to real property. The installation of property purchased exempt from tax under any provision of Section 8 of the Sales and Use Tax Act is deemed not to be a capital improvement to real property upon installation. A contractor or a fabricator/contractor may accept certificates of capital improvement as a basis for exemption from tax on his services only where his work has, in fact, resulted in a capital improvement to real property. The nature of the work performed is the determining factor in deciding whether to collect tax on a contractor's services. The possession of a certificate of capital improvement, in and of itself, is not sufficient to eliminate liability for taxes which should have been collected. The contractor must accept such certificate in "good faith" to be relieved of liability.

1. "Capital improvement" means an installation of tangible personal property which results in an increase of the capital value of the real property and an increase in the useful life of such property.

2. "Repair" means maintaining the existing value of the property.

3. Examples of capital improvements are:

- i. New construction;
- ii. New roof, installation of;
- iii. Tiled bath, installation of;
- iv. New bath fixtures, installation of;
- v. New kitchen fixtures, installation of;
- vi. Paving of driveway;
- vii. Shrubbery, trees, and so forth, planted;
- viii. Paneling, installation of;
- ix. In-ground swim pool, installation of;
- x. New central air conditioner installation;
- xi. Porch enclosure, construction of;
- xii. New heating system installation;
- xiii. Rewiring;
- xiv. New electrical outlets installed;
- xv. New siding, installation of;
- xvi. Garage, construction of;
- xvii. Patio, construction of;
- xviii. Storm doors and windows, installation of;
- xix. New hot water heater installation.

4. In general, a contractor who accepts a certificate of capital improvement in "good faith" is relieved of liability for collection or payment of tax upon transactions covered by the certificate. The question of "good faith" is one of fact and depends upon a consideration of all the conditions surrounding the transaction. A contractor is presumed to be familiar with the law and the regulations pertinent to the business in which he deals. In order for "good faith" to be established, the following conditions must be met:

- i. The certificate must contain no statement or entry which

the contractor knows, or has reason to know, is false or misleading.

ii. The certificate must be an officially promulgated certificate form or a substantial and proper reproduction thereof.

iii. The certificate must be dated and executed in accordance with the published instructions, and must be complete and regular in every respect.

5. The contractor may, therefore, under the circumstances, accept this "good faith" certificate of capital improvement as a basis for not collecting sales tax with respect to service or labor charges.

6. A facsimile copy of the new Form ST-8, certificate of capital improvement, is shown below:

(Ed. Note—see opening statement).

7. The use of the new certificate of capital improvement, Form ST-8, is required in all applicable transactions made on or after the effective date of this regulation. Previously issued certificates may, however, be accepted up to January 1, 1976.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before July 31, 1975.

Division of Taxation
Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625
Attention: Vincent A. Carretta
Telephone: (609) 292-7245

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions on Release Of Safe Deposit Box Contents

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-38, proposes to revise some of the rules concerning the release of safe deposit box contents.

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

18:26-11.20 Release of safe deposit box contents

No safe deposit company, trust company, bank or other institution may deliver or transfer any securities, deposits or other assets contained in a safe deposit box within its control or possession which belongs to or stands in the name of a resident decedent, **principal of a one person corporation** or in the joint names of a resident decedent and one or more other persons unless, after inspection, a release is obtained from the district supervisor of the Transfer Inheritance Tax Bureau operating in the district where the safe deposit box is located.

18:26-11.21 Conditions for opening safe deposit box

A safe deposit box rented in the name of the decedent, individually, **as a principal of a one person corporation** or as a joint renter, is automatically sealed by the death of the decedent by law; however, the box may be opened in the presence of an officer or authorized employee of the bank and a proper representative of the estate for the purpose of ascertaining whether the contents include the decedent's last will and testament, a deed for a cemetery lot, or the insurance policies made payable to designated beneficiaries. If the contents include any of the above items, such items only may be delivered to the proper party in interest or representative of the decedent's estate by the bank official present at the time of entry but there shall be completed at that time a memorandum by the bank reciting the date of entry, a list of the items removed and the address of the representative of the estate. The box is then resealed until inventoried by the district supervisor.

18:26-11.26 Box rented by corporation; **exception**

The contents of a safe deposit box rented in the name of a corporation **having more than one stockholder** is not subject to inspection upon the death of an officer or employee of the corporation having right of access thereto and a release is, therefore, not necessary. **For corporations having only one stockholder, see N.J.A.C. 18:26-11.20 and 18:26-11.21.**

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before July 30, 1975.

Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625
Attention: William R. Mulholland
Telephone: (609) 292-7026

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

TEACHERS' PENSIONS AND ANNUITY FUND

Revisions to Rules

On May 12, 1975, A. Steven LaBrutte, secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to various Sections in Chapter 3 in Title 17 of the New Jersey Administrative Code, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 179(a).

An order adopting these revisions was filed and effective May 27, 1975, as R.1975 d.140.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE HEALTH BENEFITS COMMISSION

Amendments on Retroactive Premiums And Retired Coverage

On June 2, 1975, the State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 17:9-5.10 and 17:9-6.3 concerning retroactive premiums and retired coverage, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 118(e).

An order adopting these amendments was filed and effective June 9, 1975, as R.1975 d.159.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Rule on Certificates of Deposit Savings Certificates and Special Accounts

On June 24, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule on certificates of deposit, savings certificates and special accounts, substantially as proposed in the Notice published May 8, 1975, at 7 N.J.R. 240(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of the Treasury.

Full text of the adopted rule follows (substantive changes indicated in boldface **thus**):

18:26-8.25 Certificates of deposit, savings certificates and special savings accounts

Certificates of deposit, savings certificates, special savings accounts and other accounts with banking institutions which provide for a penalty for premature withdrawal are to be reported at face value at the death of the decedent, plus interest which may have been credited up to the date of death unless it is necessary to redeem any or all of the items so described in order to pay the debts of the estate, to carry out the provisions of the will, **to effect distribution of the estate under the intestate law** or for the payment of taxes. In those cases, the actual amount received on redemption is reportable for taxation.

An order adopting this rule was filed and effective June 24, 1975, as R.1975 d.177.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Rule on No Fault Insurance

On June 24, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule cited as N.J.A.C. 18:26-6.16, on no fault insurance, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 239(a).

An order adopting this rule was filed and effective June 25, 1975, as R.1975 d.186.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Rule on Effective Date of Exemption Organization Permit

On June 25, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, now cited as N.J.A.C. 18:24-1.14, concerning the effective date of the exemption organization permit, as proposed in the Notice published June 5, 1975, at 7 N.J.R. 282(a).

An order adopting this rule was filed and effective June 26, 1975, as R.1975 d.187.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

OTHER AGENCIES

(c)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Rules on Traffic Control

The New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq., proposes to adopt a new rule concerning traffic control on the Garden State Parkway.

Full text of the proposed rule follows:

19:8-1.13 Traffic control

The operator of any vehicle entering, operating on or exiting the Parkway shall obey the instruction of any official traffic control device applicable thereto including signs, traffic lights, or mechanical or electrical signals, unless otherwise directed by a traffic or police officer.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before July 30, 1975, to:

John P. Gallagher
Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, N.J. 07095

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

John P. Gallagher
Executive Director
New Jersey Highway Authority

(d)

HIGHWAY AUTHORITY

Rules for Garden State Arts Center

On May 29, 1975, John P. Gallagher, executive director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, included within N.J.A.C. 19:8-1.1 and 19:8-2.11, concerning the Garden State Arts Center, as proposed in the Notice published May 8, 1975, at 7 N.J.R. 241(b).

An order adopting these rules was filed and effective May 29, 1975, as R.1975 d.145.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(e)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revised Schedule of Charges for Vehicular Parking at New York City Passenger Ship Terminal Pier 40

On April 30, 1975, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges for vehicular parking at the New York City Passenger Ship Terminal Pier 40.

Full text of the revised rule follows:

Resolved, that the vehicular parking rates, New York City Passenger Ship Terminal, Pier 40 adopted by the committee at its meeting on August 10, 1972 (appearing at page 20 of the committee minutes of that date), as subsequently amended, be and the same are hereby revised, effective June 1, 1975, as follows:

Enclosed space—second deck	
Monthly parking permit	\$35.00
Outside space—parking roof	
Monthly parking permit	\$25.00
Daily parking	\$ 1.50
Ten-coupon booklet, each coupon good for one day's parking within one year of issuance	\$12.50
All rates include six per cent sales tax.	

An order adopting these revisions was filed May 28, 1975, as R.1975 d.141 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TURNPIKE AUTHORITY

Proposed Schedule of Towing Rates

The New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 et seq., proposes to adopt a schedule of towing rates for removing disabled vehicles on the Turnpike. It is intended that the schedule, if adopted, shall become effective August 1, 1975.

Full text of the proposed schedule follows:

Class 1 Vehicles (24 hours):

Service charge - \$20.00; \$1.00 per mile on Turnpike to a maximum of \$30.00. An additional charge of \$5.00 for the use of dolly wheels.

Class 2 - Four vehicles:

Service charge \$30.00; \$2.00 per mile on Turnpike (maximum of ten miles) to a maximum of \$50.00

Class 5 - Six vehicles:

Service charge \$40.00; \$2.00 per mile on Turnpike (maximum of ten miles) to a maximum charge of \$60.00. An additional charge of \$10.00 for connecting air lines, disconnecting drive shafts, removing axles.

Winching and wrecking:

\$20.00 per hour for a light wrecker; \$40.00 per hour for a heavy wrecker and \$100.00 per hour for cranes in excess of 50,000 pounds.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1975, to:

Paul M. Weckesser
Traffic Engineer
New Jersey Turnpike Authority
P.O. Box 1121
New Brunswick, N.J. 08903

The New Jersey Turnpike Authority, upon its own motion or at the instance of any interested party, may thereafter adopt this schedule substantially as proposed without further notice.

Paul M. Weckesser
Traffic Engineer
New Jersey Turnpike Authority

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

CORPORATION BUSINESS TAX FILING EXTENSION GUIDELINES ARE ISSUED

The Division of Taxation in the Treasury Department has put into effect new guidelines regarding extensions of time for the filing of corporation business tax returns, it was announced by Sidney Glaser, Division Director.

The new guidelines follow in full:

1. An automatic 90-day extension will be granted, assuming that all the criteria previously established for the granting of extensions are met (form CBT 200T must be completed).

2. A second extension of up to 90 additional days may be granted, upon application, for cause shown; or,

3. A second extension of 90 days will be granted to taxpayers who have applied for additional extension to the Internal Revenue Service. Such extensions will be automatically approved provided that a copy of the request for Federal extension is sent to this Division prior to the expiration of the original extension. This automatic extension will be inoperative unless the taxpayer attaches a copy of the approved Federal extension to the New Jersey return at the time it is filed.

INSURANCE DIFFERENTIALS BASED ON SEX OR MARITAL STATUS BARRED

Discrimination based on sex or marital status in the issuance of insurance policies in New Jersey must end by September 1, State Insurance Commissioner James J. Sheeran recently announced.

The Commissioner said he had adopted an administrative rule making any such discrimination an illegal act within the scope of the State statute banning "unfair or deceptive" practices.

The effective date of the rule was set at September 1, Sheeran explained, to give insurance companies sufficient time to acquaint their staff with the prohibition and to make necessary changes in their application forms, policies, advertising and sales material, such as the substitution of "spouse's name" for "wife's name" on application and policy forms.

Sheeran said that he expects full and timely compliance by the industry. He noted that at a public hearing held by Dr. Eleanor J. Lewis, director of consumer services in his Department, the industry had responded affirmatively and supported the "elimination of any unfair or arbitrary discrimination in the availability of coverage offered to women."

The key paragraph in the new administrative rule reads:

"No person engaged in the business of insurance in the State of New Jersey shall refuse to issue any policy of insurance, or shall cancel or decline to renew such policy because of the sex and/or marital status of the applicant or policyholder."

(Full text of the new rule with typical examples of what is now illegal was in the April New Jersey Register at 7 N.J.R. 168(a). Notice of adoption was in the June issue at 7 N.J.R. 276(b).)

(The new administrative rule is cited as N.J.A.C. 11:1-4.2 and will subsequently be printed in the New Jersey Administrative Code as part of Title II-Insurance Department.)

The Commissioner added that only unfair discrimination between the sexes is prohibited and that other rate differentials sex-wise will be valid if supported by acceptable statistical data.

FARMLAND OWNERS MUST FILE NEW TAX FORMS BY AUGUST 1

Assessors throughout the State recently sent 1976 tax year application forms to farmland owners who qualified for Farmland Assessment Act benefits in 1975. The forms must be completed and returned to the local assessor on or before August 1, 1975, according to State Secretary of Agriculture Phillip Alampi, chairman of the farmland evaluation advisory committee.

New applicants must request the Farmland Assessment forms from the assessor. If they qualify this year, the forms will be automatically sent them in the subsequent year.

The August 1 filing date is absolutely critical, Alampi said. There are no extensions beyond that date and the assessor can not legally accept an application after August 1 for the next tax year. Questions regarding the procedure should be discussed with the local assessor, Alampi said.

NEW LAW REGULATES PROPERTY TITLE INSURANCE FIRMS FOR FIRST TIME

Governor Brendan Byrne has signed into law a bill which for the first time regulates the title insurance industry in New Jersey. It provides for comprehensive regulation by the State Department of Insurance.

"This gives New Jersey the strictest title insurance regulation in the country," said Byrne. "This is true consumer protection legislation," he added. "Under State regulation, I believe the cost of title insurance can be reduced significantly."

Provisions include:

- Justification for and prior approval of rates.
- Protection for consumers in the event of insolvency or dissolution of a title insurance company.
- Elimination of payment of unearned commissions and rebates for referral of business.
- A requirement that agents meet basic requirements for licensing.

The measure also requires that all title insurance agents be bonded and licensed, but would not apply to present agents with at least two years experience.

Title insurance is protection against any legal challenge to ownership of property.

FAIR TRADE ACT FINALLY ENDS

Governor Brendan Byrne has signed a law, effective July 28, which is designed to reduce prices to consumers, the repeal of the 37-year-old Fair Trade Act.

Byrne noted that he had called for this action in his annual message to the Legislature.

"In these days when we are trying to turn around the economy in the State and are expressing our concern with the kind of deal the consumer is getting, it is important that we have the opportunity to enact this kind of legislation," said the Governor in signing the bill.

The measure repealed the 1938 law which had established minimum prices on a wide variety of consumer products such as television sets.

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NOTICE ON CODE MAILING

A mailing was made last month to Administrative Code subscribers of update pages for 11 Titles, namely No's. 1, 2, 3, 4, 5, 9, 13, 15, 16, 17 and 19.

The interim index for the Code in the center pages of this issue has been adjusted accordingly. A second mailing of this latest update will follow shortly for other Titles.

If set subscribers or those ordering the particular Titles listed above have not received this update, please notify this Division at the address or phone number given on Page 2.