

NEW JERSEY REGISTER



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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amendments Concerning Milk Handling

On January 3, 1980, Woodson W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments which deleted the current text of N.J.A.C. 2:54-3.7 and replace it with new text therein concerning milk handling.

Full text of the new rules follows.

2:54-3.7 Handling of milk in various New Jersey milk marketing areas; concurrent suspension to Federal Order No. 4

(a) In conformance with a memorandum of agreement with the United States Department of Agriculture and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the director, Division of Dairy Industry has considered a request for the suspension of certain provisions of the Joint Federal-State Milk Marketing Order, commonly designated as Federal Order No. 4. The suspension is based upon petitions received from interested parties within the marketing area.

(b) The director, Division of Dairy Industry concurs with the Findings and Determinations of the United States Department of Agriculture as contained at page 77135 of Volume 44 of the Federal Register for December 31, 1979. Also pursuant to the provisions of N.J.A.C. 15:15-5.3, the director hereby adopts by reference the aforesaid Findings and Determinations insofar as such findings pertain to the marketing of milk in the State of New Jersey under 7 CFR Part 1004 with the same being commonly referred to as Federal Order No. 4.

(c) Now therefore, it is hereby ordered that in Section 1004.7(a) the words "not less than 40 percent" be suspended for the months of December, 1979, and January, 1980.

An order adopting these amendments was filed and

became effective on January 7, 1980 as R.1980 d.10 (Exempt, Procedure Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

BANKING

THE COMMISSIONER

Amendments Concerning Reserves by Banks Not Members of the Federal Reserve System

On December 31, 1979, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:8-3.2 and 3:8-3.3 concerning reserves to be maintained by banks not members of the Federal Reserve System as proposed in the Notice published December 6, 1979 at 11 N.J.R. 606(a).

An order adopting these amendments was filed and became effective on December 31, 1979 as R.1979 d.501.

Howard H. Kestin
Director
Office of Administrative Law

(c)

BANKING

DIVISION OF BANKING

Amendments Concerning Class II Installment Loan Rates

On January 14, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-53C and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 3:6-7.1 concerning Class II installment loan rates.

NEW JERSEY REGISTER

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Full text of the adoption follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).
3:6-7.1 Maximum interest rate

The maximum rate of interest which may be contracted for and received on Class II installment loans on or after [June 1, 1979] January 14, 1980, shall be [14 per cent] 15 per cent per annum. This regulation shall have prospective effect only. Such interest shall be calculated in accordance with N.J.S.A. 17:9A-53 et seq. and shall remain in force until such time as this regulation is rescinded or until said rate is revised by a subsequent regulation.

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.16 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

BANKING

**DIVISION OF BANKING
CONSUMER CREDIT BUREAU**

**Amendments Concerning Secondary
Mortgage Loan Act Rules**

On January 14, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-44a and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments concerning Secondary Mortgage Loan Act rules.

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

3:18-9.1 Maximum interest rate permissible

The maximum rate of interest to be charged, contracted for or received on a secondary mortgage loan closed on or after [November 24, 1978] January 14, 1980, shall not exceed an annual percentage rate of [17] 18 per cent. Such interest shall be calculated in accordance with the provisions of N.J.S.A. 17:11A-44a (Chapter 205, P.L. 1970).

3:18-9.5 Term of regulation

The rate established by N.J.A.C. 3:18-9.1 shall be effective [November 24, 1978] January 14, 1980, and shall remain in force until such time as this regulation is rescinded or until said rate is increased or decreased by a subsequent regulation.

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.17 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

BANKING

**DIVISION OF SAVINGS AND
LOAN ASSOCIATIONS**

**Rules on Maximum Interest Rate
On Repair and Improvement Loans**

On January 14, 1980, Angelo R. Bianchi, Commissioner

of Banking, pursuant to authority of N.J.S.A. 17:12B-160 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new, emergency rules concerning the maximum interest rate on repair and improvement loans.

Full text of the adoption follows.

3:31-2.2 Maximum interest rate

The maximum rate of interest which may be contracted for and received on repair and improvement loans (section 157) secured by real property on or after January 14, 1980, shall be 15 per cent per annum. This regulation shall have prospective effect only. Such interest shall be calculated in accordance with N.J.S.A. 17:12B-160 et seq. and shall remain in force until such time as this regulation is rescinded or until said rate is revised by a subsequent regulation.

An order adopting these rules was filed and became effective on January 14, 1980 as R.1980 d.18 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

EDUCATION

STATE BOARD OF EDUCATION

**Proposed Amendments on
High School Graduation Requirements**

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:7A-1 et seq. and 18A:7C-1 et seq., proposes to establish rules on high school graduation requirements by amending N.J.A.C. 6:8-1.1, 6:8-3.8, 6:8-4.2, and 6:27-1.4.

These regulations are designed to implement the new law on basic skills and graduation, and would also provide minimum curriculum requirements for the State.

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

6:8-1.1 Words and phrases defined

(Insert alphabetically in existing list of definitions.)

“Proficiency” means an explicitly stated and demonstrable knowledge and/or skill used to define a desired learning outcome.

“State endorsed diploma” means a diploma signifying successful completion of a high school program containing the minimum curriculum, programmatic and proficiency requirements as set forth by state law and regulations; and by local district policies and procedures.

6:8-3.8 Pupil minimum proficiency levels and preventive and remedial programs in communication and computational skills

(a) Each pupil shall be assessed, upon entrance into the educational system and annually thereafter, to identify pupils not meeting state minimum proficiency levels. [Such assessment shall be part of the total assessment procedure set forth in section 4 of this subchapter.] Pupils so identified shall be provided with an individual comprehensive assessment which shall include but not be limited to the assessment procedures set forth in section 4 of this subchapter. For pupils with identified deficiencies after

completion of six academic years of instruction beyond kindergarten, local school districts shall develop procedures for the development and implementation of individual student improvement plans. These procedures shall include but not be limited to:

1. A process for the development of the student improvement plans including those persons responsible for the development and implementation of the plan;

2. Identification of a teaching staff member responsible for monitoring the development, implementation and evaluation of the individual's student improvement plan; and

3. A process for notifying the pupil and the parent(s) or guardian(s) of the need for and content of the student improvement plan.

In instances of [student] pupil transfers, assessment records shall be forwarded from the previous school or district to the school or district in which the [student] pupil is newly enrolled.

6:8-4.2 Promotion and graduation

(a) The district board of education shall adopt policies and procedures for:

1. Pupil promotion, related to district goals, objectives and pupil proficiency; and

2. High school graduation, pursuant to law and regulation, which shall be [reasonably related to] consistent with the achievement of state and district goals, objectives and pupil proficiency with particular reference to basic communication and computational skills; except that by July 1, 1981, revised policies and procedures, shall be adopted as specified in N.J.A.C. 6:8-4.2(b), (c), (d) and (e).

(b) By July 1, 1981, district boards of education shall adopt policies and procedures for high school graduation of all pupils pursuant to law and regulation, which shall include but not be limited to performing at or above the established uniform statewide minimum levels of pupil proficiency on the ninth grade statewide assessment tests in reading, writing, and computational skills. This requirement shall commence with the ninth grade class of the 1981-82 school year.

1. Pupils who perform below statewide standards on one or more of these statewide tests shall be provided with a comprehensive individualized assessment as specified in N.J.A.C. 6:8-3.4 and, on the basis of this assessment, provided necessary services to remedy those deficiencies identified which shall include but not be limited to the development and implementation of an individual student improvement plan. This individual program may be carried out through the regular program or through an extended school day, extended school week or extended school year. Comprehensive pupil assessment and re-evaluation of the individual plans shall take place at least once each year until all identified deficiencies have been remediated.

2. Each local school district shall develop procedures for the development of the individual student improvement plan. These procedures shall include but not be limited to those procedures set forth in N.J.A.C. 6:8-3.8(a).

3. Pupils who perform below state standards on one or more of these statewide tests shall be provided with multiple opportunities to demonstrate mastery immediately after completion of the appropriate segments of their student improvement plan provided that at least one opportunity is provided each academic year.

4. For each pupil who performs below state standards on any of these tests by the end of the eleventh grade, an additional evaluation shall also be provided during the twelfth year based on the individual student improvement plan required under paragraph 1 above. This evaluation shall include but not be limited to:

i. Performance on state tests (including all re-tests);

ii. Performance on locally selected examinations;

iii. Performance in course work;

iv. Formal interview with the pupil;

v. Formal interview with the parents;

vi. Formal interview with teaching staff;

vii. Examination of the pupil's transcripts noting the pupil's strengths in other related areas;

viii. Guidance counselor/psychologist review as appropriate;

ix. Visual, auditory and/or medical data as appropriate;

x. Examination of credit and curriculum performance; and

xi. Examination of pupil proficiencies in other areas.

5. On the basis of the evaluation required under paragraph 4 above, and an independent evaluation of these data by a local district review panel, a recommendation shall be forwarded on each pupil not meeting statewide basic skills requirements to the county superintendent of schools by March 1 of the regularly scheduled graduation year as to whether the statewide minimum basic skills requirement has been attained satisfactorily. This local district panel shall include at least three teaching staff members not currently instructing the pupil. On the basis of the evidence listed in paragraph 4 and the recommendations of the review panel, the building principal, and the district superintendent; the county superintendent may certify satisfactory attainment of the minimum basic skills graduation requirement.

6. Pupils classified pursuant to N.J.S.A. 18A:46-1 et seq. may be exempted from this basic skills proficiency requirement based on the recommendation of the child study team and the approval of the chief school administrator.

7. Any out-of-school youth or adult age 18 or over who has otherwise met all state and local graduation requirements but has failed to pass the state assessment test(s), may return at times which have been scheduled and publicly announced by the district board, for the purpose of taking the necessary tests. Upon certification of passing the test(s), a state endorsed diploma will be granted by the high school of record.

8. Upon the completion of the first cycle of the program in 1985, and annually thereafter, chief school administrators shall report prior to November 30 to their district boards at a public meeting and to the Commissioner of Education the number of pupils graduated and the number of pupils denied graduation on the basis of this chapter. Chief school administrators shall include in these reports the number of pupils graduated under the special education and special evaluation procedures noted in this subsection.

(c) Minimum high school curriculum requirements include the following:

1. By July 1, 1981, district boards of education providing high school diplomas shall adopt policies and procedures in cooperation with any sending district(s) for defining minimum high school curricula requirements and locally determined proficiencies therein, pursuant to law and regulation, which shall include but not be limited to:

i. Requiring the successful completion of a program of study in grades nine through 12 which shall include but not be limited to:

(1) One credit year of communication for each year of enrollment, up to four credit years;

(2) Two credit years of computation;

(3) Two credit years of social studies and history as required by N.J.S.A. 18A:35-1;

(4) One credit year of natural or physical science;

(5) One credit year of physical education, health and safety for each year of enrollment as required by N.J.S.A. 18A:35-7;

(6) One credit year of fine, practical, and/or performing arts; and

(7) One-half credit year of career exploration or development.

ii. Pupils may meet the curricular requirements set forth in subparagraph i through demonstration of mastery of the locally determined proficiencies in each of the above curriculum areas or through program completion procedures noted in subsection (d).

2. Pupil proficiencies in areas other than those delineated in subsection (b) above shall be developed as follows:

i. By July 1, 1980, the Commissioner of Education shall provide to district boards of education guidelines for the development of local proficiencies for each curriculum area noted in this subsection.

ii. By July 1, 1981, district boards of education shall establish proficiency requirements in each curriculum area noted in paragraph 1 above. Upon approval of these proficiencies by the district board of education, demonstration of mastery will be required as a condition of graduation. These proficiency requirements will take effect with the entering ninth grade class of the 1981-82 school year.

iii. District boards of education shall establish procedures for remediation and opportunities for pupils to satisfy any failed local proficiency.

iv. Beginning with the 1981-82 school year, all district boards of education shall distribute to each entering ninth grade pupil and his/her parent(s) or guardian(s) a copy of all state and local high school graduation requirements. In addition, each district board of education shall distribute to all pupils and his/her parent(s) or guardian(s), at the beginning of each course required for graduation, a list of proficiencies required for successful completion of that course.

v. The Commissioner of Education shall monitor and approve the development and implementation of local high school graduation proficiencies, the instructional program supporting these proficiencies, and the manner of assessing the achievement of these proficiencies.

[6:27-1.4 Graduation]

[(a)] (d) Subject to approval of the State Board of Education:

1. Each [high school] district board of education shall establish graduation requirements on the basis of either course credits, program completion or a combination of course credits and program completion.

i. Regarding course credits, the rules include:

(1) Each four-year high school shall establish a minimum set number of credits to be required for graduation, to be not less than 92.

(2) Each senior high school shall establish a minimum set number which shall be not less than 69 credits to be completed in grades ten to twelve inclusive.

(3) Six-year schools may base their graduation requirements on formal completion of grades nine to twelve or ten to twelve within the credit limits established for four-year or senior high schools respectively.

(4) Credits toward graduation shall be awarded by the following method:

(A) Credit shall be assigned on the same basis to all high school courses offered by the [local] district board of education.

(B) Credit may be assigned by each district board of education for curricular activities as defined in N.J.A.C. 6:24-1.13.

(C) The exception is that approved cooperation education programs shall receive a maximum of 15 credits per year.

ii. [Program completion procedures include:] Credit year requirements set forth in subsection (c) above may be met in whole or in part through program completion as follows:

(1) [Local] District boards of education may determine and establish a set number of curricular activities or programs for promotion and graduation purposes.

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

(3) The principal shall certify completion of curricular activities or programs based upon specified instructional objectives.

(4) Group programs based on specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district subject to review by the commissioner or his/her representative.

2. District boards of education shall establish pupil attendance requirements appropriate to each of the particular educational programs.

[2.] 3. Each junior high school shall establish a statement of policy governing graduation.

[(b) Diplomas shall be granted only to pupils who have completed fully the requirements for graduation as established in the curriculum approved by the State Board of Education, except as provided for seniors entering military or naval service.]

[(c) Statutory requirements for United States History, and health, safety and physical education shall be fulfilled by the system adopted by the local board of education.]

[(d) These requirements shall be effective for all grades nine through twelve on or before September, 1975:

NOTE: Methods of implementation

1. Previously local districts requested they be given time before implementing the new graduation requirements or, at the other extreme, be allowed to change their entire school immediately. To allow for the differences between school and to alleviate the pressures of meeting instant deadlines, it is recommended that all grades shall be on the new system on or before September, 1975, that is, the progression begun this year, one grade at a time, may be continued, or all grades may be placed on the revised structure at the same time prior to September, 1975.

2. Last year all districts submitted applications for present ninth grade pupils. It is recommended that districts submit their proposals on forms provided by the State Department of Education in the following manner:

i. All public schools shall submit their local requirements, as they are adopted, to the county superintendent of schools.

ii. All diocesan schools shall submit their local requirements, as they are adopted, to the diocesan superintendent of schools.

iii. All other nonpublic schools shall submit their requirements, as they are adopted, to the division of curriculum and instruction.

3. Each district may immediately convert the present ninth grade credit structure to that encompassed by the above revisions.]

(e) Beginning with the ninth grade class of the 1981-82 school year, successful completion of the requirements set forth in subsections (b), (c), and (d) of this section, and any local requirements shall be required as conditions for awarding a state endorsed diploma, except as provided for seniors entering military or naval service pursuant to N.J.S.A. 18A:36-17. No district board of education may issue a high school diploma without state endorsement.

(f) Review and reporting rules include the following:

1. From time to time but at least once every five years, the State Board of Education and district boards of education shall review and update their graduation requirement policies as a result of the state and local goal review processes noted in N.J.S.A. 18A:7A-8 and N.J.A.C. 6:8-3.2.

2. The Commissioner of Education in accordance with law and regulation shall, upon the completion of the first cycle of the program in 1985, and annually thereafter, report to the State Board of Education and Legislature on the status and outcome of this program.

3. Prior to November 30, 1981, district boards of education shall submit their graduation requirements on forms provided by the State Department of Education in the following manner:

i. All public schools shall submit their local requirements, as they are adopted, to the county superintendent of schools.

ii. All diocesan schools shall submit their requirements, as they are adopted, to the diocesan superintendent of schools.

iii. All other nonpublic schools shall submit their requirements, as they are adopted to the division of school programs.

iv. District boards of education shall update this filed copy as their graduation policies are revised.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State Street
Trenton, New Jersey 08625

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments Concerning Thorough and Efficient System of Free Public Schools (Evaluation and Classification Process)

The State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-1 et seq., proposes to amend N.J.A.C. 6:8-1.1 (words and phrases defined), 6:8-6.2 (classification and notification) and 6:8-7.1 (remedial plan for approved with conditions or unapproved districts or schools) in the rules pertaining to a Thorough and Efficient System of Free Public Schools.

The proposed amendments would modify the process of evaluation and classification of districts and schools, in order to better inform the public about the progress and the needs of the districts and schools. Among other modifications, the amendments alter the terminology from approved, approved with conditions and unapproved, to approval with recommendations and commendations, interim approval and unapproved. A fourth criterion is being proposed on the achievement of local goals and objectives.

Full text of the proposed amendments follows (deletions indicated in brackets [thus]; additions indicated in bold-face thus).

6:8-1.1 Words and phrases defined

["Approved" means the official classification by the State Department of Education certifying that the school and district complies with prescribed standards, pursuant to law and regulation.]

["Approved with conditions" means that a school or district with specific deficiencies is granted a prescribed period of time in which to plan and implement remediation, pursuant to law and regulation.]

["Unapproved" means that a school or district has failed to show sufficient progress in implementing goals, objectives and standards, pursuant to law and regulation.]

["Classification" means a process through which districts and schools are designated as approved, approved with conditions or unapproved, pursuant to law and regulation.]

"Classification" means a procedure through which progress is evaluated in each school and district toward local goals and objectives, implementation of the educational plan, achievement in the basic skills and compliance with law and regulation and it is determined whether or not corrective action is needed.

6:8-6.2 Evaluation and [C]lassification [and notification]

[(a) The commissioner shall classify districts and each school within a district as approved, approved with conditions or unapproved, as defined in this chapter, based upon analysis of the annual reports submitted, the results of annual monitoring, and visitations by representatives of the commissioner, and in accordance with the following criteria:

1. Meeting the following criteria shall result in classification as approved or approved with conditions:

i. Approved:

(1) The educational plan has been developed and implemented in accordance with the provisions of subchapter 3; and

(2) The basic skills plan has been developed and implemented and statewide standards in basic communication and computational skills have been substantially achieved in the judgment of the commissioner; and

(3) Deficiencies in requirements set forth in statutes and regulations, as identified in the annual evaluation, have been remedied.

ii. Approved with conditions:

(1) The educational plan is under development in accordance with the provisions of subchapter 3; or

(2) The basic skills plan has been developed and implemented and the district's interim goals have been substantially achieved, in the judgment of the commissioner; or

(3) Deficiencies in requirements set forth in statutes and regulations, as identified in the annual evaluation, are in the process of being remedied.

2. Classification as unapproved shall be assigned when one or more of the following conditions exist:

i. Insufficient progress has been made in the development and/or implementation of the educational plan with no justifiable reason, in the judgment of the commissioner.

ii. Interim goals as identified in the basic skills plan have not been achieved, in the judgment of the commissioner.

iii. Deficiencies in requirements set forth in statutes and regulations, as identified in the annual evaluation, have not been remedied, or no reasonable effort has been made, in the judgment of the commissioner.

(b) The classification process shall be implemented in

accordance with a timetable approved by the State Board of Education.

1. The classification process and timetable shall permit local boards of education to make budgetary provision for the achievement of goals, objectives and standards, and the remediation of deficiencies identified in the annual evaluation and/or educational plan.

(c) The commissioner shall annually notify the chief school administrator and district board of education in writing of district and school evaluations.

(d) The commissioner shall notify the chief school administrator and district board of education in writing of district and school classification following final action on such classification by the State Board of Education.

(e) The evaluations and classification of every school and district shall be reported to the public by the district board of education, and a classification list shall be maintained in the office of county superintendent.

(f) Nothing in this section shall be construed to limit the authority of the commissioner and State Board of Education to invoke corrective action in accordance with law and regulation.]

(a) The commissioner shall evaluate the status of each school in the development and implementation of an educational plan, the achievement of local goals and objectives, the achievement of state standards for pupil proficiency in basic communications and computational skills and compliance with relevant law and regulation.

(b) The commissioner also shall evaluate the status of each district in regard to the development and implementation of an educational plan and compliance with relevant law and regulation.

(c) The evaluation of schools and districts shall be based upon the results of annual monitoring, analysis of reports submitted by the district, the results of annual testing for achievement in the basic skills areas and visitation by representatives of the commissioner.

(d) An evaluation report on each school shall be prepared by the commissioner and submitted to each district board of education no later than August 30 of each year.

(e) The evaluation report for each district and school shall contain the following elements:

1. A summary of significant areas of progress toward meeting the standards of N.J.S.A. 18A:7A-10, if applicable;

2. Recommendations for improvement in each of the following areas that are applicable based upon the analysis of data:

i. Development and implementation of the educational plan in accordance with the provisions of subchapters 3 and 4 of this chapter;

ii. Progress in meeting state and local goals, objectives and standards;

iii. Compliance with law and regulation in the operation of the schools; and

iv. Adequate progress in pupil achievement of minimum basic skills.

3. Specifications concerning the required areas for improvement, including, but not limited to, a description of the problem, areas to be addressed in a plan or through other specified actions and proposed timelines for submission of a remedial plan, if required.

(f) The results of the state minimum basic skills test shall be used to determine whether or not a school shall undergo a comprehensive program review. The test results shall establish a rebuttable presumption about the adequacy of the basic skills program. The district shall be given the opportunity to offer other evidence of pupil achievement to demonstrate that the results of the state minimum basic skills test are invalid or misleading prior to the decision to conduct a comprehensive program review.

1. The analysis of the results of the state minimum basic skills test for this purpose shall be conducted by the commissioner utilizing criteria and standards approved by the State Board of Education;

2. The commissioner may delay submission of the evaluation report for a school when a comprehensive program review is required. The results of this review shall be incorporated into the evaluation report.

(g) Based upon this evaluation, the commissioner shall recommend to the State Board of Education, the classification of each school in the four areas evaluated and each district in the two areas evaluated as follows:

1. Approval with recommendations and commendations shall be granted when:

i. The development and implementation of the educational plan in a district or school is proceeding in accordance with the provisions of subchapters 3 and 4 of this chapter;

ii. A school, in the judgment of the commissioner, has achieved local goals and objectives. This criterion shall take effect in 1981 and shall be implemented according to standards developed by the commissioner and approved by the State Board of Education;

iii. A school is providing an effective basic skills program, statewide standards in basic skills have been substantially achieved in the judgment of the commissioner and effective remedial programs are being provided for all pupils in need in the school;

iv. A district or school is substantially in compliance with all other laws and regulations;

v. Approval will be granted for three years; however, nothing in this subsection shall be construed to limit the authority of the commissioner and State Board of Education to conduct the annual evaluation of schools and districts in accordance with law and regulation or to limit their authority to enforce compliance with all law and regulation.

2. Interim approval shall be granted when:

i. A district or school fails to satisfy one or more of the above criteria, but has initiated a corrective action which, in the judgment of the commissioner, constitutes an appropriate remedy; and

ii. The district or school defines clear interim goals for the corrective action acceptable to the Commissioner of Education. Interim approval will be granted for one year. Extension of interim approval for a second year or more may be granted at the discretion of the commissioner. Extension of interim approval shall depend upon the presentation of clear and convincing evidence that the agreed upon interim goals have been met.

iii. Correction of the deficiencies shall result in approval of the school or district.

3. A remedial plan shall be requested for a district or a school when the specified criteria have not been met and no effective corrective action has been implemented by the district.

i. The local board of education shall be responsible for developing and implementing such remedial plans;

ii. A school or district shall be granted interim approval when a requested remedial plan is approved by the commissioner and implemented by the district.

4. A district shall be classified as unapproved and subject to a state administrative order when:

i. A remedial plan for the district or a school(s) within the district is requested by the commissioner but the district fails to submit a plan;

ii. A remedial plan for the district or a school(s) within the district is requested by the commissioner but the district does not submit an approvable plan;

iii. A remedial plan for the district or a school(s) within

the district is requested, submitted and approved, but not fully implemented by the district.

(h) The evaluation and classification of districts and schools shall be implemented in accordance with a timetable approved by the State Board of Education and shall permit district boards of education to make budgetary provision for the achievement of goals, objectives and standards, and the remediation of deficiencies identified in the annual evaluation and/or educational plan.

(i) The commissioner shall notify annually the chief school administrator and district board of education in writing of district and school evaluations and classifications.

(j) The evaluations and classifications of every school shall be reported to the public by the district board of education, and evaluation reports and a classifications list shall be maintained in the office of the county superintendent of schools and be available to the public.

(k) Nothing in this section shall be construed to limit the authority of the commissioner and State Board of Education to invoke corrective action in accordance with law and regulation.

6:8-7.1 [Remedial plan for approved with conditions or unapproved districts or schools] Requirements for remedial plan

[(a) The commissioner shall direct the chief school administrator and board of education responsible for a district or for a school within the district classified as approved with conditions or unapproved to prepare and submit a remedial plan for review by a specified date. The commissioner shall make available appropriate technical assistance.

(b) Upon approval of a remedial plan, the commissioner shall assure its implementation in a timely and effective manner.]

(a) Approvable remedial plans shall include the following elements:

1. An analysis of the need and its causes;
2. A description of and justification for the improvement strategies selected;
3. Interim goals and benchmarks to assess the progress of the remedial plan and a plan for the evaluation of its effectiveness;
4. Procedures to ensure public involvement in the evaluation of the remedial plan;
5. An implementation timeline and schedule;
6. Specifics about the fiscal and staff resources to be used to implement the plan.

(b) The commissioner shall provide all available technical assistance to districts developing and implementing remedial plans. These districts shall be given priority in the allocation of discretionary fiscal resources and in access to personnel of the Department of Education.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State Street
Trenton, New Jersey 08625

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.

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

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments Concerning Discharges of Petroleum And Other Hazardous Substances

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-9, N.J.S.A. 58:10-23.11b(k) as amended by Assembly Bill 3542, and N.J.S.A. 58:10-23.11t, proposes to amend the definition of "Hazardous substances" contained in the Department of Environmental Protection's "Rules Concerning Discharges of Petroleum and Other Hazardous Substances," N.J.A.C. 7:1E-1.1 et seq.

The purpose of this amendment is to bring the Department's designation of "Hazardous substances" into conformity with changes made in the definition of that term in the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., by the recent enactment of A. 3542.

Before the Act's amendment, "Hazardous substances" were defined as "such elements and compounds, including petroleum products, which are defined as such by the department [of Environmental Protection], after public hearing, and which shall be consistent to the maximum extent possible with the list of hazardous substances adopted by the Federal Environmental Protection Agency pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 . . . provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of this act." As amended, the definition now requires that DEP's list of hazardous substances shall include the EPA Section 311 list and "the list of toxic pollutants designated by Congress or the EPA pursuant to Section 307" of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977.

As a consequence, it is proposed to amend the definition of "Hazardous substances" in N.J.A.C. 7:1E-1.3 to conform to the statutory changes.

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

7:1E-1.3 Definitions

"Hazardous substances" include:

1. Petroleum and petroleum products;
2. All pesticides designated as "prohibited," "restricted" or "specially restricted" pursuant to the New Jersey Pesticide Control Act of 1971 (N.J.S.A. 13:1F-1 et seq.) at N.J.A.C. 7:30-1.5 through 1.7 (Appendix A);
3. Substances [identified] designated as hazardous substances by the Federal Environmental Protection Agency [at 40 FR 59961, December 30, 1975, proposed] pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977, 33 U.S.C. [1251 et seq.] 1321 (appendix B) [.] ;
4. Substances designated as toxic pollutants by Congress or the Environmental Protection Agency pursuant to Section 307 of the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977 (appendix C);
5. Substances listed in appendix D.

In the event of a discrepancy between any list maintained by the federal government and the lists contained

in appendices B and C, the lists in appendices B and C shall control.

The Department's existing list of "hazardous substances" contains about 300 elements and compounds in appendix B, which was taken directly from a list proposed by EPA under Section 311 of the Clean Water Act in December, 1975 (see 40 FR 59961, December 30, 1975). The effect of the above proposal, if adopted, would be to add to appendix B the 28 additional compounds added by EPA to the Section 311 list at the time of its final adoption as 40 CFR Part 116 (see 43 FR 10474, March 13, 1978; 44 FR 10266, February 16, 1979). Those 28 compounds are listed below as Annex A.

In addition, a new appendix C would be added to DEP's list of hazardous substances, containing the 65 substances and classes of substances designated as "toxic pollutants" under the Clean Water Act Amendments of 1977 (see Table 1 of Committee Print No. 95-30, House Committee on Public Works and Transportation, adopted by EPA at 43 FR 4108, January 31, 1978). The Section 307 list appears below as Annex B. About 10 compounds on the Section 311 list also appear on the 307 list.

The Department's existing list of "hazardous substances" presently includes in appendix B some 35 compounds which were dropped from EPA's Section 311 list when it was initially adopted in March, 1978 (see 43 FR 10479, March 13, 1978) and two—calcium hydroxide and calcium oxide—that were deleted late last year (44 FR 65400, November 13, 1979). Those compounds are listed below as Annex C. The Department is proposing to remove those compounds from appendix B. However, 16 of those compounds—most of them metallic salts—would remain on the "hazardous substances" list by virtue of being included in the "toxic pollutants" category, the new appendix C. The Department may also retain on its hazardous substances list such of the 37 compounds listed in Annex C as it deems appropriate, and is seeking public comment on this matter. Any compounds so retained would be shifted to a new appendix D.

A new final sentence has been added to the proposed new definition of "hazardous substances" in order to resolve a question that may arise in the future as a result of changes in the EPA Section 311 or 307 lists. Although A. 3542 now requires DEP to adopt a "hazardous substances" list that includes the EPA lists, the requirement for a public hearing prior to DEP's adoption of new "hazardous substances" remains in the law. Although it is DEP's intention to promptly add new substances to its "hazardous substances" list when EPA adds them to its 311 or 307 lists, there may be some time lag in doing so. The new sentence makes it clear that, for the purposes of the Spill Compensation and Control Act, it is DEP's list that controls.

Copies of a "Basis and Background" document which further describes this proposal, as well as copies of the present and proposed lists of "hazardous substances," may be obtained from:

Mr. David C. Mack
Office of Hazardous Substances Control
120 Route 156
Yardville, New Jersey 08620
(609) 292-5560

A public hearing on this proposal will be held on February 27, 1980, at 10 a.m. in Trenton, New Jersey at the

State Museum Auditorium, located in the State House complex. Persons who wish to submit comments in writing may do so through March 5, 1980, by sending them to Mr. Mack at the above address.

The Department of Environmental Protection may thereafter adopt this proposal, in whole or in part, without further notice. Such adoption may include the addition to or deletion from the "hazardous substance" list of any substance listed by chemical name in this proposal.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments Concerning Flood Plain Delineation Along The Mullica River

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., proposes to adopt the flood hazard area limits along the Mullica River from State Highway No. 542 upstream to the outlet of Atison Lake, just above U.S. Highway No. 206 within the Town of Hammonton and the Township of Mullica in Atlantic County and the Townships of Shamong and Washington, Burlington County.

The proposed amendment affects the above-noted municipalities within the County of Burlington and the County of Atlantic.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11.

This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed streams located within the Town of Hammonton and the Townships of Shamong and Washington, all in Burlington County, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before February 27, 1980 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments Concerning Flood Plain Delineation Along Cedar Creek

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., proposes to adopt the flood hazard area limits along the Cedar Creek from U.S. Route 9 upstream to the outlet of Bamber Lake, just above Lacey Road within the Townships of Berkeley and Lacey, Ocean County.

The proposed amendment affects the above-mentioned municipalities within the County of Ocean.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11.

This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed streams located within the Townships of Berkeley and Lacey, both in Ocean County, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before February 27, 1980 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

SOLID WASTE ADMINISTRATION

Proposed Amendments Concerning Registration and Fees for Solid Waste Collector/Haulers

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1E-1 et seq., proposes to amend N.J.A.C. 7:26-3.2 and 7:26-4.7 concerning registration and inspection fees respectively to be paid by solid waste and hazardous waste collector/haulers in New Jersey. The Solid Waste Administration, within the Department, presently assesses a registration fee of \$30 for the first vehicle in New Jersey

and \$10 for each additional vehicle for collector/haulers of all types of waste in New Jersey (N.J.A.C. 7:26-4.7). The following proposed rules raise these fees to \$20 per solid waste vehicle and \$50 per hazardous waste vehicle for all such waste transport vehicles.

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

7:26-3.2 Registration

(a) No person shall engage or continue to engage in the collection and/or haulage of solid or hazardous waste in this State without first filing a completed registration statement with the [Bureau] department. The registration statement shall be signed by the person engaged in or desiring to engage in the collection and/or haulage of solid or hazardous waste, shall be executed on forms prescribed by and furnished by the [Bureau] department and shall state such information necessary and proper to enforcement of this subchapter as the department may require.

(b) No person shall engage in the collection and/or haulage of solid or hazardous waste in this State without having an approved registration from the department.

(c) No person shall engage in the collection and/or haulage of solid or hazardous waste in this State if such an operation does not meet the collector/hauler requirements listed in this chapter. In addition, the operator must comply with any other conditions or limitations which may be specified on the approved registration.

(d) Prior to [May 11] February 1* in each calendar year, each registrant shall submit to the Department a statement updating the information contained in the registration statement. Such information shall be submitted on forms supplied by the Department. In no case shall the submission of an updating registration statement alter the conditions under which the approved registration is granted.

(e) The registrant shall notify the department in writing within thirty days of any change of information supplied on his current registration statement.

7:26-4.7 Fee schedule for collection and haulage

[(a) Annual registration, inspection and regulation:

1. First vehicle: \$30.00;
2. Each additional vehicle on the same registration: \$10.00.

(b) The registration of a solid waste collection and/or haulage system is non-transferable.

(c) Fees filed after July 1 shall be as follows:

1. If initially submitted on or after January 1, be 50 per cent of the full year's registration fee; or
2. If initially submitted on or after April 1, be 25 per cent of the full year's registration.

(d) Partial fees paid shall only cover the fee requirement until July 1, of the year in which they were paid.]

(a) For all solid waste collector/haulers, an annual registration and inspection shall be paid. The fee shall be \$20 for each vehicle per year or part thereof. The registration year shall extend from April 1 through March 31.

(b) For all hazardous waste collector/haulers, an annual registration and inspection fee shall be paid. The fee shall be \$50 for each vehicle per year or part thereof. The registration year shall extend from April 1 through March 31.

(c) The registration of a solid waste and/or hazardous waste collection/haulage is non-transferable.

*For the registration year of implementation, a pro rata adjustment of fees will be made by the department.

Copies of the proposal may be obtained or made available for review by contacting:

Charles Gingrich
Solid Waste Administration
33 East Hanover Street
Trenton, New Jersey 08225

Also available is the basis document, supporting the need for fee increase.

Interested persons may present statements or arguments in writing relating to the proposal on or before February 27, 1980 to the same address.

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Notice of Hearing Concerning
Amendments to State Implementation Plan

Take notice that the New Jersey Department of Environmental Protection (Department), Jerry Fitzgerald English, Commissioner, pursuant to the authority of N.J.S.A. 13:1D-1 et seq. will hold a public hearing on a proposed revision to the New Jersey State Implementation Plan to meet National Ambient Air Quality standards, an Order requiring the Atlantic City Electric Company's B.L. England Generating Station at Beesley's Point to comply with applicable air pollution control regulations by March 31, 1982, for Unit number 1 and by June 1, 1982, for Unit number 2.

This proposal is known within the Department as Docket No. DEP-053-79-10.

Written and/or oral testimony concerning the proposed revision will be received at a public hearing to be held on March 7, 1980, from 10:00 A.M. to the conclusion of testimony, at

City Hall
Council Chambers
1301 Bacharach Boulevard
Atlantic City, New Jersey

Copies of the proposed revision and the basis thereof may be obtained from and written testimony relating thereto will be accepted prior to April 7, 1980 by:

Herbert Wortreich, Chief
Bureau of Air Pollution Control
Department of Environmental Protection
CN-027
Trenton, New Jersey 08625

Copies of this Notice, of the proposed regulation and of the basis and background document are being deposited at and will be available for inspection during normal office hours from at least 30 days prior to the hearing through the close of the hearing record at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, New Jersey 08330

N.J. Bureau of Air Pollution Control
Room 1108, Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control
Southern Field Office
100 Larwin Road
Cherry Hill, New Jersey

This hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended (N.J.S.A. 26:2C-1 et seq.) and under Title 40, Section 51.4, of the Code of Federal Regulations as a proposed amendment to the New Jersey State Implementation Plan to meet National Ambient Air Quality Standards.

The Department, upon its own motion, may, as provided by law, adopt these rules substantially as proposed without further notice after the close of the hearing record.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

SOLID WASTE ADMINISTRATION

Rules Concerning Interdistrict and
Intergroup Solid Waste Flow

On December 31, 1979, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:26-6, concerning interdistrict and intergroup solid waste flow substantially as proposed in the Notice published December 6, 1979, at 11 N.J.R. 616(b) with only inconsequential structural or language changes in the opinion of the Department of Environmental Protection.

An order adopting these rules was filed and became effective on December 31, 1979 as R.1979 d.502.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Condemnation of Certain
Waters in the Atlantic Ocean
Concerning Shellfish Harvesting

On January 9, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 24:2-1, 24:14-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rule to N.J.A.C. 7:12-1.4 which condemned certain waters in the Atlantic Ocean for the harvesting of shellfish.

Full text of the adoption follows.

7:12-1.4 Temporary closures

(a) The State Department of Environmental Protection, to protect the public health, hereby condemns for harvesting of shellfish until further notice, the following waters, by amendment to N.J.A.C. 7:12-1.3.

1. All those waters of the Atlantic Ocean within New Jersey's jurisdictional 3 mile limit southwest from a line extending from the standpipe at Surf City and bearing 122°T to a line bearing 306° through Fl G 4 sec. GONG at Absecon Inlet.

2. In addition, all those estuarine, inlet, channel and other waters enclosed by a line from the southwest side of Absecon Inlet and bearing approximately 321°T to the Intracoastal Waterway (as shown on nautical chart 12316) then following and including the Intracoastal Waterway in a northerly direction to Fl 8 ft. "25" at the mouth of Main Marsh thoro fare, then bearing approximately 043°T to FIR "2" (at Long Point), then bearing approximately 129°T to the tower at Spray Beach, then following the coast line in a southerly direction, across Beach Haven Inlet and Little Egg Inlet and along the coast line of Brigantine to its point of origin in Absecon Inlet.

3. The above described closures include all connecting waterways between the Atlantic Ocean and the bays described.

An order adopting these amendments was filed and became effective on January 9, 1980 as R.1980 d.12 (Ex-empt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

DELAWARE AND RARITAN CANAL COMMISSION

Rules Concerning Delineation of the Review Zone Within the Delaware And Raritan Canal State Park

On November 20, 1979, Benjamin B. Kirkland, Chairman of the Delaware and Raritan Canal Commission in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:13A-14 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:45, concerning the delineation of the review zone within the Delaware and Raritan Canal State Park substantially as proposed in the Notice published October 4, 1979, at 11 N.J.R. 501(d) but with subsequent substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

An order adopting these rules was filed and became effective on January 11, 1980 as R.1980 d.15.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Amendments on Flood Plain Delineation of Passaic River from Dundee Dam Upstream to Beatties Dam and Various Tributaries of the Passaic River Within this Reach

On January 14, 1980, Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 7:13-1.11(e), concerning the flood plain delineation of the Passaic River from Dundee Dam upstream to Beatties Dam and various tributaries of the Passaic River within this reach as proposed in the Notice published July 5, 1979 at 11 N.J.R. 324(a).

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.21.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Flood Plain Delineation of Streams Within New Milford Township, Ringwood and Wanaque Boroughs in Passaic County

On January 14, 1980, Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 7:13-1.11(f), concerning the flood plain delineation of streams within New Milford Township, Ringwood and Wanaque Boroughs in Passaic County as proposed in the Notice published July 5, 1979 at 11 N.J.R. 322(a).

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.22.

Howard H. Kestin
Director
Office of Administrative Law

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Flood Plain Delineation of Raritan River, South River, Manalapan Brook, Matchaponix Brook And Various Tributaries Within Raritan River Basin

On January 14, 1980, Betty Wilson, Deputy Commissioner

of Environmental Protection pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 7:13-1.11(d)45., concerning the flood plain delineation of Raritan River, South River, Manalapan Brook, Matchaponix Brook and various tributaries within the Raritan River Basin as proposed in the Notice published May 10, 1979 as R.1980 d.23.

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.23.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments Concerning Floodway Delineation of the Elizabeth River And Various Streams Within Roselle Park Borough

On January 14, 1980, Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-60 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 7:13-1.11(d)43., concerning the floodway delineation of the Elizabeth River and various streams within Roselle Park Borough as proposed in the Notice published February 8, 1979 at 11 N.J.R. 61(b).

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.24.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Flood Plain Delineation of Part of Saddle River and Portions of Its Various Tributaries

On January 18, 1980, Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 7:13-1.11(g), concerning the flood plain delineation of part of Saddle River and portions of its various tributaries as proposed in the Notice published May 10, 1979 at 11 N.J.R. 226(a).

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.25.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments Concerning Flood Plain Delineation of Portions Of the Hackensack River Basin in Bergen County

On January 14, 1980, Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to be cited as N.J.A.C. 7:13-1.11(d)47, concerning the flood plain delineation of portions of the Hackensack River Basin in Bergen County.

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.26.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HEALTH

THE COMMISSIONER

Proposed Amendments to the Guidelines and Criteria for Submission of Applications For Certificates of Need

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:33-1.4, 8:33-2.7 and 8:33-2.8 concerning the guidelines and criteria for submission of applications for certificates of need.

Full text of the proposal follows.

8:33-1.4 Definitions

"Title XIII Health Maintenance Organization (health maintenance organization for which assistance may be provided under Title XIII)" means a qualified HMO under Title XIII, Public Health Service Act, or an HMO which may be determined by the Secretary, Department of Health, Education and Welfare, on the basis of an application and submitted information to be eligible for assistance (whether financial assistance or qualification) under Title XIII. It is the responsibility of the HMO to submit evidence to the planning agency that it is a "Title XIII HMO."

8:33-2.7(a)15. The only criteria which may be used to review certificate of need applications of Title XIII HMOs are:

- i. Need of the existing or potential members of the HMO for the services;
- ii. Whether the service is already available to the HMO in a reasonable and cost effective manner;
- iii. That the service is not needed under other criteria which the Secretary, Department of Health, Education and Welfare has approved in advance.

16. A certificate of need may not be denied to any HMO solely because an HMO of the same type exists in the same area, or because the proposed services are not discussed in applicable health plans.

17. Special needs and circumstances (for all reviews except those of Title XIII HMOs) of the population served such as the extent to which low-income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups are likely to have access to those services; reviews of reduction or relocations of facilities must consider the need that the population presently served has for the service and the effect of the reduction or relocation on it.

18. Special circumstances of health care facilities and HMOs with respect to the need for conserving energy.

8:33-2.8 3. In those instances whereby a Title XIII HMO proposes the construction, development, or establishment of a new inpatient facility, the criteria for State agency review and required findings of the State agency have been used to evaluate those applications where the HMO's members will not utilize the proposed facility for at least 75 per cent of the projected annual inpatient days, which are projected from the recommended occupancy levels in the appropriate health systems plan.

8:33 Exhibit 2 Part 1

C.16. Computed Tomographic (CT) Scanning Services

8:33 Exhibit 2 Part 2

C.16. Computed Tomographic (CT) Scanning Services

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

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

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Notice of Extension of Comment Period Concerning Proposed Rules on Labeling Coal Tar Hair Dyes Posing a Risk of Cancer

Take notice that the Department of Health has extended the comment period from December 26, 1979, to approximately February 20, 1980, concerning the proposed rules on labeling coal tar hair dyes posing a risk of cancer appearing in the December 6, 1979, New Jersey Register at 11 N.J.R. 619(b) cited as N.J.A.C. 8:21-1.30.

The reason for such extension is due to the fact that the cosmetic industry has filed a claim in the federal courts to reverse the federal regulations upon which these proposed rules are based.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

PUBLIC HEALTH COUNCIL

Notice of Corrected Text Of Rules on Smoking in Certain Public Places

Take notice that the text of the rules on smoking in certain public places (N.J.A.C. 8:15) currently appearing in Title 8 of the New Jersey Administrative Code contain certain printing errors. That current text does not conform to the rules filed with the Division of Administrative Procedure by the Public Health Council.

Full text of corrected portions of the rules follows (deletions indicated in brackets [thus]).

CHAPTER 15

SMOKING IN CERTAIN PUBLIC PLACES

SUBCHAPTER 1. GENERAL PROVISIONS PREFACE

This chapter is promulgated pursuant to the authority granted to the Public Health Council in N.J.S.A. 26:1A-7, in the interest of protecting and preserving the public health.

In view of the fact that the Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health, and that smoke may produce irritation, discomfort, or harm to health of non-smokers, the Public Health Council recognizes the right of individuals using or visiting public places to an environment reasonably free of such agents as may produce those results while at the same time recognizing the right of individuals to elect to smoke.

[Nothing in this chapter shall be construed in any way to detract from smoking restrictions or prohibitions imposed by other governmental authorities by law, ordinance or regulation.]

8:15-1.2(a)1.ii. A bar or tavern, whether a separable establishment or part of an establishment where food is served for consumption on the premises shall be exempt from these regulations if the facilities for serving food at tables in the bar or tavern area do not exceed 50 persons at any one time.

8:15-1.2(a)6. Places of public assembly or attendance, including but not limited to theaters, auditoriums, schools and other institutions providing education or training, public meeting rooms and any other place where the public congregates for religious, political, educational or social purposes except that casinos, race tracks, bowling alleys, ice skating rinks, dance halls and other establishments providing ambulatory recreation shall be exempt from the provisions of this chapter.

8:15-1.3(a) Smoking shall be prohibited in all public access sections of public places except in areas designated as "Smoking Permitted" in accordance with this subsection. Unless otherwise specifically provided in this subsection, no public place may be designated a "smoking permitted" area in its entirety. Areas in which smoking is not permitted shall be no less attractive or convenient than areas in which smoking is permitted.

8:15-1.3(a)8.i. In all public places, including those constructed prior to the adoption of the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1.1 et seq.), where

"smoking permitted" areas are designated in accordance with this subsection adequate ventilation shall be provided by mechanical means to diminish and disperse the concentrations of the products of combustion related to smoking. Ventilation rates for those public places where "Smoking Permitted" areas are designated shall be whatever rates are now or shall in the future be required by the Building Subcode (N.J.A.C. 5:23-3.4 of the New Jersey State Uniform Construction Code) for new construction or alteration of buildings of the same type and purpose, but excepting those public places for which compliance with the ventilation rates would require any major structural modifications. Copies of the Building Subcode and the Basic Mechanical Code which it incorporates by reference may be inspected at:

This Notice is published as a matter of public information.
Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Amendments to List of Interchangeable Drug Products

On December 20, 1979, Robert G. Kowalski, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:71 concerning the list of interchangeable drug products substantially as proposed in the Notice published October 4, 1979, at 11 N.J.R. 505(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on December 26, 1979 as R.1979 d.498.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

PUBLIC HEALTH COUNCIL

Amend Effective Date of Public Smoking

On January 14, 1980, the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:15 (Smoking in public places) postponing the effective date from January 1, 1980 to April 14, 1980.

An order adopting this changed effective date was filed January 17, 1980 as R.1980 d.32 (Exempt, Procedure Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Amendments to Standards and General Criteria for the Planning And Certification of Need for Regional End Stage Renal Disease Services

On January 16, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:36A concerning the standards and general criteria for the planning and certification of need for regional end stage renal disease services substantially as proposed in the Notice published November 8, 1979, at 11 N.J.R. 545(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on January 17, 1980 as R.1980 d.34.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Amendments to List of Interchangeable Drug Products

On January 14, 1980, Robert G. Kowalski, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the list of interchangeable drug products in Chapter 71, Title 8, substantially as proposed in the Notice published December 6, 1979, at 11 N.J.R. 620(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on January 17, 1980 as R.1980 d.35.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HEALTH

THE COMMISSIONER

Amendments to Guidelines and Criteria for Submission of Applications for Certificate of Need

On January 16, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions

of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:33-1.4 and Exhibit 2 in Chapter 33, Title 8 in the New Jersey Administrative Code, concerning the guidelines and criteria for submission of applications for certificates of need as proposed in the Notice published December 6, 1979 at 11 N.J.R. 620(a).

An order adopting these amendments was filed and became effective on January 17, 1980 as R.1980 d.36.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

THE COMMISSIONER

Amendments Concerning Immediate Precursors

On January 14, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to Schedule II of the Schedules of Controlled Dangerous Substances to add a new category entitled "Immediate Precursors."

Full text of the adoption follows.

8:65-10.2(b)5. Immediate precursors: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

1. Immediate precursor to amphetamine and methamphetamine:

(1) Phenylacetone-8501: Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;

Note: A Federal Order was published in the Federal Register, Volume 44, No. 240, Pages 71822, 71823, 71824 effective date February 11, 1980.

An order adopting these amendments was filed on January 17, 1980 as R.1980 d.37 (Exempt, Emergency Rule) to become effective on February 11, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Amendments Concerning Immediate Precursor to Phencyclidine (PCP)

On January 14, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments which transferred phenylcyclohexylamine, CDS #7460, and piperidinocyclohexane-carbonitrile (PCC), CDS #8603, from N.J.A.C. 8:65-10.2(b)4., Depressants, to N.J.A.C. 8:65-10.2(b)5., Immediate precursors.

Full text of the adoption follows.

8:65-10.2(b)5.ii. Immediate precursor to phencyclidine (PCP):

- (1) 1-phenylcyclohexylamine - CDS #7460;
- (2) 1-piperidinocyclohexanecarbonitrile (PCC) CDS #8603.

An order adopting these amendments was filed on January 17, 1980, as R.1980 d.38 (Exempt, Emergency Rule) to become effective on February 11, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Amendments to Standards for Ambulatory Care Facilities and Intermediate Renal Dialysis Services

On January 16, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning the standards for ambulatory care facilities and intermediate renal dialysis services which deleted the current text of N.J.A.C. 8:36 and adopted new rules, to be cited as N.J.A.C. 8:43A-1.74 as proposed in the Notice published December 6, 1979 at 11 N.J.R. 620(b).

An order adopting these amendments was filed on January 17, 1980 as R.1980 d.39 to become effective on March 3, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HIGHER EDUCATION

EDUCATIONAL OPPORTUNITY FUND BOARD

Amendments Concerning Student Eligibility

On December 28, 1979, T. Edward Hollander, Chancellor of Higher Education and Chairman of the Educational Opportunity Fund Board, pursuant to authority of N.J.S.A. 18A:71-33 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 9:11-1.1(c)6., concerning student eligibility and the Educational Opportunity Fund as proposed in the Notice published November 8, 1979 at 11 N.J.R. 551(b).

An order adopting these amendments was filed on January 2, 1980 as R.1980 d.1 to become effective with the 1980 spring semester.

Howard H. Kestin
Director
Office of Administrative Law

(Continued on Page 84)

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.

It includes all rules adopted from receipt of the last individual transmittals as indicated through January 17, 1980.

RULES NOT YET IN PRINT IN CODE (May be found in N.J. Register beginning with July 5, 1979):
(Full text (in proposal form), if published, may be found in N.J. Register beginning with Sept. 6, 1978.)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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AGRICULTURE — TITLE 2

2:54-3.7	Amend concurrent suspension to Federal Order No. 4 concerning milk handling in various New Jersey milk marketing areas	R.1980 d.10	12 N.J.R. 62(a)
2:3-2.12	Amend exemption from pseudorabies test (Title 2, Transmittal 15 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)	R.1979 d.304	11 N.J.R. 426(a)

BANKING — TITLE 3

3:1-1.2	Interest rates on other loans	R.1979 d.290	11 N.J.R. 429(b)
3:1-9	Amend red-lining	R.1979 d.415	11 N.J.R. 534(b)
3:6-7.1	Amend class II installment loan rates	R.1980 d.16	12 N.J.R. 62(c)
3:8-3.2, 3.3	Amend reserves by banks not members of the Federal Reserve System	R.1979 d.501	12 N.J.R. 62(b)
3:11-1.1	Amend approval to exceed ten per cent limitation	R.1979 d.298	11 N.J.R. 429(c)
3:18-9.1, 9.5	Amend secondary mortgage loan act rules	R.1980 d.17	12 N.J.R. 63(a)
3:31-2.2	Maximum interest rate; repair and improvement loans (Title 3, Transmittal 14 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)	R.1980 d.18	12 N.J.R. 63(b)

CIVIL SERVICE — TITLE 4

(Title 4, Transmittal 13 dated June 1, 1979 includes all rules to date.)

COMMUNITY AFFAIRS — TITLE 5

5:26-1.3, 2.2, 2.17, 3.1, 4.2, 6.5, 8.4, 11.7, 11.9	Amend planned real estate development full disclosure (Title 5, Transmittal 13 dated October 1, 1979 includes all rules through November 8, 1979 N.J. Register.)	R.1979 d.439	11 N.J.R. 610(b)
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EDUCATION — TITLE 6

6:3-1.22	Evaluation of tenured chief school administrators	R.1979 d.480	12 N.J.R. 7(a)
6:8-4.6	Amend school and community relations; T and E	R.1979 d.303	11 N.J.R. 432(a)
6:11-12.5, 12.6, 12.23	Repeal teacher-librarian and school librarian; amend issuance of certificates in educational media	R.1979 d.355	11 N.J.R. 501(b)
6:20-5.4	Additional State school building aid	R.1979 d.479	12 N.J.R. 6(b)
6:20-7	Amend qualifications, debarment, suspension and disqualification of person(s) concerning contract administration	R.1979 d.478	12 N.J.R. 6(a)
6:21-5.32, 6.49	Implementation of school bus chassis, bus body and equipment specifications	R.1979 d.269	11 N.J.R. 367(a)
6:39	Amend Statewide assessment	R.1979 d.443	11 N.J.R. 615(a)
6:80	Rule on educational improvement centers (Title 6, Transmittal 14 dated May 17, 1979 includes all rules through July 5, 1979 N.J. Register.)	R.1979 d.272	11 N.J.R. 368(a)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1G-1	Interim rules for review and approval of applications for development or construction	R.1979 d.333	11 N.J.R. 502(b)
7:1G-1.11	Amend review and approval of applications for development or construction	R.1979 d.458	12 N.J.R. 10(c)
7:1G-1.11(a)2	Amend water quality standards	R.1979 d.395	11 N.J.R. 543(b)
7:1G-2	Procedures for processing applications for development	R.1979 d.332	11 N.J.R. 504(a)
7:1G-2.1(d)	Amend procedures for processing applications for development	R.1979 d.394	11 N.J.R. 543(a)
7:4	Rules on the New Jersey Register of Historic Places	R.1979 d.328	11 N.J.R. 434(a)
7:12-1.3(a)40.	Condemnation of certain waters in the Atlantic Ocean for shellfish harvesting	R.1980 d.12	12 N.J.R. 71(c)
7:13-1.11(d)	Amend floodway delineations of streams within the Passaic River Basin	R.1979 d.430	11 N.J.R. 545(a)
7:13-1.11(d)	Amend floodway delineation of streams within the Raritan and Rahway River Basin	R.1979 d.418	11 N.J.R. 544(d)
7:13-1.11(d)	Amend flood plain delineation of Raritan River, South River, Manalapan Brook, Matchaponix Brook and various tributaries within Raritan River Basin	R.1980 d.23	12 N.J.R. 72(d)
7:13-1.11(d)	Amend floodway delineation of Elizabeth River and various streams within Roselle Park Borough	R.1980 d.24	12 N.J.R. 73(a)
7:13-1.11(d)	Amend flood plain delineation of portions of Hackensack River Basin in Bergen County	R.1980 d.26	12 N.J.R. 73(c)
7:13-1.11(e)	Flood plain delineation of Passaic River from Dundee Dam upstream to Beatties Dam	R.1980 d.21	12 N.J.R. 72(b)
7:13-1.11(f)	Amend flood plain delineation of streams within New Milford Township, Ringwood and Wanague Boroughs in Passaic County	R.1980 d.22	12 N.J.R. 72(c)
7:13-1.11(g)	Amend flood plain delineation of part of Saddle River and portions of its various tributaries	R.1980 d.25	12 N.J.R. 73(b)
7:14-4	Sludge quality assurances	R.1979 d.419	11 N.J.R. 544(e)
7:25-5	Amend 1979-80 Game Code	R.1979 d.329	11 N.J.R. 434(b)
7:25-5	Amend 1979-80 Game Code	R.1979 d.404	11 N.J.R. 544(a)
7:25-6	1980 Fish Code	R.1979 d.403	11 N.J.R. 543(c)
7:25-12.1, 12.4	Amend sea clams	R.1979 d.472	12 N.J.R. 10(b)
7:25-16.1	Amend upstream lines requiring licenses	R.1979 d.405	11 N.J.R. 544(c)
7:26-6	Interdistrict and intergroup solid waste flow	R.1979 d.502	12 N.J.R. 71(b)
7:27-16-17	Amend control and prohibition of air pollution by volatile organic and toxic substances	R.1979 d.414	11 N.J.R. 544(b)
7:45	Delineating review zone within Delaware and Raritan Canal State Park	R.1980 d.15	12 N.J.R. 72(a)

(Title 7, Transmittal 13 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

HEALTH — TITLE 8

8:15	Amend effective date	R.1980 d.32	12 N.J.R. 75(b)
8:15	Correction to printed text	—	12 N.J.R. 74(b)
8:21-3.14	Delete rules	R.1979 d.454	11 N.J.R. 622(d)
8:21-3.15-3.18	Repeal of certain rules concerning Uniform Narcotic Act	R.1979 d.451	11 N.J.R. 622(a)
8:21A	Rules on good drug manufacturing	R.1979 d.453	11 N.J.R. 622(c)
8:31-8 App. B	Amend standards and general criteria for the planning, certification of need and designation of perinatal services	R.1979 d.369	11 N.J.R. 549(c)
8:31-25.1(a)23	Add dexamethasone to list of therapeutic agents	R.1979 d.409	11 N.J.R. 550(c)
8:31A-5.5	Temporary reporting procedures; implementation of S446	R.1979 d.368	11 N.J.R. 549(b)
8:31B-2	Rules on hospital reporting of uniform bill-patient summaries (in-patient)	R.1979 d.450	11 N.J.R. 621(a)
8:31B-3	Procedural and methodological regulations to implement Chapter 83, P.L. 1978	R.1979 d.408	11 N.J.R. 550(b)
8:31B-3.8(b)	Amend procedural and methodological rules for implementing Chapter 83, P.L. 1978	R.1979 d.484	12 N.J.R. 15(b)
8:31B-4	Financial elements and reporting	R.1979 d.407	11 N.J.R. 550(a)
8:33-1.4, Exhibit 2	Amendments to guidelines and criteria for submission of applications for certificates of need	R.1980 d.36	12 N.J.R. 75(e)
8:36	Delete current text	R.1980 d.39	12 N.J.R. 76(c)
8:36A	Amend certificate of need for end stage renal disease service	R.1980 d.34	12 N.J.R. 75(c)
8:39-1.33	Amend standards for licensure of long term care facilities	R.1979 d.492	12 N.J.R. 16(e)
8:42-1.1	Amend definition of governing authority	R.1979 d.485	12 N.J.R. 15(c)
8:42-3	Extend expiration date of standards to June 30, 1980	R.1979 d.486	12 N.J.R. 15(d)
8:43A-1.21(b)	Amend emergency medical care and defibrillators	R.1979 d.488	12 N.J.R. 16(a)

8:43A-1.52, 1.59, 1.63	Amend hours of counseling and availability of hours	R.1979 d.406	11 N.J.R. 549(e)
8:43A-1.66	Amend construction standards	R.1979 d.493	12 N.J.R. 17(a)
8:43A-1.71	Amend computerized axial tomography services	R.1979 d.487	12 N.J.R. 15(e)
8:43A-1.72	Extend expiration date for standards to June 30, 1980	R.1979 d.489	12 N.J.R. 16(b)
8:43A-1.74	Amendments on intermediate renal dialysis services	R.1980 d.39	12 N.J.R. 76(c)
8:43B-1.11(q)7	Amend waiver of emergency room services	R.1979 d.410	11 N.J.R. 550(d)
8:43B-7.2(c)	Amend respiratory therapists	R.1979 d.491	12 N.J.R. 16(d)
8:43B-17.12, 17.13, 17.16	Amend number of physicians and cardiac diagnostic and surgical services	R.1979 d.490	12 N.J.R. 16(c)
8:43B-17.17	Amend construction standards and cardiac diagnostic and surgical services	R.1979 d.494	12 N.J.R. 17(b)
8:43F	Manual of Standards for Licensure of Non-Residential Medical Day Care Facilities	R.1979 d.452	11 N.J.R. 622(b)
8:45-1.3	Amend clinical laboratories licensure fees	R.1979 d.398	11 N.J.R. 549(d)
8:45-2.1, 2.2	Amendments increasing certain laboratory fees	R.1979 d.411	11 N.J.R. 550(e)
8:65-2	Delete rules	R.1979 d.453	11 N.J.R. 622(c)
8:65-10.2(b)5.	Add immediate precursors to Schedule II of Controlled Dangerous Substances	R.1980 d.37	12 N.J.R. 76(a)
8:65-10.2(b)5.	Add immediate precursor to phencyclidine (PCP)	R.1980 d.38	12 N.J.R. 76(b)
8:70-1.1(c)	Amend drug evaluation and acceptance criteria	R.1979 d.412	11 N.J.R. 551(a)
8:70-1.1(d)	Amend manufacturer's name on drug labels	R.1979 d.483	12 N.J.R. 15(a)
8:71	Amend interchangeable drug products	R.1979 d.498	12 N.J.R. 75(a)
8:71	Amend list of interchangeable drug products	R.1980 d.35	12 N.J.R. 75(d)

(Title 8, Transmittal 12 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

HIGHER EDUCATION — TITLE 9

9:1-6.1, 6.4	Amend petitions from out-of-State institutions	R.1979 d.441	11 N.J.R. 623(a)
9:2-2.7, 2.10, 2.12, 9.7—9.10	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:3-2.14	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:6-1.1—1.4	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:7-2.2	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.6	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-3.3	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:9-1.12(a), 5.3	Amend loan amounts and eligibility requirements	R.1979 d.401	11 N.J.R. 551(c)
9:11-1.1(c)6.	Amend student eligibility	R.1980 d.1	12 N.J.R. 76(d)

(Title 9, Transmittal 13 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

HUMAN SERVICES — TITLE 10

10:49-5.5	Amend fair hearing	R.1980 d.33	12 N.J.R. 86(f)
10:49-10	Contracting for prepaid health care services for Title XIX eligibles	R.1979 d.231	11 N.J.R. 346(b)
10:51-1.9(a)	Amend pharmaceutical services	R.1979 d.413	11 N.J.R. 559(c)
10:52-1.16	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:53-1.14	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-1.23	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-3, 54-4	Amend the Physician's Procedure Code Manual	R.1979 d.218	11 N.J.R. 346(a)
10:57-1.1	Amend definition of podiatry specialist	R.1979 d.293	11 N.J.R. 448(b)
10:59	Amend Medical Supplies and Equipment Manual	R.1979 d.324	11 N.J.R. 448(d)
10:63-3	Amend longterm care facilities rate review guidelines	R.1979 d.482	12 N.J.R. 42(b)
10:63-4, -5	Delete text	R.1979 d.325	11 N.J.R. 448(e)
10:65	Amend medical day care	R.1979 d.325	11 N.J.R. 448(e)
10:66-1.18	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:69A	Amend pharmaceutical assistance to the aged	R.1979 d.209	11 N.J.R. 345(b)
10:69A-2.1	Amend definition of lifeline credit program	R.1979 d.375	11 N.J.R. 558(c)
10:81-1.1	Amend non-discrimination of handicap & statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-1.1(d)	Amend statement of principles	R.1979 d.426	11 N.J.R. 560(d)
10:81-1.4, 1.7, 1.8	Amend non-discrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2	Amend forms used in AFDC	R.1979 d.428	11 N.J.R. 560(e)

10:81-2.2	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2.2, 2.3	Amend updating of forms and signing of income tax waiver	R.1979 d.277	11 N.J.R. 383(a)
10:81-2.7	Amend eligibility of an applicant for AFDC-F or -N benefits pending a determination of incapacity	R.1979 d.423	11 N.J.R. 559(e)
10:81-3.5	Amend Public Assistance Manual	R.1979 d.444	11 N.J.R. 626(a)
10:81-3.9(a)5	Amend Medicaid special and unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-3.22, 3.24	Amend abandonment of State residency and timely notice of adverse action	R.1979 d.445	11 N.J.R. 626(b)
10:81-3.27, 3.28	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-3.35	Amend legally responsible relatives	R.1979 d.427	11 N.J.R. 560(c)
10:81-5.2	Amend disregard of RSDI benefits received by full-time students and redetermination time interval	R.1979 d.444	11 N.J.R. 626(a)
10:81-7.1	Amend Public Assistance Manual	R.1979 d.445	11 N.J.R. 626(b)
10:81-7.1	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-7.36, 7.38, 7.41	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-8.22—8.24	Amend Medicaid special and provisions relative to unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-8.22, 8.23	Amend extension of medical benefits to a newborn child and a cross reference regarding LRR's	R.1979 d.425	11 N.J.R. 560(b)
10:82-1.2	Amend AFDC allowance standards	R.1979 d.256	11 N.J.R. 382(a)
10:82-1.7	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-1.7, 1.8	Amend disregard of work-study income, treatment of stipends and child care payments	R.1979 d.232	11 N.J.R. 346(c)
10:82-2.1, 2.2, 2.4	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:82-2.6	Amend institutionalized child, homemaker service, travel expenses and emergency assistance	R.1980 d.28	12 N.J.R. 86(c)
10:82-2.9	Amend computer input and child-care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:82-2.14	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-3.8	Amend legally responsible relatives	R.1979 d.427	11 N.J.R. 560(c)
10:82-4.6, 4.15	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-5.4, 5.5	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.9	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:82-5.10	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:85	Amend forms and references to forms in the general assistance program	R.1980 d.11	12 N.J.R. 86(a)
10:85-2.4	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-3.1	Amend medical payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.2(c)	Amend Social Security numbers in the General Assistance Program	R.1979 d.280	11 N.J.R. 383(c)
10:85-3.2	Amend General Assistance Manual	R.1979 d.326	11 N.J.R. 449(a)
10:85-3.2	Amendments on fair hearings and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-3.3(e)	Amend VISTA payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.3(e)	Amend exclusion of relocation payments as income or resources	R.1979 d.446	11 N.J.R. 627(a)
10:85-3.3(e)	Amend exclusion of certain income	R.1979 d.447	11 N.J.R. 627(b)
10:85-3.3(f)	Amend drug and alcohol treatment centers	R.1979 d.366	11 N.J.R. 520(a)
10:85-3.3(f)	Amend licensed boarding homes for sheltered care	R.1979 d.448	11 N.J.R. 627(c)
10:85-3.3(g)	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-3.4(c)	Amend exclusion of relocation payments	R.1979 d.446	11 N.J.R. 627(a)
10:85-4.3	Amend assistance orders	R.1979 d.365	11 N.J.R. 519(f)
10:85-4.6	Amend victims of domestic violence	R.1979 d.323	11 N.J.R. 448(c)
10:85-5.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-5.3, 5.5	Amendments on medical payments	R.1979 d.495	12 N.J.R. 43(a)
10:85-5.7	Amend payments: SSI application pending	R.1979 d.365	11 N.J.R. 519(f)
10:85-6.3	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-6.7	Amend exemptions from work requirements, resources, savings and destruction of records	R.1979 d.326	11 N.J.R. 449(a)
10:85-7.1—7.3, 7.6	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-App. C	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:87-2.21, 2.29	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-3.12	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-3.18(b)	Amend criteria for student exemption from work registration	R.1980 d.30	12 N.J.R. 86(e)
10:87-3.20(b)	Voluntary quit; Food Stamp Manual	R.1979 d.247	11 N.J.R. 380(c)
10:87-5.10	Amend Food Stamp Manual	R.1979 d.387	11 N.J.R. 559(a)
10:87-5.10, 6.9, 6.11, 6.13, 6.15	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-6.22	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-9.7	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-9.3, 11.15, 11.20	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-12.1	Amend Food Stamp Manual	R.1979 d.387	11 N.J.R. 559(a)

10:87-12	Amend Tables in Food Stamp Manual	R.1979 d.477	12 N.J.R. 42(a)
10:87 Appendix A	Amend Food Stamp Manual	R.1979 d.234	11 N.J.R. 346(e)
10:94-3.11, 3.13	Amend medical eligibility for Medicaid Only Program	R.1979 d.364	11 N.J.R. 519(e)
10:94-3.13(m)	Amend maximum allowances for consultant evaluation services	R.1979 d.449	11 N.J.R. 627(d)
10:94-4.33	Amend income eligibility levels	R.1979 d.257	11 N.J.R. 382(b)
10:94-5.8(a)2.	Amendments concerning living allowance deductions	R.1980 d.27	12 N.J.R. 86(b)
10:98	Fiscal Years 1980-1982 State Plan for Vocational Rehabilitation	R.1979 d.340	11 N.J.R. 518(c)
10:100-1.23	Amend SSI payment schedule	R.1979 d.258	11 N.J.R. 382(c)
10:104-1.19	Pre-adoption home studies in cases of foreign born children	R.1979 d.457	12 N.J.R. 40(b)
10:109	Amend to Ruling 11, Parts I and II	R.1979 d.362	11 N.J.R. 519(c)
10:122-2.3, 2.7	Amend child care licensing rules	R.1979 d.249	11 N.J.R. 381(a)
10:122-4	Family day care standards	R.1979 d.359	11 N.J.R. 519(b)
10:123-2.1	Social services for boarding home residents	R.1979 d.350	11 N.J.R. 519(a)
10:129	Child abuse and neglect cases; DYFS to inform prosecutors in certain cases	R.1979 d.400	11 N.J.R. 559(b)

(Title 10, Transmittal 12 dated May 17, 1979 includes all rules through June 7, 1979 N.J. Register.)

CORRECTIONS — TITLE 10A

10A:31	Standards for adult county correctional facilities	R.1979 d.438	11 N.J.R. 627(e)
10A:32	Manual of standards for juvenile detention facilities	R.1980 d.14	12 N.J.R. 87(b)
10A:70-2.6	Amend notification	R.1979 d.341	11 N.J.R. 520(b)

(Title 10, Transmittal 3 dated November 20, 1978 includes all rules through August 9, 1979 N.J. Register.)

INSURANCE — TITLE 11

11:1-5.8	Taxes paid to Firemen's Relief Associations	R.1979 d.356	11 N.J.R. 520(c)
11:4-20.1, 20.2	Unfair discrimination on basis of impairment	R.1979 d.434	11 N.J.R. 627(f)
11:5-1.15—1.17, 1.23	Amend advertising, contracts and obligations	R.1979 d.461	12 N.J.R. 44(b)

(Title 11, Transmittal 13 dated July 19, 1979 includes all rules through September 6, 1969 N.J. Register.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Amend maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1979 d.321	11 N.J.R. 449(d)
12:15-1.4	Amend taxable wage base under unemployment compensation law	R.1979 d.320	11 N.J.R. 449(c)
12:15-1.5	Amend contribution rate of governmental entities and instrumentalities	R.1979 d.327	11 N.J.R. 450(a)
12:175	Amendments ski lifts	R.1979 d.360	11 N.J.R. 521(a)
12:235-1.5	Amend worker's compensation rate	R.1979 d.319	11 N.J.R. 449(b)

(Title 12, Transmittal 11 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-17.14, 19.6	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:2-31.4	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:19-4	Amend cardiovascular disorders	R.1979 d.367	11 N.J.R. 579(b)
13:20-12.2	Amend driver reexamination	R.1979 d.435	11 N.J.R. 628(c)
13:21-5.10	Surrender of registration plates	R.1979 d.315	11 N.J.R. 466(b)
13:21-8.2	Amend proof of identity and date of birth	R.1979 d.382	11 N.J.R. 580(d)
13:21-15.3	Amend motor vehicle dealers	R.1979 d.371	11 N.J.R. 580(a)
13:24-2.5, 2.7, 4.1, 4.2, 5.1	Amend emergency vehicle equipment	R.1979 d.372	11 N.J.R. 580(b)
13:25-8.5, 8.6	Rules on notorized bicycles	R.1979 d.481	12 N.J.R. 48(d)
13:26	Amend transportation of bulk commodities	R.1980 d.9	12 N.J.R. 91(c)
13:29-3.10, 3.11	Amend advertising and solicitations	R.1980 d.31	12 N.J.R. 92(a)
13:33-4.1	Contact lenses dispensing	R.1979 d.462	12 N.J.R. 47(a)
13:35-5.2	Amend contact lenses	R.1979 d.463	12 N.J.R. 48(a)
13:35-6.6	Amend requirements for issuing a prescription	R.1979 d.421	11 N.J.R. 582(a)
13:36-8.11	Multiple burials	R.1979 d.420	11 N.J.R. 582(b)
13:37-3.9	Foreign nursing applicants	R.1979 d.464	12 N.J.R. 48(b)
13:38-6.1(b)	Amend release of patient record of contact lens specifications	R.1979 d.465	12 N.J.R. 48(c)
13:45A-6	Automotive sales practices	R.1979 d.392	11 N.J.R. 580(e)
13:45A-7.2	Amend repair of automobiles	R.1979 d.402	11 N.J.R. 581(a)
13:47B-1.23	Amend half-price sales of gasoline	R.1979 d.335	11 N.J.R. 522(a)
13:47C-4	Rules on the industry standard for New Jersey Atlantic White Cedar	R.1979 d.373	11 N.J.R. 580(c)
13:48	Rules concerning Charitable Fund Raising Act of 1971	R.1979 d.311	11 N.J.R. 466(a)

13:51-3.5(d)	Chemical breath testing	R.1980 d.8	12 N.J.R. 91(c)
13:70-2.1	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:70-14	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:71-4.1	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:71-17.3	Amend vacancy in a tier	R.1979 d.349	11 N.J.R. 522(b)
13:71-23	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)

(Title 13, Transmittal 14 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

PUBLIC UTILITIES — TITLE 14

ENERGY — TITLE 14A

14:3-7.5(c)	Amend interest paid by utility on customer accounts	R.1979 d.289	11 N.J.R. 467(a)
14:3-7.9(b)	Estimated bills for residential customers	R.1979 d.474	12 N.J.R. 49(b)
14:3-7.15	Notification to municipalities; discontinuance of service to residential customers	R.1979 d.352	11 N.J.R. 522(c)
14:5-3.2(c)	Amend periodic testing of commercial and industrial electric meters	R.1979 d.374	11 N.J.R. 585(c)

14A:2-3.4, 3.15	Amend regulation and control of motor gasoline sales	R.1979 d.468	12 N.J.R. 48(e)
14A:8	Energy Facility Review Board	R.1979 d.473	12 N.J.R. 49(a)
14A:11-1.3	Amend periodic reporting of energy information by suppliers of motor gasoline	R.1980 d.20	12 N.J.R. 94(c)
14A:11-2	Periodic reporting of energy information by suppliers of home heating oil	R.1980 d.19	12 N.J.R. 93(b)
14A:11-3	Rules on bulk terminal operating companies	R.1979 d.417	11 N.J.R. 585(d)

(Title 14, Transmittal 12 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)
 (Title 14A, Transmittal 4 dated July 19, 1979 includes all rules through October 4, 1979 N.J. Register.)

STATE — TITLE 15

(Title 15, Transmittal 11 dated May 17, 1979 includes all rules to date.)

PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978 includes all rules to date.)

TRANSPORTATION — TITLE 16

16:16-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:26-3.4	Amend reimbursed highway safety lighting	R.1979 d.466	12 N.J.R. 52(a)
16:17-43	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:28-1.18	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.57(a)	Amend speed zones on parts of Route U.S. 30 in Atlantic County	R.1980 d.3	12 N.J.R. 95(a)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-3.1	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.44, 3.46, 3.47	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.48	Amend restricted parking on parts of Routes 44, 52, 152 and 35	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.51, 3.53	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.61	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.62	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.66	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.97	Amend restricted parking	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.107	Amend restricted parking: Routes 94 and 3	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.107	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.112	Amend restricted parking	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.113	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.121	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.194	Restricted parking on Route 7	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.198, 3.199	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.201, 3.202	Restricted parking on parts of Routes 29 and 179	R.1979 d.390	11 N.J.R. 589(b)
16:28-7.6	Lane usage on parts of Route 35	R.1979 d.296	11 N.J.R. 471(a)
16:28-12.7, 12.21, 12.22, 12.25, 12.33, 12.34, 12.36, 12.37, 12.48, 12.59, 12.71	Amend right turns on red signals	R.1979 d.470	12 N.J.R. 52(b)

16:29-1.8	Amend no passing zones on parts of Route U.S. 46	R.1979 d.346	11 N.J.R. 524(b)
16:29-1.20	No-passing zones on parts of Route U.S. 40	R.1979 d.264	11 N.J.R. 410(b)
16:29-1.21	No passing zones on parts of Route 27 in Mercer County	R.1980 d.2	12 N.J.R. 94(c)
16:30-1.7	One-way traffic on parts of Eisenhower Avenue in Dover Township	R.1979 d.347	11 N.J.R. 524(c)
16:30-3.1, 3.4	Amend lane usage on parts of Routes 35 and U.S. 9	R.1979 d.471	12 N.J.R. 52(c)
16:30-3.5, 3.6	High occupancy vehicle lanes on parts of Routes I-95 and 444	R.1979 d.312	11 N.J.R. 471(c)
16:30-5.1	Amendments on parking at Metro Park train station	R.1980 d.13	12 N.J.R. 95(d)
16:31-1.13	Amend no left turns on parts of Route 71	R.1979 d.348	11 N.J.R. 524(d)
16:31-1.14	Rules on no-left turns on parts of Route 35	R.1979 d.389	11 N.J.R. 589(a)
16:41-16	Permits allowing use or occupancy of State-owned railroad property	R.1979 d.331	11 N.J.R. 523(a)
16:43	Junkyards adjacent to the interstate and primary highway systems	R.1979 d.499	12 N.J.R. 94(b)
16:53A	Rules on financial and accounting conditions and criteria for bus operating assistance program	R.1979 d.302	11 N.J.R. 471(b)
16:53B	Delegation of authority by Computer Operating Agency	R.1979 d.334	11 N.J.R. 523(b)
16:65-3.1, 3.2	Amend distribution and sale of construction plans and supplementary specifications	R.1979 d.388	11 N.J.R. 588(b)

(Title 16, Transmittal 13 dated June 14, 1979 includes all rules through June 7, 1979 N.J. Register.)

TREASURY-GENERAL — TITLE 17

17:2-1.8, 2.2, 2.4, 3.1, 3.6, 4.11, 4.14, 5.7, 6.2, 6.19, 7.1, 7.2	Amend Public Employees' Retirement System	R.1979 d.399	11 N.J.R. 596(b)
17:3-6.15	Amend compulsory retirement	R.1979 d.397	11 N.J.R. 596(a)
17:6-1.8	Amend the suspension of pension checks	R.1979 d.476	12 N.J.R. 57(a)
17:9-5.5	Amend State Health Benefits Program	R.1979 d.396	11 N.J.R. 595(c)
17:10-1.7, 3.6	Amend Judicial Retirement System	R.1979 d.431	11 N.J.R. 649(b)
17:16-27	Amend certificates of deposit	R.1979 d.436	11 N.J.R. 650(c)
17:16-31.9	Amend calculation of daily income per participating unit	R.1979 d.437	11 N.J.R. 651(a)
17:21-11.1	Meadowlands Sports Lottery	R.1979 d.381	11 N.J.R. 594(b)

(Title 17, Transmittal 13 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

TREASURY-TAXATION — TITLE 18

18:6-1.1	Amend Unfair Cigarette Sales Act	R.1979 d.416	11 N.J.R. 596(c)
18:12-7.1(d)	Amendments concerning homestead tax rebate	R.1979 d.432	11 N.J.R. 650(a)
18:12-7.12(c)	Extend filing date for 1980 homestead tax rebate claims	R.1979 d.467	12 N.J.R. 56(b)
18:12A-1.12	Amend determination and judgments	R.1979 d.385	11 N.J.R. 595(b)
18:12A-1.12(b)	Amend County boards of taxation regarding determination and judgments	R.1980 d.40	12 N.J.R. 97(b)
18:24-25.2	Amend electronic data processing transactions; Sales and Use Tax Act	R.1979 d.384	11 N.J.R. 595(a)
18:35-1.12	Computation of tax credit under the gross income tax	R.1979 d.433	11 N.J.R. 650(b)
18:35-1.13	One-time election to exclude up to \$100,000 of gain on sale of principal residence: rollover	R.1979 d.475	12 N.J.R. 56(c)
18:36	Savings Institution Tax Act	R.1980 d.6	12 N.J.R. 97(a)

(Title 18, Transmittal 13 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

OTHER AGENCIES — TITLE 19

19:8-1.2	Amend speed limits on the Garden State Parkway	R.1979 d.339	11 N.J.R. 530(a)
19:8-1.9(b), 3.1(b)	Amend use of Garden State Parkway and tolls	R.1979 d.469	12 N.J.R. 57(c)
19:9-2.1	Amend pre-qualification of bidders and award of contracts	R.1979 d.500	12 N.J.R. 97(c)
19:25-4.8	Political action committees	R.1979 d.391	11 N.J.R. 597(b)
19:30-3	Payment of prevailing wages	R.1979 d.337	11 N.J.R. 530(b)
19:30-4	Targeting authority assistance	R.1979 d.338	11 N.J.R. 530(c)
19:40-2.1, 2.2	Rules on child labor laws	R.1979 d.378	11 N.J.R. 599(d)
19:41-1.3	Amend employee licenses applications	R.1979 d.379	11 N.J.R. 559(e)
19:41-7.16	Amend applications and additional copies	R.1979 d.357	11 N.J.R. 530(e)
19:43-1.14	Rules on Casino service industry licenses	R.1979 d.376	11 N.J.R. 599(b)
19:45	Amend internal and accounting controls	R.1979 d.336	11 N.J.R. 530(d)
19:46-1.1	Amend chip specifications	R.1979 d.358	11 N.J.R. 531(a)
19:46-1.13	Amend Big Six Wheel Game rules	R.1979 d.429	11 N.J.R. 600(b)
19:47-2.6—2.9	Amend Blackjack and peek rules	R.1979 d.380	11 N.J.R. 600(a)
19:47-5.5	Amend Big Six Wheel Game	R.1979 d.429	11 N.J.R. 600(b)
19:47-5.7	Amend rules on minimum and maximum wagers	R.1979 d.377	11 N.J.R. 599(c)

(Title 19, Transmittal 13 dated July 19, 1979 includes all rules through September 6, 1979 N.J. Register.)

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments Concerning Nondiscrimination of Handicapped Recipients

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:49-1.18 and 10:49-1.23, concerning nondiscrimination of handicapped recipients.

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

10:49-1.18 Civil rights

Federal regulations require that services provided to covered persons are given without discrimination on the basis of race, color, religious belief, [or] national origin or handicap. Therefore, payments are limited to providers of service who are in compliance with the nondiscrimination requirements of Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act of 1973.

10:49-1.23 Recordkeeping and provider certification requirement

All program providers are required to certify that the services billed on any claim were personally rendered by or under their direct personal supervision (as defined by program regulations); that the furnished information is true, accurate and complete; and the provider agrees to keep such records as are necessary to disclose fully the extent of services provided, and to furnish information for such services as the program may request, and agrees that where such records do not document the extent of services billed, payment adjustments will be necessary and that the services billed on any claim and the amount charged therefore are in accordance with the regulations of the New Jersey Medicaid program; and that no part of the net amount payable under any claim has been paid; and that payment of such amount will be accepted as payment in full without additional charge to the patient or to others on his behalf. The provider also certifies that the services have been furnished in full compliance with the nondiscrimination requirements of Title VI of the Federal Civil Rights Act and Section 504 of the Rehabilitation Act of 1973, and it is understood that fraud, nondisclosure or concealment of records will be punishable under applicable Federal or State law, or both.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

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

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments to Long Term Care Manual Delinquent Cost Studies Penalty

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:63-3.1 concerning penalties for delinquent cost studies.

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

10:63-3.1 Timing

(a) Commencing with fiscal years ending with November 30, 1977, LTCF's are to furnish required cost studies to the Department of Health, Health Economics Services within 90 days of the close of each fiscal year. For rate review purposes, the period for which these actual data are reported will constitute the "base period" for establishing prospective per diem reimbursement rates to be in effect for one full year commencing six months after the end of the base period. [or 90 days after the receipt of the report, whichever is later.] These rates will not be subject to routine retroactive adjustments except for matters as specified in the Guidelines.

(b) Where cost studies are received beyond the 90 day filing requirement, the following schedule of penalties will be applied to current and/or subsequent reimbursement rates as the particular circumstances dictate:

Number of Days After Due Date	Amount of Penalty	Month(s) of Penalty
1 - 15	\$.25 per diem	1st Month
16 - 30	\$.50 " "	1st Month
31 - 60	\$.50 " "	1st Month
	\$1.00 " "	2nd Month
61 - 90	\$.50 " "	1st Month
	\$1.00 " "	2nd Month
	\$2.00 " "	3rd Month
91 and thereafter	\$.50 " "	1st Month
	\$1.00 " "	2nd Month
	\$2.00 " "	3rd Month
	\$3.00 " "	4th and subsequent Months

(c) Penalties will remain in force until such time that a cost report and other required documents, completed in accordance with "Care" guidelines, has been received. Penalties are not recoverable.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

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

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Revised Work Registration Procedures in the General Assistance Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J. A.C. 10:85-3.2 and 10:85-3.5 in the General Assistance Manual concerning revised work registration procedures in the general assistance program.

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

10:85-3.2(g) Eligibility for public assistance in New Jersey is directly related to an individual's willingness to work when he/she is able to do so. It is, therefore, a part of the application process to explain the work requirement to the applicant and to record in the case file the reasons for any exemption from this requirement.

1. For persons who are registered in accordance with paragraph 2 of this subsection, the case folder must contain copies of the requisite forms or a case record entry demonstrating that registration was current throughout all periods covered by grants of assistance. Those MWDs receiving lists of GA clients registered for work must keep these lists in a central location and make them available to State staff.

2. [1.] Elements of the work requirement: Unless specifically exempt, all recipients of General Assistance benefits must comply with all parts of this subsection:

i. Maintain current registration with the [State] New Jersey Division of Employment Services [office]. [To be current, such registration must be renewed at intervals of 90 days or less.] All registrations will be accomplished by submittal of Form NJES-511B by the MWD to the appropriate Special Programs [o]Office of the New Jersey Division of Employment Services. Once registered, a GA recipient remains registered as long as he/she remains on assistance.

[(1) Re-registrations will be accomplished by return of Form NJES-1A. (See Appendix for samples of forms and instructions for their use.)]

Renumber paragraphs 2 through 6 as 3 through 7.

10:85-3.2(g)9. MWDs must notify the Special Programs Office of the termination of assistance to any client registered for employment services. Such notification shall be made by use of Form NJES-1A or a monthly listing giving the name, Social Security number and case number of the applicable client(s).

10:85-3.5(a)2. For all persons not exempt from the work requirement, the most recent date of registration [(or renewal of registration)] with the New Jersey Division of [State] Employment Services shall be recorded (see N.J. A.C. 10:85-3.2(g)2.).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

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

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Use of Appropriate Allowance Schedule for Clients Purchasing Living Arrangements in Boarding Homes or Drug/Alcohol Treatment Centers

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J. A.C. 10:85-3.3(f)4.ii. and iv. concerning the use of the appropriate allowance schedule for clients purchasing living arrangements in boarding homes or drug/alcohol treatment centers in the General Assistance Manual.

Full text of the proposal follows (additions indicated in boldface thus).

10:85-3.3(f)4.ii. Other boarding homes: When an individual is purchasing a room and/or living arrangement in a group facility other than a licensed boarding home for sheltered care, the monthly allowance, including personal incidental allowance, shall be the amount for a single individual as given in Schedule I or Schedule II, as appropriate, less any countable income.

10:85-3.3(f)4.iv. Drug and alcohol treatment centers: When an individual is receiving room and board in a residential center for the treatment of drug or alcohol abuse, whether or not the center is licensed by the New Jersey Department of Health, the total allowance shall not exceed the amount to which the individual would be entitled as an eligible unit of one as given in Schedule I or Schedule II, as appropriate. Of that amount, \$25 shall be considered as an allowance for personal incidentals and the remainder as the room and board payment to the center. (Note: Licensure of the center by the New Jersey Department of Health as a medical institution will not affect the payment rate even though it may be a factor in determining which municipality is financially responsible.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

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

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Forms and References to Forms in the General Assistance Program

On December 31, 1979, Selma Rubin, Acting Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to subchapters 2, 3, 5, 6 and 8 in Chapter 85 in Title 10 of the New Jersey Administrative Code concerning forms and references to forms in the general assistance program as proposed in the Notice published October 4, 1979 at 11 N.J.R. 506(b).

An order adopting these amendments was filed on January 9, 1980 as R.1980 d.11 to become effective on February 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Living Allowance Deductions

On January 14, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:94-5.8(a)2.ii.(2) concerning living allowance deductions as proposed in the Notice published November 8, 1979 at 11 N.J.R. 557(b).

An order adopting these amendments was filed and became effective on January 16, 1980 as R.1980 d.27.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning an Institutionalized Child, Homemaker Service, Travel Expenses and Emergency Assistance

On January 14, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-2.6, 10:82-5.4, 10:82-5.5 and 10:82-5.10 concerning an institutionalized child, homemaker service, travel expenses and emergency assistance as proposed in the Notice published November 8, 1979 at 11 N.J.R. 556(a).

An order adopting these amendments was filed on January 16, 1980 as R.1980 d.28 to become effective on March 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Allowance Schedules And Medically Needy Individuals

On January 14, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3(g)1.ii. and Appendix C in Chapter 85, Title 10 of the New Jersey Administrative Code, concerning allowance schedules and medically needy individuals as proposed in the Notice published November 8, 1979 at 11 N.J.R. 556(b).

An order adopting these amendments was filed on January 16, 1980 as R.1980 d.29 to become effective on February 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Criteria for Student Exemption from Work Registration

On January 14, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-3.18(b)3.i.(3) concerning the criteria for student exemption from work registration substantially as proposed in the Notice published November 8, 1979, at 11 N.J.R. 557(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed on January 16, 1980 as R.1980 d.30 to become effective on March 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(f)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendment to Fair Hearings

On January 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Ad-

ministrative Procedure Act, adopted amendments to N.J. A.C. 10:49-5.5 concerning fair hearings as proposed in the Notice published December 6, 1979 at 11 N.J.R. 623(c).

An order adopting these amendments was filed and became effective on January 17, 1980 as R.1980 d.33.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning the Transfer Of Cases from One County to Another

On January 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 10:81-3.27, 10:81-3.28 and 10:81-7.1 concerning the transfer of cases from one county to another substantially as proposed in the Notice published August 9, 1979 at 11 N.J.R. 376(c) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on January 17, 1980 as R.1980 d.41.

Howard H. Kestin
Director
Office of Administrative Law

(b)

CORRECTIONS

THE COMMISSIONER

Manual of Standards for Juvenile Detention Facilities

On January 11, 1980, William H. Fauver, Commissioner of Corrections, pursuant to authority of N.J.S.A. 2A:4-57, 30:1B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10A:32, concerning the Manual of Standards for Juvenile Detention Facilities as proposed in the Notice published June 7, 1979 at 11 N.J.R. 284(b).

An order adopting these rules was filed and became effective on January 11, 1980 as R.1980 d.14.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amendments Concerning Statutory Language Interpretation

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. 39:2-3 and 39:3-13 pro-

poses to amend N.J.A.C. 13:21-2.3 concerning statutory language interpretation.

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

13:21-2.3 "Accompanied" in motorcycles defined

A person learning to operate a motorcycle in preparation for a driving test shall be accompanied by a New Jersey licensed motor vehicle driver who is qualified to handle the type of vehicle being used by the learner. The term "accompanied" shall mean that the licensed driver shall [occupy a seat on the vehicle, if this is practicable, or shall occupy an accompanying vehicle within a safe distance and in a position to] assume a position where he can visually supervise and render immediate assistance to the learner if the need should arise.

Interested persons may present statements or arguments in writing relevant to the proposal on or before February 29, 1980 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 may thereafter adopt rules concerning this subject without further notice.

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Proposed Amendments Concerning Licensure Requirements

Ann Crumidy, Chairwoman of the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 52:17B-41.9 et seq., proposes to amend certain rules regarding licensure requirements.

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

13:33-1.11 Temporary Dispenser Permit

(a) Effective March 1, 1980, a Temporary Dispenser Permit shall be issued only to an individual from out of the State of New Jersey who is:

1. Licensed as an ophthalmic dispenser in another state [and can prove at least four years of ophthalmic dispensing experience.]; and

2. Has an associate degree in ophthalmic science from a Board-approved school or 18 credits of Board-approved course work in ophthalmic science; and

3. Has worked in the optical field for a minimum of three years following the award of his/her license, the last year of ophthalmic dispensing having been acquired within five years of the date of application for such permit.

13:33-1.12 Temporary Technician Permit

A Temporary Technician Permit shall be issued only to any individual from out of the State of New Jersey who

can prove at least [two] one year[s] of optical laboratory experience[.] acquired within five years of the date of application for such permit.

13:33-1.15 Ophthalmic dispenser examination and certification

(a) A person may qualify for examination and certification as an ophthalmic dispenser without having worked in the State of New Jersey, provided said person can furnish proof, satisfactory to the Board, that the person:

1. Has been principally engaged in ophthalmic dispensing for not less than [four] three years, of which the last year at least[.] shall have been acquired within the five years last preceding the date of such application[. in lieu of (d) under qualifications for ophthalmic dispenser N.J.S.A. 52:17B-41.9.] and has satisfactorily completed 18 credit hours of Board-approved courses in ophthalmic science; or

2. Holds a Board-approved associate degree in ophthalmic science and has worked in the optical field at least four months following the award of the degree within five years preceding the date of such application.

(b) When ophthalmic dispensing experience has been acquired in a state that requires registered apprenticeship, the Board will accept only that experience which can be proven to have been served under a properly-registered apprenticeship.

13:33-1.16 Ophthalmic technician examination and certification

A person may qualify for examination and certification as an ophthalmic technician, without having worked in the State of New Jersey, provided said person can furnish proof, satisfactory to the Board, that the person has been principally engaged as an ophthalmic technician for [two] one year[s], in lieu of (d) under Qualifications for Ophthalmic Technician Section C. 52:17B-41.9.] within the five years preceding the date of such application.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 29, 1980 to:

Mrs. Ruth Weisman, Executive Secretary
N.J. Board of Examiners of Ophthalmic
Dispensers and Ophthalmic Technicians
Room 503, 1100 Raymond Boulevard
Newark, N.J. 07102
Tel. No. (201) 648-2840

The New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians may thereafter adopt the above amendments as proposed without further notice.

Ann Crumidy, Chairwoman
Board of Examiners of Ophthalmic
Dispensers and Ophthalmic Technicians
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Proposed Amendments Concerning Certified Nurse Midwife

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to au-

thority of N.J.S.A. 45:9-1 and 45:10-1 et seq., withdraws in its entirety the proposed rules on registering certified nurse midwife that was published April 6, 1978, at 10 N.J.R. 166(c) and proposes to adopt new rules concerning the registering and regulating of the practice of certified nurse midwife.

Full text of the proposed new rules follows.

SUBCHAPTER 9. NURSE MIDWIVES

13:35-9.1 Definition

(a) A midwife licensed by the Board of Medical Examiners pursuant to the provisions of N.J.S.A. 45:10-1 et seq. alone, shall be considered a lay midwife and shall perform only the functions expressly set forth in the statute or reasonably inferred as consistent therewith. Said functions shall not include the additional responsibilities set forth below as applicable to persons with special training as certified nurse midwives and registered with the Board pursuant to N.J.S.A. 45:10-1 et seq. and N.J.S.A. 45:9-21(k).

(b) A certified nurse midwife may register with the Board to assume certain additional responsibilities pursuant to N.J.S.A. 45:10-1 et seq. and N.J.S.A. 45:9-21(k). A certified nurse midwife shall mean a registered professional nurse licensed in New Jersey who, by virtue of added knowledge and skill gained through an organized program of study and clinical experience, does not function alone in an individual or independent practice but, while acting in each particular case at the option of the patient and under the specific direction of a licensed physician, manages the care of a pregnant woman during the antepartal, intrapartal and postnatal periods as defined below. A certified nurse midwife holding that title pursuant to this rule shall, during the effective period of such registration only, use the title "Certified nurse midwife" and the abbreviation "CNM."

13:35-9.2 Qualifications

(a) A certified nurse midwife shall demonstrate the following qualifications in order to be registered by the Board:

1. Proof of at least 18 years of age;
2. Diploma of a legally chartered school of nurse midwifery approved by the American College of Nurse Midwives;
3. Certification by the American College of Nurse Midwives;
4. Two years of obstetrical clinical experience satisfactory to the State Board of Medical Examiners;
5. Current registration or eligibility for registration as a professional nurse in the State of New Jersey.

(b) The requirements of subsection (a) of this section notwithstanding, a midwife certified by the American College of Nurse Midwives and licensed as a midwife in the State of New Jersey on the effective date of this rule shall be eligible to register as a certified nurse midwife.

13:35-9.3 Minimum standards of practice

(a) With the patient's consent, the certified nurse midwife shall take an initial history and perform a physical examination and refer the results thereof to a licensed physician for review, along with results of such standard laboratory studies as have been authorized by a physician in accordance with previously approved standing orders.

(b) The certified nurse midwife shall manage the care of a pregnant woman who has been personally examined and found to be apparently normal by a licensed physician within the first trimester or by the second prenatal visit, whichever is earlier.

(c) Following physician determination that the woman's

pregnancy is apparently normal, the CNM shall manage the care of the patient until such time as an abnormality becomes apparent.

(d) A CNM shall have a licensed physician who practices obstetrics available at all times to respond to requests for assistance and shall immediately refer a patient with any medical or obstetrical problem to a licensed physician for evaluation and/or appropriate medical management.

(e) The CNM shall refer the patient to a licensed physician for physical examination during the last trimester of the pregnancy.

13:35-9.4 Antepartal management

(a) During the period of antepartal management the certified nurse midwife shall:

1. Assess the patient's social, medical and obstetrical history;
2. Perform the initial physical and obstetrical evaluation;
3. Prepare orders for standard laboratory studies, in accordance with approved orders of the physician. Standard laboratory studies may be evaluated by the Certified Nurse Midwife, but final interpretation shall be by the licensed physician. Standard laboratory studies may include, but are not limited to: pregnancy test, pap smear, GC culture, blood type, Rh, anti-body titre, CBC, serology, rubella titre, PPD, or urinalysis;
4. Recommend non-prescription medication where indicated;
5. Consult with the licensed physician who orders prescription medication where indicated;
6. Maintain and update records;
7. Provide counseling and teaching appropriate to needs;
8. Refer the patient to appropriate health and social agencies as indicated.

(b) Consultation rules are:

1. The certified nurse midwife shall immediately refer a patient with any medical or obstetrical problem to a licensed physician for evaluation and/or appropriate medical management. In addition, the CNM shall secure from a licensed physician a report of examination within the first trimester and at least once in the last trimester during the prenatal course.
2. The CNM shall not proceed with the management of the case until receipt from the physician of a report which shall consist of:
 - i. Review of the patient's charts/records;
 - ii. Physical examination by the licensed physician and any evaluation of the patient;
 - iii. Verification in writing by the licensed physician that progress of the patient is approved;
 - iv. Recommendations, as appropriate, with signature by the licensed physician.

13:35-9.5 Intrapartum

(a) Under the direction of a licensed physician, the certified nurse midwife may assist a medically/obstetrically complicated patient who is under medical management by a licensed physician.

(b) Under the direction of a licensed physician the certified nurse midwife shall manage the intrapartum care of the normal pregnant patient only in a licensed hospital and only as follows:

1. Review and update patient's history and physical findings;
2. Evaluate the progress of labor and assess maternal and fetal well-being;
3. Order analgesia in accordance with orders previously approved and formulated under the direction of a licensed physician;
4. Administer local/pudendal block anesthesia in ac-

cordance with orders previously formulated and approved by a licensed physician;

5. Consult with licensed physician immediately when labor, maternal or fetal well-being deviates from normal;

6. Provide ongoing emotional support to patient and her family;

7. Manage and control the delivery of the new-born;

8. Perform and repair episiotomy and first or second degree lacerations. A certified nurse midwife must immediately report all extended perineal, vaginal or cervical lacerations or extensions of episiotomy, all of which shall be repaired by a licensed physician;

9. Evaluate and manage the normal third (placental) and fourth (postpartum) stages of labor. The certified nurse midwife shall immediately report any significant hemorrhage or retention of the placenta to a licensed physician and, except in an emergency, the certified nurse midwife shall not deliver a retained placenta manually;

10. Perform initial screening of new-born;
11. Initiate emergency procedures to resuscitate the newborn as necessary;
12. Report to a licensed physician immediately all deviations from the normal that occur;
13. Record and report the birth.

13:35-9.6 Postpartum

(a) Under the direction of a licensed physician, the certified nurse midwife shall evaluate and manage the care of the normal puerperal patient from the initial puerperal period through the third month postpartal examination only.

(b) During postpartal management, the certified nurse midwife shall:

1. Review and update the patient's history and physical findings including pertinent medical, obstetrical and social information;
2. Assess, evaluate and record the physical and psychological changes during the puerperium;
3. Order medication only during the in-patient hospitalization stage in accordance with prior approved physician orders to the certified nurse midwife;
4. Provide ongoing emotional support to the patient and her family;
5. Refer the patient to appropriate health and social agencies as indicated;
6. Report to a licensed physician all deviations from the normal that occur;
7. Perform a physical examination and record findings which shall be submitted to a licensed physician for review;
8. Transmit orders for contraceptive method of choice at the specific direction of a licensed physician in each particular case;
9. Transmit out-of-hospital orders for medication at the specific direction of a licensed physician in each particular case;
10. Assess the patient's medical, obstetrical, gynecological and social history during the three months subsequent to the infant's birth;
11. Manage the care of the normal woman in the areas of health maintenance, education and family planning. Such management shall not include the insertion or removal of an intrauterine contraceptive device.

13:35-9.7 Penalties

Any violation of the foregoing rule may be considered as the basis for suspension or revocation proceedings being instituted against the registrant/licensee pursuant to N.J. S.A. 45:9-1 et seq., N.J.S.A. 45:10-1 et seq., and N.J.S.A. 45:1-14 et seq. and/or may subject any person, association or corporation to sanctions pursuant to N.J.S.A. 45:9-22,

N.J.S.A. 45:9-26, N.J.S.A. 45:10-10, N.J.S.A. 45:10-14, and N.J.S.A. 45:1-25.

Interested persons may present statements in writing, relevant to the proposed new rule, on or before February 29, 1980 to State Board of Medical Examiners, 28 West State Street, Trenton, New Jersey 08608.

Interested persons may further submit their names and addresses promptly, requesting time to speak at a public hearing, should one be scheduled.

State Board of Medical Examiners may thereafter adopt the above rule substantially as proposed without further notice.

Edwin H. Albano
President, Board of Medical Examiners
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRISTS

Proposed Amendments Concerning The Minimum Examination

Maxwell M. Kaye, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:12-1 et seq., proposes to amend a regulation concerning the minimum examination to be performed on all patients.

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

13:38-2.1 Minimum examination; record of conditions

[(a) As authorized under N.J.S.A. 45:12-11(v), an optometrist shall make a complete minimum examination and shall keep a record of the following conditions of every patient examined:

1. Complete history;
2. Naked visual acuity;
3. Detailed report of the external findings;
4. Ophthalmoscopic examination (media, fundus, blood vessels, disc);
5. Corneal curvature measurements (dioptral);
6. Static retinoscopy;
7. Amplitude of convergence and accommodation;
8. Phoria and duction findings: horizontal and vertical, distance and near;
9. Subjective findings;
10. Fusion;
11. Stereopsis;
12. Color vision;
13. Visual fields (confrontation);
14. Visual fields, central (after age 40);
15. Prescription given and visual acuity obtained;
16. Corneal or scleral tonometry to be performed on every patient after 40 years of age unless contra-indicated.]

(a) As authorized under N.J.S.A. 45:12-11(v), the following procedures shall be done on each and every patient examined and the findings shall be duly recorded:

1. Complete history;
2. Complete visual acuity findings;

3. Complete examination of the external eye and adnexae;
4. Complete examination of the internal parts of the eye;
5. Corneal measurements (keratometry) must be taken at the time of the original examination;
6. Objective refractive findings;
7. Subjective refractive findings;
8. Extra-Ocular measurement (EOM);
9. Fusion, stereopsis, and color vision testing at the time of the original examination;
10. Visual fields: measurement of central and peripheral vision on all patients where possible;
11. Tonometry on all patients where possible.

(b) The following procedures may be delegated to be performed by ancillary personnel under the doctor's supervision:

1. Complete history;
2. Determination of visual acuity with and without glasses or with pinhole;
3. Use of an electronic instrument for objective refractive findings;
4. Fusion, stereopsis, and color vision testing;
5. Visual fields;
6. Instillation of drops into a patient's eye for the purpose of examination;
7. Teaching the patient how to care for the contact lenses and how to insert and remove them. This may include actual insertion and removal.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 29, 1980 to:

Jan Flanagan, Executive Secretary
New Jersey State Board of Optometrists
1100 Raymond Boulevard, Room 501
Newark, New Jersey 07102
Tel. No. (201) 648-2012

The New Jersey State Board of Optometrists may thereafter adopt the above rule as proposed without further notice.

Maxwell M. Kaye
President, Board of Optometrists
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRISTS

Proposed Amendment Concerning Examination Equipment

Maxwell M. Kaye, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:12-1 et seq., proposes to amend a regulation adding the slit lamp to the list of required examination equipment.

Full text of the proposal follows (additions indicated in boldface thus).

13:38-2.2 Examination equipment

(a) For the proper performance of the requirements of section 1 (Minimum examination) of this subchapter the

optometrist is required to have the following equipment in each office for which he has a license to practice optometry in this State:

1. Ophthalmoscope;
2. Retinoscope;
3. Ophthalmometer;
4. Refractor or a trial frame or phorometer with trial case, auxiliary prisms and lenses;
5. Test objects for stereopsis and fusion;
6. Charts for distance and near visual acuity;
7. Pseudoisochromatic charts for color vision;
8. Tangent screen or perimeter;
9. Accurate corneal or scleral tonometer to determine intraocular pressure;
10. Biomicroscope (slit lamp).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 29, 1980 to:

Jan Flanagan, Executive Secretary
New Jersey State Board of Optometrists
1100 Raymond Boulevard, Room 501
Newark, N.J. 07102
Tel. No. (201) 648-2012

The New Jersey State Board of Optometrists may thereafter adopt the above rule as proposed without further notice.

Maxwell M. Kaye
President, Board of Optometrists
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

New Rules Concerning Chemical Breath Testing

On December 18, 1979, John J. Degnan, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 39:4-50.3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:51-3.5(d), concerning chemical breath testing substantially as proposed in the Notice published January 4, 1979, at 11 N.J.R. 21(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

Full text of the adoption follows.

13:51-3.5(d) **The Breathalyzer, Model 1000, manufactured by the Smith & Wesson/General Ordinance Equipment Company. This model uses the same principle, chemicals and theory of operation as the previous Borkenstein Breathalyzer, but has the added features of computerized operational programming with digital electronic or printing of analysis results. A check off list, if used, shall contain at least the following information:**

1. Advance switch to "Reset" and allow "Wait" light to go out.
2. Gauge Reference Ampoule and insert into left-hand ampoule holder.
3. Gauge Test Ampoule, open, insert in right-hand holder, insert bubbler, connect to outlet and close cover.
4. Insert ticket, if applicable, and advance switch to "Run" position.

5. Take breath specimen when "Sample" and "Blow" illuminate. Record time.

6. Return switch to "Rest" position at conclusion of analysis.

An order adopting these rules was filed and became effective on January 7, 1980 as R.1980 d.8.

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Amendments Concerning Medication Of Horses and Testing Procedures

On December 17, 1979, John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-2.1; 14.5; 14.6; recodified and amended 13:70-14.13; 14.14; 14.15; 14.16; 14.17; 14.18; 14.19; 14.20; 14.21; 14.22; 14.23; 14.25; 14.26; 14.27; 14.28; 14.29; and deleted 13:70-14.11; 14.12; 14.14; 14.24; and established 13:70-14.11; amended N.J.A.C. 13:71-4.1; 23.1 through 23.6; 23.8; 23.9; and recodified and amended 23.11; 23.12; 23.13; 23.17 through 23.20; 23.22 and deleted 23.7; 23.10; 23.14 through 23.16; 23.21; and established 23.7 concerning medication of horses and testing procedures as proposed in the Notice published November 8, 1979, at 11 N.J.R. 579(a).

An order adopting these amendments was filed on December 20, 1979, as R.1979 d.497 to become effective on January 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Amendments on Transportation Of Bulk Commodities

On November 8, 1979, 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. 39:5E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:26 concerning transportation of bulk commodities as proposed in the Notice published September 6, 1979 at 11 N.J.R. 452(b).

An order adopting these amendments was filed and became effective on January 7, 1980 as R.1980 d.9.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

Amendments on Advertising And Solicitations

On January 3, 1980, Edwin H. Ruzinsky, President of the State Board of Certified Public Accountants in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:2B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:29-3.10 and 13:29-3.11 concerning advertising and solicitations as proposed in the Notice published November 8, 1979 at 11 N.J.R. 562(a).

An order adopting these amendments was filed and became effective on January 16, 1980 as R.1980 d.31.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENERGY

THE COMMISSIONER

Proposed Amendments Concerning Energy Conservation

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt amendments concerning energy conservation and specifically large boiler combustion efficiency standards, lighting efficiency standards for new and renovated buildings and also existing buildings.

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

14A:3-2.3 Standards

All large boilers shall be operated at a combustion efficiency such that neither the percent oxygen shall be higher than 1.25 times the optimum percent oxygen value nor the temperature of the flue gases shall be higher than 1.15 times the optimum temperature value obtained from the performance characteristic curves for that load condition. However, where optimum percent oxygen is below 2.4 percent, the boilers may be operated at a combustion efficiency such that the percent oxygen is not higher than 3.0 percent.

14A:3-2.11 Certification of compliance

(a) The owner or operator of a boiler covered by this subchapter shall complete in accordance with forms and instructions provided by the department, and post in a prominent location near the boiler a "certificate of boiler compliance." The owner or operator of the boiler shall certify on the certificate that the boiler is in compliance with this subchapter. The certificate shall set forth all applicable variances and exemptions granted by the Department.

(b) In addition to the requirements of subsection (a), the owner or operator of a boiler covered by this subchapter shall, within 30 days of the boiler's annual internal inspection, submit to the department in accordance with

forms and instructions provided by the department a "boiler compliance form."

(c) It shall be deemed a violation of this chapter for an owner or operator of a boiler covered by this subchapter to knowingly provide false, misleading or incomplete information on the "certificate of boiler compliance" or "boiler compliance form."

(d) When used in this section, "owner" or "operator" means any person who has control, either directly or indirectly through an agent, of a boiler covered by this subchapter.

14A:3-8.2 Standards

(a) Effective immediately, all newly constructed or renovated buildings shall conform to the lighting standard [as] set forth in one of the following:

1. The Illuminating Engineering Society (IES) Standard EMS-1: Lighting Power Budget Determination Procedure, or

2. The IES Lighting Power Budget Determination by the Unit Power Density Procedure EMS-6.

14A:3-8.4 Records

(a) The owner or operator of a building covered by this subchapter shall maintain on the premises the calculations which the owner or operator has performed in accordance with one of the lighting standards in section 2 of this subchapter, N.J.A.C. 14A:3-8.2.

(b) The owner or operator of a building covered by this subchapter shall, upon request of the Department of Energy or the Department of Community Affairs, make available for inspection the calculations which the owner or operator has performed.

14A:3-9.2 Standards

(a) Effective February 1, 1979, all existing buildings as defined in N.J.A.C. 14A:3-9.1 shall conform to the lighting standards set forth in [the Illuminating Engineering Society (I.E.S.) Recommended Procedure for Lighting Energy Management of Existing Buildings EMS-4 and Unit Power Density charts based in accordance with the procedure.] one of the following:

1. The Illuminating Engineering Society (IES) Recommended Procedure for Lighting Energy Management of Existing Buildings EMS-4;

2. The IES Lighting Power Budget Determination by the Unit Power Density Procedure EMS-6; or

3. The New Jersey Department of Energy's Rapid Estimating Method (REM) Way to Lower Lighting Costs.

14A:3-9.3 Enforcement

The standards set forth in N.J.A.C. 14A:3-9.[3]2 shall be enforced by the New Jersey Department of Community Affairs pursuant to its authorities under the "Uniform Construction Code." N.J.A.C. 5:23-1.1 et seq., and said Department shall have primary authority to enforce said standards.

14A:3-9.4 Records

(a) The owner or operator of a building covered by this subchapter shall maintain on the premises the calculations which the owner or operator has performed in accordance with one of the lighting standards in section 2 of this subchapter, N.J.A.C. 14A:3-9.2.

(b) The owner or operator of a building covered by this subchapter shall, upon request of the Department of Energy or the Department of Community Affairs, make available for inspection the calculations which the owner or operator has performed.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before February 29, 1980 to:

Gerard Burke, Administrator
Office of Regulatory and Governmental Affairs
N.J. Department of Energy
101 Commerce St.
Newark, N.J. 07102

Re: Docket No. DOE 003-80-02

The Department of Energy may thereafter adopt rules concerning this subject without further notice.

Joel R. Jacobson
Commissioner
Department of Energy

(a)

ENERGY

THE COMMISSIONER

Proposed Rules on Energy Conservation

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules concerning the certification of compliance with certain energy conservation regulations, N.J.A.C. 14A:3-5, 14A:3-8 and 14A:3-9.

Full text of the proposal follows.

SUBCHAPTER 10. CERTIFICATION OF COMPLIANCE

14A:3-10.1 Scope

This subchapter shall apply to any building covered by subchapters 5, 8, or 9 of this chapter (Conservation Regulations).

14A:3-10.2 Definitions

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

"Certificate" means a certificate of compliance with the New Jersey Department of Energy's conservation regulations.

"Department" means the New Jersey Department of Energy.

"Operator" means any person who has control, either directly or indirectly through an agent, of a building covered by this subchapter.

"Owner" means any person, in whom legal title is vested, and who has control, either directly or indirectly through an agent, of a building covered by this subchapter.

14A:3-10.3 Self-certification

(a) The owner or operator of a building covered by this subchapter shall, within 60 days of the effective date of this subchapter, complete in accordance with forms and instructions provided by the department, and post in a prominent location within the building, a "Certificate of Compliance with the New Jersey Department of Energy's Conservation Regulations." The owner or operator shall certify on the certificate that the building is in compliance with the subchapters of the conservation regulations which are applicable to the building.

(b) The certificate shall set forth all applicable variances and exemptions granted by the department.

(c) It shall be deemed a violation of this chapter for an owner or operator to knowingly provide false, misleading or incomplete information on the certificate.

(d) The department will make certificates and instructions available at convenient locations throughout the State.

Certificates and applicable instructions may also be obtained from the department.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 29, 1980 to:

Gerard Burke
Administrator
Office of Regulatory and Governmental Affairs
N.J. Department of Energy
101 Commerce St.
Newark, N.J. 07102

Re: Docket No. DOE 004-80-02

The Department of Energy may thereafter adopt rules concerning this subject without further notice.

Joel R. Jacobson
Commissioner
Department of Energy

(b)

ENERGY

THE COMMISSIONER

Rules Concerning Periodic Reporting Of Energy Information by Suppliers of Home Heating Oil

On January 7, 1980, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-18 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 14A:11-2, concerning the periodic reporting of energy information by suppliers of home heating oil substantially as proposed in the Notice published May 10, 1979, at 11 N.J.R. 258(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Energy.

A summary of the substantive changes follows:

1. Each supplier of #2 home heating oil must submit the New Jersey posted reseller tank car price or the rack price for each terminal location in New Jersey for #2 home heating oil for each class of customer within 24 hours of a price change instead of on a weekly basis.

2. Each supplier of #2 home heating oil must submit the New Jersey posted reseller tank car price or the rack price for each terminal location in New Jersey on January 1, 1979, for #2 home heating oil for each class of customer.

An order adopting these rules was filed and became effective on January 14, 1980 as R.1980 d.19.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENERGY

THE COMMISSIONER

Emergency Amendments Concerning Periodic Reporting of Energy Information by Suppliers Of Motor Gasoline

On January 7, 1980, Joel R. Jacobson, Commissioner of

Energy, pursuant to authority of N.J.S.A. 52:27F-18 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 14A:11-1.3 concerning periodic reporting of energy information by suppliers of motor gasoline.

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

14A:11-1.3 Reporting

(a) Each supplier of motor gasoline shall promptly submit to the Department the New Jersey posted dealer tank wagon price on May 15, 1973 for its regular, unleaded regular, premium, and unleaded premium grades of motor gasoline for each class of customer.

(b) [Beginning May 9, 1979, and on each Wednesday thereafter, each] Each supplier of motor gasoline shall submit to the Department the New Jersey posted dealer tank wagon price, posted reseller tank car price, or other posted price for its regular, unleaded regular, premium, and unleaded premium grades of motor gasoline for each class of customer [in the previous calendar week.] within 24 hours of a price change. Submissions postmarked within 24 hours of a price change shall be deemed to be in compliance with these rules.

(c) Rules concerning posted dealer tank wagon prices are:

1. Each supplier of motor gasoline shall promptly submit to the Department the New Jersey posted dealer tank wagon price, posted reseller tank car price, or other posted price on August 1, 1979 for its regular, unleaded regular, premium, and unleaded premium grades of motor gasoline for each class of customer.

2. Each supplier of motor gasoline shall promptly submit to the Department the amount and date of any change in the New Jersey posted dealer tank wagon price, posted reseller tank car price, or other posted price since August 1, 1979.

(d) Each supplier of motor gasoline shall promptly submit to the Department the New Jersey posted dealer tank wagon price, posted reseller tank car price, or other posted price on January 1, 1979 for its regular, unleaded regular, premium, and unleaded premium grades of motor gasoline for each class of customer.

[(c)] (e) The above information should be sent to:
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102
Attention: [Assistant Commissioner
Steven J. Picco]
Gene Owen
Supervising Energy Analyst

An order adopting these amendments was filed and became effective on January 14, 1980 as R.1980 d.20 (Ex-empt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments Concerning Effective Date of Classification

Louis J. Gambaccini, Commissioner of Transportation,

pursuant to authority of N.J.S.A. 27:7-35.1 et seq., proposes to amend N.J.A.C. 16:65-1.4 concerning the effective date of classification.

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

16:65-1.4 Effective date classification

The effective date of the classification shall be 15 days after it is received in the Bureau of Contract Administration[...] or 15 days after receipt of any additional information requested. The expiration date is 15 months after the date of the financial information supplied.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

Charles Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

The Department of Transportation may thereafter adopt rules concerning this subject without further notice.

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on Junkyards Adjacent To the Interstate and Primary Highway Systems

On December 24, 1979, Russell H. Mullen, Assistant Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:5E-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:43 concerning junkyards adjacent to the interstate and primary highway systems as proposed in the Notice published September 6, 1979 at 11 N.J.R. 468(a).

An order adopting these rules was filed and became effective on December 26, 1979 as R.1979 d.499.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TRANSPORTATION

THE COMMISSIONER

Rules on No Passing Zones on Parts of Route 27 in Mercer County

On December 31, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:29-1.21, concerning no passing zones on parts of Route 27 in Mercer County as proposed in the Notice published December 6, 1979 at 11 N.J.R. 648(a).

An order adopting these rules was filed and became effective on January 2, 1980 as R.1980 d.2.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION

THE COMMISSIONER

Amendments Concerning Speed Zones On Parts of Route U.S. 30 in Atlantic County

On December 31, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-1.57(a)1.viii. concerning speed zones on parts of Route U.S. 30 in Atlantic County as proposed in the Notice published December 6, 1979 at 11 N.J.R. 646(a).

An order adopting these amendments was filed and became effective on January 2, 1980 as R.1980 d.3.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TRANSPORTATION

THE COMMISSIONER

Rules and Amendments Concerning Restricted Parking on Parts of Routes U.S. 206, 36 and 23

On December 31, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules and amendments, to be cited as N.J.A.C. 16:28-3.44, 16:28-3.46, 16:28-3.47, 16:28-3.61, 16:28-3.66 and 16:28-3.113(a)3., concerning restricted parking on parts of Routes U.S. 206, 36 and 23 as proposed in the Notice published December 6, 1979 at 11 N.J.R. 646(b).

An order adopting these rules and amendments was filed and became effective on January 2, 1980 as R.1980 d.4.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TRANSPORTATION

THE COMMISSIONER

Amendments on Restricted Parking On Parts of Routes 17, U.S. 130, 45, U.S. 9 and 3

On December 31, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to

N.J.A.C. 16:28-3.1(a)2., 16:28-3.51, 16:28-3.53, 16:28-3.62 and 16:28-3.107(a)2. concerning restricted parking on parts of Routes 17, U.S. 130, 45, U.S. 9 and 3 as proposed in the Notice published December 6, 1979 at 11 N.J.R. 647(a).

An order adopting these amendments was filed and became effective on January 2, 1980 as R.1980 d.5.

Howard H. Kestin
Director
Office of Administrative Law

(d)

TRANSPORTATION

THE COMMISSIONER

Amendments Concerning Parking At the Metro Park Train Station

On January 11, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-208 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 16:30-5.1 concerning parking at the Metro Park Train Station.

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

16:30-5.1(a) [2. The operator of a vehicle will not park any time along the curbing fronting the Railroad Station and existing platform.]

2. The area fronting the railroad station (approximately 290 feet in length) shall be designated as a bus stop, taxi stand and time limit parking as follows:

i. Bus stop: Beginning at the most northerly point of the sidewalk and extending 105 feet south thereof.

ii. Taxi stands (Four): Beginning 105 feet south of the most northerly point of the sidewalk and extending 100 feet south thereof.

iii. Time limit parking: No person shall park a vehicle for a period longer than 15 minutes beginning 205 feet south of the most northerly point of the sidewalk and extending 85 feet south thereof.

[3. The operator of a vehicle will park said vehicle in a proper manner in the spaces marked by white lines and they shall not park the vehicle in any other space not so marked.]

3. Any unoccupied vehicle parked or standing in violation of this ordinance shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal, before regaining possession of the vehicle.

An order adopting these amendments was filed and became effective on January 11, 1980 as R.1980 d.13 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

TREASURY

DIVISION OF PENSIONS

POLICE AND FIREMEN'S RETIREMENT SYSTEM BOARD OF TRUSTEES

Proposed Amendments and New Rules Concerning The Police and Firemen's Retirement System

Elmer G. Baggaley, Secretary of the Police and Firemen's Retirement System Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16A-13, proposes to amend rules N.J.A.C. 17:4-1.8, 17:4-4.10, 17:4-6.7, 17:4-6.8, 17:4-6.12 and 17:4-6.14 and proposes new rules N.J.A.C. 17:4-1.11 and 17:4-3.3 concerning the Police and Firemen's Retirement System.

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

17:4-1.8(a)2. [If a widow fails to timely file the annual statement with the system affirming that she has not remarried:] If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility which is normally mailed to such beneficiaries on an annual basis;

17:4-1.11 Travel

Travel to and from work when it is to and from the regular place of employment is not considered duty rendered in the course of employment for the purpose of determining eligibility for accidental disability or accidental death benefits.

17:4-3.3 Proof of insurability

When proof of insurability is required, the member's opportunity to prove such insurability shall expire one year (12 months) from the date the initial written notice is sent advising him that he must prove insurability by taking a medical examination.

17:4-4.10(a)4. The member has a claim pending for workers' compensation benefits.

17:4-6.7(a)1. The member was under the normal retirement age [of 55] at the time of filing application for a disability retirement allowance; and

17:4-6.8 [Deferred retirement] (Reserved)

[A person electing a deferred retirement in lieu of withdrawal will receive the retirement benefit commencing with the month following his 55th birthdate.]

17:4-6.12(a) All disability retirants, under the normal retirement age [55], shall be required to undergo a medical examination each year for a maximum period of five years by a physician designated by the system as of the anniversary date of their retirement, unless such examination requirement has been waived by the board.

17:4-6.14(e) The system shall send written notice to the member and his employer between 120 and 180 days in advance of the date on which the member shall be required to retire.

(f) Should a member fail to file "Application for Retirement Allowance" before his compulsory retirement date, he shall be granted the allowance payable on his account; however, no retirement checks will be disbursed until he files the required application.

(g) No retirement benefits shall be paid for any period

the member continued in service beyond his compulsory retirement date, nor shall he receive any credit for retirement purposes for salary received or for service rendered beyond his compulsory retirement date.

(h) If a member's death occurs after the 30-day waiting period has been satisfied, but before he has filed the required application for retirement, the member shall be considered to be retired for death benefit purposes. His estate shall be entitled to the retroactive retirement allowance due, in addition to any insurance benefits payable.

Interested persons may present statements or arguments in writing relevant to the proposals on or before February 27, 1980 to:

Elmer G. Baggaley, Secretary
Police and Firemen's Retirement System
Board of Trustees
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Board of Trustees of the Police and Firemen's Retirement System may thereafter adopt rules concerning this subject without further notice.

Elmer G. Baggaley, Secretary
Police and Firemen's Retirement
System Board of Trustees
Division of Pensions
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed Amendments Concerning Floor Covering and the Sales And Use Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to amend N.J.A.C. 18:24-22.1 and 18:24-22.3 concerning floor covering and the Sales and Use Tax Act.

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

18:24-22.1 Scope of subchapter

This subchapter is designed to clarify the tax obligations of persons who sell and/or install floor coverings including, but not limited to, carpeting, linoleum [and] , tile [.] and padding.

18:24-22.3(a)3. Supplies include, but are not limited to, [padding,] underlayment, nails, staples, plywood strips, adhesive tape and cement.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
Department of the Treasury
West State and Willow Sts.
Trenton, N.J. 08646

The Department of the Treasury may thereafter adopt rules concerning this subject without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Rules on the Savings Institution Tax Act

On January 2, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1979, c. 160, sec. 4, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J. A.C. 18:36 concerning the Savings Institutions Tax Act as proposed in the Notice published December 6, 1979 at 11 N.J.R. 649(a).

An order adopting these rules was filed and became effective on January 3, 1980 as R.1980 d.6.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

DIVISION OF TAXATION

Emergency Amendments Concerning County Boards of Taxation Regarding Determination and Judgments

On January 17, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1973, c. 119, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C.

18:12A-1.12(b)4.ii. concerning county boards of taxation regarding determination and judgments.

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

18:12A-1.12(b)4.ii. Judgments must contain the following statement: "The action of the county board of taxation may be reviewed by filing a complaint with the Tax Court within 45 days of the [date of this] service of the judgment[.] of the county board of taxation."

Address: Tax Court of New Jersey is located at 447 Bellevue Avenue, Trenton, New Jersey 08618. Mailing Address: P.O. Box 290, Trenton, New Jersey 08625.

An order adopting these amendments was filed and became effective on January 17, 1980 as R.1980 d.40 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

TURNPIKE AUTHORITY

Amendments Concerning the Procedure for Prequalification And Award on Construction Contracts

On December 27, 1979, the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-1 et seq.

and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 19:9-2.1 concerning the procedure for prequalification and award on construction contracts as proposed in the Notice published December 6, 1979 at 11 N.J.R. 651(b).

An order adopting these amendments was filed on December 28, 1979 as R.1979 d.500 to become effective on January 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(d)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions of Schedule of Charges For Admission to the World Trade Center Observation Deck

On November 28, 1979, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges for admission to the World Trade Center Observation Deck.

Full text of the adoption follows.

Resolved, that the Schedule of Charges for the use of the Observation Deck at The World Trade Center, adopted by the Committee on Operations, at its meeting on September 24, 1975, as subsequently amended, be and the same is hereby amended, effective January 1, 1980 except as noted, as follows:

Adult	\$2.25*
Child	1.15
Pre-booked Adult Groups (10 or more)	1.80
Pre-booked Children's Groups (10 or more, 6-12 yrs. of age)	1.00
Pre-booked arrangements by representative of the travel industry accredited by the Port Authority (effective July 1, 1980)	
Adult	1.65
Child	.85
Senior Citizens and disabled individuals (with impaired mobility)	1.25
Special Rates-Tenant, employee and community groups	
Adult	1.35
Child	.75

*Inclusive of 8% Sales Tax

and be it further

Resolved, that the Director of World Trade be and he hereby is authorized to permit travel clubs, hotels and other organizations to issue coupons for admission of their patrons at group rates without the necessity for pre-booking, or for arriving in groups of 10 or more.

An order adopting these revisions was filed on January 7, 1980 as R.1980 d.7 (Exempt, Exempt Agency).

Howard H. Kestin
Director
Office of Administrative Law

The New Jersey Administrative Code

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OF THE STATE OF NEW JERSEY**

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4 CODE TITLES UPDATED

Mailing was completed last month for the September 13, 1979 and October 1, 1979 update for four Titles of the New Jersey Administrative Code.

Titles included were 5—Community Affairs, 8—Health, 9—Higher Education and 17—Treasury-General.

If subscribers have not received this update within two weeks, they should contact the Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey 08608 or phone: (609) 292-6060.

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