

NEW JERSEY REGISTER



Official Publication of the State of New Jersey

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VOLUME 6 • NUMBER 3
March 7, 1974 • Indexed 6 N.J.R. 93-128

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LAW REVISION & LEGIS
SERVICES COMMISSION
STATE HOUSE
TRENTON N J 08625

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(a)

OFFICE OF THE GOVERNOR

STATE ENERGY OFFICE

Rules On Sale of Motor Gasoline

On February 8, 1974, Richard W. De Korte, Administrator of the State Energy Office, pursuant to authority of Chapter 2, Public Laws of 1974 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the regulation and control of sale of motor gasoline.

Full text of the adopted rules follows:

CHAPTER 6. SALE OF MOTOR GASOLINE

SUBCHAPTER 1. DEFINITIONS

1:6-1.1 Definitions

The following words and terms, as used herein, shall have the following meanings unless the context clearly indicates otherwise.

"Person" means and includes natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator or other officer appointed pursuant to law or by any court, State or Federal; also counties, municipalities and other political subdivisions of this State, singular or plural and the State of New Jersey. The use of the singular number shall include the plural number.

"Retail dealer" means any person, as herein defined, who engages in the practice of selling motor gasoline as herein defined from a fixed location such as a service station, filling station, store or garage, directly into the service tank or tanks of any vehicle propelled by said motor gasoline.

"Sale" means and includes, in addition to its ordinary meaning, any exchange, gift or other disposition. In every case where motor gasoline is exchanged, given or otherwise disposed of, it shall be deemed to have been sold.

"Purchase" means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession.

"Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390°F and whose source is distillation of petroleum and cracking, polymerization

and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

"Passenger automobile" means a motor vehicle used and designed for the transportation of passengers, except omnibuses, school buses and authorized emergency vehicles.

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except school buses if the same are not otherwise used in the transportation of passengers for hire.

"Motor vehicle" includes a vehicle propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education which complies with the regulations of the Department of Education affecting school buses.

"Authorized emergency vehicles" mean vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety pursuant to the provisions of Title 39 of the revised statutes.

SUBCHAPTER 2. REGULATION AND CONTROL OF SALE OF MOTOR GASOLINE

1:6-2.1 Days of access to retail dealers

(a) No retail dealer shall sell any motor gasoline for use in a fuel tank in a passenger automobile except as set forth in the following schedule:

1. Operators of passenger automobiles bearing license plates the last number of which is an even number shall be permitted to purchase motor gasoline for use in the fuel tank of said passenger automobile on even-numbered days of each month.

2. Operators of passenger automobiles bearing license plates the last number of which is an odd number or containing no number shall be permitted to purchase motor gasoline for use in the fuel tank of said passenger automobile on odd-numbered days of each month.

3. Notwithstanding the provisions of paragraphs 1 and 2 above, operators of passenger automobiles bearing license plates issued by states other than New Jersey which do not have substantially the same alternate day purchase program on a voluntary or a mandatory basis shall be permitted on any day to purchase quantities of

NEW JERSEY REGISTER

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

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motor gasoline which in the discretion of the retail dealer are sufficient to relieve said operators' hardship.

4. For the purpose of determining the last number of any license plate, any number preceded by a hyphen or "dash" shall not be used in determining the right to purchase motor gasoline described in this Section.

5. The provisions of this Section shall not be applicable on the thirty-first day of any month.

6. Notwithstanding the provisions of this Section, operators of motor vehicles bearing license plates with "MD" identification marks in which a physician is riding shall be permitted to purchase motor gasoline on any day.

1:6-2.2 Quantity of motor gasoline

(a) No retail dealer shall sell motor gasoline to the operator of any passenger automobile the gasoline gauge of which indicates that the fuel tank of said passenger automobile is half full or more than half full with motor gasoline.

(b) No person shall purchase or attempt to purchase motor gasoline from any retail dealer for a passenger automobile the gasoline gauge of which indicates that the fuel tank is half full or more than half full with motor gasoline.

(c) No person or retail dealer shall authorize or perform any work upon a gasoline gauge of a passenger automobile which would render or tend to render said gauge inoperative or inaccurate.

1:6-2.3 Methods for notifying public and minimum purchase requirements

(a) Every retail dealer of motor gasoline shall display a flag in a conspicuous place during such time that his place of business is open, as follows:

1. A red flag shall be displayed when motor gasoline is not available for sale to members of the general public;

2. A green flag shall be displayed when motor gasoline is available for sale to members of the general public without limitation in regard to the maximum amount which may be purchased;

3. A yellow flag shall be displayed when motor gasoline is available for sale to members of the general public but such sales are limited in regard to the maximum amount which may be purchased.

(b) Any retail dealer who establishes a maximum amount of motor gasoline which may be purchased shall post such amount in a conspicuous place and manner during such time that his place of business is open for the sale of motor gasoline.

(c) Every retail dealer of motor gasoline shall post in a conspicuous place and manner the hours during which he shall be selling motor gasoline to members of the general public.

(d) Notwithstanding the provisions of subsection (b) of this Section but subject to the provisions of subsection (a) of this Section and Section 2(a) of this Subchapter, any person who purchases motor gasoline for use in a fuel tank of a passenger automobile shall be entitled to purchase at least five gallons of said motor gasoline at the time of each and every sale. This provision shall not apply to those retail dealers subject to regulation by the New Jersey Highway Authority and the New Jersey Turnpike Authority.

1:6-2.4 Exemption of authorized emergency vehicles

Notwithstanding any other provisions of this regulation, the operators of all authorized emergency vehicles shall be entitled to purchase as much gasoline as requested on any day.

1:6-2.5 Preemption

All local and county regulations, statutes, ordinances and

proclamations dealing with the subject matter of this regulation are hereby superseded.

1:6-2.6 Interference with compliance

No person shall threaten, interfere, or attempt to interfere, with a retail dealer with respect to compliance with the provisions of this regulation.

1:6-2.7 Effective date

This regulation shall take effect at 12:01 A.M. February 11, 1974.

An order adopting these rules was filed February 8, 1974, as R.1974 d.33 to become effective February 11, 1974. (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Rules on Sales of Milk in New Container Size

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., proposes to adopt new rules concerning the prohibition of sales of milk in new container size until a price has been established for such container.

Full text of the proposed rules follows:

SUBCHAPTER 6.

SALES OF MILK IN NEW CONTAINER SIZE

FOREWORD

In order to promote fair competition in the sale of milk and the orderly marketing of milk in the public interest, and pursuant to the provisions of the Milk Control Act of the State of New Jersey, N.J.S.A. 4:12A-1 et seq., the following regulation is hereby adopted.

2:48-6.1 Sales prohibited pending establishment of price

It shall be unlawful for any licensee to sell fluid whole milk in the State in a container of a size which was not being sold in the State on September 18, 1972 (the effective date of Order 69-1), until a hearing has been held and a price established for said container.

2:48-6.2 Director to hold hearing on price for new container

Any licensee desiring to sell fluid whole milk in a container of a size which was not being sold in the State on September 18, 1972 shall request that a hearing be held by the Director, who shall call such hearing, make findings on the record and publish same within a reasonable time. For containers smaller than one quart, the Director may waive the hearing and permit the sale of such containers without a hearing if he finds, and so notifies in writing, the licensees affected thereby that such sale would not be disruptive of the market and would not tend to promote unfair trade practices.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before March 27, 1974, to:

Woodson W. Moffett Jr., Director
Division of Dairy Industry
New Jersey Department of Agriculture
P.O. Box 1999
Trenton, New Jersey 08625
Telephone: (609) 292-5646

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

Woodson W. Moffett Jr., Director
Division of Dairy Industry
Department of Agriculture

(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Revisions Concerning Special Exemption for Florida Tomato Plants

On February 14, 1974, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:7-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning the special exemption for Florida tomato plants, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 402(a).

Such revisions will be included in N.J.A.C. 2:17-4.2(c).

An order adopting these revisions was filed and effective February 19, 1974, as R.1974 d.41.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

STATE BOARD OF AGRICULTURE

DIVISION OF REGULATORY SERVICES

Rule on Prompt Settlement and Settlement Payment Agreements

On February 14, 1974, Phillip Alampi, Secretary of Agriculture, and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-11, 4:1-19, 4:11-26 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning prompt settlement and settlement payment agreements, substantially as proposed in the Notice published November 8, 1973, at 5 N.J.R. 363(a), with only inconsequential structural or language changes, in the opinion of the Department of Agriculture.

Full text of the adopted rule follows:

2:67-1.1 Prompt settlement

Prompt settlement in the absence of any written contract to the contrary shall be ten days from the date of delivery of the agricultural commodities. Sample copies of all such contracts shall be furnished with application for license submitted pursuant to N.J.S.A. 4:11-19.

An order adopting this rule was filed and effective February 19, 1974, as R.1974 d.42.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Notice of Hearing Concerning Tentative Marketing Agreements And Orders Regulating Milk Handling

Notice is hereby given that pursuant to P.L. 1941, Chapter 274, as amended, N.J.S.A. 4:12A-1, et seq., and particularly Section 25, the Division of Dairy Industry conducted a public hearing jointly and concurrently with the United States Department of Agriculture at the United States Department of Agriculture's South Building, Jefferson Auditorium, 14th and Independence Avenues, Washington, D.C. beginning at 9:30 A.M., Eastern Daylight Savings Time on February 20, 1974, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the New York-New Jersey Milk Marketing Area and the Mid-Atlantic Milk Marketing Area, said orders being joint orders of the United States Department of Agriculture and the Division of Dairy Industry, New Jersey Department of Agriculture as said orders apply to the State of New Jersey.

The purpose of the hearing was to receive evidence with respect to a number of proposals to amend the orders. In summary, the proposals would amend Section 1002.50a(c) of Order Number 2 and 1004.50(b) of Order Number 4 to change the method of determining minimum prices for milk used in products other than fluid milk.

Notice of the hearing was published by the United States Department of Agriculture in the Federal Register on February 14, 1974. Copies of this notice and of the notice of the United States Department of Agriculture which includes all proposals, may be reviewed at the office of the Division of Dairy Industry, Department of Agriculture, State of New Jersey, John Fitch Plaza, Trenton, New Jersey, or will be supplied upon request.

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Notice of Decision and Order To Terminate Proceedings Concerning Amendments Regulating Milk Handling

Take notice that W. W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, has issued the following notice concerning the decision and order to terminate the proceeding on the proposed amendments regulating the handling of milk in the New Jersey milk marketing areas:

In conformance with the memorandum of agreement with the United States Department of Agriculture and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director, Division of Dairy Industry, participated with the United States Department of Agriculture in a joint hearing held at Clayton, Missouri, on August 28-30 and September 18-19, 1973. Notice of the hearing was published in the time and manner required by law.

Under terms of the memorandum of agreement, joint

orders of the Division of Dairy Industry and the United States Department of Agriculture are identical. Therefore, in the interest of maintaining uniformity in the orders and pursuant to the provisions of N.J.A.C. 15:15-5.3, the Director hereby adopts the findings and determinations made by the United States Department of Agriculture as contained in the "Decision and Order to Terminate Proceeding on Proposed Amendments to Marketing Agreement and to Order" signed in Washington, D.C. on December 26, 1973, by James H. Lake, Deputy Assistant Secretary, and as published in the Federal Register on Thursday, January 3, 1974, at pages 811 through 814.

It is therefore ordered that the proceeding with respect to the proposed amendment of joint and concurrent Federal Milk Marketing Orders No. 2 and 4, insofar as said orders apply to the State of New Jersey, are hereby terminated.

This Notice is published as a matter of public information.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

BANKING

DIVISION OF BANKING

Proposed Revisions On Increase in Ratio Of Mortgage Loan to Appraised Value Of Mortgaged Property

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-65 and 17:9A-181R, proposes to revise the rules concerning the increase in ratio of mortgage loan to appraised value of mortgaged property.

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

3:10-4.1 Appraisal ratio for banks

Banks are authorized to increase the ratio of appraised value from 80 per cent to 90 per cent of the mortgaged property as noted in Section 65A(4) of The Banking Act of 1948, as amended.

Authority: N.J.S.A. 17:9A-65

3:10-4.2 Parity provision for banks

This Subchapter is directed toward the creation and maintenance of a substantial parity between banks and national banks in accordance with Section 65C of The Banking Act of 1948, as amended.

Authority: N.J.S.A. 17:9A-65

3:10-4.3 Appraisal ratio for savings banks

(a) The amount of the mortgage loan granted under the provisions of Section 181D of the Banking Act of 1948, as amended, shall not exceed:

1. 80 per cent of the appraised value of the real property, or two per cent of the deposits of the savings bank, whichever is lesser;
or
2. 90 per cent of the appraised value of the real property; or \$35,000, whichever is lesser;
or
3. 95 per cent of the appraised value of the real property, or \$25,000, whichever is lesser, provided that the dwelling or dwellings are not more than ten years old.

(b) The amount of the mortgage loan granted under the provisions of Section 181E of The Banking Act of 1948, as amended, shall not exceed:

1. 80 per cent of the first \$30,000 of the appraised value of the real property, plus 70 per cent of the excess, if any, of such appraised value over \$30,000.

Authority: N.J.S.A. 17:9A-181R

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to:

Roger F. Wagner
Deputy Commissioner of Banking
Department of Banking
Trenton, New Jersey 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(b)

BANKING

DIVISION OF BANKING

Amendments on Federal Funds Transactions

On February 1, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-182.1, 17:9A-62H and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules concerning Federal funds transactions, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 2(b), with only inconsequential structural or language changes, in the opinion of the Department of Banking.

Such amendments will be included in N.J.A.C. 3:6-5.1, 3:6-5.2 and 3:6-5.3.

An order adopting these amendments was filed and effective February 1, 1974, as R.1974 d.27.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (Local Jurisdictions)

On February 19, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Civil Service Personnel Manual (Local Jurisdictions) subpart 20-5.103 concerning the administration of the Work Incentive/Public Service Employment Program.

Full text of the adopted revisions follows:

Subpart 20-5.103 Administration Of The Work Incentive/
Public Service Employment Program

20-5.103a Subject:

The Work Incentive/Public Service Employment (WIN/

PSE) Program authorizes funds for the immediate employment in the public service of WIN participants. The prime objective of developing PSE positions for WIN participants is to ultimately provide permanent employment in unsubsidized jobs in the public sector and to fill the unmet service needs of government. Appointing authorities operating under this program are directly responsible for complying with the "assurance" incorporated in their WIN/PSE grants.

20-5.103b Alternatives:

Appointing authorities, operating under the provisions of Title 11, the Civil Service Statute, are authorized to fill WIN/PSE positions, in accordance with this subpart. The Civil Service Commission in cooperation with the New Jersey Department of Labor and Industry has established the following alternatives for the appointment of WIN/PSE employees:

1. Approval is granted for the appointment of WIN/PSE employees to temporary positions for a 12-month period.

2. Individuals may be appointed to WIN/PSE positions as regular appointees under normal certification procedures at the request of the appointing authority with the consent of the appointee.

20-5.103c Employment Terms And Conditions Of Employment:

1. Individuals receiving temporary appointments to WIN/PSE positions will obtain all of the Civil Service terms and conditions accorded to temporary employees.

2. Individuals receiving appointments to WIN/PSE positions under alternative 2 above have the same terms and conditions of employees who are appointed to regular positions.

An order adopting these revisions was filed February 20, 1974, as R.1974 d.47 (Exempt, Procedure Rule) to become effective March 1, 1974.

These revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service)

On February 19, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to several subparts of the Civil Service Personnel Manual (State Service) concerning allocation of confidential positions to boards, policy for determining salary and anniversary date of an employee who has been demoted or reappointed to a title with a lower evaluation and administration of the Work Incentive Public Service Employment Program.

Full text of the adopted revisions follows:

Subpart 6-7.102 Allocation Of Confidential Positions To Boards

6-7.102a Subject:

This subpart specifies the prerequisites for entitlements

of Boards to confidential positions and appointments thereto under N.J.S.A. 11:4-4(m).

6-7.102b Conditions:

The following prerequisites must be met in order for unclassified confidential positions to be allocated to Boards under N.J.S.A. 11:4-4(m):

(1) The Board must have the actual power to administer a statutorily designated function, and

(2) The Board must have the power to appoint, discharge and otherwise act with complete control over its personnel, as with any other appointing authority.

6-7.102c Procedures:

Requests for entitlement to confidential positions for statutorily created Boards should be made to the Director, Division of Classification and Compensation, Department of Civil Service, and must include documentation that the above conditions have been met. In addition, such requests must be accompanied by a certification from the Board that such positions are essential to the work of the Board.

Subpart 7-3.105 Policy For Determining Salary And Anniversary Date Of An Employee Who Has Been Demoted Or Reappointed To A Title With A Lower Evaluation

7-3.105a Subject:

This subpart will deal with the procedures to be applied to determine the salary and anniversary date of an employee who has been demoted, returned to a former title, or reappointed to a title with a lower evaluation than his/her immediately previous title.

7-3.105b Application:

The salary adjustment of an employee will be based upon the procedure applicable to the category of demotion or reduction involved.

If it is:

1. A **Disciplinary or Deficiency Demotion** based upon unsatisfactory job performance or other deficiencies for which the employee is responsible, the salary of the employee shall be reduced by one increment and adjusted to the same or next lower rate of the range of the title to which the employee is being reappointed. No change shall be made in the employee's anniversary date.

2. A **No Fault Demotion**, through no fault of the employee resulting from some action by the appointing authority, the Civil Service Commission or other agency having jurisdiction over an employee's status for reasons of economy, reduction in force, seniority layoff, in lieu of layoff etc., the salary of the employee shall be reduced by one increment* and adjusted to the same or next higher rate of the range to which the employee is reappointed. No change shall be made in the employee's anniversary date. Voluntary demotions so acknowledged in writing by the employee on the CS-21, shall be processed under this procedure.

* If it can be established by the reconstruction of the employee's employment record that when the employee was promoted or appointed to the higher title he/she received the equivalent of two or more promotional increments of the lower range, when going from the lower to the higher title, the salary for demotion shall first be reduced by the equivalent number of increments he/she received or would have received before slotting into the appropriate steps of the lower salary range.

7-3.105c Limitations:

1. This method shall be used only when:

a. The employee has served more than one year in the higher title, and

b. The employee has previously held the lower title, or

(1) The lower title is a lower title in the same occupation series, or

(2) The service in the higher title would be considered to have provided the employee with meaningful and significant experience and training for satisfactory service in the lower title.

2. This method shall not be used to gain a salary advantage for the employee.

3. In no case shall an employee taking a voluntary demotion receive an increase in salary rate.

7-3.105d Alternative Conditions:

In all other situations of demotion or appointment to a title with a lower evaluation not falling within the above conditions, the employee's salary in the lower title shall be arrived at by restructuring the employee's salary based on service he/she would have had had he/she been appointed to or stayed in the lower title or in fact had been serving in the lower title on the date he/she was appointed to the higher title.

7-3.105e Rights:

For all No Fault Demotions except voluntary demotions, the employee must be given a 45-day notice of the demotion by the appointing authority.

Subpart 20-5.106 Administration Of The Work Incentive/ Public Service Employment Program

20-5.106a Subject:

The Work Incentive/Public Service Employment (WIN/PSE) Program authorizes funds for the immediate employment in the public service of WIN participants. The prime objective of developing PSE positions for WIN participants is to ultimately provide permanent employment in unsubsidized jobs in the public sector and to fill the unmet service needs of government. Appointing authorities operating under this program are directly responsible for complying with the "assurance" incorporated in their WIN/PSE grants.

20-5.106b Alternatives:

Appointing authorities, operating under the provisions of Title 11, in the Civil Service Statute, are authorized to fill WIN/PSE positions, in accordance with this subpart. The Civil Service Commission in cooperation with the New Jersey Department of Labor and Industry has established the following alternatives for the appointment of WIN/PSE employees:

1. Approval is granted for the appointment of WIN/PSE employees to temporary positions for a 12-month period.

2. Individuals may be appointed to WIN/PSE positions as regular appointees under normal certification procedures at the request of the appointing authority with the consent of the appointee.

20-5.106c Employment Terms And Conditions Of Employment:

1. Individuals receiving temporary appointments to WIN/PSE positions will obtain all of the Civil Service terms and conditions accorded to temporary employees.

2. Individuals receiving appointments to WIN/PSE positions under alternative 2 above have the same terms and conditions as employees who are appointed to regular positions.

An order adopting these revisions was filed February 20, 1974, as R.1974 d.46 (Exempt, Procedure Rule) to become effective March 1, 1974.

These revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions In Pupil Transportation

Victor J. Podesta, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to adopt revisions to the rules on pupil transportation.

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

6:21-1.4 Retirement of school buses

School buses shall not be utilized for pupil transportation purposes beyond the end of the tenth year from the date of manufacture.

6:21-8.2 (e) In lieu of the lettering required by Section 6:20 (Identification) of this Chapter, [buses may use, front and rear, removable metal signs of durable construction, 26 inches in length and 20 inches in width, painted with National School Bus Chrome.] **Type I school vehicles that are operated by a privately or publicly owned local transit system and used for regular common carrier transit route service as well as special school route service, shall meet all the requirements of this standard, except as follows:**

1. [The letters shall be arranged as follows:

SCHOOL BUS

STOP

WHEN LOADING—UNLOADING

2. The color of all lettering shall be jet black, except the word STOP, which shall be a fluorescent red with 1/16-inch borders in black for the purpose of contrast.

Note: The fluorescent red paint should be covered by a clear sealer for protection and maximum fade resistance.

3. The size of the letters shall be as follows:

WORDS	HEIGHT	WIDTH	STROKE
SCHOOL BUS	seven inches	two inches	7/8 inch
STOP WHEN	8½ inches	five inches	1½ inches
LOADING— UNLOADING	1½ inches	¾ inches	¼ inch]

1. Such vehicles shall, while transporting children to and from school, be equipped with signs, located conspicuously on the front and back of the vehicle.

i. The sign on the front shall have the words "School Bus" printed in black letters not less than six inches high on a background of national school bus glossy yellow.

ii. The sign on the rear shall be at least ten square feet in size and shall be painted national school bus glossy yellow and have the words "School Bus" printed in black letters not less than eight inches high.

6:21-11.1 (a) To be eligible for employment as a regular or substitute bus driver, an applicant shall be a reliable person of good moral character and shall have a minimum of three years previous driving experience, be physically fit and shall possess a valid bus driver's license [issued] approved by the Department of Law and Public Safety, Division of Motor Vehicles.

6:21-11.2 (a) To be eligible for employment as a regular or substitute small vehicle driver, an applicant shall be a

reliable person of good moral character and shall have a minimum of three years previous driving experience, be physically fit and shall possess a valid bus driver's license [issued] approved by the Department of Law and Public Safety, Division of Motor Vehicles.

6:21-18.1 (b) Van type small vehicles shall be defined as any pupil transportation vehicle under 17 capacity [with the body mounted on a truck type chassis.] that has any part of the engine protruding into the passenger compartment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to:

Mrs. Anne Grandinetti
Division of Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 08625

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

Victor J. Podesta
Acting Commissioner of Education
Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions In Definition of Miles from School

On February 13, 1974, Victor J. Podesta, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 6:21-7.3(b) concerning the definition of miles from school, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 5(c).

An order adopting these revisions was filed and effective February 15, 1974, as R.1974 d.37.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Revisions In Regular Meetings of Board

On February 13, 1974, Victor J. Podesta, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rule concerning the regular meetings of the Board, substantially as proposed in the Notice published January 10, 1974, at 6 N.J.R. 5(d), with only inconsequential structural or language changes, in the opinion of the Department of Education.

Full text of the revised rule follows:

6:1-2.2 Regular meetings

Regular meetings of the Board shall be held each month on dates set by the Board at its June meeting each year. The meetings shall begin at 1:00 P.M. At least five days' notice of any regular meeting shall be given to each member.

An order adopting these revisions was filed and effective February 15, 1974, as R.1974 d.38.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Extension of Wetlands Order Covering Portions of Salem County

Joseph T. Barber, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1.1 et seq., proposes to adopt a rule extending the coverage of the Wetlands Order to include certain portions of Salem County.

Full text of the proposed rule follows:

7:7A-1.1(a)14. Salem County (filed in the office of the county recording officer—Salem):

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

A public hearing respecting the proposed action will be held on March 28, 1974, at 11:00 A.M. and continuing into the evening, if necessary, at the Holiday Inn, New Jersey Turnpike and Route 295, Penns Grove, New Jersey.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1974, to:

Department of Environmental Protection
John Fitch Plaza
Post Office Box 1390
Trenton, New Jersey 08625

The Department of Environmental Protection, upon its

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

Joseph T. Barber
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

Proposed Revisions in Shellfish Growing Water Classifications

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. proposes to adopt revisions to the rules concerning shellfish growing water classifications. Such rules are currently cited as N.J.A.C. 7:25-7.1 et seq. and appear in Subtitle E, Fish and Game, in Title 7 of the New Jersey Administrative Code. The proposed, revised rules are intended to supersede these rules and, if adopted, will be included in a new Chapter 12, in Subtitle C, Water Resources, in Title 7 of the New Jersey Administrative Code. Subchapter 7, Chapter 25 in Title 7 will then be deleted and marked as being reserved for future use.

A summary of the pertinent proposed revisions follows:

1. Approximately 635 acres in Sandy Hook Bay will be downgraded from Approved to Special Restricted. The closure is based on a reappraisal report which confirms a continuing long term trend of deteriorating water quality. With this closure no waters remain approved in Sandy Hook Bay.

2. Approximately 885 acres in the Navesink River will be upgraded from Condemned to Special Restricted. The upgrading is based on a special investigation report.

3. Approximately 924 acres in Barnegat Bay (Mathis Bridge to Forked River) will be downgraded from Approved to Condemned. The closure is based on a reappraisal report and is an expansion of an existing closure, confined to the western shoreline.

4. Approximately 359 acres in Broad Creek behind the southern portion of Brigantine will be downgraded from Approved to Condemned. The closure is based on a reappraisal report.

5. Approximately 150 acres in Bidwells Creek will be downgraded from Seasonal to Condemned based on a reappraisal report.

6. Approximately 650 acres in Dividing and Oranoaken Creeks will be downgraded from Approved to Seasonal. The closure is based on a reappraisal report.

7. Approximately 2300 acres in Nantuxent Cove and Back Creek will be downgraded from Approved to Seasonal. The closure is based on a reappraisal report.

8. Total acreage changes with issuance of these rules and regulations are:

Acres Upgraded	885
Acres Downgraded	5,018
Net Loss In Acres	4,133

Copies of the full text of 20 pages of this proposal may be obtained from:

Division of Water Resources
Shellfish Control Section
Post Office Box 1390
Trenton, New Jersey 08625

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

thereafter adopt these revisions substantially as proposed without further notice.

Joseph T. Barber
Acting Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Procedural Rules for Hearings Pursuant To the Coastal Area Facilities Review Act

On January 31, 1974, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:19-1 et seq., N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules for hearings held pursuant to the Coastal Area Facilities Review Act.

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

Copies of the full text of 53 pages of these rules may be obtained from:

Division of Marine Services
Department of Environmental Protection
Post Office Box 1390
Trenton, New Jersey 08625

An order adopting these rules was filed and effective February 1, 1974, as R.1974 d.26 (Exempt, Procedure Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Revisions to Procedural Rules for Hearings Pursuant to Coastal Area Facilities Review Act

On February 7, 1974, Joseph T. Barber, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 13:19-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the procedural rules for hearings held pursuant to the Coastal Area Facilities Review Act.

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

7:7C-1.1 Definitions

["Continuum" means the ongoing, continuous process of constructing a facility.]

["Facility" means any facility designed or utilized for any of the purposes enumerated in paragraph 3(c) of the Coastal Area Facilities Review Act.]

["On-site construction" means that physical work which is performed upon the site of the proposed facility.]

["Site" means the geographical area upon which the proposed facility is to be constructed.]

["Site preparation" means that portion of the construction process in which work is performed upon the site of the proposed facility before the actual building process has commenced.]

7:7C-1.3(b)1.i. If the applicant has requested a quasi-judicial hearing, he shall serve the hearing officer, Division of

Marine Services, Bureau of Marine Lands Management, Labor and Industry Building, Post Office Box 1889, John Fitch Plaza, Trenton, New Jersey 08625 with a complete statement of his legal position regarding the application for exemption by registered mail—return receipt requested within [17] 34 days of receipt of the Commissioner's decision to grant or deny the exemption.

7:7C-1.3(c)1.i.(2) His duty to serve the hearing officer, Division of Marine Services, Bureau of Marine Lands Management with a position statement pursuant to this Section within [17] 34 days.

7:7C-1.23(a)1. The Department's final decision to **approve** or **disapprove** the application for exemption or to issue, issue conditionally or deny the permit.

7:7C-1.23(a)3. The right to any aggrieved party to appeal the Department's decision to issue, issue conditionally or deny a permit to the Coastal Area Review Board pursuant to N.J.S.A. 13:19-1 et seq.

An order adopting these revisions was filed and effective February 8, 1974, as R.1974 d.32 (Exempt, Procedure Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Notice of Variances Granted

Regarding Sulfur Content of Fuels

Take notice that, during the period of January 16, 1974 through February 6, 1974, the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 52:14 B-4(c) and N.J.A.C. 15:15-4.18 and in accordance with the provisions of N.J.A.C. 7:1-3.3 of administrative order number 39 issued variances to the following applicants authorizing the use of No. 5 and No. 6 fuel oils having a sulfur content not in excess of the percentage indicated, in fuel-burning equipment located at the addresses shown below for a period not extending beyond March 15, 1974. All variances are conditioned upon the implementation of approved standby plans in the event an air pollution alert, warning or emergency is declared.

1.25 per cent sulfur

Jan Leach, Ltd., Management
208 Anderson Street, Hackensack City
Consolidated Laundries, Division of Sears Industries, Inc.
High Street, Newark City
Consolidated Laundries, Division of Sears Industries, Inc.
Clifton Street, Newark City
Barnert Memorial Hospital Center
680 Broadway, Paterson City
PVO International Inc.
416 Division Street, Boonton Township
Paragon Dyeing & Finishing Co., Inc.
69-77 Chadwick Street, Paterson City
Royce Chemical Company
17 Carlton Avenue, East Rutherford Borough
Hoffman-LaRoche, Inc.
Kingsland Street, Nutley Town

Chelton Realty, Inc.
245 Fourth Street, Passaic City
News Printing Company
News Plaza, Paterson City
Pfister Chemical, Inc.
Route 46, Ridgefield Borough
Personal Products Company, Division of Johnson & Johnson
Route 1, North Brunswick Township
Bergen Mall Shopping Center
221 South Mall, Paramus Borough
Curtiss-Wright Corporation
One Passaic Street, Wood-Ridge Borough
Curtiss-Wright Corporation
460 Main Street, Wallington Borough
The Dumar Company
84-182 Dayton Avenue, Passaic City
Midland Glass Company, Inc.
Cliffwood Avenue, Matawan Township
Perennial Print Corporation
East 46th Street, Paterson City
Ingersoll-Rand Company
942 Memorial Parkway, Phillipsburg Town
Hoffman-LaRoche, Inc.
Sarepta Road, White Township
Limestone Products Corporation of America
Lime Crest Road, Sparta Township
Heinz U.S.A., Div. of H. J. Heinz Company
57 Griffith Street, Salem City

1.5 per cent sulfur

Arnot Realty Company
1 Arnot Street, Lodi Borough
Xcel Corporation
290 Ferry Street, Newark City
Congoleum Industries, Inc.
160 Passaic Avenue, Kearny Town
Lincoln Paper Company
300 Bergen Turnpike, Ridgefield Park Township
Ocean Leather Corporation
42 Garden Street, Newark City
Best Foods, Division of CPC International Inc.
99 Avenue A, Bayonne City
Farmers Feed Company
468 Raymond Blvd., Newark City
Universal Grain Company
425 South Street, Newark City
Standard Corrugated Case Corp.
686 Grand Avenue, Ridgefield Borough
Marcal Paper Mills, Inc.
400 Hoover Avenue, Bloomfield Town
Marcal Paper Mills, Inc.
1 Market Street, Elmwood Park Borough
Eureka Realty Associates
791 Paulson Avenue, Clifton City
Celotex Corporation
1 River Road, Edgewater Borough
Alsol Corporation
Ford Avenue & Main Street, Milltown Borough
Orbis Products Corporation
55 Virginia Street, Newark City

3 per cent sulfur

Whippany Paper Board Co., Inc., Clifton Mill
One Ackerman Avenue, Clifton City
Whippany Paper Board Co., Inc., Eden Mill
Parsippany Road, Hanover Township
International Flavors & Fragrances (U.S.)
800 Rose Lane, Union Beach Borough
Avalon Dyeing and Finishing Co., Inc.
261 Morrissee Avenue, Haledon Borough

Allied Chemical Corporation
550 Belmont Avenue, Haledon Borough
Allied Chemical Corporation
Columbia Road & Park Avenue, Morris Township
Ingersoll-Rand Company
942 Memorial Parkway, Phillipsburg Town
Toms River Chemical Corporation
Off Route 37, Dover Township
Goodall Rubber Company
572 Whitehead Road, Hamilton Township

An order adopting this Notice was filed and effective February 15, 1974, as R.1974 d.39 (Exempt, Procedure Rule). Take notice that this rule is not subject to codification in the New Jersey Administrative Code and therefore will not appear in Title 7 therein.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions in Shellfish-Growing Water Classification

On February 20, 1974, the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to rules concerning shellfish-growing water classification, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 80(a).

Such revisions will be included in Subchapter 7, Chapter 25 of Title 7 in the New Jersey Administrative Code.

An order adopting these revisions was filed February 20, 1974, as R.1974 d.44.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Proposed Manual of Standards for First Trimester Outpatient Abortion Facilities

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a manual of standards for first trimester outpatient abortion facilities.

Full text of the proposed rules follows:

CHAPTER 40.
MANUAL OF STANDARDS FOR FIRST TRIMESTER
OUTPATIENT ABORTION FACILITIES

SUBCHAPTER 1. GENERAL PROVISIONS

FOREWORD

The following document, developed by the New Jersey State Department of Health, provides public health standards of care for the performance of abortions, with proper regard for the health, safety and well-being of the patient.

These standards are not intended to regulate the actions or in any way interfere with the medical judgment or practice of the licensed physician who elects to perform first trimester abortions on an outpatient basis if the patient's medical condition permits.

To protect the health and well-being of the patient, the standards provide that abortions performed in outpatient abortion facilities be done only where there are qualified medical personnel and adequate equipment, staff and facilities to handle hemorrhage, shock, cardiac arrest and other emergencies, as well as to apply aseptic procedures in a safe physical environment.

The standards further require that no person shall at any time attempt to influence a pregnant woman in her decision either to undergo or not undergo an abortion procedure. Many physicians may wish to counsel their patients on alternatives to abortion procedures, such as adoption or foster homes. Counseling in family planning should be made available to patients upon request.

The legality of abortions is not covered in this document. For a full and thorough treatment regarding the legal aspects of the performance of an abortion, reference should be made to the opinion rendered by the Attorney General of New Jersey on January 31, 1973.

8:40-1.1 Definitions

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

"Abortion" refers to the premature expulsion or removal from the uterus of the products of conception, either of the embryo, or of a nonviable fetus. Further, as used in these guidelines, the term abortion applies from the moment of conception up to and including the 12th week of pregnancy.

"Commissioner", when used in these regulations, means the New Jersey State Commissioner of Health.

"Department", when used in these regulations, means the New Jersey State Department of Health.

"First trimester" means the first twelve weeks of pregnancy, as determined by the history given by the patient considered in conjunction with the physician's findings on clinical examination and his estimation of length of pregnancy by the size of the uterus and any other relevant physical findings.

"Governing authority" means the organization, person or persons designated to assume full responsibility for the operation of the Outpatient Abortion Facility.

"Hospital" means a health care facility licensed as a hospital in accordance with the statutes of New Jersey.

"Inpatient" means a person admitted to and being treated in a hospital or termination of pregnancy service. All abortions other than those performed in such facilities shall be considered outpatient care.

"Licensed practical nurse" means a nurse currently licensed to practice practical nursing in the State of New Jersey, preferably with at least one year of nursing experience under the supervision of a registered professional nurse.

"Nurse supervisor" means a registered professional nurse currently licensed by the State of New Jersey with post-graduate education or experience in obstetric or gynecologic nursing.

"Outpatient abortion facility" means a licensed health care facility other than a hospital, or termination of pregnancy facility in which abortion procedures are performed.

"Physician" means a person who is currently licensed to practice medicine in the State of New Jersey, pursuant to N.J.S.A. 45:9-1 et seq.

"Qualified social worker" means a graduate of a school

of social work accredited by the Council on Social Work Education.

"Registered professional nurse" means a professional nurse currently licensed by the State of New Jersey as a registered professional nurse, preferably with at least one year's experience as a professional nurse.

"Termination of pregnancy facility" means a health care facility other than a hospital in which termination of pregnancy procedures are performed.

"Termination of pregnancy procedure" means the removal of any products of conception any time after the 12th week of pregnancy, as determined by the patient's physician.

"Total transport time" means the total elapsed time between the diagnosis, at an outpatient abortion service, of a complication requiring emergency care and the delivery of the patient and the transfer of responsibility for the patient's care to appropriate medical personnel at a hospital.

8:40-1.2 Applicability of other codes, rules and regulations

(a) The outpatient abortion facility shall comply with all applicable Federal, State and local regulations and requirements, including but not limited to:

1. Building;
2. Zoning;
3. Fire;
4. Safety;
5. Health;
6. Civil Rights

(b) The outpatient abortion facility shall comply with all applicable provisions contained in Chapters 136 and 138, Laws of New Jersey 1971.

(c) Staff of the outpatient abortion facility must be currently licensed or registered in accordance with applicable laws.

8:40-1.3 Reports

(a) Notification within 15 days shall be made to the Department of any changes in staffing, or services, which might substantially affect the outpatient abortion facility compliance with the licensure standards as prescribed in these regulations.

(b) An outpatient abortion facility shall prepare reports which shall be submitted to the Department weekly. Such reports shall include, but are not limited to, the number of:

1. Patients requesting abortions;
2. Patients on whom abortions were performed according to the period of gestation and method of termination of pregnancy;
3. Patients for whom abortions were refused and the reasons therefore;
4. Patients referred to other abortion services and the reasons for such referral; and
5. Complications of abortions performed.

8:40-1.4 Governing authority

(a) There shall be a governing authority of the outpatient abortion facility which shall be the ultimate authority and shall be responsible for the management, control and operation of the facility. This governing authority may be a board of directors, board of trustees, an owner, a partner, an administrator, or the medical director, depending on the facility's size and administrative needs.

(b) The governing authority shall be responsible for the formulation of the outpatient abortion facility's written policies, management, control and overall operation, including the appointment of a medical staff, the establishment of rules and regulations required for the proper care of patients and such other duties and responsibilities as are necessary to carry out the purpose of the facility.

(c) Where necessary, depending upon the size and ad-

ministrative needs of the facility, the governing authority shall:

1. Appoint a full time administrator who is qualified by appropriate education and/or experience and delegate to him executive authority and responsibility for directing, coordinating and supervising overall activities of the facility.

2. Conduct regular meetings. Minutes of all meetings of its committees, including a record of attendance, shall be recorded, signed, retained and available to the Commissioner upon request.

3. Appoint a physician as medical director, who shall be responsible for establishing and carrying out medical policies.

8:40-1.5 Services

(a) The facility shall have a written affiliation agreement with one or more hospitals to insure easy and prompt referral and back-up services for patients requiring attention for an emergency or other condition necessitating hospitalization. The agreement shall include a procedure for transmitting pertinent clinical information to the back-up hospital for continuity of care.

(b) An outpatient abortion service shall have immediately available an organized transportation system capable of insuring that a patient requiring emergency care at the hospital with which such service is affiliated will be transported to such hospital within a total transport time of ten minutes.

8:40-1.6 Staff of the abortion services

(a) The facility shall maintain personnel records of all employees, including records of health examinations, qualifications, job descriptions and verifications of licensure.

(b) The facility shall have a written policy and procedure manual.

(c) The facility shall have a written contract for all personnel employed under contractual arrangement.

(d) Where required by the size of the facility, there shall be an organized medical staff responsible to the governing authority for the quality of all medical care provided to patients and for the ethical conduct and professional practices of its members.

1. Staff members shall be selected on the basis of training and experience appropriate for their duties and shall be assigned responsibilities commensurate with their individual abilities.

2. The governing authority, or where applicable, the medical director, shall be responsible for:

i. Setting forth in writing the medical policies and procedures pertaining to abortions and the implementation thereof;

ii. Assuming responsibility for, or designating a physician or physicians whom he deems qualified to supervise directly the care of all patients undergoing abortion, including their post-operative care and follow-up;

iii. Assuring that a qualified physician shall be present on the premises of the abortion service at all times during the operative and post-operative period; and

iv. Arranging personnel assignments and schedules to insure that sufficient medical, nursing and ancillary staff are available at all times while services are being provided.

(e) At least one registered professional nurse with post-graduate education or experience in obstetric or gynecologic nursing shall supervise and direct the nursing and associated personnel and shall be on duty at all times while an abortion service is in use.

1. Practical nurses, attendants and other ancillary personnel assigned to give nursing care in an abortion service shall be adequately trained in observational and emergency techniques for pre-operative and post-operative care of

abortion patients and shall be supervised at all times by registered professional nurses.

(f) Services of a qualified social worker as defined in Section 1.12 shall be available for patients who, by joint decision of the patient and the counsellor, may benefit from social work service as a supplement to counseling. The need for social work service may relate to pre-abortion decision-making, implementation of the decision to have or not to have an abortion and/or predictable obstacles in controlling future fertility.

1. Appropriate referral shall be made promptly and followed up if social work services beyond the scope of the outpatient abortion service is needed, in the judgment of the patient's physician.

2. Referrals to community agencies shall be made only with the written consent of the patient.

8:40-1.7 Admission and examination procedures

(a) Every woman seeking to have an abortion shall be registered as expeditiously as possible and, whenever possible on the same day of registration, shall be seen by a physician and staff for history-taking, physical examination and necessary laboratory tests.

(b) If the patient cannot be accepted for registration and examination within a reasonable period of time as determined by the physician, the abortion facility shall refer her to an appropriate resource.

(c) Pregnancy testing shall be available at the patient's initial visit and may precede actual registration. The result and type of pregnancy test shall be available to the examining physician before the performance of the abortion. The diagnosis of pregnancy shall be the responsibility of the examining physician.

(d) A complete medical history shall be obtained and recorded. The physical examination shall be complete and not confined solely to a pelvic examination.

(e) The following laboratory tests shall be performed on every patient to be aborted: hematocrit, complete urinalysis, blood grouping and Rh typing. The blood specimen used for blood grouping and typing shall be retained by the blood bank in the event a cross-matching test for transfusion is required. Anti Rh immune globulin therapy should be given to all Rh negative patients within 72 hours of completion of the abortion procedure when appropriate to the patient's future childbearing potential. If for any reason a patient refuses the administration of such immune globulin when recommended by the physician, this refusal should be noted by the physician in the clinical record and documented and supported by the patient's signature on an appropriate waiver and release form.

(f) Interviewing and counseling shall be made available to patients before and after abortions are performed.

(g) Family planning counseling by such personnel as may be prescribed by the physician in charge of the service shall be made available to patients before and after abortions are performed.

(h) There shall be an interval of not less than two days between initial examination and the abortion procedure, to permit the reporting to and review of all laboratory tests by the examining physician and to permit and encourage thorough consideration and a firm decision by the patient regarding abortion. No patient shall be coerced in any manner by the staff of the abortion service in arriving at her decision.

8:40-1.8 Laboratory facilities

(a) The outpatient abortion facility shall have on its premises such facilities as are necessary to perform clinical tests specified within these standards or shall have an affiliation with an independent laboratory or hospital laboratory to perform such tests.

1. The clinical laboratory shall be qualified to perform urinalysis, hematocrit and other hematological tests including cross-matching and determination of blood group and Rh type. The examination of surgically removed tissue, tests for pregnancy and infrequently performed tests, or those not included within specialties or sub-specialties stated on its license, or those requiring specialized equipment and skill, may be done by another laboratory approved by the Department.

(b) The hospital with which the abortion facility has a written agreement shall have:

1. A blood bank maintained and operated pursuant to Chapter X of the State Sanitary Code of New Jersey.
2. A clinical laboratory maintained and operated pursuant to Chapter IV of the State Sanitary Code of New Jersey.
3. An x-ray laboratory which meets the requirements of the New Jersey Radiation Protection Code.

8:40-1.9 Operative and post-operative requirements

(a) Only persons licensed as physicians pursuant to N.J.S.A. 45:9-1 et seq. shall be permitted to perform abortions.

(b) General or local anesthesia shall be administered to abortion patients only by qualified personnel, who are appropriately qualified by training and education.

(c) Routine pathologic examination of all tissue removed from the uterus shall be required.

(d) Patients shall receive the following post-operative care:

1. Patients shall be observed in the abortion service, for a reasonable number of hours, not less than three, to insure that no immediate post-operative complications are present. Thereafter, such patients may be discharged if their recovery course has been uneventful.
2. Patients in whom any adverse condition exists or in whom a complication is known or suspected to have occurred during or after the performance of the abortion shall remain in the abortion service or the back-up hospital for a minimum of six hours or until an uneventful recovery is assured as determined by the physician.

(e) Written instructions shall be issued to all patients upon discharge and shall include as a minimum the following:

1. Symptoms of complications to be looked for;
2. Activities to be avoided;
3. Specific telephone number of the operating physician to be used by the patient should any complication occur or question arise;
4. The nearest hospital to be used by the patient should any complication occur and notification to the patient of the location of that hospital. It shall be the responsibility of the operating physician to arrange for such care;
5. Date for follow-up or return visit after the performance of the abortion, which shall be scheduled within two to six weeks as indicated by the condition of the patient;
6. Information on the availability of family planning services when desired by the patient. When, in the opinion of the physician it is in the best interests of the patient, family planning services may be initiated, with the consent of the patient, prior to leaving the abortion service.

(f) Every effort shall be made to insure the physical and emotional health, safety and well-being of the patient.

8:40-1.10 Facilities, equipment and supplies.

(a) Facilities, equipment and supplies in an abortion service shall be maintained in proper working order. Solu-

tions, drugs and medications shall be adequately supplied and maintained. Knee or foot-control sinks shall be provided in or immediately adjacent to the room where the abortion is performed. The abortion service facilities and equipment shall be maintained in a clean and sanitary condition. Environmental controls to prevent infection, including the control of personnel and patient traffic, shall be maintained in the facilities.

(b) An abortion service shall provide facilities for registration, medical evaluation, examination and referral, equipped with suitable furnishings and accommodations, including waiting and dressing rooms and other appurtenances for the physical comfort and convenience of patients and personnel. Sufficient suitably equipped examining rooms should be provided for the daily caseload. Nothing contained herein shall prohibit registration, interviewing, history-taking, medical examination and appropriate referral from being conducted in an existing prenatal, gynecology and/or family planning clinic.

(c) Any building of more than one story in height and in which the abortion service is not totally located on the ground floor shall be provided with an elevator for the use of non-ambulatory abortion patients. The elevator shall be of sufficient size to accommodate a standard stretcher. When a non-ambulatory abortion patient is moved from one floor to another, she shall be accompanied by attending medical or nursing personnel.

(d) An abortion service shall be adequately equipped, supplied and staffed and shall include the following, in addition to the instruments and equipment needed for the performance of abortions:

1. Anesthesia equipment and such other equipment and supplies as are necessary to treat patients for hemorrhage, shock, cardiac arrest and other emergencies.

(e) An adequate number of recovery beds and/or rooms shall be provided to insure a minimum of three hours for the recovery of each patient. Patients requiring care for more than six hours shall be transferred immediately to the back-up hospital. There shall be a minimum of two recovery beds for each procedure room and a lounge with sitting space for four patients for each procedure room.

8:40-1.11 Medical records

(a) An abortion service shall keep adequate records including admission and discharge notes, histories, results of tests and examinations, nursing notes, social service records and other records as indicated.

(b) All records shall be written, dated and signed in an indelible manner and made part of the patient's permanent record.

(c) Medical records shall be retained for the period of time required by N.J.S.A. 26:8-5.

8:40-1.12 Counseling

(a) Counseling should be an integral part of all medical services offered to patients. Three basic principles of abortion counseling are that counseling be freely entered into, be supportive and non-judgmental regardless of the circumstances of the pregnancy, and be an educational experience. The aims of abortion counseling are, first, to aid the woman in making a decision about an unwanted pregnancy; second, to help her implement the decision; and third, to assist her in controlling her future fertility. The manner in which counseling is carried out plays a major role in determining whether the abortion patient is protected against exploitation and is treated in a safe, humane and dignified manner.

(b) Counseling should serve, when appropriate, to simplify and expedite the provision of abortion services. It should not impose unnecessary medical risk by delaying the obtaining of these services.

(c) Psychiatric consultation should be available. As in the case of other specialized medical services, psychiatric consultation should be sought for definite indications and not on a routine basis.

(d) Abortion counselors may be drawn from the ranks of highly skilled physicians as well as other trained, sympathetic individuals working under appropriate supervision.

(e) Preventive measures including contraception and sterilization with specific plans for follow-up should be discussed with each abortion patient and such recorded in patient's clinical record.

8:40-1.13 Physical plant

(a) All outpatient abortion facilities shall contain but not be limited to all the elements described herein, or the narrative program accompanying the application shall indicate the manner in which the needed services are to be conveniently available to the outpatient. When services are to be shared or purchased, appropriate modifications or deletions in space and equipment requirements should be made to avoid duplication. Each element provided in the outpatient abortion facility must meet the construction requirements outlined herein as a minimum, with the understanding that the elements will be expanded where needed to fulfill the program requirements.

(b) In order to provide a safe physical plant equipped and staffed to maintain fit and adequate facilities and services, the outpatient abortion facilities shall conform to those regulations as written in the appropriate section of the Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities, Health, Education and Welfare Publication (Health Service Manual 73-4014) on outpatient facilities as well as the current National Fire Protection Association Life Safety Code 101 and affiliated National Fire Protection Association codes cross-referenced relating to the life and safety of the occupants.

1. The extent (number and types of rooms) of the diagnostic, clinical and administrative facilities to be provided will be determined by the services contemplated and the estimated patient load as described in the approved program narrative.
2. The planning of outpatient abortion facilities shall provide for the privacy and dignity of the patient during interview, examination and treatment. The facilities shall be located so that outpatients do not traverse inpatient areas.
3. Facilities shall be available and accessible to the public, staff and patients who may be physically handicapped. Minimum requirements except as noted in these standards shall be those set forth in the United States of America Standards Institute (USASI) Standard No. A117-1.

A public hearing respecting the proposed action will be held on Tuesday, April 30, 1974, at 9:30 A.M. in the Auditorium of the State Museum, 205 West State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1974, to:

Arthur Brown
Assistant Commissioner for Health Facilities
State Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

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

William J. Dougherty
Acting Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Revisions Regarding Recording and/or Correcting Original Birth Records Of a Child Born Out of Wedlock

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-15 and 26:8-38, proposes to adopt revisions to the rules concerning recording and/or correcting of original birth records of a child born out of wedlock.

Full text of the proposed rules revisions follows:

8:2-1.1(a)1. A child born to a married woman is presumed to be the issue of her marriage, and such presumption may be upset only by an appropriate court order. Therefore, the original birth certificate of a child born to a married woman must:

- i. Identify such child as legitimate;
- ii. Give such child the surname of the mother's husband;
- iii. Identify the husband as the child's father.

2. In the event that a married mother refuses to supply her husband's first name, age and birth place for the birth record, his surname shall be indicated in the appropriate space on the certificate, and dashes or the words "not available" shall be inserted as entries for his first name, age and birth place.

Note: Delete current text of 8:2-1.1(b) and replace with following:

8:2-1.1(b) A child born to a mother stating, prior to the preparation and signing of the original birth certificate, that she is single, divorced or widowed, may be given the surname of the natural father, whose first name, age and birth place may be indicated on the certificate, provided:

1. The legitimacy item in the confidential section of the certificate shall be marked "No".
2. The mother and father in the presence of the attending physician or a responsible, full-time employee of the hospital, make and sign such request on the reverse side of Part 1 (the original birth certificate) of the multicopy birth certificate form.
3. The mother and father are told by the physician or a responsible, full-time employee of the hospital before he or she signs as witness to the request, that the signed request is irrevocable and that the child's surname may not be changed back to the mother's legal surname at the time of the birth except by appropriate court order.

8:2-1.1(c) 1. In any instance where the agreement and signed statement are not made before the original birth certificate is prepared, signed and filed with the Local Registrar, the child's surname shall be the legal surname (not necessarily the maiden name) of the mother. If at any future time, the child's mother and father wish to correct the child's surname to that of its father and are not at the time married to each other, a special correction form to be signed under oath by both natural parents may be obtained from the State Registrar or any Local Registrar. The mother must submit to the Registrar proof (copy of husband's death certificate or divorce decree) that the child was not the issue of her former marriage. The form shall become an integral part of the original birth certificate and shall be filed as a permanent record.

2. These procedures shall also govern the initial filing of a delayed report of birth or the correction of a pre-

viously filed delayed report of birth pursuant to N.J.S.A. 26:8-38.

3. These procedures shall be retroactive, thus giving any illegitimate child and its natural parents the same rights as if the birth had occurred after the promulgation of this new policy.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to:

F. Merton Saybolt
State Registrar
State Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

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

William J. Dougherty
Acting Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Revisions In Physical Security Controls for Practitioners

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to adopt revisions to the rule concerning physical security controls for practitioners regarding dangerous substances. The purpose of the proposed revisions is to promote uniformity between State and Federal regulations on this matter.

Full text of the proposed, revised text of the rule follows:

8:65-2.5 Physical security controls for practitioners

(a) Controlled substances listed in Schedule I shall be stored in a securely locked, substantially constructed cabinet.

(b) Controlled substances listed in Schedules II, III, IV and V shall be stored in a securely locked, substantially constructed cabinet. However, pharmacies may disperse such substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances.

(c) This Section shall also apply to nonpractitioners authorized to conduct research or chemical analysis under another registration.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to:

Donald J. Foley
Chief, Drug Program
State Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

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

William J. Dougherty
Acting Commissioner
Department of Health

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Hearing Aid Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise portions of the hearing aid manual.

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

10:64-1.2 Eligible dispensers

(a) Reimbursement for hearing aids shall be made only to providers [who are eligible to participate in the New Jersey Health Services Program, in accordance with the following criteria:

1. The provider, a hearing aid dispenser, must have an established place of business in the State of New Jersey, open to the public and having regular business hours.] **who hold a currently valid license or a temporary valid license from the New Jersey Board of Medical Examiners. Out of State hearing aid dispensers may also be reimbursed if they are recognized as providers under the Medicaid Program in the state in which they are located.**

10:64-1.4 Prior authorization

(a) The provider, (a hearing aid dispenser) upon receipt of an acceptable signed Otolaryngological Examination report and FD-36, (Audiologic Examination and Audiogram) will submit his detailed breakdown of the instrument ordered on Form [33030] (MC-11A-C1) in triplicate (See Exhibit 1) to the Local Medical Assistance Unit for prior authorization. This breakdown will include the following information[:] to be placed in item 11c:

1. Manufacturer and model of the aid;
2. Number of batteries and type;
3. Type of custom earmold;
4. If indicated by the model, two cords, receiver model and hearing aid garment;
5. Unit price.

Also, complete the following items on the MC-11A-C1 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 (B, C, D, F), 13 and 14.

(b) Upon receipt of this information at the Local Medical Assistance Unit, the local Medicaid medical consultant will review the medical data and sign [prior authorization form 33030, in the appropriate space, if approved. The local Medical Assistance Unit, after completion of pertinent information on form 33030, will retain one copy for its files and return two copies to the provider.] **item 12 if it is determined that the request is authorized. The Local Medical Assistance Unit will return the contractor's and provider's copies to you and retain the Local Unit's copy, Otolaryngological Examination report and FD-36 in its files. You may then proceed to supply the authorized item to the recipient.**

If the request is denied, you will receive written notification from the Local Medical Assistance Unit.

NOTE: Prior authorization is not a guarantee of patient eligibility. The provider must check the validation stub monthly.

(c) [The provider, (hearing aid dispenser) upon approval of the local Medical Assistance Unit and delivery of the instrument to the recipient with the recipient's signature, will obtain certification from the Otolaryngologist and/or

Audiologist as to compliance with the recommendation within 21 days of delivery.]

The hearing aid dispenser will obtain certification from the otolaryngologist or audiologist concerning the instrument's quality, fit and conformance to specifications within 21 days after delivery date. The hearing aid dispenser may submit an affidavit (FD-76 3/74) in lieu of a letter of certification.

10:64-1.5(a) 1. If a hearing aid is considered to be beyond repair during the period of the manufacturer's guarantee and it is determined that defects in material and/or workmanship are not the cause (that is, breakage, misuse, and the like) a statement to this effect must be submitted by the hearing aid dispenser to the local Medical Assistance Unit from the manufacturer or factory authorized repair station. Upon approval of a new instrument, the provider will obtain certification from the otolaryngologist or audiologist [in accordance with Section 1.4 (Prior authorization) of this Subchapter] **or the hearing aid dispenser may submit an affidavit (FD-76 3/74) certifying compliance with the recommendation in accordance with this Subchapter.**

10:64-2.1 General policy

(a) Regarding new instruments, claims should be submitted for payment following:

1. Delivery and acceptance of the instrument to the recipient; and

2. Otolaryngologist [and/] or audiologist [']s certification, or affidavit (Form FD-76 3/74) from hearing aid dispenser as to the quality, fit and conformance to specifications of the instrument provided.

(b) Rules concerning repair and/or replacement of parts are:

1. Claims for repairs and/or parts replacement require prior authorization and should be submitted for payment following completion of the authorized repairs and/or replacement of parts and delivery and acceptance of the repaired instrument to the recipient.

[2. Replacement of batteries require prior authorization and are provided as a three months' supply. They do not, however, require a signed and dated Rx by the prescribing physician.]

10:64-2.3 Prior authorization

(a) Items or services requiring prior authorization should not be provided until prior authorization is received. (Section 1.4(a).)

(b) [When submitting claims for payment make certain the medical supplies and equipment claim form (MC-11) has been properly signed in the following sections:] **Following receipt of authorization from the Local Medical Assistance Unit and dispensing of item, complete 11A, have the patient sign the claim (Item 15) and forward the contractor's copy along with the physician's certification or hearing aid dispenser's affidavit to Prudential for reimbursement. Retain the provider's copy for your records.**

(c) To assure prompt claim consideration, always furnish the prescribing physician's name and Social Security number.

10:64-2.4 Directory of local Medical Assistance Units

(a) [The following is a list of local Medical Assistance Units, their identification numbers and their addresses. It should be noted that the identification number comprises the first two positions of the Health Services Program case number and indicates which local Medical Assistance Unit has jurisdiction in submission of requests for authorization and other reports.

NOTE: Inquiries concerning eligibility and application for eligibility are to be sent to the county welfare board of patient's residence.] The following is a list of local

[COUNTY CODE]

1st Two Digits Of HSP Case No.	County	Street Address	Municipality	Zip Code	P.O. Box	Telephone
01, 44	Atlantic	1601 Atlantic Ave.	Atlantic City	08404	1970	609-344-2861
05	Cape May	1601 Atlantic Ave.	Atlantic City	08404	1970	609-344-2861
02	Bergen	[90] 50 Main Street	Hackensack	07601	1970	201-488-5667
03, 45, 46	Burlington	Chesley & Alloway Bldg. Rt. 38 & Eayrestown Rd.	Mt. Holly	08060		609-261-0448
04, 34	Camden	[709 Market St.] 530 Cooper Street	Camden	08101	19	609-365-3926
06, 41	Cumberland	7 E. Broad Street	Bridgeton	08302	440	609-451-6550
07	Essex	[505 S. 15th Street] 796 Broad Street	Newark	0710[1]1	1576	201-648-2470
08	Gloucester	[10 Harrison Street] 42 Delaware Avenue	Woodbury	080[9]86	1900	609-845-7185
17	Salem	42 Delaware Avenue	Woodbury	080[9]86	1900	609-845-7185
09	Hudson	100 Newkirk Street	Jersey City	07306		201-792-6390
10, 35, 48	Hunterdon	6 Court Street	Flemington	08822		201-782-1130
18	Somerset	6 Court Street	Flemington	08822		201-782-1130
21	Warren	6 Court Street	Flemington	08822		201-782-1130
11, 32, 90	Mercer	[205 E. State St.] 324 E. State St.	Trenton	08625	2465	609-292-7315
12, 47	Middlesex	75 Paterson Street	New Brunswick	08903	1274	201-246-0653
13, 33, 36	Monmouth	320 Broad Street	Red Bank	07701		201-842-6440
14, 31	Morris	4 Court Street	Morristown	07960		201-267-1700
19	Sussex	4 Court Street	Morristown	07960		201-267-1700
15	Ocean	1851 Hooper Avenue	Toms River	08753		201-255-6226
16, 42	Passaic	152 Market Street	Paterson	07201	2863	201-523-2800
20	Union	7 Bridge Street	Elizabeth	07509		201-355-8860

Medical Assistance Units, their county of location, their county(ies) of jurisdiction, their addresses and telephone numbers. It should be noted the first two digits of the patient's Health Services Program case number indicates which LMAU has jurisdiction in processing prior authorization requests.

EXCEPTIONS:

1. Patient in Long Term Care Institutions (e.g., skilled nursing facility, intermediate care facility, sheltered boarding homes, special hospital.)

Requests for prior authorization are to be referred to the LMAU serving the county wherein the long-term care institution is located.

2. Children identified by Numbers from "01" through "21" as the 1st, and 2nd digits and "60" as the 3rd and 4th digits of the Health Services Program case number (e.g., 0160-001234, 1160-005678, 2160-009123).

These children are under the jurisdiction of the New Jersey Division of Youth and Family Services (formerly Bureau of Childrens Services). Requests for prior authorization are to be referred to the LMAU serving the county wherein the child is residing.

10:64-2.5 Provider inquiry regarding eligibility

(a) Medicaid eligibility is determined by four different agencies (that is, County Welfare Boards, Bureau of Local Operations of New Jersey Division of Public Welfare, New Jersey Division of Youth and Family Services, and the Federal Social Security Administration).

(b) Provider inquiries concerning patient eligibility and/or applications for eligibility may be directed to the appropriate eligibility determination agency (if known by the provider) or to the LMAU serving the provider's area. The LMAU will assist the provider by answering the questions and/or directing the provider to the appropriate eligibility determination agency.

10:64-2.6 Medical supplies and equipment claims MC-11

(a) This form is to be used for the purpose of billing for hearing aids and equipment. For services requiring prior authorization Item 12 must be signed and dated by the Medicaid Medical Consultant before the claim may be considered for payment. This claim form must be accompanied by certification from the otolaryngologist and/or audiologist or the hearing aid dispensers affidavit (Form FD-76 3/74) certifying as to quality, fit and conference to specifications of the instrument.

i. Instructions for completion of Form MC-11.

1-4. NAME, ADDRESS, CASE NO. and PERSON NO. Copy Patient's Name, H.S.P. case number and patient person number EXACTLY as it appears on the monthly validation form.

5-6. Self-explanatory.

7-8. Self-explanatory.

9. Name and address of provider—(This information may be preprinted).

10. Self-explanatory.

11. A. Enter date item provided.

B. Enter procedure code as indicated in Chapter IV (Procedure Codes and Description Hearing Aids and Supplies).

C. Description of item provided including manufacturer and model number.

D. Enter quantity.

E. Not applicable.

F. Enter charges both list price and 20 per cent discount off list price.

12. AUTHORIZATION SIGNATURE. When prior authorization is required, obtain the Medical Consultant's signature from the local Medical Assistance Unit.

(Continued on Page 23)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

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

First publication and update services have been distributed for all 19 Departmental Titles except Title 10—Institutions and Agencies.

Since the most recent update, for rules adopted through March 31, 1973, these 18 Departments have adopted the following additional rules—printed in the Register but not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Notice of Adoption N.J.R. Citation</u>
CHIEF EXECUTIVE — TITLE 1			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R.1974 d.33	6 N.J.R. 94(a)
AGRICULTURE — TITLE 2			
2:2-2.10	Times established for Brucellosis tests	R.1973 d.273	5 N.J.R. 327(c)
2:2-2.15(b)	Indemnification for brucellosis	R.1973 d.64	5 N.J.R. 102(b)
2:2-3.3	Times established for tuberculin tests	R.1973 d.274	5 N.J.R. 327(d)
2:2-3.6	Indemnification for tuberculosis	R.1973 d.65	5 N.J.R. 102(c)
2:2-4.34(a)	Method of appraisal for indemnity purposes	R.1973 d.305	5 N.J.R. 363(b)
2:2-9.1	Fees; immunodiffusion test	R.1973 d.57	5 N.J.R. 102(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R.1973 d.233	5 N.J.R. 327(a)
2:17-4.2(c)	Special exemption for Florida tomato plants	R.1973 d.101	5 N.J.R. 135(a)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R.1974 d.41	6 N.J.R. 96(a)
2:32-1.1	Sire stakes program	R.1973 d.154	5 N.J.R. 214(b)
2:53-2.1	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-2.3	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:54-3.2	Suspension of portions of Milk Marketing Order	R.1973 d.257	5 N.J.R. 327(b)
2:67-1.1	Prompt settlement	R.1973 d.355	5 N.J.R. 363(a)
2:67-1.1	Prompt settlement	R.1974 d.42	6 N.J.R. 96(b)
2:69-1.11	Revisions concerning commercial values	R.1973 d.198	5 N.J.R. 255(c)
2:71-1.38	Labeling of eggs	R.1973 d.275	5 N.J.R. 328(a)
2:71-1.39	Labeling of eggs	R.1973 d.356	6 N.J.R. 2(a)
2:73-2.2 et seq.	State Seal program for eggs	R.1973 d.83	5 N.J.R. 134(c)
BANKING — TITLE 3			
3:1-1.1	Interest rate	R.1973 d.191	5 N.J.R. 258(b)
3:1-1.1	Interest rates revised	R.1973 d.366	6 N.J.R. 50(b)
3:1-2.1(b)	Amend population estimate rules	R.1973 d.229	5 N.J.R. 328(b)
3:1-2.9 et seq.	Revise procedural rules	R.1973 d.217	5 N.J.R. 298(a)
3:1-2.13	Financial reports of bank incorporators	R.1973 d.202	5 N.J.R. 258(e)
3:1-2.13(a)	Delete current text	R.1973 d.342	6 N.J.R. 3(a)
3:1-2.13(b)	Financial reports	R.1973 d.281	5 N.J.R. 364(d)
3:1-5.1 et seq.	Mortgage applicant's birth control practices	R.1973 d.166	5 N.J.R. 216(b)
3:6-5.1 et seq.	Revisions concerning Federal funds transactions	R.1974 d.27	6 N.J.R. 97(b)
3:6-7.1	Banking offices notation	R.1973 d.201	5 N.J.R. 258(d)
3:6-7.1	Banking offices protection	R.1973 d.344	6 N.J.R. 3(c)
3:8-3.1	Required reserve	R.1973 d.252	5 N.J.R. 328(e)
3:8-5.1	Required reserve; savings banks	R.1973 d.251	5 N.J.R. 328(d)
3:10-1.1	Limitation on mortgage loans	R.1973 d.174	5 N.J.R. 258(a)
3:10-6.1 et seq.	Out-of-State mortgages	R.1973 d.200	5 N.J.R. 258(c)
3:11-1.1	Approval to exceed ten per cent limitation	R.1973 d.116	5 N.J.R. 136(b)
3:11-6.3	Approval of investment in Student Loan Marketing Association	R.1973 d.250	5 N.J.R. 328(c)
3:11-7.1 et seq.	Limitation on liability to a bank	R.1973 d.58	5 N.J.R. 103(b)
3:16-2.1	Revisions concerning pawnbroking service charges	R.1974 d.7	6 N.J.R. 51(a)
3:18-5.4	Prior notice to borrower; final disclosure of specific dollar amounts	R.1973 d.343	6 N.J.R. 3(b)
3:18-6.1 et seq.	Solicitation of business	R.1973 d.280	5 N.J.R. 364(c)
3:18-7.1 et seq.	Advertising rules	R.1973 d.133	5 N.J.R. 183(a)
3:18-7.3	Delete rule on legal fees	R.1973 d.343	6 N.J.R. 3(b)
3:18-7.6	Verbal advertisement	R.1973 d.282	5 N.J.R. 365(a)
3:31-2.1	Minimum requirements	R.1973 d.124	5 N.J.R. 183(b)
COMMUNITY AFFAIRS — TITLE 5			
5:10-1.1 et seq.	Revisions concerning construction, maintenance of hotels	R.1973 d.357	6 N.J.R. 5(b)

5:10-19.4(c)	Revised exterior lighting requirements	R.1974 d.14	6 N.J.R. 55(a)
5:10-19.4(1)	Revised heating requirements	R.1974 d.14	6 N.J.R. 55(a)
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17:16-35.9	Admission date	R.1973 d.126	5 N.J.R. 204(c)
17:16-37.1 et seq.	Repurchase agreements	R.1974 d.36	6 N.J.R. 125(a)
17:20-5.10	Agent's compensation	R.1973 d.179	5 N.J.R. 294(c)
17:20-5.10	Agent's compensation	R.1973 d.353	6 N.J.R. 36(a)
17:20-10.1	Consignment or sale of lottery tickets to agent	R.1973 d.178	5 N.J.R. 294(b)
17:20-5.10	Agent's compensation	R.1973 d.80	5 N.J.R. 124(a)
17:21-1.4	Provision for special lotteries	R.1973 d.227	5 N.J.R. 322(a)
17:21-2.3 et seq.	Revised rules on lottery prize structure	R.1973 d.353	6 N.J.R. 36(a)
17:21-5.6(a)6.	Revisions concerning conducting drawings	R.1974 d.31	6 N.J.R. 124(b)
17:21-10.1 et seq.	Clover Club reservation plan	R.1972 d.94	4 N.J.R. 142(b)

TREASURY TAXATION — TITLE 18

18:3-1.1 et seq.	Revisions concerning Alcoholic Beverage Tax Law	R.1973 d.297	5 N.J.R. 393(d)
18:4-1.1 et seq.	Revisions concerning retail licenses and Alcoholic Beverage Tax Act	R.1973 d.296	5 N.J.R. 393(c)
18:5-3.2	Types of stamps available	R.1973 d.54	5 N.J.R. 96(a)
18:5-3.4	Purchase of stamps	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.7	Wholesale dealer's license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.10	Retail dealer's vending machine license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.17	Duplicate and amended license	R.1973 d.54	5 N.J.R. 96(a)
18:12-5.1 et seq.	Property tax appeals time extension	R.1973 d.144	5 N.J.R. 247(a)
18:15-6.1 et seq.	Revise definitions on agricultural use	R.1973 d.295	5 N.J.R. 393(b)
18:16-4.7	Calculation of fee where transfer is subject to construction mortgage	R.1973 d.54	5 N.J.R. 96(a)
18:17-1.5	Review of examination procedures	R.1973 d.109	5 N.J.R. 171(a)

(Continued from Page 17)

13. **PRESCRIBING PRACTITIONER.** Give the NAME and Social Security number of the physician or practitioner prescribing the equipment or supplies.
14. **LONG TERM CARE.** If the patient is confined to a long term facility such as an extended care facility or skilled nursing home, check the appropriate block and give the name and address of the facility in the space provided.
15. **PATIENT CERTIFICATION.** Under ordinary circumstances, the patient must sign the claim form when services have been received. The claim form to be signed should indicate services rendered, and the patient must not sign a blank claim form prior to receiving services or as a condition for receiving services.

However, when the patient's signature is unobtainable, the following procedures may be used.

i. Illiterate patient

The patient may sign by mark (X), and the signature must be witnessed by another person including the provider of services who signs his name and address on the same line.

ii. Other

If a patient is physically or mentally incapable of signing, a minor child, deceased, or for other reasons the patient's signature, is not obtainable through reasonable efforts, the form may be signed on his behalf by either

a parent, a legal guardian, a relative, a friend, an individual provider, a representative of an institution providing care or support or a representative of a governmental agency providing assistance.

Attached to the claim form or written directly on the form should be a brief explanation of reason patient was not personally able to sign and relationship of signee to the patient-recipient.

16. **PROVIDER CERTIFICATION.** The provider MUST sign and date form before the claim may be considered.

NOTE: A certification from the otolaryngologist or audiologist or the hearing aid dispenser's affidavit (Form FD-76 3/74) as to quality, fit and conformance to specifications of instrument must be attached to the MC-11A-C1 form.

(b) Mailing instructions include the following:

1. Mail the original copy (Contractor's copy) to Prudential Insurance Company of America
P.O. Box 1900
Millville, New Jersey 08332
2. Retain the second copy (provider copy) for your records.
3. The third copy (local Medical Assistance Unit copy) is retained by the local unit for all authorized claims. For claims not requiring prior authorization the provider may destroy the third copy.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to:

18:24-4.4	Repeal of rule on purchase of machinery	R.1973 d.139	5 N.J.R. 246(b)
18:24-5.3	Purchase of materials and supplies by contractors	R.1973 d.336	6 N.J.R. 38(a)
18:24-21.1 et seq.	Accounting procedures	R.1973 d.60	5 N.J.R. 126(a)
18:26-5.4	Classification of property as real or personal	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.14	Federal pensions	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.15	State pensions	R.1973 d.224	5 N.J.R. 321(b)
18:26-8.10	Amendments concerning valuations	R.1974 d.34	6 N.J.R. 124(c)
18:26 Appendix A	Revised list of inheritance tax supervisors	R.1973 d.298	5 N.J.R. 393(e)

OTHER AGENCIES — TITLE 19

19:2-1.1 et seq.	Rules of Atlantic City Expressway	R.1973 d.42	5 N.J.R. 96(b)
19:2-7.1 et seq.	Purchasing regulations of Expressway Authority	R.1973 d.284	5 N.J.R. 396(a)
19:3-1.1 et seq.	Revised fee schedules, Hackensack Meadowlands	R.1973 d.334	6 N.J.R. 39(a)
19:3-1.7	Solid waste collection fee schedule, Hackensack Meadowlands	R.1973 d.333	6 N.J.R. 40(a)
19:4-4.4 et seq.	Revised Hackensack Meadowlands zoning regulations	R.1974 d.1	6 N.J.R. 87(b)
19:7-1.1	Sanitary landfill requirements in Hackensack Meadowlands	R.1973 d.220	5 N.J.R. 322(c)
19:8-1.2(a)	Revised Garden State Parkway speed limits	R.1974 d.6	6 N.J.R. 88(b)
19:8-1.9	Amend limitations on use of Parkway	R.1973 d.140	5 N.J.R. 247(e)
19:8-31.1(b)	Revised Garden State Parkway tolls	R.1974 d.8	6 N.J.R. 88(a)
19:9-1.9(a)23.	Amend limitations on use of Turnpike	R.1973 d.145	5 N.J.R. 247(d)
19:9-2.1 et seq.	Procedures for prequalification and award on construction contracts	R.1973 d.173	5 N.J.R. 295(b)
19:11-1.10	Posting of notice of PERC petitions	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.13	Intervention, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.15	Timeliness of petitions, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:13-1.1 et seq.	Delete entire Chapter of PERC rules	R.1973 d.248	5 N.J.R. 358(c)

IN ADDITION —

First publication—but no update service as yet—has been completed for all but Title 10—Institutions and Agencies.

Rules since adopted by this one Department are not included in this index; they will be added following initial updating of this Title 10.

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Proposed Rules for Service Programs For the Aged, Blind or Disabled Persons and for Families and Children

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt rules concerning the State Plan for Title VI of the Social Security Act—Service programs for the aged, blind or disabled persons, and Titles IV-A and IV-B of the Social Security Act—Service programs for families and children. These rules will be submitted to the Federal government as complete revisions of the current State social service plans for purposes of Federal financial participation.

The proposed rules concern organization and administration, mandatory and optional service provisions, requirements applicable to the work incentive program, other requirements and various forms and schedules applicable to the programs and Titles cited above.

Copies of the full text of 40 pages of these proposed rules are available for inspection at the Commissioner's Office, Department of Institutions and Agencies, 135 West Hanover Street, Trenton, New Jersey, and in the Office of the Commission for the Blind and Visually Impaired, 1100 Raymond Boulevard, Newark, New Jersey.

A public hearing respecting the proposed action will be held on Friday, March 15, 1974, at 1:00 P.M. in the Auditorium of the State Cultural Center, 205 West State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to the Commissioner of Institutions and Agencies at the above Trenton address.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

STATE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Proposed Amendment Concerning Vocational Rehabilitation Services

Ann Klein, Commissioner of Institutions and Agencies,

pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt an amendment to the State Plan for Vocational Rehabilitation Services.

Full text of the proposed amendment follows:

10:98-1.4 Scope

The New Jersey State Commission for the Blind and Visually Impaired agrees to furnish vocational rehabilitation services to disabled and blind supplemental security income recipients effective January 1, 1974, in accord with the provisions of Section 1615 of the Social Security Act as amended, the provisions of this State plan for vocational rehabilitation service, any proposed rules that may be published in the Federal Register regarding vocational rehabilitation services for supplemental security income recipients, and any final regulations the United States Secretary of Health, Education and Welfare may thereafter promulgate regarding such services. The provisions in Section 26 of this State plan concerning services to disability insurance beneficiaries will be followed prior to the publication of such rules or promulgation of such regulations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to:

Ann Klein
Commissioner
Department of Institutions and Agencies
135 West Hanover Street
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Manual of Standards for Shelters Accepting Juveniles Awaiting Court Disposition

On February 20, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 2A:4-42 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning a manual of standards for shelters accepting juveniles awaiting court disposition.

The text of the 42-page manual of standards concerns policy, definition, legal basis, principles and goals, general requirements, standards of size, specification and regulation, organization and administration, procedures, programs, staff, physical accommodations, transportation, records and reports, and variances, exceptions and revisions.

These rules will be included in Subtitle M of Title 10 of the New Jersey Administrative Code.

An order adopting these rules was filed February 20, 1974, as R.1974 d.45 (Exempt, Mandatory Rule) to become effective February 28, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Ruling 11, Part III, of Public Assistance Staff Development Program

On January 24, 1974, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Ruling 11, Part III, public assistance staff development program, as proposed in the Notice published November 8, 1973, at 5 N.J.R. 378(a).

Such revisions will be included in Subtitle L of Title 10 in the New Jersey Administrative Code and may be cited as N.J.A.C. 10:109-1.1 et seq.

An order adopting these revisions was filed and effective January 25, 1974, as R.1974 d.23.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rule on Skilled Nursing Facility Requirements

On February 1, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning skilled nursing facility requirements, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 14(a).

Such rule may be cited as N.J.A.C. 10:63-1.12.

An order adopting this rule was filed and effective February 5, 1974, as R.1974 d.29.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rules on Cost Study and Instructions For Skilled Nursing Services

On February 5, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the cost study and instructions for skilled nursing services, substantially as proposed in the Notice published January 10, 1974, at 6 N.J.R. 14(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

Such rules concern general provisions, certification, gen-

eral and statistical information, statement of operations, administrative and general expenses, income offsets and nonallowable expenses, computation of allowable administrators' salaries, imputed rental computation, real property expenses including return on equity, building rental, balance sheet, depreciation and various forms and schedules.

Such rules will be included in Chapter 63 of Title 10 in the New Jersey Administrative Code.

An order adopting these rules was filed and effective February 19, 1974, as R.1974 d.43.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Revisions Concerning Advertising and Marketing Practices

William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority under N.J.S.A. 56:8-4, proposes to amend rules concerning advertising and marketing practices for the Division of Consumer Affairs. Rules on this subject matter were adopted, effective March 1, 1974, at 6 N.J.R. 82(b), as N.J.A.C. 13:45A-9.1 et seq. The purpose of the proposed amendment is to permit advertising of bona fide price reductions.

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

13:45A-9.3 Price reduction advertisements

(a) The advertising of any merchandise for sale where it is stated or implied that the sale price is a reduced price when in fact: 1. It is no less than the price at which the merchandise was offered for sale by the advertiser on a regular basis for a reasonable period of time [at least 30 days] prior to the advertisement; or 2. It is or was not customarily and regularly sold by other representative retailers for a reasonable period of time prior to the advertisement; or 3. It is not subsequently sold at the stated higher price by the advertiser, in advertising offering an introductory or otherwise limited price reduction, at the termination of the time period stated in the advertisement.

(b) The use of the terms sale, discounts, savings, price cut, list price, suggested retail price, clearance, reduced, regularly, usually, save, originally, half price or any percentage reduction, now, buy one get one free, or at any reduced price, two or more at a certain price, or any substantially similar terms will be construed as indications of a reduced price.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before March 29, 1974, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

William F. Hyland
Attorney General
State of New Jersey

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rule on Prevention of Deceptive Practices In the Sale and Delivery of Household Furniture and Furnishings

William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt a new rule concerning the prevention of deceptive practices in the sale and delivery of household furniture and furnishings.

Full text of the proposed rule follows:

13:45A-5.6 Exception

(a) The provisions of this rule shall not apply to an acceptance of a deposit, down payment or other payments in connection with the sale of any merchandise in which a written sales order or other evidence of the placing of an order and payment is drawn and a copy provided for the purchaser, stating:

1. A description of the merchandise ordered; and
2. The full price of the merchandise and the amount of deposit, down payment or other payments made; and
3. In ten-point, boldface type, capitalized, the following statement:

THIS ORDER MAY BE CANCELLED BY THE PURCHASER AT ANY TIME AND IN THE EVENT OF CANCELLATION, ALL PAYMENTS WILL BE PROMPTLY REFUNDED IN FULL.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before March 29, 1974, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

William F. Hyland
Attorney General
State of New Jersey

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules on Prevention of Deception in Retention of Deposits

William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority under N.J.S.A. 56:8-4, proposes to adopt new rules for the Division of Consumer Affairs concerning prevention of deception in the retention of deposits.

Take notice that rules on this subject matter were proposed in the January 10, 1974, issue of the New Jersey Register at 6 N.J.R. 17(b). In accordance with statements and arguments offered regarding that proposal, the Attorney General has revised the proposed rules and is republishing the text of the rules as now proposed.

Full text of the proposed rules follows:

SUBCHAPTER 11.

RETENTION OF DEPOSITS IN CONNECTION WITH THE SALE, ADVERTISEMENT OR ORDER OF MERCHANDISE

13:45A-11.1 General provisions

(a) Without limiting the application of N.J.S.A. 56:8-1 et seq. to any other practices which may be unlawful, each of the following practices in connection with the sale and delivery of merchandise shall be a violation of N.J.S.A. 56:8-2:

1. The retention of deposit or any payment without delivery of the merchandise or service or having available for purchase, pursuant to the terms and date agreed upon, the merchandise or service, when the consumer requests return of said deposit or payment.

2. When no other delivery date is stated, the delivery or availability date shall be deemed to be 40 days from the date of deposit or payment and the contract shall so state. The failure to include a specific delivery date or the 40-day delivery date shall constitute a violation.

13:45A-11.2 Violations

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

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before March 29, 1974, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

William F. Hyland
Attorney General
State of New Jersey

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF DENTISTRY

Proposed Revisions Concerning Licensure of Candidates

Charles T. Henry, Secretary of the New Jersey State Board of Dentistry in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposed to revise the rule concerning licensure of candidates.

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

12:30-1.12(g) Acceptance of grades of Northeast Regional Board shall be rethoactive to [May 1, 1973] **their initial examination in 1969.** [No exceptions to this rule will be permitted.]

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before March 29, 1974, to:

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

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

Charles T. Henry
Secretary
New Jersey State Board of Dentistry
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF DENTISTRY

Proposed Revisions Concerning Licensure Of Candidates in Dental Hygiene

Charles T. Henry, Secretary of the New Jersey State Board of Dentistry in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to revise the rule concerning licensure of candidates in dental hygiene.

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

13:30-2.9(h) Acceptance of grades of Northeast Regional Board shall be retroactive to [May 1, 1973] **their initial examination in 1969.** [No exceptions to this rule will be permitted].

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before March 29, 1974 to:

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

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

Charles T. Henry
Secretary
New Jersey State Board of Dentistry
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Revisions Concerning Inspection Adjustments, Corrections or Repairs

On February 1, 1974, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2, 39:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency

revisions to N.J.A.C. 13:20-7.1 concerning motor vehicle inspection adjustments, corrections or repairs.

Full text of the revised, adopted rule follows:

13:20-7.1 Adjustments, corrections or repairs

(a) If inspections as required by N.J.S.A. 39:8-1 disclose the necessity of adjustments, corrections or repairs, it shall be incumbent upon the owner of such vehicle to have such adjustments, corrections or repairs made within 14 days.

(b) In the situation where a motor vehicle, subject to inspection under the laws of New Jersey, fails to meet the inspection standards solely on the basis of failure to be in compliance with motor vehicle exhaust emission control standards as established by the New Jersey Department of Environmental Protection, it shall be incumbent upon the owner of any such vehicle to have necessary adjustments, corrections or repairs made within 60 days of the date of failure.

(c) Where a motor vehicle subject to inspection fails to meet the inspection standards for reasons in addition to failure to comply with exhaust emission control standards, the owner of any such vehicle shall have all adjustments, corrections or repairs made within 14 days from the date of failure, except the emission control defects. In this situation, the owner shall be granted an additional time period within which to correct the exhaust emission control defect which time period shall be the difference between 60 days and the number of days taken to correct all defects other than exhaust emission control defects.

(d) This regulation will become effective immediately.

An order adopting these revisions was filed and effective February 1, 1974, as R.1974 d.28 (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Revisions Concerning Employment of Persons Convicted of a Crime Involving Moral Turpitude

On February 1, 1974, Robert E. Bower, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-26, 33:1-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning employment of persons convicted of a crime involving moral turpitude, substantially as proposed in the Notice published January 10, 1974, at 6 N.J.R. 17(a), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

The inconsequential changes referred to above include changing the last word in N.J.A.C. 13:2-13.5(a) from "issuance" to "application".

Such revisions will be included in various Sections of Subchapter 13, Chapter 2, Title 13, in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective February 15, 1974, as R.1974 d.40.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules Concerning Annual Special Permits For Operation of Certain Overwidth Vehicles

On February 1, 1974, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-84A and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning annual special permits for operation of certain overwidth vehicles, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 20(b).

Such rules may be cited as N.J.A.C. 13:18-3.1 et seq.

An order adopting these rules was filed and effective February 7, 1974, as R.1974 d.30.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking On State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139 and 39:4-199, proposes to adopt rules establishing no parking zones along various State highways.

The proposed rules are to govern no parking zones for no stopping or standing, designated curb loading and designated bus stops for portions of Routes 17, 1 and 9, 284, 28, 46, 4, 88, 42, 45 and 168. Such rules, if adopted, will be included in a new Chapter 28 of Title 16 in the New Jersey Administrative Code.

Copies of the full text of 12 pages of the proposed rules or any parts thereof may be obtained from:

Robert J. Nolan
Chief, Bureau of Traffic Engineering
Division of Transportation Operations and Local Aid
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to Robert R. Reed Jr., Administrative Practice Officer of the Department of Transportation, at the above address.

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

Alan Sagner
Commissioner
Department of Transportation

(c)

TREASURY

DIVISION OF TAXATION

Proposed Rules for County Boards of Taxation

Sidney Glaser, Director of the Division of Taxation in the

Department of the Treasury, pursuant to authority of N.J. S.A. 54:3-14, proposes to adopt new rules concerning county boards of taxation.

Full text of the proposed rules follows:

CHAPTER 12A. COUNTY BOARDS OF TAXATION

SUBCHAPTER 1. GENERAL PROVISIONS

INTRODUCTION

These rules are promulgated pursuant to Chapter 119, Laws of 1973 (R.S. 54:3-14), and shall take effect upon filing with the Division of Administrative Procedure.

These rules are not intended to cover county tax board matters concerning space, supplies, personnel and their salaries, and similar items related to administration.

From time to time, as appropriate, these rules will be amended and modified to embrace items which in the opinion of the Director are required to implement said Chapter 119, Laws of 1973.

18:12A-1.1 Offices

(a) The permanent office of each county board of taxation shall be a place designated by the county board of taxation and shall be open each day during the regular prevailing hours of the respective county and/or as otherwise determined by the Board.

(b) In the event the Board shall determine that its business will extend beyond such office hours, the office of the Board shall be open for the transaction of business and the convenience of the public during such extended hours, as shall be fixed by the Board.

18:12A-1.2 Organization and meetings

(a) The Board shall meet from time to time and may adjourn any meeting to another time or place in the county.

(b) The Board shall organize on the first business day in May of each year and elect from its members a President who shall hold office for one year, or until his successor is duly elected.

(c) A majority of the members of the Board shall constitute a quorum for transaction of business as provided by R.S. 54:3-25.

18:12A-1.3 Secretary

(a) The Board may authorize the Secretary authority to conduct the daily business of the Board as may be deemed necessary.

(b) The Secretary shall keep accurate and complete minutes and records of all proceedings and official actions of the Board.

18:12A-1.4 Seal

The seal adopted as the official seal of the Board shall be circular in shape, and around the outside margin thereof shall be the words "County Board of Taxation" and shall be used upon all certificates, processes and necessary documents and papers issued and authorized by the Board.

18:12A-1.5 Entitling of causes

All proceedings before each Board shall be captioned "County Board of Taxation" and shall be entitled in the cause in which said proceedings are held.

18:12A-1.6 Petitions of appeal

(a) All complaints concerning property tax assessments, whether by an individual or corporation, shall be by written petition of appeal on forms prescribed by the Director, Division of Taxation, to be furnished to the Boards. All petitions shall contain the name and address of the owner, the block and lot number or account number of the property and the assessed value of the land and improvement re-

spectively stated, and such other information as the Director may require.

(b) A separate petition of appeal shall be received and filed by the Board on or before August 15 for each assessed value of property under appeal. Where an appeal involves assessments of more than one property, separate petitions of appeal shall be filed for each property separately assessed unless prior permission has been obtained from the Board.

(c) A petition of appeal shall not be accepted for filing by the Board unless the petition is duly signed and sworn to by the taxpayer, his attorney, or agent, or unless the petition contains an affirmation by the taxpayer, or in the case of an appeal by a taxing district, unless the petition is accompanied by a certified copy of a resolution of a governing body of the taxing district authorizing the appeal. Where all information on the petition is not supplied or the petition is otherwise incomplete, the Board shall nevertheless accept said petition for filing but the petitioner shall be afforded ten days from the date of filing unless additional time shall be granted by the Board, within which to complete the petition. All parties shall be given at least five days notice of any additions or changes with respect to the petition of appeal. Failure to complete a petition within such time may result in its dismissal.

(d) Petitioner who alleges discrimination and uses the assessments on other properties as comparisons must affix a schedule to the petition of appeal and to the copy of said petition, giving the name of the owner, block and lot number and assessed valuation as shown in the current tax list.

(e) A separate petition of appeal shall be received and filed with the Board on or before December 1 for each assessment under appeal on the added assessment list.

(f) A separate petition of appeal shall be received and filed with the Board on or before December 1 for each assessment under appeal on an assessor's omitted assessment list pursuant to N.J.S.A. 54:4-63.39.

(g) All other appeals from actions or determinations of tax assessors where no time is fixed by statute or by these rules shall be filed within 60 days from the date of the action or determination appealed from.

(h) A petitioner must file a copy of each petition with the assessor. Assessors must notify the clerk or attorney of all petitions filed wherein the subject property is situated, or in case of appeal by the taxing district, a copy of the petition must be served on the record owner of the subject property and on the assessor. Where petitioner files a petition with respect to another owner's property, he shall furnish a copy of the petition to such owner in addition to all other parties.

(i) Proof of filing may be by receipt stamp of the taxing district or affidavit of service.

(j) If the last day for filing a petition falls on a Saturday, Sunday or a legal holiday, the last day for filing shall be extended to the first succeeding business day.

18:12A-1.7 Filing fees

(a) A filing fee in the amount determined by R.S. 54:3-21.3 must accompany each petition of appeal and shall be computed on the basis of the total assessment including both lands and improvements, if any.

(b) The filing fee for added assessment appeals shall be based upon the apportioned valuation indicated on the tax list and duplicate as the prorated assessment.

(c) No filing fee shall be required to contest the denial of an application for: 1. A veteran's deduction; 2. A veteran's widow's deduction; 3. A senior citizen's deduction; or 4. An exemption of a disabled veteran or a widow of a disabled veteran.

(d) Where an appeal involves assessments of more than one property, separate petitions of appeal shall be filed for each property separately assessed unless prior permission has been obtained from the Board and a separate fee shall be paid for each property for which an appeal has been filed. Where permission is granted pursuant to Section 6 of this Subchapter for the filing of one petition for appeals involving more than one property the filing fee payable shall be an amount equal to the amount that would have been payable had individual petitions been filed separately for each parcel of property.

18:12A-1.8 Petitions; commercial, industrial properties or multi-dwelling appeals

There shall be annexed to a petition of appeal from an assessment of a commercial or an industrial property or a multi-dwelling; that is, more than a four-family dwelling, a current itemized certified statement showing all sources of income and expenses with respect to such property.

18:12A-1.9 Hearings

(a) The Secretary, with the approval of the Board, shall prepare a calendar assigning dates and times for hearings and shall not grant adjournments except for good cause shown.

(b) The Board shall give at least seven days' notice of the time and place of hearing of the appeal to the petitioner, assessor and attorney of the taxing district.

(c) The Board may continue hearings from time to time, if necessary.

(d) The Board shall permit a petitioner (other than a corporation or a taxing district) to appear in an appeal in his own behalf. No person shall be permitted to appear in an appeal in a representative capacity unless said person is duly licensed to practice law in this State; provided, however, that an attorney of any other jurisdiction of good standing there, may appear at the discretion of the Board in any matter subject to the provisions of Rule 1:21-2 of the Rules Governing the Courts of New Jersey. This rule may be waived in cases of extreme hardship; that is, old age, illiteracy, and the like.

(e) A petitioner shall be prepared to prove his case by complete and competent evidence. In the absence of such evidence, the Board may dismiss the petition. In the case of failure to appear, the Board may dismiss the petition for lack of prosecution.

(f) When a case is set down for hearing, the assessor or a member of the board of assessors of the taxing district involved shall attend said hearing together with counsel for the taxing district.

(g) Where the assessed valuation is determined by the "capitalization of income" method the assessor shall produce at the hearing a copy of the property record card for the property under appeal, showing his computation of the capitalization of income.

(h) If a petitioner relies on expert testimony in the prosecution of his appeal, three copies of the appraisal shall be furnished to the Board and a copy to the assessor at least one week prior to the hearing.

(i) Any settlement agreed upon between the parties shall be in writing, on a form approved by the Director, Division of Taxation and signed by the parties. Such proposed settlement shall include the basis for the settlement and shall be submitted to the Board for approval. If the Board approves the settlement, judgment shall be entered in accordance with the terms thereof. If the Board disapproves the settlement, the parties shall be notified of such disapproval and a new date set for the hearing of the appeal.

(j) The Board may, as occasion shall require, by order refer any appeal or other matter pending before it to one

or more of its members for the purpose of taking testimony and reporting thereon to the Board for appropriate action.

(k) No person shall testify at a hearing of the Board concerning an assessment unless he shall have inspected the property subsequent to the filing of a tax appeal.

(l) No assessor shall appear before the Board as an expert witness against another assessor or taxing district within the county except to defend the assessment of his taxing district.

18:12A-1.10 Subpoenas

Subpoenas to compel the attendance of witnesses and the production of books and records at hearings shall be furnished by the Board without cost upon request.

18:12A-1.11 Stenographic services

In any hearing before the Board, the Board of presiding Commissioner, upon request of either party, shall designate a certified shorthand reporter to transcribe the proceedings. Such request for a reporter must be made to the Board in writing not less than three days before the date set for the hearing, but any party may make his own arrangements for the presence of a certified shorthand reporter. All such certified shorthand reporter services shall be furnished at the expense of the requesting party.

18:12A-1.12 Determination

A majority of the members of the Board shall constitute a quorum for the transaction of business, and any action or determination agreed to by such majority shall be taken to the action of the Board.

18:12A-1.13 Freeze act.

When an assessment is subject to the "freeze" provisions of N.J.S.A. 54:2-43 or 54:3-26, there shall be no increase in the assessment for any tax year subject to such "freeze" except upon petition first filed with and granted by the Board. If the taxing district alleges that there has been a change in the value of the property occurring since the date of such assessment, the taxing district shall file a petition with the Board together with proof of service thereof upon the owner of the property to increase the amount of the assessment. Such petition shall specifically set forth the nature of the changes relied upon as the basis for the claim that there has been a change in value of the property. A copy of the petition shall be served upon the owner of the subject property prior to the filing of the petition with the Board.

18:12A-1.14 Revaluations; reassessments

(a) Regarding voluntary revaluation, when a taxing district proposes to revalue real property in said district voluntarily, it must notify the Board of such intent and must obtain approval of the revaluation contract from the Director, Division of Taxation, as prescribed by law (N.J.S.A. 54:1-35.35 et seq. and N.J.A.C. 18:12-4.1 et seq.).

(b) Regarding revaluation ordered by county board of taxation, when a Board determines the need to order a taxing district to revalue its real property, it shall submit the proposed order to the Director, Division of Taxation, for his approval, outlining the reasons that warrant such action. Upon approval of such order, the Board shall take appropriate action to implement same.

(c) Regarding reassessment, when a taxing district proposes to revise its assessment list, it shall submit its reassessment plan to the Board setting forth the method to be used, the date of completion and the year in which such reassessment shall take effect. The Board shall advise the taxing district of its approval or disapproval of such reassessment proposal within 30 days from the date submit-

ted. In case of disapproval, the reason, therefore, shall be made known to the taxing district. The Board shall advise the Director, Division of Taxation, of the taxing district's reassessment plan.

(d) The Board shall require a written monthly progress report from each taxing district undergoing a revaluation under subsection (a) and (b) hereof or reassessment under subsection (c) hereof.

(e) The Board shall require that the assessor of a taxing district shall actively participate in any such revaluation program and shall be familiar with all facets of such program.

(f) In case of an approved reassessment, the provisions of N.J.S.A. 54:3-22f. shall be applicable with respect to the year in which the program becomes effective.

18:12A-1.15 Practice and procedure

In the absence of a rule covering any matter at issue, the rules of the Division of Tax Appeals, insofar as they may be applicable, shall govern.

18:12A-1.16 Tax assessment list and duplicates

All tax assessment lists and duplicates shall be typewritten unless an accounting machine is used. The tax list shall be the original and the tax duplicate shall be an exact copy of the tax list. All tax lists must comply with the specifications of the Director, Division of Taxation as promulgated in N.J.A.C. 18:12-1.1 et seq. and 18:12-3.1 et seq. Each Board may adopt such procedure as it deems necessary to implement the specifications in the EDP program as adopted by the Director, Division of Taxation.

18:12A-1.17 Filing of sales ratio data

(a) The sales ratio data is required by the Director of the Division of Taxation to fulfill his statutory responsibility in promulgating a Table of Equalized Valuations on October 1 of each year under N.J.S.A. 54:1-35.1 et seq. The following time schedule concerning the filing of sales ratio data shall be followed:

1. Flow of SR-1A Form:

i. Within ten days after receipt of an abstract of deed, the Board shall prepare an SR-1A form and forward same to the tax assessor of the taxing district within which the property sold is located.

ii. The tax assessor shall complete Section 2 of the SR-1A form and return the original and two copies to the Board within three weeks after the receipt of said forms.

iii. Upon receipt of the SR-1A form from the tax assessor, the Board shall forward the SR-1A form to the Local Property and Public Utility Branch within one week.

2. Flow of SR-6 Form: Each tax assessor within the county shall examine the preliminary grantor listings which summarized the SR-1A information previously submitted. An assessor shall forthwith file an informal petition of correction (SR-6 form) with the Local Property and Public Utility Branch if he obtains additional information concerning whether the sale is usable or nonusable for sales ratio purposes.

3. Flow of SR-3A Form: Each tax assessor shall submit to the Board the Real Property Classification form (SR-3A) in accordance with N.J.S.A. 54:4-26 not later than January 10 of the tax year. Each Board shall submit said forms to the Local Property and Public Utility Branch, Division of Taxation, not later than April 15 of the tax year.

18:12A-1.18 Conflict of interest

No commissioner or employee of a county board of taxation, and no assessor of a taxing district within a county, shall have any interest whatsoever, directly or indirectly, as an officer, stockholder or employee, or in any other capacity, in a revaluation firm engaged in revaluing properties in any taxing district within that county.

18:12A-1.19 Posting of rules and regulations

(a) A copy of these rules and regulations, as prescribed by the Director, Division of Taxation, and as they may be amended, shall be posted in a permanent place in the office of each county board of taxation and in the office of the assessor of each taxing district.

(b) Copies of these rules, as provided by the Division of Taxation, shall be made available by the Board to any person who may request them.

18:12A-1.20 Effective date

These rules and regulations shall take effect upon filing with the Division of Administrative Procedure.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1974, to:

J. Henry Ditmars, Chief
Local Property and Public Utility Branch
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules Governing Bad Debts

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24, proposes to adopt new rules governing bad debts under the New Jersey Sales and Use Tax.

Full text of the proposed new rules follows:

SUBCHAPTER 23. BAD DEBTS

18:24-23.1 Charging and remitting tax

A vendor of taxable tangible personal property or services must charge and remit the sales tax on all transactions whether for cash or credit.

18:24-23.2 Bad debts; tax refund

(a) Where the sales tax in connection with a sale has been remitted to the Division of Taxation and the account receivable has proven to be worthless and uncollectible, an application for a refund may be filed with the Director within two years from the payment thereof.

1. Where a vendor has collected no money on account of the account receivable or sale, a refund will be granted of the total amount of sales tax remitted to the Division.

2. Where a vendor has collected an amount with respect to the account receivable equal to or exceeding the amount of sales tax required to be remitted to the Division, the claim for refund will be denied.

3. Where a vendor has collected with respect to the account receivable or sale an amount less than the amount required to be remitted to the Division, a refund will be granted representing the difference between the amount remitted to the Division and the amount collected.

4. The following examples illustrate the foregoing rules:

1. For example, if the sale amounted to \$500.00 and the sales tax of \$25.00 was paid over to the Division by the vendor and the total collected by the vendor amounted to

\$50.00, no refund would be allowed since the amount paid to the Division did not exceed the amount collected by the vendor from his customer. If, however, in the given example, the vendor collected only \$15.00 from the customer, he would be entitled to a \$10.00 refund because the amount collected by the vendor was less than the amount paid to the Division. If the vendor collected no money, he would be entitled to a refund of \$25.00. This assumes, of course, that the debt is proven to the satisfaction of the Division to be worthless and uncollectible.

18:24-23.3 Claim for refund

When filing either a monthly or quarterly sales tax return, a vendor of tangible personal property or services may not take any deductions from gross receipts for worthless or uncollectible bad debts but is required to file a claim for refund with respect to the alleged overpayment.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before March 28, 1974, to:

Division of Taxation
Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625
Attention: Jay G. Destribats
Telephone: (609) 292-5885

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF PENSIONS

Proposed Revisions Concerning State Health Benefits Program

Clifford Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:14-17.27, proposes to revise N.J.A.C. 17:9-5.4, local employer payment of dependent charges, concerning the State Health Benefits Program.

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

17:9-5.4 Local employer payment of dependent charges

(a) The statute requires the employer to pay the employee's cost of the coverage and may pay any portion of the cost for the dependent coverage.

(b) Any employer who elects to pay any portion of the cost for dependent coverage shall pay the same proportion of the cost of such dependent coverage for all employees covered in the program.

[(b)] (c) However, when a local employer agrees to pay all of the cost for dependent coverage, all employees must be resolicited with respect to coverage for themselves and their dependents.

[(c)] (d) The employer shall give all of his employees an opportunity for completing and forwarding a new enrollment form within 60 days following the employer's assumption of the dependent premium charges.

[(d)] (e) Any employee who fails to complete and forward the required form within the time limits prescribed may effect such change of enrollment only during the annual enrollment period.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1973, to:

Division of Pensions
Department of the Treasury
20 West Front Street
Trenton, New Jersey 08625

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

Clifford Goldman
Deputy State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

Revisions Concerning Teachers' Pension and Annuity Fund

On January 24, 1974, John A. McGarrity, Acting Secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning the Teachers' Pension and Annuity Fund, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 426(d).

Such revisions will be included in various Sections of Chapter 3 in Title 17 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective January 31, 1974, as R.1974 d.24.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE LOTTERY COMMISSION

Revisions Concerning Prizes and Drawings

On February 8, 1974, Charles C. Carella, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to N.J.A.C. 17:21-5.6(a)6. regarding prizes and the conducting of drawings.

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

17:21-5.6(a)6. The ten finalists shall be assigned a number from one through ten in the order selected. Three certified results of a horse race shall then be drawn. The program post position of the winning horse of the first certified result of the drawn horse race shall be used to determine the third prize winner who shall be entitled to [\$10,000] \$5,000 a year for [five] ten years. A second certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the second prize which shall be \$10,000 a year for ten years. A third certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the first

prize winner who shall be entitled to \$50,000 a year for 20 years. The certified "horse race" results used above shall be in ten-horse races wherein all of the ten post positions are separately and individually represented so that the winning horse of each race occupied a program position of one through ten, inclusively.

An order adopting these revisions was filed and effective February 8, 1974, as R.1974 d.31 (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Amendments Concerning Valuations

On February 13, 1974, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 18:26-8.10 concerning valuations in general, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 35(b).

An order adopting these amendments was filed and effective February 13, 1974, as R.1974 d.34.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

TREASURY

STATE INVESTMENT COUNCIL

Revisions to Rules for Common Pension Fund A

On February 4, 1974, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules of the State Investment Council concerning Common Pension Fund A.

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

17:16-32.8(b) 4. Such income value per unit shall be disbursed, monthly or quarterly and in cash, to each participating fund according to ownership of units.

17:16-32.8(b) 5. Adjustments to income in the amount of \$10,000 or more in any one month shall be adjusted according to the participant's holdings as of the month in which the error occurred. Adjustments under \$10,000 shall be included in the current month's income.

17:16-32.9(b) All admissions or withdrawals shall be made [in cash] by cash payments or in kind.

An order adopting these revisions was filed and effective February 14, 1974, as R.1974 d.35 (Exempt, Procedure Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

TREASURY

STATE INVESTMENT COUNCIL

Rules On Repurchase Agreements

On February 4, 1974, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules of the State Investment Council concerning repurchase agreements.

Full text of the new rules follows:

SUBCHAPTER 37. REPURCHASE AGREEMENTS

17:16-37.1 Permissible investments

(a) Subject to the limitations contained in this Subchapter, the Director may invest and reinvest moneys of any pension and annuity, static, demand, temporary reserve or trust group fund in repurchase agreements involving United States Treasury obligations and United States government agency obligations. In this connection, the approved list of United States government agencies is as follows:

1. Federal Intermediate Credit Banks;
2. Federal Home Loan Banks;
3. Federal National Mortgage Association;
4. Federal Land Banks;
5. Banks for Cooperatives.

17:16-37.2 Limitations

Repurchase agreements shall not exceed a period of 30 days and shall require a minimum of 102 per cent collateralization. The securities accepted as collateral shall have a maturity not exceeding ten years from the date of the repurchase agreement.

17:16-37.3 Pension and annuity group; static group; demand group; temporary reserve group; trust group

The Director shall submit a list of banks and government dealers to be used for repurchase agreements to the Council for its approval. Such list may be amended from time to time subject to the Council's approval and shall be designated the "Approved List of Banks and Government Dealers for Repurchase Agreements".

17:16-37.4 Approved list of banks and government dealers

(a) The approved list of banks and government dealers for repurchase agreements is as follows:

1. Banks:
 - i. Bankers Trust Company;
 - ii. The Chase Manhattan Bank, N.A.;
 - iii. Chemical Bank;
 - iv. Continental Illinois National Bank and Trust Company of Chicago;
 - v. First National City Bank;
 - vi. Morgan Guaranty Trust Company of New York.
2. Dealers:
 - i. The First Boston Corporation;
 - ii. Aubrey G. Lanston and Co., Inc.;
 - iii. Merrill Lynch, Pierce, Fenner and Smith, Inc.;
 - iv. Salomon Brothers.

An order adopting these rules was filed and effective February 14, 1974, as R.1974 d.36 (Exempt, Procedure Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Notice of Hearing on Proposed Rules for Data Processing

Take notice that the Division of Taxation in the Department of the Treasury has issued the following notice:

The Division of Taxation has scheduled a general hearing for the purpose of receiving comments regarding the proposed rules for data processing, which rules were published in the New Jersey Register November 8, 1973.

The hearing will be Wednesday, March 27, 1974, at 10:00 A.M. in the Division of Tax Appeals Court Room, third floor of the Division of Taxation Building, West State and Willow Streets, Trenton, New Jersey.

This will be the second hearing. The first will be held on Tuesday, March 5, 1974, at 10:00 A.M. for those who presented statements or arguments, in accordance with the rules set forth by the Division of Administration Procedure.

This Notice is published as a matter of public information.
Thomas F. Kistner
Director of Administrative Procedure
Department of State

— Other Agencies —

(c)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Proposed Revisions On Appointment And Operation of Environmental Design Committee

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to revise portions of N.J.A.C. 19:4-6.19 regarding the appointment and operation of Environmental Design Committee.

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

19:4-6.19 Appointment and operation of environmental design committee

(a) The Commission shall appoint at least seven residents of the State of New Jersey as members of the Environmental Design Committee. **Additional members may be appointed to serve on the Environmental Design Committee if the Commission deems it necessary.** Each member shall serve for [seven] three years and may be reappointed. The original appointees [shall] may be given terms of one, two, or three [, four, five, six and seven] years respectively [,] . [so that one term expires every year] The members shall be professionals in design or environmental matters and qualified to make judgments about the quality of design of layout, structures and open space.

(b) In the zones (except for planned unit developments), the Chief Engineer shall review site plans for the construction, moving, remodeling, or enlarging of structures to determine whether the design plans contained therein fulfill the applicable standards for the design of structures, site and open space. Where the Chief Engineer determines that the proposal contained in the site plan is of sufficient scope

and complexity to warrant consultation with a member of the Environmental Design Committee or otherwise warrants such consultation, the Chief Engineer may, upon receipt of the application for a zoning certificate, request the Environmental Design Committee to designate a member of its Committee to serve as design consultant on the proposal, and such member shall review all design plans and recommend to the Chief Engineer whether the design plans should be approved, modified or disapproved. The Chief Engineer shall approve, approve with conditions or disapprove such design plans, based upon such recommendations and upon his review of the design plans.

(c) In the special planning areas and for planned unit developments, the Development Board shall review all developmental and implementation plans submitted to determine whether the design plans therein fulfill the standards for [design] design of site, structures, and open space set forth in the applicable regulations. Where the Development Board determines that the proposal contained in the development or implementation plan warrants design review by the Environmental Design Committee, because of the nature of the design plans proposed, the scope or complexity of the proposal, or other appropriate considerations, it may, upon receipt of the development plan and implementation plan; request the Environmental Design Committee to review the design plans in question. Within the time specified in the procedure for specially planned areas, the Environmental Design Committee thereof shall issue a report to the Development Board, which shall issue a report to the Development Board, which shall be filed with the office of the Chief Engineer, where it shall be of public record, setting forth its recommendations on approval, modification, or disapproval of the design plans. The report must be adopted by the concurring vote of a majority of the Environmental Design Committee; dissenters may file a separate report. The Development Board shall approve, approve with conditions, or disapprove such design plans, based upon the recommendations of the [Architectural] Environmental Design Committee, and upon its own review of the design plans.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to:

Hackensack Meadowlands Development Commission
1099 Wall Street West
Lyndhurst, New Jersey 07071

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

William D. McDowell
Executive Director
Hackensack Meadowlands Development Commission

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Proposed Amendment On Sanitary Landfill Operations

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to adopt an amendment to its rules concerning the construction and operation of sanitary landfills within the Hackensack Meadowlands District.

Full text of the proposed amendment follows:
19:7-1.1(i) All sanitary landfill operations shall be permitted to operate only between the hours of 6:00 A.M. and

8:00 P.M. daily, except Sundays. No sanitary landfill operator shall accept solid waste for disposal other than between permitted hours of operation specified herein. The office of the Chief Engineer is authorized to relax this provision upon a showing of good cause. This regulation shall not be deemed to affect, modify or in any way alter the obligations existing under the terms of performance bonds presently in effect and applicable to sanitary landfills within the Hackensack Meadowlands District.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 27, 1974, to:

Hackensack Meadowlands Development Commission
1099 Wall Street West
Lyndhurst, New Jersey 07071

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

William D. McDowell
Executive Director
Hackensack Meadowlands Development Commission

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedule of Flight Fees For Kennedy and LaGuardia Airports

On December 26, 1973, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges for flight fees at Kennedy International and LaGuardia airports.

Full text of these revisions follows:

Resolved, that the schedule of charges for the use of the public landing area, public ramp and apron area, public aircraft parking and storage areas and related services at LaGuardia Airport, adopted by this Committee by resolution of October 5, 1950 (appearing at page 34 et seq. of the committee minutes of that date), as amended, be and the same is hereby amended, effective January 1, 1974, by amending the first paragraph of Section 1 thereof to read as follows:

"For each aircraft take-off—\$1.50 per thousand pounds of maximum gross weight for take-off of such aircraft, provided that the minimum charge for each take-off shall be \$5.00";

Resolved, that the schedule of charges for the use of public landing area, public passenger ramp and apron area, public cargo ramp and apron area and public aircraft parking and storage area at Kennedy International Airport adopted by the Committee at its meeting on January 5, 1950 (appearing at page 21 of the committee minutes of that date), as amended, be and the same is hereby amended, effective January 1, 1974, by amending the first paragraph of Section 1 thereof to read as follows:

"1.(a) Except as set forth in paragraph 1.(b) below, the charge for each aircraft take-off shall be \$.56 per thousand pounds of maximum gross weight, provided that the minimum charge for each such take-off shall be \$5.00"; such actions being subject to the approval of general counsel.

An order adopting these revisions was filed January 31, 1974, as R.1974 d.25 (Exempt, Exempt Agency).

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed Revisions for Investigation And Disposition of Petitions

John F. Lanson, Chairman of the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to revise some of the rules concerning the investigation and disposition of petitions in representation proceedings.

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

19:11-1.12 Investigation of petition; disposition

(a) [The Executive Director shall, after ascertaining the positions of the parties involved in any representation matter, take appropriate measures to resolve expeditiously the question concerning representation.] After a petition has been filed under this Subchapter, if no agreement for consent election has been reached pursuant to N.J.A.C. 19:11-2.1 (Agreement for consent election) the Executive Director shall conduct a further investigation of the matters and allegations set forth therein. The petitioner, the public employer, and any intervenor(s) shall present documentary and other evidence, as well as statements of position, relating to the matters and allegations set forth in the petition.

(b) [Such disposition may consist of withdrawal or dismissal as set forth in Section 9 (Withdrawal or dismissal of petition) of this Subchapter; the conduct of an election in an appropriate unit pursuant to the agreement of all interested parties; the conduct of a hearing and the direction of an election in an appropriate unit; or the dismissal of a petition after a hearing.] After the investigation of such petition the Executive Director shall either:

1. Request the petitioner to withdraw the petition, or in the absence of withdrawal, dismiss the petition, pursuant to N.J.A.C. 19:11-1.9 (Withdrawal or dismissal of petition); or

2. Issue a decision dismissing the petition, if it appears to the Executive Director that there is not reasonable cause to believe that a valid question concerning representation exists in an appropriate unit; or

3. Issue a decision directing an election in an appropriate unit, if it appears to the Executive Director that there is reasonable cause to believe that a valid question concerning representation exists in an appropriate unit, that the policies of the Act will be effectuated thereby, and that an election will reflect the free choice of the employees in the appropriate unit; or

4. Take whatever other measures as the Executive Director may deem appropriate under the circumstances.

(c) Action by the Executive Director pursuant to subsection (b) of this Section may be either on the basis of the administrative investigation or on the basis of a hearing conducted pursuant to N.J.A.C. 19:11-2.2 (Notice of hearing). A hearing shall be conducted:

1. If it appears to the Executive Director that substantial and material factual issues exist which, in the exercise of his reasonable discretion, he determines may more appropriately be resolved after a hearing; or

2. If it appears to the Executive Director that the particular circumstances of the case are such that, in the exercise of his reasonable discretion, he determines that a hearing will best serve the interests of administrative convenience and efficiency.

19:11-2.2 Notice of hearing

(a) The Executive Director shall issue a notice of hearing [if, after the filing of a valid petition, the petitioner, the public employer, and all intervenors, within the purview of Section 13 (Intervention) of this Subchapter, are unable to resolve the matter through an agreed-upon method of adjustment approved by the Executive Director.] under the circumstances set forth in subsection (c) of N.J.A.C. 19:11-1.12 (Investigation of petition; disposition).

19:11-2.2 (c) Hearings under this Section of these rules and regulations are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record upon which the [hearing officer may base a meaningful report and recommendation] Executive Director or the Commission may discharge their duties under Section 8 of the Act. To accomplish this end the rule of relevancy and materiality are paramount; there will be no burdens of proof and the technical rules of evidence will not apply.

19:11-2.4 (h) If objections are filed to the conduct of the election or conduct affecting the result of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the Executive Director shall investigate such objections or challenges, or both. All parties shall present documentary and other evidence, as well as statements of position, relating to the objections and/or challenged ballots.

19:14-1.1 (a) The hearing for the purpose of taking evidence, pursuant to [Section 1.11 of Chapter 11 and Section 1.7 of Chapter 13 of this Title] N.J.A.C. 19:11-2.2 (Notice of hearing) and N.J.A.C. 19:11-2.4 (Election procedure) shall be conducted by a hearing officer designated by the Executive Director, unless

19:14-2.1(b) 9. Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the hearing officer by the Executive Director and motions to amend pleadings, also, in cases where a report and recommendations shall issue pursuant to N.J.A.C. 19:14-4.1 (Submission of the hearing officer's report to the Executive Director), to recommend dismissal of cases or portions thereof, and to order hearings reopened prior to issuance of the hearing officer's report and recommendations;

19:14-4.1 (a) After completion of the hearing, or upon the consent of the parties prior to the conclusion of the hearing, the hearing officer shall transfer the case to the Executive Director including the hearing officer's report and recommendations and record, provided, however, that report and recommendations shall issue only in those cases where the Executive Director has so directed. The Executive Director shall require such report and recommendations if he determines that the proceeding is one in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by the Commission after opportunity for a hearing. Additionally, the Executive Director may require such report and recommendations if, in the exercise of his reasonable discretion, he determines that the interests of administrative convenience and efficiency will be best served thereby.

A public hearing respecting the proposed action will be held on Monday, April 15, 1974, at 10:00 A.M. in Room 1308, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey. Interested persons may present oral or written statements or arguments at that hearing or may submit written statements respecting the proposed action prior to April 15, 1974 to:

Public Employment Relations Commission
 Labor and Industry Building
 Room 206
 John Fitch Plaza
 Post Office Box 2209
 Trenton, New Jersey 08625

Persons intending to attend the public hearing are requested to notify the Public Employment Relations Commission at the above address, telephone number (609) 292-6780.

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

John F. Lanson
 Chairman
 Public Employment Relations Commission

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KISTNER APPOINTED NEW ADMINISTRATIVE DIRECTOR

Appointment of Thomas F. Kistner, of Middlesex, as Director of the Division of Administrative Procedure in the Department of State was announced last month by J. Edward Crabel, Secretary of State.

Kistner, 39, replaced John K. Rafferty, who has returned to the Treasury Department after serving temporarily in the Director post. Kistner has been active in the Democratic Party the past three years, serving most recently as executive director of the Middlesex County Democratic organization.


The Director post pays \$17,735 a year. The Division of Administrative Procedure is responsible for compilation and publication of the New Jersey Administrative Code, which in its current 29 volumes contains administrative rules of all Departments of the State Government. A second major function is interim publication of this monthly New Jersey Register of newly-proposed rules, which upon adoption following advance public notice have the same effect as laws.

The new Director attended the University of Alabama, University of Hawaii and Copenhagen University. He served overseas in U.S. Army Intelligence from 1957 to 1959.

Kistner's business experience was as sales manager and a vice president of Salescaster Displays Corp., Linden, and as sales representative for Consolidated Container Corp., Dunellen.

Married and with a nine-year-old daughter, the family lives at 18 Lonanbe Drive, Middlesex.

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